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The Death of John Pierce and the Political Culture of the Early Republic

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A Thesis presented to the Graduate Faculty
of the College of William and Mary in Candidacy for the Degree of
Master of Arts

Department of History

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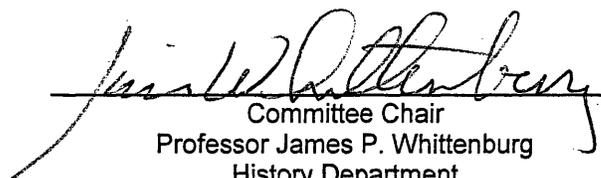
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Jennifer Leigh Petrafesa

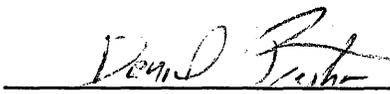
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ABSTRACT PAGE

This thesis examines the ways in which public reaction to the impressment of American seamen and the perceived violation of America's neutral rights reflected the domestic political culture of the United States between 1800 and 1808 as well as the diplomatic challenges the Jefferson Administration faced in its relationship with Great Britain in the years leading up to the War of 1812. The central focus of the thesis is the 1806 death of an American seaman, John Pierce, while he was serving aboard the sloop Richard. Pierce was killed off Sandy Hook, New York after the Richard was fired upon by the H.M.S. Leander, commanded by Henry Whitby. While not a victim of impressment, Pierce's death at the hands of a Royal Navy ship demonstrated what Americans viewed as the constant threat their countrymen faced at sea, not because of dangerous weather or work, but because of the predatory nature of the Royal Navy. Historians have usually relegated the story of John Pierce to footnotes in their larger examinations of the causes of the War of 1812. However, newspaper accounts up and down the Atlantic seaboard, as well as diplomatic correspondence and the rhetoric of political campaigns during this era highlight the significance of Pierce's death on the mindset of the American public and suggest the mounting factionalism between the Federalists and Democratic-Republicans that continued after the contested presidential election of 1800, playing itself out not only in the Court of St. James but in the streets of cities like New York and Norfolk in 1806 and 1807.

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For Brian, who always saw a light at the end of the tunnel.

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Introduction

John Pierce's name has cropped up in a variety of histories of the Early Republic; however, it has usually relegated the to a footnote or a page in works on diplomatic relations between the United States and Great Britain, the maritime culture of the Early Republic or histories of the War of 1812. What is clear, however, is that the American public as well as politicians at home and abroad, understood *at the time* the powerful symbolism of Pierce's death. This paper will focus on the impact of Pierce's death on the political culture of the Early Republic as it developed from 1803 to 1812. Right up until the outbreak of the War of 1812, the story of John Pierce conjured up images of the violation of America's neutral rights, the threat of impressment faced by American seamen and their communities at home, as well as the political factionalism of the Early Republic when political parties used Pierce's name to stir up emotions for or against their platforms.

England's King George III appointed Francis James Jackson to serve as minister to the United States on May 26, 1809. He was sent to Washington, D.C. to replace George Erskine, who had been working for more than a year to settle the diplomatic difficulties that had been exacerbated between the United States and Great Britain after the death and impressment of American sailors serving on board the U.S.S. *Chesapeake* in June 1807. President James Madison was interested particularly in deriving some satisfaction from the punishment to be meted out to the commanding officer of the H.M.S. *Leopard*, whom the American government believed to be responsible for the most recent act of aggression against American naval and merchant ships and seamen.

Secretary of State Robert Smith had expressed his and the President's disappointment in the concessions Erskine had been willing to make on behalf of his government, most notably that the *Leopard's* commander, Captain Salusbury Price Humphreys, had gone unpunished other than to be given the command of another ship.¹

In October 1809, Jackson renewed efforts to settle the matter of the *Chesapeake* affair, "on the basis of the proposal of his predecessor." By November 13th, Jackson had circulated a letter to his government and to British consuls in the United States that he had removed himself from Washington, D.C., and would remain in New York "to wait for His Majesty's commands," since Smith had made it clear that he would not accept any more correspondence from Jackson. Word of the letter had reached President Madison, as well as both houses of Congress by December. Newspapers reported by the end of that month that both the Senate and the House of Representatives had resolved to approve the Madison Administration's decision to end discussions with Jackson. In those debates, both in the House and the Senate, the members reminded each other of the wrongs committed by the British government at the hands of the Royal Navy. American shipping remained vulnerable all over the world and so did American sailors. Neutral rights meant nothing and the actions taken by the previous administration and by Congress had backfired. Federalist member Elisha Potter of Rhode Island reminded his colleagues that "all our restrictions on our commerce operate in [Great Britain's] favor." He continued, "We have been insulted and plundered for fifteen years past by the belligerent nations." The time had come for action, and on this at least, the members of both parties could agree, even if they could not all settle on the same method. Republican Samuel McKee of Kentucky asked, "What course was left for the Administration to pursue? Why sir, to either hang

¹ James Zimmerman, *Impressment of American Seamen* (New York: Kennikat Press, 1966) p. 152.

down their ears like the sluggish ass, and bear with patience Mr. Jackson's flippant sarcasms, or cut them off in the manner they have done?"²

In the midst of these debates, members of Congress, such as Jonathan Fisk of New York, invoked "the murder of Pierce" to convince his colleagues on both sides of the aisle to resolve to support President Jefferson's actions against Jackson, eventually culminating in the demand for his recall. Invocations such as Fisk's had been going on in the chambers of government, the columns of American newspapers, and at the tables of taverns and political meetings since April 1806 to remind the public of the death of an American seaman, John Pierce. Pierce had been killed as a result of the actions of a Royal Navy ship, the H.M.S. *Leander*, when it fired on Pierce's sloop, the *Richard* for failing to come to when ordered do so outside of New York harbor. That event was followed just over a year later by the deaths of more Americans when the H.M.S. *Leopard* fired a broadside at the U.S.S. *Chesapeake* in Norfolk, Virginia. In both cases, the Royal Navy justified its actions by claiming to be looking for contraband, and more importantly, deserters. It was the British government's failure to make what the U.S. deemed to be appropriate reparations in that case that led to weeks of debate in both houses of Congress in December 1809, setting the stage for a declaration of war against England in June of 1812.

The thesis begins with a preliminary chapter on scholarly opinion since Theodore Roosevelt, not on the death of John Pierce, but on British deprecations against American seamen generally in the years leading up to the War of 1812. Chapter two covers Pierce's death, the trial of Captain Henry Whitby, master of H.M.S. *Leander*, that followed, and especially American public opinion about Pierce and Whitby. The thesis ends with

² Annals of Congress, House of Representatives, 11th Congress, 2nd Session (1809), p. 759, 778

conclusions about the meaning of the death of John Pierce as one of the key factors, now largely forgotten, that propelled the United States into war against England in 1812.

Chapter I: War of 1812 American Seamen and Anglo-American Scholarly Opinion

Two years after graduating from Harvard, twenty-four year old Theodore Roosevelt made a name for himself as a historian by completing and publishing his *Naval History of the War of 1812*. In it, Roosevelt highlighted the naval supremacy of the British Royal Navy on the eve of the so-called second war for American independence, having devastated the navies of Russia, Denmark, the Netherlands, France and Spain. Biding their time, the ships of His Majesty's Navy spent the years after the Napoleonic Wars trolling European ports and trade routes in order to protect the mercantile interests of Britain and her colonies. According to Roosevelt, the British viewed the Americans as young upstarts, with a navy of no real consequence and therefore, no real threat to the Royal Navy. By doing this, the British navy had committed an error similar to the one made by their own army during the early years of the Seven Years War. Roosevelt argued that it was the British underestimation of the American ships at sea combined with "efficient ships and, above all, efficient men in them" that provided for an American victory.¹

What made the American seaman ready for battle was not extensive experience fighting at sea. The American navy was in its infancy, had cut its teeth battling Barbary pirates at Tripoli and the world's oceans during intense storms.² The Royal Navy certainly had the upper hand when it came to combat experience on the high seas. And ethnically, according to Roosevelt, there was little difference between the two warring sides: "On the New England coast the English blood was as pure as in any part of

¹ Theodore Roosevelt, *The Naval War of 1812* (New York: Modern Library, 1999) p 15-16.

² Roosevelt, *Naval War of 1812*, p. 17.

Britain”.³ In fact, Roosevelt added in a footnote that the War of 1812 was “practically a civil war.”⁴ So what made the American sailor ready to stand up against Europe’s most powerful navy? “Thrown upon his own resources, he had learned self-reliance; he was a first-rate practical seamen, and prided himself on the way his vessel was handled.”⁵ It was not simply the nature, but the character of the American sailor that was nurtured in the ports of Annapolis and Baltimore and the oceans of the Atlantic and Pacific that set them apart. Roosevelt echoed the strong nineteenth-century belief in American exceptionalism: the work ethic and self-sufficiency that would guarantee the success of the United States Navy. “It was, perhaps, the Navy alone that thought itself a match, ship against ship, for Great Britain. . . . The officers of the navy, with their strong *esprit de corps*, their jealousy of their own name and record, and the knowledge, by actual experience, that the British ships sailed no faster and were no better handled than their own, had no desire to shirk a conflict with any foe, and having tried their bravery in actual service, they made it doubly formidable by cool, wary skill.” Thomas Jefferson may have envisioned an American future embodied by the independent farmer, but Roosevelt understood that the descendants of the island nation they were fighting grew up by the sea, “off in a fishing dory almost as soon as he could walk.”⁶

Yet it wasn’t simply genes that prepared them for naval battle against their cousins across the pond. Roosevelt first mentions a cause for the War of 1812 early on in his naval history and stresses the significance of the British practice of impressment, emphasizing the irony of that fact: “[B]y a singular turn of fortune, Great Britain, whose

³ Roosevelt, *Naval War of 1812*, p. 16.

⁴ Roosevelt, *Naval War of 1812*, p. 16.

⁵ Roosevelt, *Naval War of 1812*, p. 17.

⁶ Roosevelt, *Naval War of 1812*, pps. 17-18.

system of impressing sailors had been one of the chief causes of the war, herself became, in consequence of that very system, in some sort, a nursery for the seamen of the young Republican navy.”⁷ While American seamen “feared nothing more than being impressed on a British ship,” they nonetheless persevered. In fact, according to Roosevelt, more American sailors served (and were therefore trained) on Royal Navy ships in the years before the War because of impressment than served in the U.S. navy at the same time. Without impressment, therefore, perhaps the Royal Navy would not have engaged such a formidable enemy when the time came. And ironic still, it was their shared ethnic heritage that put American seamen at risk of impressment in the first place.

Jesse Lemisch’s groundbreaking work on the role of the American Jack Tar in setting the stage for the American Revolution is essential for understanding the nature of the relationship between American seaman and the Royal Navy in the years before the War of 1812. According to Lemisch, the practice of impressment had been part of English maritime culture since before the Magna Charta and lasted for more than six centuries for the simple reason that it was cheaper than paying a wage that would have attracted men to the work in the first place. “Doubts occurred about its legality, and even more about its morality, but no one ever contended that it would be cheaper for the Crown of England to hire its sailors at a full wage.”⁸ Not only was the pay bad, but the punishments for misconduct were worse on board ships where corporal punishment was common place. Seamen suffered from malaria and scurvy until the late eighteenth

⁷ Roosevelt, *Naval War of 1812*, p. 19.

⁸ Jesse Lemisch, *Jack Tar vs. John Bull: The Role of New York’s Seamen in Precipitating the Revolution* (New York: Garland Publishing, 1997 (rep.)) p. 16.

century.⁹ In an environment like this, death was an ordinary part of life, whether from shipboard illness, infections caused by the lash or the threat of death in battle. After all, these sailors were serving in the Royal Navy during times of war.

Not surprisingly, with conditions as distasteful as those faced by the seamen, desertion in the Royal Navy was a constant problem, one that they solved through the use of press gangs. Americans were already familiar with this practice before the controversies started brewing at the time of the Napoleonic Wars. Lemisch argues that the Royal Navy resorted less and less to impressment in the nineteenth century, claiming that the “Royal Navy was willing to employ men for work in tolerable conditions and for proper wages,”¹⁰ but this was clearly not the case, at least as long as Britain and France remained at war. American ships and sailors were targeted by the Royal Navy, searching for contraband and deserters on board merchant ships flying the stars and stripes of the United States.

Lemisch also found that not only were seamen affected by the press gangs, so was the colonial economy in port cities such as New York. Rumors about the arrival of Royal Navy press gangs would turn cities like New York and Boston into ghost towns as men stayed away to avoid the press. “Thus those who did not lose their liberty to impressment lost their property to it.”¹¹ In this way, urbanites and seafaring men and women alike began to construct a shared identity that would align them politically in the years leading to the American Revolution. This shared mentality developed in the early 1800s as the

⁹ For a discussion of scurvy and the discovery of measures to prevent it during the Age of Sail, see Stephen R. Bown, *Scurvy: How a Surgeon, a Mariner and a Gentleman Solved the Greatest Medical Mystery in the Age of Sail* (New York: 2003).

¹⁰ Lemisch, *Jack Tar vs. John Bull*, p. 17.

¹¹ Lemisch, *Jack Tar vs. John Bull*, p. 18.

Royal Navy resorted to impressment once again, this time patrolling both the seas and the ports looking for deserters and contraband.

In Lemisch's even more well-known essay, "Jack-Tar in the Streets," published in the *William & Mary Quarterly* in 1968, he deals with the problem of class while attempting to understand the culture of American seamen. Culling through British admiralty laws, colonial statutes, as well as the memoirs of men who had spent time at sea, Lemisch views seamen, considered "wards" of the Admiralty court, as a special case whose very words, movements, alcohol consumption, and time ashore were controlled by the ships' masters. He describes this relationship as paternalistic and argues that men on board American ships were bound as much by class as those on land. Most seamen were not allowed to vote. Statutes prohibited actions that would harm the interests of the ships' masters, even at the expense of their crews. In this way, seamen, regardless of their race, were subjected to harsh treatment and "unfreedom" in much the same ways as African-American slaves.¹²

In Lemisch's second examination of American seamen, he once again emphasizes that most Americans suffered because of the treatment of sailors at the hands of the press gangs. After all, he writes, "just about everyone had a relative at sea."¹³ But as he also points out, not all Americans responded in the same way or for the same reasons. Colonial governments reacted because merchants suffered when ships refused to enter their ports, afraid of losing their own crews to the press gangs. Their supplies of goods diminished and in turn they were forced to raise prices. During the Napoleonic Wars, Americans complained loudly about the political and economic consequences of

¹² Jesse Lemisch, "Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America" in *William & Mary Quarterly* 25 (1968) p. 380.

¹³ Jesse Lemisch, "Jack Tar in the Streets," p. 381.

impressment and ship seizures, but rather than decrying the actions of the rowdy seamen who protested their treatment, they joined in, at least in print.

Linda Colley notes that the ethnic background that so many Americans shared with their British counterparts in the Royal Navy, both during and after the Revolutionary War, complicated the relationship between captors and captives. “Whether British or American, they had to deal with opponents whose skin colour and clothing was often the same as their own, and who might well speak the same language, worship the same Protestant God, react and think much of the time in very similar ways.” This was the case both during the Revolution and the years that followed. “So the imaginary wall that normally descends in war brutally separating one side from the other proved in this one sometimes markedly unstable. Men and women would glance at those who were in name and fact their enemies, and find themselves staring at a mirror.”¹⁴

The Americans, who had grown up reading the captivity narratives of their fellow colonists who had been captured by Native Americans, now composed their own stories of captivity, recognizing the lack of difference there as well. Colley relates the stories of captured American seamen brought to England during the 1770s. The novelty of the presence of these victims among English society soon wore off when “To satisfy the curiosity of some ladies, who had never seen a Yankee, as they called me. I went in, and they seemed greatly surprised to see me look like an Englishman; they said they were sure I was no Yankee, but like themselves.”¹⁵ However, Colley notes that in most of these kinds of narratives, descriptions like the one above were followed by accounts of incidents where “the reverse was true.” Instead, it was often the captive sailors who

¹⁴ Linda Colley, *Captives: Britain, Empire & the World, 1600-1850*, (New York: Anchor Books, 2004) p. 217.

¹⁵ John Blatchford, quoted in Colley, *Captives*, p. 218.

noted the differences between themselves and their captors, usually concluding with some kind of description of their patriotism and unbounded loyalty to the American cause, highlighting their independence even as they were held captive. In this way, as we will see in the case of the Americans impressed during the era of the Napoleonic Wars, their actions became politicized—in this case by themselves, in other cases, by the American public who supported them.

Jesse Lemisch first suggested that it was not only the sailors who faced impressment whose actions were politicized when they rebelled against their treatment at the hands of the Royal Navy, but the American public as well, especially those who lived in cities along the Atlantic. This was particularly true in the years leading up to the American Revolution and helped to fuel the fires of resentment toward the British in cities like Boston as tensions began to rise in the 1770s. For many merchants, the impact was financial. Ships refused to sail to certain ports under threat of being boarded by Royal Navy cruisers or having their crews kidnapped while on shore. The economy suffered too. If goods were not delivered to American cities, than supplies often ran short and prices rose as a consequence. So even while Lemisch pointed out that protests against impressment was a matter most Americans could back because most families had someone at sea, the impact on the colonists' pocket books was surely felt just as seriously.¹⁶

As far as colonial governments were concerned, however, while the press gangs and Royal Navy were at fault, the political response of local legislatures and governors was not meant to forge an alliance between seamen and the colonial state, but to protect local economic interest and to preserve order. In Boston, in the 1740s for example, the

¹⁶ Lemisch, "Jack Tar in the Streets" p. 385.

legislature took action to change the conduct of the Royal Navy while protecting law and order along with the city's maritime economy. This was the proper way to stage a protest, not through violence or mob action, which was clearly part of the story. "The House spoke for the merchant, not the seamen."¹⁷ Boston mobs rioted for two days in response to Commodore Charles Knowles' efforts to press men into service on board his ship in 1747. According to both Lemisch and Pauline Maier, impressment became even more common in the years following the Seven Years War. Lord Admiral Alexander Colville, former commander in chief of British vessels in North America, ordered his ships to press men into service from Maine to Delaware in 1764, and as Maier points out, "mobs met the ships at every turn."¹⁸ By 1775, the British often used impressment as a means to punish colonists in port cities from Maine to Virginia for their increasing resistance to British authority.¹⁹

We shall see whether this was the case decades later, during the Napoleonic Wars, when local and state governments dealt with the Royal Navy and British government not as British colonists, subject to the authority of Parliament and king, but as representatives of the sovereign United States. In the 1790s, British merchants complained when the press gangs sailed into town that they too suffered economically. "Merchants were soon complaining that sailors were in such short supply that sixty ships bound for the Caribbean and other destinations could not sail."²⁰

The British, in turn, politicized the practice of taking prisoners. While we normally associate this with prisoner exchanges, Colley includes the act of imprisoning

¹⁷ Lemisch, "Jack Tar in the Streets" p. 387

¹⁸ Pauline Maier, "Popular Uprisings in America" in *William & Mary Quarterly* 27 (1970) p. 9.

¹⁹ Lemisch, "Jack Tar in the Streets" p. 393.

²⁰ Nathan Miller, *Broadsides: The Age of Fighting Sail, 1775-1815* (New York: Wiley, 2001) p. 107.

colonists as well. A year after the war ended, the British government began to refer to captives taken in the war with the American colonies as “prisoners-of-war.” Before that, they were officially referred to as “the King’s misguided subjects.” As Colley notes, the difference in meaning was clear. To acknowledge the captives as prisoners of war was to acknowledge the independence of the colonies and the prisoners as agents of this new state. Britain defended her actions by claiming that treasonous subjects would have faced much more “savage penalties conventionally visited on rebels” rather than what Colley believes were the true political motives of the language employed by the Crown.²¹

Colley’s discussion of the treatment American captives received at the hands of the British during the American Revolution is revealing for the proximity of these acts to the events leading up to the War of 1812. Stories about British cruelties toward American “patriots” circulated for years in American newspapers, taverns and wherever working men gathered, even after the war ended. The Napoleonic Wars and the increased pressure the Royal Navy felt to man their ships was less than a quarter century removed from those cruelties. Most Americans had a long memory when it came to their war for independence. In a nation, too, where so much of the population had been young when the war was fought, they were still around in 1803 to remember 1776. And those who led the fight, not only on the battlefields, but in the chambers of Independence Hall, had become the leading men of the Early Republic.

These leading men took sides in both domestic affairs and foreign relations, particularly in the 1790s and 1800s. The United States sought to avoid becoming embroiled in European affairs in order to concentrate on domestic concerns as the fledgling nation worked to establish both economic and political stability in the years

²¹ Colley, *Captives* p. 219.

following the Revolutionary War. Unfortunately for the young nation, the desire for economic development often led directly to involvement in the ways and wars of Europe. The country found itself taking sides more than once during its first three presidential administrations.

Much recent scholarship has focused on the question of impressment and its impact on the political and economic cultures of the Early Republic. Denver Brunzman's recent essay entitled, "Citizens vs. Subjects: Impressment and Identity in the Anglo-American Atlantic," examines the ways in which Americans formed a conscious delineation between their status as citizens of the United States and their understanding of the relationship of a British subject to the authority of the Crown.²² Brunzman highlights the fact that by the onset of the Napoleonic Wars, the federal government had begun to provide sailors with protection papers, establishing their status as American citizens. It became clear to the Royal Navy, relatively quickly, that forged documents were being carried by British subjects to avoid press gangs and seizure on board American merchant ships. Brunzman points out that it was true that there were many British sailors "disguising" themselves as Americans by carrying fake protection certificates, and that the existence of these falsified documents, the British government argued, justified the search and seizures conducted by the Royal Navy. They simply had no choice. In order to conduct successfully their war against Napoleon, the Royal Navy had to resort to impressment to man their ships.

The rhetoric of revolution, according to Brunzman, took on a special kind of meaning for the maritime community in the Early Republic. Few Americans experienced

²² Denver Brunzman, "Citizens vs. Subjects: Impressment and Identity in the Anglo-American Atlantic" in *Journal of the Early Republic* 30 (2010).

the physical consequences of “subjecthood,” (in this case compulsory naval service) in quite the same way as seamen. Members of the Federalist Party argued that Thomas Jefferson and his fellow Republicans overstated the extent to which impressment affected the American public (that really only a small number of Americans were pressed into service in the early 1800s), politicizing it to cause a breach in the relationship between the United States and Great Britain. But Brunsman’s real focus is the way in which the actions of the Royal Navy contributed to Americans’ national identity. “To be an American citizen was a choice, not an obligation.” All kinds of Americans could back a war with Britain in 1812 not because they had family members who had been impressed, but because the violation that American seamen suffered at the hands of the Royal Navy (in actuality or in theory) was a threat to the liberties of all American citizens. It was the freedom from that kind of coercion at the hands of their own government that set them apart from their British cousins.

Other historians, Brunsman notes, have downplayed the political fervor expressed by the American public as reported in the Democratic-Republican newspapers of the Early Republic. He describes these public expressions of outrage and opposition reported in the press as links in the chain of a developing national identity. But Americans were not simply identifying themselves against what they termed the “subjecthood” of Britons, they were drawing political lines at home as well. Even if the Republicans were willing to use impressment as a way to gain political support among those men who could vote, most of those affected most intimately by the practice of impressment were not traditionally those with a political voice. They were the descendants of the mobs who

protested impressment during the colonial era, the ones whom colonial legislations condemned for being unruly and impolitic.

Chapter II: The Death of John Pierce and the Trial of Henry Whitby

Jesse Pierce described the incident that took place on Friday, April 25, 1806 between his ship, the *Richard* and the H.M.S. *Leander* commanded by Captain Henry Whitby in an affidavit sworn before New York City's Mayor DeWitt Clinton on the following day. Pierce, master of the *Richard*, stated that at about 5:00 in the evening, as the ship was approaching Sandy Hook, about a quarter mile from the shore, "two shots were fired at different times by a large British ship of war with two tier of guns supposed to be the *Leander*." The first shot landed short of the *Richard*, while the second flew beyond the vessel by about 40 yards. The *Leander* had time to send a third shot toward the *Richard*, striking the "tassel rail and the quarter rail, and killed immediately the man at the helm named John Pierce," the brother of the deponent, Jesse. Jesse Pierce stated that he was then able to "enter the hook without any further molestation."¹

A second affidavit was sworn to by the master of the brig *Sally*. Hezekiah Pratt affirmed that there were three Royal Navy ships at the entrance to the hook and that "upward of a hundred shots were fired at the said vessel by the said ships of war." He could not attest to the fact of John Pierce's death, however, for he "had no personal knowledge" of the injury to Pierce or any other deckhand. His own ship was about 330 feet away from the *Richard* when the incident took place. That same day, Mayor Clinton submitted the affidavits to the City Council which quickly resolved, in light of the "atrocious murder of a citizen of the United States and the daring aggression upon our national rights" to pay for the costs of interring John Pierce on Monday, April 28th. The Council members stated their intention to attend the funeral "in a body" and requested

¹ *The Morning Chronicle* (NY), April 28, 1806.

that “the captains of all American vessels in the harbour to hold their colors half-mast” that day. Bells were to ring throughout the city to commemorate not only Pierce’s death, but to draw attention to the national dishonor suffered by Americans at the hands of a British naval captain who had violated the country’s neutrality rights.

Following Pierce’s death, the seafaring community kept a close eye on Whitby’s movements. The British too, were concerned about his well-being, quite from the start. “This affair is of so delicate a nature, and so much involves the character of a meritorious officer, that we ought to be cautious of prejudging it upon the materials before us.”² The papers announced that Captain Whitby had been indicted by a New York grand jury on murder charges. When Henry Whitby died in the summer of 1812, the *National Intelligencer* reported his death: “Henry Whitby, age 30. . . who commanded the *Leander*. . . when she fired on one of our coasters and murdered John Pierce, an American sailor. He was later *promoted* for this HUMANE and *honorable* act to the command of his majesty’s ship, *Briton!*”³ Perhaps that kind of rhetoric was not surprising given that the war with Britain had commenced a month before, but clearly the memory of John Pierce continued to be imprinted in the minds of Americans as it was reprinted in their newspapers seven years after his death.

In that same year, 1812, a fictional account of the trial written by William Sampson featured Henry Whitby being brought before the grand jury, whose members included “Stephen Seeclear”, “Jonathan Fearnot”, and “Jasper Trueblue” on March 17, 1807. Sampson, an Irish barrister and a Protestant, who had arrived in the United States after being deported first from Ireland and then from England for his participation in the

² *Morning Chronicle* (London), June 4, 1806.

³ *National Intelligencer* (Washington, D.C.) July 28, 1812.

Irish Rebellion of 1798, his support of Irish Catholics in that rebellion, and as a member of the United Irishmen, described Whitby as standing “mute” and picking his teeth with a toothpick pulled from his pocket and humming a “couplet of which the only words I could hear were “Britannia” and “bulwark.” Clearly, Sampson imagined a Whitby with no respect for the law. Sampson’s prosecutor asks the jury to consider two points: first, whether Whitby “occasion[ed] the death of John Pierce” and secondly, “Did he kill him of malice aforethought?”⁴

Not only did Captain Henry Whitby face charges in the U.S. but he was also brought before a Court Martial on board the H.M.S. *Gladiator* docked in Portsmouth almost a year after the incident at Sandy Hook took place. He appeared before the Court on April 17 and 18, 1807. Whitby had submitted a report of the incident to his commanding officer at Halifax, Admiral John P. Beresford, on May 6, 1806. The commissioners who recommended the inquiry stated that “an American seaman was unfortunately killed” when a sloop failed to adhere to a first shot fired to warn a number of American ships that they needed to come round to be boarded. They believed that an inquiry was warranted because of concerns that Whitby had violated the neutrality rights of the United States, “a state in amity with his Majesty.” But Whitby was also tried for the “willful murder” of John Pierce, a “citizen of the United States” who had been “feloniously killed and murdered” by a shot fired from the *Leander*, under Whitby’s command.

In his letter dated, April 30th, Whitby expressed to Beresford his concern that some of his men had been detained because of their participation in the events of the 25th. “I

⁴ William Sampson, *Trial of Capt. Henry Whitby, for the murder of John Pierce, with his dying declaration* (New York: 1812) p. 19-22.

am much surprised that the officers sent on the service should have been so unlawfully kept. . . You, sir, must be well aware, that the death of that unfortunate seamen could not be attributed to them, or to any other cause but accident.”⁵ Despite this denial, the Royal Navy determined that Whitby should face the tribunal. Appearing to give evidence against Whitby were several American sailors, including Jesse Pierce, the brother of the seaman killed in the incident. Jesse Pierce was asked to describe the incident for the Court. He testified that he could see three ships as he was coming into Sandy Hook from the south and that his own ship was not alone. He described the action taken first by the *Cambrian*, “as he got in just at the back of the middle ground. . . she fired and brought several vessels to, and then stood offshore with her head to the eastward.”⁶

It was at this point that the *Leander*, Whitby’s vessel, sailed in even closer than the *Cambrian* “firing all the way at several vessels.” Pierce explained that one shot landed in front and one in back of the *Richard*, “this caused me to think she was firing at me.” He next brought the ship to, but before the crew of the *Richard* could get the mainsheet aft, the *Leander* fire again, hitting the tassel-rail and quarter-rail.” This testimony echoed the one Pierce gave to the magistrate in New York the previous year. His brother was killed, according to Pierce, by the shot that hit the quarter-deck. He closed by saying that he got the ship into port between 8 and 9 o’clock and “informed the consul.”⁷

After his statement, Pierce was questioned by the Court and cross-examined by Whitby. He was asked the time of the incident and how far from the beach the ship was

⁵ H. Whitby to J.P. Beresford, April 30, 1806

⁶ Testimony of Jesse Pierce, “Minutes taken at a Court Martial assembled on board His Majesty’s Ship *Gladiator* in Portsmouth Harbour” in *The Naval Chronicle* 18 (Jun-Jul 1807) accessed on July 15, 2010 at <http://www.royal-navy.org>.

⁷ Testimony of Jesse Pierce, “Minutes taken at a Court Martial.”

at the time. The *Richard* according to Pierce, was about half a mile from the shore, while the *Leander* was a mile and a quarter beyond the *Richard*. Pierce was asked if he knew Captain Whitby. He replied that he did not know him “at the time my brother was killed.” He had not heard an order to fire, nor did he know if Whitby was on board the *Leander* at the time. He conceded, when asked, that someone else might have given the order to fire. He testified that he had been standing within six feet of his brother when he was killed and saw that he had been struck “under the jaw.” He was asked once again the name of the ship that fired on the *Richard*. “It was from the *Leander*, as I am informed, I did not know the ship, it was the largest of the three.” When given the opportunity to cross-examine Pierce, Captain Whitby asked whether any other ships were firing. Pierce answered that he could not say, but when pressed further, he told Whitby that he did not believe that either of the other ships were “within gun shot.”⁸

The trial continued with the testimony of Caleb Brewster, captain of the *Vigilant*, Jonathan Lewis Brewster, an accountant at the New York Customs House, and a New York branch pilot, Robert Mitchell. Brewster had been sailing near Sandy Hook on the morning of April 25th. At half past ten, he “discovered three men of war. . . they bore about S.E. betwixt one, two, and three leagues distance.” Later that afternoon, he saw a number of sailing vessels moving up along the Jersey shore heading for Sandy Hook. He also saw the three men of war, the *Leander*, the *Cambrian* and the *Driver*, head toward the shore. He stated that he “knew the ships, I have been all around them fifty times.” The *Leander* passed the *Cambrian* and “began to fire on the brig *Sally*. . . and the sloop *Richard*.” Brewster testified that the *Leander* fired about 10 shots before the *Driver* joined in and fired several times. “I don’t know what she fired at: she then hove about

⁸ Testimony of Jesse Pierce, “Minutes taken at a Court Martial”.

and stood to the southward and the eastward, in the same direction the other two had done.”⁹ He saw the hole in the *Richard*'s mainsail and watched the sloop head toward New York.

When questioned, Brewster said that he did not see the shot from the *Leander* hit the *Richard*, but that it was “the only ship firing at the time.” He stated too, that the *Leander* was the only ship that fired at the *Richard* and the *Sally*. The Court was trying to determine the distance between the ships and the shore. Brewster's testimony corroborated Pierce's, but the Court questioned Brewster further: “Do you know the distance of the jurisdiction of the States from the shore?” Brewster answered, “Three miles, I believe.” When asked how he knew this, he answered, “I understood that was the treaty as made by Mr. Jay.” Clearly skeptical that Brewster should have firsthand knowledge of the details of the Jay Treaty, the Court asked if he had read the treaty, to which he replied, “Yes, I have read them all.”

The Jay Treaty was signed in November 1794. It was primarily a commercial treaty that provided for the regulation of trade between the United States and Great Britain. Its connection to Whitby's trial, however, had to do with the establishment of neutral rights should one of the parties go to war. The treaty was one of the first attempts on the part of the new federal government to negotiate with the British to deal with unfulfilled aspects of the Peace of Paris in 1783. The United States was still waiting for the British to abandon posts in the western territories now claimed by the Americans. The Jay Treaty was also meant to settle the maritime disputes that continued between the two, particularly to protect American seamen from impressment and to protect American shipping and trade. So the parties agreed to a “treaty of amity, commerce, and

⁹ Testimony of Caleb Brewster, “Minutes taken at a Court Martial”.

navigation.”¹⁰ The treaty deepened the lines of faction that were beginning to take shape in the United States and that played themselves out in the press over the death of Pierce and other seamen. These are generally considered to be the primary causes of the War of 1812 as well. The Federalists continued to support negotiation with the British, while the Jeffersonian Republicans were inching their way toward an embargo of British trade.

The Jay Treaty did not provide for a “distance of jurisdiction of the States from the shore” as Brewster was questioned about by the tribunal at Whitby’s court martial. It did, however, state that “the subjects and citizens of the two nations shall not do any acts of violence or hostility against each other.”¹¹ By invoking the Jay Treaty, Brewster could simply have meant to remind the tribunal of the promises the two countries had made to each other when the treaty was signed in 1794.

Donald Hickey argues that, while flawed, the Jay Treaty enabled American commerce to truly develop during the last decade of the 18th century, with exports jumping from \$33 million in 1794 to \$94 million by 1801. Not only that, but the treaty protected the United States from a “nation whose naval power could menace the United States.” For Hickey, the only downside of the treaty was its impact on American relations with France, “who regarded it as a betrayal of the alliance that had bound them to the United States since the Revolution.” The United States was forced to test its navy out against the French, not the British, in order to secure commercial interests, particularly in the West Indies. The Quasi War with France ended in 1800, resulting in a promise from the United States not to seek reparations for losses incurred at the hands of

¹⁰ “Treaty of Amity, Commerce and Navigation between His Britannick Majesty and the United States of America by their President with the Advice and Consent of their Senate (Jay’s Treaty)” (1794) Accessed September 5, 2011. http://avalon.yale.edu/18th_century/jay.asp.

¹¹ Article XXI, Jay’s Treaty (1794).

French ships in exchange for being released from the treaties signed at the end of the Revolution.¹²

The Napoleonic Wars would lead the United States down that often treacherous diplomatic path once again in 1803, when hostilities between France and Britain resumed. Most scholars agree that it was the endless need for what seemed an endless supply of men to serve aboard Royal Navy ships that led to the problem of impressment in the first place.¹³ British naval commanders were given orders to patrol the seas looking for deserters or for British men impressed into American service. Hickey points out that American ships did seek out British sailors from time to time to join their crews when they were undermanned. This was a direct result of the expansion of American commercial interests and overseas trade in the years following the American Revolution. The evidence clearly suggests that British seamen were willing to join American crews because the pay and the working conditions were universally known to be better than what the Royal Navy and even British merchant ships could offer.¹⁴ Treasury Secretary Albert Gallatin estimated that “perhaps half the able-bodied seamen in the American marine” were actually British sailors. The laws of naturalization which were simple and clear to the Americans, were denied by the British, who argued that a man did not “shed responsibilities to his native land by migrating to another.”¹⁵

The British justified their actions quite simply, especially early on. Refusing to accept the concept of naturalization on constitutional and sanguinary grounds, the British

¹² Donald R. Hickey, *The War of 1812: A Forgotten Conflict* (Illinois: 1995), p. 6-7; James F. Zimmerman, *The Impressment of American Seamen*, p. 116; Bradford Perkins, *The Cambridge History of American Foreign Relations, Vol. I* (Cambridge: 1993), p. 123-125.

¹³ See Brunsmann, “Subjects vs. Citizens”; Robert E. Cray, Jr., “Remembering the U.S.S. *Chesapeake*: The Politics of Maritime Death and Impressment” in *Journal of the Early Republic* 25 (Fall 2005).

¹⁴ Hickey, *The War of 1812*, p. 11.

¹⁵ Perkins, *Cambridge History of American Foreign Relations, Vol. 1* p. 121-122.

believed that once you were born a British subject, no act of law could change that status. You could not be naturalized as the citizen or subject of another government. This, they argued, was a simple matter, particularly when it came to those seamen who had been born before the onset of the American Revolution. By 1803, this would have meant any man who was as young as twenty-years old, since to be an American one had to be born in the country since 1783.¹⁶ There were men on board American merchant ships who would have been in their teens. This did not necessarily make them safe, however, because the shared ethnic traits of British and American seamen, who spoke the same language (more or less), worshipped the same God, and drank the same rum, often made it difficult for American sailors to prove their citizenship. What a young Theodore Roosevelt had seen as an advantage for American sailors in the war threatened their status and safety in the years leading up to it.

In an attempt to protect vulnerable sailors, the federal government passed the “Act for the Relief and Protection of American Seamen”, which provided for the issuance of Seamen’s Protection Certificates. The certificates were issued locally by the customs collectors at ports throughout the country. Seamen had to request the certificates and they were granted only after proof of citizenship was provided and 25 cents were paid. Eventually, the men only had to bring a witness willing to swear before a notary that they were who they claimed to be. Sailors aboard merchant ships were not required to carry them. The certificates included the sailor’s name, age, place of birth, and distinguishing physical features. A certificate issued for Timothy Snow in 1805 out of New Bedford,

¹⁶ Jon Latimer, *1812: War with America* (Cambridge: Belknap Press, 2007) p. 17.

described him as “light complexion, has a small scar on his left hand.”¹⁷ The British government claimed they were very easy to forge and so rarely recognized them as legitimate.

Press gangs were given their numbers and sought to hit those targets swiftly. Jon Latimer describes “nearly 1,000 seamen were taken in a single night” on the Thames.¹⁸ Within twenty years, the Royal Navy had grown from 16,000 to 145,000 men by the War of 1812. Impressment was the best solution to the manning problem the Navy faced because crews on board merchant ships were already trained, and, as Latimer points out, “the Royal Navy itself provided little training.” Desertion was clearly a problem for the Royal Navy as well. The men sought on board the *Chesapeake* a year after Pierce was killed by the *Leander* were suspected of being deserters. Rather than being a result of the poor conditions and harsh treatment seamen faced aboard Navy vessels, Latimer argues that it was better economic opportunity more than anything else that convinced men to desert. Why enlist with the Royal Navy for an indefinite period of time, risk loss of rank or pay, or wait for months if not years to be paid in the first place? As a consequence of the needs of the Royal Navy, American seamen found themselves relatively easy prey, particularly after 1803. The Whitby trial continued with the defendant given an opportunity to cross-examine Caleb Brewster. Again, Whitby tried to establish that no one could positively attest to whether the shot that resulted in Pierce’s death came from the *Leander*: “Do you mean positively to swear, that the shot fired from the *Leander* was directed at the sloop in which John Pierce was killed?” In other words, could Brewster confirm that this was a premeditated act on the part of Whitby and his crew? Brewster’s

¹⁷ Seamen’s Protective Certificate of Timothy Snow, Martha’s Vineyard Museum, accessed 9.15.11
<http://www.mvmuseum.org/index.php>

¹⁸ Jon Latimer, *1812*, p 16-17

testimony described the event in much the same way as Jesse Pierce had, that the shots had landed in front of and behind the *Richard*, the ships' distance from each other, and the ships' distance from the shore. Next, Whitby took another route to establish his innocence. He asked whether the American merchant ships had brought to close enough for the British boats to board them to search for deserters and that those ships, not the *Richard* were the intended targets of the *Leander's* warning shots, but to no avail. Brewster continued to affirm that to the best of his knowledge, the shots were fired by the *Leander* and that the *Richard* was the target.

Finally, Whitby addressed the question of jurisdiction. "You have stated to the court, you have considered the neutrality three miles from shore, do you know that I was furnished with such instructions?" Brewster answered that he did not know. "How long since is it the treaty was made, or was it in existence at the time the *Leander* was there?" asked Whitby. Brewster answered, "I judge it was." Finally, Whitby asked Brewster if he knew whether any other treaty between the two countries was in effect at the time of the incident. Brewster replied, "I do not know; it was said that Mr. Munro was negotiating in this country; but what was done I don't know; it was the opinion at that time."

James Monroe had served as U.S. minister to the Court of St. James since 1803. By 1805, he was increasingly frustrated by the treatment American vessels received at the hands of the Royal Navy. Over fifty ships had been seized by the British and it was Monroe's responsibility to advocate for the ships' owners and crews and submit protests on their behalf to the British government. In a letter dated August 20, 1805, Monroe wrote to Secretary of State James Madison about a recent meeting with the British

Foreign Secretary, Lord Mulgrave. Mulgrave had served as Foreign Secretary since January of that year, and Monroe had met with him several times to discuss the seizure of American vessels. Monroe had complained to Mulgrave as recently as the 16th of August that the British response to American protests was unsatisfactory and had asked for another meeting to discuss the matter in person. They met again on the 19th and on the following day, Monroe addressed Madison: “I had an interview with Lord Mulgrave. . .which, I am sorry to observe, presented the prospect of a much less favorable result than I had anticipated from the previous one.”¹⁹ After two formal protests, Monroe was still awaiting some kind of satisfaction in the fall of 1805. He sent a letter to Lord Mulgrave. However, since he still had received not even a response to his protests by that time, Monroe turned his attention to his own government, emphasizing to Madison that the U.S. needed to adopt “an attitude of menace” with a “determination to execute it if necessary.”²⁰ In other words, the U.S. needed to demonstrate to the European powers that they meant business.

It was quite clear to Monroe that a resolution between the two parties was becoming more impossible. The British had no intention of allowing American merchant ships to trade with the French on any terms. At the same time, the United States contended that the British could not and should not interfere with the commercial interests of neutrals. However, in a letter dated September 25th, Monroe told Madison that he believed that the British were trying to appease the Americans to a certain extent by dismissing the cases against ships seized for trading in the French colonies. “It is evident to those who attend the trials, that the tone of the judge has become more

¹⁹ James Monroe to James Madison (August 20, 1805) in *The Writings of James Monroe* (New York, 1900).

²⁰ Harry Ammon, *James Monroe & the Quest for National Identity* (Charlottesville: 1990) p. 250.

moderate, that he acquits whenever he can acquit one of our vessels...”²¹ By October of 1805, Monroe included the problem of impressment in his discussions with Lord Mulgrave. He noted that President Jefferson’s hope that there would be some conciliation on the part of the British, possibly by making examples of those captains responsible for seizing American ships, was unfounded. In fact, Monroe wrote on October 18th, “Captain Bradley of the Cambrian, whose conduct had been most offensive, has been promoted . . .to a command of a ship of the line.” On the contrary, it seemed to Monroe that outrages committed against American ships actually helped Bradley advance up the ranks of the Royal Navy. Monroe believed this to be the case; although a transfer to a frigate meant more prize money for an officer, a shift to a ship of the line “may perhaps be deemed a more important trust by the government.” Clearly, Monroe noted, Bradley was acting as an agent of the British government when his crew seized American ships and impressed American sailors and was being duly rewarded for it.²² And as noted in the American version of Henry Whitby’s death notice in 1812, he too had been promoted to the command of the H.M.S. *Briton* for his “honorable” actions against John Pierce and the *Richard*.

Monroe and his family were anxious to return to the United States and had been given permission to do so in the fall of 1805 by President Jefferson. However, Monroe felt pressured to remain in London until acceptable terms could be negotiated. He noticed an increase in the number of American ships taken into custody and the lack of response from Mulgrave moved Monroe to stay longer than he planned. Monroe further believed that the British were using the war with Napoleon as a means to an end. “I am

²¹James Monroe to James Madison, September 25, 1805.

²² Monroe to Madison, October 18, 1805.

inclined to think that the delay which has been so studiously sought in all these concerns is the part of a system, and that it is intended, as circumstances favor, to subject our commerce at present and hereafter to every restraint in their power. It is certain that the greatest jealousy is entertained of our present and increasing prosperity, and I am satisfied that nothing which is likely to succeed, will be left untried to impair it.” No longer did Monroe believe that the British were likely to appease the United States in these matters. Instead, his dealings with the British cabinet had led Monroe to conclude that the British were biding their time, waiting, once again, to see “what the U.S. will bear.”²³

And so, Monroe advised Madison that the time was ripe for the U.S. to resist the British and their policies. The British had far more to lose than they were willing to acknowledge. The relationship with the U.S. was essential to their commerce, not to mention that the British colonies depended on American trade. Was the time right, asked Monroe, for the U.S. to take a hard stance against both Britain and Spain? Monroe’s answer was yes. By November, he wrote to his colleagues in Spain and the Netherlands that he hoped to sail home in time for the President to address Congress.

On January 27, 1806, President Jefferson forwarded to the Senate a set of documents from the State Department pertaining to American relations with Great Britain regarding neutral rights. In his report to the President and the Senate, Madison argued that the measures taken by the British against American ships were “unjustifiable,” particularly the seizure of vessels, the method of search, which “compel[s] the vessel to send her papers in her own boat, and sometimes with great danger from the condition of the boat and the state of the weather,” and finally, the practice of impressing “persons

²³ Monroe to Madison, October 18, 1805.

from American vessels, sailing under the American flag, on the high seas.”²⁴ Soon after, President Jefferson prepared to send William Pinkney to London. In the meantime, the death of William Pitt had brought a glimmer of hope to Monroe who believed that both Charles Fox, the new Foreign Secretary, and Lord Grenville, held the United States in a more sympathetic view.²⁵

By the summer of 1806, as far as Jefferson was concerned, all talk “of an alliance with Britain, and the American rapprochement with the mother country that had begun with Jay’s Treaty a decade earlier now came to an end.”²⁶ Instead, Congress passed the Non-Importation Act of 1806, which banned the importation of British goods also produced by Americans. This Act would not take effect until November 1806. In the meantime, Jefferson was preparing to send William Pinkney to work with James Monroe to come to some sort of an arrangement with the British government that would address the federal government’s, as well as the American public’s, concerns about the treatment of their merchant ships at the hands of the Royal Navy.

Monroe was not pleased by the arrival of Pinkney. His presidential ambitions had fueled his hope that he could negotiate a more favorable commercial arrangement with the British government. He reported to both Jefferson and Madison during the spring of 1806 that the tide was beginning to turn in favor of the U.S. But, as Ammon points out, the dispatches sent to the State Department and the White House by Monroe did not include any kind of settlement regarding impressment. A concession was reached that would have allowed neutral ships some access to European ports, but before word

²⁴ James Madison, “Report from the Secretary of State to President Jefferson” in *The Annals of Congress* Senate, 9th Congress, 1st Session (January 25, 1806)

²⁵ Ammon, *James Monroe* p. 251.

²⁶ Gordon Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815*. (Oxford University Press, 2009) p. 644.

reached Washington, Congress was nearing passage of the Non-Importation Act. Monroe was able to continue talks with Fox because much of the Act was not going into effect until November of that year.

The negotiations would not include Charles Fox, however, who became ill during the summer and died on September 13, 1806. Instead, the British chose Lord Henry Holland and Lord William Auckland to join the American commissioners, Monroe and Pinkney, to determine the commercial future of Anglo-American relations. Madison's instructions to the two Americans were perfectly clear: there could be no agreement between the two nations without an end to the practice of impressment. In exchange, the United States promised to return British deserters on board Americans ships to the Royal Navy. Ammon argues that given the prominence of this issue in the state department's instructions, it was clear that this was the "primary obstacle to a settlement." While the British commissioners promised they could come to some sort of arrangement, they asked the Americans to work for the suspension of the Nonimportation Act as a show of good faith. President Jefferson announced in his message to Congress on December 3, 1806 his belief that delaying the implementation of the Nonimportation act would "yield to arrangements of mutual consent and convenience." Jefferson, therefore, recommended the "suspension of this act for a reasonable time, on considerations of justice, amity and the public interest."²⁷ While this request was followed, the British promise to end impressment was not. The Cabinet claimed that they did not believe that the U.S. would follow through on their promise to return British deserters.

As most scholars have pointed out, Jefferson insisted to Monroe and Pinkney that ending the impressment of American seamen was one of the most essential parts to

²⁷ Thomas Jefferson to Congress in *Annals of Congress*, 9th Session (December 3, 1806).

negotiating terms with the British government. It was clear, however, to Lords Auckland and Holland that any insistence on ending impressment was a non-starter, and they were able to convince the Americans to table that demand. The treaty as it was eventually presented to Jefferson was never sent on to the Senate, in part because the problem of impressment was dropped by Pinkney and Monroe. Hickey views the failure on Jefferson's part to overlook the issue of impressment and instead recognize the other commercial merits of the treaty as a direct cause of the further breakdown in diplomatic relations as well as the War of 1812.²⁸

In his responses to Henry Whitby's questioning, Caleb Brewster referred to the negotiations that began on August 27, 1806 between American commissioners James Monroe and William Pinkney and their British counterparts, Lord Holland and Lord Auckland. Monroe served as U.S. minister to Great Britain from 1803 to 1807. In the summer of 1806, Monroe was joined by William Pinkney, appointed by President Jefferson as envoy extraordinary to the Court of St. James in the spring of that year. Monroe and Pinkney were participants in a special mission to resolve the maritime disputes over neutral rights between the United States and Great Britain, and the talks that followed were known as the Monroe-Pinkney Negotiations. These negotiations were the next step in Jefferson's attempt to deal with the increasing hostilities American merchant ships and their crews faced as they were sucked into the conflicts between France and Britain. Again and again, the neutral rights of American ships were violated by both parties as the Napoleonic Wars waged on. By 1807, conditions were getting worse for American ships, at risk of having their crews impressed by the British and their ships seized by both aggressors, France and Britain.

²⁸ Perkins, *Cambridge History* p. 124-125

James Monroe reported the outcome of the Whitby court-martial in a letter James Madison on April 20, 1807. Whitby had been acquitted, but Monroe was unable to provide Madison with more details, as “he had not heard from Mr. [George] Canning since the decision, and no statement is given in the gazettes, of the proceedings of the court.”²⁹ Monroe noted that he had stayed well out of it, believing that the “more the management of the trial was left to [the British government], the greater would be its responsibility.” The *Morning Chronicle* reported simply on April 21, 1807, that the Court, having “maturely considered the whole, were of opinion that the charge had not been proved, and did adjudge Captain WHITBY to be acquitted.”³⁰

James Monroe finally returned to the United States, arriving in Norfolk on December 13, 1807. His intention was to travel to Washington, D.C. to meet with Madison “for the purpose of giving you all the information in my power respecting our affairs with the British government.”³¹ This included a discussion with Madison about Foreign Secretary George Canning’s questions concerning impressment and the Jefferson Administration’s rejection of the Monroe-Pinkney treaty. Monroe, concerned about his political future, insisted to Madison that he be given the opportunity to protect his reputation. He wrote to Jefferson as well, in late February 1808, about the “heavy censure that had fallen” on him “in the publick opinion. . . in consequence of my having signed the British treaty.”³² Monroe informed the president that he intended to respond to Madison’s May 1807 letter in which the Secretary of State had outlined his opposition

²⁹ James Monroe to James Madison, April 20, 1807.

³⁰ *Morning Chronicle* (London), April 21, 1807.

³¹ James Monroe to James Madison, December 13, 1807.

³² James Monroe to Thomas Jefferson, February 27, 1808.

to the Treaty. He feared that his political future was sunk because of his association with the Jefferson Administration's perceived abandonment of the impressment issue.

All along, however, Monroe and Pinkney asserted that they were following the instructions given to them by the State Department. On July 24, 1807, Monroe and Pinkney had sent a letter to George Canning requesting a renewal of negotiations between the U.S. and Britain, with particular attention to be paid to the problem of impressment. "The effect of this practice is, that a flag of an independant [sic] nation is being dishonoured, and one of the most essential rights of its sovereignty violated; that American citizens, either being mistaken for British subjects or assumed to be such without inquiry, are forced from the quiet pursuits of a lawful commerce into the severe and dangerous service of a foreign military navy."³³

In the wake of the *Chesapeake* affair, in fact, Monroe had been given instructions to negotiate for the "entire abolition of impressment from vessels under the flag of the United States." However, when Canning sent a special envoy, George H. Rose, to Washington that summer, "Jefferson and Madison now reversed themselves, telling that emissary that they would not insist upon a total end to impressment."

While Monroe, among others, represented American interests in Britain during this time, Americans at home were simultaneously responding to the British closer to home, beginning with the events that began off Sandy Hook in April and continued in the months that followed. On May 3, 1806, President Jefferson issued a proclamation against Henry Whitby, as commander of the *Leander* and ordered that Whitby be apprehended to stand up for the murder of John Pierce. The *Leander*, *Cambrian* and *Driver* were

³³ James Monroe and William Pinkney to George Canning in *The Writings of James Monroe* (July 24, 1807).

prohibited from entering American ports, along with any ships commanded by Whitby and his cohorts. Jefferson further prohibited any American ships from provisioning the ships or granting them any other kind of aid.³⁴

Public sentiment clearly reflected the increased rage that Americans felt toward the Royal Navy and the British government for turning a blind eye toward the national identity of sailors aboard American ships. Many Americans aimed their hostility directly toward the Federalists, who made no attempts whatsoever to hide their support for continuing positive relations with Britain, particularly in the commercial arena. The Democratic-Republicans were less unified, some advocating for more strict policies toward Britain, while others, like Jefferson, wanted a more narrowly focused commercial attack against Britain.³⁵

Throngs of New Yorkers gathered to remember Pierce, urged by the City Council whose members hoped that all citizens would “unite with us on this melancholy occasion.”³⁶ Newspapers printed diagrams of the funeral procession that included Pierce’s brother and shipmates who were followed by Mayor Clinton, the members of the City Council, other seamen, and “citizens, four deep.”³⁷ The *Newport Mercury* reported that “thousands” attended the service, a “great number” of them “seafaring men with weeds in their hats.”³⁸ The participants were to gather at City Hall at 11 o’clock that morning before the procession was “to move through Wall-Street, Pearl-Street,

³⁴ Thomas Jefferson, *Proclamation Ordering the Arrests of British Citizens, Henry Whitby, John Nairne and Slingsby Simpson* (May 3, 1806) on The American Presidency Project, accessed September 5, 2011.

<http://www.presidency.ucsb.edu/ws/index.php?pid=65715#axzz1f3xiYEhp>

³⁵ Perkins, *Cambridge History of American Foreign Relations, Vol. I* p. 123.

³⁶ *The Morning Chronicle* (NY), April 28, 1806.

³⁷ *Chronicle Extra* (MA), May 5, 1806.

³⁸ *Newport Mercury* (RI), May 5, 1806.

Whitehall-Street and Broadway to St. Paul's Church" where Pierce's body would be interred.

The New York press, however, would not refer to the shots fired at Pierce's sloop as an "incident." Instead, the headline read "Murder!" in the *Morning Chronicle* of April 28th. "Having captured several outward bound American vessels, within the American jurisdiction, [the British] have at length consummated their wickedness by the *MASSACRE* of a peaceable *AMERICAN*." That American was Jesse Pierce's brother, John. The newspaper described the incident as an act of murder. Pierce had been killed when the H.M.S. *Leander* "wantonly attacked" the *Richard*, "within a *quarter of a mile* from the shore—within the *American jurisdiction*. . . ." The press reported that this was a "horrible outrage" that "baffles all comment."³⁹

For over a month after Pierce's death, American newspapers up and down the East coast reprinted the details of Britain's continuing violation of American ships' and seamen's neutral rights. The tone in the press was clear: Pierce's death was the inevitable consequence of a malicious and hostile blockade of American harbors and ports on the part of the Royal Navy. Impressment of American seamen and attacks on merchant ships on the high seas were bad enough. But the death of seaman Pierce added insult to injury. The *Leander*, along with at least two other Royal Navy ships, was anchored in Sandy Hook, lying in wait, or so it seemed, for American vessels returning from overseas, hunting down contraband and British sailors masquerading as American seamen. John Pierce of 55 Mulberry Street in Lower Manhattan, a native of Delaware, was not lost at sea thousands of miles away from home. He was in American waters in

³⁹ *Morning Chronicle* (NY), April 28, 1806

his own home port when he was killed as a result of the actions of Whitby and his crew on board the *Leander*.

Fraternal organizations, political groups and others quickly resolved to send their condolences to the family of John Pierce. One of the first was the Tammany Society, founded in 1786 by William Mooney. Mooney was a veteran of the American Revolution, having served in the infantry. He organized the Tammany Society to counter the existence of the Society of the Cincinnati, the result of Major General Henry Knox's desire to create a fraternity of men who had served as officers in the Continental Army. The Tammany Society had branches throughout the country and had developed into an important political institution, particularly in New York City, where its members became vocal opponents of the Federalist Party. To men like Mooney, the Federalists represented elitism in government, just as the Society of the Cincinnati had represented the elitism of the military.⁴⁰ The Tammany Society offered young men in particular the chance to be part of a fraternal organization. It is not surprising, then, that the Society's members would voice their opposition to the conduct of the British in support of hard working men like those aboard the *Richard*. The Tammany Society convened to pass a series of resolutions, including one to attend the funeral procession and one to request their Grand Sachem "to communicate, to the relatives of the deceased, a letter of condolence, expressive of the sentiments of the Tammany Society on this subject."⁴¹

While outwardly showing their support for the suffering of the Pierce family and all American seamen at risk of being impressed, the death of John Pierce also provided

⁴⁰ Tammany Society. Journal & Rules of the Council of Sachems of Saint Tammany's Society. Manuscript on paper, 1789 - 1796. RBML, Kilroe Tammaniana Collection found on "Jewels in Her Crown: Treasures of Columbia University Libraries Special Collections." Accessed September 5, 2011.

http://www.columbia.edu/cu/lweb/eresources/exhibitions/treasures/html/long_topic3.html

⁴¹ *Chronicle Extra* (MA), May 5, 1806.

the Society with an opportunity to express their opposition to the British and any American associations with that government. In doing so, the Tammany Society was striking a public blow at their political enemies, the Federalists. Two of the resolutions reflected these sentiments: “That this society view with the strongest sentiments of indignation, the conduct of the British in stationing their ships off our Harbour, and violating our lawful commerce.” They next resolved, less explicitly but with a clear target in mind, that “this Society is ready to unbury the Tomahawk, whenever their COUNTRY’S GOOD requires it.”⁴²

The *Chronicle* of May 5th reprinted the Tammany Society’s call to order: “Brothers! The die is cast--the disturbers of the world’s peace have spilt the innocent blood of your countryman, John Pierce!” Tammany secretary James D. Bissett called upon the members to wear “bucktails in their hats” and black armbands when they joined their fellow mourners in the funeral procession. He warned them, however, “to appear without your tomahawks, your bows or your arrows.” He continued, “You will have tomahawks well sharpened, arrows pointed and your bows well strung. The enemy are on our borders. The black belt of wampum, stained with American blood, it now before your eyes in the great Council- Chamber of the nation.”⁴³ The imagery of Native American attire and weaponry played a significant role in the workings of the Tammany Society with regard to class in America, but that imagery could easily translate to a representation of animosity toward the Royal Navy and the king whose actions fueled the Revolutionary War itself, George III. Aware of this, the London *Morning Chronicle*

⁴² *Chronicle Extra* (MA), May 5, 1806.

⁴³ *Morning Chronicle* (NY) April 28, 1806.

noted that “at various meetings violent Resolutions were adopted”⁴⁴ by many organizations.

Another of these meetings was held by Federal Republicans on April 26th in the wake of Pierce’s death. Members met at Tontine Coffeehouse to pass a series of resolutions calling for the reinforcement of the defenses of the port of New York. The members openly criticized the policies of the federal government and its relationship with Great Britain, resolving “That an Administration which consents to pay money to avoid foreign insolence, or to prevent the violation of national rights, while it sells and dismantles its naval force, instead of increasing and preserving it, for the defence of our ports and commerce, prostrates the national honour, endangers the public safety, and invites both injustice and injury.”⁴⁵ Clearly, it did not take long for the incident to become politicized, at the local, state and federal levels, both inside and outside of New York City. The Federal Republicans further advocated that American merchants no longer provision British ships at Sandy Hook and that the Jefferson Administration respond to the death of John Pierce “with the adoption of prompt and vigorous measures to prevent a repetition of such wanton and inhuman conduct, and so vagrant a violation of our national sovereignty.”⁴⁶

Just a decade earlier, George Washington had bid farewell to his fellow citizens as his second term ended, famously warning them against the dangers of political factionalism:

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit

⁴⁴ *Morning Chronicle* (London), June 4, 1806.

⁴⁵ *Morning Chronicle* (London) June 4, 1806

⁴⁶ *Morning Chronicle* (London) June 4, 1806

of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.⁴⁷

Newspapers became the feeding grounds for both Federalists and Democratic-Republicans hungry for incidents at the local level to fuel the intense animosity of the political discourse of the Early Republic. In the same article that carried the headline “Murder!” with regard to Pierce’s death, the writer continued by focusing not on national outrage to the event, but instead to criticize the politicization of Pierce’s death by elected officials, particularly DeWitt Clinton, mayor of the city of New York and his uncle, Vice President George Clinton, first governor of New York. “We are sorry to be compelled to remark that this murderous violence, which ought to awaken all the indignation, and to arouse all the energies of every AMERICAN, has already been rendered subservient to the purposes of party.”

Why were the Clintons such an affront to solid Americans everywhere? Much of the front page of May 28th’s issue of the *Chronicle* was dedicated to the Clintons. According to one article, while New York Governor Morgan Lewis managed to appropriate federal funds for the defense of the city’s harbors, DeWitt Clinton, “with a view to injure the popularity of Governor Lewis, reported a paltry resolution, to DEFEND this all important post, by a few *Albany sloops and insignificant flotillas!*” This

⁴⁷ “Washington’s Farewell Address” (1796) Accessed September 3, 2011.
http://avalon.law.yale.edu/18th_century/washing.asp

was the stand the Federalists took against the Jefferson Administration, as well as the Democratic-Republicans like the Clintons who supported him.

Two days after Pierce's very public funeral, a "numerous and respectable meeting of American seamen" took place at Hardy's tavern on Orange Street. The target of their ire was not Henry Whitby, the crew of the *Leander*, the Royal Navy or even the British government. Instead, the sailors gathered in the tavern that night made their own unanimous resolutions, including one: "That the monies paid by Mr. Jefferson, for the wild lands of Louisiana, would have been better applied in building seventy-four gun ships."⁴⁸ The *Connecticut Courant* reprinted an article "For the Jack-Tars of New York!" on May 7, 1806, which reported on the seamen's other resolutions, including one in which the seamen announced that the "present ruling party have treated the American Seamen with neglect and injustice—that the *Federal party are our Friends*, and that they deserve our thanks for the exertions in our favor." Clearly, the death of John Pierce had been co-opted by both sides of the political aisle. Jefferson had ignored the plight of American sailors for far too long and left them unprotected from ship seizures and impressment. The sailors did not hesitate to make their criticism of President Jefferson personal, unanimously resolving, too, that "the president. . . had better be employed in asserting the rights, defending the honour, and protecting the flag of the country than in stuffing raccoon skins and dissecting new discovered animals."⁴⁹

It took longer for word of the death of John Pierce to reach the London papers than it did for the British press to recognize that party lines had already begun to color the story in the United States. "It appears by the American papers that a very great sensation

⁴⁸ *The Newcastle Courant* (Newcastle-on-Tyne) June 7, 1806

⁴⁹ *The Newcastle Courant* (Newcastle-on-Tyne) June 7, 1806; *Connecticut Courant* (Hartford), May 7, 1806

has been excited in the United States by an occurrence that lately happened there, but the accounts are so disfigured by party prejudice, that little reliance can be placed upon them.”⁵⁰ Aware of the political nature of American newspapers, the London *Morning Chronicle* did not hesitate to remind readers of that fact before providing them with the details of the *Leander* affair.

The *Morning Chronicle* of London described the incident to its readers: “At the end of April, the *Leander*, Captain WHITBY, cruising off Sandy Hook, fired at several American coasting vessels to bring them to. One of them, the sloop *Richard*, appearing to disobey the signal, after an interval of several minutes, a shot was fired, and the ball killed one JOHN PEARCE, a hand on board the vessel.”⁵¹ The rest of the account, based on the affidavits of Pratt and Jesse Pierce, differed very little from what American papers described. It was clear, however, that the British position was that the Royal Navy had the right to board American ships returning from the high seas to search for British sailors and contraband. Not only that, but the *Chronicle* also responded to the increasing accusations in the American press that that Royal Navy had established a blockade at the port of New York. The evidence? The presence of the *Leander* and the two other British ships at Sandy Hook in April was clearly accidental.

However, to justify the actions of Whitby and his crew, the *Chronicle* continued: “[N]o one can suppose that British Officers, commanding ships of war, would do so without instructions, and without good right, seeing as they must know the responsibility under which they act, and the certain punishment that would overtake them if they compromised the character of their country with wanton vexations and unauthorized

⁵⁰ *Morning Chronicle* (London), June 4, 1806.

⁵¹ *Morning Chronicle* (London), June 4, 1806.

aggressions.”⁵² In other words, since Whitby and his men knew the punishments meted out by the Royal Navy for disobedience, they would not be foolish enough to take matters into their own hands and fire upon an American ship without cause.

And the *Chronicle* clearly recognized the level of feeling expressed once Pierce’s body was brought ashore, reporting that the emotions of the people were “violently enflamed.” The mob “carried the body about in procession, and seized a quantity of provisions intended for the British ships on the station, and carried them off to the Alms-house.” That same day, the London *Chronicle* printed more details of the night that Pierce was killed. Once his body reached shore, it “has been exposed all this day at Burling’s Slip, to thousands of spectators. It is to be lodged tomorrow at the Tontine coffeehouse or the City-Hall, for public view.” The reprinted letter continued, “The minds of the inhabitants were wrought up to a pitch of actual madness.”⁵³

The rabble-rousing of the seafaring class of Americans did not concern the British as much as the impact of the case on diplomatic relations between the two countries. The affidavits of Pierce and Pratt, for example, seemed to justify the actions of the men aboard the *Leander*. “There can be no doubt, however, that the shots from the *Leander* were fired to make the *Richard* bring to. There even appears evidence from Pearce’s [sic] deposition that he did not mean to obey.”⁵⁴ To the Americans, however, the attack on the *Richard* was clearly a violation of their rights as citizens of a country whose neutrality had been recognized by the British government. Here is the controversy that would lead the United States and Great Britain to war once again just a generation removed from the Peace of Paris that ended the American Revolution. Did the Royal

⁵² *Morning Chronicle* (London), June 4, 1806.

⁵³ *Morning Chronicle* (London), June 4, 1806.

⁵⁴ *Morning Chronicle* (London), June 4, 1806.

Navy have the authority, the right to press American sailors into service? Did the practice of impressment enflame the emotions of the American public so much that the federal government had to respond with a declaration of war against the British in 1812? Did the American public's understanding of their rights as citizens of a neutral nation inform their actions in the public square as well as in the press in the years leading up to the War of 1812?

The meaning of the actions of the crowds of men and women who gathered in the streets of New York to attend the funeral of John Pierce in 1806 were co-opted by all sorts of political groups, mainly Democratic-Republican, as examples of the kind of tyranny that Britain continued to represent. Americans were in danger of being drawn back into the fold if Federalists had any say in the matter. It was they who continued to curry favor with the British Crown, not the Republicans. The Republicans represented the interests of small farmers and other hardworking men of the Republic, not the interests of greedy merchants who controlled prices and cheated farming and seafaring communities alike.⁵⁵ During the years prior to the American Revolution, elites aligned themselves with merchants, striking out against the British government not because they opposed their authority, but because local colonial economies were suffering. Up until the eve of the War of 1812, American newspapers invoked the name of Pierce to symbolize the injustice of the Royal Navy as impressments continued year after year.

Protests against the *Chesapeake-Leopard* affair followed in a manner similar to what happened in New York in 1806 after the death of John Pierce. It is almost

⁵⁵ Paul Gilje, *Liberty on the Waterfront: American Maritime Culture in the Age of Revolution* (Philadelphia: 2004). Here, Gilje asserts that the same was true in the wake of the *Chesapeake* affair, as well as the reaction to the Embargo Act of 1807. Even as the American economy suffered from the consequences of the embargo, Democratic-Republicans organized public ceremonies to demonstrate the party's support of the "yeoman farmer and the honest tar." p. 147.

impossible to find a timeline of the War of 1812 that does not include or even highlight the *Chesapeake-Leopard* affair as a major event on the road to America's second war with Great Britain. As Paul Gilje has noted, the British attack on the U.S.S. *Chesapeake*, which resulted in the death of four Americans, fueled the outrage American maritime communities felt toward Great Britain all along the eastern seaboard.

The conflict took place in Norfolk, Virginia on June 22, 1807 and led to the deaths of four men (three that day). Reactions to the death of one seaman in particular, Robert MacDonald, who died at the Norfolk Marine Hospital on June 25, 1807, followed a pattern similar to that of John Pierce. "An assemblage of civic officials, military figures, and common citizens almost 4,000 strong marched through Norfolk streets following MacDonald's remains to Christ's Church."⁵⁶ Cray finds that the actions taken by those who responded to the deaths of those four American sailors, John Lawrence, James Arnold, and John Shukly (died on board the *Chesapeake*) and Robert MacDonald (died days later at Norfolk Hospital) were inspired by their "revolutionary recollections." The citizens of Norfolk and Portsmouth met and in heady language, referred to the "tyranny" of the Royal Navy and the "assassination" of the seamen. They toasted the "heroes of the Revolution" at a dinner in Norfolk that "attracted close to 700 persons." He wonders whether this kind of rhetoric changed the nation's attitude toward the American sailor. After all, "British sailors had blasted a broadside against the U.S.S. *Chesapeake*, a community afloat in the new republic's service." But the jack tars, Cray argues, were marginalized members of American society in the Early Republic. They spent most of their time at sea, with a "tenuous attachment to coastal communities." But more than that, while they were on the frontlines when on the high seas and therefore

⁵⁶ Robert E. Cray, Jr., "Remembering the USS *Chesapeake*."

more vulnerable to the imperial policies of Great Britain than any other group of Americans, their plight was mostly ignored by the government. What he concludes about this incident is that the government as well as the public had very short attention spans when it came to hostilities committed by the British against the maritime community, particularly those at sea. By December 1807, newspaper publishers shifted focus and covered the Embargo Act.⁵⁷

⁵⁷ Cray, "Remembering the Chesapeake," p. 446-449, 456.

Chapter III: Conclusions

The antagonism toward the Royal Navy in 1806 and again in 1807 did not come from public outrage at the deaths of great naval officers or heroes. Instead, John Pierce, who died aboard the *Richard* and Robert MacDonald, a crewman aboard the *Chesapeake*, were ordinary seamen. They had not performed a heroic deed or saved other men from a watery death in the open seas. In the case of Pierce, he died not far from shore near Sandy Hook, fatally injured on deck when the H.M.S. *Leander* fired at the ship captained by his brother, Jesse. Robert MacDonald died in similar fashion just over a year later, again the victim of what Americans believed to be the unwarranted aggression of the Royal Navy. What is surprising about the public response to these deaths is the economic class of the men who died. Pierce served aboard a merchant ship. Consequently, his pay and the conditions on board ship were probably better than those experienced by MacDonald, who served aboard a U.S. naval frigate. To fill their crews, the Navy looked to newly arrived immigrants and lower born men, not drawn by dreams of shipboard glory, but by the promise of a regular income and, more likely, rum. Cray acknowledges that there were exceptions, common seamen whose acts of bravery were memorialized in the popular press and often in song.¹

There was another significant difference between the attack on the *Richard* and the *Chesapeake*. The British believed that there were British seamen on board and they had names. In fact, the British had complained to the State Department without satisfaction. Commodore James Barron, captain of the *Chesapeake* countered that David Martin (described in official papers as a “native American” or an “Indian looking man”),

¹ Cray, “Remembering the Chesapeake,” p. 452.

William Ware, (an African American) and John Strachan had been impressed and taken aboard the H.M.S. *Melampus*.

Jenkin Ratford was a British sailor, but when he joined the crew of the *Chesapeake*, he used a false name, John Wilson. The press also reported that Ratford, who was eventually executed, had been found aboard the *Chesapeake*, “hid in the coal hole of that frigate.”² Ratford stated at his trial in Nova Scotia, that he had “hid in the coal-hole because of his fear of the Americans making him fight his own country, which he declared he would not do on any account.” These words certainly are not surprising given that he was facing execution.³ The crew of the *Leopard* was following the orders of Admiral Sir George C. Berkeley, who wanted the desertions to end and to prevent the Americans from continuing to harbor the fugitives on board their ships. The *United States Gazette* reported on June 27th that despite an investigation that determined that three men wanted by the Royal Navy for desertion were in fact American seamen pressed into service, and that “the affair seemed to be settled to mutual satisfaction, that the frigate, *Leopard* had “poured a whole broadside against the *Chesapeake*,” killing three men.⁴

Part of the furor over the *Chesapeake* stemmed from the deaths of innocent Americans. It was not the men accused of deserting from the Royal Navy who were injured or killed, but fellow American citizens. MacDonald’s death notice appeared throughout the country. The *Alexandria Daily Advertiser* of July 3, 1807 reported on both the sailor’s death as well as his funeral, “attended by nearly 4000” in a procession that ended at “Christ Church, where an appropriate, impressive and patriotic discourse

² *Newburyport Herald* (MA) September 22, 1807

³ *Hampshire Gazette* (MA) September 23, 1807

⁴ *United States Gazette* (DC) June 27, 1807

was delivered to a most numerous congregation.”⁵ This followed a pattern similar to Pierce’s a year earlier, with much fanfare and public participation. At the same time that MacDonald and the other victims of the *Chesapeake* were mourned and celebrated, the commodore of the ship, James Barron, faced a court martial. Newspapers reported that the vessel was “in every respect unprepared for action.”⁶ Barron himself conceded that they were “unprepared and unsuspecting” on board the *Chesapeake* and able only to mount a “feeble” defense.⁷ “As commander, Barron had failed to perform honorably and protect his crew and his men. He was found guilty at his court martial and was suspended from service for five years beginning in 1808.

Cray recognizes that Americans were outraged at the way in which individual seamen and ships were targeted by the Royal Navy and equated those vile acts with the tyranny of the Revolution. But he is less convinced that Americans were really all that bothered by impressment. The focus, he argues, of the petitions and resolutions were therefore, not against the practice itself. In the case of the *Chesapeake*, the four men who were taken off the ship were soon targets of a politicized press, while the *Chesapeake* affair, along with the death of John Pierce and the ongoing often strained negotiations between Britain and the U.S., fueled the Jefferson Administration to take action against the British much more strongly than it had the previous year with the Nonimportation Act. The Embargo Act of 1807, passed in December, prohibited U.S. ships from carrying exports outside the country. The impact, as Paul Gilje points out, was devastating to the American, not European, economy.

⁵ *Alexandria Daily Advertiser* (VA) July 3, 1807.

⁶ *United States Gazette* (DC) June 27, 1807.

⁷ *National Intelligencer* (DC) Nov. 18, 1807

Rather than leading to war, Jefferson hope that strong action against Britain in the wake of the Chesapeake affairs would lead to concessions on their part. In some ways, the federal government's immediate response was similar to what took place in the wake of Pierce's death. Ports were closed to all Royal Navy ships (in the aftermath of Pierce's death, the three ships involved were banned from U.S. ports) and as happened in New York in 1806, American merchants were barred from provisioning Royal Navy ships. Succumbing to pressure that had been building since the death of John Pierce, the Jefferson Administration approved the construction of more armed naval ships, small gunboats that were cheaper to build than frigates.⁸

As the U.S. neared war with Britain, however, impressment, and more specifically, the death of John Pierce and other American sailors "martyred" like him at the hands of the Royal Navy, were invoked whenever politicians gathered, campaigned or spoke in favor of war. A gathering of Republicans in Charleston in 1808 ended with seventeen toasts, among them one to "The 22nd of June, 1807—Poor Pierce's shade complains that we are slow, McDonald's ghost walks unavenged amongst us!"⁹ Thomas Jefferson's son-in-law, John W. Eppes, hoping to win re-election to Congress after a losing bid the year before, published a plea to Virginia voters in 1812. Outlining the crimes committed against the U.S. by the British and pledging to support the war effort if reelected, Eppes including the murder of John Pierce by Henry Whitby among them.¹⁰

The *National Intelligencer* reported on the proceedings of the House of Representatives in May 1810, including the continuing debates over the proposed

⁸ A.J. Langguth, *Union 1812: The Americans Who Fought the Second War for Independence* (New York: 2006), p. 133

⁹ *National Intelligencer* (DC.) November 2, 1808

¹⁰ *National Intelligence* (DC), August 15, 1812

reduction to the size of the Army and Navy. Richard M. Johnson, a Democratic-Republican from Kentucky reminded his fellow congressmen of the injuries committed against the United States repeatedly by the political maneuverings of the French and the blatant outrages of the British against American commerce. “I will not go back for causes to justify a system of resistance. I would not go back to past events, and I would leave out of the question, if gentlemen wish it, the burning our vessels on the high seas—the confiscation of our property in port—the imprisonment of our citizens—the murder of Pierce—the attack upon the Chesapeake—the impressment of our seamen: and still I should find cause to justify the most energetic measures against France and Great Britain.”¹¹ Johnson was not ready to argue for war, but instead to support the enforcement of the Nonimportation and Embargo acts of 1806 and 1807.

As the House continued debates over naval appropriations in January 1812, fellow Republican, William Lowndes of South Carolina argued against Johnson’s assertion that five frigates were enough to protect American commerce on the grounds that the eastern seaboard was already vulnerable to attacks from a much larger fleet of British ships stationed out of Halifax and the West Indies. More than that was the refusal of the federal government to allow the ships that Navy did have to take the offensive against this threat. “The death of Pierce might have been revenged, and the disgrace of the Chesapeake obliterated if these five frigates had been sent a cruising. We did not want force but spirit to employ it.”¹²

Teddy Roosevelt may have believed that Americans were particularly prepared to fight the British at sea not in spite of, but because of impressment, Henry Adams offers a

¹¹ *National Intelligencer* (DC) May 23, 1810

¹² *National Intelligencer* (DC) March 7, 1812

different view of the American navy on the eve of the War of 1812, at least with regard to ship-readiness. The naval force included only eight frigates of various strength, all of which had been built, according to Adams, “by Federalist Congresses before President Jefferson’s time.”¹³ Of those ships that were in service, “few” were in “first-rate condition.” As far as Adams was concerned, Congress was entirely to blame for lack of ships and lack of readiness found in the ships of the line. The original plan for the use of the American navy once war was declared, was to station naval ships outside eastern ports to protect merchant ships heading from Europe toward those ports with “one to one-and-a-half million dollars a week” in commerce. As for seamanship, however, Adams wrote that while the American navy demonstrated their inexperience and sometimes plain dumb luck right from the start of the war, they also proved their ability to outmaneuver the Royal Navy early on, when the U.S. *Constitution* made its way up the east coast from Annapolis to New York and encountered a British squadron sailing from Halifax to New York. Less than a month later, the *Constitution* met the *Guerriere* off Sandy Hook. “In less than thirty minutes from the time we got alongside of the enemy, she was left without a spar standing, and the hull cut to pieces in such a manner as to make it difficult to keep her above water.” Adams noted in his description of the American victory the level of British arrogance that had led to what he called a “duel” between these two ships. The American victory, he noted, had to do with the superiority of the American ship in size and strength, as well as the “better and more intelligent” American seamen and officers, who had a “passionate wish to repay old scores, [giving] them extraordinary energy.”¹⁴

¹³ Henry Adams, *The War of 1812* (New York: 1999 (reprint)), p. 37.

¹⁴ Adams, *The War of 1812*, p. 39.

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Vita

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