Background of Jefferson's embargo and the evidence of the Adams papers

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BACKGROUND OF JEFFERSON'S EMBARGO AND THE EVIDENCE OF THE ADAMS PAPERS

by

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AMERICAN REACTION TO THE CRISIS IN EUROPE, 1791-1801

The geographical separation of the United States and Europe by no means precludes a constant contact and notable relationship between the two continents. In the field of economics as well as politics conditions and situations have arisen which, although occurring on one continent, have had a definite impact on the other. The interrelationship between the two continents is best illustrated by events in the early decades of American national history.

The French revolution which had broken out in 1789 was proceeding along an ever increasing radical path. Great Britain looked upon that revolution, at least during the early stages, with satisfaction, for to most Englishmen it spelled the collapse of a traditional enemy. The other European powers, Prussia, Austria, and Russia, were too concerned with the final partition of Poland to pay much attention to the internal affairs of France. However, by 1791 those once seemingly disinterested powers began to take a second look at the activities of their neighbor. The French had begun to call upon other peoples to throw off the yoke of monarchical servitude. As a result of revolutionary propaganda infiltrating their countries the reigning monarchs of Austria and Prussia, Leopold II and Frederick William, joined together under the Declaration of Pillnitz for joint action in restoring an absolute monarchy in France.

The result of the Pillnitz agreement was a hostile relationship
between France and Austria, for it constituted a direct threat to the success of the revolution. Thus, on April 20, 1792, France declared war on Austria. The outcome, after five months, was the retreat of the Austrian and Prussian armies back across the Rhine after the battle of Valmy, September 20, 1792. Two days later, the French Republic was proclaimed. French enthusiasm for the revolution continued to mount, combined with the rapid growth of a nationalistic spirit, which reached its climax January 21, 1793, with the execution of Louis XVI.

Fear continued to increase in the courts throughout Europe resulting in other nations being drawn into conflict with France. Notable among these were Spain, Portugal, Great Britain, and Naples who joined forces with Austria and Prussia. Across the channel, England not only declared war, but the government soon became extremely reactionary. Anything that could be considered in the light of a reform measure was looked upon with suspicion or accused of emanating from Jacobins. "Finally, in 1794, the government was so far blinded by panic," according to Trevelyan, "that it sought the lives of the Reformers."¹ Had it not been for the jury system, England could have undergone a reign of terror similar to the one in France.

The hostilities in Europe had a two-fold effect upon the United States. In one sense the belligerents, particularly France and England, treated Americans with contempt and encroached upon their commercial rights. However, the affairs in Europe also fostered prosperity on the opposite side of the Atlantic. France expected aid from the United States under the terms of the Treaty of Amity and Commerce of 1778.

The terms of that treaty allowed French ships to use American ports and bring with them their prizes. At the same time American ports were to be closed to ships of nations at war with France. In an attempt to achieve the pledged support and at the same time mobilize public opinion favorable to France, Edmond Charles Genêt was sent as minister to the United States. Upon his arrival in Charleston he took advantage of American sympathy for France and outfitted privateers to attack British merchant vessels. Moving on to Philadelphia he again noted the American democratic spirit, for as he entered the city he was met by cheering crowds. Democratic clubs were organized patterned after those in Paris. However, his mission was destined to failure, for Washington refused the requested aid. Due to the rebuke he had received Genêt threatened to appeal directly to the people, thus going over the head of the American government. His high-handed activities led Washington to request that he be recalled. By this time the French government had grown more radical, and Genêt was now out of favor. Fearing for his life should he return to France, Genêt asked asylum in the United States. It was mercifully granted.

England was mistress of the seas; thus France had to face a possible blockade of her colonies by the British navy. As a result of naval pressure France subsequently opened the doors to American commerce. The area of greatest profit for American merchants was the French possessions in the West Indies from which Americans had been barred prior to the outbreak of war in Europe. Now France was dependent upon neutral nations to transport the colonial products from that area, and to carry necessary supplies to them on the return voyage. In June, 1793, Britain issued an Order in Council stating that neutral
vessels carrying goods to French ports were to be seized. The purpose of the June order was to keep materials necessary for war from reaching France. Next, England invoked the Rule of 1756, which in effect stated that neutral shipping barred in time of peace could not be opened in time of war. The effect was to declare ships carrying produce of a French colony or supplies for them to be legal prize. The impact on the United States was to proscribe trade with the West Indies, for the British immediately set about to seize neutral commerce and America was the leading carrier.

Great Britain also maintained the right of impressment, contending that neutral nations which allowed the sailors of warring nations to serve in their navies were going beyond the character of neutrals by depriving the hostile powers of the means of carrying on war. Letters of naturalization and certificates of citizenship were ignored. A literal interpretation of the British impressment policy would simply mean a British subject could not give up his citizenship, or once a British subject always a British subject.

Due to British actions on the seas, France claimed the right of retaliation. In 1795 France issued orders for the seizure of ships carrying goods to England, or to any of France's enemies. At the same time an embargo was laid upon American shipping at Bordeaux. France continued her hostile treatment of the United States, for when Washington sent Charles C. Pinckney to replace James Monroe as Minister to Paris, the French government refused to recognize him. The French government also declared that it would not recognize a minister from the United States until reparations had been made for injuries suffered by France due to America's interpretation of the Treaty of 1778. Tension
between France and the United States continued to mount throughout 1796, and Washington's second term ended with war clouds looming on the horizon. However, not only France, but England as well, had committed acts against the United States of a war-like nature, and had the United States been a powerful, well prepared state it would have been justified in declaring war on either or both. As Jefferson later stated, "The difficulty of selecting a foe between them has spared us many years of war, and enabled us to enter into it with less debt, more strength and preparation. As for France and England, with all their prominence in science, one is a den of robbers and the other of pirates."^2

On the European continent, Napoleon was victorious in Italy, thus French national spirit remained high, and insults upon the United States continued to mount. The best known incident was the famous X Y Z Affair. President Adams had dispatched a commission to France consisting of John Marshall, Charles C. Pinckney, and Elbridge Gerry. Upon their arrival they were refused audience, and in order to obtain recognition were requested to pay directly into the hands of the Directory a sum of $250,000. In addition, they were told an apology must be made for Adams' derogatory speech to Congress, and a loan must also be pledged in the amount of $6,500,000. When these conditions were refused, Talleyrand, the Foreign Minister, made it known that the Federalist members of the commission could accomplish nothing by remaining in France. Thus, Pinckney and Marshall returned, leaving Gerry behind to negotiate.

Throughout the period of turmoil in Europe the United States officially played a relatively passive role. Although angered at the treatment her merchant vessels and sailors received at the hands of the British and French, Washington preferred to steer a neutral course. On April 22, 1793, he issued a proclamation of neutrality in which he stated:

My policy has been and will continue to be, while I have the honor to remain in the administration, to maintain friendly terms with, but to be independent of, all the nations of the earth; to share in the broils of none; to fulfil our own engagements; to supply the wants and be the carriers for them all; being thoroughly convinced that it is our policy and interest to do so. Nothing short of self-respect and that justice which is essential to a national character ought to involve us in war; for, sure I am, if this country is preserved in tranquility twenty years longer, it may bid defiance in a just cause to any power whatever; such in that time would be its population, wealth, and resources.3

The Cabinet was in agreement, with the exception of Madison who opposed the measure. Due to their divergent views he and Hamilton, writing under the pen names Helvidius and Pacificus, filled the papers with their arguments. It was due to Washington's belief in neutrality that the requests of Genêt were denied, and when the French minister attempted to appeal to the American people to achieve his goals Washington demanded his recall.

Trade was one of the foremost goals in the minds of many Americans, but it was being thwarted by both belligerents. In March of 1793 a thirty day embargo was levied, which was extended for an additional thirty days. The law excluded foreign ships from United States ports and kept American ships at home for the specified period. The measure

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1Tbid., p. 101.
was backed primarily by the Republicans, and was designed to call attention particularly to the British acts of seizure and impressment. It was allowed to expire, however, even though many Republicans urged that it be continued. As a result the supporters of such measures brought forward a non-importation bill directed primarily at British commerce. It failed in passage in the Senate with the vice-president casting the deciding vote. The more radical Republicans within the country called for war with England. In order to avoid a possible war and at the same time prepare should one materialize, Congress, on May 22, 1794, passed an arms embargo. Cannons, muskets, and other types of war equipment were restricted from the export trade. However, the embargo of May was allowed to expire after one year when the danger of war had subsided. The relaxing of tension was caused by the drafting of the Jay Treaty.

The clamor for war in the United States was particularly irritating to Washington who was determined to follow the path of peace. In order to avoid the possibility of armed conflict John Jay, then Chief Justice, was sent to negotiate a treaty of commerce with England. After four months of talks with Lord Grenville the treaty was finally drafted in November of 1794. Americans received the news of the treaty with mixed emotions. It had relieved the possibility of immediate war, but its terms were inadequate. Britain still maintained the rights of search and seizure, and had also refused to concede the impressment issue. Thus, in some sections of the United States that document was viewed as being worthless. In fact, in Charleston the British flag was dragged through the streets and burned at the home of the consul. In New York, Jay was burned in effigy.
During the year 1795 the United States was once again pursuing the practice of free trade. The Jay Treaty had, however, aroused the anger of France who felt it was a direct rejection of the Treaty of 1778. The French government declared its alliance with the United States at an end, and French ships increased their assaults on American commercial vessels.

The problem of resolving the differences between France and the United States rested on the shoulders of John Adams after his inauguration in 1797. This was no simple task, for shortly after he took office Adams received news that the French government had refused to recognize Pinckney. Adams called Congress into special session, at which time he used language so strong as to create resentment in the French Directory. In light of the existing situation a new arms embargo was passed, and again it was for purposes of defense. Other steps toward preparing for possible war were also undertaken. The size of the army was increased and war ships were built. Port and harbor defenses were strengthened, and French vessels were barred except in cases of emergency. Also, an embargo was laid on ships trading with France or French possessions under penalty of forfeiture of ship and cargo.

The administration was determined to prevent war if such a possibility existed. However, the peaceful commission sent to France for such a purpose was insulted, and climaxed in the infamous XYZ Affair. The reports of the incident led Adams to state, "I will never send another minister to France without assurance that he will be received, respected, and honored as a representative of a great, free,
powerful, and independent nation." Thus, the restoration of friendly relations with France was placed in French hands.

The preparations for war which the United States was making were not in vain, for an undeclared war did develop, fought only at sea. On February 9, 1799, the Constellation, commanded by Captain Truxton, defeated the L'Insurgente. The United States also recorded other naval successes, but the crowning defeat of the French navy was at the hands of Lord Horatio Nelson and the British fleet at Aboukir, August 1, 1799. Due to naval reverses, Talleyrand quickly communicated with American Ambassador William Vans Murray in the Netherlands suggesting that France was willing to receive an envoy. Adams seized upon the opportunity to bring the conflict to a close, and sent Oliver Ellsworth, William R. Davie, and William Vans Murray to deal with Napoleon who had become the First Consul. The result of those negotiations was a treaty signed September 30, 1800.

Under the terms of the Treaty of 1800 the Treaty of 1778 was no longer binding. For that consideration the United States did not claim any indemnities against France.

The prospect of peace with France was not particularly popular in Federalist circles, and some felt Adams had bolted from the party. However, the treaty was given a conditional ratification. The reason for conditional acceptance was the objection of a few Senators to the article which stated the treaty should operate for eight years. The following year the Federalists were turned out of office and the treaty was accepted without reservation.

^Ibid., p. 139.
Throughout the administrations of Washington and Adams the goals of the United States had been peaceful co-existence with the nations of Europe and unrestricted trade with all nations. To obtain these goals, at a time when Europe was locked in a life and death struggle, America had used economic pressure rather than resort to armed conflict. The exception to that policy was the undeclared naval war with France in 1799 and 1800. However, the next ten years were to be the real test of whether or not pacific measures could effectively bring about redress of grievances without resorting to a bloody solution.
CHAPTER II

WAR IN EUROPE VERSUS FREE TRADE, 1801-1807

War ushered in the 19th century in Europe with two victorious enemies. On land, Napoleon's armies were thought to be invincible, but on the sea England reigned supreme. In addition to the successes of the "Grand Armies," Napoleon had visions of a colonial empire in America, and had forced Spain under the Treaty of San Ildefonso, October 1, 1800, to cede to him the territory of Louisiana. By March of 1802, the two chief protagonists had realized their limitations, and subsequently signed the Treaty of Amiens. The treaty was to prove to be only a truce, for Napoleon took the opportunity to extend his empire on the continent, with British reaction being the refusal to surrender Malta. The Peace of Amiens lasted only sixteen months, for in May of 1803 the struggle was resumed. With the renewal of hostilities, England immediately seized all Dutch and French ships in British ports. Napoleon retaliated by seizing all British ships, goods, and sailors in French ports, and even those found in the principal German ports of Hamburg and Bremen. Not only were those actions for military purposes, but once again each was bent on waging economic war upon the other. In his attempts to defeat England by any means possible, Napoleon occupied Hanover, which at that time belonged to the Crown of England, with the idea of restricting British trade from the ports on the North Sea. In May of 1805 he moved against British goods in Holland by having them confiscated. The invasion of the Island Empire had
always been one of the foremost goals in the mind of Napoleon, but the possibility of such a venture vanished in the smoke of battle October 21, 1805, off Cape Trafalgar. With the success of Nelson and the fleet England became the undisputed mistress of the seas, and any serious challenge to that supremacy was not to arise within the span of the 19th century.

During the sixteen months truce the trade of neutrals was re-opened, but with the renewal of hostilities each set about to halt neutral trade in the hope of delivering a telling blow upon the other. America was to suffer most from that determination, since it had become the leading neutral trading nation. England again invoked the Rule of 1756, and British warships began seizing American vessels trading with the West Indies. The vessels and cargoes captured were then condemned in the British Admiralty Courts. In June of 1803, an Order in Council was issued upholding the American argument for the doctrine of broken voyage. Under that policy American ships could carry goods of French colonies if those products were first brought into an United States port. In doing so the American merchants would be obliged to pay import duties before the goods could be reshipped. Thus, the British were relying on "American tariffs, and the inconvenience of unloading goods there, to prevent excessive re-exports to enemy territory." In August of 1804, another Order in Council was issued. The August order was for purposes of blockage, stating that the North Sea coast from the mouth of the Seine to Ostend was closed to trade. Not only was the

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continent of Europe being slowly closed to trade by blockade, but it was determined that the Rule of 1756 should be given a literal interpretation. American merchants had found a way to avoid the Rule of 1756, by first bringing French colonial goods into American ports. In so doing they claimed the merchandise had become nationalized and that they were free to carry it to any place in the world. That principle had been upheld by the British under the Order in Council of June, 1803; however, Americans felt it rested on an uneasy foundation. Although the British had relaxed their control on neutral commerce they had not sacrificed the principle of seizure.

The Essex Case of July, 1805, succeeded in making void the Order in Council of June, 1803. Sir William Scott of the British Admiralty Court established the doctrine of continuous voyage. Scott's decision was a complete reversal in British policy. Even though United States ships sailed first to an American port he held that they were actually on a continuous voyage and the stop but a small inconvenience. Thus, American ships engaged in trade with the French colonies became lawful prize.

The Order in Council of August, 1804, was replaced by the order of May, 1806, which increased the length of the European coastline said to be under blockade. The May order declared the coast from Brest to the mouth of the Elbe to be closed, a distance of approximately eight hundred miles. The purpose for the May order was to stop the flow of goods into France by way of the Dutch and German ports on the North Sea.

The French answer to the British blockade was the issuance of the Berlin Decree in November, 1806. Napoleon proclaimed Britain to be in a state of blockade and forbade the importation of British goods into
ports controlled by France. All trade in British merchandise was forbidden, and private property belonging to British subjects became open to seizure. France did not have the naval power to enforce the decree, but was able to seize the ships sailing from British ports to those of France. If the Berlin Decree had been effective the trade of neutrals would have been eliminated from most of Europe by the blockades which France and England both levied. However, the Berlin Decree was not enforced until September of the following year.

Impressment continued to be a point of contention between England and the United States. Britain was willing to make a slight concession on the issue by offering to accept certificates of citizenship, if these were issued by the United States Admiralty Courts. The certificates were to be accepted as proof of origin, and be an insurance policy against impressment. The British government would not, however, consent to recognize certificates of naturalization.

Throughout the first four years of the 19th century American relations with the powers of Europe had been greatly improved. After the Convention of Montefontaine of 1800 tension between the United States and France had been relaxed as it had with England following the signing of the Jay Treaty. Jefferson in his first inaugural address proclaimed America's position at the time: "Peace, commerce, and honest friendship with all nations, entangling alliances with none." However, fear and apprehension suddenly swept the country when the news of the retrocession of Louisiana by Spain to France was made known. It was

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one thing to have a weak degenerate power such as Spain for a western
neighbor, but quite another to have one with the ambitions Napoleon
professed. It was Jefferson's belief that such proximity might event-
ually lead to war, and caused him to remark:

The day France takes possession of New Orleans fixes the
sentence which is to restrain her forever within her low water
mark. It seals the union of two nations who in conjunction
can maintain exclusive possession of the ocean. From that
moment we must marry ourselves to the British fleet and nation.
... This is not a state of things we seek or desire. It is
one which this measure, if adopted by France, forces on us, as
necessarily as any other cause, by the laws of nature, brings
on its necessary effect.7

Thus, Napoleon's plans for colonization in America were pushing
the United States into the arms of England. However, Jefferson's fears
were eliminated when Napoleon offered to sell the whole territory.
With the transfer of Louisiana December 20, 1803, the apprehensions
of the nation were once again settled, and friendly relations with
France were restored.

Throughout the first year of renewed hostilities in Europe
little hardship was felt in America. As late as November 8, 1804,
Jefferson in his annual message to Congress reported, "With the nations
of Europe in general our friendship and intercourse are undisturbed,
and from the governments of the belligerent powers especially we con-
tinue to receive those friendly manifestations which are justly due to
an honest neutrality."8 Due to the uneasy feeling which resulted from
the hostilities in Europe, the Senate on December 28, 1804, refused to
allow a bill to be printed which would have prevented the arming of
merchant vessels. It was thought if seizures were resumed by either

7Ibid., pp. 123-124.
8Ibid., p. 123.
side American ships should have the means of defense. Other defensive measures were also adopted, for on March 2, 1805, Congress authorized the sum of $60,000 to be used by the President for the purpose of building not more than twenty-five gunboats. These were to be used for the protection of ports and harbors. The following day the President was empowered to order any foreign armed vessel to depart from American territorial waters. If the vessel refused the President or persons designated by him were granted the power to use any military or naval force available to compel obedience. Section 6 of the same law declared foreign officers trespassing on American ships to be liable for arrest, fine, and imprisonment if they were captured. In effect, the United States Congress by the passage of the latter bill, had declared impressment to be a criminal act, and had granted authority for the punishment of those involved in the practice. From Congressional reaction to the impressment issue it must be noted that the United States had rejected the British offer to accept certificates of citizenship. The grounds for refusal were based on the idea that if an American seaman lost his certificate the British would assume the right to impress him. Thus, the principle of impressment remained in the British offer, to which the American government could never consent. Another act of March 3 was passed placing an embargo on all armed merchant vessels under penalty of forfeiture. If enforcement were impossible, due to the ship's being already at sea, the owner could be sued

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10 Ibid., pp. 1696-1697.
in the amount of the ship's value.\textsuperscript{11} Here it must be noted the change in policy by the American government. Whereas, in December of 1804, it was thought necessary to allow merchant ships the means of defense, by March of 1805, any armed defense which might be construed to be an act of war was to be definitely avoided. America had made its position clear; it would not accept any foreign act which would in any way interfere with its commercial rights, and at the same time was not going to permit an act of violence to occur which might lead to war.

In 1805, James Monroe arrived in England as minister to replace Rufus King who had resigned. Upon Monroe's arrival, relations between the two countries began to grow more and more hostile. "So rapid was the mutual dissipation of confidence that common sense seemed to desert the British Government."\textsuperscript{12} However, Monroe entered into negotiations principally on the Essex Case, and a treaty was subsequently drawn which appeared to be to the satisfaction of both Jefferson and William Pitt, the British Prime Minister. Before the proposed treaty could be signed Pitt died, January, 1805. Negotiations were later resumed with Charles James Fox representing the British government. Fox had a tendency to be sympathetic toward America, but even so he was not willing to sacrifice any principle which would in any way hinder the effectiveness of the British fleet. The illness of Fox caused negotiations to be once again terminated, and the hated practices of seizure and impressment continued.

With the collapse of friendly relations the United States Congress

\textsuperscript{11}Ibid., pp. 1698-1699.

\textsuperscript{12}H. C. Allen, \textit{op. cit.}, p. 308.
on April 18, 1806, passed the Non-Importation Act. The Non-Importation Act was aimed primarily at injuring British commerce, thus making America's indignation over British practices known. Under the terms of the law goods such as leathers, silks, hemp, tin and brass, glass, silver, and woolens valued at more than five shillings per square yard were prohibited from importation. If the smuggling of these goods were attempted customs officials and naval officers were granted the power of confiscation. The Non-Importation Act thus became, "the first measure indicative of resentment or retaliation which was taken by our government."

Three days after the passage of the Non-Importation Act Congress granted to the President the power to maintain in service as many armed vessels and gunboats as he thought necessary. At the same time $150,000 was appropriated for strengthening port and harbor defenses, and $250,000 for the construction of not more than fifty additional gunboats. America was gradually becoming prepared should there be an outbreak of armed conflict resulting from the mounting tension with Great Britain. Still the preparations made were for purposes of defense. The gunboats could not be used in operations far from land, which served to illustrate that the United States would fight only if attacked, and the fundamental goal was still neutrality.

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16 Ibid., p. 1287.
The Order in Council of May, 1806, brought vigorous protests from the United States. America considered it a paper blockade, and denied that a coastline could be blockaded without an adequate force being stationed outside the strategic ports. Great Britain agreed that for a blockade to be legal in international law it must be effectively maintained. However, the question arose over whether effective maintenance meant England could simply block the entrances to the channel and the North Sea, or whether ships had to be stationed along the entire coast of northern Europe. England defended the former system while the United States protested invoking the latter.

By August of 1806, the Non-Importation Act, together with William Pinkney, as ambassador at large, had arrived in England. One was a symbol of protest; the other a symbol of America's wish for peace and harmony. On August 22, treaty negotiations were resumed with Pinkney and Monroe representing the United States and Lord Holland and Lord Auckland representing the British government. Pinkney, before leaving the United States, had been instructed to press particularly the issues of impressment, seizure, and trade with the West Indies. In addition, England was to make reparations for ships seized due to Judge Scott's decision in the Essex Case. Britain refused to surrender the principles to all three demands. It is doubtful if Jefferson expected a treaty to be signed under his proposed terms. However, Jefferson was definitely opposed to war, and by making such demands, he had found a method of asserting the rights of the nation by peaceful means. A treaty was subsequently drawn in December, 1806. According to Louis Martin Sears, "No other treaty was ever negotiated by Americans in such
flagrant disregard of their instructions." The question of impressment was completely excluded, and no mention of reparations for seizures was made. However, some slight concession was made concerning the West Indies trade. The concession simply "permitted for the period of the war the carriage of the products of the enemy's colonies from the United States to Europe, provided the said products had been landed and had paid the regular duties in the United States, and provided, further, that on re-exportation they should remain subject to a duty of not less than two percent." In reality this was a return to the policy that had existed up until 1805. The latter clause of the treaty was to prevent one hundred percent rebates to merchants involved in the West Indies trade. Not only did the British fail to yield to American demands, but a clause was attached to the document stating it would be considered void unless the United States took immediate and active steps against Napoleon. To accept a treaty under the conditions set down by England would have meant virtually complete submission to that country, and would almost certainly have led to war with France. Thus, when Jefferson received the proposed treaty he refused to even submit it to the Senate.

Due to the danger of impending conflict with either or both France and England, and submission only a means of losing international prestige, Jefferson sought another solution. In early 1806, Elbridge Gerry had suggested an embargo as a possible remedy for the problems

18Latane and Wainhouse, *op. cit.*, p. 130.
facing the nation. Jefferson seized that alternative as a means of keeping the nation out of war, and by proscribing England's trade, force them to respect American neutral rights. To the President, and the Republican faction in Congress, such a solution was the only alternative at the time.
CHAPTER III

EUROPEAN ENCROACHMENTS ON AMERICAN TRADE

By 1807, the wars in Europe were again drawing to a close. Napoleon had humbled the Austrian and Prussian armies, and at Eylau, February 7, 1807, and Friedland, June 14, 1807, the Russian army was crushed. There followed the Peace of Tilsit, July 7, 1807, with the meeting of the emperors on a raft located in the River Neiman. Most of Europe settled down to an uneasy peace following the treaty; however, England was not willing to bring the conflict to a close. Great Britain continued to support those forces in Spain which were fighting against Napoleonic control, and was willing to support with merchandise and material any coalition which might arise against France. Yet, in 1807, neither could do serious damage to the other militarily. Although Napoleon was at the peak of strength in land forces, he did not have the naval power necessary to break the British sea curtain. Neither could England invade France, since a tremendous army would be needed for the task. Consequently, it became apparent that one could not injure the other on the battlefield, nor could a battle of decision be fought at sea. The bitterness between the two belligerents was so great that other means of destruction were sought. Each resolved to wage what might be considered unrestricted economic war upon the other. Once again neutral trade was to suffer under the retaliatory laws of England and France.

On January 7, 1807, England issued an Order in Council under the...
pretense of retaliation for the Berlin Decree of the previous month. In effect that order cut off the European coastal trade. Neutral nations could still send ships to France, but if no markets were found in the first port of entry and the vessel attempted to sail for another port under French control it became fair prize for British men-of-war and privateers. Total economic war was the order of the day for both belligerent powers. England had control of the sea, and was determined to do everything in its power to prevent the flow of neutral goods into France. On June 26, 1807, David Erskine, British Minister to the United States, communicated with James Madison, Secretary of State, that due to French successes on the continent England would re-establish a vigorous blockade. According to Erskine trade to northern Europe would be restricted by blockading the mouths of the Ems, Wesser, and Elbe rivers. The next British order came in October. It was intended to recall all British seamen, and prohibit them from serving in foreign navies. The proclamation also empowered British warships to stop and search neutral vessels in order to apprehend deserters. Once again England used the argument that neutrals which allowed English seamen to serve in their navies were depriving the belligerent powers of the means of waging war. In reality the Order in Council of October 16 simply legalized impressment at least to the British way of thinking. In November still another order was proclaimed. The first proscribed neutral trade. It stated that all traffic to continental Europe must first pass through a British port where duties would be levied before the ship could depart. However, the vessel after unloading on the continent could not return directly to its home port; instead, it was required to obtain clearance once again before the return voyage could be undertaken. Thus, the
British collected on neutral traffic going and coming, a situation summarized by one commentator with the statement: "There was no trade for the enemy except through Great Britain."¹⁹ According to the British the taxes levied on exports to France were justified since those taxes increased prices. England hoped the increased production costs with resulting higher prices to the consumer would create economic panic and force French industries to close their doors. The exportation of cotton to France was forbidden. In addition, this order forbade the sale of any type of vessel to a neutral nation by an enemy of England. This was done in order to maintain a strict blockade of enemy ships by preventing fraudulent sales which would be cancelled when the ship reached a distant port. In justifying the orders of November 11, England chose to omit the doctrine of retaliation. According to Henry Adams:

The assertion that neutrals had acquiesced in the Berlin Decree was struck out; the preamble was reduced, by Lord Eldon's advice, to a mere mention of the French pretended blockade, and of Napoleon's real prohibition of British commerce, followed by a few short paragraphs reciting that Lord Howick's order of January 7, 1807 had not answered the desired purpose either of compelling the enemy to recall those orders or of inducing neutral nations to interpose with effect to obtain their revocation, but on the contrary the same have been recently enforced with increased vigor; and then, with the blunt assertion that 'His Majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights,' Perceval, without more apologies, ordered in effect that all American commerce, except that to Sweden and the West Indies, should pass through some British port and take out a British license.²⁰

The French answer to the British orders was the issuance of the Milan Decree. It was proclaimed December 17, 1807, and carried the

existing law one step farther by declaring all ships sailing to England, or submitting to English search, or paying English taxes, were subject to seizure. Napoleon based his action on three principal points:

   (1) The orders of November 11, 1807, which made liable to search, detention, and taxation neutral ships and the ships of England's allies and friends.

   (2) The consequent denationalization of ships of all nations by England.

   (3) The danger that acceding to this demand would establish tyranny into principle and consecrate it by usage even as the English had availed themselves of the infamous principle that the flag of a nation does not cover goods, and to have to their right a blockage an arbitrary extension and which infringes on the sovereignty of every state.\(^1\)

Regarding the United States, Napoleon, in his message to Champagny, his Foreign Minister, made his position clear:

   ... that since America suffers her vessels to be searched she adopts the principle that the flag does not cover the goods. Since she recognizes the absurd blockade laid by England, consents to having her vessels incessantly stopped, sent to England, and so turned aside from their course why should the Americans not suffer the blockade laid by France? ... Why should Americans not equally suffer their vessels to be searched by French ships? Certainly France recognizes that these measures are unjust, illegal, and subversive of national sovereignty; but it is the duty of nations to resort to force, and to declare themselves against things which dishonor them and disgrace their independence.\(^2\)

The Orders in Council ended all hope for a commercial treaty with England. When the proposed treaty arrived it was accompanied by a message from Canning which stated that if the United States ratified the document the king would do the same,

   ...reserving to himself the right of taking, in consequence of that decree, and of the omission of any effectual interposi-


\(^{2}\)Henry Adams, op. cit., p. 110.
tion on the part of neutral nations to obtain its revocation, such measures of retaliation as his Majesty might judge expedient.²³

A treaty signed under those conditions would have had little or no value. As a result Jefferson did not present the treaty to the Senate, although he persisted in following a path of peace. Instead of breaking off negotiations and recalling his envoys, he simply returned the treaty to Monroe stating the need for further discussion. Jefferson had realized the impossibility of entering into a satisfactory treaty with England, and was simply using further negotiations as a peaceful means of presenting America's grievances.

The Chesapeake Affair, June 22, 1807, aroused the wrath of the American people, and brought the impressment question to the forefront. The Chesapeake, an American frigate, was passing Hampton Roads just outside the three mile limit. Due to its proximity to the American coast the vessel was in a complete state of unpreparedness for combat when it was ordered to stop by the fifty-gun British man-of-war Leopard, commanded by Admiral Berkeley. Complying with the British order the Chesapeake stopped, was subsequently boarded, and Commodore Barron was ordered to muster his crew in order that a search could be made for deserters from the British navy. When the latter order was refused the Leopard opened fire killing or wounding twenty-one men. The American vessel was once again boarded and four men were removed, leaving the Chesapeake to limp back to its home port. Following that incident tempers flared in the United States. Supplies labeled for the British navy were destroyed, and many people demanded war. Jefferson

²³Ibid., p. 48.
preferred a less violent course, but was nonetheless determined to make the British aware that such a flagrant violation of national sovereignty would not go unnoticed. He retaliated by requiring all British warships to leave American waters, an act which only seemed to cause the British to become more quarrelsome. As the English newspaper, The Morning Post of August 6, 1807, stated: "Three weeks blockade of Delaware, Chesapeake, and Boston Harbors would make our presumptuous rivals repent of their puerile conduct."\(^2^4\) Other newspapers including the Times and the Courier expressed the same feeling. The Times of August 26, 1807, declared that, "the Americans could not even send an ambassador to France, could hardly pass to Staten Island, without British permission."\(^2^5\) The impressment issue was brought to the forefront by the Chesapeake Affair, and Jefferson demanded reparations and an end to the practice. He obtained neither, for the British attitude at that time continued to be "unfriendly, proud, and harsh."\(^2^6\)

When the voices of protest were heard from America, Perceval answered by declaring the United States as a neutral could not complain unless the measures adopted were aimed exclusively at injuring neutral commerce. He also maintained that America had ceased to be a neutral when it asked England to observe neutrality which France refused to recognize. He continued by declaring that the United States had not compelled France to retract its decrees, and their existence was suffi-

\(^2^4\)Quoted in Henry Adams, History of the United States, 1805-1809, op. cit., p. 441.

\(^2^5\)Quoted in Ibid., p. 54.

cient proof of American acceptance. The historian, Henry Adams, concluded that the Orders in Council were for purposes of extending and protecting British commerce, and the argument of retaliation but a pretense on the part of Perceval and Canning for forcing British trade on France and other territories. To substantiate Adams' argument, Lord Hawkesbury complained that neutral nations supplied colonial produce to France at much lower rates than paid by the British, a condition the Orders in Council would prevent. George Ross, Vice-President of the Board of Trade, stated, "they [Orders in Council] were a system of self-defense, a plan to protect British commerce." If Adams' hypothesis is correct, it was fear of French competition as well as American that became the real motivating force behind the issuance of the orders. Therefore, Perceval's object was commercial not political, and the policies adopted were for the purpose of extending British trade and restricting that of other nations. The pretense of retaliation was but "legal fiction," made in answer to American objections.  

Shortly after the Chesapeake Affair, Monroe received his instructions, and was told to make the following demands:

That the men taken from the frigate should be restored to it; that the officers who had committed the aggression should be exemplarily punished; that the practice of impressment from merchant vessels should be suppressed; and that the reparation consisting of those several acts should be announced to our government through the medium of a special mission, a solemnity which the extraordinary nature of the aggression particularly required.  

Canning insisted the Chesapeake Affair should be treated separately and apart from the general issues. Since neither side was willing to con-

28Ibid.  
29John Holladay Latane and David W. Wainhouse, op. cit., p. 135.
cede Monroe felt little could be accomplished by remaining in England. He returned to the United States in October leaving William Pinkney behind as his successor.

Following on the heels of Monroe, George Rose arrived in the United States in January, 1808, as a special envoy to Washington. However, he did not have the authority to discuss anything but the Chesapeake incident; Jefferson refused to discuss the Chesapeake without the discussion of search and seizure of American vessels, and of course, impressment. Rose stated flatly that he was not authorized to discuss those things, and that he was going home. "One wonders then why he had come in the first place," Nathan Schachner has commented, "and what Canning expected to gain by this unnecessary display of arrogance to the United States government and people." 30 To illustrate British attitude more clearly, Rose delivered a series of counter-claims in which the British government demanded the immediate recall of the proclamation by Jefferson which forbade British sailors to land on American soil. In addition, Americans were to furnish the British ships with water and other provisions. The United States must also repudiate Commodore Barron and allow no more deserters to serve in the navy. The last of those claims demanded an apology from the United States government for the presence of deserters on board the Chesapeake. To accept the British terms would have meant national humiliation, thus there was no reason for Rose remaining in the United States. Nevertheless, in an attempt to maintain peaceful relations he was detained by informal talks with Secretary of the Navy, Robert Smith. The talks accomplished

little and British aggressions continued. For example, the man-of-war Bellona was ordered to depart from Chesapeake Bay. Not only was the order disregarded, but threats were made to take by force anything on shore. New York Harbor and Chesapeake Bay were blockaded, and impressment continued.

Throughout the turmoils in Anglo-American relations during the early years of the 19th century, Britain maintained that the Orders in Council were not aimed directly at injuring American commerce. Instead, Napoleon was the prime target. The fact remains that America was the leading neutral commercial nation, and although not specifically mentioned in the context of the orders, was to suffer most from them. By June 7, 1808, it was estimated that 67 American ships valued at eight million dollars had been confiscated since November 11 of the previous year. In a report prepared by James Monroe, Secretary of State, July 6, 1812, he declared that England captured 528 vessels before the Order in Council of November 11, and 389 after, a total of 917 ships. In the same report he noted the French, in enforcing the Napoleonic decrees, captured 206 vessels before the Milan Decree and 307 during its existence to August 5, 1810. It must be noted that many of the ships taken by France were in French ports at the time of seizure.

The taxes Britain levied against neutral vessels were nearly prohibitive even if the United States had chosen to recognize British control. As a Baltimore paper declared: A cargo of tobacco was taxed $30,000, flour $10,000, and fish $5,000. When totalled, the amount

31 Alfred Thayer Mahan, op. cit., p. 276.
would reach 2.5 million dollars paid to England in one year by the city of Baltimore alone. 33

It is impossible to determine accurately the total number of American seamen forced to serve in the British navy. At the beginning of the War of 1812, 6,257 cases were on file in the State Department. Lord Castlereagh, in January, 1811, speaking in the House of Commons, stated there were 3,300 men serving in British ships who claimed to be American citizens. With the outbreak of the War of 1812, a British Admiralty report showed that 2,548 American seamen were imprisoned for refusing to fight against their own country. 34

In addition to seizures, taxation, and impressment the British continued to maintain a strict blockade of northern Europe. This was not the only area where neutral trade was restricted. As Mahan states, "trade in the Mediterranean was swept away by seizures and condemnations, and that in other seas threatened with the same fate." 35 Louis Martin Sears points out that the "blockade of continental Europe presaged disaster to neutral commerce in direct violation of one of Jefferson's favorite concepts, that of a law of nature which guaranteed to nations at peace the rights of uninterrupted intercourse." 36

In direct contrast to Jefferson's way of thinking, Lord Perceval maintained England's right to suppress the existence of any neutral commerce, "provided the suppression were consequential on an intent to

33 Ibid., p. 32.
34 Ibid., p. 32.
35 Alfred Thayer Mahan, op. cit., p. 276.
injure France."

Due to the numerous infractions upon the rights of neutrality by both England and France, the United States found the path of peace extremely difficult to follow. The government was faced with the complex problem of how to make two powerful enemies respect the nation's rights without submission or war. Talk of declaring war upon both France and England existed within the country, but to have undertaken the bloody solution would have been unwise. As Louis Martin Sears suggests, "the decision to maintain neutrality rested it must be confessed more upon the practical impossibility of attacking both offenders than upon any theory that our own state of nature was peaceful." Nor could the United States join with one of the opposing sides. Both were treading heavily on national honor, thus opposing one would be considered submission to the other. The question also existed as to which side to join. Many Americans favored France; others favored England. As a result a declaration of war upon one would create rupture within the country. Arming merchant vessels, and the issuance of letters of marque and reprisal were mentioned as possible solutions to the nation's problems by Samuel Dana of Connecticut. However, the opponents of that course of action, led by Jacob Crowninshield of Massachusetts, argued that if such steps were taken they would only lead to war with England. Jefferson had his own reasons for not wishing to resort to armed conflict. In a letter to James Monroe he wrote, "if we go to war now, I fear we may renounce forever the hope of seeing an end to our national

\[37^{\text{Henry Adams, op. cit., p. 84.}}\]

\[38^{\text{Louis Martin Sears, op. cit., p. 35.}}\]
He also commented that if peace could be maintained for another eight years, the national income would be sufficient to carry through a war without increased taxation or income.

Submission to the orders and decrees would have meant loss of national honor, and, "would have been the most evasive, most vacillatory, and least dignified" course America could have followed. Thus, by late 1807, the United States was not in an enviable position. War was a possibility with either or both England and France marked by unpreparedness within the country. The international prestige of the nation was also being threatened at a time when America was seeking to gain world respect. As a result of those conditions, America"faced the severest crisis of our existence up to that time."

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CHAPTER IV

THE ADOPTION OF THE EMBARGO

No less a diplomat than Napoleon's Foreign Minister Talleyrand once predicted that the United States would "be useful to England more than any other power and this usefulness will increase." His prediction exemplified the thinking of Thomas Jefferson. The United States exported food and raw materials essentially needed in Europe. Jefferson believed that to halt the supply would create economic crisis on that continent. Thus, he chose peaceful economic coercion as the tool to achieve the redress of grievances from France and Great Britain.

The creation of what has become known as the Embargo began officially December 17, 1807, in a Cabinet meeting called for the purpose of discussing possible solutions to the problems facing the nation. In that discussion the restriction of trade with England and the European continent was discussed at length. Immediately following the session Albert Gallatin, Secretary of the Treasury, voiced his opinion that war was to be preferred. He pointed out that a statesman should not without extreme cause regulate the concerns of individuals. Gallatin also proposed that a time limit be established should the Embargo be adopted. The following day the Cabinet met again, and Gallatin's proposal for a time limit was discussed, but was not approved. James Madison then prepared the message which was signed by the President,

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and in turn sent to Congress. The Presidential message stated:

The communication now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas and elsewhere, from the belligerent Powers of Europe; and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantage which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.\textsuperscript{43}

No mention of economic coercion was made. Instead, the message simply called for an embargo for the purpose of protecting American ships and cargoes from seizure, and their crews from impressment.

The Senate, on receipt of the message, immediately referred it to a committee of five consisting of John Quincy Adams of Massachusetts, William Anderson of Pennsylvania, Stephen Bradley of Vermont, Andrew Gregg of Pennsylvania, and Samuel Smith of Maryland. The committee in turn drew up the bill which Senator Smith presented. On the third reading William H. Crawford of Georgia asked that the bill be postponed until the next day. His motion to that effect was defeated. Without further debate or discussion the Senate passed the bill by a 22 to 6 majority.\textsuperscript{144}

Meanwhile the President's message had been read in the House of Representatives. Upon hearing the recommendation of the President, John Randolph immediately arose, and proposed the following resolution, "That an embargo be laid on all shipping, the property of citizens of

\textsuperscript{144}Tbid., p. 51.
the United States, now in port, or which shall hereafter arrive."

The Randolph Resolution was tabled with the arrival of the Senatorial message carried by Harrison Gray Otis, Secretary. The message stated, "The Senate have, in confidence directed me to inform this honorable House that they have passed a bill entitled, 'an act laying an embargo on all ships and vessels in the ports and harbors of the United States,' in which bill they desire the concurrence of this House."

With the receipt of the Senate bill, the House on the motion of Crowninshield resolved itself into a committee of the whole for discussion. Josiah Quincy proposed an amendment to allow the continuance of fishing privileges under bond that the ships so engaged would carry on no commerce with foreign nations and return to American ports. The Quincy amendment was defeated by a vote of 45 to 82. Gurdon S. Mumford of New York proposed an amendment which would have limited the duration of the embargo to sixty days. The Mumford amendment was also defeated, the vote being 46 to 82. Following the defeat of the Mumford amendment the final vote was taken. The tabulation showed 82 in favor, 44 opposed. On December 22, Jefferson signed the bill into law. The theory of peaceful economic coercion was the basis of six years of government under the Jefferson Administration. As Henry Adams pointed out, "the idea of ceasing intercourse with obnoxious nations reflected his own personality in the mirror of statesman-

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46 Ibid., p. 1216.
47 Ibid., p. 1217.
48 Ibid., p. 1219.
49 Ibid., p. 1221.
Jefferson's belief that an embargo would be a proper solution to the nation's problems had been enhanced by letters from his friends calling for similar action. Joseph Barnes, stationed in Leghorn, Italy, predicted success. In his letter to the President he wrote:

In fine, we have only to shut our ports and remain firm—the People of England would do the rest—for British manufactures being precluded from the Continent of Europe almost entirely, their chief resource is the U.S. Consequently about 150,000 manufactures being thrown out of Bread would rise in Mass and compel the Minister to open our Ports at any price, or they would Massacre him. The disposition of the People of England I well know; having been about four years in that island.\(^5^1\)

John Page, a boyhood friend, also confirmed Jefferson's belief that an embargo would achieve the desired results. In his letter he noted:

... that an immediate embargo is necessary, because before the usual meeting of the Congress all the British Ships will have left us, and even our own vessels and sailors, who will be impressed or detained in British ports throughout their empire; and that their ships of war and privateers without further notice will sweep our vessels which may be at sea, from the surface of the sea; that an immediate stop to all intercourse with Britain is indispensably necessary, to retrieve our lost honor, and bring the mad King to his senses; and that that measure alone would be of more consequence than any naval and military preparation we can make.\(^5^2\)

The embargo prohibited all vessels under American jurisdiction to sail to any foreign port, unless licensed by the Chief Executive. No foreign vessels were to be detained if they were already loaded before news of the law had reached them, or if they were in ballast. The

\(^{5^0}\)Henry Adams, op. cit., p. 138.

\(^{5^1}\)Louis Martin Sears, op. cit., p. 55.

\(^{5^2}\)Ibid.
American coastal trade was permitted, but only under bond in the amount double the value of the ship and cargo to insure its re-landing in an American port.

It was Jefferson's belief that the newly enacted Embargo would solve the four basic problems facing the nation. By keeping American ships at home the nation's honor would no longer be insulted on the high seas. The Embargo would save the ships from seizure, and their crews from impressment. Thus, America would preserve its wealth, which was either being seized or destroyed. By proscribing the flow of colonial goods and raw materials, economic pressure would be applied to such an extent that England and France would be forced to repeal their hated orders and decrees. Last, and probably most important to Jefferson, the Embargo would prevent war, which the nation definitely needed to avoid.

When the President's message was read in Congress there was no mention of the British orders of November 11. With the announcement to the public of those orders many favorable comments were to be heard. On January 18, 1808, the Legislature of Virginia passed a resolution declaring, "it is a duty we owe ourselves, to declare that we submit with pleasure, to the privations arising from the energetic measures recently adopted by the constituted authorities in laying an Embargo, which meets our warm approbation."\(^{53}\)

From the General Court of Massachusetts, February 8, 1808, came the voice of approval stating, "we consider the imposing of the Embargo

a wise and highly expedient measure, and from its important nature calculated to secure to us the blessing of peace."\(^{54}\)

Other arguments favorable to the Embargo were also being expressed. The supporters of the measure held that it would force frugality upon the people, and stop wasteful spending. Since the United States imported most of the luxury items it consumed, the Embargo would prevent the flow of capital to Europe, and stop the importation of undesirable foreign products. It was argued that the Embargo would cause American industry to expand, and force existing manufacturers to broaden their horizons, with the result that national self-sufficiency would be achieved.

With expanded industry, immigrants would be attracted to American shores, resulting in a larger labor force, which in turn would allow American citizens to remain on the farms. The expansion of industry was particularly true of the Philadelphia area. The Philadelphia Gazette of October 8, 1808, noted "that comparatively little inconvenience was felt in that city or the surrounding neighborhood."\(^{55}\) It was also reported that constant civic improvements in Philadelphia gave employment to between eight and ten thousand persons.\(^{56}\) Even the banks in that city were extremely willing to loan money. On November 17, 1808, the manufacturers of Philadelphia held a dinner celebrating their industrial growth. John Dorsey, the presiding officer for the occasion, wore an American broadcloth suit to show that Americans could do without

\(^{54}\)Ibid., p. 128


\(^{56}\)Ibid.
the goods of Europe.

Thomas Jefferson never lost an opportunity to defend the Embargo even after it was repealed. On June 28, 1809, he wrote that, "the bare-faced attempts of England to make us accessories and tributaries of her usurpations on the high seas have granted in this country an universal spirit for manufacturing for ourselves, and reducing to a minimum the number of articles for which we are dependent on her." 57

Commercial reaction to the Embargo was anything but favorable, however, the followers of Jefferson pointed out that commerce could not be carried on in safety before the law. They noted that if commercial interests were allowed to continue their activities, such a condition would simply mean a recognition of British control over American trade. Those advocates believed their argument to be valid since American merchants could only trade with the British Isles due to that country's control of the seas.

The idea that the Embargo was less costly than war was strongly defended by the Northampton Republican Spy of July 20, 1808. That newspaper declared:

The Embargo will produce temporary inconveniences; the loss of a few thousand dollars; and give a little more idle time to the citizens, who do not choose to turn their attention to internal improvements. It will not starve anybody. On the contrary, the staple necessaries of life will be cheaper.

A war will produce the loss of millions of dollars, burning and sacking of towns and cities, rape, theft, murders, streams of blood, weeping widows, helpless orphans, the begging of thousands, the ruin of agriculture, and an extensive depravation of morals. 58

57 Gilbert Chinard, op. cit., p. 171.
58 Walter Wilson Jennings, op. cit., p. 43.
When the Embargo was attacked on the grounds that it ruined commerce, and that it had not been specifically limited in time, David R. Williams, Representative of South Carolina, and George W. Campbell, Representative of Tennessee, came to its defense. Williams noted that the Embargo was only a suspension, not the complete annihilation of commerce made "to gain the advantage of which it had been robbed." Campbell answered that the Embargo was limited, even if it should last for "a hundred years." 59

After the Embargo had been attacked on the grounds that it caused a drop in the prices of agricultural products William Branch Giles noted that the American farmers were receiving more for their surpluses under the Embargo than they could have if the government had pursued any other course of action, or even maintained the status quo.

The news received from England was at first favorable, and gave hope to the Administration that the Embargo might accomplish the desired results. William Pinkney, writing to Madison in the summer of 1808, reported that the suspension of commerce was severely felt in England. There were reports of rioting in Manchester, and the merchants of Liverpool petitioned Parliament for relief. Such reports aroused hope in America that the Embargo would be successful. Alexander Baring, one of the foremost London bankers, denounced the Orders in Council, and demanded their recall. Edward Baines, a British economist, noted the loss of American trade would be ruinous to Lancaster. Even Lord Bathurst, President of the Board of Trade, sent a protest to the Prime Minister requesting something be done to re-open American markets.

59 Henry Adams, op. cit., p. 266.
Merchants and manufacturers petitioned Parliament demanding the repeal of the orders. In their petition they presented evidence showing that the United States normally purchased over ten million pounds in value of English goods annually, but this would be lost since American markets were closed. The cost of cotton went up fifty per cent in England, and in a discussion in the House of Commons it was noted that only six weeks supply of silk remained. It must be noted that the United States carried much of the raw silk used in British industry. In all nearly 200,000 Englishmen protested against the Orders in Council. Yet, the British government remained steadfast, and refused to accede to the demands and actions of Americans, or for that matter, their own people.

Instead of repealing the Orders in Council, England attempted to break the Embargo by encouraging disobedience among American merchants and ship owners. On March 28, 1808, an Order in Council was issued prohibiting warships and privateers from stopping any neutral vessel carrying lumber or other supplies to the British West Indies or South America. The order also stated that upon reaching its destination the neutral carrier was to be allowed to proceed to any port it chose, except those under blockage. Thus, Great Britain was attempting to break the Embargo by creating a nation of smugglers in America. Due to British encouragement the dollar became more important to some Americans than patriotism, and the opposition which the law had encountered from the beginning continued to mount.

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60 Walter Wilson Jennings, op. cit., p. 81.
62 Walter Wilson Jennings, op. cit., p. 82.
63 Ibid.
Chapter V

The Ruin of American Commerce

The Embargo Act was "more arbitrary, more confiscatory than any measure ever proposed by the Federalists." Such a statement made in the twentieth century might well have been heard in late 1807 when the newly enacted law was being discussed. John Randolph, "the most erratic and abusive speaker the American Congress has ever known," was among the first to voice a similar opinion. His speech on the subject has been recorded as follows:

This mode of cutting our throats to save our lives I do not understand. To what extent did the argument go? Fully to this—that in proportion as the belligerents pressed upon us we must recede, and so promptly and rapidly too as never to come in contact with them. This was certainly an admirable recipe for avoiding war; one by which the swift-footed Achilles himself might have kept out of the combat since he had only to take his distance from the enemy and keep it. He did not expect to have heard because any branch of our commerce was annoyed by the belligerents that we should therefore annoy it ourselves to a yet greater degree; that because it was liable to partial attack we should annihilate it.

In the same speech and equally caustic was his statement:

And yet to avoid this war, in which we are actually involved, we are to do what? Show our heels to the enemy and our indignant fronts to our own hapless citizens. It was high time that the vigor of this government should be displayed on some other theatre than our own country and on some other objects than our own citizens.

This was the same John Randolph who had proposed the resolution calling for the Embargo. Why then his sudden change in attitude? According to William C. Bruce, Randolph's reversal was due to his opposition toward using the Embargo as a coercive measure. It was his belief that if the United States was seeking redress war should be the alternative.

The greatest outcry against the Embargo came from the commercial interests due to American commerce being swept from the seas. Within ten days Jefferson came under attack by these mercantile groups. One anonymous letter which he received from New York stated:

We are the shipping interests and we will take care that, shall not be destroyed by your attachment to France, your implacable enmity to G. B., and in short, by your madness and folly--I have ever been a warm Republican but when I see my country on the verge of destruction, I am compelled to oppose those, whose measures I once approved.67

Henry Adams described the immediate effect on commerce and those connected with the industry when he wrote:

As the order was carried along the seacoast every artisan dropped his tools, every merchant closed his doors, every ship was dismantled, American produce--wheat, timber, cotton, tobacco, rice, dropped in value or became unsalable; every imported article rose in price; wages stopped; swarms of debtors became bankrupt; thousands of sailors hung idle round the wharves trying to find employment on coasters, and escape to the West Indies or Nova Scotia. A reign of idleness began; and the men who were not already ruined felt that their ruin was only a matter of time.68

From the town of Newburyport, Massachusetts, came the following report:

'The following is a list of vessels now laying in this port embargoed as of Apr. 15, 1808: 15 ships, 27 brigs, 1 barque, 27 schooners, total 70 vessels.' As of July 12, 1808, 'there are now collected in our harbor 24 ships, 28 brigs, and 25 schooners.' The report as of July 51, 1808, 'Our wharves have

68Henry Adams, op. cit., p. 277.
now the stillness of the grave, indeed nothing flourishes on
them but vegetation.\(^6^9\)

Joseph Story writing on the impact of the Embargo noted that due to the
withdrawal of American commerce, England was enjoying a monopoly in
world trade.

The commercial Northeast was not the only section of the United
States effected by the Embargo. The agricultural South was to suffer
equal hardship. Within twelve hours after the law became known the
price of flour fell from $5.50 to $2.50 per barrel.\(^7^0\) Tobacco became
practically worthless, warehouses bulged with the surplus, and the ex­
ports of that commodity fell from $5,476,000 in 1807 to $338,000 in
1808.\(^7^1\) The exportation of cotton declined from $11,232,000 to
$2,221,000 with correspondingly lower prices.\(^7^2\) The price of wheat
fell from $2.00 to $.07 a bushel and land values constantly declined.\(^7^3\)
In general, federal revenue from customs duties dropped from $16,363,000
to $7,258,000.\(^7^4\) Percentage totals illustrate America's loss. Total
exports declined 79 per cent in value, and exports to England declined
by 83 per cent.\(^7^5\) As opposition continued to mount due to the appalling
losses, many Republicans began to question whether a law which cut the
value of exports from $108,000,000 to $22,000,000, and cut the national

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\(^7^0\)Nathan Schachner, *op. cit.*, p. 863.
\(^7^1\)Dise Robins Anderson, *op. cit.*, p. 145. \(^7^2\)Ibid.
\(^7^3\)Nathan Schachner, *op. cit.*, p. 876.
\(^7^5\)Walter Wilson Jennings, *op. cit.*, p. 78.
An equally serious argument presented by the opposition was the constant charge that the Embargo aided France in the conduct of its wars. Rufus King, in a letter to Christopher Gore, was among the first to advance that concept. In a letter he commented:

The thousand rumours in circulation, joined to the darkness that covers the proceedings of the administration have produced the strongest apprehension that it is meditated to bring about a war with England upon points of inferior moment, in order to avoid a decision of the insolent and humiliating demands of France. The embargo and non-importation together will amount to the shutting of our ports agt. England—a measure which it is believed has been required by the Tyrant.77

Other cries of French influence were continually heard throughout the United States. Jefferson and Madison were accused of being French citizens and that they had established the Embargo on Napoleon's order. Albert Gallatin, who was responsible for the enforcement of the law, was referred to in a resolution adopted in Gloucester, Massachusetts, as a "Frenchified Genevan, whom we cannot but think a satellite of Bonaparte."78 Barent Gardinier of New York assailed Jefferson in the House of Representatives, insisting that the Embargo had been laid at the insistence of Napoleon and called upon the House, "not to go on forging chains to fasten us to the car of the imperial conqueror."79 He was called to order for his statements, and later challenged to a duel. The duel resulted in his being shot by George W. Campbell of

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77 Charles R. King, The Life and Correspondence of Rufus King (New York, 1898), p. 42, from Rufus King to Christopher Gore, Dec. 31, 1807.
78 Raymond Walters, Jr., op. cit., p. 207.
79 Claude G. Bowers, op. cit., p. 249.
Tennessee. After that incident similar attacks on the administration ceased in the House, but the Federalists continued with their "fire side" assaults. As late as 1833 many individuals were still convinced the Embargo had been imposed to assist Napoleon. James Sullivan, ex-governor of Massachusetts, wrote in October of that year:

He [Jefferson] was willing to impose an annual loss of fifty millions on his own countrymen, and enforce his system of restrictions at the point of a bayonet, to aid Napoleon in humbling England. 80

The Essex Junto, led by Timothy Pickering, was the most vocal of any group expressing opposition toward the Embargo. Pickering was known for his pro-British tendencies, and he too accused Jefferson of preventing a peaceful settlement with England, and taking orders from Napoleon. He justified and minimized impressment alluding to the idea that the British government had every right to order home its citizens. Pickering argued that Americans forced to serve in the British navy were returned when proof of their origin was established. In addition, the Junto called openly for defiance of the Embargo laws and advocated nullification by the states. The work of the group, and the publication of Pickering's pamphlet, which gained wide circulation, were not without effect. Following one of Pickering's speeches, July 4, 1808, Jefferson was hung in effigy. Still there were those in New England who supported the Administration. Pickering and his cohorts were also hung in effigy, not only in Massachusetts, but in Pennsylvania as well.

James A. Bayard, although not a member of the Essex Junto, attacked the Embargo on the grounds that the withdrawal of American ships

80 Walter Wilson Jennings, op. cit., p. 42.
from the seas constituted submission to both France and Great Britain. Commenting on the impressment issue Bayard noted that many American seamen were leaving the country in order to find employment elsewhere. He was of the opinion the United States lost more able bodied seamen due to lack of employment than was due to impressment. It was Bayard's theory that the repeal of the Embargo would "be the first step in removing the impediments toward real peace with England."81 If such a step was taken he felt that it would open the way for negotiations as a means of bringing about redress, but if talk failed then a formal declaration of war should be proclaimed.

The Embargo constituted commercial warfare according to Senator George Logan of Pennsylvania. To his way of thinking war of any description was to be opposed. Although a Republican, Logan referred to the existing policy as being "dishonorable, barbarous, and unworthy of an enlightened people," in that many of the Embargo's victims were "unoffending women and children."82

Josiah Quincy summarized the adverse economic impact of the Embargo when he stated:

As to its greatness, nothing is like it. Every class of men feels it. Every interest in the nation is affected by it. The merchant, the farmer, the planter, the mechanic, the laboring poor; all are sinking under its weight. But there is this peculiar in it; that there is no equality in its nature. It is not like taxation, which raises revenue according to the average of wealth, burdening the rich and letting the poor go free. But it presses upon the particular classes of society in an inverse ratio to the capacity of each to bear it.83

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83 Walter Wilson Jennings, op. cit., p. 61.
Due to widespread unemployment many people moved to Canada, and in New England talk of secession existed. In that area committees of safety were formed harking back to revolutionary days. Some citizens announced their intention not to assist in the enforcement of the laws, and denounced them as being hostile to the liberties of a free people. Even John Quincy Adams was to express fear that civil war might result if the Embargo was not amended or repealed. Other social consequences resulted from the Embargo. A crime wave swept the country, which seemed to have been fostered by the willingness of the people to defy the Embargo laws. Henry Adams noted the defiance toward the laws brought social corruption and made "many smugglers and traitors, but not a single hero." ⁸¹

The constitutional question arose over whether or not Congress had the right to pass laws without a specified limit, and whether or not that body could deprive an individual of the right to manage his own affairs. During the September judicial term of 1808 an Embargo case came before Judge John Davis in Salem, Massachusetts, in which the preceding arguments were presented. Judge Davis followed the old line Federalist doctrine, which gave a broad interpretation to the Constitution, and backed the administration. When he was censored for his decision he defended himself by stating that "Congress has the power to declare war. It of course has the power to prepare." ⁸⁵ Thus, Davis believed that by keeping American ships at home the nation was conserving its resources which would be necessary should a war mater-

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⁸⁵ Ibid., p. 268.
ialize. The Supreme Court upheld the decision of the lower court in the case of the United States vs. The William, although Joseph Story commented, "I have ever considered the Embargo a measure which went to the utmost limit of constructive power under the Constitution, being in its very form and term an unlimited prohibition or suspension of foreign commerce."\(^{36}\)

With the decision by the Court, the Embargo had passed all the tests of government. But, to give the law a fair test as to whether or not an effective means of avoiding war had been discovered, enforcement had to be carried out with maximum efficiency.

\[^{36}\text{Mortimer D. Schwartz, Joseph Story (New York, 1959), p. 35.}\]
CHAPTER VI

ENFORCEMENT: AN IMPOSSIBILITY

Jefferson replied to the commercial and political assaults on the Embargo by a show of force, for he felt that Congress must legalize any means necessary to enforce the bill. The problem of compelling obedience fell on the shoulders of Albert Gallatin, a task that was to become increasingly difficult as the unpopularity of the Embargo continued to mount. Only the merchants as a class refused to sacrifice. The mercantile group constituted a powerful block, and it was due to their influence collectors in the New England area feared to act. Yet, even under adverse conditions, the collectors carried out their duties faithfully. Gallatin commented, "no better story of loyalty to administrative work can be told, and that under very trying circumstances, than that which may be found in the efforts of forgotten revenue and naval officers." There were exceptions, of course. The collector in York, Maine, was probably in collusion with smugglers. The collector in New Bedford, Massachusetts, was removed and another resigned, Gallatin believed due to fear. There was also some lack of energy among the collectors around Lake Ontario. Among the prosecuting attorneys only one man, a certain George Blake, was proven disloyal to his duties.

Even though the enforcement officers worked feverishly to enforce the Embargo, smuggling and other violations continued to mount.

86Leonard D. White, op. cit., p. 454.
The cause of many of these violations was the British guarantee of protection to violators. Such guarantees were made through British agents in most of the seaboard towns. These agents had been sent to the New England area on the pretext of buying supplies for the fleet and armies. John Henry, who was working in the interests of Sir James Craig, Governor of Lower Canada, could be considered a spy.\(^{87}\) He had been sent into New England for no other purpose than to keep his hand on the pulse of the nation and report the feelings of the people toward war and the Embargo.

Resistance to commercial control and evasions of the Embargo laws began almost as soon as the ships would be loaded. Benjamin Weld, a collector in New England expressed the following problem in reference to the illegal trade with Canada: "The articles can conveniently be put across the line at night in fact we have reason to think the law is very much evaded and we have no means to prevent it."\(^{88}\) Other flagrant violations began to be recorded. For example, the schooner Charles left Boston for Charleston, but turned up in Lisbon, Portugal. The captain excused himself by stating that he had run into bad weather and had been forced to put into that distant port.

The northern shore of Massachusetts made enforcement extremely difficult due to the numerous coves, bays, and inlets in that area. Maine and New Hampshire also proved to be havens for violators. These geographical factors combined with the adverse temperament of the people made enforcement extremely difficult. Joseph Whipple, a collector in

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\(^{87}\)John Henry, also notable in the famous Henry false document case.

\(^{88}\)Ibid., pp. \(\text{---}\).
Portsmouth, New Hampshire, reported that he had refused clearance to the sloop Rhoda and the goods it carried were unloaded. It then departed in ballast for York, Maine. The goods it had been carrying were simply taken overland and reloaded in York. After being loaded the vessel departed, but only after four men placed on the sloop by the captain of a revenue cutter had been overpowered. Whipple on hearing of the incident corresponded with Gallatin, noting that the collector in York was no doubt in collusion with smugglers.

The number of violations continued to mount, accompanied by increasing violence. At one time an armed mob stopped the marshall from taking into custody the vessel Marion. Another example, this time occurring in the overland smuggling around the Great Lakes, found thirty armed men fighting twelve soldiers to regain twelve barrels of potash. They were successful. In September 1808 a revenue cutter pursued the vessel Black Snake and forced it ashore. A skirmish followed in which a civilian was killed, the captain of the ship was captured and promptly executed.

The Embargo on flour was particularly difficult to enforce, due to the traffic along the coast. Flour brought high prices in Nova Scotia and the West Indies. In order to curb this illegal traffic Jefferson hit upon the device of a governor's certificate of need. Any community needing flour would send a request to the governor of their respective states declaring such need, the governor in turn would sign a certificate authorizing delivery. Gallatin immediately expressed the fear that Jefferson's new scheme would only lead to corruption in the governors' chairs. Gallatin's fears were not groundless, especially in the case of Governor James Sullivan of Massachusetts. Sullivan
was willing to sign a certificate for almost anyone who asked, and did so to such a degree that these were even for sale on the open market. Even Sullivan's son wrote that his father gave certificates to anyone who asked due to his ignorance of need. Jefferson, on hearing of the situation in Massachusetts, took immediate steps to stop the leak. In a letter to the Governor, he wrote that the state had called for a year's supply of flour in two months and that Sullivan should issue no more certificates of clearance. His request was ignored.

Jefferson knew that for the law to be successful it had to be enforced as vigorously as possible. As a result a new army was created and stationed along the Canadian frontier, gun boats and frigates patrolled the coast. General Dearborn was told to move with troops to any spot in the Northeast where smuggling might be going on. In an attempt to stop all illegal traffic the President refused to charter a new packet line on Lake Champlain, for he noted that a new trade route to Canada would only increase the means of smuggling. When Nantucket appealed for food, Jefferson answered: "Our opinion here is that that place has been so deeply concerned in smuggling, that if it wants it is because it has illegally sent away what it ought to have retained for its consumption."\(^{89}\)

To legalize these vigorous measures Jefferson was able to push through Congress two additional Embargo laws and two Enforcement acts. The first became law January 9, 1808. Under its terms fishing and whaling ships were subject to bond as well as those vessels involved in the coastal trade. Departure without clearance or even touching a

\(^{89}\)Henry Adams, op. cit., p. 259.
foreign port was punishable by confiscation or, if this was not possible, the owner was to be fined double the value of the ship and cargo and was "forever debarred from customs credit on goods imported." The captain and every other person knowingly involved were subject to fines of from $1,000 to $20,000 and the "captain's oath was forever thereafter inadmissible before any collector of customs."  

The third Embargo passed March 12, 1808, was designed to correct hardship cases. It concerned small vessels carrying supplies used in daily living that traveled the coastal and inland waters. These were now exempt from bonding requirements. Such exemptions were to last only six weeks due to infractions of the laws. The new law also allowed vessels in ballast to sail to foreign ports to bring home goods belonging to American citizens. Permission for such missions was subject to bond not to export any goods, and to return bringing no imports. Foreign vessels engaged in the coastal trade were to be bonded to four times the value of the ship and cargo to insure relanding in an American port. All bonds of vessels owned by citizens had to be matched within four months by a collector's certificate of discharge which was sent to the United States Treasury. The last clause in the law made it illegal under penalty of $10,000 fine and forfeiture of goods to export by any means, land or sea. This final clause was aimed at stopping the overland trade with Canada, for these goods usually found their way to England.

The fourth in the series was the Enforcement Act of April 25,  

91 Ibid., p. 428.
1808. It ended the exemption of bond for coastal and inland vessels and made it mandatory for every ship large or small to produce a manifest, secure clearance, and furnish a certificate of landing. No vessel could receive clearance unless loaded under the inspection of a collector. No ship was allowed to depart for a port adjacent to foreign territory without special permission from the President. Commanders of war ships and gunboats were authorized to stop any ship on suspicion, and foreign vessels involved in the coastal trade were now barred from such activity. Collectors were authorized to detain any coastal vessel on suspicion and a release could only come from the President. The collectors were also authorized to take into custody "any unusual deposits of provisions, lumber, or other articles of domestic growth or manufacture," in any port adjacent to foreign territory. These goods could then be held for bond to insure their delivery within the country. The flow of traffic on the Mississippi River was also subject to regulation, for all boats going down stream had to stop at Fort Adams, Mississippi, and if going upstream, at Iberville, Louisiana. At these points they had to declare their entire cargoes. When returning, if cleared, they were to turn over to the officer who previously issued the certificate another certificate stating the goods had been landed in a lawful port. A two-month time limit was established if the boat was going down stream, but if going upstream a six-month interval was allowed. The penalty for failure to abide by these restrictions was a $1,000 to $5,000 fine.

The fifth and last in the series of Embargo Acts was the second

⁹²Ibid., p. 431.
Enforcement law, January 9, 1809. The final law punished with forfeiture of the cargo and ships or other conveyance or with fines and forfeiture of the value of the cargo: "any person loading on ship, vessel, boat, watercraft, cart, wagon, sled, or other carriage or vehicle, with or without wheels, any specie, goods, wares, or merchandise, with intent to export or convey out of the United States." In addition, permits from collectors were required to even load a vessel, and it reiterated the requirement that the loading was to take place under inspection. Under this law bonds of six times the value of ship and cargo were required and collectors could demand suspicious goods to be unloaded. To insure the ships relanding in the United States the law also stated, "neither capture, distress, or other accident whatever, shall be pleaded or given in evidence in any such suit," unless it could be proven that the capture was hostile and the accident not due to negligence. To enhance enforcement the President could use land and naval forces and call out the militia. He was also authorized to employ thirty vessels for use in patrolling the coast. With the passage of the final law the only group of traders in the United States not subject to Embargo restrictions were the Indians of the frontier involved in the fur trade with Canada.

Now that efficient enforcement was legal the problem of prosecuting those accused of smuggling activities arose. There were counter claims and law suits brought against the collectors, which made some hesitant about fulfilling their duties. They might hold a suspicious

\[93\] Dice Robin Anderson, op. cit., p. 135.

\[94\] Ibid.
cargo, but the question arose as to what was to be considered suspi-
cious? In an attempt to eliminate the fears of his agents, Gallatin
established the so-called one-eighth rule.

The one-eighth rule provided that ships could carry goods in
the coastal trade, except to ports adjacent foreign territory, if the
value of the cargo was one-eighth that of the bond posted. The require-
ment went beyond the laws, but gave the collectors something concrete
to stand on and at the same time permitted the necessary provisions to
be sent where they were needed. A second problem arose with the courts,
for juries were reluctant to convict accused law breakers. John Quincy
Adams in writing of this problem stated that the District Court of
Massachusetts after trying upward of forty cases of Embargo violations,
had adjourned without a single conviction. In fact, one New England
juror had declared that he would never agree to an Embargo conviction.

In addition to the smuggling and legal entanglements some mer-
chants simply refused to obey the law, a situation that became more and
more apparent in 1809 just before the Act was repealed. To illustrate
the seriousness of the final situation a report received in March, 1809,
stated there were forty American ships in Liverpool, Embargo breakers,
and more were expected. Six months earlier Gallatin had stated that
the Embargo as a means of preventing war, and forcing England to res-
pect American neutral rights, was defeated. In his words: "The Embargo
is now defeated by open violations, by vessels sailing without clearance
whatever; an evil which under the existing law we cannot oppose in any

95Leonard D. White, op. cit., p. 457.
96Ibid., p. 470.
way.\textsuperscript{97} The Enforcement Act of January 9, 1809, made opposition more bitter and John Quincy Adams and Speaker of the House Joseph B. Varum both feared a collapse of the Union.

Even Jefferson reported that Congress fell under the belief that the alternative was civil war or repeal. Wilson Cary Nicholas, Representative from Virginia, called for June 1, 1809, to be the date set for repeal and that letters of marque and reprisal should be issued against both France and England. The Federalists were able to defeat both of these measures, and the date for repeal was set for March 1. Jefferson beat this dead line by three days, signing the bill March 1. His great experiment, as he said, collapsed "in a kind of panic."\textsuperscript{98} Nevertheless he held to the belief that the Embargo would have been effective if given a little more time. When the War of 1812 ended he declared, "a continuance of the Embargo for two months longer would have prevented our war."\textsuperscript{99} Thus, the era of the Embargo came to a close. It had been an effort brought about by extraordinary circumstances, for the only other choices appeared to be war or submission to both England and France.

\textsuperscript{97}Nathan Schachner, \textit{op. cit.}, p. 876.
\textsuperscript{98}Leonard D. White, \textit{op. cit.}, p. 471.
\textsuperscript{99}Ibid.
CHAPTER VII

EVIDENCE OF THE ADAMS PAPERS ON JEFFERSON'S EMBARGO

John Quincy Adams once wrote, "the inhabitants of this mighty empire are fellow citizens of one republic never to be dissolved." Although that statement was made in 1829 it seems to reflect the basic philosophy of his entire political career.

When Adams returned from Europe in 1803, following a tour of diplomatic duty, he was sent by the state of Massachusetts to serve in the United States Senate. Massachusetts had a tradition of federalism which the younger Adams was expected to uphold, but the New England brand of federalism had been twisted to suit the mercantile interests. The result was an inevitable clash between the Adams' philosophy of serving the nation as a whole and the sectional interests of the Northeast. The rift opened when the Quincyite voted in favor of the Louisiana Purchase. Federalism was fighting for survival, and its adherents saw in the purchase an undetermined number of future Democratic states. These states, upon admission to the Union, would spell the final downfall of the Federalist Party. Adams believed the acquisition of Louisiana would keep Napoleon out of the region, and thus secure the peace and safety of the United States. He was also convinced that the addition of the territory would extend national power. Adams further reasoned that if the territory remained in French hands it would

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be subject to capture as enemy property by the British.

Many leading Federalists were angered over Adams' display of independence. The Essex Junto, led by Timothy Pickering, was particularly vocal in accusing Adams of bolting the party for personal gain. Stephen Higginson, Boston banker and leading Federalist, called him a "kite without a tail." Commenting further, Higginson declared, "he will be violent and constant in his attempts to rise and will pitch on one side and the other, as the popular Currents may happen to strike." But as the Federalists were criticizing Senator Adams for his non-partisan reasoning on matters of foreign policy, relations between England and France grew increasingly violent. Each was determined to ruin the other even if it meant a complete disregard of international law. John Quincy Adams supported the Administration as the nation attempted to respond to the degrading onslaughts of England and France, which resulted in his complete denunciation by the Federalist Party.

British aggressions against American shipping continued to mount throughout the years 1805 and 1806 due to Sr. William Scott's decision in the Essex case. No longer could neutral vessels carry goods to the European continent under the doctrine of broken voyage. As the number of seizures increased many Americans came to the conclusion that something must be done. John Quincy Adams was of the same opinion, and served on the Senate committee which drafted a series of three resolutions protesting British actions and recommending non-importation of British goods. When the Non-Importation bill was presented for

final vote, Senator Adams was the only Federalist in either congressional house to give his assent to the measure. Again the Quincyite had backed the Administration on matters of foreign policy, much to the disgust of his constituents who viewed the Non-Importation Act as meaning a monetary loss, and as being pro-French. The act, although passed in April of 1806, was not to go into effect until November 1 of the same year. In the meantime the Administration hoped that a treaty, satisfactory to the United States, might be made. To achieve that desired goal, Jefferson sent William Pinkney of Maryland to join James Monroe in England. His instructions were to make a new treaty, which would prohibit impressment and establish the doctrine of broken voyage. A treaty was subsequently drawn which both Monroe and Pinkney signed. Although it sanctioned the doctrine of broken voyage, no guarantees regarding impressment were made. Even the former concession had little meaning, for Britain still insisted on the right to blockade the ports controlled by France. Also, the British reserved the right of retaliation against the Berlin Decree, unless the United States registered effective resistance to the French law. A treaty signed under such circumstances would have had little meaning, and in effect would have made the United States a satellite of England. Consequently, Jefferson refused to submit the proposed treaty to the Senate.

John Quincy Adams believed the President's course of action correct. He wrote that a treaty signed under such conditions would only lead to war with France. On the other hand the Essexmen supported the treaty, for it would have meant closer ties with England, one of the particular goals of that group. Trade with England, even though subject to regulation, was still a lucrative proposition. Thus, it
appears that the Federalist merchants were willing to suffer the British aggressions rather than risk the loss of that outlet for their products.

The climax of British hostilities occurred June 22, 1807, when the Chesapeake was wantonly attacked. When Adams received the news he called upon the leading Federalists to support the government. He felt the outrage was a direct affront to the whole nation, and advocated that some form of united action be taken. The Essex Junto was not willing to stand behind the nation. Instead, they belittled, and even publicly justified the incident. In so doing they were actually condoning impressment. In response, the Republicans, headed by Elbridge Gerry, held two town meetings in Boston. John Quincy Adams attended both. At the first he served on a committee of seven which reported a resolution that stated: "though we unite with our government in wishing most ardently for peace on just and honorable terms, yet we are ready cheerfully to co-operate in any measures, however serious, which may be judged necessary for the safety and honor of our country, and will support them with our lives and fortunes." Adams served as chairman of the second gathering at which another resolution was passed calling the British act "a wanton outrage upon the lives of our fellow-citizens, a direct violation of our national honor, and an infringement of our national rights and sovereignty." Thus, by late 1807, it appeared that Adams was well on the way to a complete break with the Federalist Party due to his stand on the Louisiana Purchase, the Non-Importation Act, and the Chesapeake Affair. However, the final separation between Senator Adams and the Federalists occurred in December of

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102 Bennett Champ Clark, John Quincy Adams (Boston, 1932), p. 102.
1807 when the Embargo became law. Adams' support of that issue, and his service on the committee which reported the bill, caused the legislature of Massachusetts to appoint and begin instructing a replacement nearly a year before his term in the Senate expired. That situation led to his resignation on June 8, 1808.

By November of 1807 Adams seemed to be convinced that war with England and France was impossible to avoid. His conviction of impending conflict he noted in his diary:

> The opinion I have entertained for some months that this Country cannot escape War is very much confirmed; it is a prospect from which I would gladly turn my eyes. To my parents — to my children — to my Country full of danger if not of ruin, yet a prospect which there is scarce a hope left of an ending. May I meet it as becomes a Man. 103

At that time Adams knew nothing of Jefferson's plans for an embargo.

In conversation with William Mitchell, Senator from New York, the subject of whether or not the Administration had taken any steps for vigorous action was discussed, and as far as either knew Jefferson had not formulated a policy of any kind. The President had advocated the building of gunboats, but both Senators Adams and Mitchell viewed their existence with disgust. They were convinced that some other "measure of energy" was necessary. 104 Adams' belief in the need for stronger actions to secure the honor of the nation, and his convictions that the British were attempting to ruin American commerce, led him to propose a resolution barring all foreign armed vessels from American ports

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103 John Quincy Adams, "Diary in Abridgement," The Adams Papers, Part I (Boston, 1954), Microfilm reel Number 30, entry for November 9, 1807.

104 Ibid., entry for November 11, 1807.
"with the exception of Distress, Dispatches, and Treaty rights."\(^{105}\)

The resolution was rejected much to the joy of the Essex Junto who "accused him of bringing forth an aggression bill."\(^{106}\)

At this same time, across the ocean, British newspapers declared that pending Anglo-American negotiations were to be transferred to the United States. According to Jefferson the transfer was an excellent idea, because it would take time. The President believed that in the interlude England and France might make peace. Jefferson had conveyed these feelings to David Erskine, the British Ambassador. When Senator Adams heard of this conversation he not only voiced his opinion of the Administration's policy, but at the same time revealed the fact that he knew nothing of what Jefferson was planning. He noted in his diary that, "if there was any sincerity in these words Procrastination includes the whole compass of Mr. Jefferson's policy, which I believe to be really the case."\(^{107}\)

On December 14, 1807, Adams again noted his ignorance of Administrative plans. Hearing the news of the British Proclamation of October 16, 1807, legalizing impressment, he wrote in a letter to his brother Thomas: "The British Proclamation brings indeed very near to an issue the general question of impressment from our merchant vessels. How, or whether we shall parry it I am not yet informed."\(^{108}\) The final impressment issue caused Adams to lend even

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\(^{105}\) **Ibid.**, entry for November 17, 1807.

\(^{106}\) **Samuel Flagg Bemis, op. cit.,** p. 142.

\(^{107}\) **Microfilm reel Number 30, op. cit.,** entry November 27, 1807.

\(^{108}\) **John Quincy Adams, "Letters Received and Other Loose Papers," The Adams Papers, Part III (Boston, 1957), Microfilm reel Number 405, December 14, 1807.**
greater support to Jefferson, for he like the President was "not pre-
pared to put the fortunes of this country upon the dias of War, for
the unqualified pretention of protecting all men without exception on
board our merchant vessels. Still less for the pretense of protecting
Deserters from foreign ships public or private."\(^{109}\)

Jefferson had continued to hope for peace in Europe, which he
believed would end America's problems. He was doomed to disappointment,
for hostilities between France and England continued to mount. He was
definitely opposed to war, but on December 17, 1807, when he received
the unofficial report of the Orders in Council of November 11, 1807,
barring all neutral vessels from ports other than those controlled by
England, he knew some form of action was necessary. To Jefferson, the
Embargo appeared to be the only solution short of war, a means of keep­
ing American commerce out of British hands. Thus, on December 18, 1807,
he sent a special message to the Senate calling for such a measure.
After the Presidential report was read it appeared to the majority in
Congress that Napoleon was determined to carry into full effect the
decrees of November 21, 1806, without regard for American neutrality.
The message also contained England's proclamation recalling her seamen
and authorizing impressment, but did not mention the news of the Orders
of November 11, 1807. Senator Adams voted with the majority on the
question. But, in a letter to his father dated December 27, 1807, he
noted his lack of faith in the newly enacted law as an effective meas­
ure of forcing England and France to halt their aggressions. In refer­
ence once again to the impressment issue he wrote: "The British

\(^{109}\text{Ibid., December 14, 1807.}\)
Proclamation, expressly commanding impressment from our merchant ves­sels, and assuming in the fact a right of annulling our laws of naturalization, has given again a new and darker complection to our old controversies on that subject. We ought not I think to suffer this encroachment and yet I know not how we can take a stand against it without coming to immediate war.\textsuperscript{110}

To Adams the Embargo was only a temporary and defensive measure, for he was well aware that the United States was sorely unprepared for war. Yet, submission to the orders and decrees was equally distaste­ful. Thus, he believed that the Embargo was the only alternative. He made this position quite clear when he wrote that:

Our prospects (for peace) have indeed been growing more gloomy from day to day and we have now, at the express call of the President, an unlimited Embargo. To this measure, as merely precautionary and defensive I gave my assent and vote. Under the decrees of France and Great Britain dooming to capture and confiscation all our ships and cargoes trading with either of those powers we had no other alternative left, but this or taking our side at once in the War. I do not believe indeed that the Embargo can long be continued--but if we let our ships go out without arming them author­izing them to resist the decrees, they must go merely to swell the plunder of the contending parties.\textsuperscript{111}

The result of Senator Adams' support of the Administration was the immediate condemnation by his constituents. His reply to the as­saults not only reflect his independent attitude, but the vigor with which he supported what he believed to be the best interests of the nation as a whole. Nonetheless, Adams was well aware that the stand he had taken might cost him his Senate seat. In his personal diary

\textsuperscript{110}Ibid., John Quincy Adams to John Adams, December 27, 1807.

\textsuperscript{111}Ibid.
he noted:

On most of the great national questions now under discussion, my sense of duty leads me to support the administration, and I find myself of course in opposition to the federalists in general. But I have no communication with the President other than that in the regular order of business. In this state of things my situation calls in a peculiar manner for prudence; my political prospects are declining, and as my term of service draws near its close, I am constantly approaching to the certainty of being restored to the situation of a private citizen. For this event however, I hope to have my mind sufficiently prepared. In the meantime I implore that Spirit from whom every good and perfect gift descends to enable me to render essential service to my Country, and that I may never be governed in my public conduct by any consideration other than that of my duty.112

In short, Adams broke with the Federalist Party due to their justification of British aggressions. Senator William Plumer, of New Hampshire, wrote Adams noting the Federalist position and expressing regrets. His letter stated: "I regret that so many of our federal papers abound with publications justifying the conduct of Britain and with invectives against our own government. Many of those writers appear to have their pens dipped in the gall of party, evinces a determination, at all events, to condemn the measures of their country, and to approve of those of their and our enemy. In times like these, we ought to feel as Americans, rise superior to the interests of party."113 Plumer could certainly sympathize with Adams, for he like the Quincyite had taken his stand against England, which "rendered him as unpopular with the Exeterites in New Hampshire as Adams had become with the Essex Junto in Massachusetts."114

112Microfilm reel No. 30, op. cit., entry December 27, 1807.
113Microfilm reel 405, op. cit., December 22, 1807.
Soon after the Embargo was enacted into law John Quincy Adams corresponded with Governor James Sullivan. In a lengthy letter he explained his understanding as to the causes of the Embargo, and at the same time presented his personal views as to why it was necessary. He explained the causes by illustrating five basic points. First, the measure was expressly recommended by Jefferson after the latter had received news of the most recent British orders and French decrees. Secondly, he noted that Anglo-American negotiations had been transferred to the United States, and that a squadron of British warships was standing off the coast. Adams believed that the British offers would be unacceptable, and when negotiations were broken off these warships would begin hostilities. His thoughts regarding the acceptability of the British offers later proved to be correct, for had the United States consented to the British demands degradation would have been the result. The existence of warships off the nation's coast caused Adams to feel that the wisest move was to keep American ships in their home ports, thus keeping them out of British hands. Next, he mentioned to Sullivan the Orders of November 11, 1807, which were intended to force all neutral vessels to pass through ports under British control. Adams believed this requirement would only cause American commerce "to become British commerce." His fourth point presented the idea that the Embargo would throw sailors out of work, and those who were British would return to the ships of their own nation. To Adams, the return of these men would be desirable from the standpoint that, "it would take away the only pretext the British have to offer for engaging in a quarrel with us." Finally, he noted that the Embargo was to be an experiment, not only to test the support of the people toward
the government, but to discover whether or not it could be used as a successful instrument in preventing war. Needless to say Timothy Pickering and the other leading Federalists were not convinced of the Embargo's necessity. They not only criticized the law itself, but levied a bitter assault against those who had supported the measure.

Adams realized the immediate public resentment, and that realization may have caused him to have some doubts over the necessity of the Embargo. The doubt in Adams' mind became apparent on January 11, 1808, when he introduced a motion calling for the appointment of a committee to inquire as to when the Embargo might be repealed. The motion failed.

The Senior Adams also noted the resentment in Massachusetts. In his letter of January 17, 1808, he not only reported the existing circumstances, but also advised his son on a course of action. His letter contained the following statement:

The Embargo is a stroke instantaneously felt, and will be more and more irksome every day. I will not presume to conjecture how long this stagnation of business can be borne, but I certainly know it will not be tolerated many months. Congress will be forced to the alternative of granting Letters of Mark (Marque) letting loose privateers, and sending out Frigates, or repealing the law. This Congress and the Administration I am convinced will never declare war against her (England). We shall remain therefore in this state of inactivity till the people will burst open the irons we have closed upon the oceans, either by overawing Congress, or by downright disobedience to the Laws. My advice to you is, steadily pursue the course you are in, with moderation and caution however, because I think it is a path of justice. But you must ere long vote for repeal.

From the tone of his letter it appears that the elder Adams was also

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116 Ibid., John Adams to John Quincy Adams, January 17, 1808.
losing faith in the Federalist Party.

On January 23, 1808, John Quincy Adams again aroused the wrath of the Essex Junto by attending the Republican presidential caucus. James Madison was the popular choice, and Adams, on becoming aware of the overwhelming majority, also voted in Madison's favor. It is interesting to note at the caucus a single vote was cast for John Quincy Adams for Vice-President.

Following the Republican caucus Adams realized that his days in the Senate were numbered. He had backed the Administration on the major issues of the time, and for his efforts had gained the unceasing condemnation of the Essex Junto. The Pickering group launched its assault upon the Quincyite for his alleged statement that he "would not deliberate" on the Embargo question, but that he would act immediately. Senator Adams replied to the accusation in a letter to the editor of the Palladium in which he stated:

You are requested to state to the public that John Quincy Adams never said in the Senate of the United States that, he would not deliberate. He confidently believes that he never used the words; he is certain that if he did use them it was in connection with other words which gave them a meaning entirely different from that which has been imputed to him.

The sentiments which he did express were these: That the commerce and seamen of the United States were threatened with the most imminent dangers, that besides the official documents sent with the President's Message recommending the Embargo that officer perhaps have received information which could not be communicated to Congress, but which might concur with the official papers, in producing the recommendation in the message. That under these circumstances, what ever doubt might have remained upon his mind in considering only those two papers, he could not allow them to weigh against the express recommendation of the first Magistrate upon his high responsibility of the Nation. That he could not justify it to himself or his country, if in such a state of things he should refuse his assent to the measure thus required. That having come to this conclusion, he was against postponing the final decision of the question in the Senate to another day.
For these sentiments he is willing to abide by the judgment of his country, of the world, and of posterity. The expression of subserviency to the recommendation of the President, and the refusal to deliberate, which have been imputed to him he explicitly denies.  

Adams had begun to fight back against the Junto, but from the tone of a letter to his brother he was rapidly realizing the futility of such a struggle when he wrote: "I have no personal views or expectations whatsoever. I have nothing to ask, nothing even to wish. That the only reason upon which I have supported the Administration is a conviction that they are struggling to maintain the best interests and rights of the country. Whether this answer was satisfactory or not is unimportant." 

Nevertheless, Adams had cause to worry. He had seen the letter of intrigue from Sir James Craig, Governor of Lower Canada, in which Jefferson was accused of being pro-French. The Craig letter reported that Napoleon intended to conquer England's possessions in North America, and divide the United States by forcing the nation to declare war on England. The President was supposedly aware of, and in agreement with the plot. The letter was circulated among the members of the Junto, who in turn never lost an opportunity to proclaim its accusations of French influence publicly. Theophilus Parsons repeated the Federalist lament that the people of the United States had been corrupted by France, and were well on the road to being given over to

117 John Quincy Adams, "Letters Received and Other Loose Papers," The Adams Papers, Part III (Boston, 1957), Microfilm reel Number 406, 1808, no other date recorded.

118 Microfilm reel 405, op. cit., John Quincy Adams to Thomas Adams, February 6, 1808.

119 The original of the Craig letter has never been found. This is John Quincy Adams' report of its contents.
control by that country.\textsuperscript{120} The charges of French influence caused Adams to seek a conference with Jefferson in March of 1808. At the meeting on March 15, the topics of discussion were the works of the Essex Junto, and whether or not the Chief Executive had consented to any French demands. They concluded that the actions of the Junto were unpatriotic, and Jefferson assured Adams that he "had never had any understanding whatever with Napoleon."\textsuperscript{121} Adams was now convinced that he had pursued the proper course, and that Jefferson had the best interests of the nation first and foremost in his mind.

A pamphlet written by Timothy Pickering was to become the bible of the Essex Junto. Its author used every available criticism of the Embargo and had hundreds of copies distributed throughout New England. He even went so far as to openly recommend that the United States should accede to British demands. John Quincy Adams replied to this publication in a lengthy letter addressed to Harrison Gray Otis. In his letter Adams reaffirmed his belief that every American citizen should support the existing Administration in that time of crisis regardless of party ties. He openly condemned Pickering for calling upon the legislature of Massachusetts to nullify the Embargo. Adams felt that if a state could set aside a federal law the nation would no longer exist. Instead, it would break into small sections of vested interest. If such a situation was to occur he noted that these sections could very readily slip back into the waiting arms of England. When Picky-

\textsuperscript{120}Theophilus Parsons, judge in the Massachusetts Supreme Court. John Quincy Adams had gained much of his knowledge of law by studying under Parsons.

\textsuperscript{121}Samuel Flagg Bemis, \textit{op. cit.}, p. 162.
ing argued that trade should be resumed, Adams replied that if such a circumstance was to happen it would only mean that American commerce would once again be subjected to British restriction and regulation. To Adams, the ability of the British to continue seizing American ships would only mean a "sacrifice of everything that can give value to the name of freemen," and "abandonment of the very right of self-preservation." Adams also believed the resumption of trade would only constitute submission to England and allow them control over American commerce. He felt such a circumstance would not only degrade the nation, but lead to war with England's enemies. As he stated, the United States would be "doomed to share the destinies of her conflict, with a World in arms." Impressment was adjudged by Pickering not to be a cause for the Embargo. The leader of the Essex Junto argued that the impressment question was of little importance, because the number impressed was small, it was impossible to distinguish an Englishman from an American, and impressed Americans were released when sufficient evidence of their origin was presented. Adams refused to accept these arguments, contending that the number of times the act was committed made little difference. Referring to Pickering's second and third arguments, he wrote:

It is not from the impossibility of distinguishing English from American seamen, that this crime is committed; examine the official returns made to the Department of State, and you will find that the British officers often take men from mere resentment, from malice to this country, from the wantonness of power, or when they manifest the most tender regard for

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122 Microfilm reel 106, op. cit., John Quincy Adams to Harrison Gray Otis, 1808, no other date recorded.

123 Ibid., John Quincy Adams to H. G. Otis, 1808.
the neutral rights of America; they lament that they want the men. They regret the necessity, but they must have their complement. In the mean time, the impressed native American Citizens, upon duly authenticated proof, are delivered up indeed! The process is time consuming, the sailor might be in a distant port, it might have been taken by the French. Adams persisted in his arguments regarding impressment, stating that the United States had never denied England's right to recall her seamen in time of war, but he insisted that the basic question was whether or not the British had the right to take them forcibly while in the service of this nation. The Pickering Pamphlet went on to belittle the significance of the Chesapeake Affair. Its author even insinuated that England had made restitution by recalling Lord Berkely in disgrace. Adams answered that comment by noting that Lord Berkely was not recalled, but instead was given the compliments of Lord Halifax. The lack of justice caused Adams to believe the British never seriously intended to make reparations for the Chesapeake Affair. Commenting on the lack of energy in the British government concerning an honorable relationship with the United States, Adams wrote: "A liberal and a hostile policy towards America, are among the strongest marks of distinction between the political systems of the rival statesmen of that Kingdom. It may be inconceivable, that there is a party, of great weight and influence, in the Councils of the Country, who never have abandoned the hope and expectation of reducing again these United States to the condition of British Colonies. That party is now in higher power than at any period since the year 1793." 

124 Ibid., John Quincy Adams to Harrison Gray Otis, 1808.

125 Ibid., John Quincy Adams to Harrison Gray Otis, 1808.
The Orders in Council of November 11, 1808, were not contained in Jefferson's message to Congress, but Adams had been forewarned of their existence by reading the London and Liverpool newspapers. Pickering failed to mention their existence to which Adams commented, "This singular omission, is to me the more surprising, because these orders, furnished one of the most decisive considerations, which induced me to vote for the Embargo, at the time when it was laid; because they together with the subsequent retaliating decrees of France and Spain have furnished the only reason upon which I have acquiesced in its continuance to this day."\(^{126}\)

In final rebuttal Adams noted that, "the whole tenor of his \([\text{Pickering's]}\] arguments goes to persuade us that on all points we ought to yield to the pretensions of Britain. It is a summons to surrender, in behalf of our Enemy, issued from the centre of our own camp. A denial of our dearest rights, issued from the very sanctuary which should protect them."\(^{127}\)

Adams in his thinking had placed the best interests of the nation above those of his constituents to whom the Embargo meant an ever-shrinking purse. The result was venomous criticism, and the accusation that he had bolted the party. An example of the type of abuse he was to suffer came in an anonymous letter dated March 8, 1808. The unknown writer remarked: "It is said that the whole of Mr. Quincy Adams' doings are involved in mystery. There is no mystery in them. When the public interest is sacrificed for private views what will a man do in order to appear to be patriotic? Lucifer son of the morning, how hast thou

\(^{126}\) Ibid., John Quincy Adams to Harrison Gray Otis, 1808.

\(^{127}\) Ibid., John Quincy Adams to Harrison Gray Otis, 1808.
fallen? We hope not irrecoverably. Oh Adams remember who thou art. Return to Massachusetts. Return to thy Country. Awake—arouse in time."¹²⁸ That letter was simply signed "A Federalist," but it serves to illustrate Federalist feelings, and was a warning that more assaults were to follow. Adams soon found his name being attached to such unflattering expressions as, "one of those amphibious politicians, who lives in both land and water, and occasionally resorts to each, but who finally settle down in the mud." He was called a "party scavenger," a "popularity seeker," and it was said that he was "courting the prevailing party." These same critics also said that John Quincy Adams was "unworthy of confidence" and was one of "Bonaparte's Senators."¹²⁹ Many Federalist critics also attacked Adams from the standpoint that he had supported the Embargo to promote selfish interests.

As the time for Congressional adjournment neared in 1808 Adams' unpopularity had become extremely evident. In a letter received March 21, 1808, he read the unencouraging report that, "On your return you must expect to find yourself in a strange land. The sour looks and the spiteful leers will not be few, that you will have to encounter."¹³⁰ Thomas Adams also commented on the Federalist meeting in Boston in which the Embargo was condemned as being a law without motive, and that it had been levied at the insistence of France. Through the early months of 1808 conflict continued to mount in Massachusetts, not only

¹²⁸ Microfilm reel 405, op. cit., anonymous to John Quincy Adams, March 8, 1808.

¹²⁹ Samuel Flagg Bemis, op. cit., p. 118.

¹³⁰ Microfilm reel 405, op. cit., Thomas Adams to John Quincy Adams, March 21, 1808.
over the Embargo, but on the question of whether or not John Quincy Adams should keep his seat in the Senate.

The elder Adams had noted with concern his son's growing unpopularity in Federalist circles, but this was a secondary topic in his letter of April 12, 1808. His correspondence of that date noted the impact of the Embargo, and speculated on the possibility of internal rupture within the nation. Still he offered no solution to either dilemma when he wrote:

The Embargo tingles in every vein. The clamour against it will grow louder and louder, and every man who voted for it will grow more and more unpopular with the party who oppose it. A repeal of the Embargo Laws, would instantly expose many rash adventures to burn their sails. Arming their vessels would be of little or no use, without Frigates to convoy and protect them. The present Congress will never declare war against England or France. Neither of those powers will declare war against us, more explicitly than they have done already. Are we then to remain for years in this situation? We might be more disposed to war among ourselves, than we are to fight with any foreign power. The present humiliation of the Northern states cannot long continue, without producing passions which will be very difficult to restrain.131

While the Federalists were raging against Adams, the Republicans were welcoming him into the fold. The Republican newspaper, the Essex Register of Salem, Massachusetts, called him, "an Atlas unshaken by the roaring blasts of Federalism." Another, the Independent Chronicle of Boston, praised him as, "the ablest member of the American Senate."132

These epistles of Republicanism even went so far as to forecast that Adams, due to his change in politics, might one day become President. It is doubtful at this juncture that Adams considered himself either a

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131Microfilm reel 406, op. cit., John Adams to John Quincy Adams, April 12, 1808.

Federalist or a Republican. In truth he was not a party man. He made that position quite clear when he wrote, "any measure which emanates from Mr. Jefferson, which I believe correct, will receive my most cordial support. Measures, which in my conscience I believe wrong, I shall as warmly oppose, let them come from what source they may."\textsuperscript{133}

The struggle over the Embargo continued to mount throughout the year 1808. Tempers flared in the New England area due to monetary losses. Some Federalists advocated secession from the Union, while others simply encouraged disobedience to the law. Levi Lincoln called that critical period, "one of the most animated, active, and violent political conflicts I have ever witnessed."\textsuperscript{134}

The climax of the Adams fight with the Essex Junto came June 3, 1808, for on that date the legislature of Massachusetts voted 21 to 17 in favor of James Lloyd as Senator. To Adams this simply meant that he had been recalled, for his term did not expire until March 4, 1809. Noting the feeling of the Massachusetts legislature he resigned his Senate post June 8, 1808. The following excerpts from his personal diary explain Adams' thoughts at that time: "The election was precipitated for the sole purpose of specially marking me. For it ought, in regular order, not to have been made until the winter session of the Legislature. They also passed resolutions enjoining upon their Senators a course of conduct which neither my judgment could approve nor my spirit brook. I therefore resigned my seat."\textsuperscript{135}

\textsuperscript{133} Microfilm reel 406, \textit{op. cit.}, 1808, no other date given.
\textsuperscript{134} Ibid., Levi Lincoln to John Quincy Adams, April 18, 1808.
\textsuperscript{135} Microfilm reel 30, \textit{op. cit.}, entry July 11, 1808.
Although the attacks upon him by the Pickering organization had been bitter and caustic, John Quincy Adams could take comfort in the support given him by his family and close friends. His father gave full approval to his son's conduct, even though he felt Jefferson's policy was ridiculous from the standpoint that the Embargo could not be enforced. The elder Adams made his position quite clear when he wrote:

Having explained to you my sincere judgment of the frank opinions of your present and past conduct, I shall now tell you that I fully approve it. Your votes for gunboats, and Non-Importation Laws, ridiculous as are the object I consider as mere implements. These measures considered on the great national scale can do little good or little harm.

The Embargo I cannot blame, though I know its duration must be short. That of 1775 and that of 1794, I had opportunity to observe. Yesterday, about one hundred sailors marched in procession in Boston, and the same will be done in every seaport very soon. You may as well drive hoops of wood or iron on a barrel of gunpowder, to prevent its explosion when a red hot heater is in the center of it, as pretend to enforce an Embargo on this country for six months. It would be utterly impracticable, if you had a regular army of ten thousand men employed with all their bayonets to keep the peace. In our country produce has fallen already fifty per cent, you may infer what will happen in a few months. Repeal or war will be the alternative, very soon.  

A short time later, apparently in a moment of petulance, the old Puritan remarked that he would declare war against England, France, and Spain. Having done so, the nation could expand its boundaries by taking Florida and Mexico. At the same time he mentioned that the nation could resume commerce if only by the capture of foreign vessels. John Quincy's younger brother Thomas also added his support by referring to his brother's actions as being "in the true interests of the nation."  

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136 Microfilm reel h05, op. cit., John Adams to John Quincy Adams, January 8, 1808.  
137 Ibid., Thomas Adams to John Quincy Adams, February 19, 1808.
Others rallied to Adams' stand. William Custis spoke of Timothy Pickering's actions and those of the Junto as being shameful apologists for British aggressions. William Cunningham, in a letter of December 17, 1808, also defended Adams' position. He wrote that, "If party rage had intercepted and thrown aside the tribute of merit which has been expressed by truth, its violence can have no present object in impeding the fair examination of his pretentions to the unabated confidence of his countrymen. . . . I would ask neither candour nor charity to defend him; his defense is perfect."\(^{138}\)

After Adams' resignation from the Senate the Republican Party urged him to re-enter the political arena. He was asked to run for a seat in the House of Representatives, but as a Republican candidate. Adams declined, preferring to follow the advice of his father to resume his law practice, and his professorship at Harvard. He excused himself by stating that he did not wish to run against an old friend, Josiah Quincy. He also refused to accept the Republican nomination for governor of Massachusetts, largely on his father's advice.

John Quincy Adams had realized that his open letter to Harrison Gray Otis would not be widely publicized, and that for his stand on the Embargo question he would be considered a political heretic. He had acted exclusively on his own principles and received for his efforts the bitter rebuke of his party. He had defied the demands of his party, and had been reduced to the ranks of the private citizen. Still, even though he returned to Massachusetts and resumed the practice of law, he was kept informed on issues of national significance. It might even be

\(^{138}\) Microfilm reel 406, op. cit., William Cunningham to John Quincy Adams, December 17, 1808.
suggested that he had as much influence on national policy-making when out of the Senate as he had when sitting with that body. Friends in Congress kept him informed, and his advice was often requested. These friends, through their constant expressions of fear over the unity of the nation, may have caused him to change his mind about the Embargo for he began advocating repeal. 139

Nathan Parker, one such correspondent, expressed the fears of the time, and asserted one cause for the Embargo's failure. In a letter to Adams dated November 25, 1808, he wrote:

We have not only the belligerent powers of Europe to contend with, but the internal discontent and prejudice into which the people of the New England states are driven by those who are unfriendly to the national Government. We have been informed that a meeting of a number has, or is soon to take place in Connecticut to agree on measures for calling a Convention in New England to devise means to effect a division of the Union.

There was a fair prospect of the British ministry's doing us justice or at least agreeing to such terms as we could except (sic) without compromising our honor in June, but when the Spanish revolution was known and they had news of the discontents in America their tone changed.

And when I am informed that a body of troops are at Halifax ready to embark their destination unknown I should not be surprised if a plot should unfold, compared with which Burr's would dwindle to nothing. 140

J. Pitcairn also noted the fact that the Embargo was not having the desired effect, due to Britain's enjoyment of a trade monopoly with Spain

139 It might also be suggested that Adams may have caused many Republicans to change their minds regarding the ultimate success of the Embargo. His frequent correspondence with members of that party may have influenced them to put sufficient pressure on Jefferson to cause the President to relax his steadfast support of the measure.

and Portugal and their colonies. Other reports stressed the inability to enforce the Embargo, while still others complained that if the law was continued national bankruptcy would occur. To Adams, the strongest argument for repeal was the threat of Northeastern secession. He had voted for the Embargo to promote union within the nation, now with the threat of disunion he had no other choice but to favor repeal and be consistent in his philosophy.

By February of 1809 not only Adams, but a majority in Congress were convinced that the Embargo had to be repealed. On February 8, 1809, the House of Representatives passed a bill setting March 1, as the day the Embargo should end.

When it was agreed that repeal was the only alternative, the question arose as to what should replace it. On this issue the members of Congress could not agree. England still refused to acknowledge American neutral rights, and Napoleon had not withdrawn the Berlin and Milan Decrees. Regarding that puzzling situation Adams wrote, "They [House of Representatives] talked of issuing letters of Marque and Reprisal; but they have now decided against that. They talk of authorizing the merchants to arm their vessels. But neither will that succeed. They now talk of non-intercourse with France and England—of excluding armed vessels, of all Nations from our Ports, of raising 15,000 men, of borrowing ten millions of Dollars. It would be passing strange if they should finish by doing nothing at all."\footnote{John Quincy Adams, "Letters Received and Other Loose Papers," The Adams Papers, Part III (Boston, 1957), Microfilm reel Number 107, February 8, 1809.} Yet, the majority agreed that some stand against the aggressors should be taken. Jefferson
would offer no plan due to his wish not to saddle James Madison, his chosen successor, with a pre-formulated policy. Thus, the matter rested solely in the hands of a debating Congress. Finally, on March 2, 1809, William Branch Giles introduced the Non-Intercourse bill, which was subsequently passed. There is some speculation that John Quincy Adams may have suggested it to Giles, since at that time they were friends and frequent correspondents. Later, they would become bitter enemies. Adams was in Washington for Madison’s inauguration, and on March 5, 1809, wrote his wife expressing his views on the Embargo’s repeal and the newly enacted Non-Intercourse Act. His letter contained the following statement: “Congress you know have broken up, after repealing partially the Embargo, after the 15th of this month, and totally at the end of the next session of Congress substituting a non-intercourse with France and England to commence on the 20th of May. I believe nothing better upon the whole could have been done.”

For John Quincy Adams the era of the Embargo had ended, but the criticism by the mercantile interests for his support of the measure would never end. He had begun the era as a Federalist, but ended it being embraced as a Republican. In truth, John Quincy Adams was neither a Federalist or a Republican in a party sense. He had never stopped at the party line when it came to issues which he considered necessary for the nation as a whole.

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1h2 Ibid., John Quincy Adams to his wife, March 5, 1809.
BIBLIOGRAPHY

I. PRIMARY SOURCES


______ , "Letters Received and Other Loose Papers," The Adams Papers, Part III, Microfilm reel Number 105, Massachusetts Historical Society, Boston, 1957.

______ , "Letters Received and Other Loose Papers," The Adams Papers, Part III, Microfilm reel Number 106, Massachusetts Historical Society, Boston, 1957.

______ , "Letters Received and Other Loose Papers," The Adams Papers, Part III, Microfilm reel Number 107, Massachusetts Historical Society, Boston, 1957.


II. SECONDARY SOURCES

BOOKS


Atwater, Elton, American Regulation of Arms Exports, Carnegie Endowment, Washington, 1941.


Dodd, William E., The Life of Nathaniel Macon, Edwards and Broughton, Raleigh, 1903.


King, Charles R., The Life and Correspondence of Rufus King, G. P. Putnam's Sons, New York, 1876.


Spaulding, E. Wilder, His Excellency George Clinton, Macmillan Co., New York, 1938.


PERIODICALS

