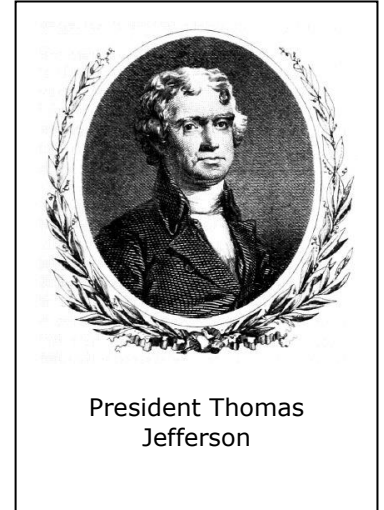


Tenth Congress

Oct. 26, 1807-Mar. 3, 1809

Second Administration of Thomas Jefferson

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Historical Background

About five years prior to the United States declaring war on Great Britain and embarking on the War of 1812, an incident occurred that was a major catalyst prompting the U.S. to pursue war. While Great Britain and France had been in conflict for some years causing trade disputes, it was not until 1807 that hostilities were directed toward America. On June 22 the U.S.S. *Chesapeake*, a 38-gun frigate, was fired upon by the British warship H.M.S. *Leopard* off Cape Henry, Virginia. After taking three hits that inflicted 21 casualties (including three dead), the *Chesapeake* was forcibly boarded and four members of the crew were removed on the grounds they were British deserters. This point also marked the moment when Great Britain began its policy of “impressment” of American seamen into the Royal Navy. The American public reacted with indignation and supported declaring war. Rather than pursue war immediately, however, on July 2, 1807, President Thomas Jefferson ordered all British warships to leave American waters. A few months later, during his Oct. 27th message to Congress, Jefferson said, “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 jurisdictions, and at length by putting to death one of the persons whom they had forcibly taken from on board the *Chesapeake*.” However, while Jefferson’s initial response was to ban all armed British ships from U.S. waters and ports, the President also sought to negotiate a settlement with Great Britain. Jefferson reported those efforts to Congress, and provided the lawmakers with the communications from Britain that seemed to indicate “immediate steps would be taken by the British Government for redressing a wrong.” But Jefferson also reported that the British had not taken any action to change their policies as “no steps have been taken for that purpose.”

House	Senate
Majority Party: Jeffersonian Republicans (116 seats)	Majority Party: Jeffersonian Republicans (28 seats)
Minority Party: Federalists (26 seats)	Minority Party: Federalists (6 seats)
Other Parties: None	Other Parties: None
Speaker of the House: Joseph B. Varnum	President Pro Tempore: Samuel Smith; Stephen R. Bradley; and John Milledge

After the British announced they would more vigorously pursue the practice of impressment, Jefferson asked Congress to establish an embargo on U.S. shipping to European ports. During December 1807 Congress approved the Embargo Act, which satisfied the President's request. However, when the economic repercussions of the embargo policy—combined with the continual oppression of American shipping by both the British and French, which were at war with each other—proved too great for the United States to endure, in March 1809 the embargo was replaced by a law reopening trade with all nations except Great Britain and France. The law authorized the President to proclaim a resumption of trade with either nation once they ceased violating American neutrality rights. Also affecting U.S. efforts to achieve a settlement with Britain were two decrees issued by France, the Berlin and Milan decrees. The Berlin Decree, issued Nov. 21, 1806, forbade the import of British goods into European countries allied with or dependent upon France; and the Milan Decree, issued Dec. 17, 1807, authorized privateers to capture neutral ships sailing from any British port and resulted in the capture of U.S. merchant ships. In response, Britain passed the Orders in Council, requiring all neutral countries to obtain a license before trading with France or French colonies. As the U.S. sought to continue trade with both Britain and France, Britain, in part, "rejected" U.S. attempts to resolve the situation, according to Jefferson.

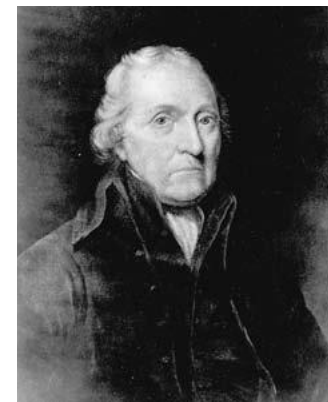
While Great Britain and France dominated the foreign-policy attention of the U.S. Government, relations with other nations also had to be maintained, and Jefferson reported that relations with Spain were "unsettled," that included attempts to obtain compensation from Spain to U.S. citizens for the loss or damage of property. However, Jefferson said a change in Spain's policy was expected, and "may favor a reconsideration" of compensation to U.S. Citizens for their losses. Jefferson anticipated Spain's change in policy would be "brought to an issue of some sort."

Also concerning Spain were the issues of Florida and Mexico, and past clashes between U.S. citizens and Spanish authorities, according to Jefferson, who added, "no new collisions have taken place." While not specifically mentioning the actions and "enterprises against the public peace" of Aaron Burr—Jefferson's Vice President during his first administration—when discussing Spain and Mexico, Jefferson did update the Congress on the efforts to bring Burr and his associates "to justice." Burr was accused of offering to aid Mexicans who rebelled against Spain, but with the goal of creating an empire that he would lead in what, at the time, was northern Mexico and part of United States territory. Jefferson called Burr's actions "treason."

Sources:

Dell, Christopher and Stephen W. Stathis. [*Major Acts of Congress and Treaties Approved by the Senate, 1789-1980*](#). Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

Jefferson, Thomas. [*Message of President Jefferson Communicated on Tuesday, October 27, 1807*](#). Oct. 27, 1807. 10th Congress, 1st Session, For.rel.26. ProQuest Congressional, ASP01 For.rel.26



President Pro Tempore
Samuel Smith



President Pro Tempore
Stephen R. Bradley

Jefferson, Thomas. [Message of President Jefferson Communicated on Tuesday, November 08, 1808](#). Nov. 8, 1808. 10th Congress, 2nd Session, For.rel.27. ProQuest Congressional, ASP01 For.rel.27

War or Peace?

Attack on the *Chesapeake* and Military Buildup

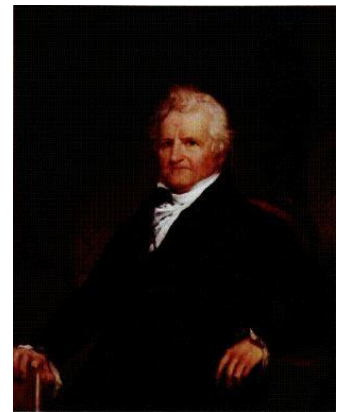
Despite the United States not declaring war on Britain immediately after the attack on the *Chesapeake*, preparations for war—especially defensive measures on the coast and in the interior—progressed with support strong enough to suggest that hostilities were expected. During the President’s message to Congress delivered Nov. 8, 1808, Jefferson said the preparations—called “the belligerent measures”—were necessary to “consecrate the rights of neutrals.” Without mentioning war, Jefferson said he expected Congress to make a decision whether to pursue war or not. That “it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things,” he said.

The defensive and military preparations had to be paid for, and Jefferson authorized military expenditures without the approval of Congress. During the President’s message to Congress delivered on Oct. 27, 1807, he said, “the moment our peace was threatened, I deemed it indispensable to secure a great provisions of those articles of military stores.” Such spending was necessary, and that to wait for Congress to pass laws approving those allocations “would have lost occasions which might not be retrieved,” Jefferson said. Therefore, he “did not hesitate” to authorize spending on supplies “to our existing stock as would render it adequate to the emergencies threatening us.” The spending for both defensive measures and directly on the military during 1808 and 1809 focused on strengthening “the security” of “seaport towns and harbors,” according to Jefferson. The funds were allocated for the construction of defensive structures at locations based on “their relative importance,” with further expenditures determined “as soon as the several reports are received.” However, the President designated New York and New Orleans as exempt from needing to have their defensive-measures funding determined through the report process, likely because of the importance of those ports. Another indication that the country believed war with Great Britain was likely, was that enough funds had been appropriated at the end of 1807 for the acquisition of 103 gun boats during 1808. Those craft—combined with gun boats already on duty—were “sufficient” to protect “the harbors and waters most exposed,” said Jefferson, who listed the harbors at New York and New Orleans, as well as the Chesapeake Bay, as the areas where the new gun boats were “chiefly assigned.”

Deploying new gunboats required increasing the number of seamen to crew the new craft, and Jefferson proposed a plan for part-time sailors to fulfill that task. Congress had approved “raising an additional military force”—which meant recruiting more volunteers—and officers had been appointed “for carrying on the business of recruiting.” However, actual numbers of recruits were not available when Jefferson made his report to Congress. “While a regular army is to be raised, and to what extent, must depend on the information so shortly expected,” he said. Conversely, while efforts to



President Pro Tempore
John Milledge



Speaker of the House
Joseph B. Varnum

increase the size of the military were underway, Jefferson did not believe it necessary to activate the militias, but that the States only needed to have their militias “in readiness.” However, while the President did not seek the activation of the regular militia, he did recommend that Congress create a “special militia,” the members of which would “be called on for tours of duty” to provide crews for the new gunboats.

Sources:

Jefferson, Thomas. [*Message of President Jefferson Communicated on Tuesday, October 27, 1807.*](#) Oct. 27, 1807. 10th Congress, 1st Session, For.rel.26. ProQuest Congressional, ASP01 For.rel.26

Jefferson, Thomas. [*Message of President Jefferson Communicated on Tuesday, November 08, 1808.*](#) Nov. 8, 1808. 10th Congress, 2nd Session, For.rel.27. ProQuest Congressional, ASP01 For.rel.27

Economic Trends and Conditions

Great Britain responded to the restrictions on its warships by imposing restrictions on U.S. merchant ships, specifically “interdicting all trade” by neutral nations that were not in good relations with the British. It was another “violation” of the United States’ “maritime rights,” Jefferson said. Because Britain “was at war with nearly every nation on the Atlantic and Mediterranean Sea,” U.S. vessels were required to “sacrifice” their cargo at the first port reached and return home without the benefit of sailing to another market, according to Jefferson. “Under this new law of the ocean,” U.S. trade on the Mediterranean “has been swept away by seizures” and was threatened in other waters.

However, Britain’s interdiction of U.S. trade had a positive effect on U.S. industry. In order to increase domestic production new manufacturing facilities needed to be built, or existing facilities needed to be improved. Jefferson expected the increased manufacturing that would result would “become permanent.”

During the fiscal report for 1807, Jefferson said the U.S.’ revenue collected up to Sept. 30 reached \$16 million, enabling the Government to pay its debts including the payment of \$4.5 million on the principle of a loan. With that payment, the total payments on the loan reached \$25.5 million. The fiscal report for 1808 reported that United States’ revenues—which were only reported up to Sept. 30—reached \$18 million, of which more than \$5.3 million was allocated for payment on a loan, thereby increasing the U.S.’ payments on the loan to more than \$33.5 million. In addition, Jefferson was aware of the cost of defense and he said that the surplus accumulated might be enough to fund the measures needed to protect “the exposed points of our country.” However, he was uncertain if future surpluses—if any—would be enough to fund the defense of the country.

Sources:

Jefferson, Thomas. [*Message of President Jefferson Communicated on Tuesday, October 27, 1807.*](#) Oct. 27, 1807. 10th Congress, 1st Session, For.rel.26. ProQuest Congressional, ASP01 For.rel.26

Jefferson, Thomas. [Message of President Jefferson Communicated on Tuesday, November 08, 1808](#). Nov. 8, 1808. 10th Congress, 2nd Session, For.rel.27. ProQuest Congressional, ASP01 For.rel.27

Major Treaties

Treaty with the Great and Little Osages (Treaty of Fort Clark). Provided for the purchase of the territory east of Fort Clark in Missouri and north of the Arkansas River in Arkansas for \$1,200, of which \$800 was paid to the Great Osage nation and \$400 to the Little Osage nation. Concluded Nov. 10, 1808. Approved Apr. 28, 1810. ([7 Stat. 107](#))

Source:

["Treaty with the Great and Little Osages. Nov. 10, 1808."](#) (7 Stat. 107; Nov. 10, 1808). ProQuest Congressional

Landmark U.S. Supreme Court Decisions

Ex parte Bollman. Held that the constitutional definition of treason excluded mere conspiracy to levy war against the United States. The case was against Erick Bollman and Samuel Swartout, civilians who became implicated in the plot undertaken by Aaron Burr and James Wilkinson to create an empire out of sections of Mexico and parts of the United States that would be ruled by Burr. Bollman and Swartout were arrested when attempting to recruit others into the plot. 8 U.S. 75 (1807)

Sources:

Costello. George A. and Johnny H. Killian. [Constitution of the United States of America. Analysis and Interpretation](#). CRS, Library of Congress, Jan. 1, 1996. 103rd Congress, 1st Session, S. Doc. 103-6 (Y1.1/3:103-6). ProQuest Congressional, 14152 S.doc.6

1807 Events

- **Feb. 8:** *Napoleonic Wars* - The Battle of Eylau, in Prussia, is fought by French forces commanded by Napoleon Bonaparte and Russian forces and ends inconclusively; it is the first battle that Napoleon is not victorious
- **Feb. 19:** [Aaron Burr, the former vice president in Thomas Jefferson's first administration, is arrested in Alabama and charged with treason](#)
- **Mar. 2:** [Congress approves banning the slave trade effective Jan. 1, 1808](#)
- **Mar. 25:** Britain's Parliament abolishes the slave trade throughout the British Empire
- **May 22:** [The trial of Aaron Burr, the former vice president, is conducted in Richmond, Va.](#)
- **June 22:** *Chesapeake- Leopard Affair* - [The British warship Leopard attacks the U.S. ship Chesapeake killing three sailors and taking four](#)

[prisoner; the attack and continued impressment of U.S. sailors leads to the War of 1812](#)

- **July 7-9:** France, Russia and Prussia sign the Treaty of Tilsit, located in East Prussia
- **Sept. 1:** [Aaron Burr is acquitted of charges connected to a plot in which he is alleged to have sought to gain control of part of United States territory and Northern Mexico and establish an empire](#)
- **Sept. 2:** *Napoleonic Wars* - Britain's Navy bombards Copenhagen, Denmark with fire bombs and phosphorus rockets to prevent Napoleon Bonaparte from capturing the Danish navy; the attack kills nearly 200 Danes
- **Dec. 17:** *Napoleonic Wars* - France issues the Milan Decree authorizing privateers to capture neutral ships sailing from any British port, which resulted in the capture of U.S. merchant ships
- **Dec. 22:** [The hostilities between Britain and France prompt the U.S. Congress to approve the Embargo Act, which forbids U.S. ships from trading at all foreign ports](#)

1808 Events

- **Jan. 1:** [The ban on the importation of slaves into the United States takes effect](#)
- **Jan 1:** The West African nation of Sierra Leone becomes a British colony
- **Jan 26:** The government of Australia is overthrown during the Rum Rebellion (or Great Rebellion) and the country is ruled by the military for nearly two years
- **Feb. 11:** Anthracite coal is first burned as a fuel, experimentally, in Wilkes-Barre, Pa.
- **Mar. 26:** Spain's King Charles IV abdicates in favor of his son Ferdinand VII
- **Apr. 17:** *Napoleonic Wars* - Napoleon Bonaparte issues the Decree of Bayonne ordering the seizure all U.S. ships in European ports on the pretext they violated the U. S. Embargo Act
- **Apr. 30:** Pellegrino Turri develops the first practical typewriter, but commercial production of the machine is not undertaken until 1870
- **May 2:** *Napoleonic Wars* - The Spanish revolt to the French occupation in Madrid
- **May 30:** *Napoleonic Wars* - Napoleon Bonaparte annexes Tuscany in northern Italy and provides it with seats in the French Senate
- **June 5- 6:** *Napoleonic Wars* - The French defeat the Austrians at the Battle at Wagram in Austria leading to the dissolution of the Fifth Coalition (the Austrian and British-led alliance against France)
- **June 15:** *Napoleonic Wars* - Joseph Bonaparte, brother of Emperor Napoleon, becomes King of Spain

- **Sep. 13:** During the Finnish War at the Battle of Jutas in Ostrobothnia, western Finland, Swedish forces defeat the Russians
- **Nov. 10:** [The Osage Nation signs a treaty at Fort Clark, Missouri, ceding to the United States all its land east of the fort in Missouri and in Arkansas north of the Arkansas River](#)

Sources:

[“An Act to prohibit the importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight.”](#) (2 Stat. 426, Chap. 22; March 2, 1807). ProQuest Congressional

[Great Britain and France: neutrality and defense of United States.](#) Select Committee on Foreign Relations, House, Nov. 22, 1808. 10th Congress, 2nd Session. For.rel.218. ProQuest Congressional, ASP03 For.rel.218

Jefferson, Thomas. [Burr's Conspiracy.](#) Jan. 22, 1807. 9th Congress, 2nd Session, Misc.217. ProQuest Congressional, ASP037 Misc.217

Madison, James, et. al. [Great Britain.](#) Department of State; Department of Navy, Nov. 17, 1807. 10th Congress, 1st Session, For.rel.205. ProQuest Congressional, ASP03 For.rel.205

[“Treaty with the Great and Little Osages. Nov. 10, 1808.”](#) (7 Stat. 107; Nov. 10, 1808). ProQuest Congressional

Jefferson, Thomas. [To George Hay: \[directs delivery to President of testimony of witness at trial of Aaron Burr\].](#) Unnumbered Executive Orders, May 26, 1807. 10th Congress, ProQuest Congressional, 1807-21-8

Major Acts

Embargo Act of 1807. Laid an embargo on all ships and vessels in the ports and harbors of the United States, thereby preventing them from engaging in commercial intercourse with foreign countries. Approved Dec. 22, 1807. ([2 Stat. 451, Chap. 5](#))

Non-Intercourse Act. Repealed the Embargo Act of 1807. Reopened trade with all nations except Great Britain and France, and authorized the President to revive trade with either of those nations if those countries agreed to stop violating American neutral rights on the seas. Approved Mar. 1, 1809 ([2 Stat. 528, Chap. 24](#))

Sources:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980.](#) Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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