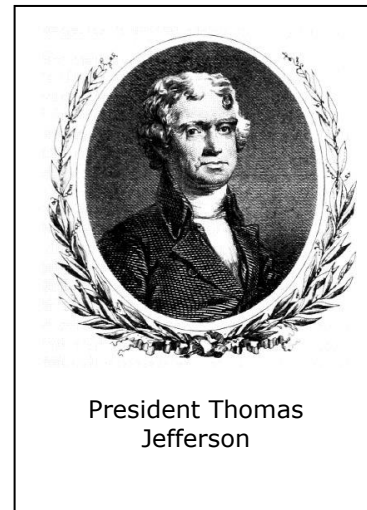


Ninth Congress

Dec. 2, 1805-Mar. 3, 1807

Second Administration of Thomas Jefferson

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Historical Background

At the beginning of the 19th century, Great Britain and Napoleon Bonaparte’s France were locked in conflict. As a result, both countries attempted to restrict the trade of the other nation by seizing foreign ships. During 1806, as the British and French escalated their policies of seizing and searching American vessels engaged in trade with either nation, President Thomas Jefferson unsuccessfully sought to secure a change in the attitude of the belligerents. Congress even went so far as to pass a non-importation act, issue condemnations of impressment and seizure actions, and even threatened to withhold all trade from both powers. Yet, the problem persisted. In addition, Jefferson’s attempt to secure a treaty with Great Britain resulted in a document which so embarrassed the President that the treaty was not even submitted to the Senate for approval. At the end of 1806, Bonaparte issued the Berlin Decree forbidding the import of British goods into European countries allied with or dependent upon France, further impacting American trade.

There were other foreign relations issues affecting the United States, however, including the question of which nation had rights to a section of Louisiana—Bayou Pierre, a village on the Red River, which flowed through Northern Mexico into Louisiana—that had been under the control of France and which the French had ceded to Spain. The United States claimed to have governance of that part of Louisiana, and Spain reacted by stationing troops at the village. In Jefferson’s message to Congress delivered Dec. 2, 1806, he reported the United States had proposed to Spain that the Sabine River—which, at the time, separated Louisiana from Mexico—be established as a boundary behind which all troops be withdrawn while negotiations over control of the territory proceeded, and that Spain had agreed to the repositioning of forces.

House	Senate
Majority Party: Jeffersonian Republicans (114 seats)	Majority Party: Jeffersonian Republicans (27 seats)
Minority Party: Federalists (28 seats)	Minority Party: Federalists (7 seats)
Other Parties: None	Other Parties: None
Speaker of the House: Nathaniel Macon	President Pro Tempore: Samuel Smith

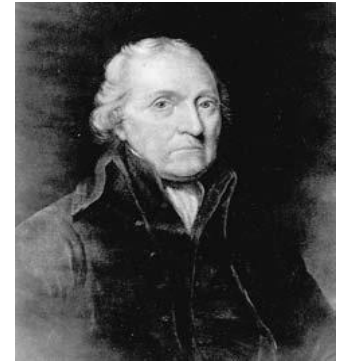
In that message to Congress, Jefferson also said, “a great number of private individuals were combining together, arming and organizing themselves, contrary to law, to carry on a military expedition against the territories of Spain.” The territory in question was Northern Mexico - present day Texas. He went on to state, “I thought it necessary, by proclamation, as well as by special orders, to take measures for preventing and suppressing this enterprise,” as well as for “arresting and bringing to justice its authors and abettors.” In addition, Jefferson said in situations “where an enterprise is meditated by private individuals against a foreign nation, in amity with the United States,” there existed a means for punishing such crimes when committed, but that there also needed to be a “means of preventing” such crimes and the jurisdiction of the United States needed to extend outside the national boundaries when U.S. offenders are operating there.

Significantly, when Jefferson delivered this same report, he did not mention Aaron Burr’s—the Vice President during Jefferson’s first administration—leadership in the planned military conspiracy against Spain’s authority in Northern Mexico. Burr was later apprehended and accused of offering to aid Mexicans in Northern Mexico who rebelled against Spain. However, Burr’s true goal was to create an empire out of that part of Mexico, along with U.S. territory, over which he was to rule. For the actions associated with that endeavor, Burr was later tried for treason and acquitted.

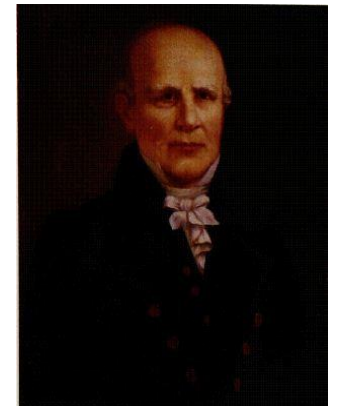
Jefferson praised Congress for approving the Slave Trade Prohibition Act, which banned the importation of slaves into the United States and its territories starting Jan. 1, 1808. While the actual ban was nearly 13 months from the date Jefferson made his remarks (Dec. 2, 1806), he did say the date of the ban was close enough that those engaged in the slave trade needed to be provided notice to not undertake any slave-purchasing expeditions to Africa that would not be completed by the time the ban became effective.

Jefferson said the peace that existed between the Native American tribes and the United States was growing because the tribes had become more dependent on the U.S., and that the peace was based on the tribes’ “confidence in our justice and in the sincere concern we feel for their welfare.” He urged Congress and the country to continue to “discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap their just reward in their peace and friendship.”

Jefferson also discussed the expedition through the Louisiana territory, purchased from France in 1804, to the Pacific Ocean led by Captain Meriwether Lewis and Second Lieutenant William Clark. The expedition lasted from May 1804 to September 1806 and it successful reached the Pacific during which it “traced the Missouri [River] nearly to its source, descended the Columbia [River] to the Pacific Ocean, ascertained with accuracy the geography of that interesting communication across our continent, learnt the character of the country, of its commerce and inhabitants.” The Lewis and Clark expedition was not the only exploration of the continent underway at the time, however, and Jefferson also discussed an expedition of the Red River lead by Thomas Freeman and Peter Custis, as well as an expedition of the western and southern areas of the Louisiana territory led by Lieutenant Zebulon Pike.



President Pro Tempore
Samuel Smith



Speaker of the House
Nathaniel Macon

In addition to funding teams of explorers to increase the knowledge of the continent, the President urged Congress to fund public education, roads, canals “and other such objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.” Although Jeffersonian Republican politicians were soon to align themselves against the practice of constructing roads and waterways at Federal expense, the President argued that such funding would open “new channels of communication” between the States, and that the “lines of separation will disappear.” That the States’ “interests will be identified and their union cemented by new and indissoluble ties.” In support of that policy, the Jefferson administration promoted a measure enacted in 1806 that supported constructing a national road from Cumberland, Md., on the upper Potomac River, to Wheeling, Va. on the Ohio River. The “National Pike” later became the most important route for immigrants to the Northwest until 1840.

A change in the Federal judiciary occurred when, prior to the close of the 9th Congress in March 1807, Jefferson signed legislation that increased the number of Supreme Court Justices from six to seven.

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, December 3, 1805*](#). Dec. 3, 1805. 9th Congress, 1st Session, For.rel.24. ProQuest Congressional, ASP01 For.rel.24

Jefferson, Thomas. [*Message of President Jefferson Communicated on Tuesday, December 2, 1806*](#). Dec. 2, 1806. 9th Congress, 2nd Session, For.rel.25. ProQuest Congressional, ASP01 For.rel.25

War or Peace?

First Barbary War

During the 9th Congress acts of piracy against U.S. merchant ships, as well as ships from friendly nations trading with the United States, were occurring frequently with the sanction of foreign governments. These attacks took place, not only on the high seas, but also along the U.S. coast, and even within territorial waters, as Jefferson informed Congress during his messages delivered on Dec. 3, 1805 and on Dec. 2, 1806. He stated, “our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions.” Those privateers “have captured, in the very entrance of our harbors as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also,” Jefferson said. To put a halt to those acts of piracy required increased naval patrols, and a possible buildup of regular military forces, said Jefferson, who added a naval force had been ordered to cruise within U.S. waters and “arrest all vessels of these descriptions found hovering on our coasts.”

In addition, because coastal towns and ports were essential to the U.S. economy, measures were taken to defend those communities, including deploying heavy cannons and “a competent number of gun boats.” Jefferson added for that “number to be competent, [it] must be considerable.” In addition to the gunboats, “considerable provision has been made, under former authorities from Congress, of materials for the construction of ships of war of 74 guns.”

There were also proposals for increasing the number of land troops. However, while Jefferson claimed that the decision to increase the forces would be determined by “occurrences,” he also supported an immediate response to the pirate threat by increasing the ranks of the militias. If the proposal was approved by Congress, the recruits were to come from the more than “300,000 able bodied men between the ages of 18 and 26” counted in the “last census,” he said. Nonetheless, while the decision was up to Congress, Jefferson urged the lawmakers to decide quickly whether to increase the militias or not. “I cannot, then but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it when necessary,” he said.

Jefferson also provided Congress with details of the end of the war with the North African states of Algiers, Morocco, Tripoli and Tunis—known as the Barbary Powers—which began in 1801 when Jefferson refused to pay tribute to those states, thereby buying U.S. ships’ safe passage through the Mediterranean Sea. As a result, pirates based in those states attacked U.S. vessels, and would seize the ships, cargos and crews (who were either held for ransom or sold into slavery). Jefferson dispatched a naval fleet to battle those government sanctioned pirates on May 13, 1801, and the war ended on June 10, 1805. In his address, Jefferson covered sections of the treaties with Tripoli and Tunis, and that ransom was paid for the release of American prisoners. Related to peace in the Mediterranean, Jefferson stressed that Federal law limited the number of U.S. frigates that could be in service as well as how many sailors could be on active duty at any one time. The number of sailors needed depended on how many frigates were on active-duty and the type of mission those ships were tasked with, and the President urged Congress to “perhaps consider” that “the limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.”

Sources:

Jefferson, Thomas. [*Message of President Jefferson Communicated on Tuesday, December 3, 1805.*](#) Dec. 3, 1805. 9th Congress, 1st Session, For.rel.24. ProQuest Congressional, ASP01 For.rel.24

Jefferson, Thomas. [*Message of President Jefferson Communicated on Tuesday, December 2, 1806.*](#) Dec. 2, 1806. 9th Congress, 2nd Session, For.rel.25. ProQuest Congressional, ASP01 For.rel.25

Economic Trends and Conditions

Revenues, debts and the need to insure the uninterrupted commerce of the United States were major issues discussed by Jefferson during his messages

to Congress. Of course, privateers operating within the territorial waters of the United States interrupting U.S. trade were also a major concern to the President, and in his 1805 address he told Congress of similar actions taken by Spain that had been injurious to U.S. commerce.

Spain had been halting ships traveling through New Orleans on the Mississippi River and imposing “arbitrary duties,” or outright seizing cargos, Jefferson claimed. U.S. citizens and their property were “plundered” in territory “which had been delivered up by Spain,” he said. In addition, “propositions for adjusting amicably the boundaries of Louisiana (separating it from Northern Mexico) have not been ceded to.” However, because the right-of-way was unsettled, and to avoid increasing the chance of a conflict in that area, the United States delayed ordering troops to “the disputed territories” that would have been tasked with protecting U.S. citizens. Nonetheless, the President added that deploying troops to protect life and property was still an option.

As part of the purchase of the Louisiana territory from France, the United States assumed responsibility for claims against France made by U.S. citizens, and in 1803 Congress approved borrowing \$1.7 million to pay those claims. However, the U.S. had not actually borrowed money to pay those claims, and Jefferson reported there no longer was a need to pursue a loan to pay those debts because enough revenue had been accumulated by the Treasury “to pay the whole sum of \$3.75 million assumed by the French convention, and still leave us a surplus of nearly \$1 million.”

Of course maintaining revenues to fund Government programs was a concern, and to do so required making tradeoffs, according to Jefferson. That included the continuation of duties on shipping to pay for the “Mediterranean fund,” which was used to pay the ransoms for crews of merchant ships sailing the Mediterranean Sea that were seized by pirates. Collection of the U.S.’ Mediterranean fund duties were to expire at the end of the 9th Congress, but Jefferson urged Congress to continue that duty. Therefore, to counter the continuation of the Mediterranean fund duties, Jefferson proposed that Congress eliminate the existing duties on the importation of salt, which was “a necessary of life.” Jefferson added that the duties on salt, and for the Mediterranean fund, would eventually “become unnecessary.”

During the fiscal report for 1805, Jefferson said the U.S.’ revenue collected up to Sept. 30 reached \$13 million, enabling the Government to pay its debts, including the payment of \$2 million on a loan. With that payment, the total payments, made over three years, on the principle of the loan reached \$18 million. The fiscal report for 1806 reported that revenues collected by the United States—which also were only reported up to Sept. 30—reached \$15 million; of that amount, at least \$2.7 million was allocated to pay part of the debt to France for the purchase of the Louisiana territory, while a portion was used to pay the principle of a loan, with payments on that loan—made over four years—surpassing \$20 million.

Sources:

Jefferson, Thomas. [Message of President Jefferson Communicated on Tuesday, December 3, 1805](#). Dec. 3, 1805. 9th Congress, 1st Session, For.rel.24. ProQuest Congressional, ASP01 For.rel.24

Jefferson, Thomas. [Message of President Jefferson Communicated on Tuesday, December 2, 1806](#). Dec. 2, 1806. 9th Congress, 2nd Session, For.rel.25. ProQuest Congressional, ASP01 For.rel.25

Major Treaties

Treaty of Peace and Amity between the United States of America and the Bashaw, Bey and Subjects of Tripoli in Barbary. Treaty ending the First Barbary War and establishing peace between the President and Citizens of the United States and the Bashaw, Bey and Subjects of the Regency of Tripoli in Barbary. Under the terms of the treaty, the U.S. paid \$60,000 in ransom for about 300 Americans held by the Bashaw of Tripoli, and the U.S. agreed to release the about 100 subjects of the Bashaw being held. Signed June 4, 1805. Ratified by the Senate on Apr. 17, 1806. ([8 Stat. 214](#))

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

Landmark U.S. Supreme Court Decisions

United States v. Schooner Sally, held that a proceeding by the United States to forfeit a vessel is a cause of admiralty and maritime jurisdiction, not of common law. Therefore, per the authority of that decision, no argument was heard on the case and was decided without issuing an opinion. 6 U.S. 406 (1805)

Strawbridge v. Curtiss, Held that Federal diversity jurisdiction requires no party on one side of a suit may be a citizen of the same state as any party on the other side of a suit as prescribed by section 11 of the Judiciary Act of 1789. Therefore, when there are joint plaintiffs or defendants, jurisdiction must be established as to each party. 7 U.S. 267 (1806)

Ex parte Burford, Held that the arrest warrant issued for John A. Burford lacked a stating of a good cause making it a case of preventative detention and therefore illegal, and granted the writ of habeas corpus. 7 U.S. 448 (1806)

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

1805 Events

- **Jan. 11:** [The Michigan Territory is organized](#)
- **Mar. 3:** [The Louisiana-Missouri Territory is formed](#)

- **Apr. 27:** *First Barbary War* - [U.S. Marines lead a force of 500 mercenaries in an attack on the Tripolitan city of Derna, which achieves a major victory in the First Barbary War](#)
- **May 26:** Napoleon Bonaparte is crowned king of Italy
- **June 4:** *First Barbary War* - [Tripoli is forced to conclude peace with United States](#)
- **June 5:** The first tornado is recorded in Southern Illinois, which would become known as “Tornado Alley”
- **July 26:** Naples and Calabria, Italy are struck by Earthquake causing the deaths of about 26,000
- **Oct. 21:** *Napoleonic Wars* - The British Navy, led by Admiral Horatio Nelson, defeats a combined French and Spanish fleet at the Battle of Trafalgar in the Atlantic off the coast of Spain; Nelson is shot and killed during the battle
- **Nov. 19:** [The expedition through the Louisiana territory led by Meriwether Lewis and William Clark reaches the Pacific Ocean becoming the first European Americans to cross the North American continent](#)
- **Dec. 2:** *Napoleonic Wars* - Napoleon Bonaparte defeats Russian and Austrian forces at Austerlitz, Moravia (present day Czech Republic)
- **Dec. 26:** France and Austria sign the Peace of Pressburg in Hungary (present day Slovak Republic) ending the War of the Third Coalition and which marked the end of the Holy Roman Empire

1806 Events

- **Jan. 8:** Cape Colony, a Dutch colony located at the Cape of Good Hope in present day Namibia and South Africa, becomes a British colony
- **Jan. 30:** Prussia takes possession of Hanover, a kingdom ruled by Britain, but within the German Confederation
- **Mar. 29:** [Construction is authorized of the Great National Pike, better known as the Cumberland Road, becoming the United States’ first Federal highway](#)
- **June 5:** *Napoleonic Wars* - The Batavian Republic, established in 1795, is dissolved when Luigi Buonaparte, brother to Napoleon Bonaparte, assumes the throne of Holland thereby establishing a puppet kingdom
- **June 24:** *Napoleonic Wars* - As part of the war against France and Spain British forces led by Commodore Home Riggs Popham and Colonel William Carr Beresford capture Buenos Aires in Spanish South America
- **July 10:** The Vellore Mutiny, the first instance of a mutiny by Indian “sepoys”—the designation given to an Indian soldier—occurs in the Indian city of Vellore against the British East India Company
- **July 15:** [Zebulon Pike begins the expedition commissioned by President Thomas Jefferson to map and explore regions of the southwestern territories](#)
- **Sept. 23:** [The expedition led by Meriwether Lewis and William Clark returns to St Louis, Mo. from the Pacific Northwest](#)
- **Oct. 7:** British inventor Ralph Wedgwood is awarded a patent for

carbon paper

- **Oct. 9:** *Napoleonic Wars* - Prussia declares war on France
- **Oct. 17:** Emperor Jacques I of Haiti, the former leader of the Haitian Revolution who instituted an oppressive rule, is assassinated
- **Nov. 15:** The expedition led by Zebulon Pike sights Pikes Peak in Colorado
- **Nov. 21:** *Napoleonic Wars* - Napoleon Bonaparte issues the Decree of Berlin banning trade with England for all countries dependent or allied with France

Sources:

Barbara, Salazar Torreon. [Instances of Use of United States Armed Forces Abroad, 1798-2015](#). Knowledge Services Group (CRS). Jan. 15, 2015. 114th Congress, 1st Session, R42738. ProQuest Congressional, CRS-2015-KSG-0010

Jefferson, Thomas. [Lewis and Clarke's Expedition](#). Feb. 19, 1806. 9th Congress, 1st Session, Ind.aff.113/1. ProQuest Congressional, ASP07 Ind.aff.113/1

Jefferson, Thomas. [Lewis and Clarke's Expedition, pt. 2: A Statistical view of the Indian Nations inhabiting the Territory of Louisiana](#). Feb. 19, 1806. 9th Congress, 1st Session, Ind.aff.113/2. ProQuest Congressional, ASP07 Ind.aff.113/2

Jefferson, Thomas. [Message of President Jefferson Communicated on Tuesday, December 2, 1806](#). Dec. 2, 1806. 9th Congress, 2nd Session, For.rel.25. ProQuest Congressional, ASP01 For.rel.25

Moore, Thomas. [Cumberland Road: Instructions for survey from Maryland to Ohio](#). Jan. 31, 1807. 9th Congress, 2nd Session, Misc.220. ProQuest Congressional, ASP037 Misc.220

Sheridan, Peter B. [Admission of States into the Union After the Original Thirteen: A Brief History and Analysis of the Statehood Process](#). Government Division (CRS), Apr. 2, 1985. 99th Congress, 1st Session, 85-765 GOV. ProQuest Congressional, CRS-1985-GOV-0026

Major Acts

Cumberland Road Act. Authorized a commission to direct the construction of a national road running from Cumberland, Md. to Wheeling, Va. along the Ohio River. Approved Mar. 29, 1806. ([2 Stat. 357, Chap. 19](#))

Prohibiting the Importation of Certain Goods from Great Britain. Banned the entry into the United States of specific British goods after Nov. 15, 1806, but its effective date was delayed by order of the President. Approved Apr. 18, 1806. ([2 Stat. 379, Chap. 29](#))

Judiciary Act of 1807. Increased the number of Supreme Court Justices from six to seven. Approved Feb. 24, 1807. ([2 Stat. 420, Chap. 16](#))

Slave Trade Prohibition Act. Prohibited the African slave trade and Importation of slaves into any place within the jurisdiction of the United States starting Jan.1, 1808. Provided a penalty of forfeiture of vessels and cargo, with the disposal of any seized slaves to be determined by the State in which the ship was seized. Approved Mar. 2, 1807. ([2 Stat. 426, Chap. 22](#))

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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