JAMES MADISON AND THE PATRONAGE PROBLEM,
1809-1817

THESIS

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CHAPTER I
INTRODUCTION

Historians and political scientists have written prodigiously on the long, versatile, and at times brilliant political career of James Madison, who, as a politician from Virginia, prolific writer, and an incisive thinker, became Thomas Jefferson's secretary of state, and president of the United States from 1809 to 1817. Over the years, however, there has been little consensus in American historiography concerning the effectiveness of Madison's career as president. This widespread divergence of opinion among scholars relating to his presidency is largely centered on the seemingly complex nature of Madison.

Madison's foes equated his reserved nature with indecisiveness, weakness, timidity, insincerity, and vacillation. He is alleged to have been controlled by powerful politicians in Congress such as William B. Giles, Samuel Smith, John Randolph, William Cary Nicholas, Michael Leib, and Samuel Mitchell. Also, according to these detractors, Madison's patronage policy was controlled by Jefferson from Monticello. Jefferson is alleged to have advised and influenced,
if not dictated, all important actions of Madison's administration. The thesis that Madison was inept and dominated by others is given scholarly respectability in the works of Henry Adams, Synder Howard Gay, Albert J. Beveridge, Carl Russell Fish, Wilfred E. Binkley and Leonard D. White.¹

However, Madison's admirers, among both contemporaries and later historians, have presented a different picture. To them he was not timid or indecisive but rather a strong-willed, courageous and dedicated president. Unfortunately, Madison's friends went to extremes in their attempt to make a hero of him. By doing this many of his blunders were glossed over, and extravagant claims were made for him. He was elevated to an almost godlike position. This viewpoint is treated in a scholarly manner by authors such as Roy J.

Honewell, Irving Brant, Gaillard Hunt, Adrienne Koch and Ralph Ketcham.²

In view of the conflicting positions taken by scholars concerning Madison's career, especially his presidency, this thesis will concentrate specifically on his patronage policy while he served as president of the United States. Madison assumed the position of chief of state at a critical time in American history. The United States faced war with either France or Great Britain. In addition, the country had been tragically divided over the recently repealed Embargo Act. The Republican party was torn by dissension. These conditions had a profound impact on Madison's patronage policy.

By the time President Jefferson's second term ended, a powerful opposition had formed against James Madison, Jefferson's chosen successor. John Randolph of Roanoke, who had broken with Jefferson's administration, now turned his eloquent and venomous attacks on Madison. Furthermore,

he attempted to defeat Madison by supporting James Monroe of Virginia and George Clinton of New York. The "Quids," sometimes called a third party, united with the "Old Republicans" in making charges against Madison, which served to divide the Republican party and cast doubts on Madison's integrity. The Federalists attempted to capitalize on the noticeable dissension among the Republicans by running Charles C. Pinckney of South Carolina and Rufus King of New York for president and vice president. Thus, the presidential contest of 1808 was a prelude to the bitter opposition that Madison would face throughout his administration.
CHAPTER II

THE OPPOSITION FORMS

James Madison's candidacy and victory in the presidential election of 1808 foreshadowed the problems that he was to face with recalcitrant Federalists, ambitious politicians and greedy senators throughout his eight years as president of the United States. Madison's loyalty to Jefferson and the role he played in formulating Jefferson's domestic, economic and foreign policies alienated many conservative Republicans. This alienation led to vicious charges against Madison and intensified the dissension within the Republican party which became noticeable during the closing months of Jefferson's second administration. Furthermore, the lack of party unity greatly hampered Madison's presidency.

When Jefferson had made his announcement that he would not be a candidate for a third term, the difficulties of choosing his successor became evident.¹ The plethora of

candidates, intrigues, and the scurrilous tactics used by various campaign managers confused the issues for the voters. Aspirants for the Republican nomination were James Madison of Virginia, James Monroe of Virginia, and George Clinton of New York. Clinton was running for vice-president on the regular ticket and as a presidential candidate on his own ticket in New York State. In addition, the Federalist ticket was headed by Charles C. Pinckney of South Carolina and Rufus King of New York.

Seemingly, the most logical successor to Jefferson in 1808 was James Madison. His profound writings in the Federalist Papers on the Constitution and other issues and his opposition to Alexander Hamilton's management of the treasury department laid the philosophical foundation for the Republican party. As secretary of state for eight years during Jefferson's administration, he was intimately involved with the problems that faced the nation. James Monroe had served his country in various capacities: as minister to France; as Envoy Extraordinary to France to join the resident minister, Robert Livingston to help negotiate a treaty for the purchase of Louisiana; as minister to England and as a special minister to Spain.²

²Henry Adams, History of the United States of America During the Administrations of Thomas Jefferson and James
George Clinton, the elderly vice-president, had been one of the most popular and powerful governors of New York. While serving as governor of New York for an unprecedented seven-year term, Clinton opposed the ratification of the Constitution of the United States and established himself as a master politician. By 1804, Clinton's popularity enabled him to defeat Aaron Burr for the vice-presidency of the United States. In 1808, he entered the presidential contest as an insurgent Democrat with a policy highly acceptable to the Federalists. Both Charles C. Pinckney and Rufus King had previously held diplomatic positions. Pickney had been minister to France and served on a special mission to France with John Marshall and Elbridge Gerry. Rufus King had served as minister to England. Both Pinckney and King had experienced defeat in previous elections. Pinckney was defeated as a vice-presidential candidate in 1796 and 1800


and as a presidential contender in 1804. King was Pinckney's vice-presidential running mate in the election of 1804.

Shortly after Jefferson announced his decision not to be a candidate for a third term, there developed a determined and vigorous effort among certain political groups to block Madison's nomination. One of the earliest and most vocal groups was the "Old Republicans," a group of men who became increasingly critical of Madison and Jefferson because of their alleged defection from the pristine purity of Republican principles. The Old Republicans based their political philosophy on the belief that agriculture was the only secure economic basis of society. They favored limited central government, opposed the extension of the franchise to the propertyless class, favored rigid devotion to states' rights, and rejected the nationalism which characterized the foreign policy of Jefferson and Madison.

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Because of Jefferson's popularity, his unique place in the affections of the Republican leaders and his seeming invulnerability, Madison, who stood for federalism, nationalism, and mercantilism, was cast in the role of the evil genius who had debauched the president and made the Republican party neo-Federalist. John Taylor of Caroline, a leading Old Republican, had reservations about Madison, which he said arose chiefly from an opinion "that the book called the federalist, is full of federalism, if I understand what federalism is." Taylor found views in The Federalist "nearly resembling the obnoxious doctrines in John Adams book;" thus he confessed: "My inclination towards Col. Monroe's election, turned upon the supposition, that his principles differed from those in the Federalist, which I thought wrong."

John Beckley, an old political associate of Madison and former clerk of the House of Representatives, confidentially reported to Monroe in the summer of 1806:

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Madison is deemed by many, too timid and indecisive as a statesman, and too liable to a conduct of forebearance to the federal party, which may endanger our harmony and political safety. It is believed that in you, with equal knowledge of and talents to direct our foreign relations, the known energy and decision of your character would effectually put down all federal views of disuniting us, and ruling themselves.

Occasionally uniting with the Old Republicans to oppose Madison were the "Quids." This term was used to describe a vociferous group of congressmen who joined John Randolph of Roanoke in opposing Republican policies during and after the congressional session of 1805-1806. However, the term "Quid" was deceptive because it was used to describe some of the supporters of Madison and Jefferson as well. Also, one Quid, Nathaniel Macon of North Carolina, asserted his independence by declaring his support for Albert Gallatin in the presidential election of 1808.

7 John Beckley to Monroe, 13 July 1806, Monroe Papers. The charge of timidity was constantly used against Madison by his opponents. See Enquirer 39 March 1808.


critic and implacable foe of the candidacy of Madison was the eloquent and eccentric Randolph. Responding to Jefferson's decision to retire, he said,

I regret exceedingly Mr. Jefferson's resolution to retire, and almost as much the premature annunciation of that determination. It almost precludes a revision of his purpose, to say nothing of the intrigues which it will set on foot. If I were sure that Monroe would succeed him, my regret would be very much diminished.  

Randolph expressed a fear of intrigue being used in the election of 1808, yet he became a master of this tactic by the vicious charges that he made against Madison.

One of the earliest and most unrelenting of Randolph's charges against Madison was that of being a "Yazoo Man." This title had reference to the famous Yazoo controversy.  

Madison had been a member of a commission which also included Attorney General Levi Lincoln and Secretary of the Treasury


Albert Gallatin. President Jefferson appointed the commission to arrange cession of Georgia's western lands, of which 35,000,000 acres had been sold to rich speculators by a bribed Georgia legislature in 1795. A year later (February, 1796), after exposure of the fraud, the legislature repealed the sale. The rescinding of the 1795 sale posed a problem to innocent third parties, who may have had no knowledge of the corruption involved in the transaction. Also, to uphold such a fraudulent deal would earn millions for dishonest speculators. To resolve this dilemma, the commissioners recommended a compromise by which the state of Georgia would set aside 5,000,000 acres of her land to satisfy the claimants. Randolph attacked the report because of his belief that it was an invasion of the sovereignty of the state of Georgia, whose legislature had repealed the sale. Also, he bitterly criticized an administration that sanctioned such atrocious public robbery. Randolph could not understand men who admitted wholesale fraud and then would dispense public funds to the perpetrators. For their part in the settlement Madison and the other commissioners and their

supporters were charged with "collusion . . . bribery . . . deceit . . . and compromise of principles."\textsuperscript{13}

Randolph continued his vituperations against Madison the next year (1806) by assailing him for his role in an attempt by Jefferson to acquire West Florida from Spain. In 1803 Jefferson and Madison claimed that West Florida was included in the Louisiana Purchase. Their contention was based on the Treaty of San Ildefonso of 1800, by which Louisiana had been retroceded by Spain to France. According to the treaty, the territory of Louisiana was to have the same boundaries as when France possessed it. Under French possession, prior to 1763, Louisiana included the entire Mississippi Valley, from the Appalachians to the Rockies.

West Florida was important to the United States because through it flowed the major rivers of the Southwest, and it contained the finest natural harbor on the Gulf Coast, Mobile Bay. President Jefferson sent James Monroe on a special mission to Madrid in an attempt to purchase the territory.

After Monroe failed to gain West Florida through negotiation, Jefferson toyed with the idea of occupying it by force. While considering this drastic step, he received a note from Count Talleyrand, French minister of foreign affairs, suggesting that France would be willing to see to it that Spain settled the West Florida question and the boundary issue between Louisiana and Texas for a $10,000,000 bribe. ¹⁴

On December 3, 1805, Jefferson sent his annual message to Congress, which was extremely harsh in tone. He dwelt at length on the troubles in Europe. He gave special attention to the troubles that the United States were having with Spain, particularly on the southwestern frontier, and informed Congress that he had ordered the army to repel by arms any similar aggressions in the future. ¹⁵ This message led some observers to believe that Jefferson had not given up the idea of possessing West Florida by force.


Three days later Jefferson sent a special message to Congress which was less belligerent in tone. It suggested that the Florida question could be resolved by negotiation. However, instead of informing Congress of the proposal made by France, Jefferson suggested "that Congress alone is constitutionally invested with the power of changing our condition from war to peace." Expanding this vague suggestion, he said, "But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or deny." He concluded with these words: "To their wisdom [Congress] then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve." 16

Apparently, Jefferson had consulted with Madison in detail concerning his plan to purchase West Florida. In a letter to Madison, Jefferson gave him an outline of his plan, which stated that the United States was in favor of paying $2,000,000 immediately for Florida and $3,000,000 after the transaction had been completed. This plan was given to Madison for the purpose of aiding him in formulating instructions to the ministers responsible for carrying out the

16 Ibid., 1:376-78.
negotiations with Spain. Acting on Jefferson's plan and working in close harmony with him in his efforts to purchase West Florida, Madison sent the following instructions to John Armstrong, minister to France, and James Bowdoin, Jr., minister to Spain:

The object with the United States is to secure West Florida, which is essential to their interest, and to obtain East Florida, which is important to them, procuring, at the same time equitable indemnities from Spain for the injuries for which she is answerable, to all which the proposed exchange of territory and arrangement of the western boundary may be made subservient.

Following these instructions, Madison stipulated that the sum to be made payable to Spain for her cession was not to exceed $5,000,000.

With Madison's support in helping him to formulate plans for carrying out his scheme to purchase West Florida, Jefferson sent his message of December 6, 1805, to a select committee composed of John Randolph as chairman, Joseph H. Nicholson of Maryland, John Cotten Smith of Connecticut, Gurdan S. Mumford of New York, David R. Williams of South Carolina, Barnabas Bidwell of Massachusetts, and Robert Brown of Pennsylvania. Randolph later wrote a series of

articles for the *Richmond Enquirer* under the title "Decius" telling of the events that took place. He related how he told President Jefferson of his willingness and readiness to cooperate, as far as his principles and judgment would permit, in such as the executive might have devised for the occasion. Randolph said that he had learned with some degree of surprise that Jefferson had requested an appropriation of $2,000,000 to purchase West Florida. Angered by this stipulation, he told Jefferson that he would never agree to such a measure because the money had not been requested in the message. Furthermore, Randolph told Jefferson that he would be adverse to granting it because, after the total failure of every attempt at negotiation, such a step would disgrace the United States.\(^{19}\)

The committee met on December 7, 1805, but it failed to reach a decision on the president's request. A few days after the meeting, Randolph decided to take a trip to Baltimore, returning seven days later. Prior to his leaving, he called on Madison, who told him "that France would not permit Spain to adjust her differences with us, that France wanted money, and that we must give it to her or have a Spanish and French War."\(^{20}\)

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\(^{19}\) *Enquirer*, 15 August 1806.

\(^{20}\) Ibid.
On the morning of December 21, Randolph returned from his trip, and convened the committee. As the members were about to assemble, Gallatin called him aside and put into his hands a paper concerning the purchase of West Florida. As soon as Randolph cast his eyes on this heading, he declared that he would not vote "a shilling." Gallatin told Randolph that he was not recommending the measure, but if the committee deemed it necessary to raise the necessary supplies, he had devised, as he had been requested or directed to do, a plan for effecting the object. It was when relating this proposal to the House that Randolph said, "his confidence in the secretary of state had never been very high, but that now, it was gone forever." Also, Randolph is alleged to have said, in reference to the Florida issue, that "most of the evils which the United States now suffered proceeded from the measures of the executive and from the weak and pusillanimous spirit of the cabinet—the secretary of state."

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Randolph's opposition to Jefferson and Madison in their efforts to purchase West Florida seems to have been honest and sincere. The arguments that Jefferson employed in claiming that the region was a part of the Louisiana Purchase were not sound. The secret methods that Jefferson used in order to secure funds for the "purchase" of the territory created suspicion. The threats that he made against Spain in an effort to coerce her into selling West Florida were not good diplomacy. However, Randolph could have possessed an ulterior motive for denouncing Jefferson, Madison, and Gallatin. Gallatin took the position that Randolph's opposition to him was of a secondary object, the forthcoming presidential election being the primary object of the attacks.  

After the controversy involving the purchase of West Florida, James Madison was involved in two more events related to foreign affairs which led to charges against him in the presidential election and served to increase divisions within the Republican party. The first measure was the Nonimportation Act passed by Congress in 1806, which forbade the entry

into American markets of certain goods manufactured by Britain. The second was the Embargo Act of 1807, under which the United States prohibited trade with all foreign nations. Both of these laws were passed because of the Napoleonic wars raging in Europe.

With resumption of the war between France and Great Britain in 1803, Britain took no steps to interfere with neutrals carrying trade of the United States. American shipping was further aided by the decision of France to open her West Indies trade to the United States. Because of her inability to supply her colonies, France was forced to admit American ships to keep the local population from starving. Britain countered by invoking the "Rule of 1756," which stated that trade not open in time of peace could not be permitted in time of war. The direct trade between the United States, France, and French West Indies was halted, and Americans soon resorted to the expedient of landing cargoes in American ports, then reloading them, often in the same ships, and sending them to France. Great Britain retaliated by taking more stringent action. In 1805, a court decision in the Essex case held that unless the produce carried by American ships in broken voyage between two enemy ports paid bona fide American customs duties, the ships were
engaged in direct trade and therefore violated the Rule of 1756.24

In addition to the Essex ruling, there was an increased activity of the British navy against American merchantmen. Ships were stopped on the slightest suspicion and sent to the nearest British port to await the decision of the admiralty court. If they escaped condemnation, they still experienced inconvenience and delay. The British added insult to injury by increasing impressment of seamen from American ships to fill their short-handed navy. This was done under the subterfuge of recovering British deserters, but about 10,000 American citizens fell victims to the press gangs.25

On January 17, 1806, Jefferson sent a message to Congress asking that the grievances against Britain be taken under consideration, but he offered no lead as to what should be done.26


Gregg of Pennsylvania offered a resolution to restrict goods, merchandise, wares, and products from Great Britain and her colonies or dependencies from being imported into the United States. Another part of the resolution stipulated that non-importation by the United States would remain in effect until Britain ceased impressment and would then be lifted under the direction of President Jefferson.  

On March 5, Randolph criticized the resolution on the grounds that it would incite war with Great Britain. He accused Jefferson of using the conflict between Britain and France as a means of getting money to purchase West Florida. He declared the cabinet was not an open cabinet but an "invisible, inscrutable, unconstitutional cabinet, without responsibility, unknown to the constitution." Finally, he made a direct and personal attack upon Madison for his support of nonimportation against Great Britain. Randolph declared that Madison had insisted that the Rule of 1756 was not sound for a number of reasons: international law theorists rejected it; many treaties signed by Great Britain repudiated it; the rule could not be found in the admiralty.

27 Ibid., p. 413.
28 Ibid., p. 561.
decisions of foreign nations; British courts had repeatedly ruled against it; and, the reasoning used by its defenders in Britain was fallacious. A copy of Madison's treatise with his objections to the Rule of 1756 was placed on the desk of all congressmen for the purpose of aiding them in their debates on the proposed non-importation bill.

When Randolph saw the paper, he referred to it as an authorless treatise, incapable of giving a solution to the doubts raised about the proposed non-importation bill, and he accused Madison of being an enemy who had written a book favoring a discriminatory bill. One of the persons who commented on the slashing speech by Randolph against Madison was Senator John Quincy Adams of Massachusetts. Adams mentioned the amount of electioneering that was taking place for the next presidential contest and concluded that Randolph's attack on Jefferson was an attempt to keep him from consenting to serve a third term. He also stated that the attack on Madison was designed to preclude him from succeeding Jefferson and to promote the candidacy of Monroe.

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While the House of Representatives openly assailed Madison for his role in justifying the rights of neutrals, the Senate more subtly opposed him. The Senate referred the president's message to a committee headed by General Samuel Smith, senator from Maryland. General Smith later became the unavowed leader of a group called the "Invisibles," who persistently opposed Madison. The first section of Smith's bill recommended non-importation of British woolens, silks, glassware, and a long list of less important articles. Later the Senate revised the bill to provide for much milder restrictions. The core of Smith's bill was aimed at James Monroe, American minister to England, and at Madison, whom Smith held responsible for Britain's high-handedness. He recommended that the United States "demand indemnity" for

Britain's abuses and seizures and that some arrangements be made which would put Anglo-American relations on a more satisfactory basis. These arrangements, he implied, were to be made by a special mission which would supersede Monroe. He concluded his report by pointing out the ignominy of the present position of the United States in her relations with Great Britain.  

The international issue which had the most impact on the presidential election of 1808, the Republican party, and ultimately on Madison's patronage policy, was the Embargo Act, signed into law December 22, 1807. Jefferson and Madison recommended the act as an economic alternative to war. Furthermore, the American public was shocked and angered over the H.M.S. Lepoard's attack on the U.S.S. Chesapeake on June 22, 1807. The attack was made under the subterfuge of searching for British deserters. The British Orders in Council (January 7, 1807) and Napoleon's retaliatory Berlin and Milan Decrees (November 21, 1806 and December 17, 1807) caused further shock and outrage. The British Orders in Council declared a blockade on all ports of Northwestern

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Europe. The Berlin and Milan Decrees declared all ships which had cleared from English ports liable to French seizure. The consequences of these measures led to an almost total restriction on American shipping.

In view of the British and French actions, Jefferson sent a message to Congress which, according to historian Charles E. Hill, was drafted by James Madison. The purpose of the presidential message was not to bring Great Britain and France to their knees by inflicting loss upon them, "but merely for the purpose of securing the safety of our vessels, seamen, and merchandise." In the Senate the message was referred to a special committee composed of Samuel Smith of Maryland, Joseph Anderson of Tennessee, Stephen R. Bradley of Vermont, Andrew Gregg of Pennsylvania, and John Quincy Adams of Massachusetts. Although the committee had some doubts of the propriety of the embargo measure, the bill was recommended and passed by a vote of twenty-two to six, with John Quincy Adams supporting it. The bill was general and unlimited in point of time.

Initially, the embargo met with opposition in the cabinet from Albert Gallatin because of his fear that a permanent embargo would bring suffering and privation to certain sections of the country. Politically, he favored a limited embargo.36 Specifically, Gallatin expressed serious concern about the effects that the embargo would have on Republicans in the presidential contest. Moreover, he was fearful that Madison could not carry New York, although Gallatin was certain that Madison would carry all of New England. He confided to his wife that the election would be lost unless the Embargo Act was abandoned before October.37

In the House of Representatives, the embargo, as recommended by the Senate, met with staunch resistance from Randolph. Prior to the passage of the Senate bill, Randolph had offered a resolution that would have placed an embargo on all shipping and the property of citizens of the United States that was in foreign ports.38 Three days later, on

36 Gallatin to Jefferson, 18 December 1807, in Gallatin, Writings, 1:368.


December 21, the House laid the resolution aside and took up a Senate bill which provided for a general and permanent embargo. Randolph used all of his eloquence in attacking the bill as being unconstitutional.

In addition to the foregoing charges against Madison, the Old Republicans and some arch-Federalists vigorously supported James Monroe as a means of defeating Madison in the presidential election of 1808. Their choice fell upon Monroe because he possessed a wide circle of friends and was well known on the national scene. He was also a Revolutionary War veteran, a founder of the party, and a close friend of Jefferson. This coalition saw in Monroe the only real Republican devoted to the principles of 1798, and a politician at least less pro-French than Madison. During the presidential contest Monroe was pictured as having dignity,

fortitude, and virility that the small and unprepossessing Madison lacked. 40

Unfortunately, the contest between Madison and Monroe led not only to hard feelings between the two men but to further divisions within the Republican Party, and later presented a problem to Madison in the distribution of presidential patronage. 41 The ill-feeling between them is evidenced by their lack of communication, which started in the spring of 1808 and lasted until the middle of 1810. The estrangement between Jefferson, Madison, and Monroe was caused by Monroe's displeasure at having William Pinkney, a Federalist lawyer from Maryland, join him as a co-commissioner in the treaty negotiations which Monroe had inaugurated as minister to England, and by Jefferson and Madison's opposition to the Pinkney-Monroe Treaty. Monroe regarded Pinkney's appointment as a reflection upon his own abilities, and he was further embittered because he had specifically requested


Jefferson's explanation, rendered belatedly in 1808, was that he had not received Monroe's letter in time to withhold the appointment.\footnote{Jefferson to Monroe, 10 March 1808, in Jefferson, \textit{Works of Thomas Jefferson}, 9:178-80.} Furthermore, Jefferson maintained that he had appointed Pinkney in order to comply with Monroe's request to return to the United States.\footnote{Monroe to Jefferson, 26 September 1805, in Monroe, \textit{Writings of James Monroe}, 4:334-35.}

The Pinkney-Monroe Treaty, signed December 31, 1806, was rejected by Jefferson and Madison. The stated reason for not submitting it to the Senate for ratification was that it did not include a provision for the abolition of impressment. Friends of Monroe used the rejected treaty to convince him that a move was being made to block him for the presidency in 1808. Believing this, Monroe accused Madison of failing to send him proper instructions to carry on negotiations with Britain. He told Jefferson that rejection of the treaty was intended to demean his character, and he believed he had done the best under existing circumstances.\footnote{For Madison's instructions to Monroe and Pinkney see, \textit{American State Papers: Foreign Relations}, 3:119-24; Madison}
As support grew in Virginia for James Monroe and for George Clinton in the middle states and New England, two important caucuses took place in January, 1808, in Washington and Virginia. Stirred by Monroe's presence in Richmond, his friends talked hopefully of an endorsement by the Virginia legislature, which might in turn sway the congressional caucus. Madison's followers were ready for both tests, but his Washington managers, Wilson Cary Nicholas and William Branch Giles of Virginia, urged delay in Richmond. Supporters of Madison reasoned that a nomination for him in Virginia prior to the congressional caucus would lend support to a charge that he was a Virginia candidate.

With impending adjournment of the legislature forcing early action in Virginia, Nicholas and Giles persuaded Stephen R. Bradley, senator from Vermont, to speed up the congressional caucus, formerly held in February. Both the Virginia and Washington caucuses, intended to influence each other, were held so nearly at the same time that neither influenced the other. The pro-Madison members of the Virginia
legislature circulated private petitions requesting a meeting to be held at Bell Tavern in Richmond on January 21, 1808. One hundred twenty-three Republicans unanimously nominated Madison for president at the meeting. On the same day the pro-Monroe supporters held a caucus at the state capitol, where Monroe received the nomination by a vote of fifty-seven to ten. Of the fifty-seven votes, Monroe received seventeen from Federalists. The consequence of the Virginia caucus was a stunning upset for the supporters of Monroe and a mandate for Madison.

On January 21 notices were sent to all Republican members of Congress with the exception of the Quids. At the congressional caucus in Washington, the result of the balloting was as follows:

For president:  
James Madison, 83  
George Clinton, 3  
James Monroe, 3

For vice-president:  
George Clinton, 79  
John Langdon, 5  
Henry Dearborn, 3  
John Quincy Adams, 1

Before the meeting was adjourned, Giles introduced a resolution recommending Madison and Clinton for the offices of president.

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46 *Enquirer*, 23, 26, 30 January 1808.
and vice-president, respectively, and stating that the members of the caucus had adopted the measure "from a deep conviction of the importance of union to the Republicans... in the present crisis of both our external and internal affairs."\(^{47}\)

After the congressional caucus, supporters of Monroe issued a formal and bitter protest signed by seventeen senators, among whom were John Randolph and Samuel Smith. After a preamble declaring their hostility to a caucus at this time, and the reasons for their dislike of Madison, they concluded by saying:

We do therefore in the most solemn manner protest against the proceedings at the meeting held in the Senate chamber on the twenty-third of January last because we consider them as being in direct hostility to the principles of the constitution; as a gross assumption of power not delegated by the people and not justified or extenuated by any actual necessity: as an attempt to produce an undue bias in the ensuring election of President and Vice-President, and virtually to transfer the appointment of these officers from the people, to a majority of the two Houses of Congress, we do in the same manner protest against the nomination of James Madison, as we believe him to be unfit to fill the office of President in the present juncture of our affairs.\(^{48}\)


\(^{48}\) Ibid., 7 March 1808; *Enquirer*, 22 March 1808; *Charleston Courier*, 5 March 1808, 11 October 1808.
George Clinton joined the friends of Monroe in denouncing the congressional caucus. In a letter to several of his friends, he told of the dangers facing the country and of the importance of the presidential contest. Speaking of the congressional caucus, Clinton said that he had never been directly or indirectly consulted on the subject, neither before nor since the nomination took place. Furthermore, Clinton said that he was never notified of the meeting held for the purpose of selecting candidates for president and vice-president. He had accidentally seen a notice or summons to one of the members.49

As previously mentioned, the charges against Madison, the candidacy of Monroe, and opposition to the congressional caucus nomination were designed to divide the Republican party and thereby defeat Madison for the presidency in 1808. Viewing dissension within the Republican party, the Federalists decided to capitalize on it by nominating Charles C. Pinckney and Rufus King for president and vice-president. Pinckney and King were nominated in a secret meeting in New York during the latter part of August, 1808.50 Fortunately, for

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50 National Intelligencer, 14 August 1808; Samuel E. Morison, "The First National Nominating Convention, 1808"
Madison, the inability of the Clintonians and Federalists to form a coalition was a great aid to him during the latter part of the contest.

During the presidential campaign, there seems to have been little frank and critical discussion of the issues. Those issues which had given rise to the Old Republican movement as well as those which contributed to Monroe's misunderstanding with the administration were scarcely touched upon. Rather, there seems to have been a vigorous campaign put forth to discredit Madison for his support of unpopular policies. Especially was this true with the Yazoo issue, non-importation, the West Florida land incident, and the Embargo Act. Madison's opponents also tried to show that the caucuses in Virginia and Washington were used to lead the voters to the incorrect conclusion that Madison was the choice of the nation. 51

The Embargo Act had the most impact upon the outcome of the election, the nation, and the increasing division within the Republican party. This act, passed with the

51 Enquirer, 30 September 1808; National Intelligencer, 7 March 1808; Ammon, James Monroe, pp. 47-50.
assistance of Madison, was designed to have a dual effect of being coercive (against the belligerents) and protective (for American shipping). However, the act had the opposite effect. It created a spirit of rebellion and disunity in the United States. Madison, who realized the disastrous effects of the Embargo Act, was constantly charged with being an enemy of commerce and of being in favor of a permanent embargo. Finally, the outcome of the election reflected the public dissatisfaction toward the Embargo Act. Madison received 122 out of 176 electoral votes; all but fourteen of the opposition votes had come from New England. This revival of Federalism was directly related to the Embargo Act. In 1804, only two states had favored the Federalists; in 1808 there were five states, four of them being New England States. The fourteen electoral votes cast for the opposition in 1804, had increased to fifty-three in the election of 1808.  

For a description of public dissatisfaction with the Embargo Act, and Clinton's, King's, and Randolph's opposition to it and the result of the election, see the following works: House, _Annals of Congress_, 10th Cong., 1st sess., 1808, pp. 1650-74. ibid., 2nd sess., 1808-1809, pp. 21, 127, 238-39, 250-51, 679-81; Ernst, _Rufus King_, p. 284; Boston, _Columbian Centinnel_, 25 June 1808; _Charleston Courier_ 16 July 1808. For Madison's view of the effects of the Embargo Act, see Madison to John Armstrong, 8 February 1808; Madison to William Pinkney, 8 March 1808, in Madison, _Writings_
Madison's victory was one in name only. His victory created enemies within the Republican Party and among the Federalists. Unhappy Republicans at times were to join with the Federalists in opposing the patronage policies of Madison. George Clinton, Samuel Smith, and William Branch Giles would be powerful opponents within the Republican party. Rufus King would lead the Federalist opposition. The strife engendered between Monroe and Madison made it impossible for Madison to invite Monroe to become a member of his cabinet. In view of this strife, dissension, and hard feelings that came about as a result of the election of 1808, Madison would need to distribute an enormous amount of patronage to unify the Republican party and to satisfy eager politicians.

CHAPTER III

SUBMISSION TO FACTION

The scholarly and somewhat irresolute James Madison became the fourth president of the United States on March 4, 1809. Madison inherited Jefferson's position along with his policy of economic coercion and a divided country. The divisions within the nation were the result of the bitter presidential contest of 1808, the foreign policy pursued by Jefferson and Madison, and the controversial Embargo Act. The Non-Intercourse Act of March 1, 1809, which replaced the embargo of 1807, prohibited trade with Great Britain and France as long as those nations continued to restrict American neutral rights, but it permitted trade with neutral countries. In time this act became nearly as troublesome to Madison as the Embargo Act.

With the country facing internal and external crises, the president and members of his cabinet needed to exercise competent, vigorous, and united leadership. Unfortunately, Madison's patronage policy was dictated by political necessity, circumstances, and the desire for sectional balance in selecting men to serve in his cabinet. As a consequence
he was forced to appoint men with recalcitrant attitudes and mediocre abilities, who were dedicated to self-interest rather than to public duty.

At the commencement of his administration, Madison faced a dilemma in selecting a suitable person to fill the powerful and prestigious position of secretary of state. The recent presidential contest had created a discord between Madison, Monroe, and the other aspirants, and Madison's perplexity was partially a result of the breach between himself and Monroe. According to Senator John G. Jackson of Virginia, brother-in-law of Dolley Madison, Madison intended to appoint James Monroe as secretary of state but dropped the idea because of alleged opposition to Monroe.¹ Among the persons rumored for the position were William Pinkney, American minister to England, Senator John Quincy Adams of Massachusetts, and Senator William Branch Giles of Virginia, a staunch Madison supporter in 1808.²


Prior to Madison's inauguration, Robert Fulton, the inventor, wrote to Madison strongly urging appointment of the wealthy poet and statesman, Joel Barlow, to the top position in the cabinet. ³ Barlow, a native of Connecticut, then wrote Madison admitting knowledge of Fulton's recommendation. He congratulated Madison on his election and offered his views on the conduct of government. Barlow confessed that he expected the state department and observed that he desired the post out of extreme solicitude for the good of the country.⁴

Madison responded to Barlow in the following manner: "I had, . . . not fixed in my thoughts, on a person for the approaching vacancy in the Dept. of State: but had taken a step towards an understanding with him on the subject."⁵ The person with whom Madison had consulted concerning the vacancy was Albert Gallatin.⁶ Madison's selection of Gallatin seems


⁴ Joel Barlow to Madison, (no date), March 1809, ibid.

⁵ Madison to Barlow, 7 February 1809, Madison Papers.

to have been logical and wise for a number of reasons. Gallatin was Madison's long-time friend and colleague, and, as secretary of the treasury in the Jefferson administration, he had competently managed his department and supervised reduction of the national debt. His work had given him a knowledge of the diplomatic scene and the men and procedures in Congress. As the president's chief cabinet member he would supply financial expertise, diplomatic acumen, and friendship; and his selection would provide continuity to Madison's administration.

Many persons in Congress opposed Gallatin because of his frugality in administering the treasury department. He was blamed for the inadequacy of the military. Others opposed the Pennsylvanian on the grounds that he was born in a foreign country (Switzerland), and that therefore it would be difficult to persuade the European powers to carry on negotiations with him.  Finally, many senators opposed Gallatin because of his support of the Embargo Act, with which he actually disagreed. For these reasons Gallatin's congressional enemies were many, and the rumor that Madison had

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selected him for secretary of state produced an unfavorable reaction from them.

One of the first persons to protest the rumored selection of Gallatin was William Branch Giles. As previously mentioned, Giles was one of Madison's able campaign managers and had expected to be named to the state department as a reward for his service. When Gallatin was chosen, the Virginia senator was hurt and angered and set out to discredit Gallatin. His most significant contention was that Gallatin's unpopularity in Congress would result in violent opposition to his programs. Furthermore, Giles repeated Wilson Cary Nicholas' prophecy that Madison could expect strong opposition in the Senate to Gallatin's appointment.

Faced with the possibility of strong senatorial opposition to Gallatin's nomination, Madison had several alternatives. He could assert his constitutional authority to make appointments, thus provoking a divisive intra-party struggle early in his administration. Madison could also leave Gallatin in

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8 Anderson, William Branch Giles, pp. 147-49.

the treasury department and select a man for the state department more acceptable to the Smith faction. Finally, he could appoint a person to the treasury department who would meet with the approval of the Invisibles.

Madison attempted to resolve his problem by appointing Robert Smith of Maryland as secretary of the treasury with the understanding that his brother, Samuel Smith, would use his influence to secure Gallatin's nomination to the state department. This arrangement seemed satisfactory until Robert Smith went to Gallatin to inquire into the necessary operations of the treasury department. It was then that Gallatin is alleged to have remarked that he could not direct both the state department, and the treasury department as would be necessary if Smith were named to the latter. Gallatin reasoned that it would be better for him to remain as secretary of the treasury and let Smith take the state department. Since Madison had been secretary of state for eight years, he could make up for Smith's deficiencies by acting as his own secretary.10

Madison gave in to the Invisibles by nominating Robert Smith, who had served as secretary of the navy in Jefferson's administration, to become secretary of state. Madison's appointment of Smith to the highest position in the cabinet has long been a puzzle to scholars. Some historians have charged Madison with weakness for giving in to the Smith faction. Other historians accused him of lacking political sagacity for appointing a man who was reputed to be incompetent. In order to arrive at a just appraisal of Madison's action in appointing Robert Smith, one must keep in mind that Madison probably made this appointment in an attempt to restore party harmony and obtain congressional support for his programs. Seemingly, he wanted an administration marked by national unity. Furthermore, Madison has been unjustly criticized for his appointment of Robert Smith. Although Smith was alleged to be incompetent, he had functioned efficiently as a member of the Maryland legislature, as a lawyer,


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and as secretary of the navy. Whatever his reasons, Madison had blundered. Gallatin was angered and deeply hurt that he had not received the state department. The bitter feelings between the Smiths and Gallatin were not in the open. Madison had created a situation which produced considerable internal dissension within the Republican party.

Gallatin and his friend Joseph H. Nicholson, a resident of Baltimore and Samuel Smith's political enemy, lost no time in launching an attack upon the Smiths. During the spring of 1809 Nicholson received a letter from Gallatin relating an unusual and suspicious business transaction. The secretary of the treasury asserted that Robert Smith had been guilty of misuse of government funds while serving as secretary of the navy. During the war between the United States and Tripoli, Robert Smith had established a temporary naval base at Leghorn, Italy, in order to facilitate the handling of large naval expenditures necessary to maintain the sizable naval squadron in the Mediterranean. To expedite


14 Gallatin to his wife [Hannah], 23 May 1829, in Adams, Life of Albert Gallatin, p. 633.
these transactions, Smith had purchased bills of exchange in Leghorn from several important mercantile houses, namely the Baltimore firm of Smith and Buchanan. Gallatin charged Smith with cashing bills of exchange drawn by the Smith and Buchanan on the firm that acted as the Leghorn agent to supply the American naval squadron in the Mediterranean, this being the commercial house of Degen & Purviance. Gallatin believed that Degen & Purviance had failed to pay these bills of exchange because Samuel Smith's firm had not shipped sufficient quantities of bullion to the agents. In effect, Gallatin charged Smith with illegally holding government funds and using them for private investment rather than transporting them promptly to Italy. To complicate the seemingly illegal transaction, Degen, of Degen & Purviance, had secretly departed, taking with him all the assets of the business, most of which belonged to the United States government.¹⁵

Gallatin's charges against Smith came just as the campaign to elect a new legislature in Maryland began. Gallatin's allegations were obviously intended to harm Smith's chances of re-election to the Senate. Nicholson was overjoyed

¹⁵Adams, Life of Albert Gallatin, pp. 400-01.
with the revelation of the alleged dubious transaction. He warned Gallatin that time was short, and the information would have no effect on the state elections "unless the thing can be moved immediately by some Republicans in the House of Representatives, and exposed in its true colors." Nicholson declared that only by publicizing the story on the national level could Smith's election be prevented, for in Maryland the "Democratic Papers will publish nothing against a man who professes to support the administration." Joseph H. Nicholson acted on his own advice to Gallatin by contacting Gallatin's friend, Nathaniel Macon, and John Randolph, both members of the House of Representatives. Upon receiving Nicholson's letter reiterating Gallatin's charges, Macon met with Randolph, who made public the reported scandal. In the House of Representatives, Randolph spread Gallatin's story of the Degen & Purviance affair and succeeded in organizing a committee to investigate the transaction. Randolph was appointed chairman of the committee, which was composed of men hostile to Senator Samuel Smith. Despite the painstaking investigation carried on by the committee,

16 Joseph H. Nicholson to Gallatin, 21 June 1809, Albert Gallatin Papers, Philadelphia (on microfilm at Fondern Library, Southern Methodist University, Dallas, Texas).

17 Ibid.
Macon had to confess that the lack of "unsatisfactory" information from army and navy accountants made it virtually impossible to continue. The inability of the committee to produce sufficient evidence to substantiate the charges against Smith caused Nicholson to become despondent. He urged the committee to hurry its work and submit a report to the House before Congress adjourned. He reasoned that if this course of action were not taken, then the Senate would be cursed with Samuel Smith for another six years.\textsuperscript{18}

The Smith brothers strongly protested the allegations of dishonest conduct made by Gallatin and his friends. With public disclosure of the accusations, Samuel Smith wrote to the secretary of the treasury denying that his business conduct had been unethical. He requested either a confirmation or a denial of the allegations made by Gallatin in the \textit{Baltimore Federal Republican}.\textsuperscript{19} Following Samuel Smith's letter, Robert Smith wrote to Gallatin and repudiated the charges. Furthermore, Robert Smith accused Gallatin of attempting to ruin his reputation and criticized the House investigating committee for holding its meetings so near the


\textsuperscript{19} According to historian Frank A. Cassell, Gallatin's charges were published in the \textit{Baltimore Federal Republican}, 19, 20, 22, 26 June 1809. \textit{ibid.}, p. 150.
end of the congressional session, thus preventing him from fully refuting the allegations. Finally, he complained that the navy department records which explained the transaction had not been viewed by the committee.  

Gallatin's reply to the Smith brothers was far from conciliatory. On June 29 Gallatin wrote that he had no knowledge of the circumstances associated with the naval agency of Degen & Purviance other than that derived from the accountant of the navy department. However, 

The transaction as it appears there [account books] is under all aspects, the most extraordinary that has fallen within my knowledge since I have been in this Department. It has certainly left very unfavorable impressions on my mind.  

Gallatin denied that he had made the charges printed in the Baltimore newspaper, but he did admit discussing the transaction with a friend. Furthermore, Gallatin reiterated his charge that Smith & Buchanan's dealings with Degen & Purviance did not conform to the best business practices.  

During the extra session of Congress which convened in the summer of 1809, a special congressional committee asked Gallatin to make a formal and detailed report concerning the

20 Samuel Smith to Gallatin 26 June 1809, Gallatin Papers; Robert Smith to Gallatin 28 June 1809, ibid. 
21 Gallatin to Samuel Smith, 29 June 1809, ibid.
charges against Smith & Buchanan and Robert Smith. Meanwhile, on April 21, 1810, Samuel Smith sent Gabriel Duval, comptroller of the treasury, the following letter:

Sir, In a report made by Mr. Gallatin at the June session of last year to the committee of investigation, there was submitted the account of Degen & Purviance and company (Navy agents at Leghorn) with the United States, in which account it appeared that bills of exchange had been remitted them by the Navy Department drawn by house of S. Smith and Buchanan, on themselves, and credited by them to the United States. This circumstance has given rise to calumnies against my character. Those accounts must have passed under your review in your official character as comptroller . . . I therefore ask it of your candor to declare, whether those bills were purchased by the Navy Agent above or below par . . . and whether there was anything in the whole transaction, that in any way impeached the integrity of my character or that of my house. ²²

After a complete investigation which lasted throughout the next session, the committee was unable to sustain Gallatin's allegations. Duval completely repudiated the charges. He stated in his report: "I never had any idea that there was anything in the whole transaction that in any way impeached your integrity. The more the subject is examined, the more satisfactorily it appears that there is no ground for such an imputation." ²³


²³ National Intelligencer, 12 March 1811.
The exoneration of the Smiths provided the Invisibles with the opportunity to increase their attacks upon Gallatin with the objective of driving him from the cabinet. One of the most unrelenting charges against him was that he had secretly criticized Jefferson's foreign policy. In an article, published in the *National Intelligencer* and entitled "Dispatches from the Honorable David M. Erskine to Mr. Secretary Channing," Gallatin is reputed to have pleaded with President Jefferson to place the conduct of Great Britain and France towards the United States in a fair light before the public. Erskine interpreted Gallatin's remarks to mean that Jefferson had acted with partiality toward France. Also, Gallatin is alleged to have compared Madison and Jefferson's words with regard to Great Britain by stating that Madison was an admirer of the British Constitution and that Madison held no enmity against the general prosperity of the British nation.\(^\text{24}\)

Gallatin responded angrily to Erskine's charge in a letter to the *National Intelligencer*. He charged Erskine with using the change of administrations as a means of inducing 

\(^{24}\)Ibid., 18 July 1810. See, 21 April 1810, Gallatin Papers. David M. Erskine served as Great Britain's minister to the United States from 1806-1809, and George Canning served as minister of Foreign Affairs.
Great Britain to alter measures toward the United States.

According to Gallatin, Erskine's opinions were his own.

Gallatin addressed himself to the charge by speaking of his eight years of intimate friendship with Thomas Jefferson as a member of his cabinet. He said that the former president never had any other object in view but the protection of the rights of the United States against every foreign aggression or injury from whatever nation it proceeded . . . in every instance observed towards all belligerents the most strict justice and the most scrupulous impartiality.

William Duane, powerful and influential editor of the Philadelphia Aurora and General Advertiser, continued to print charges about Gallatin's disloyalty to Jefferson. During July into August, Duane published a series of articles entitled "The Diplomacy Examined," in which the charge against Gallatin was extended. At the time that these attacks were being made against Gallatin by Duane, Gallatin received a friendly letter from Jefferson. Jefferson stated in his letter:

I have seen with infinite grief the set which is made at you in the public papers, and with the more as my name has been so much used in it. I hope we both know

25 Ibid.

26 Aurora, 21, 23, 24, 25, 26, 27, 28, 30, 31 July 1810; 1, 2, 3, 4, 6, 8 August 1810.
one another too well to receive impression from circumstances of this kind. A twelve years intimate and friendly intercourse must be better evidence to each of the dispositions of the other than the letters of foreign ministers to their courts, or tortured inferences from facts true or false. I have too thorough a conviction of your cordial good will toward me and too strong a sense of the faithful and able assistance I received from you, to relinquish them on any evidence but of my own senses.

Despite Jefferson's letter of reassurance, Gallatin was driven to the point of leaving the cabinet by several other factors. The seeming irresoluteness of President Madison concerning the recharter of the Bank of the United States, the opposition of George Clinton, the growing influence of the Invisibles, and the attacks by Duane were instrumental in motivating him to resign. Gallatin responded to the advice of Joseph H. Nicholson, who had earlier instructed him to tell Madison that he or Robert Smith must leave the cabinet. In his letter of resignation, Gallatin told Madison that in order for the public to have confidence in the government,

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28 Nicholson to Gallatin, 14 May 1809, Gallatin Papers.
it must have talent and a perfect, heartfelt cordiality among the members of the administration. Gallatin concluded his letter by noting:

New subdivisions and personal factions equally hostile to yourself and the general welfare daily acquire additional strength. Measures of vital importance have been and are defeated; every operation, even of the most simple and ordinary nature, is prevented or impeded; the embarrassments of Government, great as from foreign causes they already are, are unnecessarily increased; every one of those evils . . . . I can only judge for myself, and I clearly perceive that my continuing a member of the present Administration is no longer of any public utility, invigorates the opposition against yourself, and must necessarily be attended with an increased loss of reputation by myself . . . . I beg leave to tender you my resignation to take place at such day within a reasonable time as you will think most consistent with the public service.

Confronted by the demand that he choose between an allegedly incompetent secretary of state and an efficient secretary of the treasury, the irresolute Madison had to act. The president declined to accept the resignation of Gallatin. Rather, he decided to have Robert Smith forced out of the cabinet. Madison asked Gallatin to sound out James Monroe concerning the state department position, through Senator Richard Brent of Virginia. On March 18, Monroe sent Brent the following, "I have great sensibility to the proposition

\[29\text{ Gallatin to Madison, 4 March 1811, ibid; Adams, Life of Gallatin, pp. 430-31.}\]

\[30\text{ Madison to Gallatin, 18 March 1811, Gallatin Papers.}\]
which you made to me through a mutual friend to come into the Department of State, and my strong motives prompt me to accord to it." Madison wrote Monroe requesting him to decide within two weeks as to whether he would accept the state department. Brent wrote Gallatin, telling him, "I have no doubt from its tenor [letter] that Colonel Monroe will accept the office of Secretary of State." 

James Monroe sent an official letter of acceptance to President Madison on March 23. He acknowledged receiving Madison's letter and assured him that he had given the subject serious consideration. Following his expression of deep satisfaction in Madison's confidence, Monroe launched into a discussion of the foreign relations between the United States and Great Britain. He stated that his policy toward the European powers was not unknown, and that it was based upon a firm devotion to public welfare in the United States. The core of his policy was that after negotiations had failed between the United States and France, an accommodation should have been made with Great Britain on moderate terms rather

31 James Monroe to Richard Brent, 18 March 1811, ibid.


33 Brent to Gallatin, 22 March 1811, Gallatin Papers.
than risk war with the world's greatest maritime power. Monroe confessed that circumstances had modified his views, but if he came into the administration he would be guided by the light of knowledge and experience. Furthermore, Monroe assured Madison that he would not support a policy which did not conform to his conscience and judgment.\textsuperscript{34}

With Monroe's acceptance of the state department, Madison faced a dilemma on how to get rid of Robert Smith. He could permit Smith to remain in his position and thereby placate the Invisibles at the expense of disharmony in the cabinet, or he could force Smith's resignation and run the risk of further alienation from the Smith faction. After pondering these alternatives, Madison decided to ask for Smith's resignation, giving several reasons. Dissension had arisen within the cabinet; Smith's criticism of the president and cabinet members was evidence of his disloyalty; he had passed out information discussed in secret cabinet meetings; and Madison complained of Smith's inability to write official documents in a competent manner. Madison

attempted to take the bluntness out of Smith's dismissal by offering him the position of minister to Russia, a position soon to be relinquished by John Quincy Adams. According to Madison, Smith accepted the offer, but apparently his brother, Samuel Smith, talked him into declining. 35

Robert Smith reacted bitterly to his dismissal. In an article, published in the *Aurora*, and entitled "Address to the People of the United States," he surveyed his career as secretary of state and attempted to show his efforts to correct Madison's pro-French bias. Smith repudiated the charge of incompetency by pointing to the intimate personal friendship that he and Madison had enjoyed while serving in Jefferson's cabinet. According to Smith's version, the rupture between him and Madison was caused by enemies who convinced the president that George Clinton, General John Armstrong, and himself (Smith) intended to oppose him for the presidency in 1812. Alluding to their warm friendship before the rupture, Smith declared,

For the last four or five years he [Madison] visited me in my office, almost every day, for the purpose of interchanging ideas upon some affairs of his department. Seldom did he write a paper of any importance, which he did not submit to my consideration before he gave to its last shape.  

Smith reasoned that Madison had elevated him to the position of secretary of state because of prior knowledge of his ability, rather than because of intra-party intrigue.

Madison's dismissal of Robert Smith made it possible for him to appoint James Monroe of Virginia as secretary of state on April 2, 1811. During a recess of the Senate on April 5, Monroe arrived in Washington and took up the duties of his office. Madison submitted Monroe's nomination to the Senate on November 13, 1811. William Branch Giles moved that the nomination be postponed and referred to a select committee composed of himself as chairman with William H. Crawford of Georgia and George M. Bibb of Kentucky as members. The committee, on a motion by Giles, was instructed to inquire into the financial affairs of Monroe while he was minister to Great Britain. Also, President Madison was asked to see that the Senate received a statement of the accounts of

36 Aurora, 26 June 1811. For a review of Smith's address see, National Intelligencer, 4 July 1811; Richmond Enquirer, 12 July 1811 (on microfilm at N.T.S.U.); Robert Smith, "Some Papers of Robert Smith, Secretary of the Navy 1801-1809, and of State 1809-1811," ed. Bernard C. Steiner, Maryland Historical Magazine 20(1925):139-50.
Monroe during his missions to France and England. Giles alleged that Monroe had been dishonest in the disbursement of money allocated to him. Monroe had been given more money than he needed. Therefore, the committee required the account books of Monroe to be rigidly examined. Following an investigation of Monroe's accounts, the Senate confirmed him on November 25.  

Madison's appointment of James Monroe was significant despite their previous differences over the Pinkney-Monroe Treaty and the hard feelings that had developed between them during the presidential campaign of 1808. It indicated a new desire for an amicable settlement of old differences with Great Britain. It signified a reconciliation of the political elements within the Republican party and the acceptance of Monroe as the virtual heir-apparent to the presidency in 1817. The appointment did produce an immediate

degree of harmony in the cabinet. However, as will be pointed out later, Madison's patronage problem with other cabinet appointments caused Monroe to serve concurrently as ad interim secretary of war and as secretary of state.

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CHAPTER IV

TROUBLE WITH INCOMPETENT MEN

President James Madison's appointment of James Monroe as secretary of state brought some degree of serenity to his cabinet, however, it did not serve as a panacea for all of his patronage problems. The events leading up to and during the War of 1812 created additional problems for Madison in the distribution of patronage. In his message to Congress, on November 5, 1811, Madison spoke of deteriorating relations with both Great Britain and France and suggested that the army and the navy prepare for possible war. Later in November, Albert Gallatin in his annual report urged Congress to make provisions for war. Included in the report were a detailed analysis of the Non-Importation Act and recommendations to finance the anticipated conflict.\(^1\) Referring to the Non-Importation Act, Gallatin affirmed that it had closed American ports to British merchandise, with a resulting loss of revenue. Gallatin speculated that in the

coming year, the government's revenue would decline to approximately $6,600,000, which would wipe out the surplus of $5,500,000. With the preparations for war, he estimated that expenditures would rise to $9,200,000, which would result in a deficit of more than $1,000,000. To compensate for the deficit, duties on imports must be increased by half. The secretary of the treasury disliked the possibility of restoring internal taxes, but he conceded that such taxes might be necessary. Gallatin ended his dismal report by recommending loans as a means of aiding the government, should war come. He recommended an immediate loan of $1,200,000, with a larger loan later. The present legal rate of interest was 6 per cent, but the government's fiscal situation might necessitate an increase to 8 per cent. Gallatin preferred loans to the issuance of more stock or "any other operation which might injuriously affect the circulating medium of the country."²

Gallatin's report evoked an onslaught of criticism. His critics pointed out that he had failed to note that additional revenue would be needed to pay the interest on the new loans. Some of the old Republicans could not forgive his reference

to 8 per cent loans. During the undeclared war with France in 1798, Gallatin and the Republicans had castigated the Federalists for advocating an exorbitant interest rate. Also, his acknowledgment that the hated direct property tax of that period might be revived caused consternation.

Members of Gallatin's party were the most vehement in their criticisms of his proposals. William Branch Giles, chairman of the Senate Committee on Foreign Relations, introduced a bill to raise 25,000 men with 5-year terms instead of the 10,000 troops Madison had sought. Giles' bill was designed to embarrass the administration. The nation could ill afford such a proposed military force if the financial situation were as bleak as Gallatin portrayed. Giles continued his attack on Gallatin by casting doubts on his ability. He stated that "If the Secretary truly possessed the splendid financial talents generally attributed to him, surely he would contrive some means for defending the nation's sovereignty and honor." Giles ended his attack by suggesting that Gallatin possessed neither the financial talent nor the desire to defend the national honor. Furthermore, Giles attributed the United States' present troubles to the unwillingness of Jefferson and Madison to disturb
"the popularity and repose of their finance minister."\(^3\)

William Duane continued the criticism of Gallatin in his \textit{Philadelphia Aurora and General Advertiser}. In a series of articles entitled, "The Rat In The Treasury," Duane charged that the same "morbid feeling . . . intrigue . . . selfishness . . . and fatuity" that had characterized Adams' administration had infiltrated Madison's presidency. He stated candidly that if Madison did not drop Gallatin at once, he would support George Clinton for the presidency in November.\(^4\)

Despite the harsh criticisms directed against Gallatin, he was able, with the aid of his old friend Alexander J. Dallas, to secure a loan to help finance the war against Great Britain, which had been declared on June 18, 1812. Dallas informed Gallatin in March of 1813 that David Parish, a native of Hamburg and a wealthy businessman, would use his influence to solicit help in raising the $16,000,000 needed to carry on the war. Stephen Girard, a native of France, but long a resident of Philadelphia, expressed interest in the loan. Girard had become wealthy through his ventures

\footnotesize{\(^3\)Senate, \textit{Annals of Congress}, 12th Cong., 1st sess., 1811, pp. 47-51.}

\footnotesize{\(^4\)Philadelphia Aurora and General Advertiser, 25, 28, 30 January 1812; 7 March 1812, \textit{ibid.} (on microfilm at N.T.S.U.). Hereafter cited as \textit{Aurora}.}
in banking, shipping, and trade. Parish contacted John Jacob Astor of New York, who, like Paris, was a native of Germany. He had become rich through the fur trade along the Canadian and American border. With the help of Parish, Astor, Girard, and Gallatin, the loan of $16,000,000 was completed by April, 1813.⁵

At the time Gallatin was experiencing difficulty in securing adequate financing of the war, the Russian charge at Washington, Andre de Daschkoff, delivered an offer to Madison from Czar Alexander I, who offered to mediate peace between the United States and Great Britain.⁶ In a letter to James W. Nicholson, Gallatin reacted delightedly to the offer. He stated, "the present opportunity offers a better chance to make an honorable peace than we have any right to expect." He was convinced that the Czar would "support the cause and the laws of nations."⁷ Gallatin asked Madison to appoint him to the peace commission, which then consisted


⁶Andre de Daschkoff to James Monroe, 8 March 1813, Albert Gallatin Papers (on microfilm at Fondern Library, Southern Methodist University, Dallas, Texas).

⁷Gallatin to James W. Nicholson, 5 May 1813, ibid.
of John Quincy Adams, then minister to Russia, and Senator James A. Bayard from Delaware. 8

Seemingly Gallatin's request to leave the treasury department was motivated by two reasons. His first reason was a personal one. Madison's lack of astuteness in appointing John Armstrong as secretary of war (January 12, 1813) had produced nearly as much discord in the cabinet as had Robert Smith's appointment. Also, Madison's appointment of Gallatin's arch-enemy, William Duane, as adjutant general of the fourth military district of Pennsylvania, had deeply disturbed the treasury secretary. 9 Writing to Nicholson, Gallatin stated his disgust: "I acknowledge to you that Duane's late appointment has disgusted me as for as to make me desirous of not being associated with those who appointed him." 10 Gallatin's second reason was the conviction that the secretary of the treasury had an impossible task. He was convinced that money would be unobtainable if

8 National Intelligencer, 13 April 1813.


10 Gallatin to James W. Nicholson, 5 May 1813, Gallatin Papers.


The Senate's declaration created another problem for Madison in the distribution of patronage. Richard Rush,
frequently mentioned as a successor to Gallatin, was a native of Philadelphia, the son of the famous physician and surgeon, Benjamin Rush, and the possessor of impressive credentials. He had distinguished himself as a brilliant lawyer in his state and had risen to the position of attorney general of Pennsylvania. Madison selected Rush to become comptroller of the treasury in 1811. As comptroller, Rush correlated the activities of treasury officials throughout the country, signed all warrants drawn by the secretary of the treasury, enforced tax laws, prosecuted suits for the department, and determined the policy of the department on technical matters of financial administration. In addition, Rush determined the manner in which accounts were to be kept and settled and the method of collecting and disbursing monies.\textsuperscript{14} With Rush's intimate knowledge of the treasury department in mind, former President John Adams urged him to accept the secretaryship. In spite of Adams' urging, Rush rejected the position with the following statement: "With all your kind opinions, Sir, I am by far too great a tyro for its present labour."\textsuperscript{15}


Following Richard Rush's refusal to head the treasury department, Madison turned to his long-time supporter and friend, Alexander J. Dallas. Like Rush, Dallas had distinguished himself as a brilliant lawyer and was also a Philadelphian. He had helped establish the "Constitutional Republican" party in his state, which gave staunch support to Madison during the presidential campaign of 1808. As previously mentioned, Dallas had aided Gallatin in arranging the much needed loan of $16,000,000 to aid the government during the war. Madison probably had Dallas' loyalty and ability in mind when he offered him the position as head of the treasury department. Despite the urging of two Philadelphia friends, Richard Rush and Congressman Jared Ingersoll, Dallas declined Madison's offer. He refused for two reasons, the first being financial. The secretary of the treasury's annual salary of $5,000 would not support Dallas' mode of living. The second reason was political. When President Madison had questioned the Pennsylvania Senators, Michael Leib and Abner Lacock, as to whether they would support the nomination of Dallas, the two flatly announced that they would vote against a "mere Philadelphia lawyer." Realizing

16 Walters, Alexander James Dallas, p. 182.
that their opposition would mean a defeat in the Senate. Madison accepted Dallas' declination of his offer.

Madison selected George W. Campbell of Tennessee to become secretary of the treasury following Dallas' refusal. Campbell, a native of Scotland, had completed Princeton College with high honors and then practiced law in Knoxville, Tennessee. He had served in the United States House of Representatives for three terms beginning in 1803 and as a member of the Senate from 1811 to 1814. As a member of Congress, Campbell loyally supported the embargo policy and Madison's declaration of war against Great Britain. President Madison rewarded Campbell for his party loyalty by appointing him secretary of the treasury in 1814.17

Campbell assumed administration of the treasury department at a critical period. The United States suffered severe military reversals during the spring and summer of 1814. Also, the financial condition of the country was pathetic. Campbell tried to encourage non-combatants to support the war by lending money to the government. On April 2, 1814, he notified the public that government bonds

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in the amount of $10,000,000 would be offered for sale until May 2. The bond sale was a failure because the citizens of New England, where most of the available money was located, were bitterly opposed to the war. The temporary British occupation of Washington in August of 1814 added to Campbell's financial woes. For these reasons, on September 26, Campbell, sick and disillusioned, resigned his position after only seven months in office.

In his letter of resignation to Madison, Campbell expressed the hope that his position would be filled by a person who might be more successful with American capitalists. Madison turned once again to Alexander J. Dallas as the person to win the support of these capitalists. Madison renewed his offer of the treasury position to Dallas for several reasons. Dallas had shown a keen interest in the department's affairs for years, and he was on good terms with the capitalists, whose support was desperately needed. Also, he was completely loyal to the administration and anxious to serve again at this critical time. The earlier opposition to his nomination had disappeared, and Senator Lacock was rumored to have sent word to Madison that he and Leib were now willing to support Dallas' nomination. Moreover,
there were a number of businessmen urging Dallas to accept the secretaryship.  

As secretary of the treasury, Dallas rendered impressive service in a cabinet cluttered with incompetents and mediocrities. During his service, Congress enacted a protective tariff and rechartered a much-needed United States Bank. When he assumed office, the national debt stood at $125,000,000, and when he left office the debt had been lowered to $20,000,000. Dallas also performed a number of valuable miscellaneous administrative tasks. For a short time he did triple cabinet service, overseeing the work of the war department and the state department, in addition to his duties as secretary of the treasury. He wrote and published an important essay entitled, "An Exposition of the Causes and Character of the Late War with Great Britain," which defended Madison's war policy.  

Dallas left his position as head of the treasury in October, 1816. His resignation created a problem for Madison in selecting a competent replacement. Madison turned to

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19 Ibid., pp. 206, 212, 218-19, 222-23.
Albert Gallatin, recently nominated to succeed William H. Crawford as American minister to France, but Gallatin refused, stating, "I believe that an active young man can alone reinstate and direct properly that Department." Gallatin recommended two South Carolinians, William Lowndes or John C. Calhoun, as men capable of directing the department. Madison rejected Gallatin's suggestion and appointed William H. Crawford of Georgia to the vacant office.

During Madison's difficulties in finding a competent man to head the treasury department, he was experiencing similar problems with the war department. At the beginning of his administration, Madison had selected William Eustis of Boston to head the department. Eustis was the son of the distinguished physician and surgeon, Benjamin Eustis. William Eustis had studied medicine and later was appointed surgeon in charge of a regiment in the field during the Revolutionary War. William Eustis' experience in politics included service in the Massachusetts Legislature from 1788

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20 See the exchange of letters between Madison and Gallatin: Madison to Gallatin, 12 April 1816, Gallatin to Madison, 7 June 1816, Gallatin Papers; Walters, Albert Gallatin, p. 297.

to 1798 and in the United States House of Representatives from 1800 to 1805. Madison nominated him to become secretary of war on March 6, 1809, and he received confirmation the next day, but he did not assume the duties of the office until April, 1809.\textsuperscript{22} Seemingly, Madison's selection of Eustis was based on a desire to balance his cabinet geographically rather than on talent or ability.

When Eustis became head of the war department, the secretary was encumbered by a number of unrelated functions. He attended to the claims of pensioners, the granting of military land warrants, and the supervision of Indian agents. In addition, he had to act in a strictly military capacity as adjutant general, quartermaster general, paymaster, and as an appellate authority for review of court martials, while listening to constant bickering from members of Congress.

Madison proposed to relieve the burdens that the secretary of war shouldered by the creation of two assistant secretaries.\textsuperscript{23} The two aides were described in the House

\textsuperscript{22}Senate Journal, 11th Cong., special sess., 6, 7 March 1809, pp. 118-19; James Madison to William Eustis, 7 March 1808, Madison Papers.

as persons to help the department head "not only with their hands, but with their minds." These would be men who could relieve the secretary of war from the details of the various branches of his department, "that he may have the command of his time and his mind to attend to the general superintendence of the whole department." Madison's request for a reorganization of the war department was met by endless debate in Congress over the lack of funds.

The Senate responded by rejecting several appointments which would have strengthened the war department. Tench Coxe of Pennsylvania was rejected as commissary general of purchases and James Taylor of Kentucky was rejected as deputy commissary general of purchases. Finally, Madison withdrew the nomination of Edward Fox of Pennsylvania to be commissary general.

Eustis' management of the war department came under bitter criticism during the War of 1812. John Graham, chief

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25 Ibid., p. 1366.

26 Ibid., pp. 1367-76.

27 See the following for senatorial opposition to the mentioned nominations. *Senate Journal*, 12th Cong., 1st sess., 1, 2 Apr. 1812, pp. 242-43, 300, 303; ibid., 22, 26 June 1812, pp. 278-79; 1 July 1812, p. 281.
clerk of the state department, wrote to Monroe: "great as is the popularity of the President, it is barely able to resist the torrent of public opinions against the Secretary of War, who, so far as I can judge, is universally considered by the people of this country as incompetent to his present situation."Senator William H. Crawford of Georgia wrote Monroe complaining of the incompetence of Eustis. Crawford bemoaned the United States' declaration of war against Great Britain on June 18, 1812, because of the inefficiency of the men who were given responsibilities for its management. Crawford's criticisms of Eustis were harsh. He described the penny-pinching Eustis in the following manner:

A Secretary of War, who, instead of forming general and comprehensive arrangements for the organization of his troops and for the successful prosecution of the campaign, consumes his time in reading advertisements of petty retailing merchants to find where he may purchase one hundred shoes or two hundred hats.

Gallatin joined Crawford in criticizing Eustis. He stated that Eustis' "incapacity" and the "total want of confidence in him" were "felt through every ramification of the public

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28 John Graham to James Monroe, 27 September 1812, Monroe Papers.

service." 30 Under constant pressure and lacking proper personnel, Eustis tended his resignation to Madison on December 3, 1812. 31

With the resignation of Eustis, James Monroe became secretary of war pro tempore, serving from January 1 to February 4, 1813. According to Crawford, Monroe wanted to serve as head of both the war and state departments. 32 In a confidential letter to Crawford, Monroe stated that he was not concerned about the war department as it related to himself but as it pertained to the public and to free government. 33 Madison probably would have permitted Monroe to continue this dual responsibility indefinitely had it not been for criticism from Congress, dissension in the cabinet, and disgruntled Republicans in New York. 34 Seeing

30 Walters, Albert Gallatin, p. 251.


32 Green, William Harris Crawford, p. 117.


34 Gallatin, despite his lack of military training, expressed a desire to head the war department. See Gallatin to Madison, 11 October 1812, Madison Papers; Green, William Harris Crawford, p. 117.
that he would not be able to keep Monroe in both departments at the same time, Madison offered the position of secretary of war to both William Henry Dearborn and William H. Crawford. Dearborn refused the offer, probably with the knowledge that it would be difficult for Madison to get his nomination confirmed by the Senate. His recent lack of energetic leadership during the Niagara campaign caused many people to doubt his ability. Crawford refused because of his lack of military knowledge.35

Madison then nominated John Armstrong of New York to be Eustis' successor. Armstrong had served his country in various capacities. He served in the Revolutionary War, participating in the Saratoga campaign. During the war he was responsible for authorizing the Newburgh Addresses, which stirred certain Continental Army officers to mutiny at the close of the war. His marriage into the politically prominent Livingston family of New York led to his appointment as minister to France from June 30, 1804 to September, 1810, succeeding his brother-in-law, Robert R. Livingston. In the presidential election of 1812, Armstrong defied the Clintonians by supporting Madison for a second term.

35 Crawford to Madison, 8 April 1824, Madison Papers; Richmond Enquirer, 6 August 1824.
Armstrong's party loyalty, his political connections, and the jealousy of northern politicians at two southerners holding the top positions in the government undoubtedly prompted Madison to select Armstrong. However, the president's decision proved to be as tragic as his selection of Robert Smith to head the state department. Armstrong came into the cabinet openly critical of Virginia and its statesman. Madison had little confidence in Armstrong because of his reputation for intrigue. Monroe looked upon Armstrong as his rival for the presidency in 1817, and because of his jealousy Monroe wrote Madison recommending the removal of Armstrong at the end of his first year in office.

Monroe's suspicion of Armstrong's alleged intrigue, his insubordination, and his overly ambitious nature seem to have had justification. As secretary of war, Armstrong


recommended men for promotions, and the president decided whether the promotions were merited. Armstrong immediately notified the officer of his action, and if the promotion went through, the secretary gained the officer's gratitude. If it were not approved, the president gained an enemy, and Armstrong made a political friend. Madison took Armstrong to task for this practice and set down some guidelines for the secretary to follow in carrying out his duties.  

Armstrong experienced difficulties, not only with Madison but with members of the war department as well. A long conflict between Armstrong and William Simmons, the accountant of the war department, posed a problem for Madison. Armstrong refused to sign warrants issued by Simmons, and Simmons refused to counter-sign some of those issued by the secretary. This deadlock between the two men made it difficult to pay for the transportation of volunteers during the war. Madison responded to the conflict by dismissing Simmons.  

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39 National Intelligencer, 8 July 1814. See Brant, James Madison, 6:265-66.
John Armstrong's career as secretary of war came to an inglorious end after the burning of Washington on August 24, 1814. His forced removal, however, was the culmination of a series of tragic incidents that took place prior to August 24. Armstrong had denied that the British would move on Washington, had opposed preparations to meet them, and had been indecisive in executing a decision in the cabinet meetings as to how the crisis should be met. When the British landed, the defense of the capital was placed in the incompetent hands of General William Winder. Armstrong took offense and nearly withdrew his cooperation. After the occupation of Washington by the British, Madison told Armstrong that American troops had lost confidence in him and would no longer follow his leadership. Madison demanded to know Armstrong's intentions. Armstrong responded by offering either to resign or to withdraw to New York to visit his family.

Madison accepted his first offer, and Armstrong resigned the next day.

After the departure of Armstrong, Madison again requested Monroe to take charge of the war department on a temporary basis. Shortly thereafter, Madison offered the position to Daniel D. Tompkins of New York. Tompkins had served as a popular governor of New York in 1807, 1810, 1813, and later in 1816. Despite Gallatin's objection, Madison undoubtedly favored Tompkins because of his support of the Embargo Act and the War of 1812. Tompkins rejected the offer, stating that he was more useful as governor of New York.

After Tompkins' refusal, Madison nominated Henry Dearborn of Massachusetts to head the war department. Madison's selection of Dearborn to head the department was based upon his record in the Revolutionary War and as secretary of war for eight years in Jefferson's administration. Nevertheless, the selection was unwise for several reasons. Dearborn's

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42 Madison to Daniel D. Tompkins, 28 September 1814, in Madison, Writings of James Madison, 8:312-13; Madison to Governor Daniel D. Tompkins, 14 October 1814, Madison Papers. For Gallatin's objection to Tompkins' appointment to head the war department see, Gallatin to Madison, 4 January 1813, Gallatin Papers.
nomination to become a major general in the army met with bitter resistance in the Senate. In addition, the brilliance demonstrated during the Revolutionary War had dimmed because of age. His lack of energy during the recent campaigns at Montreal, Kingston, the Niagara River, and Plattsburgh brought forth cries of incompetency. In spite of rumored opposition, Madison sent Dearborn's nomination to the Senate, and it was promptly rejected. Referring to the rejection, Madison expressed sympathy to Dearborn and stated his esteem for his public service and character.

Madison finally found a man, William H. Crawford of Georgia, who was acceptable to the Senate. While serving as a United States senator, Crawford had advocated war with Great Britain and strongly favored rechartering the United States Bank. Earlier, Madison had nominated Crawford to replace Joel Barlow as minister to France. On March 2, 1815, President Madison nominated him as secretary of war, and he received confirmation the next day. He served commendably

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43 See the following for Dearborn's confirmation as major general in the army and his rejection to become head of the war department. *Senate Journal*, 12th Cong., 2nd sess., 20, 27 Jan. 1812, pp. 206; ibid., 13th Cong., 3rd sess., 1, 2 March 1815, pp. 625-26; *Dictionary of American Biography*, s.v. "Dearborn, Henry."

as head of the war department until he was transferred to the treasury department in October, 1816.45

Madison's appointment of Paul Hamilton of South Carolina to head the navy department proved as unwise as that of Eustis to head the war department. Once again, the choice was based on geographical considerations rather than on talent. Hamilton served as a state senator of South Carolina in 1794 and 1798, and as governor from 1804 to 1806. By occupation he was a rice planter, and therefore he had no knowledge of naval affairs. His instructions to his chief clerk, Charles W. Goldsborough, were,

watch well the behavior of our officers; attend also to the Navy yard at Washington; 'tis a sink of all that needs correction and if God spares me it shall be rectified . . . . I have only to add my first persuasion that you will do your duty for your own sake and our Country's . . . .

During the war with Great Britain, Hamilton's critics became bitter in their denunciations of him. Congressman Nathaniel Macon of North Carolina said that Hamilton was about as fit for his position as "the Indian Prophet would be

45Green, William Harris Crawford, pp. 117-34. For Crawford's nomination and confirmation as secretary of war see, Senate Journal, 15th Cong., 3rd sess., 2, 3 Mar. 1815, pp. 626-27.

for Emperor of Europe."  

Senator William H. Crawford of Georgia, a supporter of Madison's war policy, regretted that war had been declared, because of the incompetent leadership of Hamilton. Crawford also accused Hamilton of diverting the naval officers from their proper duties in order to supply the heads of the departments with pineapples and other tropical fruits. In addition, Hamilton was charged with excessive drinking, and consequently with being unable to perform his duties in an efficient manner. Under constant attack, Hamilton resigned on December 31, 1812. William Jones succeeded him, a man whom Jefferson had been unable to persuade to head the department in 1801.

A native of Philadelphia, Jones had participated in the Battle of Trenton during the Revolutionary War. Later, he served as a third lieutenant on the Pennsylvania privateer, the St. James. He became a shipping merchant and because of his lively interest in politics, was elected as a Republican to the Seventh United States Congress (1801-1803). In 1812

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47 Adams, History of the United States, 6:290.

48 Crawford to Monroe, 9 September 1812, Monroe Papers.

49 National Intelligencer, 17 February 1813; Madison to Paul Hamilton, 31 December 1812, in Madison, Writings of James Madison, 3:233; Brant, James Madison, 6:25, 122-26; Paullin, History of Naval Administration, pp. 135-41; Senate Journal, 12th Cong., 2nd sess., 8 Jan. 1813, p. 315.
he advocated war with Great Britain. His party loyalty and knowledge of gunboats and the arts of naval defense probably persuaded Madison to nominate him to head the navy department. With great energy, Jones attempted to give vigorous leadership to the department. He is credited with advocating standardization in the construction of ships. He also proposed a naval academy for instruction in mathematics and experimental philosophy, the theory of naval architecture, and mechanical drawing. He resigned his position on December 2, 1814, because of his desire to devote more time to private affairs.\footnote{50} 

With the resignation of Jones, Madison was unable to find an immediate successor, although he had taken action earlier to fill the position in anticipation of Jones's departure. Madison invited Commodore John Rodgers to become secretary of the navy.\footnote{51} Rodgers, a native of Maryland, was probably one of the best-known heroes by 1814. His


\footnote{51}Madison to Commodore John Rodgers, 24 November 1814, Madison Papers.
illustrious service in the navy war was recognized by President John Adams. Adams appointed him second lieutenant on board the Constellation on March 8, 1789, and President Thomas Jefferson commended him for bravery during the United States war against the Barbary pirates. Later, Madison praised him for his exploits against the British naval sloop Little Belt. Madison selected Rodgers because of his service to the country and his alleged knowledge of naval affairs. In spite of the high commendations, Rodgers declined the position. According to naval historian Charles Oscar Paullin, Rodgers declined because of his preference for active duty at sea. Madison reportedly withdrew the offer at the urging of Attorney General Richard Rush. Rush allegedly advised Madison that a naval officer could not hold a cabinet position.

On December 15, Madison wrote to Benjamin W. Crowninshield of Massachusetts. In his letter, Madison told Crowninshield that he considered him to be a desirable successor to William


53 Madison to Commodore John Rodgers, 24 September, in Madison, Writings of James Madison, 8:320; Powell, Richard Rush, p. 66.
Jones. Moreover, Madison informed him that his name had been submitted to the Senate without his consent in order to prevent a prolonged vacancy in the navy department. The president closed by apologizing for not consulting him and expressed the hope that acceptance would not be inconsistent with his desire to aid his country. On December 26, Crowninshield replied, declining Madison's offer, but on December 28 he wrote accepting the offer at the request of political friends and with the permission of his family.\textsuperscript{54}

From 1800 to 1814 the attorney general frequently had been an absentee cabinet member, a fact which at times embarrassed the president and other department heads. When Madison became president, the attorney general was an officer without a department, a legal adviser without a clerk, and a prosecutor with no control over the district attorney. Also, the larger part of his professional income was earned from private practice.

Madison initially retained Thomas Jefferson's attorney general, Caesar A. Rodney. Rodney a native of Delaware, had broad experience in the government. In his state he had served as a member of the House of Representatives from

1796 to 1802. Jefferson persuaded him to run against James A. Bayard for the United States House of Representatives. With Jefferson's backing, he defeated Bayard and served as a member of the House from 1803 to 1807. On January 20, 1807, Jefferson appointed him attorney general of the United States. He served in Madison's administration until his resignation on December 5, 1811. His resignation was allegedly the result of Madison's refusal to appoint him to fill the vacancy on the United States Supreme Court caused by the death of Samuel Chase on June 19, 1811.\textsuperscript{55}

After Rodney resigned, Madison selected William Pinkney to be attorney general. Pinkney, a native of Maryland had distinguished himself as a lawyer, statesman, and diplomat. His abilities as an attorney and orator were well-known. He had served as a member of the state legislature of Maryland from 1788 to 1792. President Jefferson appointed him to serve as minister to Great Britain with James Monroe. He and Monroe negotiated the abortive Pinkney-Monroe Treaty in 1806.

On Pinkney's return to the United States in 1811, Madison appointed him as attorney general. His selection seems to have been a wise one in view of his past service.

and knowledge of law. Pinkney's term as attorney general ended in February of 1814. On January 5, the House of Representatives instructed its judiciary committee to consider a bill that would require the attorney general to live in Washington. Without waiting for the result of the proposed bill which later failed, Pinkney, unwilling to leave his prosperous law practice in Baltimore, resigned. President Madison, who approved the proposed measure, reluctantly accepted Pinkney's resignation. As Pinkney's successor, Madison selected Richard Rush, who was willing to move his residence to the capital.

In the post office department, which did not have cabinet rank until 1829, Madison's patronage problem developed as a result of the unlimited authority delegated to the postmaster general and because of political insubordination. From Washington's administration through the Jeffersonian period, the postmaster general had appointed postmasters in the various states. Many times he made these appointments without consulting the president. In filling vacancies, the postmaster general made inquiries of persons residing in

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localities where a vacancy had to be filled. Representatives, senators, and persons prominent in the affairs of a state, county, or city were asked for their views of applicants. The independent exercise of power by the postmaster general constituted a dangerous privilege. Moreover, the lack of communication between the president and postmaster general occasionally led to violent disturbances. Realizing the potential danger of the appointment, Charles J. Ingersoll, a representative from Pennsylvania, speaking to the House of Representatives on the general subject of patronage on January 1, 1814, declared that in his opinion, the patronage of the postmaster general was subject to extreme abuse.57

On becoming president, Madison retained Jefferson's postmaster general, Gideon Granger. Granger, a native of Connecticut, had served in that office since 1801. Like his father, he had graduated from Yale College and become a lawyer. Granger became active in local politics, holding a seat in the Connecticut General Assembly in 1792. He actively supported Jefferson in 1800 and was rewarded with the appointment as postmaster general. Under Jefferson, he

was entrusted with important party responsibilities, including distribution of considerable patronage through the post office. Madison allowed Granger to continue the practice but removed him in 1814 for political insubordination.

The conflict between President Madison and Granger grew out of Granger's attempt to appoint Michael Leib to a postmaster's position in Philadelphia. Leib, a leader of the Invisibles, had constantly opposed Madison's appointments. In 1814, he was defeated in his effort to be reelected as a senator from Pennsylvania. On the death of the local postmaster of Philadelphia, Alexander J. Dallas notified William Jones that Richard Bache wanted the position. Jones received information that Granger had promised the office to Leib. Bache had the support of Senator Abner Lacock and a number of Pennsylvania congressmen. Fearing that the appointment might cause the wrath of Madison, Granger called on him. The president declined to intervene but made it clear that he supported Bache. Defying the president, Granger appointed Leib, and Madison subsequently dismissed Granger as postmaster general. Madison then appointed Return Jonathan Meigs, Jr. of Connecticut as Granger's successor.

58 Senator Jonathan Roberts declared that "Granger was too selfish to warrant confidence." See Jonathan Roberts, "Memoirs of a Senator from Pennsylvania: Jonathan Roberts,
Meigs had served in the United States Senate from December 12, 1808, to May 1, 1810. He resigned to run for governor of Ohio. He was elected governor in 1810 and served until 1814. As governor, Meigs was active in raising men and supplies for the War of 1812. Madison's appointment of Meigs to be postmaster general improved the administration's standing in the West; however, it led to charges of nepotism against Madison. Meigs' daughter had recently become the second wife of John G. Jackson, widower of Dolley Madison's sister Mary. Meigs' nomination caused a bitter conflict in the Senate, but ultimately he was confirmed on March 17, 1814. 59

Madison's lack of sagacity in selecting and manipulating men contributed to his patronage problem. This is reflected in the numerous resignations that took place during his administration. William Eustis broke down in the face of national emergency and was forced to resign, and his successor,


John Armstrong, was forced to resign after the burning of Washington. Paul Hamilton, was forced out of office concurrently with Eustis and for the same reason. George W. Campbell, Madison's third secretary of the treasury, resigned because he could not cope with the difficulties of his position. Monroe's service as secretary of state was interrupted by several assignments to act as secretary of war. William Jones served as secretary of the navy and of the treasury for nearly a year. Alexander Dallas remained in the treasury for only two years, during which time he also acted as secretary of war. William H. Crawford, who was appointed secretary of war on August 1, 1815, served for a little more than a year when he was transferred to the treasury department.

Madison's task would have been much easier if he had surrounded himself with able men who were devoted to public interest and were experts in the management of public affairs. Instead, the president's cabinet was filled with inexperienced, jealous, insubordinate, and disloyal men.
Early in his administration, President James Madison encountered difficulties in filling two vacancies on the United States Supreme Court. These vacancies resulted from the deaths of associate justices William Cushing on September 13, 1810, and Samuel Chase on June 17, 1811. Cushing's career had been long, brilliant, colorful, and at times, controversial.\(^1\) After the Court had adjourned in 1810, Cushing's approaching death became known. He had been ill for several years and had become increasingly senile. His death in September of that year created a stir of interest in the Republican party and the entire nation concerning his successor. With the possible exception of John Rutledge's appointment as chief justice in 1795, there had been little public interest in appointments to the Court. In 1810, however, the federal judiciary was a live issue because of the political problems of the day. The Court was expected

to hand down final judgments on the status and rights of
a United States Bank in Georgia, the rights of land claimants
in Kentucky and Virginia, the regulation of commerce through
embargoes, non-intercourse laws, steamboat monopolies, and
many other questions which were causing political antagonisms.

At the time of Cushing's demise, the Court consisted
of three Federalists and three Republicans and was balanced
geographically as well as politically. The Federalists
included Chief Justice John Marshall of Virginia, Bushrod
Washington of Virginia, nephew of George Washington, and
Samuel Chase of Maryland. The Republicans, all appointed
by President Thomas Jefferson, were William Johnson of
South Carolina, Thomas Todd of Kentucky and Brockholst
Livingston of New York. In the minds of many, the future
trend of the Court's decisions would depend largely on the
character of the new man appointed and the section of the
country that he would represent.

President Madison's difficulty in finding a suitable
replacement for Cushing was the result of several factors,
which included geographical considerations, the involvement
of men in the Yazoo controversy, the numerous aspirants for
the vacancy, the refusal of competent men who were nominated,
recommendations by Thomas Jefferson, and senatorial opposition.
Madison summed up his state of bewilderment to Jefferson, who manifested a deep interest in finding a person to fill the vacancy, when he stated that "The vacancy in the Judiciary is not without a puzzle in supplying."  

From the state of Massachusetts, eight Republicans were prominently mentioned as possible nominees: Levi Lincoln, attorney general of the United States in Jefferson's administration; Perez Morton, Republican politician, lobbyist and director for the New England Mississippi Land Company; George Blake, President Jefferson's attorney for Massachusetts in 1808, and one of the original subscribers to the New England Mississippi Land Company; John Quincy Adams, the recently resigned senator from Massachusetts; Ezekiel Bacon, United States representative; Joseph Story, a former congressman and speaker of the Massachusetts House of Representatives; James Sullivan, a leader of the Massachusetts Republicans, who was state attorney general and later, in 1807 and 1808, governor; and Barnabas Bidwell, former United States representative.  

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3 For information on the men mentioned see, Charles Warren, The Supreme Court in United States History, 3 vols.
Connecticut, Rhode Island and Pennsylvania also had men who were interested in the vacancy. Connecticut politicians strongly urged the appointment of Gideon Granger, postmaster general during Jefferson's presidency and part of Madison's administration. In Rhode Island, the Republican party was torn into two factions. One faction, headed by Governor James Fenner and David Howell, United States attorney, favored the United States district judge, David L. Barnes. The pro-Federalist faction supported Asher Robbins. Alexander J. Dallas, United States attorney for eastern Pennsylvania, wrote Gallatin stating that Representative Jared Ingersoll would gladly accept the appointment. He ended his letter by asking, "Do you not think Pennsylvania is entitled to some notice? Everybody else seems to think so." 

Thomas Jefferson actively made recommendations to Madison. His interest in the vacancy was both personal and political. Jefferson's antipathy toward Chief Justice John Marshall had

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5 Alexander J. Dallas to Albert Gallatin, 24 June 1811, Albert Gallatin Papers.
been growing in intensity for several years. Four months before Cushing's death, Jefferson wrote to Madison of the "rancorous hatred which Marshall bears to the government of his country," and to "the cunning and sophistry within which he is able to enshroud himself."\(^6\) Continuing his vituperations against Marshall, Jefferson referred to "His twistifications in the case of Marbury and the late Yazoo case, show how dexterously he can reconcile law to his personal biases."\(^7\) Jefferson showed his personal interest in the vacancy by referring to the "Batture Case," pending in the Circuit Court at Richmond, and brought against him by Edward Livingston. Noting this, Jefferson wrote of Marshall, "he is ready prepared to decide that Livingston's right to the batture is unquestionable, and that I am bound to pay for it with my private fortune."\(^8\) Politically,


\(^7\)Ibid., p. 141.

\(^8\)Edward Livingston owned a portion of alluvial land at New Orleans which had been used by the people for the anchorage of their ships. When Livingston commenced certain excavations on the land (August, 1807), his workmen were driven away by the people. Unable to maintain order, Governor William C.C. Claiborne asked President Jefferson to intervene. Jefferson took possession of the property, stating that it belonged to the United States as a result of the Louisiana Purchase of 1803. Livingston promptly filed suit against Jefferson. See
Jefferson was interested in the balance of power on the Court being on the side of the Republican party. Concerning Cushing's death, he stated,

The event is a fortunate one, and so timed as to be Godsend to me. I am sure its importance to the nation will be felt, and the occasion employed to complete the great operation they have so long been executing, by the appointing of a decided Republican.9

To Gideon Granger, he wrote that the vacancy should be filled by "a firm unequivocating Republican."10

Thomas Jefferson made at least five direct recommendations to President Madison and commented on the possible selection of several others. He specifically mentioned John Tyler, Cyrus Griffin, Levi Lincoln, Gideon Granger, and his cousin, George Jefferson. John Tyler of Virginia (father of the future president) had served in the Revolutionary War, as a judge in his state, and eventually as governor of Virginia. He was considered an aristocrat by nature, a democrat by choice, a liberal in politics, and an "unruffled conservative" in private life.11 Apparently Tyler solicited

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10 Jefferson to Gideon Granger, 22 October 1810, ibid., p. 156.

11 Dictionary of American Biography, s.v. "Tyler, John."
the position through Jefferson. In a letter to Madison, Jefferson mentioned sending an extract of a letter to him from Tyler. Jefferson recommended Tyler as a man with firmness of character, which would enable him to maintain a degree of independence from Marshall. In addition, Jefferson praised him as a popular judge, a remarkable governor, and a man of incorruptible integrity. In stark contrast to Tyler, Jefferson mentioned Cyrus Griffin, another local judge of Virginia, and referred to him as "a wretched fool . . . a cypher in an important office." According to Jefferson, if Griffin received the appointment, he would soon come under the magic spell of Marshall. Jefferson concluded his comments on these two men by saying that Madison would have to judge fairly between Tyler and his competitors.12 The only qualifications that George Jefferson of Virginia seems to have possessed were honesty and kinship to Thomas Jefferson.13 Madison told Jefferson that he had never lost sight of "Mr. Jefferson."14

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14 Madison to Jefferson, 19 October 1810, in Madison, Writings of James Madison, 8:111.
On May 26, the day after Jefferson sent his letter to Madison, he wrote to Tyler to acknowledge receipt of his letter of May 12. Jefferson stated that he had never intended to embarrass the president by solicitations, but in Tyler's case he had broken with this practice by urging Tyler's appointment with all his heart and with the full belief that he was rendering a valuable service to the nation and the president. Furthermore, Jefferson based his recommendation of Tyler upon the belief that the country had suffered too long under the "base prostitution of the law by one judge and the imbecility of another."\(^{15}\)

Along with Jefferson's recommendations, Madison had to consider those of other prominent politicians. Several men were actively soliciting the appointment. From faction-ridden Rhode Island, Governor James Fenner sent Madison a recommendation of David L. Barnes, a United States district judge.\(^{16}\) John Pitman, bitterly opposed to the appointment of Barnes, wrote to Madison and stated that Barnes possessed moderate intelligence but lacked the qualifications for the office that he held as president of an insurance company. Barnes was a Federalist and catered to the merchants in

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\(^{15}\)Jefferson to John Tyler, 26 May 1810, ibid., p. 142.

\(^{16}\)David Howell to Madison, 26 September 1810, James Madison Papers.
Rhode Island. Finally, Pitman stated that Barnes was filled with cunning and hypocrisy.  

Rhode Island Federalists supported Asher Robbins, a local politician, who later became United States attorney in 1812 and United States senator in 1825. One Republican strongly objected to the appointment of Robbins because of his poor health and Federalist leanings. Robbins, aware of the opposition to his appointment from Rhode Island, wrote to Madison repudiating the charges made against him. Robbins mentioned his support of the Constitution of the United States as evidence of his patriotism and loyalty to the Union. In closing, he asked Madison to protect his name and assured him that the charges were designed to ruin him.

Gideon Granger of Connecticut, the postmaster general, was the most active campaigner for the judicial appointment. Granger solicited the recommendation of other politicians as well. Thomas Jefferson recommended him to Madison as a person with great abilities and integrity but admitted that

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17 John Pitman to Madison, 24 October 1811, ibid.
18 David Howell to Madison, 26 September 1810, ibid.
19 Asher Robbins to Madison, 3 June 1811, ibid.; Biographical Directory of the American Congress, s.v. "Robbins, Asher."
John Randolph had done much to damage Granger's reputation during the Yazoo controversy, when the latter served as an agent for the New England Land Company.\(^2\) Despite the charge of "Yazooism," Granger kept up his vigorous campaign to win the seat on the Court. He requested the aid of Senator William Plumer of New Hampshire to use his influence with Madison to secure the appointment. Writing to Plumer, Granger stated, "I have offered myself as a candidate for the office vacant by the death of Judge Cushing." He then asked Plumer to write President Madison recommending him.\(^2\) Plumer replied to Granger by stating that he had written the president concerning the subject. Plumer expressed

\(^2\) Jefferson to Madison, 15 October 1810, in Jefferson, Works of Thomas Jefferson, 11:151. The Yazoo controversy had its roots in a gigantic, fraudulent speculation in western lands that grew into a political and constitutional issue. In 1795 a corrupt Georgia legislature sold at least 35,000,000 acres, some at less than two cents an acre, to four "Yazoo Companies." The Georgia legislature of 1796 rescinded the sale of 1795. Third parties, mostly New England voters, had already bought from the speculators and to save their investments organized an interest group and set out to lobby for relief. Finally, the United States Supreme Court handed down a decision in Fletcher v. Peck (1810), stating that Georgia could not undo the sale because of the constitutional prohibition against the impairment of contract.

hope that Granger would be successful in his efforts.\textsuperscript{22} Plumer then recommended Granger to Madison as a man of "talent, integrity, and honor." He closed his letter with the comment:

\begin{quote}
I do not know of any man in the First Circuit . . . that would give so much satisfaction as Mr. Granger. I have consulted a considerable number of the most reputable and influential Republicans in this Circuit and I am happy to add that their opinions fully coincide with my own.\textsuperscript{23}
\end{quote}

Madison took note of Granger's activity and stated that he had "stirred up recommendations throughout the Eastern states." Madison expressed some displeasure at Granger's method in securing the appointment. According to Madison, the "soundest Republicans of New England" were working against Granger because of his intrigue and his alleged connection with the Yazoo land frauds.\textsuperscript{24} In an earlier letter to Jefferson, Madison had commented on Granger's qualifications and praised him for his commendable credentials but added that, unfortunately, the only legal evidence of his talents known to the public were exhibited

\begin{footnotes}
\textsuperscript{22}Plumer to Madison, 30 October 1810, ibid.
\textsuperscript{23}Ibid.
\textsuperscript{24}Madison to Jefferson, 7 December 1810, in Madison, \textit{Writings of James Madison}, 8:111.
\end{footnotes}
in the Yazoo controversy. His association with the Yazoo issue made him objectionable to the South.\textsuperscript{25}

Granger's involvement in the Yazoo controversy continued to be a lively issue. Senator Charles Cutts of New Hampshire wrote to Plumer and discussed Granger's interest in the Supreme Court appointment and his Yazoo connection. Cutts reiterated Plumber's comments on the amount of interest that Granger had stirred up in the First Circuit and spoke of the coldness that existed between Madison and Granger. It had been rumored that Granger was not loyal to the president and that he was considered by many to be a "Yazooist." Cutts suggested that the appointment should go to John Quincy Adams or Levi Lincoln.\textsuperscript{26}

Madison continued to be bombarded with recommendations and solicitations. Elbridge Gerry, governor of Massachusetts from 1810 to 1812, recommended George Blake. Gerry told Madison of the general expectation in the Bay State that the appointment should go to Blake. Gerry gave his personal endorsement by stating that Blake possessed a more thorough knowledge of the duties of the office than any practicing

\textsuperscript{25} Madison to Jefferson, 19 October 1810, ibid., p. 111.

\textsuperscript{26} Charles Cutts to William Plumer, 19 December 1810, Granger Papers.
lawyer in the state. As a statesman, Blake was noted for his firmness, boldness, and decisiveness. Finally, Blake had recently married a fine woman who would be a valuable asset to him as a judge.27

Barnabas Bidwell, also from Massachusetts, was mentioned as a possible successor to Cushing. At the time that Madison was considering Bidwell, it was discovered that as county treasurer, he had stolen $10,000 from the treasury and absconded to Canada to avoid trial.28 From Connecticut, Caesar A. Rodney recommended former Governor James Sullivan. However, Sullivan, a state attorney and former governor of Massachusetts (1807-1808), owned 80,000 acres of Yazoo land.29

Faced with numerous recommendations and solicitations, Madison apparently based his selection on a process of elimination, individual qualifications, and political consideration. Madison eliminated Perez Morton, Ezekiel Bacon, Elbridge Gerry to Madison, 22 September 1810, Madison Papers.


and George Blake because of a lack of good endorsements and their seeming disinterest in the vacancy. Gideon Granger's elimination resulted from the suspicion aroused concerning his disloyalty as a result of association with the Invisibles and involvement in the Yazoo controversy. Madison eliminated several other candidates through what he called "political, moral and intellectual disqualification."\textsuperscript{30}

Ostensibly, Madison believed Levi Lincoln to be the most suitable person for the appointment. After graduating from Harvard College, Lincoln had devoted himself to the study of law and became active in Massachusetts politics. He rapidly gained a reputation as one of the most able lawyers in the country. He served in Jefferson's administration from 1801 to 1804 as attorney general. Jefferson recommended Lincoln to Madison as a man of "firm republicanism, known integrity, and one of the most able lawyers to come out of the Eastern States."\textsuperscript{31} Also, Caesar Rodney, Madison's attorney general, highly recommended Lincoln.\textsuperscript{32}

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\textsuperscript{30} Madison to Jefferson, 19 October 1810; Madison to Jefferson, 7 December 1810, in Madison, \textit{Writings of James Madison}, 8:111.


\textsuperscript{32} Rodney to Madison, 27 September 1810, Madison Papers.
\end{flushright}
responded to Jefferson's letter by saying that Lincoln was his first choice, and the president expressed the certainty that Lincoln would accept the offer.  

Several months earlier Levi Lincoln had written to President Madison congratulating him on his victory in the presidential contest of 1808 and especially on his good showing in New Hampshire. After offering his congratulations, Lincoln went into a discussion of the rumored resignation of Cushing. He mentioned that the person who replaced Cushing should be a gentleman of tried and undeviating attachment to the principles and policies of Thomas Jefferson. Lincoln recommended Barnabas Bidwell as the person most qualified to fill the position. As previously mentioned, however, Bidwell was involved in embezzlement, and Madison had to eliminate him. 

Apparently Madison believed that Lincoln met the qualifications set forth in his letter of April 12. On October 20, the president wrote a long letter to Lincoln offering him the vacant position on the Court. In this letter, Madison alluded to geographical considerations by mentioning the

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33 Madison to Jefferson, 19 October 1810, in Madison, Writings of James Madison, 8:110-11.

34 Levi Lincoln to Madison, 12 April 1810, Madison Papers.
necessity of appointing a person acceptable not only to the northern portion of the United States but to the entire country as well. Madison told Lincoln that his knowledge and principles would be an asset to the Court. The president stated that he was aware of Lincoln's failing eyesight, but his eyes would not be the most important "organs" to use as a judge. Madison appealed to Lincoln's patriotism by recalling his previous service to the country and expressed the hope that he would again heed the call of public service. In conclusion, Madison mentioned how much his friends desired to see him on the Court.35

Lincoln pondered Madison's offer for several months, and on November 27, wrote a touching and moving letter to Madison. Lincoln expressed deep gratitude for the confidence that Madison placed in him and for the esteem of his political friends. However, he declined Madison's appointment because of increasing age and failing eyesight which had limited his activities to private life. Lincoln told Madison that his administration had come into existence in the worst of times. He stated his final hope in this manner:

Would to Heaven there was some character, whose pre-eminent talents, virtues and tried services, excluding

all competition left to you only the formal but pleasing
duty of a nomination--some character with the requisite
intelligence, but both blind deaf--blind to the approaches
of cabals factions and party--deaf, deaf as an adder
to the suggestions of friends, ambition or prejudice
and to every voice of reason, patriotism, law, truth
and justice.  

Madison disregarded Lincoln's declination and sent his
nomination to the Senate on January 2, 1811. It was passed
unanimously but Lincoln still refused to accept the appoint-
ment.  

President Madison then startled the country by
nominating Alexander Wolcott on February 4. Wolcott, a
prominent Republican leader from Connecticut, was considered
to be a man of mediocre legal ability. He had served for
many years as collector of customs.  

Madison reputedly
ominated Wolcott at the urging of Joel Barlow, also from
Connecticut. According to historian Irving Brant, Wolcott
was intellectually competent and politically the object of
Federalist rage because of his recent vigorous enforcement
of the Embargo and Non-Intercourse laws.  

Levi Lincoln

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spoke of Wolcott as a "man of great perception, and discriminating powers . . . a valuable addition to the bench." The Senate rejected Wolcott by a vote of twenty-five to nine. Reactions to the rejection varied. William Duane said that the rejection was caused by the friends of Aaron Burr. John Randolph remarked that Madison felt great mortification at the rejection.

The Senate's rejection of Wolcott continued to create problems for Madison in the matter of the Court appointment. Federalists in New Hampshire urged the president to appoint Jeremiah Smith, the noted Federalist chief justice from that state. President Madison was determined to appoint a Republican and did so by nominating John Quincy Adams, then minister to Russia. Adams had expressed a desire to return from his mission because of the ruinous expenses incurred

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40 Lincoln to Madison, 15 February 1811, Madison Papers.


42 Philadelphia Aurora and General Advertiser, 21 February 1811.


from living abroad. On February 21, Madison nominated Adams, and he received unanimous confirmation the next day. Adams, however, declined the position, being, as he had written, "conscious of too little law," and also "too much of a political partisan."

Madison, disappointed at Adams' refusal, delayed six months before making another nomination. In submitting the name of Joseph Story to fill the vacancy, the president defied Thomas Jefferson, who had called Story a "pseudo-Republican." Jefferson objected to Story on the grounds that he had deserted his administration by advocating a repeal of the Embargo Act and because he supported a strong navy. Also, Jefferson believed that Story was too young (thirty-two) to be effective on the bench. Story repudiated Jefferson's charges by stating that the former

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47 Adams to Thomas Boylston Adams, 10 April 1811; Adams to John Adams, 7 June 1811, in Adams, Writings of John Quincy Adams, 4:48, 98.

president called everyone who disagreed with him a "pseudo-
Republican." Despite Jefferson's objection and Story's youth, Madison nominated him on November 15, and the Senate confirmed him three days later. In a letter to Nathaniel Williams, Story gave the following reasons for his acceptance of the position:

Notwithstanding the emoluments of my present business exceed the salary, I have determined to accept the office. The high honor attached to it, the permanence of the tenure, the respectability, if I may so say, of the salary, and the opportunity it will allow me to pursue, what of all things. I admire, judicial studies, have combined to urge me to accept . . . . It is also no unpleasant thing to be able to look out upon the political world without being engaged in it.

As previously mentioned, the death of associate justice Samuel Chase of Maryland on June 9 created a second vacancy in the Court. During his sixteen years on the Court, Chase was erratic and controversial. He incurred the wrath of President Jefferson by bitterly criticizing the repeal of the Judiciary Act of 1801, by castigating Republicans in his instructions to juries, and by allegedly saying that the

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50 Senate Journal, 12th Cong., 1st sess., 15, 18 Nov. 1811, pp. 189-190.

51 Story to Nathaniel Williams, 30 November 1811, in Story, Life and Letters of Joseph Story, 1:201.
Jefferson administration was "weak, pusillanimous, and relaxed." Jefferson reacted by instructing impeachment proceedings against Chase. The latter, however, was acquitted in 1805 of the charges in a famous trial presided over by Aaron Burr.\(^{52}\)

Chase's death, like that of Cushing, created a problem for the president. Madison was confronted with four aspirants from Maryland to fill the vacancy. They were Caesar A. Rodney, attorney general of the United States, John Thompson, Robert Smith, (the deposed secretary of state) and Gabriel Duval, comptroller of the treasury. Robert Smith indicated his desire to receive the appointment after learning that Madison had decided to dismiss him from the cabinet. Madison told Smith that the Senate would undoubtedly reject his appointment because of his long absence from the practice of the law. Smith, sneering at Madison's suggestion, expressed complete confidence in himself.\(^{53}\)

President Madison unexplainedly selected Gabriel Duval, a sixty-year-old Marylander, to succeed Chase. Madison's selection of Duval leaves room for speculation. Duval's

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\(^{53}\)

Memorandum as to Robert Smith, (no date) April 1811, in Madison, \textit{Writings of James Madison}, 8:145.
appointment could be interpreted as a political move. As noted, Duval's report had exonerated the Smith brothers of the charge of dishonesty brought against them by Gallatin. This report could have caused ill-feeling between him and Gallatin, and therefore it was to Madison's advantage to remove him from the treasury department. In addition, Duval's appointment would conciliate the Marylanders. Duval's nomination received confirmation on November 18.54

Despite the difficulties that President Madison encountered in finding suitable and competent men to fill the vacancies on the Court, he proved that he could exercise a degree of independence and tenaciousness. By refusing to accept the advice of Jefferson with regard to Joseph Story, Madison helped to refute the thesis that all of his policies were dictated by his predecessor. Also, Madison proved that under pressure he possessed the ability to make rational decisions.

CHAPTER VI

MADISON'S DIFFICculties WITH
DIPLOMATIC APPOINTMENTS

During James Madison's administration, the relationship of the United States with Europe was affected by the Napoleonic wars that raged until 1815. Napoleon I resorted to a series of paper blockades and annexation to achieve complete hegemony over Europe and Great Britain. As previously mentioned, Napoleon I issued the Berlin Decree on November 21, 1806, which placed the British Isles in a state of blockade. Great Britain retaliated by invoking Orders in Council on January 7, 1807 and on November 11, 1807. The orders prohibited trade from all ports under the influence of France or her allies. Also, captured ships carrying on trade with France or her allies were considered "good prizes" of Britain. Napoleon I reciprocated by issuing the Milan Decree on December 17, 1807, which stated that any ship submitting to the provisions of the Orders in Council would be "good prizes" for France. ¹

In addition to the decrees, Napoleon I compelled all the European states to join his Continental System. When they refused, he successively annexed them to the French Empire. During 1810, he annexed to France the Kingdoms of Holland and Oldenburg, and northern parts of Berg, Westphalia and Hanover, Lavenburg, and the Hanse towns of Bremen, Hamburg, and Lubeck. France occupied the whole coast of the North Sea to the frontiers of Denmark. Denmark became France's ally against England when the British bombarded Copenhagen in 1807 and seized the Danish fleet. Finally, France took possession of Swedish Pomerania. From the newly occupied Baltic ports French privateers streamed forth to capture neutral ships, mostly American, who were defying the Continental System in northern Europe.²

President Madison responded to these crises with economic coercion, and he also tried to achieve peace through a series of diplomatic appointments.³ On March 6, 1809, Madison asked the Senate to reconsider a diplomatic mission to Russia. By


³The Non-Intercourse Act, March 1, 1809 replaced the Embargo Act of December 22, 1807. The Non-Intercourse Act reopened trade with all nations except Great Britain and
1809, Russia had deserted Napoleon I, refusing to comply with his decrees, and an American mission to Russia seemed politically and economically feasible. Russia's refusal to support Napoleon I had provided an outlet for American trade in the Baltic and Europe. Madison needed a person of training and experience to undertake the mission. On February 27, the Senate had rejected the nomination of William Short of Virginia for the Russian post because, according to Thomas Jefferson, the Senate was unwilling to open new diplomatic offices. Madison sent the nomination of John Quincy Adams, recently resigned senator from Massachusetts, to the Senate along with his request to reopen a diplomatic mission to Russia.

Adams, the eldest son of John Adams, had accompanied his father to France in 1778. He later attended the Latin School at Amsterdam. In 1781, he went to St. Petersburg as secretary to Francis Dana, United States minister to France. On May 1, 1810, Congress passed Macon's Bill Number Two, which stipulated that the United States would reopen trade with either France or Great Britain provided that either nation rescind or modify its edicts.

Russia. President George Washington appointed him as minister to the Netherlands in 1794. He served as minister to the Netherlands, England and Prussia from 1794 to 1801. While in Europe, Adams was appointed as minister to the Court of Portugal, but before he assumed his duties he received a new commission to Berlin. In addition to Adams' diplomatic experience, he had received an excellent education in the United States and Europe.\textsuperscript{5}

Despite Adams' impressive credentials, on March 6 the Senate refused to act on his nomination. On March 7, an economy-minded Senate acted on a resolution by Senator James Lloyd of Massachusetts (an enemy of Adams), which stated that it was "inexpedient to appoint a minister to Russia."\textsuperscript{6} Adams reacted philosophically to the defeat, saying that it would have imposed a hardship on his children.\textsuperscript{7}

A critical examination of Adams' rejection shows that the


\textsuperscript{6}Senate Journal, 11th Cong., special sess., 6, 7 Mar. 1809, pp. 113, 119-20. Senator James Lloyd had replaced Adams as senator from Massachusetts. The Senate rejected Adams' nomination by a vote of 17 to 15.

\textsuperscript{7}Adams to Louisa Catherine Adams, 9 March 1809, in Adams, \textit{Writings of John Quincy Adams}, 3:291.
Senate was concerned with more than financial matters. Adams had alienated many Federalists by supporting the Embargo Act; this eventually caused him to lose his seat in the Senate. In addition, Adams attended the hated Republican congressional caucus of 1808 and received one vote for vice-president. The thesis that the Senate partially rejected Adams' nomination as a result of his Republican leanings is reflected in a letter from Barent Gardenier to Rufus King. Gardenier called Adams an apostate and a scoundrel for supporting the Embargo Act and the congressional caucus. Also, he stated that Adams should have been placed in a deep hole for twenty years.

On June 26, Madison sent a message to the Senate concerning the importance of a diplomatic mission to the Russian court at St. Petersburg. Madison stated that the considerations which motivated him to nominate Adams on March 6 had been strengthened by an earnest desire on the part of Czar Alexander I to establish a diplomatic intercourse between


the two countries. Perhaps the Czar wanted to establish
diplomatic relationships with the United States because of
mutual interest on the high seas and thus prevent Britain
from continuing the practice of impressment. This became
evident in 1807 when Britain declared war on Russia. Also,
hostilities seemed likely between the United States and
Britain after the Chesapeake-Leopard affair, which took
place on June 22, 1807. In addition, Russia had established
diplomatic relations with the United States in 1808 with
the appointment of Andre de Daschkoff as consul general
at Philadelphia, with the additional title of chargé
d'affaires. Probably with these situations in mind, the
Senate approved the nomination of Adams, despite the bitter
opposition of Senators Timothy Pickering and James Lloyd
of Massachusetts. Adams wrote that he accepted the
appointment because of Madison's confidence in him and his
genuine concern for the welfare of the Union.

President Madison's wisdom in sending a minister to
Russia was reflected in the period between March 1 and

10 Senate Journal, 11th Cong., 1st sess., 26, 27 June
1809, pp. 126-27. Adams received confirmation by a vote of
19 to 17.

11 Adams to Robert Smith, 5 July 1809, in Adams, Writings
of John Quincy Adams, 3:329; Boston, Columbian Centinmel,
20 February 1808.
November 1, 1811, one of the most crucial phases in history. The United States had no full-time minister in Europe other than John Quincy Adams. John Armstrong, minister to France since June 1804, had become so disgusted with the volatile, unpredictable Napoleon I, who veered from offering the Floridas in return for an American alliance to a wholesale seizure of American vessels in French ports, that he returned to the United States in September, 1810.

Madison continued to demonstrate a genuine interest in bringing about peace through diplomatic appointments with his nomination of George W. Erving as minister to Denmark. The mission to Denmark was important in the light of the activity carried on by Danish privateers. As John Quincy Adams traveled to Russia, he stopped in Norway (part of Denmark until 1714) and saw about thirty masters and supercargoes of American vessels captured by Danish privateers between the months of April and August, 1809. These ships were being detained for final adjudication by the admiralty court. Adams stated that more than half of the ships had been condemned in inferior courts. According to historian

Samuel Flagg Bemis, before the collapse of the Continental System, Danish naval forces captured 160 American ships, 42 of which were condemned. The total American claims for ships and cargoes amounted to more than $2,000,000.13

Undoubtedly, Madison had Danish spoliations in mind in selecting Erving for the mission. Erving, a native of Massachusetts, received his education at Oriel College of Oxford University in England. He was an ardent supporter of Thomas Jefferson in the presidential contest of 1800, and on becoming president in 1801, Jefferson offered him the post of chargé d'affaires to Portugal, which Erving declined. Later, Jefferson offered him the position of consul to Tunis. Erving declined again but accepted the position of American agent in London to look after the claims and appeals of Americans. In 1804, Jefferson transferred him to the legation at Madrid. In the absence of his cousin, James Bowdoin, the regular minister, Erving became chargé d'affaires. He returned to America from his Spanish mission on November 1, 1809.14


Madison sent Erving's nomination to the Senate on December 12, 1810. Senator Stephen R. Bradley of Vermont introduced a resolution that referred the nomination to a special committee composed of Bradley, William Branch Giles of Virginia, and Joseph Anderson of Tennessee. On December 18, Bradley introduced a motion to postpone the nomination. Senator Michael Leib of Pennsylvania introduced a resolution on December 19 to postpone the nomination further. Finally on December 20, Erving received confirmation by a vote of sixteen to nine.15

Madison's appointment of Erving developed into a problem for several reasons. When Erving went to London as an agent to settle the claims of American citizens as provided for in Jay's Treaty of 1794, he allegedly did the work of three officers for the salary of one. Madison is alleged to have sent Erving instructions, which had been authorized by President Jefferson, to retain 2-1/2 per cent of the awards received in cases where he himself did the work for the claimants. Thus, Madison's critics charged him with conspiring to overpay Erving and rob American claimants.16


16 "Robert Smith's address to the People of the United States," Philadelphia Aurora and General Advertiser, 26 June
Erving's critics opposed him because of his role in the
West Florida controversy. As chargé d'affaires in Madrid,
Erving attempted to pressure the Spanish government into
selling West Florida to the United States. Also, the rumor
spread by John Armstrong concerning Erving's incompetence
and Thomas Jefferson's influence in securing the appointment
for him could have been a factor in senatorial opposition.
According to Armstrong, Erving did not possess the talent
for a diplomatic mission. Moreover, Erving allegedly
solicited the appointment through Jefferson. Madison had
not intended to appoint Erving to the post, but Erving's
visit with Jefferson at Monticello, in early December, 1810,
caused Madison to change his mind. Thus, Madison was, at
least in this instance, under the influence of Jefferson.18

1811; National Intelligencer, 2 July 1811. Robert Smith
stated that his disclosure of this information to the Senate
led to the rupture between himself and Madison. See also
Samuel Flagg Bemis, Jay's Treaty: A Study in Commerce and
291-92.

17 Charles E. Hill, "James Madison, Secretary of State,
March 5, 1801, to March 3, 1809," in The American Secretaries
of State and Their Diplomacy, ed. by Samuel Flagg Bemis,

18 Armstrong's charges were printed in the Baltimore
Federal Republican. There is no date on the newspaper. See
ibid., 31 March 1812, in James Madison Papers.
To fill the diplomatic vacuum left in France by Armstrong's return in September, 1810, Madison selected Joel Barlow to succeed him. Barlow, a native of Connecticut and a resident of Washington, was well qualified for the mission. He had graduated from Yale College in 1778 and entered a varied career as a writer, teacher, businessman, publisher, and lawyer. He became known as one of the "Hartford Wits" of New England. He left for Europe in 1788, where he remained for seventeen years. During his long residence in Europe, Barlow became a member of the London Society for Constitutional Information, and his prodigious writings on French society were rewarded with him being made an honorary French citizen. He became deeply immersed in French politics. Upon his return to the United States in 1805, Barlow continued his literary activity by working on a history of the United States. 19

Madison sent Barlow's nomination to the Senate on February 26, and the nomination was ordered to lie over for consideration. There are several reasons that the nomination of Barlow sparked controversy. The first was related to his financial accounts while he served as an agent for the United

19Dictionary of American Biography, s.v. "Barlow, Joel."
States in dealings with Algiers, Tunis, and Tripoli. His critics charged that his accounts were unsettled, and therefore he was a debtor to the United States. Barlow responded to the allegation by sending a letter from the comptroller of the treasury to the Senate certifying that his accounts were in good shape. The second objection was related to Barlow's activity in France. His critics charged that his honorary French citizenship would cause him to be pro-French. Perhaps the most logical reason for opposition to Barlow's nomination was a political one. As mentioned previously, Senator Samuel Smith wanted a diplomatic position. Before President Jefferson appointed William Pinkney to join James Monroe in negotiating a treaty with Britain, Smith made it known to the president that he desired the mission. Also, Smith had expressed a desire for the mission to France before Jefferson appointed John Armstrong. Despite opposition

20 *National Intelligencer*, 2 March 1811.


22 Samuel Smith to Wilson Cary Nicholas, 16 May 1806, Samuel Smith Papers. (photo-copy).
from the Invisibles, Barlow received confirmation on February 27.  

During the War of 1812 and afterward, President Madison continued to experience problems with diplomatic appointments. Early in March, 1813, Madison received an offer from Czar Alexander I of Russia to help mediate peace between the United States and Great Britain. The Czar desired peace for several reasons. He reasoned that if the conflict could be resolved between the United States and Britain, then Britain could continue to import Russian naval stores. Also, American ships, excluded by the Continental System from all other Baltic nations, flocked to Russian harbors and were received without restraint. Furthermore, the Czar's commitment to the principle of freedom of the seas had turned the nations of the Continental System against Napoleon I. In addition Madison desired peace for several reasons; namely, the shameful failure of the initial American campaign.


against Canada, and the opposition of New England to the War of 1812.

Madison promptly responded to the Czar's offer without waiting to see if Britain would do so. He quickly appointed two special plenipotentiaries to serve with John Quincy Adams to negotiate peace with Britain under Russian mediation and to sign a treaty of commerce with Russia. Albert Gallatin had expressed a desire to be a member of the peace commission. During the recess of the Senate, Madison appointed Gallatin, Senator James A. Bayard of Delaware, a Federalist, and Adams to be peace commissioners to Russia. The Senate confirmed the nominations of Bayard and Adams, but Gallatin's nomination raised a constitutional question and led to a bitter conflict between Madison and the Senate.25

On June 2, Senator Rufus King of New York introduced a resolution asking Madison for additional information on the Czar's peace offer and the source of his authority for appointing Gallatin as a member of the peace commission. King requested Madison to send the Senate copies of communications from the Czar concerning his offer of mediation and

his answer to the communications, with the dates that they were received and answered. Furthermore, King asked a confirmation on Gallatin's position as secretary of the treasury. If Gallatin retained the treasury position, King wanted to know who would discharge the powers and duties of the treasury department. On June 7, Madison partially complied with the request by sending a message to the Senate stating that during Gallatin's absence, William Jones, secretary of the navy, would act as secretary of the treasury. Moreover, Madison stated that his authorization for delegating this responsibility to Jones emanated from a 1792 act of Congress, entitled "An act making alterations in the Treasury and War Departments."

The Senate, on June 9, resumed consideration of Gallatin's nomination and on a motion by Jesse Bledsoe of Kentucky postponed it until the following day. When the Senate convened on June 10, Joseph Anderson of Tennessee offered a motion that the nomination be referred to a select committee. The committee was composed of Anderson as chairman, with King of New York, William Branch Giles of Virginia, James Brown

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26 Ibid., 2 June 1813, pp. 348-49.
27 Ibid., 7 June 1813, pp. 350-51.
of Louisiana, and Bledsoe as members. On June 14, Anderson reported that he had addressed a letter to President Madison on the subject of the nomination and had later called on him and had received answer that the president did not recognize the committee's official character under the resolution as adopted by the Senate. Furthermore, Madison added that if the committee had been constitutionally authorized to call on him, he would freely receive them and appoint a time to receive them. In response to Madison's reply, Anderson offered for consideration a resolution declaring that, in the opinion of the Senate, "the powers and duties of the Secretary of the Department of the Treasury, and of those of an Envoy Extraordinary to a foreign power, are so incompatible, that they ought not to be, and remain, united in the same person."\(^{28}\) On July 19, the Senate rejected the nomination of Gallatin by a vote of eighteen to seventeen.\(^{29}\) Gallatin reacted magnanimously to his rejection. According to James Bayard, he felt "no mortification because the Russian government had requested that he be a part of the mission." Furthermore, Gallatin attributed his defeat to "King of whose talents he spoke highly."\(^{30}\)

\(^{28}\) Ibid., 9, 10, 14 June 1813, pp. 351-53.

\(^{29}\) Ibid., 7 July 1813, pp. 388-89.

\(^{30}\) James A. Bayard, Papers of James A. Bayard, 1796-1815. Annual Report of the American Historical Association
Gallatin's rejection reflected several phases of Madison's patronage problem. Madison's political philosophy with regard to the separation of powers between the executive and legislative branches of the government was summarized in the following manner:

it will suffice to remark that the Executive and Senate, in the cases of appointments to office and of treaties, are to be considered as independent of and co-ordinate with each other. If they agree, the appointments or treaties are made. If the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice keeping in view the constitutional relations of the Senate and the Executive . . . . The appointment of a committee of the Senate to confer immediately with the Executive himself appears to lose sight of the co-ordinate relation between the Executive and the Senate which the constitution has established and which ought therefore to be maintained. Madison believed that the president should be exempt from legislative control in making appointments. He denied that the Senate had a right to interfere with a nomination made by the president, other than to accept or reject it. The Senate could not change the conditions on which the appointment would take effect.

Gallatin's rejection showed that Madison's patronage problem in this instance was related to ambiguous laws.

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Madison based his appointment of William Jones as temporary head of the treasury department on a law enacted by Congress in 1792. The law stated that in case of death, absence from the seat of government, or sickness of the secretary of the treasury, or secretary of the war department, the president could authorize any person at his discretion to perform the duties of the absent person until a successor was named. Congress passed another law in 1795 which made alterations in the law of 1792. The 1795 statute stated that the president could fill a vacancy for up to six months until a successor was appointed or until such vacancy should be filled.

Senator Rufus King began his interpretation of the law of 1792 with sly innuendos about the extensions of executive power. He argued that the law was intended to cover absences through personal necessity such as illness, not one created by the president himself. King also argued that Madison had overlooked an amendment in 1795 which limited the appointment of a deputy to six months, after which the office became vacant. Since Gallatin's absence was not caused by personal necessity, the law of 1792 did not apply to his situation.

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32 U.S., Statutes at Large, 1:281.
33 Ibid., p. 415.
King reasoned that if the Senate permitted Madison to carry out this executive usurpation of authority, then the president could convert all the heads of departments into ministers. King failed to mention that, under the law of 1795, Jones or any other person could hold the position on a temporary basis for six months.

King and those who opposed Gallatin as special minister to Russia on the contention that he was holding two offices showed a lack of historical knowledge. John Jay had held the offices of chief justice of the United States Supreme Court and (acting) secretary of state for six months. Jay ran for governor of New York while serving on the Court, and for over a year was both chief justice and special minister to Great Britain. Oliver Ellsworth held the positions of chief justice of the Court and minister to France for eighteen months. William Cushing served on the Court and ran for governor in Massachusetts, both in 1794. Bushrod Washington, an associate justice of the Court, actively supported Charles C. Pinckney in the presidential contest of 1800. John Marshall served concurrently as chief justice of the Court and as secretary of state in 1801.

34 "Notes of a Speech Against Gallatin's Appointment as One of the Envoys to Russia While Holding Secretary of Treasury Position," in King, Life and Correspondence of Rufus King, 5:313-18.

35 William Henry Smith, History of the Cabinet of the United States of America, from President Washington to
The Senate's rejection of Gallatin pointed out that much of Madison's patronage problem was caused by prejudiced and selfish politicians. It seems preposterous that Giles would serve on a committee considering the nomination of Gallatin. Giles had become a forceful critic of Madison and his patronage policy because of not being named secretary of state. According to Daniel Webster, Giles returned to the Thirteenth Congress with the specific purpose of putting "a claw on Gallatin." When Gallatin's nomination was moved to the select committee, Giles "opened his severe thunders upon poor Albert." Rufus King opposed Gallatin's nomination because of his belief that a satisfactory peace could be obtained through bilateral negotiations with Britain, but also, he possessed an admitted bias against foreigners. He was particularly prejudiced against foreigners of French (or Swiss) ancestry. His prejudice blinded him to Gallatin's


37 Webster to March, 9 June 1813, ibid., p. 39.

ability. While briefly visiting in Geneva in 1802, King took pains to inquire into Gallatin's family background. He retained an anti-French bias all his life.39

Additionally, King opposed the nomination because of Gallatin's supposed intrigue in securing the loan from Stephen Girard and David Parish to finance the war. Parish and Girard were alleged to have said that they would make a loan to the government provided Gallatin was named a member of the peace mission to Russia.40 John Armstrong reputedly lent credence to the story. According to Armstrong, Andre de Daschkoff, Gallatin, and Parish conspired to have Gallatin appointed to the mission, with Daschoff receiving a percentage of the loan. Furthermore, Henry Clay, senator from Kentucky, had been named as the third envoy but was displaced by Gallatin.41

On the same day that the nominations of Gallatin, Bayard, and Adams were sent to the Senate, Madison also sent the nomination of Jonathan Russell of Rhode Island to be minister


40King, *Life and Correspondence of Rufus King*, 5:319.

41Ibid., p. 320.
to Sweden. Russell had graduated with high honors from Rhode Island College (later Brown University) and studied law, although he never practiced. Rather, he became a moderately successful merchant and a prominent leader in the Republican party. In 1810 Madison appointed him chargé d'affaires in Paris, and on July 27, 1811 he was appointed to fill the same position in London. 42

Madison sent a message to the Senate, along with the nomination of Russell, stating that the Swedish government had repeatedly manifested a desire to exchange a minister with the United States. He continued by saying that the Swedish government had recently appointed a minister to the United States. On the basis of Swedish actions and "other considerations," Madison reasoned that the United States should appoint a minister to Sweden. 43 Madison did not go into detail on the "other considerations." Apparently, he had in mind the situation that had developed in Europe between Napoleon I and Sweden.

In October, 1810, Marshal Bernadotte became prince of Sweden. Napoleon I exacted complete allegiance from him.

\footnote{42 Dictionary of American Biography, s.v. "Russell, Jonathan."} 

\footnote{43 Senate Journal, 13th Cong., 1st sess., 3 May 1813, p. 346.}
Napoleon I required Sweden to declare war on England. Bernadotte obeyed. Napoleon I next demanded the confiscation of English merchandise and the total cessation of relations between Sweden and England. The last demand included all American ships and cargoes, which amounted to one half of the property to be seized. Bernadotte expressed reluctance at the last order, and Napoleon I replied by telling him that if an American ship loaded with goods entered Swedish ports in Pomerania, his troops would immediately enter the province. On January 19, 1812, Napoleon I promptly declared war on Sweden.

Undoubtedly with the European situation in mind, Madison considered it important to establish diplomatic relations with Sweden. On June 1, the Senate moved that Russell's nomination be taken into consideration. Robert H. Goldsborough of Maryland introduced a motion requesting Madison to name the person that gave the Department of State the information that France had revoked her Berlin and Milan Decrees. Also, Goldsborough requested a statement of the time that


this information was given to the American chargé d'affaires at Paris. 46 When Armstrong left Paris in September, 1810, Russell was left in charge of the American legation, and Armstrong reportedly told Russell that the Berlin and Milan Decrees were revoked as of November 1, 1810.

The revocation of the above-mentioned decrees is shrouded in mystery and ambiguity. On August 6, 1810, Armstrong received a note from the Duke of Cadore (Jean Baptiste Champagny), French minister of foreign affairs, announcing that the decrees of Berlin and Milan had been revoked and that they would cease to have effect after November 1 of that year. Cadore's letter contained the following provisions: in response to the revocation of these decrees, the United States would cause Britain to "respect" the rights of France by insisting that the British Orders in Council be rescinded. 47 Cadore's letter had never been made public. Joel Barlow, American minister to France, was amazed when the Duke of Bassano, successor to the Duke of Cadore, told him that the decrees had been revoked and that Russell had prior knowledge of the revocation. 48

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48 James Monroe asked Barlow to get a copy of the revocation of the decrees. See Albany Argus, 27 July 1813, Barlow
repeal of the decrees, Madison made a tragic blunder when he accepted as authentic the revocation of the French decrees. Acting under the provision of Macon Bill Number Two, Madison halted non-intercourse against France and restored it against Britain after ninety days had passed. 49

Undoubtedly, with the ambiguity of the revocation of the Berlin and Milan decrees in mind, the Senate continued to struggle over Russell's nomination. On June 2, Rufus King requested Madison to inform the Senate whether any communication had been received from Jonathan Russell admitting or denying the revocation of the French decrees. King also moved that Russell's nomination be referred to a select committee composed of Goldsborough, Joseph Anderson of Tennessee, and King. On June 19, Anderson moved to submit Russell's nomination to another select committee to confer with the president. The committee was composed of William requested a published copy of the revocation of the decrees from the Duke of Bassano. Barlow informed Monroe that the revocation of the decrees had been made known to Louis Serurier, French minister to the United States. See the exchange of letters, Barlow to Russell, 2 March 1812; Barlow to the Duke of Bassano, 1 May 1812; Barlow to Monroe, 12 May 1812, in American State Papers: Foreign Relations, 3:518-19, 602-03.

Hill Wells of Delaware, Giles, and King. Madison responded to the Senate committee by sending the message outlining his position on the relationship of the executive branch to the legislative branch.

Madison found an opportunity to renominate Russell for the mission to Sweden. On January 14, 1814, Madison nominated Russell, along with James Bayard, John Quincy Adams, Henry Clay, and Albert Gallatin, as members of the peace commission to Ghent for the purpose of negotiating a settlement of the war between the United States and Great Britain. Madison stipulated that Russell would also be minister extraordinary to Sweden. The Senate confirmed Russell's nomination as a member of the peace commission by a vote of twenty-two to eighteen and as minister to Sweden by a vote of sixteen to fourteen.

Senatorial opposition to Russell and the mission to Sweden was related to several factors. According to Rufus

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50 Senate Journal, 13th Cong., 1st sess., 2, 14, 19 June 1813, pp. 349, 353-55. The National Intelligencer bitterly criticized the Senate for opposing Russell's nomination. See National Intelligencer, 4 September 1813. The conflict over Russell's nomination is alleged to have caused Madison some sleepless nights. See Webster to March, 14 June 1813, in Webster, Letters of Daniel Webster, p. 42.

51 Ibid., 6 July 1813, pp. 381-82.

52 Ibid., 2nd sess., 14, 18 Jan. 1814, pp. 451-52, 454.
King, Sweden carried on little trade with the United States. Furthermore, Sweden was a second-rate power, her policy having been under the control of France, Russia, and England for a century. King reasoned that it was inexpedient and too expensive for the United States to maintain a full-time minister to Sweden. In addition to the financial reasons for opposing the nomination, a credibility gap existed between Madison and the Senate. Prior to Russell's nomination, the revocation of the Berlin and Milan Decrees had not been made known to the Senate or the public. A loud public outcry resulted when Madison relaxed commercial non-intercourse against France and maintained it against Britain. The Senate became suspicious that Madison was concealing information from them that had been given to Russell by the Duke of Bassano. The Senate seems to have been motivated by personal and political reasons. Some of the senators wanted to make life unbearable for Madison and

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Gallatin in hopes that both would resign. Finally, Madison's refusal to meet with the committee appointed by the Senate was interpreted as a desire of the president to become all powerful.

After ratification of the Treaty of Ghent on February 17, 1815, officially ending the War of 1812, John Quincy Adams received notice of his new commission as minister plenipotentiary to Britain. Madison selected William Pinkney of Maryland to succeed Adams as minister to Russia, with a special mission to Naples. The object of the Naples mission was to obtain compensation from the existing government for shipping seized under the Murat regime. Pinkney had served as minister to Britain (1806 to 1811) and as attorney general of the United States from December 11, 1811, to February 10, 1814. Madison sent Pinkney's nomination to the Senate on February 28, 1816, and the Senate, resorting to delaying tactics, took the nomination under consideration.

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55 Webster to March, 11 June 1813, in Webster, Letters of Daniel Webster, p. 40.
56 Adams, Memoirs, 3:171.
57 Joachim Murat was a French cavalry commander under Napoleon I. He ruled Naples as King Joachim I from 1808 to 1814.
58 Senate Journal, 14th Cong., 1st sess., 28 Feb. 1816.
On March 2, Rufus King, an inveterate opponent of Madison's patronage policy, introduced a resolution requesting the president to send the Senate information showing the expediency of a special mission to Naples. On March 7, King again presented a resolution asking the Senate to consider the two missions separately. The Senate voted first on the mission to Russia, confirming Pinkney unanimously, but rejected Pinkney's nomination for the Naples mission by a vote of sixteen to fourteen. Madison on April 20 sent a message to the Senate outlining the purpose and necessity of the mission to Naples. Nathaniel Macon of North Carolina, who became a member of the Senate in December, 1815, introduced a motion on April 18 asking that the nomination be postponed until Tuesday of the following week. Finally, on April 23, Pinkney received confirmation as minister to Naples.59

In addition to experiencing difficulty with his nominations of special ministers, Madison encountered problems in appointing consuls and peace commissioners. The following men were either rejected or had their nominations withdrawn:

59Ibid., 2, 7 March; 20, 23 Apr. 1816, pp. 32, 34-35, 45-46. Pinkney received confirmation as minister to Naples by a vote of 18 to 15.
Richard Forest of the District of Columbia to be consul at Tunis, Luis Goedefroy of Montivideo, to be consul of the United States for the port of Buenos Aires, Asbury Dickins of North Carolina to be consul at London, and Thomas Morris of New York to be a commissioner for carrying out Article Five of the Treaty of Ghent. The Senate opposed these nominations because they were considered "inexpedient and unnecessary." Thus, Madison faced problems with diplomatic appointments for a variety of reasons; namely, the president's political philosophy in regard to separation of powers between the different branches of the government, prejudice on the part of several senators, an economy-minded Senate, political intrigue, and the deception of Napoleon I.

60 For information on these men see, ibid., 10th Cong., 2nd sess., 18 Apr. 1810, p. 147; 12th Cong., 1st sess., 11 Nov. 1811, p. 190; 13th Cong., 3rd sess., 2, 3 March 1815, pp. 626-27; 14th Cong., 1st sess., 9 Feb. 1816, p. 28.
CHAPTER VII

CONCLUSION

Madison's patronage problem developed largely because of intra-party factionalism. At the commencement of his administration, Madison intended to nominate Albert Gallatin as secretary of state. A powerful group of Republican senators, known as the "Invisibles," led by William Branch Giles of Virginia, Samuel Smith of Maryland, and Michael Leib of Pennsylvania, succeeded in blocking Gallatin's nomination. Madison then compromised by appointing Robert Smith as secretary of state. Smith's appointment had disastrous consequences. It produced dissension in Madison's cabinet and contributed to the development of two factions among the Republicans. One faction was led by Gallatin, the secretary of the treasury, and the other was led by the Invisibles. Concessions to factional pressure affected Madison's cabinet choices throughout his presidency.

Gallatin contributed to Madison's patronage problem when his insistence and commitment to efficiency led him to make false charges against the Smith brothers. Gallatin's exaggerated sense of his importance in the Madison administration
bordered on egotism, and he often acted as if he wanted to be the prime minister in Madison's cabinet. He opposed the appointments of Daniel D. Tompkins and William H. Crawford to the war department. His opposition to Crawford reflected ingratitude, as Crawford had given him loyal support in his effort to get the United States Bank rechartered. In addition, Gallatin overtly showed his sense of self-importance by desiring to become secretary of war, although he had no military training. He was critical of William Eustis for his lack of competency in administering the war department and of Robert Smith for his administration of the navy department. Moreover, Madison's patronage problem, as it related to Gallatin, was further compounded by the bigotry of men who attacked Gallatin's Swiss ancestry under the guise of patriotism.

Madison's patronage problem also evolved because of the intransigence and selfishness of statesmen who were unwilling to put aside petty grievances for the good of the country; because of an obtuse and parsimonious Congress, which refused to appropriate the necessary funds to hire additional personnel for the armed forces; through the scarcity of available talent and the refusal of able men to assume necessary responsibilities because of low pay or
personal inconvenience; through the disloyalty, insubordination, jealousy and incompetency of men in high governmental positions; through archaic federal laws, which made it difficult to retain men of outstanding ability in leadership. Finally, the problem was accelerated by the conflict between France and Great Britain, which caused repercussions in the United States.

Madison's patronage problem developed, therefore, not from one factor, but as a result of many situations. Madison's reticence gave him the appearance of weakness, timidity, and vacillation. At times his inability to articulate his ideas and programs with forcefulness contributed to his image of irresolution. As a result of this, ambitious men tried to dictate his patronage policy. Madison's appointment of men of mediocre ability, and his loyalty to them, created many problems, particularly since loyalty sometimes obscured judgment in making removals. Madison's rigid adherence to the theory of separation of powers between the executive and legislative branches led him to exercise unreasonable stubbornness in his dealings with the Senate. Finally, the president's lack of skill in political manipulation, his inability to appraise and use men, and his weak leadership greatly contributed to his patronage problem.
BIBLIOGRAPHY

PRIMARY SOURCES

Manuscripts and Collections


Autobiographies, Diaries, Memoirs, Messages, Papers and Correspondence


Bayard, James A. The Papers of James A. Bayard, 1796-1815. Edited by Elizabeth Donnan. 2 vols. Annual Report of


King, Rufus. The Life and Correspondence of Rufus King. Edited by Charles R. King. 6 vols. New York: G.P. Putnam's Sons, 1894-1900.


Public Documents


U.S. Statutes at Large. 2nd-3rd Cong., 1792-1795.

Articles


Newspapers and Periodicals

*Albany, Argus*, 1813-1816.

*Boston, Columbian Centinnel*, 1808-1816.

*National Intelligencer*, 1806-1816.


*Niles Weekly Register*, 1809-1816.

*Philadelphia Aurora and General Advertiser*, 1809-1812.

*Richmond, Enquirer*, 1806-1824.

SECONDARY SOURCES

General Works


**Biographies**


Monographs


**Articles**


Miscellaneous

