

# Eleventh Congress

May 22, 1809-Mar. 3, 1811

## First Administration of James Madison

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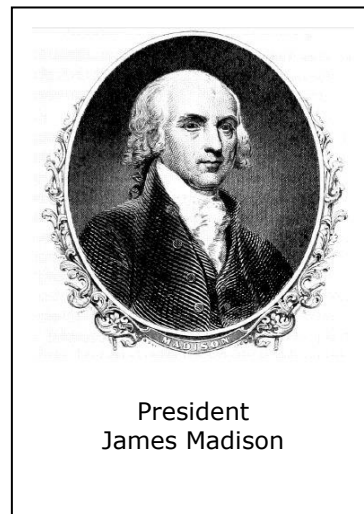
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### Historical Background

In 1809 President James Madison detailed for the 11<sup>th</sup> Congress his efforts to get France to rescind two edicts that forbid trade with countries engaged in commerce with Great Britain, a country in conflict with France at the time. The edicts—the Berlin and Milan decrees—affected U.S. trade with Britain and threatened America’s neutrality in the European wars. The Berlin Decree, issued Nov. 21, 1806 during the rule of Napoleon Bonaparte, 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. By getting France to rescind those decrees Madison expected Britain to resume normal trade relations with the United States.

In his Dec. 5, 1810 message to Congress, Madison said France had declared “the Berlin and Milan decrees were revoked and would cease to have effect.” In addition, U.S. officials in London said the British Government pledged that once the French repealed the decrees, “the commerce of neutral nations” would be “restored to the condition in which it stood previously to the promulgation of those decrees.” However, despite the revocation of the edicts, the property of U.S. citizens seized by the European powers, including both Britain and France, had not been restored.

Nonetheless, Madison agreed to end the embargos imposed by the Non-Intercourse Acts of 1809, which lifted all embargoes on American shipping except for those bound for British or French ports. Moreover, Macon’s Bill No. 2, enacted by Congress on May 1, 1810, provided that if France removed its trade restrictions on neutral commerce by March 3, 1811, and Great Britain failed to do so within three months, the President would allow the United States to trade with France and prohibit trade with Britain, or vice versa, if circumstances warranted it. With its passage Napoleon saw the law



House	Senate
Majority Party: Jeffersonian Republicans (92 seats)	Majority Party: Jeffersonian Republicans (27 seats)
Minority Party: Federalists (50 seats)	Minority Party: Federalists (7 seats)
Other Parties: None	Other Parties: None
Speaker of the House: Joseph B. Varnum	President Pro Tempore: John Milledge; Andrew Gregg; John Gaillard; John Pope

was a chance to move the United States into his Continental system and wage economic war against Britain.

However, despite a warning by John Quincy Adams (U.S. minister to Russia), that Napoleon was setting “a trap to catch us in a war with England,” Madison reopened trade with France and declared that commerce with Great Britain would soon cease. But in August 1810, Napoleon issued an additional decree against American shipping (an action that prompted Madison to describe recent U.S. trade actions as “the embarrassments that have prevailed in our foreign policy.”), and six months passed before the President became aware of Napoleon’s duplicity, thereby increasing the likelihood of a conflict between Great Britain and the United States.

Madison, however, did take advantage of the interlude in commercial warfare to issue a proclamation on Oct. 27, 1810, announcing that the U.S. had taken possession of West Florida from the Mississippi River to the Perdido Rivers and authorized the military to occupy part of the Orleans Territory. In April 1812 the territory entered the Union as the State of Louisiana. On Jan. 15, 1811, Congress assembled in a secret session and adopted a resolution authorizing the extension of U.S. rule over East Florida and to take action if a foreign power took steps to occupy the territory.

Despite the foreign policy issues, Madison was also able to devote time to domestic issues, including urging Congress to increase funding for education, and for the creation of “a seminary of learning.” Madison said such an institution would have the effect of “enlightening the opinions; expanding patriotism” and increasing science among the constituency.

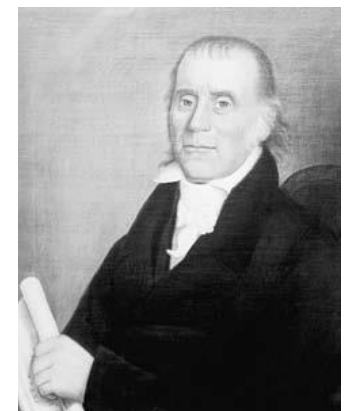
Sources:

Madison, James. [Message of President Madison Communicated on Wednesday, Nov. 29, 1809](#). Nov. 29, 1809. 11<sup>th</sup> Congress, 2<sup>nd</sup> Session, For.rel.30. ProQuest Congressional, ASP01 For.rel.30

Madison, James. [Message of President Madison Communicated on Wednesday, Dec. 5, 1810](#). Dec. 5, 1810. 11<sup>th</sup> Congress, 3<sup>rd</sup> Session, For.rel.31. ProQuest Congressional, ASP01 For.rel.31



President Pro Tempore  
John Milledge



President Pro Tempore  
Andrew Gregg

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## War or Peace?

### Military Buildup

While in his messages to the 11<sup>th</sup> Congress President Madison did not specifically say the United States was moving closer to war with any European powers, including Great Britain, he did stress the need to prepare U.S. forces to defend the country. He stated, “in the midst of uncertainties, necessarily connected with the great interests of the United States, prudence requires a continuance of our defensive and precautionary arrangement.”

Such military preparations, much like his proposal for increasing education, included programs to better train both commissioned and non-commissioned officers, training that Madison expected would flow down the ranks of the regular forces and militias resulting in better trained troops. He

argued “to give to this great mass of physical and moral force the efficiency which it merits and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are governed. Toward the accomplishment of this important work, I recommend for the consideration of Congress, the expediency of instituting a system, which shall in the first instance, call into the field at the public expense, and for a given time, certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia.”

However, the education of new officers faced challenges. A report by the Army Corps of Engineers on the condition of the military academy stated that the academy was “so far in decay” that it could not provide the accommodations needed to educate cadets. Regardless of the decay the advances in military technology and methods of warfare made those schools “indispensable,” he said. Therefore, Madison urged Congress to revise the current law and provide funding for a second academy and for more professors as training officers in military science required “a regular course of study.”

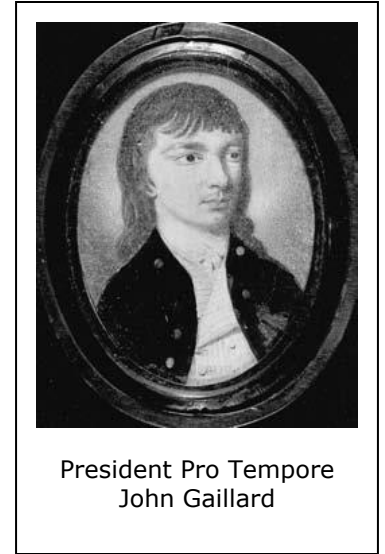
In addition to training, there were other defensive preparations that were ongoing, including creating or increasing the fortifications for maritime defense, many of which were completed, and supplied with ordnance, according to Madison.

The justification for such military and defensive expenditures was rooted in foreign policy, with Madison reminding Congress that as early as 1809 “the great parties to a disastrous and protracted war (Britain and France)” have “carried on in a mode equally injurious and unjust to the United States as a neutral nation.”

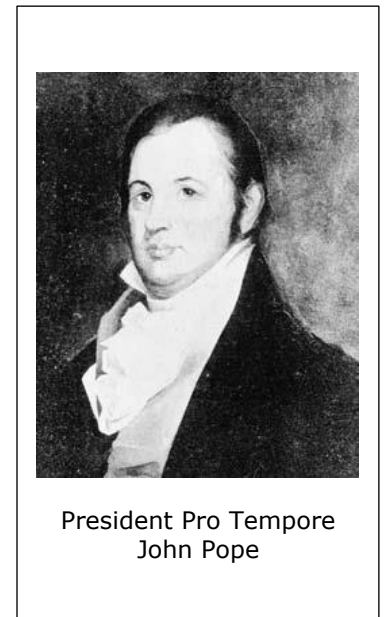
Sources:

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President Pro Tempore  
John Gaillard



President Pro Tempore  
John Pope

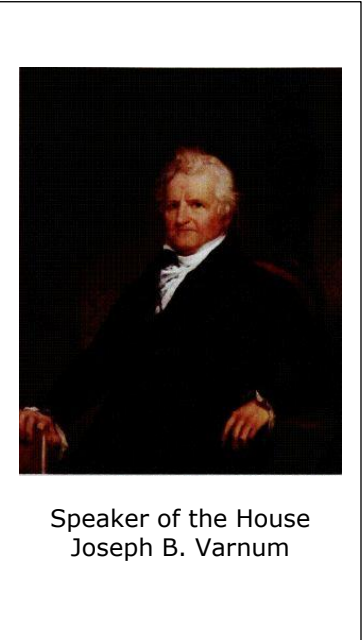
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## Economic Trends and Conditions

With national economic conditions in a continuing state of depression, U.S. economic policy was mostly focused on resuming normal trade, specifically with the European nations. This included ending attacks on U.S. shipping that had been conducted by vessels of European countries. According to Madison, “the commerce of the United States with the north of Europe,” had been “much vexed by licentious cruisers.” Madison added that those ships were identified as sailing under the flag of Denmark, and that measures had been pursued to obtain restitution for the U.S. citizens whose property was lost or damaged by those seizures.

While the policies of Great Britain and France generally had a negative effect on the economy of the United States, Madison said the economy was growing and within the interior of the country there was proof of “substantial and increasing prosperity.” The prosperity Madison discussed was focused on manufacturing, which he claimed was increasing despite the “privations and losses resulting from foreign injustice.” Madison also stated it was not known if the growth of U.S. manufacturing created by the reduction of imports would continue and thereby create jobs, but that Congress could take action to maintain that growth in manufacturing by imposing tariffs on imports “to guard the infancy of this improvement in the distribution of labor.” In addition, “the failure of equality and reciprocity in the existing regulations on this subject operates, in our ports, as a premium to foreign competitors.”

During the fiscal report for 1809, Madison said the revenue collected up to Sept. 30—which surpassed \$9 million—was enough to pay the Government’s debts without the need for incurring loans, but that the “insecurity of our commerce” would likely “produce a deficiency in the receipts” for subsequent years. The United States’ revenues for 1810—which also were only reported up to Sept. 30—reached \$8.5 million and was enough to pay the Government’s debts including a payment of more than \$1 million on a loan of \$3.7 million.



Speaker of the House  
Joseph B. Varnum

Sources:

Gallatin, Albert. [Annual report of Secretary of Treasury on state of finances](#). Dec. 8, 1809. 11<sup>th</sup> Congress, 2<sup>nd</sup> Session, Serial ASP010, No. Fin.305. ProQuest Congressional, ASP010 Fin.305

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## Landmark U.S. Supreme Court Decisions

*Bank of the United States v. Deveaux*. Held that a corporation, composed of citizens of one state, may sue a citizen of another state, in the federal courts, and that a right to sue in those courts was conferred on the bank by the law that incorporated it. 9 U.S. 61 (1809)

*Fletcher v. Peck*. Held that a state law was unconstitutional when it conflicted with the Constitution, and, in this case, a treaty. The case is considered to have produced a landmark decision for it helped create a growing precedent for the sanctity of contracts, and hinted that Native Americans did not hold title to their own lands. 10 U.S. 87 (1810)

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. 103<sup>rd</sup> Congress, 1<sup>st</sup> Session, S. Doc. 103-6 (Y1.1/3:103-6). ProQuest Congressional, 14152 S.doc.6

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## 1809 Events

- **Jan. 5:** Great Britain and the Ottoman Empire concluded the Treaty of Dardanelles, thereby ending the Anglo-Turkish War
- **Feb. 3:** [The territory of Illinois is organized and includes present-day Wisconsin](#)
- **Feb. 8:** Austria's Emperor Franz I declares war on France
- **Feb. 11:** Robert Fulton is issued a patent for his innovations to steam engines that he then applies to steamboat technology
- **Feb. 20:** [The U.S. Supreme Court rules in \*Fletcher v. Peck\* that the power of the federal government is greater than any state](#)
- **Mar. 1:** [The United States repeals the Embargo Act of 1807 and President Thomas Jefferson signs the Non-Intercourse Act](#)
- **Apr. 20:** *Napoleonic Wars* - French forces commanded by Napoleon Bonaparte defeat Austrian forces at the Battle of Abensberg in Bavaria
- **May 17:** *Napoleonic Wars* - France annexes the Papal States in Italy known as the Kingdom of Rome
- **June 6:** Sweden declares its independence, and reveals a plan to achieve a constitutional monarchy after 20 years of absolute monarchy
- **June 10:** The steamboat *Phoenix* becomes the first U.S. steamboat to sail on the ocean traveling from New York to Philadelphia
- **July 16:** La Paz, Bolivia declares independence from Spain and forms the Junta Tuitiva, the first independent government in Spanish America
- **Aug. 10:** Ecuador declares independence from Spain
- **Sept. 17:** Sweden and Russia conclude the Treaty of Fredrikshamn ending the Finnish War with Sweden ceding territory to Russia that eventually becomes Finland

## 1810 Events

- **Feb. 1:** The results of the third national census reports the U.S. population to be 7,239,881, of which Blacks are reported to number 1,377,808, or 19 percent
- **Mar. 6:** Illinois Territory passes the first state vaccination legislation in United States
- **Apr. 19-20:** The people of Caracas, Venezuela remove Vicente Emparan as the Governor of the Captaincy General, and a Junta is installed that declares national sovereignty from Spain
- **May 1:** [Macon's Law No. 2 passed by Congress as a substitute for the Non-Intercourse Act of 1809 offering to restore trade with both Britain and France if each country recognized American neutrality in European wars](#)



- **May 25:** The citizens of Buenos Aires, Argentina expel the Spanish Viceroy Cisneros and establish the Primera Junta (local government)
- **July 9:** *Napoleonic Wars* - Napoleon Bonaparte annexes the Kingdom of Holland as part of the First French Empire
- **July 20:** The citizens of Bogotá, New Granada (now Colombia), declare independence from Spain
- **Sep. 16:** Mexican revolutionaries seeking independence from Spain issue the “Grito de Dolores” (“Cry of Dolores”) marking the beginning of the Mexican War of Independence
- **Sep. 18:** Chile declares independence from Spain
- **Oct. 27:** [The United States annexes West Florida from Spain](#)

Sources:

[“An Act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.”](#) (2 Stat. 605, Chap. 39; May 1, 1810). ProQuest Congressional

[“An Act for dividing the Indiana Territory into two separate governments.”](#) (2 Stat. 514, Chap. 13; Feb. 3, 1809). ProQuest Congressional

[“An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes.”](#) (2 Stat. 528, Chap. 24; Mar. 1, 1809). ProQuest Congressional

Garcia, Michael J., et al. [Constitution of the United States of America, Analysis and Interpretation, Centennial Edition](#). Senate, Jan. 1, 2017. 112rd Congress, 2nd Session, S. Doc. 112-9 (Y1.1/3:112-9/INT.6). ProQuest Congressional, S.doc.112-9/6

Madison, James. [Respecting taking possession of part of Louisiana: \[annexes West Florida\]](#). Oct. 27, 1810. 11th Congress, 3rd Session, Presidential Proclamation No. 16. ProQuest Congressional, 1810-PR-16

## Major Acts

**Macon's Law No. 2.** Designed as a substitute for the unsuccessful Non-Intercourse Act of 1809, it authorized the restoration of all trade with Britain and France, if each recognized American neutrality. If they refused, trade with either or both would cease. Approved May 1, 1810. ([2 Stat. 605, Chap. 39](#))

**Titles of Nobility Amendment Proposal.** Rescinded United States citizenship from any person holding a title of nobility or honor, or any person accepting presents, pensions, office, or emolument from any foreign monarchical power and prohibited these persons from holding any office of power or profit in the United States. Approved Apr. 27, 1810. ([2 Stat. 613](#))

**Extension of U.S. Rule over West Florida.** Authorized the President to take possession of, and occupy, all or any part of the territory lying east of the

Peridido River and south of the State of Georgia and the Mississippi Territory. Approved Jan. 15, 1811. ([3 Stat. 471](#))

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. 97<sup>th</sup> Congress, 2<sup>nd</sup> Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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