

The Naval War of 1812: A Documentary History

**Volume I
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As Isaac Chauncey's letter shows, even officers who remained in the navy found themselves without ships or men to command. As a result, many did go on furlough for considerable lengths of time, taking positions as masters on merchant ships around the world. For them, it must have seemed the end of an era. They had fought two naval wars in less than ten years. The navy had justified its existence, at least for these officers, but with the war over and with no visible enemies on the horizon, they found that the navy would be restricted to a handful of fighting ships and a moribund shore establishment. In thirty years, the United States had arisen from seaboard colonies on the margin of the British Empire to become an ungainly, poorly unified collection of states with a rising prosperity drawn from overseas trade and a wealth of natural resources. Her only trained fighting force was the navy which was small indeed compared to the gigantic, diversified fleets belonging to the European maritime powers. From 1805 to 1812, tensions born of war in Europe aggravated ill-feeling and misunderstanding between Great Britain and her former colonies. The documents that follow have been selected to show what these tendencies were and how the United States Navy fared in the uncertain journey from the newly won peace to another war.

Chapter One

The Maritime Causes of the War: 1805-1812

During 1805, at the commencement of President Jefferson's second term, some basic changes took place in the foreign relations of the United States. Throughout his first term Jefferson and Secretary of State James Madison attempted to tread the narrow path of neutrality among the warring nations of Europe. In this way, it seemed that the United States would best protect its flourishing overseas commerce and avoid involvement in an expensive and destructive conflict.

Despite these benign objectives, the maelstrom of international politics gradually drew the United States toward the turbulent waters of the Napoleonic Wars. Jefferson's instincts had led him to attempt resolution of conflicts by peaceful means, but he had been obliged to strengthen the U.S. Navy's Mediterranean squadron by stages until the Tripolitans were defeated. Just as this goal was attained troubles arose with Spain because of the Louisiana Purchase and the onset of the Burr Conspiracy. In the autumn of 1805, the country learned that a British admiralty court decision in the Essex case (see pp. 16-21) had signalled a stricter British policy regarding America's neutral trade. Henceforth, Royal Navy warships became more aggressive in their harassment of American shipping. British frigates took station off the Atlantic seaports in order to halt and search ships outward bound and returning from European trading voyages. Men suspected of being British subjects were impressed and ships were seized if their papers indicated trade with France or French colonies and allies.

The Struggle to Increase the Navy

In his fifth annual message to Congress, on 5 December 1805, the president reviewed the hostile environment of the past year and suggested that Congress give consideration to strengthening seaport fortifications, constructing a fleet of gunboats for the protection of harbors, and increasing the readiness of the militia. When he came to the issue of building ships of the line, Jefferson gave no guidance other than to say "considerable provision has been made under former authorities from Congress of materials for the construction of ships of war of 74 guns. These materials are on hand subject to the further will of the Legislature."¹

Congress discussed naval matters during the winter of 1805–1806 in debates on two issues: the fortification of ports and harbors and the amendment of the Naval Peace Establishment Act of 1801. Committees assigned to the drafting of bills on these topics requested information from Secretary of the Navy Robert Smith. Hoping that the mood of Congress had changed sufficiently, he suggested an appropriation adequate to the construction of 74-gun ships as part of the bill to protect ports and harbors. This, however, was finally disapproved, and the act when passed on 21 April 1806 appropriated \$250,000 for the building of gunboats only and \$150,000 to improve harbor fortifications. The navy made some progress in the passage of a new Naval Peace Establishment Act. Congress voted to restore the rank of master commandant and increased the number of lieutenants from 56 to 72, but the number of captains allowed was reduced from 15 to 13. The act also allowed the president discretion to decide how many ships to maintain in active service. Jefferson's biographer, Dumas Malone, has stated that the president showed more concern for having a well-balanced navy at this juncture than at any other time during his presidency.² Congress, however, was reluctant to increase the naval force without a more determined advocacy from Jefferson.³ The documents which follow were selected from those which the secretary of the navy forwarded to Congress during the debates of 1805–1806.

1. James D. Richardson, comp., *A Compilation of the Messages and Papers of the Presidents, 1789–1897* (Washington, D.C., 1896), I: 382–88.

2. Dumas Malone, *Jefferson and His Time, vol. 5, Jefferson the President, Second Term, 1805–1809* (Boston, 1974), p. 496.

3. Craig L. Symonds, *Navalists and Anti-navalists: The Naval Policy Debate in the United States, 1785–1827* (Newark, Del., 1980), pp. 105–19.

SECRETARY OF THE NAVY ROBERT SMITH TO ANDREW GREGG,
CHAIRMAN, COMMITTEE ON THE NAVAL PEACE ESTABLISHMENT

NAVY DEPARTMENT, December 16, 1805

SIR:

The enclosed paper, marked A, exhibits a view of the captains, masters-commandant, lieutenants, and midshipmen, at present belonging to the navy of the United States.

Paper B explains my ideas as to a Naval Peace Establishment.

Paper C exhibits the proportion of able seamen, ordinary seamen, and boys, required for a frigate of forty-four guns, a frigate of thirty-six guns, a frigate of thirty-two guns, a brig of sixteen guns, and a schooner of fourteen guns.

It is desirable that the President should be authorized to appoint five captains, in addition to the number now in the navy. The five senior masters-commandant, who would, if authority existed, be promoted to the stations of captains in the navy, are gentlemen distinguished for their services, who have by courtesy been called captains, and who are, in every respect, entitled to promotion; the greater part of whom I fear we shall lose, if they are not promoted. For similar reasons it is desirable that the President should be authorized to appoint nine masters-commandant, and one hundred lieutenants.

With respect to lieutenants, we have unavoidably been obliged to appoint midshipmen to the station of lieutenants, who were junior to others of equal merit not appointed. It is, therefore, obviously desirable that authority should be given to the President to appoint as many lieutenants as will include all the meritorious midshipmen, senior to the junior midshipmen now appointed or acting as a lieutenant, and thus give them that rank to which they are entitled, by their merit and their services. I am, respectfully, sir, your most obedient servant,

R. SMITH

ANDREW GREGG, Esq.,
Chairman of the Committee on the
Naval Peace Establishment

A.

List of Captains, Masters-Commandant, Lieutenants, Acting Lieutenants, and Midshipmen, in the Navy of the United States.

CAPTAINS.		
Samuel Nicholson, at the Navy Yard, Boston.	John Rodgers, Edward Preble, James Barron, William Bainbridge,	Hugh G. Campbell, Stephen Decatur, Jr. Thomas Tingey, at the Navy Yard Washington.
Alexander Murray, Samuel Barron,		
MASTERS-COMMANDANT.		
Charles Stewart, Isaac Hull, John Shaw,	Isaac Chauncey, John Smith, George Cox,	John H. Dent, Thos. Robinson, Jr.
LIEUTENANTS.		
David Porter, John Cassin, Samuel Evans, Charles Gordon, Edward Wyer, P. C. Wederstrandt, Joshua Blake, Joseph Tarbell, Jacob Jones, Theodore Hunt, James Lawrence, A. C. Harrison, D. T. Patterson, Daniel Murray, James W. Murdoch, Nathaniel Haraden, Seth Cartee, Humphrey Magrath, Daniel M'Neill, Jr. Ralph Izard, George A. Marcellin, David Deacon, John D. Henley,	M. B. Carroll, Benjamin Smith, Charles Ludlow, Samuel Elbert, George W. Reed, John Trippe, Arthur Sinclair, H. J. Need [<i>Reed</i>], Sybrant Vanschaick, Charles Gadsden, ¹ James T. Leonard, Samuel Angus, William Burrows, John Shattuck, John Rowe, William P. Smith, Edward Bennett, Octavius A. Page, L. Warrington, J. Blakeley, Thomas Macdonough, Winlock Clarke, James Biddle,	Jos. J. Maxwell, Edward N. Cox, Oliver H. Perry, Jos. Bainbridge, Robert Henley, J. M. Gardner, William Crane, Robert Stewart, S. G. Blodget, Benjamin F. Read, James Gibbon, Daniel S. Dexter, M. T. Woolsey, T. O. Anderson, Thomas Hunt, Jonathan Thorn, William H. Allen, Edward Trenchard, Sloss H. Grenell, John B. Nicholson, Archibald K. Kearney, Robert T. Spence, Charles Morris, Jr.

Charles L. Ridgeley, Stephen Cassin, J. Orde Creighton,
J. S. Higinbotham.

ACTING LIEUTENANTS.

Francis Patton, George Merrill, James Renshaw.	Charles Robinson, J. M. Haswell, Benjamin Turner,	Alexander Laws, William Ballard, William Lewis.
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MIDSHIPMEN.

(The following officers, from Walter Winter to J. Downs, hold older warrants than Wm. Lewis, an acting lieutenant, but owing to circumstances, have not yet been appointed, though equally entitled to promotion.) Walter Winter, George H. Geddes, Charles Read, William Butler, William Duncanson, Alfred Hazard, George Mitchell, William M'Intosh, Sidney Smith, William Miller, Walter Boyd, John Davis, Bernard Henry, George Mann, Simon Smith, Thomas Brown, S. Woodhouse, William S. Butler, Richard B. Jones, James Roach, J. R. Leaycraft,	Jos. Nicholson, Andrew Stuart, Jacquelin Harvie, John Lyon, Henry Thomas, Alexander S. Dexter, Thomas Shields, Overton Carr, Jr. George H. Hannah, Walter Stewart, A. S. Wadsworth, Thomas Swearingen, Jacob Hite, William Walker, Eli E. Danielson, John Stockton, Jr. Alfred Coale, Charles W. Rivers, James A. Miller, Jesse D. Elliott, St. Clair Elliott, James Wilson, John H. Coats, William R. Woodyear, George W. Rodgers, George C. Read, Robert Spedden, Jos. J. Nicholson, Charles Walsh, Henry Ballard, Thomas Gamble, Benedict J. Neale,	John B. Henry, John Wright, A. B. Lindsley, John Kerr, Gervas Clifton, William Carter, Jr. James M'Glauton, Turner M'Glauton, J. R. Maddison, Jesse Keene, Richard Smith, J. B. Cheshire, Wolcott Chauncey, Edward D. Nicholson, Thomas Doyle, George R. Rice, Jacob Felter, William L. Travis, Gustavus Douglass, Edward H. Stewart, Jesse Wilkinson, Joshua Watson, Leslie Mitchell, Anthony Y. Denton, John H. Elton, John Fendall, John Homer More, William P. Adams, J. B. Nicholson, S. Renshaw, William Peters, B. V. Hoffman,
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William Sim,	Thomas Magruder,	Peter Pinny
Louis Alexis,	William Goodwin, 3rd,	William D.
John Downes,	Benjamin R. Saunders,	Chamberlayne,
Cs. C. B. Thompson,	Hamlet Neale,	John Marshall
James P. Wilmer,	Henry H. Ranten,	William Wright,
F. C. De Krafft,	W. E. Cheeseborough,	Horace Walpole,
F. J. Mitchell,	Alexander Brent,	T. W. Warrell,
Lawrence Keene,	James P. Webb,	W. C. Beard,
W. G. Anderson,	D. Chalmers,	Seth Stodder,
Lewis Hunt,	Gustavus Brown,	T. D. Chamberlayne,
Pascal P. Peck,	Benjamin Mathews,	Alexander James
James Marshall,	Fox H. Sturman,	Dallas, Jr.
J. R. Sherwood,	Horace S. Sprigg,	T. Ap Catesby Jones,
John Nevitt,	Fitz Henry Babbit,	George Budd,
J. Pettigrew,	Augustus C. Ludlow,	Charles A. Budd,
Daniel P. Ramsey,	William E. Hill,	Edmund P. Kennedy.
Charles Jones,	Rt. S. Steel,	

B.

AN ACT supplementary to the act, entitled "An act in addition to the act, entitled 'An act providing for a Naval Peace Establishment, and for other purposes.'"

Be it enacted, &c. That, from and after the passage of this act, the act, entitled "An act providing for a Naval Peace Establishment, and for other purposes," be, and the same is hereby repealed, excepting and reserving the third section thereof, which regulates the ration of the navy of the United States.

SEC. 2. *And be it further enacted,* That there shall be retained in the naval service in times of peace, and that the Naval Peace Establishment shall consist of the following officers, that is to say, fifteen Captains, nine Masters Commandant, one hundred Lieutenants, one hundred and fifty Midshipmen, and as many Surgeons, Sailingmasters, Surgeons' Mates, Chaplains, Pursers, Boatswains, Gunners, Sailmakers, and Carpenters, as may, in the discretion of the President of the United States, be deemed expedient and necessary.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized, in his discretion, to keep in actual service in the navy, in time of peace, not exceeding—

Able seamen,	400
Ordinary seamen, &c.	400
Boys,	114

C.

Exhibit of the proportion of Able Seamen, Ordinary Seamen, and Boys, required for vessels of the description mentioned underneath.

	Able Seamen.	Ordinary Seamen.	Boys.
For a frigate of forty-four guns,	120	142	30
For a frigate of thirty-six guns,	100	107	30
For a frigate of thirty-two guns,	75	65	25
For a vessel of sixteen guns,*	45	30	10
For a schooner of fourteen guns,	30	15	8
	370	359	103
	359		
	103		
	832		

*For such a vessel as the brig *Hornet*, which rates sixteen guns, we should require sixty able seamen, forty ordinary seamen, and twenty boys.

D.

List of the Navy of the United States, showing the number of guns and station.

	Guns each.	Where employed.
FRIGATES.		
<i>United States</i> ,	44	Eastern Branch, in ordinary.
<i>Constitution</i> ,	44	Mediterranean.
<i>President</i> ,	44	Eastern Branch, in ordinary.
<i>Chesapeake</i> , ²	44	" " " "
<i>Constellation</i>	36	Eastern Branch, dismantling.
<i>Congress</i> ,	36	" " " "
<i>New York</i> ,	36	Eastern Branch, in ordinary.
<i>Boston</i> ,	32	" " " "
<i>Essex</i> ,	32	Mediterranean.
<i>Adams</i> ,	32	Off the coast.
<i>John Adams</i> ,	32	Eastern Branch, dismantling.
BRIGS.		
<i>Syren</i> ,	16	Mediterranean.

<i>Argus</i> ,	16	Ditto.
<i>Hornet</i> ,	16	Eastern Branch; ordered off the coast.
<i>Vixen</i> ,	14	Mediterranean.
<i>Wasp</i> ,	—	Building at Navy Yard, Washington.
SCHOONERS.		
<i>Enterprise</i> ,	14	Mediterranean.
<i>Nautilus</i> ,	12	Ditto.
BRIG-KETCHES.		
<i>Spitfire</i> , 1 thirteen inch mortar and 2 long nine pounders,	—	Mediterranean.
<i>Vengeance</i> , 1 thirteen inch mortar and 2 long nine pounders, .	—	Ditto.
One building at	—	Portland.
Ditto at	—	Newburyport.
<hr/>		
<i>Gunboats, carrying a thirty-two pounder in bow and stern.</i>		
<i>No. 1</i> , off the Coast,	<i>No. 7</i> , supposed to be lost,	
<i>No. 2</i> , Mediterranean,	<i>No. 8</i> , Mediterranean,	
<i>No. 3</i> , Ditto,	<i>No. 9</i> , Ditto,	
<i>No. 4</i> , Ditto,	<i>No. 10</i> , Ditto,	
<i>No. 5</i> , Ditto,	<i>No. 11</i> , Portland; ready for launching,	
<i>No. 6</i> , Ditto,	<i>No. 12</i> , Newburyport; ready for launching.	

Eight in the Western country, building, two of which are probably launched by this time; the others nearly ready for launching.

NAVY DEPARTMENT, *December 5, 1805.*

ASP, Naval Affairs, I: 152-54.

1. Christopher Gadsden, Jr.

2. The ships listed in this document appear with the number of guns which they were officially rated to carry, not the number of guns they actually carried. The frigates *United States*, *Constitution*, and *President* were rated at 44 guns but carried approximately 56 guns. *Congress*, and *New York* were built as 36-gun frigates. *Chesapeake* was built at Gosport with the scantling of a small 44-gun ship but carried fewer guns and is frequently referred to as a 36- or 38-gun frigate.

SECRETARY OF THE NAVY SMITH TO NATHANIEL MACON,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

"ESTIMATE OF THE ANNUAL EXPENSE OF SUPPORTING,
IN ACTUAL SERVICE, THE WHOLE NAVAL FORCE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1806."

NAVY DEPARTMENT, *January 27, 1806.*

SIR:

In obedience to the resolution of the House of Representatives, of the 24th instant,* I have the honor to enclose, for their information, paper A, which is an estimate of the annual expense of supporting in actual service the whole of the frigates and smaller vessels, now belonging to the navy of the United States. I have the honor to be [&c.]

R. SMITH.

N. MACON, Esq. *Speaker of the House of Representatives.*

**Resolved*, That the Secretary of the Navy be directed to lay before this House estimates of the expense of repairing, and of the annual expense of manning and supporting, in actual service, the whole of the frigates and smaller vessels of war belonging to the United States.

A.

Estimate of the annual expense of supporting in actual service the whole of the frigates and smaller vessels now belonging to the Navy of the United States.

Names of Vessels.	For pay and subsistence of the officers and pay of the seamen.	For Provisions.	For medicine, hospital stores &c.	Repairs and contingent expenses.	Total amount.
Frigate <i>President</i> ,	\$52,561 00	31,653 25	1,000 00	30,000 00	115,214 25
" <i>United States</i> , . .	50,965 00	31,653 25	1,000 00	30,000 00	113,618 25
" <i>Constitution</i> , . . .	50,965 00	31,653 25	1,000 00	30,000 00	113,618 25
" <i>Chesapeake</i> , . . .	50,965 00	31,653 25	1,000 00	30,000 00	113,618 25
" <i>Constellation</i> , . .	44,293 00	26,959 76	1,000 00	30,000 00	102,252 76
" <i>Congress</i> ,	44,293 00	26,959 76	1,000 00	30,000 00	102,252 76
" <i>New York</i> ,	44,293 00	26,959 76	1,000 00	30,000 00	102,252 76
" <i>Essex</i> ,	35,173 00	20,633 86	800 00	25,000 00	81,606 86
" <i>Adams</i> ,	35,173 00	20,633 86	800 00	25,000 00	81,606 86
" <i>John Adams</i> , . . .	35,173 00	20,633 86	800 00	25,000 00	81,606 86
" <i>Boston</i> ,	35,173 00	20,633 86	800 00	25,000 00	81,606 86
Brig <i>Syren</i> ,	19,746 00	9,534 20	600 00	12,000 00	41,880 20
" <i>Hornet</i> ,	19,746 00	9,534 20	600 00	12,000 00	41,880 20
" <i>Argus</i> ,	19,746 00	9,534 20	600 00	12,000 00	41,880 20
" <i>Vixen</i> ,	15,939 00	7,171 13	500 00	8,000 00	31,610 13
Schr <i>Nautilus</i> ,	15,939 00	7,171 13	500 00	8,000 00	31,610 13
" <i>Enterprise</i> ,	15,939 00	7,171 13	500 00	8,000 00	31,610 13
Gunboat No. 1,	6,441 00	3,648 46	200 00	750 00	11,039 46
Gunboats No. 2 to 10, inclusive,	57,969 00	32,836 14	1,800 00	6,750 00	99,355 14
Two Bombs,	12,882 00	7,296 92	400 00	1,500 00	22,078 92
Dollars,	663,374 00	383,925 23	15,900 00	379,000 00	1,442,199 23

N.B.—The expense of marines not included, excepting in the item of provisions.

ASP, Naval Affairs, 1: 147-48.

Thomas Jefferson's Gunboat Navy

One of the most remarkable naval documents in American history was produced by the pen of the third president, Thomas Jefferson. Jefferson has been rightly placed in the pantheon of the "American Enlightenment," as an accomplished architect, inventor, statesman, and diplomat. But there were occasionally topics he took to hand and studied that he never mastered, and one of these was naval affairs. During the 1780s and 1790s, when he was governor of Virginia and ambassador to France, he had contemplated naval matters and made statements supporting a navy which could protect his country's trade in foreign seas. But with his rise to the presidency, these thoughts vanished.

During his first term, Jefferson had to lead the nation through its second naval war and contend with other major problems in ways that jarred his essential vision of America as an isolated agrarian democracy. The purchase of the Louisiana Territory from France was certainly one of these undertakings. After the Tripolitan War, Jefferson cast about for a means of resolving the struggle between those who wanted to maintain and increase the size of the existing navy and those who saw no further need for a navy.

The president soon seized upon the idea that a navy comprised predominantly of gunboats would provide the solution of this conflict. There were, in fact, many good arguments in favor of adding a number of gunboats to the U.S. Navy's fleet of frigates, brigs, schooners, and sloops. Gunboats had served well in shallow water estuaries, bays, and lakes during the Revolution. They had been very useful in augmenting our fleet in the Mediterranean. But Jefferson's arguments went further still and sounded convincing to the landmen in his circle. In the view of many naval officers at that time, the gunboats could not be considered as effective substitutes for deep-draft, heavily constructed warships.¹ The president's message, however, gathered adherents and became official policy.² Approximately 176 gunboats were eventually built at a total cost of \$1,500,000, a sum which could have been used to construct eight to ten frigates or five 74-gun ships of the line.³

1. Gunboats varied greatly in design and sail plan. Basically, their dimensions ranged as follows: keel 50-70 feet, beam 16-20 feet, depth in the hold 6 feet. Their armament consisted of a 24 or 32-pound gun mounted in the bow or on a pivot and two 12-pound carronades, one on each side. Under sail, the guns had to be stowed in the hold for seaworthiness. When mounted and in use, their recoil was such that the vessels rolled excessively. For comments on designs, see

Howard I. Chapelle, *The History of the American Sailing Navy* (New York, 1949), pp. 179-241.

2. Congress authorized the construction of 50 additional gunboats by the Act of 21 Apr. 1806; 188 more were authorized on 18 Dec. 1807.

3. Dudley W. Knox, *History of the United States Navy* (New York, 1936), p. 77.

PRESIDENT JEFFERSON'S MESSAGE TO CONGRESS

"To the Senate & House of Representatives of the United States."

In compliance with the request of the House of Representatives, expressed in their resolution of the 5th inst, I proceed to give such information, as is possessed, of the effect of Gunboats in the protection & defence of harbours, of the numbers thought necessary, & of the proposed distribution of them among the Ports & Harbours of the United States.

Under present circumstances, & governed by the intentions of the Legislature, as manifested by their annual appropriations of money for the purposes of defence, it has been concluded to combine, 1. land: batteries, furnished with heavy cannon & mortars, & established on all the points around the place favorable for preventing Vessels from lying before it: 2. moveable Artillery, which may be carried, as occasion may require, to points unprovided with fixed batteries: 3. floating batteries: & 4. Gunboats, which may oppose an enemy at his entrance, & cooperate with the batteries for his expulsion.

On this subject, professional men were consulted, as far as we had Opportunity. Genl Wilkinson, & the late Genl Gates gave their Opinions in writing, in favour of the system, as will be seen by their letters now communicated. The higher Officers of the Navy gave the same Opinions, in separate conferences, as their presence at the seat of Government offered occasions of consulting them; and no difference of judgment appeared on the subject. Those of Commodore Barron, & Capt Tingey, now here, are recently furnished in writing; & transmitted herewith to the Legislature.

The efficacy of Gunboats for the defence of Harbours, and of other smooth & inclosed waters, may be estimated in part from that of Gallies, formerly much used, but less powerful, more costly in their construction & maintenance, & requiring more men. But the Gunboat itself is believed to be in use with every modern maritime Nation, for the purposes of defence. In the Mediterranean, on which are several small powers, whose system, like ours, is peace & defence, few Har-

bours are with out this article of protection. Our own experience there, of the effect of Gunboats for Harbour service, is recent. Algiers is particularly known to have owed, to a great provision of these Vessels the safety of it's City, since the epoch of their Construction. before that it had been repeatedly insulted & injured. the effect of Gunboats at present in the neighborhood of Gibraltar is well known; & how much they were used, both in the attack, & defence of that place, during a former war. the extensive resort to them by the two greatest naval powers in the world, on an enterprize of invasion, not long since in prospect, shews their confidence in their efficacy, for the purposes for which they are suited. By the northern powers of Europe, whose seas are particularly adapted to them, they are still more used. the remarkable action between the Russian flotilla of Gunboats & Gallies, and a Turkish fleet of Ships of the line & Frigates, in the Liman Sea, in 1788, will be readily recollected. the latter, commanded by their most celebrated admiral, were compleatly defeated, & several of their Ships of the line destroyed.

From the opinions given, as to the number of Gunboats necessary for some of the principal sea ports, & from a view of all the Towns & Ports, from Orleans to Maine inclusive, intituled to protection in proportion to their situation & circumstances, it is concluded that, to give them a due measure of protection in times of war, about 200 Gunboats will be requisite. According to first ideas, the following would be their general distribution; liable to be varied, on more mature examination, and as circumstances shall vary. that is to say

To the Missisipi & it's neighboring waters 40 Gunboats.

To Savanna & Charleston, & the Harbours on each side, from Saint Mary's to Curratuck-25.

To the Chesapeake & it's waters. 20.

To Delaware Bay & River 15.

To New York, the Sound, & waters as far as Cape Cod. 50.

To Boston & the Harbours north of Cape Cod 50.

the flotillas assigned to these several stations, might each be under the care of a particular Commandant, & the vessels composing them would, in ordinary, be distributed among the Harbours within the Station, in proportion to their importance.

Of these boats, a proper proportion would be of a larger size, such as those heretofore built, capable of navigating any seas, & of reinforcing occasionally the strength of even the most distant Port, when menaced with danger. the residue would be confined to their own, or the

neighboring Harbours, would be smaller, less furnished for accommodation, & consequently less costly. Of the number supposed necessary, 73 are built or building, & the 127 still to be provided would cost from five to Six hundred thousand Dollars. having regard to the convenience of the treasury, as well as to the resources for building, it has been thought that one half of these might be built in the present year, & the other half the next. With the Legislature however it will rest, to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times, when Europe, as well as the United States, shall be at peace, it would not be proposed that more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary, to be distributed among those particular Harbours which foreign Vessels of war are in the habit of frequenting, for the purpose of preserving order therein, but they would be manned, in ordinary, with only their complement for navigation, relying on the Seamen, & militia of the Port, if called into action on any sudden emergency. it would be only when the United States should themselves be at war, that the whole number would be brought into active Service, & would be ready, in the first moments of the war, to cooperate with the other means, for covering at once the line of our Sea ports. At all times, those unemployed, would be withdrawn into places not exposed to sudden enterprize, hauled up under Sheds, from the sun and weather, & kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive Operation: that it can have but little effect towards protecting our commerce in the Open seas, even on our own coast; & still less can it become an excitement to engage in offensive maritime war, towards which it would furnish no means.

Th: Jefferson

Feb. 10. 1807.

Anglo-American Tensions: The Neutral Trade

The major readjustment necessary for American trade in the years after the Revolution was to find new markets. Although the United States continued to ship products to Britain, such as tobacco, cotton, rice, indigo, wheat, and naval stores, American imports no longer received preferential treatment. The British attempted to restrict American trade with the West Indies, though unsuccessfully, in the post-revolutionary years. American shippers began to compensate for the loss of British markets with the opening of the China trade and through direct trade with continental Europe.

The United States became the world's major neutral trading nation during the Napoleonic Wars. This fact was keenly felt by many British observers. Exports from the United States averaged \$20 million annually from 1790 to 1792. Thereafter the trend was sharply upward, reaching \$94 million in 1801 and rising to a new high of \$108 million in 1807. Imports followed the same trend, rising from \$23 million in 1790 to \$110 million in 1801. After a brief contraction, they surged again to a new high of \$138.5 million in 1807.

Without doubt, Great Britain benefitted from American trade. After the Peace of Amiens (1802) brought a temporary lull to hostilities in Europe, Britain purchased twice the value of American goods shipped to France, and after the war resumed, Britain's proportion rose even higher. The renewal of war in Europe in 1803 raised British awareness of American shipping practices. Essayists such as Lord Sheffield whose views on these matters had been well-known for years, and James Stephens, author of *War in Disguise: Or the Frauds of Neutral Flags* (London, 1805), helped to stir the cauldron. A tougher attitude on the part of the British government toward reexportation was seen in the Essex decision in the British High Court of Admiralty in May 1805. American shipowners had fallen into the practice of carrying goods from Spain or France to a port in the United States. The goods would be off-loaded, inspected by customs, and then reloaded, sometimes along with additional goods. The ship's master paid the duty assessed but then much of that fee was refunded to him in what was called a "drawback." Then ship and cargo departed for the colonies where they would change these goods for others and the whole process would begin over again. Americans maintained that these voyages were separate or "broken," while the British until 1805 had more or less agreed to go

along with the charade of off-loading, payment of duties, and reloading of ships that this elaborate process required. In fact, the Americans were violating the "Rule of the War of 1756" in these procedures.¹ To read the reasoning of the Judges of Admiralty is to see how the British came to look upon this practice; the decision clarified how such cases would be treated in the future. Royal Navy captains were instructed to make seizures when they intercepted ships whose papers indicated such practices were in operation. The Essex decision ushered in a period of increased difficulties for American shipowners and masters. From 1803 until the issuance of the Royal Orders in Council of 1807, the British seized 528 American flag ships while France seized 206 from 1803 until the issuance of the Berlin Decree of 1806 which declared the British Isles to be under a blockade.²

British nationalists objected to the degree that American shipping was taking over trade formerly carried in their ships, particularly in the reexport trade. According to British maritime policy, followed since the Seven Years War (or "French and Indian War," 1756-1763), neutral countries were not to be permitted to trade in wartime with countries they did not ordinarily trade with in times of peace. Occasionally, however, licenses were granted as exceptions to this rule. Lord Sheffield's 1806 essay sounded the tocsin, seeing America's prosperity as a result of Britain's relaxation of her navigation laws. A representative portion of his writing has been selected to throw additional light on the British attitudes toward the Essex decision.

1. Herbert W. Briggs, *The Doctrine of Continuous Voyage* (Baltimore, 1926), pp. 11-40.

2. Bradford Perkins, *Prologue to War: England and the United States, 1805-1812* (Berkeley and Los Angeles, 1963), p. 72.

THE ESSEX CASE, 1805

"Copy" Sentence of the Vice-Admiralty Court of Nassau,
New Providence in the case of the Brig *Essex*,
Joseph Orne Master

This is the case of an American vessel, wholly laden with goods the produce of Spain, bound to a Spanish colony, having previously called in at a port on the continent of America, where the cargo was unladen, and there almost immediately after re-shipped: it is contended, on the part of the claimant, and that this act of landing the cargo, has worked so total a change on the voyage, as to take it altogether from the opera-



tion of those principles which the court had deemed its duty, in conformity to the old law, to make the rule of its decision, and to apply, until abrogated by more recent determinations, to all vessels sailing between Spain and its colonies.

The Goods, there cannot be the least doubt, were landed for the sole purpose of obviating or evading the danger to which, in a direct voyage, they would necessarily be exposed. Spanish produce on a voyage to America, or any other neutral nation, all the world knows runs no risk: it is to be presumed that such imports are designed for her internal consumption. Whether neutrals can, consistently with the rights of belligerents, transport this produce from the neutral to the enemy's territory, even supposing a *bonâ fide* transfer to have taken place from the actual importer in that neutral state, is a question of very great magnitude, and one on which I should feel a repugnance to decide otherwise than this court has uniformly done, without being more particularly certified than I am at present of those authorities on which it would seem that another Vice-admiralty court has acted. In the case now before the court, this however is not the point of consideration, for it is not pretended that the cargo is other than the identical one brought from Spain in this very vessel, nor that there has been any transfer of the property in America: in all its relations it is precisely as when it left Spain. It appears to me moreover perfectly clear and certain, that the intention was from the beginning to send this cargo to a Spanish colony, that this voyage (this second voyage as it has been so frequently termed in the documentary evidence, tho' it seems to me that the epithet of third voyage would be more consistent with the principles attempted to be laid down) did not originate in finding unexpectedly a bad market for the goods at Salem, nor in learning that there was a good one for them at Havanna. I am also as perfectly convinced that the cargo was not unladen for the purpose either of repairing the ship, or of trying to dispose of the goods at Salem, as the master would seem to insinuate. According then to my apprehension, this case resolves itself precisely into one of those, which the embarrassment of Spain, and the relative positions of the American States have rendered so common & frequent. The vessel has in fact touched in America solely to colour the true purpose; viewing then the asserted destination of this vessel to be falsified by the evidence, and that the voyage was in fact to the Havanna, touching at Salem,

I cannot hesitate in denying to a fraudulently circuitous voyage, those immunities which are withheld from a direct one. — Without reference therefore to any other principle, I consider this as virtually a traffic between Spain and Cuba, and condemn the vessel and cargo accordingly. This decision renders it unnecessary to notice some parts of the evidence, which lead me to view Messrs Santa Maria y Cuesta as more concerned in this transaction than is acknowledged, and that this Mr Orne is deeply engaged in covering Spanish property, or to animadvert on a method I observed very generally obtaining of neutrals carrying on traffic by means of bills drawn in Spain, and payable at the Havanna, and vice versa; surely this procedure is merely an evasion and the middle man, the neutral, can be considered on every principle of the law in no other light than as an agent or broker. With respect to the master's adventure,¹ it goes so far beyond the proportions of matters of this nature, that I really must view it as part of the cargo. Exempting adventures is a mere matter of comity, and when masters attempt on the presumption to screen very large sums, and to exceed the common bounds of this indulgence, they must be considered as merchants, and their property made liable to the same consequences. I shall however acquit his reaping-hooks if they be simply, as he states them, instruments of husbandry, as I do the adventures of the mate and crew.

(Signed) John Kelsall,
Judge V.A.C. of N.P.

Confirmation of the foregoing Sentence by
the Lords Commissioners of Appeals.

"Copy"

Saturday the 22. day of June 1805. at the Council Chamber
Whitehall,

Present

Sir William Grant Knight, Master of the Rolls

Sir William Wynne Knight

Sir William Scott Knight

in the presence of Robert Jenner Notary Public, one of the
Deputy Registrars

Essex,

Joseph Orne Master }

On admission of the further proof.

The Lords having maturely deliberated pronounced the further

proof of the duties that were paid on the importation & exportation in America, and drawbacks if any received, and insurances on the voyage from Spain to America or on the voyage from America to the Havanna if any were made and of the certificates of the entries at the Custom House in America respecting the said Ship and cargo to be insufficient, and by interlocutory decree condemned the said Ship and cargo as good and lawful prize to Charles Underwood commander of the private Ship of war *Favourite*.

Copy, DNA, RG59, James Monroe #35, 18 Oct. 1805, Despatches from U.S. Ministers to Great Britain, Vol. XII. Endorsed: "Recd via Mr Monroe's No. 35."

1. Adventure: an enterprise involving financial risk. Ship owners customarily allowed members of the crew to carry small quantities of goods on their own account for sale at ports of call.

LORD SHEFFIELD'S STRICTURES

[Extract]

It is true, the policy of America has not been unwise; it affords a striking contrast to our weakness, and virtually reproaches us for our neglect of all sound and rational principles. Yet, if we be thus reminded that, at the very moment when we were renouncing to the Americans our carrying trade, they were active, by all possible restrictions, to exclude us from theirs; we should also recollect, and be instructed by the recollection, that our liberality was but that of the prodigal who gives without return, and who enriches others to impoverish himself.

. . . it was in this very period of ten years that our carrying trade with America most rapidly declined; that our tonnage employed in that trade fell, according to the American account, from 72,000 to 14,000; that the suspension of our Navigation Laws operated principally in favour of the United States; that we even opened to them a free trade with the British Settlements in the East; and that we *anticipated* their expectations on the subject of "the abolition of the duties, permitted under the treaty of 1794."¹ Shall it, then, any longer be said, that Britain has not cherished this thriving branch of American prosperity at the expence of her own welfare.

I do not mean to decry the policy of America; it is the natural policy of nations. I do not mean to lament her prosperity; it is a prosperity at

which she has a right to aim. But I am not, therefore, willing to shrink from exposing the weakness of sacrificing to that prosperity, from any affected or false notion of liberality or conciliation, the laws, the rights, and the welfare of Britain. . . .

It appears, however, from various publications in America, of a recent date . . . [that] While the reiterated aggressions of France and Spain seem to be palliated or forgotten, the whole indignation of the country is endeavoured to be collected and turned against Great Britain; and according to the *vigorous* politicians who thus act and think, England is to be immediately, both commercially and politically, humiliated, by restrictions, embargoes and *sequestrations*,² to be decreed by the American States. . . .

An act of sequestration would be a measure far more hazardous and injurious to America. . . . It can hardly be supposed that Great Britain, if so compelled, would not employ her whole power of reaction and retaliation. In such a case, what would become of the American vessels in the English ports, of which there must be at all times a considerable number? What would become of those commercial facilities and profits, derived from British capital, credit, and demand? . . .

But there is a great difference between hostile language and hostile measures; and it will be recollected that, if any war would be injurious to America, a war with England would be peculiarly disastrous. The maritime power of that country would not be of much avail in such a contest. I should imagine, however, save only as nations, as well as individuals, are subject to fits of wrongheadedness, which is, sometimes, termed enthusiasm, and relative to which there can be no calculation, that America will scarcely deem it expedient to commence such a war, merely because England thinks it proper to maintain her best and most necessary institutions and laws. The Americans are a sensible people, not easy to be diverted from considerations of their own interests. And it will be seen that the interior of their country not only cannot be benefited, but must suffer by hostility with England; and that the mischief which they could do to our commerce, by privateers manned by renegades from this country, would afford no compensation for the risk of every vessel that went to sea, for the utter derangement of their trade, and for the consequent embarrassment and distress of their maritime towns, in which, is centred the greater part of their population, power, and wealth. . . .

Lord Sheffield [John Baker Holroyd], *Strictures on the Necessity of Inviolably Maintaining the Navigation and Colonial System of Great Britain* (London, 1806), pp. 34, 35-37, 199, 201, 202-203.

1. Known as "Jay's Treaty" in the United States. Although it was bitterly attacked in the process of ratification, it was approved by the Senate and preserved amicable relations with Great Britain for a decade. See Samuel F. Bemis, *Jay's Treaty: A Study in Commerce and Diplomacy* (New York, 1924), for the classic account. Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers* (Berkeley and Los Angeles, 1970), is the most recent study in depth.

2. Emphasized words, indicated by italics, are in all cases Sheffield's own.

The Anglo-French Commercial War

American planters, merchants, shipowners, masters, and seamen who earned their living through the production, sale, purchase, and transport of commodities across the Atlantic were caught between the millstones of Great Britain and France as they waged desperate economic warfare during the years after 1803. The Royal Navy energetically enforced the Essex decision, causing an increase in the number of ships seized for infringements of the "continuous voyage" rule. This angered congressmen who searched for ways to respond to British arrogance on the high seas.

In April 1806, the United States Senate passed a "Non-Importation Act" which was to become effective in November. Its aim was to exert economic pressure upon England by prohibiting the import of select items produced there which the United States could obtain elsewhere or by production at home. Speeches in favor of this law made increasing mention of the Royal Navy's impressment of seamen from American ships. President Jefferson signed this law, showing his preference for peaceful coercion rather than warlike measures.

Disturbed by the deterioration in relations with Great Britain, the president charged James Monroe, minister to Great Britain, and William Pinkney, who was to replace Monroe, with the task of negotiating a new treaty between the two nations. Jefferson's instructions established three conditions to render such a treaty acceptable. The British would have to renounce impressment, soften their position on neutral trade, and give indemnities for captures made under the Essex decision.

American hopes were greatly disappointed. Foreign Secretary Charles James Fox, known to be favorable to such a new understanding, was stricken with a fatal illness, and there was considerable domestic opposition in Britain toward any conciliatory move by the cabinet. Despite the Royal Navy's victory at Trafalgar in 1805, the European war seemed to be going badly for England. The deaths of Lord Nelson in 1805 and of William Pitt and Foreign Secretary Fox in 1806 had darkened the public mood. The Americans seemed to ask too much, and the Admiralty was adamantly opposed to concessions. As a result, the Monroe-Pinkney Treaty was negotiated and signed without fulfilling Jefferson's conditions.¹ After studying the document, Jefferson refused to submit it to the Senate.

Commercial warfare between Britain and France grew harsher during 1806. The British Government had declared a partial blockade of the north European ports. Napoleon's rejoinder was issuance of the Berlin Decree in November which declared England to be under blockade and prohibited ships carrying British goods from entering continental ports. The British reaction to this was to reply in kind, turning the screw sharply in the opposite direction to jeopardize direct trade between France and her allies. This act is contained in the document which follows, an Order in Council, issued by the King's Council on 7 January 1807.

1. For discussion of the negotiation of the Monroe-Pinkney Treaty, see Irving Brant, James Madison, Secretary of State (Indianapolis, 1953), pp. 366-73, and Charles E. Hill, "James Madison," in Samuel F. Bemis, ed., The American Secretaries of State and Their Diplomacy, 10 vols. (New York, 1928; reprint ed., 1958), III: 112-20.

"AT THE COURT AT THE QUEEN'S PALACE, THE 7TH OF JANUARY 1807.
PRESENT, THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL."

WHEREAS the French Government has issued certain orders, which in violation of the usages of war, purport to prohibit the commerce of All Neutral Nations with His Majesty's Dominions, and also to prevent such Nations from Trading with any other Country in any articles the Growth, produce or Manufacture of His Majesty's Dominions.

AND WHEREAS the said Government has also taken upon itself, to declare All His Majesty's Dominions, to be in a State of Blockade, at a Time when the Fleets of France and her Allies, are themselves confined within their own ports by the Superior Valour and Discipline of the British Navy.

AND WHEREAS such Attempts on the part of the Enemy, would give to His Majesty an unquestionable Right of retaliation, and would warrant His Majesty in enforcing the same prohibition of all Commerce with France, which that power vainly hopes to effect against the Commerce of His Majesty's Subjects, a prohibition which the Superiority of His Majesty's Naval Forces, might enable him to support, by actually investing the ports and Coasts of the Enemy, with numerous Squadrons and Cruizers, so as to make the Entrance or approach thereto manifestly dangerous.

AND WHEREAS His Majesty, though unwilling to follow the Example of His Enemies, by proceeding to an Extremity so distressing to all nations not engaged in the War, and carrying on their accustomed Trade, yet feels himself bound by a due regard to the just defence of the Rights and Interests of His People, not to suffer such measures to be taken by the Enemy, without taking some Steps on His part to restrain this Violence, and to re[tort] upon them the Evils of their own Injustice.

HIS MAJESTY is therefore pleased by and with the Advice of his Privy Council to Order, And it is hereby Ordered, That no Vessel shall be permitted to Trade from one port to another, both which ports shall belong to, or be in the possession of France, or her Allies, or shall be so far under Their Controul, as that British vessels may not freely trade thereat: And the Commanders of His Majesty's Ships of War and privateers shall be, and are hereby Instructed to warn every Neutral vessel, coming from any such port and destined to another such port, to discontinue her Voyage, and not to proceed to any such port; And any vessel after being so warned, or any vessel coming from any such port, after a reasonable Time shall have been afforded for receiving information of This His Majesty's Order, which shall be found proceeding to another such port, shall be captured and brought in, and, together with her Cargo, shall be Condemned as a lawful prize: And His Majesty's principal Secretaries of State, The Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty, and Courts of Vice Admiralty, are to take the necessary measures herein, as to Them shall respectively appertain.

W. Fawkener

DS, UkLPR, Adm. 1/5204. Remains of wax seal at top left. Note at bottom of second page: "10 Janr. Orders Accordy. Copy of this (to save time) to be in readiness for sending this evening."

The Chesapeake-Leopard Affair

During June 1807, several British frigates kept a vigil off the Virginia Capes. They planned to intercept two French warships that had sought refuge in Chesapeake Bay off Annapolis. When their frigates needed provisions, the British customarily put in at Hampton Roads while officers and crew went ashore in Norfolk. During one of these visits, H.M.S. Melampus suffered the desertion of several crewmen who signed on various American ships lying at anchor, including the 38-gun frigate Chesapeake. The British commander complained, but American authorities refused to assist in the return of these sailors.

Navy Secretary Smith had ordered Commodore James Barron to sail in Chesapeake to take command of the U.S. Mediterranean squadron. Barron visited his flagship only twice prior to her departure, leaving all details to Master Commandant Charles Gordon, who was to act as captain under Barron. Chesapeake weighed anchor at 6 A.M. on 22 June and headed for sea, passing two British frigates at anchor in Lynnhaven Roads. By mid-afternoon, Chesapeake was some fifteen miles southeast of Cape Henry when another British frigate, Leopard, overtook her. The ships spoke, and Leopard sent over an officer with a message for Barron.

The British captain, Salusbury Humphreys, transmitted an order he had received from his superior, Vice Admiral Sir George Berkeley, to the effect that he was under orders to halt Chesapeake and search her for any deserters that might be on board. Barron denied such men had been recruited and refused to have his men mustered by any officers but his own. With this, the parley having lasted 45 minutes, the British officer returned to his ship. Within minutes and without specific warning, Leopard ranged alongside Chesapeake and fired a broadside. The astonished Barron attempted to hail and sent his men to quarters silently, without the usual drumbeat. There was much confusion for the ship was not yet secured for sea and the crew was not familiar with their quarters assignments. Powder horns remained to be filled, matches were unlit, and some cannon did not fit in their carriages. Leopard continued to fire for ten minutes, until Barron struck his colors.

Humphreys sent over a boarding party who proceeded to muster Chesapeake's crew. They identified four men as deserters and took them off. When Commodore Barron offered his ship as a prize of war, Humphreys declined, regretting any loss of life and offering assistance. Chesapeake returned to Hampton Roads with three feet of water in the

hold, sixteen men wounded and three dead. When the news spread of how an American warship had been humiliated just off the coast, there arose a great outcry against Britain which spread to Washington and beyond. This was more of an insult than most could bear. Citizens of Norfolk rioted and broke the water casks of the entire British squadron.

President Jefferson's reaction was cool and measured. He chose first to request a formal explanation from the British government which would take months to communicate. Meanwhile the public's ardor subsided. Jefferson pressed Congress to increase economic pressures on Britain. In July, he formally expelled British warships from American waters, and in November, the president commented further on British behavior in an extended statement on foreign policy. These documents, combined with the log from the Chesapeake on the day of the "action," present the details and ramifications of the most serious naval incident to have occurred between the United States and Britain in many years. Vivid memories of the event lingered in the minds of American naval officers, stinging them into a state of readiness should such an event recur.¹

1. The secretary of the navy convened a court of inquiry and a court martial on Commodore Barron and his principal subordinates. Barron was found guilty of one out of four charges for "neglecting on the probability of an engagement to clear his ship for action." He was suspended from all command in the navy, without pay or official emolument of any kind for five years dating from 8 Feb. 1808. Barron went to Europe and remained there during the War of 1812. The strong feeling held among officers on this incident resulted in many duels. Barron killed Commodore Decatur in the most infamous of these at Bladensburg, Md., in 1820.

LOG OF U.S. FRIGATE CHESAPEAKE

[Extract]

A true Copy taken from the United States Frigate *Chesapeake's* Log Book, James Barron Esqr Commander, Charles Gordon Esqr Captain, and Samuel Brook, Sailing Master

Monday June 22nd Commences with light Breezes from the Sd & Wd and clear Weather. At 7 A M hoisted out the Jolly Boat, and hoisted in the Second Cutter, run the Jolly Boat up a Stern, at 1/4 past 7-Weighed anchor made Sail with a pleasant Breeze from W.S.W. and stood out for Sea. at 9 pass'd 2 of H.B. Majesty's Ships at Anchor. Stow'd the larboard Anchor and secured the Boats. at Meridian the light on Cape Henry bore S.W. by S. people employ'd in clearing Ship for Sea.

This Day ends at Meridian and contains 17 hours

Tuesday 23rd Commences with light Breezes from the South and West, and clear Weather. a Ship in sight apparently standing for us, at 1 P M. the Wind haul'd to the Nd & Ed. in Studding Sails and haul'd upon a Wind and at 1/2 past 3 the Ship came up with us. back'd the Main Top Sail and Spoke her. was boarded by her, She proved to be the British Ship *Leopard* of 50 Guns She came on board to demand some Men who had deserted from the English Navy. the Commodore refusing to give them up, the Boat return'd. they ranged along side of us and Commenc'd a heavy fire. We being unprepared and the Ship much lumber'd-it was impossible to Clear Ship for Action in proper time. though every possible exertion was made, and not suspecting an enemy so near did not begin to clear the Deck untill the enemy had commenc'd firing. In about thirty minutes after receiving much Damage in our Hull, Rigging and Spars, and having three Men killed, viz. Joseph Arnold, Peter Shakely and John Lawrence, and 16 Wounded. Vizt Commodore Barron, Mr. Broom, John Hadden, Cotton Brown, Peter Ellison, John Parker, Geo. Perseval, Peter Summers, Wm Hendrick, Robt McDonald, Francis Conhoven, Thomas Short, Wm Moody, David Creighton, John Martyr, James Epps, Emanuel Hendricks [*Manuel Fernandez*], John Wilson, William Warren and John Bates. And having one Gun ready fired and haul'd down our Colours. the *Leopard* ceased firing and sent her Boat on board. Muster'd the Ships Company. At Sun down, they left the Ship taking with them 4 Men. Vizt John Strawn [*Strachan*], Daniel Martin, Wm Ware and John Wilson, who had deserted from their Service. at the same time Lieut Allen went on board and returned at 8.0 clock. The *Leopard* left us and Stood.

We then made Sail and stood in Shore having 3 feet Water in our Hold. Crew employ'd in pumping and Working Ship in for Hampton Roads, got the Anchors clear for coming too. At 6 A M took the 3rd reef in. The Main Topsail, and Set Top Gallant Sails. Held a Survey on the Masts & Rigging. At 8 Cape Henry bore S.W. Dist 4 or 5 Miles. Employ'd Ship in for Hampton Road. at 1/2 past Meridian came too with the Starboard Anchor in 7 fathom Water in Hampton Roads.

Copy, DNA, RG45, CL, 1807, Vol. 2, No. 26.

"BY THOMAS JEFFERSON PRESIDENT OF THE
U. S. OF AMERICA
A PROCLAMATION"

[July 2, 1807]

During the wars which, for some time, have unhappily prevailed among the powers of Europe; the United States of America, firm in their principles of peace, have endeavored by justice, by a regular discharge of all their National & Social duties, & by every friendly office their situation has admitted, to maintain, with all the belligerents, their accustomed relations of friendship, hospitality, & commercial intercourse. Taking no part in the questions which animate these powers against each other, nor permitting themselves to entertain a wish but for the restoration of general peace, they have observed with good faith the neutrality they assumed, & they believe that no instance of a departure from it's duties can be justly imputed to them by any nation. A free use of their Harbours & waters, the means of refitting & of refreshment, of succour to their sick & suffering, have, at all times, and on equal principles, been extended to all, & this too, amidst a constant recurrence of acts of insubordination to the laws, of violence to the persons, & of trespasses on the property of our citizens, committed by Officers of one of the belligerent parties received among us. in truth these abuses of the laws of hospitality have, with few exceptions, become habitual to the commanders of the British armed Vessels hovering on our coasts, & frequenting Our harbours. they have been the subject of repeated representations to their government. Assurances have been given that proper orders should restrain them within the limit of the rights and of the respect due to a friendly nation; but those orders & assurances have been without effect; no instance of punishment for past wrongs has taken place. ~~even the murder of a citizen, peaceably pursuing his occupation within the limits of our own jurisdiction, remains unpunished.~~ at length a deed, transcending all we have hitherto seen or suffered, brings the public Sensibility to a Serious Crisis; & our forbearance to a necessary pause. A Frigate of the U.S. trusting to a state of peace, and leaving her Harbour on a distant service, has been surprised and attacked by a British Vessel of superior force, one of a squadron then lying in our waters & covering the transaction, & has been disabled from Service, with the loss of a number of men killed & wounded. This enormity was not only without provocation or justifiable cause, but was committed with the avowed purpose of taking by

force from a ship of war of the United States a part of her crew. and that no circumstance might be wanting to mark its character, ~~the commander was apprised~~ it had been previously ascertained that the seamen thus forcibly seized, demanded were native Citizens of the U.S. having effected ~~his~~ her purpose, she returned to anchor with ~~his~~ her squadron within our jurisdiction. Hospitality under such circumstances ceases to be a duty: and a continuance of it, with such uncontrolled abuses, would tend only, by multiplying injuries & irritations, to bring on a rupture between the two Nations. this extreme resort is equally opposed to the interests of both, as it is to assurances of the most friendly dispositions on the part of the British Government, in the midst of which this outrage has been committed. in this light the subject cannot but present itself to that Government, & strengthen the motives to an honorable reparation of the wrong which has been done, & to that effectual controul of it's Naval Commanders, which alone can justify the Government of the U.S. in the exercise of those hospitalities it is now constrained to discontinue.

In consideration of these circumstances and of the right of every nation to regulate it's own police, to provide for it's peace & for the Safety of its Citizens, & consequently to refuse the admission of armed vessels into its Harbours or waters, either in such numbers, or of such descriptions, as are inconsistent with these, or with the maintenance of the authority of the laws, I have thought proper in pursuance of the authorities specially given by law to issue this my Proclamation, hereby requiring all armed vessels bearing commissions under the government of Great Britain, now within the Harbours or waters of the U. S. immediately & without any delay to depart from the same, & interdicting the entrance of all the said Harbours & waters to the said armed vessels, and to all others bearing commissions under the Authority of the British Government.

And if the said vessels, or any of them, shall fail to depart as aforesaid, or if they or any others, so interdicted shall hereafter enter the Harbors or waters aforesaid, I do in that case forbid all intercourse with them or any of them, their Officers or crews, & do prohibit all supplies & aid from being furnished to them or any of them.

And I do declare & make known that if any person from, or within the jurisdictional limits of the U.S. shall afford any Aid to any such vessel contrary to the prohibition contained in this Proclamation, either in repairing any such vessel, or, in furnishing her, her officers or crew, with supplies of any kind, or in any manner whatsoever, or if any Pilot shall assist in navigating any of the said armed vessels, unless it be

for the purpose of carrying them in the first instance beyond the limits & jurisdiction of the U.S., or unless it be in the case of a vessel forced by distress, or charged with public dispatches as hereinafter provided for, such person or persons shall, on conviction suffer all the pains & penalties by the laws provided for such offences.

And I do hereby enjoin and require all persons bearing Office Civil or Military within or under the Authority of the U.S. and all others, Citizens or Inhabitants thereof, or being within the same, with vigilance & promptitude to exert their respective Authorities, & to be aiding and assisting to the carrying this Proclamation & every part thereof into full effect.

Provided nevertheless that if any such Vessel shall be forced into the Harbors or waters of the U.S. by distress, by the dangers of the Sea, or by the pursuit of an enemy, or shall enter them charged with dispatches or business, from their Government, or shall be a public Packet for the conveyance of letters & dispatches, the Commanding Officer, immediately reporting his vessel to the Collector of the District, stating the object or causes of entering the Said Harbors or waters, and conforming himself to the regulations in that case prescribed under the Authority of the laws, shall be allowed the benefit of such regulations respecting repairs, supplies, stay, intercourse & departure as shall be permitted under the same authority.

In testimony whereof I have caused the Seal of the United States to be affixed to these presents & Signed the Same.

Given at the city of Washington the 2d day of July in the year of our Lord 1807, & of the Sovereignty & Independence of the United States the 31st

Th: Jefferson.

By the President:
James Madison Secretary of State.

DS, DNA, RG11, General Records of the U.S. Government, Presidential Proclamations, Vol. 1.

PRESIDENTIAL MESSAGE TO CONGRESS

[Extract]

[October 27, 1807]

. . . on the 22d day of June last, by a formal Order from a British Admiral, the frigate *Chesapeak*, leaving her port for a distant service, was attacked by one of those Vessels which had been lying in our harbours under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed, & four taken away. On this Outrage no commentaries are necessary. its character has been pronounced by the indignant Voice of our Citizens with an emphasis & unanimity never exceeded. I immediately by proclamation, interdicted our harbors & waters to all British armed vessels, forbade intercourse with them, & uncertain how far hostilities were intended, & the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place, & such other preparations commenced & pursued as the prospect rendered proper. An armed vessel of the United States was dispatched with instructions to our ministers at London, to call on that Government for the satisfaction & security required by the outrage. a very short interval ought now to bring the answer, which shall be communicated to you as soon as recieved. then also, or as soon after as the public interests shall be found to admit, the unratified treaty, & proceedings relative to it, shall be made known to you.

The aggression, thus begun, has been continued on the part of the British Commanders, by remaining within our waters in defiance of the Authority of the Country; by habitual violations of its jurisdiction, & at length by putting to death one of the persons whom they had forcibly taken from on board the *Chesapeak*. these Aggravations necessarily lead to the policy either of never admitting an armed vessel into our harbors, or of maintaining in every Harbour such an armed force as may constrain Obedience to the laws, & protect the lives and property of our citizens against their armed guests. but the expense of such a standing force, & its inconsistency with our principles, dispense with those courtesies which would necessarily call for it, & leave us equally free to exclude the Navy, as we are the Army of a foreign power, from entering our limits.

To former violations of maritime rights, another is now added of very extensive effect. the Government of that nation has issued an Order interdicting all trade by neutrals between ports not in Amity

with them. & being now at war with nearly every nation on the Atlantic and Mediterranean seas, our Vessels are required to sacrifice their cargoes at the first Port they touch, or to return home without the benefit of going to any other market. Under this new law of the Ocean, our trade on the Mediterranean has been swept away by seizures & condemnations, & that in other seas is threatened with the same fate. . . .

The appropriations, of the last Session, for the defence of our sea-port towns & harbours, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given towards the defence of New York, Charleston, & New Orleans chiefly, as most open & most likely first to need protection; & to leave places less immediately in danger to the provisions of the present Session.

The Gunboats too already provided have on a like principle, been chiefly assigned to New York, New Orleans & the Chesapeak. Whether our moveable force on the water, so material in aid of the defensive works on the Land, should be augmented in this or any other form, is left to the wisdom of the Legislature. for the purpose of manning these vessels, in sudden attacks on our Harbours, it is a matter for consideration whether the Seamen of the U.S. may not justly be formed into a special militia, to be called on for tours of duty, in defence of the Harbours where they shall happen to be; the ordinary Militia of the place furnishing that portion which may consist of Landsmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores, with which our magazines were not sufficiently furnished—to have awaited a previous & special sanction by law, would have lost occasions which might not be retrieved. I did not hesitate therefore to authorize engagements for such supplements to our existing Stock as would render it adequate to the emergencies threatening us; & I trust that the Legislature feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve when done, what they would have seen so important to be done, if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our Gun-boats into actual service for the defence of our Harbours, of all which Accounts will be laid before you. . . .

Th: Jefferson
Octob. 27. 1807.

DS, DNA, RG46, RS, 10th Congress, Annual Message of the President (SEN 10A-E1).

The Embargo

By expelling British warships from American waters, President Jefferson effectually signalled that the United States was not going to war over the Chesapeake-Leopard affair. Jefferson and his advisors preferred to use peaceful coercion to gain their ends, and they were convinced that the United States had great leverage in her role as a producer of raw materials and consumer of imported manufactures. If Britain could be deprived of a marketplace for the products of her factories, and if she could be forced to admit she could not do without American agricultural products, she would eventually yield, despite her military and naval superiority. Such was the reasoning of those who favored economic measures instead of military force.

On 7 January 1807, a British Order in Council had prohibited ships from participating in the coastal trade of France and her allies. Napoleon's Berlin Decree became effective in September barring commerce with the British Isles. Britain's response came in November when another Order in Council banned trade with continental ports where British trade was excluded. Only by passing through British customs could neutral ships then proceed to open European ports. Napoleon's rejoinder was the Milan Decree of 17 December which declared that any ships which passed through British ports were "denationalized" and were subject to seizure as British property.

The Congress passed Jefferson's embargo, and it became law on 22 December 1807.¹ It prohibited all land and seaborne commerce with foreign nations. Shipowners had to post bonds worth double the value of craft and cargo, guaranteeing that such would land at U.S. ports. Incoming foreign ships were forbidden to carry U.S. cargo out. Its provisions were sweeping but vague, and additional laws were passed to tighten up loopholes. Yet legislators had failed to reckon with the ease with which provisions could be evaded in certain parts of the country and the degree to which it would hurt the citizenry where it was most strictly carried out. The original purpose of the law was not to injure Americans but to pressure Britain, yet the effect was largely opposite the intent. Significant opposition arose to the laws in New

England, treasury receipts drawn from customs fees fell, and Thomas Jefferson left office in 1809 a wounded and somewhat perplexed man.

The United States Navy and revenue cutters belonging to the Treasury Department bore the brunt of enforcing the provisions of the embargo at sea. The following document contains orders to Lieutenant Samuel Elbert, stationed at St. Marys, Georgia, where he was in charge of a division of gunboats. The same orders were sent to many other officers, from Lieutenant Thomas Macdonough at Passamaquoddy, to Lieutenant James Lawrence at New York, and Lieutenant John D. Henley at New Orleans. They had their work cut out for them. Ships often escaped through the connivance of the customs agents themselves, masters put into foreign ports such as Havana claiming dire emergencies, and the British encouraged shippers to evade the laws. In sum, enforcement was a futile exercise that revealed more problems than it solved.

1. For thorough studies of the embargo and its effects, see Louis M. Sears, *Jefferson and the Embargo* (Durham, N.C., 1927) and Burton Spivak, *Jefferson's English Crisis: Commerce, Embargo and the Republican Revolution* (Charlottesville, Va., 1979).

SECRETARY OF THE NAVY SMITH TO LIEUTENANT SAMUEL ELBERT

Lieut. Saml Elbert,
St Mary's, Ga.

Navy Depm.
2. May 1808.

You will herewith receive a copy of the Embargo Laws. You will use the force under your direction to enforce these Laws within our Lines in the St Mary's and in the adjacent waters. Capt Dent will send you two other Gunboats No 3 & No 9.

The 7th sec. of the act of 25 April p. 15 points out your general duty and requires your particular attention.

You will so dispose the force under your command as to seize the Boats and vessels of American Citizens that may be found violating or attempting to violate the embargo Laws—to seize the boats and vessels belonging to Citizens or subjects of any other nation that may be found violating or attempting to violate, within the jurisdiction of the United States, the embargo Laws—to prevent any of our Boats and vessels going within the spanish lines—to watch any deposits made on our side with intention to carry them across, and to assist, if requested, the revenue Officers to take such deposits in custody, and generally to enforce the embargo Laws.

You are strictly enjoined not to violate by any act whatever the acknowledged jurisdiction of Spain.¹ Carefully avoid any collision with the subjects of that or any other nation. The Collector at St Mary's will inform you of the precise boundaries of the United States.

You will transmit to me frequent accounts of your proceedings, and of all circumstances worthy of communication, that may occur.
Respectfully

Rt. Smith

[Copies to: all Lieutenants]

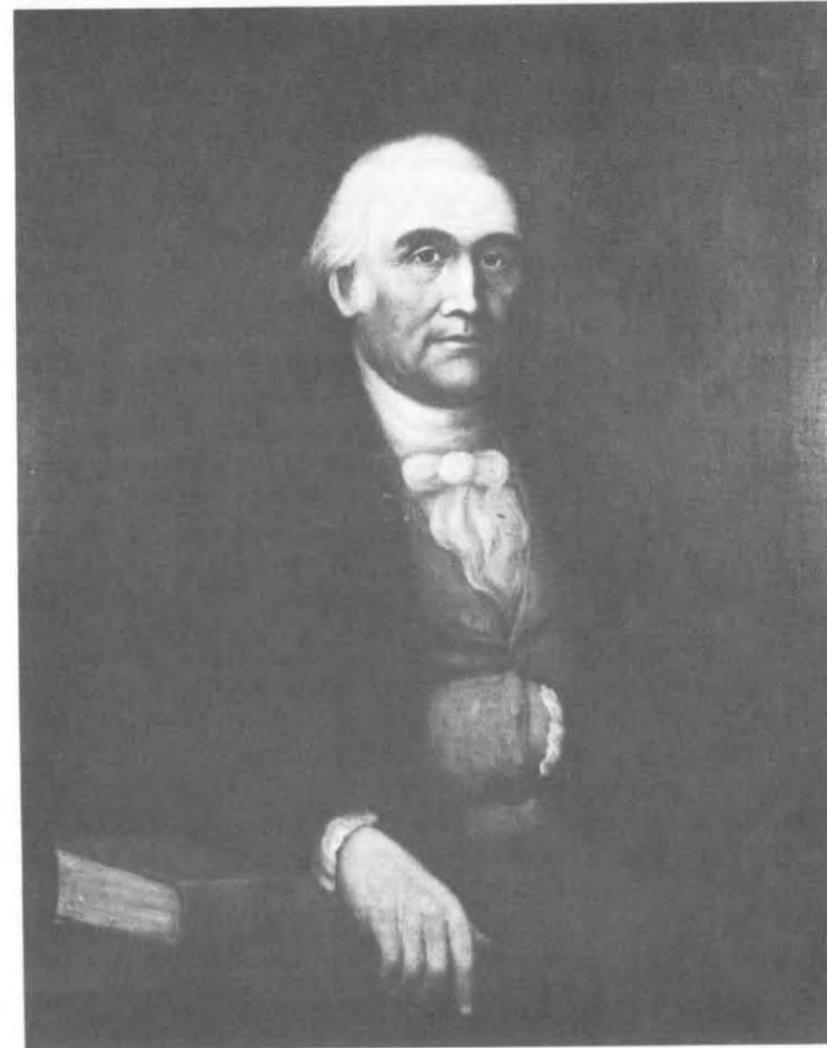
Copy, DNA, RG45, SNL, Vol. 8, p. 66.

1. At this time, Florida was Spanish territory and was divided into East and West Florida at the Apalachicola River. The United States claimed the coastal strip between the Mississippi and Perdido Rivers as a result of the Louisiana Purchase. American settlers in West Florida raised a revolt and declared an independent republic in 1810. President Madison proclaimed West Florida to be United States Territory shortly afterward. In 1812, the president sent and then recalled an expedition to East Florida. U.S. forces seized Mobile in 1813 and kept control thereafter. Spain, an ally of Great Britain, held East Florida until 1819 when it was ceded to the United States in the Adams-Onís Treaty. For discussions of the Floridas before and during the War of 1812, see Isaac J. Cox, *The West Florida Controversy, 1798-1813* (Baltimore, 1918) and Rembert W. Patrick, *Florida Fiasco: Rampant Rebels on the Georgia-Florida Border, 1810-1815* (Athens, Ga., 1954).

A New Naval Policy, 1809-1810

The elections of 1808 brought James Madison to the presidency. One of his first acts was the appointment of Paul Hamilton, a South Carolina planter, as secretary of the navy. To him fell the task of preparing the navy for a more active role in defending American merchantmen and sailors as they returned to sea in greater numbers.

Before President Jefferson left office, he signed a "Non-Intercourse Act" which repealed the Embargo as of 15 March 1809. By this act, trade was resumed with all nations, except France and Great Britain, but the president was authorized to resume trade with either belligerent when that nation ceased to violate America's neutral rights. Under the Embargo, the U.S. Navy's principal task had been enforcement of its provisions. Senior officers were given the task of commanding gunboat flotillas. For example, Commodore John Rodgers, based



Secretary of the Navy Robert Smith

at New York, had operational control of gunboats from Delaware Bay to the northern coast of Maine, while Commodore Stephen Decatur was charged with operations in Chesapeake Bay and along the coasts of Virginia and the Carolinas.¹ When the embargo was repealed, however, the navy changed course. Acting Secretary Charles Goldsborough ordered all gunboats laid up in ordinary except those on the New Orleans station.²

Since 1806, most of the heavier American ships had either been laid up or were undergoing repairs at a rather slow pace. In early 1810, trying to make up for the years of lost time, the Navy Department sought to reactivate its ships. Hamilton appointed a board comprised of Commodore Rodgers, Captain Thomas Tingey, commandant of the Washington Navy Yard, and newly promoted Captain Isaac Chauncey to consider the best methods of repairing the frigates Congress, Constellation, Adams, and New York.³ The first three were found to be essentially sound and worth repairing, but New York had been neglected for too long and was doomed to remain in ordinary.

With American ships returning to European waters, there were bound to be more seizures by British warships, an increase in impressments, and sequestrations of American ships in the ports of France and her allies. On 1 May 1810, Congress passed Macon's Bill No. 2. This authorized the president to reopen trade with either France or Britain, and, if either nation revoked its edicts against neutral shipping, to prohibit trade with the other. Thus, the Madison administration hoped to play off one desperate enemy against another using trade as bait. This stratagem did not work as planned. The French informed the administration that they had lifted their restrictions when in fact they had not.⁴ Misled, Madison then prohibited trade between the United States and Britain. This led to new embarrassments and greater tensions in Anglo-American relations.

To prepare the navy for renewed clashes with British warships which were banned from American territorial waters under Macon's No. 2, Navy Secretary Hamilton issued a general order that specifically referred to the Chesapeake-Leopard affair. Though two years had passed, the memory of that humiliation still rankled American naval officers. Hamilton addressed these instructions to Commodore Rodgers on 9 June 1810, and Rodgers then readdressed them to his subordinate commanders. The text that follows is Rodgers's letter to Captain Isaac Hull of the Constitution.

1. Smith to Rodgers, 6 May 1808, DNA, RG45, SNL, Vol. 8, p. 72; and Smith to Rodgers, 1 June 1808, *ibid.*, pp. 88-89.

2. Goldsborough to Rodgers, 24 Apr. 1809, DNA, RG45, SNL, Vol. 8, p. 311; and Goldsborough to Porter, 24 Apr. 1809, *ibid.*, p. 314.

3. Hamilton to Rodgers, Tingey, and Chauncey, 22 Jan. 1810, DNA, RG45, SNL, Vol. 9, p. 19.

4. This "ruse" was contained in an ambiguously worded letter from the Duke of Cadore, foreign minister of France, to John Armstrong, U.S. minister plenipotentiary, asserting that the Berlin and Milan Decrees would cease to have effect by 1 Nov., providing that either Britain withdrew her Orders in Council or the U.S. prohibited commerce with Britain. Although France proceeded to act as though the letter had not been sent, President Madison chose to accept it at face value. See Perkins, Prologue to War, pp. 244-52.

COMMODORE JOHN RODGERS TO CAPTAIN ISAAC HULL

U.S. Frigate *President*
Hampton Roads June 19th 1810

Sir,

The subjoined is a transcript from the Orders of the Honble the Secretary of the Navy to me, as Commander of a Squadron (of which the Vessel under your command is one) and relates to our situation with the two great Belligerents of Europe (England and France) which transcript you are to consider as Public Orders, and communicate them to your officers, as also to execute the same, in conformity with the just and spirited language which they breathe.

"You, like every other patriotic American, have observed and deeply feel the injuries and insults heaped on our Country by the two great belligerents of Europe; and you must also believe, that (calculating by the past) from neither are we to expect liberality or justice, but on the contrary that no opportunity will be lost of adding to the outrages, to which for years we have been subjected—Amongst these stands most conspicuous the inhuman and dastardly attack on our Frigate the *Chesapeake*—an outrage which prostrated the flag of our Country and has imposed on the American people, cause of ceaseless mourning. That same spirit which has originated and has refused atonement for this act of brutal injustice, exists still with Great Britain; and from France likewise we have no reason to expect any regard to our rights—What has been perpetrated may again be attempted. It is therefore, our duty to be prepared and determined at every hazard, to vindicate the injured honour of our Navy, and revive the drooping Spirit of the Nation. Influenced by these considerations, it is expected, that while you conduct the force under your command, consistently with the principles of a strict and upright neutrality, you are to maintain and support at every risk & cost, the dignity of our Flag; And, that

offering yourself no unjust aggression, your are to submit to none, not even a menace or threat from a force not materially your Superiour" I am Sir, [&c.]

Jn^o Rodgers

Capt Isaac Hull
Comdg U.S. Frigt *Constitution*

LS, DNA, RG45, AF 7, 1810.

President vs. Little Belt

During the years 1810–1812, U.S. Navy ships were organized into two major squadrons: the "northern division" sailed under Commodore John Rodgers, based at New York, while the "southern division" was based at Norfolk under the command of Commodore Stephen Decatur. Rodgers's flagship was the frigate *President*, 44, commanded by Master Commandant Charles Ludlow. Other ships in the division were *Constitution*, 44, Captain Isaac Hull, brig *Argus*, 18, Lieutenant James Lawrence, and schooner *Revenge*, 12, Lieutenant Oliver H. Perry.

Navy Secretary Hamilton's standing orders instructed Rodgers to protect American merchantmen within a league of the coast from harassment by British or French warships, to seize all private armed vessels illegally fitted out in U.S. ports, to report all U.S. citizens found assisting or supplying foreign armed ships, and, if called upon, to assist customs officers in compelling armed ships to leave U.S. territorial waters. Cruising under these orders, Rodgers was on the alert for any behavior by foreign warships that could lead to a repetition of the Chesapeake affair.

During the spring of 1811, after having spent "winter quarters" with his squadron at New London, Rodgers sailed for the Chesapeake and put into Annapolis in *President*. While visiting his family at Havre de Grace, Rodgers received a letter from Secretary Hamilton advising him that British and French cruisers were interrupting trade off New York. Hamilton ordered Rodgers to return to his station immediately. *President* cleared Cape Henry on 14 May and set a northeasterly course. Two days later, Rodgers sighted and went in chase of a strange warship

which stood towards him and then fled. The identity and true size of this ship was not discovered until the following day after the action described in the following documents took place.

She was, in fact, the British 20-gun sloop of war *Little Belt* or *Little Belt*, as she is commonly called. *Little Belt* carried fewer men and guns than *President*, but her maneuvers and the behavior of Commander Arthur Bingham, her commanding officer, prior to the battle aroused Rodgers' suspicions. In the night action of some fifteen minutes that followed, *Little Belt* was severely damaged and suffered 9 men killed and 23 wounded. Following the action, reports differed as to who hailed first and fired first. Neither commander wished the dubious honor of having fired first in such an unequal battle under confusing conditions.

Secretary Hamilton convened a court of inquiry at Commodore Rodgers's request on 30 August 1811. After twelve days of testimony and examination of fifty witnesses, the court concluded that a single cannon fired by *Little Belt* commenced the exchange and that Rodgers, in an attempt to halt the combat, had twice hailed during the fray when *Little Belt*'s guns had been silenced. Thus, the court rejected Bingham's report of the event which is printed below, although the latter was widely accepted as the true version in England.

COMMANDER ARTHUR BINGHAM, R.N., TO
VICE ADMIRAL HERBERT SAWYER, R.N.

Copy

His Majesty's Ship *Little Belt*.

21st May 1811

Lat. 36. 53. °N. Long 71. 49 W.

Cape Charles bearing West 48 Miles

Sir

I beg leave to acquaint you that in pursuance of your Orders to join H.M.S. *Guirriere* and being on my return from the Northward not having fallen in with her, that at 11 A. M May 16th saw a strange sail at which I gave chase, at 1 P.M. discovered her to be a Man of War, apparently a Frigate standing to the Eastward, who when he made us out edged away for us & set his royals, made the Signal 275 & finding it not answered, concluded she was an American Frigate, as she had a Commodore's Blue Pendant flying at the Main, Hoisted the Colours & made all sail South, the Course I intended Steering round Cape Hatteras, the stranger edging away, but not making more sail, at 3.30. she

made sail in Chace when I made the private Signal which was not answered at 6.30 finding he gained so considerably on us as not to be able to elude him during the Night, being within Gun Shot, and clearly discerning the stars in his broad Pendant, I imaged the most prudent method was to bring too and hoist the Colors, that no mistake might arise, and that he might see what we were[;] the ship was therefore brought too, Colors hoisted, Guns double shotted, & every preparation made in case of a Surprize, by his manner of steering down he evidently wished to lay his ship in[to] position for raking: which I frustrated by wearing three times about 8.15. He came within Hail, I Hailed & asked what ship it was, he repeated my questions, I again hailed & asked what Ship it was: He again repeated my Words & fired a Broadside, which I instantly returned, the Action then became general & continued for three Quarters of an Hour, when she ceased firing and appeared to be on fire about the main Hatchway, he then filled I was obliged to desist from firing as the ship falling off no Gun would bear, and had no after sail to keep her too, all the rigging & Sails cut to pieces not abrace or Bowline left. He Hailed and asked what ship this was. I told him, he then asked me if I had struck my Colours my Answer was no! and asked what Ship it was, as plainly as I could understand he having shot some distance at this time, he answered the United States Frigate, he fired no more Guns but stood from us, giving no reason for his most extraordinary conduct: at Day Light in the Morning saw a ship to Windward, when having made out well what we were, bore up and passed within Hail fully prepared for Action, about 8 OClock he hailed and said If I pleased he would send a Boat on board, I replied in the Affirmative and a Boat accordingly came, with an Officer and Message from Commodore Rogers of the *President* United States Frigate, to say that he lamented much the unfortunate Affair (as he termed it) that had happened, and that had he known our Force was so inferior he should not have fired at me. I asked his Motive for having fired at all, his reply was that we fired the first Gun at him, which was positively not the case: I cautioned both the Officers and Men to be particularly careful and not suffer more than one Man to be at the Gun, nor is it probable that a sloop of War within Pistol Shot of a large 44 Gun Frigate should commence Hostilities, he offered me every assistance I stood in need off, and submitted to me that I had better put into one of the Ports of the United States, which I immediately declined.

By the manner in which he apologized it appeared to me evident,

that had he fallen in with a British Frigate, he would certainly have brought her to Action and what further confirms me in that opinion is that his Guns were not only loaded with Grape and round Shot but with every scrap of Iron that could possibly be collected.

I have to lament the loss of thirty two Men Killed & Wounded among whom [is] the Master.

His Majesty's Ship is much damaged in her Masts, sails, rigging & Hull, and as there are many shots thro' between Wind and Water & many shot still remaining in her Side and Upper Works all shot away, Starboard Pump also, I have judged it proper to proceed to Halifax, which will I hope meet your Approbation.

I cannot speak in too high terms of the Officers and Men I have the Honor to command for their Steady and Active Conduct during the whole of this business. We had much to do as a Gale of Wind came on the 2nd Night after the Action.

I have to request you will be pleased to recommend to the Notice of my Lords Commissioners of the Admiralty, my first Lieutenant Mr Jno Moberly, who is in every respect a most excellent Officer and afforded me very great Assistance in stopping the Leaks himself in the Gale, securing the Masts & doing every thing in his power.

It would be the greatest injustice was I not also to speak most highly of Lt [Thomas] Levell Second Lieutenant, of Mr James McQueen the Master, who as I before stated was wounded in the right Arm in nearly the middle of the Action and Mr Wilson Masters Mate, indeed the conduct of every Officer and Man was so good it is impossible for me to discriminate.

I beg leave to enclose a list of the Thirty two Men killed and Wounded most of them mortally I fear.

I hope Sir in this Affair I shall appear to have done my Duty and conducted myself as I ought to have done against so superior a force and that the Honor of the British Colors was well supported. I have the Honor to be &c

(Signed) A B Bingham
Captain

Rear Admiral Sawyer

Copy, UKLPR, Adm. 1/501, pp. 100-102. Enclosed with this letter was a list of killed and wounded. See *ibid.*, p. 103.

COMMODORE JOHN RODGERS TO
SECRETARY OF THE NAVY PAUL HAMILTON

U.S. Frigate *President*
off Sandy Hook May 23d 1811

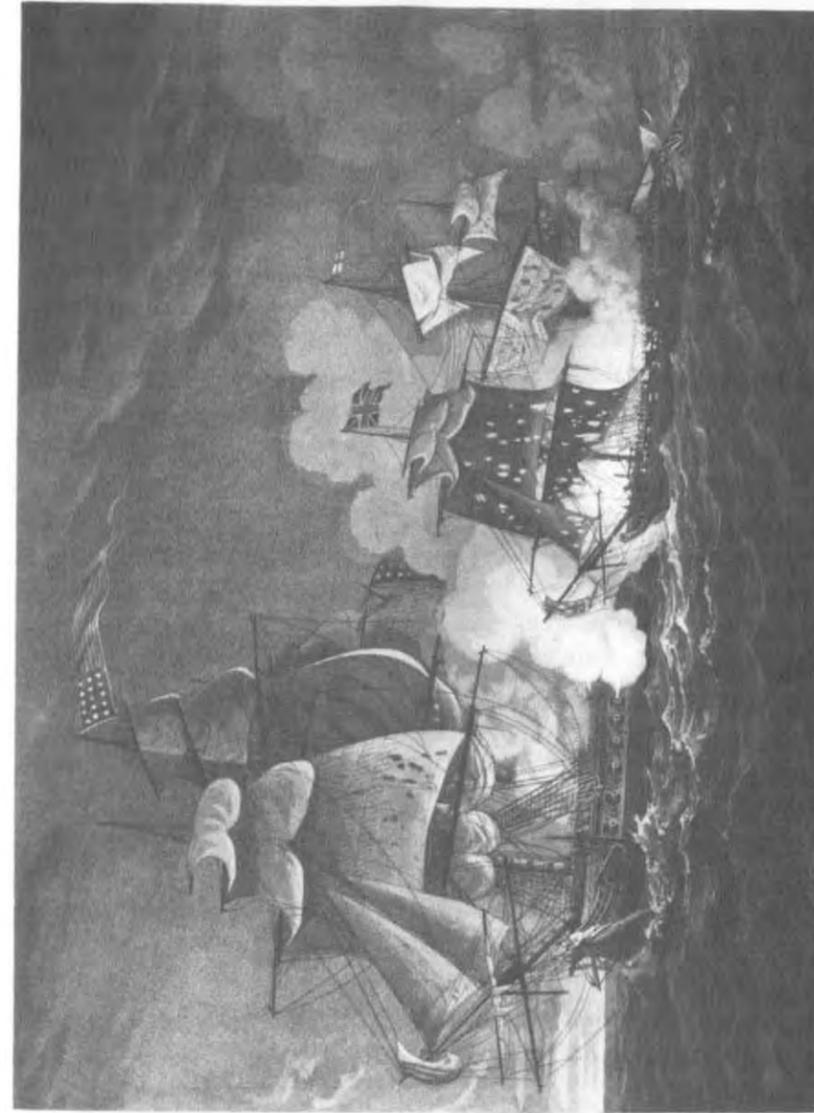
Sir

I have the honor to acquaint you that in obedience to your instructions of the 6th Inst, I sailed from Annapolis on the 10th, but owing to head winds I did not get to sea until the 14th, on which day off Cape Henry, I supplied the Ship *Madison* of Baltimore, belonging to Mr James Bias, with an anchor and Cable, she being in distress on account of having lost all hers except one which was not sufficient to ride by. On the 15th Inst Cape Henry bearing W.S.W. distant 50 miles, fell in with a second Vessel, the Brig *Sussex* of New York, Neat Master bound to Norfolk from Oronoke [*Ocracoke*], in distress for provisions, which I supplied

I regret extremely being under the necessity of representing to you an event that transpired on the night of the 16th Inst between the Ship under my command, & His Britanic Majesty's Ship of War the *Lille Belt*, commanded by Capt Bingham: the result of which has given me much pain, as well on account of the injury she sustained; as that I should have been compelled to the measure that produced it, by a vessel of her inferiour force. The circumstances are as follows: on the 16th Inst at twenty five minutes past Meridian, in seventeen fathoms water, Cape Henry bearing S.W. distant fourteen or fifteen leagues, a sail was discovered from our mast heads in the East, standing towards us under a press of sail—at 1/2 past one, the symmetry of her upper sails (which were at this time distinguishable from our Deck) & her making signals, showed her to be a Man of War—at forty five minutes past one P.M. hoisted our Ensign and Pendant: when finding her signals not answered, she wore and stood to the Southward—Being desirous of speaking her, & of ascertaining what she was, I now made sail in chace; & by 1/2 past three P.M. found we were coming up with her, as by this time the upper part of her stern began to shew itself above the horizon ~~from our Deck~~. The wind now began & continued gradually to decrease, so as to prevent my being able to approach her sufficiently before sun set, to discover her actual force (which the position she preserved during the chace was calculated to conceal) or to judge even to what nation she belonged; as she appeared studiously to decline showing her Colours—at fifteen or twenty minutes past seven

P.M. the chace took in her studding sails & soon after hauled up her courses & hauled by the wind on the Starboard tack. she at the same time hoisted an Ensign or Flag at her Mizzen Peak, but it was too dark for me to discover what nation it represented; now for the first time, her broad side was presented to our view, but night had so far progressed, that altho' her appearance indicated she was a Frigate, I was unable to determine her actual force—at fifteen minutes before eight P.M. being about a mile & a half from her, the wind at the time very light, I directed Captn Ludlow to take a position to windward of her & on the same tack, within short speaking-distance. This however the commander of the chace appeared from his manoeuvres to be anxious to prevent, as he wore, & hauled by the wind on different tacks four times successivly between this period & the time of our arriving at the position which I had ordered to be taken—at fifteen or twenty minutes past eight, being a little forward of her weather beam & distant from seventy to a hundred yards, I hailed "What Ship is that"? to this enquiry no answer was given, but I was hailed by her commander & asked "What Ship is that"? Having asked the first question, & of course considering myself entitled by the common rules of politeness to the first answer, after a pause of fifteen or twenty seconds, I reiterated my first enquiry of "What Ship is that"? & before I had time to take the trumpet from my mouth, was answered by a shot that cut off one of our Maintopmast breast back stay's & went into our Main Mast, at this instant Capt [Henry] Caldwell (of Marines) who was standing very near to me on the gangway having observed "Sir, she has fired at us" caused me to pause for a moment just as I was in the act of giving an order to fire a shot in return: & before I had time to resume the repetition of the intended order, a shot was actually fired from the second division of this Ship; & was scarcely out of the gun, before it was answered from our assumed enemy by three others in quick succession; & soon after the rest of his Broadside & musquetry. When the first shot was fired, being under an impression that it might possibly have proceeded from accident & without the orders of the commander, I had determined at the moment to fire only a single Shot in return, but the immediate repetition of the previous unprovoked outrage, induced me to believe that the insult was premeditated; & that from our adversary's being at the time as ignorant of our real force as I was of his, he thought this perhaps a favorable opportunity of acquiring promotion, altho' at the expence of violating our neutrality & insulting our Flag: I accordingly with that degree of repugnance incident to feeling equally determined

neither to be the aggressor, or to suffer the Flag of my Country to be insulted with impunity; gave a general order to fire; the effect of which, in from four to six minutes as near as I can judge, having produced a partial silence of his guns, I gave orders to cease firing, discovering by the feeble opposition that it must be a ship of very inferior force to what I had supposed; or that some untoward accident had happened to her—my orders in this instance however (altho' they proceeded alone from motives of humanity and a determination not to spill a drop of blood unnecessarily) I had in less than four minutes some reason to regret, as he renewed his fire, of which two 32 pound Shot, cut off one of our Fore shrouds & injured our Fore Mast—It was now that I found myself under the painful necessity of giving orders for a repetition of our fire, against a force which my forbearance alone had enabled to do us any injury of moment: Our fire was accordingly renewed & continued from three to five minutes longer, when perceiving our opponent's Gaff & Colours down, his Maintopsail Yard upon the cap & his fire silenced, altho' it was so dark that I could not discern any other particular injury we had done, or how far he was in a situation to do us further harm; I nevertheless embraced the earliest moment to stop our fire and prevent the further effusion of blood—Here a pause of half a minute or more took place, at the end of which our adversary not shewing a further disposition to fire, I hailed and again asked "What Ship is that"? & learnt for the first time that it was a ship of His Britanic Majesty, but owing to its blowing rather fresher than it had done, I was unable to learn her name—after having informed her commander of the name of this Ship, I gave orders to wear, run under his lee & haul by the wind on the Starboard tack, & heave to under Topsails & repair what little injury we had sustained in our rigging &c; which was accordingly executed & we continued lying to on different tacks with a number of lights displayed, in order that our adversary might the better discern our position, & command our assistance in case he found it necessary during the night—At day light on the 17th he was discovered several miles to leeward, when I gave orders to bear up & run down to him under easy sail; after hailing him, I sent a boat on board with Lieut[John O.] Creighton to learn the names of the Ship & her commander, with directions to ascertain the damage she had sustained, & to inform her commander how much I regretted the necessity on my part which had led to such an unhappy result—at the same time to offer all the assistance that the Ship under my command afforded, in repairing the damages his had sustained—At nine A.M. Lieut Creighton



"The Little Belt, Sloop of War, Capt'n Bingham nobly supporting the Honor of the British Flag, against the President United States Frigate, Commodore Rogers, May 15th, 1811."

returned with information that it was His B. Majesty's Ship *Lille Belt*, commanded by Capt Bingham: who in a polite manner declined the acceptance of any assistance; saying at the same time that he had on board all the necessary requisites to repair the damages, sufficiently to enable him to return to Halifax. This however was not the most-unpleasant part of Capt Bingham's communication to Lieut Creighton, as he informed him, that in addition to the injury his ship had sustained, between twenty & thirty of his crew had been killed & wounded.

The regret that this information caused me, was such, you may be sure, as a man might be expected to feel, whose greatest pride is to prove without ostentation, by every public as well as private act, that he possesses a humane & generous heart; & with these sentiments, believe me, Sir, that such a communication would cause me the most acute pain during the remainder of my life, had I not the consolation to know that there was no alternative left me, between such a sacrifice & one which would have been still greater; namely to have remained a passive spectator of insult to the Flag of my Country, whilst it was confided to my protection & I would have you to be convinced, Sir, that however much individually I may previously have had reason to feel incensed at the repeated outrages committed on our flag by British Ships of War, neither my passions or prejudices had any agency in this affair

To my Country, I am well convinced of the importance of the transaction which has imposed upon me the necessity of making you this communication: I must therefore from motives of delicacy, connected with personal considerations, solicit that you will be pleased to request the President to authorise a formal enquiry to be instituted into all the circumstances as well as into every part of my conduct connected with the same

The injury sustained by the Ship under my command is very trifling except to the Fore & Main Masts, which I before mentioned; no person killed, & but one (a boy) wounded

For further particulars, I refer you to Capt Caldwell, who is charged with the delivery of this communication I have the honor to be

Jn^o Rodgers

P.S. The *Lille Belt* is a Corvette about the size of the *John Adams*, but owing to her great length, her having a Poop & Top Gallt Forecastle & room to mount three more guns of a side than she actually carries, her deep bulwark & the manner of stowing her Hammocks, she has the ap-

pearance of a Frigate & would always be taken for such from the view we had of her during the chace, as we never had a sight of her Broad side until it was too dark to ascertain that she only carried one tier of Guns-she is by Steele's list (1809) rated a 20 Gun Ship

Jn^o Rodgers

LS, DNA, RG45, CL, 1811, Vol. 1, No. 230.

SECRETARY OF THE NAVY HAMILTON TO COMMODORE JOHN RODGERS

Comm: Rogers
New York

Nav: Department
28. May 1811.

I have received by Capt. Caldwell, your letter, detailing your encounter, with British Sloop of War, the *Little Belt*. You will repair your ship immediately, & be in every respect prepared, for a trial, much more serious than that, to which you have been invited; for I am certain, that the chastisement, which you have very properly inflicted, will cause you to be marked for British vengeance: while under this impression, all I ask of Heaven, is, that you may be allowed fair play, by being assailed only by an equal force: in this event, you will be victorious, & affix a standard of imitation for the American Navy:-If you fail, it will be only, because, a force far above your rate, is sent against you; & even then, you will leave no cause of rejoicing to your antagonist. Direct Capt Chauncey, to have new masts made for you immediately:-You must want nothing-. when you put to sea, you will look for Comm: Decatur, & take him with you to your station; cause him to complete his crew immediately, to be equally prepared, & to remain at your side, until further orders. By Capt Caldwell, I will write you the sentiments of the President:-for myself, I declare, that my sentiments towards, & estimation of you, go beyond what may be expressed by the words, esteem & respect.

Write me the name, & character, of your wounded boy; & inform me if he is fit to hold a midshipmans warrant; Capt Caldwell, states him to have behaved gallantly; I wish to see him rewarded;-If in addition to his gallantry, he is of good character generally; I would hug him to my bosom (whatever may be his condition, or circumstance in life),

while I made him an officer, in the American Navy. May honor, health & happiness continue to attend you, is the cordial wish of YOS

P. Hamilton

Copy, DNA, RG45, SNL, Vol. 9, p. 363.

The Navy and the "War Hawk" Congress

The mood of the country shifted gradually toward war during the later months of 1811, but the Madison administration remained hopeful that some concessions could be obtained on long-standing grievances through diplomatic means. To a large extent, these hopes leaned upon a slender reed. Augustus John Foster, Britain's newest minister to Washington, was a genial but inexperienced diplomat who found it difficult to gain an accurate reading of the American mind. He spent considerable time in the company of Federalist opponents of the administration who persistently denigrated the Republican leadership. By the same token, Foster's instructions allowed him no freedom on the key questions of the Orders in Council or impressment of seamen, two issues of the highest importance to Madison and his cabinet. No settlement had yet been reached on the Chesapeake affair, although diplomats had discussed the question of reparations and return of seamen for over three years. When the British approached Secretary of State James Monroe to ask for reparations for damage to Little Belt, he responded by saying that there could be no discussion of this until the Chesapeake question had been settled satisfactorily.

Rumors of renewed Indian warfare against settlers on the Northwest frontier were confirmed in November. Governor William Henry Harrison of the Indiana Territory repelled an attack at Tippecanoe. Westerners acclaimed this a victory. They firmly believed that this and other attacks had been encouraged by the British in Canada. Frontiersmen and their political representatives began to urge an attack upon Canada to halt Indian raids, seize control of the lucrative northern fur trade, and possibly to acquire additional lands. An aggressive "war hawk" spirit infected many congressmen from western and southern states. Several of these men, such as Henry Clay, Langdon Cheves, and Peter Porter were in leading posts and made their in-

fluence felt. They were optimistic that use of force would attain what years of patient diplomacy and peaceful coercion had not.

When Congress assembled in November, the members heard President Madison's ambivalent "State of the Union" message. He had decided to try to keep the peace while preparing for war. On one hand, he advised making preparations to strengthen defenses, bring the army up to strength, enlarge military and naval stockpiles, and improve the navy. On the other hand, the president evinced an impartial tone toward Britain and France, suggesting that if they would refrain from provocations, the United States was ready to ease her trade regulations.

Langdon Cheves, chairman of the House Naval Committee, was a South Carolinian, as was Secretary of the Navy Paul Hamilton. Cheves took up the president's vague suggestion that the navy be improved and sent to Hamilton a series of questions, inviting his friend to offer recommendations on important naval issues. These questions and the secretary's reply are printed below. Hamilton's carefully reasoned suggestions were graciously received but were treated more like wishes than urgent national priorities. Hamilton argued that twelve 74-gun ships of the line and ten additional 38-gun frigates would be an adequate defense against the small force Britain might be able to spare from European waters. Apparently, the committee considered an authorization to build ships of the line politically impossible to obtain. When Cheves reported his bill to the House, there was no mention of the 74s, though the committee did support Hamilton's proposal for ten additional frigates, the creation of a stock of timber, and construction of a drydock for maintenance of existing warships.

When the naval bill came to a vote, some "war hawks" reflected a western sectional bias and voted against, as did Republicans who were traditionally suspicious of strengthening the naval establishment. During the naval debate, Secretary of the Treasury Albert Gallatin submitted a realistic but unpopular budget containing higher taxes to cover possible war expenses and an expected decline in customs receipts. The additional opposition this generated helped to kill many of the measures that would have enlarged the navy. The final "act concerning the naval establishment" must have been a great disappointment to Secretary Hamilton and his department.¹ While stockpiling of timber was approved by both houses, they only appropriated enough money to repair and fit out frigates Chesapeake, Constellation, and Adams, and to increase the number of officers and men sufficient to serve on these ships. The authorization to add new frigates was defeated by a vote of 62 to 59.² Measures to strengthen the military had not fared much better. As a result, the country was proceeding toward war without providing its officers with the resources they would

need to fight successfully against a more experienced and better armed enemy.

1. *Callan & Russell, Laws . . . of the Navy, pp. 176-77.*
2. *Irving Brant, James Madison, The President, 1809-1812 (New York, 1956), pp. 402-404.*

LANGDON CHEVES, CHAIRMAN,
HOUSE OF REPRESENTATIVES NAVAL COMMITTEE TO
SECRETARY OF THE NAVY HAMILTON

Washington November 19, 1811

Sir:

I am directed, by the committee to whom was referred so much of the President's message of the 5th instant as relates to the naval force of the United States, to request a reply from you to the several questions which follow and they have also directed me to ask as early an answer as may be conveniently practicable:

1st. What number of the vessels of war of the United States is now in actual service; and what are their names, rates, and stations?

2d. What number of vessels is laid up in ordinary; what are their names and rates; what will be the expense of repairing and equipping them for actual service; within what time can the same be accomplished; and what will be their aggregate annual expense in service, with that of those now employed?

3rd. What will be the expense of building, manning, and completely equipping for actual service a vessel of each rate of those most useful and most usually employed in modern naval war; and what will be the annual expense of maintaining such vessels, respectively, in actual service?

4th. Will any, and, if any, what, force of vessels, not exceeding the rate of frigates, afford a reasonable protection to the coasting trade and the mouths of the harbors of the United States? If such be deemed incompetent, what other force is deemed requisite?

5th. What materials, for ship building and naval equipment, are deemed imperishable; and to what extent in quantity, and what amount in value, would it be practicable and advisable to provide the same?

6th. What is the number of gunboats belonging to the United States; what is their state of repair; what number is in actual service;

and where are they stationed or laid up?

7th. In the event of putting in commission the ships now laid up in ordinary, could the necessary seamen, to man them, be speedily procured, without an increase of pay or bounty?

I am further directed to request, that you will communicate in your reply any other information which, in your opinion, may be important or material on this subject. I have the honor to be, sir, [&c.]

LANGDON CHEVES.

ASP, Naval Affairs, I: 248.

SECRETARY OF THE NAVY HAMILTON TO LANGDON CHEVES,
CHAIRMAN OF THE NAVAL COMMITTEE

[Extract]

Navy Depart 3d Decr 1811

I have had the honor of receiving your letter of the 19th inst.

The several questions which you have been pleased to propound to me, involve a scope of information difficult correctly to state, and comprehend points, upon which I am compelled to submit conjecture in some instances instead of fact. The Subject however, is so deeply interesting as to have commanded my most deliberate & anxious investigation.

The papers herewith submitted & marked A: B: & C: will I hope afford satisfactory answers to your three first queries. In reply to the fourth query I have to state that, as to the force necessary to afford a reasonable protection to the coasting trade & the mouths of the harbors of the United States, it appears to me impossible to form a satisfactory opinion, unless we knew the extent of the force by which our coasting trade & the mouths of our harbors may be assailed. The naval nations of Europe employ line of battle ships. The heaviest rate of our vessels of war does not exceed a large 44 gun frigate which is inferior, in number of guns, & men, & weight of metal to a ship of the line. If then, while we have only frigates an enemy should send against us ships of the line, the protection which in such case we should be able to afford to our coasting trade, would obviously be very imperfect. With a force, equal in number & rate to that of an enemy, or to that which enemy at a distance could send against us,

neither our commerce on our coast nor our harbors would have any danger to apprehend—for considering the numerous dangers of our coast—the heavy gales & fogs, to which it is peculiarly subject—our superior knowledge of the shoals with which it abounds—and the numerous ports to which we have access for victualling repairing & equipping ships: so decided would be our advantage, that it is believed an enemy, only our equal in number & rate of vessels would not, under such circumstances, approach our shores with any intention of remaining for the purpose of molesting our trade. Such indeed are the advantages we possess in these particulars, that I incline to the opinion, that with half the number of vessels of the same rate which might be sent against us, a reasonable protection might generally be afforded to our coasting trade. I do not wish to be considered as giving the opinion that with such a force our coasting trade could be effectually protected—that no capture of our merchant vessels would be made under such circumstances—for even if our force were equal to the enemy, we might expect occasionally to have vessels captured: An enterprising enemy would watch opportunities & avail himself of them, but in our operations against the enemy we should not, it is presumed, be found deficient in enterprize or vigilance; competent to retort his aggressions & to secure an equivalent for all our losses.

Supposing then a continuance of the present state of things in Europe, and that the United States should come into collision with either of the present great belligerent powers, a naval force of twelve sail of the line (74s) & twenty well constructed frigates, including those we now have rating generally not less than 38 guns, with the addition of our smaller vessels now in service judiciously directed, it is believed would be ample to the protection of our coasting trade generally—would, be competent to annoy extensively the commerce of an enemy—and uniting occasionally in operations with the gun boats already built, if equipped & brought into service—and our fortifications also afford complete protection to our harbours.

The imperishable materials for ship building & naval equipment consist of timber, plank, staves, masts & spars, iron, copper in sheets, bolts & nails, anchors, kentledge, canvas, hempen yarns, &c. In timber of every description required for navy purposes, our Country abounds, and it would at this time be practicable to procure any quantity on terms that are reasonable. It would unquestionably be sound economy to keep always on hand an adequate supply of this all impor-

tant article, which ought to be well seasoned before it is used. The deplorable effects of being compelled, as the Navy Department has frequently been, to use green timber in the repair of our ships, our experience too fully demonstrates. This indeed is one of the principal reasons of the great expense generally & very justly complained of by the guardians of the public purse—happily however, it is perfectly within the reach of our power to remedy this evil, and I do most earnestly recommend to your serious consideration, the propriety of an extra annual appropriation for three years, for the purpose of enabling the Department to provide an extensive stock of every description of timber required for Navy purposes. The other articles of an imperishable nature may be procured as required, or as opportunities offer to obtain them on reasonable terms, out of the general appropriation for Repairs made annually for the support of the Navy—to which purposes it will partly be devoted—and to the encouragement of the manufacture of sail cloth, manufactured within ourselves, of hemp of our own growth, by giving it a preference to that made of foreign hemp.

The paper marked D affords an answer to your sixth query as full as the information in possession of the Department will enable me to give it.

If it should be determined to commission the ships now in ordinary the necessary seamen to man them, can it is confidently believed, be procured without any encrease of pay or of bounty and in time to man them as they may be prepared for service.

In my answer to your fifth query I have stated one of the causes of the great expense of the Navy so generally and it is admitted so justly complained of, and I have suggested a remedy for that particular cause—other causes of expense exist, which may be obviated; and under the latitude you have allowed me I will at this time, state one, which immediately presents itself.

The United States do not own a Dock. To repair our vessels, we are compelled to heave them down—a process attended with great labor—considerable risk & loss of time—and upon a ship thus hove down—the carpenters can not work without much inconvenience. Hence the Department is subjected to much expense, which might be avoided by the construction of one or more suitable Docks. Such a provision even in the present state of our Navy would be valuable for the reasons above stated; but if Congress determine to have built vessels of a rate superior to those we now have, it will certainly [be] found to be indispensable. The accuracy of this remark will be ad-

Note the sums & periods of time, estimated for repairing & equipping the vessels of war comprehended in the above statement are in a great degree conjectured, tho' it is presumed that the sums stated would be sufficient, and that in the time stated, the vessels could be repaired.

Until these vessels shall be opened & thoroughly examined, it is obviously impossible to ascertain with any degree of precision, what would be the expense of repairing them, or what time it would take to repair them—for until then their actual state & condition cannot be ascertained. By some it is at this time thought that neither the *New York* nor the *Boston* are worthy of being repaired: but I hope, that on opening them, we shall find them otherwise and under this impression I have returned them in this exhibit. Should they be found to be too rotten to repair, I shall consider it as a serious misfortune—for they have been constructed upon the most approved models for vessels of their rates.

In the estimate of the expense of the Navy for the year 1812—the employment of all our frigates excepting those above stated, and of all our vessels of war, and of Sixty two Gunboats, is contemplated—these objects together with the Corps of Marines, Navy Yards & Ordnance are estimated to cost \$2,502,003.90 which is the aggregate amount of the estimate for the year 1812. Of this sum—

The expense of the Corps of marines is estimated at	228,905 90
The expense of Navy Yards, &c	60,000
The expense of Ordnance, &c	60,000
The expense of the vessels of war in commission & of those & the gun boats in ordinary,	1,403,098 00
The expense of the 62 gunboats in commission.	750,000 00

Whole amount of the Navy Estimate,
year 1812, \$2,502,003 90

If then the frigates now in ordinary were put in Commission their aggregate annual expense in service, with that of those now employed and including every other objects of Navy expense upon the scale contemplated in the estimate for the year 1812 would be the sum stated under the head "annual expense" in the exhibit,

viz:	\$469,973
added to the whole amount of the Navy estimate as stated above	\$2,502,003 90
which makes	\$2,971,976 90

C.
Estimate of the expense of building & completely equipping
for actual service vessels of war of various rates
and the annual expense of each.

Rate	expense of building		annual expense of each.	Remarks.
	\$ Pr gun	Dollars		
74	4,500	333,000	211,784	the frigate <i>President</i> cost
60	4,500	270,000	140,000	\$220,910 08. the frigate
50	4,500	225,000	115,214	<i>Philadelphia</i> \$179,349.
44	4,500	198,000	110,000	the <i>New York</i> cost
36	4,500	162,000	102,000	\$159,639 60. the <i>Essex</i>
32	4,000	128,000	82,000	cost \$139,362 50. the <i>John</i>
20	3,500	70,000	50,202	<i>Adams</i> cost \$113,505 72. the <i>Maryland</i> cost \$70,249 83.

D.
Exhibit shewing the number & state of the Gun boats of the United States at this time. 30 Novr 1811

Number of Gunboats	where stationed	number in		under repair	remarks
		commission	Ordinary		
54.	New York,	20	34	-	by last reports the gunboats in ordinary generally were in a state of preservation; all those in commission are in good condition.
26.	New Orleans,	19	-	7	
14.	Norfolk, Va	8	6	-	
2.	Charleston, S.C.	-	2	-	
4.	Wilmington, N.C.	4	-	-	
11.	St Mary's, Geoa	11	-	-	
10.	Washington, Dt Ca	1	9	-	
8.	Portland, Me	-	8	-	
2.	Boston	-	2	-	
4.	Connt & R. Island	-	4	-	
20.	Philadelphia,	-	20	-	
10.	Baltimore Md	-	10	-	
165.		62	86	7	

Copy, DNA, RG45, Secretary of the Navy Letters to Congress, Vol. 1, pp. 52-62.

Impressment

The Royal Navy's insatiable need for seamen to man hundreds of ships caused her commanders to seize or "impress" men, whether they were sailors or landsmen. Those first to feel the blow were innocents who happened in the way of a press gang in a British seaport. When this did not satisfy, and frequently it did not, warships halted merchant vessels in the course of blockading and cruising duties and took off by force (1) any Royal Navy deserters they could find among the crew, (2) British subjects who had become naturalized American citizens, whether they were deserters or not, and (3) native-born Americans who could not provide proof of citizenship or whose proof was considered insufficient by boarding officers.

Impressment was centuries old but, as practiced upon American seamen, it had its roots in the Revolutionary War. The phenomenal growth of U.S. seaborne commerce after 1783 created a demand for seamen that resulted in higher wages in America than in Britain. Royal Navy officers viewed the increasing desertion rate with alarm, as did the British Admiralty. Britain considered a man born an Englishman "always an Englishman." Thus, the American process of naturalized citizenship (after 5 years residence) was considered to be invalid as a defense against impressment. Americans, however, viewed their merchantmen as "extensions of territoriality," a concept rejected by Britain which claimed the rights of a belligerent in wartime to stop and search neutral vessels for contraband or deserters.¹

On 16 October 1807, King George III proclaimed it the duty of naval officers "to seize upon, take and bring" all British subjects who had been "enticed" into the service of other nations. Even former subjects had a duty, it was claimed, to serve Britain, as she had a prior claim on their allegiance. American diplomats had continually rejected such sweeping claims and repeatedly attempted to obtain British concessions from 1792 through the War of 1812, to no avail. Thus impressment became a principal cause for the United States' declaration of war against Great Britain in June 1812.

The hardships suffered by those seized and their families were many and piteous. A pressed sailor was a man whose condition was likened to slavery by those who experienced it, and some were black sailors who could have compared the two systems. Thousands of seamen were seized from American ships during the period 1790-1815 but the figures quoted in contemporary documents are often at variance.

A conservative estimate of the number of American seamen impressed from 1796 to 1 January 1812 is 9,991, a figure which compensates for duplications of names as they were found in lists made up by the Department of State and American agents for seamen in England. The most severe period was that from 1803 to 1812 when some 6,000 seamen were impressed. Not more than one-third of them were released before the outbreak of the war. Contemporary estimates ranged from 10,000 to 50,000. Realistically speaking, however, it is still provocative to think that probably 750 to 1,000 were impressed annually between 1808 and 1812.²

To gain a sense of how many Americans viewed impressment at that time, a series of letters to "Mr. Gales" (Joseph Gales, Jr.), editor of the *National Intelligencer*, has been selected. The author remains anonymous, using the pseudonym "Ghost of Montgomery." It is fair to say that his views reflect those of Madison's Republican administration for which *National Intelligencer* was virtually an official organ.³

1. Leopard's impressment of men from Chesapeake posed a unique difference in that Chesapeake was a public man-of-war.

2. James F. Zimmerman, *Impressment of American Seamen*, *Columbia University Studies in History, Economics and Public Law*, Vol. CXVIII, No. 1 (New York, 1925), 246-75 passim.

3. Federalists from New England generally held the administration's figures to be exaggerated. Despite the fact that New England's seamen were probably the most likely to be impressed, her shipowner politicians were inclined to accept Britain's view of her struggle with France and to see Madisonian Republicans as puppets of Bonaparte's empire. Accommodation with Britain, in view of her overwhelming superiority in naval power seemed the most sensible approach to New England's Federalist merchants. (See Perkins, *Prologue to War*, pp. 88-94).

"IMPRESSED SEAMEN.

No. I."

————— "Nothing extenuate,
Nor set down aught in Malice."

Permit me to detail a few particulars relative to this important object of national concern, as it has frequently fallen under my observation at sea, as well as on shore. When vessels are met with on the ocean by British vessels of war; on being boarded, a demand is made of *the roll*, or articles, and the men being mustered, the officer interrogates them, who (if it is bad weather) is generally the sailing-master, or one of his mates, or perhaps a lieutenant; with very little knowledge of mankind, or of national *dialects*, he undertakes to be

sole judge, to decide and determine the place of birth of every man on board, their legal testimonials (the place where they embarked being strong *prima facie* evidence) to the contrary of his opinion notwithstanding; the fate of the men being thus summarily decided, *the condemned* are taken on board the man of war, and turned before the mast. Melancholy prospect, worst of slavery, *to fight for their oppressors!* From that moment (particularly if found to be good seamen) they are *solicited by the officers as well as men to enter*, they are *tempted* by assurance of "leave to go on shore when in port with the liberty men."* Some months elapse in this way; "no morning sun shines for them," all is gloom, horror, slavery! To escape appears impossible! At length they listen to the seductive *hope of opportunity to regain their liberty by entering*, *despair whispers it is the only chance!* The bounty is taken! but double disappointment follows; the ship goes into port, and they find themselves more strictly watched! Still upborne by the hope of freedom (for men that deserve it never despair) they preserve a miserable existence, till at length the glorious day arrives, and one of them escapes! Wages, prize money, and oppression, are left behind; his friends and his country receive him again! Having witnessed the escape of a man who had been *ten years* in one of those dens of slaves, I would paint his joy, describe the expressions of his fears and his feelings, if it were possible, but it is not in the power of language. Who then can describe the sufferings of his companion left behind? Still compelled to drag the galling chain, and fight for his tyrants, he also attempts to desert, but is retaken! *The rules of that navy which is supported by conscription, by depriving foreigners as well as natives of their liberty*, are not less cruel in the punishments they inflict. He is tried, found guilty, and FLOGGED THROUGH THE FLEET!

GHOST OF MONTGOMERY

From Notes, while in Barbadoes Court in V. Admiralty.

*A certain number, who, it is supposed, can be relied on, are allowed each day, or at least every Sunday, to go ashore.

National Intelligencer, 10 Mar. 1812, p. 3.

"IMPRESSED SEAMEN.
No. II."

Mr. Gales,

The picture in my last may have given some idea of the sufferings to which our Poor Tars are reduced when taken into slavery; hearing it asserted that it was "too highly drawn" and that "it seldom happened," I found the observations fell from an Englishman, to whom I was able to state, from perfect knowledge, that owing to the interference of a gentleman of Philadelphia, a very respectable young man of Boston, who deserted from the *Acasta* British frigate at La Guyra, was saved from this worse than death. Of that remonstrance it is believed a copy is in the hands of government.

Is it of any consequence, how many may have suffered this—what shall I call it? let every man who has feeling, or a friend—every father who has a son—mothers, sisters! name it! Is it not enough to know *that one has suffered?* and what nation has inflicted this unmerited, this _____ punishment! *the only power on earth, that has by her own law declared the right of foreigners, the subjects and citizens of every other nation under Heaven, by service only, to equal privilege with her own native subjects** Who has by law provided, that if one of her subjects becomes a citizen of the U. States, he shall *never re-assume his rights of allegiance.* + By Lord Hawkesbury's act (as it is called) when taking out a register for a vessel in England, the owner is to swear, he "has never taken the oath of allegiance to any foreign power, prince or state, *except to a power in Europe* to obtain the rights of a burgher or citizen." This act of Parliament *for excusing perjury*, in those who shielded British vessels *under the Imperial flag at Ostend* (then a free port) is equally a declaration of their morality and their present consistency. Who can think without shuddering, without horror; *of an innocent man, whose only offence is his profession*, being carried in a boat with a *gallows suspended over his head*, from ship to ship, his hands tied up to the cross bar, and along side of every one hearing a mock sentence read# and then imagine him whipped with a "cat o' nine tails" 'till the blood trickles down his manly back! fancy! no it is not fancy, for it has been repeated! repeated! repeated! 'till his giant independent spirit burst indignant from its prison and left the galling cords which bound his fettered body.

When on some occasion an Englishman had his ears unjustly cut off by the Spaniards, the British Parliament was applied to for redress—the sufferer being brought before the House, with a handkerchief on his head to hide his disgrace, was asked, "when the act was done, when you were thus treated, what did you think?" He replied: "at that moment I expected to die; I prayed to my God for pardon of my sins, and relied on my country for revenge."

GHOST OF MONTGOMERY.

From notes while in the Court of Vice Admiralty at Malta.

* *Blackstone.*

+ *He cannot again even own a British ship.*

Can an American deserter from a British man of war be tried by his peers, or by his officers?

National Intelligencer, 14 Mar. 1812, p. 3.

"IMPRESSED SEAMEN.
No. III."

Mr. Gales,

Having in every British port had feeling excited, and reflections called forth on the melancholy exhibition and sufferings of my much wronged fellow-citizens, *confined on board their floating galleys*, I was induced to enquire into other effects of this *system of oppression*, exercised by a nation claiming pre-eminence in Europe for justice, and to make an estimate of the pecuniary aid her navy received from this atrocious mode of maintaining it, by a calculation of the amount due to *American seamen for wages and prize money*, who having been impressed had already deserted (whether before or after being forced or induced to enter,) and from the best information which could be obtained in England, it may exceed 350,000 dollars!

Convinced by those unvarnished facts, methinks I hear my tortured countrymen exclaim, where is the cure? It is certainly much more easy to point out grievances than remedies—but who can doubt our having the means of redress? Some years since the ship _____ was boarded by the British frigate _____ commanded by a sprig of nobility: the

second mate and carpenter, both *legal citizens*, were by his order impressed, notwithstanding very strong remonstrances; at length the owner of the ship they were taken from spoke to them in the boat:—"touch not a rope in that frigate-remember you are freemen, maintain your rights or perish." They behaved like men, and were successful. The boatswain was ordered to set them to duty: they refused: he threatened—they replied, "do not lift your hand!" "we will never do duty in this ship"—they were sent to the quarter deck: the captain asked them a few questions, and ordered them to be flogged; they told him with looks (of which he could not doubt the sincerity,) "if we receive one blow, this ship, nor any other British ship, shall contain us, if gun-powder be on board." They were put aboard a sloop the next day and sent to Jamaica, where they rejoined their own ship. He knew that in the hour of action those men could not wish for victory, but would endeavor to get revenge: they had known freedom, and who that estimates its value will survive the loss of it? Desertion, mutiny, & gun-powder are the weapons of freemen kept in slavery.

The object of war is peace—ours, justice, indemnity for the past and assurance of respect for the future—to obtain which at the least possible expence of blood and treasure is to blend humanity with policy and wisdom—if then we are compelled to the dire alternative of war, provisions should be made for the heirs of those who thus die martyrs for their country.

GHOST OF MONTGOMERY.

High Court of Admiralty of England.

National Intelligencer, 17 Mar. 1812, p. 3.

"IMPRESSED SEAMEN.

No. V."

Again 'tis said, the gentlemen of fine feelings are shocked at the suggestions of mutiny. What, says one, excite men to murder their officers! too bad—that's too bad! How many of those men-stealers, said another in reply, are to be placed in competition with 500 or a thousand of our best citizens, who would be opposed in the batteries to the

ruffian attempts to destroy, to Copenhagen our sea-ports, our citizens, our happiness and peace?¹

It is now time to suggest some other preventatives to this diabolical traffic, this stealing our men, and, with our men, stealing our property! The following measures are proposed:

To declare any citizen of the United States who should kill any man attempting to impress him, innocent; and that, if tried and punished by decision of any foreign tribunal, the same should be immediately retaliated on any subject selected by the heirs or next of kin to the person so punished.

To prohibit forever the admission of any vessel of war, on board which any citizen of the U. States should be impressed.

To authorise the imprisonment of any subject, to be selected by the next of kin in the U. States, for an equal length of time, day for day, upon equal rations—but as such subject would not earn his rations in confinement, not to be liberated till the said rations be paid for.

To authorize attaching any money due to British subjects in the U. States for wages at the rate of \$ 60 per month, and for all prize money, when they cannot desert. Kindred to attach for damages for false imprisonment, at the rate of \$ 10 per day—the books in England to be examined by commission, and, if refused, the oaths of the party to be evidence.

To proscribe the captain and every commissioned and warrant officer on board any vessel impressing a citizen of the U. States till seven years after a general peace; if caught on shore to be tried, and, when found guilty, tarred and feathered, one, two or three days for every such offence, according to the circumstances*—their names can always be known by Steele's list.

Whereas it frequently happens, that when citizens of the United States are impressed and forcibly taken, their protections are not only torn up and destroyed, but the men prevented the use of pen and ink, be it provided, that in every and each of such cases all vessels of that nation be forthwith prohibited & excluded the ports and waters of the United States, and to continue excluded for the full term of one year after the liberation of the individual so impressed.

GHOST OF MONTGOMERY.

High Court of Admiralty of England.

**This mild mode of punishment had a most salutary effect at the commencement of the revolution, and would be equally useful in this case.*

National Intelligencer, 24 Mar. 1812, p. 2. The article "Impressed Seamen, No. IV," has been deliberately omitted here.

1. In order to frustrate the aims of the Armed Neutrality, by which Russia, Prussia, Denmark, and Sweden sought to exempt from search neutral merchantmen under convoy, a British fleet entered the Baltic Sea in 1801 and on 1 Apr. attacked and defeated a Danish fleet in the Battle of Copenhagen.

New England Federalists Consider the Prospect of War

Interest and ideology produced the virulent opposition of New England's Federalists to the foreign policy of the administrations of Jefferson and Madison. For New England's Federalists, the contest with the Jeffersonian Republicans would determine the future character of the United States: if ruled by propertied, virtuous, hard-working, Christian gentlemen, America would prosper as a virtuous, God-fearing, civilized and cultured republic; but Republicans, with their affinity for Jacobinism and atheism, devilish ideologies spawned in the French Revolution, would lead the country to mob rule, violence, and economic collapse. New England's Federalists considered the Southern democrat, a hypocrite who spouted egalitarian phrases while owning slaves and who was made ignorant, idle and decadent by slaveholding, to be the paradigm of the Jeffersonian Republican. Corrupt politicians who toadied to the vulgar mob, the Republican administrations seemed bent on sacrificing the country's true interests to their own party's benefit.¹

Weak nationally, having fought a losing battle with Jeffersonian Republicans for a decade, New England's Federalists found it increasingly difficult to view politics from a national perspective. The actions of the Republican administrations appeared to be designed purposefully to destroy New England's economy. Maritime enterprise, commerce, whaling, fishing, and all the ancillary pursuits of ship-building and outfitting, constituted the region's principal industry.

Flourishing neutral trade during the resurgence of the Napoleonic Wars after 1803 had greatly profited New England. Jefferson's system of economic coercion, the Embargo Act, the Non-Importation Act, and Macon's Bill No. 2, interfered with that trade. The embargo of 1807-1809 not only brought merchants to bankruptcy, but affected every other part of the economy: it threw seamen and laborers out of work, impoverished farmers, who could not market their produce abroad, and inflated the price of imported goods. Next to this distress, impressment and orders in council, with the inconveniences they caused, paled into issues little worth a war.²

To risk war with Great Britain seemed folly. The Royal Navy, no doubt, would soon blockade America's ports, raid her coasts, and seize her shipping. War would bring about New England's economic collapse. If war must come, the enemy should be France, not England. Internationally, Napoleon embodied the threat to liberty, property, and good order represented in America by the Francophile Republicans. In this context, to attack England, the only effective opponent to the tyrant, would be morally heinous.

Shortly after President Madison proclaimed a 90-day embargo, which most interpreted as a prologue to war, the Federal-Republicans of Providence, Rhode Island, expressed their reactions and anxieties, reflecting those of other parts of New England, in the resolves which follow. When, afterwards, the United States declared war against Great Britain, the town of Providence would toll bells and lower flags to half-mast in protest, the Rhode Island General Assembly would denounce the declaration, and the governor would resist use of the state's militia outside its borders.³

1. Linda K. Kerber, *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (Ithaca and London, 1970), esp. pp. 23-66, 173, 215.

2. Samuel Eliot Morison, *Harrison Gray Otis: The Urbane Federalist* (Boston, 1969), pp. 298-300, 327.

3. Irving B. Richman, *Rhode Island: A Study in Separatism* (Boston and New York, 1905), pp. 275-76.

"PROVIDENCE RESOLUTIONS"

[Extract]

Providence, April 7.

. . . Voted and Resolved unanimously,

That, in our opinion, the peace, prosperity and happiness of these United States, are in great jeopardy; inasmuch as, we have the

strongest reasons to believe, the general government have determined to make war on Great-Britain; This we believe,

Because Congress have voted to raise twenty-five thousand men in addition to the present standing army; to receive the services of fifty thousand volunteers; and to draft one hundred thousand militia: . . .

We are further confirmed in our apprehensions of the determination of government to engage in this war, by the evident partiality they have for a long time manifested towards one of the belligerents; and their deep-rooted enmity towards the other. The decrees of both nations equally violate our neutral rights; but France by her Berlin Decree, was the first aggressor; and still persists in capturing and burning our vessels on the high seas; and in robbing, imprisoning, and insulting our citizens; yet all these atrocities have been either palliated, or excused; while every effort has been made to excite the prejudices and animosities of the people against Great Britain. British vessels are excluded from our harbors; and our citizens are forbidden to import goods of the growth and manufacture of Britain and her dependencies; at the same time that French privateers are suffered to refit in American ports; and French goods are received, and protected, by our government.

At this very moment valuable vessels and cargoes, lying at our wharves, the property of our neighbors and fellow-citizens, are seized, detained, and libelled for condemnation; because the agents of government suspect these cargoes of rum, sugar, and molasses, though purchased, and shipped, at Spanish or Swedish ports, were raised on British plantations. _____ All this, too, is done, when our trade to France, is of little value; and that to England, and her dependence is, of more importance, to the United States, than with all the world besides.

Resolved, That, although we would, with our lives and fortunes, support our government in the prosecution of a war against any nation, rendered necessary, for defence of the UNION, honour, or interest, of these States; yet, believing as we most sincerely do, that a war with England, at this time, is neither necessary, nor expedient, we deem it a duty which we owe to our families, and to our country, to use our utmost efforts to avert so great a calamity; and being fully convinced, that nothing will check, or retard government, in their inconsiderate career towards war with Britain, unless it be the voice of the people, loudly, unequivocally, and constitutionally, expressing their disapprobation of these measures, we are of opinion that this

expression ought to be given in the approaching elections. If we choose Democratic State Rulers, we choose war; if we choose Federal State Rulers, we choose peace _____ For this voice of the people, the general government now stand listening. . . .

But should we, forgetful of our duty, elect democratic rulers, and thereby let loose this wild spirit of war, what calamities, and horrors must spread themselves over those devoted States! All the taxes proposed must fall upon us; our foreign and coasting commerce be cut off; our fisheries be destroyed; our agriculture neglected; for our young men, who now till the fields, must enlist, or be drafted, like French conscripts, for the army to conquer Canada, or perish before Montreal and Quebec. The destruction of our navigation would interrupt, and we fear, ruin our numerous, and flourishing manufactories; for, when the enemies ships cover our coasts, we can neither obtain the necessary materials, nor export the manufactured goods.

But these evils are only the beginning of sorrows. When war arrives, what will give protections to our harbours and maritime towns? Can we expect it from our Gun-Boats? We must not look for our enemy here on land, with a regular army; for they still recollect their numerous defeats, in that species of battle, during our revolutionary contest. They will therefore, make a war of frequent, and sudden descent on our long, and defenceless sea-coast. Ships manned, and now moored on the other side of the Atlantic Ocean, can, in forty days, be riding on the waters of our bay and river. What could then save our sea-port towns, together with all the vessels in our harbours from conflagration, pillage, and military exaction? We are now without protection; and while that part of the militia, not drafted and sent to the war in Canada, would be assembling, the hand of ruin would pass over the land; and the enemy, laden with our spoil, leave us with our houseless wives and children, amidst the smoking fragments of our habitations.

Dreadful are these consequences of war; but more dreadful will await us. A war with England will bring us into alliance with France. This alliance would make the last page of our history as a nation. All the horrors of war might be endured; but who can endure to become a Slave?-If we are allied to that putrid pestilence of tyranny; our laws, freedom, independence, national name and glory, are blotted out from the memory of man-If Bonaparte sends to this country, ships, and French soldiers, and French generals, we shall soon be like

Holland, and Italy, and Switzerland, and every other country where this scourge of nations has been permitted to set his foot.

Resolved, therefore, that, inasmuch as our government seem determined to plunge the country into a war, unless deterred therefrom by the warning voice of the people, loudly remonstrating against this measure, in the approaching elections, we will use all fair, and honourable means, to procure the election of the citizens named in the American Prox; because we know them to be men of fair fame, and pure integrity; friends to peace; friends to their country, to its union, commerce, agriculture, manufactures, mechanic arts, laws, liberties, institutions and national independence. We will oppose the election of the citizens named in the Democratic Prox; because we know they are the friends of an administration which advocates War, Excise, Stamp Acts, Land Taxes, and of consequence, national debts and national poverty. We moreover invite considerate men of all parties to examine and see if these things be not so; and to join with us in one great and patriotic effort to preserve the peace, and if possible, restore the prosperity of our common country.

MOSES LIPPITT, *Chairman*
THOMAS BURGESS, *Secretary*

Newport Mercury, 11 Apr. 1812, pp. 1-2.

Shall It Be Peace or War?

For almost two months, from the beginning of April until late May of 1812, the nation argued whether war should be declared. President Madison's embargo was intended to serve notice on American citizens and foreign statesmen alike that severe measures were being considered. Men who committed themselves to war one day often reversed themselves on the next. This vacillation reached into the highest levels of government. President Madison and his cabinet still felt there was some chance of a British change of position on American grievances. Sloop of war Hornet, Master Commandant James Lawrence, had sailed for Europe in December 1811, with dispatches and news that the United States was preparing for war. Her return was anxiously awaited as she might bring news that would avert a declaration of war.

When Hornet returned on 22 May, anticipation turned to gloom and anger in Washington when people learned she brought no news favorable to peace. The French had been asked to cease harassment of American ships. Had they acceded, the way might have been paved for a reconciliation with Britain. Foreign Minister Castlereagh's instructions to Foster, however, showed the cabinet's intransigence on the issue of Orders in Council. Castlereagh rigidly placed the blame on France for failing to repeal the Berlin and Milan Decrees. President Madison then proceeded as if there were no alternative but to submit a war message to Congress.

In asking for congressional deliberations on the choice between peace and war, Madison delivered a masterful summary of American grievances against Great Britain, leaving clear his own position. After intense debate, the House of Representatives gave its approval by a vote of 79 to 49, and the Senate passed the bill by a much narrower margin, 17 to 13. The core of the group voting for war consisted of men from the Middle and Southeastern States, from Pennsylvania to Georgia. Federalists and anti-Madisonian Republicans from New Jersey, New York, Connecticut, Rhode Island, and Massachusetts provided the bulk of the anti-war votes. President Madison signed the Declaration of War on 18 June 1812. Ironically, Britain had, too late, already repealed the Orders in Council. Had this news been received earlier a pivotal cause of war would have been eliminated, and it is very likely that Congress would have rejected the war bill.

PRESIDENT JAMES MADISON TO CONGRESS, 1 JUNE 1812

To the Senate and House of Representatives of the United States.

I communicate to Congress certain Documents, being a continuation of those heretofore laid before them, on the subject of our affairs with Great Britain.

Without going back beyond the renewal in 1803, of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her Government presents a series of acts, hostile to the United States as an Independent and neutral nation.

British Cruisers have been in the continued practice of violating the American flag on the great high way of nations, and of seizing and carrying off persons sailing under it; not in the exercise of a Belligerent right, founded on the Law of Nations against an Enemy, but of a

municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels, in a situation where no laws can operate but the law of nations, and the laws of the Country to which the vessels belong; and a self-redress is assumed, which, if British subjects were wrongfully detained and alone concerned, is that substitution of force, for a resort to the responsible sovereign, which falls within the definition of War. Could the seizure of British subjects, in such cases, be regarded as within the exercise of a Belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged, without a regular investigation before a competent Tribunal, would imperiously demand the fairest trial, where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone, that under the pretext of searching for these, thousands of American citizens, under the safeguard of public law, and of their national flag, have been torn from their Country, and from every thing dear to them; have been dragged on board Ships of War of a foreign nation; and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations. And that no proof might be wanting of their conciliatory dispositions, and no pretext left for a continuance of the practice, the British Government was formally assured of the readiness of the United States to enter into arrangements such as could not be rejected, if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the rights and the peace of our Coasts. They hover over and harrass our entering and departing Commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors; and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation when a neutral nation, against armed vessels of Belligerents hovering near her coasts, and disturbing her commerce, are well known. When called on, nevertheless by the United States, to punish the greater

offences committed by her own vessels, her Government has bestowed on their commanders, additional marks of honor and confidence.

Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every Sea; the great staples of our country have been cut off from their legitimate markets; and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades, have been reiterated and enforced in the face of official communications from the British Government, declaring, as the true definition of a legal blockade "that particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the Cabinet of Great Britain resorted, at length, to the sweeping system of Blockades, under the name of Orders in Council; which has been moulded and managed, as might best suit its political views, its commercial jealousies, or the avidity of British Cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation, the first reply was, that the orders were reluctantly adopted by Great Britain, as a necessary retaliation on decrees of her Enemy proclaiming a general blockade of the British Isles, at a time when the naval force of that Enemy dared not to issue from his own ports. She was reminded, without effect, that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea: that executed Edicts against millions of our property, could not be retaliation on Edicts, confessedly impossible to be executed: that retaliation to be just, should fall on the party setting the guilty example, not on an innocent party, which was not even chargeable with an acquiescence in it.

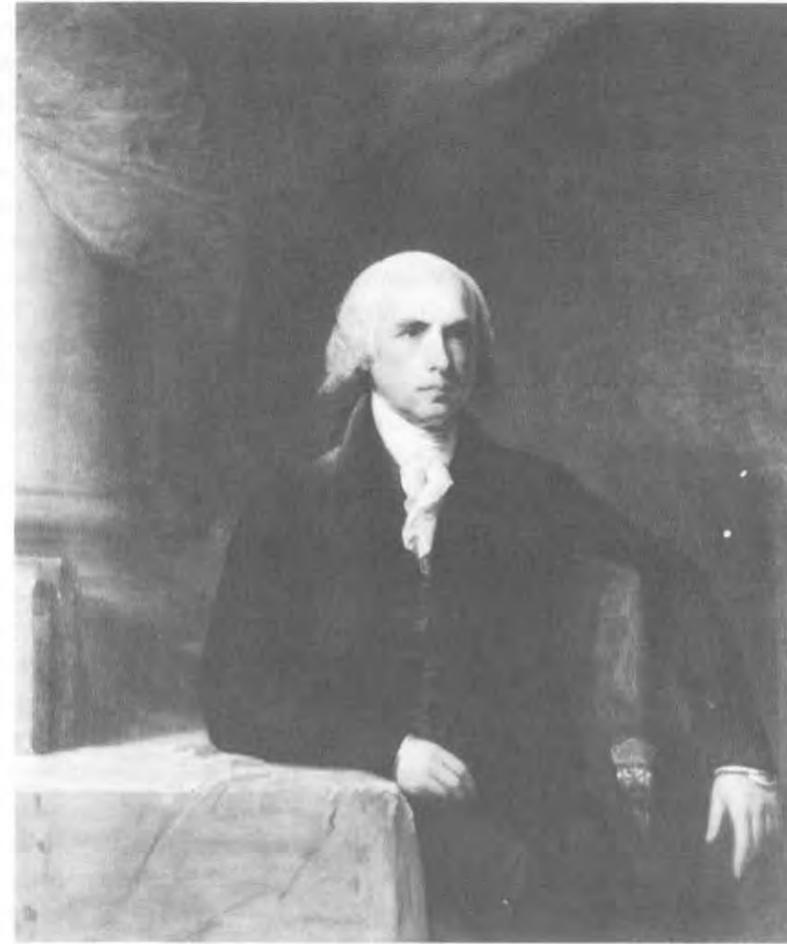
When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her Cabinet, instead of a corresponding repeal, or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products; thus asserting an

obligation on a neutral power to require one Belligerent to encourage, by its internal regulations, the trade of another belligerent; contradicting her own practice towards all nations, in peace as well as in war; and betraying the insincerity of those professions which inculcated a belief, that having resorted to her orders with regret, She was anxious to find an occasion for putting an end to them.

Abandoning still more, all respect for the neutral rights of the United States, and for its own consistency, the British Government now demands, as prerequisites to a repeal of its Orders, as they relate to the United States, that a formality should be observed in the repeal of the French Decrees, nowise necessary to their termination, nor exemplified by British usage; and that the French repeal, besides including that portion of the Decrees which operate within a territorial jurisdiction, as well as that which operates on the high seas, against the commerce of the United States, should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations, unconnected with them, may be affected by those Decrees. And as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French Government for which the United States are so far from having made themselves responsible; that in official explanations, which have been published to the world, and in a correspondence of the American Minister at London with the British Minister for foreign affairs, such a responsibility was explicitly and emphatically disclaimed.

It has become indeed sufficiently certain, that the commerce of the United States, is to be sacrificed, not as interfering with the Belligerent rights of Great Britain; not as supplying the wants of her Enemies, which she herself supplies; but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend, that she may the better carry on a commerce with an Enemy; a commerce polluted by the forgeries and perjuries, which are for the most part, the only passports by which it can succeed.

Anxious to make every experiment, short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market; the loss of which could not but outweigh the profits accruing from her restrictions of our commerce, with other nations. And to entitle these experiments to the more favorable consideration,



President James Madison

they were so framed as to enable her to place her adversary, under the exclusive operation of them. To these appeals her Government has been equally inflexible, as if willing to make sacrifices of every sort, rather than yield to the claims of justice, or renounce the errors of a false pride. Nay, so far were the attempts carried, to overcome the attachment of the British Cabinet to its unjust Edicts, that it received every encouragement, within the competency of the Executive branch of our Government, to expect that a repeal of them would be followed by a war between the United States and France, unless the French Edicts should also be repealed. Even this communication, although silencing for ever, the plea of a disposition in the United States to acquiesce in those Edicts, originally the sole plea for them, received no attention.

If no other proof existed of a predetermination of the British Government against a repeal of its orders, it might be found in the correspondence of the Minister Plenipotentiary of the United States at London and the British Secretary for foreign affairs, in 1810, on the question whether the Blockade of May 1806 was considered as in force, or as not in force. It had been ascertained that the French Government, which urged this Blockade as the ground of its Berlin Decree, was willing, in the event of its removal, to repeal that Decree; which being followed by alternate repeals of the other offensive Edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the Belligerents, was made known to the British Government. As that Government admits that an actual application of an adequate force, is necessary to the existence of a legal Blockade, and it was notorious, that if such a force had ever been applied, its long discontinuance had annulled the Blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it; and no imaginable objection to a declaration of the fact, that the Blockade did not exist. The declaration would have been consistent with her avowed principles of Blockade; and would have enabled the United States to demand from France the pledged repeal of her decree; either with success, in which case the way would have been opened for a general repeal of the Belligerent Edicts; or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British Government would, however, neither rescind the Blockade; nor declare its non-existence,

nor permit its non-existence to be inferred and affirmed by the American Plenipotentiary. On the contrary, by representing the Blockade to be comprehended in the Orders in Council, the United States were compelled so to regard it, in their subsequent proceedings.

There was a period when a favorable change in the policy of the British Cabinet, was justly considered as established. The Minister Plenipotentiary of His Britanic Majesty here, proposed an adjustment of the differences more immediately endangering the harmony of the two Countries. The proposition was accepted with the promptitude and cordiality, corresponding with the invariable professions of this Government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disavowed by the British Government without any explanations, which could, at that time, repress the belief, that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof, that at the very moment, when the public Minister was holding the language of friendship, and inspiring confidence in the sincerity of the negotiation with which he was charged, a secret agent of his Government was employed in intrigues, having for their object, a subversion of our Government, and a dismemberment of our happy union.

In reviewing the conduct of Great Britain towards the United States, our attention is necessarily drawn to the warfare, just renewed by the savages, on one of our extensive frontiers; a warfare, which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among tribes in constant intercourse with British traders and Garrisons, without connecting their hostility with that influence; and without recollecting the authenticated examples of such interpositions, heretofore furnished by the officers and agents of that Government.

Such is the spectacle of injuries and indignities, which have been heaped on our Country; and such the crisis which its unexampled forbearance and conciliatory efforts, have not been able to avert. It might, at least have been expected, that an enlightened nation, if less urged by moral obligations, or invited by friendly dispositions on the part of the United States, would have found, in its true interest alone, a sufficient motive to respect their rights and their tranquility on the

high seas; that an enlarged policy would have favored that free and general circulation of commerce in which the British nation is at all times interested, and which in times of war, is the best alleviation of its calamities to herself, as well as to other Belligerents; and, more especially, that the British Cabinet, would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures, which necessarily put at hazard the invaluable market of a great and growing Country, disposed to cultivate the mutual advantages of an active commerce.

Other Councils have prevailed. Our moderation and conciliation, have had no other effect than to encourage perseverance, and to enlarge pretensions. We behold our seafaring Citizens still the daily victims of lawless violence, committed on the great common and high way of nations, even within sight of the Country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts, no longer the organs of public Law, but the instruments of arbitrary Edicts; and their unfortunate crews dispersed and lost, or forced or inveigled in British ports, into British fleets: Whilst arguments are employed, in support of these aggressions, which have no foundation but in a principle, equally supporting a claim to regulate our external commerce, in all cases whatsoever.

We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace towards Great Britain

Whether the United States shall continue passive under these progressive usurpations, and these accumulating wrongs; or, opposing force to force in defence of their national rights, shall commit a just cause into the hands of the Almighty disposer of events; avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honourable re-establishment of peace and friendship, is a solemn question, which the Constitution wisely confides to the Legislative Department of the Government. In recommending it to their early deliberations, I am happy in the assurance, that the decision will be worthy the enlightened and patriotic councils, of a virtuous, a free, and a powerful Nation.

Having presented this view of the relations of the United States with Great Britain, and of the solemn alternative growing out of

them, I proceed to remark that the communications last made to Congress on the subject of our relations with France, will have shown, that since the revocation of her Decrees, as they violated the neutral rights of the United States, her Government has authorized illegal captures, by its privateers and public ships; and that other outrages have been practiced on our vessels and our Citizens. It will have been seen also, that no indemnity had been provided, or satisfactorily pledged, for the extensive spoliations, committed under the violent and retrospective orders of the French Government against the property of our Citizens, seized within the jurisdiction of France. I abstain at this time, from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation, that the result of unclosed discussions between our Minister Plenipotentiary at Paris and the French Government, will speedily enable Congress to decide, with greater advantage, on the course due to the rights, the interests, and the honor of our Country.

James Madison

Washington June 1st 1812

DS, DNA, RG46, RS, 12th Congress, Messages of the President (SEN 12A-E2).