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HISTORY

OF THE

UNITED STATES OF AMERICA,

UNDER THE CONSTITUTION.

BY

JAMES SCHOULER.

VOL. II.

1801–1817.

WASHINGTON, D. C.:
WILLIAM H. MORRISON.
1889.

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AUTHOR'S NOTICE.

By way of supplement to the preface contained in volume first, the author desires at this time to make two special acknowledgments. Upon the period embraced in the second volume, much new light has recently been shed by publications of the later Adamses, members of an American family already exceptionally illustrious through four successive generations of vigorous statesmen and thinkers. Among these publications the Diary of John Quincy Adams and the Life and Works of Albert Gallatin here deserve especial mention. The author's other acknowledgment relates to the Monroe Correspondence, at present a huge mass of interesting matter relative to our earlier national history, which lies unassorted in the Department of State, and for whose editorial supervision and publication it is to be fervently hoped that Congress will some day make suitable provision. Through the courtesy of the late Secretary of State, Hon. William M. Evarts, and the accomplished Librarian, Mr. Theodore W. Dwight, the present writer has been permitted, as the first probably among students engaged in such research, to make copious notes from this truly rich historical material.

Encouraged by the reception of his first volume, the author announces his full decision, if life, health, and opportunity are spared him, to continue researches into our national history, so as to bring the narrative gradually down to the end of Buchanan's administration and the great conflict of 1861. To this task he pledges his personal investigation and an honest

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purpose to deal impartially with men and events. But as much time must necessarily elapse before a third volume is ready for publication, the first two volumes of the present work, which comprehend the history of what may be called our first national era, are now issued, with an index, as essentially a distinct and completed work.

J. S.

March 20, 1882.

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HISTORY

OF

THE UNITED STATES

UNDER THE CONSTITUTION.

CHAPTER V.

FIRST ADMINISTRATION OF THOMAS JEFFERSON.

SECTION I.

PERIOD OF SEVENTH CONGRESS.

MARCH 4, 1801–MARCH 3, 1803.

THE first inaugural ceremonies ever conducted at the permanent capital of this nation took place on the 4th of March, 1801, at noon, when Thomas Jefferson was there inducted into office, as the third President of the United States. March 4.

Though the order of exercises was similar to that of former occasions, and the day was celebrated in Philadelphia and the Virginia towns with speeches, processions, salutes, and the ringing of bells, the scene at the Federal capital was unimposing, as befitted the inauguration, in a forest city, of one who at all times looked with singular contempt upon dazzling and ostentatious public spectacles. Attired in the dress of a plain citizen, Jefferson rode his favorite horse over Pennsylvania Avenue, which as yet was scarcely more than a footway cut through bushes and briers, and aided in places by gravel and chips of freestone. He wound up the oak-crested heights of Capitol Hill, at the foot of which was a fine spring, hitched his horse to the palisades, and entered the Senate Chamber at the north wing, which, being partly finished, accommodated

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both Houses. He came attended by a number of his fellow-citizens, mounted and on foot, and found the new freestone structure thronged with spectators, eager for the induction ceremonies to begin.

The Senate had previously convened in extra session, summoned by the late President; and the polished Burr, by this time sworn into the office which the voice of his party had assigned to him, took position in the unfinished chamber, on Jefferson's right, while Marshall, the Chief Justice, sat upon the left.

Many members of the late House, Federalists as well as Republicans, had remained over, out of respect or curiosity, to attend the inauguration; most of the cabinet and other high functionaries of the late administration occupied their places, but it was matter of open comment that neither President Adams nor Speaker Sedgwick was present, both having left the city at daybreak.

Jefferson's inaugural address remains a model of its kind; conciliatory, elevated in tone, full of hope and confidence in the American experiment; modest, nevertheless, as to personal merits. In a strain of eloquent thought, unadorned by graces of delivery—for Jefferson was no orator—he depicted "a rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye." Of the strength and adequacy of this, a republican government, for its own preservation, he boldly declared himself profoundly convinced. So far from admitting that, possibly this federal system, the world's best hope, was wanting in energy, "I believe this, on the contrary," said he, "the strongest government on earth. I believe it is the only one where every man, at the call of the laws, would fly to the standard of the land, and would meet invasions of the public order as his own personal concern."

Introducing thus the thought that the strongest of rulers is the people capable of self-rule, he appealed at the same time for that unity of action which all political parties ought to subserve. Minorities should be generously respected. "Every difference of opinion is not a difference of principle. We have

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called by different names brethren of the same principle. We are all Republicans,—we are Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

In compact and delicious phrase Jefferson next proceeded to lay out the essential principles of the policy he meant to pursue: equal and exact justice to all men, of whatever State or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and the arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; freedom of person under the protection of the *habeas corpus;* and trial by juries impartially selected.

Without pretensions to "that high confidence reposed in our first and great revolutionary character" (to whose memory he paid a passing tribute), Jefferson asked so much confidence only from his fellow-citizens as might give firmness and effect to the legal administration of their affairs; and he pledged himself to the principles he had thus set forth, bespeaking the indulgence of any errors he might commit, declaring that his solicitude would be to retain the good opinion

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of those who had bestowed it in advance, and to conciliate that of others by doing them all the good in his power. "And may that Infinite Power," he concluded, "which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity."*

After the modest delivery of this address, which astonished many who had expected an inflammatory harangue of the Jacobin sort, Jefferson took the oath of office, which was administered by the new Chief Justice, and, amid the discharge of artillery, retired as he had come. After these ceremonies citizens and men in public station, of all parties, called at the executive mansion, and paid their respects. The remainder of the day was given to festivity, and at night Washington flared at magnificent intervals in an unequal illumination.†

The inaugural address impressed the country most favorably. Popular government was taught to fly by making use of its own wings. Never had American executive so confided himself in language to the good will of those he had been elected to govern. Had he thus confided, or did he flatter? But, while the great body of Federalists saw in these maxims much to which they could heartily subscribe, much indeed that in the heat of political strife they had been taught to dissociate from Jefferson and his followers, their ruling minds construed this address too readily into a surrender of principles and patronage. Jefferson was too consummate a politician to intend anything of the kind. His design was, of course, to harmonize parties; not, however, by making peace with the chieftains who had opposed him, but by drawing from them their own followers, who, as he well knew, loved liberty better than the perpetual schoolmaster. His opportunity was good for setting the Union on the Republican tack. The course of affairs in Europe had dispelled the first illusions of the French Revolution, and Americans were more cordially united in that policy of strict neutrality commended in Wash-

* See 8 Jefferson's Works; Annals of Congress.

† For details of this inauguration see Washington Intelligencer, Columbian Centinel, and other current newspapers; Bayard (who was present) to Hamilton, 6 Hamilton's Works; John Davis's Travels; Jefferson's Domestic Life.

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ington's Farewell Address. Adams had unravelled the worst knot in our foreign relations. Peacefully disposed, America had struck the high road to plenty and prosperity. Republicanism, in order to succeed, had to develop not an external so much as an internal policy; and it was upon the latter that Jefferson relied to give his cause stability and earn the general gratitude.

The sergeants of Federalism were wanted then, not their commissioned officers. Was it not a sweet revenge to take upon those proud, scholarly, disdainful leaders, who had looked upon public office as the privilege of their caste, and who could never stoop to solicit it from social inferiors? Yes; and Jefferson, philanthropist as he was, and calm of aspect even when affronted, was stirred by vindictive passions, and he felt that these men had deeply wronged him. With all his discretion and suppleness, moreover, he was fixed in his main determination.

Experience teaches that it may be of positive advantage to a statesman of merit and capacity, elected to a station of fair tenure under a government like ours, to enter upon its duties with harsh prepossessions to overcome. For the less the good expected, the more surely does that which proves unexpectedly well done redound to his praise; added to which must be the strong incentive always present to win over the more generous and impressible of his adversaries. Partisans in politics ruin their own cause in the end by exaggerating the demerits of opponents, exciting foolish fears, and after all proving themselves false prophets. Jefferson had thus been heralded as a fanatic, a visionary, a semi-maniac, a foe to commerce and public credit, a mobocrat, who sought to put down good men, a French Jacobin, an infidel and blasphemer. It was not difficult for him to better such estimates; and wherever he could do so, his prestige would gain twofold.

Jefferson's designs developed more clearly when he began appointing to office. With reference to patronage the situation was certainly very delicate. For the first time a new national party had been lifted into power; a party whose members had for the four years previous been jealously excluded and even removed from office because of their politics.

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None could deny that Republicans had a reasonable claim to vacancies which might occur until they fairly participated in the national offices. Moreover, the recent conduct of prominent Federalists in the Burr intrigue, and the enlargement of the national judiciary as their last stronghold, President Adams's "midnight appointments," too, as they were called, made during the expiring hours of his own administration, for the purpose of forestalling a successor's discretion whom the country had months before elected over him, had been too outrageous for the new President to overlook, much less to sanction. While once more Jefferson prepared to accept and consolidate with the Republican body the many Federalists who now seemed disposed to reconciliation, he perceived that pride and obstinacy would restrain their most powerful leaders from coalescing, and more particularly that in the Eastern quarter, where British prepossessions were strong, and the influence of the Congregational clergy and the ruling families had been so constantly cast against him, prejudice was inveterate. The advice given by some of his more zealous political friends was to purge out the offices thoroughly, and the party pressure for place was, of course, very great.

But Jefferson by no means inclined to the doctrine of portioning out official places as the spoils of a party or personal triumph. While refusing, from principle, to elevate his chief opponents to office, and determined to ship forever out of influence the Essex junto, the monarchists and the British faction, as men to be tolerated but not trusted, he yet thought it both just and prudent to deprive none of office on political grounds alone. Reflection brought him to the following conclusions: (1.) That as to the appointments to civil offices at executive pleasure which his predecessor had made after the presidential result was known, no mercy should be shown. (2.) That officers guilty of official misconduct (or, one might add, notoriously inefficient) were proper subjects of removal. (3.) That good men differing only in political belief, and performing their functions diligently, were not proper subjects of removal. Another cause for removal occurred to him after some experience, namely, electioneering activity, or open, persistent, and industrious opposition to the principles of his ad-

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ministration; for while, he said, every officer of the government might vote at elections according to his conscience, he should betray the cause committed to his care were he to permit the influence of official patronage to be used to overthrow that cause.*

Among Federal officials removed for misconduct was the Federal marshal in Philadelphia, who was accused of packing juries in the sedition cases. Considering that the judges, too, were Federalists, the new President thought it desirable to make other changes of attorneys and marshals, in order that the judicial equipment might not remain absolutely hostile.† Of the new district attorneys, Edward Livingston was appointed in New York, and Alexander J. Dallas in Philadelphia, Republicans both, of eminent professional ability.

Some officials removed by the last administration on political grounds were now restored to place, Skipwith among them, our former commercial agent at Paris, and other consuls in French ports obnoxious to Pickering. For governor of the Mississippi Territory one of Tennessee's late representatives in Congress, William C. C. Claiborne, displaced the unpopular Winthrop Sargent, whose term had expired.

The commissions signed by President Adams, which Secretary Marshall had to leave on his table, neither countersigned nor issued before midnight of the 3d of March, Jefferson treated as null. In most instances he issued new commissions in form to the obnoxious persons selected by his predecessor and confirmed by the Senate, but some he passed over at discretion. Between forty and fifty justices of the peace for the District of Columbia (whose terms must have extended beyond his present incumbency) were of the latter category, Adams having nominated them on the 2d of March; and these Jefferson reduced to thirty, of whom he commissioned twenty-five, according to his predecessor's selection, and added five of his own. Some of the disappointed justices sued out writs of mandamus to compel the issue of their original commissions from

* See Jefferson's Works, March–July, 1801; October 25th, 1802.
† Ib.

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the State Department, but the Supreme Court declined to take jurisdiction.*

New England Federalists made great outcry presently over the collectorship of New Haven, an office vacated by death shortly before Adams's term expired, which Adams himself had hastened to fill for the Federal party by appointing Elizur Goodrich, a member of Congress from that State. Goodrich was respectable, and by no means rancorous. But Jefferson, partly in scorn of the late President's dead clutch upon the patronage, and more because he wished a State which appreciated his friendship so lightly to feel his power, proceeded early in the summer to remove Goodrich, and appointed Samuel Bishop in his place. Against Bishop's integrity and public experience nothing could fairly be urged; he had been mayor of New Haven, and the Connecticut legislature only in May elevated him to judicial honors. But he was seventy-seven years old, and nearly blind; and this was made a chief ground of remonstrance against the appointment, notwithstanding General Lincoln, the aged Federalist collector in Boston, whom Jefferson retained with the utmost consideration, so felt the infirmities of age that he would habitually drop asleep at his desk in a fit of lethargy.† This new appointment, the Federalists further alleged, was really conferred in order to reward Bishop's son, a young lawyer, and graduate of Yale College, for pronouncing some sophomorical orations against the danger of monarchy and in praise of the new administration; the arrangement being that the father, as politically the stronger of the two, should receive the office while the son performed the duties. However this might be, the remonstrance of New Haven merchants elicited only a pungent letter of reply from the President, in which he made public explanation of his general policy in executive appointments. Intimating in this letter that future incapacity in the incumbent would be a matter for future consideration, and claiming

* Marbury *v.* Madison, 1 Cranch, 137, is the test case, and an important one. The court, whose Chief Justice was the late Secretary of State, commented severely upon the President's course, but decided that the judiciary could not interfere to control the executive branch of the government.

† See Sparks's Life of Benjamin Lincoln.

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that the displacement of Goodrich was only a preference of his own selection for filling a natural vacancy, Jefferson contended that the equal rights of a political sect, now in the minority, which now monopolized nearly all the offices in the United States, were not violated by a participation of that other sect, which had at length gained the majority: "If a due participation of office," he observed, "is a matter of right, how are vacancies to be obtained? Those by death are few, by resignation none. Can any other mode than that of removal be proposed? This is a painful office; but it is made my duty, and I will meet it as such." "It would have been to me a circumstance of great relief had I found a moderate participation of office in the hands of the majority. I would gladly have left it to time and accident to raise them to their just share. But their total exclusion calls for prompter corrections. I shall correct the procedure; but that done, return with joy to that state of things when the only questions concerning a candidate shall be, is he honest? is he capable? is he faithful to the Constitution?"*

One must allow, on the whole, that Jefferson proceeded moderately, and by no means maliciously, in the matter of removals from office; actually resisting those about him who were clamorous for a general proscription, and setting an example of forbearance such as parties of our later times seldom practice in the first flush of victory. He desired to win by tranquillizing the country. In New York and Pennsylvania, States where political antipathies were very violent, he yielded somewhat to the advice of Governors Clinton and McKean, and made a few local removals for political cause. Yet during the first fourteen months of Jefferson's administration only about sixteen vacancies of this character were created, in order to make room for Republicans to participate in the offices. After that time very few removals were made at all, and those almost entirely because of some delinquency in the incumbent, or else his bitter and active opposition to the new order of things. "I still think our original idea as to office is best," wrote Jefferson in 1802; "that is, to depend for the obtain-

* Jefferson's Works, July 12th, 1801; newspapers of the day; 5 Hildreth.

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ing a just participation on deaths, resignations, and delinquencies."*

Those appointed to office were for the most part men of capacity and character, servants of the public not inferior to those they superseded, except it were in prestige. Every party of radical or levelling tendencies comes into power bringing men whose services demand recognition, but who ask to have constructive measured by destructive abilities; wits, stinging but unsavory; socialists, at crossed swords with society, whose rules they despise too much to know how to govern it; theorists and fanatics, and irrepressibles of all kinds, self-seeking and spiteful in the hour of victory. The love of place infects all grades of mankind, and idealists constantly overrate their practical talents. All such components were in the Republican party when it carried the patrician trenches, and Jefferson managed them with infinite skill; not forgeting party friends, but assigning to each one his proper place. For posts which required specialists or men of science, the specialist or man of science was selected. The Paines, the Lyons, the Callenders, honored by marks of favor as recompense for the wrongs they had endured, he would not quarter offensively upon the public. To the despondent author of the *Rights of Man*, lodged at this time in a mean and dirty garret at Paris, obnoxious to both King George and the First Consul, and despairing of a safe convoy to America, he offered a return passage in the first national vessel which bore dispatches to France; a courtesy which, though not accepted, filled Paine with delight. He released Callender from imprisonment, and remitted the fine imposed by Judge Chase. The prosecution instigated against Duane, to vindicate the majesty of the Senate, was stopped; but Duane, whose newspaper after the removal of the capital from Philadelphia declined in national influence, had only at present the public printing for his political reward.

Jefferson pointedly refused to appoint relatives to office. "The public," he said, "will never be made to believe that an appointment of a relative is made on the ground of merit alone, uninfluenced by family views; nor can they ever see with approbation offices, the disposal of which they intrust

* Jefferson's Works, October 25th, 1802; May 13th, 1803.

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to their President for public purposes, divided out as family property."*

As incidental to a policy of retrenchment and frugality, many more Federalist officers were displaced by the abolition of the offices they filled. We shall presently see how the excise patronage and judicial excrescences were thus pruned away as soon as Congress permitted it. Upon the diplomatic service, which in this era was confided largely to the executive discretion, the new President commenced an immediate reduction. The missions to Holland, Portugal, and Prussia were closed as a needless establishment; which terminated the functions of Murray, William Smith, and John Quincy Adams, the last of whom had already been recalled by his father.† So averse had Jefferson become to connecting this government with European politics, and so strongly did he believe that the United States could maintain peace and neutrality on its own terms, that he inclined to let the existing treaties drop off without renewal, call in all our missions but two or three most important, and reduce the permanent diplomatic intercourse in substance to maintaining a consular establishment.‡

Charles Pinckney was commissioned to Spain, and Humphreys and Short were recalled; for, said the President, in order to keep our own citizens Americanized and in sympathy with their native land they ought not to be continued abroad more than six or eight years.§ One of President Adams's late acts had been to transfer Short to the French mission, Bayard having first received the appointment and declined it. But Jefferson selected for this place Robert R. Livingston, upon whose induction into Federal office under his administration he had set his heart. The late chancellor of New York was the ablest of his family, the best benefactor of science in America, and a man of learning and liberality. His deafness disqualified him from executive work, and he had already refused a place in the new cabinet. Rufus King still remained abroad on the English mission.

* Jefferson's Works, March 27th, 1801, January 10th, 1810.

† Murray, who had borne so conspicuous and deserving a part under the late administration, in restoring friendly relations with France, died in 1803, soon after his return.

‡ See Jefferson's Works, October 3d, 1801. § Ib.

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The chief ministerial posts had been provisionally assigned before the presidential results were known. Madison, foremost among the political and personal intimates of the President, took the Department of State, a position for which all admitted he was admirably qualified; Gallatin, who had specially devoted himself to facts, figures, and economies, as if with that object in view, became Secretary of the Treasury.* Livingston having declined the Navy Department,† Stoddert was retained a few months longer, when, after some canvassing, Jefferson found for the post Robert Smith, of Maryland, a brother of General Smith. To the War Department General Henry Dearborn was called, and to the Attorney-Generalship Levi Lincoln; both worthy sons of Massachusetts, the former of whom, a man of soldierly bearing, had taken a romantic part in the Revolutionary war, and under the Federal government served in Congress, besides holding a civil appointment from President Washington; the latter was a distinguished county practitioner in his native State. Habersham, of Georgia, originally appointed by Washington, remained Postmaster-General until November, when Gideon Granger, of Connecticut, a practical legislator of progressive tendencies, and a Yale College graduate, received the office; partly with the view of strengthening the administration in that State, whose political conversion was the most unpromising.

Believing that a President's cabinet counsellors ought to be those of his own bosom confidence, Jefferson had nevertheless proceeded very softly in making cabinet changes. Madison, Dearborn, and Lincoln were the only ones whose names he submitted for confirmation to the extra session of the Senate convened on the 4th of March. He knew that prejudice against Gallatin was very strong, because of his foreign birth and the share he had borne in the excise troubles of Western Pennsylvania; hence he kept Dexter at the head of the Treasury until May, when, appointing Gallatin in the recess of Congress, he accustomed the country to the change, and found the Senate by its next regular session sufficiently an administration Senate to confirm, though by a close vote, one of the

* See *supra*, vol. i, p. 483. † Ib.

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most meritorious selections for office ever made by an American President.

Jefferson's methods of appointment indicate the gloved hand, steadiness of purpose as well as delicacy in management, a combination of qualities which goes far towards securing political success. But beyond this he had the power of inspiring confidence and of impressing his ideas upon those with whom he was brought into the closest relations. No President ever kept such peace in his official household, or sat so gracefully at the head of the council board.

All of his cabinet advisers remained long in place; Madison, Gallatin, and Dearborn through the entire administration of eight years; Gallatin and Granger some five years longer. All were men of liberal and cultivated tastes, sympathetic with the President in matters outside the official routine, none of them drones or mere rhetoricians. Such officials were best found at this time north of the Carolinas and east of the Alleghanies, and Jefferson chose accordingly, defying geographical claims with an astonishing impunity. The two most indispensable offices were filled by men of conspicuous statesmanship, but without rivalry; as for the others sound discretion and industry prevailed; each felt his political dependence upon the chief, but at the same time perfect security.

"The third administration, which was of eight years," wrote Jefferson in 1811, "presented an example of harmony in a cabinet of six persons, to which perhaps history has furnished no parallel. There never arose, during the whole time, an instance of an unpleasant thought or word between the members. We sometimes met under differences of opinion, but scarcely ever failed, by conversing and reasoning, so to modify each other's ideas as to produce a unanimous result."* This harmony was owing, in no slight degree, to the rule with which the new President set out, of making himself a central point for the different branches of the Executive, so as to preserve unity of object and meet the due responsibility for whatever was done.† As he planned the work of practical administration, the ordinary business of every day was to be transacted

* Jefferson's Works, January 26th, 1811.

† Jefferson's Works, November, 1801.

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upon consultation between the President and the head of that department alone to which it belonged. For measures of importance or difficulty consultation with the heads of departments was needful, and for this he preferred in theory to take their opinions separately, in conversation or in writing, the President being then left free, without any needless clash of opinion or rivalry among those he had consulted, to make up an opinion for himself; but he practiced the open cabinet method of his predecessors without experiencing any ill results. The latter is now the confirmed practice of government; "yet," said Jefferson, who held firmly to Presidential responsibility, "this does, in fact, transform the executive into a directory, and I hold the other method to be more constitutional."

The new President's disposition to escape formalities and to hold a more easy intercourse with the public than had been customary with his predecessors appeared at the inaugural ceremonies, and constantly afterwards. Adhering to his chosen policy Jefferson showed himself desirous that others should think well of it; but right or wrong, whatever he did showed a mind of original cast; he sought popularity, not by a mean subservience to other men's views, but by devising measures which deserved the public gratitude, and pressing them in a manner which would render them most likely to operate.

Jefferson had hastened out of the capital this first summer, so as to escape the importunity of office-seekers, who from most States except his own, harassed him with petitions for removing men in place; bringing letters, certificates, and affidavits to support charges against them. The greed for office, and the clamor that party services should be rewarded, was a continual annoyance to him.*

Jefferson's administration was popular from the start, as the gains in the earliest State elections showed. In New York, Governor Jay having announced his intention to retire from

* See John Quincy Adams's Memoirs, 1802. The story is told that Jefferson was solicited on behalf of some claiming to have saved their country. "Yes," he responded, "Rome was once saved by geese; but I never heard these geese were made revenue officers." *Boston Centinel*, July, 1801.

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public station, the Federalists ran for his place a wealthy and respectable citizen, Van Rensselaer; but the Republicans brought out George Clinton once more and carried him triumphantly into the chair he had so often filled. Strong was re-elected Governor of Massachusetts; but "the triumph of virtue over mendacious vice" (as the Federal press styled it) was by a reduced majority. Boston went Republican, and Republicans gained in the Congressional delegation. Connecticut gave Trumbull an old-fashioned majority; but the old New England phalanx was unexpectedly broken by the defection of Rhode Island, which now became a Republican State, and through its General Assembly sent congratulations to Jefferson. Vermont inclined towards the new administration. Through the middle and southern section Republican principles advanced resistlessly, and by the fall of 1801 New Jersey, Maryland, Georgia, and the two Carolinas were won completely, while Delaware elected a Republican governor. Except for the little State last named, Federalism could find neither executive nor legislature outside of New England.

Not to be buried out of sight thus speedily, Federalists themselves had felt compelled, in the spring canvass, to change their tone and speak better of Jefferson than hitherto. The excellence of his precepts the New York Federalists admitted, and Hamilton himself made in a public speech courteous allusion to the new administration, as one to be watched by men of his party, rebuked if it went astray, and commended when it did well. But voters could not be cajoled. Republicans held up the indelible record of prosecutions for sedition and intrigues against the people's choice.* They who have lately dictated feel most keenly their disadvantage when put upon the defensive. So disastrous was the defeat of Hamilton's party in New York State, that the Clintons and Livingstons felt presently strong enough to combine and ostracize Burr politically, whose treachery in the electoral contest, now more than suspected, the President was resolved thus to punish.

Jefferson found the foreign relations of the United States

* We have seen that Hamilton himself discountenanced these intrigues, vol. i, p. 484.

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pacific and prosperous, as never before, upon his accession, a state of affairs which President Adams had procured at the cost of disruption in his party and the bitterest personal humiliation. The great powers of Europe appeared to tire of war. England was left alone to contend with Napoleon after the peace of Luneville, a peace by which Austria, acknowledging her defeat, ceded the Rhine and the Adige as the eastern boundaries of the French dominions. The Baltic powers maintained their armed neutrality. British operations in Egypt failing of their main purpose, the ministry hastily concluded a cessation of hostilities with France, preliminary to the mortifying peace of Amiens.

Sept. 1801.

March 2, 1802.

The First Consul promptly assented to the French Convention as modified in the United States Senate, on the further understanding that American spoliation claims should be thereby relinquished; and final ratifications were exchanged between France and the United States accordingly. Peaceful relations having been restored, Livingston sailed for France, while Pichon, whose agency in the negotiations opened by Talleyrand at the Hague in 1798 we have noticed, had already arrived at Washington, bearing the credentials of a French *chargé*. The conduct of Great Britain at the outset of Jefferson's administration was friendly to the United States, and British cruisers in the West Indies were ordered to treat American vessels with consideration.*

The season was favorable, upon the whole, for a new departure in our Algerine policy. The Barbary States were growing insufferably insolent; pampered, as their Turkish masters had been, too long by Christian nations engaged in commerce, from whom they received a regular tribute. From the Great Desert to the Straits of Gibraltar the north coast of Africa was ruled by Moslem sovereigns, who recognized no law of nations upon the high seas, and consecrated each outrage as a courageous act against the enemies of their faith. Of these modern Vikings the Dey of Algiers was chief, because the strongest. The northern commercial powers of Europe, signally unfortunate in their early efforts to crush these cor-

* See Madison's Writings, 1801, Executive Correspondence.

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sairs, had, for more than a century, made ignoble treaties to save mercantile property from indiscriminate pillage; a policy chosen, it is possible, in the hope of advancing their own traffic by crippling that of the Mediterranean powers.

As we have seen, the first treaty of 1795 with Algiers, which was negotiated during Washington's administration, cost the United States, for the ransom of American captives and the Dey's forbearance, a round $1,000,000, in addition to which an annuity was promised.* Treaties with other Barbary States followed, one of which purchased peace from Tripoli by the payment of a gross sum. Nearly $2,000,000 had been squandered thus far in bribing these powers to respect our flag, and President Adams complained in 1800 that the United States had to pay three times the tribute imposed upon Sweden and Denmark.† But this temporizing policy only made matters worse, for the rapacity of these libertines grew apace. Captain Bainbridge arrived at Algiers in 1800, bearing the annual tribute-money for the Dey in a national frigate, and the Dey ordered him to proceed to Constantinople to deliver Algerine dispatches. "English, French, and Spanish ships of war have done the same," said the Dey insolently when Bainbridge and the American consul remonstrated. "You pay me tribute because you are my slaves." Bainbridge had to obey, and the first American man-of-war ever seen in the Bosphorus,—its name the illustrious one of George Washington,—entered the Golden Horn with the flag of a pirate nation fluttering from the masthead.

Sept. 1800.

The lesser Barbary States were still more exasperating. The Bashaw of Tripoli had threatened to seize American vessels unless President Adams sent him a present like that bestowed upon Algiers. The Bashaw of Tunis made a similar demand upon the new President; and a fire breaking out in the palace not long after, which destroyed 50,000 stand of arms, the American consul was informed that his government must contribute 10,000 towards making good the loss.

May 25, 1800.

April 15, 1801.

June 28.

Jefferson had, while in Washington's cabinet, expressed his

* See vol. i, p. 307.

† John Adams's Works, July 11th, 1800.

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detestation of the method hitherto favored for pacifying these pests of commerce; and, availing himself of the present favorable opportunity, he sent out Commodore Dale, with a squadron of three frigates and a sloop of war, to make a naval demonstration on the coast of Barbary.

May 20.

Dale's orders were to simply display his vessels from Gibraltar to Smyrna and back, if all was at peace, but otherwise to protect American commerce and chastise the offending state as it deserved, sinking, burning, or destroying the pirate ships if need be. The employment of our national vessels upon Algerine business was henceforth forbidden.

July.

Commodore Dale, upon arriving at Gibraltar, found two Tripolitan cruisers watching for American vessels; for, as had been suspected, Tripoli already meditated war. The frigate Philadelphia blockaded these vessels, while Bainbridge, with the frigate Essex, convoyed American vessels in the Mediterranean. Dale, in the frigate President, proceeded to cruise off Tripoli, followed by the schooner Experiment, which presently captured a Tripolitan cruiser of fourteen guns after a spirited action. The Barbary powers were for a time overawed, and the United States thus set the first example among Christian nations of making reprisal instead of ransom the rule of security against these commercial marauders. In this respect Jefferson's conduct was applauded at home by men of all parties; Federalists exulting, moreover, in the exploits of a navy which was their own creation; Republicans, because their President had put this navy to a novel and practical use.*

July.

Aug. 6.

The seventh Congress, the earliest that ever organized at the permanent capital of the nation, was Republican in both branches. The Senate stood eighteen to fifteen before the first session ended, while in the House the administration majority proved nearly two to one. Few of the statesmen conspicuous on the floor in former years were to be seen. Madison, Gallatin, Muhlenberg, and Edward Liv-

Dec. 7.

* See President's Message and Executive Documents, 1801; 5 Hildreth. Four out of the six vessels still retained in the navy as the peace establishment were thus employed.

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ingston held office under the new administration. Marshall, Dexter, Ames, Otis, Sedgwick, Thacher, Harper, of the Federalists, had all disappeared from the arena of national politics. In the strange vicissitude of parties, Dr. Logan, the amateur diplomatist of 1798, became one of the Senators from Pennsylvania, while the New York legislature chose the young and aspiring De Witt Clinton for the uncongenial colleague of Gouverneur Morris; but Clinton had the family instinct, and soon retired to devote his best energies to his native State. Massachusetts was not strongly represented. With Tracy and Hillhouse in the Senate, and Dana and Griswold returned to the House, Connecticut presented the sturdiest anti-Jefferson delegation in Congress; but Bayard, of Delaware, was the champion of the Federalists in the House, and, on the whole, the ablest debater in the opposition party.

For Speaker the House chose Nathaniel Macon, of North Carolina, a man of independent views and upright character, not always in full sympathy with his party, but differing dispassionately when he differed at all; and so constantly re-elected, as in later years to be called the "Father of the House." Federalists voted for Bayard. Beckley, of Virginia, the former clerk, was restored to his place. The leadership in both Houses of Congress passed with the change of administration to Virginia and the region of the Potomac; the audacious Randolph, with his caustic wit and brilliant oratory, rivalling Giles for that distinction in the House. Randolph was chairman of the Committee of Ways and Means. Samuel Smith and Nicholson, of Maryland, in the House, and Wilson C. Nicholas, of Virginia, in the Senate, were members of Congress in whom the administration strongly confided.

With a good working majority in the two Houses, composed for the most part of men whose rising hopes were built upon its own, we find, for the first time in our national history, an administration permeating Congress and bringing the legislature into full unison with the executive. Unlike Washington who would not, and Adams who could not, Jefferson managed the majorities in both Houses so as to impress upon them his own views, and bring out the measures he most required. This

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rare harmony, when devoted to promoting desirable ends, is the perfection of national administration.

How was Leviathan thus led by a hook? Partly by the leader's sympathetic appreciation of what the public most needed; partly by his determination not to do more at a time than the public would bear. The presence of two chief officers in the cabinet who had been consummate leaders of the party while in Congress might have helped to explain it. There were assuredly no very insidious methods employed, nor was the public patronage used corruptly or at congressional dictation. Most of all, the party was under the influence of a dominant mind, which directed, while seeming to persuade, and progressed as the world moved; communicating to all followers a certain elation of spirit and personal devotedness. The prestige of enthusiasm is irresistible when conjoined with the prestige of success. Jefferson's rare gift of leadership was recognized by his age; lightness of touch, being perhaps the distinguishing characteristic. An executive, not the instrument of others, we may regard him as the genuine of that to which France's First Consul presented at this moment the counterfeit, a leader of the common people in the direction of their wishes. American democracy made a steady advance because ruled in the person of the wisest democrat in America.

The surroundings of Congress favored brief and unimposing sessions at Washington. The House of Representatives occupied temporary basement quarters, its large elliptical chamber being unfinished. The new turnpike from Georgetown to the capital by way of the President's house, had scarcely been completed.* There was a lull, too, in the turmoil of foreign affairs. Jefferson, himself, set the first example of simplicity in the public routine. Discontinuing the opening spectacle of cavalcade and presidential oration, to be followed by legislative responses and processions, he sent his message to Congress in writing as soon as the two Houses had organized, waiving the formality of replies; his reasons for abolishing the old ceremonial being, as he stated, the convenience of Congress, the economy of their time, and their relief from the embarrassment of immediate answers on subjects not fully before them.

* See Washington Intelligencer, September 7th, 1801.

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The main work of the first session conformed to the suggestion of this written message, in which, passing lightly over foreign matters apart from the Barbary troubles, Jefferson dwelt mainly upon three points affecting the internal conduct of affairs: (1), economy and retrenchment in Federal expenditures, so as to lessen the burden of taxation; (2), a revision of the new judiciary system; (3), the enactment of a more favorable law of naturalization.* 1801-2.

(1.) In economy and retrenchment the President had already made a beginning by reducing the diplomatic establishment, and consolidating some revenue offices subject to Executive control. The movement now contemplated was to abolish that whole system of internal taxation, which he had heartily detested as tyrannous, burdensome, and liable to abuse of patronage; which had always been unpopular in the Middle and Southern country, and which cost more than the first three years' net produce to put down resistance to its collection. But excise receipts had risen gradually to the neighborhood of $1,000,000; and many feared that the treasury would suffer if this resource was suddenly cut off. Jefferson had, however, gone over the ground carefully with Secretary Gallatin; against the present yield of the internal taxes they set off what the government might safely economize elsewhere.† Customs duties alone would, as they correctly surmised, supply a revenue sufficient to support the Federal establishment; and besides paying interest on the public debt, extinguish its principal, should peace continue, in fifteen to eighteen years. Federalists were incredulous, and those with friends in place tried to induce a repeal, only partial at most, but the axe was laid to the root, and with the downfall of this system went about half the offices at the disposal of the administration.‡

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* Annals of Congress.

† See Jefferson's Works, December 19th, 1801. Randolph's report as Chairman of the Committee of Ways and Means, stated that the gross internal collection for 1800 was $925,000, $137,000 being the expense of collecting. Annals of Congress, Executive Documents.

‡ Act April 6th, 1802. This repeal passed the House by 61 to 24, a greater proportion in its favor than the usual test of Republican strength.

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To offset this diminution of the annual revenue, a retrenchment was intended of $400,000 in the War Department, and $200,000 in the Navy; an amount believed equivalent of itself to an average year's net produce of internal duties, of which much the greater part was derived from distilled spirits, upon which the percentage cost of collection was very great.* The army was brought down, in fact, to the peace establishment of 1796. In a modest way a military school was opened at West Point, the headquarters of the engineer corps, which made the beginning of a permanent academy, such as Washington had recommended in his final message to Congress, but by no means upon the scale projected by Hamilton. By way of navy reduction Congress stopped the building of six seventy-fours, for which timber had been collected under an act of the preceding Congress,† and reduced the appropriation for the improvement and increase of the navy to a quarter of a million. By the sale of unnecessary ships under that former act our present navy had been brought down to thirteen vessels.

The pay and emoluments of customs officers were now reduced to moderate fixed salaries. And at this session the House made keen scrutiny into the financial methods and expenditures of the late administration. No corruption or scandalous mismanagement appeared; nothing worse than a few instances of the diversion of funds, of lax expenditure for objects not designated in the appropriation, of the advance of funds upon official letters which should have awaited the formal warrant, of unsuitable employment from the secret service moneys, and of the payment of liberal commissions at official discretion. The administration of John Adams, if slack in some respects, had certainly been an honest one.

We may here add, that in promoting the new economies of his administration, whereby the net ordinary expenditures of

* The expectation of a complete offset to the abolition of excise, in which Jefferson thus indulged, as well as Randolph, of the House, was not fully realized. The Barbary war interfered with the extensive reductions in the Navy Department contemplated. It was in reality by the excess of import revenues over the estimates, that Gallatin, after the abolition of the internal taxes, accomplished the feat of meeting all current demands and laying by a surplus. Adams's Gallatin.

† Act of March 3d, 1801.

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the Union were brought from nearly $7,500,000, exclusive of interest for the fiscal year of 1800, to less than $5,000,000 for 1801, and still lower to an average of $4,000,000 for the three years following. Jefferson, as Chief Executive, set the rare example of making good his professions. Men who could not condemn his measures, attacked the motive, ascribing it to a mean desire of popularity; "but every honest man," he responded, "will suppose honest acts to flow from honest principles."* His voluntary surrender of executive patronage finds no ready parallel; for dispensers of place, however they may retrench in other respects, seldom retrench the offices. Said John Randolph, no encomiast of Jefferson, many years later: "he was the only man I knew, or ever heard of, who really, truly, and honestly, not only said, *nolo episcopari*, but actually refused the mitre."†

Jefferson made it a study to so simplify the public finances, as to bring them within the fair comprehension of every member of Congress, and render them, to use his own expression, "as clear and intelligent as a merchant's books."‡ To this end Gallatin labored, and made some improvements in Hamilton's system, without, however, radically changing it. Abuses were corrected with a view of bringing back to a single department all accountability for money, and causing specific sums to be appropriated to their several purposes.

(2.) A revision of the new judiciary system was the leading theme of debate at this session. Referring but distantly to the subject in his opening message, Jefferson had set his heart, nevertheless, on a repeal of the new Circuit Court Act. Vindictiveness may have been a motive for unseating the circuit judges, but there were justifying reasons besides. It was a severe retribution in the political sense, but the defeated party had provoked it by their precipitancy in creating these needless judicial freeholds, and their greed in filling them before their successors could come into power. If the dignity and independence of the judiciary suffered in consequence, the shock began not with the repeal, but with the enactment.

* Jefferson's Works, December 19th, 1801.

† See Garland's John Randolph, 198.

‡ Jefferson's Works, April 1st, 1802.

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Statistics presented at this session showed that suits in the Federal courts were actually decreasing, inasmuch as the temporary business arising under the Sedition and Excise acts had fallen off, and other controversies had been composed by late treaties. If the Federal courts had no common-law jurisdiction of crimes, little remained for the inferior judges except to hear bankruptcy causes; nor was the Bankrupt Act likely to continue much longer in force. Sudden emergencies may produce an influx of litigation of a certain description, otherwise the pressure upon the Federal judiciary has always increased very gradually, the regular administration of justice devolving instead upon State tribunals.

The main argument for repeal was based, therefore, upon the representation that no necessity existed for maintaining special benches of circuit judges. And this argument was not to be controverted. In the Senate a repeal was moved by John Breckenridge, of Kentucky, a new member of that body, and a Virginian by birth, who had taken an active part, in his State legislature, in the defence of the celebrated Alien and Sedition resolutions. An appropriate bill for this purpose passed the Senate by a close vote,* while in the House the test vote stood 59 to 32.

Jan. 6, 1802.

Feb. 3.

March 3.

An outside demonstration had been attempted, on behalf of the judges, professional rather than popular, while the repeal was under discussion. Many protests reached Congress from the practitioners of leading cities. At a meeting of the New York bar, its foremost speaker predicted, that should this repealing act pass, the Union would crumble into separate confederacies, fighting against one another. The lobby of the House was crowded with spectators during the debate, which Bayard led on the side of the Federalists. Effort was made to postpone final action. The motives of the Executive were freely aspersed. Constitutional doubts as to the right of abolishing judicial offices were raised in debate, which, long ere the present day, have been disposed of. Neither Giles nor Randolph, who spoke for the administration, concealed their personal dislike of the present incumbents of the circuit courts,

* The final vote stood 16 to 15.

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and of the methods pursued of forcing their appointments. "The judiciary bill," declared Randolph, defiantly, "was passed to provide offices for the adherents of the Federal party. It is not on account of the paltry expense that I wish to see it put down, but to give the death-blow to the pretension of rendering the judiciary a hospital for decayed politicians; to prevent the State courts from being ingulfed by those of the Union; to destroy the ambition of arrogating to this House the right of evading all constitutional prohibitions."*

By a later act of this session the Federal circuits were rearranged on a plan which served the purposes of judicial administration for nearly seventy years longer, creating no new incumbents, but dispensing with all United States judges of the circuit grade.†

(3.) A new naturalization act of this session removed the stigma which Federalism had affixed, in 1798, to the foreign-born, and restored the citizen requirements of Washington's administration, namely, five years' residence, with three years' notice of intention.‡ The Alien and Sedition laws had already expired by limitation.

In confirmation of the peaceful state of our foreign relations, the President, before this session closed, communicated the news that a definite adjustment had been made with Great Britain concerning the British debts claimed under the Jay treaty.§ The gross sum of £600,000, or $2,664,000, as a final satisfaction of these debts, was appropriated by Congress accordingly, this amount being payable by the United States in three annual instalments.‖ Eventually the awards made to American merchants for illegal captures footed up to about $6,000,000; so that the United States won solid advantage, in the end, from a treaty which had been execrated almost as bitterly as the Stamp Act.¶

Among miscellaneous laws of the session, was a new copy-

* Annals of Congress.
† Act of April 29, 1802.
‡ Act of April 14, 1802.
§ See *supra*, vol. i, p. 459.
‖ Act May 3d, 1802; Convention, January 8th, 1802.
¶ The payment of a sum in gross was suggested by President Adams, when the misunderstanding first arose during his administration, as next best to explanatory articles; and Minister King negotiated the

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right act.* Representatives were reapportioned, in conformity with the new census of 1800, so as to allow, as before, one for every 33,000 inhabitants.† Provision was made for the protection of American commerce and seamen against Tripolitan cruisers.‡ The foundation of our great national library was laid in an act which brought together the books and maps of the two separate Houses at the Capitol, and placed them in charge of a suitable custodian.§

Congress rose early in May. Shortly before the adjournment, Jefferson thus wrote to a friend: "The session of the first Congress convened since Republicanism has recovered its ascendency, is now drawing to a close. They will completely fulfil all the desires of the people. They have reduced the army and navy to what is barely necessary. They are disarming Executive patronage and preponderance by putting down one-half the offices of the United States, which are no longer necessary. These economies have enabled them to suppress all the internal taxes, and still to make such provision for the payment of their public debt as to discharge that in eighteen years. They have lopped off a parasite limb, planted by their predecessors on the judiciary body for party purposes; they are opening the doors of hospitality to fugitives from the oppressions of other countries; and we have suppressed all those public forms and ceremonies which tended to familiarize the public eye to the harbingers of another form of government."‖

May 3.

The first year's impression of the new Executive and Congress was highly favorable, notwithstanding their excoriation of the circuit judges. This unexpected assault upon their last

final convention upon that basis. Madison has observed, in later times, that two circumstances gave the Jay treaty a favorable turn, and saved it from failure: (1.) The integrity of British courts of justice, which, against the British administration, decided that the trade opened with India authorized an indirect trade thither. (2.) A chance or lot, which procured an American, Trumbull, as fifth commissioner, where the other four were equally divided on a vital question of spoliations. 3 Madison's Writings, 297, 306, 553.

* Act April 19th, 1802.
† Act January 14th, 1802.
‡ Act February 6th, 1802.
§ Act January 26th, 1802.
‖ Jefferson to Kosciusko, April 2d, 1802.

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national bulwark carried dismay to the Federalists. All was now over, they said. The Constitution had become a dead letter. At first they had felt sanguine of a popular reaction in their favor, and dreamed of returning to power. Then they derided the President as a visionary theorist, a cat on the kite of popularity who would soon tumble. Literary purists criticised his broken metaphors, his hazy and incomprehensible statements.* Words and phrases, which were circulating through the land, like coin of the realm, were caught up for banquet witticisms. Jefferson, with his scientific pretensions, was "King Mammoth," and the Republican party "The Sect."† The Congregational clergy likened the new reign to that of Absalom. In the toasts prepared for public dinners, which in these days served to elicit the sense of the company, Washington and Adams were devoutly commemorated, while their successor was either passed by in silence, or alluded to under some general designation of the "constituted authorities of the United States."

Federal ministers of state had been abused as monarchists, traitors, peculators, and burners of the public records. Republican ministers were now abused in turn, less as criminals, perhaps, but more contemptuously. Gallatin, for his foreign birth, and the part he bore in the Western Pennsylvania troubles, was dubbed a scape-gallows, "Monsieur Gallatin." Dearborn was a blasphemer; the Attorney-General a rural practitioner, who, tongue-tied before the Supreme Court, had to hire counsel to manage the government cases for him; Granger a jackal. John Randolph was alluded to as "Saucy Jack," "a beardless prater," "the ghost of a monkey." Everything, according to the opposition press, emanated from Jefferson, as from a First Consul; the administration members of Congress were kept by the ministerial phalanx under a complete party drill; and a party caucus determined the fate of each measure as it came up.

* See Hamilton's Writings, April, 1802; The Portfolio, 1801–2.

† At the New Haven celebration, July 4th, 1801, the President of the United States was, *non irridicule*, toasted: "The bones of the mammoth and of the weasel are of the same length and the same size; so we are all Federalists, all Republicans." See current newspapers.

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We now perceive a disposition on the part of the Federalists to exchange their party designation for something more popular and appropriate to the times. The epithet "Jacobin," which had now gone the round of civilized countries until it was threadbare, they still used as a stigma; less, however, than its recognized synonyme of "Democrat." The administration leaders refrained from giving sanction to either word, associated closely in people's minds, as each was, with riot, mob law, and the guillotine, and with Washington's open condemnation of the "self-created societies." Federalists called the Jeffersonians Democrats, but Jeffersonians styled themselves Republicans still, and another generation passed before the "Democracy" became an accepted party watchword, voters having become habituated to it through the medium of "Democratic Republicans." Recognizing the strange spell of a name, Federalists at the East sought the suffrage of their fellow-citizens as "Republican Federalists," and even as true Republicans. At Boston, in the fall election of 1802, for Congress, the Federalists headed their list as "Washington and Adams nominations," but Republicans styled theirs the "Washington, Hancock, and Jefferson" list, and carried it at the polls.*

Neither by such a thin disguise of names, nor by ridicule, nor by their appeals to a glorious past, could Federalists win back the confidence they had forfeited. No longer confined to a geographical section, Republicanism advanced northward, wrested State after State, and district after district, from its nerveless adversaries. Next to Rhode Island, Vermont was passing from the old New England faith. Seven out of seventeen representatives elected to Congress from Massachusetts were Republicans; John Quincy Adams, who had returned from Europe, being worsted in the Boston district by William Eustis, and Pickering, in the Salem district, by Jacob Crowninshield. The gallant Bayard, too, who had broken the best lance of his party in the Congressional tournament, lost a re-election in Delaware, Cæsar A. Rodney being pressed successfully against him by the friends of the administration. An equal balance of stubborn parties in the New Jersey legisla-

* See Centinel and other party newspapers.

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ture, this year, prevented the choice, in joint session, of either governor or senator.

Not so much by the use of government patronage, or the promise of it, as by infusing into his followers the same zeal and hopefulness which marked him for a successful career, did Jefferson thus advance the Republican cause. The party of the future easily supplants the party of the past. Organization, discreet management, statistical surveys, discipline, were not wanting. But more than this, the faith of the people was appealed to. Instead of groping among musty precedents to find that republics were short-lived, and hence despairing, Jefferson launched America with confidence to sail her own course, and demonstrate to the world that no government is so strong as the government of hearts. "Jefferson and liberty" was but a fife and drum air; yet the dusty files of humanity jogged merrily on to such music the livelong day.*

The share they now partook in the rising prosperity of the Union, could not console the Federalist leaders for their loss of political authority. Secure of social consideration, they looked contemptuously upon the new men who pressed forward to occupy their public places. They complained bitterly that slave representation gave the South more than its just share of influence in the national councils. The worst sting of one's forced retirement is the consciousness that the world moves on without missing him. Many of these idle candles flickered slowly out. Of the Essex junto, Parsons, though still at the head of the Massachusetts bar, felt the infirmities of age; the melancholy Ames was dying by inches; Cabot felt disposed to let the world ruin itself; and the lead of that set fell easily to Pickering, who had returned to Salem and his native State, where a judicial office served for sustenance, until some opportunity should occur for restoring him to public life, his more congenial element. Wolcott, who had lost his circuit judge-

* In recent political campaigns, "Jefferson and Liberty" had been a popular song among Republicans. Its theme was the departure of tyranny's night, and the dawn of a new day of liberty, toleration, and equal rights. The spirit of the words and music was their chief merit. Both this and "Adams and Liberty," which it was meant to supersede, may be found in collections of American songs.

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ship by the repealing act, became the responsible head of a New York bank, and a financial magnate.

The ex-President found retirement, but not repose, at Quincy, his tempestuous nature struggling under a political reverse, which the opprobrium of those he had led to defeat, and for whose perverseness he was compelled to suffer, together with the comparisons invited by the new administration to his detriment, made terribly humiliating. Forsaken, anxious in money affairs, too, though not long, fancying affronts from Jefferson which perhaps he had expected in retaliation, Adams tossed like a water-logged vessel, strongly ribbed, going slowly to pieces in a calm, until his brave spouse and the favorite son in whose ambition his own gradually merged, rescued him from danger, and reconciled him at length to public affairs, the new order of things, and the compatriot who had supplanted him in fickle fame.* A far happier privacy was that which rounded the useful existence of the upright and philanthropic Jay, who left politics voluntarily, at the age of fifty-six, devoting a final third of his life to works of benevolence, and surviving all enmities. Cheerful, of independent means, a devout Episcopalian, an anti-slavery champion, his mind did not rust in his country home. "I have a long life to look back upon," he would say, "and an eternity to look forward to."†

Thriving, like most of his political friends, with the best briefs professional eminence could command, Hamilton grew, nevertheless, despondent of America, and his personal future; for nothing could reconcile such a spirit to the commonplace of life. Bayard and Charles C. Pinckney had expressed hope that the Republicans would lose ground, but he saw more clearly that they were taking the surest means of gaining ground. He felt himself ostracized by the administration, and confounded with those who had tried to put Burr into authority; advances were not reciprocated, while his anonymous censures, through the press, dropped harmless. He tried to enjoy the beautiful country-seat he had lately purchased, and his garden,

* Adams's Gallatin; Adams's Life of John Adams; Randall's Jefferson.

† John Jay's Life.

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"the usual refuge," as he would say, "of a disappointed politician." "What can I do better," he asked, gloomily, "than withdraw from the scene? Every day proves to me more and more that this American world was not made for me."*

How was it possible, inquired the leaders, to stem the tide of Democracy? This question was discussed in their correspondence. Some had proposed a general conference of the Federalists, but this did not take place.

Hamilton submitted the scheme of a "Christian constitutional society," with branches throughout the country; and he thought their party might thus appeal, like Jefferson's, to the vanity, rather than to the reason, of the people. Bayard, however, considered that some more active principle of political opposition was needful, in order to win success.† Ames, strangely oppressed though he was, by the fear that under Jefferson the property rights of good men would be subverted, dwelt, nevertheless, with great sagacity upon the power of a party press. "The newspapers," he wrote, "are an overmatch for any government; they will first overawe, and then usurp it." To increase the circulation of Federal newspapers was his plan for regaining their lost influence. He wanted the rich and powerful to take them up, sustain them, and see that they were edited, not by printers' clerks, but by men of distinguished talent.‡

It was due in part to counsels like this last, that new journals, espousing conservative tenets, now began to make their appearance, of a more wholesome description than those hitherto in favor; newspapers which sought to fulfil the mission of public instructor, instead of court sycophant. Conspicuous among these were the *Evening Post*, established in New York city, and the *Palladium*, in Connecticut; to the latter of which Ames was himself a contributor. An example of dignity and moderation was furnished on the Republican side, in the *National Intelligencer*,§ of Washington, a journal whose career,

* See Hamilton's Works, 1801, 1802; Ames's Letters.

† Hamilton's Works, April, 1802; 7 John C. Hamilton's Republic.

‡ See Ames's Works, 1801, 1802.

§ The first number of the National Intelligencer appeared October 31st, 1800.

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commencing with that of our national capital, was highly prosperous under the patronage of Jefferson and his immediate successors. Of this oracle in government circles, Samuel Harrison Smith was the present conductor, succeeded in later years by the famous firm of Gales & Seaton.

The occupation of our permanent capital, in fact, and the changed relation of the two great political parties, gave Jefferson the opportunity he had desired of detaching his administration from the violent journalists of Philadelphia. Metropolitan and provincial newspapers quarrelled bitterly in their politics, and national as well as local measures were praised or denounced by them. But the Fennos, the Baches, the Freneaus, the Duanes, no longer fixed the general attention.

The flagellations of Duane and the *Aurora* were still felt, however, in Pennsylvania, where, as in New York, the spirit of faction raged fiercely, and there was growling and grappling over the crusts of patronage. McKean, a stately and venerable citizen of more than threescore years, who walked the street with wig curled at the ears, large cocked-hat, and gold-headed cane, made a vigorous State administration, but he was by no means so popular as Miffiin had been, whose death occurred soon after his retirement from office. The moment he obtained control of the State patronage, he began turning out the Federalists and putting Republicans into their places. This had been expected, for the campaign was exciting and angry; but in his appointments he showed himself arrogant, a man of favoritism, and somewhat of a pluralist besides. The recordership of Philadelphia, a lucrative position, he bestowed upon Dallas, whom the President, in recognition of his eminent abilities, had also made the United States district attorney; and the Republican legislature of the State had not only to pass an act declaring two such offices incompatible, but to pass it over the governor's veto, before that recordership was vacated. From this time the breach widened between the Republican Executive and the Republican legislature of Pennsylvania; the former socially strong and arbitrary by education; the latter, or rather that wing which represented the levelling Democracy, grandly in the right sometimes, but oftener wrong, and always pas-

1799, December.

1801.

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sionate. Duane and the *Aurora* had great influence with this legislative set, consisting largely of country members, while McKean drew after him the learning and conservatism of the State. The President attempted in vain to mediate between the factions, and then maintained neutrality. Each side would have pressed the national patronage to its own use, had he so permitted it.

As to the dissensions among Republicans in New York, Jefferson was less impartial. Clinton and Livingston, with their adherents, united in driving the Vice-President out of State influence; while the President, calmly disregarding him in national appointments, kept Federalists in place, rather than gratify Burr's wishes. Other motives justified this course to the public; but Jefferson doubtless determined, without affronting openly his faithless adjutant, to have him dismissed from the service. To a man of Burr's methods and temperament, patronage was indispensable. His ardent partisans were needy and talented young men, who followed his fortunes to make their own; upon whom he continued to produce the impression less of fixed conviction than of a mysterious capacity for rewarding his friends and punishing his enemies. Apprehending his danger, and uncomfortable in the Vice-Presidency, Burr planned new combinations. He travelled North and South, holding secret conferences with politicians. He nursed the Eastern dislike of Virginia domination. When Washington's birthday was celebrated by the old-fashioned Federalists, at the national capital, he appeared at the feast, and rose with an unexpected toast, "The union of all honest men."* Feb. 22.

The strength of the Clinton and Livingston alliance in their State, enabled Edward Livingston to hold the office of Mayor of New York at the same time with the Federal district attorneyship. Nepotism prevailed in this State, those allied by blood or marriage with the leading families receiving the cream of the patronage. The Mayor of New York held office at this time from the Council of Appointment, a sort of Directory, as the constitution of New York State then provided,

* Hamilton's Works, 1802.

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consisting of four persons besides the governor. The State election of 1800 having given the Republicans a majority in this council, the claim was set up before Jay retired from office that the governor could not appoint, nor even nominate, independently of the others. Upon Clinton's accession a convention, summoned at Albany, over which Burr presided, sustained this claim; in consequence of which the decapitation of Federalist officeholders in this State was more extensive than the aged governor desired. Of the majority in this council were two young politicians of mark, Ambrose Spencer and De Witt Clinton, the latter of whom was the governor's own nephew.

1800. 1801.

Jefferson suffered in the estimation of high-toned men, whose sense of propriety was strong, by his easy toleration of vulgar people and their civilities. When admiring dairymen in Cheshire forwarded "the greatest cheese in America to the greatest man in America," they could not suppress a sneer; but when the President, instead of consigning the unctuous cake to a lackey, divided it among his friends, their rage broke out as though Jack Cade had come to power. Jefferson's connection with brilliant but unprincipled writers, whose pens had done service to the cause, did him a deeper injury. Contemptuously as he often spoke of the press of his day, no man recognized its power for good or evil more clearly; and candor must own, what he never candidly admitted, that he barbed its arrows against his political enemies, and befriended all who could send missiles to the mark. Prince of penmen himself, he knew how to rise effectively by the pens of others. But having risen, he wished the pen used with more conscience, and as befitted his new station; hence the unprincipled writers were thrown out of employment. One of the latter, Callender, whose fine Jefferson had remitted, wished to be pensioned off with a responsible office, for which, a man of intemperate habits, he was utterly unfit. Jefferson civilly refused the request, offering, at the same time, to supply his needs by making up a private purse. This made Callender very angry, and he turned upon his patron with foul abuse. He held him up to the public as virtual author of the pamphlet for which he had

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been indicted.* He circulated a vile slander that Jefferson was the father of negro offspring.† All this failed to establish Callender's fitness for office; and of these calumnies, which the opposition press freely printed, the President took no notice. Callender was accidentally drowned soon after, while bathing, intoxicated, in the James River.

For the famous garreteer, too, and social outcast, who had outlived a brilliant reputation, and was the wreck of his former self, Jefferson suffered much reproach. 1802. Not availing himself of the convoy the President first offered, Paine arrived in America, from France, in October, 1802, and proceeded to the seat of government, whence, in a swaggering strain, he began a series of open letters to the citizens of the United States. The thought of a diplomatic appointment to some European court had at first tickled him by its drollness; but as foreign appointments were not made to shock the ladies and bishops of royal circles, he now disclaimed all wish for office. He had, he announced, manuscript works to publish, and inventions to attend to, and no office could equal the profits at his command as an author. But proceeding, in these letters, after the usual abuse of Federalism, to exalt himself to the pedestal of the great Washington, his impudent loquacity so disgusted men of all parties, that the publication ceased.‡

* As to the pamphlet, "The Prospect before Us," see *supra*, vol. i, p. 450. Jefferson's private explanation of this charge was that he had aided Callender by charity, under the cover of a subscription, considering him a man of science, fleeing from persecution, and that he did not approve of the writings in question. Jefferson was not such an instigator as Callender attempted to make him out, but he appears to have encouraged this publication; and he approved certain of the proof-sheets, and furnished some of the information. See Jefferson's Writings, July 5th, 1802.

† Parton's Life of Jefferson, 569, furnishes a letter from Mr. Randall, which goes to disprove utterly this story of which Sally Henings, known as "Dusky Sally," was the reputed heroine.

‡ See Washington Intelligencer and Aurora, for these letters, November, December, 1802. Paine, November 26th, 1802, said that "Mr. Washington's" part in the late revolution was not more important than his own; that the former's military blunders nearly ruined the country; that he was a man of "icy and deathlike constitution," etc. By way of hint towards some public testimonial for himself, he said, quite falsely,

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Known by this time as Citizen Egotism, Paine subsided into a hanger-on, his intellect impaired by his dissolute habits. Place not being offered him, he sought a pension for his Revolutionary services, but such was the feeling against him that a Republican Congress refused to remunerate him. After a scandalous exhibition of himself at a cabinet officer's house,* Paine left the capital hastily, and, tarrying on the way, settled finally upon a little rural farm in the State of New York. He took up the pen no more, except to mar where he meddled in politics, and died in 1809, leaving the reputation of a vigorous writer in defence of human rights, but a man without the root of personal greatness, whose philosophy of human sufficiency was most belied by the sottishness of his daily life.

Jefferson, well satisfied with the ground his administration gained in the State elections, and the means of discipline at his command, preserved his equanimity through the lesser mortifications of office. His original opinion was confirmed, that while the people would gradually come over, the leaders of the old party had gone too far ever to change. "Their bitterness," he observes, "increases with their desperation. They are trying slanders now which nothing could prompt but a gall which blinds their judgments as well as their consciences. I shall take no other revenge than by a steady pursuit of economy and peace, and by the establishment of republican principles, in substance and in form, to sink Federalism into an abyss from which there shall be no resurrection for it."†

If the Federalists were disappointed in finding internal affairs moving so smoothly that their departure was not regretted, they had reason to think themselves superior in establishing treaty relations with foreign powers. But at this very moment, by a diplomatic stroke brilliant and sudden, the new administra-

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that Washington had received gifts for his services, while he had received none. The editor of the Intelligencer, in publishing this letter, announced his conviction that these remarks "ought not to have been made."

* Such was the story current at the time. See newspapers of the day.

† Jefferson's Works, October 25th, 1802.

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tion deprived them of their laurels. A treaty with France made a bloodless conquest the most remarkable in American annals.

Scarcely had Jefferson been installed in office before the intelligence arrived from abroad that Spain had made a secret cession of her great Louisiana territory to France, its former owner. King, our Minister at London, dispatched the tidings to the President as soon as the rumors reached him, delicately advising a protest. The departure of Livingston, our new Minister to France, had been delayed long enough to ascertain whether Napoleon would accept the Adams convention as provisionally ratified by the American Senate; and he left in the fall with instructions to dissuade France from acquiring Louisiana, if the transaction remained open; and if not, to try, but without irritating language, to procure a cession of the Floridas, or at least of West Florida. After Livingston's arrival this latter project was pressed by the President still more directly and earnestly. Louisiana was desired by the United States, but if France would not part with so much as this, then she ought to sell New Orleans and the Floridas. The secrecy of a retrocession so momentous to the interests of this country was urged as a grievance. The services of M. Dupont de Nemours, an influential citizen of France, about to return to his native land, were sought confidentially; chiefly, so as to smooth the way with Talleyrand, who was Napoleon's minister and adviser in foreign relations.*

March, June, 1801.

Sept. 28.

April 18, May, 1802.

Napoleon now grasped the essential powers of France firmly. Re-elected in 1802 First Consul for ten years, and soon after voted to the office for life, with the right of presenting his associates and a successor after death. By this new tenure of office, which Bonaparte professed to accept as a citizen obedient to the wishes of his country, he became emperor in everything but name; nothing but republican forms remained of the French republic. "We

1802.

August 2.

* The old spite of Talleyrand over the X. Y. Z. matters, and his previous sojourn in America had been feared as an obstacle to this negotiation. Pichon says that Talleyrand strenuously prevented the recognition of claims for spoliation under the Adams treaty. 2 Ticknor's Life.

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stand completely corrected of the error," writes Jefferson in confidence to Livingston, "that either the government or the nation of France has any remains of friendship for us."*

Livingston's reception at this military court was not cordial, and he found that the United States were regarded in France as little better than a nation of mercenary speculators. Talleyrand at first denied everything; and then, admitting there was a treaty, maintained a reserve as to the extent of the cession and the policy of the French government respecting it. At length the fact became established that Louisiana had been retroceded by Spain to France under a secret treaty, October 1, 1800, which took effect after the execution of another treaty in Spain's interest relative to Tuscany.

Napoleon's grand design in obtaining once more the ancient colonial domains of France was to re-establish French influence on the American continent, and make a Latin counterpoise against Anglo-Saxon ambition in the New World; thus, too, hoping to preserve more securely the French possessions in the West Indies.† This policy, which his nephew, Napoleon III., attempted so unfortunately to inaugurate in later times under cover of the Maximilian invasion, the first projector found himself ultimately compelled to postpone to the more immediate and pressing scheme of reconstructing the kingdoms of Europe. Louisiana was, in 1802, to have been colonized by a band of Frenchmen under military auspices upon the reduction of St. Domingo and Guadaloupe by Le Clerc. A decree of the Legislative Assembly re-established slavery in the French West Indies, and Toussaint, sent in irons to France, ended his unhappy life in prison; but stimulated by his illustrious example, the negroes of St. Domingo held out so bravely for their freedom that the troops Napoleon had intended detaching for the occupation of New Orleans could not be spared. The First Consul adhered, however, to his general plan of colonizing Louisiana, and Livingston's overtures for a purchase found no favorable re-

May-June.

* Jefferson's Works, October 10th, 1802.

† See Gazette de France, and other foreign authorities, quoted June 12th, 1802, in Boston Centinel.

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sponse, the formal transfer of possession from Spain still pending.*

The footing which her adversary sought to regain on the American continent displeased England, although the secret compact with Spain did not prevent the peace of Amiens from taking full effect. In truth it was an unfavorable time for the British Ministry to interpose, and they looked to the United States as the nation which ought, on its own behalf, to resist strenuously the execution of Napoleon's designs. So serious a menace of Anglo-Saxon supremacy in North America would, they thought, draw Britain's former subjects nearer to the mother country. Such calculations were not unreasonable. A flourishing population on the west bank of the Mississippi, alien to the American republic, would be sure to antagonize its rising interests. Under decaying Spain we could afford to bide our time; but France, ardent, aggressive, energetic, with a strong ruler who meditated universal empire, must find her hostile enterprise nipped before it could blossom. And thus did Jefferson reason.† The possessor of the mouth of the Mississippi, he wrote Livingston, would of necessity become the natural and habitual enemy of the United States.‡

* See 2 American Archives; Foreign Relations.

† Of the condition of France at this time Livingston wrote September, 1802: "There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks, and his legislature and counsellors are parade officers. Though the sense of every reflecting man about him is against this wild expedition, no one dares tell him so."

‡ "The day that France takes possession of New Orleans," he wrote confidentially to Livingston, "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. We must turn all our attention to a maritime force, for which our resources place us on very high ground; and having formed and connected together a power which may render reinforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for the tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the United British and American nations."—Jefferson's Works, April 18th, 1802.

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By an order of the King of Spain, dated July 20th, 1802, the Intendant of Louisiana was informed of the cession to France of that province in its full extent, and as it was held by France when ceded to Spain; and he was instructed to make the necessary arrangements for its formal delivery to the French commission. In execution of this mandate (though, as it would appear, upon some misconstruction of his official duty in the premises), the Intendant proclaimed that New Orleans was closed as a place of deposit for merchandise; and he further forbade foreign commerce to that port unless carried on by Spanish subjects in Spanish bottoms.* In point of fact, however, a right of deposit at New Orleans for our merchandise had been granted to the United States under the Pinckney treaty of 1795,† with only the reservation that Spain might shut us out from that port upon assigning an equivalent place of deposit elsewhere on the banks of the Mississippi. The Intendant disregarded this reservation, and took a step as unjust as it was vexatious. The produce of three-eighths of the territory of this Union became suddenly checked in its natural outlet. The Western people were deeply incensed at this sudden blockade of their commerce; public meetings were held, and the legislature of Kentucky sent a spirited memorial to the President and Congress.

Oct. 16.

Nov.-Dec.

Official knowledge of the occlusion of New Orleans as a place of deposit reached Washington City just as Congress came together for the short final session. The President protested immediately through his Secretary of State against the Spanish Intendant's action, at the same time assuming that it was without authority from his government.‡ As yet the negotiation abroad for frustrating Napoleon's Louisiana scheme by a purchase of the territory had not been divulged. The Federalists in Congress, however, who were eager to make what appeared a strong issue with the administration, now took advantage of the temporary excitement to

Dec. 6.

* See Holmes's Annals; 4 American State Papers.

† See *supra*, vol. i, p. 307.

‡ See American Archives.

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press for immediate war. Whether by compelling Jefferson to drop his pacific policy, or by exhibiting him to the country as a dastard, gain was likely to accrue to the party which had always favored vigorous measures against France and Spain, and might now ingratiate itself with the Western States. They reasoned that the President was incapable of meeting a critical emergency like the present; that he lacked courage, firmness, and decision.

Hamilton, who was not yet cured of his Miranda fever, thought an energetic annexation of all the territory east of the Mississippi more desirable than ever; and as "Pericles," he detailed through the press the course to be pursued. The Floridas and New Orleans ought to be seized. We must seize first, he said, and negotiate afterwards; a war with France may follow, but then we can get Great Britain to aid us; and both army and navy should be increased.* Such, too, was the counsel urged by the Federal opposition in Congress against the administration party.

No reference to the Spanish Intendant had been made in the President's message; nor was there more than a bare allusion to the cession of Louisiana from Spain to France. Upon a call of the House for information, moved by Randolph, the President transmitted the Intendant's proclamation; Randolph accordingly offered resolutions which expressed deep concern at the obstructive disposition shown by Spanish officials at New Orleans in breach of solemn stipulations by treaty, a confidence in our chief Executive, and an unalterable determination to maintain our existing rights in the Mississippi. These resolutions passed the House by the vote of the Republicans. But the Federalists under Griswold had endeavored to commit the House to resolutions more decidedly warlike, as though to lay this treaty violation at the King's own door; and they pressed for fuller information regarding Louisiana's cession with the intention of provoking an inflammatory debate. Important negotiations pending, however, the administration saw reasons for caution which the public did

Dec. 17–22.

Jan. 8, 1803.

Jan. 5–7.

* See 7 J. C. Hamilton's Republic.

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not; and, to frustrate the purpose of the minority, encouraged the idea of carrying on the discussion with closed doors. A secret session of the House, held after the President had confidentially disclosed the situation, ended in the defeat of Griswold, and the passage of a resolve, appropriating the sum of $2,000,000 to be applied under the President's direction.

Jan. 12.

The object of this appropriation, which was duly passed by both Houses of Congress, was understood to be the furtherance of Jefferson's plan of extending the United States by a territorial purchase from France or Spain. The earnestness of the Chief Executive was shown by the nomination almost simultaneously to the Senate of Monroe as a minister,* to join our ministers abroad, Livingston and Pinckney. This nomination, which the Senate promptly confirmed, was in aid of enlarging and securing the rights of the American Union in the Mississippi.

Jan. 10.

The Senate minority still endeavored to force Hamilton's war policy upon the President by resolutions introduced by Ross, which required the President to take New Orleans at once by an armed force. The doors were at first closed upon this debate as in that of the House; but they were soon opened again, and the discussion lasted several days. The Federalists admitted that the Ross resolutions tended to war; but war, they claimed, was justifiable, and a President like Washington would not have borne passively an insult like the present. But Washington, responded the Republicans, would have tried negotiation before going to war; and granting, as did both parties, that the Spanish Intendant's action was in derogation of American rights, it did not follow that the Intendant acted under orders. Ross's resolutions were lost, and Congress chose to respect the President's judgment by authorizing him instead to call out 80,000 volunteers at his discretion.† Fifteen gunboats might be built for ser-

Feb.

* There was a mistake in calling Monroe an envoy extraordinary, and Madison afterwards wrote him, June 25th, that he was to consider himself of the same grade as his colleague. See Monroe Correspondence.

† Act March 3d, 1803.

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vice as required, besides four war vessels to aid in the Mediterranean.*

They who sought thus to lessen confidence in the President and take the Mississippi entanglement out of his control by cutting the knot, underrated at this crisis the abilities of a most consummate and experienced negotiator; one with whom, in a matter of foreign diplomacy, Hamilton himself bore no comparison. Upon his friend, the ardent and aspiring Monroe, who possessed the full confidence of the Western people, besides a popularity in France which might prove serviceable, and who had atoned for former errors by making a highly acceptable governor of Virginia, Jefferson impressed the importance of this new and sudden call to the diplomatic service. "On the event of this mission," he declared, "depend the future destinies of this Republic."†

The Union had now been enlarged to seventeen States by the admission of Ohio as the fourth State created under the Federal Constitution. The new census for 1800 having shown a sufficient population the inhabitants were permitted by an act of the first session, to organize as a State, under liberal fundamental conditions, and within fixed limits.‡ This admission took effect agreeably to a convention which met at Chilicothe, in November, 1802, and organized a State constitution. Edward Tiffin was chosen the first Governor of the State by a vote nearly unanimous against the superannuated St. Clair, whom Jefferson removed from the territorial governorship for an intemperate speech in the convention, highly disrespectful to Congress.§ The new State government went into full effect a few

1802.

Nov. 29.

1803, March 1.

* Act February 28th, 1803.

† Jefferson's Works, January 13th, 1803.

‡ Act April 30th, 1802.

§ St. Clair's unfortunate speech, which betrayed ill temper towards the administration, asserted, and quite unjustly, too, that no act of Congress had been needful to enable the inhabitants of that territory to organize in convention, and that the conditions which that act sought to impose ought to be resisted; in short, that the inhabitants were no more bound by an act of Congress in prescribing fundamental rights than by an edict of the First Consul. Whether this speech was a bold bid for State popularity, now that his territorial appointment was necessarily

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days before the expiration of the Seventh Congress; its legislature assembling at Chilicothe on the first day of spring.

SECTION II.

PERIOD OF EIGHTH CONGRESS.

MARCH 4, 1803–MARCH 3, 1805.

As the first triumph of Jefferson's policy respecting Louisiana came Spain's disavowal of the Intendant's action in prohibiting the American deposit at New Orleans; and an order from the King restoring that right to the United States until some equivalent place should be mutually agreed upon, as the treaty provided. Through D'Yrujo the temperate forbearance of the United States government was cordially acknowledged.

April 19.

The French prefect, Laussat, had now arrived at New Orleans, and only awaited the arrival of the promised army and fleet to take formal possession on behalf of his government; but he offered no obstruction to the order of Spain. Uneasy as our Western people had become over the temporary curtailment of their commercial rights in the Mississippi, the real injury suffered was not great.*

April 2.

May 17.

But the national heart was now more firmly fixed than ever in the desire to gain the toll-gates of this great river highway; nor did the administration fail to give that desire full expression. What our government sought most to obtain was the two Floridas, together with the island of New Orleans. Monroe's selection for the momentous embassy had been made not without some apprehension that there might be need of a young, joyous, vivacious spirit at Paris to brace up the negotiation in aid of Livingston, who was old, hard of hearing, had never been brought much in contact with the enterprising spirit of

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to expire, must be left to conjecture; but it came with ill grace from one who knew so well what it had cost the Union to make its title good to this territory. See current newspapers, December, 1802; *supra*, vol. i., p. 196.

* Madison's Writings, April 20th, 1803.

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the West, and whose latest correspondence, besides, betrayed discouragement with his task, and a disposition to have our government fight for the coveted territory, as the only sure means of obtaining it. Livingston had, nevertheless, proved himself a discreet, zealous, and persistent negotiator under the most trying circumstances.*

Napoleon had set his heart upon reacquiring the vast territory which France had so prodigally signed away in 1762 under the pressure of adverse war with Great Britain, and once more gaining that ascendency in North America of which her island enemy had deprived her. A French expedition under General Victor had prepared to set sail from Dunkirk, with 3000 horses and 3000 workmen as the advance guard of this colonial enterprise in the New World. What Bonaparte regarded indispensable in military science, however, Jefferson had applied to politics, namely, an accurate calculation of all contingencies in the first place, and then giving to accident its exact allowance. The accident for which Jefferson had here allowed was, in truth, the speedy renewal of hostilities between France and England. The treaty of Amiens was too hastily drawn up, and its adjustment of disputes too incomplete to be more than a truce between them. The irritated ambitions of the two implacable rivals would not suffer either to rest upon a drawn victory. And thus it came to pass ere Monroe could reach Paris. New taunts were thrown out; Napoleon charged the British with perfidy over Malta; George III. retorted with charges of French perfidy; Lord Whitworth, the English ambassador, was openly affronted by the First Consul at the Tuileries in presence of the whole diplomatic corps; England impressed into her navy every sailor who could be found at Liverpool, while an army conscription went on rigorously through France. The question was not whether war might be avoided, but how long it would be postponed. Feb.–March.

Hitherto, Livingston had striven in vain to gain Napoleon's favor. He had prepared a memorial upon Louisiana to en-

* "I will give you a certificate," said Talleyrand once laughingly, "that you are the most importunate negotiator I have yet met with." See Parton's Jefferson, 653.

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force the views his government entertained; and this, Joseph Bonaparte assured him, the First Consul read with attention; but no one could tell how far it had moved him. All at once Victor's sailing orders at Dunkirk were countermanded, and Livingston found himself treated with marked respect. Napoleon had relinquished, and most reluctantly, his designs upon the American continent, under the pressure of a speedy war with England, and the necessity of preventing the United States from making an alliance with his enemy. Forced to surrender the Mississippi, in any event, he resolved to put it out of the reach of his immediate foe and gain the gratitude of a new and rising power. He needed money, furthermore, in aid of his warlike operations; and no power would pay for Louisiana so liberally as the United States, for none had so ample means and motives for its purchase.

April 8.

Barbè-Marbois was accordingly authorized, on the First Consul's behalf, to negotiate an immediate sale to the United States, not of New Orleans alone, or the eastern bank, but of the whole territory of Louisiana as Spain had ceded it to France. Napoleon left Talleyrand out of the business, lest, perhaps, the X. Y. Z. recollection might be revived unpleasantly. While Monroe, who arrived in Paris the afternoon of April 12th, was on his way from Havre, Livingston received terms; and Marbois, coming the next day as Monroe was dining with Livingston, it was agreed that the First Consul being a man of promptness, and Monroe not yet presented to him, his colleague should speak for both as to price. Monroe's instructions being more ample than Livingston's, the two were quickly enabled to consummate the purchase.* Fifty millions of francs was the secret limit at which Marbois had been empowered to sell Louisiana; he offered it for one hundred millions and promptly closed at eighty millions.†

April 10–11.

April 12–13.

The treaty, which was accompanied by two conventions, fixed, therefore, the purchase price for Louisiana at a sum about equivalent to $15,000,000 in the aggregate, of which $11,250,000 or 60,000,000 francs were to be in six

April 30.

* See Memoirs of Marbois; Napoleon's Correspondence.

† Monroe Correspondence.

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per cent. stock of the United States, redeemable after fifteen years in annual instalments; this country further assuming all claims of its citizens on France under the recent convention, to the amount, as estimated, of $3,750,000, or 20,000,000 francs. It was provided, moreover, that the inhabitants of the ceded territory should continue secure in their religion, liberty, and property, and be duly admitted to the rights of citizens of the United States. Ships of France and Spain, laden with the produce of their countries or colonies, were to be admitted for twelve years at New Orleans on the same terms as American vessels, and French ships ever after on the footing of the most favored nations.

This famous treaty was actually signed May 2d, in the French language, and two or three days after in English. On the Sunday previous to its execution, Livingston presented his colleague to Napoleon, and both dined with him afterwards. The Consul asked many questions, after his quick catechizing fashion, concerning the United States, Jefferson, and the Federal city. "You Americans," said he, "did brilliant things in your war with England; you will do the same again." But Monroe, parrying this thrust at our neutral policy, responded that the Americans would always behave well when it was their lot to go to war.* Marbois relates that as soon as the three negotiators had signed the treaties they all rose and shook hands; Livingston, who was a man of dignified presence, giving utterance to his joy and satisfaction in feeling that the United States now took a position among the powers of the first rank.†

By this sudden, and in its full extent, unexpected acquisition of territory, the United States were indeed placed at the portals of an illustrious career. But yesterday the Mississippi was the barrier of our national ambition, and a foreign king considered whether his own license restrained him from shutting up the outlet to our Western commerce. A stroke of the pen changed all; and to-day a vast, unexplored, almost illimitable empire was ours; perpetual immunity from dangerous

* Monroe Correspondence, May, 1803.

† Memoirs of Marbois; Parton's Jefferson. For treaty and conventions, see 8 U. S. Statutes at Large.

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neighbors; sole possession of this river of rivers, with all its tributaries; a sure dominating influence in the affairs of the North American Continent; national opportunities for the dim future almost depressing in their sublimity. Where, now, would the long surf of our advancing civilization dash into spray? Hitherto natural barriers, those surest bound-marks and protectors from foes within and without, arrested our progress; henceforth, the tide of emigration would sweep from post to post, encroaching upon foreign populations too weak everywhere to resist; nor, unless internal decay and dismemberment arrested the novel experiment, finding effectual bulwark or breakwater interposed east of the Pacific or north of the Isthmus, while an acre of desirable territory was left. Would that encroachment go on forever or would dismemberment interrupt it?

Hopes and misgivings together like these filled Jefferson's mind as he contemplated the grandeur of the new purchase. Not fully observant of the latitude line which slavery had begun to draw across the Union, he meditated upon a separation which the great longitudinal river might finally accomplish. West Mississippi and East Mississippi might hereafter separate, and these millions of acres with their varied productions pass into the control of a confederacy detached from that which now purchased them. But this was a remote danger, too remote to affect living men, and far less a present evil than that of a hostile nation's occupation. "The future inhabitants of the Atlantic and Mississippi States," such were his thoughts, "will be our sons. We leave them in distinct but bordering establishments. We think we see their happiness in their union, and we wish it."*

To complete the natural boundaries of the American Union as hitherto intended, this full environment was needed: the Atlantic on the east, the great lakes on the north, the Mississippi on the west, and the Gulf of Mexico on the south. Such completion it had been the prime object of the administration to procure by negotiation. The present transfer, however, was of the territory alone which France had acquired from Spain;

* Jefferson's Writings, 1803.

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and Spain, as it now became evident, having made scarcely more than a retrocession of the Louisiana province with the same extent that it had when France formerly possessed it, East Florida could not pass to the United States. Monroe and Livingston believed that West Florida was included in the purchase; but though we surely compassed the entire Mississippi, there remained some dispute concerning the precise southeastern limit of Louisiana, the American claim extending to the Rio Perdido between Mobile and Pensacola. On the west our boundaries were likewise uncertain; information as to the interior country was uncertain, but the western basin of the Mississippi would be included and the Rio del Norte was thought to be the southwestern boundary. There were in fact nearly 900,000 square miles in this territory; more than the whole domain of the old thirteen States. The Louisiana cession taken in connection with earlier and later American discoveries about the Oregon broadened our belt of territory to the Pacific Ocean, and gave to this Union a conclusive advantage in any border controversies with other powers, which might ultimately grow out of the present bargain. June 1.

Before the bargain was made Livingston once asked Marbois whether the Floridas were included in the Louisiana cession, and the latter replied that he believed not, but that Mobile (or West Florida) was. After its conclusion, however, Talleyrand was found non-committal on this point. "You get," he said, "all that France had by Idelfonso; it is a great bargain."* Monroe intended, in conjunction with Minister Pinckney, to arrange for a purchase of the Floridas from Spain and thus gain a clear title;† but the time was unpropitious, and he ac-

* Monroe Correspondence, 1803.

† The claim of title by which Louisiana was derived from France may be stated as follows: Louisiana was settled and discovered by the French, including the Mobile settlement. By a secret convention, November 3d, 1762, under stress of the colonial war with Great Britain, the French government ceded so much of the province as lay beyond the Mississippi, together with New Orleans (and so perhaps as to include West Florida), to Spain; and by treaty of peace in 1763 the whole territory of France and Spain eastward of the middle of the Mississippi to the Iberville, thence through the middle of that river and the lakes

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cordingly proceeded to London, whither he had been accredited
August. in place of King, who had now resigned, under advice of his Federal friends, in order not to lay himself under personal obligations by receiving the favors of a Republican President. Napoleon, up to the last moment of Monroe's departure, treated him at various interviews with great cordiality, seeking to impress his government with a sense of gratitude. He had not ceded Louisiana, he said, so
June 24. much for money as from motives of policy and friendship. "My good wishes to your President and yourself," were his last words. "You must not give your flag to Great Britain."*

The news of the purchase of Louisiana was officially communicated to the American press, and the President convened both Houses of Congress by proclamation at an earlier
Oct. 17. day than usual. Congress and the country were in glad accord. The Senate ratified the treaty in two days by a vote of 24 to 7. The House, having organized promptly by the re-election of Macon to the speakership, originated a bill which provided for executing the treaty; and this was carried in both Houses by immense majorities.† Ratifications were exchanged at Washington, Pichon representing
Nov. the French nation; after which the President empowered Governor Claiborne, of the Mississippi Ter-

Maurepas and Pontchartrain to the sea, was ceded to Great Britain. Spain having conquered the Floridas from Great Britain during our Revolution, they were confirmed to her by the treaty of 1783. By a treaty of St. Idelfonso, October 1st, 1800, Spain promised to cede back to France, six months after certain stipulations relating to the Duke of Parma should be fulfilled, "the colony or province of Louisiana, with the same extent that it actually has in the hands of Spain, that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other states." This treaty was confirmed by that of Madrid, March 22d, 1801. France ceded to the United States, April 30th, 1803, with reference to the above clause as descriptive of the limits ceded. Spain's Louisiana province had many divisions, such as Mobile, New Orleans, Baton Rouge, etc. See Congressional Docs., November, 1803.

* Monroe Correspondence, 1803.

† See Act November 10th, 1803, passed in the House by 89 to 23; and in the Senate by 26 to 5. See also Act October 31st, 1803.

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ritory, in conjunction with General Wilkinson, who commanded the United States troops on the Western frontier, to receive possession of Louisiana from the French prefect, Laussat. New Orleans was formally delivered to the United States on the 20th of December, the Spanish commissioners having previously made transfer to Laussat; and Claiborne assumed government of the new territory on the same day. The upper posts of the Mississippi were surrendered soon after. Dec. 20. Jan. 1804.

Wilkinson's orders had been, in case obstruction was offered to the transfer of New Orleans, to take summary possession. Spain, in fact, had seriously remonstrated against the cession of Louisiana to the United States. Her main objections, as formally stated to our government, were that France had solemnly promised not to alienate the territory to another nation, and that the First Consul had not executed the conditions of the treaty of cession. To this Madison responded that France and Spain would settle their private controversy together; that since our title was derived from the First Consul we did not doubt his warranty was good. Aug. 1803.

One serious doubt in Jefferson's mind was the constitutionality of thus extending the area of the United States. As a strict constructionist, he considered that our fundamental charter made no provision for acquiring new territory, still less for incorporating foreign nations with the Union at discretion. But Spain's opposition, and rumors, besides, that France had already repented of the bargain, determined him in favor of the most instant and explicit consummation; after which he thought appeal might be made to the nation for a suitable amendment to the Constitution. Ultimately, however, he yielded his judgment in favor of the looser constitutional construction advocated by Gallatin and others among his advisers.* The right of territorial expansion on this continent, coupled with an equal participation by the annexed people in fundamental American rights, dangerous though such a doc-

* See Adams's Gallatin.

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trine may be if pushed far, has since been firmly grafted upon the Constitution in practice, as incidental to the powers originally conferred by that instrument.*

The main business which brought the Eighth Congress together so early having been thus satisfactorily dispatched before the end of the year, we may now observe its membership at leisure. Both branches are friendly to the administration by immense majorities; the Senate standing, perhaps, 25 to 9, and the House 100 to 39. Not all of the Federalists even are determined opponents of the President's policy. New England furnishes the pith and marrow of the opposition. Now that Bayard has disappeared, Connecticut leads on that side in the House, no abler Federalists appearing than Griswold and Dana. But in the Senate it is Massachusetts; Tracy and Hillhouse being overshadowed by John Quincy Adams and Pickering, both marked men, newly chosen by the Massachusetts legislature to fill vacancies, as a solace for defeat in running for the House; each, however, suspicious of the other.† Young Adams displays the family trait of political independence, on the Louisiana question; while Pickering, in forcing

* If equal participation in fundamental rights be an inseparable incident of annexation, and not the mere wording of particular treaties, this right of indefinite expansion may prove more troublesome in the future than in the past of the United States. The general system of our federo-national Union, as in the case of creating new States, is certainly hostile to the notion of holding acquired territory in the permanent condition of a conquered province, its citizens having inferior rights. In other words, if we conquer enemies we incorporate enemies. We may further remark, that in every case of annexation thus far, excepting that of Alaska, with its trivial population, the annexation permitted under the original provisions of our Constitution has been the annexation of territory adjacent to the United States. It ought not to be readily granted that the present Constitution permits distant and populous countries to be thus added; as, for instance, should Spain, Italy, Japan, Paraguay, or perhaps, the West Indies fall into our hands.

† See John Quincy Adams's Memoirs; Pickering's Life. Pickering appears to have been jealous of the preference which accorded to the late President's son the earlier Senatorial vacancy. He failed to sustain his colleague on early measures of this Congress. We may trace this hostility to the Cabinet quarrel of John Adams's administration.

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the stream up hill shows the iron endurance of a hydraulic ram with somewhat of the same incessant play. The variable Dayton, of New Jersey, and the moderate Plumer, of New Hampshire, are also of the Federal Senators. De Witt Clinton on the Republican side leaves the Senate soon after Congress assembles, to become mayor of New York; Edward Livingston, the former incumbent, being a public defaulter in his district-attorneyship. More than half the House are new members. Matthew Lyon now represents a Kentucky district. Varnum and Eustis, of Massachusetts, are administration men of experience. Two new Republicans from Virginia are Jefferson's sons-in-law, Thomas M. Randolph and Eppes, both estimable men, and the latter in due time a prominent member. The new apportionment under the census of 1800 has increased the number of representatives from the Western frontier States, which is a gain to the Republicans. With Samuel Smith and the ready Giles transferred to the Senate, John Randolph's leadership of the House is undisputed. On the whole, a Congress of mediocrity, but all the more complaisant and even deferential for that very reason, to the Executive which guides its course.

In the course of the present session and without much opposition the unpopular Bankruptcy Act was repealed, thereby reducing official patronage and the labors of the Federal courts.* 1804.

As to the courts themselves the disposition to remodel them by removing obnoxious judges of the Federalist party, was just now very strong. Naturally enough, the Republicans antagonized these judges; not so much, perhaps, because law, order, or the life tenure was hateful to themselves, as from a sullen conviction that this department of government, the weakest of the three, had been perverted of late to political uses, and set as though to govern, not individuals who might offend, but society itself, the majority of the people, by writs and indictments. Whiskey excise, the direct tax, sedition laws, all fostered this antagonism; finally the Circuit Court appointments followed by the humiliating repeal of the act. If judges

* See Act, December 19th, 1803; *supra*, vol. i., p. 456.

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are personally obnoxious they are made far more so by litigants who seek their countenance for obnoxious purposes, as was done in Marbury's case.

Pennsylvania, where the ruling party was divided into two turbulent factions, was now the theatre of a violent movement against opposition judges. The legislature of this State, where judges after the usual rule held office by a life tenure, made an example of impeaching Addison, a president judge of Com-
Jan., March, 1803. mon Pleas and Federalist partisan, for making a political harangue to a grand jury, calculated to discredit the authorities in power, which was accompanied with rudeness to his Democratic associate upon the bench, who wished to respond. Addison's high legal qualifications and personal integrity could not shield him from punishment by a summary removal from the bench by the two-thirds vote of a Republican State Senate. To this succeeded a violent effort to displace other State judges of unpopular politics, and to lessen the employment of the regular Courts and professional counsel in civil suits by the erection of referee tribunals. Governor McKean and the conservative wing resisted this movement; Duane and the radical Democracy pressed it.*

Just before the close of the Seventh Congress the House had
Jan.-March, 1804. impeached Judge Pickering, of the New Hampshire district, whose trial before the present Senate resulted in his conviction. This impeachment being for good cause, the public mind, now that the spell of the national judiciary was broken, was not unprepared for the arraignment of a higher official in the hoary-headed Justice Chase, of the
1803. Supreme Court, whose spring circuit of 1800 was bitterly remembered, and who had deepened more recently the displeasure of the public by railing, like Addison, before a grand jury at the politics of the day.† At John

* See 5 Hildreth; current newspapers.

† See *supra*, vol. i, p. 448; Centinel, June 29th, 1803. This charge to the grand jury at Baltimore, Jefferson declared a seditious and official attack on States and the Constitution which ought not to go unpunished. Judge Chase here condemned the repeal of the Circuit Court Act; and in a high strain denounced furthermore certain proposed amendments concerning the Maryland judiciary, and a late change in the constitu-

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Randolph's instigation the House at its first session presented articles of impeachment against him, founded chiefly, however, upon his persecuting conduct in the Fries case, and at Callender's trial. Jan. 1804.

The slavery question had long been quiescent in Congress. But uneasiness arose over the Fugitive Slave Act of 1793. A complaint from the Quakers, assembled at Philadelphia, called attention, in 1797, to a cruel law of North Carolina, under which no slave could be set free except for meritorious services recorded in court; and they claimed that 134 Africans whose liberty they had procured had been seized under color of that law, and reduced to bondage again. The House declined interference, deeming the subject more appropriate for the courts; but the discussion itself showed that the humane element of Pennsylvania was very sensitive upon what the South thought a right plainly secured to that section by the Constitution. The Fugitive Slave Act was liable to abuse in the enforcement. A manumitted slave who had been free twenty years was seized under its provisions and imprisoned in Philadelphia jail. Slaveholders breathed more freely when the seat of government was removed to a jurisdiction which Congress could effectually control in this respect.* 1797.

Slavery in the new territories was a second source of uneasiness to conscience men. George Thacher, a representative of the Maine district of Massachusetts, whose lustre borrows nothing from his party colleagues, made a conspicuous effort at the session of 1798 to strike out the slave proviso in the Mississippi Territory bill and have slavery prohibited in all parts of the Western territory.† The constitu- March, 1798.

tion of that State which dispensed with the property qualification of voters.

* See Annals of Congress, 1797, 1798. In 1802, however, the House refused to make the Fugitive Slave law more stringent than it was. Annals, January, 1802.

† In his speech favoring such a course, Thacher went to the root of the matter, declaring slavery to be an immense evil, an evil in direct hostility to the principles of our government. "We are about to estab-

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tional ground Thacher stood upon, namely, the right of Congress to prohibit, was not seriously assailed; but upon the expediency of so bold, and yet so just, a discrimination against the institution he was defeated. The extreme South protested; Virginia seemed uneasy; his Eastern associates of the Federalist party, Otis and the rest, truckled as usual. Gallatin and Varnum, men not ashamed of a principle, stood by him; but the amendment was lost by an immense majority.

While in these two respects the anti-slavery cause found only discouragement, and the glorious opportunity slipped by for consecrating our virgin soil to freedom, in two other respects there was a positive gain: (1.) Slavery was abolished in two more States; New York, under her honored Jay, having adopted, in 1799, the Pennsylvania plan of gradual emancipation; and New Jersey following during the present winter, the Republican Bloomfield, her Executive, being also identified with the abolition societies. These were the last of the old thirteen States to join the alliance of freedom. (2.) Our national sentiment against the foreign slave-trade kept pace with the Wilberforce movement in England, and Congress prepared to abolish that traffic when 1808 should arrive. Since 1798 all of the States had passed laws forbidding the importation of slaves from abroad; and South Carolina repealing her act, the present House would have laid a ten-dollar tax at once, but for submissive assurances that if time were allowed her prohibiting act would be renewed.* The check upon slave importation from abroad had been influenced to some extent by the slave insurrections in the West Indies, and particularly at St. Domingo, where Toussaint's name inspired daring hopes and a massacre of the whites was impending.

1799.

Feb. 1804.

Feb.

lish," he said, "a government for a new country. The government of which we form a part originated from and is founded upon the rights of man, and upon that ground we mean to uphold it." Annals of Congress, March, 1798.

* Annals of Congress, 1804. Bard, of Pennsylvania, led in proposing the ten-dollar tax, and Middle and Southern representatives reasoned together. The Northern Republicans condemned South Carolina, but New England Federalists, it is observable, evaded the discussion and sought postponement of the whole subject.

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Many Southern planters feared that their own slaves would rebel, unless foreign blacks having the St. Domingo infection were kept out. Refugee planters from the West Indies had, of late years, settled in New Orleans, where they promoted the culture of the sugar-cane.

Agreeably to the general sentiment against the slave-trade, which was expressed in a memorial from the abolition convention recently held in Philadelphia, Congress did not organize the new Territory of Orleans without forbidding the introduction of slaves from abroad. But the right of Orleans settlers to take their slaves with them was not withheld. More than this, an act of the next session, relative to the Louisiana Territory, tacitly acquiesced in the slavery which already blotched the Missouri and Red River settlements, the only northerly centres of population which as yet afforded the promise of future States. As for abolishing slavery in the District of Columbia, the nest of our national government, every attempt failed.* It should be said, however, that while in these years the inhabitants of the Indiana Territory prayed constantly to have the barriers against slaveholding removed, their prayer was as constantly refused.

Here, then, we should remark that the abolition sentiment of the Union was not powerful enough at this era to induce Congress to prevent the spread of slavery into regions which slaveholders thought they might advantageously settle. The great Louisiana purchase, which held the germs of new States, presented for the first time vast territorial domains, at the national disposal, free of all claim, real or pretended, on the part of older members of the Union† to impose conditions of release. Instead, however, of devoting this purely national territory, or any portion of it, at once to freedom, Congress shirked what might have seemed an invidious task; leaving the French and Spanish social institution tacitly undisturbed. This was a stupendous error, and like most errors of a liberal

* Sloan, of New Jersey, attempted this in the House during the second session, but failed by 77 to 31. Annals of Congress, January, 1805.

† See vol. i, p. 100, 149. Georgia's cession or quit-claim in 1802 of what became the Mississippi Territory made reservation against the prohibition of slavery. This cession was accepted by Congress.

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government, the error of inaction. In consequence of it the free and slaveholding settlers came, many years after, into violent collision in the Western valley.

And yet the policy of this administration (though Virginia inspired it) and the ascendency of the new Republican party helped the anti-slavery cause. Congress discussed the delicate topic more freely than before. Slave propagandists were less defiant in their tone. Quaker petitions were treated with greater respect. The conviction gained force* that slavery in the United States was fast diminishing; and caution and circumspection were the means favored in dealing with the difficult problem. Jefferson, humane, generous, and impulsive, but politic, and drifting, his State with him, from the old landmarks, weary of toiling against the stream, and harassed, as always, by the belief that should slavery be abolished whites and blacks could not permanently mingle and enjoy equal rights, wished that Upper Louisiana could be an unpeopled region for half a century longer; kept as an Indian reservation, in fact, while the cis-Mississippi section, including the great Northwest Territory, furnished its own quota of new States.† With the spectre of slave insurrection haunting him he had shaken once more his drowsy State; but in vain, for they who feared drew the cords still tighter about their bondsmen.‡ As President he prepared for the total prohibition of the foreign slave-trade in 1808; anticipating which he worked with Monroe upon a plan, approved by the legislature of Virginia, for colonizing our negroes at Sierra Leone, or some Portuguese settlement in South America. Such a scheme was opened with the British government; and though nothing yet came of it Jefferson settled into the belief that negro colo-

* President Adams had shared in this belief. See 9 John Adams's Works, 92.

† Jefferson's Works, 1803–4. Monroe expresses the same idea. Monroe Correspondence, 1804.

‡ Jefferson to Tucker, August 28th, 1797: "From the present state of things in Europe and America, the day which begins our combustion must be near at hand; and only a single spark is wanting to make that day to-morrow. If we had begun sooner we might probably have been allowed a lengthier operation to clear ourselves, but every day's delay lessens the time we may take for emancipation."

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nization in Africa offered, on the whole, the best permanent solution of our slavery problem.* For Jefferson's theory was emancipation without amalgamation.

The peaceful acquisition of Louisiana at so trifling a cost greatly enhanced Jefferson's popularity, particularly in the South and West. At a dinner given in honor of the event at Stelle's hotel, on Capitol Hill, which the Republican members of Congress and high officials generally attended, the toasts and general applause indicated that Jefferson would be put forward for a second term; while Burr, who was one of the guests, would be dropped.† Not long after, at a caucus of the Republican Senators and Representatives, Jefferson was re-nominated for President unanimously; with George Clinton as his associate for Vice-President, an honor which had been informally declined by McKean.‡ Put to the personal test Jefferson had now modified his earlier views on the Presidential tenure in favor of a service for eight years, instead of seven, with the liability of being dismissed, so to speak, in four. But of re-elections for a third term, or for life, he disapproved as emphatically as ever, trusting that precedent would establish a final limitation in this respect.§

Jan. 27.

Feb.

To correct the mischief patent in the last Presidential count a constitutional amendment was duly proposed by Congress and adopted by the legislatures of the requisite three-fourths of the States in good season, which

Sept. 25.

* Jefferson's Works, November 1801, July 1802, January 21st, 1811. Jefferson had in mind the commercial advantages of such an experiment, if carried out successfully. Motives of humanity impelled him also to the attempt. These negroes, he thought, going from a country with useful arts might implant them among their own people.

† Jefferson's Anas show that Burr had called upon him the evening before that of the dinner with a view of conciliating his support for re-nomination. Jefferson was wary, and he had lately received strong testimony as to Burr's bad faith in 1800.

It had long been a matter for satirical comment that while Burr went constantly up and down the land few were found to "stick" to him.

‡ See Washington Intelligencer; Adams's Gallatin, 312.

§ Jefferson's Writings, January 1805.

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required electors to distinguish President from Vice-President in their ballots, and provided for the eventual failure of the House to choose from the highest candidates.*

The Federalist members of Congress made their counter-demonstration on the anniversary of Washington's birthday by another dinner at Stelle's, over which Pickering presided. Their candidates, as presently announced, were Charles C. Pinckney and Rufus King; but such was the secrecy of their caucus proceedings and their unconcealed dislike to the pending amendment, that the party was left long in the dark as to which of these two respectable citizens should take precedence. Pinckney had made a tour of New England the previous summer, receiving distinguished attentions. King, on his return from Europe, was honored in Boston by a banquet, decidedly anti-administration in character, from which the Adamses took care to absent themselves.†

Feb. 22.

1804.

A disunion project, in fact, was under secret discussion at this time in the Eastern quarter of the Union, among those most hostile to the new order of things; originating, however, in Washington, where the New England coterie in Congress comprised ambitious and disappointed spirits like Pickering and Griswold. Men fallen from power are prone to imagine that the ruin of their country is involved in their own, and the vitality of Federalism in grateful Massachusetts and Connecticut encouraged this little knot of representatives in a singular delusion. An Eastern confederacy, they thought, might be set off from the Union, to embrace all of New England, with New York added, and possibly New Jersey, on the south. Should Canada and Nova Scotia be peaceably annexed at the northward and a commercial alliance made with Great Britain, their position would become impregnable; the liberal imposts collected at their chief seaports would defray all common expenses; and thus might they disconnect themselves utterly and forever from the South, and this Western Scythia, for which they cared nothing. These men hated Jefferson, they

* See vol. i., Appendix A. That Amendment remains in force to this day.

† See newspapers of the day.

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hated this new prate of a government which did not govern. Old-fashioned ideas were good enough for them; the well-bred and educated to rule, the vicious and ignorant to submit. Their flock was leaving the shepherds. They who should have touched the hat superseded their betters in office. The judiciary was in danger. With the annexation of Louisiana empire would surely pass to the West and South; and New England, gradually depopulated, and without slaves for freemen to represent, must gradually sink into a province for creoles, Spaniards, and half-breeds to rule over. Disunion was a better fate; and disunion they thought practicable, if a legislature and Executive of their party were once elected in each State of the league; the next step being to discontinue elections to Congress and prepare to dissolve constitutional relations. Such were the arguments and such the plan broached in confidence to influential friends in New England, whose general response was discouraging, but not positively unfriendly.*

Burr was sounded by those most earnest in this business. The silent but persistent determination of Jefferson's friends to force him into retirement produced bitter feuds in New York, where the Vice-President had a nest of young followers gaping in vain for office. He felt the affront put upon him, and in private conversation spoke bitterly of the Virginia influence. Clinton, the new nominee for the Vice-Presidency, having declined a re-election as Governor of New York, Burr was put

* See William Plumer's Life, 293; Cabot's Life; Adams's New England Federalism, in which the correspondence, or such fragmentary portion as remains, has been carefully gathered. John Quincy Adams found Burr a man of very insinuating manners and address, who, for some reason, seemed to be cultivating him. Diary, January, 1804. Neither Adams nor Tracy favored the separation scheme, though they gained knowledge of it. Adams afterwards gave out that Hamilton was intended for the military leader in case of a separation. Those in Congress most strongly committed to separation are seen to be Pickering and Griswold; Sedgwick, also Reeve of Connecticut, favor it strongly in correspondence; Plumer, Senator from New Hampshire, likes the idea, but it is known that his views changed afterwards. Cabot and Stephen Higginson think the time has not yet arrived.

Wolcott, Ames, and others were sounded; also Judge Peters, who plainly disapproved of the scheme.

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forward as a candidate. His Republican opponents proposed Lansing. It was an earnest State canvass, and Burr knew he was politically ruined unless he won. The Federalists of that State were thought to hold the balance of power. Before Congress adjourned the Eastern separatists conferred with Burr, who, with real or feigned interest, listened to this project of dismemberment; but they could not win King or Hamilton to their views, and for the present the New York and New England confederacy awaited events, its projectors hoping for Burr's election, but perceiving no way to promote it.*

Lansing declined the contest. But from this Burr's adherents made little profit; for the regular Republicans proceeded to nominate Chief Justice Lewis, a connection of the Livingstons, and a jurist highly respected. The election was triumphantly carried by the united friends of the national administration and the Clintons and Livingstons, Lewis receiving 35,000 votes, and Burr, with such assistance as the Federalists gave him, only 28,000.†

Thrust out of influence, bankrupt in purse and prospects, politically discarded by the State and national Republican party, his Federal coalition a failure, Burr now sought a desperate revenge. Of all men none had so marred his fortune as Hamilton, his rival at the bar and constant enemy. Of Hamilton's exposures in 1801 he knew something. On this State campaign Hamilton had resolutely held back his fellow-Federalists by a similar course while avoiding the canvass as much as possible.‡ Unable to make specific charges Burr demanded imperiously of Hamilton a broad disavowal of all offensive expressions concerning him, or else the satisfaction usual among gentlemen. Finding Burr inflexible, Hamilton chose the latter alternative; reason and conscience

Feb.

* See 7 J C. Hamilton's Republic. Griswold had an interview with Burr, in April, by appointment. Pickering tried to draw over King and Hamilton. A Connecticut newspaper had written up dismemberment of the Union in 1796, and the party press sought in various quarters to turn New England against Virginia influence, Louisiana and the new constitutional amendment relating to Presidential elections.

† 7 J. C. Hamilton's Republic; current newspapers; 5 Hildreth.

‡ See J. C. Hamilton's Republic; Hamilton's Works.

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protesting against an encounter to which his romantic sense of honor impelled him, and which he hoped to justify by sparing in any event the life of the man who sought his blood. He was not without presentiment that he would be a victim; and Burr, who felt no compunction, practiced carefully at a mark to make sure of it. The duel, postponed to an opportunity mutually convenient, took place in the gray of a July morning, on the Jersey shore. The parties were prompt with their seconds and attendants. On the signal Burr raised his arm, took aim with coolness and precision, and shot Hamilton in the right side. Hamilton's pistol went off in the air as if involuntarily, and he fell upon his face mortally wounded. On the same ground, and nearly on the same spot, fell Hamilton's eldest son, in a miserable political duel, three years before. Burr fled; his fainting victim was conveyed across the river by boat once more; and in the house of his second, after suffering great agony of mind and body, he expired the next day.* July 11. July 12.

Thus unhappily was flung away one of the most vivacious spirits ever yet vouchsafed to this New World. Hamilton's soaring greatness, his energy, his fertility in resources, and the faults of his remarkable character we have sought faithfully to depict in the course of this narrative. As his views on political subjects were expressed plainly in writing on every emergency, exploring from top to bottom, so to speak, and his writings have been published, only they need misunderstand Hamilton at this day who rely upon the exaggerated phrase of contemporaries, of those on the one hand who felt that the Union could not endure with him, and of those on the other who were assured that it could not last without him. No estimate, however, of Hamilton can be complete which fails to take into account the precocity of his intellect and the almost juvenile stage of that career which was so illustrious under all discouragements. This prodigy of executive ability; this Cæsar of a commonplace world, which yielded, unfortunately for the scope of his powers, more to laws than to individuals; this financier, whose feats with the public credit had

* 7 J. C. Hamilton's Republic; Parton's Burr.

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astonished two continents; this imperial soul, which had dwelt in near companionship to Washington; this statesman, who at thirty-five despised the subtle Jefferson, a man nearly fifty, who sought to bend that venerable oak, John Adams, who never doubted his own position among the wealthiest, the oldest in family influence, in a country upon which he had been cast, a waif; this wonderful American reached the zenith of his public influence when about thirty, and died at forty-seven. What might he not have accomplished, it may be asked, had he lived to devote his riper years to his fellow-countrymen? Not, we apprehend, a new and more brilliant public career. For the more that political power passed to the American mass, the more surely he was cut off from participating in it. Hamilton was fitted to rule a decaying, not to lead a rising republic. He was boldest in time of public danger, and only despaired when all was peace and safety, so that personal prowess was impossible. As Gouverneur Morris, his sympathetic friend and eulogist, felt compelled to admit, Hamilton was covetous of glory more than of wealth or power, and while conscious that a monarchy in America was unattainable, so constantly and indiscreetly avowed his attachment to it, that he cut himself off from all chance of rising into office. And it is certain that to Washington's personal friendship and protection he owed almost solely his political opportunities, the strongest partisans not daring to expose him to the test of the ballot. Among distinguished men the popular instinct rarely errs as to genuine friends, or rejects without a cause; calumnies manifold could not extinguish the popularity of a Washington or a Jay. Hamilton would have grown prudent; but with his social, professional, and political friendships he was likely to be a confirmed pessimist. Too frank to suppress his own convictions, too honorable to meanly court applause, he had likewise too much pride of intellect to acknowledge error. His ideal of distinction was irreconcilable with respect for the common sense and common dignity of mankind; he asked little advice, trusting his untried pinions on the widest flight; and lovable, as doubtless he was, in his own circle, he was incapable of becoming in the broad sense a friend of the people. But supposing Hamilton's patriotism to have broken out in a new

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flame when our later troubles came with Europe, melting down his British prepossessions, and restoring him and Madison to their youthful harmony, what glory might not have redounded to the American arms under such a commander? Hamilton was, however, a scholar in his leisure hours, studious of the ancients, interested in modern systems, observant of foreign precedents. Aside from his professional acquirements, which were enough to bring him fame and an ample competence, he might have become a philosopher, an expounder of comparative politics, an American Montesquieu. Towards such an investigation, in truth, his active mind, released from public responsibilities, had latterly turned.

But an assassin's bullet stopped all opportunities for good or ill. Hamilton perished untimely; a disbeliever in national dismemberment, but to the last a dreamer, a fatalist, lamenting a political system which seemed poisoned with democracy, and recognizing it as his paramount duty to maintain the code of honor in view of emergencies which might later arise.* A grand impulse to our national system, with consolidation as the corrective of a confederacy; liberal national powers; protection, force and energy in the central government; financial stability,—these were Hamilton's great legacy to the American Union.

Hamilton was idolized by his personal friends, his very frailties moving those to compassion who acknowledged his superior intellect; while Burr was regarded as a cold and heartless libertine. The duel and its fatal issue startled the public, so stealthy had been all the preparations. To Hamilton's followers it seemed a martyrdom; nor could Jefferson and his party resist the idea that the victim had fallen in their cause.† Grief and indignation mingled in the funeral rites paid to his remains. His widow and young children left with an embarrassed property were relieved by a public subscription. Burr was pursued as a wilful murderer; indictments were found against him in New York and New Jersey;

* See 7 J. C. Hamilton's Republic; Hamilton's Works, 1804, particularly, the papers written just before the duel.

† Jefferson's letters of later date deal more gently than before with Hamilton's character and proclivities.

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and such was the public feeling that hé had to take temporary refuge in Georgia.*

There had been a number of political duels of late years. De Witt Clinton fought with Swartwout, marshal for the district of New York; Stanley with Spaight, in North Carolina; Jackson, of Georgia, with Watkins. A Northern member of Congress who declined a challenge sent him by a Southerner, irate at an official report, was set upon by his challenger at an inn, and had his nose pulled and his ears twigged in the presence of others as a poltroon. Some of these encounters had resulted fatally, others in maiming for life; youths and college striplings imitated their elders. To check this brutal practice, Massachusetts, Vermont, New York, and some other States had prohibited duelling by appropriate laws. Hamilton's death taught a lesson not lost upon Northern States, but duels still took place, especially among Southerners, and often in defiance of statute; men eminent in public life furnishing some of the worst examples.

Burr's political disaster, followed by Hamilton's death, nipped the confederacy plot like an early frost. Except for a later growth from the same root, this extravagant scheme was scarcely worth historical notice. Jefferson had divined it from the coalition of Eastern Federalists with the Burrites; but it gave him no uneasiness.† The Federalists had lost Vermont and Rhode Island, and held New Hampshire and Massachusetts with great difficulty in the State elections. They had no national issue, moreover, to make against the present administration, which, despite all forebodings, had been peaceful, popular, and eminently successful. Jefferson and Clinton swept the country with ease in November, carrying the larger part of New England, Massachusetts unexpectedly included. Not an electoral vote in their respective States could Pinckney and King command; but only Connecticut, Delaware, and

* Parton's Burr; 7 J. C. Hamilton's Republic.

† Jefferson's Works, April 16th, 1804. The object, he surmised, of the Federalists is to divide the Republicans, join the minority, and barter with them for the cloak of their name; the price is principle. "The idea of forming seven Eastern States is, moreover, clearly to form the basis of a separation of the Union."

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two votes from Maryland; 14 altogether, against 162.* In this election the former rule was so far changed that Presidential electors in the several States were chosen by the people rather than the local legislature, a practice henceforth established by Republican precedent, together with that of voting for electors by general list instead of by districts. Uniformity could not be compelled, however, as each State used its own discretion.

The war with the Barbary pirates† had made progress, but without reaching the desired conclusion. The Seventh Congress having at its first session recognized war with Tripoli, preparations were made early in 1802 for sending out a squadron to relieve Dale. The command of this squadron was offered to the brave Truxton, a man of Federal sympathies, who, declining because the Executive was too frugal to give him a captain for his flag-ship, was chagrined to find his letter construed into a resignation from the navy and promptly accepted. Morris was next selected and sent out; but he showed little energy, and was afterwards broken. Our squadron blockaded the Tripolitan coast, but the shallowness of the waters and the want of smaller vessels made the work difficult. Some of the enemy's cruisers were captured, including the largest of all, which was blown up. Congress having meantime authorized an increase of the naval force, four new vessels, consisting of light brigs and schooners, were sent over as fast as they could be got ready. In the summer of 1803 the frigates *Constitution* and *Philadelphia* were sent out to relieve the older vessels in the Mediterranean, and the command of the squadron was given to Edward Preble.

March, 1802.

May–June, 1803.

Preble's arrival was opportune. Algiers, Morocco, and Tunis had lately shown signs of a disposition to aid the Bey of Tripoli; and an armed Morocco cruiser captured an American merchantman, which was retaken with its captor, by Captain Bainbridge, of the *Philadelphia*. This latter act of hostility the Emperor of Morocco had disavowed

October.

* See Electoral tables, Appendix.

† *Supra*, p. 16.

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when explanation was demanded, and Preble sailed for the blockade of Tripoli. Off this coast, unfortunately, Bainbridge, while pursuing a large frigate of the enemy, ran his own vessel on a rock; and after a gallant resistance the *Philadelphia* was taken with all on board.

November.

All attempts to liberate Bainbridge and his crew failed; the Tripolitan government well appreciating the richness of their capture. The captain and his officers were treated fairly, but the sailors were reduced to slavery. The gallantry of the young officers who had unfurled our flag in the Mediterranean soon found other means of assertion; for the little ketch *Intrepid*, with a picked crew, under the command of Lieutenant Decatur, advanced one night into the harbor of Tripoli, where the hulk of the *Philadelphia* lay at anchor, and under fire of the batteries on the shore burned it to the water's edge, leaving the enemy with ransom-money to expect, but no prize. Tidings of this exploit having reached home in the spring, Decatur was promoted to a captaincy; and among others distinguished on that occasion were several immortalized in after years.

Feb. 3, 1804.

Commodore Preble was ordered home in the autumn; Commodore Barron arriving with the *President* and *Constellation* to relieve him of a squadron which now comprised two-thirds of the entire effective force of the American navy. Tripoli had been closely invested and bombarded during the summer, and several of the enemy's vessels captured or sunk. The inhabitants of the town suffered from starvation; but the Bey's demand being exorbitant no ransom or peace could be effected.* Congress voted a gold medal to Preble, and a sword to Decatur.†

This Mediterranean war, together with new impressment grievances against Great Britain, of which we shall speak hereafter, brought the country and administration to regard with increasing favor the wants of our navy. Jefferson had prevailed steadily with Dearborn to keep down the military estimates; but Smith's expenditures in his department, never

* Annals of Congress and documents.

† Resolutions, November, 1804 March 3d, 1805.

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reduced to the figures anticipated when the excise tax was abolished, began rising so fast during the Tripolitan war that some new resource of revenue became necessary. This resource was found in a special 2½ impost, known as the "Mediterranean Fund,"* sanctioned by Congress in the first place as a temporary duty, after the loss of the *Philadelphia*, but kept up by continuous acts for many years.

Silently the young American navy was fostered and made quite as efficient as circumstances and good policy would allow. But a Republican administration had many prejudices to encounter among its friends in this respect. The agricultural South ridiculed such an establishment as a costly plaything, nor did Jefferson incline in the interest of peace and economy to do more than render it adequate for visible emergencies. Favoring a navy chiefly for coast defence, he recommended the building of light gunboats, as far as possible, after models employed in European inland waters. Congress indulged him in his experimental zeal too far, we must believe, for the welfare of the service; and Jefferson's gunboats, single or two-masted sailing craft, designated by numerals, mounting a twenty-four or thirty-pound gun, and bobbing up and down in rough waters, never put to much use in the harbors to which they were assigned, never, fortunately, coming within range of an enemy's broadside, and finally condemned and laid up by his successors, provoked much mirth among salt-water sailors. The theory of superseding by divided commands those old line-of-battle ships, floating tenement-houses of immense cost, pierced for numerous cannon, contained, however, a kernel of sense; and through the modern application of steam to navigation the gunboat has long since been put to extensive practical use in our navy.

Of all advisers Jefferson's most valuable were his two chief Secretaries; both men of excellent parts and experience, believers in his fundamental policy and in the sincerity with which he pursued it, respecters of one another. A combination so felicitous at the head of affairs as that of Jefferson,

* Act March 26th, 1804. See reports of naval operations; Act February 28th, 1803; Messages 1802, 1805; Jefferson's Works, January 29th, 1805.

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Madison, and Gallatin has seldom been seen. The chief had the faculty of originating, the enthusiastic temperament, the wide philanthropy, the gift of managing men; the others, less buoyant and magnetic, more conservative, more respectful of precedent, more distrustful, fitted admirably their subordinate, yet exalted station, and checked Jefferson in the disposition to doctrinize and innovate. It is worthy of notice that two men, marked hitherto as leaders in legislative proceedings, quickly developed good business methods in executive administration; and still further, that transferred to the cabinet, in the prime of life, each devoted a long future to the public without ever entering a legislature again, or extending his fame as an orator. Madison, to be sure, held a department which the President was most competent to direct; while Gallatin became a financier and specialist, whose functions, less capable of guidance, were, for the present term certainly, more essential to the prosperity of a Republican administration whose prime concern it was to retrench expenditures, pay off the public debt, and collect a rising revenue.

We are to picture the American Neckar at this time as a compact man of medium stature, with black hair, a bald head, dreamy, hazel eyes, dark complexion, and a countenance which indicated self-absorption, prudent calculation, reticence, and excessive caution; Swiss, not French, in temperament, a wholly different personage, in truth, from the crack-brained zealot, whiskey insurrectionist, and frog-eating foreigner, depicted by the imagination of those who had never beheld him. He was temperate in habits, somewhat shy, and the hardest worked man at the capital; taking little recreation, nor knowing well how to enjoy it. Not equal to Hamilton as a financier to rear a system from the foundation, Gallatin was a much safer custodian of the purse when economies and husbandry were the order. Cold and reserved, as always, commanding respect in his party for talents, purity, and principle, but no longer conspicuous, if ever so, for intolerance of ills incurable, Gallatin felt in his new position the necessity of conciliating capital and those money centres where only conservatism can command. An exile of choice, patrician in birth, he felt the exile's isolation; his heart expanded in the domestic circle,

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but that circle was a narrow one; for the rest he found friends, and powerful ones, but not intimate, and such for the most part as watch the political barometer. Had prejudice availed, as he once feared it would, to keep him out of Jefferson's cabinet, he intended moving to New York city and practising at the bar. As a cabinet officer, and dependent upon his salary, he grew very nervous over the turmoil of factions in the State and section he represented, and unlike the President, would have temporized with Burr and held the rod over Duane. Not a false friend, Gallatin kept too much guard over his heart to be a firm one; and hence, among rivals and adversaries, of whom every politician finds plenty, he would have stumbled except for Jefferson, whose confidence was implicit and at the same time generous.

Gallatin did not agree with the President on all points of administration policy, nor did the President require him to. He would have kept peace with the Barbary powers, in the calculation that tribute was cheaper than war.* Jefferson yielded to his judgment on various treasury matters, as in the establishment of a branch bank of the United States in New Orleans;† the Secretary proving himself the friend of that fiscal institution which the President constantly disliked, without being able to develop more than the germ of our later sub-treasury system. Upon the annual budget they worked carefully together. Gallatin's scheme for reducing the debt while meeting at the same time the ordinary demands of government, was founded upon persevering investigation. He simplified Hamilton's methods, and the sinking fund contrivance borrowed from Mr. Pitt, but attempted no radical departure from his system. His central idea was to obtain over and above current expenses of government, a regular annual fund to a fixed amount, as a surplus for discharging interest on the national debt, and a certain instalment of the principal; for which he relied, first, on frugality of expenditure; next, on the most economical taxation.‡

The balance-sheet of government at this period presented

* Adams's Gallatin.

† Ib. See Jefferson's Works, December 13th, 1803.

‡ See Adams's Gallatin.

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regularly a condition of affairs highly prosperous and encouraging. The excise, as we have seen, was early dispensed with.* Direct taxation too had been dropped, with its impediments and tedious processes.† Commerce rapidly expanded, and the receipts of custom crept constantly upwards. The modest revenue from the sale of public lands nearly trebled in four years. To use the President's words, the purse was supplied by economies so as to support the government properly and apply $7,300,000 a year towards reducing the public debt; discontinuing a great part of the former expense on armies and navies, and yet leaving enough to protect our country and commerce; purchasing a large country, and yet asking neither a new tax or another soldier, but providing that the country should pay for itself before the purchase-money fell due.‡ With this annual surplus of $7,300,000 Gallatin expected to cancel the national debt about the year 1817. If economies fell somewhat short of the figures, the increase of import revenue beyond all estimates carried the American Union triumphantly in the direction desired, notwithstanding the Tripolitan war.

Congress had adjourned from March 27th to November 5th; the Presidential canvass occurring meanwhile. No quorum appeared in the Senate until November 7th, nor was this final session of the legislature an important one.

To reorganize our territorial domain now so vast in extent was the engrossing task of the government. Congress at the first session had concluded to divide Louisiana into two territories, providing for the southern, which comprised New Orleans and its vicinity, a temporary government, placed under the strict supervision of the President.§ It appeared from Claiborne's report, that the annexed people, but lately under Spanish rule, unaccustomed to free institutions, and ignorant of the English language, were not at once to be safely trusted

* *Supra*, p. 21.

† Treasury Report, March, 1803; Annals of Congress.

‡ Jefferson's Works, January 29th, 1804.

§ See Act March 26th, 1804; also Acts February 24th, February 25th, and March 19th.

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with their own affairs. But American settlers hastened to the Crescent City to better their fortunes with its own, among them Edward Livingston; and upon their earnest petition a new act was now passed, permitting the inhabitants to elect a legislature of their own, and whenever the population should reach 60,000 to erect themselves into a State, form a republican constitution, and claim admission to the Union on the usual footing.*

The primitive inhabitants of New Orleans, who prided themselves upon their Latin blood, were not easily assimilated with the Anglo-Saxon immigrants. Anonymous placards incited them to revolt against the new government. There was great corruption in the public offices. Spanish officials had so delayed their final evacuation of Louisiana as to cause serious apprehensions of mischief.† That these diverse elements might coalesce the better, Jefferson had seriously thought of commissioning Lafayette as governor; and though politic reasons prevented the offer of such a trust to a French citizen, a grant of land, the earliest in the new acquisition, was voted by Congress in recognition of his services. That the foundation of private claims might rest ultimately in the United States as in other territories, commissioners were appointed to ascertain and adjust the titles in Louisiana under French and Spanish grants.‡

Claiborne was continued in office as Governor of the new Orleans territory. The upper portion of Louisiana, which Congress proceeded to erect into a separate territory of the second class,§ or without a popular legislature, was confided to General Wilkinson of the army; its only considerable population being near the present site of St. Louis. For convenience, the Indiana, or Northwest territory, was separated into two portions; and to the upper, or Michigan territory, with Detroit for the capital, General Hull was assigned as the Governor; Harrison continuing Governor of the Indiana portion.‖ Robert Williams was appointed Governor of the

* Act March 2d, 1805.
† See Madison's Works, February 20th, 1804.
‡ Act March 2d, 1805.
§ Act March 3d, 1805.
‖ Act January 11th, 1805.

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Mississippi territory lying east of the great river; its southern boundary upon the Spanish Floridas being left in dispute under the cession of Louisiana.*

Georgia, it appears, had made a compact with the United States, in 1802, by which all her claims to territory lying west of her present boundary were yielded upon stated considerations, so that the General Government took full jurisdiction. Erecting accordingly this Mississippi territory, which was set off so as to include all that region within the old limits of the Union south of Tennessee and west of Georgia, in which the States of Alabama and Mississippi were afterwards established, the General Government became involved in some of Georgia's tangles of private title. One of these related to Yazoo lands corruptly ceded, in 1795, by the legislature of Georgia to certain speculators, under an act declared null and void by the legislature of 1796. Assignees of these speculators claimed, as innocent parties, the benefit of Georgia's original cession; the chief interest being represented by a New England company which pressed Congress for a settlement. As the best means of extricating Georgia's honor the commissioners who investigated the subject, Madison, Gallatin, and Lincoln, of the cabinet, recommended a reservation of five million acres for claimants by way of compromise. But this arrangement hung fire for many years; the Yazoo claims came up in one session after another, opposed by Georgia members and others; none more vehement than John Randolph, who made this the theme for numerous philippics upon New England and members of the cabinet. The House beheld the administration leader on his feet this winter, not only censuring the judgment of the three disinterested commissioners, but abusing groundlessly, and without stint, Granger, the Postmaster-General, who had some connection with the assignees, as though he had been partner in the original fraud.

Jan.-Feb. 1805.

In furtherance of a wise policy which time and experience slowly unfolded, namely, to discourage these heavy land speculators, and give the pioneer his farm without exacting tribute from him to intervening agencies whose multiplication was a

* See Act March 27th, 1804.

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discouragement to agriculture, the plan was adopted in the present Congress, for the first time, of selling public lands by the quarter section; that is, in tracts as small as 160 acres. Fractional sections, after an offer at public sale, might thus be purchased, united or singly, either in the territory north of the Ohio or that south of the State of Tennessee. Besides this provision the reservation of every 16th section for schools was made a permanent feature of our public land system.* The inconvenient credit system, however, was still kept up in the sales of public lands.

We may here add that Jefferson's territorial management regarded the Indians with more humane consideration than hitherto, and won their simple faith. Their claims of occupancy were respected, and at the same time extinguished by fair purchase as rapidly as possible, where it was desirable to open the way for Western settlers. In this manner Harrison procured easily a large and fertile reservation from the Kaskaskia tribe, located mainly in what is now the southern portion of Illinois; nearly 2,000,000 acres in the productive neighborhood of Vincennes, from the Fort Wayne Indians; and an extinguishment of the title of the Delawares to an extensive tract fronting on the Ohio and Wabash. In this manner by friendly treaties our territorial possessions north of the Ohio became speedily consolidated from Lake Erie to the Mississippi.† Indian cessions, too, were obtained in the territory south of the Ohio, adjacent to Tennessee and Georgia.‡ Fixing the boundaries of the various Indian tribes, as well as of the great territories themselves, occupied the national attention. It was the President's wish to reclaim these children of nature from the savage state; leading them, if possible, to abandon the chase, devote themselves to civilized pursuits, and settle in fixed habitations. Spinning and weaving might, he thought, be profitably introduced among them, also the tillage of small farms; and thus would they become more disposed to part with the large tracts, which to them had been mere hunting grounds,

Aug. 1803.

1804.

* See Gallatin's Report, January, 1804; Act March 26th, 1804.
† See 2 Holmes's Annals; 5 Hildreth. ‡ Ib.

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besides gradually fitting themselves to become citizens of the United States. "In truth," he wrote in 1803, "the ultimate point of rest and happiness for them is to let our settlements and theirs meet and blend together, to intermix and become one people. Incorporating themselves with us as citizens of the United States, this is what the natural progress of things will, of course, bring on, and it will be better to promote than to retard it."*

Sentiments so philanthropic were far in advance of his age, and indeed of our own; and though at this time Indians in detached settlements were applying for admission to citizenship with the white man, the long friction of races had generated an antipathy which it was easier to hide than heal; when the weaker brother slips he slides back. Public trading-houses opened on the frontiers to supply Indians cheaply with necessaries, and supersede private traders were a feature in Jefferson's plan of amelioration, which disappointed in after years.† An advantage, however, which he perceived, was that of making Indians debtors to the government, and thereby promoting their cessions. Ultimately these Indians would be pushed across the Mississippi unless they coalesced with the American people.

The dramatic feature of this closing session was the impeachment trial of Judge Chase. Upon its issue seemed to many to hang the last hope of the national judiciary, if not of the nation. Eight articles the House had framed as the basis of their indictment at the previous session,‡ one relating to the Fries trial, five to that of Callender, one to his behavior before a Delaware grand jury, and the last to the political harangue at Baltimore.

Full preparations had been made in the Senate chamber for so grave a spectacle. The benches assigned to members of the Senate, the triers of the case, were covered with crimson. To accommodate the ladies, who at-

Jan. 2, 1805.

* Jefferson's Works, February 18th, 1803.

† Act March 30th, 1802.

‡ See Annals of Congress, March 27th, 1804.

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tended in great numbers, a new gallery was specially fitted up, and separate boxes besides, for those of the court circle. So great were the throngs, however, to which the Maryland neighbors of the accused contributed, that special places could nôt be exclusively reserved.

Judge Chase took his seat in the centre of the Senate chamber in front of the presiding officer; a massive brown-faced* old man, venerable in appearance, suffering from the gout so badly that he withdrew from the public gaze during the last days of the trial. Able counsel were employed on his behalf; Charles Lee, the late Attorney-General, Luther Martin, Hopkinson and Harper, the last of whom, at one time the most brilliant Federalist debater in the House, had lately removed from South Carolina to Maryland, and now practiced at the Baltimore bar. The House managers were John Randolph, Nicholson of Maryland, and Rodney, the successor of Bayard in the House, a trio of no mean abilities, and the last especially, an able advocate; but in legal equipment, such as an impeachment trial with its novel points severely tests, decidedly overmatched by their opponents. In permitting so passionate, eccentric, and withal superficial a man as Randolph to put himself forward for leading counsel, the prosecution made its chief blunder. He caused the managers' replication to be offensively worded, misrecited authorities, and conducted the case with little regard for the decorum and gravity of such a tribunal. His closing speech, to prepare which he required special delays, betrayed haste and insufficient study of the law and facts. It was incoherent, illogical, full of declamatory clap-trap, such as one employs upon the stump; its delivery accompanied by strange twistings of the face and body, sobs, tears and groans, with pauses for recollection, and continual complaints of having lost his notes.†

The personal appearance of the accused, and his past record,

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* The "bacon face of old Chase," was a coarse expression used by inimical newspapers in pointing one of the anecdotes related of him in the Sedition days.

† See John Quincy Adams's Memoirs, from which this description is chiefly derived; Annals of Congress; 5 Hildreth.

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that of a revolutionary veteran who had grown gray in his country's service, moved the audience to compassion, and aided in his favor the talents of his present defenders. The procedure for counting the electoral votes, which took place with open galleries, interrupted this trial; and an administration shown so secure of the general confidence inclined to magnanimity. The "Book of Kings," Jefferson used to discuss in his correspondence; but of the "Book of Judges," at this page we are left to conjecture. Offended by Chase's political rant from the bench, perhaps he thought it sufficient discipline to have him for once arraigned at the bar. Be this as it may, the Senate on the final vote acquitted Chase of every charge, excepting those under articles four and eight, namely, of partisanship and rudeness at the Callender trial, and making a political harangue before the Baltimore grand jury. Only a small majority condemned, and no article received the two-thirds essential to sustaining a vote of impeachment.*

March. Randolph's influence as a legislative leader passed its culminating point this winter. Immediately upon the discharge of Chase, whom he styled "an acquitted felon," he moved in the House an amendment to the Constitution, so as to make United States judges removable by the President on the joint address of Congress; Nicholson seeking likewise to render Senators liable to recall by the State legislatures. But the House was not in a mood for agitating such reforms, and all that Randolph's spiteful lead could effect was to prevent Chase's witness fees from being at once allowed.†

About the time of Chase's acquittal, a far more sweeping and vindictive impeachment of judges came to grief in Pennsylvania. In the spring of 1804, three of the four judges of the Supreme Court of that State, Shippen, Yates, and Smith, had been arraigned by the popular branch of the Assembly for the arbitrary imprisonment, as alleged, of a party to a pending newspaper suit. When Brackenridge, the fourth judge, who was absent at the time of the commitment, protested,

* Ib.

† Annals of Congress. The next Congress made the appropriation needful which now failed.

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the House addressed the governor for his removal; but McKean declined to take action. The impeached judges secured Dallas as one of their counsel; and, as all the other great lawyers of the State were Federalists, and refused retainers on the opposite side, the faction of Duane and Leib found itself unable to sustain a prosecution which rested on slender ground. The judges were condemned by a majority of the Pennsylvania Senate, but not by the requisite two-thirds.* February.

Thus, not, perhaps, without difficulty, was stayed the first rude irruption of a successful popular party upon our State and national judiciary; a department which by this time was learning a lesson not altogether needless. The worst fears of timid men regarding the American bench have never been realized, though the tendency, doubtless, continues to make judges somewhat obsequious to political events. The British constitution itself does not stretch the independence of British judges to the point of permitting them to defy both Parliament and the Crown with impunity.

For the brief remnant of his stormy life, Justice Chase quietly resumed his duties upon a tribunal whose disaffection was soon to disappear. A vacancy having lately occurred by the resignation of Justice Moore, of North Carolina, Jefferson supplied the first Republican to the bench in William Johnson, of South Carolina; other opportunities of the kind being offered during his next Presidential term. But in Pennsylvania party faction was not so easily quelled.

During Chase's trial Burr presided over the Senate with great calmness, dignity, and decision, the target all the time of inquisitive glances; enjoying, in fact, that conspicuous notoriety which, in this country, comes sometimes wondrous close to being popular. The fugitive from justice held the justice in the scales. Shunned and dreaded, a man without a party, fallen from his political estate, ruined in fortune, an indicted murderer evading process, he maintained throughout this session that stoical equanimity for which he was always remarkable, and like a Bolingbroke shrouded himself in impen-

* Current newspapers; 5 Hildreth.

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March. etrable mystery. The Senate could not refrain from passing the usual vote of thanks upon his retirement from the chair and the Vice-Presidency; to which Burr responded in a speech memorable for a prediction uttered in a peculiarly impressive manner. "This body," he said in a manly and dignified tone, but without visible emotion, "is growing in importance. It is here, if anywhere, that our country must ultimately find the anchor of her safety; and if the Constitution is to perish, which may God avert, and which I do not believe, its dying agonies will be seen on this floor."*

We may fitly conclude the present chapter, by recalling some of the homelier traits of Jefferson's administration, which, on the whole, enhanced his popularity, while constantly widening the chasm with precisians of the old school.

The old school and the Old World laid great stress upon official dignity, and the use of ceremonial forms; these they thought essential for fostering the spirit of allegiance, which is akin to reverence, and requires a shrine. But Jefferson stripped government as much as possible of false externals and led from idols to the ideal of a progressive society, ruled by common consent as the majority might determine, and obeying its best impulses. In that general progressiveness to the highest good, he saw a study for history far worthier than in the strut and stride of potentates who borrow illusions from the glare of a court life to make its ambitions seem glorious. Things trivial of themselves bent to this standard of philosophy. First of all, the new President abolished levees and courtly drawing-rooms, nor would he suffer society at the capital to inflict such entertainments upon him for its own amusement.† Departing still further from the example of the two previous administrations he refused to have his birthday known or celebrated. On two days of the year, New Year's and the Fourth of July, the doors of the White House

* Annals of Congress; and see J. Q. Adams's Diary.

† See Randolph's Domestic Life of Jefferson, where an incident is related of an unsuccessful attempt to force the President into re-establishing the levee.

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were kept open; the former occasion, which was the more suitable for the latitude of the capital, remaining ever since its chief festal day. He lived in one corner of the unfinished White House, then known as the "Palace," plain in his manners, always accessible to those who called. He gave official dinners, entertaining public characters after the usual custom, but heedless of nice questions of precedence in seating his guests.* In dress he was careless, often slipshod, like one engrossed in other matters; combining, too, the fashions of an old and new era, as might meet his own passing fancy. For with all his zeal as a reformer at this late time of life, Jefferson showed habits, tastes, and general methods savoring of that eighteenth century conservatism to which he had been educated; and his personality was that of one who introduced, rather than embodied, modern America, and modern politics.†

The rustic seclusion of the new capital made it the easier for Jefferson to indulge in what might now be thought a freakish subversion of common forms; besides which he was a widower. When his married daughters visited him, he enjoyed sitting on the floor and playing with his grandchildren.‡ Avoiding, too, upon principle, grand tours and processions, and

* The President's contempt of courtly niceties caused some trouble in diplomatic circles. Merry, the new British Minister, took deep offence at the President's republican humors. Proceeding in full dress at an appointed hour to make his first official call, in company with the Secretary of State, he found the hall of audience empty, and instead, came upon the President in a narrow entry, from which he had to back out in order to get introduced; Jefferson appearing, to his amazement, in a slovenly undress, with slippers down at the heels, and Connemara stockings. When he and his wife dined afterwards at the White House, Jefferson took to the table, not Mrs. Merry, but the lady nearest him, the wife of the Secretary of State. This he conceived to be a new insult, and, notwithstanding Monroe's wife was similarly treated at London, he declined further social hospitalities from the President, and when the latter made overtures to arrange the difficulty administered an airy rebuke. D'Yrujo, who had acquiesced nearly three years in the President's practice, made common cause with Merry on this point. An explanation to the British Ministry followed. Merry's wife was thought to be the chief agent in producing what was a pure misunderstanding.

† See Parton's Jefferson; Madison's Writings, February, 1804.

‡ Winter in Washington, 1808–9.

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travelling modestly between the Potomac and Monticello, he breathed constantly a social atmosphere, redolent of home and old friends, while his fame went far and wide without him.

His captivating manners, wide information, and quick sympathy with humankind—a book which he fully mastered—assured him against contempt. On all scientific subjects he talked remarkably well for an amateur; geography and natural philosophy were favorite studies. Discursive in conversation, with a tendency to paradox, he imparted striking suggestions, and often enthusiasm. He corresponded well with the eminent savans of both continents.* At his table he appeared easy and good-tempered, watchful of the moods of his guests, and taking care that the name of none should escape him. Not vulgar, nor with a mind which worked only in political grooves, he well maintained, after his peculiar fashion, the dignity of the Presidential office.

The fastidious thought the New Year's reception a Saturnalia. Odd figures and odd dresses were to be seen in the windows and on the grand staircase; the footpaths of the Presidential grounds were thronged; President's Square was crowded by two o'clock with a crowd of spectators, white and black. The Marine and Italian bands played. Wine, punch, and more delicate refreshments were provided for the guests, who arrived some on foot and some in carriages, all helter-skelter. The President stood at the head of the reception-room† with his cabinet, his figure slender, more than six feet high, his step elastic, his reddish hair turning from sandy to gray; frank and affable in speech, and yet self-possessed; now friendly, now courteous, according to the person he addressed, whom he generally seemed to know by name; simplicity the great charm of his manner. Among the diplomatic corps appeared singular contrasts: the French Minister was decked in gold lace; the Tunis ambassador, who conversed

* John Quincy Adams in his Memoirs sneered, but unjustly, at Jefferson's pretensions to universal scientific knowledge. His published correspondence justifies his reputation in this respect. While at Paris he corrected the great Buffon, on a point of natural history regarding the elk. See Jefferson's Domestic Life.

† Not the East Room, for this was not yet finished.

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in Italian, wore his silk slippers, turban, and a robe which displayed a scarlet jacket beneath, embroidered with buttons of precious stones; a train of Indian warriors joined the throng in war finery, with blankets and deerskin moccasins, feathers on their head, and silver pendants from the nose and ears.*

With this wholesale hospitality, state dinners, and the constant demands upon his private fortune, Jefferson retired from the Presidency a poor man, and suffered painful embarrassments in his last years through the guests who swarmed at his tables. In personal habits, nevertheless, he was far from extravagant; eating sparingly and avoiding stimulating liquors. He kept a French cook and liked French dishes; a peculiarity for those days which some stated against him on the canvass. When first chosen President he arranged for purchasing a coach and four; but no such equipage was ready for him at the inauguration, and a favorite steed bore him on most excursions, private or official, during his term of office. He rode splendidly, though a civilian; and his robust health he attributed largely to horseback exercise, which he pursued regularly to almost the last day of his long life.

Jefferson did not improve much upon Washington and Adams as to remaining at the seat of government in midsummer. "Grumble who will," he said, "I will never pass those months on the tide-water."† But Monticello was at a moderate distance, and the public business was running smoothly. Nor did Madison live far off.

Respectful addresses from legislatures and corporate bodies received, of course, the attention of our third President as formerly; and common delegations began to come, besides, with their homely expressions of good-will. He carefully avoided gift-taking, as well as nepotism; presents were refused, excepting a bust from the Emperor of Russia.‡

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* See Winter in Washington, 1808–9; Jefferson's Domestic Life.

† Adams's Gallatin.

‡ An instance of Jefferson's scrupulous sense of honor on this point came to light only a few years ago, showing that he paid by private check the duties on his share of a parcel of wines which the Spanish minister had been privileged to bring in free of impost. See Parton's Jefferson.

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In a country professing Christianity, Jefferson's religious views were liable to the grossest misconception. Both he and Franklin had been scorched by French rationalism; Jefferson at the inflammable period of life, and when renowned for his conspicuous zeal in pulling down the English Episcopal establishment in Virginia. Franklin was too discreet a man to offend prejudice, while Jefferson easily appeared more irreligious than he really was. The latter's views, in fact, approached skepticism more nearly in 1787* than at the time of his accession to the Presidency and in mature life. Never a blasphemer nor a scoffer at divine truths, but one rather who applied scientific methods to resolving those problems of future existence clear only to the eye of faith, Jefferson respected the right of private judgment in the interpretation of creeds, actually investigated for himself, and claimed constantly that religion was a matter which lay between man and his God, evinced, as concerned the world, by each one's daily life. He was no foe to the moralities and decencies of life; but as a public exemplar, singularly pure in his visible relations, attached to the home life, constant to the memory of the wife who died early, and like both a father and mother to his daughters. In religious views he came into near accord with Priestley; showing much fondness for comparing Christ's teachings with those of the great pagan philosophers. Rejecting, or rather waiving, points of Scriptural inspiration, he was certainly not less than a Deist; and more than this, he was well convinced of the loftiness of the Christian system, and the sublime humanity of its great Founder.†

* Cf. Jefferson's correspondence on this point.

† See Jefferson's Works, 1803, 1804; 7 Jefferson's Works, 55; Randall's Jefferson; Jefferson's Domestic Life. Here the President is seen sitting with the Bible in his hands, for hours, upon the death of his younger daughter in 1804; or cutting out from a Testament the discourses of Christ and pasting them upon the leaves of a scrap-book, in admiration of "the most innocent, the most benevolent, the most eloquent and sublime character that ever has been exhibited to man." "Such," writes Jefferson, glowingly, "are the fragments remaining us to show a master-workman, and that his system of morality was the most benevolent and sublime probably that has ever been taught, and consequently more perfect than those of any of the ancient philosophy."

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Reason is the triumph of the intellect, faith of the heart; and whether the one or the other shall best illumine the dark mysteries of our being, they only are to be despaired of who care not to explore. The reticence of one, by no means indifferent, exposed him in his life to unmerited calumny. That honesty should be commended as the best policy was abhorrent from such lips, and low toned, though Washington had inculcated a similar maxim.* The New England clergy identified all the worst excesses of the French revolution with Jefferson; coupled his name with Paine's; warned their congregations in 1800 that the election of such a man would be the signal for breaking down the pulpits, burning up Bibles, and enthroning the goddess of reason. To such anathemas of the Puritan priesthood Jefferson made antiphonal response, quite as severe.† Had Jefferson made the tour of New England, while President, much of this mutual distrust might have subsided; for strangely enough, while that section has never quite done his memory justice, the religious principles he favored, then unpopular, have since been so closely identified with the Pilgrim race, that Jefferson might almost be thought a New England progenitor.

Delicate in discrimination, Jefferson did not fail to appreciate the most admirable points of the Eastern political system; the town meetings, which focalized self-government and gave public spirit so many rallying points; the district schools, too, which spread universal intelligence. In Virginia he had proposed a bill for the diffusion of knowledge, and it was his

* Cf. Washington's first and Jefferson's second inaugural address.

† See Jefferson's Works, March, 1801, etc.; allusions to the "Jewish perversity" of New Englanders, and the leaders filled with the witch-burning spirit, who viewed all advances in science as dangerous innovations. "But I am in hopes," he would add, "of the Eastern people; their good sense will dictate to them they had better go to the mountain; that they will find their interest in acquiescing in the liberty and science of their country, and that the Christian religion, when divested of the rags in which they have enveloped it, and brought to the original purity and simplicity of its benevolent institutor, is a religion of all others most friendly to liberty, science, and the freest expansion of the human mind."

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constant effort to break up its counties into something like wards or townships with a primary school for each. The Virginia county system nourished great abuses; and the electors assembling from distant points, this incongruous mass took whatever shape might please a few artful individuals. These men would appoint themselves to the local offices and parcel out the county administration.*

How strange a contrast did Jefferson's first administration present to the parallel one of Bonaparte in France. While the one was fast accustoming America's six millions to the control of their public concerns, the other was steadily reducing the great Latin republic, which had exalted him, down to a condition of utter helplessness, making himself the despot of the people by flattering the popular vanity. Jefferson stimulated the arts of peace, simplified the ideal of authority, carried happiness to the humblest homes. Napoleon enlarged the pomps of his court, instituted titles of honor, racked the poor hamlet to increase his army, and excited the sensuous ambition of conquest, in the hope of diverting and repressing the free spirit of the age. One opened his party to let in all mankind, the other sought vacant crowns and revenues for members of his family. Precisely the means of which Jefferson had warned America to beware,—and here, we may trust, with exaggerated alarm,—had been employed with rapid success during these few years for perverting the French republic to a monarchy; and by means of standing armies, the absorption of legislative powers by an executive who relied upon force, the election of that executive for life, the misuse of popular forms, the enlargement of court ceremonials, a successful military leader, but lately unknown, gained a coronet. Here the pendulum swung towards the people all-powerful; abroad the hands on the dial-plate had stopped at the emperor all-powerful.

* See 7 Jefferson's Works, 17 (1816). Jefferson knew of one county where a particular family got possession of the bench, and for a whole generation excluded all who were not of its own clan or connection.

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CHAPTER VI.

SECOND ADMINISTRATION OF THOMAS JEFFERSON.

SECTION I.

PERIOD OF NINTH CONGRESS.

MARCH 4, 1805—MARCH 3, 1807.

THE intelligent reader of this day, who looks back upon the first and highly prosperous administration of Jefferson, may fairly comprehend its best aims and achievements. Not so, however, with the cultured of Jefferson's own times.

Jefferson was not the first President slandered in office, but he was the first President slandered in office by American men of letters. His unrelenting foes were the socially privileged, the academic and patrician class. Well born and well educated, he nevertheless reached out for popular support, not through but outside of a privileged order, thereby offending old prejudices in favor of a nobility influential in public affairs.* Our literati and poetasters are seen wetting the cambric over the prone descent of the country to ruin, or

* In proof of the vehemence with which our men of letters assailed Jefferson we may pass over the elegiac utterances of Theramenes, Curtius, and their fellows in the Federal press, who exhibit a morbid propensity to leap into gulfs in order to confer imaginary benefits upon their fellow-countrymen, and examine such purely literary productions of the age as the "Portfolio," of Philadelphia, and Fessenden's "Democracy Unveiled." The "Portfolio," the only well-established literary periodical in the United States of this era, was edited by Dennie, a lay preacher, styled by his admirers "the American Addison." Thomas G. Fessenden, who was elevated into prominence by his successful satire, "A Terrible Tractoration," employed the Hudibrastic verse in a poem of several cantos upon the Jefferson administration. In this latter poem, "Democracy Unveiled," with its abundant foot-notes, will be found a fair digest of the lampoons of the day against the men and measures of Jefferson's administration.

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producing squibs, parodies, and epigrams upon the theme of "Tall Tom and dingy Sally."* The satirist traces American democracy and the new philosophy of equality to French illuminism and infidelity; and after suspending our Republican leaders, great and small, on the gibbet, he admonishes the common people, first, to give power to none but men honest and long-tried; next, to be content each with his private station, and thank God that if he lacks brains he is blessed with health certainly and a competence.†

Jefferson's philanthropy, his faith in man's perfectibility and capacity for social advancement, theories which those fixed in the Old World habits could not quickly accept, gave a wholesome leaven to his policy, despite all errors of practice. Maxims which nowadays are accepted as truisms had as yet been dimly comprehended by men of the highest education. Government was to them a matter of constraint rather than willing compliance; the general opinion ought to be directed, not obeyed; the passions of mankind were to be excited, not soothed; protection, not the greatest possible freedom for individual enterprise, could best promote the general wealth and happiness. The Prussian king's maxim, that "the prosperity of a state depends upon the discipline of its armies," had still many advocates; nor was Ames solitary in thinking the acquisition of Louisiana by money mean and despicable when the territory might have been seized by force.‡ To rectify a wrong by negotiation instead of taking prompt revenge upon the hostile nation, was commonly pronounced cowardly and unstatesmanlike.

March 4. Jefferson's second inauguration took place in the Senate Chamber, at the usual noon hour of March 4th. Chief Justice Marshall administered the oath of office to him and the new Vice-President, Clinton. The exercises were public, and both Houses of Congress attended. Before being sworn in Jefferson read an inaugural address,

* See Portfolio, 1803; *supra*, p. 35.
† Thomas G. Fessenden's Democracy Unveiled.
‡ See F. Ames's Works, October, 1803.

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which he intended should supplement that delivered four years earlier. Then he had expounded the principles upon which he meant to administer the government, now he meant to show that he had performed as promised. All was peace and prosperity; and the political experiment which he had attempted, and whose success he thought already demonstrated, was whether freedom of discussion, unaided by power, might not suffice for the propagation and protection of truth.*

The President's most sanguine expectations, however, were destined during his second term to disappointment, chiefly because of foreign complications, of which we shall presently speak. His political philosophy, in fact, allowed too little for the inveterate prejudices, habits, and evil passions of mankind; and but for his skill in shifting ground, so as to accommodate himself to new emergencies, as he was obliged to do at the cost of theoretical consistency, his second administration might have been stranded. Yet the Jefferson ideal of government is that towards which our people still hopefully turn their steps.

Internal schisms in the Republican party were the first political phenomenon of Jefferson's new term; none of them, however, producing very serious results, so firm a hold had the administration policy taken upon the public mind. These schisms, generated in the great Middle States, New York and Pennsylvania, were of local origin, save so far as Burr's outlawry and a conservative use of the national patronage might have committed the administration to the quarrel. Success in the attainment of the highest party ends is commonly followed by party dissensions in the effort to profit by that success. All Republicans had united to vindicate the national policy by making Jefferson's re-election sure; nevertheless, the choice of Lewis over Burr as governor in New York intrenched the leading families of that State to the detriment of aspirants socially inferior. McKean's course in Pennsylvania had placed him necessarily in a corresponding attitude. Radical Democrats were splitting from Republican conservatives,

* See Jefferson's Works, Inaugural Address; Annals of Congress.

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the latter cultivating a good understanding with such remnants of moderate Federalism as might seek an alliance.

(1.) In New York the breach now widened farther so as to force apart the Clintons and Livingstons, of whom the former had always more popular leanings than the latter, though both made family division of the offices. The Merchants' Bank of New York, an institution controlled by Federalists, whose charter had expired, was enjoined from transacting business without an act of incorporation; but by some insidious means, and, as investigation afterwards showed, the corrupt use of money and stock, the friends of this bank procured a new charter from the Republican legislature by a small majority. The Council of Revision, including Governor Lewis, together with Lansing, Kent, Livingston, and Thompson of the State judiciary, Spencer dissenting, gave the bill their approval, which accordingly became a law, against the vehement protests of the Clintonians, who had endeavored, from motives not wholly patriotic, to crush out this institution, and the furious attacks of the *American Citizen*, a party paper, whose accusations of corruption the legislature sought to stifle by directing a prosecution of Cheetham, the editor, for libel.*

April.

(2.) In Pennsylvania McKean had shown himself a vigorous executive, but of too arbitrary and unyielding a temper to bring his discordant elements well under discipline. Indiscretion, nepotism, and vanity on his part put him at disadvantage in his long quarrel with Duane; that coarse but powerful editor, in fellowship with the envious Leib, wielding the influence of the *Aurora* to punish political enemies and compel an award of offices at their own violent dictation. But it was McKean's discouragement of the judicial impeachment, and the stoutness with which he vetoed legislative measures designed to break down the machinery of the law, that at length shattered his party support. The bill which would have postponed juries to referees, and reduced unconstitutionally the salaries of judges, failed of the two-thirds vote essential to its passage against the governor's objections. At once Leib, Duane, and their allies in the

March.

* See 5 Hildreth; newspapers of the day.

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legislature, organized a society known as "Friends of the People," the plan proposed being to remodel the constitution of Pennsylvania, so as to limit the tenure of the State judiciary, cut down the governor's term of office and official patronage, and make the election of State senators annual. Simon Snyder, the Speaker of the House, was announced as their candidate for governor. To defeat this faction McKean's supporters organized as the "Constitutional Society," and put him in nomination for another term. Both sides courted the Federalists, who, weak in numbers, presented no candidate of their own, but whose preference was plainly for McKean, as a man of eminent talents and social position, the pillar at once of the judiciary and a safe government. Accordingly at the fall election the conservative vote of the State, irrespective of national parties, was polled by the Constitutionalists, who elected McKean over Snyder by 5000 majority, and gained full control of both branches of the legislature. Indisposed to reconcile the "Friends of the People," and sensible of his personal obligation to the Federalists, without whose assistance he must have failed of re-election, McKean made short work of his discomfited foes. He turned out the State comptroller and other prominent Republicans who had opposed him, putting Federalists in their places. Shippen having resigned the chief justiceship of the State a few months later, William Tilghman, one of the judges appointed by President Adams under the brief circuit act, received an honor most worthily bestowed; Dallas having declined the office.* October.

(3.) New Jersey had inclined to dissensions somewhat resembling those of Pennsylvania and New York; James Sloan, a Quaker butcher, and plain-spoken man, heading a protest in that State against the legislature for giving too much favor to banks and neglecting the true interests of the people. But Snyder's defeat was a warning, not unheeded, against violent experiments, and, on the whole, conservative Republicanism gained the upper hand in the administration party of the nation, whose radical exponents began now to be styled "Democrats," and were thought to have levelling tendencies.

* Newspapers of the day; 5 Hildreth.

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The administration party had gained New Hampshire by the election of Langdon, and closely disputed Massachusetts. So tranquil were politics at the South that the executive chair of Virginia went begging; and even in this tumultuous middle section political factions fought out their quarrels without in the end impairing the dominion of popular principles or breaking up the great Republican party.*

A new term produced little effect in national circles. Levi Lincoln having resigned the Attorney-Generalship on the expiration of Jefferson's first incumbency, Secretary Smith, of the navy, was transferred to this post, Jacob Crowninshield, of Massachusetts, having been appointed to the navy in his stead. But Crowninshield preferred to retain his seat in the House; and Smith accordingly returned to his former department, John Breckenridge, of Kentucky, a Virginian by birth, becoming Lincoln's successor. By this latter appointment the new States and the great West, for the first time, found recognition in the disposal of the great offices of the nation. Breckenridge did not hold his position long, dying in 1806; and a law adviser of eminent skill in the profession being by that time required to master perplexing problems of international law, Cæsar A. Rodney, of Delaware, who had lost his seat in Congress by party mutations in his State, succeeded early in 1807 to the vacancy. These were the only cabinet changes which occurred during Jefferson's second administration.

At the close of this summer came joyful tidings of an honorable peace with Tripoli, which secured the release of Bainbridge and his officers and crew. The treaty, as agreed upon, established peace and friendship between Tripoli and the United States on the basis of mutual commercial rights; the payment of $60,000 being promised by the latter power as a ransom for the prisoners held by the former in excess of any possible exchange man for man. No Christian nation within a hundred years had made so honor-

June 4.

* See Aurora, Intelligencer, Centinel, etc.; 5 Hildreth; Adams's Gallatin; Jefferson's Works.

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able a peace with a Barbary state, and the American example worked upon the tribute-paying countries of Europe. The other three pirate rulers who had held aloof to see whether Tripoli would succumb, now appeared anxious to pacify; the Bey of Tunis sending promptly an ambassador to the United States for the purpose of an amicable adjustment.

This treaty with Tripoli was not, however, wholly gratifying to the American sense of honor. The ruling Bashaw of that state, it appears, was Joseph Caramalli, who had expelled his brother Hamet, the legitimate sovereign, and ruled Tripoli as a usurper. General William Eaton, a native of Connecticut, who had served honorably in the Northwest campaigns, and was now United States consul at Tunis, developed a plan, early in the course of the Barbary war, for making a land attack upon Tripoli, while our fleet operated from the coast; Hamet's hope of regaining his throne furnishing the motive power of an expedition, which, there being no American troops, must otherwise have turned out fruitless. There was a spice of romance to such an enterprise; although the substitution of one buccaneer chieftain for another could be a matter of little real consequence to the United States; a nation which, moreover, occupied no favorable position for reconstructing Mediterranean states, and possibly, by a needless extension of its demands, might become embroiled with other distant countries, contrary to its chosen policy. But the ardent Eaton pressed his project so earnestly upon the administration, while in America in 1803, that Commodore Barron was permitted at his discretion to co-operate with Hamet on Eaton's reference; not, however, to any such extent that the fortunes of Hamet and the United States should be lashed inseparably together. Hastening, under such a sanction, in pursuit of the exiled Bashaw, Eaton, after a long search, found him among the Mamelukes in Upper Egypt, and persuaded him to return. Some four hundred men, chiefly adventurers, were picked up for the joint enterprise; and it was agreed that, should Hamet be reinstated, the United States captives would be restored and a permanent peace established. Eaton took command of the little army, which, after a toilsome march over the Libyan sands, arrived at Derne. Aided by the fire of the American

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April 27. ships of war Eaton led an assault upon the town, which was gallantly captured. But soon it was apparent that Hamet had not the resources for maintaining his sovereignty. The Derne expedition cost the United States $40,000, and Commodore Barron felt disinclined to co-operate further on his own responsibility. There was a rumor, too, that Joseph intended putting the American captives to death. Accordingly, with Barron's advice, Lear, the American consul-general for Algiers, who had long before been designated as commissioner to conclude a treaty of peace, used the victory at Derne and the threatened attack upon Tripoli to close terms with the ruling Bashaw. Under this treaty, to which we have already referred, it was stipulated that Hamet should be induced to retire, escaping, however, unharmed, and with his wife and children, now in Joseph's power, to be delivered up to him.*

Affairs had not proceeded happily with Spain; and in Europe, where France had reopened an aggressive war by moving against Austria, grave complications were in progress. Jefferson endeavored in vain to make a peaceable adjustment of boundaries in good season. Louisiana, as claimed by the United States, extended, we have seen, on the southeast as far as the Perdido, with the Bravo del Norte for the southwestern limit; but Spain would have restricted our territory to a narrow strip above the mouth of the Mississippi, terminating on the eastward at Lake Pontchartrain and the Iberville. Spain's claim, arrogantly maintained, was now secretly encouraged by France; our propositions for an amicable adjustment of boundaries were not agreed to, and the Spanish authorities undertook to strengthen their position in the disputed territory by sending troops and colonists thither. An act of Congress for the collection of duties, comprehending in terms the port of Mobile, the Spanish government remonstrated against this as an insult.† Meanwhile, a convention negotiated in 1802 for the mutual adjustment of spoliation claims Spain refused to ratify pending the present misunderstanding. Morales was offensive; and as for D'Yrujo, who tried to bribe a paper in

* See Annals of Congress; Executive Documents; 5 Hildreth

† See Monroe Correspondence, 1807.

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Philadelphia to advocate the Spanish view of the boundary question, it was found needful to ask his recall.

Monroe, proceeding from London on his deferred mission to Madrid, tried to compose these differences. At the time of the Louisiana purchase he had been assured, through Talleyrand, of Napoleon's good offices with Spain concerning the Floridas; and passing through Paris when the coronation ceremonies took place, he there made formal request for assistance, setting forth the American claim of boundaries. Talleyrand's response was unfavorable, supporting Spain's existing claims to all the territory eastward of the Iberville, and deprecating violence on our part to procure more.* Napoleon's influence was so powerful with Spain as almost to be decisive of the case; and Jefferson found it of no avail to hold out the spoliations as a grievance, or to permit an abatement on the west for the sake of Spain's concession east to the Perdido.†

Nov. 1804. Dec.

Our government became seriously disposed to accept a war with Spain; and Jefferson, having asked the written opinions of his Cabinet on the subject, inclined to suspend intercourse altogether with Spain, and dislodge the new Spanish settlers.‡ West Florida appeared essential to the United States for the sake of Mobile and its bay. The tone of the New Orleans press was warlike against Spain.§ But news from abroad, in the fall of 1805, made it certain that the European war would be protracted; there was no danger of being left alone to cope with both France and Spain; money was needed abroad; and the fear that the United States would, if angered, throw her weight to the side of Great Britain, might yet induce Spain, whose Mentor was Napoleon, to part with the Floridas at a fair price. One more effort at a peaceable accommodation, the President thought, would now be worth making.‖

Aug. 1805.

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* Monroe Correspondence, 1804. † Ib.

‡ Madison's and Jefferson's Writings, Sept. 1805. For Gallatin's opinion, see Adams's Gallatin, 334. He was for gaining time by negotiation, and with an improving revenue, gradually increasing the efficiency of the navy.

§ See Madison's Writings, Nov. 1804.

‖ See Adams's Gallatin, 336; Jefferson's Works.

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To a friendly arrangement with these powers the administration was further impelled by the accounts which now came of increasing aggressions on the part of Great Britain. Under the Addington ministry, and shortly after Jefferson's first accession to the Presidency, such were the marks of British friendship and good will exhibited towards this country that Jefferson wrote minister King, with his own hand, a letter to signify his appreciation.* But upon Pitt's return to power all such tokens ceased. And just as our administration was reflecting whether a close treaty with Great Britain might not be desirable in case France and Spain continued to oppose a settlement of the Louisiana boundaries, American merchants learned with alarm of some new decisions in the British admiralty which exposed their neutral commerce to seizure and condemnation. Excited meetings were held at the seaport towns to protest against these unexpected decisions, which in effect established that property imported to a neutral country for the purpose of being exported again to a belligerent one was an evasion of the rule of 1756, even though the goods had been landed, and paid duties, and were re-exported in the neutral port.

Sept.

Indeed, Great Britain and the British merchants chafed greatly at the drain which war made upon her commerce. Neutral nations, of whom the United States was chief, were now absorbing the carrying trade of Europe, and were likely to do so while the European war lasted. American receipts from customs at this time exceeded all former estimates, and were constantly rising; a means of enrichment at the loss of the belligerents, which, to them, was a constant source of disquiet. Britain was still the mistress of the ocean, and had prevented the Baltic code from taking effect, which permitted neutrals to trade freely, except as to contraband. Enemy's property might be seized, therefore, if found in a neutral vessel beyond neutral jurisdiction; and now the new admiralty condemnations branded property as hostile which had hitherto escaped the penalties, and gave a dangerous latitude to the investigation of ownership. The trade thus far profitable to

* See 7 Jefferson's Works, 23, July 31st, 1816.

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our merchants consisted chiefly in carrying West India produce from the United States to Europe, under the modifications of the rule of 1756 hitherto recognized by British orders in council. This trade earned two freights, and came to our merchants almost on their own terms; under it American vessels became the usual medium of commerce between France and Spain and their colonial possessions. This was a commerce built, as it were, on the ruins of European prosperity.

To involve this young republic in war with three European powers at once, none of whom respected neutral rights sincerely, while all suffered by our gain, was no part of Jefferson's policy. Negotiation must first be exhausted, besides which it was sound policy to gain time in order to prepare for war. But how shall adequate war preparations be made in advance of a positive danger? A popular government, like that of the United States, fails in nothing more surely than foresight and forehandedness in measures which involve vast outlay; war is avoided so sedulously in the midst of present prosperity that cowardice and a craven spirit will be readily imputed to such a people until the first disadvantageous shock brings them to their feet resolved to conquer. And the present administration, bent upon popularity, pursued the pacific, temporizing course, and avoided offensive preparations so constantly as to make it seem almost despicable to those who had attributed to nations the duellist's sensitiveness to affronts, and wished every injury repelled by force. Intending to preserve as strict neutrality as possible during the European contest, Jefferson nevertheless believed himself capable of winning what he most desired from either France or England by simply balancing between them, and threatening the one, if need be, to throw himself into the arms of her rival; and seeking no more for the United States than what was right at any time he thought he could persuade these belligerents that it was for their interest to grant it. In point of fact, however, the rising prosperity of the United States incited the enmity of the belligerents; they perceived that so immense a commerce had but a trifling navy to protect it, and both France and Eng-

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land meant to plunder unless America could be converted into an active ally.

Dec. 2. In this threatening aspect of our foreign relations the assembling of the Ninth Congress and the President's opening message were awaited by the public with unwonted interest. The administration majority was very large in both Houses; indeed overwhelming, yet chiefly made up of new and middle rate men. Federalists would have missed Griswold from the Representatives' Hall but for a new member from Boston, Josiah Quincy, who mastered his opportunity of supplying, what the irresponsible minority stood most in need of, a powerful debater. Bayard had now passed to the Senate, where Samuel Smith and Giles were the Republican champions; Giles, however, being absent during most of the first session.

In the House Macon was re-elected speaker, but only by a bare majority, and after three ballots; for the Northern Republicans voted for Varnum, of Massachusetts; growing impatient of Southern domination and disliking especially the capricious John Randolph, to whom they thought Macon too subservient.

The President's message, which related chiefly to foreign relations, appeared spirited and strong. Peace, it was observed, had been secured with Tripoli, but the conduct of other powers rendered a new war quite probable, for which due preparations should be made. The defence of our seaports was recommended; new gunboats, and an organized militia. Events would soon determine whether an increase of the regular army was also needful. The President further intimated, but timidly, that he was ready to build ships of the line and increase the efficiency of the navy. Our troops at the Southwest were held in readiness to repel Spanish aggressions on the frontiers. Americans ought, too, to make a determined opposition to commercial injuries affecting their neutral trade.*

This message, which was reluctantly hostile in tone, served

* Executive Documents; Annals of Congress.

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as a preface to the more specific and confidential statement of our difficulties with Spain and Great Britain. Special messages were sent in accordingly relative to both countries. The Spanish message, which Congress received first, with accompanying documents, broached, somewhat guardedly, the scheme of purchasing the disputed territory, and more than this, the two Floridas, under the auspices of France. It appears that General Armstrong, a brother-in-law and the successor of Livingston at France, who had resigned in 1804, had declared the project feasible at this time, though Livingston before had favored the short cut as to West Florida without committing France.* A secret appropriation of $2,000,000 for so desirable a purpose was expected under cover of public resolutions toning the national sense of wrong. Spain was to be pushed, not into war, but a bargain. Dec. 6.

The President drafted skilfully the needful papers for this purpose with his usual promptitude, and it remained for the proper House committee to make report. But here an unexpected outbreak appeared. John Randolph had been reappointed by Macon chairman of the Committee on Ways and Means, and to this committee was confided the subject of belligerent troubles. On the 7th of December the Spanish matter was put into the hands of Nicholson, the second member of the committee in influence. The same day Randolph called on the President, and an interview was arranged for the next morning. At this interview Jefferson explained to him frankly the views of the administration upon the purchase of Florida; to which, if we may credit Randolph's account of the conversation, the latter responded with equal frankness that he would never agree to such a measure, because the money had not been pointedly asked for in the message, and because the step was disgraceful after the total failure of every attempt at negotiation.† Dec. 8.

With their own chairman, the recognized leader of the House, averse to the desired appropriation, the Ways and Means acted directly counter to the wishes of the President. Nichol-

* Monroe Correspondence, 1804.

† Decius, in Richmond Inquirer, August, 1805.

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son, an intimate friend of Randolph, was unwilling to break from him on this issue, while other members who were ready to do so had not the requisite influence for carrying their point. After long delays upon one pretext or another, Randolph reported to the House in secret session, not the provision for purchasing the Floridas which the President had drafted, but a headlong resolve instead, that troops should be raised for the purpose of protecting our Southern frontiers from Spanish inroads and chastising the invaders. But upon perceiving Randolph's defection, the President had meantime communicated his wishes to Bidwell and Varnum, of Massachusetts; and Bidwell, a member of the committee, now arose and offered as a substitute, the $2,000,000 appropriation "for extraordinary expenses of foreign intercourse." "The President's message does not ask for money," said Randolph, tartly. "I am aware it does not," responded Bidwell; "but I have reason to know that this is the President's secret wish." Bewildered at first, but soon conceiving the true situation, the House, without hesitation, laid aside the Randolph resolve and voted for Bidwell's substitute. An appropriation bill prepared accordingly passed both Houses secretly, and received the President's signature.*

Jan. 3, 1806.

Jan. 3-16.

Another unexpected obstacle to the President's new effort at a friendly settlement with Spain was encountered in the Senate. James Bowdoin, son and namesake of the famous Massachusetts governor, had lately been appointed minister to Spain in place of Charles Pinckney, a negotiator of indifferent merit, whose private affairs called him home. He was now at Paris with General Armstrong; hence the two were nominated joint commissioners for the Spanish business. But Armstrong's course regarding a private claim against France so stirred up our merchants and underwriters against him† that his nomi-

* Act February 13th, 1806; Annals of Congress; 5 Hildreth; Adams's Gallatin. The Randolph resolve was voted down in the House by 72 to 58. The appropriation bill passed by 76 to 54.

† "A very misjudged opinion," says Madison. And Jefferson esteemed the indignation against Armstrong unjust. Works of Madi-

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nation was violently opposed; indeed the result was a tie vote. The President had thought at one time of adding his friend Wilson C. Nicholas, who had retired from public life, as a third commissioner; but Nicholas declined the honor. Armstrong being still minister to France, the President confided the purchase to him and Bowdoin.

As soon as the Spanish appropriation had been provided in the House, the President brought the case of Great Britain forward by means of another special message, likewise in confidence. Two points of grievance were herein noticed on the part of the United States: (1), rules infringing upon the rights of a neutral commerce; and (2), the impressment of American seamen. Jan. 17.

(1.) A detailed report from the State Department, which was sent into Congress a few days after, illustrated the first point quite clearly. The inference was natural that, by paying for spoliations under the Jay treaty, Great Britain had conceded to neutrals the general right of commercial intercourse with a belligerent's dominions except as to blockaded ports and the conveyance of contraband articles. But the principle to which Great Britain and her prize courts now tended was, that a trade opened to neutrals by a nation at war on account of the war was unlawful, and that any relaxation was matter of favor. Jan. 25.

(2.) Impressment, a second grievance against Great Britain, was touched upon more lightly in Madison's report, for statistics were incomplete.* Since the fresh outbreak of European hostilities, the forcible seizure of American citizens to serve on board of British war vessels had alarmingly increased. Probably, as Crowninshield represented in the course of a desultory debate in the House on this subject, from 2500 to 3000 of our best seamen were already thus detained. Fathers, veterans of '76, whose sons had been torn January.

son and Jefferson, March, 1806. This claim had been allowed by a commission under the Louisiana treaty, but Armstrong resisted its payment.

* The President's message, December 5th, 1803, showed forty-three recent impressments of seamen, of whom twelve had protection papers.

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from them and set to fighting our ancient ally in behalf of the foe once conquered, lodged their indignant complaints with Congress. "I lost an estate," said one, "by lending money to carry on the Revolutionary War, and suffered everything but death by being confined as a prisoner among the British at Canada. Though a full captain, I was for fifteen months in close confinement; and if this is all the liberty I have gained, to be bereaved of my children in that form, and they made slaves, I had rather be without it."* To render the situation of our impressed citizens doubly deplorable, the French Admiral Villeneuve had lately announced that every foreigner found on board an enemy's vessel should be treated absolutely as a prisoner of war outside the protection of his own nation. And thus the life of an American sailor, forced on board a British man-of-war against his will, hung by a slender thread.

Impressment, which now became the standing grievance against Great Britain, was an indignity to which no self-respecting nation could submit. Loss of property will long be borne, but the unatoned outrage upon the person of a citizen provokes instant retaliation and war. Nevertheless the United States had shown great forbearance on this subject, and ever since 1790 had sought by fruitless negotiation to rectify the mischief.† The fundamental right England claimed was that of using her own citizens to fight her maritime battles; and once a citizen always a citizen. At first her pretension of reclaiming citizens, once in allegiance, appears to have been confined to British seamen who had deserted from some ship and entered the American service. Gradually, however, it extended farther, all British subjects being claimed and seized whether deserters or otherwise. And yet, in face of

* David Rumsey's letter to the Speaker; Annals of Congress.

† "The vexations of our seamen and their sufferings, under the press-gangs of England, have become so serious as to oblige our government to take serious notice of it. The particular case has been selected where the insult to the United States has been the most barefaced, the most deliberately intentional, and the proof the most complete." The case here selected, that of Purdie, who had been impressed, scourged, and kept in irons, was urged upon the British Minister for Foreign Affairs while Jefferson was Secretary of State under President Washington. Jefferson's Works, December 23d, 1790.

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their own principles, the British ministry would refuse to discharge an American seaman settled or married in England, or one who had voluntarily entered the British service. By right of the American Revolution our citizens, formerly British, had acquired doubtless an independent American allegiance.

But it was not the real or pretended right to impress, so much as the means of enforcing that right, to which the United States took chief exception. So far as this government was concerned, arrangements would not have been difficult for the mutual surrender of deserters upon a reciprocal obligation to observe good faith. But Great Britain consented to no such arrangement. She made no demand for her deserting seamen. On the contrary, she used force, and exercised a discretion of her own, which, utterly ignoring the co-sovereignty of the parties, led of necessity to the greatest abuse. British naval officers would stop and overhaul an American merchantman, muster its passengers and sailors on deck, and carry off forcibly all whom it might suit their convenience to claim as British subjects. This was done not in British ports alone, but in those of neutrals and upon the high seas. The interested party and the stronger one was judge of his own cause. Sailors were wanted, and the British press-gang laid the universe under contribution. Hence did the abuse of the impressment principle far outrun the principle itself. Thousands of American natives were taken in the pretended exercise of a British right of search; foreigners, too, whose language and personal appearance showed distinctly that they were not Britons. Meantime the remedy, in case of mistaken seizure, was slow and by no means adequate, nor was recompense afforded for it. The commerce of the United States was injured by the actual loss of seamen and the dread which kept others from exposing themselves to the peril of capture for bloody work upon an English frigate.

Harboring British deserters within American jurisdiction was the only complaint England could possibly make against the United States for her own justification. During the administration of John Adams, in 1800, an offer was made to Liston, the British minister, of a reciprocal 1800.

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engagement to deliver up deserters, provided there should be no further forcible seizures from American vessels; but this proposal was not accepted, and abuse and remonstrance continued until the peace of Amiens. Upon the renewal of a maritime war between Great Britain and France, King, the American representative at St. James, brought the Addington ministry, in 1803, nearly to an experimental compromise for five years. Both England and the United States were to prohibit strictly the clandestine concealment or deportation of one another's seamen, in consideration of which the search of American vessels was permitted in British harbors but not at sea. At the last moment, however, Lord St. Vincent insisting upon search in "the narrow seas" likewise, the effect of which must have been to expose the whole commerce of the United States which passed round to Holland, Germany, and the Baltic, King refused his assent. King left for home immediately after, and the Addington ministry soon dissolved.

1803.

All tokens of condescension had disappeared with the return of the Pitt party to power. The American flag was subjected to new annoyance and insult. British war vessels now came close up to our seacoast to watch our commerce and search for sailors. New York harbor was used by the British squadron as a cruising station. Instead of sending over to board an American vessel, the British naval commander would require the merchant captain to transmit his papers for inspection by his own boat. Remonstrance through the Department of State received little heed. Our Executive would have assented to an arrangement on the basis of King's compromise; but so far from abating the claim to impress on the high seas, the British ministry had nearly arrogated the right to take seamen out of American vessels within American waters. Meantime the commercial articles of the Jay treaty had expired, and Jefferson desired that a new convention should definitely exclude impressment on the high seas and regulate the right of search, a mutual surrender of deserters from ships and garrisons serving the convenience of the two countries instead. He was not, however, greatly concerned should the treaty fail of renewal, for in theory he

1803-6.

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thought it as advantageous to let the dealings of nations depend on voluntary good treatment as to fix them by a written contract, which in any strait was likely to become a cause of war through the forced interpretation of an interested party.*

Such being the British situation, the House, by the time the President's British message was received, evinced great distrust of Randolph's committee, but concluded finally to refer spoliations thither, and impressments to a select committee. The Ways and Means hung back as if to baffle the Executive once more; two members were absent; January. the chairman gave out that he was sick; January had nearly passed without eliciting even a report upon the President's opening message. At length the House agreed to discharge Randolph's committee, upon which Gregg, Jan. 29. of Pennsylvania, at once offered a resolution for suspending British importations; his preamble reciting the wrongs the United States had suffered from England's arbitrary seizures and impressments.†

Gregg's resolution was presently debated by the House in committee of the whole. Gregg claimed in his opening speech, as did the administration party in March 5–17. Congress generally, that non-importation was not intended for a war measure, but as a means of aiding pending negotiations with Great Britain in the American interest. Samuel Smith's elaborate argument in the Senate, where the same subject was under discussion, set forth this theory in detail. Out of $75,000,000 imported by the United States at the present date, $47,000,000 were for consumption, and of this $47,000,000, at least $30,000,000 came from Great Britain and her dependencies, to whom our merchants carried in return for consumption scarcely half this amount; and to make up the balance thus owed, were obliged to exercise their talents and enterprise in seeking other markets, from which the new British rules now sought unjustly to exclude them.‡

* See Jefferson's and Madison's Writings, 1803–5; Annals of Congress, and Executive documents.

† Annals of Congress, January, 1806.

‡ Annals of Congress, March, 1806.

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This non-importation scheme was doubtless inspired at the White House. We have seen that under Washington's administration, Jefferson and Madison strongly favored a system of discriminating duties, or commercial retaliation, upon Great Britain as an efficient weapon for causing America's commercial rights to be respected.* Non-importation was tried during the Revolution, though not with marked success. To such a policy, of which the Jay treaty for a time deprived us, they turned in this new emergency, confident that the experiment, if fairly pursued, would reduce Britain's arrogance and bring her to terms by a process of material exhaustion. But there were two considerations not to be properly eliminated from such an experiment: (1st) the question how far a naval power, vastly superior to our own, would passively suffer it to continue; and (2d) whether the patience of our own people, who must needs suffer under the dispensation, would endure sufficiently long. Upon the latter of these considerations, at least, Jefferson in the end miscalculated, though the retaliation policy might be viewed as a preliminary rather than a preventive of war.

Randolph, no longer at liberty to play the sick man, now sprang upon the Executive with the ferocity of an Indian whose ambush has been discovered. All the armory of his oratory—his eloquence, his caustic satire, keen ridicule, and bold defiance—was now opened in promiscuous fire upon the foreign policy of the administration. He forgot all political restraints. He spared neither party. First he flung out at what he termed the pusillanimous policy of the President, and the subtle Executive influence to which his fellow-members of the House so tamely submitted; next at the merchants, whose neutral trade, which Congress was called upon to protect, he pronounced dishonest, the mushroom, the fungus of war. Randolph was far from consistent or logical. He called for Treasury figures, and then professed he had not time to look them over. His principles of international law he took bodily from a pamphlet lately published in Great Britain, entitled *War in Disguise, or the Frauds of Neutral Flags*, upon which he relied without caring to know what might be said

* See vol. i, p. 261, 262.

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on the American side. Freely as he had favored the chastisement of the Spaniards on the disputed Louisiana Territory, after contending that the United States owned not a foot beyond the Iberville, the drift of his present argument was the cowardly one that we could not fight Great Britain on the seas, and hence ought to retreat, abandoning our commerce to its fate. Non-importation, he contended, was not even a manly opposition, as embargo would be; it would lead necessarily to war, and, for his part, he was averse to a naval war with any nation whatever.

Even the impressment of our seamen furnished him with argument against provoking a contest for American rights. "You cannot," he said, "command seamen for your navy in time of war without impressment. The wealth of Crœsus could not sustain the expense; and even if that objection could be removed, the operation by enlistment is too tardy to meet a sudden emergency." "What!" he continued, reverting to the main theme, "shall this great mammoth of the American forest leave his native element and plunge into the water in a mad contest with the shark? After shrinking from the Spanish jackal, do you presume to bully the British lion? Are you mad enough to take up the cudgels that have been struck from the nerveless hands of the three great maritime powers of Europe?"

Such a diatribe from one who for years had been accustomed to commend Republican principles, and who was instrumental in the practical legislation under which the Louisiana purchase was lately consummated, could not be ascribed to a well-matured conviction of the public interests, nor even to that whimsical partiality for Englishmen and English things in which Randolph indulged as a virtuoso. A wounded self-esteem was now perceptible, which no longer discharged its venom upon the judiciary, the Postmaster-General, and the Yazoo claimants alone, but forked its tongue at Madison and the President himself. Through the session he protested constantly against this "secret, irrepressible, overruling influence which defies the touch but pervades and decides everything," and (lashing at Varnum and Bidwell) against "the back-stairs influence" of men who bring messages to the

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House, which govern its action without appearing on the journals. To sow distrust between Madison and Gallatin he praised the latter as one whose vigorous understanding and practical sense were ousted from the council, while Jefferson and Madison managed the foreign relations by themselves; and went so far, after he was forced to correct this assertion, as falsely to intimate that the Secretary of State would have sent money to France in advance of a legal appropriation.* "I ask," he says, unmindful that the Constitution created neither cabinet nor directory, "what is the opinion of the Cabinet, and find there is no longer any Cabinet."

One stinging taunt of Randolph's had some foundation. D'Yrujo, the Spanish minister, whose recall, as we have seen, Madison demanded because of misconduct,† had at the request of his own government been suffered to depart on the footing of a minister asking leave to return home. But instead of departing, as he himself had professed to desire, D'Yrujo still hovered about Washington while the Spanish question was before Congress, and upon being notified by Madison that his presence was displeasing to the President, published two insolent replies, announcing that he should stay at the capital as long as he liked. Nothing further could be done in this awkward affair, and Madison bore the insult in silence. A bill was proposed in the Senate, authorizing the President to order the departure of foreign ministers in certain cases; which, however, was dropped, for to have passed it would import that in the present instance the Executive had moved precipitately.

Randolph's onslaught upon the administration, sudden as it was vituperative, dismayed at first the House Republicans, none of whom could measure him with his own weapons; but they quickly rallied, and the majority stood firmly by the President, maintaining their side fairly in argument against him. The course of the debate showed, however, that on the Gregg resolution the party was not united; and news

* See Adams's Gallatin, pp. 340–344. † *Supra*, p. 95.

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arriving from abroad to indicate another change in the British ministry, Nicholson procured the passage of a substitute, which made importation less rigorous by limiting the experiment to specific articles, such as the American people might procure from some other source. Further reference to the Committee on Ways and Means was now pointedly refused, and a select committee was appointed to bring in the appropriate bill. One more discussion having arisen as to the time when this act should take effect, another compromise was made between the moderates and extremists of the party, so as to fix the date at November 15th. Randolph gave the bill a last shot on its final passage through the House as "a milk-and-water bill, a dose of chicken-broth to be taken nine months hence." Commanding a less fractious support in the Senate, the non-importation bill became a law three days before Congress adjourned.* March 25

The little band of Federalists in Congress, who were so ably led in the Senate by Tracy and Bayard as to make the absence of Giles sorely felt on the administration side, and to whom in the House Randolph's defection gave such aid and comfort, flattered themselves on the prospect of dividing their opponents and allying with the faction which would have forced hostilities with Spain while refraining from acts irritating to Great Britain. Upon their theory England upheld the liberties of mankind against an ambitious despot seeking universal empire, and America ought to league with her against France and Spain. Randolph's opposition chimed therefore with their own policy, except for his denunciation of a strong navy and his sarcasms upon the merchants as "slippery eels." In debating an appropriation of $150,000 for defending ports and harbors, which Eastern Federalists ridiculed as not half large enough, Quincy politely suggested that Randolph's great mammoth represented the agricultural South, and argued that if the land mammoth had leagued with the cod, and the cod had spread over every ocean and brought back the tribute of all climes, the mammoth ought not, be-

* Act April 18th, 1806; Annals of Congress. This act passed the House by 93 to 22, and the Senate by 19 to 9.

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cause weighing the more in beef and bone, to refuse a part of the revenue in the cod's defence.*

"In time of peace prepare for war," is a maxim which kings observe, but not republics; governments desiring war, not those that delight in peace. The present stage of foreign troubles would have been a fit one for increasing the effective force of the navy, as both Jefferson and Secretary Smith inclined. But Jefferson's heart was chiefly set upon his harbor gunboats, for which $250,000 were allowed at this session; and Southern Democrats in Congress appeared so hostile to armaments in time of peace, that the subject was not urged. The sum of $660,000 reported for line-of-battle ships was disagreed to in the House. Of the American navy, as now existing, exclusive of the gunboats, two frigates, the *Constitution* and *Chesapeake*, were fit for service, and the six others needed repairs; there were also four brigs, two schooners, and two bombs. Except for two new sloops just completed, the *Wasp* and *Hornet*, this force was suffered to deteriorate; decayed frigates being sold and the frames of new ships of the line on the stocks cut up presently for gunboats, as though war with the Barbary powers being over, the ocean might safely be abandoned.

The President was allowed to keep in actual service on the peace footing as many frigates and other armed vessels as he should think proper; the rest to be laid up, and the number of seamen limited.† State executives might be called upon for their respective quotas of 100,000 militia and volunteers.‡ These meagre preparations looked little like forcing European countries to respect American rights on the ocean at a time when these were in serious jeopardy.

The hasty peace with Tripoli, under which Hamet had been compelled to flee from Derne, and Eaton's scheme of dethronement failed, was a topic of discussion at this session. Lear would have been blamed the more by those whose compassion for the royal exile was touched, had they known that by a secret compact appended to the treaty with Tripoli the Bashaw Joseph was allowed four full years for restoring to Hamet his

* Annals of Congress, April 15th, 1806.

† Navy Report, January, 1806; Act April 21st, 1806.

‡ Act April 18th, 1806.

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wife and children, a compact which the President speedily annulled when he heard of it. Reaching Syracuse under American convoy, Hamet made complaint to our government of broken faith. Congress voted $2400 for his temporary relief, and towards both him and Eaton the administration felt at first generously disposed, acknowledging the efficient services both had rendered in the Tripolitan war. Eaton, however, who had returned with the fleet from the Mediterranean, indulged in some indiscreet reflections upon the administration for treating out himself and Hamet, in consequence of which a resolution before Congress for presenting him with a gold medal was opposed and finally lost.*

John Randolph's followers in the House dwindled to a small handful before the session ended. He tried in vain to defeat the "Mediterranean Fund." His proposition for a constitutional amendment to make Federal judges removable on address was disagreed to without debate. A bill against plurality of offices, by which he meant to rebuke the appointment of General Wilkinson, an army officer, as governor of Louisiana, went through the House, but was postponed in the Senate. Notwithstanding the odium of secret sessions, of which Congress held many during this winter, he tried in vain to have all the records promulgated. His opposition to the foreign policy of the Executive, which had been communicated in confidence, proved futile. But the weaker he showed himself as a leader, the more madly did he erect his quills against those who were deserting him. To Thomas M. Randolph he sent a challenge for alluding to him as a bankrupt leader, but an explanation composed the difficulty. After a somewhat prosy speech on the final passage of the non-importation bill by one of the older members of the House, he made allusion to the story of "point-no-point," and then turned with ironical politeness to say that he had not heard the gentleman's remarks. "A toothless driveller, superannuated, in his dotage," was his uncomplimentary allusion to another of his party. And shutting his fist and pointing a lean forefinger at one of the President's

* Annals of Congress; Executive Documents; 5 Hildreth.

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new favorites, who was on his feet, he screamed out in the voice of a parrot, "Go down the back stairs, sir; go down the back stairs; that's the place for you."

The blunt and vigorous Sloan moved, just before adjournment, that all standing committees should for the future be chosen by ballot, elect their own chairman, and be required to report every Monday. "Clap on the crown of thorns," called out Randolph, frantically slapping his head. Sloan's motion was finally suffered to lie upon the table; and without subjecting the spoiled child of Republicanism to immediate discipline, the House and Congress arose.*

April 21.

Randolph's sudden break with his party and the administration has never been quite clearly explained. His own ideas concerning the policy towards Spain and Great Britain which the times demanded were too freakish for a principle of opposition, and we perceive rather a spiteful obstruction of the Executive wishes, failing which, vexation flamed into a passion to pull all to pieces. Notwithstanding his brilliancy and audacity, Randolph wanted the steadiness and good judgment essential to a leader among statesmen. He applied the vitriol when honey was needful. As "the man who speaks what he thinks," his eloquence, fearlessness of invective, and indignation at corruption gave him, no doubt, an external popularity, his chief advantage. But from the time events placed him in a position for harmonizing the tempers of other men, he had been losing his own temper. He was found peevish, fretful, fitful, immethodical, imperious; to Northern associates in particular a bad specimen of the slave-driving nabob. Ever since the Yazoo onslaught and impeachment fiasco of the last Congress, he had been conscious of losing influence with his fellow-legislators, and the opening proceedings of this one showed that he was out of favor with a large section of the House. While in an irritable, splenetic frame of mind in consequence, some pique, some personal slight, real or imaginary, from the Executive kindled the spark. Perhaps an Executive favor

* See Annals of Congress; Garland's Randolph.

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was refused; perhaps Executive communication was made with his committee over his head.*

But in a division of opinion over the successorship† appears the true scope, whatever the occasion of Randolph's defection. While Madison's friends had the most reason for encouragement, and Madison was the most likely to be a President after Jefferson's pattern, dissatisfied Republicans preferred a fresh man with a fresh policy. These fixed their choice upon Monroe, and of their number was Randolph. In the heat of the debate on the non-importation bill, Randolph was plying Monroe by letter to become his candidate for the Presidency, trying to detach him from the administration and Madison, and to persuade him that he was kept abroad so as to give his rival a clear field. Jefferson, anticipating such efforts, had just dropped Monroe a caution against new friends who were attacking his old ones, and, assuring him of his own intention to be neutral in the Presidential contest, offered him an early opportunity to return home.‡

Monroe had doubtless an honorable ambition for the Presidency, and believed his own claims worthy of comparison with Madison's. Harassed, however, with debt, his poverty made him in a sense dependent upon the good-will of Jefferson, who had treated him with delicate consideration, offering in 1804 to appoint him governor of Louisiana, where he might begin his fortunes anew; or else to transfer him to Spain, where he would be clear of the incumbrance of London entertainment. Monroe had concluded to remain where he was, willing to

* See Garland's Jefferson; Annals of Congress. Both of the above explanations have been suggested.

† The story current at this time, and repeated in private letters, was as follows: Randolph being at the President's with other members of Congress, asked when Monroe would return home, hoping that this would be before the next Presidential election. The President responded that if the next President came from Virginia, he expected the choice of the people would fall upon Madison; to which Randolph saucily retorted that he thought otherwise, and for his part wanted no more milk-and-water Presidents. The retort is not unlike Randolph; but no confirmation of the story is to be found from parties present, and Jefferson has given his word repeatedly that he observed strict neutrality as between Madison and Monroe and their respective claims to the succession.

‡ Monroe Correspondence, March, 1806.

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return home when the affairs of his mission would permit, but desirous of achieving some new work first, so as to return with renown and his chief's favor. Randolph and the malcontents continued their efforts through the summer to bring him upon an anti-ministerial platform; Jefferson still warning him that they who broke off and became identified with the Federalists carried none with them, and soon sank into obscurity. On both sides he was urged to come home and judge for himself; and the President promised him Louisiana or Orleans upon his return. Monroe was too sensitive not to feel apprehensive that Madison meant to forestall him; but he could not conveniently return so early, nor while remaining abroad disregard the President's solemn injunction. Encouraging the confidence of those who turned to him, he yet declined to be forced into a contest with the Secretary of State, or take part in attacking the administration on small points.*

Monroe had a little troop of hangers-on who, in the guise of watchful friends, were constantly setting him to suspect his rivals. Livingston had been their object before, now it was Madison. Madison, they said, kept him abroad; Madison suppressed his dispatches purposely; Madison was on the cards for next President, and hence the administration treated Monroe badly. Of all this Monroe became half convinced, and one new proceeding on the President's part tried him sorely. Unable to accomplish much in Spain he had turned with hopefulness to the opportunity of negotiating a new convention with Great Britain. The glory as well as the responsibility he desired for himself, unmindful of what the former negotiations had cost Jay. Pitt's death and a new ministry favored peaceful arrangements. But to his chagrin he found a co-negotiator appointed to London, precisely as he had been joined with Livingston at Paris in 1803; the person selected being William Pinkney, of Maryland, one of the greatest forensic advocates of the day. "Pinkney," wrote Jefferson, "will be authorized to take your place whenever you think yourself obliged to return." Bound in honor to treat his distinguished associate with respect, Monroe privately confessed to his friends that his feelings were hurt, though all might be explained.†

* Monroe Correspondence, March–November, 1806. † Ib.

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Recent experience in three courts had strengthened Monroe in some respects where the administration was weak. He believed the moment a favorable one for carrying our point with both Great Britain and Spain; not, however, without a spirited show of force in aid of our logic. A few ships of the line and frigates, he felt convinced, would give the United States more respect with these European powers than any land force we could raise.* The administration did not act upon such a theory, as we have seen; still less did these views coincide with Randolph's, or what was known as the mud-turtle policy.

The Middle States feuds promised a resource not overlooked by Randolph's rebellious faction. Federalists, too, appeared ready for any alliance which promised to split the Republican party. Inclining in practice more to the discomfited "Friends of the People" in Pennsylvania than to Gallatin's wing, Randolph used honeyed words with the Secretary of the Treasury, rather, perhaps, to disarm than to win him over.† But Gallatin repelled all attempts to exalt his merits over Madison's, and attached himself more closely to the President and to the interests of his colleague; breaking off regretfully a personal intercourse which had been very pleasant to him. In thus forsaking Randolph he was encouraged by Jefferson, who showed his customary skill in managing his party so as to hold control of its fortunes, and at the same time keep those fortunes secure with the country. As Burr had been expelled from influence so now was Randolph, and in each instance the party gained by the purgation. Republicans lost their most brilliant debater, but an erratic legislator, one whose unwise management had hurt their cause. A new House leader was now wanted; if possible a Northern man, and, at all events, some one in sympathy with the administration. But the material at hand was poor. Bidwell, whose claims were fair for such a distinction, had made up his mind to retire after the present Congress in order to accept State office, and accepting it his public career ended in disgrace.‡ Nicholson, proscribed

* Monroe Correspondence, March–November, 1806.

† Adams's Gallatin, 344–348; Jefferson's Works, June–October, 1806.

‡ Bidwell was Attorney-General of Massachusetts from 1807 to 1810, and in 1810 turned out a public defaulter.

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with Randolph, now resigned in disgust to accept a seat on the Maryland bench. Macon was compromised in the speakership by his intimacy with the disaffected wing. Of his majority in the House Jefferson still felt surer, however, than in the Senate, where the administration was not as well ballasted as he desired.

Randolph, meantime, had attempted a personal defence in the Richmond *Enquirer* over the signature of "Decius." The *Aurora*, too, which had lost its government printing and stationery contracts through a combination of Federalists and hostile Republicans in Congress, and felt in Pennsylvania the heavy hand of McKean, joined in an attack upon the administration. But the "Quids," as the Randolph faction came to be called, made no popular impression; good grounds for conversion were not made manifest; and they seemed only to cohere as a set of impracticable men indisposed to protect American rights against Great Britain. There was little general disposition to discuss Presidential candidates so early, and still less to reduce the candidacy to the two Jameses of Virginia.

A number of libel suits grew out of the political campaigns of this period; not a healthy indication, yet an agreeable relief from political duels. In Pennsylvania several prosecutions were instituted and others threatened on behalf of McKean and Dallas, now that the coalition of Constitutionalists and Federalists had secured their triumph over the "Friends of the People." Duane, whose *Aurora* had grown quite abusive as that famous paper declined in influence, was bound over to keep the peace; but refusing to give security he was afterwards taken out of jail on a writ of *habeas corpus* before Chief Justice Tilghman, who declined to follow the precedent established by McKean in Cobbett's case.* The United States district judge in Connecticut, Pierrepont Edwards, procured indictments against several men of influence in that State for scandalous writings against the President, among them Judge Reeve, who had been a political contributor to a Litchfield paper; also, the publisher of the *Connecticut Courant*. It was in this latter case, where Jefferson was charged with sending the $2,000,000 as a bribe to France,

* *Supra*, vol. i, p. 368.

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that the Supreme Court of the United States finally settled, upon appeal, several years later, the important point, that under our Constitution Federal courts have no criminal jurisdiction over mere common-law offences; sound Jeffersonian doctrine in the days of the Sedition Act, but now, like freedom of the press, quite acceptable to the Federalists.*

That secret, irresponsible Executive influence against which Randolph had inveighed so bitterly we must consider inseparable from a constitutional system like ours, especially in the delicate conduct of foreign relations at some crisis, where more is known by an Executive than can be prudently disclosed by public message. If, as Jefferson said, defending his own course in this respect, the Executive is to keep all information to himself which is not suitable for a public message, and the House to plunge along in the dark, "it becomes a government of chance and not of design." †

But the importance of the foreign policy resolved upon at this session we shall find by no means commensurate with the attention bestowed upon it in debate. The Non-importation Act, a reminder to Great Britain that commercial favors are reciprocal and require a treaty, became postponed in effect far beyond the period at first intended. The effort to procure Florida, by means of negotiations at Paris, came to naught; and when Jefferson retired from office in 1809 the $2,000,000 appropriation, which he had placed at the joint disposal of

* See 5 Hildreth, 591–593. The allegation of truth in defence of a libel suit is now permitted throughout the United States. We have seen that such a modification of the common law of England was recognized in the Sedition Act in 1798, through the effort of Bayard, such being the law at that time in three States. *Supra*, vol. i, p. 398. This desirable provision became gradually introduced into other States. Under Jefferson's first administration a New York sheet, the *Hudson Balance*, was prosecuted for traducing the President. Hamilton made an eloquent plea, denouncing the old maxim of the law, "the greater the truth the greater the libel." This effort was not without effect in inducing a Republican legislature subsequently to commit that influential State to the new principle so essential to the freedom of the press. See 5 Hildreth, 518; Hudson's Journalism. Jefferson disclaimed all responsibility for the libel suits instituted during his administration.

† Jefferson's Works, July 5th, 1806.

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Armstrong and Bowdoin as commissioners, remained untouched.* To check Spanish aggressions in the disputed territory troops were moved forward under General Wilkinson's command.†

A few days after Congress had dispersed, an occurrence off Sandy Hook stirred the public feeling intensely against Great Britain. While British naval vessels were hovering about New York harbor one afternoon in April, a shot was recklessly fired from one of them, the *Leander*, which instantly killed John Pierce, the helmsman on board an unoffending American coaster. The citizens of New York, assembling without distinction of party, denounced the outrage, and called upon the national government for better protection of the harbor. Pierce was interred at the public expense, the Tammany Society training in the funeral, and all American vessels in the harbor hoisting their colors half mast. A proclamation of the President interdicted British supplies, and ordered Captain Whitby, of the *Leander*, to be delivered up if found within our jurisdiction.‡ In the midst of all this public excitement the death of Pitt the younger, followed by the accession of Fox, a constant friend of America, to the English ministry, inspired our government with great hopes of a favorable redress of those naval insults under which the people grew daily more restive.§ Abundant proof of the President's disposition to accommodate all points in dispute by treaty was shown by the selection of William Pinkney as Monroe's co-negotiator. Federalist in antecedents, and formerly a commissioner under Jay's treaty, remaining for eight years at London, Pinkney's polished manners and conservative views rendered him a most acceptable American to British court circles.

April 25.

The conspiracy of Burr now flamed suddenly in the sky like some comet, wholly unexpected, whose coming seems the pres-

* See President's Message, January 24th, 1809.

† Jefferson's and Madison's Works, 1806.

‡ See 4 Niles's Register, p. 73. Whitby was afterwards court-martialled for this offence by British orders, but acquitted for want of proof, and eventually promoted.

§ Monroe Correspondence, May, 1806.

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age of destruction. But when seen it had ceased to be dangerous. The bearing of this enterprise upon our internal politics was very slight, except to strengthen public confidence in the energy of the Executive, and cement to the Union, as was needful, the loyalty of the immense Mississippi country. For the rest, we may regard it as a phenomenal exhibition of hazy native imperialism, quite unfit for modern America.

Burr's romantic expedition has been vividly described, together with his preliminary tour down the Ohio and Mississippi to New Orleans in 1805.* The panorama of the great West is at length fairly unrolled, and in the adventurous, self-confident sons of the valley, heedless of international restraints, but in heart true to the republic, despising diplomacy, and ready to take the short cut, we perceive a fresh and distinctive type of the American citizen. Over this section Burr's spell was momentary, and his magic failed when the sinister bend of his plans was discovered.

The late Vice-President, bankrupt in fortune and political standing, is seen knitting together the broken threads of his ambition, and weaving out a strange fabric. His restless fancy made him a Napoleon in Mexico, and founder of an American dynasty; conjoined with which design was that of plundering New Orleans for the immediate necessities of his enterprise, but ultimately occupying it, and by force and adroit policy detaching the Western States from the Union.† His contempt of mankind gave him a low estimate of popular government and of those representing it; with a handful of troops at Washington he believed himself able to turn Congress out of doors, assassinate the President, and declare himself Protector;‡ and his own brain and nerve he relied upon with sanguine confidence. He drew Dayton and other kinsfolk into his scheme, besides some young New York partisans stranded in politics like himself. He thought himself assured, too, of prominent support at the West; from Daniel Clark, for instance, a leading spirit in New Orleans, and a man of large fortune, and, above all, from General Wilkinson, Burr's former military

* See Parton's Burr.

† Ib.; dispatches to Wilkinson, delivered by Swartwout, October, 1806.

‡ Ib; General Eaton's statement of conversation.

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comrade, whose familiar acquaintance with Louisiana and the Spanish dominions and his military rank made him the most influential personage at the Southwest. That all of these encouraged Burr's expedition is certain; but how far some of them did so, understanding it to be a purely foreign diversion which would be undertaken against Spain, and possibly under the secret auspices of our government, can never be determined. Burr colored his most secret revelations with fiction, holding out the co-operation now of the President, and now of some foreign power.* He calculated at first for opportunity upon the expected war with Spain; and the pacific turn given to the boundary dispute, together with Pitt's sudden death, so disconcerted him that he turned to procuring a national office;† failing which effort he went on with his Western plot, soon, apparently, as sanguine as before.‡

Wilkinson turned against Burr at the critical moment, and by his energetic preparations at New Orleans crushed the enterprise in which he had been promised the second place of command. Perhaps, on deciphering the mysterious letters of Burr and Dayton addressed to him, which furnish the clearest evidence of the conspiracy, a vainglorious but valiant officer, high in the confidence of his government, realized for the first time that a predatory excursion involved treason, and on his own part the basest treachery. Perhaps he realized the change of external circumstances better than Burr, and saw that the latter either lied or was over-sanguine. Perhaps, after feeding his own imagination with hopes of glory and fortune, he shrunk, as others have done, when it came to action. To a high commander, who weighed well his chances, Jefferson's confidence and the public gratitude must have appeared at this moment the safer investment. Wilkinson had no tenderness of conscience; he was

Nov.-Dec.

* In the famous cipher dispatch to Wilkinson, Burr is seen promising the co-operation of a British fleet on the Mississippi.

† See Jefferson's Anas, March, 1806.

‡ George Ticknor's Life records a statement by Pichon showing that Burr tried to procure Napoleon's sanction to his schemes; and there is evidence that by false lures he tried to play off Spain and England to his advantage, interesting the one in dismemberment and the other in the invasion.

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self-indulgent, fond of display, boastful, one who performed a good action upon considerations of strategy. The ambition of leading a revolution as "the Washington of the West" might have tempted him had he been displaced from authority like Burr; but in the plenitude of influence duty and interest alike impelled him to preserve his country. The meditation of a single night fixed him in that resolve.*

While Wilkinson placed New Orleans in a posture of defence, and proclaimed martial law at the mouth of the Mississippi, the lines were closing about the conspirators far up the river. Burr, by his own unguarded language in one or two quarters, had excited suspicions, which were communicated to the President. A government spy was dispatched to Blennerhassett's Island, on the Ohio, where preparations for the expedition had been progressing, and at his instance Governor Tiffin, of Ohio, sent a body of militia to the scene and gave the first blow to the enterprise. Wilkinson's messenger arriving meantime at Washington with startling intelligence from the Southwest, the President's proclamation was issued, and it became a hare and hound chase for the fugitives. Blennerhassett, a giddy, romantic Irish gentleman, whom Burr had bewitched with his projects, hastened down the Ohio with a handful of recruits, the chief bateaux having been seized, and at the mouth of the Cumberland met Burr, who, unaware of his danger, had been scouring Kentucky and Tennessee for assistance. The whole flotilla did not muster more than 13 boats, and from 80 to 100 men, who, for the most part, were ignorant of their destination. Descending the Mississippi to the vicinity of Natchez Burr learned, for

Oct.–Nov.

Dec. 2–10.

Nov. 27.

Dec. 24.

Jan., 1807

* See Wilkinson's Memoirs, which fairly illustrate his own character, and reveal a career open to frequent suspicions, and requiring the most elaborate self-justification, a justification accompanied by the admission of unworthy motives.

Jefferson fully appreciated Wilkinson's prompt and energetic behavior at the present crisis, and firmly sustained him; but, on a later issue of veracity in 1812, declared that as to the rest of Wilkinson's life he left it to his friends and enemies, to whom there was enough matter for disputation. See Jefferson's Works, 1812; Parton's Burr; Davis's Burr.

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the first time, that Wilkinson, so far from co-operating, had betrayed his designs, and was ready at New Orleans to apprehend him for treason. This situation disclosed, the expedition was disbanded, the leader, with professional sagacity, having first sunk his chests of arms in the river, and suppressed all tokens of criminal intent.

Burr now plunged into the Mississippi wilderness, endeavoring in disguise to reach the Gulf; but in a village on the Tombigbee he was recognized, taken prisoner, and sent by land under a military guard to Richmond jail. Blennerhassett was captured in Kentucky some months later. Dayton and others were indicted. A few arbitrary arrests had been made by Wilkinson in New Orleans.

February.

It only remained for the Federal courts to deal with the offenders as they deserved, all other trials being postponed to that of the chief conspirator. But here the law shielded the prisoners. No conviction of treason was possible under our Constitution unless some overt act could be proved on the testimony of two witnesses. Burr's trial at Richmond collapsed upon a ruling of Marshall, the Chief Justice, to the effect that the enlistment and assembling of men at Blennerhassett's Island showed no overt act of treason; that even if it did, Burr's agency did not appear; and that the overt act must be first established before testimony of Burr's conduct or declarations elsewhere was admissible. Burr's second trial for misdemeanor failed upon a point of jurisdiction; and though Burr and Blennerhassett were afterward held for trial in the district of Ohio upon this less heinous charge, the government abandoned their cause, and the other indictments were dismissed. The chief recollection of this famous prosecution is the forensic triumph achieved by one of the counsel on the government side, the eloquent Wirt, whose fervid description of Blennerhassett's island home—the ideal of a literary retreat, such as through life haunted his own imagination,—still retains a place in our literature.

August.

Sept.

To Blennerhassett Burr was indeed the serpent invading Eden. A charming home was ruined, a lovely family scattered. Soldiers committed pillage; creditors attached the estate; the dwelling, a quaint wooden house, with curved

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wings and a running piazza, was burned to the ground. Unfortunate in speculations by which he hoped to repair his fortune, the outcast vainly sought public office in Canada, and afterwards in Ireland, and died at last on his native soil penniless and heart-broken. To thousands of travellers floating down the Ohio River past Marietta and this lonely island, the deserted rendezvous of treason, has the pathetic tale of poor Blennerhassett been made familiar.

Nor, though released from legal durance, did the chief offender himself escape the Nemesis of public condemnation. Less an object of compassion than Blennerhassett, Burr wandered abroad a few years, living upon scanty remittances from personal friends; but in 1812 returned stealthily to New York city, confirmed in sensual and impecunious habits. None of his former high acquaintances either molesting or greeting him, he slunk back into professional practice, confined for the rest of his life, with all his astuteness, to the grade of a pettifogger. His only child, to whom he had promised a diadem, the beloved Theodosia, lost at sea, and his line extinct, Burr was left without an endearing tie in the world; yet a stoic still, through all the vicissitudes of life, he lived to the age of fourscore, the obscurity of his Bohemian existence varied only by the scandal of a marriage at seventy-eight to a rich widow, who soon after separated from him. Over the fair sex Burr's fascination was retained to the last; one woman, strange to his illustrious kindred, nursed him in his last sickness, and another placed a simple block of marble to mark his unhonored grave.*

With the public exposure of this Western conspiracy, they whose names were more or less remotely connected with it hastened to exculpate themselves before their fellow-citizens. Many whom Burr had artfully approached, like Eaton and General Jackson, found no difficulty in clearing their skirts. Doubtless most of the volunteers, who were dropped near Natchez to shift for themselves, had supposed themselves enlisted for a foray upon the Spanish dons. Ohio, Kentucky, Tennessee, with the populations adjacent, were already moored firmly to the Union; nor even in New Orleans did

* See Parton's and Davis's Aaron Burr.

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disaffection extend beyond the French and Spanish residents. The real menace to the Union of late in this vast region had been rather a lawless and turbulent disposition, ready to manifest itself in reprisals and raids over Spanish and Indian borders, reckless of embroiling the constituted authorities of the nation. It was this disposition which Burr had played upon; and the exposure of his sinister designs brought the West to realize in season that infringements upon a foreign dominion can never be safely left to private discretion. A bootless expedition made about this time, under British protection, to the coast of Caraccas, by Hamilton's earlier *confrère*, Miranda, with the design of revolutionizing Spanish South America, enforced the same salutary lesson.

1806.

Congress assembled for its final session in the midst of the excitement produced by the President's proclamation, whose tidings swept the West like a prairie fire. In the first agitation, which was heightened by reports of Burr's conversations,* the Senate passed a bill suspending the *habeas corpus*, which, upon more quieting information, was dropped in the House. Some of Burr's accomplices, who had been arrested by Wilkinson at New Orleans, arrived at the capital during the winter, but were presently discharged by the Federal courts, no connection on their part with an overt act of treason having been shown. By an act of this session the President was authorized in all cases in which he had the right to call out the militia to suppress insurrection and resistance to the laws, to employ for that purpose the military and naval forces of the United States.

Dec. 1806.

Jan. 1807.

February.

The suppression of Burr's conspiracy, which became quite apparent as the session advanced, caused general rejoicing, but Burr's capture was not known until after the final adjournment. Jefferson directed the prosecution of his late rival with energy, perhaps vindictively, and the culprit's discharge upon technical grounds deepened his resentment against the Federal

* Eaton made a public statement that Burr in an interview with him had boasted that with a trifling force he could turn Congress out of doors, etc., as stated, *supra*, p. 119.

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judges. "The framers of our Constitution," he later remarked, "certainly supposed they had guarded as well their government against destruction by treason as their citizens against oppression under pretence of it."*

The historical act of this closing session was that which gave the African slave-trade its quietus; our government thus availing itself of the right of constitutional prohibition upon the first opportunity. Under this act importation of foreign slaves into the United States was forbidden from January 1st, 1808. For fitting out a vessel for the slave-trade the penalty was fixed at $20,000, and for taking on board any foreign person of color for sale as a slave within the jurisdiction of the United States at $5000. Whoever transported and sold any such person was liable to five or ten years' imprisonment, and a fine ranging from $1000 to $10,000; and a fine of $800 might be imposed upon any purchaser cognizant of the facts. Any slave-trading vessel might be seized and forfeited to the use of the United States, with prize rights in the captor; the navy aiding in the enforcement of this act. Precautions were taken against evasions of the law in transporting slaves coastwise; no vessel of less than forty tons' burden being permitted to take such persons outside of the inland bays and rivers.

On this humane issue Jefferson's administration was in full accord with Wilberforce and the liberal ministry of Fox; for simultaneously with this action of Congress Parliament abolished slave trade with the British colonies. This was the last happy conjunction of two nations whose tastes disposed them to friendship, but their rivalries to war.

The present Congress had no Wilberforce for this occasion; but public conviction was ripe, and legislators were prepared to act by its direction. Abolition of the slave-trade was an Executive measure, and, like most Executive measures of the day, commanded the majority vote. Abolition societies had already performed their educating work. The Republican party was liberal, and its leader a philanthropist. Hence Northern Republicans in Congress of medium calibre, like

* President's Message, October, 1807.

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Varnum and Bidwell, of Massachusetts, Sloan, of New Jersey, and Findley and Smilie, of Pennsylvania, showed a constancy to principle in which their predecessors of greater ability had been deficient. Southern members acquiesced, but over certain details there was acrimonious discussion.

(1.) As to the disposition to be made of negroes taken from those who were found pursuing an unlawful traffic, the House committee, which originally reported the bill, would have forfeited and sold them over; a proceeding which Early, of Georgia, the chairman, likened to selling demijohns of brandy confiscated under the revenue laws. This repulsive proposal the Northern Republicans, with Eppes, of Virginia, freely denounced. Sloan and Bidwell would have given the forfeited black his freedom; and Smilie, as an alternative, would have sent him back to Africa. But the latter plan appeared impracticable; while, as to the former, Southern members, who were wedded to local slavery, thought the introduction of free blacks a greater evil than slavery itself. In the conflict of local regulations Quincy inclined to Early's plan, but the New England sense would not tolerate the idea of creating a public slave-trader in place of the private one. Pitkin, a scholar and Connecticut Federalist, made a strong impression upon the House by declaring himself opposed to any abolition law which should require the United States to put the price of these poor Africans into the public coffers, dealing with them like merchandise; and at his suggestion the plan was broached of indenturing the helpless creatures as apprentices long enough to teach them how to support themselves. Under such a plan, however, there was danger of practical abuse. The final disposition of the subject, as suggested in the Senate, was to prescribe no distinctive treatment, but divesting all title of private ownership leave the captured negro to the operation of local laws in the respective States.*

(2.) As to the penalties appropriate to the offence of slave-trading. Punishment by death was first reported in the House. But this was thought too severe; and, at the instance of the Senate, large fines were substituted, together with a term of imprisonment, of which ten years was the maximum.

* Annals of Congress, 1806–7.

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(3.) Regarding the coastwise transportation of slaves, the House inclined more to freedom of traffic than the Senate. Upon this issue a few members from the South grew very angry; Early, Williams, of South Carolina, and Randolph among them. Seizing upon collateral points, as he so frequently did, for his most violent harangues, Randolph declared that if the bill passed without some proviso sanctioning a free coastwise transportation of all slaves accompanied by the owner or his agent, he should set the act at defiance. Notwithstanding his threat the House, by 63 to 49, accepted the report of a committee of conference, which omitted such a proviso.*

The day after the act abolishing the slave-trade had passed the House, Randolph asked leave to bring in an explanatory bill; if refused, he said, the South would secede. This gasconade produced little effect; Smilie declaring that, for his part, he was not to be frightened by any such scarecrow. Leave was obtained, but Randolph's bill was consigned to the tomb of the Capulets.†

Randolph was by no means the zealot for slavery he professed to be; but he spoke for effect, and that effect seems to have been to make himself a rallying-point for the discontented and divide his party. Far more obnoxious to the anti-slavery cause had been the persistent course of South Carolina, in continuing the slave traffic to the last moment, despite the wishes of Congress and the country and the quieting assurances of her representatives.‡ Under instructions from their constituents the Northern Republicans in Congress had lately renewed the effort to impose the ten-dollar duty, but in this effort they were baffled§ until the time came for setting the broader seal of condemnation. Slave-trading was made a national crime as soon as our Constitution permitted it; but, meantime, the lawful tax upon this nefarious commerce was

* Annals of Congress, December 15th, 1806–February 27th, 1807. The House, on the final passage of the slave-trade bill, which had been received from the Senate the last of January, voted in favor of it by 113 to 5, or nearly unanimously.

† Randolph called up his explanatory bill again at the first session of the Tenth Congress, but nothing was done. Annals of Congress.

‡ *Supra*, p. 56.

§ See Annals of Congress, 1st Session. Ninth Congress.

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never laid; here, as in other instances, they who compromised a grand principle gaining a concession in return practically worthless, because confessedly inadequate. Here the conversion of the Union was reached through the conversion of the States; and to South Carolina belongs the unenviable distinction of the only State in whose ports African slaves were openly received until Congress caused the remonstrance of Christendom to be respected.* A speculation was on foot for propagating slavery in the Territories of Mississippi and Orleans.†

Congress did much by shutting this outer door upon the slave-trade; but, unfortunately, inner doors were still left open. Upon the great national error of this era regarding domestic slavery we have already dwelt,‡ namely, that the system already woven into the social fabric of the coast is permitted to become a pattern for the new interior States. Jefferson's accustomed prescience here failed him. Moved by the discontent which the French inhabitants of Orleans Territory manifested because of the present act, he thought it not unwise to let them receive slaves from the States; for, he argued, by thus dividing the evil we lessen its danger.§ The law of natural increase contradicts such a theory; and the danger, growing with this Union, consisted most of all in fostering the ambition of slaveholders to populate new States in their interest, and gain such an accession of wealth and power as to rivet their institution securely upon the nation.

Properly viewed, the abolition of the foreign slave-trade was to England the consummation of a humane national policy,

* Private citizens of Rhode Island had employed their vessels, however, in the lucrative business of slavers, so as to invite the denunciation of the Abolition Convention which met at Philadelphia in 1806. See the memorial presented in the House, February 13th, 1806; Annals of Congress.

† During the last four years of licensed traffic, up to 1808, nearly 40,000 negroes arrived at the port of Charleston; two-thirds of that number in 1806 and 1807. The market there was glutted, and many hundreds of these miserable creatures were kept for months confined in ships or in wharf-houses, homesick and suffering under their imprisonment, while traders waited for a rise in market prices. Lambert's Travels.

‡ *Supra*, p. 55.

§ See Jefferson's Works, January 13th, 1807.

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but to the United States scarcely more than its initiation. On both sides of the ocean, however, philanthropy now reposed upon its laurels; and with the abolition of the slave-trade, a policy to which the United States, with Great Britain's co-operation, ever after adhered,* favored presently by the commercial situation, and in later years by more efficacious restraints, the first anti-slavery movement in America subsided. Of that movement the headquarters were at Philadelphia, and Pennsylvania was the chief agitating State in the Union. The last State convert to emancipation had now been made, and upon no remaining issue which the slave problem presented in America could the general sentiment be strongly aroused or united. To limit slavery encroachment upon the national domain was not attempted. The drab coats and yearly meetings fix no longer the public gaze; in 1807 the abolition convention at Philadelphia resolved to hold only triennial meetings in the future, and even those were presently discontinued as the societies died out which had supplied delegates.†

Virginia had now dismissed all thought of becoming soon a free State, partly because of those labor interests which were insensibly knitting together an old South and a new, and still more from the growing dread of social confusion, should such a step be taken. The Virginia leaders, however, aided the national cause to this point, dropping gradually in tone from liberator to umpire; compassionate, but with faltering convictions. From Jefferson's present effort to provide some means of restoring the African race to their native land‡ sprang, in 1817, the American Colonization Society, a private organization among border slaveholders, whose aims and efforts may be traced at a later epoch of our history. Border statesmen, at the present stage, confessed their own doubts as to the equal

* President Madison, in 1810, stated that American citizens were still instrumental in carrying on the traffic. Message, December, 1810. Nevertheless, the practice which he thus rebuked was not general, and the national government steadily suppressed the traffic. In the first session of the Tenth Congress Charleston merchants petitioned for relief from penalties incurred just after the act went into effect, but a reference was refused. Annals of Congress, December, 1807.

† See *supra*, vol. i, p. 143; Penn. Hist. Soc. Records.

‡ *Supra*, p. 58.

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capacity of negroes and white men. "But whatever be their degree of talent," said Jefferson of the former, "it is no measure of their rights. Because Sir Isaac Newton was superior to others in understanding, he was not therefore lord of the person and property of others." And it seemed as if hopeful advances were being made towards re-establishing the ebony race on an equal footing with the other colors of the human family.*

The West was populating rapidly, but with slavery and freedom stimulated into dangerous competition. Presently we see Indiana Territory praying for a suspension of the Ordinance of 1787; Congress hesitates, then declines to accede.† Happy nation, could the covenants of that ordinance have extended over the whole Louisiana purchase. East of the turbid flood, from wigwam and cabin, the blue smoke curled peacefully upward, and the corn ripened upon the red man's patch and the white man's. Without spilling a drop of blood Jefferson had, by purchase, consolidated the vast region east of the Mississippi by an indisputable title, and laid it open to settlement. The receipts from the public lands rose to unprecedented figures.

Beyond the Mississippi, a government expedition, under Captains Lewis and Clarke, explored the Missouri to its source; and, crossing the Rocky Mountains, penetrated distant Oregon to the Pacific Ocean, by way of the Columbia River, making interesting discoveries, and confirming the title of the United States to all that silent region.‡

Congress recognized at this session the growing importance of the West, and the necessity of strengthening the national jurisdiction, by adding a seventh justice to the bench of the Supreme Court, and creating a seventh Federal Circuit, to be composed of Kentucky, Tennessee, and Ohio.§ For the first

* Jefferson's Works, February 25th, 1809.

† This occurred in the Tenth Congress, first session. See Annals, November, 1807; and see *supra*, p. 57.

‡ See Captain M. Lewis's Journal. The expedition occupied from the spring of 1803 to the fall of 1806.

§ Act of February 24th, 1807.

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high judicial incumbent from that section, Thomas Todd, of Kentucky, was selected. Brockholst Livingston, of New York, succeeded to a vacancy on the Supreme bench made by the death of William Paterson, of New Jersey.

But one more congressional cycle now remained to round out a long administration, peaceful, progressive, and steadily successful beyond precedent or prophecy. Six years of Jefferson had fixed immutably the republican character of these institutions, and vindicated this American experiment as never before. The machinery of internal administration went on smoothly; not a serious flaw could be discovered. Treason had been crushed, less even by law than by common execration. Political disputes might be noisy; but there were no mobs, no insurrections; everything was settled at the polls. Philanthropy, though unable to expel the virus, extracted the ball at last, which had poisoned the colonization of this continent at its first discovery. Kings might tread down each other's boundmarks in the Old World; but for us remained the boundless heritage of the New. Never had the people shown so much confidence in their Constitution and government. The attractive example of honest economy and simplicity in the Federal head penetrated States and municipalities. Even parsimony had become more popular than a squandering munificence. The public burdens were daily diminishing, while the public revenue increased. The planter disposed of his crop, the farmer's produce found a ready market; commerce winged the ocean to and fro, far and wide; industry found its surest protection in light taxes, fair laws fairly executed, and the freest possible development to the individual. The din, the rush, the incessant agitation and activity betokened no disruption; order ruled, but the whole hive was astir. Puzzled and pressing on, buzzing and busy, our people were in the full career of prosperous enterprise, each adding to his own hoard, and all piling up the general store.

The time now rapidly approached, when, to judge by existing estimates, the Revolutionary debt would be wholly liquidated at maturity, and the national treasury full even to overflowing. While the lessening national expenditure slightly

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fluctuated, not a single year rising to the amounts of 1799 and 1800, and generally kept far below them, the national receipts had steadily increased. For 1806 our revenue was upwards of $15,000,000; and this was less than what might be reckoned upon during the two years next succeeding. This latter total was derived chiefly from our neutral carrying trade, which yielded to the customs about $14,667,000 in 1806; double, or even treble, the import revenue accruing to the Union for any year prior to 1800, except, perhaps, 1797. Three more years of such prosperity, and all the national debt susceptible of immediate payment would be cancelled, leaving an annual surplus revenue to be disposed of.

Dec., 1806. In his opening message at the second session of this Congress Jefferson had recommended a policy appropriate to such a condition of affairs; namely, to keep up the Federal impost, and use accruing surpluses thereafter for objects of general welfare, such as providing a national establishment of education, and opening new roads, canals, and river connections. By these operations new channels of communication, he thought, would be opened between the States, the lines of separation would disappear, their interests would be identified, and their union cemented by new and indissoluble ties.* The means of accomplishing this magnificent object he hoped to leave to his countrymen as the last grand bequest of a patriot. His Secretary of the Treasury, anticipating the auspicious day, began to draw up the specifications of such a plan, for whose proper execution the President thought an amendment of the Constitution would be needful;† and, encouraged by the flattering state of the finances, Congress had, meantime, created the Coast Survey, and made its first appropriation for that Cumberland Road, reaching from the Potomac

* Annals of Congress, December, 1806; President's Message.

† See Adams's Gallatin, 351, for the plan of internal improvements which Gallatin prepared and sent into the Senate, April 12th, 1808, after a year's preparation. Canals were projected, and turnpike roads running coastwise and from east to west; the improvement of the great rivers and transportation facilities between all sections of the country. This vast scheme, which combined all the local interests, would have absorbed the surplus revenues for ten years under estimates then existing. A national university would have been founded besides.

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to the Ohio River, across the Alleghanies, which, by later extensions, became our famous national highway westward.*

Elated and sanguine, triumphant over all enemies, successful hitherto, and assured of an influence sufficient to command the choice of a successor pledged to his policy and principles, the philosopher statesman stood out for a last course. The wind favored, and only one black speck appeared in the horizon. His serenity was undisturbed. "Wars and contentions, indeed," recorded the pilot, "fill the pages of history with more matter. But more blest is that nation whose silent course of happiness furnishes nothing for history to say. This is what I ambition for my own country."†

SECTION II.

PERIOD OF TENTH CONGRESS.

MARCH 4, 1807—MARCH 3, 1809.

That same black speck which Jefferson descried in the horizon was premonitory of disturbance. The wind shifted, the temperature rose and then fell, bellying clouds swept over the sky, burying the sun from sight, the snarling ocean showed its white teeth. There was scarcely time to reef the sails before the European storm encompassed us. It was a long storm and a violent one. It threatened to engulf instantly that neutral commerce which was becoming the source of wealth to ourselves and jealousy to our rivals. It compelled our government to make jettison of all other cherished projects for the sole sake of maintaining that commerce and American rights on the ocean. And, as we shall find, expedient after expedient having been tried in vain to avert the danger, our people refused to turn back, but plunged forward boldly, perhaps rashly, and the tempest was weathered.

All this disturbed the calculations of philosophy, and af-

* Annals of Congress; Adams's Gallatin; Spofford's American Almanac; Jefferson's Works; Act of March 29th, 1806.

† Jefferson's Works, March 29th, 1807.

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forded proof that European rulers, with their prepossessions, cared little for abstract justice, and that war and not philanthropy was most likely to conquer their respect. As between the two belligerents, Jefferson had hoped to maintain a pacific course: giving England a market for the consumption of her manufactures on the one hand, and carrying safely for France, on the other, the products of French colonies. Making our usefulness thus felt by both nations he hoped that the United States could keep so even a stand that neither of them could wish to throw us into the scale of the other.* A delusion this, as the event proved.

It had become a cardinal rule of the Republican party not to prepare for war in peace times, and our army and navy had suffered in consequence. The late Congress had been averse to a strong establishment, more decidedly so than the President himself. Jefferson now and always insisted that the genius of America forbade any implicit reliance to be placed upon regular troops in great emergencies; but he would have increased the efficiency of the national volunteer force had the temper of the times favored him. For two sessions he sought permission to plant 30,000 volunteers on donation lands west of the Mississippi as a militia always available for the defence of New Orleans, but he found Congress reluctant to pass such an act.† He gained from the British pamphlet, "War in Disguise," some ideas as to classifying the militia, which he greatly wished to put in practice;‡ these, however, were not adopted, to his lasting disappointment.§ The navy, too, whose steady increase prudence now demanded, suffered from the hostility of the legislature, and Southern Republicans in particular. Jefferson himself did not appreciate the importance of a naval establishment for the impending crisis;

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* Jefferson's Works, March 27th, 1807.

† Jefferson's Works, February, 1807. See Act February 24th, 1807.

‡ Jefferson's Works, 1807.

§ Jefferson considered the want of this militia classification which he had proposed the real source of our misfortunes during the war of 1812. Jefferson's Works, October 16th, 1814.

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besides which, the gunboat fancy obstructed his relative perceptions as to what such an establishment should consist of.*

Indeed, while this administration made a strong impression at home by its economies and a course so conducive to the public prosperity, its foreign policy now appeared too tame and temporizing to impress Europe favorably. Train-band armies and fresh-water navies were not to compel nations armed to the teeth and plunging recklessly into war and bankruptcy. Spain was jealous and obstinate. France, having nothing to win by procuring the coveted Floridas, was only less inattentive one time than another. Even Great Britain, under her most liberal ministry now in power, sought chiefly to disarm the United States of the means of commercial retaliation, with the least cost to herself, not unhopeful of forcing us at last into the war on her side.

At London, Monroe and Pinkney treated in the fall of 1806 with Lords Holland and Auckland for the new commercial treaty in place of the Jay convention articles, which had already expired. Without such a treaty American neutral rights on the ocean remained insecure, while on the other hand, reprisals and commercial discriminations might be adopted at pleasure. Our Non-importation Act, the first outgrowth of this state of affairs, Congress suspended on reassembling, at the instance of the President and our envoys, in order that the latter, who had been well received, might not be embarrassed.† 1806.

The English commissioners appeared cordial in manner, and assurances were exchanged of a wish to cultivate solid friendship between the two nations. Nevertheless it was not found easy to procure what the United States most desired.

* Except for the Executive influence with Congress, in fact, Jefferson would not have been indulged so far in this purely defensive sort of armament. These gunboats, indeed, entailed considerable loss upon the Union; 176 of them having been built by June, 1809, of which 24 only were in actual service; their aggregate expense footing up to $1,700,000. Useful as they might have been as a sort of police for creeks and smooth inlets, they shipped water in rough weather, and navy officers had no confidence in them. See Secretary Paul Hamilton's Report, June, 1809; 14 State Papers.

† Act December 19th, 1806.

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The instructions to Monroe and Pinkney manifested a disposition on our part to yield to Great Britain's views in respect of "free ships, free goods," as Russia and the Baltic powers had been compelled to do; but the new British rules of contraband, and the pretext that neutral trade from an enemy's colonies through a neutral port was a direct trade and fraudulent, our government, of course, resisted, and likewise all constructive extensions of blockade. A new effort was to be made for the right of intercourse with the British West Indies, a right which Jay had formerly sought in vain. Other minor points were stated; and some adequate provision was desirable against the insults and injuries of British cruisers near our shores and harbors. But most of all our envoys were to seek an adjustment of the impressment difficulty, and without, at all events, some provision in restraint of impressment on the high seas, they were to conclude no treaty at all.*

Projects and counter-projects were offered on the impressment subject, but the difficulties proved insuperable. The United States claimed that impressment was at most but a municipal right, which could not be rightfully exercised by a nation on the high seas; while on the part of England this right was maintained to the broadest extent as a British right, founded in immemorial usage, and essential to the maintenance of the British navy. Monroe and Pinkney proposed an article similar to King's, which came once so near adoption,† offering furthermore their consent to another, which should mutually prohibit the practice, by which England suffered, of receiving one another's deserting sailors in port. But these two propositions were rejected, and the British commissioners offered nothing in turn, except that, conceding the full right of impressment Great Britain claimed, the United States should rely upon an assurance that officers who impressed the subjects of the neutral power would be punished. Seeing, therefore, no hope of concluding a positive arrangement on this point, Monroe and Pinkney thought it best to take the risk of signing a treaty which transcended their authority, for

* Instructions, May 17th, 1806; Executive Documents.

† *Supra*, page 104.

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the sake of restoring amity and terminating most of the other differences with Great Britain. To this conclusion they were impelled by a pledge of honor which Holland and Auckland furnished, that the British government would be ready to discuss any plan hereafter which did not weaken the rights they claimed in the case, and meantime their written assurance* that instructions would issue forbidding British commanders to molest or injure citizens of the United States by the impressment of British subjects. In fact, the death of Fox, in September, whose long illness had delayed these negotiations, so weakened the present British administration and the Liberal party that Holland and Auckland privately offered all they dared concede on impressment, and, as events turned, probably more than they could have made good.

This new treaty with Great Britain was a hard one in other respects. It contained no definition of a lawful blockade. It admitted the United States to no participation whatever in the colonial trade of the West Indies; the only real boon England had it in her power to grant. It afforded no indemnification for losses by illegal seizures, though that was hardly to have been expected. The United States gained some slight advantages in contraband and blockade, and were admitted on better terms than before to the British possessions in Europe. On the vexed questions of commerce with an enemy's colonies, and what had been termed frauds under a neutral flag, a compromise was reached, perhaps the most commendable feature of all. In short, the new treaty Monroe and Pinkney negotiated, which was to last ten years, followed mainly the Jay convention; being in some respects better for the United States, in others worse, and on the whole a very precarious assurance of British esteem.

Negotiations at London were concluded the last day of the year. Having mutually suppressed reference to impressment in the written treaty, all the signing parties distinctly understood that the American commissioners executed the instrument on their personal responsibility, as having exceeded their instructions. But a final ob- Dec. 31.

* This assurance was dated November 8th, 1806.

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jection was superadded at the last moment. Just as the treaty was ready for signature, the news reached London of Napoleon's famous Berlin decree, issued November 21st. That decree declared the British Isles in a state of blockade, and prohibited all commerce with them; it forbade all trade in British merchandise, declared all merchandise belonging to Englishmen or transported from England lawful prize, and forbade the admission into any French port of vessels coming directly from England or the English colonies, or which might have been there subsequent to the date of the decree. Among other motives for promulgating that celebrated order, Bonaparte may have sought to gravel a negotiation in season which was likely to end in giving the flag of the United States to his enemy. Such certainly was its instant tendency. Fearful that the little about to be conceded to neutral commerce was too much, the British government at once resolved to secure the American flag as the price of that concession, or else keep its own hands untied. The British current, indeed, had set so strongly in the direction of a lawless commercial warfare, that this frail ministry was forced to follow. Holland and Auckland hesitated, therefore, to sign, unless the United States would agree to resist all French aggressions upon its trade. This Monroe and Pinkney declined to promise, and the treaty was finally executed, with an express reservation on Great Britain's part of the right to retaliate, in view of the Berlin decree, should that decree be carried out against neutrals.*

Upon receipt of the first intelligence from our commissioners that their negotiation was likely to accomplish nothing definite towards stopping impressments, Madison wrote promptly to intimate that an impressment provision remained with the United States a *sine qua non*. But by that time the treaty was already provisionally executed and on its way over the ocean. The President received the document March 15th, some days after the Ninth Congress had expired, and in the natural course would have convened the Senate at once in extra session for advice, as Washington had done

Feb. 3, 1807.

* Monroe Correspondence; Diplomatic Correspondence, 1806–7; Jefferson's and Madison's Writings, 1806–7.

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in 1795. This was needless, however; for Erskine, the British minister at Washington, who received a copy by an earlier conveyance, acquainted the President with its contents on the last day of the Congressional session. Jefferson freely conferred with the administration Senators upon the subject before they dispersed. All concurred in condemning a treaty which was silent upon the seizure of our seamen, and, moreover, left it optional with Britain alone to render the neutral concessions nugatory. The Executive took no sole responsibility in determining to disapprove this treaty, for had the Senate been convened the result must have been the same. This disapproval was so expressed as to allay as much as possible the disappointment of Monroe and Pinkney, whose services were commended, the instrument being sent back to them as a sort of project which all parties had submitted with the knowledge that it did not embody official instructions.* As a new advance towards adjusting the impressment difficulty, their consent was authorized to a provision mutually excluding the seamen of one nation from the other's vessels in time of war. Other points were adverted to. It was still insisted that there should be no treaty without some restraint upon impressments; for it was better for the United States, thought Jefferson, to be without a treaty than have an unequal one.†

March 3.

May.

This rejection of the stingy treaty which England had proffered as a gracious condescension on her part, was an audacious act, and so Europe regarded it. Though diplomatically performed, it announced that a nation which had been persistently treated as an inferior, expected consideration as an equal.

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* See Monroe Correspondence, 1807; Jefferson's Works; Executive Documents; Niles's Register.

† Ib. "That an officer from a foreign ship should pronounce any person he pleased on board an American ship, on the high seas, not to be an American citizen, but a British subject, and carry his interested decision on the most important of all questions to a freeman into execution on the spot, is so anomalous in principle, so grievous in practice, and so abominable in abuse, that the pretension must finally yield to sober discussion and friendly expostulation."—Madison's Writings, May 22d, 1807.

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The woes which followed might, perhaps, have been averted by the acceptance of that treaty, but, as events turned, we may as confidently pronounce that they would not. Monroe and Pinkney had doubtless held up the cause of America as strongly as could any envoys who were bent upon driving some kind of an adjustment with the haughtiest commercial power in the world. They had not succeeded better than had Jay in averting immediate war at the least possible sacrifice of interests; but while Jay's treaty had thrust the most imminent danger of one crisis aside, by stipulating for the positive surrender of the Northwestern posts, this one left the primary irritation of the other still operating. Lords Holland and Auckland were ready, doubtless, to promulgate orders restraining the abuse of search, and they did so, yet it was impossible that the pretended right could be exercised at all without abuse; nor, despite those orders, had the insults of naval commanders upon American vessels ceased. And while it is true that these honorable statesmen promised,* after executing the present treaty, to keep open the discussion of impressment and give the United States all the benefits possible of a practical reservation against search on the high seas, their policy being not to shock English sentiment by openly abandoning the right, but to lower it gradually, the ministry behind them must, doubtless, have reckoned too confidently upon their own continuance in authority. Their influence, in fact, was already ebbing fast in Parliament, and Toryism was about to take the reins once more.† The Jay treaty was a warning to Americans that little reliance could be placed upon accommodating

* So Monroe wrote in April. See Monroe Correspondence, 1807.

† See Monroe Correspondence, 1807. As to the issue of restraining orders, promised in view of such a treaty, this ministry considered that it had actually performed its promise. As early as July 28th, 1807, Lords Holland and Auckland explained to Canning that they did not mean under their note of November 8th, preceding, that impressments should actually stop, but that in exercising a right to impress, the British naval commanders should strictly keep citizens of the United States from molestation or injury. They thought the treaty itself would tend to restraint, and considered that no inconvenience would arise from postponing all further consideration of the subject.

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assurances, thrown out as mere inducement to a compact whose letter came short of actual promise. One nation which consents to sacrifice to another its men for the sake of its merchandise, is no neutral but the meanest of dependents.

As for our commissioners, they well apprehended that the British ruling class was impervious to a genuine sense of respect for American institutions; that our government was viewed from that social plane where rank maintains its studied exclusiveness, and the nod to a new-comer becomes the signal for his grateful sycophancy; that until we could show ourselves strong enough to maintain our rights by force on the ocean there was little likelihood that England would respect those rights. Believing that the American neutral trade was too valuable to be sacrificed, and at the same time that American policy was averse to building fleets on its behalf, Monroe and Pinkney sought to protect that trade on the best attainable terms. But the reluctance to bold measures on our part originated in no craven spirit, and probably no temporizing treaty would have averted the dilemma to which the European struggle was fast reducing us,—namely, to fight for a place on the ocean, or else abandon it.

Jefferson felt that his course towards England had the popular support. A renewed negotiation, he admitted to himself, might lead to nothing better; in which event, as he now instructed the envoys, the business might be suffered to drop gradually, time being a great point to gain on behalf of this country. There might be war, but this he did not seriously anticipate, nor calculate the cost should war be inevitable. The extinction of debt by prudent husbandry, and the peaceful development of the Union, were still the cherished schemes of his administration. He speculated upon the advantage of permitting all international relations to rest upon the constant footing of mutual consent, instead of undertaking to define them by those written documents which each government interprets, in time of pressure, to please itself. England, he believed, would soon be engulfed by her colossal debt, her corrupt leaders pulling down one another perpetually in Parliament to make a new ministry, and her genius for provoking foreign enmity. British society consisted of pikes and gud-

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geons,—the one class maintained as food for the other.* What Jefferson failed to appreciate in the English people was their dogged tenacity, their recuperative powers, their steadfast attachment to their country and their country's cause. They might fight blindly, yet they fought obstinately, which is the main condition of successful warfare. In the struggle with Napoleon their instinct of conservatism became an inspiration; they fought, not for kings and dynasties, but to protect liberty itself against the tyrant and enemy of mankind.

Should the worst come with Great Britain, thought our President, a war of commercial restrictions will force her to do this country justice. And still determined not to involve his government on either side of the European conflict, he reckoned, and with too much confidence, upon misguided France and cautious Russia as friends of our neutral commerce in any such contingency. Simultaneously with the rejection of the British treaty he turned to make his last futile effort to compose differences with Spain.† Meantime, to await further developments abroad, and in token of a conciliating disposition, he suspended the Non-intercourse Act once more, inwardly resolving, however, not to yield up such means of retaliation against Great Britain, so long as she persisted in impressments.

From Spain, whose conduct had been perfidious and exasperating, the administration would have borne less, had it not been for the fear that France might sustain that declining kingdom in case of our open rupture. If left to the United States it was not difficult to seize upon West Florida under the double claim of a title by purchase and indemnity for Spain's repudiated spoliations. But Talleyrand had already deprecated force; hence the effort either to pursue a negotiation with Spain under Napoleon's auspices, or else to gain the latter's friendly assurance that he would leave Spain and the United States to conduct their own quarrel.‡ Napoleon's absence in the field, however, delayed conclusions in this quarter. Nor had Armstrong and Bowdoin, the two commissioners, worked

* See Jefferson's Works, 1807, *passim*.

† Jefferson to Bowdoin, April 21st, 1807. ‡ Ib.

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harmoniously at Paris to consummate a bargain for the Floridas. Bowdoin had remained at the French capital longer than he wished, because of D'Yrujo's retention at Washington in apparent breach of good faith; but the King of Spain having at length recalled that offensive minister and appointed another, our Spanish envoy was permitted to return to his station.*

This war fever of Europe was passing into a delirium such as the modern world had never experienced before. And it was upon the continuance of a cool, rational regard for self-interest, if not the rights of others, through all stages of the frenzy, when sceptres were swords and thrones were barricades, that Jefferson most miscalculated. As for Napoleon, his faithlessness was suspected sooner than that self-delusion which was really the prime cause of his ultimate ruin. Assurances had been conveyed from France that the Berlin decree would not infringe upon our treaty of 1800, yet seizures of American vessels had already been made in the West Indies under the pretence of having British merchandise on board. Official explanations were not on all points explicit, and the Emperor's new policy towards the neutral trade gave rise to much uneasiness in the United States.†

Still hoping against hope that Monroe and Pinkney might have procured some supplementary convention relative to impressment on the strength of their February instructions, the President deferred announcing his momentous decision until the last of May. But changes had already occurred in the British ministry most sinister to American interests and the cause of neutrals. Just as the younger Pitt's death had brought the Fox-Grenville ministry into power, so did Fox's death carry it out again. Of the two dead premiers the former had bequeathed the dominant policy, which was to crush Napoleon by every means, acknowledging no friends but his determined enemies. Weakened by the loss of his essential associate, the scrupulous Grenville accord- March 26.

* Jefferson's Works, July 10th, 1807; Monroe Correspondence, 1807.

† See Executive Documents; Monroe Correspondence, 1807.

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ingly delivered up the seals of office in March; George Canning, a man of vigorous mind, but set as a bulldog, displaced Lord Howick in the foreign office, and Lord Castlereagh became the war and colonial secretary.

Almost at the moment, indeed, that our government perused a treaty which appealed most of all to our faith in British liberality, the spirit of liberality faded out of the British administration. Supplementary arrangements concerning our trade and northern boundaries, over which Monroe and Pinkney were engaged, came to a sudden halt. Receiving just at this point Madison's letter of February, which foreshadowed the rejection of any treaty making no provision for impressment, our envoys conferred at once with Lords Holland and Auckland, but found them already disconcerted, unable to promote an understanding with the new ministry; and, in fact, the resignation of the two not unfriendly commissioners soon followed. They next called on Canning. "No interview, I think, will be needful," said the foreign secretary, quickly, as they entered the room, "for I have received intelligence from America this morning that the treaty has been rejected; and if this is true, the relations of the two countries are made embarrassing." "That cannot be," responded Monroe and Pinkney, "because there has been no time yet for Congress to pass upon the treaty." They then proceeded to make known the substance of Madison's letter; but Canning's mind reverted to the probable consequences of rejection, and he was evidently unsettled. Erskine, it appears, anticipating the President's action from the ill-reception of his advance copy, had communicated impressions to his government.*

April 6.

The true situation having been learned from their own later dispatches, Monroe and Pinkney formally proposed to Canning that negotiations should be renewed. But scarcely had they sent their note when startling news arrived at London. A cannon-shot from a British man-of-war parted the flimsy veil of diplomatic assurances that a right of search could be considerately practiced, and made a breach which was never repaired. The insolence of British

July 24.

* See Monroe Correspondence, April, 1807.

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naval commanders on the American coast had certainly suffered little constraint under recent orders from home. In the course of the spring a British sloop-of-war, one of the vessels which had been inhibited by the President's proclamation at the time of the *Leander* outrage, entered Charleston harbor to procure water, and defied the local authorities when ordered to depart.

That affront to the United States was trivial in comparison with one which presently followed. Three seamen, having deserted from the *Melampus*, one of the British squadron whose rendezvous was just within the capes of Virginia, enlisted on board the United States frigate *Chesapeake*, then fitting out at the Washington navy yard for the Mediterranean. Their surrender was requested by minister Erskine, April 7. but our administration declined on ample grounds to comply. We have seen that our government was now offering to forbid the employment of deserters, on reciprocal terms, and as an inducement to some relaxation of impressment on England's part. Without a treaty, as was the case here, no obligation rested upon the United States to surrender deserters from the British navy at all; the more so, that, unlike desertions from merchantmen, which are mere breaches of private contract, desertion from a ship-of-war must have subjected the culprit to the punishment of a court-martial. Inquiries showed, moreover, that all these men were colored, and Americans by birth, two of whom had been pressed into the British service from an American vessel in the Bay of Biscay. To this government the mutual extradition was of very little consequence; and yet, so far from countenancing British desertions, our Executive had forbidden the enlistment of persons in the navy known to be British subjects, a prohibition which did not here apply.*

Official correspondence closed, but the British captains appear to have stimulated Admiral Berkeley, who commanded, to issue from Halifax an extraordinary order, enabling them

* Executive Correspondence; 5 Hildreth; Lossing's War of 1812; Madison's Writings, September 5th, 1807.

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to take the law into their own hands. Sailing from Washington in June, and reporting at Norfolk to Commodore Barron for duty, the *Chesapeake* dropped down to Hampton Roads, and on the morning of the 22d set sail, having the three colored sailors on board. From the British squadron the *Leopard*, a two-decker, mounting about 50 guns, stood out to sea at the same time, preceding the *Chesapeake*, but keeping her in sight.

June 22.

The British officers had muttered threats, though giving no clear notice of their intention. Barron, less suspicious than he should have been, proceeded on his course. The *Chesapeake* mounted only 38 guns, some of which had been just put on board. Her crew was not yet drilled to the use of ordnance, her deck was littered, and the vessel was altogether unfit for immediate action. At 3 o'clock in the afternoon the *Leopard* bore down and hailed her; and while the *Chesapeake* lay to, a boat from Captain Humphreys of the *Leopard* brought his demand for the three alleged deserters from the *Melampus*. The British lieutenant, who stepped on board, produced likewise, in token of Humphreys's authority, a copy of what purported to be a circular from the admiral at Halifax. That circular, dated June 1st, which was now produced for the first time, recited in an exaggerated strain, that British subjects and deserters had enlisted on board the *Chesapeake*, and ordered all captains of his command, who should fall in with that frigate at sea, to show these instructions and proceed to search for such deserters; the pretence being added that the search of a national vessel was according to civilized usage, which permitted the *Chesapeake* also to make a corresponding search in return.

Commodore Barron, though taken by surprise, made a suitable reply, denying knowledge of any such deserters, and claiming that the crew of a United States war vessel could only be mustered by their own officers. But in his excitement he seemed to forget the sure consequence of such a response, and made his preparations for action quite tardily. The *Leopard's* ports were triced up when she appeared in sight, and while the lieutenant waited half an hour for his reply, the vessel had worked into an advantageous position.

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Humphreys, upon the return of his boat with Barron's reply, called through a trumpet, "Commodore Barron must be aware that the orders of the admiral must be obeyed." Barron did not understand, and this was repeated. A cannon-shot across the bows of the *Chesapeake* followed these ominous words; soon another, and then a whole broadside. While our unfortunate frigate was exposed for twelve minutes to a raking fire, a vain effort was made to discharge its own guns; but neither priming nor match could be found, and appliances for reloading were wanting. At last, after the *Chesapeake* had received twenty-one round shot in the hull, 3 of the crew being killed and 18 wounded, and Barron himself receiving a slight hurt, the American flag descended, and at the same moment the first and only gun on the American side was touched off by one of the officers by means of a live coal brought from the galley. The crew of the *Chesapeake* was mustered submissively before two British lieutenants, who, after a protracted search, arrested the three colored men from the *Melampus*, and one Wilson or Ratford, besides, a deserter from another British vessel, who had hidden in a coal-hole. Having secured these prisoners Humphreys, with much show of politeness, refused to accept the *Chesapeake* as his prize, and sailed for Halifax. Here the four deserters were tried by British court-martial and sentenced to be hanged. Wilson, who was an English subject, was executed, but a reprieve was granted to the three colored Americans on condition of their re-entering the British service.*

In this extreme instance the wrong of search was fully manifested. If our navy could not protect its merchantmen who bore the American flag against the invasion of another power, that power would not long respect the distinction between private and public vessels; and if British conscription could be enforced with impunity upon American jurisdiction, the sovereignty of that jurisdiction was of little consequence. The wolf who may ravage the flock will not scruple to chase the sheep into the sanctuary. But when it came to such a point that a British man-of-war might, under pretence of right, not only swallow unwilling Americans in its oaken belly, but

* See 5 Hildreth; Lossing's War of 1812; 2 Cooper's Naval History.

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catch its prey from a national vessel, this was plainly to permit that the nation be subjugated,—subjugated, in fact, by a process of decimation. Upon this dragon game we have seen how firmly President Adams set his foot on the first occasion.* For that affront England tendered an apology; but in June, 1805, the fleet of Admiral Collingwood repeated it off Cadiz.† British cruisers, too, had constantly abused their license in American waters. When, therefore, the drooping, dismantled *Chesapeake* came back into Norfolk harbor, bearing its dead and dying, no wonder that the smouldering wrath of our sensitive people leaped into flame. Men wore crape upon their arms to mourn for the slain. In all the chief commercial towns were held public meetings, where citizens, without distinction of party, united in execrating the British outrage. Reparation for the past and security for the future was the universal cry of American freemen;—reparation or war. "This country," wrote Jefferson, "has never been in such a state of excitement since the battle of Lexington."‡

July.

A Cabinet meeting was promptly called at Washington, and measures resolved upon in tone with the public expression; not, however, to the extent of declaring war, though from the temper of the new British ministry this was expected to follow. American vessels in distant ports were warned of their danger. Recent appropriations for defence were used in strengthening our most exposed ports, New York, New Orleans, and Charleston. Of the gunboats available for service most were assigned to New York, New Orleans, and the Chesapeake. Military stores were procured,

June 25.

* Vol. i, p. 459.

† 2 Cooper's Naval History; 5 Hildreth. Three men were here taken out of an American gunboat, under the same pretence of a right of search. Admiral Collingwood had said that England would not submit to such an aggression for an hour.

‡ Jefferson's Works, July, 1807. In the midst of this excitement Barron had to endure great reproach; and perhaps unjustly, for only temerity could have carried so unequal a contest further. We are to blame him mostly for putting to sea before his ship was ready, when danger might have been suspected. A court-martial suspended him from the service for five years, after which he was restored, and rose to various responsible commands on shore, but never again on shipboard.

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and States were called upon for their quotas of 100,000 militia to be organized and ready to march.

A proclamation ordered British cruisers to depart from American waters, and forbade all aid and intercourse with them, except in case of extremity. 'On July 2. the return of the *Chesapeake* to Norfolk, the inhabitants of that town had resolved in public meeting to hold no intercourse with the British squadron in the vicinity until the President's pleasure was known. This decision was received with contemptuous defiance by the British commander Douglas, whose squadron remained within our waters, chasing American merchantmen, until Governor Cabell, of Virginia, ordered militia detachments to the scene. There was July. no naval force on the coast adequate for compelling obedience to the President's proclamation, a circumstance of which British cruisers took advantage; but so long as they lay quietly outside there was no disposition to molest them.*

The armed schooner *Revenge* bore instant instructions to Monroe to suspend all other negotiations with Great Britain, and demand a disavowal and reparation from that government. Before this vessel reached port, Canning received news of the *Chesapeake* affair by way of Halifax, and at July 25. once assured our minister that the act was unauthorized, promising furthermore, should the British officers prove culpable, a prompt and effectual reparation. But this generous mood did not last, for offence was taken with the President's proclamation, as though our government August 8. should have been dumb until England's explanation arrived; while as to Monroe's instructions, the admissible demand for restitution of the sailors, with an apology and indemnity to the families of the slain, was found Sept. coupled with another positively inadmissible in such a connection: that the visitation of American vessels should henceforth be relinquished. Fair play was nothing here to the ministry as compared with deportment; the people outraged must supplicate the king, as in colonial times, and England could only make reparation by seeming to grant it as a favor.

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* See 5 Hildreth; Lossing's War of 1812.

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There was probably very little sincerity in Canning's first expressions of regret.

So strong, however, was the public pressure under a consciousness of wrong and impolicy, that the ministry concluded to send George Rose, the son of a British minister, to adjust the business at Washington. This proceeding served ultimately no purpose but to procrastinate, and such probably was its main design. Rose's instructions had sole reference to the *Chesapeake* affair, which he was forbidden to connect with the general subject of impressment from merchant vessels; and the American government yielded this not irrational point, only to find that the President's proclamation must also be recalled before Rose could treat at all. That our government positively refused to do, and Madison's fair suggestion was of no avail that reparation and a recall of the President's proclamation might bear the same date, should satisfactory terms be disclosed. Avoiding an open breach, by referring the points to his government, Rose closed his mission, without even the assurance that his instructions permitted him to offer reparation under any circumstances. Canning thus gained more than half a year without coming closer to a settlement with the nation which he had undertaken to humble in its own interests.*

1808. Jan. 26– March 17.

The full development of England's maritime policy towards neutrals in the European war had not awaited the end or even the beginning of Rose's foredoomed negotiation. Upon the right to search and impress from merchant vessels the British government planted itself more firmly than ever by a new royal proclamation, calling upon all British mariners, in whatever service they might be engaged, to leave it and hasten to the aid of their native country; authorizing ships of war to seize and bring away all British mariners, and making a peremptory demand for all British mariners who might be serving on board foreign ships of war. This, as explained to Monroe, was only a declaration of existing law, to guide commanders who might be placed hereafter in a situation like that of Captain Humphreys. The

1807. Oct. 17.

* See Executive Documents; Madison's Writings.

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Chesapeake controversy being already put out to nurse, Canning next disposed of our envoys' interrupted business by announcing tartly that his government acquiesced in our President's action, and haughtily declining to negotiate upon the basis of a rejected treaty.* Oct. 22.

Nor was this the worst. British Orders in Council, promulgated in November, cut off the neutral commerce of the United States with Europe at one stroke. British Orders in Council and Napoleon's Berlin Decree, already mentioned,† must be taken together. These purported to be simple retaliation upon Napoleon for the former restriction. Nov. 11. They were framed in reality, however, more for the purpose of protecting British trade in British produce and manufactures to the utmost, and forcing the commerce of other countries to pay Britain a tribute.‡ Those Orders in Council forbade all neutral trade with France or her allies, unless through Great Britain. With trifling exceptions, all articles exported by America to Europe were to be landed in England, pay duties, and thence be re-exported under such regulations as England might determine. Neutral trade with the Continent, in short, was not prohibited, but it was ordered to turn aside and pay a toll.

Neutrality, the neutrality of Washington, was the cold, twinkling pole-star by which Jefferson and his Cabinet shaped their course, however they may have manœuvred for foreign effect. This, now that we have the fullest historical evidence of the fact, is not to be controverted, though Federalists of their day constantly asserted that the Republican administrations were secretly subservient to Napoleon, and upon that assertion based their strenuous opposition to administration measures. They who honestly believed this had the recollections of red caps and Jacobinism still fresh in mind, and all that enthusiasm for the French republic which had long since burned to the socket, like the republic itself. To many oppo-

* Monroe Correspondence; Executive Documents.

† *Supra*, p. 138.

‡ See contemporary explanation of these Orders by their author, Spencer Perceval; 2 Lord Colchester's Diary, quoted in Adams's Gallatin, 365.

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sition leaders no foreign policy would have satisfied short of an open espousal of the British cause against Napoleon; that one course of conduct, and the only one, we need not doubt, which would have unlocked England's favors, and whose final hopelessness so steeled her heart against us. Neutrality our government sought, and this a peaceful not an armed neutrality. But neutrality had its disadvantages in a conflict so tremendous as the present European war; for, if the neutral was neither belligerent's enemy, he was likewise neither belligerent's partial friend. And hence while our neutral commerce sought peace and profit by carrying for both France and England, it was in danger of being utterly crushed between their two hulls.

To domineer over the lesser commercial powers had become Britain's rule of conduct in the long strife with Napoleon. Indeed, an outrage upon neutral rights far greater than that of the *Leopard* was perpetrated under sanction of this Tory ministry, almost simultaneously with the reception of America's protest. Learning through spies that under the secret provisions of the treaty of Tilsit, Russia and France meant to make common cause against England, and to summon Sweden, Denmark, Portugal and Austria to concur in their projects, they issued orders, and a British armament pounced suddenly upon Copenhagen, like a hawk upon a poultry yard, and carried off the Danish fleet.* If such was England's treatment of a European neutral, for what international obligations could America expect solicitude? While our people nourished the remembrance of their own terrible indignity, the offending nation was losing sight of it in the pressure of more momentous events. Two things, however, the British ministry clearly apprehended, that the king's late colonies were not disposed to fight on the king's side against Napoleon, and that they absorbed England's rich trade, which English merchants were losing. This sufficed for determining a hostile policy on their part; a policy hostile enough to harass, but not so hostile as to provoke to war; hostile enough to discomfit a Jefferson, but not so hostile as

August. Sept.

* See Thiers; Alison; 7 Knight's England.

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to disconcert our British faction, in whom they still reposed some confidence.

If France had shown of late less greed, she was equally regardless of neutral rights. Since Trafalgar and the disasters of 1805 Napoleon had left the sea to his adversary, and pushed every combination by land, his more familiar element. There he discomfited all foes. His eagles were victorious at Ulm, Austerlitz, and Jena. Great powers like Austria and Prussia were broken; the minor German States crumbled at his touch. The proud Pitt could not survive such disasters, nor Fox the failure to negotiate terms of peace. But Great Britain's navy, her chief source of power, had been vigorously used meantime to promote British influence with the world's trade. To counteract such designs the French emperor framed his continental system, which consisted mainly in organizing all neutral nations into a league, nominally to guarantee their own rights, but really so as to co-operate with him in breaking down England's commercial sway. Forsaking the ocean, he artfully set the fleets of all other maritime powers to opposing her. The first appearance of a continental system was in 1806, when Napoleon placed himself at the head of the Rhine Confederation, having persuaded the King of Prussia to exclude British vessels from North German ports. May, 1806. England, in return, laid an immediate embargo upon Prussian vessels in the ports of the United Kingdom, interdicted commerce with Prussian ports, and declared the rivers Ems, Weser, Elbe, and Trave, with a coast of eight hundred miles, in a state of blockade. This, the first of neutral violations, served as the pretext for Napoleon's more monstrous Berlin Decree, already alluded to, which declared Nov. 1806. the whole British Isles in a state of investment. These were paper blockades in very truth. The one power could not spare naval vessels enough to blockade a third part of the prescribed coast, while the other, without any navy whatever, had to rely entirely upon indirect means of compulsion.

We have seen that the intelligence of this Berlin Decree caused great commotion in America, though peaceful assur-

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ances from France accompanied it. For nearly a twelvemonth, in fact, Napoleon refrained from enforcing that decree against our vessels, in the hope of drawing the United States, the chief of neutral powers, into his net. But this hope failing, and the peace of Tilsit releasing troops enough to establish a coast police such as he desired, he began to put the Berlin Decree into execution by vigorously enforcing against the United States its harshest penalties, one of which attached, under a ruling of Regnier, the French minister of justice, to all merchandise derived from England and her colonies, by whomsoever owned, and even when on board neutral vessels. The American ship *Horizon*, stranded upon the French coast, was accordingly confiscated, with her cargo, in the French prize court, and numerous other seizures and confiscations of American property, British in origin, followed. The French treaty of 1800 was nullified by France. Armstrong sought redress in vain. "All the difficulties which have given rise to your reclamations," responded Champagny, the imperial scribe, promoted to the head of foreign affairs, "would be removed with ease if the government of the United States, after complaining in vain of the injustice and violations of England, took, with the whole Continent, the part of guaranteeing itself therefrom."*

1807.

Nov. 10.

The *Horizon* case was decided within twenty-four hours of the date borne by the new British Orders in Council we have referred to; these last not being officially promulgated, however, until several days later; and between the two belligerents there seemed to be only a choice of deaths left to American commerce. But this was not the last blow to our neutral rights; for, as if to retaliate upon retaliation, Bonaparte now supplemented his Berlin Decree by a new one, dated at Milan, declaring every vessel which submitted to search by British cruisers, or paid tax, duty, or license-money to the British government, or was found on the high seas or elsewhere bound to or from any British port, denationalized and forfeited. Similar decrees were immediately

Nov. 17.

Dec. 17.

* Lyman's Diplomacy; Executive Documents.

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issued by Spain and Holland, passive instruments of Napoleon's will. But cunningly assuming to be the generous champion of weaker commercial powers against British despotism, the Emperor promised that these measures should cease as to all nations which should have the firmness to compel England to respect their flag; and that the decree itself would be null as soon as England should abide once more by belligerent principles of the law of nations.

Looking back through the vista of years upon that terrible encounter, which shook the whole civilized world, we cannot but admire England's steadfast courage in opposing the great conqueror and autocrat of the age. We see her beating him off from the ocean, and wheeling round the land in her solitary flight to spy out some spot on which she may alight to give battle, the talisman of royalty in her beak, and spell-bound, despairing sovereigns below. If not the world's last hope, the "fast-anchored isle" had, at all events, become the last bulwark of royal Europe, and but for British constancy the balance of power would have been lost. The false glamour has now disappeared from the name of Napoleon. He was not the scourge of kings so much as the enemy of mankind. As liberty's vicegerent he glittered only by the insignia of which he had robbed her temple; the glory of his arms redounded not to his countrymen, not to France, but to his own imperial gratification; he overturned thrones, not like Attila in disdain of them, but in order that he might supplant legitimacy by illegitimacy, and pile costly pomp upon pomp. Against this consummate warrior and organizer of oppression England stood bravely, when all else was ruin. Corrupt, greedy, unscrupulous of means, she pushed, nevertheless, defiantly on. The younger Pitt himself, cold and haughty as he showed himself to America, and conscientious blunderer in his management of foreign relations, moves our compassion when we think of him crushed by Austerlitz, and dying of a broken heart, which refused to surrender. The iron of that character without its genius and virtue, but with a caustic humor which alleviated better the burdens of office, was in Canning, Pitt's disciple. But British antipathy to Napoleon did not originate in Napoleon's usurpations; it commenced with the revolution

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that gave him the opportunities of greatness, with deep-seated national rivalries, for which the Corsican could not be blamed. As First Citizen of France Bonaparte's claims were indisputable; but England had challenged them, detesting French Republic and Empire alike. And hence the contest, ceasing and then recommencing with such violence that amity between the principals was impossible, affected America with peculiar sensations. We were the rock which each wished to hurl at the other,—a convenient missile, and no more. One principal was an old foe, the other a false friend; with neither's object had we really cause for active sympathy. Peace was our interest, and peace we sought sincerely. In pursuing one another, too, the contestants were like the genie and princess who practiced magic; if one took the shape of a scorpion the other became a serpent, and woe to the spectator who advanced too near. The United States was bound by every instinct to stand aside from such a contention, leave the dynasties of Europe to themselves, and maintain a just neutrality. If forced from that position reason and passion must have prompted a resistance to that belligerent from whose inflictions it chiefly suffered. The measure of such resistance would naturally be the redress of our grievances, independently of such incidental advantages as the other belligerent might derive. Even the European sovereignties which were swallowed into this mad vortex, in which they struggled for dear life, found themselves swirling about in combination and recombination, catching now at a French alliance, now at an English. Into that vortex it was not fit that this republic should enter without the gravest necessity.

This trilogy of neutral prohibitions—the Berlin Decree, the British Orders in Council, and the Milan Decree—must henceforth supply the situations which bring this country upon the great European war theatre. And the foreign policy of the United States for the next five years turns upon the constant endeavor of this nation to make England or France, one or both, relax its unjust prohibition, or else suffer the consequences of America's resentment.

Such was the policy for our Tenth Congress to deliberate

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upon. The President had convened the two Houses several weeks earlier than usual on account of grave and weighty matters. It was a Jefferson Congress as usual, without positive leaders in either House, but having an overwhelming majority prepared to accede to whatever the administration might propose, and confident of the President's individual judgment almost to superstition. The Federalists had brains but not polls; for three States alone—Massachusetts, Connecticut, and Delaware—were represented by that party in the Senate, one of those Senators, John Quincy Adams, being on the point of breaking from it; while less than thirty, including Randolph's squad, voted with the opposition in the House. Of new men in this Congress William H. Crawford, who was seated as a Senator from Georgia, rose in after years to the chief renown. The House leadership remained vacant. Wilson C. Nicholas came back to fill the post, succeeding to the seat of Thomas M. Randolph; but, like most elderly men who have been long out of the legislature, he showed himself inapt, and the President was soon searching in other directions.* An orator for the Republican side, who could overmatch Quincy and Randolph in debate, was not easily found, nor did one appear for some years longer. The sensible Eppes, whose marriage alliance hindered more than it helped to advance him politically with a President averse to nepotism, approached nearest, perhaps, to that distinction, while George W. Campbell, of Tennessee, another member of experience and rising fame, took the post of honor as Chairman of the Ways and Means. The North received its share of honors in the organization of the House, and Varnum, of Massachusetts, was chosen Speaker over his scattering competitors. Oct. 26.

The Quids, as John Randolph's little band was called, had dwindled down to four or five. Nicholson had left Congress; doubters who returned, like Macon, of Georgia, the late Speaker, were now sent to the rear. A reorganization of the Ways and Means, late in the preceding Congress, had thrown Randolph out of influence, and in the organization of

* See Jefferson's Writings, January, 1808, where the opportunity is pressed, but in vain, upon William Wirt.

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this Congress he was stripped entirely, never again, during his long and brilliant career in the House, taking a responsible part in legislation.

The *Chesapeake* affair had been the chief occasion of this early summons. But when Congress assembled and organized decisive dispatches from London had not arrived. The President's message, less peremptory and warlike in tone as transmitted than in the first draft,* recounted the injuries American commerce had sustained from Great Britain, narrated the story of the recent outrage, and defended the course of the Executive in refusing the objectionable and unauthorized treaty. But it was not until the middle of December that the true situation abroad was so discerned that our Executive could propound a policy. Canning's unofficial disavowal and the Rose mission took the first sting out of the *Chesapeake* affair, and the *casus belli* was remitted for the present. But new complications were suddenly disclosed. Our national vessel, the *Revenge*, reached New York, bringing

Dec. 11-12. dispatches not only from Monroe but Armstrong, and announcing the *Horizon's* condemnation under the Berlin Decree as expounded by Regnier. A merchant ship direct from Liverpool arrived immediately after with London papers of November 12th, which published the substance of the British Orders in Council, adopted the day before. With this testimony before him, besides the proclamation upholding the right of search, and recalling British seamen, of which we have spoken, and earlier particulars of the outrage upon the Danish fleet,—all of this, whether official or unofficial, of instant concern to a neutral power,—the Executive framed a

Dec. 16. policy for the crisis, and sent a confidential message to Congress announcing it.

Embargo was the President's recommendation, or an inhibition of the departure of our vessels from the ports of the United States. This policy, which might appear literally to

* Gallatin had persuaded the President to tone down the expressions of this document, as first prepared, so as to conform it better to the existing, undecided state of affairs. He favored war preparations, but meantime a perseverance of caution in language and action. Adams's Gallatin, 363.

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rest upon the Armstrong dispatches and the British proclamation relating to seamen, was, in point of fact, based further upon the new Orders in Council unofficially announced in the London papers, which declared France, and all countries under her control, in a state of siege, an announcement which, simultaneously with the message, was copied into the *National Intelligencer* by official direction, and of whose authenticity the President was well satisfied.* Dec. 18.

Such was the implicit confidence felt in the Executive conduct of foreign relations that this recommendation, though unexpected, was quickly followed. The Senate, with closed doors, referred the message to a committee which at once reported a bill; the bill was, on the same day, put through its different readings under a suspension of the rules, ordered to be engrossed, and finally passed by 22 to 6.† Having transmitted the bill confidentially to the House,‡ the Senate received it, four days later, with amendments in which that branch at once concurred. That same day the President signed the act, and the injunction of secrecy was removed.§ Astonishing instance of the magical spell which a chief magistrate had laid upon a legis- Dec. 18. Dec. 22.

* In the violence of party conflicts it was afterwards charged repeatedly that Jefferson's Embargo was recommended and granted *ex parte*, without any reference to the British Orders in Council, or knowledge of them. The statement in the text, however, is amply confirmed; and the publication of the *National Intelligencer* alluded to was doubtless intended, in the absence of official information, to influence the action of Congress. Jefferson and Madison have both left their testimony on record in this respect; and as the newspaper intelligence was correct, history need not excuse them for believing it. See 3 Madison's Writings, 443.

A private letter to John Mason, written by Jefferson just about this date, and before the Embargo Act actually passed, clears this point very fully, justifying the President's motives, and showing the turn of his mind upon the new information just arrived from France and England. 5 Jefferson's Works, 218.

† Only Crawford and Maclay of the Republicans voted with the Federalists against this bill. Annals of Congress.

‡ The bill was passed in the House by 82 to 44; scarcely any but the Federalists and Quids objecting to its main features.

§ Act of December 22d, 1807, c. 5.

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lature as free and uncorrupt as ever assembled, when such an act, originating outside, could pass Congress after a debate of scarcely three days in the House and four hours in the Senate. None appealed more fervently for faith in Jefferson than young Adams, who now shook the dust of Federalism from his feet. "The President," said he, "has recommended the measure on his high responsibility. I would not consider, I would not deliberate, I would act."* In such a fever of excitement was pushed through the one stern measure of this philanthropic eight years' administration; the most rigorous national legislation affecting private property ever yet enacted, in fact, on the mere anticipation of war, as were the Alien and Sedition Acts with reference to personal liberty and free speech.

Protection of private property was, however, the real purpose of this embargo legislation, whatever ills might have practically resulted. And, in pursuance of that purpose, Congress enacted several laws.

The original act, which was without limitation of time, laid an embargo on all foreign bound vessels; no clearance should be furnished except under direction of the President, who was empowered to use the navy and revenue cutters at discretion for executing the law; and coasting vessels were required to give bonds to pursue only their legitimate traffic.† But it was further found needful at this session, first to prescribe penalties for violations of the embargo;‡ next, to tighten the lines against coasters, which were constantly evading the law by proceeding, under one pretence or another, to convenient foreign ports, like those of the West Indies.§ Official intelligence of the British Orders in Council and Napoleon's Milan Decree, which came to hand, was meanwhile communicated by the President in confirmation of the policy thus initiated.

Embargo must be contemplated as an experiment, somewhat like that of amputating a limb in order to save the life. The patient recognizes well what he has lost, but not the loss

* Annals of Congress; 6 Hildreth.

† Act of December 22d, 1807.

‡ Act of January 9th, 1808.

§ See acts of March 12th, 1808; April 25th, 1808.

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which was prevented. In this grave and sudden emergency the question for the United States was not whether to avoid or make a sacrifice, but whether one sacrifice might not be better borne, for the time being, than another. With belligerent decrees against us utterly reckless of our rights, diametrically opposed to one another, and universally operative, our neutral commerce must have been conducted between Scylla and Charybdis; if we carried for England, France would confiscate; if for France, England would confiscate; the one exacted tribute from us, like the Grand Turk, and insisted upon search; the other punished by forfeiture if we permitted search or paid that tribute; trade with the British Isles was under the ban of France, trade with France and her allies under the ban of Great Britain. George, to be sure, had the more formidable navy to enforce, but Napoleon's means of punishment for non-compliance were ample, now that the Continent was in his coils. Further commerce abroad at this juncture meant, therefore, a defiant assertion of neutral rights, or else such submission to one adversary as would certainly provoke the active resentment of the other, and draw us unwillingly from our normal state of neutrality; and, in either case, we risked the sacrifice of our commerce, together with the greater sacrifice of a war for which we were wholly unprepared.

But, it was asked, and not without relevancy, why not leave American commerce to solve the difficulty for itself? Why not let merchants arm their vessels or otherwise encounter the perils at their own discretion? To this the answer was, first, because a nation cannot safely or honorably commit the cause of all to the discretion of a class; next, because this government's responsibility to England and France, as well as to its own citizens, was not to be evaded for calamities which might occur should belligerent orders be disregarded and new penalties and new retaliations be invited; and, once again, for the reason that our merchants who wished to be let alone were less likely to maintain American rights and honor than to shuffle American trade into the protection of Britain, and accept an issue with her enemies. Here, as before, would Government risk an immediate embroilment and war; chance,

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instead of policy, determining which belligerent should be our foe.

That zeal for one's country which we denominate patriotism, and which prompts the individual to sacrifice in order that the state may be served, sinks too often in this age into the heartless calculation of material advantages which government protection affords to the individual, as though this were all that the individual need concern himself about. Under Jefferson our American commerce, whose chief seat was New England and New York, had enjoyed seven years of unparalleled prosperity; but affluence had increased its cupidity. It was now protuberant, bulky, a mistress instead of a handmaid; a just pride, and yet a constant source of anxiety. It dragged a young people after it into foreign difficulties, with which they were unprepared to cope. It required a navy larger than the sense of the nation would warrant, and failing of this, got callous to British search and kidnapping, like a woman who seeks gain from some masculine profession while exposing herself to indignities from men. Neutral trade, moreover, from steering so long through the belligerent restrictions of Europe, had grown to be sly and cunning of late; finding subterfuges, risking captures, using the neutral flag to cover forbidden property, and constantly setting the wit of the fox to elude the lion. Embargo, as a protective measure, was not easily drawn over the heads of such a mercantile community. First, the law was evaded boldly, so as to carry on an illicit trade despite its risks; next cautiously, so as to sell American ships to Britain and put American cargoes under the British flag. Embargo, in short, could only be maintained by force, and a forcible embargo meant rebellion at home for the sake of maintaining peace abroad.

As a purely temporary measure embargo was a fair choice among difficulties, nor a choice, in the present instance, wholly unforeseen. It gave our people time for reflection; it kept our vessels and cargoes from spoliation, with only the present sacrifice of profitable employment and an early market. The owners of perishable commodities like breadstuffs suffered, to be sure, more than those whose lumber, tobacco, or rice might be readily stored and preserved; ships themselves might rot,

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if long disused; and yet, on the whole, this stoppage of trade, if brief, affected with no great partiality all classes and sections of the country. An embargo had been laid in 1793, under the inducement of Eastern Federalists, and with a similar reliance upon the Executive discretion.* And the present embargo received the general approbation of State legislatures upon its first adoption; it united public sentiment as no other measure would have done. But embargo, rightly considered, was no more than a temporary detention. Jefferson himself conceded it to be the universal opinion that war would be preferable to the long continuance of such an inhibition. This, he thought, was our last card short of war; and unless a European peace soon ensued, or one of the powers repealed its obnoxious decrees, embargo was worse than war. He thought the time gained by it important, and undertook, on the strength of such a measure, to procure a retraction from either France or England. Embargo must have a limit, and in his mind the last limit would be the reassembling of Congress, or, perhaps, the close of 1808.†

The ultra-Federalists at the East resisted embargo from the very beginning. Their press denounced the act the moment it appeared in print. Though the motives of our administration were honorable, the opposition widely circulated the story that embargo was a plausible deception, procured from our government by Napoleon, upon some secret understanding that we should co-operate against England. At first Armstrong was charged with the agency of such an arrangement; but Armstrong's whole correspondence being submitted it was next asserted that the arrangement was concluded without him. Napoleon had threatened that there should be neutrals no longer; so, too, however, had the British ministry, by acts, if not words. The old campaign slander was revived that Jefferson was the enemy of commerce. The darkness and mystery which shrouded all official communications to Congress, the sessions with closed doors, the course of the unseen hand that guided legislation, all these were used to generate distrust

* See vol. i, p. 267.

† Jefferson's Works, March, 1808.

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of a President who, the opposition asserted, avowed one object and intended another. Barent Gardinier, of New York, a Federal representative, who in debate thus bitterly aspersed the administration, provoked an irritating response from Campbell; a challenge followed and a duel, in which Gardinier received a wound nearly fatal.

As the pressure increased of this incubus upon commerce, private memorials against its continuance began to come into Congress. No one attacked the new policy on every opportunity so scathingly, and yet so forcibly as Quincy, who, in the course of the present session, recited the strongest objections to the experiment we had entered upon; the difficulty which always attends the task of compelling other nations to do right under a threat; the melancholy alternative in case of a failure we present to ourselves, of abandoning forever the highway of nations, or else retracing our steps in shame; the likelihood that such a mode of vengeance will be found to suit, instead of distressing a rival like Britain, whose object is to drive us from the ocean; the fairness of leaving the merchant, who comprehends the dangers, to encounter risks for himself, forewarned that his nation will not defend him. But Quincy was unprepared to admit the contingency of resorting to a war in defence of neutral rights. Livermore went straighter to the mark by openly declaring himself in favor of a British alliance. But the Republicans of both Houses stood firmly by the embargo; manifesting, as had the *Washington Intelligencer* and most other journals on their side, an unwavering conviction that by so doing the impression sought would be produced in Europe. The measure, they admitted, was harsh, but that was not the fault of this government, and self-respect demanded it; the odium of executing so unpopular an act was proof of the President's sincerity in recommending it.

All attempts to make inroads upon the embargo policy, or to permit the subterfuges practiced by coast and inland waters, against which the administration sought additional laws, were for the present futile. Not even John Quincy Adams could gain the ear of the Senate for an inquiry which looked to laying aside the experiment after awhile, and substituting the permissive arming of our merchant vessels. Randolph, in the

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House, who had favored embargo in December as a measure which chimed with his own idea that American commerce should relinquish the troubled ocean, grew uneasy towards April, and joined the effort to have it withdrawn. "This embargo," he said, "is like cutting off the toes to cure the corns." "I would cut off toes, feet, and head, too, and perish with the whole nation," responded Williams, "rather than submit."* Congress, in fine, coincided with the President in pursuing the experiment through the recess, unless some foreign change of policy should occur favorable to neutral commerce, or the European war come to an end, in which case the President was empowered to suspend the embargo.†

That the United States must prevail, sooner or later, in such a war of restraints, by making Europe feel the denial of neutral favors, was a belief so rooted in the minds of Republican leaders that, with all the delicacy of the crisis, they did little to prepare for war. The means provided were mostly defensive. Congress appropriated $1,000,000‡ for hastening the fortification of our ports and harbors; large cities, like New York, feeling keenly their exposed condition. One of the first acts of the session lavished considerable money upon gunboats, with a like end of coast protection in view.§ Quincy and the Federalists would have doubled the appropriation for fortifying ports and harbors, and strengthened our navy by building frigates, which latter opinion was shared by many friends of the administration, resolute for our maritime rights; among them the ex-President, whose family support, in his section, was henceforth a strong reliance to Jefferson and Madison.‖ But in the Southern quarter, the prejudice against ocean navies was too inveterate to be yet overcome, and the fate of the Denmark fleet served more for a warning than a

* Annals of Congress, October, 1807; April, 1808.

† Act of April 22d, 1808.

‡ Act of January 8th, 1808.

§ Act of December 18th, 1807.

‖ See in John Adams's Works, December 26th, 1808, a very suggestive letter to Varnum.

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stimulus. Yet upon a message of the President, sent after the failure of the Rose mission, and accompanied by a report from the Secretary of War, Congress increased the regular army by about 6000, creating two additional brigadiers besides.* The President was also empowered to call upon the States for 100,000 militia to serve six months.† All these various appropriations for defence, inclusive of the purchase of arms and ammunition, amounted nearly to $5,000,000.

The President selected Wade Hampton, of South Carolina, and Peter Gansevoort, Jr., of New York, for the new brigadiers. Some journalists received commissions; among them Duane, of the *Aurora*, who was made a lieutenant-colonel of rifles, and, penman to the last, compiled afterwards a manual of tactics. Lieutenant Pike, the explorer, was promoted to major of one of the new regiments. But of those who received the higher appointments none were marked for such brilliant renown as two subalterns, Winfield Scott and Zachary Taylor, the former of whom now entered the military service as captain, the latter as first lieutenant.

Should European events force a sudden war, such as Jefferson had ceased to expect, the first move on our part, with such meagre preparations, was manifestly by land, but chiefly so as to maintain a strict defensive.

1808. Jefferson's long and remarkable public career drew near its end, though his constitution was robust enough to endure in retirement the wear of nearly one more generation. He had now attained the age of sixty-five, and his first monitor of infirmity was a decay of memory, perceptible to himself. Vigorous still, to all outward appearance, he was troubled, nevertheless, with periodical headaches. He felt public responsibilities burdensome, and craved the leisure once more of private life. Nearly all the State legislatures, Massachusetts among them, had lately transmitted affectionate addresses, asking him to become the presidential candidate once more. But his refusal of a third term was positive.

* Act of April 12th, 1808.
† Act of March 30th, 1808.

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"If some period," he had already written, "be not fixed, either by the Constitution or by practice, the office will, though nominally elective, become for life and then hereditary."*

In anticipation of Jefferson's retirement there had been, therefore, no little dispute and lively canvassing as to the next incumbency of the presidential chair; an issue, we have seen, to which John Randolph's defection served as an entering wedge. Upon Madison, it was generally considered that Jefferson had fixed his personal preference, and should Virginia continue the mother of presidents, supplying them in due order, the birthright was unquestionably Madison's; entitled to the promotion, as he was, by every consideration of merit, seniority, experience, and patriotic as well as party service. Moreover, he was a trusty follower in Jefferson's footsteps. But Madison had many political enemies in the Republican ranks among Virginians themselves, who wished a change, some for the sake of a bolder foreign policy, others for the excitement of a new deal, and all with a disposition to disparage one who, although amiable in all the relations of life, appeared a sort of shrunken demi-god, or reduced copy, the epitome of moderation in a walnut-shell. Madison, though diminutive, was a sounder nut than he looked, and yet with men who craved a taller hero, one with more of the game flavor, having errors and excellencies together, generous to a fault, and confident in his own ideas, Monroe was the growing favorite. Republicans in Congress, who, from one cause or another, had become disaffected to the Secretary of State, made their new choice manifest. The Quids, having courted Monroe by letter when he was abroad, crowded about him when he passed through Washington on his way home, just as the Embargo became a law. The recipient of all these attentions, coy but not bashful, desired the succession could it come to him through an honorable competition. Far behind Madison in the record of illustrious service, he had more sap to his nature. The Secretary had the greater store of discretion, he the greater capacity for growing, and, in fact, between Monroe and Madison, as contemporaries, remained this difference,

* Jefferson's Works, June 7th, 1807.

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that, while the one had never been enough of a youth, the other kept his youth too long.

With the President's permission, Monroe had withdrawn from the English mission in the fall of 1807, to look after his canvass, leaving Pinkney at London in his place. He felt chagrined at the rejection of the treaty they had negotiated together, and for the moment believed, as his partisans whispered to him, that the President and Secretary had purposely pulled the stool from under him. In this he misjudged both of his old friends and superiors, as Jefferson seems finally to have convinced him.

Jefferson sought frank explanations on this point and made them; insisting, justly as he might have preferred Madison, that he had remained neutral in all this delicate rivalry.* One thing, however, he sternly refused to countenance, and that was a rivalry over the presidential succession carried to the point of crimination and a factious disturbance, such as those who wished to take Monroe under their wing were ready to foment.† Monroe hesitated, unwilling to make a breach; and rather than hazard the Republican cause, or the future prospects of their favorite, his more temperate friends took him off the list of candidates, so that at the usual Congressional caucus, held at the capital, Madison was nominated almost unanimously for President, and George Clinton for Vice-President.

Jan. 23.

But out of 139 Republican Senators and Representatives only 89 were present at this caucus, some being sick or absent from the city, and others keeping away because dissatisfied. Clinton had been a disappointed candidate, as well as Monroe, for the highest honors. His political friends had for months been urging his claims, partly on the ground, hitherto undisputed, that the Vice-President was heir apparent, and because, furthermore, Virginia had monopolized the first office long enough. A coalition between the friends of Clinton and Monroe had once been talked of, but as this would have remitted Monroe to the second place, it was impracticable.

Others were persuaded, better than Clinton himself, that he

* See Monroe Correspondence, 1807–8. † Ib.

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was too old to take the helm at this critical juncture. His ambition was pursued beyond the caucus, notwithstanding his renomination as Vice-President, until the friends of Madison, who had profited by the diversion among competitors, threatened to drop Clinton from the regular ticket unless he relinquished his pretensions to a higher place than that already assigned him.

Meantime the schismatic Republicans had united in protesting to the country against Congressional dictation, at the same time pronouncing that the caucus which had nominated Madison was irregularly held. This open letter was signed by seventeen Republican members of Congress, among whom were Smith, of Maryland, John Randolph, Clay, of Philadelphia, and the Vice-President's nephew, George Clinton. Hitherto, they argued, Congress had simply registered public opinion concerning candidates for the Presidency, and afforded the means of concentrating the party strength; but in the present aspect of foreign affairs, on the eve, perhaps, of a war with one of the greatest powers in Europe, unanimity was essential in the choice of some one eminently calculated to conduct the nation through its perils; and such a man, they felt positive, was not James Madison. Unfortunately for their influence in the canvass, however, they could not agree as to whether Monroe or Clinton should head the ticket. Objectionable, moreover, as the Congressional caucus might be, many more Presidential terms elapsed before other nominating machinery superseded it. March.

National delegates, the national congress or convention of a party, was an idea too huge as yet for American politics to grasp in these days of plain frugality; but ring management was accepted in the larger details as naturally as that of a board of directors in some respectable private corporation. Rings predominate, in fact, wherever the aggregate interests become large and complex; there are rings in business, club rings, university rings, and literary rings, as well as political rings; all social influence moving as upon a pond's surface, by circle widening upon circle; so that they who despair at the geometry of politics are often found ranged otherwise upon some similar figure, obedient to that law of ambition which

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seeks the inner ring to operate from. Only there are rings of good men and bad, of honorable operators and corrupt, of benefactors and spoil distributors. National politics at this time turned more upon honors than the patronage of office, and on the whole were more subordinated to the States than in our later age. State, municipal, even national conferences upon political matters indeed were already in motion. They were secretly engineered for the most part, however, and attended by choice spirits rather than chosen delegates. A party ticket for State offices would appear in the local party press, weeks before the election, without any formal party sanction. The good Republican or Federalist voters rallied, perhaps, in town-meeting afterwards to ratify these selections under the semblance of nominating, while the central and efficient management of the State primaries devolved most constantly upon members of the State legislature, who were easily assembled in caucus, and felt persuaded of their local party influence.* There were State caucuses held for declaring not only State but national preferences, and so as to forestall the Congressional caucus; and thus had the Virginia legislature at Richmond, quite lately, undertaken to dispose of the rivalry between Madison and Monroe in advance. The kernel of political organization in these times was, in short, the legislative party caucus, whether national or State, and they who influenced the legislature could influence best both nomination and election.

Jan. 21.

To Clinton's success as the candidate of Northern Republicans the zealous concurrence of the two great Middle States, New York and Pennsylvania, was essential. But in

* 6 Hildreth, 68, mentions as a first departure from the strict caucus principle, that in March, 1808, the legislative Conventionalists of Pennsylvania, for the purpose of selecting a governor of the State, admitted delegates from counties in the State which had no Conventionalist representatives in the Assembly. Traces of a similar practice appear, however, in Massachusetts politics of this date, and so natural a modification most likely appeared elsewhere. Such a practice leads naturally to the convention plan, but only by the time that the idea of a popular choice becomes well rooted. As for recognition of the legislative caucus proper, this in the United States was probably as old at least as the Connecticut charter. See 1 Kendall's Travels, 1807, upon this point.

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that section the violence of party factions had gone beyond his control. New York Republicanism merged, as we have seen, into a struggle between the Lewisites and Clintonians. The Clintonians entered upon the year 1807 with a fair control of the State legislature; but the Lewisites, having gained control of the council of appointment by a league with the Federalists, deposed all Clinton's adherents, among them De Witt Clinton, the mayor of New York, and divided the vacant offices with their own allies. This apostasy and violence, for which the pliant governor and his powerful connections were held responsible at the polls, presaged the political downfall of the Livingston family, whose influence had been lent too much of late to schemes of personal aggrandizement to maintain well their popularity. While these were becoming the dignified patrons of great private enterprises, like Fulton's steamboat, the Clintons, placing public honors first, yielded to the spirit of the times by bringing forward for the governorship of the State, as the party desired, a clean-handed young lawyer, Daniel D. Tompkins, the son of a Westchester farmer. Without the dead weight of family connections to carry, Tompkins was elected by an immense majority; and by a long and prudent executive career justified the confidence his party reposed in him. De Witt Clinton, the rising man of his family, took an active share in this victory. But to bring New York into line in 1808 for the patriarch and his Presidential aspirations was not to be accomplished, and the Lewisites, in fact, with the remnants of the Burr faction, made his cause hopeless by firmly espousing that of Madison, who, on the whole, was the favorite of all sections.

Feb., 1807.

May.

In Pennsylvania the old ferment between the moderate and ardent Republicans lasted as long as McKean held office. At the fall election of 1806 the "Friends of the People" had procured a slight majority in both houses of the State legislature; and the governor obstructing each new and most cherished measure by his veto, they determined in their wrath to impeach him, but failed to carry articles through the popular branch. As the time drew near for McKean's retirement (since he was not re-

1807.

Jan., 1808.

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eligible for another term), the peculiar elements which had fused under his personal direction began to separate. Ultra Republicans now wanted a convention called to revise the State Constitution; conservatives of McKean's stripe opposed it. The former in caucus renominated their previous candidate, Snyder, for governor, and made up a ticket of unpledged Presidential electors; while the latter, naming Spayd for McKean's successor, braced up their candidate by a list of electors strongly pledged to Madison. With Duane and a large number of their own adherents zealous for the regular Presidential candidate, the chiefs of the convention party found it harder each day to keep neutral as between national candidates.

March.

For this Presidential contest the Federalists, as a national party, were not in a position to exert much influence. In New England they had yielded much to popular prejudice; had summoned fresh men to council; had maintained a good fight upon State issues; had encouraged the young of good families to prepare Fourth of July banquets; had kept green the memories of Washington and Hamilton like cemetery gardeners; had softened into "Federal Republicans" or "Constitutional Americans," stigmatizing all others still as "Democrats." But with wealth and culture at command they made few proselytes, except by hereditary transmission, whence came it that New England Federalism and blue blood have descended to our times together. Steadily increasing in numbers and discipline, the Republicans of Massachusetts, in the spring of 1806, carried the annual legislature and governor's council; and a year later the "long pull and Strong pull"* was exerted in vain at one end of the rope, while James Sullivan and his friends pulled at the other. With Sullivan as governor, and a Republican legislature and council, Boston recalled those other tenants of the State-house in the autumn of 1803, who, with honest perversity, had failed to pay the last public honors due to the dead Samuel Adams, lest they might seem to honor his party creed, and so left Congress and Jefferson to act as pall-bearers. Delaware and

1806-7.

* The favorite rallying-cry of Governor Strong's friends.

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Connecticut were now the only States in the Union steadfastly attached to the old Federalist faith, and the "headquarters of correct principles"* permanently shifted from Boston to Hartford. Connecticut, indeed, was ruled by its elders and wise men for many years to come under old usage and the colonial charter. Here every public trust was elective, and most civil officers served only one year. Towns separately voted for legislators of the lower house; towns collectively for those of the upper house, whose names being arranged by official seniority on a nominating list of double the number desired, it rarely failed that the first half were chosen.† This upper house kept no minutes of proceedings, debated and voted in secret, concurred or non-concurred with the lower house, and served as executive council. Trumbull, annually re-elected governor, took his seat at Hartford in May, on the day the Assembly met, escorted to the State-house by troops in blue and scarlet; he sat erect on horseback, dressed in black, and wearing in his hat a cockade of the old school. The legislature and high dignitaries next proceeded to the meeting-house, where several clergy officiated at the desk, the election sermon was preached, the occasional hymn sung. Dinner at an adjoining inn followed; the legislature announced the votes in afternoon session, and the well-primed cannon fired a salute in honor of results known long before. Thus passed the annual election day; a spring holiday observed throughout the State, on which families exchanged social visits, and each caller received a slice of election cake; and similar customs prevailed in other parts of New England.‡

Congress had adjourned in April, leaving the President at full leisure to apply his experiment during a long recess. At first embargo had been well received, but after the spring elections appeared decisive symptoms that sentiment was changing. The stoppage of commerce bore with

April 25.

* A phrase Hamilton had once applied in compliment to Boston. 7 J. C. Hamilton's Republic, 394.

† Similar nominating lists for members of Congress produced similar results. See *supra*, vol. i, p. 84.

‡ See 1 Kendall's Travels, 1807.

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crushing severity upon New England, whose ships and seamen were thrown suddenly out of employment. Her old merchants tottered to ruin, without a general bankrupt law to relieve them. Breadstuffs and fresh provisions accumulated at the wharves, which, if not exported, would perish and be a dead loss. The high price of such supplies abroad, in comparison with the statute penalties, encouraged shippers to practice every artifice to get them out of the country, though at the risk of capture. The law was evaded by fraud or force; vessels slipped out from Machias, Portland, Nantucket, and Newport harbors; and so high-handed was the resistance to embargo on the Canada border at Lake Champlain, where an illicit traffic went on, that the national government had to equip vessels and send troops thither to maintain its authority.

Flour was the chief commodity in these smuggling ventures. Much was got over the lines into Canada; barrels upon barrels were stored, too, at Eastport and in the southern ports of Georgia, ready to be conveyed, as opportunity might serve, into New Brunswick over the one boundary, and Florida over the other. On this account chiefly Congress had passed the third Embargo Act just before adjournment, under which the President was empowered to grant special permits for vessels to clear from ports adjacent to foreign territories, and make seizure and search of suspected vessels.* Collectors were accordingly directed not to grant clearances at all to vessels laden with flour. But some States finding it needful to import flour for home consumption, the President authorized the respective governors to grant merchandise permits for domestic convenience to those in whom they had confidence. This plan worked badly, for some of the State executives, in fulfilling their functions as "ministers of starvation," yielded too readily to the clamors of the merchants who pestered them, as did especially the easy-tempered Sullivan, whose official permits soon began circulating in cities as far south as Washington, where they were openly bought and sold. By a later circular the President advised the collectors

May.

* See act of April 25th, 1808.

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not to detain coastwise vessels with unsuspicious cargoes, and this rule operated much better.*

New York city felt embargo like the creep of death. In November that port was full of shipping. On the wharves were strewn bales of cotton, wool, and merchandise; barrels of potash, rice, flour, and salted provisions; hogsheads of sugar, tea, rum, and wine. Carters, sailors, and stevedores were busy. The Tontine Coffee-house was filled with underwriters, brokers, and merchants, all driving a brisk business, while the auctioneer on the front steps knocked off the goods which were heaped about the sidewalk. Carts, drays, and wheelbarrows jammed up the Wall and Pearl Street corner. But the next April all was quiet and stagnation; crowds and merchandise had vanished from Coffee-house Slip, and many commercial houses in the vicinity were closed up.†

By midsummer the President and Secretary Gallatin were burdened with cases which required special instructions. They were tormented by personal applications for leave to transport. Against every loophole appeared the pressure of a besieging host. It was the most embarrassing law Jefferson had ever to execute; he had not expected such a sudden growth of fraud and open opposition. But he was resolved, nevertheless, that the convenience of the citizen should yield far enough to give the experiment a fair trial.‡

Massachusetts was the foremost State of this Union resolutely hostile to the embargo. Not only were her merchants placed directly under the descending screw of this new policy; but, allowing too little for the experimental workings of the President's mind, and taught to look upon him as a man of low cunning and French preferences, the secret foe of commerce, they ascribed every motive to the new restrictions sooner than the right one. The solid Federalist of Boston read his favorite newspaper in his counting-room. The tidings of the *Chesapeake*, which found that newspaper glossing over Burr's treason, set its writers first to arguing that war with England was not desirable; next, and after Canning had in-

* Jefferson's Works, 1807; Sullivan's Life; current newspapers.

† Lambert's Travels.

‡ Jefferson's Works, July–August, 1808.

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formally disavowed the affront, to admitting there was a wrong, upon which, nevertheless, our government could insist no longer; and by the return of the *Revenge* persuaded that a triumph over Great Britain at this critical moment of her power would be more fatal to America than defeat.* Embargo was laid; and now suspicion stood for proof positive that Jefferson and the French Emperor had put their heads together to compass England's commercial ruin.†

A packet, early in August, brought the news that Spain had revolted against Napoleon's attempt to put a Bonaparte on the throne. This new war promising an opportunity for renewing our trade with Spain and Portugal and their provinces and colonies, town meetings were held at Boston, Portland, and other Eastern seaports, praying the President to suspend the embargo sufficiently to permit of it. The President declined, upon present information, to do so. At some of these town meetings the embargo policy was upheld; in Salem, for example, where, in a patriotic speech, William Gray, the largest shipowner in New England, expressed his belief that foreign restrictions upon our commerce were too great for any honest merchant to attempt pursuing it.‡

History must admit, that so far as embargo was used as a weapon for coercing Europe, it utterly disappointed expectation. The sacrifice required at home, in order to produce an impression abroad, proved of itself fatal in practice to the long endurance of any such experiment. If England bled, or France, under the operation, the United States bled faster. Jefferson miscalculated in supposing that the European struggle had nearly culminated, or that the nerveless Continental powers could organize an armed neutrality to protect their own interests. Instead of a sinking, vacillating, debt-ridden England, he found a stubborn England making capital of

* See Boston Centinel, July–December, 1807.

† Ib., January–June, 1808.

‡ The anti-embargo merchants, who were much chagrined by Gray's speech, imputed his approval of the President's policy to interest and the desire to crush his weaker rivals. This Gray publicly denied, and offered to prove that his own estate suffered like that of others. See Boston Centinel, August, 1808.

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what it owed, its prodigious resources slowly uncoiling. He found a new ministry, hard as flint, with Parliament to brace it, bending with redoubled energies to the war, heedless of Liverpool remonstrances, marching the red-coats to break up meetings and suppress riots in Manchester and those other manufacturing towns where embargo and the Continental exclusion were most heavily felt. Next to making American commerce tributary to the British exchequer, the aim of those who framed the Orders in Council had been to drive it from the ocean, so that British merchants might absorb the maritime trade once more to themselves. This latter alternative embargo directly favored. Our non-importation act, which had now gone into effect against Great Britain, made it still less an object for that country to court a repeal of the embargo. By way, too, of partial offset to the loss of our market, a new one was opened to England by the outbreak in Spain. As if to exasperate us to the utmost, the Orders in Council were repealed as to that nation, but not the United States.

Madison said, long years after, that a faithful execution of the embargo policy would have produced a crisis in the British West Indies that might have extorted justice from her without a resort to war.* This, however, one cannot readily believe. These colonies were at first in danger of starving for want of the necessaries of life, but it was soon perceived that the people could raise Indian corn for temporary subsistence. Cotton, too, a staple on which British manufacturers so greatly relied, was not long cut off because the American planter withheld it; but other places of production were tried, and Britain sent cargoes of the best cotton-seed to Africa for the purpose of supplying its necessities. The game of commercial restraints must be played quickly, or else denial is lopped into self-denial; for productive energies, checked at one point, find quickly, like running water, a new outlet at another. Even now, to our people, the one solid, substantial, enduring advantage derived from this long-continued policy of European restraints was the impulse which a new necessity gave to American manufactures.

* 3 Madison's Writings, 444 (1824).

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England, on her behalf, now encouraged lawless evasions of the embargo by insidious favors to smuggling vessels. But Bonaparte, under the artful pretext of assisting Congress in its chosen policy, plundered American vessels wherever he could lay hold of them, openly applauding the embargo as a spirited resistance to the British Orders;* and his new Bayonne decree, against which Armstrong vainly remonstrated, directed that all American vessels arriving in France should be promptly seized and confiscated. The service of neutral carriers the Emperor had felt prepared to dispense with, because his Continental policy aimed to make Europe independent of the world, his colonies being left to shift for themselves.

To both France and England Jefferson had offered, as originally intended, to take off the embargo in return for a repeal of obnoxious decrees. Each power assumed indifference to such a compact, while each charged that the other's first aggression had evoked its own action. Champagny, fostering the impression of friendship, evaded positive answer. Canning, on the contrary, arrogantly rejected the proposal, more than insinuating to Pinkney that the American policy had been expressly undertaken to help Napoleon, and that America was now the party most anxious to get rid of it. If embargo, he satirically observed, was intended for retaliation, it was partial; but if for mere municipal regulation, he had no complaint to make of it; and he hoped the present experiment might serve to teach that Great Britain was not so absolutely dependent on the trade of America as to be obliged to court a commercial intercourse.† Jefferson, in his anxiety to cover a retreat, dispatched Short with an autograph letter to the Emperor of Russia, asking him to interpose on behalf of neutral rights; but this secret mission came to nothing.

September.

Through the lines of Canning's caustic letters to Pinkney we may read a serene confidence on his part that events trans-

* Jefferson's Works, October 15th, 1808.

† Executive Documents; Annals of Congress. Armstrong wrote from France, August 31st: "We have somewhat overrated our means of coercion. Here it is not felt; and in England, amid the more recent and interesting events of the day, it is forgotten." Ib.

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piring in America would force the Washington government to abandon its policy.* New England gasped and struggled against the increasing constraints which pressed with the incubus of a nightmare. But the sentiment of her sons was loyal, and consonant with the general determination of this country to fight sooner than submit to the injustice of Europe. Bound up in commerce, and not easily diverting her capital on such sudden notice, she suffered more than all other sections by the embargo; a policy which, to her, was like a suicide to prevent dishonor. But while thus suffering, the thread of her immediate interests was skilfully separated from that of the nation into which it was corded, and the Tory Federal remnant began to lead her whither they had sought to lead before.

By the spring of 1807 the rising tide had swept the last barriers of Massachusetts Federalism. Sullivan, we have seen, was elected governor, and the executive and legislature of that State were for the first time in full attune with the Jefferson administration. The Junto, mortified as they had constantly been since 1801 in national affairs, though influential on their own ground, felt the humiliation keenly. Merchants, without distinction of party, and they among them, had but lately petitioned Congress to withstand the new British doctrine of neutral frauds.† The Junto men still decried the administration for mean temper and a reliance upon moral suasion to protect American commerce. And yet, strangely inconsistent, they counselled the tamest submission to British search and impressment; and when the *Chesapeake* affront came, like a blow in the face of our young navy, their first thought was how to persuade others to bear it meekly. John Quincy Adams heard Berkeley's outrage justified in Boston by one of these leaders on change at high noon; and he relates that at the first outburst of patriotic ire, when Jefferson's proclamation was read in the streets, this set resolved not to petition for a town meeting, and were only dragooned into it some days later by the rising spirit of Boston, after Adams himself, with Gerry, had pitched the first notes of indignation at a State-house meeting held

July, 1807.

July 10.

* See Jefferson's Writings, August 22d, 1808.

† Cabot's Life, 314; Adams's New England Federalism, 406.

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under Republican auspices; Gray, Story, Lee, and Crowninshield taking part together at Salem. And thus had it transpired that the chaste eloquence of Harrison Gray Otis, the Cicero of civic occasions, and recent speaker of the Massachusetts House, was lifted in support of Faneuil Hall resolutions applauding the administration, with the quick-tempered Adams whom other platform dignitaries were cursing between their teeth, having already threatened to take his head off for apostasy.* July 16.

What made embargo grind the hardest upon New England susceptibilities was the charge so constantly reiterated, and so falsely, and most especially after the failure of the Rose mission, that Jefferson's policy was under Napoleon's immediate inspiration, and preparatory to a French alliance. Whence this injurious calumny? It came from the eastward, and, as John Quincy Adams has insisted, through British authorities over the borders in correspondence with citizens of his State. Adams himself saw, soon after the *Chesapeake* affair, a letter from the governor of Nova Scotia which made that charge;† and from the later "Henry mission," of which we shall speak hereafter, he drew the inference that the governor-general of Canada, in the following embargo summer, submitted to the Canning ministry arrangements of the British sympathizers whose headquarters were at Boston, for a disloyal resistance to the new commercial measures.‡

The councils of this opposition conclave were secretly managed, and their designs veiled from the public and from the mass of their conservative fellow-citizens, who trusted, as mercantile men do usually, and British traders constantly, to the socially respectable. But as in 1804 a few ardent, plain-spoken letters, casually preserved from the flames, disclosed

* See Adams's New England Federalism; Boston Centinel; John Quincy Adams's Memoirs.

† Adams informed Jefferson of this, March, 1808, in a confidential interview, and thinks it the first intimation the latter received as to the channel of communication between Great Britain and Boston. New England Federalism, 112. Jefferson acknowledged as much in a letter of 1811 to John Adams.

‡ Adams's Federalism; 1 John Quincy Adams's Memoirs.

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to posterity plots which statesmen of that day denounced without proving; what the English called "Colonel Pickering's party" is shown to have existed, and its leader, the ex-Secretary and Massachusetts Senator, tunnels like a mole to undermine a mountain.

While embargo was yet a first experiment, and a temporary precaution, so to speak, Pickering put quill to a lengthy diatribe against the administration, one copy of which he transmitted to Sullivan, to lay before a Republican legislature, the other to his friend Cabot, to go to the printer should the governor decline to be his publisher. Sullivan, as might have been expected, returned the six sheets, whereupon the Federal press came out with the letter from Cabot's copy.* Pickering's inflammatory broadside, which warned Massachusetts constituents that there was "imminent danger of a ruinous and unnecessary war," stigmatized embargo as a first step thither, already induced by French threats or seduction, and made the first call upon commercial States for a concerted resistance to the measure.

1808. Feb. 16.

March.

To this a more reprehensible step succeeded. Pickering being at Washington as one of the minority Senators, held secret communication with Rose; his object being plainly to stiffen the *Chesapeake* diplomate, who bore terms ungracious enough, and through him to assure the English ministry that they had only to let us alone in order to find that embargo would curse its authors. You have only to travel to Boston, he assured him, to find that our best citizens consider the interests of the United States interwoven with those of Great Britain, and that our safety depends on hers.† Handing over his own private letters from Cabot,

March 13.

* See Boston Centinel, March, 1808; Cabot's Life; Adams's New England Federalism; 6 Hildreth.

† Pickering Papers, March, 1808; Adams's New England Federalism. Rose's mission broke off a few days later. See *supra*, p. 150.

Pickering's disgust with the talk of "a virtuous and enlightened people" had led him into the prediction, in his 1804 correspondence, that another Presidential term would not elapse before the Republican rule proved such that Federalists would "curse the day which detached them

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King,* and others for Rose to peruse confidentially, impressing upon him the social and political importance of the Essex Junto to which he belonged, and showing how the brakes could be put down after Jefferson's retirement, even in the problematic event of Madison's choice as his successor, Pickering further besought Rose to keep up a correspondence, designating his own nephew, a merchant in London, and formerly consul, as a suitable medium of confidence. Rose indulged this request after his return home, but whether to the extent of imparting ministerial confidence in return, or only so as to lead on Pickering and his friends by adroit flattery and encouragement, while more subtle agencies were employed, we can only conjecture.† The wary Canning, at all events, took the cue thus offered for managing the American situation, and this he doubtless held when he commented upon embargo so satirically to Pinkney.

Pickering's public letter, meanwhile, with its bold imputation of base motives for an act unpopular enough in its immediate consequences, stirred the canvass in New England. Federalists pushed their turn of fortune in the annual spring elections, not yet, however, to regain more than a slight legislative majority in the close State of Massachusetts. Sullivan was re-elected governor of that State; an amiable old gentleman, subject to fits; chosen, at his time of life, less for energy than inoffensiveness; of whose growing incapacities the anti-embargo men took every advantage, until death removed him in December, and Lincoln, the lieutenant-governor, formerly Jefferson's attorney-general, acted in his stead.

The new Massachusetts legislature flung down the gauntlet to Jefferson without hesitation during its brief spring session. The embargo, approved by its predecessor, was now disapproved, and in cautious phraseology, like that employed by

from the milder government of the mother country." Pickering Papers, ibid.

* It does not appear that King authorized his letter to Pickering to be used in this way.

† Pickering Papers; Adams's New England Federalism. This correspondence, or such of it as remains preserved (for some letters which passed are wanting), was pursued into August.

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our good sires in the days of Andros or Gage, it began to resolve the State into a sort of legal resistance. The ground taken, notwithstanding a minority protest of 168 Republicans, was, holding up naval means of national defence in preference, to denounce embargo as both cowardly and unconstitutional, and asperse the motives which gave rise to it. The unconstitutional argument, indeed, was a strong one when applied to a permanent embargo; and notwithstanding its failure before national tribunals in the present instance, it had the weighty support of Dexter, and presently of the famed Chief Justice Parsons himself. Next, out of spite to the younger Adams, who was no longer a Federalist, the majority made immediate choice of Lloyd, a Boston merchant of their own stripe, to succeed him on the next vacancy, in 1809; whereupon Adams resigned, and Lloyd was as promptly chosen for his unexpired term. Adjournment was made to November, in utter disregard of the governor's wishes, without any provision for the choice of Presidential electors.*

Harassed with foes within and without, with dissensions among the friends of rival candidates for the succession, with an odious and profitless measure to execute, against which citizens employed both cunning and force, it seemed, at one time, as if the administration party would go down in the fall elections. But Jefferson's wonderful popularity and the buoyancy of Republican principles carried the day. The regular Presidential ticket prevailed, not without a diminished majority, and Madison received more than two-thirds of the whole electoral votes, 122 out of 176. All coalitions on George Clinton's behalf failed; De Witt Clinton, the nephew, having, in fact, carried New York city in the spring on the direct issue of sustaining the administration; so that the old governor procured at the last only 6 electoral votes in his native State for President, against Madison's 13, at the same time that his obstinate ambition cost him several electoral votes elsewhere for Vice-President. Pennsylvania Republicans compromised their disputes in season by supporting Madison for President

* Boston Centinel, 1808; 6 Hildreth.

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and electing Snyder governor. The Federalists having taken up their former candidates, Charles C. Pinckney and Rufus King, gained in some localities by fusing with the Republican malcontents, but they were beaten with Monroe's friends in Virginia, and carried no electoral college outside of New England excepting that of Delaware. It was this little State alone, the Bayard plantation, which kept true to old principles in the long days of adversity, and toed the line with New England Federalism to the last. Besides the few scattering votes given them by district electors in Maryland and North Carolina, Pinckney and King succeeded in obtaining the colleges of New Hampshire, Massachusetts, Rhode Island, Connecticut, and Delaware, 47 votes in all. The embargo had set New England back; yet candor should add that the Massachusetts legislature, on reassembling, concluded to poll the electoral vote by itself, rather than trust the choice to the people of that State, thinking it, doubtless, a good thing to be certain.*

In the fall elections of these New England States, over which political excitement ran breakers, Federalism made more tangible profit by opposing the new national policy. Candidates for Congress who had upheld embargo were defeated in New Hampshire and Rhode Island. Vermont, though casting its electoral votes for Madison and John Langdon, hung so loosely to the administration that its legislature found Tichenor, the Federal candidate for governor, in the majority. All signs indicated that the Republican crop on this rugged soil was failing before it could gather root. Sullivan's state treasurer had turned out a defaulter, a mortification for which the administration party did not suffer in Massachusetts alone. Connecticut, patriotic and always correct, kept to Trumbull, and the children obeyed their parents.

In the New England section the opposition grew constantly more defiant. The opinion spread that embargo was unconstitutional, and, if unconstitutional, that it ought to be resisted. Satirical songs were sung, caricatures made rustic wit by a transposition of letters, of an "O grab me" policy. All was

* See Table of Presidential Elections, Appendix.

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not pleasantry, however. In the town-meeting addresses the language of petition gave place to remonstrance, and that of remonstrance to threat; passive obedience and non-resistance, said one of these in November, can no longer be considered a virtue. One "Falkland" began in September a series of wily letters in the Boston *Centinel*, which squinted at disunion without facing it.* On the anniversary of the first embargo act a funeral procession paraded the streets of Gloucester to the sound of dirges and muffled drums, drawing along the model of a ship rigged out with the emblems of distress, while cannon fired and the church-bells tolled. Portland followed with a similar demonstration; but here, at a given signal, the hateful symbols were torn from the vessel, and a phœnix appeared adorned with the emblem "the spirit of '75 revived," and to the lively music of "Yankee Doodle" the march was reversed.† Dec. 22.

Scarcely had Congress convened in final session and listened to the President's opening message, before the lean minority of both houses introduced resolutions for an immediate repeal of the embargo acts. Hillhouse, of Connecticut, moved this repeal in the Senate, opening the debate with an animated speech, which cited the Eastern troubles as proof that such a policy could not be executed, and declared it a farce, an idle farce, to try to starve Great Britain; the sure consequence being, in the end, that we should lose our market. Lloyd, now sworn in as the successor of Adams, seconded these views in a moderate speech; describing the paralyzed condition of industry in his State, and affirming that, for himself, he would rather of the two belligerents have war with France than England. Pickering opened the most scorching fire of the three; but, as usual, aimed over the heads of his auditors, irritating the majority by reiterating the worst slanders of the campaign, and even scout- November. Nov. 21-Dec. 2.

* These articles were headed "A Separation of the States, and its Consequences to New England." The hostile temper they aroused led the author in a few weeks to make a sort of dissembling explanation of his purpose in preparing them. See Boston Centinel, September, 1808.

† Boston Centinel, December, 1808; January, 1809.

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ing it as absurd that the President should insist upon any such doctrine as made the American flag protect all who should sail under it.*

The defence of the administration in the Senate rested chiefly upon Giles, who vindicated the motives of the administration, which doubtless had pursued an honest experiment without fear or favoritism, and claimed that the embargo had two objects: (1.) To protect our seamen and property, which it had done. (2.) To coerce the belligerents whose decrees had compelled us to such a course, which it was doing. What, it was pertinently asked on this side, are the present means of French influence in this country to which the government is so falsely charged with subserviency? None, whatever. And what the means of British influence? Language, jurisprudence, literature; Tories and their descendants; blood connections; mercantile capital and partnership. To the same effect spoke Mitchell, of New York, Crawford, Pope, and others. What other measure, they asked, did the advocates of immediate repeal suggest in place of the embargo? For we must choose between embargo, war, and a tame submission to British tribute. Hillhouse's motion was accordingly lost, by 6 to 25.†

In the House, Chittenden, of Vermont, introduced a similar motion for immediate repeal, which the Republican side permitted to be debated, while intimating that it was more respectful to the Executive to permit the select committee on the President's message to report first. Though petitions all the while arrived from New York and Massachusetts, some for partial and others for total repeal, all attempts failed to go into committee of the whole on Chittenden's motion, until at

Nov. 22. length the select committee, of which Campbell, chairman of the Committee on Ways and Means, was at the head, presented their report.‡

This "Campbell's Report," as contemporaries styled it, was understood to be the direct inspiration of the incoming President, whose election was now sure, and of Gallatin, the ex-

* Annals of Congress, November–December, 1808

† Ib.

‡ Annals of Congress, November, 1808.

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pected premier of his Cabinet.* Jefferson, after balancing wearily between embargo and war, feeling that the belligerents had pressed us to the very wall, and that any choice must bring evils, had, it appears, determined to throw the momentous decision upon his successor.† Hence this report, anxiously awaited by both parties, was Madison's first essay as political commander. In it was stated the American or neutral side of the foreign controversy with masterly ability, disposing forever of Britain's pretence that her late Orders in Council were justifiable, either for strict retaliation on France or because of any breach of comity on our part. Congress was counselled to adopt these three resolutions: (1.) That the United States could not with honor submit to the edicts of Great Britain and France. (2.) That the commerce and productions of these countries should be excluded from our ports. (3.) That immediate measures should be taken to put the country in a better state of defence.

The main intent of these resolutions was to test the war spirit of Congress and the nation, and to unite the dominant party on some distinctive policy of resistance to the European edicts against neutral commerce. Campbell's report took ground that the question was one of embargo or war; and with such alternatives presented, there seemed an honorable necessity of continuing the former course, so far at least as to lock our coast against nations who injured us. The House agreed readily to the first resolution; even Quincy and John Randolph voting for it, upon their own construction of its meaning. The third resolution passed unanimously. Upon the second there was much diversity; but this, too, was adopted by a vote of 84 to 30, after debate and dilatory motions.‡

In the meantime, strengthened by the buoyant tone of Congress, and encouraged, besides, from private conversations with young Minister Erskine, the successor of Merry at Washington, a son of the distinguished lord chancellor, and a man of liberal politics, quite agreeable to this government, who,

* Adams's Gallatin, 378, says that Gallatin drafted this famous report.

† See Adams's Gallatin; Jefferson's Works.

‡ Annals of Congress, December, 1808.

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unfortunately, was too confident of his influence with Canning, to hope that a firm front would soon make the British ministry waver and break, Madison and Gallatin had prepared to make the embargo more efficacious for its twofold object by entrenching it more securely. Giles reported to the Senate, December 8th, an enforcement bill, based upon the recommendations of the Treasury. In response to resolutions of inquiry Gallatin, instead of suggesting how the hardships of an embargo might be mitigated, had shown how to make it more rigorous against citizens who evaded its provisions. Gloom settled upon the New England Senators. Goodrich desponded; Lloyd expostulated; Pickering flung defiance at the "prætorian guards of the palace." Relentless as a glittering bayonet this new policy descended; the act soon passed the Senate by 20 to 7, and went to the House for concurrence.

Dec. 21.

On the day before the Senate made this record the House had rejected the Chittenden resolution for repealing embargo by 64 to 49; among those who voted with the majority being Joseph Story, a young Massachusetts lawyer from Essex County, who had just taken his seat in this body to supply a vacancy occasioned by the death of Jacob Crowninshield; a man of profound views, versatile accomplishments, humanity, perseverance, love of order, and vivacity bubbling over with a copiousness of expression which irrigated in all directions.

Dec. 20.

Next the Senate bill for enforcing the embargo was reported without delay from Campbell's committee. But such opposition to this alarming measure was soon developed, that the House was not easily brought to its favorable support. All side topics led into the same main of discussion. Embargo was still quite generally commended by States south and west of New York. In the Senate as well as the House, by Crawford, by Macon, by other Southern moderates, a strenuous effort was made to recall Eastern brethren to a sense of obedience. "Where," they asked, "is the spirit of '76? We sacrifice as well as you to maintain the honor of the country. Our cotton, the greatest export from the United States, our tobacco you will find remaining on our hands

Dec. 26.

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without a purchaser." These appeals could not, however, convince; and, besides, it was said in response, with no little pertinence, that commerce represented the capital of New England, and that perishable commodities were not to be classed with cotton and tobacco, in respect of the sacrifice the present policy compelled. Duplicity, meanness, and partiality were still charged upon the administration, and one retort led to another. Under Quincy, whose eloquence was powerful and his opposition pervading, the New England Federalists were better led in the House than in the Senate; the more so that the House champion avoided all distasteful apologies for Great Britain, and pledged himself to a spirited resistance of hostile edicts. He took the strongest ground possible for those he represented, namely, that our people ought to put forth force for maintaining their rights, and not withdraw into the shell to fight by manifestoes; that, whatever embargo might have been as a temporary policy, a permanent embargo would be intolerable.

Did Quincy sincerely favor the manly alternative, or was he selecting the most plausible means of effecting his present purpose? His later course aids history in forming a just conclusion. Doubtless Jefferson's experiment had now reached the pinnacle of danger. Set in motion, and fairly enough, too, as a first demonstration, a temporary expedient, embargo had disappointed as an ultimate weapon of coercion; yet for the war, which should come next in order, not the slightest preparation had been made. What was temporary, therefore, must needs last indefinitely, and we must continue to suffocate longer, waiting for chance to throw open the windows. Embargo was, to be sure, more economical than war, but war would have presented a direct object. The dilemma stood then, embargo, or war before we were ready, or a humiliating retreat. No wonder that Jefferson's brain reeled at the difficulties of the task; nor that the pride of a successful experimenter propped up the first experiment at his hands which truly faltered. Standing, however, upon the opposition side it was one thing to criticise the administration and another to substitute a satisfactory and successful policy. For leading the irresponsibles in the House, and goading the party which

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had the perplexities of power on its shoulders during the most dangerous crisis which combatants of modern times ever precipitated upon a nation whose interests were peace, Quincy was now and for years longer without a peer in Congress; his audacious invective, always logical, always constrained by a certain cool tact, which, like some steel wire, slender and invisible, kept him within the limits of circumspection. Randolph sank into a termagant beside him, though picturesque in every attitude. Quincy saw how at this stage to avoid committing himself upon the alternative of war by scouting the thought that such an alternative was entertained. "I am satisfied," said he, in his January speech, "that no insult, however gross, offered to us by either France or Great Britain, could force this nation into a declaration of war. To use a coarse but common expression, the administration could not be kicked into a war."*

1809.

The Force Bill passed the House, despite the dilatory tactics of the opposition, by 71 to 32, and in a night session, which lasted until the next morning's sunrise. The Senate promptly concurring in an amendment, the bill received the President's signature on the 9th of January, and became a law. This act extended the efficacy of the existing embargo by increasing the powers of collectors in making seizures, and freely employing the army and navy. A very ample discretion, almost autocratic, was reposed in the Chief Executive.†

1809. Jan. 5, 6.

Herein appeared the radical obstruction to this Force Bill. Embargo was in theory national; but American commerce, our great neutral carrying trade, was centred at the East; practically, therefore, embargo was sectional, and nothing leads to rebellion so surely as sectional discontent. The passage of this bill, followed in Congress as it was at once by a proposal to call out 50,000 volunteers, New England now received as the death-blow to liberty. In the newspaper columns of this section the Force Act was displayed in mourning, together with rebellious mottoes, such as "Resistance to arbitrary laws

* Speech, January 19th, 1809; Annals of Congress.

† Act of January 9th, 1809, c. 5.

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is duty to God."* Town meetings were held; some called for committees of safety and correspondence, most invoked the help of the State government. At a mass meeting held in New York city, over which the scholarly Egbert Benson presided, resolutions were passed condemning the new legislation, but, at the same time, discountenancing all forcible opposition. Less submissive was the strain of Boston. The old cradle rocked in town meeting with an assemblage of taxpayers, which adjourned over one night to complete its work, Thomas H. Perkins serving as moderator. Here two elements conflicted; Eustis and Blake, with the minority, trying to keep the public expression down to an inoffensive remonstrance, while Dexter and Otis carried their immense majority much further. A solemn memorial to the Massachusetts legislature was agreed upon; also a series of resolutions which declared embargo unconstitutional, and the raising of troops to enforce it a menace to liberty; and by which, moreover, the inhabitants of Boston were pledged not to aid in executing the Force Act, all who should do so to be considered enemies. The example of the aged General Lincoln, who had resigned the Boston collectorship from the desire, rumor said, not to be an instrument in executing the odious act, was loudly commended.† Boston merchants threatened to bring suit in State courts if their property was seized.‡

Jan. 23, 24.

The Massachusetts legislature reassembled for its winter session the day after the Boston meeting. Lieutenant-Governor Lincoln had become the chief executive upon Sullivan's death, but both branches being now Federal, as well as the Council, his recommendations were slighted. Anticipating the Force Act, Otis and Gore had written to Quincy and Pickering to know what Massachusetts ought to do; and in the letter of the former, which is still preserved, appears the earliest recorded suggestion of a Hartford convention, such as assembled under his own auspices at a similar crisis a few years later.§ The moment the force

Jan. 25.

* A quotation from Samuel Adams.

† See Centinel and other papers of the day. ‡ Ibid.

§ See Edmund Quincy's Life of Josiah Quincy; Adams's New England Federalism. Otis, in this letter of December 15th, 1808, proposes

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embargo became a certainty, Pickering, who was all wrought up with the new excitement, expressed to these and his friend Cabot the strongest approbation of New England unison and a New England delegate convention, asking further that the question of reserved rights be looked into for determining how far States might judge for themselves of constitutional infractions, and interpose their negative; the Bonaparte scare he used upon them to the utmost.*

Jan. 28. The Massachusetts legislature lost no time in taking up the report of a committee appointed, with Gore as chairman, the previous November. That report took extreme British ground in the present crisis, justifying England against France in the passage of her Orders in Council, pressing Congress to repeal the embargo and annul the treaty with France, and, in almost as many words, asking that the United States should abandon neutrality, arm their public and private ships, and take the ocean on the side of the mother country. This report was speedily accepted. To the governor's message the legislature responded with addresses

February. whose spirit, though expressed in cautious phrase, was nullification, the nullification of the Virginia and Kentucky Resolutions of 1798,† which these men had then condemned, while Jefferson and Madison approved. Upon the town-meeting petitions, which prayed for State protection, report was made that the Enforcement Act was "unjust, oppressive, and unconstitutional, and not legally binding;" at the same time all parties were urged to abstain from forcible measures. A solemn remonstrance was sent to Congress, and an address to the people of Massachusetts commending their united resistance to embargo and a war against

that Connecticut, declaring the Embargo Acts unconstitutional, shall "propose to their State the appointment of delegates to meet those from the other commercial States in convention at Hartford, or elsewhere, for the purpose of providing some mode of relief that may not be inconsistent with the Union of these States, to which we should adhere as long as possible." Should New York be asked to join? he added.

* Adams's New England Federalism; Pickering to Gore, January 8th, 1809. Cabot quietly suppressed some of Pickering's most excitable effusions. Cabot's Life.

† *Supra*, vol. i, p. 423.

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Great Britain.* Governor Lincoln was rebuked for detaching State militia under the President's circular to aid the Enforcement Act. Finally, a day was set apart for fasting and prayer, an observance in which the governor declined to participate.†

In Connecticut affairs tended, probably by co-operation, in the same rebellious direction; Governor Trumbull declined to detail militia officers under the President's circular in aid of the Force Act. He summoned the State legislature to assemble February 23d, and "interpose their protecting shield between the rights and liberties of the people and the assumed power of the General Government." This legislature having convened entered upon a course corresponding to that pursued in Massachusetts. Prominent judges and theologians began to foment a New England insurrection.‡ February.

Conservative Federalists, friends of the Union, in the Middle States were greatly alarmed by what they saw and heard at the eastward. The story was now divulged, for which Plumer, of New Hampshire, and John Quincy Adams vouched, that the Essex Junto in 1804 plotted with members of Congress for dismembering the Union. De Witt Clinton, in the New York Senate, of which he was now a member, made the

* See Annals of Congress, Senate proceedings of February 27th, 1809, for this document, which recites the former protests made against the present policy; representing the injury thereby inflicted upon Massachusetts interests, her commerce and fisheries. The memorial professes, as an impartial conclusion, to prefer a war against France than against Great Britain.

† 6 Hildreth; Boston Centinel and other papers of the day. Both the address to the people of Massachusetts and the remonstrance to Congress were agreed upon after the worst danger to be apprehended from the embargo was over. The remonstrance was received in Washington about February 27th. In presenting it to the House Quincy asked to have the documents printed, which was negatived. He made explanation that the Legislature of Massachusetts did not intend to decide on the constitutionality of a measure, but to express its opinion.

‡ See Adams's New England Federalism; correspondence of Reeve and others. Dr. Dwight preached a century sermon about this time, which made much comment, choosing as his text, "Wherefore, come out from among them, and be ye separate, saith the Lord."

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charge boldly, and to counteract the present Eastern designs, procured the passage of resolves by the legislature at Albany sustaining firmly the national policy. The present proof of such a plot was, however, scanty, and its production at this time served chiefly to make those implicated more circumspect in their movements.*

Now that the honest people of New England had been led so nearly to the point of rebellious outbreak, partly through the irreparable injury they suffered in property, but more, perhaps, by exasperating and persistent misrepresentations received from Washington as to the President's motives, a singular proof of the inconstancy of parties and party men was furnished. Federalism had swung over to State and reserved rights, Republicanism to a central authority, for the present emergency almost despotic. Pickering, who as Secretary of State would have put a halter about Logan's neck for his self-constituted embassy to France, is seen, when a minority Senator, interfering with foreign relations far more outrageously. Gallatin, once the secretary of a back-county convention in Pennsylvania which used language like that of the Boston town-meeting, is now the soul of the Force Act. Massachusetts stands where Virginia and Kentucky stood in 1798. One party resists the invasion of private rights of property just as the other had the infringement of personal rights. After all, in politics there are no positive maxims; or, rather, political maxims must yield to circumstances and the common-sense of each new exigency. That common-sense must be, after all, the conserving force under a constitutional mechanism so complicated as ours. The fundamentals in which American political parties differ remain a standing source of perplexity to monarchies, yet of those differences, whether reason or prejudice guides, we all partake. In one respect, at least, the majority of 1809 proved wiser than that of 1799; less obstinate and imperious, they quickly abandoned the untenable, and made the sacrifice of pride much lighter by making it in good season.

The downfall of this forcible embargo we must attribute most of all to the panic New England produced at Washing-

* See *supra*, p. 60.

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ton. "Eggs of sedition" was the angry epithet Governor Lincoln bestowed upon the insubordinate town-meetings of his own State. How the resolutions of these New England towns pelted and pattered upon the bewildered administration Jefferson never forgot. On the coach-box through the blinding storm, but with the reins handed over already to his successor, he played the anxious spectator, though still responsible, and blamed others for doing that which he himself saw no means of preventing. Congress caught the horses by the head and the mild Madison pulled up. New Cabinet combinations had influenced this result, combinations hostile to Gallatin, and which would gladly have left him under the load. In a Congress responsive to the voice of constituents, Lyon, Sloan, Story, Macon, and other House members, who were reckoned among the supporters of the administration, had, even in advance of the Force Bill, shown themselves decidedly opposed to anything like a permanent embargo; and soon after the passage of that bill appeared decided symptoms in Nicholas and others of a disposition to get rid early of the whole harsh policy, with, perhaps, the issue of letters of marque and reprisal, or, as Bacon, of Massachusetts, suggested, the arming of merchant vessels instead.* An early session of the next Congress was fixed upon, to commence May 22d, which seemed to prolong the present experiment, not without reckoning a point of final limitation at which offensive retaliation would begin, if neither belligerent gave way. But so rapid was the revolution of opinion, chiefly among the New England and New York members, that Madison could not hold his party in Congress to their earlier resolve. The alarm of a New England insurrection and Junto plots was spread by Story and young Adams, the ex-Senator first communicating with Giles and others in correspondence, and afterwards in confidential personal interviews, upon arriving at Washington. Members suddenly changed. The administration Feb. 2, 3. was defeated in the House by 73 to 40 on the test of fixing June 1st as the day for removing the embargo; March 4th was substituted. Caucuses now ensued, by which

* The Adamses had favored this same arming of merchant vessels. See John Adams's Works; John Quincy Adams's Diary.

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the Republican majority rallied under Giles's efforts to a sort of compromise. Violent remedies, like letters of marque and reprisal, were discountenanced; the embargo was to be raised early in March, except as to Great Britain and France; the war preparation to continue; non-intercourse to be established with both Great Britain and France. Laws were passed accordingly. And thus did Congress hold to a policy of neutral retaliation by restrictions, while forsaking an experiment which had caused much sacrifice of American capital, but whose actual infliction is not to be judged without estimating what losses our mercantile marine must inevitably have suffered without it.*

Whatever unpardonable weakness our government might have displayed by retreating as if panic-stricken from the embargo policy, the new Non-intercourse Act substituted certainly two desirable features. It put both belligerents under the same ban (thus disposing of the pretence that France and the United States had leagued against Great Britain) and permitted the President to suspend prohibitions as to either nation. For the Erskine negotiations, now in progress, of which the public were ignorant, this policy, though not of Madison's first choice, promised favorably. By reopening trade furthermore with the rest of Europe it was believed that foreign powers, neutral at heart, would be encouraged to assert themselves. Nor were there friends of embargo wanting who thought that if our merchants wanted so much to dare all the risks of capture, it was better to indulge them until foreign spoliations should chastise them into an American spirit.†

Both Jefferson and Madison, conscious as they were of maintaining in fact, as they certainly had in theory, neutrality and the rights of the American carrying trade, thought this enterprise too much bloated, too protuberant, for the peace of the nation, exposing us from foreign rivalry to constant menace and insult. Jefferson felt convinced that Great Britain meant

* See Annals of Congress; Jefferson's Works, February, 1809; 6 Hildreth; Acts of January 30th, 1809; March 1st, 1809. The raising of embargo took effect March 15th.

† See Madison's reasons given to Pinkney in detail; Madison's Writings, February 11th, 1809.

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to drive that trade from the ocean. He did not think American agriculture and manufactures ought to be sacrificed for commerce, but that a just balance should be preserved between the three. His present idea was to encourage home manufactures to the extent of our own consumption, assured that our surplus agriculture would still give commerce enough employment.* To New Englanders of that day this might have seemed a Chinese policy, but their posterity became converts.

John Adams, stirred to the liveliest interest in passing events, had given some valuable advice from the storehouse of his own experience. He agreed with Congress in resisting the arbitrary edicts of France and England against our neutral commerce, and more still in reprobating the British impressment of our seamen, the most groundless European pretension of all. He thought we had received from Britain greater injuries than from France; but, in his opinion, non-intercourse and the like coercive expedients would not answer expectations. It was a national error to rely so much upon them, and those much-vaunted measures of 1774 had been chiefly valuable in uniting the American people. Our navy, he thought, ought to be strengthened at this time and fast-sailing frigates built, for America could never be respected by foreign powers until they and their commerce were impressed by our resources.†

It was still exceedingly difficult, however, to persuade a Republican Congress to launch into outlay or provide warlike means commensurate with the ends proposed. Story made a forcible speech in the House for the increase of the navy; but Congress only consented, and that with reluctance, to the fitting-out and manning of four frigates.‡ It mattered little that foreign commerce had been the great source of our national revenue, and that to protect that commerce the present navy was utterly inadequate. The plain preference was to fight Great Britain by land; to penetrate Canada, if it became needful to fight her at all. Expenditures and heavy loans

* See Madison's and Jefferson's Works, November, 1808; February, 1809.

† John Adams's Works, December 26th, 1808, to Speaker Varnum.

‡ Act of January 31st, 1809

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were postponed in view of the approaching extra session of a new Congress. The Senate reduced considerably the House appropriation for works of defence, and suppressed the bill for 50,000 volunteers.*

For better accommodation the Senate came into the new Representatives' Chamber, in the detached south wing, on occasion of this electoral count; the Speaker preserving the dignity of the popular body by relinquishing his chair of accord to the President of the Senate, so as to avoid all punctilio as to rightful precedence. Madison and Clinton were declared elected to their respective places.†

So much of this animated session of Congress had been absorbed by the embargo policy that only one domestic act of consequence passed, namely, for dividing the Indiana Territory, so as to establish two separate governments,—all that part west of the Wabash River to be thenceforth known as the Territory of Illinois.‡

In the retiring President's message was noted the turn our commercial suspension had given to American industry by encouraging the investment of capital in home manufactures; a new condition of things, which, with cheaper materials and protecting duties, he thought might be made permanent.§ A halo of prosperity encircled this administration to the last. Revenue losses by the embargo falling, as they would, under the next annual account, the receipts for 1808 showed a total of nearly $18,000,000. This was the culminating point of our national income, in fact, until wars were fought and ended. Under Jefferson's rule about $33,580,000 of the public debt had been paid. The year 1809 opened with a handsome surplus in the treasury above all the public indebtedness capable at present of being cancelled; a surplus, alas, soon to disappear. Upon what new era of magnificent internal improve-

* Annals of Congress.

† Ib. John Randolph was very strenuous that the House should not yield here its dignity to that of the Senate.

‡ Act of February 3d, 1809.

§ Numerous petitions for protection to specified mining and manufacturing interests were presented at this session, but not acted upon.

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ments might not this Union now have entered but for the flight of dovelike peace, who had brought all these blessings? Cool waters rose to thirsty lips, stopped, and turned; to Gallatin, who marked them inching away, to Jefferson too, this was the disappointment of a public life.*

Notwithstanding the embargo convulsion, loving and respectful tributes flowed in upon Jefferson at this time from every quarter of the Union except the Eastern; from state assemblies, and religious and political societies. These tributes he severally acknowledged; but his only farewell address was embodied in the opening message we have alluded to, which he meant for his valedictory, feigning himself already at the end of a term for which he declined to be further responsible. Here he expressed his gratitude for the repeated proofs of confidence each Congress under his two administrations had shown, and his fellow-citizens generally. Errors he admitted; but these had been of the understanding, not of intention, and the advancement of the rights and interests of his fellow-citizens had been his constant motive. "On these considerations," he continued, "I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that, in their steady character unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness."†

Undoubtedly this winter's trial was the sorest of Jefferson's life. His experiment failed, and with it hopes of peace and development dearly cherished. He had sunk in public estimation as the wizard, long infallible, who fails palpably at length to perform the expected miracle. Like the old Archbishop of Gil Blas, he was conscious and sensitive; he loved applause, and applause had confirmed him in his opinions.

* Jefferson's Annual Message, November, 1808.

† See President's Message, November, 1808.

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He left the cares of office in March, weary, disappointed, glad to escape them.

But Jefferson was too much of a philosopher to take the little vicissitude long to heart,* too closely bound to his successors not to influence them, and too deeply rooted in the hearts of the people not to regain popularity the moment there was chance for comparison. Randolph likened this second term to Pharaoh's lean kine, which swallowed the fat ones; and yet, to correct the simile, it was nearly seven years of plenty to one of famine. But that year of famine was his last, and it is the final exit which gives *eclat* to an administration, or denies it. In the five more years of misery which ensued, thousands learned to look back with fond regret upon the earlier prosperous era of peace and Jefferson. His inspiration and counsel aided the country still; but the firm, yet delicate touch of his leadership was missed.

It would be strange, indeed, if statesmen so intellectual and penetrating as the foremost among Jefferson's political adversaries should not have marked correctly the chief blemishes of his character. Blemishes there doubtless were. As connected with our national history and that of great political parties, however, he is set, like a box within a box, by the sequence of events, showing the worse exterior first. We see him a pessimist out of authority; then an optimist in the plenitude of authority; pulling down the great in the former instance, in order that the humble might rise to their share of public influence, but in the latter mainly occupied with solving those benevolent human problems which the success of such a plan forced upon him. Hence he seemed interested and pushing at one time, but singularly disinterested and high-minded at another. He had seen his political opportunity, organized his forces, and risen; but motive power consisted in the expansive force of the ideas with which he had put himself in sympathy, so that his rise was not that of personal ambition, but as natural as that of a piston-rod which moves the ma-

* "I have learned," he said in his first inaugural address, "to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it." Jefferson's Works.

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chinery. While leader of a party on the aggressive, seeking the stronghold of power, Jefferson was wily, insinuating, supple, ready in resources, one who studied the weaknesses of opponents to profit by them, and who, in cultivating the common votes for his side, assiduously, but not meanly, displayed the art in which they were most deficient; in short, a man of management and persuasion. Over a patrician party he gave plebeians an advantage at the polls, which no change of party names and issues has ever reversed. And though, as chief magistrate, giving himself unreservedly and with remarkable success to inspiring the widest confidence, so that Republicanism might stand for the whole American people, Jefferson was ever after cumbered by his peculiar methods, which, tried upon the great European powers afterwards, resulted in the best diplomatic conquest and the worst diplomatic defeat of his administration.

Jefferson's faults of character: dissimulation, intrigue, adroit management, a certain art of drawing the chair from under a foe instead of striking him down, and a disposition to exonerate himself from blame under all circumstances, and even though employing others to detract, the careful reader has already detected. In political methods he was more of the French than English school,—plausible and diplomatic, instead of curt and offensive. But he was sound in his faith; sincere and attached as to all followers; remarkably tolerant except towards such as had provoked his revenge, and these he spared not on opportunity. His innermost wish was to be friends with all, friend of the people, and the love of popularity disposed him to temporize. He was an idealist, but enough of a statesman besides to understand that mankind are more won by facts than theories. In general direction he never swerved; he led by flights, drawing the multitude after him, not soaring as the lark above them. To such a statesman the best attainable for the times is the best; he errs with his age, but he advances it.

Contemporaries charged Jefferson with being pusillanimous, and asserted that his talent was a knack of shunning danger. For assault and battery, for organizing brute force, facing bullets, and trampling carelessly through carnage this sensitive

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and sympathetic nature was doubtless ill adapted; but as for the fibre of moral courage, the Declaration and '76 speak to all time. The man who challenged his king in youth, and risked with compatriots a traitor's doom, endured contumely through the political excitements of 1799 without flinching. In the Barbary war, the suppression of Burr's conspiracy, the assertion of American rights against foreign powers,—nay, embargo itself,—he showed himself a strong executive, constant and firm. Yet we shall admit that for marshalling a nation in battle array Jefferson compared unfavorably with Washington, even perhaps with Adams. He had not the military instinct. He could arouse but not lead to action. He clung to persuasion and philosophy. War leaders carry discipline into the cabinet, but peace leaders find their philanthropy out of place in the camp. There is something pathetic in the tenacity with which Jefferson for years pursued his futile expedient of conquering without showing fight; determined not to yield to foreign injustice, but ruined in private estate partly because of the course he took to withstand it.

Jefferson's original character has most powerfully contributed in forming that of his country. Liberal education, liberal politics, liberal religion; a free press; America for Americans; faith in the simple arts of peace, in science and material progress, in popular rule, in honesty, in government economies; no kings, no caste, room for the oppressed of all climes; hostility to monopolies, the divorce of government from banks and pet corporations; foreign friendship and intercourse without foreign alliances; the gradual propagation of republican ideas on this western hemisphere while gently forcing Europe out; meagre force establishments, meagre preparations for war in time of peace, the preference of militia and State volunteers for defence in emergencies rather than national troops and prætorian guards; faith in the indefinite expansion of this Union upon this continent,—all this, though others inculcated some of these maxims too, is Jeffersonism, and Jeffersonism is modern America.* The States as a reliance

* The germ of the "Monroe doctrine" of later development is thus early seen in Jefferson's correspondence, in view of the Spanish uprising against Bonaparte, and its possible effects upon Cuba and Mexico, which

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against central consolidation experience approves; and only in the sentiment of nationality and stronger national establishments has the Union outgrown Jefferson, or rather the Jefferson of 1799. Jefferson had the enthusiasm of the future, and knew how to communicate it. Ideas impress most through the individual who stands for them; and in Jefferson was personified, for the first time, the American idea in its full expression against prejudice, timid conservatism, historical experience, the cherished traditions of Europe, the French Revolution, and the armed potentates of the world.

Jefferson, therefore, though no warrior, had the highest essentials of a philosophic statesman,—lofty conviction, earnestness of conviction, endurance of conviction, skill in impressing his conviction. The candid, who differ from him, allow the broad philanthropy of his policy, and this in spite of visions and fallacies, though pacified Indians might raise the tomahawk once more and peace-makers shoulder the musket. He truly worked to deserve the good-will of mankind by doing mankind good. Peace, not pride, was the fundamental of his system; the less of government the better; live and let live; trust the good of man's nature rather than repress the evil; give the freest possible impulse to the bounding spirit of liberty.

One striking trait in Jefferson was his serenity of temper. He believed little could be gained by angry discussion. He was no orator. He seldom committed himself passionately to paper, though always feelingly. In conversation and personal intercourse his good humor was contagious. He would turn from politics to science and the crops, and when perplexed to the utmost in the embargo summer of 1808 corresponded with his friends upon the beauties of the French metrical system. "I have never," he truly said, "suffered political opinion to affect my private friendships; some have deserted me on this account, but I do not desert others."*

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he is well satisfied to leave in their present dependence. "We consider their interests and ours as the same, and that the object of both must be to exclude all European influence in this hemisphere." Jefferson's Works, October 29th, 1808.

* See Jefferson's Works; Domestic Life of Jefferson, 317–321.

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To confirm this last remark two memorable instances are in point, which, dating near his retirement from office, may be mentioned. The impetuous but chivalric Monroe, who had been distanced for the Presidency by a neighbor, less popular, perhaps, but more deserving, for the moment betrayed anger, not with the latter alone, but with their common chief; but Jefferson, who might well have rebuked, soothed him like an affectionate father, persuading him of his friendship, and thus gradually brought about that full concert and reconciliation between Monroe and Madison which was so auspicious to the nation. And once again, by laying hold of opportunities, while in and out of office, Jefferson rescued the perishing friendship of his life-long friend, John Adams;* and the country long enjoyed the glad spectacle of their two surviving ex-Presidents united in brotherly ties and in the substantial support of their successor's policy throughout a most perilous era. An intimacy of great and patriotic souls more touching was never seen. Hand in hand these gray-haired sires of '76 went down the declivity of life together, discoursing as they grew old of things past and to come, this world and the next; and through those dread gates which never swing inward they passed out into broad eternity, lit, as they vanished, by the rays of the same independence sun.†

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* Jefferson treated John Quincy Adams very civilly. See Memoirs of John Quincy Adams. A correspondence conducted without John Adams's knowledge, which was drawn on by a letter from Mrs. Adams condoling with Jefferson on the death of his daughter, produced a good effect in this direction, though terminating at the time unsatisfactorily. Through Dr. Rush, in 1811, a direct friendly renewal of intercourse was finally established. See Works of Adams and Jefferson, 1803–11.

† Both Adams and Jefferson died July 4th, 1826.

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CHAPTER VII.

THE UNITED STATES OF AMERICA IN 1809.

NEVER in modern times had government come to exert such positive influence with so little of coercion as in this republic during the latter part of Jefferson's administration, and immediately preceding the Embargo. Those are happy years to look back upon, happiest perhaps in the educational aspect and a conscious broadening of the national spirit. A parting radiance, indeed, lingers about this second administration of Jefferson, to be remembered like that of the last sunset before a storm at sea; it was a miniature golden age of American history.

What, Europe might have asked, was this ambitious young neutral across the seas, confident through inexperience, which had so boldly seized the carrying trade and now demanded the right to prosper by it, enforcing its argument with neither bribes and obeisance on the one hand, nor fleets and armies on the other, but as if to persuade the jealous to be just? To answer such an inquiry, let us suspend our historical narrative for a single chapter.

I. *Population, Boundaries, and Area.*—Our census for 1810 showed a total population more than twice that of the old thirteen at the peace of 1783, and fairly justifying, with the later statistics to 1861, an estimate once made by Franklin, that the United States would double in the number of inhabitants every twenty-five or thirty years.* With such a rate of increase, to which the older civilized countries furnish no parallel, the United States sixty years later surpassed Great Britain and nearly reached an equilibrium with France in home population.

* See Parton's Benjamin Franklin; United States Census Tables; also Commissioner F. A. Walker's Report for 1870, etc., showing for the first time a marked decline in the decennial ratio, from about 33 to 22 per cent.

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Of our total population in 1810, which fell slightly short of 7,240,000, the white race numbered 5,862,000, and the colored 1,377,000; only 186,000 of the latter being freemen. Indians not taxed were, as usual, omitted from the census. In every part of the Union the advance had been rapid since 1790; not equally so, however, for New England had lagged during the second decade, the ratio of increase being somewhat larger in the Middle and most of the Southern States, and prodigiously so at the West. In the new States and Territories beyond the Alleghanies and the Atlantic declivity, indeed, the increase of population for twenty years had been marvellous.

We have seen* that the western portions of New York and Pennsylvania grew rapidly during the last ten years of the eighteenth century. In most of the older States, from New York to Georgia, the progress of the backwoods settlements might be traced by a large tier of newly formed counties, reclaimed from the wilderness. Since 1800, however, the Northwest Territory had most attracted immigrants,—Washington's policy having procured the British posts there and conquered an Indian peace; Jefferson's strengthening our harmonious relations with the Indians while extinguishing their title. The first census of Ohio was reckoned in 1800, shortly before it became a State; and during the next ten years its rate of increase was more than fivefold, exhibiting in 1810 a population of 230,760 inhabitants, thriving and happy, not a slave among them. South of the Ohio, Kentucky and Tennessee, with a moderate slave population, had been the earlier scene of this remarkable swarm into the Mississippi Valley. Kentucky increased more than threefold between 1790 and 1800; but from 1800 to 1810 Tennessee outstripped her in ratio, somewhat more than doubling during those years. The Louisiana purchase had lately drawn another multitude to the lower banks of the Mississippi and New Orleans, where the growth was quite rapid. Of great names commemorated by our Western settlers in christening towns and counties, those of Washington and Jefferson appear to have been the favorite ones, Frank-

* Vol. i, p. 224, etc.

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lin's being also remembered. It is not a mere fancy that the dominant sentiment, at different epochs of our settlement and national growth, may be traced by following the devious lines of migration inward, and observing the appellations dropped like seed-corn on the way.

For its rapid increase in population the new Union owed far less to foreign accessions than might have been supposed, there being probably only an average of 5000 annual arrivals from abroad during the twenty-five years which preceded the general peace of 1815. But of children born on the soil, the number was very great; and we may estimate the annual births as more than double the deaths, though vital statistics were far from exact; human life here was long, and marriages were more common and more prolific than in England.* Annexations of territory, notably the Louisiana purchase, brought some trifling additions to the national population.

With the French cession of 1803 the boundaries and area of the United States had wonderfully expanded. What those boundaries and that area, however, could not yet be clearly determined; but, undoubtedly, the Mississippi River had changed from a western confine to the central highway for a vast internal traffic, its great tributaries being embraced within our exclusive domain. Whether the Rocky Mountains had become the new western limit was more uncertain, and for the time nature held the key to their hidden treasures. But nothing short of the Pacific Ocean and an entire belt across the continent would have satisfied the national ambition; and to silent Oregon a prior exploration of the Columbia River by an American vessel in 1792 fortified our title against all who might care afterwards to dispute it.† The new map of the United States left Great Britain and Spain the sole bordering powers; these, too, widely separated, and interested only on behalf of colonies, we had no reason to fear.

The Louisiana acquisition, our greatest, but by no means our only one in the course of the present century, had actually given the United States the largest home territory of all the civilized nations upon earth except Russia, comprising very

* See Bristed's View (1818); Inchiquin's Letters; Morse's Geography.

† 4 Hildreth, 277.

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nearly 2,000,000 square miles. The Roman Empire, at the meridian of its glory, showed a less magnificent space, and, unless estimates failed, the most numerous polished society ever before united under one system of government would, on the American continent, be outstripped in little more than a century.* But while the mistress of the Old World ruled nations discordant in language and institutions by the glory of arms and a despotism intelligently directed, the rising energies of the New would exert a similar sway over States, homogeneous for the most part, whose inhabitants were bound to the central government and to one another by a network of strong but invisible ties, and whose whole jurisprudence reflected the image of reciprocal example.

II. *The States and their Political Institutions.*—How homogeneous was the American population at this early age, the reader may better gather by a brief glance at the State constitutions, which, republican in form, as the fundamental compact required, have never ceased, though independently formed, to approach one another in essentials.†

In 1809 the American Union, which was constantly budding, could number seventeen full-blown States on the stalk,—Vermont, Kentucky, Tennessee, and Ohio, besides the old thirteen.‡ In eight out of these seventeen States the fundamental law had not been essentially altered since the constitutional government of the United States went into operation: Rhode Island and Connecticut, where colonial charters still served as the political basis; New York, New Jersey, Maryland, Virginia, and North Carolina, whose constitutions had been framed under the first impulse of American independence; Massachusetts, whose constitution of 1780, drawn out with greater care and prolixity, was a model of its kind. Since 1789 nine States had framed new constitutions,—Pennsylvania, South Carolina, New Hampshire, Delaware, Vermont, Tennessee, Kentucky, Georgia, and Ohio. Kentucky

* See 1 Gibbon, Rome, cs. 1, 2, which estimates the Roman Empire, in the age of the Antonines, at above 1,600,000 square miles, with a population of about 120,000,000 persons.

† See Constitutional Publications; Niles's Register, 1811, *passim*.

‡ See vol. i, p. 1.

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framed a constitution in 1792, and revised it in convention seven years later; amendments to fundamental law have been introduced elsewhere by simpler process, however, until, in some States, the patch becomes greater than the original garment.

These State constitutions, and particularly the later ones, strongly resembled one another and the Federal Constitution in leading respects. The rule laid down by Montesquieu, namely, that the three great functions, executive, legislative, and judiciary, should be kept separate, had passed into an American maxim. The Old World gave little heed to this maxim, and in colonial times both Massachusetts and Connecticut had recognized a sort of legislative court of appeals, after the English custom, whence the style of "general court" was still bestowed upon the legislature; while New York mingled the various functions much later. Each State possessed a single executive and an independent judiciary, with appellate and inferior courts, and every legislature except that of Vermont consisted of two houses.

In the Southern Atlantic States, inclusive of Maryland, also in New Jersey, the State executive or governor was elected either directly or indirectly by the legislature. The other eleven States gave the choice of governor to the people. In general only a man of property was eligible to this office, or, as most constitutions expressed it, one who owned real estate, a freeholder. Qualifications of residence and age, as under the Federal Constitution, were commonly applied to the executive, as likewise with reference to legislators; and, in Massachusetts, no one but a professed Christian could be governor. The executive term, usually fixed at one or two years, extended to three years in New York, Pennsylvania, and Delaware, and in Kentucky to four. In States most under Virginian influence the tendency was to check re-eligibility, and favor much rotation in office; a practice which had not strictly prevailed as to the President of the United States.

The executive generally, but not universally, possessed the veto power; that important discretion being confided in New York to a council of revision, in which the supreme judges of the State participated. Another anomalous provision of the

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New York constitution we have already noticed, namely, the council of appointment, which made award of the State patronage as an irresponsible directory, often overriding the wishes of people and governor together, until finally abolished in 1823. Late constitutional changes in other States had favored rather the independence and individual responsibility of the executive, both as to the veto and appointing power.

The uniform tendency of political government in these United States has been that the legislature absorbs the chief functions, and encroaches upon the other departments. Corruption and fitfulness are the great dangers to which an American legislature is exposed; and hence, fittingly, the constitutional requirement in all the States except Vermont that the legislature should consist of two houses; a provision which, to Pennsylvania and Georgia, was the fruit of experience, and which Vermont likewise adopted after a time. But as between these two houses no such solid basis of distinction could be contrived as gave symmetry to the British Parliament and the American Congress. They who sought to make the smaller house represent aristocracy, land, or wealth, found the idea too unpopular to prevail; and, accordingly, our State legislature, with its two branches, now stood for little more than a double friction upon law-making, the component of popular constituencies, one larger, the other smaller, with, perhaps, a difference in modes of choice or the length of the term of membership. The New England plan of electing senators by counties, and representatives by towns, at this time prevalent, made, perhaps, the soundest distinction practicable; but even that distinction has since been generally abandoned.

As for the right of popular suffrage in the choice of executive or legislature, this had by no means been freely conceded in America as early as 1809; while, as we have seen,* the fundamental idea of the Federal Constitution was to abide by the discretion of the several States in this respect so far as national elections were concerned. They who claim that "taxation without representation" was the political wrong of the mother country against which the American Colonies re-

* Vol. i, p. 42.

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belled, are in error if by this they intend that an individual or popular representation was sought in Parliament, and not rather the representation of colonies or whole communities. Unless Massachusetts as a colony was represented in laying the tax, Massachusetts as a colony ought not to be taxed; but that no one in Massachusetts should be taxed unless he had a voice in electing such a representative would have been thought an absurd claim in '75. The essential principle of deputy representation, such as prevailed in our own Continental Congress, and was claimed from Parliament as a fundamental right of British colonists liable to taxation, is as old at least as the Amphictyonic Council; whereas popular representation, or that conferred by poll suffrage, is wholly modern, and to this day finds certain limitations imposed of sex, age, and condition. State legislatures chose deputies to the Continental Congress; the Continental Congress made requisitions upon the State. Much farther removed from universal suffrage and mathematical representation, we may well conceive, was the first quarter of this century than the fourth. As for Great Britain at this time, whose colonies could never be regarded as on a par with the home population, rotten boroughs ruled the House of Commons. The French legislative corps was but an emperor's echo, like the senate of the Cæsars. Our American States had, perhaps, the purest representative systems in the world, both in theory and practice; and yet poll suffrage, a democratic idea, was coming very slowly into favor; the older constitutions conferred the franchise only on property, many of them adhering furthermore to the British idea that only landholders should vote. In South Carolina a peculiar arrangement of election districts gave the wealthy and aristocratic the decided preponderance; in scarcely more than one-third of the States, and these chiefly the new ones, all agricultural in interests, had the property qualification been so far sunk that manhood suffrage really prevailed; though in that direction was the sweep of the general current.*

Religious tests, formerly so prevalent in politics, had now begun to disappear; but in the effort to reconcile bigots of the old school with modern free-thinkers, much dubious phraseol-

* See American Constitutions; Niles's Register, 1811.

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ogy was still employed on this class of legislation. The clergy were by some constitutions excluded from the State legislature; if not from office-holding altogether. Such were not the ideas dominant in New England in this respect; but peculiar disqualifications here existed, as, for instance, that of Harvard College professors, under the constitution of Massachusetts. Discriminations against free blacks, as to suffrage and office-holding, were not infrequent. In several States the Federal plan was imitated of basing the legislative representation upon a periodical census of inhabitants. Frequent elections, and frequent though short sessions of the legislature, was the American rule at this period. In New England the legislature, in both branches, and the governor, were annually chosen in the spring. Tennessee had a biennial legislature; in most other States the less numerous branch held by the longer tenure.*

Although the bench furnished a spectacle by no means imposing in the newer settlements, the course of justice was respected, and the judiciary on the whole was an able, fearless, and incorruptible body of men. American talent and ambition were directed to the legal profession in preference to all others, and constituted a bar, conservative and influential, which supplied the country with both statesmen and jurists, and influenced all the great public movements. In seven States judges were appointed by the governor upon the advice and consent of a council or senate; in the others the legislature elected them. The former mode still prevailed in States having the largest cities and whose legislatures were most exposed to dangerous solicitation. In North Carolina the legislature elected upon the governor's nomination. Judicial tenure was for good behavior in eleven out of the seventeen States, as in the National Government likewise; but other States, Ohio among them, prescribed a term of years, seven being an average limit. Impeachment was the general mode of removal from office, but an obnoxious judge not amenable to such process might, in several States, Massachusetts for instance, be unseated, instead, upon concurrence of the governor and legislature. New Hampshire permitted no judge to hold office

* Niles's Register, 1811.

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beyond the age of seventy, while New York disqualified at sixty; a provision later memorable from the fact that our American Blackstone composed and published his four volumes of *Commentaries* after he had been thus compelled to vacate the chancellorship of that State.* Hitherto English maxims of judicial independence preponderated in America, together with the body of jurisprudence. But the tenure and method of judicial appointment so readily incorporated into our national system had, during the late commotion of parties, been rudely shaken. The porcelain of the judiciary dashing upon the iron of the legislature, it fared hard with obnoxious judges; they were impeached, they were lopped off in a body by acts which professed to reorganize the courts. The sober respect of the community for justice and the laws, not their own defiant security, has ever since been the mainstay of an American judiciary; old theories of a bench superior to public clamor having seriously weakened. Nevertheless in 1809 not a State in the Union subjected its judges to the test, since so common and so fallible, of a popular election.†

Two salutary constraints upon legislative tyranny under this American system were the veto power and the limitations of a written constitution. By means of the former, an executive, State or National, could defeat any new law upon which two-thirds of both houses failed to unite against him; under the latter the proper court of appeal might thwart by the machinery of justice any law which contravened in its solemn opinion the body of fundamental law. Political controversies and infringements, State and Federal, might hence cause courts of differing jurisdictions to collide with legislature or Congress or with one another; but should blind judges encroach thus upon popular liberty, these were likely to suffer in

* See sketch of Chancellor Kent, United States Jurist, 1871; Niles's Register, 1811; Constitutions.

† Jefferson's own views underwent considerable change upon this point of an elective judiciary. In earlier life he had favored the election of judges by the legislature, which at this period was the Virginia rule. But experience turned him against it, and in 1816 he thought executive appointment preferable; at the same time expressing himself favorable to what was then the new idea of a judiciary elected by the people. See American Law Review, October, 1873; 7 Jefferson's Works, 9.

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the end, so resolute was the popular will. Strange and abstruse as all these constitutional inquiries might seem to a British barrister, whose Parliament, it was said, could do anything except to make a woman a man or a man a woman, the British courts, favored by the greater ponderosity of legislative machinery, by their own independence, and the general respect Englishmen entertain for unwritten law, built up a jurisprudence of precedents more boldly than could have been possible under the American system, where all power was subdivided and the public vigilance was constant. For American courts expounded statutes and considered their constitutionality, while British courts moulded statutes by construing them at pleasure.

Our State constitutions, republican in form and essence, breathed humane sentiments, expressed in the so-called Bill of Rights. Whether the language was always adequate or not, the ideas thus inculcated have crystallized into an American creed; the Federal constitution with its earlier amendments copying from the older States, the younger States copying from both, some of the phrases originating in the British Bill of Rights of 1689. Freedom of the press was enjoined; freedom of religion, freedom of the person, immunity from arbitrary search and arrest, the sanctity of trial by jury; excessive bail was prohibited, all punishments disproportioned to the offence, standing armies, bribery, hereditary and perhaps double offices, titles of nobility, civil pensions, confiscations and penalties entailed upon innocent offspring. States differed, however, in some of the lesser details. The Roman idea of censorship and the Jewish of a seventh year of jubilee, might be traced in some of our local charters, notably that of Vermont, which favored the plan of revising the State constitution every seven years; but the later rule in the States conforms more closely to that of the Federal constitution, so as to permit rather of special constitutional amendments or a constitutional convention whenever it might seem desirable to alter the fundamental law.*

Except when called into actual service of the United States,† the militia of each State was to remain under control

* State Constitutions; 11 Niles's Register.

† See Constitution of the United States, vol. i, p. 509.

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of the State governor as commander-in-chief; the organization itself being purely voluntary, and militia companies choosing their own officers.

In the distribution of sovereign powers under our complex system the General Government was omnipotent for certain defined purposes essential to the well-being of the whole people, and moved in its outer orbit, while the States, describing inner independent circles, held the more intimate concerns of the individual citizen in trust, each with respect to its own jurisdiction guarding the family relation, moulding the laws of property and contract, taking cognizance of private wrongs and the breach of private engagements, creating municipal and other corporations, and dealing with crime and pauperism. Discrepancies in State policy and interstate conflicts were inseparable from such a system; but National example and the insensible tendency among States themselves to harmonize their institutions lessened this difficulty. In the latest State constitutions the right of citizens to migrate from one State to another was expressly recognized. Freedom of the individual, a gift which the most polished nations of antiquity failed to confer, and which in the highest type only a spirit of Christianity supplies, was the essential spirit of the American constitutions. The Grecian and Roman citizen lived for the State, the American State lived for the citizen.

III. *National Occupations and Resources.*—By far the greatest interest in the United States in 1809, with respect to the number of inhabitants engaged, was the agricultural; a circumstance which doubtless enhanced Jefferson's popularity when others assailed him as an enemy of commerce for agriculture's sake. Our chief exports were agricultural, according to the best estimates; while as to the necessaries of life the American people were self-supporting. 1807 and 1810 were years remarkably prosperous for agriculture. Cotton, so insignificant a product in 1791, was king already, while the world's market stood open; the crop exported in 1810 being worth over $15,000,000, and South Carolina finding this her most valuable export.

Our great varieties of soil and climate gave rise to a cor-

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responding diversity in the agricultural products of different States and sections. The chief staples of the North which supplied a foreign market were wheat, flour, Indian corn, rye, beans, peas, potatoes, beef, tallow, and hides; those of the South, rice, tobacco, cotton, and indigo. Horses and horned cattle had steadily increased in the United States since 1784. New England was more a grazing than grain-raising region; Massachusetts, as the Embargo showed us, importing most of her wheat from the Middle and Southern States; nearly every independent farmer had his orchard, and apples were plenty; but peaches and delicate fruits did not thrive. Connecticut, however, was a garden State, and the valley of the Connecticut River rewarded the laborious husbandmen far better than the Eastern coast, which felt the chilling salt breezes from the ocean. While New England sent to other States lumber and cattle and the skilled products of the dairy, besides feeding a large home population otherwise occupied, the Middle section, whose inland forests had fast disappeared, constituted the great wheat-raising region for both foreign and domestic supply; the plentiful orchards, cattle-pens, and kitchen-gardens of New Jersey having access to the two largest cities in the Union. A rich soil rewarded the plough in this quarter of the Union, and the sturdy farmers plodded their way to a competence. Cereals were cultivated and swine were fed in the more mountainous parts of the South and on the borders, but the planters in the midlands and lower slopes nearer the ocean devoted almost their exclusive attention to the staple products of negro labor, for which there was an immense demand. Despite a soil displaying a great variety of indigenous grasses, South Carolinians accordingly imported most of their hay from the North by packet vessels, gave no attention to making pasture and meadow lands, used few implements of husbandry, and those of the simplest kind, and fed their cattle in winter on leaves and blades of Indian corn and rice. Tobacco, the chief staple of Maryland and Virginia, had so exhausted the soil, that in these States planters tried other experiments, such as the breeding of horned cattle and blood horses, and about the time of the Embargo of merino sheep. The pitch-pine with its products brought profit to North Carolina; and South Caro-

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lina's malarial swamps yielded a most valuable grain of commerce. But it was the down of the bursting pod that revealed the golden touch to the Southwest, and the cotton-belt of plantations was now rapidly extending from South Carolina and Georgia to the banks of the Mississippi and the Gulf region through a flat and sandy territory.

Grapes of luscious flavor, oranges, and olives were as yet scarcely known in American neighborhoods best adapted to their culture; nor was attention yet bestowed upon the manufacture of native wines. Sugar cultivation excited some interest among planters of large means, but only in the vicinity of New Orleans would the cane thrive. The sap of the maple furnished, by way of substitute, a New England product for family consumption. Flax and hemp were cultivated at the North, but not extensively.*

The manufacturing industries of the United States had grown steadily, and so far as the imperfect statistics of the period are trustworthy we may reckon the manufactures of wood and leather as the most adequate of all, at this time, to domestic consumption. These, however, were exceeded presently in value by manufactures of cotton and wool, which received an immense stimulus by those disturbances which checked the British importation. Iron manufactures constituted the next great industry in importance after these others.† Of wood and leather manufactures our imports had become of less value than the exports; carriages, household furniture, and the great item of ship-building being included under the former head.

* Morse's Gazetteer for 1810; 5 Jefferson's Works, 314; Bristed's Resources; Inchiquin's Letters.

† Bristed says that American cotton, wool, and flax manufactures rose till the peace of 1815, so that their yearly value was as high as $45,000,000; those of wood and leather standing next at $25,000,000 each, and those of iron at about $18,000,000.—Bristed's Resources. The first attempt to embody manufacturing statistics in the United States census tables was made in 1810, but the results were so discordant that Secretary Gallatin, to whom Congress had referred them, selected Tench Coxe to digest them; the latter submitted his report in 1813. Gallatin made a partial report in April, 1810.—Annals of Congress, Appendix.

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The history of American cotton culture and the cotton-mills is deeply interwoven with the American politics of this century. Its narrative commences almost simultaneously with that of our constitutional Union. The inventions of Arkwright and others, which gave such a sudden impulse to the British manufacture of cotton goods, creating the first enormous demand for American cotton, led further to the establishment of cotton-mills in this country, of which the first successfully operated was in Rhode Island in 1791. Before 1808 there were 15 mills in the United States working upon the Arkwright plan, and using 8000 spindles. These mills were at the present era still rapidly multiplying, the larger part of them employing water-power. State premiums and bounties had fostered their erection. Whitney's cotton-gin gave to the United States the additional advantage of a cheap and abundant supply of the raw material, and thus American cotton goods though rather coarse in quality came much into household use. The mills thus far erected, however, only spun cotton-yarn, which was sold to weavers and families, to be woven into cloth by hand-looms; and it was not until 1813 that a mill, probably the first in the world, was set in operation in a Massachusetts town, which by the aid of a power-loom both spun and wove the cloth.*

In some of these American mills employed by 1809 in making cotton-yarn, the same machinery was used for carding and spinning wool besides. But wool was still essentially a household manufacture, and the spinning-wheel a common appendage in farmers' houses of the better class. By the aid of these interesting little hand-machines of different patterns, the wives and daughters of our yeomen twisted flax and wool into threads and wove the cloth upon hand-looms. About two-thirds of the clothing, hosiery, and house linen used in 1810 by country families in the United States were, as Gallatin estimated, the product of household manufactures. The cloth thus made wore well, though of coarse appearance. Presidents had been inaugurated in home-spun suits. Sheep-breeding was on the increase, and just at this time the Livingstons,

* See American Cyclopædia, "Cotton;" Gallatin's Report, 1810. F. C. Lowell and others established this mill at Waltham, Massachusetts.

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Jefferson, and other statesmen of means took great interest in importing the Merino stock, so as to supply wool of a better quality and gain the market over foreign fabrics, which in both cotton and wool were of far better quality. Modern mills and machinery have since driven the hand-loom and spinning-wheel together into the garret, except in such remote regions as the blue grass country of Kentucky, where primitive habits of life prevail; so that hand-weaving, so universal in the Jefferson era, may by the present day fairly be reckoned among the lost arts, the picturesque wheel, however, reappearing of late, not in the kitchen, but as an æsthetic parlor ornament.*

Paper and printing materials were extensively manufactured in New England and the Middle States, besides hats and bonnets and the coarser articles of domestic use and convenience. Rope-walks might be seen in all the seaports. The quantity of malt liquors brewed in the United States nearly equalled their consumption; whiskey-stills were numerous in the back settlements of the Alleghanies; New England made cider, Maryland peach-brandy; gin and rum distilleries sent out their pungent odors near the larger cities, and while the grape wines which supplied the rich man's table were necessarily imported, men of moderate means utilized cheap garden fruits like the currant and elderberry as a domestic substitute.

The American metal industry was far behind that of either wood or leather. Good iron ore might be obtained in Vermont, Pennsylvania, Maryland, and Virginia, and there were numerous small furnaces; yet the smelting process was so unskilfully applied that American iron was of too poor quality for nice work, and our rolling and slitting mills used foreign material in preference. English, Russian, and Swedish iron had long been regularly imported for a home manufacture, which was confined principally to farm implements. For Massachusetts nails there was considerable demand, but steel cutlery came from Sheffield and Birmingham. Of copper, lead, and

* The "Merino Society" of the Middle States held an exhibition in 1811, soon after its organization. Humphreys, our late Minister to Spain, had interested himself greatly on his return in sheep-breeding and the manufacture of fine broadcloths, now made in America for the first time. Niles's Register, October, 1811; 5 Hildreth.

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zinc manufactures there were very few, and those languished for want of patronage.* Guns were made at the public armories of Springfield and Harper's Ferry.

The springs of Central New York supplied nearly all the native salt consumed. Enterprising Connecticut made from imported sheets most of the tinware; and the Yankee peddler, pioneer among commercial travellers, with his burnished load replenished at convenient points from his employer's stock, might be seen with his trim team at Cape Cod, Detroit, or New Orleans, seeking customers from door to door; latterly he added scissors, needles, and other small wares to his tempting stock, and hanging a bag behind his wagon received old rags and miscellaneous truck in return.†

Of mining, we may add, there was very little in the United States at this period, and of scientific methods of mining none whatever. The "open sesame" to the riches of the Northern Rocky Mountains no one had pronounced, and the hidden treasures of silver and gold remained under a foreign dominion. Washing had exposed small quantities of gold in North Carolina; but external capital and the pickaxe shunned a slave soil, and the mineral resources of that southern Appalachian region remain, in fact, unexplored and undeveloped to this day. Indian missiles disclosed the existence of copper about Lake Superior. Concerning the Louisiana lead mines, within the present State of Missouri, Congress had just instituted inquiries. Iron, in fine, was the only American ore of immediate consequence.

That periodical ravage and decay may not outstrip periodical growth as the world's population increases, and thus prostrate the human race, nature provides for the uniform well-being of her children by disclosing constantly to those who seek her trustfully new resources in place of those which are becoming exhausted. Oil has not failed with the gradual disappearance of the sperm whale, nor fuel with the felling of the forests. Coal, which of late has surpassed in value all our other native minerals, was seventy years ago and earlier con-

* American Cyclopædia, "Iron," etc.; Fessenden's Register.
† See Dwight's Travels.

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sumed in this country very little, for the farmers chopped down trees to supply the domestic fuel; iron was smelted in the rude bloomary furnaces by the use of charcoal, and horse or water power, not that of steam, propelled most of the machinery. By the time our native coal-beds are quarried out, which calculation sets at no very distant limit, convenient supplies will have been discovered elsewhere, or some new kind of fuel, or perhaps a scientific means of economizing or dispensing with this prodigious waste which beggars earlier description. One grand discovery opens into another. To the anthracite or Lehigh coal-beds of Pennsylvania our iron manufacture owes its immense development. That coal was just now coming into notice, as a substance which burned long and steadily, with little flame and no smoke; but it was found hard to ignite, and seems to have been little used until 1820.* Meantime the bituminous coal of James River, which was shipped from Richmond to the Northern cities, constituted the chief native supply of mineral fuel, which at this epoch was scanty enough. Marble, granite, and other building stones were quarried in localities near the places of erection, and tediously hauled by animal labor.

American commerce, as our narrative has shown, rose to such prosperity during the European war as to have excited already the jealousy of the contending powers, whose restrictions Congress had to meet by corresponding measures of retaliation, which led ultimately to war with Great Britain. New England was, of course, the great maritime section; more than one-third of the entire tonnage of the Union belonged to Massachusetts alone; and in Boston, the chief emporium of commerce, signs of luxury appeared in an increasing taste for comfort and the fine arts. New York, Philadelphia, and Baltimore were busy seaports. Of the coasting trade New England's share was large; and the toilsome sons of Nantucket and Marblehead, foremost in the fisheries, caught cod off the Grand Bank or pursued the shy whale to distant oceans.

* See 2 Holmes's Annals; Fessenden's Register. Tradition states that a boatload of anthracite coal, brought to Philadelphia in these early days, was broken up and used to mend the roads. Harper's Monthly, June, 1875.

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The whale fishery was a sort of speculation, and in view of French and British decrees against neutral trade, our whole foreign trade was taking on the same hue. Great ventures, great risks, for the sake of great profits, is in fact the national American tendency in business as compared with the colonial; so sanguine is the American temperament under its liberal conditions of life, and so eager are all to get rich and rise in the world. Upon this vulgar development, landed capitalists of the Washington and Jefferson type, who clung to old-fashioned integrity and simplicity of manners, and had been brought up as easy farmers, looked with mingled disdain and alarm. The funding system first plunged our people in extensive speculations, which shook all the chief centres of population; but the land mania afterwards produced still greater convulsions. The feverish zeal with which waste tracts were bought and sold in the United States seemed a strange spectacle to foreigners; and ere this its worst symptoms had disappeared, through the modifications of government policy as to transfers of the public domain, besides the bitter lessons of personal experience. The manufacturing frenzy was next to come, as incidental, however, to the development of a vast legitimate enterprise, in which native capital became interested of necessity; this broke out about 1810 in the Middle States, spreading westward to Ohio and Kentucky, and southward to Maryland and Virginia. Solidly as New England and Pennsylvania manufacturers had supported one another during the period of the first Congress, in order that their moderate business might be protected, they had since drawn apart; the commercial interest became decidedly paramount at the East, and latterly Massachusetts appears to have allowed both Pennsylvania and New York to out-distance her, until, this European trade inevitably declining, her adventurous sons at length took the new infection, diverted their capital into the new channels, and made Massachusetts very speedily in some respects the most remarkable of manufacturing States. When the leading Eastern interests thus changed we shall find that Eastern politics changed also.

The erection of cotton and woollen mills, with their costly machinery and enormous appliances, whereby the simple hand

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and household occupation of the Revolutionary fathers was to be crowded out, committed our merchants beyond all precedent to that corporate mode of transacting business which so strongly marks the nineteenth century in contrast with the eighteenth; its powerful advantages over the individual or partnership method as at present constituted, consisting in the agglomeration of individual resources into a capital stock, and of individual wills into a unit of management, succession or perpetuated life, convenience for the silent investment of capital apart from undue accountability; its evils being the sapping of that sense of personal responsibility and of the value of a good name which is the corner-stone of mercantile honor, the monopolizing of trade, and the constant exposure of stockholders and the whole commonwealth to a secret, corrupt, self-aggrandizing, and tyrannous management on the part of a directory invested with large discretionary powers over the trust fund, for whose abuse its members are with the greatest difficulty held accountable. For to treat the private corporation of our day as a republican government it has more of the old Venetian than American republic about it, and radical changes ought to be applied. Apart, however, from ordinary business, and as a peculiar employment of capital, banks had already been extensively incorporated in most of our States, especially during the period from 1784 to 1804; insurance companies, too, a betting contrivance now coming into vogue for the general benefit, had absorbed by 1809 about $18,000,000 capital in the United States. The procurement of charters for banking corporations was already pointed out as a source of legislative corruption, tainting both parties, moneyed Federalists and moneyed Republicans alike seeking local charters; yet there had been very little speculation thus far in corporate stock, the original subscribers generally retaining their shares. Ship-owners had a limited sort of interest and liability, and so with the joint stock companies, as for bridges, canals, and turnpikes.* Bankrupt and insolvent laws, and the new policy of relieving the debtor against imprisonment for what he owed, tended also, humane as we should pronounce it, to

* See Niles's Register, October 5th, 1811.

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weaken the primitive sense of mercantile obligation. Nevertheless, the old business ideas retained much force in the community; banks and insurance companies were regarded as *sui generis;* and whether for farmer, merchant, commercial trader, or manufacturer, the capital for legitimate trade was broken up and the individual could reap his share of honest profit, without needing the protection of a guild or dreading the machinations of a monopoly.

IV. *National Traits; the Different Sections.*—The student of our colonial history need not be reminded of the earlier characteristics of the American people, or of provincial differences, which, in that age, distinguished them. Those differences, those general traits, still continued; but time, the new scope of civil institutions, and a rapid social growth had wrought much change.

The colonial condition, being dependent, is imitative and unfavorable to originality. But America had shaken off the colonial dust; her people were an English-speaking race, and imitators still in many things, but as to the great problem of human existence experimentalists, like her leaders, and strikingly original. The rush, the turmoil, the restlessness, the feverish ambition of life in the American republic, the search for material happiness, the pulling one another down, the fighting against obstacles, the breaking of old fortunes and the building up of new, the roaming from place to place, the fertile ingenuity bestowed upon things practical, developed a type, half a century later than the present epoch, which the Briton might well contrast with his own; we were sallow, lean, mobile of expression though . . ially stern, haggard, dyspeptic, brain-worrying, while he was strong in local and family ties, pompously serene, rich-blooded, corpulent, fixed in his pursuits, reverent to his betters, and demanding homage in return from those under him, having a sense which, like the turtle, takes firm hold of solid realities, but can only advance shell uppermost. How little do those fleshy, ruddy-faced American warriors of 1776, with placid countenances and shorn faces, such as are preserved to our own times upon Trumbull's canvas, bear resemblance to those of the 1861 conflict, with visages

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still familiar from personal recollection. The former were English colonists; these, with firm-set mouths covered by the mustache, are Americans, or some might say of French stock.

But as early as 1809 those peculiar outlines of the American countenance were scarcely perceptible; the roar of the nineteenth century, soon to be tumultuous, had scarcely begun, and until the Embargo our people seemed to have left the rapids for a tranquil current. America filled up slowly, and upon a smooth level, like some capacious cistern. This calm expansion of population and resources had, indeed, given Europe the impression that the old flame which lit the torch of the French revolution had sunk away, and Americans were degenerating in energy and patriotic stature, and in the rapid increase of American territory alone they thought they saw reason to expect an early downfall of the last experiment of republics.

But our young people were sanguine in spirit as to the success of their own system. Annexation of itself supplied an animating principle; homogeneousness was of the essence of this experiment as under no former vast experiment of the kind. Nor did the American mind accept the conclusion of ancient sages, that with wealth comes the decline and fall of a commonwealth. Property, unequally distributed, and without just laws and a just administration for its protection or equal opportunities for gaining it, may indeed bear the seeds of social destruction; but as Americans pursued wealth at this age they believed its acquisition the source rather of stability and individual happiness, and its pursuit a great motor of civilization. The rewards of labor were certain, and labor itself was honored.

In one respect, at least, the European in America was not reminded of his native land; ranks and orders here were wholly wanting. True, there were social distinctions observed in the cities and older towns; but these were regulated entirely by taste, fashion, and convenience, and the theory of government did not permit the idea of a permanent caste. Plebeians, or bourgeoisie, as a class, either did not exist or embraced the whole. "There is no populace," it was said, "all are people."* Under a President who despised ceremonials as utterly as Jef-

* Inchiquin's Letters.

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ferson, and the elevation of whose political party involved the official promotion of so many persons socially inferior, it was hopeless to think of establishing a privileged order in the nation. An aristocracy without public influence or patronage may befriend letters or men of genius, and devote its inherited wealth and leisure to elevating the public taste; but otherwise, and as merely conserving a private rank, or seeking pleasure, it is fit only for fools who cannot earn their own living. For those who bray at the broad and busy world from behind such little palings of exclusiveness as American society permits, heraldry becomes the badge of their own degeneracy. Plutocracy is of a still coarser grain, yet the rank of successful wealth was more consonant to our institutions than that of blood, as the age had just begun to perceive; for now the colonial times and colonial distinctions were fast vanishing, and Americans who took an active part in life had begun to stand on their feet. Hence, by contrast, a sort of upstart vulgarity, which offended the old school of American social leaders, whose influence was declining. The English traveller began to observe, and commonly with more surliness than good-humor, that his coach-driver was talkative and drank with the passengers, while the tavern-keeper, instead of cringing with obsequiousness, would accost judges and generals familiarly, addressed, perhaps, by some sounding title in return. If one's horse slipped in the road, a half-curious crowd gathered good-naturedly about to loose the breeching and help the creature up; but when the rider tipped some bystander with a shilling, and asked him to hold his beast while he went into a neighboring house, the money was likely to be flung in his face. Perquisites could not purchase for the guest at an inn the privilege of venting his ill-humor upon the waiters. Nor would American women live out as servants, and hardly as "help;" but Irish and foreigners, trained to a subordinate station in life, had to be imported for domestic work. As distinguished from the Old World, the United States, aside from the slave institution, had neither a lordly nor an eleemosynary and criminal class, but each citizen labored in his calling; toil without the badge of servility was honorable, and very few of the population had wealth enough at command to purchase

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a career of idleness. Family pride lingered, like the scent of jasmine, in some older localities, but the family vine was pulled down by the numerous children who shared the ancestral accumulations. The laws and manners discouraged in this country primogeniture and the fettering of estates, favored equal distribution, and so facilitated the transfer of lands that farmers were seldom tenants, as abroad, but tilled their own acres instead.

Ease of living and the high price of labor gave every one in the United States the chance of securing an honest livelihood with the promise of a competence besides, together with a choice of occupations wherever one might settle. Hence the minute subdivision of industrial pursuits common in Europe, and in all the old countries, where habits of economy are essential to the laboring class, and the son fits into his father's groove, did not here prevail. With abundance there was the waste of abundance, and of inexperience besides. Our roving propensities, too, were an obstacle to local development quite remarkable; the son did not remain on the paternal estate and carry on the ancestral pursuit, as in Europe, but he sought new surroundings from love of novelty and the hope of bettering his chances in life. A migratory people does not easily adopt fixed habits. Marietta, the earliest settlement of the Northwest, had begun already to decline, while that region itself was full of youthful life. Few descendants of the pilgrims ever set foot on Plymouth sands. The two hundredth anniversary of the foundation of Jamestown, the parent of American settlements, was celebrated in 1807 by native Virginians, who discovered upon its deserted site nothing left but old tombstones and the ruins of a church steeple.*

The grand political divisions of the United States continued as formerly, namely, (1), the East, or New England; (2), the Middle States; (3), the South,—with, however, the addition of a new and inchoate section; (4), the West.

(1.) New England maintained its homogeneousness, receiving few accessions from without, though sending the sons con-

* See 2 Holmes's Annals; Wirt's British Spy.

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stantly to people other parts of the Union. Whatever loss of national influence might result in time from that colonization of the Mississippi Valley, which the East looked upon with so jealous an eye, having its more neighborly contact with the British Provinces, all here was life, activity, and prosperous development. The pretty villages, with their neat white houses adorned with green blinds, which nestled lovingly about the meeting-house, whose clock and spire gave note of both time and eternity; the gardens, the grassy commons, the graceful elms, the excellent roads, the neat country stores, the well-stocked markets; towns but a short journey apart, and homes everywhere, all betokened a mingling of thrift and refinement, an advanced civilization, beyond that of all other rural sections of the United States. Here religion and the common schools united in educating the young, seminaries and benevolent institutions flourished, and those blessed in worldly goods dispensed of their bounty liberally. The civic virtues were cultivated, public spirit flourished, and whether it was as governor or moderator the proudest citizen felt honored in being selected to serve his fellow-citizens. The New Englander was noted for the domestic virtues, for regularity of life, and piety; he stood to a bargain, though disposed to chaffer in making it, and was hospitable, especially to such as brought letters and meant to pass on. Towards strangers unrecommended, however, who came to stay, much reserve was shown, as in English provincial towns; for a true Briton scrutinizes each interloper through his eyeglass, and is almost a coward when it comes to risking a compromise of his own social standing. So universal was self-respect and a regard for good position in this section, and so censorious the criticism of those who might seem to have forfeited it, so blighting the breath of scandal, that the town's talk had become a sort of Nemesis to evil-doers; hence, in the long run, more was to be feared from varnished hypocrisy than open riot. A curious moss of conservatism, British truly and picturesque, clung about the local institutions of New England; so that a State tender of traditions, of ancestry, of grave ceremonials, of wholesome home influences, stood off under some aspects like a democracy at anchor, if, indeed, a democracy at all; and this

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Eastern section might have been deemed a cluster of noble American republics wanting the seminal republican principle. This impression, however, depended upon the point of perspective; for New England's history was assuredly the vindication of rational liberty; and it so happened that, in this era, the conservative, the exclusive, the elderly, and those to the manor born, ruled greatly in affairs. For respectability and dignity in all affairs the Eastern people cared far more than did those of any other portion of the United States. With all this sobriety, this sternness of discipline, inherited from a Puritan ancestry, this rigorous climate and stony soil, this deaconizing, so to speak, of things temporal and spiritual, unfavored sons of the East, young, ambitious of founding and being something, wandered away from the parental abode, like Carver, Standish, and the Winthrops before them, seeking a wider liberty of thought and action. To such children New England seemed a hard and repressive, though strictly conscientious mother, and of such as remained to conquer circumstances at home not a few took satisfaction in the thought of conquering also the disdain of their betters; for here a position once won was full of honor. The Western wilderness was wide for the daring, and so, too, the ocean. But women remained, and outnumbering already the male population in a society which, whatever other elements it might lose, kept the preachers, the salaried thinkers, the privileged, the native men of leisure, all who dropped into convenient channels ready to receive them, and which, moreover, was highly refined, stimulating, and cultivated for the times; where clear minds became sharp-edged, while social and conjugal instincts were kept down by the trammels of rank and prejudice, and all thought was freer than action; bold theories here simmered as in a closed vessel. Gossip itself rose to a fine art, and sermonizing developed a base for æsthetics. Out of all this great problems were promised for a later day and better opportunity. The profound influence of New England thought upon the national mind of the present century has been truly remarkable, nor less so the mode of its evolution and a certain practical intolerance which accompanies theories the most liberal; great breadth, great narrowness, very great earnestness.

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(2.) The Middle States were not free from factional evils; but their strifes were chiefly political, expressed in coarse and disorderly manifestations; diversities here arising, indeed, not so much from intelligent differences of opinion as from the dissimilar tastes, habits, and prejudices of an incongruous community. Irish, German, British, and Swiss immigrants, all fresh from the Old World, made this section, which had always been noted for its Babel of people and tongues, their first camping-ground; the idle, the vicious, and the gregarious by nationalities preferring the great seaport cities—New York city especially—for a permanent residence. In this middle section, and chiefly in the States of New York and Pennsylvania, whose immense and diversified resources invited all Europe, the energies of life were employed, first of all, upon the great problem of material and practical development; theories and mental problems being altogether of secondary consequence. For heavy purses, the New Yorker reasoned, would command scholars and artists in time, as well as coachmen and liveries. In Philadelphia, however, was, as we have elsewhere seen,* a powerful native basis of Quaker philanthropy; and New York itself, though growing rapidly, boasted its old families. Yet, to reduce a composite to classification, and give the early Dutch or Quaker element its due place, we may, in general, affirm that, more plodding, more phlegmatic, broader-bottomed, less anxious, less intense of application, less preoccupied with ideas and abstractions, duller apparently of comprehension than his New England neighbor, but no mean organizer of money-making schemes, the citizen of the Middle States asked only freedom to work out his own course. Strangers were welcome to him because new-comers helped, and because incongruity lent an attraction to general society. His affections centred in his offspring and business; he was kindly with his neighbors, but of public spirit he had little, as compared with other sections of the Union; and the difficult thing, when it came to political issues in detail, was not so much to make a convert of him as to arouse him from utter, stolid indifference. It was the tax that touched him,

* *Supra*, vol. i, p. 232.

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and little else. Hence came it that the local politics of these Middle States fell too readily into the hands of those who worked hardest to get control of them, and after a time the ignorant and venal; the struggle of parties would degenerate into a vulgar scramble for the loaves; political leaders, even the greatest in these States, too often countenancing proscription for the sake of gratifying their essential henchmen. For an army of mercenaries must be indulged in victory when only mercenaries can be induced to enlist.

But the people of the Middle section adhered to sound general principles; they were generous and philanthropic; they appreciated their great opportunities for development; they were capable of blocking out and executing the grandest projects for material prosperity. They constructed upon solid, tangible foundations. They were liberal patrons, if not always appreciative, desiring the best which money could procure, giving native genius the first opportunities, and discarding the nonsense of rival schools. In New York and Philadelphia, rival cities, of which the former tended more to the cosmopolitan, while the latter held proudly to its traditions, the arts, sciences, and literature, under these incubating influences, promised well.

(3.) In the South, whose people, in successive generations, had been reared under a peculiar combination of influences, with slavery and the plantation system at the foundation of a social fabric commenced nearly two centuries before, a singular type of civilization was exhibited. States showed a contradiction in precept and example. The planter would avow himself a republican; but his republicanism, as carried out in practical life, was of that Spartan or Roman breed which nourishes arrogance, and permits the favored citizen to lord it over a servile class. Wealth was here unequally distributed, and at the same time represented by capital which could not be transferred or converted into money at pleasure. The South was a section of agriculturists; but, instead of adjacent farms cultivated by plain, industrious folk, who planted and reaped their own acres, and had neighborly interests, as in Pennsylvania, one saw, as soon as he passed through lower

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Maryland and Virginia southwards, plantations far apart, tilled by gangs of black laborers, and stately, aristocratic mansions, standing isolated, with only little smoky huts and log-cabins for miles about; these last occupied by poor and ignorant tenants, who, to use Wirt's language, though boasting of freedom, would come to the great house, cap in hand, and trembling.*

Negro slavery may smirch a broader soil than that upon which negro labor has been thought indispensable; yet the gradual abolition of slavery in the Northern States, and the growth of a humane sentiment for alleviating the miseries of the black race, counteracted in influence as all this was by the ravenous demand abroad for American cotton in addition to rice and tobacco, had changed of late the aspect of our domestic slave institution. It was becoming geographical, and so identified with developing the great Southern staples as henceforth to band the Southern agricultural interest together, first for self-preservation, next so that room westward might be opened in order to propagate their valuable plants and the social system together. South Carolina and Georgia, especially the former, gave the great impulse to this later movement; and because the negro could pick cotton in the broiling sun and delve in malarial rice-swamps, where white laborers would have died from the exposure, it was becoming an accepted sequence that negro sweat and toil ought, like that of cattle, to be his white master's working capital.

Mountains diversify greatly human character and agricultural pursuits; even arctic plants may be reached by climbing from the plain, instead of sailing to the pole. The Southern population identified thus inseparably with negro capital was mostly lowland, like the Southern staples themselves, and mountain ranges skirted all of the Southern States now in the Union, excepting Louisiana and little Delaware. Where the State was cleft by these ridges, a highland population, whose tastes and pursuits were Northern, will be found to have resisted slave encroachments quite strenuously, considering how closely the legal meshes of the system were woven about them;

* Wirt's British Spy.

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and, in fact, half a century later, when the slaveholder drew his sword against the Union to preserve that system, Virginia became rent in twain because of that internal conflict, and Tennessee nearly so.* In these two States mountains did not skirt, but subdivided the jurisdiction.

The census of 1810 reckoned the colored population of the United States at 1,377,800 souls, 1,191,300 of these being held in bondage. A small proportion, truly, did this afford of colored freemen; but a greater one considerably than at the first national census of 1790; for in twenty years the free blacks had more than trebled in number, while the colored race as a whole had not doubled. This was the worthy result of gradual emancipation acts and private manumission. The clean free States in 1810 were four: Massachusetts, New Hampshire, Vermont, and Ohio. Slaves had nearly disappeared, through the process of gradual emancipation, from the soil of Rhode Island, Connecticut, and Pennsylvania, and their number had diminished in New York, New Jersey, and even Delaware.† Of all the States in the Union Virginia, at this time, had by far the darkest shade of population; or, in other words, the greatest number of slaves, with a white population in disproportion. North Carolina's slave ratio had lessened in the last twenty years; while about four-fifths of the inhabitants of Kentucky and Tennessee were white. But in South Carolina and Georgia, States so zealous of late as missionaries of bondage, there were by 1810 nearly as many blacks as whites.‡

While at the North, as we have seen, the first antislavery agitation now died out,§ the foreign slave-trade being abol-

* Writers had before 1809 pointed out that Virginia had these races: (1), that of the seaboard, sickly, feeble, indolent; (2), thence to the base of Blue Ridge, robust and powerful; (3), that on the Ridge, hardy and enterprising. Western Virginia was at that time, we may add, thinly settled; the Ohio colonization developed it later. See Wirt's British Spy.

† This last-mentioned State, whose mills at this time gave it great celebrity, was in business relations closely connected with Philadelphia, and in politics with New England; it was Southern only in having failed to abolish local slavery.

‡ U. S. Census Tables, 1810, 1870.

§ *Supra*, p. 128.

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ished, and the line of freedom drawn across Pennsylvania's southern border and through the Ohio River, the annexation of a trans-Mississippi Territory and the ambitious colonization of our Southwestern Valley foreboded new dangers not yet clearly discerned. The course of the border States, of Virginia, Maryland, and Kentucky, was henceforth to falter and palter, so far as slavery was concerned. Effort had been made in framing Kentucky's constitution of 1799 to provide for gradual abolition in that State, but the golden opportunity failed.* Virginia and Maryland had committed themselves to experiments of late years in the private manumission of slaves, a policy which adjacent States inclined to support; but the great mass of knavish and shiftless blacks, which was soon found gravitating between the jail and the poorhouse, set the enthusiasts into a shiver, after which the tidings of slave insurrections in the West Indies produced a sort of intermittent fever in the community, from which those States and their immediate neighbors never recovered. The border planters professing humanity saw henceforth no chance for freedom apart from deportation; the mandate they heard was, "Let my people go." Turning against those their conscience-men had begun to manumit, one border State after another had proceeded to deny to free blacks the rights of voters, and even forbade them to settle or remain within the jurisdiction. In Tennessee all freedmen were registered; in Delaware a freedman found stealing might be sold over to make restitution. Even as to manumission itself the legislative tendency was at present to check the slaveowner's discretion by making this a matter for judicial supervision, and requiring him upon completion of the humane act to give security that the negro should leave the State, or that he should never become a public burden. Moreover, the new constitutions, both of Kentucky and Georgia, forbade public emancipation without the consent of the private slaveowner, or laws preventing the white immigrant from bringing in his slaves with him.†

* See 5 Hildreth, 315. Young Henry Clay supported the proposition for gradual abolition in this Kentucky convention.

† See State Constitutions; Wheeler on Slavery; Hurd's Freedom and Bondage.

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The condition of slavery in America depended upon the *status* of the mother; if she was free her children were free, but if bond, they were bond also. This rule, which was founded in the Roman civil law, had no salutary constraint of legitimacy accompanying it. Marriage among negro slaves was a sort of concubinage at will; and they who paired off as mates, in obedience to nature's better impulse, not only were at liberty to separate voluntarily, but might be forcibly torn asunder whenever it suited the convenience of the white owner to part them. This put them on about the same par as cattle with respect to breeding; for offspring might be sold apart from the parents, and parents apart from one another, all passing alike as personal property capable of transfer by herd or head. Grown children knew little of their parentage, and the training of the young became the caprice of circumstances, sometimes favorable, sometimes the reverse.

While all intermarriage of whites and blacks, or amalgamation, was universally regarded with loathing by our laws, so that in some Southern States the offspring of a white woman who had accepted a black husband, would become bond for a time as a penalty for the iniquity of the couple who brought him into being, loose sexual contact among the two races was an inevitable consequence of their mutual relation. Men lived under the overseer's eye and women performed menial duties about the mansion, whose features and complexion announced that Saxon, and even patrician blood coursed in their veins. Mulatto girls, handsome in face and figure, flaunted about the streets of Charleston and other Southern cities, saucy, debauched, free with white fellows; and where caste bastardized all the offspring, and every soul had its market value, it was not strange that female slaves would bear children of an unknown paternity, jet black, tan, or yellow, when scarcely fifteen years of age. One shudders to think that many a Southern master, in pursuing his legal rights of ownership, may have sold his own flesh and blood.

African negroes were often dull, clodpated, stupid, and indolent, but at the far South more robust generally, and less addicted to petty vices than those of American birth, who in business capacity, and what Americans call smartness, were

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vastly their superiors. Free blacks held themselves above slaves, native-born slaves above those from the other continent. The mulatto, nearer the European in intellect and sensitiveness than the black-skinned, held a more equivocal place, and was less easily kept to brute subjection. Nothing, however, made American slavery so tolerable a condition for both enslaver and enslaved as the innate patience, docility, and child-like simplicity of the negro as a race. The slave, rarely unsusceptible to kindness, exhibited an attachment almost canine towards a kind master and mistress; he took pride in the family establishment of which he was part, and imitated with a sincere exaggeration, which provoked many a hearty laugh, the manners of his superiors. All this insured from the more humane slaveholders, of whom there were doubtless many, particularly in Virginia and the other border States, a treatment, if not truly compassionate, at least lenient enough to make a dog's life happy. The American negro was vain and fond of approbation. An imitator and non-moralist, he learned deceit and libertinism with facility, and copied the social follies of the times. He was musical, imaginative, dramatic, and had an ambition to excel in oratory among his fellows, and make some kind of a mark in what passed with them for public occasions. His mind was not analytical, however, and his best wit was of the unconscious kind, such as children manifest, and others whose powers of observation and of the imagination operate without being under due constraint of the logical faculty. He performed feats of labor when under excitement, but at other times was slow and indolent. Domestic in tastes, though of easy virtue, and possessed of generous feelings, we need not wonder that strong sexual companionships were formed among these slaves, which had all the tenderness of the conjugal relation, nor that indifferent comparatively as to offspring, husband and wife would cling to one another, refusing to be comforted apart.*

* Lambert tells of a negro husband and wife of this era, who strangled themselves together rather than be separated. Lambert's Travels. Melish, while near Wheeling, on his journey saw a skiff with negro children, whose proprietor had brought the family from Maryland to find a market; he had sold the father on the way, and the next night

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Throughout the slave States every negro was presumed a slave; a maxim, however, which did not strictly extend to persons of mixed blood. Some slaves were so nearly white as readily to have passed for free white domestics; but it became the saying many years later, that the slave girl was known by her quailing before the white man who looked into her eyes.* In the far South white servants were not to be found at all; all were of negro extraction and slaves. They who could not buy a slave for a few hundred dollars would hire one; and it was a very common source of profit for proprietors in the larger towns to let out their slaves who were good handicraftsmen, to work by the month or quarter.†

Most of our Southern codes contained humane provisions concerning the treatment of blacks in bondage; but with reservations so loose, and judicial remedies so imperfect, that, after all, the master's conscience became the real criterion of justice. To wilfully and maliciously kill a slave was declared murder in several of these States; but this did not apply to killing a slave who rose against his master, nor where the master killed a slave accidentally while inflicting moderate chastisement. Unless a white community should become exasperated against one of their own number, justice was not likely to be visited even upon the heinous murderer of his own slaves. Moreover, negro testimony was excluded even in the cases most requiring it; courts and juries were white; and for civil redress, where a slave happened to be injured wrongfully

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the mother ran away, leaving the four children, the three younger of whom now played about the boat, while the eldest, a child of fourteen, sat there the picture of heart-rending grief and despair. Melish's Travels.

* Olmsted's Seaboard States.

† In the Washington Intelligencer, February 24th, 1804, a reward is offered for a Maryland negro; a dark mulatto, about twenty years old, a shoemaker, and probably engaged to some one in that trade. "He is an artful, cunning fellow; reads his Testament tolerably well, and plays occasionally upon the fife; is pert and saucy, has a vast share of pride, thinks highly of himself; very tenacious of his opinions, never in the wrong, and will chatter and dispute from sun to sun rather than confess a fault. He is smart and active, talks quick, and by his high, pert manner makes himself easily distinguished."

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by a third party, the master alone could sue for damages. As property, therefore, the negro's only strong protection was against those who infringed upon the master's right of ownership; he had little against the master himself. Subordination being the soul of the institution, a cruel master would be let off easily; and, whatever the statute, we may well assume that no American slaveholder ever expired upon the gallows for killing his own slave.* But, on the other hand, a slave who killed his master or overseer, or rose in rebellion, was liable to instant death; and scorched trees might be seen on a Southern plantation where a few such recent offenders had been tried and burned to death as a terror to others. With slave insurrection at the West Indies our codes had imposed more stringent penalties upon the servile race; poisoning, barn-burning, ravishing a white woman, conspiracy, even the enticement of one slave by another, were now expressly enunciated among felonies punishable by death. The new policy was to discourage owners, both from manumission and allowing their slaves to work for themselves. Bondmen were restrained from holding meetings for mental instruction or religious worship, from attending theatres, from mingling with free blacks. Inflammatory words as to emancipation no one was allowed to utter before them. In Charleston a military patrol went its rounds, and negroes found in the streets after the evening drum-beat were taken up and put in jail.† For petty offences slaves were commonly flogged at the master's home or planta-

* Bristed said, in 1817, that no such capital punishment had to that date been inflicted in the United States. He stated further, that in 1811, a South Carolina master lashed his slave, then had him held down on a block by his fellow-slaves while another negro, an intimate friend of the victim, was compelled to chop his head from the body. For this the slaveowner was punished under the laws of South Carolina by a small fine. Bristed's Resources.

The slave code of South Carolina, however, was at this time less humane than that of the border Southern States, and favored immunity of the master beyond the exaction of a fine and disqualification from holding office. See Lambert's Travels; 2 Hurd's Freedom and Bondage.

† Hurd's Slavery and Bondage; 5 Hildreth, 643; Lambert's Travels.

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tion, under an overseer's direction, but public conveniences for such discipline were provided.*

Easily intimidated, incapable of deep plots, and kept under such close discipline, the negro in our Southern country was less likely to seek his freedom by organizing revolts than by running away. Of fugitive slaves some escaped; but more at this time were tracked by the pursuer, and brought back in manacles. In most, if not all the Northern States were laws, which, in furtherance of the policy embodied in the fundamental law of this Union, provided for the surrender of fugitive slaves. These laws were fairly executed; not for the benefit of Southern masters only, but so that proprietors in States as far northward as New York, where local emancipation was still incomplete, might recover their own runaways.†

Slaves, as history teaches, may by the hidden power of influence come to enslave their conquerors; Rome was refined by the arts and philosophy of Greece, and corrupted by the soft luxury of her Asiatic subjects; the Saxon serf could mould a Norman noble. This contact in the New World of haughty Europeans with a black servile race, sensuous, stupid, brutish, obedient to the whip, children in imagination, could not but have demoralized the master. In the Caribbean Islands and Spanish America the slaveholder had sunk to such a level of impotent tyranny that his plantation had become like a cage of wild beasts. More discreet of management, as well as more fixed than the modern Latin, cooler-blooded, and having his system guarded as though by freedom herself, the Southern Anglo-American could better rule his bond-servants and circumvent each new blind effort at liberty on their part. But, while he did so, his nature imbibed the curse of the poisoned garment he wore. While persuading himself that the African

* Lambert and Davis, the travellers, both of whom saw much of South Carolina life at this period, make mention of the Charleston jail, or sugar-house, where lashes were laid on at a shilling a dozen. Brutal as this may appear, the reader should remember that at this period public whipping was not an uncommon infliction for offences in Northern States, and that flogging in the army and navy continued much longer.

† 2 Hurd's Freedom and Bondage. See 9 Johnson's Reports, 67, justifying the recapture of a New York fugitive slave, who had fled into Vermont.

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was better off here than in his native land, and growing civilized in fact, he was himself growing uncivilized; his humane sensibilities became blunted in youth by cruelties and immoralities which he could not help witnessing at his home, and of which he personally was by no means innocent; he grew indolent, proud, and supercilious, learned to despise all manual labor, gave loose rein to indulgence, and ran carelessly into debt. There was a standard of chivalry, to be sure, which ennobled Southern manners as knight-errantry exalted the spearing and blood-spilling of the Dark Ages; and yet the old race of high-bred Southern gentlemen who fought for American independence, confessing the inherited stain they wished to wipe out, was now passing away. This system was the reverse of economy. In Virginia, its birthplace, exhaustion had just begun, and the Old Dominion was growing poor upon her patrimony of waste and shiftlessness. The Carolinian planter, happier in his prospects, lolled under the shade of his piazza, drinking, smoking, talking, sleeping, or rode horseback for recreation. Generous, extravagant, and dissipated, like a true son of the South, he pledged his crop of cotton or rice far in advance, and in the midst of riches was constantly embarrassed. Planters with annual incomes which ranged from $5000 to $20,000 squandered a year's profits in racing, gaming, and luxurious city life for a few months, or upon some Northern excursion, after which each would retire to his remote plantation, there to economize with his large family in a house shabbily furnished, and barely habitable, until it was time for the usurer to advance upon the next crop. Unlike business men and capitalists in the North, Southern planters were notoriously slow in paying debts, and required a long credit, and the petty traders and merchants of that section sold at high rates to make good their margin of loss and delay.*

Slaves were not an investment at individual discretion at the South, for gentility required every person of means and respectable pretensions to keep up a servile establishment. To experiment in that day upon free cultivation was like setting

* See, *e. g.*, Lambert's and Davis's Travels.

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up in this a dynamite factory in some populous neighborhood. Free labor shunned the slave section like a pestilence, and only mean artisans picked up a living. Slavery created a caste among those of the ruling race. The ill-bred overseer, in his detestable avocation, with whip under arm, vulgar and illiterate, pandered to the planter, and aped gentility, while taking out his freedom upon the backs of those he was set to watch. The mean white, uneducated, too poor to possess slaves, but laboring for his own living, was the mudsill of society, and always a pitiable object,—whether, remote from towns, he was seen entertaining the belated traveller in a low cabin, redolent of bacon fry, with but the eaves and attic floor, reached by a ladder and trap, to separate the guest at night from the tallow-faced family, of various ages, quartered promiscuously in the single room on the ground floor; or among the loafers at some racecourse, who fought each other like brutes, biting off a nose, breaking a jaw by a kick of the foot, or gouging out an eye by the dexterous use of a long thumb-nail; or as the Georgia "cracker," bringing produce to the market town, his shrivelled face wearing a meek and torpid expression at morning, like that of his sore-backed horses, or the single steer which he guided by a rope around the horns, but towards noon, after having partaken of samples at the grocery, leaping out into the sand before the door, quite another sort of being, as he tossed his linsey jacket in the air, and proclaimed himself the best man in the county.* The Southern gentleman, however, showed usually the advantages of inherited wealth and a liberal education, though often proving, on close acquaintance, ostentatious and arrogant, especially in the cotton country; he was easy in manners, profuse in hospitalities, conversed readily on all topics save one, and among equals cared less to impose by state than be considered the prince of good fellows. He was not, like too many of his New England compeers, shrouded in a mysterious re-

* Scenes like these abound in works of Southern travel, such as Davis or Lambert, and native character sketches, like Wirt's British Spy and Major Jones's Chronicles. The "cracker," or wagoner with interior produce, appears to have received originally his familiar name from the customary use of a long whip to aid in the locomotion of his reluctant team.

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serve, or incumbered with the proprieties; nor did he, like men of cold prudence, limit the range of his private hospitalities by calculating the cost per head beforehand. The social institutions under which he was reared fixed him easily in that position of superior influence which, to Northern gentlemen living in the midst of upstarts, cost much painful study. Hence, with the breeding of an aristocrat, the Southern gentleman could feel as a democrat, or rather like one who desires as little of the pressure of external government as possible. At the present period, moreover, comprehending the responsibility in national affairs which rested upon his section, honoring great names and traditions, and accepting the tolerant leadership of the proudest, the oldest, as well as the most enlightened among slave States, the Southern politician cherished the common cause of the Union, and in his eyes local slavery appeared no obstacle to the lasting fraternity of sections.

(4.) We come now to the Far West. As New England at first dominated in this constitutional government, and next Virginia, with the South behind her, a new population in the Mississippi Valley was, in later years, to assert a great, if not the greatest, influence in national affairs. The phenomenon of Jefferson's administration was undoubtedly the development of a West: first, in the peopling of new States beyond the frontiers of the old Atlantic confederacy; secondly, in the geographical extension of our Western area, by means of the Louisiana purchase. The genius of America had at length crossed the yellow Mississippi, and scaling the bluffs but lately guarded by a Spanish garrison, peered at the far-off regions of the setting sun, as yet a wilderness.

We have seen the pioneer farmer of 1793 clearing and planting in the Western counties of the great Middle States.* This same process now went on at a longitude far more remote from the Atlantic coast. One who traversed the rough region between Albany and our frontier trading-station at Buffalo might still watch the Indians by night, on Cayuga Lake, spearing salmon from their canoes by the light of burning

* See vol. i, p. 224.

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pine knots. This was no longer the West, however, but a wide country far beyond, reached either through the Great Lakes or by floating down the Ohio River. In that territory, rapidly becoming settled, three States had already been organized: Kentucky, Tennessee, and that pattern among rising commonwealths, Ohio. Towards Louisiana and the Mississippi Territory, at the extreme Southwest, set a distinct and lesser stream of inhabitants, heading chiefly from the great cotton States. But the main stream of population, with far the greater volume, New England and the Middle States, together with Virginia, supplied; and this was directed to the Northwest Territory, and to the northern and southern banks of the Ohio; a free migration chiefly, partly a slave one, but, whether slave or free, taking the same general direction; that is to say, due west from the older States respectively.

Two great roads led to the Western country, one through the interior of Pennsylvania, and the other through New York and connecting with the lakes. These were the roads which swarmed with emigrants, for the Cumberland or National road, in aftertimes so famous, had but just been begun by authority of Congress. Pittsburg, the general rendezvous for Western emigrants, was reached by stage from Philadelphia in six days; but the heavy four-horse carrier carts, laden with produce, took about three weeks for the trip, and so did those light wagons drawn by one or two horses, and covered with a sheet or blanket, by which an emigrant family usually crept over the road, the wives and little children stowed in the midst of bedding and family utensils. The azure Alleghanies, traced upon a lighter sky, frowned like the lines of some mighty fortress upon the advancing host; and rows upon rows of mountains still confronted the weary traveller after he had toiled up the first summit of these parallel ridges; the road, however, soon turned, and wound gradually through convenient gaps, so that after riding and walking alternately to the tops, and descending through precipitous and rocky slopes into smiling valleys, he approached at length by an easy declivity the Western waters, his beasts prancing through a fertile and well-cultivated country.*

* See Travels of Melish, Michaux, and Harris.

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At Pittsburg, a flourishing town with a medley of inhabitants, which was favorably located for trade at the junction of the Alleghany and Monongahela rivers, and whose high hills behind were bedded in coal, one procured all the conveniences for Western travel, as wants were at that day interpreted, from water-craft of all kinds to hams, whiskey, cheese, and crackers. Pittsburg was the emporium for supplies to the whole Mississippi region as far as New Orleans, its chief traders having business connections with commercial houses at Philadelphia and Baltimore.

Spring and fall were the seasons of the year for navigating the Ohio, for then the river was high and the channel strong; so that trading and family boats could descend with the current, requiring little effort to propel them. Travellers purchased such vessels as they might require, laying in their needful supplies. As the steamboat had not yet appeared on the Western waters, choice was made commonly from the Alleghany skiff or sailboat, the dugout, and the flatboat or barge. The broad-horn, the famous barge of this day, was a sort of floating ark, having separate apartments suitable for the emigrant's family, his cattle, ploughs, wagons, furniture, and entire farm establishment; it glided down the river like a large square box set upon a scow, turning as it descended, and if it struck shore with one horn it wheeled presently with the current, and proceeded the other end foremost. Care was required to keep this craft from driving out of the current into the wooded shore.*

Two or three persons on the lighter sort of craft might sail from Pittsburg to New Orleans in less than four weeks, but seven weeks was the average trip for heavily laden barges. Emigrants seldom passed below the mouth of the Ohio; and upon this river, whose banks were firm and the scenery delightful, the journey was full of merry episodes. Boats would lash together for company, and travellers landed as inclination prompted to visit rising towns, explore the shores, and buy poultry and fresh supplies. There were flatboats with pigs,

* See Travels of Michaux, Melish, and Harris; Paulding's Westward Ho.

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flour, and bacon, bound for New Orleans; others with plank and boards, cider and whiskey; some were fitted up with counters, shelves, and drawers like a shop, and traded along both banks. There was singing, fiddling, dancing, tippling, gambling. The flatboatmen were rough fellows, so often, too, were travellers on this highway. Huddling in some place of shelter during a storm might be seen a little fleet of these boats and barges of various size carrying on a lively intercourse; the sky cleared and they dispersed on the waters, the boatmen blowing the wooden horns which they carried as a signal, while the sound of some favorite flatboat song echoed in the distance as they edged down the river.*

Wheeling and Louisville, on the southern side of the Ohio, and Cincinnati, on the northern, were the towns of chief importance on this river. Cincinnati, long known as "Queen of the West," until outrivalled by younger belles, was the first of those marvellous cities in our great wilderness which, springing up under the shelter of some frontier fort, blossom quickly, with scarce a bud, into the flower of civilization.† St. Louis was at this time chiefly renowned for its high and healthy situation, and for an old fur trade which had begun to decline. Chicago did not exist. From Lake Erie settlers reached Detroit and the northern part of Ohio, including the pretty town of Cleveland and a fertile section known as the Connecticut Reserve. Travellers upon the Ohio, whose destination was the interior country, turned off into some tributary like the Wabash, the Licking, the Tennessee, or the Cumberland, through whose lighter waters the boatman would propel the emigrant craft, when wind and current did not serve, by means of a long pike-pole, which he set firmly against the bank or river bottom, and then pressed hard while walking from one end of the boat to the other.

The lands along the Ohio from Pittsburg were by this time fairly peopled, farmers and mechanics being the chief inhabitants. Most necessaries of life, Indian corn first of all, it was customary to raise on the spot. The land policy of the General

* See Melish; Harris; Paulding's Westward Ho.

† Detroit and Pittsburg were towns likewise growing about a fort, but their development was not so rapid.

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Government was not at this time liberal, and the first clearers of the land, or poor squatters, quite commonly made way for a second class of settlers, possessed of a little ready money, who bought up their improvements but not the land; after which came the permanent settler, who purchased both land and improvements.* A strong contrast was noticeable between the Ohio and Kentucky side of the river,—the one with its neat houses and its regular grounds inclosed by strong posts and rails, the other unthrifty in appearance, with occasional zigzag fences, and miserable cabins where the stranger could rarely procure a decent meal. But the limestone and salt-licks of Kentucky were already famous, and its blue-grass region appeared finely adapted to cattle-raising. Here the grains and corn were cultivated as in the rich soil north of the Ohio, and also in Tennessee, a well-watered and productive State. Swine were perhaps the domestic animals most profitably raised at the West, since they could range about the forests and grow fat upon acorns and mast. Fine peach orchards abounded. But while wheat was freedom's great staple in the region north of the Ohio, slave labor raised tobacco and cotton on the southern side; and in Tennessee, though diversity appeared, more cotton already was cultivated than either wheat or tobacco.†

The inhabitants of the Western section retained to a large degree, at this period, the manners and characteristic traits of their former homes at the East, nevertheless developing more freedom of life, self-confidence, hardiness, and disregard of the old conventionalities of a colonial era. As already observed, migration chiefly comprised natives from the older States, moving due west; with such deviations, however, from the strict parallel as must have promoted that spirit of unsectional generosity which the mode of travel and all the new surroundings favored. The Southerner became less haughty, less shiftless; the New Englander, without relaxing his native energies, mellowed into a more hearty, more tolerant being. If coarse dissipation did not become habitual with him the Western settler was sure of the future. He felt the pride of a founder as he saw States and towns growing up about him, whose in-

* Melish's Travels; Harris's Tour.

† Morse's Gazetteer; Michaux's Tour; Melish.

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stitutions he had helped establish. When our narrative of events is resumed we shall see the boastful, enterprising, prosperous, and sanguine people of this great valley beginning to draw to themselves the political power of that Union which Burr's failure had taught them was indissoluble.

From an indigenous chestnut tree Ohio took the name of the "Buckeye State." Here were planted the model institutions for the Northwest. Kentucky had, however, the earlier and more romantic history; its chief settlers were from Virginia, whose frank and captivating manners were here reproduced, so as to give to the Kentuckian a commanding influence, somewhat like that of an heir-apparent to the throne. In border and Indian warfare and resistance to foreign aggression Kentucky, the oldest and thus far the most populous of the valley States, was the champion of the West; neither Tennessee at one shoulder nor Ohio at the other disputing her transient honors. But an early blight threatened this land of flocks and herds, caves and streams, chivalrous men and lovely women, where the genius of free civilization was wanting. Town spirit was not fostered as on the north bank of the Ohio, the mercantile instinct was wanting, and even Louisville drank and gambled away its fine opportunities for civic wealth. The old Kentucky hunter, clad in buckskin hunting-shirt and leggings, with raccoon-skin cap on head, and the sure rifle in his hand, shunned arts and refinement, preferring a luxuriant barbarism. When he descried smoke from a neighbor's chimney, or could hear the bark of a neighbor's dog, he felt the oppressiveness of a populous region, and, with a blanket for his baggage, paddled his canoe towards the far West, there to pursue the deer, the buffalo, the bear, and the wolf, as in his youthful days.

That far West comprised at this era the entire region across the Mississippi. Skirting by Indiana, a territory consisting of about 24,000 scattered inhabitants, and Illinois, less populous still by half, the pioneer entered the lonely Nile of American waters, a broad turbid river, into whose saffron depths the Ohio discharged a copious flood, almost transparent by comparison. Here navigation at once grew difficult, for the impetuous and rapid current was obstructed in its course by snags, sand-bars,

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sawyers, and countless little islands. Banks tumbled constantly into the river, discoloring its waters and sending down the stream large trees, against which, their tops becoming rooted in the mud, driftwood and earthy substances would lodge until all floated off together. Between the mouth of the Ohio and Natchez good pilots were needful, and it was unsafe to journey by night. The ark turned its companionless course between distant banks, with scarcely a tenement to be seen on shore, and the dismal crash of trees or the yelling of wolves heard at intervals in the distance. Sometimes Indian hunters from the shore would push out in a canoe to barter turkeys and deerskins with the voyagers.*

Little was known at this time of the geography of the Missouri and Upper Mississippi country beyond the results which the Lewis and Clarke expedition of 1804 supplied.† Lieutenant Pike, however, had, in 1806–7, ascended the Mississippi, and something was known of the Red River above Natchitoches. The vast prairie, divested of trees and shrubs, which lay between the forest growth of the Western Mississippi and the Rocky Mountains, was of unknown area; over its green carpet roamed the deer and buffalo at will. Besides lead mines there were salt springs known to exist in Upper Louisiana, and tradition asserted that silver ore abounded near the head of the Arkansas and Red rivers. Of the true situation and length of the Rocky Mountains little knowledge had been gathered.‡

This Louisiana Territory, so called, separated from that of New Orleans, and outside the State which afterwards took its name, was chiefly occupied by straggling Indian tribes; but near the confluence of the Mississippi and Missouri a considerable white population had gathered, of whom, even before annexation, a large majority consisted of emigrants from the United States, attracted thither by its prolific soil, lead mines, Indian fur trade, and abundant game, and, moreover, the mild

* See Travels of Melish, Bradbury, Schultz, and Michaux.

† See Annals of Ninth Congress, 2d session, Appendix. The journal of this expedition has been published. Lewis made a map of the region explored by him.

‡ See Morse's Gazetteer; Travels of Bradbury, Schultz, and Michaux.

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rule of the Spanish government. This neighborhood was settled from Canada during the eighteenth century, not by way of New Orleans, but from the Lakes and down the Illinois or Miami River; the French leaders being gentlemen of talent and education, but the majority of the colonists an illiterate peasantry, joyous, open-hearted, unenterprising, and contented with whatever came by the least toil. Their houses were comfortable, and surrounded by orchards and flower-gardens; they raised crops, both Northern and Southern,—maize and wheat, cotton and tobacco,—using the rude cultivating tools of their fathers. Frisky and frolicsome, but not dissolute, of honest simplicity at heart, these Arcadian founders used to say that fraud and intoxication came in with the United States emigrants; and that in their day St. Louis had but two locks, one on the calaboose, the other on the government house.* Patron saints furnished names for these pretty localities. St. Charles appears to have been the favorite French village of that region until very recently; but the location of St. Louis, near the confluence of two great rivers, upon a bluff slightly elevated above the high floods, promised rare advantages for commerce, when banks were for the most part composed of loose alluvial soil or high perpendicular rocks. Hither, therefore, had come settlers from the United States to found a city; their colonization being promoted about 1795 by the Spanish authorities, who desired a stronger means of protection against the British and Indians of Canada. Self-expatriated, they had hoped for future annexation to the Union; and, though Protestants for the most part, the Spanish commandant, by an evasion of the provincial law, which defined the privilege of settlement, pronounced them all good Catholics.† According to the census of 1810, out of a population of 20,845 in the Louisiana Territory, the district of St. Louis contained over 5600.

Instead of straining against the current, and towards this

* See Bradbury and Schultz's Travels; Sparks's Daniel Boone; Stoddart's Sketches of Louisiana.

† See Sparks's Life of Daniel Boone, 170, explaining this curious proceeding. Boone, the typical Western wanderer, was one of the earliest of our American settlers in St. Louis, but afterwards returned to Kentucky.

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far-off Hesperus, the pioneer might drop his oar, and from the mouth of the Ohio float rapidly down towards New Orleans, making in from twelve to sixteen days a voyage which it usually took three months to perform in the opposite direction. Below Natchez, where boatmen stopped to carouse and barter Northern produce for cotton and tobacco from the neighboring plantations, the country became low and swampy, abounding in cypresses hung with Spanish moss. The sugar and cotton plantations on the Lower Mississippi increased in importance from Baton Rouge southward, until at length New Orleans, with its levee, was reached at a bend of the river, and the Western tour of the era ended at this old and prosperous commercial emporium of the Southwest.

New Orleans, a city of about 24,500 souls, consisted chiefly at this time of the old French district, to which a more northerly American accretion being gradually added, the aspect in later years was afforded of two distinct towns, quite different in race, language, tastes, and manners, but glued, as it were, together. Here French elegance and taste predominated in the arrangement of the pretty two-story villas, with their verandas and ornamental gardens; a sombre cathedral and nunnery served the purposes of religion; the carnival was the chief social event of the winter; and with *cafés*, tippling-houses, a small theatre, and ceaseless dancing, a European gayety was kept up by the old inhabitants, which new American comers coarsely imitated. Slavery deepened the touch of caste, not without some peculiar characteristics; and in a city filled in winter with homeless travellers, merchants of all nations, where domestic restraints were loose, quadroon women served as the faithful mistresses of white men, acquiring thereby a certain social status as well as a genuine refinement of manners. Already New Orleans was developing into the grand international mart and exchange for cotton, sugar, and productions from up the river which it has ever since remained; its business excitements seasoned by dissolute pleasure; its morals and public virtue soft and yielding; its inhabitants lavish and fond of gaudy shows, but not given to the interchange of elevated thought; and the whole unhealthy social fabric seeming to rest, like its houses and tombs, the receptacles of dead and

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living, upon surface foundations, and behind levees, as though to defy the deluge. In this Babel of tongues, English, French, German, Spanish, and Italian, French was still as familiar as English. Perhaps the most powerful American influence exerted by this singular cosmopolite city has been in transmitting to neighboring States, in a perfected code, the jurisprudence and institutions which Louisiana and Spanish America derived from imperial Rome.

V. *Religion, Education and Penal Discipline.*—The distinguishing feature of religion in the United States as compared with other countries, Pagan, Jewish, Mohammedan, or Christian, has been its severance from the State. Three popular elements combined at the present period to make that severance complete: the irreligious; the religious whose particular sect must needs suffer where the State preferred another; the tolerant. All these elements had found their widest expression under the Jefferson administration, which, however suspected of infidelity, firmly upheld the rights of conscience.

Religion in this country was, nevertheless, a subject for State and not National regulation. The Federal Constitution made no mention of God or Christianity, and, as if even this were insufficient proof of neutrality, the very first in order of those amendments of 1789 whose immediate adoption was found obligatory prohibited Congress from ever making laws respecting an establishment of religion, or to prevent its free exercise. Each State was left to its own course, States differing in creeds as Colonies had differed before. In New England Congregationalism was the favored church; in New York, Maryland, Virginia, and South Carolina it had been the Church of England until hostility to the mother country and the desire for religious freedom procured its overthrow. The constitutions of new States, that of Ohio for instance, forbade human authority to interfere with the rights of conscience.

We were a religious people, nevertheless, from habit and reflection; the most intelligently religious, perhaps, in proportion to numbers of any great nation upon the earth. But with great intelligence there was likewise the greatest diver-

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sity in forms of belief. Christianity had been the prevailing belief from the earliest settlement of America, and, except for the Louisiana region, Protestant Christianity. Protestantism, when warmed by toleration, hatches and multiplies sects, until Church sanctity failing there is danger that religion may run to individualism, an indifference to things future and an easy benevolence which faintly discriminates between right and the coveted wrong.

Emigration from abroad and Western annexation had increased the religious diversity in the United States. To universal toleration, the doctrine for which Williams, Calvert, and Penn had contended in the earliest days, the doctrine to which the Roman Catholic had come to conform in Spanish Louisiana, the principle which Virginia's religious freedom act of 1785 and the Ohio constitution proclaimed in the broadest terms, was the sure tendency of American institutions. In no other country at this era did Catholics, Quakers, Presbyterians, Congregationalists, Methodists, and Baptists work so freely, each sect in its own chosen way, as in the United States. The whole British nation was taxed to support a church of which not more than two-fifths were professed members; while Napoleon had set himself to re-establishing the Roman Catholic religion as the state religion of France.

We must not suppose, however, that the divorce of church and state had even yet been wholly accomplished in the United States. Virginia had set the example of perfect religious freedom in 1785, and of Episcopal disestablishment nine years earlier. The Congregational Church of the New England States, however, being allied, not to the British Crown, but to those who rebelled against it, was endeared to the natives of that section as a precious heritage from their Puritan forefathers. The church without a bishop had a priesthood of exceptional talent, learning, and social eminence, very influential in public affairs, and so associated in functions, moreover, with the higher education of the Eastern section, that to admit other sects to its own level of public consideration was like tainting the Pilgrim blood. Favored by State courts, the Congregational clergy had still maintained the privileges of a public establishment by preventing the old parish assessment

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for religious worship from becoming diverted to other religious societies at the taxpayer's discretion. Federalism and the Congregational ministers were compactly leagued upon this issue, which was simply that of opposing change; hence, men of liberal policy and the other religious bodies tended to unite against them. The Massachusetts legislature in 1811, being Republican in both branches, relieved the taxpayer of that State who could show membership in some other society from the support of his parish church, though judicial construction reduced the practical operation of this legislative reform to narrow limits. In 1816 a political and religious combination of liberals carried in Connecticut a similar option. But the overthrow of Congregationalism as the state church in New England, and the full substitute in that section of the voluntary system of church support, since so universal in the United States, was not complete before 1833, and President Dwight, of Yale College, deprecated the change to his dying day.*

Of New England life the religious devotions had always absorbed a large portion. So sacred was the New England Sabbath still, that one of the political calumnies which a Massachusetts governor† had lately to repel on the canvass was that of journeying to his own town on the Lord's day. How calm, how sweet, this day of rest the rural towns of New England still remind us. Boston itself, though relaxing from the old Puritan austerity, was scrupulously devout at church and lecture, and its streets were almost deserted during the hours of Sunday worship. The gaunt white meeting-house, fronting the village common, adorned with green blinds, and with fanlights which seemed to wreathe their fronts into grotesque and irreverent grins; the solemn bell astride its wheel, tossing in the cupola betwixt village clock and weather-vane; well-dressed women dismounting from the pillion or heavy chaise; men fastening their horses in the long unpainted shed at the rear of the sacred edifice, or grouping near the open door in subdued conversation; inside, the bare plaster walls, a choir gallery filled with the comeliest girls and swains, at one end,

* Baird's Religion in America; Sprague's Annals. Massachusetts was the last State to abolish parish taxes.

† Governor Strong.

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facing the dark heavy pulpit at the other; the venerable minister, arrayed, perhaps, in black college gown, mounting the platform-steps like a conscious benediction; the opening hymn, sung with bass viol and flute accompaniment to some quavering fugue from the Billings collection; the long extemporaneous prayer; the slamming of the hinged seats as the congregation sat after rising; the sermon, learned and full of doctrinal points,—all these are recollections which New Englanders associate with the old church and state era of the Congregational faith. This religious establishment, however, of independent parishes had already begun to divide into two distinct schools of theology,—the Orthodox or Calvinistic, and the Unitarian; the former, with Yale College as its chief seat, adhering more strictly to the evangelical faith and human sinfulness, the latter, which was identified already with Harvard College, inclining rather to reject the doctrine of incarnation and to insist upon the dignity of man's moral nature. There was no open rupture by 1809; but Orthodox and Unitarian clergy had ceased to exchange pulpits, and already patronized different training-schools for their clergy.*

To our long and devastating war for independence, followed by the craze of the French Revolution, must have succeeded an era unfavorable to spiritual growth. It was not the loss of tithes, of glebe lands, of church property, that religion had cause to deplore so much as the unsettling of fixed habits, the loosening of creeds, and the weakening of all reverence; men's minds reverting to first principles, and dropping the good while searching for the better. But the Whitefield revival of 1740–70 had not been forgotten; the gradual adoption of the voluntary religious system stimulated a competition in good works among the leading Christian denominations, each of which had been impelled, after the example of the Federal Union, to reorganize upon something like a national basis. The Presbyterians, a prosperous body outside of New England, had, under the influence of Witherspoon and other leaders, rearranged their synod in the Middle and Southern States, constituting a general assembly;

1789.

* See Sprague's Annals; Baird's Religion in America.

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in missionary plans for the new settlements, uniting with Congregationalists until 1837. The Episcopal Church, formerly a missionary branch of the Church of England, had organized anew since the Revolution upon an American voluntary and Protestant basis, Bishops Provoost and White receiving apostolic consecration from the Archbishop of Canterbury. It grew quite rapidly in the great Central States, attracting most the intelligent and wealthy. Of all Christian bodies in the United States the Roman Catholic Church, with its Latin ritual, unrepublican hierarchy, and peculiar priesthood, found headway the hardest, notwithstanding its own tolerant example in our midst; and from Irish immigrants, an annexed people of French or Spanish stock, and a few old families steadfast in the faith, its present strength was mainly derived. Of the races treated as inferior, the Indians were most impressed by ritual, and negroes by what called the emotions into play; and among the slaves no sect had spread its influence so rapidly as the Baptists, whose membership, extensive in all parts of the Union, attracted those most of all in the humbler walks of life who compared personal experiences with little care for a learned ministry. More plastic in its ordinances, better organized and disciplined, setting rituals at naught, broad in doctrines of faith, having the pious Asbury for a leader, and Wesley's blessing resting upon it, the Methodist Church, though tardier in the start under our national system, was swifter in the race; pushing, indeed, so zealously among the pioneer settlers in pursuance of its far-sighted policy as to have since become foremost in numbers among our religious denominations, and emphatically the church of the American common people. The missionary work of the American sects in foreign lands had not yet fairly commenced.* 1801. 1789.

Indifferent as the American state might appear to the interests of religion, or indisposed, rather, to meddle with concerns of the conscience, in education or the secular tuition of the American young it took the liveliest interest. Nowhere

* Sprague's Annals; Baird's Religion in America.

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has the training of the intellect, apart from that of the heart, been so widely assumed as an appropriate function of government as in the United States; and perhaps history should pronounce it the Virginian and skeptical more than the New England theory of these our earlier times that youth ought to be biassed in science and not religion. But it was the New England Puritans who led the way in establishing our public schools, their theory being that these should perform a certain part in the work of educating the young, the home and the church performing the rest; and so well had the system been carried out that in Connecticut, where it was, in a sense, compulsory, scarcely a child could be found in 1809 who was not, when old enough, taught reading, writing, and arithmetic.* The growth of the common school system was slower in the Middle and Southern States, yet the theory of public education was widely inculcated. At the West, and under the new State constitutions, liberal, sometimes extravagant grants were made, chiefly from the public land, by way of providing a local educational fund. Widely popular as this policy had become under Jefferson, a benefactor to the cause, public education in the United States, though extensive, was quite superficial, and, perhaps, properly so. In place of industrial schools, young men were apprenticed to a trade, while families of means sought private tutors, or sent their children to learn the liberal accomplishments at some private seminary. Of colleges, some fifteen had been incorporated, several of them founded as sectarian training-schools, others, more recent, as the fruition of a State educational system. None were well endowed; many had only a sort of grammar-school standard; most were in one another's way; all suffered from the absence of anything like a general national recognition. Those old rivals, Harvard and Yale, well maintained the lead; the one instructing better in the languages, the other in arts and sciences. Ancient William and Mary had become a lazaretto, fed upon crumbs.† English travellers sneered at famous Princeton's cupboard of philosophical apparatus; while to the happy accident of a college yard, located in what was

* See President Dwight's Travels; Morse's Gazeteer.

† This is Wirt's expression in the British Spy.

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becoming the heart of a great metropolis, Columbia had reason to attribute its later prosperity. These were the five oldest colleges in the Union.*

The penal discipline of our several States was based upon the British system. But while Great Britain could throw off its debased criminal element, like scum rising to the top of a boiling caldron, we had, so to speak, to stir it into the social mass. Transportation or banishment for crime and the penal colony were here unknown, and of the four modes of punishment remaining, death, corporeal infliction, imprisonment, and fine, our State legislation was coming inevitably to rely upon the last two, not only for the reason that the pure republic is eminently humane, but because, moreover, governors and legislators were made to feel their dependence for authority upon a popular suffrage which could not eradicate the vicious and ignorant. Hence timidity increased in modes of discipline. Whipping, cropping, and branding were punishments still inflicted for misdemeanor in many States; but being injurious to the culprit's health and self-respect, the public disfavor towards them constantly increased, together with a disposition to confine the death penalty, contrary to rules of the common law, to persons convicted of wilful murder. The question was already seriously agitated in this country whether capital punishment ought not to be abolished altogether.† As to imprisonment for debt, or the punishment of misfortune, the old and rigid rules of centuries had, within fifteen years, been partially superseded.

Every State establishing its own criminal code and method of discipline, public men of the old school seemed to regard imprisonment less in its reformatory aspect than as a means of retribution, while those of the new, hopeful of human nature, rather as a means of reclaiming man; each party, doubtless, in danger of committing practical errors. Hence, in

* See Weld's and Dwight's Travels; Morse's Gazeteer; Wirt's British Spy.

† See Governor Snyder's Message, December 5th, 1811, to the Pennsylvania legislature, referring to the subject of capital punishment, and favoring such a change; Niles's Register.

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conservative Connecticut the State's prison was at this date an object of terror to criminals, being the mouth of a forsaken copper-mine, secured by a trap door, and descended by a shaft.* Sentries stood about the yard as the sullen prisoners came up to work, handcuffed, fettered, and chained in pairs to wheelbarrows.† Pennsylvania and New York, on the other hand, erected commodious buildings, and encouraged convicts to pursue some useful trade, charging each one with his support and crediting him with his labor, so that he who chose might return to society, at the expiration of his term, with industrious habits and a small capital besides. Edward Livingston found in 1827 that imprisonment and labor had been adopted as the usual punishment in fourteen out of twenty-four States; and so well conducted, we may add, was that system in the early part of this century, that the penitentiary in several States more than cleared expenses. The Carolinas were beginning to investigate this new penitentiary system, their own State systems being quite imperfect. In penal reform Pennsylvania led at this period; its famous prison, the study of philanthropists from abroad, being conducted upon purely American ideas; and here, labor on the public works having been found debasing, solitary confinement and private labor were substituted in 1790, with, at once, a remarkable effect in stopping second convictions and diminishing crime. But the plan of individual seclusion by day, except for breach of prison discipline or the more atrocious crimes, did not find general approval in the United States. Whatever other differences of plan and arrangement there might be, however, American penitentiaries came into harmony by 1830 in the appropriation of a separate cell or dormitory for each prisoner to occupy by night.‡

The facility of removal from one State to another, and into the distant wilderness, was, perhaps, a fair substitute in the

* Dr. Dwight himself speaks of the gloomy recesses of this penal institution. See Dwight's Travels.

† 3 Kendall's Travels speaks of a man who maimed one hand purposely, and was set by the overseers to pouring sand with the other hand into a vessel with a hole at the bottom.

‡ See Livingston's Code; Weld's, Lambert's, and Melish's Travels.

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United States for the penal colony system of England, so far as it might afford the discharged convict an opportunity to begin life anew and redeem his sullied honor, not, however, in respect of affording public security. Under our composite system, it may finally be observed, the Federal government took jurisdiction only in certain specified offences affecting the exercise of its constitutional functions, and hence bore very little part in the penal discipline of American society.

VI. *Literature, Journalism, the Arts and Sciences.*—Literature had not yet prospered in this country, for men of leisure either to patronize or pursue such studies were few. They who cleared the land cared little for raising flowers. Booksellers conferred together upon improvements in paper, printers' ink, and binding; they imported learned and professional works, and those, too, of the lighter sort; and issued subscription proposals to the public for republishing standard English books, from Johnson's *Dictionary* to Montgomery's *Poems*, rarely launching into more serious enterprises upon their own responsibility than that of some foreign reprint, or the report of an interesting trial, such as one would in these days look for in the columns of a daily newspaper. Culture, such of it as might be said to exist, was squeamish, affected, finical, full of classical pretensions, toad-eater of the rich and patronizing to the poor, inane, wholly out of sympathy with American democracy, and imitative of English authors. To write and rewrite the papers from Addison's *Spectator* was a literary training. Fresh ideas and forms of expression were nothing in comparison with a Queen Anne's style. American books did not pay, as all allowed, and the shy and lonely Charles Brockden Brown, the first of native imaginative writers who undertook to live by the pen, and our only native novelist prior to Paulding and Cooper, not utterly insignificant, died at forty, poor, dispirited, and exhausted.

Of amateur dabblers, how thin the literary quality one perceives by a post-mortem inspection of those weak-legged and staggering little periodicals of this era, which, starting out boldly with the American *literati* on their backs, soon fell by the wayside. Of these the *Portfolio*, published in

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Philadelphia, was the first which survived a tenth year, and on the whole the best. Its contributors quoted Latin, grew discursive upon trivial matters of the day, described thundershowers, elaborated metaphors upon ocean billows, and in preparing their essays whispered a prayer to fame that they might be served up to posterity in elegant extracts. Their best work consisted in correcting the bad grammar of cheap newspapers and political speakers. Here, too, the poetaster invoked gods, goddesses, and mental abstractions; imitated Horace, Goldsmith, Thomson, Cowper, Anacreon Moore, and Pope above all others; was prudish and amorous by turns; described, if sentimental, the temple of friendship, Laura weeping, Celia coquetting, the kiss, the blush; or, if humorously disposed, made sport of national politics, strung little indecencies into rhyme, and laid a train of trivialities to explode in a pun like a Chinese cracker. All was prettiness and the aping of European manners; and of the types of *literati* most favored two recurred constantly,—the literary fop, abounding in voluptuous phrases and graceful rakishness towards the female sex, and the literary lounger, who studied the town at his ease, and lolled after a solitary fashion, pretending to the affluence which in reality was afar off.

There was one reason, and a sufficient one, why all this should take little hold of the American mind, namely, that it ignored or flippantly rebuked the theories of life which America was most earnest in developing. Jefferson and Jeffersonian maxims they deplored of course. Even Bryant, a precocious youth of fourteen, appeared in print this very year as one of the Bourbon *literati* with a satire upon "the Embargo;" but war times and a college education set him presently to better themes.

Halleck, Drake, Percival, and Bryant himself belong properly to a later and fresher epoch of American verse. As early as 1809 not even a critical review after the Edinburgh pattern had been established in the United States. There were literary coteries, however, in several of the leading cities. Over that in Philadelphia presided the accomplished Dennie, the editor and founder of the *Portfolio*, styled by his

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admirers the "American Addison," and certainly a fair writer of the *Spectator* school. In Boston flourished the Anthology Club, and Boston was an acknowledged seat of literary research and refinement, though boasting no writers of fancy and imagination superior to "Philenia," the authoress of *Beacon Hill*, and Robert Treat Paine, the odist; these carried on some well-bred cooing together upon one another's verses. New York had just revealed a new and original vein in *Salmagundi*, a series of descriptive papers, full of humorous and piquant satire, which, in 1807, set the whole townspeople laughing at their neighbors. *Salmagundi* introduced to the public two genuine American *literati*, and the first of the kind, in Paulding and Irving,—writers whose course of life soon differed, the one becoming a novelist, less famous than his deserts because of active pursuits which interrupted his lighter labors; the latter, after introducing the famous *Knickerbocker* to the public, at the close of 1809, devoting himself to literature as a wandering author for the rest of his long life. Irving was the first truly original of American authors, the first whose genius disarmed European critics, the first who proved capable of giving a picturesque coloring to American subjects, and who showed himself equally rich in humor and the tenderest pathos. His tastes inclined to the Elizabethan and earlier English writers, which of itself was enough to distinguish him from his contemporaries at home; and being a man of feeling he partook of the moods of the many countries which he visited, and wove successfully the facts and traditions of the Old and New World together.

But to return to 1809. Hartford was the Helicon of the muses at this time, and Connecticut, in proportion to her population, the most prolific State of the Union in literary men. The Connecticut bards, most of whom had been in younger years associated at Hartford, were Dwight, the great theologian, Trumbull, Barlow, Humphreys, and Hopkins. Of these Trumbull produced the liveliest poem, in *McFingal*, a satire, after Hudibras, upon the Tories of the Revolution, which, composed in the heat of that struggle, enjoyed here an ephemeral popularity quite unprecedented. Barlow's more recent effort, the *Columbiad*, was the most ambitious, being an

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epic of not less than ten books, written in a grandiose strain, and full of epithets and tempestuous metaphors. This was in Jefferson's day pronounced the most remarkable of native poems, being in fact almost the only one whose prophecy accorded with the people's wish; but, admirable for its strain of moral elevation and hopefulness for America, theme and treatment were alike beyond the capacity of the writer. If the ancient epic can ever suit the annals of modern documentary history at all, its heroes, in order to commingle with the gods and goddesses like those of Troy, must at all events be seen through the long perspective of centuries. A diplomatist, a traveller in Europe, a speculator, and man of affairs, Barlow was quite unequal to this heroic strain. The *Columbiad*, issued at lavish cost by his friend Fulton, was for the age a miracle of type, paper, and illustrations, but as a bard Barlow lives by the homelier lay of *Hasty Pudding*, inspired by the recollections of his rural childhood.*

In works embodying the results of research or personal experience, practical works which called the logical faculty into exercise, rather than the power to color or create, our literature was more luxuriant. All things tended to the practical, and to practical men wealth and reputation were promised. Hence educational books of a good grade were produced, Murray's *Grammar*, for instance, Morse's *Geography* and *Gazetteer*, and Webster's immortal *Speller*,—the last named selling by millions, and with less than one cent copyright supporting the author's family for twenty years, while he labored upon his large *Dictionary*. Holmes's *Annals* furnished a useful epitome of American history, and there were respectable local works besides. If the *Jesuit* and *British Spy* were idle freaks in the masquerading sense, yet Ingersoll and Wirt wrote gracefully and well upon their times. In theology and mental philosophy the profound speculations of Jonathan Edwards had awakened a spirit of controversy in the New England pulpit, among whose liberal thinkers young Channing was beginning his remarkable ministry. For state papers and sage correspondence

* See Duyckinck's American Cyclopædia; works of Barlow and others; Inchiquin's Letters.

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upon political topics of the times Europe could show nothing superior to the writings of our leading statesmen,—of Franklin, Washington, Adams, Jefferson, and Hamilton. The best speeches of Ames and Randolph in Congress were models,—the one of fervid appeal, the other of keen satire. And although Americans in professional and public life had little opportunity to consult great libraries, and often a very scanty education, yet conscientious industry, experience, contact with able men, and a healthy comprehension of general principles will counterbalance such disadvantages. Franklin exemplified this latter truth in diplomacy, Washington in both military and civil administration, Marshall upon the bench, Clay, somewhat later, as the leader in Congress.

The practical bent of the American mind may largely explain the rapid multiplication of journals in the United States. There was scarcely an ambitious young writer of this epoch who had not made some such venture, and generally an unlucky one; and the rule still obtains that in the United States circulation is shared by a larger number of newspapers and periodicals, in proportion, than in any other part of the globe. Americans were constantly agitated by what had happened last. Not a packet arrived from Europe but was boarded by journalists and inquirers for the news, who stood upon no ceremony with the passengers. When the horn sounded and the stage rolled up before the country inn, the townspeople would hasten to the spot and form in groups about such of their neighbors as were fortunate enough to procure a newspaper from the driver.

Of newspapers published in the United States at the commencement of the year 1810 the number may be stated at 364. Nearly all had been established since 1775; 315 were party organs, about equally divided; 15 were printed in foreign languages. Pennsylvania, New York, and Massachusetts, in order, had the greatest number.* No other country could show such figures in that day. Nevertheless it was a far different press

* Thomas's History of Printing; Niles's Register, October, 1811; see *supra*, vol. i, 178.

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from the American press of to-day in point of enterprise and influence. Only 25 of the whole number were daily newspapers, most of the others being published weekly; and even Boston supporting nothing more frequent than a tri-weekly. There were no religious, class, or independent papers. The art of making up readable, attractive columns was unknown; domestic news was painfully gathered by the editors in person, comment predominating over the narrative, while foreign intelligence, nineteen to twenty-nine days later from Europe, was bestowed bodily in great batches from the English papers, extracts from which would lumber the narrow space of our journals with little attempt at abstract or comely arrangement. Political reports consisted of a pile of documents; and as supplements and extra sheets involved an outlay to the printer, not to be met without special subscriptions, they were seldom issued, but the documentary publication instead would go on by instalments from week to week. Little was expended by newspaper proprietors upon news items, professional reports, prices current, or entertaining gossip; but they who wished to instruct the public prepared anonymous essays, or transmitted intelligence which would appear editorially with the cautious preface, "we understand," or "we learn from a highly respectable source." Reports of events were partial, and it was not uncommon for party newspapers to suppress even election news when the returns came in unfavorably to their side.

To the coarseness and virulence of political newspapers in this age we have elsewhere alluded.* Though aspiring to a public censorship their editors—who were aliens for the most part with alien prepossessions, and impecunious—found themselves the fags of politicians and dependent upon the patronage of subscriptions. Journalism had hardly become as yet a stepping-stone to public preferment, nor by any means a profession as at present which public honors could not tempt one to abandon. Editor and proprietor, with rare exceptions, were one and the same individual, commonly styled the printer.† He had little capital for developing his establish-

* *Supra*, vol. i, 402; vol. ii, 31, 117.

† Noah Webster, one of the earliest American editors employed by that distinctive title upon a newspaper, did not remain long in journalism.

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ment. His support in subscriptions and advertising was precarious, like the politics he depended upon. He preserved a personality before the public, and usually a coarse one.

Advocates of a free press among the Republican leaders were not all prepared to accept its guidance. Dallas declared a newspaper government the most execrable of all things.* Jefferson considered the press of this day abandoned to falsehood, and not to be relied upon for details; and the man, he said, who never looked into a newspaper was better informed than he who read them.† Franklin, too, had commented unfavorably upon the scurrility and violence of American journalism in 1788.‡ Yet the newspaper, with all its faults, was a growing force in America, and under late relaxations of the law of libel gained in wholesomeness and independence.§

In the fine arts America had made little progress beyond the adornment of coach-panels, chiselling tombstones, and carving figure-heads for ships. A few languishing art associations might be found in the chief cities, where the Greek models in plaster were on exhibition; and among students of natural history, Peale's Museum, in Philadelphia, with stuffed American quadrupeds and bones of the Mammoth, was renowned; its attendant cutting out the profiles of visitors as an additional means of livelihood. Art, sustained by science, achieved the practical. Americans knew too little of painting and sculpture to be connoisseurs, and few were rich enough to be general patrons; but if affording anything, they sat for their pictures. Hence arose Copley, Peale, Stuart, Trumbull, Vanderlyn, and Leslie, all American artists, and masters in portrait-painting. The best of these pursued their studies abroad, as also did West and Allston, whose names are connected with more ambitious, but not more lasting subjects.

In the useful mechanic arts and works of engineering the United States had made rapid advancement. There were well-built bridges, some of them remarkable for the times, con-

* Adams's Gallatin, 441.

† Jefferson's Writings, June, 1807.

‡ Franklin's Autobiography.

§ See *supra*, vol. i, 398; vol. ii, 117; also Hudson's Journalism.

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necting Boston with the suburbs, crossing the Connecticut at Springfield, spanning the Delaware at Trenton, or the Schuylkill, near Philadelphia. In ship and house building the United States ranked with the first nations of Europe. Bulfinch and Latrobe were architects worthy an extended fame; and in public erections New York made boast of its new marble city hall; while, for grandeur of design, no shrine to freedom could compare with the national capitol, whose central glory, however, was still wanting.

For useful inventions we were already a renowned people, far in advance of Continental Europe.* Ingenuity fastened upon the humblest of hand pursuits which promised money; and, somewhat empirical in methods, the inventor became crack-brained in vainly seeking to resolve the problem of perpetual motion.† Three American inventors of this age deserve particular mention: Eli Whitney, Oliver Evans, and Robert Fulton. Whitney's cotton-gin made the fortune of our cotton-growing States. Evans was a diligent student of the various practical appliances of steam, though confining his labors chiefly to improving the machinery of steam flour-mills, for the sake of an immediate pecuniary profit.‡ But the American inventor who first riveted the gaze of Europe was Fulton. His steamboat, not the first of the kind ever made, even in his own country, gave to the world the first successful application of steam ever made to the permanent and practical purposes of locomotion.§ Others had conceived the idea; but Fulton,

* Since 1790 the Patent Office had issued letters-patent for various improvements in slitting iron, distilling, raising water, and putting out fires, and for improved implements of husbandry down to the humble cow-bell. See Fessenden's Register of Arts.

† See the crazy petition of one Dupré, presented in 1802 to Congress, asking a bounty for the discovery. About 1812 were numerous claims on the patent files for perpetual motion machines.

‡ Evans obtained, about 1786–87, among other monopolies, one from Maryland, for propelling wagons. He clearly anticipated the later appliance of steam to railways; but, up to 1800, never found any capitalist who would risk money on such an enterprise.

§ Fessenden's Register, 1808, speaking dubiously of this invention, refers to unsuccessful experiments of the kind tried in England, on the Duke of Bridgewater's canal, where the fuel and machinery took up so

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who united to a mechanical genius the tastes of an artist, the experience of a European traveller, and the perseverance of a business man, was favored, not only with friends like Barlow and West, but in Chancellor Livingston, who supplied what American inventors then found so rarely, a patron with capital and public influence at command, to develop with him what seemed to most a visionary scheme. The first of the decisive triumphs of the nineteenth century in abridging distance occurred on the Hudson in 1807, when a paddle-wheel boat of twenty-horse engine power, with berths and accommodations for one hundred passengers, made in thirty-two hours, regardless of wind or tide, the trip from New York city to Albany, which, under sail, had hitherto occupied three days.* A monopoly of steam navigation on this river for thirty years, under a State act, afforded ample working capital; and within three years after Jefferson's retirement from office steamboats plied on the great Western rivers, while Fulton's double-ended ferry-boats puffed their way between New York and Jersey City. It was long, however, before ocean steamers came into use.

Besides new turnpike facilities, canal-building was looked upon as the grand means of enlarging our internal traffic; and this, chiefly, by connecting the Western rivers with those

much space that none was left for passengers. In Carlyle's Reminiscences may be found an allusion apparently to the same series of experiments. Fessenden himself had recently returned from England.

Much earlier still, John Fitch, an American, about 1786–90, gave much attention to the propulsion of boats by steam. He built and operated a steamboat at Philadelphia, with paddles first on the sides like a canoe, and afterwards on the stern. His method was patented; but he found little encouragement for prosecuting his experiments, and his end was a melancholy one. See Westcott's Philadelphia. Evans claimed, in 1813, the credit of having proposed a paddle-wheel steamboat before 1786. 4 Niles's Register, 111.

Jefferson wrote, in 1785, of a man in Paris, who had invented a method of moving a vessel in the water by a machine,—a sort of screw worked within the vessel. I Jefferson's Works, 364. Thus the idea of a "propeller" appears to have been entertained by inventors earlier than that of wheel steamboats.

* Newspapers of the day, August, 1807; Lambert's Travels; Life of Fulton.

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of the Atlantic declivity. The rage for canals was checked by the war of 1812, and then broke out again; but, by the next generation, railways proved a powerful competitor. The canals of Egypt were chiefly for irrigation, but these for passage and transportation.

Of scientific books in the United States there were few. To the study of the natural history of America Jefferson gave an impulse; Wilson, the ornithologist, first began to publish; geology and botany were new branches of study to our countrymen. The Lewis and Clarke expedition and Coast Survey encouraged science. Bowditch was a growing light in the higher mathematics; Professor Silliman, of Yale College, lectured to large audiences upon the study of chemistry and applied science. Storms, meteoric showers, and weather phenomena interested the farmers. But to many educated minds science seemed inseparable from skepticism. Franklin's discoveries with electricity had been put to very little practical use; and by way of telegraph we had only beacons and swinging arms at convenient signal stations. Experiments in illuminating gas began a few years later; but the winter evening toil was still pursued by the light of oil, candles, or the open fire.

VII. *Social Life and Manners.*—Leading traits of a sectional cast have been delineated in former pages. Between North and South, old settlements and the backwoods, differences of habits and character might be traced, and provincialisms of speech and thought, all originating in the circumstances of their colonization and their peculiar surroundings.

The intense pursuit of gain was one of our most striking traits as a people, where all were hopeful of rising and securing wealth for themselves and their children. This was typical, more particularly of the Northern section, the South being comparatively indolent and capitalists appropriating the rewards of unambitious labor. New England and the Northern and the new Northwestern States were generally thrifty in habits, close, economical; but citizens of the South, though parsimonious in public outlay, were extravagant and free-handed in private, always tardy in reckoning with creditors.

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There seemed in the entire free section of this Union universal employment.

The desire of riches was a ruling passion with Americans. They were ardent in enterprise, courageous; each had a good opinion of himself. The crimes of which our native-born were chiefly guilty corresponded. They were not often apprehended for murder and bold robbery, but rather for forgery and swindling, the abuses of learning and ready wit to the pursuit of a fortune. There were heavy speculators in Western lands, who exhibited sham plans in Europe of the tracts which they wished to sell. Men took risks boldly in investments and in business promising great returns. The lottery principle had begun to pervade the ordinary pursuits of life; though as to the public lotteries, long relied upon as a means of raising funds for building churches and colleges, the laws were becoming stringent.

Social manners were more free in the new settlements than the old. In New England the Puritan austerity of life cast a sombre shade over the social manners. Family discipline was strictly exercised; children stood in awe of their parents, were not fondly caressed, and learned early that little folks should be seen and not heard. The influence of magistrates and the clergy was very great.* The young were taught to reverence their elders, and the inexperienced to leave affairs to those longest trusted; a lesson most strenuously inculcated, of course, by the elders and the experienced themselves. Companionships were carefully regulated; and though few were rich, and scarcely any very poor, lines of social demarcation ran like parallels on the map. A Copley portrait in the hall or darkened parlor, old china, a tea service of massive silver, certified to respectability. Families preserved their traditions, guarded against strange admixture of blood, and met annually, with children and children's children, at the Thanksgiving dinner. In the South, on the other hand, where social distinctions were more deeply engraved, less of repression was observable in the home circle, but at the same time less of re-

* 1 George Ticknor's Life, ch. 2; William C. Bryant, in the St. Nicholas, December, 1876.

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finement and intellectual training. In the West and Middle sections the heterogeneous elements tended less readily to form distinctive traits of character.

The rich entertained well at the North, after the manner of Englishmen, improving in style with their circumstances. Friends and intimate acquaintances met often at one another's houses in an unostentatious way. But they who had to regard economies made often a labor of their hospitality; preparations for company being conscientiously carried out as proof of skill on the part of mistress and daughters, upon whom the domestic labor mostly devolved. With slaves for menials, and few critical neighbors about him, it was far easier for the Southern planter to keep open house. With Southern hospitality was mingled much love of ostentation; Virginians liked to show off their blood horses; and upon South Carolina plantations a negro, stationed on the lookout, would run to announce when a carriage was approaching, which was a signal for the house servants to slip on their liveries and look imposing.

At the far South those of rank walked little; an enervating climate, the sandy roads winding among pine barrens, and the monotonous tone of the landscape, all favoring a preference for the saddle or family coach. A Southerner rode well on horseback; and with the male sex, hunting, shooting, and fishing were kindred pastimes. Gentlemen, formed into hunting clubs, pursued the deer at night by the light of blazing torches. A Carolina rifleman would hit a deer or wild turkey readily at one hundred and fifty yards. Servants were dispatched for fowling as an inferior sport. Southern men of all grades were passionately fond of the horse-race. This was a special extravagance among Virginians, and purses were put up at $500 or $600 on favorite animals; jockey clubs taking the direction of such amusements at all the chief Southern centres. Gambling and drinking booths brought discredit, however, upon these gatherings, which the dissipated and low-lived would frequent in great numbers. In Jefferson's day the two Houses of Congress used regularly to adjourn on various pretexts, in order that members might attend the November races near Georgetown.

There was a glittering and dull side to the Carolina planter's

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life; only the former, however, being exposed to public gaze. Like birds who moult their brilliant plumage at a certain season, he retired with his family to rural obscurity and poverty for the seed time, all emerging once more in high feather when the cash was advanced on the next crop.*

Far more uniform was the course of life pursued in the Northern States. Few libraries of great size could be found, public or private, at this time, in any part of the Union; but a taste for reading was diffused among inhabitants of the older towns, and in New England, at least, every house of the better sort had its closet of promiscuous books, a sort of heir-loom in the family. Southerners cared comparatively little for intellectual culture, but were colloquial and witty, and fond of entertaining conversation. In all sections men learned much by personal contact and experience.

Politics were so noisily debated by our people that wits declared the United States a logocracy.† It was not alone the editorial flings of the party press that excited a foreigner's surprise, nor political public meetings; but upon the coach, and in the taverns, Americans fell into a noisy wrangle over public issues, pursuing the evening's discussion from the sanded bar-room up stairs into the double-bedded chambers, as they pulled off their boots by candlelight and prepared to retire.‡ The conflict of British Whig and Tory, people and crown, was radically much deeper than ours, as between advocates of a greater and of a lesser share of popular power under a government unquestionably republican. Unhappily, as our narrative has shown, personal encounters and duels too often resulted from these political acerbities, where partisans were so deadly in earnest.

Americans, indeed, had not developed a keen sense of humor; life had too much of the sober reality to them. They voted as they believed, and to their beliefs clung firmly and honestly. The provincial clod was upon them still. A poor play upon words, or some scriptural metaphor, went a great

* Davis's and Lambert's Travels detail these vicissitudes in a picturesque but faithful manner, from personal observation.

† See Salmagundi.

‡ Melish's, Weld's, Lambert's, and Kendall's Travels

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way for wit at the public banquets, where toasts, framed like our later party platforms to catch the temper of the times, were published by the party press afterwards as a sort of political market quotation.

Each citizen loved the applause of his community, and was tempted to do ill or well according as he might gain it. The national vanity, too, was remarkable; also the national sensitiveness to criticism. While his own nation grew, all others seemed to decay. The vice most widely prevalent in the United States was immoderate drinking, a great curse to the Mississippi valley and our rude back settlements. Tobacco as a narcotic was more freely used by our people than in European countries, where the snuff-box went round in polite circles which held even smoking to be vulgar; and hence the chewing of the tobacco leaf, like that of the betel or opium at the East, had become in the eyes of foreign visitors a national trait, so that few wrote of Americans without commenting upon what they termed filthy expectorating habits.

In recreations our people were humane, showing little interest in bull-fights, cock-fights, or pugilism; and at the northward rarely fishing or shooting for mere sport. The theatre was sustained in the chief cities; but indifferently, having religious prejudices still to encounter,* and catering much to the low taste which supported it. Besides wax-works, human monstrosities, and the small circuses where the rider leaped through a hoop, the germ of the modern menagerie was now visible in the chance exhibition of a zebra, polar bear, or Asiatic tiger,† accompanied usually by some instructive description of the animal's habits. Lectures on electricity, chemistry, and other scientific subjects, were quite the fashion. New York had a poor imitation of the London Vauxhall. Concerts of a miscellaneous character, more or less elevated, were given, most theatrical and musical celebrities being imported from Europe. The young men and maidens of the

* See *supra*, vol. i, p. 230.

† A royal tiger and tigress from Asia, shown in 1809, were claimed to be the first of the kind which had ever reached this continent.—Newspapers of the day.

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rural towns had their huskings, and bees, and made frolic over their work.*

In social centres like Boston, New York, Philadelphia, and Baltimore, the best society consisted of high public officials, divines, lawyers, physicians, the leading merchants, and the few of independent means. The bar led to social and public preferment more than in these later days, when the doors fly open to every Crœsus who uses great wealth with discretion. Foreigners were lionized in society. For winter amusements there were, besides the merry sleigh rides, tea and card parties, and assemblies. In the assemblies, or subscription balls, society drew its lines strictly in New York and the other chief cities, so that those of fashionable pretensions, excluded from the old assembly, would form a new and rival one. In the summer-time leaders of society seldom went far from town or broke up housekeeping. Wives and children would remain shut up by day, and all the inhabitants would pour out upon the sidewalks after sundown. Charleston people retired in large numbers to Sullivan's Island during the sickly season. New Yorkers made island excursions down the bay as far as Sandy Hook. Within twenty miles of Boston and New York were beautiful suburban towns to be visited by coach or chaise. President Dwight occupied his college vacations in making horseback tours through New England, noting its topography with minuteness, studying the town resources, and once extending his journey to the almost inaccessible White Mountains.† The only fashionable summer resort in the United States, at all worthy the name, was Ballston, whose mineral springs had been first sought by invalids.

This was a transition period, and hence considerable antagonism developed between the old school and the new; the social differences of the day corresponding somewhat to the political. Aristocratic families of plain manners took the dust impatiently from the showy carriages of upstarts suddenly become rich. Those of the *ton*, whose dwindling incomes could

* Some of the New England sports of this era are pleasingly described in Barlow's "Hasty Pudding."

† Some of the earliest descriptions of the White Mountain region are to be found in Dwight's Travels, a ponderous work of four volumes.

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borrow no increase from their own exertions in life, recalled with sadness the simple pleasures which were passing away. They of colonial tastes turned up the nose at everything French, and yet had to confess that the light French manners were making inroad upon those derived earlier from provincial England. The saying in the upper circles was that courtly manners went out with the Federalist party.

In New York city the rival milliners were English and French, Mrs. Toole and Madame Bouchard, and the dashing belles of the town appeared to prefer the latter. French hairdressers cut and trimmed after the Titus and Brutus fashion for the men, and intermixed gauze, muslin, and jewels in ladies' head-dresses; powder, wigs, knee-buckles, and small-clothes were getting unfashionable, and though the old beaux kept constant to silk waistcoats and the snuff-box, the young men played billiards, offered cigars, and wore black uniforms at evening parties. French refugees taught the waltz, the stately minuet was tabooed at parties, and alternating with country dances was the popular cotillion, which the male partner accompanied by cutting capers and pigeon-wings, and quivering the leg. Instead of cookies and cherry-bounce, as formerly, visitors on New Year's day were now regaled on plumcake and strange liquors. Young ladies declined the Sunday walk on the Battery, and at the suburban resort where an unceremonious dance, to a rustic fiddle, was once enjoyed, all was style and emulation of dress. Old ladies, at the evening parties, in stiff buckram and brocades, felt scandalized at the exhibition of low-cut dresses and French draperies. American society, in short, was emerging into a new state of existence.*

The beauty of American women, travellers generally admitted, and still more their chastity. But female beauty decayed earlier in America than in England. Not without a touch of prudery in manners, their tastes were domestic and their pleasures simple. In every quarter of the Union woman was treated with deference and respect by those of the opposite sex; intercourse was free; the young courted in good earnest,

* See the social descriptions in Salmagundi; Lambert's Travels.

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and marriages were early made upon the basis of mutual affection. The gentle and prolific mother accepted patiently the trials of life with its pleasures; her sphere was her family, and though the husband claimed his strict common-law rights, he asserted them without severity in a land where wealthy matches were almost impossible. Female accomplishments in America were superficial, perhaps, but the heart was well trained, and woman found her highest happiness as the elevating companion of man, neither his slave nor his rival. The surest pledge of universal purity for both sexes was universal marriage and the home life.

Nothing has so changed the habits of life, and social and business methods of our people since the Jeffersonian era, as the use of electric telegraphs and steam locomotion. An ocean cable in the days of the first four presidents would have saved numerous misunderstandings with foreign belligerents, and in all likelihood have prevented the war of 1812. Mails were delivered twice or three times a week at important towns; when Pickering was Postmaster-General it was thought a great feat to get the post-riders through between New York and Philadelphia in twenty-four hours; letters were often mislaid or arrived with the seals broken. The organization of post-riders had been given up as too expensive, and under a contract system mail coaches now carried both mails and passengers over post-roads. The familiar American mail-stage, or coachee, unlike the English, held twelve passengers, all facing the horses together, inclusive of the driver's seat; its roof was flat, the sides and front open, and when the leather curtains or flaps had to be fastened down in bad weather the occupants would crawl over the front seat to take their places. The driver kept the mail in the box below his seat; baggage was strapped behind the coach.* Conveyance by this vehicle alternated with ferry and packet transportation for long distances. On the chief post-roads, by whose lines many of the prosperous modern railways have since been laid out, travel was safe and expeditious, though accidents some-

* See Lambert's, Melish's, and Weld's Travels, and picture in the last-mentioned book.

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times occurred.* The prudent Philadelphia merchant made his will before setting out for Pittsburg or Charleston. The stage trumpet sounded in the Boston streets, while the stars twinkled, the driver taking up his passengers. On the favorite route Weston was reached by way of Cambridge, and over the Worcester turnpike, at clear daylight. Passengers grew merry with one another as the day advanced, taking their refreshment at the taverns where the horses were changed; at Springfield in the evening's dusk they warmed themselves by a kitchen fire; stopping at Suffield, Connecticut, for the first night's rest. The journey was resumed toward Hartford at three in the morning. Weathersfield with its onions and a cultivated country occupied the traveller's thoughts all the forenoon, as he rolled on between Hartford and New Haven. The latter town was reached early in the afternoon; and after a second hasty inn slumber, from midnight to three in the morning, the staging was resumed, the weary traveller reaching New York at last by ten o'clock in the forenoon of the third day. Allowing, therefore, for snatches of sleep, two nights, from three to six hours each, a journey from Boston to New York by this lightning conveyance occupied about fifty-five hours.†

In our modern caravanseries at the railway centres, known as hotels, the guest finds himself a numeral instead of a name. But at the inns of these days, scattered far and wide, as the system of short journeys demanded, the whole atmosphere favored good fellowship; the best of them having a neat and homelike aspect, and the worst, which were at the West and South, pigging travellers together in the same chamber if not the same bed.‡ All over the United States the common meal

* In Pickering's Life, mention is made of the upset in a moonlight night, December, 1805, of a stage from Baltimore, loaded with Congressmen, a few miles from Washington. The passengers alighted in a deep gully, but no one was seriously hurt.

† See Melish's Travels.

‡ Even in the best inns, as at Hartford, where legislators boarded, one guest-chamber not unfrequently held four or five beds for their use. See Kendall's Travels. Near Chillicothe at a stage inn, as Cuming relates, he was shown to a bed in a barrack-room, up stairs, running the whole length of the house; here another bed was occupied by a man and wife,

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system prevailed, long tables being set out bountifully, but the landlord could seldom serve up a dinner or supper conveniently except at the regular meal hours. English inn names were used considerably in the United States, but almost every public house was called a tavern.* The bars at many of them attracted a lounging, often disreputable set, to the public rooms, especially at the South and West.

One important result of later travelling facilities has been to divert population and trade from the country to the chief towns, and to what in modern phrase are styled railway centres. The village inn loses its custom in consequence, and the village itself the animating local spirit. Restless ambition and the gregarious instinct gave impulse already to the flow from country to town ;† but, as early as 1809, population was fairly distributed over the land, and the largest of our few cities partook of rural qualities. Love of country may be defined as, in one sense, a prejudice in favor of the only locality one knows much about; and it must be an open question whether the cosmopolite whose range becomes enlarged by travel is likely to live a more useful life for having parted with that prejudice.

VIII. *Concluding Observations.*—Nothing which illustrates the character and manners of an age and a people is too trivial for history, for thus do we discern the springs of human conduct. Most true is this of a government which executes the popular mandate and obeys the impulses, good or bad, of its society and the times. Republics are not perfect. There is less of permanency in public life, less of ripe experience, than

who conversed with him and with one another, and, together with hosts of vermin, kept him awake. T. Cuming's Travels. There was great conviviality in Western taverns on Saturday nights.

* Weld's and Davis's Travels. In Boston at this time a lofty hotel was being built, under the patronage of the merchants, as an exchange and coffee-house, to be seven stories high, and to contain two hundred separate chambers. This was expected to exceed in accommodation any house of the kind in the United States. It proved a ruinous speculation. See Lambert's Travels; Drake's Boston.

† In Jefferson's Works, November 14th, 1803, this tendency of migration is noted with dissatisfaction.

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under a good monarch; costly mistakes are made, lessons are learned slowly and forgotten easily; many an administration fails in energy and foresight. But free-will shapes the career of a nation better than necessity. Bad rulers may be displaced; even the best is not indispensable. Out of error comes improvement, and the worst evil may in time be corrected.

The love of novelty and change is inseparable from such a government. A new custom is quickly stereotyped into law before the old one has proved outworn. Men are prone to consider the latest the best; their own age superior to all preceding, and the constant tendency of all things to perfection; truths by no means evident, if history teaches anything. On the contrary, the generation which gains in one point may lose in others. This Jefferson era, by no means the age of perfection, was a happy one, nevertheless, in setting the high opportunities of acquisition before all; and the American people were happy at this age in reaching out towards the golden mean of prosperity while stimulated to still greater exertion.

NOTE.—The authorities consulted in the preparation of the foregoing Chapter are very numerous, and though the principal ones have been cited in place, it would be impossible to cite fully. Besides making current notes from newspapers of the period, and public documents, the author has made use of the following works: Niles's Register; the published writings of Jefferson, Madison, the Adamses, and other contemporary statesmen; Inchiquin's Letters (Ingersoll); Bristed's Resources (1817); Harpers' Papers on the Progress of the Century (1876); Hudson's Journalism; Baird's Religions in America; Sprague's Annals of the Pulpit; Duyckinck's American Literature; Wirt's British Spy; Morse's Gazetteer; Fessenden's Register of Arts; Salmagundi; Westward Ho; and other works of original authorship.

The following books of descriptive Travel in the United States have also been examined, allowing duly for each author's proclivities: Travels of Dr. Dwight, J. Davis, Weld, Schultz, Melish, J. Lambert, T. M. Harris, G. Imlay, H. Kerr, Perrin du Lac, W. Bartram, Duvallon, J. Bradbury, J. Cuming, and C. W. Janson.

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CHAPTER VIII.

FIRST ADMINISTRATION OF JAMES MADISON.

SECTION I.

PERIOD OF ELEVENTH CONGRESS.

MARCH 4, 1809—MARCH 3, 1811.

FOR the present, at least, this narrative takes leave of American Presidents whose individualism has been deeply graven into the national policy. We find no immediate successor, perhaps no successor at all, to be ranked with such administrators as the three first; with Washington, who ruled superior to party, Adams who ruled in spite of a party, and Jefferson who ruled at the head of a party. State executives, too, so powerful in the midst of turbulence, so intrepid and independent, as were Clinton, Jay, Bowdoin, and McKean, now begin to pass away like the Chases of the bench. The national government operates henceforth somewhat like a debating society, falling gradually into the hands of Congress and Congressional cliques, and leaders in co-operation or conflict; these in their turn acknowledging the pressure all the while of a profound and pervading influence, to which they must succumb, of public opinion, whose indications are watched like changes of the weather. Among national statesmen and chief magistrates identified with this new school, who seem to be in the hands of their party, who administer affairs through a sort of Directory, make appointments upon dictation, invite conference, yield here and there for the sake of pacifying the influential that neither venerate nor stand in awe, and so as to keep the party well united, who study newspapers and preserve the annual statistics of the polls, that they may maintain place, Madison is the earliest to win the highest honors, and certainly one of the most capable, painstaking, and upright of

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them all. And here we refer to Madison the President, and not to Madison as he was a quarter of a century earlier, chief framer of the Constitutional government which makes this Union strong.

Madison stands at noon in the new and ample Representatives' chamber, at the detached south wing of the Capitol, to take the customary oath and deliver the inaugural address. His slight figure is clad in a suit of American homespun, from the wool of imported merinoes,—a delicate compliment to domestic manufactures.* With the dignity of precision he reads before his crowded auditory of illustrious characters an inaugural address, soberly expressed, whose main theme is a portraiture, not highly colored, of the distresses America suffers from the arbitrary edicts of European belligerents. He gives modest assurance of his disposition to prefer reasonable accommodation to war; at the same time fostering a spirit of independence too just to invade the rights of others, yet too proud to surrender our own. The ceremonies of this occasion are after the usual form, Chief Justice Marshall administering the oath. There is a military procession, which the ex-President, indulging his whims to the last, manages to avoid, though attending the ceremonies.† The new President receives calls of congratulation in the afternoon; Jefferson, distinguished by numerous parting tokens of respect, being among the visitors. An inauguration ball at one of the hotels, with dancing at seven, closes the festivities of the memorable day.‡

March 4.

An extra session of the Senate having already been convened for the 4th of March to act upon the high appointments, the new President showed signs of weakness at the very outset. In Madison's cabinet list, as announced and confirmed, not Gallatin, but Robert Smith, lately Secretary of the Navy, appeared first, as the person designated for Secretary of State. William Eustis, of Massachusetts, a

Mar. 4–7.

* Jefferson had been similarly dressed at his first of January reception this year.—Washington Intelligencer.

† Jefferson's Domestic Life.

‡ See Washington Intelligencer.

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revolutionary surgeon, and formerly member of the House, whose name we have mentioned in connection with the late Boston town meetings, where he took a patriotic part, was Secretary of War; and Paul Hamilton, lately Governor of South Carolina, Secretary of the Navy. Dearborn, the late Secretary of War, had been appointed to the vacant collectorship at Boston just before Jefferson's administration expired, much to the chagrin of local Boston Federalists, who alleged favoritism. Gallatin, the Secretary of the Treasury; Granger, of the Post-office, and Rodney, the Attorney-General, remained at their respective posts; the first named, whose brain was far the heaviest in the cabinet, by no means pleased at seeing an associate, whose chief claim consisted in the strength of family connections,* advanced to the portfolio Madison had at first intended for him. Competent as he doubtless was for premier beyond all others, and lately chief coadjutor of the President elect, Gallatin had henceforth to endure not only the obloquy of foreign nativity, which was bad enough, but what could less readily be overlooked, the loss of local influence. Pennsylvania politics had ebbed away from him, the worst odium of the late embargo policy rested upon his shoulders, his caution in friendship deprived him of earnest friends; and such being the situation a strong senatorial influence prevailed with Madison, who himself was all conciliation, to accord to Robert Smith the preference.†

Madison had scarcely been installed and set his Cabinet in order before the British fog appeared to lift, disclosing at last a genuine ray of sunshine. The latest English advices seemed to show that the ministry dreaded our perseverance in the embargo, and that the Canning ministry was shaken by that

* His brother, General Smith, was still in the Senate, and Wilson C. Nicholas was a near relative by marriage. See Adams's Gallatin.

† See Adams's Gallatin, 388–391. General Samuel Smith, who had opposed Madison's nomination, appears to have intrigued against Gallatin in this business with Giles, of Virginia, who was the foremost leader in the Senate. The Navy influence, too, was arrayed in Robert Smith's favor; also that of Leib, now a Senator from Pennsylvania, and the *Aurora*.

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policy.* To confirm this impression Erskine now opened his budget, having received definite instructions from home, and proceeded to bring the arrangement which he had been discussing with Madison and Gallatin through the winter to a happy conclusion. (1.) Atonement was offered for the *Chesapeake* outrage, in consideration that the French and British ships of war had now been placed on an equal footing of exclusion from American waters.† (2.) The British Orders in Council were provisionally withdrawn; embargo and non-intercourse ceasing on our part as to Great Britain and her dependencies; following which a minister would be sent to the United States by Canning fully empowered to negotiate a formal and regular treaty. An excellent basis this for renewed harmony.

Erskine, a young man whose attachment to the United States had been strengthened by marriage, was a Liberal whom the Tory ministry had not displaced. This should have rendered him the more cautious in interpreting his official instructions; for in his generous ardor misinterpret he certainly did, believing an Erskine competent to persuade a Canning that honorable dealing would be the best means of attaching the firm friendship of the United States to Great Britain, and deluded as he must have been with the idea that more than condescension had been actually intended by the latter power. First, over the *Chesapeake* affair, supposing Rose's point of etiquette as to preliminaries to have been smoothed away, the Tory ministry felt certainly disposed to act as the first sense of justice prompted, by restoring those three American-born deserters who had been spared the halter, and making suitable provision for the unfortunate sufferers; but as to Berkeley, who had in fact just been promoted to a more honorable command, his first recall from Halifax in displeasure would have to stand as the only punishment. Provision for the sufferers Canning tendered, though with a studied carelessness, as an act of "spontaneous generosity" on the part of the British na-

* See Madison's Works, April, 1809.

† See Non-intercourse Act of last session, March 1st, 1809, § 1, whose effect was to mollify the British Government on the point of the President's proclamation of July, 1807; also *supra*, p. 196.

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tion; an expression which Erskine suppressed, further permitting some dissatisfied comments to pass in Smith's official acceptance of the terms, thinking it better that a little ebullition of feeling should find vent, rather than insist on more respectful language.*

Erskine's misapprehension of the spirit of his instructions was much graver on the second portion of the new arrangement; that, namely, which provided for withdrawing the British Orders in Council. Here he pledged the ministry he represented to relieve American commerce essentially from the restraints which had provoked us to retaliate, whereas the intention indicated by the ministry was only to substitute one expedient for another for the purpose of carrying its main point. Gallatin's previous overtures on behalf of himself and the President elect, fortified by the assurance that the latter had no undue partiality for France,† had encouraged Erskine to suppose that the repeal of all our non-importation and non-intercourse acts against Great Britain would be given in return for a withdrawal of the British Orders in Council, with the abandonment, furthermore, on our part as neutrals, of all claim to carry on with the colonies of belligerents, during war, any trade not allowed us in time of peace, in which respect again he had misinterpreted Gallatin's precise meaning. Such conversations Erskine had communicated to Canning with his own coloring; and the response of the latter, who was quite willing to pacify the United States and a new administration

* See State Archives; 6 Hildreth. Secretary Smith's reply alleged that the recent provision by legislation for excluding all belligerent ships of war was "a result incident to a state of things growing out of distinct considerations." And while reparation was accepted without further punishment of the offending admiral, it was added that "the President was not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what was due from his Britannic Majesty to his own honor."

† The manner in which Gallatin said this led Erskine, not unnaturally, to infer that Madison differed politically from Jefferson in that respect; an inference wholly without foundation, for Madison was as nearly as possible in accord with Jefferson's foreign policy. Gallatin's meaning has been variously construed by his friends and personal enemies. Adams's Gallatin. See 6 Hildreth, 166, 381.

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consistently with Britain's settled purpose of counteracting Napoleon's continental policy, and of wresting the carrying trade from American control, and who still hoped to embroil the United States with France, yielded in form for the sake of the substance. If the United States, Canning wrote Erskine in effect, would remove her restraints against Great Britain, but keep them against France and her allies, renounce the Colonial trade, and, finally, of her own accord allow the British fleet to make that pledge good, the Orders in Council would be raised. Finding that these sweeping conditions were inadmissible, Erskine, without showing his full instructions to the Madison government, as he was permitted to do, bethought himself of setting them aside, and acting according to what he conceived to be their true spirit. The substitution of non-intercourse for embargo lent a new phase to the situation, as Gallatin had hinted to him; so he consented to accept what the American administration felt to be an adequate equivalent for restoring to neutral commerce its lawful rights.

Ignorant of Erskine's real instructions, and accepting the pacification he tendered in good faith and the fraternal spirit, Madison hastened to promulgate the glad tidings.

April 19. A public proclamation announced that in consequence of the promised withdrawal of the British Orders in Council, as respected the United States, on the 10th of next June, all interdictions against Great Britain would cease of the same date. Erskine's correspondence with the State department over the matters in controversy with Great Britain was simultaneously given to the press.

The universal joy with which Americans greeted this unexpected announcement attested the sincerity of their wish for peace. Forgetting, as often happens, the lessons of experience in the bounding delight of the moment, nor weighing personal character coolly, our people hailed this auspicious settlement as the triumph of reason and conscience. The Tory ministry, if rough-coated, had, they thought, like the pineapple, a pleasant flavor, after all. Bells were rung in the commercial towns when the news arrived.

No one rejoiced more heartily over the change in our foreign prospects than Jefferson, to whom his successor imparted his

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confidence; though the former could not but feel distrustful, and as for the negotiation of a new treaty cautioned Madison that England had never made an equal commercial treaty with any nation under the sun.* It was inevitable that the ex-President should suffer in the public estimation at this moment, and perhaps he appreciated this. Peace and free trade were now contrasted by our press with embargo and the late drift to dangerous hostilities. Madison's patience and conciliating temper were loudly applauded. Impressments were for the moment forgotten; and so few showed chagrin at escaping a British war that national parties approached as if to be brethren of one household.

For our Eastern Federalists it was truly blue sky. The public address issued by the Massachusetts Legislature just before its adjournment, which upheld Great Britain as against both France and the late irritating measures of our government, and encouraged the New England States to unite in maintaining their share of national influence and resisting systems of administration injurious to their interests,† had been like a trumpet's call in the spring elections. New Hampshire and Rhode Island forsook the Republican standard, Jeremiah Smith, in the former State, an eminent lawyer, superseding Langdon as Governor; Massachusetts voted for Gore and free trade, and when the new Governor took his seat he had as escort the finest cavalcade of citizens ever beheld in Boston;‡ Connecticut re-elected her favorite Trumbull by nearly a two-thirds vote.§ Federalism gained, besides, the popular branch of the Legislature both in New York and Maryland. The downfall of embargo and of unequal restrictions was claimed, together with these election victories, as the reward of a spirited conservative opposition, to which the Erskine arrangement now set the broad seal of justification.

March 2.

Mar.-Apr.

Such was the happy frame of the country when the Eleventh

* Works of Jefferson and Madison, April, 1809.

† See Boston Centinel, March, 1809; 6 Hildreth; *supra*, p. 192.

‡ See Boston Centinel, June 5, 1809.

§ Trumbull, now far advanced in years, died during the summer.

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Congress met in special session, summoned for war, but convening in glad peace. Its proceedings occupied about five weeks, and a more harmonious session has rarely been witnessed. Through the gains the embargo policy had brought them, the Federalists presented, especially in the House, a very respectable minority; of equivocal or anti-embargo Republicans there were not a few; nevertheless administration Republicans controlled both branches. Varnum was re-elected Speaker of the House as against both Macon and Pitkin; a curious doubt presented on the first ballot being resolved by a second.* May 22–June 28.

The administration retained, under Giles, in the Senate its powerful lead; Crawford and Pope, both of Virginia blood, but representing newer States, making the impression stronger. In the House, however, against keen debaters like Quincy, Gardenier, Pitkin, Livermore, and Key, the administration men, as for instance Eppes, who headed the Ways and Means, Findley, Macon, and Richard M. Johnson, were promised a harder struggle. But for the present all rested on their arms, and held amicable converse. Even John Randolph, who sauntered down the aisle once more after his eccentric fashion, whip in hand, booted and spurred, followed perchance by his dogs, saluting friends loudly and with excessive warmth of manner, while smiling artificially upon mere acquaintance, even he who had so lately opposed Madison's promotion, might now be seen pressing into the front rank to exalt the new administration over the ruins of the old. Gunboats,† the embargo,‡ Jefferson's additional regiments, all the late govern-

* Annals of Congress. The point raised was with reference to counting blank ballots as votes; for if these were to be thrown out as waste pieces of paper, Varnum had an actual majority on the first ballot, but not otherwise.

† Secretary Paul Hamilton's report at this session, though guardedly expressed, furnished strong ground for inferring that gunboats were neither a useful nor an economical establishment.

‡ No one has spoken of the embargo with such racy severity as did Randolph in the debates of this period. "It is an attempt," he said, "to wound the invulnerable; like shooting Gibraltar with a pocket pistol." And again: "We have hanged ourselves for spite, in hopes they [the belligerents] would cut us down. But, to our utter disap-

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ment plans were themes for his pungent ridicule; he instituted searching inquiry, but without revealing abuse, into the expenditures since March 3d, 1801, so as to "sweep with the besom of scrutiny," as he expressed it, "every part of the government;" and finally offered in person a vote of approbation upon the new President's frankness and promptitude in meeting Great Britain's overtures. This, however, was too much for the stomach of the House, which showed a nauseating sense of Randolph's motives, and upon general objections to establishing such a precedent, his resolution was put aside, though not without difficulty.*

Except for such attempts at party dissension by invidious comparisons all went smoothly in Congress. The chief features of accommodation with Great Britain were confirmed without a dissenting voice, and the details of execution adopted by astonishing majorities in both Houses. Trade with Great Britain was legalized under the President's proclamation, and embargo finally abandoned, certain features of the non-intercourse system still continuing, however, prudently in force.† This was the chief, almost the only important measure. A liberal appropriation was voted for continuing works of defence at the ports, and protecting the Northern and Western frontiers,‡ but the recruiting service was for the present suspended.§ The House dwindled to less than a quorum, after having agreed with the Senate that the next session should commence on the fourth Monday in November,‖ and Congress finally adjourned on the 28th of June. June 28.

Jefferson's confidential mission to Russia, to which allusion has been made,¶ hung fire through the Senate's summary rejection of William Short, whom Jefferson had formally nom-

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pointment, they preferred to let us dangle in our garters." Annals of Congress, 1809–10.

* "He would not," said Randolph in debate, "attach the sound, healthy body of the present administration to the dead corpse of the last."

† Act June 28th, 1809; see also act May 30, 1809.

‡ Act June 14th, 1809; $750,000 were thus appropriated.

§ Act June 28th, 1809. ‖ Act June 24th, 1809. ¶ *Supra*, p. 178.

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inated shortly before his term expired, keeping the business secret as long as possible. This might have appeared a personal slight, for the Senate sought no explanation from the Executive and furnished none; but Madison, upon his induction, found himself similarly treated when he sent in the name of John Quincy Adams for the same post. The ruling motive with the Senate was probably an unwillingness to extend our diplomatic establishment in Europe at the risk of further entanglements. But every succeeding packet brought fresh proof of the influence Russia was gaining in the affairs of the continent. Dashkoff, too, arrived at Washington, as *chargé* from Russia, bringing a letter of credence from the Czar himself; so Adams being renominated at the present session, the Senate confirmed the appointment, and Adams was dispatched to St. Petersburg upon what proved, in course of later events, quite a significant mission.*

Eastern merchants, with redoubled energy, pushed for the ocean traffic upon this revival of commerce, as if to make up for lost time. The shipping in Boston harbor displayed its gayest colors on Independence Day, and a miniature vessel was drawn on wheels by thirteen white horses through the streets of the town, this time fully rigged, armed, and manned, as though the day of tribulation was over.

July 4.

Sadly enough for America all this exuberance of good feeling was of short duration. New British Orders in Council of April 12th—which modified the former so as to accommodate them in some respects better to the wants of London merchants—had given Madison, while Congress was yet in session, a disagreeable dread of British insincerity, which Erskine was prompt to allay.† And about the middle of July came the more gloomy tidings, by way of Halifax, that Canning before the House of Commons had repudiated the Erskine arrangement with the United States as one totally inconsistent with that minister's instructions, and such as the King could never approve. The official dispatches which followed left no room

* See Madison's and Jefferson's Works, March–July, 1809.

† Madison's Works, June 12th, 1809; Executive Documents.

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for doubt on that point. Erskine was rebuked by his government for permitting reparation to be promised for the *Chesapeake*, after the turn the American Secretary had given to that correspondence; and as for withdrawal of Orders in Council, apart from the positive conditions stated, or in return for merely removing the embargo and non-intercourse, that was wholly inadequate recompense. Not to exasperate the United States, however, to the point of war, which of course was undesirable, the British ministry raised the obnoxious Orders so far as to absolve American property already shipped on the faith of this unfortunate misunderstanding, but recalling Erskine at the same time, and sending another minister in his place.

The President had no choice but to restore immediately the suspension of intercourse, with, of course, a corresponding indulgence to British vessels which had been misled by Erskine's blunder, and, so far as the legislation of Congress would permit, to return to the Jefferson anchorage. This he did upon cabinet advice, making proclamation accordingly; and, having done so, the Executive waited until Congress should reassemble. But meantime Erskine's successor arrived in September. Gallatin was not wrong in surmising that this functionary's mission would be "to amuse and divide;"* and, indeed, Francis James Jackson, whom Canning dispatched for that purpose, did not belie the reputation he had acquired in Denmark diplomacy as an edge-tool against neutrals. His business was sounded and disposed of very soon after his arrival in Washington; for bringing with him neither explanations to our government, nor authority to substitute new proposals in place of those rejected by Canning, and treating the *Chesapeake* outrage as though the first step toward adjustment ought to come from the United States, his correspondence soon turned to insolence, and Secretary Smith cut it short.† The British ministry

August 9.

Nov. 13.

* Adams's Gallatin, 397.

† Jackson's offence consisted in reiterating a charge which the Canning ministry inspired, that Madison's cabinet knew the limits of Erskine's instructions in the first place, and had willingly led that minister on to transcend them. On the other hand the belief was strong on this side of the water that Canning had played upon the credulity of the

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would wisely have sustained the just compact of Erskine, or at least offered the best possible in its place, but they were too closely bound up in the sordid schemes of London merchants not to substitute for the rightful commerce of neutrals, as Madison has expressed it, "an illicit commerce of their own."*

Our new administration was in a sad quandary; with no *casus belli*, on the one hand, sufficient to unite the resources of this country against Great Britain, and on the other not the slightest assurance that peace could be procured short of self-abasement. That Madison would gladly have accepted the olive branch from England is evident from his temperament and the whole tenor of his official conduct at this period, and already had he postponed impressment for the sake of closing with Erskine upon the other delicate points at issue. His predecessor had fulminated by proclamation, and favored every other peaceful expedient not dishonorable far sooner than plunge into the "maniac war" now raging abroad. Less inclined to theorize, Madison followed in Jefferson's path, anxiously consulting him; and both had constantly admitted that while American policy should be to avoid war by fair neutrality and the settlement of differences, this failing, war would have to come, and American rights be maintained by force.† But now how was war practicable? The events of the past winter had shown that the Eastern States would endure neither embargo nor immediate war. Non-intercourse was contemptible at best; and now that the cage-door had been flung open on the Erskine settlement, the flown bird of com-

United States, and, after ascertaining how far our government would go, abandoned the minister whose frankness first elicited our confidence. Neither of these charges, probably, had just foundation. See President's opening message at second session and documents accompanying. Jackson's character and temper are disclosed in Bath Archives, cited in Adams's Gallatin, 394.

* See Madison's Writings, January 17th, 1810.

† See Jefferson's Works *passim*, March-July, 1809; Madison, ibid.; and more particularly Madison to Monroe, March 26, 1811 (among the Monroe Papers), which states that in this latter respect there had been entire concurrence in the councils since 1800. Jefferson wrote Kosciusko, February, 1810, that ever since the *Chesapeake* affair the United States had been preparing for war. Jefferson's Works.

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merce would not willingly return. "We are not so well prepared for resistance," wrote Gallatin in July, "as we were one year ago. All, or almost all, our mercantile wealth was safe at home, our resources entire, and our finances sufficient to carry us through during the first year of the contest. Our property is now all afloat. England, relieved by our relaxations, might stand two years of privation with ease. We have wasted our resources without any national utility, and our treasury being exhausted, we must begin our plan of resistance with considerable and therefore unpopular loans."*

France had not lent a helping hand in this dilemma. Upon news that the Erskine settlement had failed the Emperor, now in the plenitude of renown and influence, and flushed with the victory of Wagram, sought to direct American resentment against Great Britain, as the first and sole aggressor upon neutral rights. "Let England revoke her blockade of France," wrote Champagny, somewhat disdainfully, to Armstrong, "and France will recall her decree of blockade against England; let England revoke her Orders of November, 1807, and the Milan Decree will expire of itself."† Yet all the while Bonaparte was encouraging spoliations of every kind, scarcely tolerating, in fact, a commerce which did not subserve his ambition. Danish and French privateers scoured together the northern seas, and imperial notice was given that the continental ports of Europe would not be permitted to enjoy any commercial advantages of which France herself was deprived.‡

It was a discouraging picture of foreign relations that Madison had to present to Congress at its second session. Nov. 27.
But he sketched the situation soberly, and referred the whole subject, with its accompanying correspondence, to the wisdom of that body. Nov. 29.

Of wisdom, at this unlooked-for juncture, Congress, unfortunately, had little to impart. Its councils now appeared as distracted as they had lately been harmonious. The session opened with personal quarrels and duels, drifted along through

* Gallatin's Works, July 27th, 1809.
† Executive Correspondence, August 22d, 1809. ‡ Ibid.

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prolix and purposeless debates, and finally reached the state of utter stagnation and imbecility. The Executive will, which had gently shaped the course of a mediocre legislature these many years, was missed, and the times no longer permitted the two houses to do nothing, and then happily adjourn. Cliques and jealousies cropped out everywhere, and nothing was so conspicuous as the absence of administration leaders from the floor. Aside from Randolph, who now staid away until a late stage of the session, the talented opposition in the Representatives' wing showed a formidable array, their plan of operations being the simple one, to annoy and prevent legislation. For though in the new shock with Great Britain both parties had been thrown from their pivot, the Federalists in authority fairly agreed in asking that American commerce be let alone and left to adjust its own foreign relations,—a policy which could mean nothing but practical submission to England. Republicans and the uncommercial classes on the other hand, like their national representatives, were sadly divided; some, directed by presses like the *Aurora* and the inveterate haters of England, were for waging an immediate and open war with that country; but against such counsels a deficit in the national treasury—which Gallatin's report now exhibited for the first time under his stewardship*—was a cogent argument, besides the danger of becoming entangled with an Emperor who kept even allies in abject terror. Many would now have returned to the embargo had they dared; but most were for half-way measures of some sort, such as they felt, nevertheless, incapable of originating. The mass of our people were patriotic but bewildered, and, as commonly happens at the initial point, looking for some miraculous deliverance, as though cabinets and functionaries had a more accommodating spirit than ordinary mortals.

The foreign portion of the President's Message was referred, in each branch, to a select committee, as usual, Giles heading the Senate committee, Macon that of the House. Giles pres-

* This was the tardy though temporary effect of the embargo. The annual expenses of the government, exclusive of payments on account of the principal of the debt, had exceeded the annual receipts by nearly $1,300,000.

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ently reported to the Senate a resolve which reprobated the conduct of Jackson, the British minister, and commended the Executive for refusing to hold further intercourse with him. After a spirited speech, in which Giles entreated all to make their own government the rallying point, the resolve passed the Senate without debate, by an expression nearly unanimous, only the Massachusetts and Connecticut Senators recording their votes against it. But in the House this resolve met with a persistent opposition from the Federalists, led by Quincy, Dana, Pitkin, and Gardenier, whose tactics were first to gain time by calling for information, next to talk it down. Every dilatory expedient was tried against the majority, and every argument, smooth or irritating, employed, until, after tedious days of debate, terminating in a consecutive session of nineteen hours, the main question was taken, and the resolution passed by 72 to 41. It was this unpleasant experience, following that of the embargo force act discussion, a year earlier, which first led the House seriously to consider whether the previous question ought not to have the effect of stopping debate, a parliamentary rule too obnoxious to free speech to be carried until provocation was once more given.*

Dec. 11.

1810. Jan. 4.

Jan.

Widely as this debate had laid open various personal controversies respecting the British rejection of Erskine's arrangement,—controversies which Erskine's published letters to his government had initiated by seeming to exhibit Madison and Gallatin, just after the Presidential election, as parties willing to ingratiate themselves with Canning at Jefferson's loss,†—the resolve after all amounted to nothing, so far as fixing a policy was concerned. A bill which Giles meant should accompany it, authorizing the President to send offending ministers out of the country, after being carried through the Senate with difficulty was smothered in the House.

* Annals of Congress, December, 1809–January, 1810. In February, 1811, after the desperate effort of a minority to defeat the new Non-intercourse Act, this new rule was established.

† This reflection was thrown chiefly upon Gallatin, who cleared himself to Jefferson's entire satisfaction, as doubtless did Madison. Adams's Gallatin.

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Upon one point only Executive and Congress, the friends and foes of the administration, were in full accordance; namely, that the present non-intercourse act, which practically accomplished only the sacrifice of American shipping for English benefit, and of scrupulous traders to the unscrupulous who evaded the law, ought to be repealed. For some substitute which might reinstate an American policy of commercial retaliation, and yet avoid the mischiefs of an embargo, the Executive was put to its wit's end; but Gallatin, with great ingenuity, contrived such a substitute in the shape of an American navigation bill. The essential idea of this bill, which Macon had reported early to the House, as chairman of the Select Committee, was to turn the commercial situation to our profit by putting the whole disadvantage of American restrictions upon those nations who restrained us; fighting the belligerents, in truth, and England more especially, with their own weapons. Macon's bill, No. 1, as this was called, proposed excluding all English and French war and merchant vessels from our harbors; restraining all importations of English and French goods to vessels wholly owned by citizens of the United States; and confining these importations to such as came directly from England and France. The bill contained twelve sections: of which the 9th authorized the President to remove these restrictions as to England or France, should either nation remove hers; the 11th repealed the old non-intercourse, and the 12th limited the duration of the act to March 4th, 1810.*

1809. Dec. 19.

Had such an experiment as this been undertaken in place of embargo two years earlier, most probably it would have forced England to terms, or else provoked her to such outrageous retaliation that the American people would have sprung to their feet and fought with zeal. At present, however, Congress was not in the mood for what was termed more "paper coercion." For Federalists, who desired no war unless it were on England's side, the measure, like the old embargo, was too strong; for aggressive Republicans, on the

* Annals of Congress; Adams's Gallatin.

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contrary, too weak, a pusillanimous surrender of principle. Macon's bill, after prolonged debate, passed the House by 73 to 52; but in the Senate the coalition of opponents proved too much for it. Here the main sections were stricken out by a vote of 16 to 11, and the bill went back shorn of everything except a final abandonment of the non-intercourse plan, together with the future exclusion of English and French war vessels. Macon denounced in vain this shameful retreat from the chosen policy of resistance. To close the breach, which threatened to be a serious one among supporters of the administration, this navigation bill was referred to a select committee of conference, which reported disagreement with the Senate, also a separate bill for furnishing naval convoy to our merchant vessels. The Senate still refusing to recede on the Macon bill, and the House showing equal stubbornness, that measure was killed.*

1810. Jan. 29.

Feb. 21.

Feb. 27. Mar. 31.

There was an inner history to this Senatorial revolt, as the remarks of Macon and Eppes† in the House intimated. A powerful combination, indeed, was forming in that branch hostile to Gallatin, and bent on driving him out of the Cabinet. Of this combination the head was General Smith, of Maryland, whose brother, as we have seen, had been promoted over Gallatin to the portfolio of Foreign Relations. A personal antipathy between Gallatin and the Smiths, of old standing, had ripened consequently into a feud, whose bitterness was enhanced by an exposure, in the summer of 1809, of some loose operations in the Navy Department while Robert Smith administered its affairs. Gallatin put the worst possible construction upon that business, namely, that of loaning public moneys for family purposes; and the scandal, unduly magnified, was used, but in vain, to prevent General Smith's re-election to the Senate. Against Gallatin was henceforth arrayed a spiteful clique of senators,—Smith, Giles, and Leib,—while Duane, of the *Aurora*, did him outside all the mischief possible. Gallatin's rival in the Cabinet, personally

* Annals of Congress, February–March, 1810.

† Eppes, on account of ill health, was absent during most of this session.

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piqued, and chiefly bent, like most dull men in station, upon keeping poachers from his own preserve, made now and henceforth the best of his opportunity for thwarting Gallatin's foreign plans; even though they might be the President's as well, and he could offer none of his own in their place. Bitter dissensions among his advisers were not the least of the troubles which beset Madison from the very outset.* Scarcely had the first Macon bill thus succumbed to fate in the House before

March 31. the tardy Randolph rose to his feet with a resolution for repealing the non-intercourse law. His arraignment of that law was very severe;† and the friends of the administration, unwilling to bear all the odium, made such repeal the basis of another scheme for uniting the sense of Congress. In the House Macon reported from his select committee a new bill (called "Macon's, No. 2," though he was not its originator),‡ which amounted to neither more nor less than a shameful surrender of the neutral principles the United States had steadily insisted upon. It left non-intercourse to expire with the session; abandoned all immediate resistance to those decrees by which the belligerents had dispossessed America of the ocean; and only made the reservation, as if to put American influence out to competition, that if one belligerent would repeal its obnoxious decrees this government would revive non-importation against the other. British and French war vessels were still forbidden to enter American waters. After a long and violent struggle this bill was carried, with the

Apr. 18-27. aid of Federal votes, first through the House, and then the Senate; not, however, without an amend-

* Adams's Gallatin, 400–416.

† Was non-intercourse, he asked, designed as a scarecrow to frighten the great belligerents of Europe; or a toy, a rattle, a bare plaything to amuse the great children of our political world? Annals of Congress, March, 1810.

‡ See Adams's Gallatin, 416. Macon wrote, April 10th, to a friend, that the father of this bill was Taylor [a member from South Carolina]. On the other hand, Secretary Smith, in his "address to the people," July, 1811, claimed that both of Macon's bills were the secret contrivance of Madison; and if so, the secret efforts of a Cabinet officer to thwart that policy through senators must have involved a breach of honor.

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ment, proposed in the House by Richard M. Johnson, for putting an additional fifty per cent. duty upon all importations from France and Great Britain; which amendment the Senate struck out, inserting another for the public convoy of our merchantmen, and each branch receding finally upon conference.* The bill passed as originally introduced, and, with its enactment, the session came to a close.†

Another act, approved by the President on the day Congress arose, limited the compensation of public ministers and other diplomatic agents of the United States, to whom Presidents had hitherto made allowance at discretion from a general fund.‡ Fair army and navy appropriations were made in the course of the session; but the President made suggestions, which were not followed, as to renewing authority for calling out the 100,000 militia, providing a corps of 25,000 volunteers, and putting the whole navy in commission.§ Except for continuing the Cumberland Road westward, Jefferson's grand projects of internal improvement now awaited a more auspicious era.‖

A topic of growing interest was domestic manufactures, for whose protection petitions had been coming into Congress from the time embargo was first laid. The Johnson amendment to the second Macon bill, as it passed the House, was framed in this interest. Gallatin's report on American manufactures,

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* Arming our merchantmen had been favored by the Adamses for two years past. Using our navy for convoy (which amounted to nearly the same thing) was now warmly approved by Jefferson, and both Burwell and Eppes tried vainly during the session to carry such a measure in the House. Madison and most Republicans were disinclined, however, to either experiment, thinking hostile collisions would result. See Annals of Congress; Jefferson's and Madison's Works, Jan.–Feb., 1810.

† Act of May 1, 1810, c. 39.

‡ Act of May 1, 1810, c. 44.

§ Annals of Congress; Act of March 2, 1810. By act of March 30, 1810, the sum of $5000 was specially appropriated to enable Robert Fulton, the inventor, to make torpedo experiments, as desired by him.

‖ See act of February 14, 1810, which appropriated $60,000 for continuing this road.

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April 17. rendered late in the present session, estimated roughly their total annual value at $120,000,000.* Cotton, woollen, and linen fabrics had been mostly supplied from Great Britain since 1789, though for coarse and miscellaneous products our manufacturers found an increasing demand, with which they had kept steady pace. The effect of embargo upon these fabrics, and cotton fabrics especially, was remarkable. At the end of 1807 there were but fifteen cotton mills in the United States, with 8000 spindles. Two years later eighty-seven mills had been built, of which sixty-two were in operation by water or horse-power, working 31,000 spindles, and more were in process of erection. The woollen industry, too, was rapidly advancing, though under greater disadvantages. A fine breed of sheep was being imported. The question of protection appealed strongly, therefore, to the national sentiment at this moment. But it was a novel question; for Hamilton's report of 1791† had hitherto done little more than create a temporary prejudice which defeated its purpose, and neither Gallatin nor Congress showed even yet a disposition to grapple with the problem seriously. Without making a specific recommendation the Secretary mentioned as the three most obvious public means of encouraging domestic manufactures: bounties, an increase of import duties, and loans to manufacturers,—by way, for instance, of subscribing to their capital stock. For the present the only national gain for protection was in the direction of seeking fuller information, the enumerators under the new census act being made collectors of manufacturing statistics besides.‡

With the natural development of the Union the Post-office had been expanding, under Granger's competent management, into a vast establishment. A comprehensive act for its regulation passed at this session;§ the post routes were fixed anew;‖

* The census of 1810 fixed the total valuation for that year at $127,000,000; but Tench Coxe, who revised the imperfect returns, thought the value greater, if manufactures, closely allied to agriculture, were reckoned, such as sugar and lumber. See *supra*, 218.

† See *supra*, vol. i, 187.

‡ See acts March 26th, 1810; May 1st, 1810.

§ Act April 30th, 1810. ‖ Act April 28th, 1810, c. 30.

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and to better accommodate at Washington both the Postmaster-General's bureau and the growing Patent-office, the President was authorized to provide a new building.*

Paralytic and dastardly as the new foreign policy which Congress now dictated might appear, it fitted the neck of present events better, perhaps, than a bold one would have done. At home it deepened the conviction that a Republican administration was sincerely impartial in sentiment as between England and France. From the moment the rejection of the Erskine compact became known, indeed, Eastern Anglicism, stiffnecked as ever, had begun losing all it had gained. The fall elections of 1809 restored Vermont to Republican control, Tichenor giving way to Jonas Galusha; and by the spring of 1810 the political reaction in the Eastern States was remarkable. Langdon regained his place as governor of New Hampshire, with a Republican legislature to support him. Gerry, the veteran statesman, in whose favor Levi Lincoln had withdrawn his own claim for the office, was nominated governor of Massachusetts by the Republicans, with Gray, the patriotic merchant, for lieutenant-governor; and over the Federalist ticket of Gore and Cobb these candidates prevailed by a good majority. In a closely-divided Senate Otis was chosen presiding officer; but with a Republican House, and a Republican majority of the legislature in joint convention, Massachusetts, after some delay, chose Varnum for Pickering's successor in the United States Senate. Rhode Island turned back; and only Connecticut kept its ground, with old deacon Treadwell in Trumbull's chair, and Roger Griswold next in the line of succession.†

The Federalists made a strong effort to capture New York this spring, but the Republican dissensions in that State had healed rapidly, and Tompkins was re-elected governor by 10,000 majority. All branches of the State government were

* Act April 28th, 1810, c. 34.

† Even in Connecticut the preference of younger Federalists for Griswold and a change grew so great that no choice was made by the people; hence Treadwell was chosen by the legislature. A coalition with Republicans overthrew the elders a year later, as we shall see, and carried Griswold into the chair.

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once more in accord with the National; and although in New York city, where there were riots during the canvass, Federalists made some gains, the council of appointment at Albany passed back into Republican control, and Mayor De Witt Clinton was reinstated, together with other civic officials lately displaced. In New Jersey every branch of the government was sound Republican.* With all their inaptitude for war or ambitious enterprise the Jefferson leaders certainly carried the hearts and hopes of the American people; they might trail the national standard, but it was in their keeping. Centralizers in theory, the Federalists, who still claimed the name of national statesmen, were growing to be disintegrators in fact; for they clung too closely to traditions and the Union of the Old Thirteen. More positive, too, in their pride of intellect, their tendency was now too much to non-resistance, or resistance on England's side, to suit the temper of the times, for men evidently regarded England as chief aggressor, and only showed a better fighting spirit than fighting capacity. The Republican party, on the other hand, which, partly in self-defence, had begun by unduly exalting State rights, was now, through its closer and steadier sympathy with the nation's development, and by reason of the gradual decline of European bias, acquiring the more decided national character. That party alone kept headway in the new States, and with the backwoods settlers, who furnished to fastidious statesmen of the old school the semblance of a Tartar population, and whose utter want of affiliation with Federalism in return, gave positive assurance that the old party could never rise to national power again.

For their present defeats the more stoical Federal leaders consoled themselves with the thought that in preserving peace, and opening the ocean once more to unrestrained traffic, they had attained the grand object of their endeavors. The Boston set, however, betrayed great chagrin at Gerry's election.†

* Current newspapers; 6 Hildreth.

† See Boston Centinel, June, 1810. The election sermon preached before the Massachusetts legislature this year was considered so disrespectful to those newly installed, that the House by a large majority voted a censure instead of the customary resolution of thanks. Just after

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Madison took up the thread of laborious negotiation once more, not hopefully, but in the present mood of Congress unable to elect differently. To such a course some new considerations impelled. From Champagny's letter to Armstrong one might deduce a promise that the Emperor would withdraw his Berlin Decree, if only England would withdraw her earlier orders of blockade. Supposing this so, it lay in England's power, by yielding a small point, to give the United States the chance for carrying one with France far greater, which might be advantageous to England herself. News, moreover, had lately arrived of changes in the British cabinet, in consequence of a duel of Canning and Lord Castlereagh, their quarrelsome rivalry driving both out of office, and hastening the downfall and death of the infirm Duke of Portland. Under the Perceval ministry, which succeeded, the portfolio of foreign affairs was reserved for the Marquis Wellesley, then in Spain. "Should a change in the composition or calculations of the cabinet," wrote the President to Pinkney while the navigation bill was pending before Congress, "give a favorable turn to its policy towards this country, it is desirable that no time may be lost in allowing it its effect." *

Once more hope was disappointed. To detach the new British cabinet from court and tory influence was impossible, and Wellesley himself, though producing a momentary impression of candor and considerateness by his prompt recall of the obnoxious Jackson, showed no disposition to aid our President in what, after all, must have been a doubtful game at finesse

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Gerry's inauguration, too, great affront was given at the anniversary dinner of the Ancient and Honorable Artillery, by making a special guest of the discarded British minister against the new governor's express wishes, Mr. Jackson at this time paying a visit to Boston. When called upon for a speech at the banquet the guest gave this volunteer toast: "Perpetual harmony between Great Britain and the United States; may the swords of the Ancient and Honorable Artillery be drawn against those who would interrupt it."

Mr. Jackson received different treatment in the summer while at Albany. There he was hanged in effigy in front of the hotel where he stopped. The motives of his tour were strongly suspected.

* Madison's writings, January 20th, 1810.

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with Napoleon. Instead of formally declaring, as Pinkney desired, that the English blockades prior to Napoleon's Berlin Decree existed no longer, he claimed that the restrictions of May, 1806, were included in the more extensive orders of January 7th, 1807; while another blockade, that of Venice, dated July 27th, 1806, still remained in force. Anything like a reciprocal revocation of decrees by England and France was, upon such an exhibit, impossible; nor can we wonder that in the correspondence upon paper blockades which ensued Pinkney failed to convince Wellesley that it was possible for the British government to err.

March.

The same vessel which arrived in America early in June, bearing Wellesley's vexatious explanations, brought alarming dispatches from Armstrong. Napoleon's threat that the allies of France should not be permitted to enjoy a trade forbidden to France herself was no idle one. Setting treaty stipulations with this country utterly at naught, though not without citing plausible reasons for his action, he had, in a single year, caused nearly one hundred and fifty American vessels, with their cargoes, to be seized without warning, and sequestered at various ports of France, Holland, Naples, and Spain. In some instances these seizures were compromised, or the vessels released with portions of their cargoes; a few awaited trial, others had been formally condemned; but in the large majority of cases a summary confiscation and sale of vessel and cargo followed the seizure, the proceeds being turned into the public coffers, under a pretence of further adjudication, but in reality to supply the Emperor's pressing needs for ready money. All this was what our merchantmen might have expected before they ventured out; what, in truth, embargo had striven to prevent, and what its friends predicted would happen as soon as it was raised. Napoleon's opportunity consisted in swooping down upon his prey at the continental ports, most of which were by this time under his control. That opportunity he made good use of; the more so, because he saw that American and British merchants leagued together to evade the imperial decrees, and were running in British produce from British ports under forged papers, which pretended they were neutral property direct from the United States. And to justify all this indiscriminate

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seizure and sequestration, beyond what the decrees of Berlin and Milan warranted, he could refer to our non-intercourse act of 1809, which denounced forfeiture against all French vessels entering our ports, but permitted trade with countries under French influence. Reprisal, under such circumstances, France claimed as a matter of right;* an argument which, at all events, served its purpose of covering the perfidy of the action.

While Armstrong gained the applause of our plundered merchants by proving to Champagny how unrighteously they had been despoiled of ship and cargo, he could not procure restitution. Napoleon directed that all such property captured in Spain should be sold, and the proceeds deposited. Murat, King of Naples, obeyed similar orders; the vessels there disposed of having been actually decoyed into port under his royal promise of protection. Finally, the Rambouillet decree, dated March 23d, but not known in the United States before July, ordered the seizure and sale of all American vessels, whether in French ports or those of territories occupied by the French armies. That decree, apart from its prospective operation, took effect upon a hundred and thirty-two American vessels already entered. All proceeds were to be deposited in the *Caisse d'Amortissement;* a bottomless receptacle, doubtless, whose very name inspired the most dismal forebodings. March 23.

The repeal of our non-intercourse act, for which retaliation was thus avowed, had yet to produce its effect upon Europe; and, strange to say, when it became known, the ignoble statute of 1810, by which Congress seemed to surrender neutral rights at discretion, accomplished, as to the belligerents, what firmer measures had sought in vain. Ceasing to balance justly between England and France, the neutral now dropped into the arms of the former, coquettishly hinting that the latter might recall her. That hint was not lost upon the quick Napoleon. He had struck American commerce a sudden and terrible blow, hoping to frighten it from the British dominions, where temptations were spread long since to make hotchpot of neu-

* See French Correspondence, Executive Documents; particularly Champagny to Armstrong, August 5th, 1810.

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tral and belligerent interests, and rule the ocean in alliance. Already enraged over the loss of one French colony after another in the West Indies, rebellions against the Bonapartes in Spain, which England espoused, and the United States had an interest in fostering, he comprehended by a single glance at the unexpected act of May 1st, in an American paper transmitted to him that the United States vexed by his Rambouillet decree, its whole commerce was now irrevocably made over to England, upon England's own terms, unless he made the first bid which that act invited. Angry as he was, even furious, he made that bid at once, and close upon his worst manifesto, sooner than give his island enemy so decisive a commercial advantage. Like a Frenchman, he now accosted the United States with bland politeness; like an emperor, with dignity and the air of a benefactor; but, like a Napoleon, with the meanest duplicity. Professing great pleasure at learning that Congress had repealed its interdiction of French commerce, and engaged to oppose whichever belligerent refused the rights of neutrals, he announced through Champagny, now Duke of Cadore, to Armstrong, that the decrees of Berlin and Milan were revoked, and would cease to be in force from the 1st of November; "it being understood that in consequence of this declaration the English shall revoke their Orders in Council, and renounce the new pretences of blockade which they have attempted to establish, or that the United States, conformably to the act just communicated, shall cause their rights to be respected by the English." "It is with the most particular satisfaction," adds the minister, "that I inform you of this resolution of the Emperor. His Majesty loves the Americans. Their prosperity and their commerce enter into the views of his policy. The independence of America is one of the principal titles of the glory of France." *

August 5.

The fervor of this epistle can hardly take off the chill of an imperial decree, dated at Trianon on the selfsame day, secretly promulgated, and only accidentally known in America years after Napoleon's downfall. The ultimate disposition the Emperor would make of the American property whose proceeds

* Executive Documents.

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had been swept into the "chest of death" under the Rambouillet decree, must have become an important ingredient of his new policy. Against all such confiscation, which afforded in reality a new grievance on the part of the United States, unforeseen when the act of May was passed, Madison had remonstrated through the State department, July 5. informing Armstrong that some satisfactory provision for restoring that property "must be combined with a repeal of the French edicts," in order to justify non-intercourse against Great Britain.* It suited the Emperor's plans, however, to make a constant mystery of that point; to conciliate, to amuse, but not to yield. Both greed and revenge forbade that a franc should be paid over to the sufferers. While publicly defending his past course as a result of our own past legislation, and giving out the idea that this produce of plunder was to be a sort of reprisal security against potential, but not actual confiscations of French vessels, he turned the key of this chest of death stealthily, and appropriated the contents to himself. That secret decree of August 5th confiscated into the imperial treasury, without trial or further delay, all American vessels and merchandise brought in previous to May 1st, 1810. It provided, also, that until November 1st, when the Berlin and Milan decrees were conditionally revoked, American ships should be allowed to enter French ports, but not to unload (nor, presumably, to depart) without the imperial permission. This "mean and perfidious act," as Gallatin styled it in after years, was Napoleon's infliction upon the first neutral which had ever forced him to pacify.†

Madison and his Cabinet, knowing only the Cadore letter, accepted the French assurance in good faith as they were justified in doing, leaving the spoliation fund for separate adjustment. For, at a certain point in public intercourse, either the word of a potentate must be taken as a pledge, or inter-

* Executive Documents. "Such a provision," adds Smith, "being an indispensable evidence of the just purpose of France towards the United States."

† See 2 Gallatin's Writings, 198; Adams's Gallatin, 422. This secret was revealed to Gallatin in 1821, while he was minister to France.

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national law has no security at all. Any relief, moreover, from this aimless and imbecile drift of foreign relations was to be welcomed. It remained, therefore, to summon Great Britain to repeal her own edicts against neutral commerce within three months, as the act provided, or else to suffer non-intercourse to revive against her alone. Here was the turning point in American relations. Our administration wanted no war, but to escape an intolerable dilemma, and have but one enemy at a time. A little of Napoleon's rapidity and power of adaptation to novel surroundings, and the Perceval cabinet might have preserved peace with the United States, for the Rambouillet decree festered in the side of our commerce.* But Napoleon's deceitful pretensions were less of a barrier to confidence than the blunt and contemptuous incivility of the British ministry. No flattering ambiguities were furnished in this quarter. Neither the equal opportunities which the act of May offered, nor the imminent revival of restraints under Bonaparte's protection, moved the Perceval cabinet. They made no independent offer to repeal injurious decrees.† They did not thwart Napoleon's new designs by recalling Orders in Council, even with the reservation they might have employed that his revocation of decrees should be honestly fulfilled, a course of procedure which would have rescued England's honor and our own, and held the Emperor by a double pledge. They did not interrogate for themselves whether the Cadore announcement, which appeared final and positive enough upon its face, so as to deprive Britain of plausible grounds for maintaining longer the present neutral system, was a snare and delusion. But taunting the Emperor to the utmost, they assumed that before England need move a hair's-breadth the United States were bound to extort a continuous performance of Napoleon's undertaking for some indefinite period; all this in fundamental disregard of that

* Smith to Armstrong, November 2d, 1810, shows that the French situation was thought not to warrant putting more of our vessels within Napoleon's reach at present.

† This was hardly to be expected when they held American commerce subservient to their policy in spite of France.—Madison's Writings, May 7th, 1810.

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legislation upon which the Emperor himself had relied, and by whose tenor a genuine revocation was the essential fact; and, in a word, so as to require us to impeach Napoleon's veracity to his face, and confess that King George and not he could be trusted.

A posture this more worthy of the sardonic Canning than the fair-tempered Wellesley. And, as if it were not enough to constantly discredit the imperial acts and motives, the British ministry soon developed the intention of insisting that the repeal of the Berlin and Milan decrees would not suffice, but France must be led to abandon her whole continental system before the British Orders in Council, hitherto justified as retaliation for the Berlin and Milan decrees alone, could be recalled. In other words, the United States must not only force an entrance for her neutral trade, but lay Europe open to British goods, and the produce of British colonies besides. And, finally, the question of repealing British Orders in Council must be separated from that of new pretences of blockade, to which Napoleon's conditional repeal had alluded; for England would not consent to blend the two subjects in discussion, nor admit that any blockade had been proclaimed by her not strictly conformable to the laws of civilized warfare and the approved usages of nations.

Such was the British Cabinet, unimpressible as iron, upon which Pinkney vainly labored with a copy of Cadore's letter from August, when he received it, until the following February, when non-importation must needs revive; urging repeatedly a revocation of British Orders, and as for blockades, asking no more than the reasonable concession that a blockade, to be effectual, must be maintained by an adequate blockading force,—a principle England had repeatedly admitted in other wars. Wellesley was bland as to what might be granted under impossible circumstances, but obstinate as to all practical means of turning the present situation to good use.*

All this, the reader should remember, was at a time when the wounds of the *Chesapeake* had become a rankling sore;

* See Executive Documents; Pinkney's Correspondence, August, 1810–February, 1811.

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when American sailors by the hundreds, each year,* were seized by press-gangs, or dragged from the decks of our peaceful merchant-vessels, to man the yards and fill the bloody cockpits of frigates whose flag they detested; when a British minister, discarded for his insolence to our Executive, had gone about the country like a spy, fraternizing with our British faction, and his final recall had left the British government long unrepresented at Washington, whence a suspicion, perhaps unfounded, that Wellesley had determined to humiliate this government by sending no successor of rank at all.† What substantial wrong had we inflicted on France or England to be thus treated by either? What did the United States ask from one belligerent or the other that was not just and equitable upon the soundest maxims of international jurisprudence? But from the long sequence of events, and as one feels most keenly the wrong committed by his own kindred and those whose esteem he holds dearest, our people had grown more sensitive to British than French enormities. It was a fact upon which politicians might comment in vain, and yet a stubborn one, that all Napoleon's wanton seizures of American vessels, and wholesale confiscation of property, aroused in the United States not one-fifth part of the public indignation which the developments of Jackson's mission alone occasioned.

Our President could not, consistently with his own rules of public action, balance French and English aggressions apart from the effect they produced upon the country. He issued his proclamation, November 2d, giving initial operation to the late act of Congress, on the ground that Napoleon's actual repeal of the Berlin and Milan decrees had, by the terms of the Cadore letter, gone into effect the day before. This proclamation had the effect of a three months' warning to Great Britain. It was not certain that this action, necessarily hasty, was for the best; but, doubtless a stage had

Nov. 2.

* See Secretary Smith's Report, 11th Congress, Second Session.

† This was Madison's own interpretation of the conduct of Wellesley, from whose high personal character he had, at first, cherished better expectations.—Madison's Writings, May, October, 1810. Morier, a chargé, was the only British representative now left at Washington.

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been reached in affairs where (to borrow language recently used in Congress) it was "difficult to remain, dangerous to advance, but infamous to recede."*

Scarcely a month old was the President's proclamation when Congress met in final session. Despite bad weather, the zeal of members brought a good quorum of the House together on the first day, though the Senate was more tardy. A despondent tone observable in the President's message increased the disposition to linger for later tidings from abroad.

Dec. 3.

Dec. 5.

The chief source of anxiety, in this day of slow-sailing packets and no telegraphs, was to be attributed to the methods requisite under the act of May. France had repealed in August, but that repeal, even as a conditional one, did not take effect until November 1st. The President issued his proclamation November 2d, but this left three months longer for England's decision before unfriendly extremities could be reached. The present Congress would expire early in March, so that legislation in pursuance of the pledge would have to be dispatched before it was possible to ascertain the effect abroad of reviving our non-intercourse against England, and probably in advance of positive information that England had finally rejected the equal benefits within her reach. As for the Emperor's revocation of his Berlin and Milan decrees, the Cadore letter was not inaptly drawn, yet no one could infer from its language that American commerce resumed its rightful status before November, and during the three months next ensuing there was further uncertain suspense. To keep that suspense unbroken Great Britain had only to remain noncommittal until February, as she did, and such being the case a monarch much more trustful of an American Congress and less perfidious, than Bonaparte, would scarcely have opened the clenched hand wider.

The news which reached Washington as the session advanced did little, therefore, to confirm our confidence in one direction or the other. All that had been gained from England was

* William Anderson's speech in the House, January 25th, 1810. See Annals of Congress.

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Wellesley's polite but disingenuous assurance to Pinkney, that whenever the repeal of the French decrees should have actually taken effect (by which he did not understand November 1st), and the commerce of neutral nations restored to its original condition, his government would be happy to relinquish a system which French policy had compelled.* From France, moreover, that "indispensable evidence" of a just disposition, namely, the restoration of property confiscated under the Rambouillet decree, was not forthcoming. Neither Turreau, the departing French minister, nor Serrurier, his successor, who arrived in February, had, of course, indemnity to offer for that indiscriminate pillage. There, again, was the Cadore letter; and yet documents showed that Napoleon had so changed the commercial system of France as seriously to hamper the importation of certain products of the United States, and prohibit cotton and tobacco altogether; while, on the other hand, he had begun violating his own rules by selling licenses, so as to give special employment, under favoritism, to some thirty or forty American vessels, all from the ports of New York and Charleston;† though all this, Turreau pointed out, was anterior to the intended repeal of the Berlin and Milan decrees, which repeal would doubtless take effect without reserve, and some amends had been made already in the objectionable tariff.‡

Armstrong had now returned from France upon his request, leaving Jonathan Russell in temporary charge. It remained a question at his departure, whether that prospective confiscation denounced by the Rambouillet decree against American vessels which should enter the ports of France and her allies, still continued in force. Cadore sought to dispel unpleasant doubts;

* Executive Correspondence, August, 1810.

† See Executive Documents transmitted to Congress, December, 1810. With so momentous a change unexpectedly presented in the commercial system of France (as Secretary Smith contended in his letter to Turreau, of December 18th, 1810), "no practical good worthy of notice has resulted to the United States from the revocation of the Berlin and Milan decrees." "The act of Congress, of May, 1810," he added, "has for its object not merely the recognition of a speculative legitimate principle, but the enjoyment of a substantial benefit."

‡ Executive Documents, December, 1810.

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most probably, however, Napoleon meant to get more American property into his gripe, and release or crush according as our government should act. Against British ships and British merchandise the imperial mandate had gone forth to burn, sink, and destroy. But Madison's proclamation gave new assurance that America would carry out the compact; and upon its receipt Napoleon, through his minister of justice, dispatched orders to the French council of prizes and the customs officers to hold all American captures from and after November 1st, not under the Berlin and Milan decrees, but in sequestration until February 2d, when vessels and cargoes were to be restored to their owners.

Dec. 25, 1810.

Early in February of the new year* those imperial orders were published in the United States. Non-importation had already revived against England by force of the President's proclamation, and with this intelligence Congress determined not to turn back ignominiously. In the House Randolph united the opposition upon a proposal for utterly repealing the act of May, 1810; his claim being that there had been no binding compact because there was no treaty, and that French retaliation opened new considerations besides, which that act had not foreseen. But this proposal was voted down by 67 to 40; and a bill reported from the committee on foreign relations took its place for discussion. That bill was liberal enough; for, confirming what the President had already proclaimed by legislative sanction, it undertook simply to protect from seizure shipments from Great Britain prior to February 2d, and to give England a final opportunity of standing as favorably as France, should she revoke or modify the decree which violated our neutral commerce.† Opposing this measure, Quincy and most other Federalists took the ground that France was practising deception, and leading us into a war against her enemy under hollow professions of a friendship which her seizures ought to dispel; they cited, too, the notorious evils of a non-importation policy, as manifested upon its former experiment. The "war hawks," as a small but growing Repub-

* The news of these orders reached New York February 9th, 1811, by a vessel from Liverpool.

† Act March 2d, 1811.

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lican faction was styled, wished, on the other hand, by insisting, for instance, that impressment should stop, to make the conditions harder for Great Britain. Eppes, the chairman of the committee, steered clear of extremes, however, and kept the House to the solemn pledge upon which France had obviously acted, and which, without abundant proof of her perfidy, it would be dangerous and dishonorable on our part to repudiate.

Feb. 25. Notwithstanding a desperate effort to defeat the bill at this late stage of the session by dilatory tactics, Eppes carried it through the House in an exciting night session, very few, after all, recording their votes in the negative. It passed the Senate by 20 to 7, only one day before Congress expired, and the President signed the act immediately.*

March 2.

The occupation of West Florida was a subject intimately connected with relations abroad at this crisis. As the war had progressed in Europe, there was danger to the United States should either of the belligerents now contending for Spain gain a firm footing upon our Southern borders. Between adherents to the throne and revolutionists West Florida was, even now, the scene of internal conflicts; and the latter party, seizing the fort of Baton Rouge, asked aid and recognition from the United States. The President, instead of favoring either faction, dispatched Governor Clairborne to the scene, and took possession of the east bank of the Mississippi, under claim of title by the Louisiana purchase. Morier, the British *chargé*, protested; but, apart from our right to the soil, the President's action was for Spain's own benefit, and in aid of further negotiations for a peaceable transfer. Force was forbidden against Spanish garrisons in East Florida, and the Spanish commandant at Mobile remained undisturbed. The latter, being in danger, however, wrote to intimate that unless his own government soon reinforced him he would be disposed to transfer the entire Spanish province to the United States. Upon this information

1810. Oct. 27.

* Annals of Congress · act March 2d, 1811.

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and the rumor that a British squadron would sail over from the Bahamas to make seizure, Congress passed an act in secret session, which authorized the President to take possession of East Florida, either in case of arrangement with the local authority, or if any foreign government should undertake to occupy it.* Madison's course as to West Florida was fully sanctioned;† and a secret resolve passed both houses justifying all such occupation as temporary and subject to future negotiation; while announcing, moreover, that the United States could not, without inquietude, see the Floridas pass from Spain into the hands of any foreign power.‡ 1811. Jan. 3-19.

This advance upon disputed ground had an immediate bearing upon the admission of the Orleans Territory into the Union as a new State. Such admission was now sought as of right, and the preliminary act for enabling its inhabitants to form a constitution passed Congress at this session. Under the enabling bill of 1811 free mulattoes and blacks were excluded from voting; but it was concluded better to avoid precipitating international controversies upon a State convention.§ When, however, in 1812 this new State was formally admitted to the Union by the name of Louisiana, its constitution being approved, another Congress enlarged the State domains to the present limits, so as to embrace Baton Rouge and a considerable portion, in fact, of West Florida; which, by that time, the United States held firmly in possession.‖ 1810-11.

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* Act of January 15, 1811. $100,000 were appropriated for defraying the expenses of such occupation. Ibid.

† Act of February 12, 1813.

‡ Resolve, January 15, 1811. These secret proceedings were soon divulged through the press. But the secret acts and resolve were not promulgated until 1818. See acts 15th Congress, 3 U. S. Stats. at Large, 471. And see Annals of Congress, January, 1811.

§ Act of February 20, 1811; Annals of Congress, Jan.-Feb., 1811.

‖ See act of April 14, 1812. One of the fundamental conditions prescribed at Louisiana's admission required the Mississippi to be kept a common highway forever free to citizens of the United States.

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The curious medley of races and morals which New Orleans at this time afforded raised no little prejudice against admitting Louisiana to the full sisterhood of States. The Eastern Federalists cherished deeper dislike. Brought now to confront the new and inevitable expansion of the American Union beyond the Mississippi, their pent-up jealousy broke out into anger. The new census showed a rapid development of population beyond the Alleghanies, where their political camp-fires could never kindle. It seemed as if New England's sceptre and commerce were departing together. From this point is manifested a decided antipathy at the East to slavery expansion and the growth of the Southwest; whose origin, so far as concerns Pickering, Quincy, and the old-school leaders of that section, must be ascribed more to political than humane convictions, however clear might have been the later flame.*

Mar. 1810–Jan. 1811.

Under Hillhouse, Dana, and Quincy, prodigious but vain efforts were made by the Federalists in this Congress to prevent the admission of States erected out of the Louisiana purchase without a constitutional amendment; Jefferson's first idea, as we have seen, but by this time an ungracious policy intended only for obstruction.†

* In proof of this the reader has only to trace the national discussions and national action upon slavery, as furnished in the preceding pages. Or, he may more fully examine the published correspondence of the strict New England Federalists prior to 1810. It was not so much, in their eyes, that slavery was unjust and baleful as an institution, as that the system of slave representation in Congress impaired Northern influence.

† Quincy's speech against erecting any State beyond the Mississippi, upon the present basis of Union was very violent. "If this bill passes," he exclaimed in passionate strain, after dwelling upon the constitutional objection to admitting Louisiana, "it is my deliberate opinion that it is virtually a dissolution of this Union; that it will free the States from their moral obligation; and, as it will be the right of all, so it will be the duty of some definitely to prepare for a separation, amicably if they can, forcibly if they must." Loud cries interrupted him of "Order! Order!" and his words were taken down. Speaker Varnum ruled the latter portion of these remarks out of order, but the ruling was reversed by the House, and Quincy continued more calmly.

This speech forcibly illustrates the position of Eastern Federalists at

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Poindexter, delegate in the House from the Mississippi territory, retorted upon Quincy with some lively thrusts as to the projected dismemberment of New England on account of the national policy towards Great Britain.* In the Senate the aged Pickering, who offended by exposing confidential correspondence relating to West Florida, in open debate, was voted a resolution of censure at this session, a parting expression which, but for his obstinacy, might have been spared.† As affairs were now setting, Eastern men suspected of British proclivities were becoming extremely unpopular, but their boldness in debate none could dispute.‡ Dec. 1810.

that day. The statement which so startled the House had been uttered, as Quincy explained, "not for agitation but as a warning, not from hostility to the Union but out of an earnest desire to preserve it. The clause in the Constitution authorizing the admission of new States must, from the context, be understood to relate only to the formation of new States within the limits of the Union as then existing. The people of that day had no idea of the territorial avidity of their successors. The prevailing opinion then was that the country was already too extensive for a republican form of government. Nowadays, there is no limit to our ambitious hopes. We are about to cross the Mississippi; the Missouri and the Red River are but roads upon which our imagination travels to new lands and new States, to be erected and admitted under a power now about to be usurped."—Annals of Congress, January 14th, 15th, 1811.

Quincy, still young in service, survived all his political contemporaries. He lived long enough to recant these narrow views and to see and believe in the uprising of a great people, stretched from ocean to ocean, with one thought and one will to protect, to preserve, and to render the Union of these States immortal.—See speech in 1861; Quincy's Life; Lossing's War of 1812, 228.

* Annals of Congress, ibid. Poindexter at this time was hopeful of procuring the simultaneous admission of Louisiana and Mississippi; but the sensitiveness of Eastern men was too great for the accomplishment of such a plan.

† Annals of Congress. Pickering did not claim that he violated confidence through inadvertence, but defended only as though the violation was of no present consequence. His colleague undertook to soften the resolution by inserting the word "unintentional," but upon Clay's intimation that he would move to amend further by striking out "un," withdrew the amendment.

‡ Pickering was believed to be a tool of England, and a mischievous plotter. His toast, given at a public dinner in June, circulated widely

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The Eleventh Congress made a final exhibition of its inconsistency of purpose, by depriving the treasury of a resource deemed most essential, and alienating capital at the very moment a new turn was given to the war screws. The act incorporating the Bank of the United States would expire on the 4th of March. Application had been made to this Congress in ample season for the renewal of its charter. This institution, with its $10,000,000 capital, had steadily prospered during the twenty years of its existence. It had divided profits whose annual average was about 8¼ per cent. At latest accounts its notes in circulation were over $5,000,000; it owed little more than $13,600,000, and its resources were at least $23,600,000. The national government had found the bank, with its various branches, of the greatest service in the custody, transmission, and disbursement of the public funds, the collection of revenue, and the supply of temporary loans and facilities. Its management had been, on the whole, conservative and sound. For the sake of a new charter its incorporators were willing to accept modifications proposed by Gallatin: an increase of its capital stock to $30,000,000, of which States might subscribe one-half; the establishment of branches in each State, with the allowance of a certain number of State directors, besides the United States appointments; the promise, moreover, of a handsome bonus for its charter, interest on large public deposits, and a loan to the nation of three-fifths of its capital at six per cent.*

There was danger, however, that a private monopoly thus coiled about the public credit, would make a Laocoon of the American people if not shaken off in time. Hence a fierce but not very intelligent opposition already to the institution; several legislatures, including those of Virginia, Massachusetts, and Pennsylvania, instructing their delegates in Congress to vote against the recharter. Private petitions to the same effect were numerous, and the press, for the most part, was hostile or lukewarm. Time had not overcome a popular prejudice, dating back to the early quarrels of Hamilton and Jefferson in Wash-

through the country: "The world's last hope, Britain's fast anchored isle."—Pickering's Life.

* Annals of Congress, 1810, 1811, Treasury Reports.

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ington's cabinet, and the organizing of a Republican party. The first bank was of Hamilton's creation, its board of management Federal; its stock owned largely by British capitalists. Prudent of late, the institution had once exerted a political pressure, and its State rivals circulated rumors of insidious designs, which, though probably unfounded, were readily caught up for argument.

Of local banks, many had been incorporated of late years by State legislatures, not without signs of favoritism, and perhaps corruption, in both political parties. This national institution, under the reorganization proposed, would reduce the local competition more than ever. But, should its charter expire, State banks might hope to collect and trade upon the local revenue, those leading in the scramble for government patronage whose management had friends in court. Sound financiers predicted the dissatisfaction, the jealousies, the feverish speculations, the intrigues of capitalists against one another, which must ensue; the flooding of the country, too, with bills heedlessly issued in the poorer States, to compete with rich rivals like New York and Pennsylvania, whose banks would bear the palm in circulation and influence. States themselves would imperil their credit in such a contest; for many of them,—Virginia, for instance, Vermont and North Carolina, as well as Massachusetts, New York, and Pennsylvania,—owned stock largely in their local institutions.*

Whatever the fundamental objections to a single fiscal monopoly, this was not an auspicious time for tearing up an accepted and stable financial system by the roots. The ground would have to lie fallow till new ideas could germinate. But to plunge into foreign war with our finances all disarranged, with the usual means of procuring the national loans and revenue set aside, not for a feasible substitute, but without a substitute at all, was rashness itself. It was a late day, too, for employing the constitutional argument. Even the presence of foreign capital was not without its blessings; and to exclude it by the terms of a new charter was easy if that were thought desirable.

* See Jonathan Fisk's speech, Annals of Congress, 1811; 6 Hildreth.

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Prudent financier that he was, and responsible for the national credit at this critical period, Gallatin waived his own political scruples, and gave his best efforts in aid of the new charter. With him, indeed, it was a last struggle for political standing; for his personal enemies in Congress had become a dangerous faction, which colluded with the Secretary of State to drive him from office. He was vilified by the *Aurora*, the *Richmond Enquirer*, and other stalwart presses of his party, whose malice was not recent. All these abused him as the friend of moneyed magnates, more than intimating that he had grown rich on a small salary. While President Madison gave the Treasury scope for its own fiscal plans, as Washington had dealt by Hamilton, he disliked the national bank, and refrained from active co-operation. With all these discouragements Gallatin fought the battle for the bank, nevertheless, with zeal, tact, and good temper. The discussion was long and exhaustive in both houses. Crawford, in the Senate, won a distinction which served him well in his later career, by espousing the recharter warmly, and compelling reluctant adversaries to discuss the merits of the question. But the bank bill was already doomed by the odium it had encountered outside of Congress. Federalists, in a mass, supported it, and many intelligent Republicans of a financial cast. But most administration leaders in popular debate,—Eppes and Macon, in the House, for instance, and Anderson in the Senate,—all, moreover, who felt the pressure of hostile constituencies, or were ignorant of monetary matters, together with the implacable foes of Gallatin and the bank, combined against it. In the House indefinite postponement was carried by 65 to 64. The Senate, upon its own separate bill, came to a tie, 17 to 17, for striking out the enacting clause, and Vice-President Clinton determined the question unfavorably to the bank by his casting vote.* Unable to procure a State charter from the Pennsylvania legislature, Hamilton's famous establishment, which had been identified with the first generation of national rule, wound up its affairs and expired.

Jan. 24.

Feb. 20.

The ill consequences of this disarrangement of the public

* Annals of Congress, 1811; 6 Hildreth; Adams's Gallatin.

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operations will presently appear. Meantime the condition of the Treasury having improved with the partial revival of commerce, receipts once more exceeded current expenses. But appropriations were large, and the revenue precarious; and to cover all deficiencies a new loan of $5,000,000 had to be sanctioned.

With discussions so absorbing over leading measures the midnight of March 2d was reached before Congress had finished its work. The last day of the session was Sunday; and both houses met morning and evening, March 3. quietly dispatched a number of routine bills, which were lying on the table, with very little debate, and then, after the usual formalities, adjourned *sine die*,—many of its members, both Federal and Republican, never more to appear in their familiar places.

SECTION II.

PERIOD OF TWELFTH CONGRESS.

MARCH 4, 1811—MARCH 3, 1813.

Principles preserve the wholesomeness of a sect or party, notwithstanding schisms appear and leaders degenerate. Names have a later magic, and the habit of association. It is not until some new and irresistible element enters into combination with the old ones that the precipitate of new parties can be cast. Nevertheless, decomposition may have long preceded the final reaction.

Republicanism had been slowly turning to its own substance by a sort of digestive process what was best among the shattered fragments of the old Federalist party. But of late the Republican party had begun to feel the ill effects of a torpid policy, mediocre statesmanship, and inharmonious counsels. When it stood still, admiration ceased. For, like a painted toy, the political top appears bright and clean while rapidly spinning, and the soiled and battered edges come into view only when it rolls off on one side with its momentum spent. New parties were as yet impossible for want of well-defined

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issues; yet had it not been for that crisis to which the European war now hurried us, the gradual dissolution of the old Jefferson and Hamilton parties would now probably have been wrought, which Monroe's administration saw realized some ten years later.

Schisms appeared, political feuds, unseemly brawls, the collision of rival ambitions. Lyon, the first victim of the sedition law, now lost his hold on a Western constituency by becoming a "submission man." Edward Livingston sued Jefferson for an official act in ousting him from a batture in New Orleans, claimed by the United States under a defective title. Cooper, whose harsh persecution in 1800 had won from McKean the bestowal of a judicial appointment in Pennsylvania, was just removed by the legislature of that State for precisely the same sort of arbitrary display on the bench that made the Chase circuit so offensive. Eppes had invaded John Randolph's district to run him out of Congress; a design which he later succeeded in accomplishing, but on this first trial procuring his own banishment from the national councils.

The factious spirit had crept into the highest places of government, where scandal already announced that Madison was only President *de jure*. From a Cabinet but lately the perfection of harmony the force that bound them had departed; men and circumstances were no longer suited to one another. The "invisibles," so called, whose poles were Smith the prime minister, and Smith the senator, had neutralized Gallatin's influence, as they meant to, and their disrespect reached the Chief Magistrate himself. Navigation bills, the bank charter, measures for strengthening the army, whatever Gallatin, and, presumably, the administration, favored, had struck on some hidden rock in the Senate and sunk. Foreign appointments were opposed. Justice Cushing's death left a vacancy on the supreme bench, to which the President, after Levi Lincoln had declined, appointed Alexander Wolcott, of Connecticut; but, to his mortification, the Smith faction joined the Federalists of the Senate, and defeated the selection. John Quincy Adams was then appointed and confirmed; whose refusal, however, of the honorable commission, when it reached him in Russia, gave Massachusetts the double felicity of raising

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Story to judicial honors and keeping a second Adams in training for the Presidency.

Convinced, when the national bank failed, that his usefulness as a Cabinet officer was exhausted, Gallatin tendered his resignation of the Treasury immediately after the adjournment of Congress. This brought Madison, who was pondering upon sound advice from other quarters, to a painful sense of his own humiliating position; and, not to be sacrificed like the second Chief Magistrate, by intriguing subordinates, he took, though tardily, Gallatin's part. The Secretary of State was summoned to the Executive presence, and offered the mission to Russia. But Robert Smith, not disinclined to go abroad, marked the President's embarrassment; and hearing, through friends, that his portfolio was already disposed of, resigned in anger; and, resigning, he considered himself free to lodge his complaint with the public. In truth, however, the public were quite unconcerned at his resignation. His published address to the people only confirmed the common rumor that the premier, not personally unamiable, was weak, heedless of the fidelity his post of confidence demanded, and in league with senators by no means honorable in their course; that Madison wrote his best dispatches; and that, a dabster in objections, he was a dunce at originating.* A newspaper war ensued, in which Joel Barlow, lately appointed to France in Armstrong's place, defended with the *National Intelligencer*, the President's action in discarding Smith; while the *Aurora* opened its broadsides against Madison and Gallatin with such reckless blackguardism that Jefferson himself was fain to expostulate and write the passionate Duane that he had gone too far in his strictures.†

* See Adams's Gallatin; Robert Smith's published Address, June 7, 1811; National Intelligencer, June–September, 1811. *Supra*, p. 296.

Madison made a memorandum concerning Robert Smith in April, 1811, in which he affirmed that the brother's opposition in the Senate was not his reason for displacing the Secretary; but the latter's outside criticisms of the President, and an inefficiency in managing his department, which threw additional work on the President's shoulders. Madison's Writings.

† See Madison's Writings, May, June, 1811; Jefferson's Works, March, April, 1811.

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Nervous as Madison felt while thus under fire, he had taken the surest means of fortifying himself by putting a far better man than Smith in the department of State. This man was no other than his lately discomfited Presidential rival. Monroe, aground as often before, had worked off patiently again, and was once more in full public activity. An inferior office, procured from the President, through Jefferson's influence, in 1809, he had positively declined.* Chosen in 1810 to the legislature of Virginia, to the joy of his many friends, he was elected by 1811 to the governorship, with the further prospect of succeeding Giles in the national Senate. Fixed upon for Smith's place, Monroe was now approached in confidence through Senator Brent, of Virginia. Monroe signi-
Mar. 22-31. fied his willingness to accept if our foreign policy was not irrevocably fixed already. A personal letter from the President came in response, so fair, frank, and satisfactory, that Monroe decided favorably, and set out for Washington.†

Monroe's accession at this time was fortunate for the administration in more respects than one. It reunited the party strength by drawing over that intelligent element, which, irrespective of old party ties, had for the last three years advocated more vigor and less policy in foreign dealings. Nearly as Monroe approached the milder Federalists in these ideas, he had prepossessed even the harsher school in his favor by negotiating the British treaty Jefferson and Madison had disapproved. Monroe had youthful ardor, ability, and an ambition to excel, and at the same time a sense of honor which forbade intrigue; and, accepting Madison at last for a chief, he ceased to be his rival.

Jefferson was always lenient towards Duane, whom he considered a very honest and sincere Republican, but more passionate than prudent, and nourishing personal and general antipathies which rendered him very intolerant. Jefferson's Works, May 3, 1811.

The Adams family, with good provocation, judged Duane far more harshly. See 5 J. Q. Adams's Diary, 112; Adams's Gallatin, 437–442.

* See Jefferson's Works, November 30, 1809. He would never act, Monroe said, in a national office where he should be subordinate to anybody but the President himself.

† Monroe Correspondence (in which the letters of Brent and Madison appear); Adams's Gallatin.

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Barlow sailed in the summer for France. Gabriel Duval, of Maryland, took the next gown after Story, Chase having died in June. Rodney, of Delaware, resigned the Attorney-Generalship, and was succeeded by William Pinkney. Nov. Dec.

We were now sweeping rapidly into a war. The new pledge of the national legislature was to bring Great Britain to terms, or force her to retaliate. The hour of paralysis had passed. For American citizens it was growing to be a simple question of resistance or non-resistance. Each party, therefore, had begun to desert its favorite paradox: the one, that bold remonstrance was desirable without warlike force; the other, that warlike force was desirable without bold remonstrance.

Federalism appreciated the crisis clearly, and made desperate effort to break down the administration and its new policy; the strength and the weakness of this party consisting in its concentration at the northeast corner of the Union. Scarcely had Congress dispersed before Pickering, Quincy, the younger Otis, all the residue of conservatism, were at work stirring Boston pride against the national policy. The downfall of the Bank, for which those Southern lordlings were responsible, their project of new States to be composed of French jacobins and monarchists, their war on Spain by invading her territories, but most of all their revival of non-importation against Great Britain at Napoleon's behest, were loudly denounced. Pickering occupied the Boston *Centinel* with a series of inflammatory letters. The old spirit was invoked, not, however, of 1776 but of 1796,—the old animosities against France, not England. Gerry and Gore were again opposed for the Massachusetts governorship, and the young men of leading families in the chief towns organized Washington associations on behalf of the latter candidate, and marched to the polls on election day bearing Washington's portrait and farewell address as emblems. At the usual Boston caucus, held at Faneuil Hall the Sunday evening before election, violent resolutions against the administration were adopted.* Mar. 31.

* See Boston Centinel, April 3d, 1811. These resolutions claim that the Berlin Decree was the first flagrant violation of our neutral rights;

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All this was pitching the key too high for the mechanics and yeomanry of Massachusetts; and not only was Gerry re-elected but the Republicans gained control of both branches of the legislature.

The "Boston resolutions" were severely censured by the administration press outside New England; and Gerry himself, in an executive message, exposed their pernicious tendency. Unfortunately for his own popularity, as it turned out, the Massachusetts Republicans used their power vindictively. Two Boston banks, whose charters were about to expire, were replaced by a new State institution, with a capital of $3,000,000, and incorporators of the Republican creed. The inferior State courts were reorganized, that the Governor might use the besom upon the Tory incumbents. Innovation laid its hand, for the first time, upon the parish taxes, which had fed the Congregational clergy, those constant maligners of Jefferson.* But Gerry was injured most of all by an act of his new legislature, at an adjourned session, which rearranged the senatorial districts of the State, with the view of perpetuating the party majority in the upper branch. "Gerrymandering," as the Federalists nicknamed it, was then a novel process in our politics, since only too familiar.† June.

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that Napoleon's pretended relaxation of his decrees was both illusory and insulting; that neither the President nor Congress had been justified in changing our relative connection with the belligerents; that every citizen has a right to construe the conditions of May, 1810, as unfulfilled and to govern his conduct hereafter accordingly; that the recent statute of March 2d is "unjust, oppressive, and tyrannical," tending to the ruin and impoverishment of meritorious citizens, and "that the only means short of an appeal to force to prevent such a calamity (which heaven avert) is the election of such men to the various offices in the State government as will oppose by peaceable but firm measures the execution of laws which, if persisted in, must and will be resisted."

Mr. Lowell introduced these resolutions (but probably was not their author), and Quincy and Otis were the chief orators of the meeting.

* Jefferson applauded Gerry for the "rasping" with which he rubbed down his "herd of traitors." "Let them have justice and protection against personal violence," he wrote to Dearborn, "but no favor."—Jefferson's Works, August, 1811.

† 6 Hildreth, 249, 287. For a picture and full description of this

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In Connecticut, where Republicans fused with the Federalists who had broken from patriarchal rule, Griswold defeated his old line competitor, Treadwell. But the complexion of politics did not change in consequence. Respectable citizens of New Haven memorialized the legislature to use its influence towards a repeal of the non-importation act, and to oppose, as far as its constitutional powers might extend, every attempt of the national government to restrain the commerce of the State. They sent, also, a remonstrance, headed by Hillhouse, to the President, and received from Madison a soothing but not compliant response.* May.

Langdon was re-elected in New Hampshire; and the Republicans made De Witt Clinton lieutenant-governor of New York, and Galusha governor of Vermont. A moderate Federalist was chosen as executive of Rhode Island.

Foreign relations did not improve during the recess. George III was convalescent, and the Regency, of whose favor some hope had been entertained, faded out. Pinkney, having ascertained explicitly, after fruitless interviews, that the Orders in Council would continue unchanged, took his departure from London, leaving a *chargé* in his place. By this time, however, a new minister plenipotentiary was ready to depart for America, Augustus J. Foster, late the British *chargé* in Sweden, and one whose appointment was personally agreeable. Foster's mission tended certainly to conciliation on one point: he brought authority to atone for the stale outrage of the *Chesapeake*. This atonement, as offered and accepted, was upon the same terms as Erskine's futile adjustment. Great Britain disavowed the wrong, the survivors were restored to the deck of the vessel from which they had May.

"Gerrymander," which preserves the Governor's patronymic to our vocabulary, see Lossing's War of 1812, p. 210.

* Newspapers of the day; Madison's Writings, June 1811. "Lucius" argued in the Boston Centinel, in May, that it was better to sunder the States than submit to a system of laws whose only object was to annihilate commerce.

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been forcibly taken,* and pecuniary provision was made for the wounded and the families of the slain.†

But to yield too slowly, and too little at a time, for establishing generous intercourse, was still the characteristic trait of British diplomacy. As for repealing the Orders in Council, the British minister maintained: (1) that France had compelled those decrees in retaliation for the British; (2) that there had been no genuine revocation of the French decrees; (3) that to lay the foundation for a British repeal, commerce must be restored to a footing that would admit British productions and manufactures into markets now shut against them by France. No disposition appeared to take the road of retreat opened by our act of March 2d, but, on the contrary, Foster intimated that if non-intercourse continued against England she would retaliate. Monroe exposed the shallowness of the pretension that the United States, a neutral nation, was bound to assert against one belligerent an obligation to open her markets to the products of the other before her rights could be respected. Indeed, the most devoted champions of Great Britain on this side of the Atlantic could give no countenance to such a theory, which was tantamount to keeping the British Orders in force as long as Britain's war with France lasted. The United States asked only to have its own trade respected on either side, and Bonaparte's internal system was not a proper subject for neutral dictation.

Bonaparte had, in fact, and not without provocation, taken the most rigorous measures for excluding British importations from the Continent. Notwithstanding Orders in Council and pretended blockades, British licenses had been granted quite liberally of late in order to enable American vessels, by means of false papers, to land British goods at distant points, whence they could be smuggled into the heart of Europe. Notwithstanding immense hazards, this illicit trade enriched both carrier and shipper. British manufacturers pursued it so keenly that the American flag was constantly prostituted in the north

* The scene of this restoration was Boston Harbor, June 13th, 1812. Of the four tars taken, one had been hung, another had since died.—Niles's Register.

† Executive Documents, October 30th -November 12th, 1811.

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seas of Europe. All concerned in the Baltic trade knew well that most of the English ships which had gone to the ports of Russia, Denmark, and Sweden, during the past two years, sailed with false papers and under American colors. Those powers had remonstrated, and Napoleon declared that the commerce should cease. His privateers ravaged the northern seas, therefore, under little restraint. Many condemnations and seizures from which America suffered, were due, directly or indirectly, to these evasions. "As for England," announced the angry Emperor, on a recent occasion, "commercial relations with her must cease. I am armed *cap-à-pie* to enforce my orders, and to frustrate her intentions in the Baltic. The decrees of Berlin and Milan are the fundamental laws of my empire."*

Inadmissible as were Foster's assumptions of what a neutral ought to procure from France, Napoleon by no means so conducted himself as to dispel suspicions of his candor and good faith, or to enable Monroe to refute triumphantly the no less uncandid assertion that the French edicts had not been revoked. Imperial expressions, like that above quoted, might be consistently explained, but with the menace to England went out one to the United States.† That menace was more than half a year later than Cadore's famous letter; two months beyond the time when the President's proclamation had taken full effect; four weeks after Congress made the promise good upon which he had professed to act in the first place, though of the last fact knowledge had not reached him. True, indeed, to his nature, he trusted nothing, believed nothing, and, relying not upon promise but fulfilment, he made the present fulfilment hard to reconcile with our sense of self-respect. With all the love for Americans he had professed, he not only held back so as to move with equal step as information might reach him, but prepared to wreak his vengeance upon our com-

* Napoleon to a French deputation from the Council of Commerce, March 31st, 1811; foreign newspapers of the day; Niles's Register, October, 1811.

† "The power which suffers its flag to be violated, cannot be considered neutral. The fate of American commerce will soon be decided. I will favor it if the United States conform themselves to their decrees. In a contrary case their vessels will be driven from my empire."

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merce should we break the compact. The American act of March 2d reached him at length; he keenly scrutinized its language, and then, as if satisfied, announced through Bassano that the American ships and cargoes which had arrived since November 2d were liberated, and placed once more at the disposal of their respective owners. Had Congress shown an equal distrust of his promises, who can doubt that all this sequestered property would have gone into the sepulchre of former confiscations?

May 12.

The later historian of France laments that its ruler did not, by timely concessions and courtesies, induce the United States at once to declare the war against England which did not commence until a year later; and he pictures the happier consequences to France had England, finding herself at this moment without allies in Europe, seen a new enemy rise up beyond the seas, while France, having secured the Americans as co-operators instead of violators of the continental blockade, and being unable herself to reproach Russia, might, by a last blow struck in Spain, have brought this maritime war to an end.* All this, however, must have assumed a Thiers instead of a Napoleon as the empire's favorite son. But, certainly, had Napoleon's new friendship coincided with his own ardent professions, the resources of America would have united against England with a promptness and energy which it was now impossible to summon. And had he not turned to subjugate Russia, with whose Czar nature herself was in alliance, his fortunes might not have sunk so suddenly or so disastrously.

Admitting, as he was compelled to, that the Emperor delayed restitution injuriously to the United States, Monroe nevertheless maintained that our whole correspondence with France showed a repeal of her obnoxious decrees against us, and that although one or two detentions had lately been made, imputable to other causes, the French tribunals had not condemned a single American vessel on the principle of those decrees since the November preceding. As to whether Great Britain or France were the first aggressor, the British abuse of the rights of blockade, he contended, preceded the Berlin decree.

* Thiers, tome xv, 38.

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Foster himself admitted, what Wellesley never had, that a blockade ought to be supported by an adequate force in order to be effective, but he professed that his government had not offended in that respect, to which Monroe excepted, contending further that the Orders in Council were too severe upon neutrals for a mere retaliation on France.*

While this threshing of the old straw went on, certain truths were discoverable which the British cabinet had purposely littered by discussion, and policy kept our administration from laying quite bare: that England and France had wantonly destroyed American commerce, each in pursuance of her own ends; that France, when pressed, had desisted, nominally at least, and, in the opinion of the injured nation, substantially; while England, likewise pressed, would not desist, either nominally or substantially. Almost simultaneously with Bassano's release of American vessels and cargoes in French ports, the English admiralty courts condemned eighteen American vessels with their cargoes, worth upwards of $1,000,000 in the aggregate; the ground of confiscation being that the vessels were bound to France without first paying tribute in some British port. The latest advices for 1811 showed that French privateers and ships of war generally suffered American vessels to traffic with English ports unmolested, while such as passed to and from French ports the British captured without restraint. Vessels left France for the United States laden with rich cargoes. And while Napoleon appeared to acquiesce in our occupation of Florida, the British ministry made it, through Foster, the subject of an irritating protest.† May-June.

Two occurrences of this year greatly intensified the bitterness of feeling between England and the United States: (1) the affair of the *Little Belt;* (2) Harrison's campaign against the Wabash Indians.

(1.) As to the affair of the *Little Belt.* British cruisers

* Executive Documents, July–November, 1811.

† Executive Documents, July–November, 1811; Niles's Register, December, 1811.

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hovering about the American coast had grown quite annoying again; capturing one richly-laden American vessel bound for France, and making several impressments. One British frigate, supposed to be the *Guerriere*, overhauled an American brig, early in May, within eighteen miles of New York; and, heedless of remonstrance, took off a young man, who was a native of Maine.* Captain Rodgers, of the *President*, having soon after put to sea from Chesapeake Bay, under cruising orders, as one of our home squadron, his vessel was descried on the 16th, at noon, by the British sloop-of-war *Little Belt*, about forty miles from Cape Henry. Supposing the vessel her consort the *Guerriere*, the *Little Belt* made pursuit. The strange frigate stood out, displaying her broad pennant and ensign. Finding her private signals unanswered, the *Little Belt* bore away to the southward, and Rodgers in his turn gave chase; not intending a menace, as he afterwards testified, but wishing to know what vessel this was. About sunset, the British Captain Bingham, perceiving that the frigate gained constantly on his vessel, lay to and prepared for action. Shots, and then broadsides, were exchanged in the dark; and the *Little Belt*, a feeble vessel in comparison with the *President*, was badly riddled. So confusing were the accounts of this affair that the real fault could never be ascertained, each vessel claiming that the other fired the first shot.† Americans hailed the news with no little exultation, as fair retribution for the *Chesapeake* and later outrages of the British navy. The story spread that Rodgers had sailed under express orders to pursue the *Guerriere*, and demand our impressed citizen at the mouth of her guns. But the court of inquiry which ensued, clearly demonstrated that the American government had no responsibility whatever in this lucky accident for our flag and the prowess of our navy. Foster, who had arrived in the midst of the excitement, with orders to atone for the *Chesapeake* affront, felt it prudent, under the circumstances, to let the conclu-

May.

May 16.

July.

* See Lossing's War of 1812, p. 181.

† See Lossing's War of 1812, p. 184, etc., for a detailed account of the *Little Belt* affair, with the conflicting testimony; also 6 Hildreth; Niles's Register, May 16, 1811.

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sions of the American court of inquiry, instituted at his own request, stand for exculpation. The *Chesapeake* business was then discreetly removed from the range of controversy, while diplomatic circles quietly dropped that of the *Little Belt.*

(2.) As to Harrison's campaign against the Wabash Indians. William Henry Harrison, governor of the thriving Indiana Territory, a young man of courage and energy, holding formerly a captain's commission, had pursued the Jeffersonian policy towards the Indians with strict fidelity, purchasing from resident tribes large reservations, and encouraging them to give up the wandering life, and to settle and become civilized upon little farms of their own. But contact with the white pioneers polluted this dusky race, whose inveteracy in primitive unsocial manners has always been a striking trait of character. The white man's whiskey made them drunkards; and familiarity with the white man's weapons,—the only implements of civilization the northern tribes ever yet handled skilfully,—made them dangerous neighbors. The machinations of traders and of English over the borders complicated difficulties which grew necessarily out of land disputes and questions of title under Indian treaties in this rapidly populating region. Even the "corn-eaters," as Indians reproachfully styled those who yielded to peaceful influences, learned slowly, and their cultivated fields were little patches of maize and squashes, which the squaw would stir with a piece of wood.*

This distant wilderness felt the pressure of the European war, which closed the chief fur markets of the world, and deprived the Indian hunter of his usual means of sustenance. Nor could the wigwam and white settler's cabin flourish in each other's sight. Fairly as their own title might have been extinguished, the idea of an exclusive right in the purchaser, such as forbade them to cut wood, or strip bark from the trees in order to provide their own shelter, was one which the untutored savages could never grasp. Mutual friendship demanded

* See 3 Madison's Writings, April 21, 1821, referring more particularly to the Missouri Indians.

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natural wildness and a community in nature's domains. Innovation, the presence of a superior race, oppressed their sense of freedom. If a forbearing civilization had to encounter these sources of discontent, how must it have been when white neighbors brought the gospel of hate, or uneasily tolerated the Indian presence?

Two twin brothers of the Shawnoese tribe had lately attained conspicuous power among the Northwestern Indians. The more remarkable of these was Tecumseh, a man endowed with the best gifts of Indian chieftainship; eloquent in council, brave in war, skilful in combining his followers, crafty and cruel in dealing with enemies. His brother, Elkswatawa, commonly known as the Prophet, and probably a cunning impostor, pretended to miraculous gifts. These two had combined to rouse their race to resist the influences of the white man. The Prophet raved and exerted at home his supernatural functions; while Tecumseh went from tribe to tribe, spreading his brother's fame and artfully employing superstition as a means of confirming the leadership to which he aspired. To restore primitive manners among the Indians was the ostensible object of their joint mission; but, probably, like the great Pontiac, Tecumseh hoped to strike a blow for Indian independence, by extirpating the frontier colonists and bringing nature back to barbarism. The Prophet took up his abode, in the summer of 1808, on the banks of the Upper Wabash, near the mouth of the Tippecanoe, at a spot belonging to the Miamis and Delawares, which he occupied against their consent. Hither came his red devotees, flocking in from the surrounding tribes, the Lakes, and the Upper Mississippi, moved by curiosity or religious interest. Here, too, Tecumseh found his opportunity, when returned from his journeys, for conferring with leading chiefs upon his Indian confederation.

Harrison, who was popular among the neighboring Indians, had long suspected Tecumseh and his brother. Denouncing the Prophet as an impostor, he found, in 1809, by the latter's admissions, that British agents in Canada had

1809. Sept. sought to engage the brothers in war against the United States. In September of that year Harri-

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son concluded a treaty at Fort Wayne, with the Delawares, Pottawotomies, Miamis, Kickapoos, and other Indian tribes, by which lands on the Wabash, above Terre Haute, comprising nearly 3,000,000 acres, were ceded to the United States. Neither Tecumseh, nor the Prophet, nor the tribe in which both were born, had any claim to this tract, which our government purchased on fair terms; but they proceeded to declare the treaty void, and threatened to kill all the chiefs concerned in making it. The doctrine they set up was the inadmissible one that Indian lands belonged to all the Indian tribes in common, and that none could alienate without the consent of all.

Signs of hostile preparations and an alliance among Northwestern tribes appearing the next year, Harrison held interviews with Tecumseh and the Prophet, with a view to conciliate them, if possible. They, on their part, impressed by Harrison's fearlessness and tried honor, endeavored, as they had always done, to disarm his suspicions. Tecumseh essayed, but unskilfully, the Pontiac art of dissimulation. At the grand conference his eyes flashed fire; and from the eloquent appeal to the governor to return the lands and cancel the new treaty for the sake of friendship, he proceeded to accuse the United States of cheating and imposing on the Indians. He cast off his blanket, and at a given signal his warriors sprang to their feet and brandished their tomahawks. Harrison's coolness at this critical moment prevented a scene of bloodshed. Apologies were tendered, and Harrison visited Tecumseh afterwards in his own camp. But nothing short of cancelling our treaty in favor of his proposed confederacy would pacify the Indian chief, and the conference closed.

1810. Aug. 20.

In the spring of 1811 the Indians on the Wabash began to roam in marauding parties over the region, stealing horses and plundering the homes of our settlers and friendly Indians. Harrison warned Tecumseh that unless these outrages ceased, he might expect to be attacked. The wily warrior, renewing his claims once more, protested that his intentions were friendly. At the same time he was organizing his league against the whites, and in person, with twenty

1811, June-July.

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chosen braves, visited the distant Creeks, Choctaws, and Chickasaws of the South to induce them to join his alliance. At Vincennes, whose inhabitants had been fully roused to their danger, Harrison gathered a respectable military force; volunteers from Kentucky promptly responding to his call,

Sept. 26. and a regiment of regulars arriving from Pittsburg. Leaving Vincennes in September Harrison proceeded cautiously up the valley of the Wabash, completed a

Oct. 28. stockade fort by October upon a high bluff, near the present site of Terre Haute, and advanced to the Prophet's town on the Tippecanoe. Tecumseh was absent, and

Nov. 6. the Prophet and his followers, taken thus by surprise, asked for a parley, which was granted. Wrought up to frenzy, however, in the course of their nocturnal rites,

Nov. 7. and confiding in the supernatural gifts of their medicine man, the savages treacherously assailed Harrison's camp the next morning at daybreak; but Harrison's troops stood their ground, and after a general battle, which lasted until sunrise, the invaders were dispersed at the point of the bayonet. Though dearly bought, the victory was

Nov. 8. complete and decisive; for advancing the next day upon the Prophet's town Harrison found it entirely deserted. The town was burned, with its stores, and our forces returned to Vincennes.*

The immediate result of this expedition was to relieve our Northwestern settlers from the menace of powerful Indian combinations on the frontiers. Most of the Prophet's followers who survived the battle dispersed to their several tribes, cursing their credulity. Tecumseh returning soon afterwards from his southern journey found his schemes frustrated by the brother, who had played warrior in his absence, and presently crossing into Canada he joined the British cause.

All this deepened American resentment against England, for the signs were numerous that British emissaries tampered with the Shawnoese brothers. "Return those lands," had been

* Harrison lost in killed and wounded about 180. For a full description of the Tippecanoe expedition see Harrison's Report to the Secretary of War, November, 1811; Lossing's War of 1812, 191-209, and authorities cited.

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the warrior's exhortation, "and Tecumseh will be the friend of the Americans. He likes not the English, who are continually setting the Indians on the Americans." Our Western pioneers were firmly convinced that the frontier Indians had been equipped against them out of the King's stores at Malden. And England's employment of the red men against the whites, a few months later, not as soldiers, but as a species of blood-hound, is an admitted stain on her national character. "The British authorities," says one of her own writers, "undoubtedly put arms into the hands of the Indian chiefs when the war broke out." *

Three days before the battle of the Tippecanoe was fought, whose tidings reached Washington early in December, the Twelfth Congress is seen assembling, in obedience to the President's proclamation, a month before the usual time. That proclamation was ominous of war, but still more so are the changes which the growing war sentiment of a year has wrought in the composition of that body. The Senate, which loses Pickering, has only six Federalists left, four of whom represent Connecticut and Delaware; 37 out of 142 is their full proportion in the House,† Quincy leading them as before, with the support of Chittenden, the studious Pitkin, Emott of New York, and Key of Maryland. Except for Rhode Island, Connecticut, and Delaware, all the Eastern and Middle States have delegations in which Republicans predominate, while those of Pennsylvania, the South and the West are almost exclusively of that party. John Randolph, with his speckled politics, is like a turkey's egg in such a nest.

Nov. 4.

But the most remarkable change of all is seen in the new

* Knight's History of England, ch. xviii. The American belief on this point appears strongly manifested in American newspapers of that day. See National Intelligencer and Niles's Register, September, 1811. Of British agents various anecdotes in point were related. English gunpowder and new English fusees and rifles were found on the field after the battle of Tippecanoe. Governor Harrison confirmed the current opinion that the British government intermeddled with our Indian relations. Niles's Register, December 28th, 1811. See, too, Report from the Secretary of War, 2 Niles's Register, 342.

† See Niles's Register, November 30th, 1811.

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tone of Republicanism in Congress and new leadership. Little heeding the national perils which demand statesmanship, Giles of the Senate, whose experience should have kept him first in influence, involved himself deeper in his personal feuds with the administration, and the sounder Crawford leads instead, with Campbell of Tennessee, lately prominent in the House. As for the House—which fixes the public gaze more constantly—moderate, non-resistant Republicans have disappeared, and the war-hawks are in the ascendant. Jeffersonism and peace are already reckoned with the past; even Madison and Gallatin may be transferred to the retired list. Young America now finds expression. States of later date than the Convention of 1787 demand war; and ardent men, who were babes when the Revolution was fought, push boldly to the front and assume command. Clay of Kentucky, Felix Grundy of Tennessee, John C. Calhoun, Langdon Cheves and William Lowndes of South Carolina, are all new in the House, and all strong and earnest. Porter of New York, Wright of Maryland, Williams of South Carolina, and Troup of Georgia, are older legislators of similar convictions; the grim old Sevier, Tennessee's pioneer, is no orator, but he votes as he would level a rifle.

That the House had passed out of the control of temporizers and the Old Thirteen was revealed on the first ballot for Speaker, when Henry Clay received 75 votes against 38 for Bibb of Georgia, the peace candidate, and 3 scattering votes for Macon. "Who is Clay?" asked the country, confusing the Speaker thus selected with a Virginia member of that name; and the press responded that he was a new man, of talents and eloquence, quite popular, who appeared to preside impartially. So much for a three years' record at this epoch in the United States Senate, where owl-like seniority blinked down impetuous youth, until the young men now and presently appearing in the House became transferred thither, and made it the great arena of national debates.* Henry Clay served in the Senate in Burr's day for a short period, and then returning

* Clay wrote Monroe, that preferring the turbulence of the House to the solemn stillness of the Senate, his tastes now led him thither. Monroe Correspondence, November, 1810.

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after a long absence, in 1810, to fill a vacancy, had lately made himself conspicuous by espousing protective measures, and helping destroy the national bank. He was one who sprung up amid adverse surroundings in an old State, gained richness of growth by being early transplanted; a Virginian by birth, the son of a Baptist clergyman, who left him an orphan and destitute in infancy. The bright mill-boy of the "Slashes,"* gained the first rudiments of learning from a rude district school, worked his way to the bar as a clerical drudge, and then, removing from Richmond to the new State of Kentucky, rose rapidly in fame as a criminal lawyer, and thence came naturally into public life on a broadening arena. Rashly confident, perhaps, in youth, Clay had a capacious intellect, and learned by experience; he combined, moreover, the generous honor of the Old Dominion with the Western dash and faith in a boundless development. The secret of his power lay, however, in the inherited gift of persuading others, in his mastery of the American heart, which he swayed while swaying with it,—first, by his eloquence, full of bold imagery, whose vehemence shamed the timid and roused the vigorous; next, by a skilful management of men with different proclivities, whom he drew together by a thrill of personal sympathy. It was an art he constantly cultivated to remember faces he had once met, and recall each name. A free liver, he would play cards and sport far into the night, reading thus his compeers, while statesmen abstemious and industrious, like the younger Adams, measured their slumbers in order to be up with the morrow's sun and kindle the study fire.† Clay's oratory may have burned out with the inspiring occasion; his legislative compromises may have poulticed more sores than they healed; but as a representative of national ideas and national self-assertion against Europe—as statesman, legislator, negotiator, Clay now becomes for fifty years a remarkable figure in American politics. His accession to the Speakership was of itself a

* "The Slashes" was a sobriquet applied to the Virginia rural district where Clay passed his childhood. Here he was seen carrying his bag of grain to the mill, riding upon a sorry horse, with a rope bridle and no saddle. See Colton's Life of Clay.

† See J. Q. Adams's Dairy, 1814.

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conspicuous event. Feeble hesitancy lost its cling on events. From the moment this tall, slender son of Kentucky, with long brown hair, blue eyes, large mouth, peaked nose, and shaven face mounted the steps and took the gavel into his hand Quincy and Randolph had a foeman worthy of them; the House the popular leader which two Presidents had sought in vain; and the country a foreign policy the most spirited, if not the wisest.

The import of the President's opening message was "to get ready to fight, and fight when we were ready."* But its tone by no means indicated a present readiness, but rather that the country ought to be put in a posture of defence. In summoning Congress thus early, Madison did not despair of making a stroke of diplomacy, though by this time, in truth, the ministry Foster represented would not believe the United States meant war until they saw us actually in it.

If the President meant that Congress, instead of the Executive, should sound the trumpet, he was not kept long waiting. The House Committee on Foreign Relations, through Porter of New York, whom Clay had placed at their head, took war ground at once. The time had come, was the language of their report, for choosing between tame submission to Great Britain and resistance by all the means in our power. They recited the full story of England's systematic aggressions.

Nov. 29. They recommended that the existing regiments should be filled at once, and 10,000 additional regulars raised to serve for three years; that the President should be authorized to accept 50,000 volunteers, and call out such militia detachments as might be needful; that all the public vessels not already in service should be fitted out, and merchant ves-

Dec. sels allowed to arm. This report, as both Porter and Grundy of the committee explained to the House, pledged all who supported it to open and decided war with Great Britain, a war as vigorous as possible. Its recommendations were adopted in the popular branch by immense

* Thus Monroe explained it. Monroe Correspondence, June 13th, 1812.

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majorities, and committees were appointed to bring in bills accordingly.*

From mixed motives,† the Giles and Smith faction had already hastened army bills through the Senate, proposing more troops, and for a longer term of service, than the government desired or Porter's committee had advised. To these the House, at Clay's instance, acceded, and in the course of the winter measures were carried in both branches and received the President's signature, which increased the military establishment, allowed twelve months' volunteers to be called out, and appropriated for fortifications and military supplies quite liberally.‡ And notwithstanding the inveterate prejudice of rural Republicans against the navy, provision was made for repairing at once the frigates *Chesapeake*, *Constellation*, and *Adams*, and putting them into commission, the annual sum of $200,000 for three years being further set aside for rebuilding four old frigates, which had long been spoiling, and for laying in a suitable supply of ship timber to meet other naval exigencies.§

Much controversy had arisen as to the status of the proposed 50,000 volunteers, and the control a President might exercise over them independently of the State executive. Nor was it found possible at this session to agree upon a uniform plan for organizing, arming, and disciplining the militia as the Constitution permitted. But that other constitutional authority of Congress, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, had found permanent expression in the act of 1795, approved by Washington's own hand, and elicited by the

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* Annals of Congress, November, December, 1811; Niles's Register.

† Monroe Correspondence, 1811, ascribes to this faction an intention to discredit the administration. Giles's speech, in support of 25,000 rather than 10,000 troops, was very abusive of Gallatin; Annals of Congress, December, 1811.

‡ See Act of December 24th, 1811; Act of January 2d, 1812; Act of January 11th, 1812; Act of January 14th, 1812; Act of February 6th, 1812; Act of March 10th, 1812.

§ Act of March 30th, 1812.

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insurrection of Western Pennsylvania. That act was now made the basis of a new one, under which the President might call upon the several State and Territorial executives for quotas of 100,000 militia, in whole or part, to be ready to march under their proper officers at a moment's warning, and serve for six months under the pay and orders of the United States.*

All these warlike preparations provoked, of course, much animated discussion in Congress. But the Federalists said little at the outset; their leaders, for the present, leaving their party colleagues and voting with the Republicans to augment the national force. The motives of these men would have been better vindicated had they consented afterwards to putting the costly frigates and levies which they helped create to the legitimate and intended use. Quincy in the House, and Lloyd in the Senate, strove vainly to brace up Cheves, the Chairman of the House Naval Committee, who proposed that ten, or even twenty, new frigates be built at once.† Cheves and Lowndes found, indeed, that their fellow-Republicans could not be brought so quickly to the John Adams ground of resistance by sea. The majority relied chiefly upon armies, and found objections insuperable in the immense cost of a navy and our inability in any case to cope with that of England. The conquest of Canada by land was their meditated reprisal.

Upon Randolph, therefore, always happiest in his efforts when attacking with a free lance and indulging his destructive bent, it devolved at this moment to assail the war policy with his keen sarcasm and ridicule. His speeches, ill-jointed and desultory, as usual, were full of bright personalities and keen

* Acts of April 10th, 1812; February 28th, 1795.

† Annals of Congress; 6 Hildreth, 277. Lloyd's speech evinced a patriotic and manly disposition. "As Great Britain wrongs us," he said, "I would fight her;" at the same time he considered that peace should be maintained at every cost short of essential sacrifice. Quincy and Emott, of the House, left a confidential manuscript, dated January 1st, 1812, in the hands of the latter, stating quite elaborately the reasons which impelled them to separate from the body of their colleagues on this occasion, reasons which, however, they had not seen fit to disclose in speech. An abstract of this document will be found in Lossing's War of 1812, p. 217.

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thrusts, though he could offer no ground for either peace or war men to stand upon. Venting his spleen upon the regular army, he proposed that, with all these new and expensive troops on our hands, authority be conferred for employing them in digging roads and canals and constructing public works when not engaged in actual service; for regular and wholesome labor, he thought, would not only preserve them in health, but keep them from drunkenness and render their lives less burdensome.* He warned Southerners that a campaign into Canada might be retorted on their own States by an aggressive warfare from without in aid of slave insurrections. He dwelt with withering sarcasm upon the unwillingness of Republicans in 1798 to vote an army to repel foreign insults when Washington himself was to command, with other worthies of the Revolution, like Hamilton and Pinckney, to support him; and later, in 1805, when Spain was the aggressor; while now, to make an offensive, not defensive war, this party, which had boasted of paying off the national debt and of retrenching useless establishments, had become "as infatuated with standing armies, loans, taxes, navies, and war as ever were the Essex Junto."

As for British attachments,—a charge, he said, "at times insinuated in the House against him and openly made out of it,"—Randolph spoke with eloquence and a candor which those most accused of such leanings had never displayed on the floor. "Strange," he said, "that we should have no objection to any other people, civilized or savage! The great autocrat of all the Russias receives the homage of our high consideration. The Dey of Algiers and his divan of pirates are very civil, good sort of people, with whom we find no difficulty in maintaining relations of peace and amity. Turks, Jews, and infidels; Melimelli, prince of Tripoli; or the Little Turtle, chief of the Miamis; barbarians and savages of every clime and color, are welcome to our arms. With chiefs of banditti, negro or mulatto, we can treat and can trade. Name, however, but England, and all our antipathies are up in arms against her; against those whose blood runs in our veins;

* Annals of Congress, January, 1812.

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those in common with whom we can claim Shakespeare and Newton and Chatham for our countrymen; against our fellow-Protestants, identified in blood, in language, in religion with ourselves, whose form of government is the freest on earth, our own only excepted, and from whom all the valuable parts of even our own are borrowed,—representation, trial by jury, voting the supplies, writ of habeas corpus, our whole civil and criminal jurisprudence."* The Indian hostilities Randolph ascribed to our own thirst for territory and want of moderation, and not to any British machinations. Show but good ground, however, for this charge, he added, and I will give up the question and am ready to march to Canada.†

Delicate irony and impassioned invective like this could not be matched by Randolph's compeers. Wright followed with some satirical allusions to Randolph's pride of British ancestry. But it was Calhoun's response which produced the chief effect, because of a striking contrast in matter and a persuasive and dignified manner of utterance. This grave and handsome youth showed in his maiden speech before Congress, when less than thirty, that mastery of subtle and captivating logic, ingenuity in presenting statements and generalizing disposition, which instated him in after years as the founder of a new political school. Here he laid it down as a principle, applicable to nations as to individuals, to repel a first insult, and thus command the respect, if not the fear, of the assailant. War, should it ensue, was in the present case justifiable and necessary. "The extent, duration, and character of the injuries received," he continued, "the failure of those peaceable means heretofore resorted to for the redress of our wrongs, is my proof that it is necessary. Why should I mention the impressment of our seamen; depredation on every branch of our commerce, including the direct export trade, continued for years, and made under laws which professedly undertake to regulate our trade with other nations; negotiation resorted

* Annals of Congress, December, 1811; 6 Hildreth.

† Foster denied the imputation in his correspondence, January, 1812, so far as Great Britain was concerned prior to 1811, but less positively as to recent dates. See *supra*, p. 335.

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to time after time till it became hopeless; the restrictive systems persisted in to avoid war and in the vain expectation of returning justice? The evil still grows, and in each succeeding year swells in extent and pretension beyond the preceding. The question, even in the opinion and admission of our opponents, is reduced to this single point. Which shall we do, abandon or defend our own commercial and maritime rights and the personal liberties of our citizens in exercising them? These rights are essentially attacked, and war is the only means of redress. The gentleman from Virginia has suggested none, unless we consider the whole of his speech as recommending patient and resigned submission as the best remedy. Sir, which alternative this House ought to sustain is not for me to say. I hope the decision is made already by a higher authority than the voice of any man. It is not for the human tongue to instil the sense of independence and honor. This is the work of nature,—a generous nature that disdains tame submission to wrongs. This part of the subject is so imposing as to enforce silence even on the gentleman from Virginia. He dared not deny his country's wrongs or vindicate the conduct of her enemy."*

Ideas similar to those Calhoun thus impressively imparted, Porter and Grundy had enlarged upon with ruder sagacity, and it was against their war speeches and famous report that Randolph made his first onset.

Clay kept his chair during these earlier debates, but took the floor on the last day of December, while the Senate bill for 25,000 troops was under discussion, to give the bill a needful impulse in a hesitating House. In the course of a calm but spirited speech, he met the various objections which had been urged against it, and invoked the patriotism of the nation to sustain a war from which it might expect commerce and character.†

* Annals of Congress, 1811; Benton's Abridgment.

† "For argument's sake," said Clay, "let us concede the fact that the French Emperor is aiming at universal empire; can Great Britain challenge our sympathies when, instead of putting forth her arms to protect the world, she has converted the war into a means of self-aggrandizement; when, under pretence of defending them, she has de-

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In naval as well as military equipment, Clay advocated the most liberal provision, rising, like Cheves and Lowndes, superior to the narrow prejudices of his party in that respect.

One strong reason, and perhaps the only strong one, against engaging in a war with England at this time to vindicate American rights and character was the inadequacy of American resources. Quincy, after supporting the most lavish expenditures in the direction of war, was not free to allege this; while Randolph had been too plentiful in unsound objections to give to a sound one anything like its just force. They, of course, whose minds were set on a spirited resentment, were too willing to believe our national resources boundless, and to let the troublesome burden of providing supplies rest on Gallatin's broad shoulders. Gallatin himself had lately committed an error of judgment neither unnatural nor unpardonable in a statesman holding by the American tenure. Like the President himself he dreaded war, but more still the danger of drowning should he buffet the current. Recent dealings with the legislature had disposed him to cultivate and not to provoke. His report, therefore, at the opening of the session, favored the prevailing temper as much as possible.

1811, Nov. 25. A short season of open trade had so increased the receipts of the Treasury that current demands for 1811 could be met, with a surplus of over $5,000,000 besides. Non-intercourse would lessen the next year's revenue, however,

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stroyed the commerce and trampled on the rights of every nation; when she has attempted to annihilate every vestige of the public maritime code of which she professes to be the champion? Shall we bear the cuffs and scoffs of British arrogance because we may entertain chimerical fears of French subjugation? . . . We cannot secure our independence of one power by a dastardly submission to the will of another. . . . . When did submission to one wrong induce an adversary to cease his encroachments on the party submitting? But we are told that we ought only to go to war when our territory is invaded. How much better than invasion is the blocking of our very ports and harbors, insulting our towns, plundering our merchants, and scouring our coasts? If our fields are surrounded, are they in a better condition than if invaded? When the murderer is at our doors, shall we meanly skulk to our cells, or shall we boldly oppose him at the entrance?"—Annals of Congress, December, 1811; January, 1812.

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while the new armaments must necessarily have enhanced the expenditures; but for this and future deficiencies the customs might be increased one-half. The impression conveyed by Gallatin's report was that, with this moderate increase of burdens, he could meet by loans any extraordinary expenses, even those of war itself.

But when the Secretary saw how rapidly the war spirit was rising throughout the Union, he felt compelled to reconsider these estimates and explain points where the House Committee on Ways and Means had swept far beyond his meaning. The project of prosecuting war by loans only, as he now informed that committee, had reference to a former state of things, and particularly to the continuance of the national bank. Interest on loans must be annually met, while war would reduce the receipts of customs. After doubling the impost, reimposing the old duty on salt, and allowing for sales of the public lands, the net revenue for war times must fall short of the immediate annual requirements, in the present state of the national finances, by upward of $4,000,000. To cover such deficiencies, internal taxation must be resorted to. This revised estimate, reported to the House, produced great consternation, and for a moment the war party was thrown quite out of gear. The Secretary's personal enemies were furious against him. The violent party papers declared him feeble, decrepit, cowardly, and a sly opponent of spirited measures against England. But figures are stubborn, and soon the House leaders prepared to take Gallatin at his word. Plans of internal revenue were considered, but, with Gallatin's concurrence, the subject was finally postponed until after the recess. Meanwhile, custom duties were doubled,* Treasury notes bearing interest were authorized to the amount of $5,000,000,† and, first of all, a six per cent. loan of $11,000,000 was granted,‡ which the Treasury, deprived of its accustomed agency, found no little difficulty in placing.§

1812, Jan. 10–20.

Jan. 20.

Resolutions, emphatically sustaining Congress and the na-

* Act of July 1st, 1812.
† Act of June 30th, 1812.
‡ Act of March 14th, 1812.
§ See Act of July 6th, 1812, c. 136.

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tional government in its bold attitude, came from every quarter of the Union. The several State legislatures, assembling in fall or winter session, began to place the militia on a war footing,—New Jersey, Pennsylvania, Virginia, Georgia, Kentucky, Ohio, and Tennessee all pledging support to the general government, whatever its measure of resistance. The governors of the great States, with scarcely an exception, exhibited the heartiest zeal in the common cause.*

Madison, not quite at ease in his chimney corner, stirred the blaze, communicating to Congress, as occasion offered, the latest news from abroad, and fresh letters as they passed between Monroe and Foster. Great Britain was tenacious of its points during this diplomatic contest, and no change for the better appeared. In March, a batch of documents was laid before Congress, which John Henry, an Irish adventurer, whose claims for remuneration the Perceval ministry had lightly regarded, sold, in a soured frame of mind, to our Executive, for $50,000 from the secret service funds. These documents revealed a confidential mission to Boston, undertaken by him early in 1809, in the midst of the embargo excitement, at the request of Sir James Craig, the British Governor of Canada. In the letter of instructions, Craig expressed the official belief that the Eastern Federalists meant to bring about a separation of the American States, should they prevail at the approaching elections; and Henry was directed to ascertain how far in such an event they would be disposed to look to England for assistance, or enter into connections with the mother country. To this extent Henry was fully accredited, and, moreover, for the purpose of learning the true political state of affairs in New England.

1812, March 9.

Henry's correspondence showed that he proceeded upon this mission, reaching Boston March 5th, and remaining in that vicinity about three months, when, on account of the Erskine arrangement, he was recalled. His numerous letters, addressed to Craig's secretary, embodied the opinion that the Massachusetts legislature, in case of war, would invite a Congress from the adjoining States

1809, March 5.

* See Niles's Register, September, 1811, to March, 1812.

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and take the lead in setting up a northern confederacy, but that Federalists were wary, as a body, and the idea of withdrawing from the Union so unpopular that it could only be contemplated as a last resort.

Henry's letters named no person, and only conveyed general impressions. It was notorious that much of his time had been spent in disreputable haunts at Boston. As an exposure, therefore, of Eastern separatists, by one conversant with their counsels, this correspondence fell short of the effect which might have been anticipated. The loyalty of New England Federalists in the mass was indisputable. Leaders of the party, now most prominent at the East, hastened to disavow all connection with the plot; the Essex Junto, however, who had been thrown lately into the background, keeping silence, and permitting friends less suspected to answer for them. A British spy who could sell official secrets to his country's foes was easily discredited.

But Henry's disclosures had a value in establishing the fact of a British intrigue to promote the disunion of the American States. Craig's instructions were undoubtedly genuine, and these documents showed that Henry's reports had been officially transmitted by way of Canada to the home government. Would the Governor of Canada have taken a step like this without the knowledge or privity of the British ministry? Craig was now dead, and upon a dead man the living ministry bestowed all the obloquy of the mission when pressed in Parliament for an explanation. It was under Canning, however, that Henry's mission had been sanctioned, if at all. And the British ministerial party used every pretext to stifle inquiry; refusing in the House of Lords, by a large majority, to have the correspondence produced. Lord Holland declared, and with truth, that until such an investigation should be had, the fact that Great Britain had entered into a dishonorable and atrocious intrigue against a friendly power would stand unrefuted.* 1812, May.

* See Annals of Congress; 6 Hildreth; Lossing, 219. It is absurd to suppose that Sir James Craig's reference to New England's plans for a separation, in his letter of instructions to Henry, had no basis whatever. We are justified in looking back to page 182 for such a basis.

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All things hurried now so rapidly to war that the President had either to lead or be left behind. Amiable though he was and a skilful tactician, Madison had not the energy and decision requisite either for inspiring or sustaining the public at this grave crisis. The imperious majority in the House grew impatient while he vacillated. His cabinet, on the whole, was more prudent than daring. Monroe, alone, smacked of the soldierly instinct. Eustis, the worthy Secretary of War, had been bred a physician, and taught to heal not to kill, nor could crutches make of such a sire an able-bodied man. Paul Hamilton's calibre was adapted to the management of our navy on its peace establishment, and for that lesser task he had been selected.

The war party in Congress, with Clay at their head, and popular enthusiasm cheering them on, resolved to bring the executive to the plunge. The time approached for nominating the next President in caucus. They laid the British programme they had arranged before Madison and his cabinet. This programme contemplated a short embargo to be followed by war.* It is related that Madison acceded to the plan, or rather pledged himself to recommend war, for the sake of

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Here we find direct overtures from the "Pickering party" to Rose as early as 1808. The chain of communication was probably from Pickering to Rose, from Rose to Canning, from Canning to Craig, and from Craig back again to the "Pickering party." Few Federalists probably were in the secret of this plot.

Jefferson's suspicions had taken such a direction. See 6 Jefferson's Works, 50, April 20th, 1812. And one particular of these overtures may have been that the Eastern States were not to formally separate from the Union (a measure much too strong for Eastern people to consent to), but to take a neutral stand in consideration of peace and a free commerce with Great Britain. Ib.; and see Adams's New England Federalism. Erskine and Jackson, while in this country as ministers, appear to have studied into New England Federalism, in pursuance, probably, of the same line of British policy. See Niles's Register, March 9th, 1812.

* Clay's formal proposal to Monroe (after a morning's conversation) may be found in the Monroe Correspondence, March 15th, 1812. A thirty days' embargo would, he thought, be good notification, and by the time it expired the *Hornet* would return from Europe with good news or bad.

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securing his renomination at their hands, their threat being that unless he did so they should drop him.* But all that history can positively assert is that Madison pursued such a programme, step by step, and that no nominating caucus was held until he had quite committed himself.

It was a thirty days' embargo, as the preliminary to war, which Clay proposed to the President on the 15th of March.† But this allowed too short a time for war preparations, and on a final understanding it appears to have been fixed at sixty days. On the 1st of April the President by confidential message recommended a temporary embargo, the House Committee on Foreign Relations being all ready to act. Their bill, which corresponded to the message, was reported, debated, and forced through the House the same day, the vote on its passage standing 70 to 41. The Senate next morning suspended the rules and carried the bill through all the stages except the last, with an amendment which increased the time of the embargo to ninety days. On the 3d of April the bill was returned to the House, where this amendment was concurred in. The President approved the bill, and it became a law on the 4th.‡

April 1.

April 2.

April 3.

This extension of the embargo, from sixty to ninety days, was produced by a last effort on the part of moderate Republicans at peaceful accommodation. They would have made

* See 6 Hildreth; Adams's Gallatin, 456. There has always been a mystery in this matter. Madison's Correspondence shows that by March 10th he considered war inevitable, but it fails to reveal how far he may have chosen to take the lead in forcing a rupture with Great Britain. The statement that Madison was coerced by a committee of war members, who threatened to forsake him unless he declared war, was openly made in Congress soon afterwards. James Fiske, a Vermont Congressman, is said to have avowed that he was himself a member of that committee. See 1 Statesman's Manual, 444. But Clay and his friends have positively denied the story. Mr. Adams (Adams's Gallatin, 456), examining the statement in the light afforded by the Pickering Papers, concludes that the threat related to quite a different matter, namely, that of sending Bayard to England on a special mission, to which our text presently alludes.

† Monroe Correspondence.

‡ Act April 4th, 1812.

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embargo a means rather of negotiation than war.* Their plan was to dispatch a new envoy to London with our ultimatum, and the conservative Bayard appears to have been favored for this service. Madison inclined, perhaps, to some such experiment at conciliation with England, but if so he was deterred by the resolute opposition of Clay and the war-hawks. A perilous responsibility it must have been, truly, for any President to undertake such a mission at such a time, and block the enthusiasm of war. John Adams had not gone thus counter to the wishes of his friends, in 1799, until he saw that the enemy had thrown out the white flag. Not the shadow of a concession was yet disclosed by the British cabinet. And yet, such were the forces already working at London on America's behalf, that had a suitable envoy, with fair credentials, been dispatched at this moment, the war of 1812 would, in all probability, have been averted.

The embargo debates in Congress, brief as they were, brought the Federalist members and Randolph once more into a concerted opposition. But while Randolph, who served on the House committee, apprehended what this embargo meant, and invoked the Executive to thwart his colleagues, Quincy professed to treat the measure not as a preliminary to war, but an attempt to escape from it, an insincere, despicable proposal.† The peace men, indeed, were loath to believe that an executive, as prudent and fair as Madison, would suffer the country to be launched into a war with the greatest naval power in the world, while so little prepared for it. But, though

* Madison's Writings, April 24th, 1812.

† Annals of Congress, April, 1812. The secrecy of the embargo proposition was not well kept. Randolph had refused in his committee to discuss the question under any such pledge. An Alexandria newspaper, pending the action of the Senate, published an account of the proceedings and vote in the House; its editor was arraigned but refused to say more than that certain members of the House had given him the information. Upon a hint from Calhoun of what was coming, a flying express was dispatched by Lloyd, Quincy, and Emott, the last of March, to let Philadelphia, New York, and Boston know that embargo would be laid: from which three ports, in consequence, several vessels loaded and put to sea before government could detain them, the tidings having reached Boston in seventy-six hours.

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a friend of peace, and well aware of the danger of such a contest, Madison was borne along by the impulse of the hour.* It was the impetuous Clay who arrayed the administration. Alarmists appealed to the fears of the people; Clay to their hopes, their courage. Weak as we are, said Clay, when reminded of French aggressions, we could fight France, too, if necessary, in a good cause, the cause of honor and independence. "We have complete proof," he said, "that England would do everything to destroy us. Resolution and spirit are our only security." Like Grundy, he viewed the embargo as a war measure, and war, he predicted, we should have when this embargo expired.†

This temporary embargo was accepted by the country as an incipient act of war, and the forerunner of a spirited policy. Mass meetings held in Philadelphia and Baltimore voted with ardor to sustain the President and Congress. The military spirit rose rapidly in the South and West. But in New York and Boston a violent opposition developed, which discouraged the new loan, and stigmatized Madison, the Virginia cabal, and "the madmen of Kentucky and Tennessee," as highwaymen who ought to find their own pistols.‡ Here commerce protested against the vindication of her rights. May.

With such a division of opinion, and the downfall of the national bank fresh in remembrance, the administration party firmly held the popular majority, at the same time weakening its grasp upon the moneyed section of the Union. Of this tokens appeared in the spring elections. Federalists and peace men made decisive gains in the New York legislature. Dropping Gore and Juntoism, in Massachusetts, the same party restored Strong, the old favorite, to the governorship; profiting

* Madison observed to Mr. Bancroft, in 1836, that "he knew the unprepared state of the country, but he esteemed it necessary to throw forward the flag of the country, sure that the people would press onward and defend it."—Adams's Gallatin, 460.

† Annals of Congress, April, 1812. To the embargo act succeeded another prohibiting exportations by land, whether of goods or specie.—Act April 14th, 1812.

‡ Niles's Register, April–May, 1812.

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by Gerry's blunders, and the excitement produced by the news of a fresh embargo.* Griswold was re-elected in Connecticut, rating now as a full Federalist. Rhode Island voted the peace ticket. In New Hampshire neither candidate received a majority at the polls, though a Republican legislature conferred the governorship upon Plumer, formerly a Federalist, but now in sympathy with the administration. The Washington societies, which banded together the young conservatives of New England, paraded with great pomp on the anniversary of our first inauguration day, bearing Roman standards illustrating "Commerce," "Peace," and the "National Glory." Embargo was lampooned through the East as a "terrapin war."†

The Congressional caucus assembled late in May; eighty-two Republican members present. Madison received their entire vote for President. George Clinton having died in April, they next nominated Langdon for Vice-President. But Langdon, who was aged and infirm, having already retired from office in New Hampshire, declined national honors, and at a subsequent caucus Gerry was selected in his stead.‡

May 18.

War approached with the summer. The New York militia prepared to garrison the north and western frontiers of the State. The British government, over the borders, was actively recruiting, and building small vessels on the lakes. News from abroad afforded not the slightest hope for accommodation. Under Lord Lansdowne, in the House of Lords, and Brougham, in the House of Commons, resolves had been introduced looking to the repeal of the Orders in Council, but these resolves were defeated by large majorities. The Monroe and Foster correspondence had been wound up to an ultimatum, and each refused to yield. "I no longer entertain a hope," wrote our *chargé*, Russell, from London, "that we

* The embargo express (*supra*, p. 350) reached Boston just before election day.

† See Boston Centinel; Niles's Register, etc.; Lossing's War of 1812, 224.

‡ Niles's Register.

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can honorably avoid war."* They who had ridiculed the new embargo as a delusive retreat from war, found that war in sixty days was still the meaning of our government. Knowing that a war message was forthcoming, Randolph tried to precipitate an open discussion in advance, but Calhoun stopped him, and, upon the Speaker's ruling, May 29. he was required to reduce his motion to writing, and refrain from discussion until the House had agreed to consider it. This motion, which, after the tenor of Spriggs's resolution in 1798, Randolph drew up so as to read that it was "inexpedient to resort to war" with Great Britain, the House quickly refused to consider by 72 to 37, and Randolph took his seat, for the first time chagrined and silenced.

The President's war message was sent in June 1st.† The House was cleared to receive it. In this document June 1. our causes of complaint against Great Britain since 1803 were recounted: British impressments, British infringements upon American waters, British sham blockades, British Orders in Council, British tampering with the Indians. Should we longer remain passive under these progressive wrongs and usurpations, or oppose force to force in defence of our national rights? This message was referred to the usual committee, which two days after, through Calhoun, reported a June 3. declaration of war. Quincy and Randolph tried in vain to have the doors thrown open for debating this important question. The bill passed the House, June 4th, June 4. by 79 to 49, and went to the Senate. Here the Giles

* March 4th, 1812. Executive Correspondence; Niles's Register. Madison wrote in 1827 that what gave the immediate impulse to our declaration of war against England, was a letter from Castlereagh to Foster, which the latter put into the hands of Monroe for our President to read, which stated distinctly and emphatically that the British Orders in Council would not be repealed unless France repealed her internal restrictions. This formal notice left our Executive no choice but to declare war or retreat.—3 Madison's Writings, 554.

† It is to be observed that this was sixty days after the embargo message, instead of ninety as the amended embargo act provided. Probably the House leaders, while seeming to accede to the Senate, adhered to their original plan.

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faction, which had been shifting about for two months, kept the measure twelve days in suspense, with the co-operation of the peace men. Their effort was to substitute for the declaration of war letters of marque and reprisal against both England and France, late accounts from the latter country being by no means agreeable, as the President had been forced to admit. But this absurd idea* was relinquished, and by a close vote, 19 to 13, the Senate sent back the bill with consistent amendments, which the House accepted. At three o'clock on the afternoon of the 18th this momentous act of a single sentence, drafted by Pinkney, had received the President's signature, and war with Great Britain had legally begun. Congress at once removed its injunction of secrecy, and the President proclaimed hostilities the next day.†

June 5–17.

June 18.

With this declaration of war a long session, the most prolific hitherto known in our national annals, passed its meridian point.‡ The Twelfth Congress adjourned on the 6th of July, already stamped as an assembly with which only the First and Fifth could compare for energy and dispatch. In buoyancy and audacity it surpassed the one, in sympathetic leadership the other. It emitted for the first time the full aroma of the new West,—of a young and crowding people. Since 1789 Congress had either followed or resisted the Executive, but now

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* A feeble effort to join France as our enemy had been made in the House: "A piece of sublimated impartiality," writes Jefferson, "a solecism worthy of Don Quixote only, that of a choice to fight two enemies at a time, rather than to take them by succession."—Jefferson's Works, 1812.

† The House minority soon after issued a protest to vindicate their conduct to their constituents, denouncing the war as unjust, impolitic, unpromising, an undertaking for which the nation was unprepared, and which of necessity placed the United States on the side of France. The document was chiefly composed by Quincy.—See Lossing's War of 1812, 228; Boston Centinel, July 15th, 1812; Niles's Register.

‡ Letters of marque and reprisal were authorized in detail: Act of June 26th, 1812. The non-importation act was not repealed, and trading with the enemy was forbidden under heavy penalties.—Act July 6th, 1812. The whole number of acts passed during this session was 138 See United States Statutes at Large.

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Congress drew the Executive by the force of a firmer conviction.

"Rushing headlong into difficulties, with little calculation of the means, and little concern for the consequences." This was the harshest censure to which the administration and Congress had justly exposed themselves by embarking in the present contest against Great Britain. All other strictures made by the peace men of that day may be dismissed as unworthy the rhetorical phrasing they employed. The United States may have been duped into a war with England, but the provocation was strong and war or dishonorable submission was the only visible alternative which Britain had left us. Napoleon was but the finger-post in this business,—no ally whatever. War we chose with England because it was needful to choose one of the alternatives, and either choice bristled with objections. Peace and free commerce were desirable, but the two could not be had together. Modest retirement from the ocean or a war of commercial restraints the peace men themselves would not submit to. Open and violent war, therefore, was undertaken; rashly, we cannot doubt, and over-confidently, and yet honestly, and, as events turned out, by no means disastrously to the national character. There could not be a war for maritime and neutral rights without, in some sense, an offensive war.

Want of sectional unanimity, however, was the first and almost the decisive obstacle to this war. Pennsylvania, and the States south and west, earnestly supported it, while New England, New York, New Jersey, and Delaware rather held back. The instinct of honor and self-preservation should unite citizens to arm for their country when once the resolve is taken. Not thus, however, was Federalism prepared to reason. Pride, prejudice, inflexibility of temper, bitterly disappointed ambition, the patriotism of State lines, held the Federal Catos together. Not disunionists, necessarily, such leaders seemed to prefer the worst calamity to the Union rather than they should turn out false prophets.

The minority protest of Congress against the war served as the platform of a national peace party with conservative Fed-

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eralism for its nucleus. Upon such a platform the "friends of peace, liberty, and commerce," as they styled themselves, began to organize for the presidential campaign. Meanwhile, their New England partisans set their faces like flint against active preparations. They obstructed the national recruitment and subscriptions to the national loan. From the Massachusetts House (the other branch of this legislature having a Republican majority) emanated an address disapproving the war, and calling upon the people to vote down the men who had become responsible for it. Governor Griswold, of Connecticut, backed by the State legislature, refused to comply with the President's requisition for militia, alleging that, to his mind, no danger of invasion existed, such as the Constitution and laws meant they should be marched for.* The Governors of Massachusetts and Rhode Island claimed a similar right of independent discretion. Connecticut advanced one step farther in this imbroglio, her legislature passing a law for raising a provisional army of 2600 men for special State defence, under State officers.

June 26.

August.

Political conflicts were passionate at this season, and accompanied not seldom by acts of violence. Almost the first blood of this war was shed in a Baltimore riot; the civic mob being provoked, though not justified, by the fierce persistence of an opposition newspaper of that city in assailing the war policy, and befouling the administration. A howling populace gathered about the printing office, bent upon sacking it, but the establishment was guarded, and the ringleaders, forcing the doors open, were fired upon. One of them was killed, several wounded. The local authorities removed the defenders to jail, ostensibly to answer a charge of murder; but not content with devastating the abandoned building, and scattering the types, the rioters next night broke into the jail, the city officials having been remiss in precautions, and a horrible mangling ensued. A respected veteran, General Lingan, expired at their hands; eleven others were badly beaten and maltreated.†

* Governor Griswold died in office before this year ended.

† See 6 Hildreth, 325, for the details of this riot; Niles's Register; also, Harvey's Daniel Webster, 351. The obnoxious newspaper was the

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As for prosecuting war against Great Britain, the first natural reliance was upon our army, and an immediate invasion of the British Provinces. "On to Canada," had been the cry of the war party for years; and it was thought an easy matter to throw an American force over the line, chastise our Canadian neighbors before reinforcements could arrive, and hold the whole St. Lawrence region as security for favorable terms with the mother country. To the feverish eagerness for such a movement, fanned in the West by Harrison's campaign and the suspicion that Britain tampered with our border Indians, may be attributed, in no slight degree, the haste with which war was declared in the summer, and the precipitancy with which our new, half-equipped army was moved across the borders.*

Recruiting commenced well in Ohio and Pennsylvania. The Kentucky heart fired with enthusiasm. Governor Hull, of Michigan, who had been commissioned as one of the new brigadier-generals, crossed under directions of the War Department from Detroit to the Canadian shore, with a force of 2200 effective men, including regulars and local militia but consisting chiefly of Ohio volunteers, on the 12th of July, and took peaceful possession of the quiet little British village of Sandwich. With the American flag flying on both sides of the river, and a grandiloquent proclamation to the inhabitants, it seemed from the first dispatches as if Canada had fallen. But Hull did not move down promptly to Malden, the nearest military post of importance, as he might have done, before the British General Brock had time to strengthen it; and while he dallied came the intelligence, too, that a combined force of British and Indians had surprised the American post, Mackinac, at the junction of Lakes Huron and Michigan, whose commander had not been apprised that war was declared. In fact Brock, the British governor

July 12.

July 18.

"Federal Republican," and its editor a young man, Alexander Hanson. He had been driven in June to Georgetown with his press, but returned to Baltimore to re-establish it.

* See Monroe Correspondence, 1812; Madison's Writings, April 2, 1813.

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of Upper Canada, had acted with promptness and decision; and summoning his legislature at York, now Toronto, the capital of his province, on the first intelligence of war, he made the most of his poor resources. Tecumseh and a party of Indians were taken into the British service; and Colonel Proctor, having reinforced Malden under orders, next undertook to intercept Hull's supplies, and cut off communication between Detroit and Ohio. Upon a first repulse Hull recrossed with his main body, and the Americans fled to Detroit, where General Brock soon held them at bay with a slightly inferior force. At the moment patriotic Philadelphians were at the height of jubilation over Hull's invading manifesto, which the press had just printed, denouncing instant death to every Britisher who should be taken fighting side by side with Indians, Hull himself threw out the white flag from his fort at Detroit, and surrendered all his forces, and the stronghold itself, to the allied Brock and Tecumseh; and this without having first fired a gun or consulted one of his subordinates, some of whom had shown far more military capacity than himself.*

August.

Aug. 7-8.

Aug. 16.

Great was the indignation of the West, great the mortification of our whole people, on learning that instead of capturing Upper Canada at the first blow, we had lost our whole Michigan Territory.† The task now was to retake Detroit under a competent commander. Ohio and Kentucky went on filling rapidly their quotas, while urging the administration to march them under Harrison. The President hesitated, doubtful whether Harrison was a man of sufficient military experience. He proposed that Monroe should go to the scene, as a volun-

* This capitulation gave up to the British some 2000 American troops, of whom the volunteers and militia were at once permitted to return home on parole; while Hull and the regulars were sent to Montreal, and detained somewhat longer. A court martial, held at Albany, in 1814, found Hull guilty of cowardice, neglect of duty, and unofficer-like conduct, and his name was stricken from the rolls of the army. For the full narrative of Hull's expedition and surrender, with all the extenuating circumstances of his conduct, see Lossing's War of 1812.

† Fort Dearborn, the site of the present city of Chicago, but then a solitary post in the wilderness, had also been evacuated, August 15, by Hull's orders.

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teer, if not to command; but Monroe restrained his first military ardor, as was prudent, and Winchester, of Tennessee, another of the recent brigadiers, and a revolutionary veteran, was selected. The selection, however, gave umbrage to the Kentuckians, whose State government had already made Harrison a brevet major-general of militia. The hero of Tippecanoe was finally assigned to the chief command of the Western army, Madison countermanding his first orders.* Harrison's route for Detroit was by way of Fort Wayne and Fort Defiance to the falls of the Maumee. But it was late in the fall before the new military arrangements could be completed; and through a swampy wilderness, infested as it was with hostile Indians, the progress of the column was toilsome and discouraging; and, except for the destruction of a few Indian villages on the way, the deeds of prowess were reserved for a winter campaign.

Sept.

Oct.

While volunteers flocked to Harrison's standard at the Northwest in excess of calls or quotas, Dearborn, formerly Jefferson's Secretary of War, who had been appointed senior major-general and assigned to the command of the Northern department, directed movements on the New York and New England frontiers. The original plan of the Canadian campaign had been to make an eastern diversion at Niagara and Kingston, while Hull advanced from Detroit and conquered West or Upper Canada.† The Niagara River, 35 miles long, which conducts the waters of the upper lakes through Erie into Ontario, constituted an important military frontier in such a war; its banks sparsely settled, and the crossing a narrow one. Below the roaring cataracts had assembled another little army, supplied in great measure by regiments of the New York quota, Major-General Van Rensselaer, of the militia of that State, a prominent Federalist, being in command. Hull's

* Monroe Correspondence, 1812.

† The simultaneous invasion of Canada at several points, particularly Malden and Montreal, was designed at first with the object of securing all of Upper Canada, and thence operating towards Quebec. After Hull's disaster the wish was to diminish as much as possible that disappointment. See Madison's Writings.—Letter to Dearborn, Aug. 9, 1812.

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sudden surrender left Brock free to confront this second adversary with a moderate force from the Canada side, not without feeling uncertain as to where the American blow would be struck. By October Van Rensselaer had 6000 men, half of them regulars; and, yielding to the impatience of his volunteers and the public press, he gave orders to cross the river from Lewiston to Queenston. High bluffs arose on either side. There were not boats enough provided to carry more than half the advance party at a time. Too much reliance was placed upon militia, while regulars won the laurels. Wool, a young captain, and Lieutenant-Colonel Scott did gallant work on Queenston Heights; and General Brock, the conqueror of Detroit, fell mortally wounded; but reinforcements crossed too slowly, and with the green militia dreading death, many of the reserve pleading legal exemption from service in an enemy's country, their deserted comrades on the Canada side, unable to return, were forced to surrender.*

Oct. 13.

Van Rensselaer, whose advance had been premature, resigned in disgust, leaving a less capable but more pretentious officer, of Virginia birth, General Alexander Smyth, to succeed him. Smyth had a gift of windy composition, which, fortunately, imposed upon the inhabitants of Western New York just long enough to check despondency and restore a glow to the recruiting service. "Come on, my heroes," was his cry, "and when you attack the enemy's batteries, let your rallying word be: 'The cannon lost at Detroit, or death!'" All this inkshed promised an exploit for invading Canada from the upper end of the Niagara, between Fort Erie and Chippewa. By the 27th of November Smyth had concentrated at Black Rock, near Buffalo, a fair army, 4500 troops, comprising, in addition to the regulars, volunteer regiments from Maryland, Pennsylvania, and New York; the last under the command of General Porter, the representative in Congress, whose report, twelve months before, had given the first loud

Nov. 27.

* See Lossing's War of 1812, c. 19, for full details. The Americans lost this day about 90 killed, and 100 wounded; nearly 900 prisoners surrendered. The British loss in killed, wounded, and prisoners, was about 130, not counting their Indian allies.

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note of war.* The big moment approached; but, notwithstanding the sonorous promise of "memorable to-morrows," and an embarkation to the music of "Yankee Doodle," one or two shivering attempts were made to land on the opposite shore, and then the volunteers were dismissed to their homes, and regulars ordered into winter-quarters. Disorderly scenes ensued. Our insubordinate and mortified soldiers discharged their muskets in all directions. Porter having openly charged Smyth with cowardice, the two crossed to Grand Island to fight a duel, and then shook hands in token of reconciliation. But the country could not be reconciled to such generalship, and Smyth was presently cashiered.† Nov. 28-30.

Our Niagara army had latterly been styled the Army of the Centre. As for the column on the Champlain frontier, and along the south bank of the St. Lawrence to Sackett's Harbor, which was under Dearborn's immediate command, it promised little, and fulfilled its promise literally. Troops were massed at Plattsburg and Burlington, consisting, in great part, of New York and Vermont militia; but a raid or two over the borders was their sole achievement. Dearborn's volunteers came in slowly. His influence for overcoming New England's inertia disappointed the President. The only land success of 1812, in fine, was our repulse of a British force of 750, which crossed the St. Lawrence in October, to attack Ogdensburg. In this fight the coming general for the Canadian operations first showed his metal; Jacob Brown, a plain farmer, of Quaker parentage, who held a militia general's commission from Governor Tompkins. Oct.-Nov. Oct. 4.

Though the thrilling sensation of touching an enemy's soil had been repeatedly felt, it took the fruitless campaign of this first year to teach our people that the British Provinces could not be carried at a dash, nor Canada pierced by an army of

* *Supra*, p. 338.

† Lossing's War of 1812, c. 20. Smyth's subsequent petition to Congress for reinstatement, praying the privilege of "dying for his country," made much mirth. He lived, however, to take a seat in the House in 1817, and serve in Congress many years.

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raw, though enthusiastic recruits, officered by political generals and the invincibles of peace.

While the overwrought expectation of valorous achievements by land was thus grievously disappointed, our little navy, so long despised and neglected, brought the flush of pride to the American cheek. Congress had opened the purse-strings grudgingly enough to this branch of the service. Difficult indeed had it been for Rodgers and Decatur to procure the sailing orders which sent the public vessels of the United States cruising along our Atlantic coast to protect returning commerce. Commodores Stewart and Bainbridge, years afterwards, charged that the President and Cabinet had actually prepared to dismantle the frigates and convert them into a harbor defence, or lay them up in New York, and that only through their own joint remonstrance was a change of orders procured. But Gallatin has denied this charge.* So disproportionate at this time was the fleet to its officers, that in the series of naval exploits which now ensued, one victorious captain would have to give up his frigate, and stay on shore, practicing self-denial, in order that brother officers might have an opportunity to distinguish themselves.

There were four well-fought engagements with British war vessels on the ocean in 1812, in all of which the American navy came off victorious. (1.) The American frigate *Constitution*, 44 guns, under Captain Isaac Hull, three days after the military Hull had surrendered Detroit, captured the British frigate *Guerriere*, 38 guns, under Captain Dacres, after two hours' vigorous combat off the Gulf of St. Lawrence. (2.) Five days after Van Rensselaer's repulse at Queenston the trim American sloop-of-war *Wasp*, 18, Captain Jacob Jones, captured in Southern waters the sloop *Frolic*, 20, while the latter was acting as convoy to British merchantmen. Both vessels were taken soon after the action, however, by the British ship-of-war *Poictiers*, 74, and carried into Bermuda, the *Frolic* being rid-

Aug. 19.

Oct. 18.

* See 2 Gallatin's Works, 611; Adams's Gallatin, 462.

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dled through the hull, and a complete wreck. (3.) Captain Decatur, with the *United States*, 44, a week later, opened broadsides on the British frigate *Macedonian*, 38, and in two hours compelled the British commander to strike his colors. The vanquished vessel, taken near the Madeiras, was brought to Newport as an American prize. (4.) The *Constitution* finished the glorious record of the year about a month later than Smyth's ignoble operations at Black Rock, by destroying the British frigate *Java*, 38, off the Brazil coast, in a nearly equal conflict. Captain Bainbridge, who in this engagement commanded the "Ironsides," as this pride of the American navy was presently styled, paroled his prisoners at San Salvador, and then sailed for Boston, where he arrived on the 15th of February following.*

Oct. 25.

Dec. 29.

The effect, at home and abroad, of these naval victories, and of others soon following, was instant and amazing. England looked with astonishment, almost with despair, upon an unexpected series of calamities, which, for the first time, dimmed the glories of her Trafalgar. Never, until the *Guerriere's* colors were struck to the *Constitution*, had a British frigate been humiliated on the ocean. The charm of naval invincibility was forever broken for Great Britain; and that by a peace-loving nation, hitherto unfavorable to armaments, which employed merchant captains, and could muster scarcely twenty armed vessels against her formidable fleet of 621.† France, boastful of superior armies, might well exult. As for America, we had invaded England at last, not through a province, but upon nature's great highway, which she had seized for her own, conquered her on her own element, humiliated the commanders whose taunts and insolence had most humiliated us, and stormed those floating batteries, within whose walls, during the past twenty years, as in a charnel-house, hundreds and thousands of American citizens had been hopelessly imprisoned. The British people respected courage; and the naval victories

* See Lossing's War of 1812 for full accounts of these well-known engagements.

† See Tables to James's Naval History; Lossing, 434.

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of this first year, unexpected as they were, did more, with those which followed, to secure for the United States an honorable peace and a footing among the great powers of the world, than the combined military operations of the whole war to the day when the indentures of peace were executed.

Why these victories? asked Englishmen in dismay at the first unwelcome intelligence that their crimson flag had struck to "a piece of striped bunting flying at the masthead of a few fir-built frigates, manned by a handful of bastards and outlaws." * Our naval force on the American stations, responded the admiralty, is by no means inadequate; from Halifax to the West Indies are stationed ships seven times more powerful than the whole of the American navy. Some special cause must have existed. The American ship had, perhaps, the numerical advantage in guns, men, and tonnage; but the *Wasp* and the *Frolic*, certainly the *Constitution* and the *Java*, were not ill matched; and British vessels had borne more guns in the conflict than they were rated at. Next the admiralty found that the American frigates were ships of the line in disguise, with the tonnage and capacity of British two-deckers. This was an exaggeration; but granting that, instead of bundles of pine boards, these American war vessels were new, well-built, seaworthy, better modelled for action in many respects than those of the British, more advantage must be ascribed to the skill and fighting spirit of those who handled them. While British officers were hampered not only by the restraints of an indocile admiralty, but by their own imperious disdain and an inferior cause, American tars, in this contest of vessel against vessel, fought intelligently and under competent commanders, for vengeance, for the good repute of an infant navy, and for neutral rights.

A mingled sense of surprise and shame, and a gratified resentment against the enemy, made these naval achievements irresistible to the American heart. Hull, Jones, Decatur, Bainbridge,—more were to follow,—received each, on his return home, the ovation of a hero. They received banquets from the seaport towns, gold medals and awards of prize-money from

* See 6 Hildreth, 370.

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Congress, swords from different States, acclamation everywhere. Legislatures vied with Congress and one another in voting thanks to officers and crew. Even Massachusetts forgot political antipathies for the moment, and joined the jubilant strain with New York, Maryland, Pennsylvania, and Virginia; and, thawing under this late vindication of the Adams policy and commercial rights, the ice-pack of New England Federalism began to break.

Our privateers had pushed off boldly from New England ports; more of them, however, from New York, Philadelphia, and Baltimore. Over 300 prizes were taken by them during this first year of the war. The naval successes stimulated their enterprise. On the Northern lakes, too, whose control was seen by both belligerents to depend upon a superiority in light-armed fleets, this government had overcome early disadvantages. A British squadron of five vessels on Lake Ontario bore down on Sackett's Harbor, while a light American sloop-of-war, the *Oneida*, was being built. It was driven off; and Captain Chauncey, with the completed vessel, and six small schooners hastily purchased and armed, chased the enemy's fleet afterwards to Kingston, crippling the British flag-ship, and taking some small prizes.* July 19.

Scarcely had the United States declared war before the British government made an important concession, but all too late. The Marquis Wellesley, who resigned in February, had been succeeded by Lord Castlereagh as Foreign Secretary; Perceval, on the 11th of May, was shot by an assassin's pistol; the Earl of Liverpool became premier, and though Tory politics still ruled, the mediocrity of the Cabinet forced it to temporize. The Nottingham riots, the depression of home industry, remonstrances of British merchants, all impressed the new ministry and Parliament. War with the United States was by no means a welcome addition to the burdens England staggered under. As early as April the Perceval ministry had given a pledge that the commercial restrictions should cease whenever the French gov- April 21.

* See Lossing's War of 1812, 370; 6 Hildreth.

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ernment, by some authentic act publicly promulgated, expressly and unconditionally repealed the Berlin and Milan decrees.

June 16. A parliamentary inquiry concerning the operation of Orders in Council having closed, Brougham, on the 16th of June, moved in the Commons for their unconditional repeal.

June 23. The new ministry, to save itself, conceded the point, and on the 23d those exasperating restrictions were revoked; reserving, however, their renewal, should the American government persist in hostile acts. All was in vain; for, ignorant of this approaching climax, the United States had declared war five days before.

As a foundation for the British repeal a curious document had been drawn from the French archives, through

May. Barlow's persevering efforts, and transmitted across the Channel. Kindly received at Paris, but suffocated in an atmosphere of bland procrastination, our new minister labored with no little difficulty to procure some authentic act such as might fortify the argument against Great Britain. Napoleon's minister, Bassano, finally produced a decree, dated April 28th, 1811, which formally directed that, in consideration of the resistance of the United States to the British Orders in Council under the act of March 2d preceding, the Berlin and Milan decrees should be considered as of no force against American vessels since November 1st, 1810. The issue of some such mandate seems by no means inconsistent with the imperial acts and policy of that date;* but Bassano's admission that the document had never before been published, coupled with a false assurance that Russell and Serrurier knew of it before, fostered the belief that this decree was of fresh manufacture, when, more likely, the Emperor, after his usual manner of dealing, kept it as a pledge which he might recall at will, should America's subsequent course displease him.

Vexed at the imperial assumption that our act of March 2d was the cause, instead of the effect of his conduct, Madison would gladly, even now, have turned the war upon Napoleon, whom he had learned to detest, could only admissible terms be

* See *supra*, p. 328.

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arranged with England.* But this was impracticable. Overtures from the British government, by way of Canada and the British naval commander at Halifax, our government postponed to dispatches from Russell on the subject, to whom instructions had been sent simultaneously with the declaration of war. Advices through this more authentic channel confirmed a studied indifference on Castlereagh's part, as though England had gone far enough; and ascertaining that the British ministry declined to put either temporary or permanent stop to impressments from American merchantmen, Russell terminated diplomatic functions, as Foster had done already before him, and each government was left without a representative.†

Aug. 9–Sept. 30.

Aug.–Oct. 27.

June 26–July 2.

Aug. 24–Sept. 12.

The war proceeded, therefore, mainly on the issue of sailors' rights. "It should take more to make peace than prevent war," wrote Jefferson in the first exultation over Hull's advance into Canada. And yet neither indemnification nor security was asked by the United States; nothing, besides this repeal of Orders in Council, but to make an end of impressments on terms mutually discouraging all employment of one another's sailors. The impressment grievance and the right of search had become too serious a one to be dismissed upon any pretext of difficulty. Over 6000 cases had already been registered at our State department of men claiming to be impressed Americans.‡ How many more instances might have occurred, of which no record was made, or what deduction might be proper for fraudulent claimants, cannot be stated. But Castlereagh himself admitted that, after making all due allowances, there might have been, by January, 1811, 1600 *bonâ fide* American citizens serving by compulsion in the British

* Madison's Writings, August 11, 1812. Jefferson expresses a similar wish to fall next upon France, August 5, 1812.

† See Madison's message and documents, November, 1812; Annals of Congress.

‡ A *résumé* of this subject sent into Congress, July 6, 1812, showed that from 1792 British impressment had been a standing subject of fruitless complaint and remonstrance under every administration, beginning with Washington's.

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fleet. Protection papers had long been ignored, because, as British commanders alleged, the issue of such documents was abused, and they passed by delivery into the hands of those having no right to them. Proof of American birth was requisite, therefore, before the captive could get his release; and deprived, meantime, of every reasonable opportunity for furnishing such testimony while scouring through the seas, at the peril of his life, under the rigorous discipline of a British man-of-war, what slavery must not an American citizen have endured? Now that war had broken out, the lot of such captives was truly a hard one. Impressed American sailors were lashed, put in irons, threatened with loaded pistols pointed at their heads, for refusing on these vessels to fight their own country. Eight such patriotic tars were liberated from the *Guerriere* on her surrender; ten from the *Java*.* At the outbreak of hostilities 2500 of these impressed claimants were lodged in Dartmoor and other English prisons for their obstinacy, and there detained, for the most part, until the war was over.†

A people, whose sense of allegiance as a duty is thus outraged, should know no lesser limits of resistance than those of the national manhood. No matter what the rank of the victims may have been, the better statesmanship, the broader philanthropy places persons far above property, linking their rights to the footstool of Divine justice. A war on such an issue alone must more likely have humanized than humiliated this young republic.

Much of the obstruction which our government encountered this year from its own citizens, in prosecuting a war, whose ill success, whether it were wisely or unwisely begun, must have exposed us to the derision of the world, we may attribute to the rivalries of a Presidential campaign. Madison and Gerry, it has been seen, were selected by the Congressional caucus as the standard-bearers of the administration and war party. But caucus selection could not unite all even among those who

* Niles's Register, 1813, pp. 479, 480.
† 6 Hildreth, 350.

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ranked as Republicans. De Witt Clinton, slight as his national experience had been, had great strength in his own powerful State, where he had seen much service. Young, audacious, enterprising, of fine executive ability, an adroit political manager, he possessed all the family aspirations, and by his uncle's death had fallen heir to all the family pretensions to the Presidency. A Republican caucus of the New York legislature pitted this candidate against Madison as a better war magistrate, a man who represented the neglected Northern and commercial section; and, moreover, one whose selection would afford a popular protest against Congressional caucuses.

Of this form of Congressional dictation the people, doubtless, were tiring. It was one thing to name the idol of the party, and another to arbitrate between rivals with claims for preferment nearly equal. While appointing a committee of correspondence and arrangements, one for each State, Madison's nominators had taken pains to announce that they nominated only in their individual capacity. The insidious dangers of such a system were exposed by Clinton's supporters as boldly now as those of Monroe had exposed them four years before.* But what better system did these men propose? The co-operation of State legislatures in such matters was impracticable. If New York named Clinton, Virginia and Pennsylvania had already named Madison. Objectionable as it was, this caucus machinery was kept in use for another generation of Presidents, and until a better substitute appeared.

Towards Clinton gravitated the Middle State elements hostile to Madison and Gallatin, men jealous of Virginia domination, and party malcontents generally. A more difficult feat for those ranking as Republicans and patriots was to secure the essential aid of the peace party; or, in other words, of the vitalized remnants of Federalism. Some peace men felt persuaded that England stood ready to make fair terms, and others, more implacable, were for fighting only in defence under any circumstances, or not for fighting at all. New York Federalists were conciliated by the passage of a bill in the New York legislature, chartering the State "Bank of America," with a

* See *infra*, pp. 169, 170.

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capital of $6,000,000;* a bill procured by a coalition of Clinton's friends and theirs, by whose aid Clinton's magnificent State project, the Erie Canal, was to be developed. Wolcott, Secretary of the Treasury under Washington and Adams, became president of this institution. A secret meeting of Federalists in New York city from all the States north of the Potomac, and from South Carolina, adopted Clinton as the party candidate for President; and, to complete the alliance, Jared Ingersoll, of Pennsylvania, a moderate Federalist, was mutually selected for Vice-President.

Sept.

This coalition was an alarming one, testing the popularity of the war and the administration to the utmost. Governor Tompkins, whose voice was for vigorously prosecuting a war the nation had once entered upon, could not hold New York State for Madison against such odds; the bank bill, too, had passed, despite his own opposition. New Jersey, also, renounced the war party at the polls, its legislature presently taking sides with Massachusetts and Connecticut. In Maryland the administration was seriously weakened by the excesses of the Baltimore rioters and assaults of Madison's personal enemies. North Carolina wavered. Had this last-named State, together with either Vermont or Ohio, met Federal expectation, the regular Republican nominees would have been overthrown. But that expectation was disappointed. Vermont's electoral vote was cast for Madison and Gerry. That of Maryland, being polled by districts, became divided between the chief candidates. Pennsylvania, with Governor Snyder, stood unflinchingly by the national administration. With these exceptions the Clinton coalitionists carried New England and the Middle States to the Potomac, and there stopped. Virginia bristled for Madison and war, with the united South and West behind her. In a word, the electoral count gave Madison 128 to Clinton's 89, and Gerry 131 to Ingersoll's 86.† This settled the war question; and De Witt

* Afterwards reduced to $4,000,000; 6 Hildreth, 299.

† In most States the choice of electors was this year by general ticket at the poll; but in Vermont and New Jersey the legislature voted for electors. See Tables of Electoral Votes, Appendix.

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Clinton, whose canvass had left him swinging perilously between peace and pacific modes of war, found never again a national footing; though, as the liberal benefactor of his native State, already fast rising to the foremost rank in the Union, a public renown was reserved for him more accordant with the fame and antecedents of his illustrious family.

Congress, whose second session commenced November 2d, passed the first weeks in anxious suspense. But after Madison's re-election became assured, the new war bills were rapidly advanced in the calendar. These war bills contemplated (1), enlarging the navy; (2), reorganizing and reinforcing the army. Nov. 2.

(1.) The enlargement of our navy was the irresistible sequence of those gallant victories by sea, which so agreeably surprised the old-school Republicans, Jefferson not excepted. Hull, and his brave officers of the *Constitution*, received the honor of a naval ball at Washington. Dec. 8. The peerless "Lady Madison"* was present, attended by the family of Secretary Paul Hamilton. Just as the dancing began, arrived the official news of Decatur's victory, brought to Washington by Decatur's own messenger, the son of Secretary Hamilton. Entering the ball-room with hurried pace, the ensign of the *Macedonian* in his hand, and Captains Hull and Stewart attending him, this young lieutenant laid the British trophy at the feet of the President's wife, who received it like a queen, while his mother and sister clung about him, and the guests applauded in wild excitement. The enthusiasm of this scene,† which the limner's art might well reproduce in canvas, was presently imparted to Congress, and a bill for four new 74's, and six first-class frigates speedily passed, as the pledge of a permanent navy.‡ Later in the session six sloops-of-war were authorized, besides provision for a suitable light fleet upon the lakes.§

* By this title Mrs. Madison was frequently styled like her predecessor, the wife of the first President.

† See William W. Seaton's Memoirs.

‡ Act of January 2, 1813.

§ Act of March 3, 1813.

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(2.) To reorganize and reinforce the army, called out more open opposition in Congress. Experience did not commend the volunteer system; for, like the militia quotas that disaffected governors had kept back, volunteer troops were too much under a precarious State influence for their essential discipline; and statutes giving them the choice, moreover, of their own officers, they were still more like mobs in motion. The volunteer acts of the previous session were therefore repealed; and, instead of such a force, the President was authorized to raise twenty new regiments of twelve months' regulars.* Greater inducements were held out to the long term recruits, who had come in very slowly;† and acts passed for better organizing the commissary and quartermaster departments and the general staff,‡ and for increasing the number of field officers.§

The debate of the bill for twelve months' regulars in the House took a latitude of discussion which embraced the whole policy, foreign and domestic, of Madison's administration. John Randolph and Pitkin ably and strenuously opposed an army increase, and the whole paraphernalia of offensive military war. But Quincy, in an angry speech, arraigned the administration and war party far more bitterly, and in a strain of studied invective which has seldom been equalled on the floor of Congress in the quality of producing exasperation; for even Randolph's venom was darted right and left as though without premeditated assault. The invasion of Canada this son of New England declared a wanton and wicked act, by which we visited with fire and sword innocent and unoffending neighbors for the offences of a nation three thousand miles distant; a projected conquest from which all Britain's concessions could not divert our government, but which, if ever accomplished, would be, he solemnly forewarned the American people, the conqueror's personal

1813. Jan. 5.

* Act of January 29, 1813. In the Civil War of 1861, a State volunteer system, better devised, was found indispensable for drawing out the full military resources of loyal States.

† Act of January 20, 1813.

‡ Act of March 3, 1813.

§ Act of February 24, 1813.

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spoil, and not theirs. Nor was it this mode of warfare alone which angered him, but the official toad-eaters and young cackling politicians who favored it; the "mangy hounds of recent importation," who were kept in pay to hunt down all who opposed the court; the Cabinet whose councils had for twelve years been directed by two Virginians and one foreigner, and whose main scope was and had been to perpetuate the Monticellian dynasty and its destined line. "If," concluded Quincy, "the people of the Northern and Eastern States are destined to be hewers of wood and drawers of water to men who know nothing about their interests, and care nothing about them, I am clear of the great transgression. If, in common with their countrymen, my children are destined to be slaves, and to yoke in with negroes, chained to the car of a Southern master, they, at least, shall have this sweet consciousness as the consolation of their condition,—they shall be able to say, 'Our father was guiltless of these chains.'"*

Quincy's chagrin had been great at the outcome of the Presidential elections; and having found it imprudent to risk a personal defeat for the next Congress,—his recent course having lessened his popularity at home,—he reckoned this speech to be, as indeed it proved, his last great effort in the national arena. This parting malediction of the ablest debater on the Federal side dropped like a bomb upon the carpet. But Clay coolly picked it up, and hurled it back before it could explode injuriously. In a speech, Jan. 8. one of the most eloquent he ever made in his life, this son of Kentucky vindicated the Cabinet and administration party, and justified the war. An adjournment divided his oration; which, on the first day, was chiefly devoted to the personalities of a reply, and on the second to the main issue. Reviewing, in such order, the inconsistencies of an opposition band whose voice was first for war and no restrictions while the administration sought peace, and next for peace and restrictions when the administration was for war,—of parasites throwing out the idea of French influence, "which is known to be false, and which ought to be met in one manner only, namely, by the lie

* See Annals of Congress; Columbian Centinel, February 6, 1813.

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direct,"—Clay proceeded to consider the circumstances under which this government had felt compelled to declare war, and the motives which remained for pursuing it. Canada, he said, had not been innocent of turning the tomahawk of the savage against us, and as an enemy's province she was subject to the rules of war. The British repeal, or rather, suspension of Orders in Council coming so late, it does not follow that that which would, in the first instance, have prevented, would also terminate a war. "As to myself," observed the speaker, "I have no hesitation in saying that I have always considered the impressment of American seamen as much the most serious aggression."

That which gave the Promethean fire to our war with Great Britain was not, history must admit, its first most prominent issue; and here Clay showed the profound statesman and orator by lighting with his logic the most moving cause of all, that which had been too long subordinated, and by stimulating the national pride and indignation against the foreign power, which, in this respect, was, and always had been, America's sole aggressor. "If Great Britain," exclaimed Clay, "desires a mark by which she can know her own subjects, let her give them an ear mark. The colors that float from the masthead should be the credentials of our seamen." And with a thrilling pathos, of which this orator's words, apart from his action, can afford but a faint impression, he pictured the piteous condition of the American tar who had fought his country's battles, pining in the oppressor's prison, while his government pleaded excuses for leaving him there.*

This eloquent speech revived the drooping spirits of the country. The war went on, and the needful war measures were pushed briskly forward.

1812-1813. Eustis, the Secretary of War, whose incapacity for the occasion was plainly manifest, had resigned in December, conscious himself that the task of his portfolio was too great for his declining years. It was not easy to find

* Newspapers of the time record the wonderful effect produced on Clay's listeners by this pathetic description. The day was a cold one, but the audience left the Capitol with beating hearts. Niles's Register; Washington Intelligencer, etc.

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an acceptable successor; but General Armstrong, our late minister to France, at length received the appointment, Monroe having performed the duties of the post *ad interim*.* Paul Hamilton relinquished the Navy Department during the winter to William Jones, an active Philadelphia merchant, who had once been a shipmaster.

* Monroe's official report laid the foundation of the most desirable changes made during the war in the army organization. Monroe Correspondence, December, 1812.

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CHAPTER IX.

SECOND ADMINISTRATION OF JAMES MADISON.

SECTION I.

PERIOD OF THIRTEENTH CONGRESS.

MARCH 4, 1813—MARCH 3, 1815.

THE President was sworn into office, for his second term, at the Capitol; but Gerry, the new Vice-President, whose health was feeble, at his home in Massachusetts. Madison's second inaugural address was a panegyric of the war. Though himself too dispassionate to easily influence others, and in most contemporaneous utterances, public or private, ill concealing his anxious inquietude and perplexity, he well understood that the speediest road to peace lay in our vigorous and united prosecution of the war.

Mar. 8. Scarcely four days of this new term elapsed before an offer of mediation came through Daschkoff, the Russian ambassador, on behalf of his sovereign, by whose command the American and English ministers had previously been approached at St. Petersburg.* In fact, our mission to Russia at this time, dubiously undertaken, proved a lucky stroke; though not, perhaps, in the sense first intended, nor to the full extent Alexander had hoped for. The Czar, a strong friend of the United States, both from sentiment and policy, and jealous of French encroachments upon the Baltic, had transferred his alliance from France to Great Britain, soon after Adams reached his post. With Napoleon's arms turned against him, he feared serious disaster to this alliance should England and the United States continue at war, and hence sought to be peacemaker.†

* Dispatches from Adams, communicating the Czar's overture, arrived the day before Daschkoff's letter. Monroe Correspondence, 1813.

† John Quincy Adams's Diary, 1811, 1812; Madison's Writings, March, 1813.

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Napoleon's advance upon Moscow, followed by the disastrous retreat and midnight entrance into Paris with his shattered forces, had been the grand catastrophe of the past winter. Stronger European combinations were now to be formed against his declining influence. It appeared, therefore, to the United States highly desirable to accept Russia's offer at once, and without waiting to hear from England; such a policy, too, serving better to unite contending factions at home should the embassy fail. Gallatin and Bayard, the latter a statesman highly acceptable to rational Federalists and peace men, were associated for this mission with our Russian minister, John Quincy Adams. 1812-13.

To Gallatin the change promised a welcome relief from labors now irksome and thoroughly disheartening; for this financial problem, indeed, was the weak spot in this ill-calculated war. He dreaded the drain our new troops would necessitate, the direct taxation, the suspension of specie payments, the utter collapse of public resources, all the horrors of national exhaustion and bankruptcy; and yet he had dreaded still more to lay bare to a vehement people the depths of his own despondency. With more stoicism than elasticity he had schooled himself to accept whatever a Congress over which he possessed little influence might choose to grant him; which, thus far, was merely authority for a loan of $16,000,000, and a plentiful issue of treasury notes,—temporary shifts, under cover of which the tax bills went over. Solid capitalists had been offended by the failure of the National Bank act. Three foreigners by birth, John Jacob Astor, Parish, and Girard, in truth, saved this new loan from failure; and Gallatin, having arranged with them, stood ready to depart for St. Petersburg, promising himself a new career in diplomacy, and leaving the fiscal chest for more sanguine men to manage.*

Crawford was at this same time appointed to France as successor of Barlow, who had died suddenly at Warsaw during the Russian invasion, while on his way to meet Bonaparte at the latter's special request.† 1812. Dec. 26.

* Adams's Gallatin, 478.

† Barlow had no intention (as was falsely rumored) of making an American alliance with France. He was forbidden to enter into any

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On the 9th of May Gallatin and Bayard sailed from Newcastle, and on the 24th assembled the Thirteenth Congress in first session, summoned thus early in order to provide the long-deferred measures of taxation. As all elections for the House had taken place since war was declared, and the new apportionment under the census of 1810 brought a numerical increase to that body, which carried New York's delegation to the head of the list, party division in that branch was now a fair test of the national sentiment upon the subject of war; though in all the New England States, except Massachusetts, as also in Delaware and Georgia, the election of representatives continued by general ticket instead of districts, the latter and more exact mode becoming now the prevalent one. Federal gains in New York and New England established, therefore, the minority strength in the House at 68, as against 114 who supported the war, an increase in their favor sufficient to deprive the war party of their two-thirds vote. In the Senate appeared fourteen new members, but parties stood nominally nearly as before, namely, as 27 to 9, with the Giles faction still as a perverse and troublesome factor.*

May 9.

May 24.

In the House Clay was chosen speaker once more, on the first ballot, and by 89 votes; 54 votes of the opposition being cast for Pitkin, and 5 scattering. The young politicians kept still in the ascendant; John Forsyth, of Georgia, John McLean, of Ohio, and Charles J. Ingersoll, of Pennsylvania, all promising statesmen, joining the ardent band which Clay, Calhoun, Grundy, and Cheves marshalled. Eppes, who had run off John Randolph, and now returned after a two years' absence, found himself, like Macon, with an honorable chairmanship to occupy, but little positive influence in debate. On the opposition side both Quincy and Randolph were now missed; and although the austere Pickering, elected to a seat from the Salem district, was tenacious of his antecedents, while New York respected the past in the person of the venerable Ben-

arrangements with France beyond procuring indemnity and commerce. Madison's Writings, March, 1813.

* See 4 Niles's Register, 268.

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son, whose tarry was brief, there was room at the top for a more youthful and moderate type of the commercial, prosperous, and conservative North. Such a distinction a tall son of New Hampshire, bred to the bar, but with the farm manners still clinging to his person, having olive complexion, cavernous eyes, and a massive forehead, and being as a speaker clear, deliberate, and impressive, now claimed. Clay, with a quick appreciation of talent, put him at once, though a new member, upon Calhoun's committee, that of Foreign Affairs; and a month did not elapse before this Eastern youth introduced well-drawn resolutions of inquiry into the French repealing decrees, resolutions quite embarrassing to the administration, but which, after much discussion, the majority was driven to adopt. This new-school Federalist was Daniel Webster.

Gore, of Massachusetts, Webster's early friend and patron, and Jeremiah Mason, of New Hampshire, occupied Federal seats among the new senators. But a better statesman, and far more experienced than either of those eminent lawyers in public life, was Rufus King, just selected by the New York legislature through an accidental local disarrangement of parties. King sat in the Senate for many years longer, the last embodiment of well-bred, and withal moderate Federalism, courtly and polished in manners, always in full dress, with silk stockings and small clothes, as became one of Washington's own pattern. Crawford now departing, the administration leadership in the Senate devolved upon Campbell, of Tennessee.

This first session of the new Congress extended to the 2d of August. The President's message showed that the receipts of the treasury, loans and treasury notes included, would probably carry the government through the current year;* after which period additional taxes were indispensable, both as a means of revenue and for the security of such new loans as might have to be raised hereafter. May 24–Aug. 2.

* There had been nearly $16,000,000 expenditures since the 1st of October, 1812; not less than $29,000,000 more were reckoned needful to the end of December. President's Message.

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Regretfully enough did the legislature now proceed to re-erect that internal revenue system, which it had been the earliest glory of a Jeffersonian Congress to demolish. The States were marked off into collection districts for direct taxes and internal duties, each with its appropriate officers, and a commissioner to superintend.* Duties were levied upon refined sugars, carriages, licenses to distillers, auction sales of merchandise and vessels, the retailers of wines, spirits, and foreign merchandise.† A direct tax of $3,000,000 was apportioned among the respective States, with the privilege to each of paying its quota as under the Confederation.‡ Last of all, notes and bills of exchange were made subject to a stamp duty.§ From all these internal duties a produce of about $2,000,000 might be derived in addition to the land tax; but even this was quite inadequate for carrying on a war, and a new loan of $7,500,000 was accordingly authorized besides; 88 cents on the dollar being by this time the standard of the national credit.‖

The scheme of these tax bills Gallatin had left behind him, and much as their various items were disrelished the measures passed both Houses with little debate. Unable to pick a quarrel over his budget, Gallatin's personal enemies contrived, nevertheless, to block his confirmation to Russia; for while the cry of "foreigner" was raised against him outside, the Giles faction in the Senate maintained decorously, with Federal members to back them, that the Cabinet functions were incompatible with those of envoy extraordinary; a sound objection, doubtless, in theory, which should have been obviated. Gallatin himself had not been thoughtless on this point; but becoming confirmed in habits of reticence, he had preferred that the President should decide the delicate question as contingencies might require, wearied for his own part of playing the distressed financier, and mainly intent upon securing an honorable respite, together with the better opportunity for fame and public usefulness as a negotiator of peace. The Senate inquired, after the names of diplomatic agents had been sent in, whether

* Acts of July 22, 1813; July 24, 1813.
† Acts of July 24, 1813; August 2, 1813.
‡ Act of July 22, 1813. § Act of August 2, 1813.
‖ Adams's Gallatin, 480.

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Gallatin still retained the Secretaryship of the Treasury; Madison responded that he did, the duties of that office being meantime discharged by the Secretary of the Navy; whereupon the Senate appointed a committee to confer with the President. A similar committee was appointed upon the nomination of Jonathan Russell as minister to Sweden, a mission of whose expediency the Senate could not be persuaded. Giles and King served on both committees. The President, being confined at that time with a bilious fever, suffered great annoyance from this attempt to control him. Standing upon the dignity of his office, he refused to recognize the official capacity of either committee, and as to Gallatin left the nomination to stand as sent in. He had secretly hoped that a body which had twice permitted a Chief Justice to go abroad on diplomatic errands would not rob this momentous embassy of the very best capacity at its service; but in this Madison miscalculated, for the Senate, adhering to its own dignity and its objections, rejected both Russell and Gallatin, the latter by a single vote. John Quincy Adams and Bayard, however, were confirmed by large majorities, as was also the selection of Crawford for the French mission.*

British Orders in Council, issued in the autumn of 1812, artfully assailed Eastern merchants on their weak side by offering exclusively to citizens of the Eastern States licenses to trade with the West Indies; that privilege which, on behalf of this Union, Jay and Monroe had hitherto sought in vain. Of these orders the previous Congress had been apprised too late to counteract their influence.† By a law of the present session, therefore, heavy penalties were denounced against the use of British licenses. A general embargo, such as the President favored, failed, however, in the Senate.‡

Our war narrative turns to the war operations of 1813 by land and sea.

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* See 4 Niles's Register, 357, 377, 409. Gallatin's appointment was negatived by 18 to 17; Giles, Leib, and Smith of the number. On the inexpediency of the Swedish mission the vote stood 22 to 14.

† President's Message, February 24, 1813.

‡ Annals of Congress; Act of August 2, 1813.

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(1.) *Harrison's Northwestern Campaign and Perry's Victory on Lake Erie.*—The winter expedition of the Northwest army for the recovery of Detroit had been retarded by a disaster which overtook Winchester's command near the Maumee Rapids, at a little village on the River Raisin. By Harrison's orders Winchester had started for these Rapids, whence, having first concentrated troops as if for winter quarters, the design was that he should advance fifty miles farther, when weather permitted, cross the frozen Detroit, and fall suddenly upon Malden. Winchester not only pushed on incautiously to his first destination, but with a design more humane than prudent, undertook to protect against a British and Indian raid the alarmed inhabitants of Frenchtown,* a place thirty miles nearer Malden. Here he was overpowered by the enemy, which fell upon the American forces suddenly at daybreak, with yells and a shower of bombshells and canister. Winchester having been taken prisoner, Colonel Proctor, the British commander, extorted from him the unconditional surrender of all his troops, some 700 in number, as the only means of saving them from the tomahawk and scalping-knife of his own merciless allies, whose bloodthirstiness Proctor professed himself unable to restrain. To Malden, such prisoners as were not too exhausted to walk, proceeded under guard, there to be penned through a stormy night, without tents or blankets, shivering over a feeble fire. Our sick and wounded, who had been left at Frenchtown, with a single officer and two or three interpreters for a guard, under a solemn promise that sleds would be sent to remove them, the British commander shamefully abandoned to their fate, together with the remnant of the town's inhabitants. While the half-drunken savages plundered the village and set dwellings on fire, where these disabled soldiers lay, a number, unable to move, were consumed in the flames; others who attempted to escape were tomahawked and scalped, as many of their comrades had been in battle. Men who worked their way into the open air were scalped and thrown back into the flames, and such of the

Jan. 10–22.

Jan. 22.

Jan. 23

* Now the town of Monroe, Michigan.

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remaining soldiers as fell exhausted while dragging their weary way to Malden encountered a fate not less horrible. Officers and men, many of them the flower of Kentucky, perished victims to barbarities like these, abhorrent to civilized warfare, of which the British Colonel Proctor and Captain Elliott were not innocent. Besides the American loss in prisoners at the sad affair of the Raisin, nearly 200 were killed and missing.*

Hearing at the Upper Sandusky of Winchester's intended movement, Harrison had pressed to his relief with reinforcements, but fugitives from Frenchtown brought the melancholy tidings of disaster; and Harrison fell back to the Rapids, there to strengthen the post known as Fort Meigs, and go into winter quarters. The terms of many of his troops having now expired, the Northwestern army was for many months too feeble to begin a forward movement. But Harrison possessed the unabated confidence of the West, and, promoted to be one of the new major-generals, he received, through the zealous co-operation of Ohio and Kentucky, whose people were inflamed to take vengeance, enough volunteer reinforcements to relieve Fort Meigs from Proctor's investment in the spring, and at length the quota requisite for resuming the offensive; other frontier plans of the War Department having long deranged his own in this quarter.

Jan. 16–22.

May.

Sept.

The splendid co-operation of an American flotilla on Lake Erie opened the way to Detroit and victory. For that memorable service Commodore Chauncey had detailed an aspiring young naval officer, Captain Oliver H. Perry, of Rhode Island. Our little Lake squadron was tediously constructed at Presqu' Isle (now Erie). When all at last was ready, Perry, who had long chafed in spirit while the British fleet hovered in sight like a hawk, sailed forth to dispute the supremacy of the broad inland waters. His heavier vessels were floated over the bar not without difficulty. After conferring at Sandusky upon the combined plan of operations with General Harrison, from whom he received a small detail

August.

* Lossing's War of 1812, 348–475; 6 Hildreth.

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of soldiers to act as marines and supply vacancies in his crews, he offered battle to Barclay, the British commander,—the latter a veteran in naval experience, who had served under Nelson at Trafalgar.

Barclay had lain idly for several weeks at Malden, in hopes of procuring additional sailors, purposely avoiding an action meanwhile. But Proctor's army having now run short of provisions, longer delay was inexpedient. At sunrise on September 10th Perry descried the approaching British fleet from his look-out, a group of islands off Sandusky. Ten miles to the north of this locality, which was known as Put-in-bay, the two squadrons at noon engaged one another,—Perry approaching at an acute angle, and keeping the weather-gage, while Barclay's vessels hove to in close order. In officers and men the fleets were about equally matched; there were 6 British vessels to the American 9, but the former carried more guns, and were greatly superior for action from a distance. With 30 long guns to Perry's 15, Barclay had the decided advantage at first, and our flag-ship, the *Lawrence*, exposed to the heaviest of the British cannonade, became terribly battered, her decks wet with carnage, her guns dismounted. Undismayed by this catastrophe, Perry dropped into a little boat with his broad pennant and banner, and crossed to his next largest vessel, the *Niagara*, the target for fifteen minutes of a furious fire while being rowed over. Climbing the *Niagara's* deck, and hoisting once more the emblems of commander, our brave captain now pierced the enemy's line with his new flag-ship, followed by his smaller vessels, and gaining at last that advantage of a close engagement which for nearly three hours had eluded him, he won the fight in eight minutes. The colors of the *Detroit*, Barclay's flag-ship, struck first, three others followed the example, and two of the British squadron attempting to escape were overtaken and brought back triumphantly. "We have met the enemy and they are ours," was Perry's laconic dispatch to Harrison, written in pencil on the back of an old letter, with his navy-cap for a rest; "two ships, two brigs, one schooner, and one sloop."

Sept. 10.

Upon the shattered *Lawrence*, whose colors had been lowered after Perry left its deck, came the British officers, one after

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another, to tender submission. Barclay lay dangerously wounded, and his next in command died that evening.* In this action, well fought on both sides, and one of the most brilliant in naval annals, an English squadron was for the first time vanquished by an American. This, to be sure, was a battle upon inland waters; but few fleets ever engaged on the high seas, and very few on either lake or ocean, where victory attended a personal exploit so heroic as Perry's.

To Harrison's expectant army, augmented by 3500 mounted Kentuckians, whom Governor Shelby led in person, the word of advance was now given. "Remember the River Raisin!" was the General's exhortation. Perry's flotilla, aided by the captured vessels, presently landed the American troops on the Canada side. Proctor had already begun the retreat, having first dismantled the fort at Malden and burned the barracks. Harrison pursued him beyond Sandwich, covered by the flotilla, until near a Moravian town, up the river Thames, the enemy was overtaken, with Tecumseh's braves. Here, upon well-chosen ground, the British made a final stand, but at the first impetuous charge of our cavalry their line broke, and only the Indians remained to engage in a desperate hand-to-hand fight. Among the slain was the famous Tecumseh, dispatched, as tradition asserts, by the pistol of Colonel Johnson, a Kentucky officer prominent in the battle. Proctor himself escaped in a carriage with a few followers, incurring afterwards the royal reprimand; which, perhaps, he dreaded less than either falling into Kentuckian hands, itching for vengeance, or risking his scalp among his own red allies.

Sept. 27.

Oct. 5.

The baleful British and Indian alliance was broken up by these victories, while Detroit, Michigan, and all that Hull had lost, and a fair portion of Upper Canada besides, passed into American control. Among American generals in this war

* Other misfortunes had attended the British in this engagement: a sudden change of wind in the American favor, the loss of a rudder, the entanglement of the *Detroit* with another vessel of the squadron, etc. But it was Perry's intrepidity at the critical moment that most of all carried the day for the American fleet. See Lossing's War of 1812, 518-532.

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Harrison enjoyed the rare felicity of having fully accomplished his undertaking.*

(2.) *Main Operations Against Canada.*—Sluggishness, indecision, and bad management, however, marked, as hitherto, our military movements on the Niagara and St. Lawrence frontier. The grand programme of the campaign for 1813 had been to concentrate a powerful military force on the New York frontier, invade Central Canada, and, seizing upon Montreal, Kingston, York, and the whole immense region to the westward, detach the grand emporium of the Indian fur trade from Quebec, and from the lower British provinces adjacent to the ocean. But instead of an attack upon Montreal—as appeared quite desirable while the St. Lawrence was locked with ice, and British reinforcements could not arrive from Halifax—it was determined to begin operations farther west upon the Niagara frontier. With Chauncey's fleet to assist him, Dearborn made accordingly a partial conquest of Upper Canada, including its capital, York,† Fort George, and in time of the whole Niagara frontier. But beyond a temporary advantage for the equipment of an American fleet and the destruction of British property nothing was gained in consequence; the several points were soon after abandoned, and had it not been for Brown, whose gallant defence won him a brigadier's commission in the regular army, Sackett's Harbor would have fallen a prey to the enemy while the Northern Ontario region was necessarily left uncovered. Small detachments of troops, under valiant young officers like Scott, gained renown by their exploits; but as to any objective campaign upon so extensive a base, the American armies were inadequate in numbers and discipline, and the officers in chief command feeble, slow, incapable of arranging the essential combinations for an aggressive campaign.

Hence the chief slaughter continued to be that of old reputations,—the inevitable consequence of a long state of military enervation and a prosperous peace. Dearborn, who began losing in June the points he had gained in

June.

* Lossing's War of 1812, 544–562; 6 Hildreth. † Now Toronto.

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May, was relieved; long a political favorite in sunny administration circles, but a hobbling commander-in-chief, too old and infirm at this date to have even taken the field in person, unable, as Madison had hoped, to reconcile Massachusetts to the war by his personal influence, and like most military commanders first invested with plenary powers at such a crisis, a sufferer by the popular reaction from its first overwrought expectations. Wilkinson next was summoned to the front, another decaying veteran, battered too by his long journey from the land of cypress, and far less trustworthy than Dearborn, because deficient in those moral qualities which inspire respect A revolutionary comrade of Secretary Armstrong's at Burgoyne's capture, the two hobnobbed at Washington only to despise one another from the moment they compared plans. A great blow was to be struck at Canada somewhere; but while Kingston was Armstrong's objective point, Wilkinson preferred a circular scoop upon Montreal; and our troops concentrating by October at the point where the St. Lawrence leaves Lake Ontario, a base equally favorable for operations against Kingston or Montreal, the latter movement was finally determined upon. Wade Hampton, however, the second in command, who should have co-operated from the Champlain vicinity, hated Wilkinson bitterly, and being a fiery Carolinian, one of the richest planters at the South, opened his mind freely to the secretary. Armstrong came to the front, not to disengage, but to harness the unpromising elements together as best he might, and, nominally assuming command, only succeeded in taking responsibility from Wilkinson's shoulders, while leaving the War Department to run loosely in his absence. When the movement down the river began the secretary left, his harness broke, and, as might have been foreseen, the whole machinery of the expedition went to pieces. Even yet Montreal had but a small garrison.* Hampton, after a sporadic effort to march to glory by his own path, took the retrograde, and failed to unite with Wilkinson at St. Regis, as expressly

Oct.

Nov.

* According to information, which Wilkinson thought trustworthy, there were only 600 men exclusive of the citizens.

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ordered. Thus, disappointed of his expected reinforcement and supplies, Wilkinson, whose own troops had painfully descended the St. Lawrence, harassed by stress of bad weather and a bootless encounter with the British troops following from Kingston, which hung upon their flanks, succumbed to ill-fortune and the approach of winter. An American army of 12,000 on this frontier, reckoning Hampton's force at Plattsburg, went into winter quarters, losing, as it proved, their last grand opportunity for the conquest of Canada.

This was not the worst disaster of the main campaign, however. For as Dearborn's expedition had exposed the lower end of Lake Ontario, so Wilkinson's laid bare the upper. General McClure, left in command of the Niagara frontier with but a handful of regulars (the term of his New York militia having expired, and none arriving to fill their places), had to abandon Fort George under British menace, and retreat to the American side. While doing so he committed a wanton cruelty under what by a broad inference he thought the warrant of the War Department, in reducing the neighboring village of Newark to ashes, and turning its innocent people shelterless into the winter's snow. The British retaliated swiftly by fire and sword, crossing the Niagara river above and below the falls, and ravaging with their Indians the whole American bank from Buffalo to Fort Niagara, which last post they retained upon its surrender, treating the helpless garrison with cruelty. Sir George Prevost deprecated such atrocities, though claiming they were proper retaliation, and offered to conduct the war more humanely if the Americans would do likewise.*

Dec.

(3.) *Military Movements on the Southern Borders.*—A new military star dawned at the Southwest,—the star of surpassing lustre as the war went on. It was fortunate for Andrew Jackson that he entered the service in 1812 as no court favorite, but rather the reverse; his lot cast in a distant department to which unexpected developments gave the later prominence, and where an untried army and its commander were not

* See Lossing's War of 1812, 638–666; 6 Hildreth, 445.

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pushed to accomplish the greatest things first, nor impossibilities at all. This shaggy and muscular son of the mountains, who abhorred conventionalities, despised shams, and trusted his own vigorous judgment more than that of the sages, had enjoyed little educational advantage, military or civil, being full of illiteracy, so to speak, as a hickory is of knots; but, on the other hand, he possessed a sound military instinct, ambition, a mastiff's courage and pertinacity, readiness of resources, a rugged humor, and a considerable experience of men, gained from the honorable posts of congressman and frontier judge. Though choleric and harsh, resentful when angry, and liable to err, he could originate and in heart showed himself generous and compassionate.

Jackson's tender of service when the war broke out elicited thanks only at first, and, as with General Harrison, it seemed the recognition of Western popularity, of a recruiting capacity most essential to the Union after Hull's surrender, that brought him into prominence. Fifteen hundred Tennessee volunteers being called out to aid Wilkinson, in 1812, in the protection of the Gulf ports, two thousand assembled at Nashville in response, on the bitterest of winter days, and under Jackson hastened to Natchez. One of Armstrong's first orders as Secretary of War was to have these troops dismissed at that distant post, five hundred miles from their homes; the new plan being, as we have seen, to dispense with volunteers in favor of regulars. Wilkinson's recruiting officers made ready their nets; but defying his superior and all attempts to enlist his soldiers into other regiments, Jackson marched the Tennessee volunteers home again, nor disbanded them until they were drawn up once more on the public square at Nashville, where he had taken command. This act of disobedience might have ruined an officer of less nerve, for Jackson's transportation orders were at first dishonored; but to his fiery remonstrance the administration yielded, and a mollifying letter was dispatched by Armstrong.*

Dec., 1812.

Mar., 1813.

May.

The occupation of the Floridas had been a matter of serious

* Lossing's War of 1812, 742; Parton's Jackson.

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concern to the United States in connection with the present war. An insurrection breaking out in East Florida, 1812. Mar.–Apr. Amelia Island with Fernandina sought the protection of our flag. Unless the United States Government seized upon East and West Florida there was reason to fear that England would make their ports a base for offensive operations. On the other hand were scruples against annexing the Spanish possessions forcibly, at the risk of injuring the American cause in the eyes of Europe, besides exasperating Northern peace men who had remonstrated against such a course. Gallatin having, prior to his departure, earnestly pressed these latter views, it was determined not to May, 1813. clog the Russian mediation with respect to East Florida, and orders of evacuation were issued accordingly;* but of West Florida, to which the United States had steadily asserted title under the Louisiana purchase, full pos- April 15. session was kept, a possession already gained through the surrender of the Spanish fort at Mobile,—a post of great strategic importance, feebly garrisoned, which Wilkinson captured without bloodshed.†

But while this government, under stress of necessity, took full jurisdiction of a soil whose rightful ownership had long been pressed upon Spain as a subject for friendly adjustment, and with the utmost delicacy and firmness, British and Spanish emissaries across the borders were artfully stimulating the Southern Indians to make war upon the United States. The Creeks, peaceful settlers hitherto upon the Alabama, were thus seduced from their long friendship. Tecumseh, when making his tour of the Southern tribes in the autumn of 1812, had impressed these, together with the Seminoles of Florida and Georgia, by his burning eloquence and the fame of his heroic exploits. To their credulous minds appeared, after his departure, miraculous attestations. A comet appeared in the sky; it was the blazing arm of Tecumseh, his signal for war. The shock of an earthquake was felt in December; and this was

* See Monroe Correspondence, May, 1813.

† Congress in confidential session, 1812–13, authorized the Executive action concerning the Floridas. 5 Niles's Register, suppl.

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the stamp of Tecumseh's angry foot, as a warning to disbelievers in his divine mission. It was woe to the infatuated Creeks from the day they took the war-path, divided in their own councils as they were, and environed by white settlements, constantly growing; while the Choctaws and Chickasaws, neighbors who had refused to listen to the charmer, separated them by a barrier more formidable than great rivers from Tecumseh's distant warriors. But fanaticism fights with supernatural allies; arms and supplies, moreover, were furnished by a British squadron in the Gulf, co-operating with the Spanish governor at Pensacola. The excited savages, with dance and incantation, approached Fort Mims, an American stockade work east of the Alabama River, and ten miles above its junction with the Tombigbee; whither the alarmed whites had hastily fled from the surrounding country. A horrid massacre ensued, lasting from noon until sunset. Aug. 30.
The main buildings of the fort were laid in ashes. Out of 550 persons surprised in this slaughter-pen, 400 were slain or roasted to death; neither woman nor child was spared.

While the Northern gaze was fixed upon Perry and the Canadian operations, this Fort Mims massacre startled from their security the Mississippi and Gulf inhabitants like a sudden musketry in the rear. A cry came up for help from the Southern border, and Tennessee, with her eager volunteers, instantly responded, pledging this Sept.
time the faith of the State in advance of arrangements with the War Department. General Jackson, the earliest officer to take the field, soon became the chief personage in a vigorous invasion of the Creek country, which lasted until the spring of 1814. With that indiscretion in campaign plans common to their race the victorious Indians, instead of turning back to threaten Mobile and regain a base of supplies, had advanced from the ruins of Fort Mims northward. Our East and West Tennessee troops united opportunely in the Upper Alabama region, and drove back the foe, defeating the Creeks in several bloody encounters. They were joined by a Mississippi column, and at the battle of the Horseshoe the power of the Creek nation was finally broken, and 1814. March 27.
the few crestfallen warriors of the tribes who sur-

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vived sued as suppliants for peace.* The grim conqueror, who had shown no quarter in fight, proved lenient in the hour of victory, sparing, because of a manly demeanor, Weathersford himself, the half-breed who commanded the Creeks at the Fort Mims massacre; and taking into his own family to be nursed and reared like a son, an Indian babe, who had been picked up on the battlefield, lying by his dead mother's side.

(4.) *Naval Operations on the Seaboard.*—Important victories were gained off the coast in 1813, but the American navy could not maintain the unvarying success of the former year. Our hero and victim on the deep was the lion-hearted James Lawrence. Left, during the winter, by Commodore Bainbridge, in South American waters, Captain Lawrence, while
1813. Feb. 24. cruising along the coast in command of the *Hornet*, 18, encountered the British brig-of-war *Peacock*, 18, a vessel but slightly inferior in men and metal. The vessels passed within half-pistol-shot of each other, delivering their broadsides; then, after a skilful manœuvre, the American vessel bore down on the British with so furious a blaze of fire that in fifteen minutes the *Peacock* struck her colors, and hoisted the signal of distress, her mainmast falling,—and then went suddenly down, carrying to the bottom nine of her own crew and three of the boarding party from the *Hornet*.† Lawrence,
March 25. who showed humane generosity to his prisoners, sailed for home, and in a month cast anchor at the Brooklyn navy yard.

Promoted for his valor, and assigned to the command of the *Chesapeake* at Boston harbor, Lawrence received his death-warrant in the next engagement. Among the British blockaders of the Halifax squadron was the *Shannon*, a sound frigate, having an emulous and brave commander, Captain Broke. Lawrence was challenged to fight the *Shannon* with the *Chesapeake*, outside Boston light, ship to ship. The *Chesapeake* had among sailors the repute of an unlucky vessel; nor had Law-

* Lossing's War of 1812, 738–782. † Lossing's War of 1812.

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rence time to train well his crew, some of whom were mutinous; but, nothing daunted, he accepted Broke's challenge, and the vessels proceeded to the open bay. The battle began with heavy broadsides late in the afternoon; and the *Chesapeake*, crippled in the helm, soon fell foul of the *Shannon's* forechains, and lay exposed to a raking fire. The vessels being lashed together, Lawrence's orders imperfectly passed; and Lawrence himself, fatally wounded, and borne below, Broke took quick advantage of the situation, and pressed his boarders forward to victory. The crew of the *Chesapeake* made a disorderly resistance; but in fifteen minutes' time from the first broadside the British held possession of the ship, sword in hand, and the captors, hauling down the stars and stripes, ran up the British ensign with their own hands, and sailed with their prize for Halifax, bearing the American commander, who died of his wounds on the way. June 1.

Nothing showed more convincingly the change of feeling that Englishmen had experienced within a year than their wild exultation over this the first and solitary exploit of the British navy during the present war. That insolent disdain, such as the British officers had shown who planted foot upon the *Chesapeake's* deck on the occasion of its first misfortune, might well point a contrast to the present triumph; for Broke had challenged Lawrence as a becoming foeman, and Lawrence's burial on hostile soil was attended with the honors of a vanquished hero. It was now America's turn to despond, until Perry's victory restored the public confidence. On Erie, it might be said, that the spirit of the brave Lawrence fought once more triumphantly; for Perry's flagship bore the name of Lawrence, whose last order, "Don't give up the ship," was lettered upon the intrepid Perry's battle-flag, and this time, though under the greatest hazard, was executed.

The *Chesapeake* and *Shannon* affair was the last great naval duel of this war. Lesser seaboard encounters occurred, however, both in 1813 and 1814, though with alternating success. The American sloop-of-war *Argus* was captured by the *Pelican*, while destroying merchantmen off the English coast. The British brig *Boxer*, 14, on the other hand, whose flag had been nailed to the mast, surren- Aug. 13. Sept. 4.

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dered, within sight of the New England coast, to the *Enterprise*, 14, an American vessel of the same rate, finely handled by Lieutenant Burrows. Both actions were spirited, and in the latter the commander of each vessel was killed upon his own deck. The *Essex*, leaving Delaware Bay in the autumn of 1812, under Captain Porter, sailed on a long and brilliant cruise in the South Atlantic and Pacific Oceans, capturing numerous British whalers, of which the American commander made a little squadron, skirting afterwards about the Gallapagos and Marquesas Islands; but at last, off Valparaiso, where the enemy fought him two to one, Porter succumbed to ill fortune. Rodgers, with the *President*, had meantime cruised between Ireland and the banks of Newfoundland, harassing the enemy's commerce, and making prize of an armed schooner by stratagem without firing a gun.* For later naval victories like the earlier, Congress awarded gold medals and other emblems of distinction.

1814. Mar. 28.

(5.) *British Plans of Seaboard Invasion.*—Naval operations had, in fact, been largely transferred by the mid-autumn of 1813 to the fresh-water lakes connecting with the St. Lawrence on the Canadian border; and the British admiralty, stung into activity by the first year's naval humiliations, made prodigious efforts to recover the lost trident. The Prince Regent's manifesto, which imputed the blame of war to the United States as a willing instrument of French tyranny, and insisted that England had constantly shown a spirit of amity and forbearance,† was accompanied by a plan for blockading the whole American coast, beginning with the Chesapeake and Delaware bays. The objects thus proposed were two: first, to divert the military strength of England's new enemy from Canada; next, to impoverish the seaport towns of the United States, strike a blow at the centre of our commercial strength, promote sectional discord, and, in fine, subjugate America by making England the invader. New ships of war and transports began to arrive, therefore, from abroad,

1813. Jan. 9.

* Lossing's War of 1812, 715-737.

† See British Declaration of January 10th, 1813; Niles's Register, March 6th, 1813.

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together with a land force, consisting partly of French mercenaries, whose marauding exploits on their ill-protected coast our Southern citizens long had reason to remember. Admiral Cockburn, of the British navy, commanded this amphibious expedition, which, after menacing Annapolis, Baltimore, and Washington, from the mouth of the Chesapeake, and carrying alarm to other points which the local militia hastened to defend, sailed southward; not without leaving Hampton and other small towns in ashes and sadly despoiled. Burning smoke-houses, robbing hen-roosts and sheepfolds, levying upon the inhabitants for supplies, exciting slaves to revolt, and ravishing helpless women, were the chief glories to adorn Cockburn's name.* Off New London a blockade was commenced by another British squadron under Sir Thomas Hardy,—this officer a more gracious one, as might befit that not unhopeful vicinity,—and here the coast was invested for the remainder of the war; so that our naval frigates, the *United States* and *Macedonian*, were penned in, as the *Constellation* had been at Norfolk.

April–June.

June.

With the *President* and *Essex* far at sea, the other large vessels undergoing repairs, or else condemned as unseaworthy, and every brig except the *Enterprise* captured, there was not by October one ship in the whole American navy available for the protection of our seacoast.†

The victories of Perry and Harrison at the Northwest, which were celebrated throughout the Union with illuminations and thanksgiving, enabled the President to greet Congress with a cheerful message, dismal in most aspects as was the outlook of public affairs. The proceedings of the national legislature in this second session were of the ephemeral character usual at such a stage, being devoted chiefly to discussing the motives and conduct of the war, and providing the means for carrying it on with better effect.

Dec. 6, 1813–Apr. 8, 1814.

* See Niles's Register, 291, 332, 408; Lossing, 667–690. The British government, not a little ashamed of Cockburn's worst atrocities, ascribed them to the French soldiers under his command, who were afterwards dismissed.

† Lossing, 693, 721.

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Of about 61,000 men intended as a regular military force, scarcely more than one-half had been raised when the new year began. To procure such a national force, in competition with warlike States whose appeal was to State volunteers, had been found impracticable. The first taste of State volunteering and the militia system proved, as we have seen, so unpalatable to the National Government as to fix its resolve to fight with national troops under national officers. In pursuance of such a policy the War Department had discharged or refused to muster into the service large bodies of anxious troops raised under State auspices. The war enthusiasm deadening in consequence, it soon became manifest that the administration must reverse this policy or else prepare for a draft. Kentucky and Ohio volunteers, indeed, fought Harrison's victorious campaign. Tennessee troops accomplished the chief work in subjugating the Creeks. The laurels of 1813 and 1814—the laurels, in time, of the last and best fought battle of this war, as we shall see—were won by State volunteers. Under a complex political system, like the American, experience at length demonstrated that the loyal State Executive is the best of national recruiting officers in times of national peril, and that State volunteering, despite its defects in competitive bounties, untrained officers, soldiers hard to mobilize, affords, after all, the best available means of working out the military resources of the whole nation. The principle of State association, too, the common bond of military fellowship in such exigencies, is found likewise a most powerful incentive to heroic action.

Homesickness, insubordination, restiveness in camp, panic under the first fire,—these are characteristic of every democratic soldiery when first summoned from peaceful pursuits. Experience corrects this morale, and what was at first a romantic diversion becomes at length the serious and engrossing business. The love of glory spurs on, and, what is better still, an intelligent conviction of right, and the desire to serve one's country at any sacrifice. For such a soldiery, therefore, elastic to a degree far beyond the automatic armies which kings collect by conscription, time strengthens the opportunities of success; and while they disappoint almost inevitably at first, they will unless quickly overpowered conquer in the end.

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But if divided against one another, neither side yields until utterly exhausted. In short, the volunteers of a free people long accustomed to peace are the worst material in the world for taking the initiative against an enemy's country, but the very best for a long and enduring resistance to invaders.

Seeking first to rectify the cardinal mischief of short enlistments, Congress now prescribed a uniform term of "five years or during the war," in place of the prevalent one year's service.* Next, in the hope of quickly filling up the ranks, the money bounty offered for each soldier was raised to $124,—a sum payable in three instalments, and in those days thought enormous.† On such terms both regulars and volunteers were to be accepted. Militia might be required to serve six months instead of three, as heretofore.‡

The most deplorable deficiency of our army consisted, after all, in providing suitable officers of the higher grade. Navy officers in general had little to learn beyond the use of their guns, having been trained to handle vessels in the merchant service, nor unfrequently at this early period serving while on leave upon some private ship for a commercial house.§ But with those of the army—our West Point Academy having been but lately organized—there had been deplorable experiments upon crude or worn-out material. "I fear," wrote Jefferson early in 1813, "we are to expect reverses until we can find out who are qualified for command, and until these can learn their profession."‖ The administration had persevered since, but to little purpose. Armstrong arranged the country in military districts, thereby furnishing easy commands for numerous officers, borne on the pay-rolls, whose present skill did not consist in field campaigning. But the President himself, who had no military prepossessions, was too amiable, besides too politic, to put the inefficient quickly aside, or supply vacant places with the best material available. He waited for resignations to come rather than remove, and committees of Congress had to labor with him for desirable changes.

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* Acts January 27th, 1814; February 24th, 1814.
† Ib. ‡ Act April 18th, 1814.
§ John Quincy Adams's Diary. ‖ 6 Jefferson's Works, 99.

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No new ideas with respect to the revenue bore fruit. A reissue of treasury notes to the amount of $10,000,000 was authorized, this paper receivable by its terms in payment of duties, taxes, and land debts;* also a new loan of $25,000,000.† Taxes continued as before. So straitened were the borrowing resources of the nation, a mania raging all the while for local banks, of which forty were chartered by the legislature of Pennsylvania in a single act which Governor Snyder had vetoed in vain, that the project of reviving a national bank was now seriously entertained. But Eppes, from the Ways and Means, reported adversely, and, pending the discussion of various substitutes proposed, the session came to an end.

One topic of much interest related to the exchange of prisoners of war. Applying most rigorously the maxim that a British subject could not expatriate himself, Prevost had twenty-three Irishmen separated from the American prisoners who were captured at Queenstown, and sent them to England to be tried for treason. The President retaliated upon opportunity, under sanction of Congress, by placing an equal number of British soldiers in close confinement as hostages for the safety of our adopted citizens. Therefore the British cabinet, as though this were the first aggression, ordered the Governor of Canada to put forty-six American officers and non-commissioned officers in close imprisonment, threatening that for every British soldier put to death "so unwarrantably," twice that number of American prisoners should forfeit their lives. Prevost having selected the hostages, our government a second time retaliated upon a like number of British officers; upon which news all the American officers under Canadian control were ordered into confinement. Happily for the cause of humanity this atrocious theory, that the defence of one's adopted country is treason to the land of his birth,—a theory which, if sustained, must have robbed the American nation of the best safeguard of existence,—Britain did not press to an extremity. Retaliatory measures were

1812.

1813.

1813. Oct.-Dec.

1814.

* Act March 4th, 1814. † Act March 24th, 1814.

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relaxed toward the spring of 1814, a mutual release of most prisoners took place in May, and, the Irish captives restored at length to the usual condition of prisoners of war, the earlier hostages, British and American, regained their usual footing, and a general cartel was presently executed. The United States had compelled respect by its firm attitude on this issue.* May-July.

Once more the President invited the attention of Congress to the abuses fostered by the old remnant of our commercial system. By means of license favors and collusion with the unpatriotic among our merchants and speculators, the British had procured essential supplies and smuggled home fabrics constantly into the American market. To stop all such illicit intercourse—whose direct tendency, by lightening an enemy's distress, and placing a premium upon American disloyalty, was to protract this war—Congress, upon the President's secret advice, passed a stringent embargo act as the very first legislation of the session.† Great was the commercial outcry at the East on this reappearance of the terrapin policy. Even Southern Republicans, like Cheves and Lowndes, had voted against the measure from prudential motives. To enforce this embargo act promised to tax an administration like Madison's severely; and foreign intelligence soon arriving which changed the aspect of affairs, the President himself sounded a retreat. Congress, making the most of reasons for a change, repealed the embargo in April; and with that repeal fell all non-importation restraints, except as against what could be styled an enemy's property.‡ Dec., 1813. 1814. Mar. 31.

Startling, indeed, was the new intelligence from Europe. Napoleon had fallen; his once invincible army now over-

* See Executive Correspondence; Lossing, 788.

† Act December 17th, 1813.

‡ Act April 14th, 1814. The liberation of European commerce from its late restraints and the desire of internal revenue were the chief causes assigned for the repeal. Annals of Congress, December, 1813–April, 1814.

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whelmed and shattered at Leipsic by the allied forces. The British government, in the midst of far more engrossing negotiations, had expressed through Lord Castlereagh its willingness to treat with that of the United States "upon principles of perfect reciprocity, not inconsistent with the established maxims of public law and with the maritime rights of the British empire." How this gracious but hardly assuring promise to America had been reached we must turn back the leaves of diplomacy to ascertain.

The proffered mediation of an influential power like Russia, which, coming unsought, Madison had embraced so gladly, proved most likely of advantage to the American cause, though not in the direct sense Russia had originally intended. To the Czar, doubtless, and assuredly to his chancellor, Count Romanzoff, who had staked heavily his waning official influence upon accomplishing the difficult task of mediation, the sudden apparition of two American envoys at St. Petersburg was both a surprise and embarrassing. Had the American government postponed their departure long enough for England's pulse to be felt, Gallatin and Bayard would have found no encouragement for sailing, while to the Czar, who had been politely discouraged by Lord Castlereagh, would have remained little incentive for further friendly efforts. But a confidence on the part of the United States so unhesitatingly bestowed, pride, generous honor, and, moreover, a certain sense of the awkwardness of his own position, forbade Alexander to betray. If not mediator, he had to become host, at all events, counsellor and friend. It was in this last sense that his influence twice, even thrice employed, seemed to penetrate the councils of a cabinet which had no wish to vex Russia at the delicate moment when Europe and her thrones were for the allied conquerors to dispose of.

1813.

Gallatin and Bayard reached St. Petersburg in pursuance of their mission on the 21st of July, 1813, and on the 24th their colleague, Adams, presented them, with the customary ceremonies, to Romanzoff. The Russian chancellor was compelled to state that England's response to the mediation offer had been unfavorable; but as the refusal was not final our envoys were advised to wait for further correspondence,

July, 1813.

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and they did so. By direction of Alexander, then distant in the field with his army, and personally inaccessible, Romanzoff renewed the offer. But Russian intervention was condemned in advance, for England would never submit her pretensions of contraband, blockade, and right of search to the award of any Baltic power. To make the refusal of his ministry less pointed, however, Castlereagh assumed, in correspondence, that the American war was a sort of family quarrel, as between parent and child, in which foreign governments could not conveniently mediate. Thrown, nevertheless, into perplexity by what appeared persistency on Romanzoff's part, and the remarkable circumstance of three American envoys receiving the hospitalities of the Russian court, the English secretary was brought by November to propose formally to the United States what, as early as July, had been thrown out by way of a cushion for mediation to light upon, namely, that the belligerents themselves should quietly negotiate either at London or Gottenberg. Such a diplomatic experiment might turn out well or ill, according to time and events; but it was doubtless a gain to draw the American envoys away from Russian influence, and beguile before dispersing them.*

This latter imputation, a natural one for Americans to make, does, perhaps, injustice to Castlereagh, a man of discernment though irritating in expression; for in truth England's gaze, like the Emperor's, was now fixed upon operations far more momentous to Europe's interests than the American war, so that much of what passed for intentional discourtesy and bad faith might have been mere inadvertence.

Gallatin's private correspondence with Mr. Baring, the London banker, a man eminently qualified for semi-official adviser in the present quandary, had kept the drift of the British cabinet in a business whose strange delays cast doubts upon its sincerity. Baring's letter of July, submitted first to Lord Castlereagh's inspection, and read by our envoys in August, first foreshadowed the course Britain ultimately took.† But no formal advances succeeded; 1813. July.

* See J. Q. Adams's Memoirs; Adams's Gallatin.

† For a full narrative of the American mission at St. Petersburg see

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Romanzoff heard nothing, received not even directions from his own sovereign. Winter set in; Russian mediation was admitted to be a probable failure; and then came the news that Gallatin's nomination had been rejected in the Senate.* Yet Gallatin and Bayard tarried with Adams until late in January, 1814, when they left St. Petersburg and its congealing ice-packs for Western Europe. The Czar's mission of peace had frozen up solid, and with it a commercial treaty between Russia and the United States, which the three envoys had come authorized to negotiate.

1814. Jan. 25.

Nearer to the theatre of war and to the Czar himself, whose headquarters were the saddle, our diplomatists perceived Napoleon's power utterly annihilated, with the cheerless prospect in consequence that the United States must soon have the undiverted strength of Great Britain massed upon her. On reaching Amsterdam, however, they received the first tidings of Lord Castlereagh's direct offer of negotiation and its prompt acceptance by President Madison, who would send presently additional commissioners.†

March 4.

Now, to return to the American Senate, which had confirmed all the nominations made by the President for this commission. The list comprised John Quincy Adams, Bayard, Henry Clay, and Jonathan Russell; the two former, as we have seen, already in Europe on the moribund mediation. Gallatin's name was sent in and confirmed later as the fifth and last. In all fairness Gallatin's name should have stood first in the commission; but the President deferred his appointment, supposing him already on the way home to resume control of the treasury. What these five commissioners, an able body of statesmen representing differing shades of opinion, accomplished abroad, our narrative will show hereafter.

On the 8th of February, simultaneously with Gallatin's transfer to the diplomatic service,—for his withdrawal from

Adams's Gallatin, 495, and citations; also Monroe Correspondence; John Quincy Adams's Diary, 1813.

* *Supra*, p. 381.

† John Quincy Adams's Diary; Adams's Gallatin; Monroe Correspondence; Clay's Writings.

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the Cabinet was now final,—George W. Campbell, of the Senate, was appointed Secretary of the Treasury. Other Cabinet changes occurred about the same time. Jones having resigned from the navy, Benjamin W. Crowninshield, of good Massachusetts ancestry, having the blood of commerce and Republicanism in his arteries, became, after many months, the acceptable successor. Pinkney, now foremost among advocates at the American bar, resigned his attorney-generalship, public necessity demanding at length that the official incumbent should reside at the seat of government, and give less time to private clients; and his responsible office devolved worthily upon Richard Rush, of Philadelphia, whose father, lately deceased, was remembered as the Patroclus of the earlier Presidents. One more change among the high officials deserves mention; Granger, who, faithful to Jefferson, had become somewhat of a marplot under his successor, surrendering the post-office to Governor Meigs, of Ohio.* February.

Kindly as he always felt towards mortified friends, Madison, at a later session of Congress, found a mission to the Netherlands well adapted to the worthy Eustis. As a peace Secretary of War, moreover, he tried afterwards to resuscitate the once favored Dearborn; unsuccessfully, however, for the Senate rejected that nomination just as the President had concluded to withdraw it.† Eustis and Dearborn were nevertheless by far the most respectable statesmen whose reputation this war made bankrupt; and of these, perhaps, the latter alone really disappointed expectation. 1814. Dec. 1815. March. 1814.

Men ambitious beyond their deserts still obstructed military operations. The campaign of 1814 opened with the old struggle of rival incapacities. But Secretary Armstrong, a man of bitter enmities, who rooted up vigorously, were it tares or wheat, cleared the way for an entire change of major-generals. Hampton's resignation was accepted, as it deserved to be. Orders from the War Department, relieving Wilkinson of

* Granger, who had never been a representative man of Connecticut while in the Cabinet, removed from New England to New York State.

† See Madison's Writings, December, 1814, March, 1815.

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the chief military command in the department of the North, reached him soon after the first discreditable engagement of opening spring at La Colle Mill had confirmed his unfitness. But Wilkinson, a lucky defendant all his life, managed to throw the onus of his repeated failures upon Hampton and the Secretary himself, and, acquitted by a court of inquiry, he threw up his commission, not wholly disgraced. Harrison, who for some cause never explained, had suffered from Armstrong's displeasure from the moment victory placed him foremost among military heroes, about this time tendered his resignation, and the President happening, unfortunately, to be absent, the Secretary of War, by a stretch of his own authority, promptly accepted it; thus the best deserving of the earlier major-generals was struck from the list. A tougher contestant of bureaucracy, fortunately, succeeded to Harrison's vacancy, namely, the rising Jackson.* With Dearborn in retirement, Hull deposed, Winchester and others prisoners of war in Canada, Brown became chief commander of the Northern department upon Wilkinson's retirement; and readily, too, for Izard, of South Carolina, his outranking officer, commissioned on the same day, was now occupied with the Wilkinson court of inquiry, and the right wing which Hampton left at Plattsburg.

Mar. 24.

Mar. 30.

There was good fighting this year on the Canadian border, the military Molochs having been displaced. Brown was a prudent and courageous commander; and his youthful brigadiers, Winfield Scott, Gaines, Porter, Miller, and Ripley, reflected honor on the American arms; the soldiers, themselves, seasoned by this time to war, and understanding at length that invasion was no holiday tour, moved with precision and fought as heroes. But the two best years for Canadian operations having passed fruitlessly away, the dreaded British reinforcements now began to arrive at Quebec and Montreal, a region where the American army had gained not a single advantage; so that to the Executives of New York and Vermont defence now became the engrossing question, and whether their own frontiers could be firmly held against an advancing enemy. The whole

* For a personal issue between Madison and Armstrong on the acceptance of Harrison's resignation, see 3 Madison's Writings, 373, etc.

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Northern war, in fact, without one fixed and determined purpose in the brain of the Washington administration, became transformed into a creature of chance and circumstances, changing, virtually, from offensive to the defensive. One acquisition, and only one, had been made, that of the upper lake region of Canada, which Perry and Harrison had together conquered, as far east, perhaps, as Buffalo. But the spring of 1814 saw the Niagara frontier the theatre still of military vicissitudes; and what, after all, was this broad expanse of wilderness and forest permanently worth, with its tiny villages of fur hunters straggling far apart, and roaming Indian tribes, while Ontario and the key of the St. Lawrence navigation continued in the enemy's firm possession?

Nevertheless the main forces of the American army had concentrated on the Canadian frontiers; and Brown's initial move, which was the pivot of the campaign, was founded upon a misapprehension of War Department orders not clearly expressed. With Wilkinson's fiasco in March ended the downward movement upon Montreal; and Secretary Armstrong returned to the plan he had constantly favored, of seizing Kingston, and holding Lake Ontario, so to speak, by the throat. Brown, not yet fully promoted, interpreted his orders as directing him instead to regain first the upper end of the lake and Fort Niagara. Westward the American troops directed their progress in consequence, until it became too late to turn back. Not far, therefore, from Niagara Falls the enemy assembled to resist the American advance, and the chief battles of the summer were fought in a neighborhood where only a feint had originally been purposed. Across the river, at Chippewa, and next at Niagara Falls, or Lundy's Lane, were famous victories; the later a conquest, however, only by the arithmetic of slaughter.* Gallantly, indeed, did Scott, the youthful giant, charge upon the foe, while the wounded Brown, whose high encomium it was that "no enterprise undertaken by him ever failed," dragged his shattered frame to Fort Erie in season to repulse the British who assailed it. But of

July 5.

July 25.

Sept. 17.

* The field and captured cannon were not retained, for which reason the British have claimed this fight as theirs ever since. Lossing, 824.

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all these sanguinary conflicts the miserable recompense was the capture of the one British fort opposite Buffalo, which Izard, who arrived with reinforcements in September to assume command, had to abandon and blow up, after in vain offering battle to the enemy; for it was certain that the American army could not safely quarter for the winter on the Canada side. "The most that can fairly be hoped," wrote Madison gloomily in October, "is that the campaign may end where it is."*

A cherished object of both belligerents this year was to gain control of Lake Ontario. To this expanse of water, and to Champlain, the naval resources of the Union were chiefly devoted,—our gallant tars now emulous of fresh-water renown. The first gains were the enemy's; for, taking prompt advantage while Brown's army was occupied at the westward, the British squadron, which was vastly superior in strength to our own, crossed the lake at the eastern end and captured the defenceless Oswego. Chauncey having fallen sick, his fleet was next penned up at Sackett's Harbor. But, happily, America's second Perry, the God-fearing Macdonough,† redeemed the American cause. Macdonough's memorable naval victory was won off Plattsburg, with a craft consisting in large part of gunboats or galleys built after a new and improved model. Its effect was to disperse the British land force, which, under Prevost's personal command, had concentrated at the head of Lake Champlain to invade Northern New York; a force against which Izard, ordered with troops to the army of Niagara at a critical moment, had, much to his own disappointment, missed a grand opportunity for distinction. Chauncey, meanwhile, having escaped from Sackett's Harbor, scoured Ontario with his fleet, co-operated with Brown's army off Niagara, and for six weeks blockaded the British squadron at Kingston.‡ On the whole, therefore, the gain was ours, though each belligerent held, substantially, his own.

May. June. Sept. 11. August.

* Madison's Writings, October 23d, 1814, to Jefferson.

† Macdonough offered prayer on his flagship, kneeling upon the deck, as the enemy drew near. Lossing, 866.

‡ Lossing, 796–887.

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On the Atlantic coast the enemy resumed boldly that amphibious warfare, which, in 1813, had been of the pilfering sort, and comparatively harmless. New England seaport towns were now blockaded, Portsmouth and Boston menaced openly, an attack—impotent, however—made upon Stonington, operations carried on at Bangor and Penobscot Bay. At our northeastern corner a British squadron from Halifax, accompanied by troops in transports, made a secure lodgment at Eastport and Castine, and there hoisting the British flag over the stars and stripes, proclaimed King George the ruler. Hitherto New England had been spared; but the admiralty, tired of coaxing those States into a British alliance, gave Hardy orders similar to Cockburn's, namely, to destroy the coast towns and ravage the country.*

But the Middle and Southern States, the seat of constant resistance to Great Britain, were made to feel her heaviest displeasure. Up the Chesapeake, and towards Washington and Baltimore Cockburn's predatory force advanced, with the design of desolating the whole coast from Hampton to the Patapsco, sacking the village capital of the nation, and turning the guns of Fort McHenry upon one of the most flourishing commercial marts in America. The force assigned for this undertaking was by no means contemptible. Admiral Cockburn himself reappeared at Lynnhaven Bay in early spring with a seventy-four line-of-battle ship and other large vessels; and by August the British squadron in the Chesapeake had been reinforced by a fleet of twenty-one vessels under Admiral Cochrane, the senior commander on the American station, to whom Commodore Malcomb, with another fleet, soon reported. Several thousand land troops, commanded by one of Wellington's veterans, General Ross, accompanied this expedition, which had long been preparing at the Bermudas.

March 1.

Aug. 16.

Previous to July the District of Columbia constituted part of Armstrong's Military District No. 5, which, in spite of all previous warnings, had scarcely more than 2000 effective men, posted between Norfolk and Baltimore, to defend it. Roused

* Lossing, 888–915.

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to a sense of danger by reports which arrived from the Bermudas and abroad, the President summoned his Cabinet in conference on the 1st of July, and a scheme of defence was agreed upon, which, if carried promptly into effect, ought to have been adequate for defence.* A new Military District was formed, comprising the more immediate vicinity of Washington and Baltimore, and General Winder, a prisoner lately exchanged, was placed in command. Winder, a brave and intelligent officer, was hampered, necessarily, in his arrangements by the immediate presence of a supervising administration, consisting of civilians chiefly, whose suggestions were compulsory; and still more by a strange infatuation which seemed to have possessed both Armstrong and the resident population,—that the national citadel was impregnable. The call for volunteers made upon the Executives of Maryland, Pennsylvania, and Virginia was neither so prompt nor so peremptory as to bring out the full quota so urgently needed. Armstrong himself so scouted the idea of danger, even when the enemy were within ten miles of Washington, that many who did not question his penetration believed him indifferent to the safety of the capital.

Meanwhile the enemy, so dividing that part of the fleet and transports should go up the Potomac and the remainder head in the direction of Baltimore, moved simultaneously upon their two objective points. By a subdivision of the latter force 5000 men were landed at a short distance up the shallow Patuxent. Commodore Barney, our renowned privateer officer, discovering the movement gave instant information, and the tardy preparations began in earnest for simultaneously defending Baltimore and Washington. Volunteers from Maryland, Virginia, and the District now hurried to the rescue of the capital, in number about 7000, most of them totally inexperienced in warfare, the whole force ill-supplied with artillery, cavalry, and riflemen. Barney left

Aug. 18.

* This scheme was to establish 2000 or 3000 regulars between Eastern Branch and the Patuxent, the high road of hostile approach, and summon an additional force of 10,000 or 12,000 militia and volunteers from the neighboring States, including the District of Columbia, as a reserve for emergencies.

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his own powerless flotilla in the river, and hastened overland with his 400 sailors, who, well handled, showed more fitness for fight than the landsmen. The British were presently in full march to Washington, through the thinly-settled country, Winder falling back until he could collect his men in a body. In the battle which ensued at Bladensburg, at hot noon on a dusty road, the Americans were quickly put to flight; undisciplined troops that they were, hastily drawn up while on the retreat, and blenching under their first fire. Winder had to arrange his plans, too, under the Executive supervision; the President being an anxious spectator, with his suite, Monroe giving personal aid in forming the line of battle, with General Stanbury,* and Armstrong sulking because he could not have the supreme command. Aug. 24.

The first American line having been routed and put to flight, the second soon followed; our forces retreated down the road to Washington, the British pursuing. Ross's advance by 8 in the evening crossed Eastern Branch, and entered Washington city, near the Congressional burying-ground, the battle having ended six hours before.

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* Lossing, 926, upon authority not clearly indicated, ascribes the chief blunder of the day to Monroe, as having disarranged Stanbury's line of battle in face of the enemy. This is hardly credible. There is ample proof that the whole result of the present operations about Washington was to inspire the highest confidence of both troops and President in Monroe, whose later conduct of the War Department proved it was well deserved. Winder's report of the engagement suggests nothing of this kind; while the investigating committee of Congress afterwards stated distinctly that General Winder, upon arriving, "told General Stanbury and Colonel Monroe that his whole force was marching for Bladensburg, and approved the disposition which had been made of the troops; at which moment it had become impracticable, in the opinion of the officers, to make any essential change," etc. See 7 Niles's Register, 241.

Haste, confusion in forming, the slight acquaintance the officers and men had of one another, and the long anxiety and muscular fatigue which preceded this disaster, are mitigating circumstances. General Winder himself was zealous, active, and courageous in the midst of danger, exposing himself fearlessly to the enemy. 7 Niles's Register, 241; 4 Madison's Writings, 363; Monroe Correspondence; Lossing's War of 1812.

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This midsummer British occupation of the American Rome, dull and desolate little town that it was while the boarding-houses were closed, had scarcely more than a moral significance, and that chiefly calculated to impress Europe. Whatever the Executive headquarters for the time being, this great republic of hearts still stood firmly. Public records had already been conveyed to a place of safety; Long Bridge, over the Potomac, was burned to obstruct the enemy, and the navy-yard destroyed, together with its shipping and stores, valued at $1,000,000. It was only the vandalism of the British soldiers and sailors, incited by Cockburn and ill-restrained by Ross, that made this incursion at once memorable and infamous. To public edifices, having no immediate relation to the war, the torch was applied; to the unfinished Capitol (which contained the library of Congress), the President's house, the Treasury,—to all the government buildings in fact, except the Patent Office, besides numerous private dwellings about Capitol Hill. The type, presses, and printing materials of the *National Intelligencer* were destroyed, under Cockburn's personal direction, in revenge for the criticism its owners had passed upon his pillage down the coast. The entire destruction, British and American, which this occupation involved, was about $2,000,000. All this, and far more that was threatened, the invaders pretended to justify as retaliation in kind for what Americans had destroyed in 1813 at York and Newark,—a retaliation trebly executed that same year. "Willingly," said a London newspaper of the day, "would we throw a veil of oblivion over our transactions at Washington. The Cossacks spared Paris, but we spared not the capital of America." *

Aug. 29. That portion of the British fleet which had passed up the Potomac to co-operate found Alexandria defenceless, and forced the town to submit, after which they weighed anchor and sailed down the river, laden with rich spoils of flour, cotton, and tobacco; annoyed on the way, however, by American batteries hastily constructed.

* London Statesman; see Lossing, 930–936. All this, observes a recent British historian, was the more shameful, because done under strict orders from home. Green's History of England, book 9, ch. 5.

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Their plan being to make a mere predatory raid upon Washington, and then rejoin the main expedition for the more important capture of Baltimore, Ross and Cockburn, with their respective forces, stole secretly away, like satiated weasels, on the night of the 25th. Aug. 25. Retracing their way over the Bladensburg battle-ground by the midnight moon, they rested the next morning at a point far from pursuers, and by the 30th had re-embarked on the transports which lay ready for them in the Patuxent. Aug. 30.

But to take and sack a populous American city like Baltimore, wealthy, commercial, abundant in civic resources, and unconquerable in spirit, was a task whose arduousness the invader was as likely to underrate as to overrate the consequence of investing the Federal capital. Baltimore had furnished seamen and clipper-built vessels for the navy, and engaged largely in privateering. "It is a doomed town," declared Vice-Admiral Warren. Not so thought its citizens; but their militiamen hastened to the rescue, veterans turned into the ranks, their judges commanded companies. Samuel Smith and Nicholson, prominent in the defensive preparations, were in full accord once more with the administration. Sept. 12. The British land forces, superior in numbers, were resisted on their approach with spirit therefore, and successfully; Ross himself being among the slain. The British fleet, sailing up the bay simultaneously within range of Fort McHenry, bombarded into the night in vain; and the star-spangled banner, which was seen floating unharmed from the ramparts at the next morning's clear sunrise by an anxious young volunteer, who had gone down the harbor in a cartel vessel, prompted the theme of a new patriotic lyric, the most thrilling still of American national songs.* Sept. 13.

* Francis S. Key, of Baltimore, composed the stanzas of the "Star-spangled Banner" while anxiously pacing the deck of the vessel between midnight and dawn. Revised and written out upon his return to Baltimore, his uncle, Judge Nicholson, had the song printed. It was sung at a Baltimore restaurant, and then nightly at the theatre. The tune, like that of the obsolete "Adams and Liberty" (see *supra*, vol. i, 338), was the familiar "Anacreon in Heaven," so that the popular ad-

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With this repulse the British fleet retired, and New York and Philadelphia, cities which had likewise taken prudent measures in self-defence, were relieved from danger.*

The capture of Washington city was a final stroke to the Secretary of War, whose influence had long been declining. A man of good parts, resolute in purpose and bold, Armstrong was marred for public service by a morose and petulant temper, a disposition to push into other men's spheres, and an indolent reliance upon his own judgment, the more perilous in these times because in military matters his judgment was fallible. As our diplomatist at France his integrity had been respected; but Frenchmen complained that he never showed himself, and instead of seeking verbal explanations on small points would present little peevish notes to the imperial government.† As a cabinet officer worse things were imputed to him,—contempt of men and a disposition to absorb all power and patronage, to take improper responsibilities, and to encourage military aspirants to look to him and not the President; but as Armstrong was one who made bitter personal enemies, much of this, perhaps, was exaggerated. After the flight at Bladensburg he disappeared, while the President and Monroe, falling back upon Washington, and thence crossing the Potomac, concerted plans for the recovery of the capital.

Aug. 29. By the time Armstrong reached the scene he found his services superfluous; the District militia and civic deputations had waited upon the President, asking his removal and positively refusing to obey orders that bore his signature. The President had an interview with the Secretary at his lodgings the same evening, and Armstrong departed for home the next morning.‡

aptation of these new verses throughout the Union became easy and immediate.

* Lossing, 944–977.

† 2 John Quincy Adams's Memoirs, 149.

‡ See Monroe Correspondence, 1814; Armstrong's Letter, in 7 Niles's Register, 6, which states that the President in this interview represented the situation delicately, intimating a desire not to accept the resignation of his Secretary, but only to let the District defences go on without him; to which he responded, that he must exercise his office wholly or not at

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With Monroe for a successor, Armstrong's resignation was not unsatisfactory to the country, nor to the great New York capitalists like Astor, whose material aid had now become indispensable. These last proposed conciliating the Federalists by calling the moderate King to the State Department. Desiring to have New York still represented in the Cabinet, Madison tendered the place to Tompkins; but the latter, preferring to prosecute the useful work of war governor, the post, for the present a sinecure, remained vacant; or rather, Monroe combined its duties with those of the War Department.*

Thus rid of a rival he had for months distrusted and labored against, Monroe, whose desire to excel found now full scope in the abundant confidence which the country and his chief reposed in him, applied himself to war operations with an energy which was speedily felt. Upon our Canadian borders the year's campaign was nearly ended. The national capital was rescued already, Baltimore soon after; and now the grand object of the British combined operations on the coast, masked hitherto under a menace of Washington, Baltimore, and the Northern ports, was revealed to our government, namely, to strike an unexpected blow at New Orleans, and wrest the Louisiana acquisition from the United States.

Jackson, recalled to active duty under his major-general's commission, was ordered to give vigilant attention to the lower country of the Mississippi; to organize Sept. and prepare all friendly Indians for co-operation, feeding and paying them well, and thereby counteracting all efforts to seduce them into foreign alliances; to make good use of all

all, and could not accommodate his principles or conduct "to the humors of a village mob, stimulated by faction and led by folly," etc. Armstrong's Notices of the War of 1812; 3 Madison's Writings, 373, etc.

Armstrong, it is fair to add, had made large militia requisitions in July, 1814, with quotas assigned to all the States, representing that the late pacification abroad would probably bring a large invading force to the United States. His foresight was good, notwithstanding errors in practical management. See Executive Documents; Niles's Register, July, 1814. Madison and State Executives had earlier conferred upon the need of such a requisition; 2 Madison's Writings, June, 1814.

* Monroe Correspondence; 2 Madison's Writings, September, October, 1814.

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the regulars in his district, together with detailed militia from the adjacent territories and Tennessee. The President called for 5000 Tennessee troops to join him. Georgia and Kentucky, too, were urged to send volunteers forward. By October, dispatches from the American envoys abroad announced that 12,000 to 15,000 British troops would leave Ireland early in September for New Orleans and Mobile. Intelligence reached Washington, December 9th, by way of Cuba, that the British Chesapeake force, under Admiral Cochrane, had united at Jamaica with these other troops, and all were ready to sail for the mouths of the Mississippi. "Hasten your militia to New Orleans," now urged Monroe upon the Executives of Tennessee, Kentucky, and Georgia; "do not wait for this government to arm them; put all the arms you can find into their hands; let every man bring his rifle or musket with him; we shall see you paid." *

Oct.

Dec. 9.

Jackson was alert; but, before knowing his danger, he had begun diverting his forces for the sake of carrying war into Pensacola.† Applauding his energy, the administration, under existing conditions, discouraged that enterprise. "Do not, at present," wrote Monroe, "involve the United States in a contest with Spain. The conduct of the Pensacola governor is for complaint rather through the diplomatic channels than an attack on the place. Great trust is reposed in you." ‡

Oct.

Assembled at that unhealthy season of the year when the Potomac marshes exhale a miasma, in the forlorn village upon

* Monroe Correspondence, September, 1814—January, 1815.

† At first the administration appears to have conditionally authorized the Pensacola attack by letters, which, however, Jackson did not receive in due season. Intelligence of the British designs upon New Orleans changed its policy in this respect. See Monroe Correspondence, September, 1814; 3 Madison's Writings, 373, 588.

‡ Monroe Correspondence, October, 1814. Jackson, before receiving these orders, had already marched swiftly upon Pensacola. But the British and Indians who had taken shelter here, through Spanish perfidy, fled hastily, blowing up the fort; and our general was back in Mobile by November 11th to receive his new instructions. Lossing, 1023.

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whose crest might be seen rising out of a heap of charred rubbish in forsaken grandeur the blackened walls of our Capitol, all that now remained of the first superb edifice—walls firm enough, fortunately, to be used for rebuilding—Congress procured a temporary shelter.* With invasion threatened at the Southwest, an indecisive campaign on the Canada line, a negotiation abroad progressing by no means hopefully, these two internal sources of national discouragement were becoming paramount: (1), financial embarrassments; (2), the disaffection of the New England States. Sept. 19.

(1.) The financial embarrassments of the government had nearly reached the point of utter collapse. There was a constant drain of the precious metals, and from those States especially where the war had been sustained. By 1814 our chief cities were flooded with British bills offered at a discount. An extensive smuggling of British goods had gone on by connivance of the enemy and disaffected merchants, payment for which, while a blockade prevented American produce from being exported, could only be made in specie. The thrifty hoarded their coin, but most of the metallic medium was drawn into the Eastern States, and thence conveyed abroad. Much of the circulating capital of the United States thus finding its way to the large money centres north of the Potomac and east of the Alleghanies, and more than one-fourth of it belonging to New England, the life-blood of our monetary system, now that a national bank could not operate, was gradually sucked out of the patriotic States. The largest banks out of New England, those of New York, Philadelphia, and Baltimore, had heavily invested in the war loans; they had subscribed directly on call of the treasury, enlarging their discounts besides to customers who subscribed; and in thus doing they had been obliged to exceed resources and enlarge their issues of bank paper. The leading New England banks, on the contrary, lending nothing to the treasury, and bestowing only a grudge upon national operations, found specie constantly rising in their vaults.†

* See Lossing's War of 1812, picture; 1 George Ticknor's Life, 28.

† "The specie in the Massachusetts banks rose from $1,700,000 in

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The financial crash, inevitable under these circumstances, had come in August, or simultaneously with the British invasion of the Chesapeake. All the banks of the District of Columbia, Maryland, New York, Pennsylvania, New Jersey, Virginia, and other States, in turn, were obliged to suspend specie payments; while those of New England, with a few unimportant exceptions, met every demand, as their prosperity enabled them to do.* For the remaining months of the war, while Massachusetts bank notes kept at par, those of New York, Pennsylvania, and the South circulated at a depreciation as low, in some instances, as 20 and 30 per cent.; government treasury notes could hardly command 75 dollars on the 100; United States 6 per cents. sold for 60.

Aug.

The want of national fiscal machinery of some kind was terribly felt in this emergency, not because of this suspension and depreciation alone, but for the further reason that our whole system of internal exchange was utterly disorganized.

Campbell fled in dismay from the treasury, shattered in health and spirits, wholly unequal to solving so difficult a problem.† Alexander J. Dallas, of Pennsylvania, succeeded him,—one of Gallatin's intimates, and a disciple of the same conservative school,—whose first recommendation was the re-establishment of a national bank, such

Oct.

June, 1811, to $3,900,000 in June, 1812, and to $7,300,000 in June, 1814, all of which was lost to the government and the treasury." Adams's Gallatin, 474. The bank directors at the East were chiefly Federalists in politics at this time.

* See 7 Niles's Register, Supplement, 175. The Ohio and Kentucky banks suspended latest; and those of the Carolinas, Georgia, and Louisiana only partially. The Louisiana banks had previously succumbed in the spring of 1814, under temporary disasters which were afterwards checked.

† Campbell's doleful report showed that of the $25,000,000 loan lately authorized, but a small part could be placed on the market, even at considerable discount; that of treasury notes nearly $8,000,000 were in circulation, half of which, soon becoming payable, it was idle to expect to reissue upon their present footing; that efforts then being made to negotiate a loan of $6,000,000 abroad, could yield nothing immediately; and that for meeting imperative demands for the last half of the year 1814, $11,660,000 must be obtained beyond all estimated national resources. Annals of Congress, September 23d, 1814.

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as the Republicans had so over-confidently discarded on the eve of war. By means of this fiscal engine Dallas hoped once more to procure a stable and uniform circulating medium, a safe depository for the public treasure, and a constant auxiliary to the public credit; the Union gaining, by way of *bonus* for the charter alone, a loan ample for its present extremities.*

Such was the confidence reposed in the energy and discretion of the new Secretary, and in the measures he advocated, that the national loan, which had sunk to the bottom in August, began to float once more. New treasury notes, in small denominations, interest-bearing, and receivable for payments to the United States, promised a further relief. As for filling, however, the vacuum of circulation with such paper, Dallas showed a better instinct than the House Ways and Means; and the treasury notes were not made to serve as an irredeemable legal tender.† Nevertheless the financial situation was a deplorable one by the middle of the January following.‡

(2.) The disaffection of the New England States is a sad episode of the war for history to contemplate, nor can the impartial historian on that topic hope to escape controversy. That populous quarter of the Union embraced at this period a large constituency firm and loyal to the American cause, of which Massachusetts alone gave conspicuous proof by furnishing, as she had done in the Revolution, more recruits than any other single State in the Union.§ But in this section the war was doubtless unpopular, its real provocation little understood, Virginian leaders distrusted; and leaning upon their long-trusted Federal chiefs,—men honorable in the private relations of life, and in a sense disinterested, but having great pride of intellect and greater obstinacy, who formed, as in the British provinces, a sort of ruling gentry, potent in name and social

* Annals of Congress; Treasury Reports, October, 1814; January, 1815; 7 Niles's Register, 57, 76, 104.

† Ib.

‡ Tax bills were numerous about this time; taxes on carriages, distilled spirits, sales at auction, household furniture, gold watches, and sundry other articles. See acts Dec. 15th, Dec. 21st, Dec. 23d, 1814; Jan. 18th, 1815. A direct tax was laid also; act Jan. 9th, 1815.

§ Lossing, 787.

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influence,—the common people of these States were gradually brought into an attitude of almost open defiance to the nation and the national cause. All this seriously embarrassed the War Department, and provoked the general censure of the Union.

We have seen how bitterly the old anti-Adams or anti-French wing of New England Federalism lamented the advance of democracy and of Jeffersonian principles; how it seemed to these men that a levelling, agrarian, atheistical spirit was set afloat in the air, as though some new Pandora's box of ills were suddenly opened. What with the rising Western population and new States beyond the Mississippi to excite jealousy and apprehension, their own ostracism from national influence, and for their section embargoes and commercial restraints; incidental favors to France, which, to their minds, predisposed to the mother country, were strangely exaggerated; we need not wonder that, by the time this Union was fairly launched into a war, which they themselves abhorred as equally parricidal and desperate, such leaders, once more paramount in State influence, should have set themselves to separating their own people from the accursed thing.*

The reader has seen how, upon the first note of the war, New England majorities reverted to the old leaders and Federalism, under whose inspiration the legislatures of Massachusetts and Connecticut asserted State rights, and discountenanced all war measures against Great Britain not purely defensive, while the State Executives refused to march the militia quota beyond the State lines, or place State troops under the orders of the War Department.† Hopes at that time were doubtless entertained of winning in the Presidential election.‡ But, routed at the polls in 1812 as a national party, the

1812.

* As to the plans and plots of the Pickering faction, moreover, Jefferson predicted in 1811 a renewal of the embargo defection by the Eastern juntoists in the event of war; its probable aim, as he thought, not disunion so directly as neutrality and the negotiation of a separate treaty with Great Britain; and its probable effect to disconcert the other States, though it could not, he believed, ultimately endanger the safety of the Union. Jefferson's Works, August 14th, 1811.

† See *supra*, p. 356. ‡ *Supra*, p. 370.

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peace men in most quarters of the Union, who had supported De Witt Clinton against Madison, began to disband; for the electoral votes and Congressional returns showed that the people sustained the war, and that the war must go on.

But the inflexible rulers of the Eastern States were not to be thus turned back; bound now all the more closely to one another, as they were, in their national reverses. The heart of New England was ruled once more, and ruled vigorously, by its head. Except for Gore and the aggressive Pickering, who were serving in Congress, all the great statesmen of this Eastern school, Quincy, Lloyd, Otis, and the rest, shed their combined light upon local politics. Some of these leaders, Pickering for instance, could believe nothing good of the Virginia dynasty; others, like Otis, were more tolerant in disposition; but all agreed that the New England States, even should they stand alone, must look to Federalism as their last bulwark in the impending shipwreck.

New York in the meantime, her northern borders constantly ravaged by war, oscillated once more to the administration. Republicans, forgetting their past differences, re-elected Tompkins as Governor in 1813, over Van Rensselaer; the peace party retaining only the popular branch of the State legislature by a narrow margin presently to disappear. Republican Pennsylvania, under Governor Snyder, had anchored firmly to the Union cause; and New Jersey and Maryland being soon won back, the Middle, South, and West now gave to the administration a firm support. 1813. Mar.–May.

In New England, on the other hand, the peace party gained in strength as the war progressed. Though opposed by Varnum, Strong was re-elected governor of Massachusetts in 1813 by a majority of 13,000 out of 101,000; both branches of the legislature passing, moreover, into Federal control, a fact of momentous import. Gilman, of the same school, supplanted Plumer as Governor of New Hampshire; while John Cotton Smith became Connecticut's chief executive, being next by right of succession to the late Griswold. Before that year ended all the State Executives of New England were pronounced Federalists, the last accession being Chittenden of Vermont, who, in de- Mar.–May. Nov.

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fault of a popular choice, was made governor by a joint ballot of the legislature. Closely as his State had divided in political honors, Chittenden no sooner took the oath of office than he assumed, as commander of the State militia, to recall a Vermont brigade, detailed by his predecessor for garrison duty at Burlington, while critical operations were in progress at the front; a practical extension of the Strong and Griswold doctrine to which neither the troops themselves nor the United States authorities would submit.* Nov.

Massachusetts wound the horn loudly as leader of the peace States. Governor Strong, in his opening message at the spring session of the Massachusetts legislature, in 1813, somewhat judicially laid the blame of the war with Great Britain, then raging in full violence, upon the United States,—a conclusion pressed far more passionately in a legislative remonstrance, to which the two houses agreed, under the lead of Quincy in the Senate and Lloyd and Otis in the House. To the Massachusetts remonstrance was appended an earnest complaint against the admission of Louisiana and the recent process of Western annexation, which threatened to ingulf the influence of the Eastern States.† This remonstrance, forwarded to Congress, produced no other effect than to excite its displeasure; but what stirred the national indignation against its authors still more deeply was another Massachusetts resolve, adopted through their agency about the same time, in which the public rejoicings over our naval victories, in which generous Federalists had hitherto borne part, were condemned, and the formula announced that in such a war as the present "it was not becoming a moral and religious people to express any approbation of military and naval ex- May-July.

* 6 Hildreth, 404, 426, 452.

† For this remonstrance see 6 Hildreth, 427; 4 Niles's Register, 232, 253, 280. The war is here denounced as improper and impolitic, after the repeal of the British orders, and unjust in the present phase of the impressment question. Protection to commerce, is the further complaint, has not been given to New England; and the present war seems to be prompted rather by French subserviency and lust of conquest than by any disposition to defend endangered rights; it is ill conducted and expensive. A solemn appeal to the "Searcher of all hearts" closes the address.

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ploits not immediately connected with the defence of our sea-coast and soil." Lawrence was accordingly refused State honors, such as Massachusetts had bestowed upon Hull, Decatur, and Bainbridge; and, under Quincy's lead, the dominant faction became reinstated for the rest of the war, in that stern contempt of popularity and external appearances which marked the discipline of '98.*

Chittenden's recall of the Vermont militia was rebuked by the legislatures of distant States as treasonable,† and Congress proposing to have him prosecuted, Jan., 1814. Otis introduced a resolve at a later session of the Massachusetts legislature declaring that State ready to aid, with her whole power, the governor of Vermont and the people of that or any other State in support of constitutional rights by whomsoever infringed.‡ A new remonstrance, with more of menace than supplication in its tone, was likewise agreed to. The Madison embargo, feeble as it proved, was like fresh fuel to the flame. 1813–14. Insidious articles had already appeared in Eastern newspapers dilating upon the resources of New England, and urging that section to negotiate a separate peace with Great Britain,—a suggestion not new, but timidly anonymous; for to the last no prominent Federalist openly advised such a course, although the plainest inducements were held out by the enemy.§

Certainly these New England leaders did not intend plunging into the chasm of disunion recklessly. Their problem, with a patriotic though uneasy community, who must furnish annual majorities at the polls, was rather to reconcile practical resistance, perhaps rebellion, with the pursuance of strict legality. To that end favorable rulings of the State judiciary

* 6 Hildreth, 429; Boston Centinel. The *Chesapeake* disaster having occurred meantime, the body of Lawrence was procured under a flag of truce and reburied at Salem. The Crowninshields made the affair one of public ceremony, Judge Story being orator of the day. But the State officers and leading Federalists declined to attend the funeral; Ib.

† 5 Niles's Register, 423. ‡ 6 Hildreth, 465.

§ See New England Palladium and Boston Advertiser, in 1813, cited in 4 Niles's Register, 351; 5 Ib., 199. As though by way of editorial amendment to one of these articles the proposal was injected of obtaining this separate peace "pursuant to the Constitution."

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upon all constitutional points at issue they regarded as a prerequisite. The opinions of the Massachusetts bench upon embargo and the militia imbroglio, although inconclusive as against the Union, had yet favored the plan of local resistance to the national policy; for, hypochondriac as he might be, Chief Justice Parsons, with his luminous intellect, was a tower of strength. So intent was Federalism upon carrying the State courts in its chosen direction, that the moment New Hampshire fell into its grasp, the party leaders, forgetful of their own earlier appeals for judicial probity, broke the courts of that State to pieces, and with profane hands reconstructed the whole fabric of the judiciary, commissioning new judges, from highest to lowest, to suit their political views, and all this at imminent risk of anarchy.*

June, 1813.

The war party was strong, nevertheless, in New England, and watchful. Of one memorable incident New London harbor was the scene, at the time Hardy's blockading squadron hemmed in the United States frigates. Having prepared secretly to run these frigates out of the harbor on a dark Sunday night, Decatur saw blue lights burning near the mouth of the river, in sight of the British blockaders. Convinced that these were signals concerted with the enemy to betray his plans, he abandoned the project, and afterward made complaint to the Navy Department. No positive information was ever elicited, and Congress concluded the matter too trivial for investigation; but public suspicion long directed anxiously towards the peace men of New England did them ample mischief, for the epithet of "Blue-light Federalists" soon became as odious as the older one of "British faction," and still more indiscriminately applied.†

Dec., 1813.

The administration kept ground in New England partly through the diversion of capital, formerly employed in the carrying trade, into privateer ventures, war speculations, and manufactures; these last already growing into a permanent industry, which in time would change the political economy of the entire section. Congress and the administration endeavored to pacify the Eastern

1814.

* 6 Hildreth, 453. † 6 Hildreth, 468; Lossing, 695.

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States. The enlistment of British seamen in American ships, of which Massachusetts complained, was discontinued. Randolph removed from the scene, the Yazoo claims were at length liquidated. Madison prudently dropped the embargo experiment. Samuel Dexter, now one of the foremost men at the American bar, and too patriotic to follow his late colleagues in their mad career, was prevailed upon, in 1814, to accept Republican support for governor of Massachusetts; but the Federalists published him as a deserter to the enemy, and Strong was re-elected.* March.

After the spring elections of 1814 the leaders of the peace party in the New England States, reassured of their influence, cast every obstacle in the path of our administration. To lend to the Union for prosecuting this war was pronounced infamous. So intimidated, indeed, were Boston capitalists that the government agents had to solicit subscriptions to the national loan under a pledge of secrecy. The drain of specie from the Middle and Southern State banks, producing their suspension, appears to have been systematically pursued for the purpose of crippling them.†

Darkness, almost despair, settled upon the Union cause. Dispatches from abroad, which arrived in October, indicated that Great Britain would consent to no peace without conditions both degrading and absurd: first, to set off to her Indian allies a fixed permanent northern territory, which should constitute an intermediate barrier to Canada; next, to renounce on our part the right to keep armed vessels or to establish military posts on the lakes; finally, under a pretext that the Northeast boundary should be revised, to relinquish a considerable portion of Maine east of the Penobscot, which the British had lately occupied. These terms, the Pickering party insisted, were worth accepting; nor did a single New England legislature object to them. But New York and Virginia led other legislatures in spurning such proposals, and voted more troops instead for a vigorous prosecution of the war. Oct. Oct.-Nov.

* See 6 Hildreth, 463-476

† Lossing, 1008.

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Our administration, indeed, had given these arrogant conditions no countenance, and gained in tone and energy as it became evident that British persistency on that point would serve only to unite the American people more closely in defence of their liberties, besides depriving their foe of European sympathy. Bills were introduced in Congress on Monroe's proposal for a conscription or draft, the ranks of the existing army to be filled up to the maximum of 63,000; and, in addition, 40,000 men to be enlisted for local defence. These measures, and the prospective failure of our embassy, placed the New England peace men in a singular attitude. Tiring of their timid friendship the British ministry had begun to make the Eastern coast suffer the evils of aggressive war.

When the invader appears, honest citizens must choose sides. Forced at length to defend their own homes and firesides, Massachusetts and Connecticut now felt the recoil of unpatriotic behavior. Instead of trusting their governors with the local defence as the administration had done with States which upheld the war, the President now insisted upon retaining the exclusive control of military movements. Because Massachusetts and Connecticut had refused to subject their militia to the orders of the War Department, Monroe declined to pay their expenses. The cry was raised by peace men in consequence that the National Government had abandoned New England to the common enemy.* Upon this false assumption —for false, candor must pronounce it, inasmuch as government was maturing all the while a consistent plan of local defence† —the Massachusetts leaders made hasty proclamation that no choice was left between submitting to the enemy, which could not be thought of, and appropriating to the defence of the State the revenues derived from her people, which had hitherto been spent elsewhere. The Massachusetts legislature appropriated $1,000,000 to support a State army of 10,000 men. And Otis, who inspired these measures, brought Massachusetts to the point of instituting a delegate convention of Eastern States,—this convention to meet at Hartford. A Hartford convention was no

Oct.

Oct.

* 6 Hildreth, 531.

† See act January 27th, 1815; Monroe Correspondence, 1814.

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new project to Otis's own mind.* The day for assembling was fixed at December 15th. Twelve delegates were appointed by the Massachusetts legislature, men of worth and respectability, chief of whom were Cabot and Otis. In Connecticut, whose legislature was not slow to denounce Monroe's conscription plan as barbarous and unconstitutional, a congenial delegation of seven was made up,—Goodrich and Hillhouse, hoary men of national renown, at the head. The Rhode Island legislature added four more to the list. So deep-rooted, however, was the national distrust of this movement that Vermont and New Hampshire shrank from giving the convention a public sanction. New Hampshire had a Republican council; while in Vermont the Plattsburg victory stirred the Union spirit; Chittenden himself having changed in official tone after the war became a defensive one. Violent county conventions representing fractions of towns chose, however, three delegates, two in New Hampshire and one in Vermont, whose credentials being accepted by the convention, the whole number of delegates assembled at Hartford was twenty-six.† Oct. Nov.

This Hartford Convention remains famous in American history only as a powerful menstruum in national politics. What its most earnest projectors had hoped for was left but half done; but that half work condemned to political infamy twenty-six gentlemen highly respectable. Lawyers, they were, of State eminence, for the most part, and all of high social character, but inclined, like men of ability more used to courts than conventions, to treat constituencies like clients, and spend great pains over phraseology. Perhaps, indeed, these had been selected purposely to play the lion's part, that moderate fellow-citizens, Unionists at heart, whose conversion was essential, might not quake at the roar of the convention. Quincy was not there, nor the stout-hearted Pickering,—of whose readiness to become a rebel unless the Constitution could be altered, *flagrante bello*, to suit his views, there can be little doubt.

* Otis to Quincy, December 15th, 1808; "Quincy's Life of Josiah Quincy," 164; *supra*, p. 191.

† 6 Niles's Register, 37; 6 Hildreth, 529, 545; Dwight's Hartford Convention.

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Delegates like the present were prudent rather than earnest, better talkers than actors; men by no means calculated for bold measures.*

What bold measures were possible? one may ask. Pickering's Confederacy of 1804 would have embraced New York, perhaps Pennsylvania. But these Eastern Federalists, with that clannishness at which Hamilton himself had marvelled, were now circumscribed within the limits of New England, and of that section, moreover, but three States out of five had delegations at Hartford worthy of the name. The first effort to assemble a New England convention was, we have seen, in 1808–9. The second, if John Quincy Adams may be believed, was in 1812, immediately after the declaration of war against Great Britain,† and that project Dexter defeated by a speech in Faneuil Hall. The third, and present, though partially successful, by bringing delegates into conference, was, like the Stamp Act Congress, or the Annapolis Conference of 1786, an instrument necessarily for later and riper designs. The American Confederacy, the American Union, are each the product of begetting conventions; nor without prudence were States now forbidden to enter into agreements or compacts with one another without the consent of Congress.‡

The Hartford Convention may well have justified dire forebodings, for it did not dissolve finally, as a mass meeting might have done, upon a full report, but contingently adjourned to Boston.§

Dec. 15, 1814–Jan. 5, 1815.

Organized on the appointed day in Hartford, then a town of four thousand inhabitants, by the choice of George Cabot as president, and Theodore Dwight‖ as secretary, the present Convention remained in

* See letters of Pickering, Lowell, Gouverneur Morris, and others, Adams's Federalism, 382, 425. Lowell says of Otis that he "is naturally timid and frequently wavering; to-day bold, and to-morrow like a hare, trembling at every breeze." To Cabot's deficiencies for leadership in such a crisis allusion has been made already. See *supra*, vol. i, p. 404.

† See Adams's New England Federalism, 240, 262.

‡ United States Constitution, Art. I, § 10.

§ See Adams's New England Federalism, 240, 262.

‖ Theodore Dwight was editor of the "Hartford Union," a Federalist newspaper.

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close session for three continuous weeks. Of irregular political assemblies the worst may be suspected when proceedings are conducted in secrecy; and never, certainly, were doors shut more closely upon a delegate, and professedly a popular convention, than upon this one; not even doorkeeper or messenger gaining access to the discussion. Inviolable secrecy was enjoined upon every member, including the secretary, at the first meeting, and once more before they dispersed, notwithstanding the acceptance of their final report. The injunction was never removed. Not before a single State legislature whose sanction of this report was desired, not to any body of those constituents whose votes were indispensable to the ultimate ends, if these ends were legally pursued, was that report elucidated. Four years afterwards, when the Hartford Convention and its projectors bent under the full blast of popular displeasure, Cabot delivered to his native State the sealed journal of its proceedings, which had remained in his exclusive custody; but that when opened was found to be a meagre sketch of formal proceedings, and no more; making no record of yeas and nays, stating none of the amendments offered to the various reports, attaching the name of no author to a single proposition, in fine, carefully suppressing all means of ascertaining the expression or belief of individual delegates.* Casual letters of contemporaries are preserved sufficient to show that representative Federalists labored with these delegates to procure a separation of the States,† but how many more of the same strain President Cabot may have torn up one can only conjecture.‡ That twenty-six public men should have consented to leave no ampler means of vindicating to their own age, and to posterity, themselves and their motives, may evince a noble disinterestedness, sublime confidence in the rectitude of their own intentions, a comforting

* Secretary Dwight's later history of this convention is quite as pointless. See Journal; Dwight's Hartford Convention; Adams's New England Federalism, 258, 264.

† New England Federalism, 387–425, letters of Pickering and others; see also Pierce's Life of Charles Sumner, vol. i, p. 19.

‡ Lodge's Life of Cabot relates that in his last days Cabot destroyed his correspondence.

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reliance upon "the Searcher of hearts," but certainly an astonishing ignorance of human nature in this our inquisitive republic. Assembling amid rumors of treason and the execration of all the country west of the Hudson, its members watched by an army officer who had been conveniently stationed in the vicinity,* the Hartford Convention, hardening into stone, preserves for all ages a sphinxlike mystery.

The labors of this convention, whatever they were, ended with a report and resolutions, signed by the delegates present, and adopted on the day before final adjournment. Report and resolutions disappointed, doubtless, both citizens who had wished a new declaration of independence, and citizens who had feared it. Neither Virginia nor Kentucky could, with propriety, condemn the heresies of State sovereignty which supplied the false logic of this report, and an imperfect experience of this Federal Union may excuse in Otis and his associates theoretical errors which Jefferson and Madison while in the opposition had first inculcated.† Constitutional amendments were here proposed which, not utterly objectionable under other circumstances, must have been deemed at this time an insult to those officially responsible for the national safety, and only admissible as a humiliation of the majority.‡ It requires little imagination

1815. Jan. 4.

* Major Jessup was stationed in Hartford at this time upon recruiting service.

† See John Quincy Adams's exhaustive analysis of the Hartford Convention proceedings in New England Federalism, 46–93; a passionate document, but very convincing in its main argument. The report itself recommended, besides the constitutional amendments, resolves for the several New England legislatures to consider: (1) The protection of their citizens against forcible drafts, conscriptions, and impressments, all unconstitutional. (2) An immediate and earnest application to the government of the United States for consent to some arrangement for assuming their own defence, together with a reasonable portion of the taxes collected within their respective confines for that purpose. (3) That each New England legislature arm, equip, and hold State troops in readiness for State service, aiding one another upon request against invasions of the public enemy.

‡ The amendments proposed were: (1) Restrictions upon the power of Congress to declare and make war. (2) A restraint upon its power to make new States and admit them into the Union. (3) A restraint

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to read, in report and resolutions, a menace to the Union in its hour of tribulation, a demand for the purse and sword, to which only a craven Congress could have yielded, and a threat of local armies which, with the avowed purpose of mutual aid, might in some not remote contingency be turned against foes American not less than British.

Was this political strategy in order to teach the American nation to look up to Federalism as the brazen serpent, or was it New England's serious ultimatum to her sister States? From whichever point it should be regarded, never did amiable, upright gentlemen of the bar fail more ignominiously as confidential advisers of a rebellion. An uprising of shipping merchants, clergy, and moneyed men could scarcely have been heroic or popular; and the conventionists, moreover, had duly estimated neither the weariness of governments abroad, nor the reserved strength of our own. Before the Congress, now in session, had actually resorted to a conscription, before new and burdensome taxes could be assessed or a national bank chartered, while the novel experiment of enrolling State volunteers promised all the troops immediately desired, the war-cloud suddenly parted. Massachusetts and Connecticut had accepted the report of the Hartford Convention; each dispatched commissioners to Washington to make upon Congress the proposed demand for a separate maintenance.* Quickly, indeed, but too late. Those demands were never made; for before the State commissioners could reach the national capital, salutes were firing and the stars and stripes floated free. The vast area of our indivisible union was becoming spangled by night with illuminations. Almost simultaneously came the good news to Washington that Jackson had driven the British from New Orleans, and that our commissioners abroad had concluded

Jan.

Feb. 11–18.

of its powers in laying embargoes and imposing restrictions on commerce. (4) A stipulation that a President of the United States should not be elected from the same State for two successive terms. (5) A stipulation that the same person should not be elected President a second time. (6) A stipulation for reducing slave representation and taxation.

* 7 Niles's Register, 372; 8 Ibid., 45; 6 Hildreth, 545–556.

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an honorable peace at Ghent on the 24th of December.* Peace, welcome peace, had returned; a peace welcomed in the arms of victory.

Honestly as the whole republic rejoiced at that result, the triumph redounded only to those who had labored to earn it. For intractable Federalism it was a last crushing humiliation. State after State spurned the Hartford proposals, even to the fairest of constitutional amendments offered by the convention; New Jersey, Pennsylvania, New York, essential northern States, being of the number; and even Rhode Island, New Hampshire, and Vermont rebuking their sisters.† Twenty-six respectable men, politically dead, swung in their chains like Rizpah's sons, and their mother States could scarce keep off the vultures.

It would be an offence to a loyal section of the American Union, and a calumny upon great names, to impute to that once dominant national party, long since shattered, the faults of a mere remnant, headstrong to the last, who ruled by secret councils. Washington, Hamilton, and Knox were dead; Jay, King, the Pinckneys, and Wolcott had not shown themselves implacable; Marshall, as Chief Justice, was trusted by all; the Adamses, Gerry, William Pinkney, Bayard, and Dexter now belonged to the war or Union party; other old-fashioned Federalists, once prominent, kept in strict seclusion, or gave countenance to the national cause. John Randolph, himself, denounced the Hartford project in an open letter.‡ From the time the inadmissible British propositions of peace

* The President received the official treaty of peace February 14th, 1815. Its ratification was at once determined upon.—Monroe Correspondence.

Late on a Saturday night (February 11) a British sloop-of-war under a flag of truce brought to New York the treaty of peace, already ratified by Great Britain. On this unexpected news the inhabitants ran out into the streets rejoicing; expresses were sent North and South with the news, over which there was general exultation before it was known what the terms actually were.—6 Hildreth, 566.

† See 8 Niles's Register, 39–45, 56, 65, 99, 348, 432.

‡ To this letter Lloyd responded through the columns of the press. See 7 Niles's Register.

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were promulgated there had ceased to be a peace party in the nation; even New England being forced to assume a warlike attitude when threatened with invasion. To state such propositions as the price of peace, was, as the moderate Jay wrote Pickering, for Britain to assume language rare save from victor to vanquished.* And as for the Federalist ex-President, who watched affairs with a veteran's longing to be in the midst, his blood tingled with shame at the surpassing folly of those who conducted politics in his native State.† The unpatriotic course of New England leaders Madison himself looked upon as "the source of our greatest difficulties in carrying on the war;" and "certainly the greatest if not the sole inducement with the enemy to persevere in it."‡ Oct., 1814.

The happy issue of our negotiations abroad must be ascribed to various favoring circumstances. The capture of Paris by the allies, and Napoleon's dethronement, under the sanction of his once obsequious Senate, and abdication, were events which convulsed Europe when Clay and Russell disembarked at Gottenburg to seek their scattered colleagues. The British ministry moved tardily, both in appointing their own commissioners and opening the conference with ours; and sending large reinforcements meantime to America, as the European situation left them free to do, their plan apparently was to terrify and then dictate. But, in truth, the English people were more disposed than their government to keep up war with the United States. Europe needed rest and opportunity to recuperate; nor was there assurance of any stability in the new continental arrangement; and, moreover, with this European peace the old commercial issues between the United States and April, 1814.

* 2 John Jay, 363-365. He could not agree with Pickering that those propositions should have been made the basis of negotiation; things being as they are, said Jay, we should be united in the determination to defend our country.

† See 1 George Ticknor's Life, 13. "Thank God! Thank God!" he said to this young visitor, about the time of the Hartford Convention. "George Cabot's close-buttoned ambition has broken out at last; he wants to be President of New England, sir."

‡ 2 Madison's Writings, November 25th, 1814.

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England had been reduced to questions of abstract right, whose discussion both parties might prudently waive. "Peace may be had," wrote Gallatin and Bayard, who had passed several leisure weeks in studying politics at London, "but it is certain that, whatever the British modifications as to impressment in practice, the point itself will not be conceded."* With Napoleon's downfall, and that practical repeal of the whole restrictive system which accompanied it, the issue was simplified furthermore as to America's own demands.

Should England doggedly refuse fair terms under such circumstances she would not only have to fight alone, imperilling her prestige in Europe, but fight a people united in the cause of self-preservation; for hostility to commerce and French influence would then be exploded calumnies, and the energy of hope be reinforced by the energy of desperation. Nor was the British government free from apprehension lest Russia or some other European power might take up the American cause. And thus did the situation favor peace with the United States.

The superiority of the American commissioners over the British was another point in favor of the United States. The British commissioners arrived in August at Ghent (the place finally fixed upon for negotiations); they were Lord Gambier, Henry Goulburn, and William Adams, dull men, without native influence; the two last quite irascible in debate, and all chiefly serviceable to their own government because of fidelity to Lord Castlereagh, whose advice they sought at every step of the negotiation.† For talent and variety of expression they were far surpassed by the American commissioners; Adams being an accomplished scholar, multifarious and minute in diplomatic acquirements; Clay, not perhaps in his proper element, and yet profound, positive,

Aug., 1814.

* May 6th, 1814, Monroe Correspondence. Gallatin while at London, in June, procured an audience of Alexander, who was also there, and induced him to make a third effort with Great Britain on America's behalf. The Czar's impression was thereby confirmed that no third power would be allowed to interfere.—Adams's Gallatin, 515.

† See 3 John Quincy Adams's Memoirs; Adams's Gallatin; Clay's Correspondence.

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sanguine, a bold gamester who studied his opponent's hand, one who thrilled in discussion; and Gallatin, to whom all deferred, having a well-stored, well-balanced head, and a European reputation, being discreet himself, and keeping all his colleagues in good humor. Bayard, with high Federal antecedents, was an able debater, and reasonable; while Russell, the fifth and last, though under Clay's immediate influence, not without sound parts. With such an embassy at Ghent, and minister Crawford near, at Paris, one might have supposed that the statesmanship of this nation had become absorbed in the diplomatic service of Europe.

The peace conference opened amicably, the first meeting at a neutral inn, the following ones held alternately at the lodgings of the British and American commissioners. Concerning impressment, silence was preserved on both sides. It was expected by the American commissioners that *status ante bellum* should determine the territorial question. But when the British commissioners proceeded to claim, on behalf of their Indian allies, that the whole northwest territory of the United States, as defined by the Grenville trēaty of 1795,—namely, the country now represented by the States of Michigan, Wisconsin, and Illinois, four-fifths of Indiana, and one-third of Ohio,—should be set apart forever as a sort of Quixotic Indian barrier between Canada and the United States, besides the other territorial demands elsewhere adverted to,* the conference came to a halt, and peace for the moment seemed hopeless. The American commissioners had no instructions competent to the case, nor was such a *sine qua non* likely to be admitted by their government for a moment. Aug. 8–10, 1814.

The effect these monstrous proposals produced upon the American people has already been described. To our commissioners the demand appeared conclusive proof of bad faith, and they looked next for a rupture. But, unknown to them, the British cabinet were in anxious consultation, perceiving, as Goulburn and his colleagues could not readily, that a blunder had been committed. Clay's high talk and Bayard's serious warning that by such proposals England had sacrificed

* *Supra*, p. 423.

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the Federalist party were communicated from Ghent. Liverpool and Castlereagh by no means wished to make the war more popular in America than before; they were tired of it themselves, far beyond American conception. The *sine qua non* was gently lowered; an exclusive military possession of the lakes was the first point abandoned; next, admitting a free discussion of the Indian barrier scheme, whose absurdity all familiar with Western frontier life could demonstrate, the British left their painted allies to repose upon a stipulation, readily assented to, which, without putting the Indian tribes on the plane of equal sovereignty, assured them of their former rights, privileges, and possessions.*

Sept.

These first difficulties surmounted, the next step was to call for the project of a treaty. But the British sketch, when presented, showed the Liverpool ministry still coveting the northeastern angle of Maine. *Uti possidetis* was Castlereagh's basis, the two countries to make mutual exchange of conquered territory on the northern border, with the advantage on England's side. But the American commissioners bluntly refused to treat on any basis of conquered domain; each nation's territory, they responded, must remain intact as before the war. Their note to this effect produced more confusion than before, and on that point Liverpool and Castlereagh thought seriously of breaking. Gaining time, however, for reflection, while the project was discussed on other issues, the ministry concluded at length to give way again; for British finances were much straitened, the interior of France continued turbulent, negotiations at Vienna were not progressing well, and, moreover, news which now arrived from Canada of the British disaster at Plattsburg made it doubtful whether the rule of *uti possidetis* might not prove a disadvantage to England. To extricate themselves from the Ghent dilemma, they proposed sending the Duke of Wellington to America with full power to make peace or fight; but that brave and sagacious commander wrote them frankly

Oct.

Oct. 24.

* Gallatin showed great skill in giving this turn to the Indian problem, upon which there had been great danger of a rupture.—Adams's Gallatin, 524-535, citing Wellington and Castlereagh Correspondence; 3 John Quincy Adams's Diary.

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that the error was their own. "You have won nothing yet in the American war," was his answer, "which gives you the right to demand, on principle, a territorial concession." With evident chagrin Castlereagh finally instructed Goulburn not to insist upon the *uti possidetis* if all other points could be satisfactorily settled.* Nov. 18-25.

The American commissioners, all of whom wished for peace, and were downcast at the thought that it might not be honorably obtained, had, meantime, brought the other points of discussion down to the right of fisheries and the navigation of the Mississippi, one being an offset to the other. Goulburn and his associates were not inclined to permit the fisheries to continue off Newfoundland without some equivalent; they claimed possession, too, of the Eastern Maine region. England wished, however, to maintain the right to use the Mississippi as under the Jay treaty. Here Clay and Adams were at bitter variance, each emulous of renown in his own section, and Gallatin found it no light task to be umpire in the secret councils of the American commission. Clay was violently opposed to yielding rights in the Mississippi, but upon the fisheries and sacrificing New England interests comparatively indifferent; Adams, as a New Englander, was the reverse. Gallatin effected a compromise between them. Viewing Britain as less desirous of peace than the United States, the danger was that if our commissioners insisted upon carrying all their points in their own favor, the treaty might break off on minor issues by no means vital, a result of which the British ministry would surely make the most, and which, perhaps, Castlereagh was striving to bring about. Hence, a proposal from the American side to barter the Mississippi navigation for the fisheries. This Goulburn and his colleagues rejected, and proposed in turn a new article, referring both subjects to future negotiation. Not without trepidation Gallatin and his associates gave their assent, coupled with an emphatic reservation of all rights claimed by the United States, but of the northeast possessions permitting no surrender. To their delight the British commissioners, after another reference to Dec. 22.

* 9 Wellington Sup. Disp., 402; Adams's Gallatin, 536-540.

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London, professed themselves satisfied; the ministry would, they said, leave fisheries and the Mississippi out, and upon all other points an admissible treaty might be framed.*

All the difficulties thus surmounted, two more days brought the Ghent negotiation to a successful end, and the treaty of peace was executed in form, with an interchange of triplicates, on the day before Christmas. Feasting closed the year and pleasant civilities, the good burghers of Ghent entertaining all their distinguished guests at a public dinner, where the band constantly played in turn "God save the King" and "Hail Columbia." So far as this treaty went, it was an equable and satisfactory one, and if the United States could point out no clause of plain concession under it, neither could Great Britain.†

Dec. 24.

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* Adams and Clay were a little discomfited at this turn, but the former had succeeded in establishing that the rights fixed by the treaty of 1783 were not reopen to negotiation; while the latter had proved nearer right than his colleagues in supposing that Great Britain really wanted peace as well as the United States, or, as he expressed it, that all was a game of brag, in which we had only to out-brag the other commissioners to be sure of something.—3 John Quincy Adams's Memoirs; Adams's Gallatin, 545.

† 3 John Quincy Adams's Memoirs; Adams's Gallatin, 546; 8 U. S. Statutes at Large, 218. The treaty of Ghent, which was ratified and confirmed by the American government, with advice of the Senate, February 17th, 1815, and went at once into effect, having been previously ratified by Great Britain, consisted of ten articles, besides the eleventh, which provided for ratification: (1.) Firm and universal peace was declared between the belligerents; territory, property, archives, etc., in general to be restored on each side. (2.) Immediately upon ratification hostilities were to cease, and orders transmitted accordingly. (3.) Prisoners of war were to be mutually restored. (4, 5.) As for the islands in the Passamaquoddy and the northeast angle, commissioners were to establish the disputed boundary by construction of the treaty of 1783, with final reference, should they disagree, to some friendly power. (6, 7.) Other similar points in dispute as to the northern boundary between the United States and Canada, touching certain islands and from the great lakes to Lake of the Woods, were similarly disposed of. (8.) Details were prescribed for these commissioners, grants in such islands prior to the war being reserved by each government. (9.) Indian hostilities were to cease, each government engaging to restore the Indians with whom they were still at war to all the possessions, rights, and

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In a commission composed of five strong but inharmonious characters, all ambitious of distinction, the attrition must have been very great. Indeed, there was such chafing and contention in the present instance, even to deciding who of the commissioners should hold the papers after the treaty was actually signed, that to bring them first to common ground involved more discussion than to persuade the British commissioners afterwards. Gallatin's service in this respect was immense. Though nominally at the foot of the commission, his good temper, tact, and discretion placed him at the head. To him alone would Clay submit, and the latter gained such ascendency over Bayard and Russell as constantly, with their help, to overrule Adams, with whose scholarly, frugal habits he had little in sympathy. Adams was, by title, first in the commission, but too punctilious, too petulant, and perhaps too pedantic at this time of life, to hold it well in sway, being young, furthermore, and of inflexible temper; while Clay was young, passionate, and domineering. Adams and Gallatin received the chief courtesies in court circles, where Clay, who was neither courtier nor scholar, failed of appreciation. Original in his views, however, as Adams himself records, Clay would fall in with his colleagues upon essentials, though from his own line. All the American commissioners were patriotic, and all disposed to assent to an honorable peace, but to no peace purchased by national dishonor.*

After the treaty of Ghent, Gallatin† became minister to France in place of Crawford, who had decided to return home. Adams was transferred from Russia to the court of St. James. Bayard had the tender of the Russian mission, but was too ill to accept; he died the following summer, soon after reaching the United States. Commercial 1815.

privileges they enjoyed in 1811, provided such tribes desisted on their part. (10.) Both governments promised to promote the entire abolition of the slave trade.

* See 3 John Quincy Adams's Diary, where the peace negotiations are fully detailed; also Adams's Gallatin, 493-547, which collates the Castlereagh and Wellington correspondence bearing upon the whole subject.

† He declined, besides the opportunity of re-entering Congress, a tempting commercial offer from Astor.—Gallatin's Life.

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arrangements at London detained Clay abroad, in company with Adams and Gallatin, from April to July, though the American government having little to give could gain little.

July. England had by that time regained her equanimity, Wellington routing Napoleon at Waterloo after the one hundred days' restoration. Upon impressment, blockade, and other doctrines, now purely theoretical, the ministry appeared impervious as ever; but those doctrines were never again enforced.*

Our war narrative closes fittingly with Jackson's victory at New Orleans, gained a fortnight after the treaty of Ghent was signed, and the most creditable of purely military exploits won in the contest of 1812 by the American arms. Great results had been expected by Great Britain from the secret expedition fitted out against Louisiana;† but, in the midst of those immense and costly preparations, such was the anxiety of the ministry by December that peace negotiations were hastily concluded before news could possibly reach Europe that the British troops from Jamaica had disembarked. A reverse was feared, probably, such as Prevost had suffered at the north, and, if so, those fears were well founded.

Fifty British vessels, large and small, bore seven thousand British land troops—comprising the invading force from the Chesapeake and a veteran reinforcement from England—across the Gulf of Mexico from Jamaica to the ship channel near the entrance of Lake Borgne, thus approaching New Orleans midway between the Mississippi River and Mobile Bay. Here

Dec. 9-20. the fleet anchored; and, after dispersing a meagre flotilla of American gunboats, which opposed their progress in vain, the invaders took full possession of Lake Borgne, and, by means of lighter transports, landed troops

* The new negotiations with England procured no rights in the West Indies for the United States, and only commercial privileges with regard to the East Indies under a four years' convention.—See Adams's Gallatin, 547–552; 3 John Quincy Adams's Diary, 311–346; U. S. Statutes at Large, 228, convention of July 3d, 1815. Discriminating duties were abolished by this convention.

† See Wellington's Letter as to applying the *uti possidetis* there.—Adams's Gallatin; *supra*, pp. 414, 435.

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upon a lonely island at the mouth of the Pearl River, which served as the military rendezvous. Crossing thence to the northwestern end of Lake Borgne, a sparsely-settled region, with plantations and sugar-works, half of this invading army, by the 23d, struck the Mississippi at a point within nine miles of New Orleans. Not a gun had been fired since the trifling engagement with the American flotilla. The British believed their near approach unknown, and even unsuspected, in the city; they meant to capture it by an assault both brilliant and sudden. Dec. 23.

How disastrous that capture must have been to the Union, the croakers of the peace party foreboded from afar off.* But Jackson had received his instructions in good season, and from the 2d of December New Orleans had been, under his vigilant direction, a camp in lively motion. French and Spanish disaffection here had been a British reliance. The State legislature, doubtless, could be little depended upon; but the commanding general, to whom Governor Claiborne himself with his militia reported for orders, proclaimed martial law, and in a short time the feeblest and most timorous elements were brought into a fit condition for resisting the enemy. Free men of color were enrolled; convicts were released to become soldiers; the civic force was increased to its utmost. Jackson inspected and strengthened the defences in the vicinity, erecting new batteries, putting Fort St. Philip, below the city, in a condition to check the progress of any fleet from the mouth of the Mississippi, obstructing the large bayous, and, to the full extent of his means, preparing all possible resistance. Promptly informed of the repulse of our flotilla, which first of all indicated the plans and strength of the enemy, he took further precaution to secure the strait which connects lakes Borgne and Pontchartrain, lest the invaders should cut off

* Pickering, in his letters from Washington to Hartford Convention friends in December, 1814, repeatedly affirmed his belief that the British would take New Orleans, in which case, he predicted, the Union was surely severed; Louisiana would become and remain a British province, and the West would join her and separate at once from the Atlantic States, readily submitting to Great Britain. He did not expect to see a single Western member in the next Congress.—Adams's New England Federalism.

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communication with the city from above. With his newly arrived volunteers from neighboring States, quite expert, many of them, in the use of the rifle and eager for fight, Jackson found himself presently at the head of five thousand effective men, less than one thousand of whom were regulars.

Dec. 23. Watchful of every movement of the invaders, and prompt to counteract, Jackson set his best troops in motion to repel the enemy before their direct advance had seemingly begun. The schooner *Carolina*, one of the only two armed American vessels in the river, dropped down on the evening of the 23d, and opened a galling fire upon the British camp, which the enemy had scarcely checked before the rattle of musketry was heard, and Jackson appeared with a force which was easily magnified to their minds in the twilight. The British fell back, with loss, to their original lines, whence they could not be dislodged.

Jackson the next day took a stronger position and fortified himself, extending a ditch and throwing up breastworks, while the British were waiting for reinforcements and artillery to arrive. By the time the enemy were prepared to advance in

Dec. 27, 28. full force the American position was strongly protected. Of our two vessels the *Carolina* had been destroyed, but the other, the schooner *Louisiana*, together with Jackson's heavy artillery, did such deadly execution that General Pakenham, the hero of Salamanca, who commanded the British force in person, ordered a retreat, deeply mortified.

Disasters far worse awaited the invaders. Convinced that the military spirit of these rough backwoodsmen and the intelligence of their commander had been underrated,

1815, Jan. 1. Pakenham waited until heavy siege-guns could be brought from the lake; these he placed in position about six hundred yards from the American lines upon earth batteries, and on New Year's Day opened fire. But Jackson had meantime strengthened his own position, and after a heavy cannonade the British guns were dismounted and silenced, and the invaders driven back to their camp. Pakenham's last and boldest experiment was to carry Jackson's lines by storm on both sides of the river; and this enterprise, fatal, indeed, to those who conceived it, gives immortal date

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to the 8th of January,—the day on which the battle of New Orleans was fought.

Four days before this momentous battle, over 2000 Kentucky militia, under General Adair, arrived at New Orleans, ready soldiers, but miserably equipped. Of their number 700 were marched to the front. Pakenham's army, swelled by a body of reinforcements, commanded by General Lambert, another of Wellington's officers, now consisted in all of 10,000 troops, the flower of British veterans. On the day of the battle Jackson had only half as many soldiers on the New Orleans side of the river, and of these the greater part were new recruits under inexperienced officers. On the opposite bank General Morgan, with about 1500 men, among them detachments of Kentuckians and Louisiana militia, had intrenched himself in expectation of an assault.

Jackson had penetrated the enemy's design, which was to make the main attack upon his lines, while a lesser force crossed the Mississippi to drive Morgan up the bank. Jackson's grand defences, extending for a mile and a half from the Mississippi, along his ditch or canal, to an impassable cypress swamp, consisted of earthworks, a redoubt next the river to enfilade the ditch, and eight batteries, all well mounted. The schooner *Louisiana* and Commander Patterson's marine battery across the river protected this line. Another intrenchment had been thrown up a mile and a half in the rear, as a rallying-point in case of need. There was a third line just below the city.

The first movement on the British side was that of a detachment under Colonel Thornton, whose orders were to cross the river by night, so as to fall upon Morgan at daybreak, and give the signal for a general attack. But the labor of dragging boats from the bayou to the river proved so arduous, and next, the current of the Mississippi so unexpectedly strong, that day dawned and the roar of Pakenham's cannon was heard before Thornton's troops had all landed on the western bank, far below the point intended.

The morning fog rolled away on the 8th of January. Pakenham, under the fire of a battery he had erected during the night, advanced with the main body of Jan. 8.

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British troops to storm Jackson's position. One column, marching by the river, succeeded in driving the Americans from their unfinished redoubt; but they could not long hold it or employ its guns, for nearly every moment some one was picked off by the American sharpshooters. They fled in dismay; Lambert covering their retreat only to learn that the main column had been battered to pieces. That column, composed like the other of veteran troops, approached, under Gibbs and Keane, towards the American left nearest the swamp, Pakenham behind them with a detachment bearing fascines and scaling-ladders. Carroll, who commanded these defences, waited until they were two hundred yards distant, when his Tennessee and Kentucky troops, four ranks deep, poured from behind the breastworks, where they had been concealed, volley after volley with deadly aim. This, with the steady fire from the American batteries all along the line, as the foe advanced over a large bare plain, made hideous gaps in the British ranks, throwing them into utter confusion. It was a fearful slaughter. Dead bodies choked the ditch and strewed the plain. Gallant Highlanders flung themselves forward to scale the ramparts only to fall back lifeless. Soldiers who had served under Wellington in Spain broke, scattered, and ran. Of the four British generals commanding, Pakenham was killed, Gibbs mortally wounded, Keane disabled by a shot in the neck; only Lambert remained. Thornton across the river had driven Morgan from his lines meantime, and silenced Patterson's battery; but this enterprise might have cost him dearly, had he not in season received orders from Lambert to return instantly. In this battle the British lost not less than 2600, all but 500 of whom were killed or wounded; while only 8 were killed and 13 wounded on the American side.*

Having buried his dead presently under a flag of truce, Lambert, whom this calamity had placed in command, retreated hastily under cover of the night, abandoning the expe-

* See Lossing's War of 1812, 1034–1050. On both sides of the river the American loss did not exceed 71; 6 Hildreth, 565.

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dition. Re-embarking at Lake Borgne, and re- Jan. 18-27.
joining the fleet, he next proceeded to invest Fort Feb. 9-12.
Bowyer, at the entrance of Mobile Bay, only to learn, after its little garrison had surrendered, that a treaty of peace annulled the conquest. To complete the British discomfiture, a special expedition, sent up the Mississippi to bombard Fort St. Philip, near the river's Jan. 9-18.
mouth, had, in the course of nine days, wasted powder and shells without producing the slightest impression.

Jackson re-entered the rescued New Orleans in triumph on the 21st of January, with the main body of his Jan. 21.
troops; the whole population flocking out to greet him. A *Te Deum* was sung in the old Cathedral, near whose entrance, at a spot occupied later by Jackson's equestrian statue, was erected a floral arch. Holding this turbulent city under the tight rein of martial law, the victorious general came presently into rude collision with the civil authorities and a portion of the State legislature whose loyalty he had mistrusted; but in the midst of these troubles came official tidings March.
of peace, and, idol of the populace here, as elsewhere, Jackson left Louisiana for Nashville and his quiet Hermitage.*

The defence of New Orleans was the only military achievement of this war which left upon Europe a memorable impression. Though a ditch and breastwork warfare, so to speak, unaggressive, and without effort on the part of the defenders to pursue the flying enemy, the slaughter inflicted was punishment enough for any battle; and, simply as a defence, Jackson's task was an immense one, and thoroughly performed. Volunteers and backwoodsmen, hastily mustered, showed themselves more than a match at last for the best disciplined troops of the world. The gradual seasoning of a democratic soldiery to war partly explains this; but, still more, the inspiration, elsewhere so much lacking, of great leadership. For, rude and illiterate as he was, Jackson showed at New Orleans the five prime attributes of military genius: decision, energy, forethought, dispatch, skill in employing resources. In him democracy at war was fully justified of her children;

* See Lossing, 1017, 1050, 1057.

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and, to quote Monroe's dispatch, "history records no example of so glorious a victory obtained with so little bloodshed on the part of the victorious."*

All was exuberance of joy in the last weeks of this Congressional session. Debatable measures were laid aside, as the new aspect of affairs permitted. Military operations were declared suspended. All calls for additional troops were countermanded; the militia being discharged as speedily as possible, and the State volunteer act likewise repealed. Deferring Dallas's bank scheme, Congress provided for the immediate wants of the treasury by a temporary loan and a new issue of treasury notes.† In token of reconciliation and renewed commerce the offending remnants of our discrimination and non-intercourse system, now harmless enough, were cleared away by an act of final repeal.‡ In the midst of this happy work the clock struck the hour for a dissolution of the Thirteenth Congress; whose members, almost bewildered by the sudden transition from despair to delight, did not, however, disperse to their homes without recommending to the country a day of thanksgiving to Almighty God "for his great goodness manifested in restoring to these United States the blessing of peace."§

SECTION II.

PERIOD OF FOURTEENTH CONGRESS.

MARCH 4, 1815—MARCH 3, 1817.

THE last two years of Madison's administration, embracing the period of the fourteenth Congress, possess little historical interest. A nation of strong vitality emerging from a wasteful war, seeks needful rest and recuperation; accounts are cast and adjusted; scaffoldings are taken down and the house is

* Monroe Correspondence, February 5th, 1815.

† Monroe Correspondence, February, 1815; acts February 24th, 1815; March 3d, 1815.

‡ Act March 3d, 1815.

§ Resolution XIII, 3 U. S. Statutes at Large, 250.

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put to rights, swept, and garnished; the old order changes, but not yet giving place to the new. Our first consciousness was that of complete emancipation, like that of a child reaching majority. Neither French faction nor British faction could exist here longer. The American Union, henceforth a nation with peculiar interests and peculiar institutions, would pursue an independent course upon an independent responsibility, free from the control of the Old World. Like passengers on an emigrant ship dropping down the channel, whose pilot has just left for shore, our people realized for the moment more keenly the severance of ties two centuries old, and of dependence as colonies upon Europe, hitherto habitual, than the new freedom of the deep and a new destiny. This constitutional Union had passed the outer light of early experiment. On the vanishing bank stood the great founders, the revolutionary fathers, the Mentors, all who had hoped or feared for it. A new era was dawning. Those provincial thirteen, or that frugal confederacy of unwarlike States; who would ever imagine such a Union again?

Madison, certainly, who saw the driftwood of old parties floating by, had no strong desire but to avoid dangers, and round his anxious administration and long public career to a happy close. To provide a national peace establishment and restore the disordered finances was his main solicitude.

The fourteenth Congress worked harmoniously with the Executive to the same end. After a long intermission, such as had not occurred for ten years, our new legislature assembled December 4th, to remain until the end of the following April; and then reassembling in December, 1816, completed the biennial circuit with Madison himself. Most of the elections to this Congress had been held during the war, so that Republicans and Federalists still kept their party distinctions. The administration majority of the former was about twelve in the Senate and fifty-two in the House;* though upon various issues dividing quite differently. Factious opposition ceased. In

Dec. 4 1815–Apr. 30, 1816.

Dec. 2, 1816–Mar. 3, 1817.

* See 9 Niles's Register, 280, which divides the Senate 24 to 12, and the House 117 to 65.

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the House, Henry Clay, who had been chosen from his district while abroad, was re-elected Speaker on the first ballot.*

By far the most engrossing subject for Executive and Congress at this time was the re-establishment of the national finances. The system of commercial restrictions, commencing in 1807, had greatly reduced the product of customs revenue, Jefferson's main resource; but it was not until the crisis of war was reached, involving huge expenditures, that the extent of this loss became obvious; temporary loans having been paid off and the Treasury suffering no serious embarrassment. But in 1812, besides additional import duties, with discrimination against foreign vessels, Congress had recourse to the double expedient of permanent loans upon interest-bearing stock, and Treasury notes running for a specified time, the latter also bearing interest and being receivable for national dues, though not a legal tender. The public credit sank while the public necessities grew more urgent, and hence by 1813 internal taxation was taken up, inclusive of a direct tax; a resource not, however, available until the following year, and most reluctantly sanctioned under the delusive style of "War-taxes." The National Treasury showed a deficit of nearly $31,000,000 in the estimates for 1814, nor had half of that year expired before the financial operations of the government were so heavily clogged that a special session of Congress in September, and a new Secretary, became indispensable. The notion of defraying the extraordinary war expenses by successive loans had ere this exploded. By the general suspension, moreover, of specie payments outside of New England, the country was flooded with an irredeemable paper currency, variable, and carrying no national sanction whatever. The funds of the Treasury could not be conveniently transferred; public engagements were dishonored.

1807–1812.

1812.

1813.

1814.

Dallas, we have seen, would at this point have re-established the National Bank; but prejudice was inveterate, and Congress,

* Annals of Congress, 1815–1817.

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instead, having first pressed internal taxation to the utmost,* pledged the internal revenues to public creditors and offered them loans and Treasury notes once more. But the new Treasury notes, as authorized, differed in principle from those of former issues; not expressed, to be sure, as a legal tender, but with principal and interest payable at no stated time, and as to denominations less than $100, negotiable and bearing no interest at all,—thrown out, in fact, to struggle with the paper of the suspended banks as a sort of predominant currency by consent.

The suspension of specie payments, an inevitable consequence of this war, but by no means the sign of utter prostration so commonly supposed, had perplexed Dallas, Gallatin, and all our chief financiers greatly, for upon the point of public credit the public honor was still keenly sensitive. The Treasury in 1815 had been drawn into sharp competition with non-specie paying banks to supply the medium of circulation, the latter refusing to receive Treasury notes at par, and their own notes being refused by government in return. No State could lawfully emit bills of credit, and yet State corporations, chartered without the participation of Congress, were now circulating, after the war was over, a paper medium subject to most of the practical disadvantages of bills of credit. 1815.

A speedy return to specie payments afforded the best means of extricating the Union from this discreditable state of things. With this end in view, Dallas, who had vainly striven to bring the local banks into mutual combination upon the subject of circulation, revived before the fourteenth Congress the plan of a national specie-paying bank,† such as Gallatin and the best financiers of the age approved. Under favoring conditions—the stronger local banks having already begun to refuse the paper of the weaker—the needful charter was procured; and for the second time in our history a National Bank appeared, yoking the public credit once more, as Hamilton's fiscal agent had done, with the private incorporators of a single

* See *supra*, p. 417.

† Dallas's Treasury Report, December, 1815; 9 Niles's Register, 261, 366.

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moneyed institution. Upon this most important measure of the fourteenth Congress the first symptoms of party renovation might be seen in the union of that soon famous tri-
1816. umvirate, Clay, Calhoun, and Webster, young men whose antecedents differed so greatly, in substantial support of this measure.*

For present financial ills the National Bank was the accepted panacea. They who had essayed fiscal operations without it were either silenced or converted. Republicans and Federalists in Congress voted for the act together. Madison, surmounting the prejudices of a lifetime, approved it. The stock

* See act April 10th, 1816; Annals of Congress. The capital of this new National Bank was fixed at $35,000,000; an amount more than treble that of its predecessor, as the national development had justified. The par value of each share was $100. $7,000,000 of the capital were to be subscribed by the United States Government, the remaining $28,000,000 by individuals, companies, corporations, or States; no single subscription exceeding 3000 shares. Individual subscriptions were payable by instalments, extending over twelve months, in coin or funded stock of the United States at stated rates, the latter favor to government being enhanced by the further stipulated payment of $1,500,000 by instalments as a bonus for the charter. After payment of the first instalment of subscription dues the bank was to commence operations.

While prescribing powers, duties, and restrictions to much the same extent as formerly, Congress enlarged the control of the public in these leading particulars: official direction, the establishment of branches, and supervision of the general management. Instead of permitting stockholders to choose all the directors, as in the first bank, government was to appoint five directors annually out of the twenty-five; the original subscriptions, moreover, were to be opened in every State. The directors at Philadelphia could no longer exercise a discretionary power as to establishing branch banks, but the law compelled them to do so in any State or the District of Columbia upon the demand of Congress and compliance with certain preliminary conditions.

As a depository of the public moneys (which the bank was obliged to transfer without charge) its functions might be curtailed, should the Secretary of the Treasury so order, laying his reasons before Congress. And while the present charter, like the former, was limited in time to twenty years, Congress reserved new and express powers of inquisition, meanwhile, as to the management of this corporation, whose exercise might lead at any time to an earlier forfeiture under judicial process as for breach of trust. Many years after, as later history shows, these last two conditions of the charter became, in the hands of the bank's political enemies, a potent means of demolishing its influence.

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offered to the public was quickly subscribed, and by November, 1816, the parent bank at Philadelphia had been fully organized for business, Girard and Astor being among the government directors. Besides the other chief financial centres,—Boston, New York, and Baltimore,—branches were presently established at the national capital and in every quarter of the Union, from Portsmouth to New Orleans.* But the management of this new fiscal concern was not as prudent and honorable as before. Heedless of the jealous democracy and local bankers, a dangerous combination if politically united against them, the directors of the National Bank grossly abused its chartered privileges at the outset, discounting the notes of favored subscribers at Philadelphia and Baltimore, on the security of the bank's own stock, as a means of enabling them to meet their later instalments. The stock thus taken was rated above par; and the bank becoming thus practically involved in a speculation upon its own credit, a serious shrinkage of capital at length resulted, a new instance of the corrupting influence war may exert upon the business habits of a community.†

As an instrument, however, for forcing the prompt resumption of specie payments, the new institution worked admirably. Local banks, hitherto intrusted with the government deposits, nearly a hundred in number, had either to accede to the Treasury plan or transfer their balances at once. It required no little tact and patience to bring matters to the point of speedy resumption, banks moving reluctantly and by no means in unison, and many of them, in fact, already insolvent. Under a joint resolution, introduced in Congress by Webster, February 20th, 1817, was fixed as the date for government to set the example.‡ Assisted by its new fiscal agent, the National Treasury honored its obligations in specie in January of that year. Public credit stood

1817, January.

* 9–11 Niles's Register; 6 Hildreth, 591–609. † Ib.

‡ See Joint Resolution, April 30th, 1816, which required all dues to the United States to be collected after that date either in the legal currency of the United States (*i. e.*, gold and silver) or Treasury notes, or notes of the Bank of the United States, or in notes of specie-paying banks.

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erect and firm again within two years from the proclamation of peace, and before Madison retired from office.

This master-stroke recalls Hamilton and 1791. The new generation had, in truth, been well grounded in the rudiments of sound finance, and taught to abhor repudiation and national debts. Prosperity smiled, too, upon the republic; plenty inverted her abundant horn. No longer wasted, the surplus products of agriculture sought a foreign market, and the customs receipts alone had increased from $7,282,000 in 1815 to $36,306,000 in 1816, settling afterwards to a level higher than ever reached before.

War, with its commercial restraints, had wrought, nevertheless, a great change in American industries. Great seaport towns, like Salem, whose inhabitants could not readily accommodate themselves to a change, began to decline. Virginia, too, whose planters had suffered long from ravage and waste, showed symptoms of decay.* To the twin rival interests of the nation was now added a third, domestic manufactures, which had profited enormously by the causes that retarded commerce and agriculture. Protective tariff was soon to become an overshadowing theme for national discussion. All this belongs, however, to our later history, for as yet Congress did no more than to establish a peace tariff on a sliding scale, which but slowly reduced to twenty per cent. the war rate of duties hitherto imposed upon woollens and cottons.† In this tariff issue, strange to record, Webster and the New England members of the House opposed protection, while Calhoun and Lowndes, on behalf of South Carolina, led in supporting it.‡

Upon internal improvements another long contest was impending, for which this Congress might be said to deploy skirmishers. For the present the nation was in no condition for carrying out the magnificent projects upon which Jefferson

* Virginia planters had fed their horses on wheat in the last year of the war, all markets abroad and at home closed to them.—Jefferson's Works, October, 1814.

† Act of April 27, 1816. The war duties on these articles had been about thirty per cent.

‡ Annals of Fourteenth Congress, First Session.

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would have expended the Treasury surplus when the national debt was paid off.* Calhoun, during the second session, procured the passage of a bill appropriating the bonus and future dividends from the United States Bank as a national fund for internal improvements; but the vote was extremely close in both branches, and the measure did not survive a veto from the President.† 1816–1817.

The public debt of the United States in January, 1816, amounted to $127,335,000, from which maximum point it steadily decreased until within twenty years more not a dollar was owed by the government. With this aggregate, exceeding by over one-half what Hamilton had grasped in 1791, the principal of outstanding indebtedness at the commencement of 1813 was more than doubled. But the American people bound the new burden to their backs and went on cheerfully.

Partly by internal taxes, but chiefly by those upon imports, Congress and this administration planned a permanent revenue sufficient for meeting all current expenses and interest, and so as to apply an annual surplus besides of $10,000,000 towards discharging the principal. When the year 1817 opened, all was auspicious for instituting such a policy; most of the Treasury notes had been cancelled; nearly the whole of the national debt was already funded; cash to the amount of $10,000,000 lay in the Treasury; direct taxation could at once be dispensed with, and various obnoxious items of internal revenue besides.‡

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* *Supra*, p. 132.

† Annals of Fourteenth Congress, Second Session; 9 Niles's Register, Suppl., 145–154. Having experienced the difficulties of army transportation during the war, Madison had, however, in general terms, recommended the extension of roads and canals so as to bring distant parts of the country into closer connection.

‡ See Annals of Congress; American Almanac, "Debt." Great Britain's debt, on the other hand (whose figures correspond to our State and National debts united), reached its maximum of £863,602,000 in January, 1816, and during the forty ensuing years of peace that debt was not diminished by so much as ten per cent.

Among internal revenue acts repealed by acts of this Congress were those which taxed carriages and harness, distilled spirits, etc., most of

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Dallas, to whom the chief praise of this financial exhibit should be awarded, having entered the Cabinet in a season of the gloomiest distress, at the sacrifice of a lucrative professional practice upon which his family depended, resigned from the Treasury in October, 1816, and died very soon after. Crawford succeeded him, a zealous promoter of the new fiscal institution which this distinguished Philadelphian had the honor of founding. Dallas, to compare the less with the greater, had a brief career in the Treasury strikingly like Hamilton's, whose main ideas upon finance he accepted, greatly as they had differed in general politics. He, too, was a Briton by birth, though less identified than Gallatin himself with our Revolutionary cause. It is a circumstance worthy of record that three great aliens, all organizers rather than idealists, and all statesmen of comprehensive views, were the dominant minds of American finance through all the struggles of our first twenty-five years as a nation, just as alien capitalists had supplied the strongest sinews of the war of 1812. Capable and constantly growing, Crawford was, nevertheless, circumscribed, as Wolcott had been, by the system of a predecessor which, executing with consummate ability, he could, after all, do little more than execute.

The war of 1812 was fought under circumstances quite adverse to the United States, and adverse, most of all, in what human wisdom could hardly have foreseen, namely, the sudden and utter downfall of the Napoleon dynasty, because of an idiosyncrasy,—the blind fatalism of its founder. The season did not seem ill chosen at first, but so quickly was the whole European skein unravelled, that England's victorious arms were turned against America almost as soon as American troops could fight in earnest. From an intended conquest of Canada, the war became a struggle to maintain in its integrity the territory we already owned.

This state of things, however, brought its own compensation. America owed no new debt of gratitude to France, and

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which, as also the direct tax act, had passed Congress during the last two months of the war.—U. S. Statutes at Large, 1816–1817.

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had incurred no responsibility whatever in the good or ill fortune of her misguided ruler. His Leipsic was not ours, nor his Austerlitz. Moreover, with Napoleon crushed and revolutionary France stretched prostrate, weary Europe sought repose. The war for maritime supremacy was over, with the violence used to obtain it, and peace on the Continent laid a rational foundation for the solid superstructure of peace between the United States and Great Britain. The American attitude at the period of the Vienna Congress assured for this country practical advantages with Europe far beyond what the treaty of Ghent in terms professed to confer.

We had resisted contumely and wrong; we had negotiated, protested, and then fought for free trade and sailors' rights. Fighting, we had humiliated on the ocean the proudest and, in that day, the most insolent naval power of the world. Precisely this was the guaranty of commerce and commercial respect that our young and rising nation needed, and the only one worth having at all; for England respected courage above all things, and neutral commerce at her loss there could not have been so long as she could make the neutral her fag. Hull, Bainbridge, Decatur, Jones, and Perry negotiated the impressment difficulty better than all the secretaries and envoys since 1790; and of British invaders there was no longer fear after Jackson's siege-guns had spoken at New Orleans. Under the treaty of 1814, in short, the United States of America became completely divested of the colonial attribute and solemnly divorced from Europe.

The lessons of this war to the Old World and the New were worth all they cost; which cost, at the most liberal calculation,—apart from the loss of human life incident to all wars,—consisted of a war debt easily paid off afterwards; spoliation claims against a bankrupt emperor, whose liquidation neither frowns nor friendship were likely to have ever procured; the suspension of a foreign commerce fleeced on both sides of the Channel, and scarcely pursued at all except by violating the decrees of one power for the benefit of another. To sanguine Americans this war administered a wholesome corrective of Jeffersonian maxims. It taught them that passion and self-aggrandizement with nations as with individuals may blunt

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the edge of honor; that in international disputes a good argument is well backed by a prudent display of warlike resources; that while war must be the last resort of an aggrieved nation, wars prove costly when entered upon with inadequate preparation, can seldom accomplish the earliest expectation, and never are easily relinquished; that Americans should abate State pride and draw closer into the bonds of nationality, as the strongest safeguard against wars without and commotions within, and yet trust the honor of the American name to the intelligent American people, confident of their means, their constancy, their patriotism for protecting it in a good cause against the mightiest foe on earth. For invasion this Union might fail, but for self-defence it was invincible.

"By war," observed Monroe, shortly before relinquishing his temporary charge of the War Department, "we acquire a rank among other nations not before enjoyed, and stand pledged to sustain that rank."* Congress fixed the peace establishment, however, on a moderate basis. For the army 10,000 men were retained,—half the number recommended by the President,—together with two major-generals, four brigadiers, and a corresponding number of staff, regimental, and company officers, to be selected from those who had served in the war. The President selected Brown and Jackson for the major-generals, and Macomb, Scott, Gaines, and Ripley for brigadiers. By this reduction 1800 officers were compelled to leave the service, the superannuated Wilkinson among the number. A higher standard of military education was henceforth aimed at, the West Point Academy becoming the permanent training school of subalterns. The Ordnance and Engineer corps were retained. European officers of distinction were employed to examine our coast defence, and recommend such changes as might be needful.

The naval establishment remained upon its war footing; $200,000 a year for three years being appropriated, besides, for its further improvement. A board of three naval officers was created to superintend that department under the Secre-

* Monroe Correspondence, February, 1815.

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tary of the Navy. National vessels and privateers were withdrawn from the high seas as soon as possible; like stilettoes the latter had stabbed the enemy's commerce not bravely but with deadly effect.* Fewer private armed vessels were commissioned by the national government in this war than during the difficulties with France in 1798 and 1799, which our mercantile marine welcomed so warmly. Baltimore, New York, Salem, and Boston were the chief places of outfit, and many merchants who invested their capital in such ventures amassed large fortunes.†

The American inventing faculty had been manifested during the war in improved models of men-of-war and light craft. Upon torpedo experiments much money was expended, but with little effect beyond producing one or two explosions near the English blockading vessels, and making their commanders very cautious on approaching our harbors. Fulton, the mechanical genius of the age, who was greatly occupied in these experiments, did far more to change naval modes of warfare by constructing a steam vessel capable of working guns; but before its success could be demonstrated war had ended and the inventor himself was dead.‡

For this branch of the service, which had won so brilliant renown, new exploits remained in the Mediterranean. For while the United States fought with Great Britain the Dey of Algiers had declared war, and capturing an American vessel, reduced her crew to slavery. No sooner had the treaty of Ghent been ratified than Congress declared war in return, and the largest squadron that had ever sailed from the United States made speedily for Gibraltar under the command of Decatur. The war was scarcely longer than the voyage; for two days after entering the straits Decatur captured the largest vessel in the Algerine navy, a frigate of 44 guns; prize was next made of an Algerine brig; 1815, June.

* It is estimated that 1750 British vessels of every class were captured by American privateers during the war. Perhaps 1683 American vessels of every class were captured and destroyed by the British. But British commerce afloat was more valuable than the American, and the loss much greater. See Lossing's War of 1812, 1007, 1068.

† Ibid. ‡ See Lossing, 693, 976; Niles's Register.

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and by the time the American fleet appeared off Algiers the terrified Dey signed a treaty on Decatur's quarter-deck, compelling him not only to surrender the American captives, making indemnities, but to renounce for the future all claim to tribute-money or presents from the United States; promising in addition to reduce no more prisoners of war to slavery. From Tunis and Tripoli, not less submissive, Decatur procured recompense on account of British captures at which they had connived. The Barbary powers ceased henceforth from those vexations which had made them once so formidable.

Spoliation claims against France, Holland, Naples, and Denmark remained unsettled; the restored monarchs disclaiming responsibility for the Bonapartes, who had cost them the most. Scores were now sponged off with England. Spanish relations alone remained critical, nor was it yet possible to procure a final cession of the Floridas.

Prosperous as American commerce had become, it had lost the old neutral character; and hence its gains, as well as its hazards, were far less than before the war. Most of the European nations, after the final cessation of wars, aimed to become carriers themselves, by a policy of colonial restrictions, and of discrimination in favor of their own shipping; in consequence of which Congress passed a navigation act for the better protection of American interests.* Jealous protection was at this period the cardinal policy of the great powers into whose circle the United States now entered.

While our foreign relations thus assumed a more imposing aspect than ever before, the internal development of the Union was such as betokened rapid progress and expansion. Buffalo, and the towns of the Niagara frontier were rebuilt. A new tide of emigration swept over the Mississippi valley. Indiana formed a State constitution under authority of Congress, and Jonathan Jennings was chosen the first governor. In the western portion of the Mississippi Territory a State government

* Act March 1st, 1816. The ships of countries which limited American importations to American produce were, under this act, to be correspondingly treated; and the coasting trade, hitherto freely opened, was henceforth to be confined exclusively to American vessels.

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was preparing; the eastern portion, relieved of Indian claims, being now set apart as the Territory of Alabama. The American Union meant sure empire of the American continent.

By the war, as it resulted, the American Union gained a firm ascendency over the Indians east of the Mississippi. Michilimackinac and the other frontier posts were once more occupied.* At a great council held at Detroit, in 1815, delegates from the Northwestern tribes buried the hatchet, the Prophet, Tecumseh's brother, being present; and under the treaties of peace which followed, amicable relations were begun with the great Sioux Confederacy of the far West. Reservations, hitherto excluded from settlement, were procured from the Cherokees, Chickasaws, and Choctaws at the South,† so that through Southern Tennessee and the Alabama region the way was broken to Mobile and the borders of the Spanish dominions,—Spanish, however, only so long as American settlers could be warded off by a decaying power.

Sept., 1815.

1816.

The doom of the American Indians was sealed by this grand pacification of the tribes, which, faithfully as this kept the compact with Great Britain, could not obliterate from American minds the memories of treachery still recent, massacre, and an infamous alliance with our enemies. The Jefferson policy was preserved, of extinguishing Indian titles by fair purchase in preference to injustice and war; but the Jefferson dream of amalgamating the Indian races with our own dissolved into air.

A fresh impulse was given to national pride in the proposed adornment of the national capital, and the rebuilding of public edifices which British troops had left desolate, on a grander scale than before. This gave to the drooping village of the Potomac a new lease of power, which many of the legislators of that day would gladly have transferred to some more populous site in which they had a personal stake. The blackened walls of the ruined Capitol, which stood firmly,

* 6 Hildreth, 579; Monroe Correspondence.

† The first treaty with these tribes was superseded by a second, more satisfactory to our border inhabitants.

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served as a beginning for the new Houses of Congress; their temporary abode being meantime a hired building close at hand on Capitol Hill. The surrounding grounds were for the first time inclosed for improvement. Towards the interior adornment of the new edifice John Trumbull was engaged to furnish four large historical paintings, illustrating Revolutionary scenes of which he had been a witness,—pictures which still hang in the Rotunda,* with others less meritorious, to recall by life-like portraiture the figures and costumes of America's earlier great. The youth who loves his country, and is persuaded of its higher possibilities, does not criticise lesser faults where the artist has grouped the nation's heroes after their own likeness. They speak because it is they; and as he looks up and reads their souls, they look down as if to stir his.

For refurnishing the library of Congress, which the British had burned, some 7000 volumes were purchased,—Jefferson's private collection, which straitened circumstances compelled him to offer.†

The war had produced no new Washington, no hero of supereminent service to be borne as if by public acclamation into the Presidency. Sea-warriors are seldom selected and seldom aspire to rule landsmen. Jackson most nearly fulfilled the popular conditions, but his star rose slowly, for trained statesmanship and high breeding were still preferred for the highest office. From such candidates a Congressional caucus made selection. For Madison's successor some steadfast Republican was desired; some citizen who had not flinched when his country's rights were imperilled, and had helped maintain his

* "Shin-pieces," John Randolph flippantly styled them.

† Federalist members of Congress, in 1815, violently attacked the resolve which appropriated some $30,000 for this purchase; and on the same objection, namely, that a pension was intended, they defeated a bill to pay the destitute family of Vice-President Gerry (who had died during the session) his salary for the remainder of the year. The Republicans took their revenge by preventing the passage of bills to reimburse Massachusetts and Connecticut for their advances in local defence during the war,—advances which were not fully repaid until 1861. See 6 Hildreth, 571; Jefferson's Domestic Life.

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country's honor. Such a candidate, and no other, was sure of election; and if dispassionate in the earlier dealings with England, all the better. Who, then, so eligible as Monroe, the bosom friend of Jefferson and Madison,—he the political heir and the last of the famous Virginia line, chief and best counsellor of the present administration, and the only one of all Madison's Cabinet who had entered the war with much renown and emerged from it with more?

Monroe's frankness, generosity, patient industry, and unsullied honor, grand qualities for a chief magistrate, were universally admitted, and even his faults of character were such as endeared him to the mass. Americans of the present day may smile at the thought that a public experience so extensive as these pages have described, should not have supplied credentials abundant for a President, and that Monroe's executive capacity was still doubted. Not brilliant, but industrious and painstaking on all occasions, the amiable Monroe had passed into ripe manhood so gradually that the companions of his youth might easily underrate still his intellectual strength. But in the crisis of 1814 he had shown rare executive capacity, foresight, and energy in directing the defences of New Orleans; self-abnegation, too, in urging upon Congress the unpopular draft for replenishing our armies. Of the great Virginia trio Monroe had the least originality, and remains perhaps the least remarkable. This partly, however, because of a boyish petulance, which long clung to him in political life; for, though in earlier years his political judgment was exceedingly fallible, his views on public affairs of late had sometimes proved more accurate than those of Jefferson and Madison combined, and particularly as respected the foreign disposition towards the United States in 1807–1808, and the best means of influencing Europe favorably to our cause. A most conscientious statesman where he differed from others, Monroe had not deferred his convictions to Jefferson himself. Gaining constantly, therefore, as experience corrected his faults of judgment and broadened his whole character, Monroe was, for that new work of public recuperation and peace which belonged to the next eight years, not only the best of Republicans, but, in reality, the best qualified man in America.

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Were it not for Monroe's acknowledged prominence, merits, and personal popularity, the State which had already supplied the Presidential chair for twenty-four years out of twenty-eight, must have been thrust aside. "My son will never have a chance until the last Virginian is laid in the graveyard," muttered the splenetic John Adams, who nourished family expectations in this direction, impossible to be yet realized. New York's candidate was Governor Tompkins, a man of unblemished character, whose unfaltering support of the war entitled him to recognition. In the Republican caucus Monroe's opponents united upon Crawford. Monroe was selected, 65 to 54. Tompkins accepted the caucus nomination to the Vice-Presidency.

Mar. 16, 1816.

"Monroe and Tompkins" was a clean national ticket which swept the country easily; these candidates receiving, in fact, the electoral votes of all the States except Massachusetts, Connecticut, and Delaware, where the forlorn hope of Federalism maintained a faltering last stand, and gave Rufus King the compliment of their Presidential ballots, not having thought it worth while to unite upon any person for Vice-President.*

Religious as well as secular disputes tended to the final disrupture of the Federalist party at the East; the liberal portion coalescing with Republicans in the State elections.† And thus had New Hampshire, in 1816, reverted to Plumer and his party, who made proscription of the State judges, in their turn,‡ and undertook, moreover, to remodel the charter of Dartmouth College, so as to take the institution out of the hands of its self-perpetuating board of trustees, who were all Federalists and orthodox Congregationalists. A long litigation which grew out of this latter proceeding terminated in a memorable decision of the Supreme Court at Washington, which forbade the State legislature to impair its own contract without consent of the trustees.§ In Massachusetts Dexter was

* There were a few vacancies in some of the electoral colleges. See Electoral Vote, Appendix.

† See *supra*, p. 253.

‡ See *supra*, p. 422.

§ Dartmouth College *v.* Woodward, 4 Wheaton's Reports, 518. States being prohibited by the Constitution from impairing the obligations of contracts, this case has become the leading one for securing their char-

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brought forward for the governorship by the Republicans and liberals once more in 1816; but upon a close vote he was defeated by John Brooks, the late Adjutant-General and a man of Strong's politics, and died soon after. The Connecticut Republicans combined with religious sects desiring freedom, upon Wolcott, Hamilton's former assistant and successor in the Treasury, who had for many years been a bank president residing in New York city, and disconnected with politics; they, too, failed to defeat the orthodox Federalists, but made important gains in the legislature.* 1816. 1816.

Monroe's election was hailed at the West, where, like Jefferson, he enjoyed immense popularity without having ever made its tour, and partly because of his agency in procuring for the Union a free Mississippi. Nor were Eastern men displeased; for even Anglo-Federalists remembered Monroe as negotiator of the British treaty which Jefferson had rejected. "Hartford Convention," and "blue-lights," were already words of reproach hard to bear. Otis and his associates tendered the olive branch, desiring friendship with the incoming administration. An intimate friend of Monroe visited Boston in 1816, and this set treated him with marked hospitality. They wished Monroe would journey to New England and discover for himself how firm was the loyalty of that section. Otis himself insisted that the basis of the Hartford Convention was union; that he had not heard a single disunion sentiment uttered in that body,† but their main object as delegates had been to encourage the people to look up to the Federal party. Otis ad- 1816–17.

tered immunities to private corporations as against subsequent legislation to their prejudice.

* See 6 Hildreth, 595–605.

† It is difficult to believe this statement, unless Otis stopped his ears whenever disunion was broached. Propositions looking to disunion were doubtless brought to the attention of members by their outside friends. See *supra*, p. 426. It is more than likely, however, that delegates who imposed such absolute secrecy upon their utterances preferred discussing dangerous propositions informally, and in committee, rather than before the assembled body.

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mitted, however, that there were two sets of Federalists in the nation; one which believed nothing the administration did could be right, the other, more liberally disposed; and he, for his part, belonged to the latter set. "There should be now no difference of parties," added Quincy, less eagerly and with a spice of sarcasm, "for the Republicans have outfederalized Federalism."*

Monroe was not unimpressed by these overtures, but, nevertheless, reserved his decision. He agreed with Andrew Jackson, who had advised him that the chief magistrate of the country ought not to be the head of a party but of the nation. Those, thought the President elect, who left the Federal party during the war, were entitled to the highest confidence; but towards Federalists with principles unfriendly to our system he felt differently. "The administration," he wrote to Jackson, "ought to rest strongly upon the Republican party, indulging towards the other a spirit of moderation and discrimination; we must prevent the reorganization and revival of the Federal party."†

While Monroe thus forecast the future, Madison's sun sank calmly to its setting. This administration had been an eventful one, full of strange vicissitudes; but joy came at last, and long tribulation brought a welcome peace, more secure than America had known for seventy years. Madison left public station with applause, therefore; and the genuine esteem with which he was already regarded gradually deepened into affection, if not reverence. He outlived all his contemporaries of 1787, and all political enmities; and in the course of his long and happy retirement earned new claims to public gratitude by contributing much to the historical record of his illustrious times. His homestead, approached through long avenues of noble trees, was Montpelier, a fine wheat farm, not far from the little town of Orange; and here, with his accomplished wife,‡ he lived

* Monroe's Correspondence, 1816.

† Monroe's Correspondence, 1816.

‡ Dolly Paine Madison was, in her sphere, a more remarkable person than her husband in his, being the notable American lady of this period, and one who adorned the most exalted social station as well as the simplest. She was born of Quaker parents at the South, in 1767. When

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quietly among neighbors of simple manners like himself, Jefferson, his distinguished friend, being within half a day's ride. Faithful in all the relations of life, pure, upright, diligent, discreet, disinterested, benevolent, Madison possessed those traits to which old age always gives lustre. Well-deserving of the nation, he had attained all the honors the nation could bestow, and had done filial service in return. His faults were those of a prudent rather than a zealous or daring executive; responsibility rested uneasily upon his shoulders, for he had been bred a counsellor, and as President he could not stand firmly against opposition.* His administration was weakest where the pressure came upon executive discretion, and strongest where its course was dictated by the popular wishes, of which Madison had always a delicate perception. Conscientious as he was docile and capable, even weakness like this could not ruin the public interests committed to him, for discipline brought correction, and though a President of accommodating opinions, perhaps, his opinions were accommodated, nevertheless, to the times. Madison could never go far wrong, for he never went counter to the sense of those he governed; but in the war of 1812, he seemed less a preceptor and guide than the instrument of those who took up arms so boldly to vindicate American honor; and hence the American people remembered his Presidency in after years less for his achievements than their own.

Madison married her, in 1794, she was a young widow. The anecdote is a familiar one of her carrying away the parchment Declaration of Independence, and preserving Stuart's full-length painting of Washington, after the fight of Bladensburg. She died in July, 1850, having survived her husband fourteen years. See Lossing's War of 1812, p. 935.

* See Jefferson's Domestic Life for Jefferson's qualified tribute to Madison's character in his last hours.

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APPENDIX.

A. ELECTORAL VOTE BY STATES FOR PRESIDENT AND VICE-PRESIDENT, 1801–1817.

ELECTORAL VOTE OF 1804.*

	States.	President.		Vice-Pres't.				States.	President.		Vice-Pres't.		
		Thos. Jefferson, of Va.	C. C. Pinckney, of S. C.	Geo. Clinton, of N. Y.	Rufus King, of N. Y.	Total.			Thos. Jefferson, of Va.	C. C. Pinckney, of S. C.	Geo. Clinton, of N. Y.	Rufus King, of N. Y.	Total.
1	Connecticut	.....	9	.....	9	9	10	N Carolina	14	.....	14	.....	14
2	Delaware	.....	3	.....	3	3	11	Ohio	3	.....	3	.....	3
3	Georgia	6	.....	6	.....	6	12	Pennsylvania	20	.....	20	.....	20
4	Kentucky	8	.....	8	.....	8	13	Rhode Island	4	.....	4	.....	4
5	Maryland	9	2	9	2	11	14	S. Carolina	10	.....	10	.....	10
6	Massachusetts	19	.....	19	.....	19	15	Tennessee	5	.....	5	.....	5
7	N. Hampshire	7	.....	7	.....	7	16	Vermont	6	.....	6	.....	6
8	New Jersey	8	.....	8	.....	8	17	Virginia	24	.....	24	.....	24
9	New York	19	.....	19	.....	19							
								Total	162	14	162	14	176

* By Article XII. of the Amendment to the Constitution, which was declared in force September 25th, 1804, the Electors are required to ballot separately for President and Vice-President. The election of 1804 was the first under this amendment.

ELECTORAL VOTE OF 1808.

	States.	President.				Vice-President.						Total.
		James Madison, of Va.	C. C. Pinckney, of S. C.	Geo. Clinton, of N. Y.	Vacancies.	Geo. Clinton, of N. Y.	Rufus King, of N. Y.	John Langdon, of N. H.	James Madison, of Va.	James Monroe, of Va.	Vacancies.	
1	Connecticut	.....	9	.....	.....	.....	9	.....	.....	.....	.....	9
2	Delaware	.....	3	.....	.....	.....	3	.....	.....	.....	.....	3
3	Georgia	6	.....	.....	.....	6	.....	.....	.....	.....	.....	6
4	Kentucky	7	.....	.....	1	7	.....	.....	.....	.....	1	8
5	Maryland	9	2	.....	.....	9	2	.....	.....	.....	.....	11
6	Massachusetts	.....	19	.....	.....	.....	19	.....	.....	.....	.....	19
7	New Hampshire	.....	7	.....	.....	.....	7	.....	.....	.....	.....	7
8	New Jersey	8	.....	.....	.....	8	.....	.....	.....	.....	.....	8
9	New York	13	.....	6	.....	13	.....	.....	3	3	.....	19
10	North Carolina	11	3	.....	.....	11	3	.....	.....	.....	.....	14
11	Ohio	3	.....	.....	.....	.....	.....	3	.....	.....	.....	3
12	Pennsylvania	20	.....	.....	.....	20	.....	.....	.....	.....	.....	20
13	Rhode Island	.....	4	.....	.....	.....	4	.....	.....	.....	.....	4
14	South Carolina	10	.....	.....	.....	10	.....	.....	.....	.....	.....	10
15	Tennessee	5	.....	.....	.....	5	.....	.....	.....	.....	.....	5
16	Vermont	6	.....	.....	.....	.....	.....	6	.....	.....	.....	6
17	Virginia	24	.....	.....	.....	24	.....	.....	.....	.....	.....	24
	Total	122	47	6	1	113	47	9	3	3	1	176

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ELECTORAL VOTE OF 1812.

	States.	President.			Vice-Pres't.			Total.		States.	President.			Vice-Pres't.			Total.
		James Madison, of Va.	DeWitt Clinton, of N.Y.	Vacancies.	Elbridge Gerry, of Mass.	Jared Ingersoll, of Pa.	Vacancies.				James Madison, of Va.	DeWitt Clinton, of N.Y.	Vacancies.	Elbridge Gerry, of Mass.	Jared Ingersoll, of Pa.	Vacancies.	
1	Connecticut	...	9	...	...	9	...	9	11	N. Carolina	15	...	...	15	...	...	15
2	Delaware	...	4	...	...	4	...	4	12	Ohio	7	...	1	7	...	1	8
3	Georgia	8	...	...	8	...	...	8	13	Pennsylvania	25	...	...	25	...	...	25
4	Kentucky	12	...	...	12	...	...	12	14	Rhode Island	...	4	...	...	4	...	4
5	Louisiana	3	...	...	3	...	...	3	15	S. Carolina	11	...	...	11	...	...	11
6	Maryland	6	5	...	6	5	...	11	16	Tennessee	8	...	...	8	...	...	8
7	Massachusetts	...	22	...	2	20	...	22	17	Vermont	8	...	...	8	...	...	8
8	New Hampshire	...	8	...	1	7	...	8	18	Virginia	25	...	...	25	...	...	25
9	New Jersey	...	8	...	...	8	...	8									
10	New York	...	29	...	...	29	...	29		Total	128	89	1	131	86	1	218

ELECTORAL VOTE OF 1816.

	States.	President.			Vice-President.						Total.
		James Monroe, of Va.	Rufus King, of N. Y.	Vacancies.	D. D. Tompkins, of N. Y.	John E. Howard, of Md.	James Ross, of Penn.	John Marshall, of Va.	R. G. Harper, of Md.	Vacancies.	
1	Connecticut	.....	9	.....	.....	.....	5	4	.....	.....	9
2	Delaware	.....	3	1	.....	.....	.....	.....	3	1	4
3	Georgia	8	.....	.....	8	.....	.....	.....	.....	.....	8
4	Indiana	3	.....	.....	3	.....	.....	.....	.....	.....	3
5	Kentucky	12	.....	.....	12	.....	.....	.....	.....	.....	12
6	Louisiana	3	.....	.....	3	.....	.....	.....	.....	.....	3
7	Maryland	8	.....	3	8	.....	.....	.....	.....	3	11
8	Massachusetts	.....	22	.....	.....	22	.....	.....	.....	.....	22
9	New Hampshire	8	.....	.....	8	.....	.....	.....	.....	.....	8
10	New Jersey	8	.....	.....	8	.....	.....	.....	.....	.....	8
11	New York	29	.....	.....	29	.....	.....	.....	.....	.....	29
12	North Carolina	15	.....	.....	15	.....	.....	.....	.....	.....	15
13	Ohio	8	.....	.....	8	.....	.....	.....	.....	.....	8
14	Pennsylvania	25	.....	.....	25	.....	.....	.....	.....	.....	25
15	Rhode Island	4	.....	.....	4	.....	.....	.....	.....	.....	4
16	South Carolina	11	.....	.....	11	.....	.....	.....	.....	.....	11
17	Tennessee	8	.....	.....	8	.....	.....	.....	.....	.....	8
18	Vermont	8	.....	.....	8	.....	.....	.....	.....	.....	8
19	Virginia	25	.....	.....	25	.....	.....	.....	.....	.....	25
	Total	183	34	4	183	22	5	4	3	4	221

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B. LENGTH OF SESSIONS OF CONGRESS, 1801–1817.

No. of Congress.	No. of Session.	TIME OF SESSION.
7th.	1st.	December 7th, 1801—May 3d, 1802.
	2d.	December 6th, 1802—March 3d, 1803.
8th.	1st.	October 17th, 1803—March 27th, 1804.
	2d.	November 5th, 1804—March 3d, 1805.
9th.	1st.	December 2d, 1805—April 21st, 1806.
	2d.	December 1st, 1806—March 3d, 1807.
10th.	1st.	October 26th, 1807—April 25th, 1808.
	2d.	November 7th, 1808—March 3d, 1809.
11th.	1st.	May 22d, 1809—June 28th, 1809.
	2d.	November 27th, 1809—May 1st, 1810.
	3d.	December 3d, 1810—March 3d, 1811.
12th.	1st.	November 4th, 1811—July 6th, 1812.
	2d.	November 2d, 1812—March 3d, 1813.
13th.	1st.	May 24th, 1813—August 2d, 1813.
	2d.	December 6th, 1813—April 18th, 1814.
	3d.	September 19th, 1814—March 3d, 1815.
14th.	1st.	December 4th, 1815—April 30th, 1816.
	2d.	December 2d, 1816—March 3d, 1817.

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