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CONGRESSMAN EZEKIEL BACON of Massachusetts and the coming of the War of 1812

William Barlow and David O. Powell

Although scholars of the coming of the War of 1812 have investigated the motives of western and southern War Hawks such as Henry Clay, Felix Grundy, and John C. Calhoun, whose influence in the Twelfth Congress contributed to the declaration of war against Great Britain in June, 1812, little attention has been given to the most prominent New Englander who also occupied a position of leadership.¹ He is Ezekiel Bacon of Massachusetts, chairman of the powerful Ways and Means Committee of the House of Representatives. There never has been a systematic analysis of his views on the war, and historians who mention the Pittsfield congressman disagree in categorizing him. Some use the term "aggressive" since Speaker Henry Clay handpicked him to head one of the most important committees of the congressional system which had been "organized for war." Others refuse to label him because of his absence from the final vote on the war question. Mirroring this indecision, one author alludes to him as a War Hawk but concludes that he was more of a "loyal party man."²

Bacon's Republican credentials were beyond dispute. Certainly his political ideas were colored by his father, the Reverend John Bacon, who during his one term in Congress soundly criticized the Hamiltonian system of finance and warmly supported the Jeffersonian assault on the federal judiciary. So obvious was young Bacon's partisanship that during his student days at Harvard and Litchfield Law School in Connecticut he was called "le petit democrat." As a novice attorney at Williamstown, he quickly earned a reputation for spirited public addresses in behalf of his party. Although not a "fluent speaker or a very ready debater," his speeches consistently evidenced "sound logic and clear thought." In one oration, his defense of the

Jeffersonian Party was so blatant that students of the local college, whose president he had already condemned for using the classroom to chastise "every man and thing that is called a Republican," promptly and publicly burned a copy of the speech. By the time he moved his practice to Pittsfield he had won the friendship of Thompson J. Skinner, Jr., an influential local politician, along with the trust of the voters of the Republican stronghold who sent him to the general court in 1805 and 1806 and to the House of Representatives in a special election in 1807. He easily retained his seat in 1808 and 1810.³

Bacon's assessment of the young Republic's perilous international situation coincided with that of fellow Republicans of the Twelfth Congress when it assembled to the call of President James Madison early in November of 1811. Since 1806, the Jeffersonian administrations had employed diplomatic negotiations and economic restrictions to dissuade France and Great Britain from pillaging American trade. All such peaceful attempts to win a recognition of the country's neutral rights had failed. Although France's Berlin and Milan Decrees had technically been revoked, Britain's Orders in Council had not, and the latter continued to seize American ships, cargoes, and men. These repeated depredations damaged the nation's honor and questioned its very sovereignty. In the words of Bacon's close friend, ex-Congressman Joseph Story, clearly a "crisis" was at hand. Speaking for all Republicans, however, another colleague declared that "no one has suggested a specific measure, but all agree *that something must be done.*"⁴



JOHN BULL TAKING A LUNCH.

From *The Pictorial Field Book of the War of 1812*,
by Benson J. Lossing (New York 1869).

With Federalists in a distinct minority, the Jeffersonian Republican Majority was so overwhelming and unwieldy that unanimity was impossible. Perhaps one half of the membership of 144 was undecided. The War Hawks, about 60 strong, demanded a declaration of war. Others were opposed to hostilities and hoped that threats and military preparations would bring Britain to terms. A small group desired peace through economic coercion. Bacon was definitely unsympathetic toward the latter alternative although he had previously supported such measures. As a representative of an agricultural constituency, he considered the "load of naval establishment" a "burdensome expenditure" and "commercial speculation" a stimulus to the "avidity of the avaricious." He was not, he admitted, a "very commercial politician." Nevertheless, since the "unquestionable rights of this nation have been assailed" and "trampled upon... by the blood stained foot of unbridled power," he believed that trade demanded the "fostering care of its Government."⁵ Therefore, not only did he vote for Jefferson's Embargo in December of 1807, but he became a vigorous supporter. Praising Federalist Oliver Wolcott for his support and denouncing Federalist Timothy Pickering for advocating repeal, he urged Republican friends to write pamphlets "in Vindication of the Embargo. . . ." His energetic speech before the House in defense of the measure was reprinted in New England newspapers and hailed by Republicans such as Joseph White of Salem who hoped that "the almighty will bless him with health that he may continue to 'fight the good fight.'" Bacon did so. The purpose of the Embargo was "to protect mercantile capital" and "to rescue seamen." It was "the only shield" which could "with any reason, be calculated upon as adequate to those objects." The administration would not be "driven from its' Course. . . ." In fact, "one thing that I feel clear on," he told Story, "& that is not to quit our present Ground until we can clearly discern a better more tenable and safe one."⁶

Despite these outward endorsements of the Embargo, Bacon seemed to harbor serious private doubts about its efficacy. Although he endorsed the various supplementary enforcement legislation, the law was still impossible to execute. Following a visit to western New York in the late summer of 1808, he reported to Secretary of the Treasury Albert Gallatin that "scandalous Evasions . . . have been for some time past & still are going on from the Shores of Lake Ontario to the British possessions." He "was unable to say what the quantity of force necessary to effect the purpose must be," but the law had to be "either enforced or repealed." Moreover, as New England opposition mounted, Bacon worried about the political danger to Republican office holders. He flooded Massachusetts with inquiries concerning Republican reaction to the Embargo and finally admitted that "party Considerations here as elsewhere I have no doubt prevent a candid disclosure of opinions," but concluded "they must eventually leak out." In short, Republican support was fast diminishing. By early 1809 he was convinced that the Embargo had failed. Senator John Quincy Adams shared

this opinion. When ominous signs of New England secession and civil war reached Washington in January, he was one of numerous “nerveless seceders” from “*an immovable & controlling hand*” of the Republican Party who joined with Federalists in repealing the Embargo in February of 1809.⁷

For his prominent role in destroying this “great experiment,” Bacon earned the epitaph of “psuedo-Republican” from President Jefferson, the animosity of Eastern party journals, and the anger of fellow Republicans who had determined to replace Embargo with war. At the time of the repeal Bacon was “at a loss to account for” the “tenacity” in a “certain *high quarter* for offensive War, or at least for those sort of measures” which would lead to it. “I can not go along with such measures, & I will not.” However, he was less than consistent on the subject. Not only had he previously suggested as alternatives “defensive arming,” letters of Marque, and even that American forces “march Directly to our Object,” an obvious allusion to an attack on British Canada, but he admitted as late as the fall of 1810 that “*a resort to arms* must . . . be the ultimate result of a perseverance by Great Britain in her orders in Council.”⁸

He was equally uncertain over the proper course for the administration to follow after the demise of the Embargo. The Nonintercourse Act, which reopened trade except with England and France but empowered the President to restore commerce with the one that repealed its restrictions, he argued, was “indefensible in its principles and will be embarrassing and burdensome to us in its operation.” If he voted yes, which was “improbable,” it would be with a “*saving Protest* against taking upon myself any sort of responsibility for its practicability. . . .” It would “keep us wallowing around another year at least in the same half War, or half Peace Situation where we have been these 18 months.” Repressing these reservations, he voted for the legislation in February of 1809, and in fact suggested that it would “not improbably produce an accommodation of our great difficulties with Great Britain with honor to ourselves. . . .” Bacon was too sanguine in his expectations, although an agreement entered into by David Erskine, the British minister to the United States, and the administration in April 1809 seemed to resolve the most serious conflicts between the two antagonists. In return for an end to the Orders in Council, President Madison would end nonimportation against Great Britain. He did so only to have the bargain rejected by London on the grounds that Erskine had violated his instructions. Nonimportation was promptly reinstated.⁹

By November 1809, Bacon could only lament that “affairs with both our great *tormentors* . . . remain precisely in *status quo*. . . .” Along with Gallatin he concluded that it was impossible to coerce Britain or France “by any commercial regulations that we can adopt.” Also the Nonintercourse Act had

failed. Upon its expiration he refused to join those who favored “warlike measures, or measures of resistance.” Instead, in May of 1810, he unenthusiastically supported more restrictive legislation. Macon’s Bill #2 permitted trade with both European belligerents and provided that if either one rescinded its repressive acts, the President could reinstate nonimportation against the recalcitrant until it also complied. No one in Congress liked the law which in effect extended a bribe to win a recognition of America’s neutral rights. Historians have criticized it as submission and surrender, and President Madison considered it “feeble” and “even disgusting.”¹⁰



James Madison
from *The Pictorial Field Book of the War of 1812*.

Bacon agreed. Macon’s Bill #2, the weakest of the coercive legislation to date, would fare no better than Embargo or Nonintercourse. In fact, neither England or France, he informed Story, would “relax in the least their hostile Systems towards us. . . .” But if the United States declared war, “shall it be with G. Britain, or with France, or with both?” Of the two, Bacon viewed the former as the greater offender. However, England’s “partial aggression & half hostilities” was “not quite enough to invite us to War, & yet just enough to perplex our Councils and give France an occasion for renewed aggression.”¹¹

Bacon's dilemma was real. He simply did not know what should be done. Unfortunately, for the crucial period from November 1811 to June 1812 few of his letters are extant. In addition, he spoke infrequently either to his constituents or before the House. Therefore, his attitude toward the course of events which resulted in war must be based on his voting record and what contemporaries said about him.

Although President Madison's message to the Twelfth Congress in November, 1811 was not as bellicose as some War Hawks had hoped, it did call on Congress "to put the United States into an armour and attitude demanded by the crisis. . . ." Responding to the executive's request, Peter B. Porter of the House Foreign Affairs Committee, instructing his colleagues that it was their "sacred duty . . . to call forth the patriotism and resources of the country," recommended war preparedness legislation. By December, resolutions specifying increases in both the army and navy were passed with overwhelming majorities.¹²

Throughout the debates, which provided an opportunity for advocates and opponents of war to speak, Bacon remained silent, but he voted for each of the proposals. This initial support did not assure continued support, and his record on the final legislation was spotty. He accepted the necessity of arming merchant ships, bringing the regular army up to its legal strength, adding 10,000 regulars, and providing for an additional force of 25,000.¹³ But he defected on two vital planks in the war program. Joining a small minority, he voted against authorizing the President to accept a volunteer military corps of 50,000 men into federal service and along with a small majority voted for an amendment to a navy bill eliminating the construction of ships and frigates. This opposition shows Bacon as a doctrinaire, strict-constructionist, anti-navy "Old Republican" who even in the face of impending war refused to compromise the "Principles of 1798."

The crucial issue in the Volunteer Bill was whether the executive could order such a force onto Canadian soil since the Constitution did not authorize militia service outside the country's borders. To remedy the legislation, Delegate George Poindexter of Louisiana Territory suggested declaring that the government could "step over the National boundary to carry on an offensive war." This was unnecessary, countered Representative Langdon Cheves of South Carolina, because the "limits to which this employment may extend . . . are co-extensive with the object of the war." Moreover, the President, Cheves revealed, was of the same opinion. Even the decision to leave unanswered the question of whether the militia could be used outside the country failed to budge Bacon from his opposition. Since the troops were clearly intended for an invasion of Canada, the proposal was unconstitutional. In short, adherence to the Constitution was more important than providing an army, which, according to a military historian, "could have occupied Canada and ended the war in a single campaign."¹⁴

Just as injurious to the preparedness program was the decision of the House not to add twelve ships-of-the-line and twenty frigates to the miniscule navy. Despite harangues from Republicans that the augmentation was absolutely essential for offensive operations, Bacon and enough Jeffersonians remained true to their anti-navy principles to expunge the provision from the navy bill. On the one hand, Bacon was consistent. On several prior occasions he had attacked “the sudden gains of commercial speculation, the attractive glare of foreign wealth, the ambition for national splendor, and the delusive advantages of naval and maritime ascendance. . . .” In 1809, rather than sanctioning naval protection for Federalist shipping, he even advocated that “our Commerce” be “turned out . . . at large, let them defend themselves if they pleased. . . .” On the other hand, a raft of staunch party men submerged their hostility toward a navy and voted for the measure. Although America could not hope to challenge Britain on the seas, at the very least, insisted Henry Clay, it would afford protection to the exportation of Western goods from New Orleans. Bacon remained adamant.¹⁵



Henry Clay
from *The Pictorial Field Book of the War of 1812*.

There is some evidence to suggest that Bacon played more of a role in defeating the naval build-up than simply voting no. As the debate raged, in his capacity as chairman of the Ways and Means Committee, he released a letter from Secretary of the Treasury Albert Gallatin recommending a complete system of financing the war, ranging from increased import duties to taxes on salt and paper. Although Bacon had earlier informed Representative Felix Grundy of Tennessee that the internal taxes would be heavy, he and other War Hawks were flabbergasted. They accused Bacon of using the unpalatable necessity of taxes to kill the naval increases. One went further and announced that because of "the retrograde step . . . the war mercury has sunk. . . ." The contents of the "letter of the Secretary of the Treasury" which Bacon had revealed "has done this." Another asked why it was "necessary to check the ardour of the people at so critical a moment. . . ." 16

Even the staunchest War Hawks shrank from the inescapable task of providing money to cover war expenses. Bacon was no exception. As chairman of the Ways and Means Committee, he was responsible for preparing a wartime fiscal policy in conjunction with the Treasury Department, but he approached the subject with great reluctance. Accepting Bacon's invitation, Secretary Gallatin appeared before the Committee in December of 1811 and informed the members that even though he was not responsible for the national crisis which might have been avoided by "a different course of measures," he could not see how "we can recede from our position with honor or safety." Congress should "resort immediately to a system of taxation commensurate with the objects stated in my annual report. . . ." Hesitant to believe the annual report of 1811 that extra military expenditures would require additional duties, new internal taxes, and loans perhaps at eight percent rather than the legal rate of six percent, Bacon later asked Gallatin by formal letter for clarification as well as a specific plan for financing a possible war. Would loans be demanded, he asked, and would it "not be necessary to provide an additional and gradually increasing revenue to pay the interest on such loans?" Would higher duties be needed, and what was the probable amount of receipts to be expected? Would taxes be required, and, considering the great cost of collection, what was the approximate revenue to arise from them? 17

Early in 1812, Bacon informed the House of Gallatin's suggestions and introduced a series of resolutions implementing them. The \$6,000,000 resulting from doubling existing duties plus revenue from land sales should be applied toward meeting routine charges and other debt interest. In addition, excises must be imposed on salt, carriages, stamps, stills, and taverns as well as a direct tax of \$3,000,000 on the states. The measures would add over \$7,000,000 to the Treasury. Finally, annual loans of \$10,000,000 would be essential. 18

Some Republicans wondered if they “could swallow the bitter pill,” but President Madison was eager to see Congress get “down the dose” while ex-President Jefferson thought that “there can be no question the people will swallow it, if their representatives determine it.” Bacon was not convinced, for he told his colleagues: “If the people will not bear the necessary taxes, it cannot be said with propriety that they will bear the contemplated war, and the sooner we know it the better.” Although less than optimistic, Bacon shepherded the resolutions through the House, and by March all were passed. Resolutions, however, were not laws; moreover, it was agreed that the taxes would not be laid until a declaration of war. An historian has observed that this latter “gesture . . . confessed that many members hoped to avoid war, created a good reason for opposing a declaration, and destroyed the opportunity for financial preparedness. . . .”¹⁹ Since Bacon insisted that final action not come until after war was declared, his leadership in the passage of the resolutions is not conclusive proof of his commitment to war.

Bacon even questioned President Madison’s attempt to rally war support by laying before Congress letters written in 1808 and 1809 by a secret English agent. John Henry, to the governor of Canada. By alleging that Henry had conspired with leading New England Federalists in order to destroy “the Union and forming the Eastern part thereof into a political connection with Great Britain,” Madison hoped to inflame the nation to war. The reading of the Henry papers caught the Federalists off guard. “Pitkin began to kick and squirm. . . . Quincy looked pale, walked the floor in haste. Great drops of sweat rolled down the face of Deacon Davenport.” “You may know the wounded pigeons by their flutterings,” declared Bacon’s Massachusetts colleague, William Widgery. Bacon was also alarmed. Apparently he believed that the disclosure would create a symbol around which both Republicans and rank and file Federalists would unite in the face of war. Therefore, he defended the Federalists by writing Gallatin that in his opinion “no party or individuals of a party in this Country were in the remotest degree privy” to the “Designs which Henry was employed by the British Government to promote.” He no doubt breathed a sigh of relief after it was revealed that no Federalist leaders were specifically named in the letters, and the attempt to arouse enthusiasm for the war fell flat.²⁰

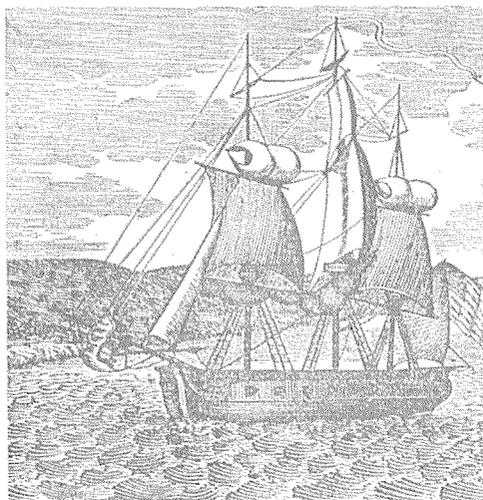
By mid-March of 1812, Bacon knew that hostilities were not certain. The country was unprepared militarily, finances had not been finalized, the people were divided, and even the administration seemed reluctant to recommend war. The President, in particular, hoped for some accommodation with England that would settle outstanding difficulties and avoid war. Bacon agreed. Many years later he informed Gallatin that by the Spring of 1812 “there existed . . . the best reasons for believing that the Executive branch of the Government did not at all encourage the idea, and in truth entertained very little expectation, that a declaration of war would take

place, or open war, or any war, would ensue, at least during the probable continuation of that session.” However, he continued, because of “various impelling causes . . . the former rather pacific state of things . . . became daily more threatening, and the prospect of speedy war more probable.” One of those “impelling causes” was the War Hawk demand that Madison propose a thirty day embargo followed by war. Bacon’s reaction is not known, but he certainly interpreted Secretary James Monroe’s response that the President would recommend an embargo of sixty days with war to follow (without any firm pledge of that) if the U.S.S. *Hornet* brought no news of repeal of the English Orders in Council as continued administration efforts to keep the peace. Although some of those who endorsed the measure viewed it as a precursor to war — since it would allow American ships time to return to port and perhaps convince England that Congress was serious — other, among them Bacon who voted for it, did not. Even Madison exclaimed “Oh, no! embargo is not war.” The fact that the Senate extended it to ninety days, which, according to Henry Adams, changed the embargo “from a strong war measure into a weak measure of negotiation,” no doubt pleased Bacon. Without hesitation, he voted for the final bill early in April.²¹



James Monroe
from *The Pictorial Field Book of the War of 1812*.

For the next few weeks Congress floundered. All awaited the return of the *Hornet*. If the news was a relaxation of English trade restrictions, hostilities would be avoided. If not, war was certain. As the anxiety built, Bacon and others urged adjournment but for different motives — some to mobilize their constituents for war, some to urge opposition, and others to gauge citizen sentiment. Bacon, however, fought for a recess for another reason. Apparently he had concluded that the question of war was imminent, that his vote would be no, and that the people of his district should be so informed. In early May, after voting against a successful motion to postpone the issue of adjournment indefinitely, Bacon returned to Pittsfield. He went with great trepidation. Augustus J. Foster, the British minister to the United States, reported that “Bacon Chairman of the Committee Ways and Means [is] afraid to face his Constituents they are so much against him.” He told them of his decision, for a staunch war supporter, Henry Dearborn, informed Gallatin only a few days before the declaration that “Mr. Bacon’s constituents are very generally up to the war point. They say he refers to your opinion in support of his own, and asserts that you are opposed to War. It is said here that he will not return to Washington.” Dearborn had “traveled through the County of Berkshire and conversed with many of the principle men, and found them dissatisfied with their Representative.” In the meantime, the *Hornet* arrived without news of any important English concessions, and on June 18 President Madison signed the congressional bill declaring war. If Bacon’s packet had not been delayed between Rhode Island and New York, he would have been present to vote no.²²



THE HORNET

From *The Naval Monument*.
by Able Bowen (Boston, 1838).

Whether Bacon suffered stigma because of his opposition to the War of 1812 is debatable. Although he declined to run for reelection to the Thirteenth Congress, he was appointed the Comptroller of the United States Treasury in 1814. The next year he resigned the position and ostensibly for health and business reasons moved to Utica, New York. There he served as a justice of the common pleas court and a member of the state assembly and the state Constitutional convention of 1821; missed election to the House of Representatives by under one hundred votes in 1824; pursued business interests, especially in regard to the Erie Canal; wrote editorials for local newspapers with "force and pungency;" became an antislavery Whig and Free Soiler; and authored several books. Although he was ninety-four when he died in 1870 and the "last representative of the administration of President Madison," he never revealed his exact reasons for failing to support war in 1812. They can only be conjectured.²³

At the time of his dilemma over the Embargo in 1809 and 1810, Bacon wrote to Joseph Story:

An open and immediate War with Great Britain would undoubtedly be popular with many, perhaps a majority of *our* leading party and even in N. England, but it must enable the *Junto* [a small group of extreme Federalist leaders] to wield the mass of the People to their purposes and endanger the Existence of the Nation itself, and how can a War be carried on, or the safety of the Country served, in opposition to this counteracting influence and impediments of five or six hostile and independent States, comprising the great effective force of the Nation.²⁴

Moreover, in his opinion, there existed three factions in the country. One which had "great talent and wealth" but lacked "numbers" favored a French war. A second wanted an English war. It had "numbers, wealth, and patriotism . . . but its zeal may destroy it." The last was the peace party consisting of the great body of the "middling Class of Society" — farmers, mechanics, and merchants. "On this party the administration must depend for its support." What was true in 1809 and 1810 was true in 1812. Bacon not only sensed that national unity would be wanting in such a crisis but that war could lead to a dismemberment of the union. Considering the lackluster enthusiasm for war among the people as well as the Hartford Convention, he was very nearly correct. Perhaps recalling his opposition to the War of 1812, Bacon philosophized in 1843: "In our country, no man can *travel all lengths with any party*, without sometimes crossing the tracks of the *straight path* of duty and conscience."²⁵

NOTES

1. Bernard Mayo, *Henry Clay: Spokesman of the New West* (Boston, 1937); Joseph H. Parks, *Felix Grundy: Champion of Democracy* (Baton Rouge, 1940); Margaret Kinnard Latimer, "South Carolina — A Protagonist of the War of 1812," *American Historical Review*, LXI (June, 1956), 914-29.
2. Ronald L. Hatzenbuehler, "Party Unity and the Decision for War in the House of Representatives, 1812," *The William and Mary Quarterly*, XXIX (July, 1972), 377; Henry Adams, *History of the United States during the Administrations of Jefferson and Madison* (9 vols., New York, 1889-1891), VI, 122-25; Reginald Horsman, "Who Were the War Hawks?" *Indiana Magazine of History*, LX (June, 1964), 130; Bradford Perkins, *Prologue to War: England and the United States, 1805-1812* (Berkeley and Los Angeles, 1961), 344, 345.
3. For John Bacon, see *Biographical Dictionary of the American Congress, 1774-1949* (Washington, D.C., 1950), 801. There is no adequate biographical sketch of Ezekiel Bacon. *Ibid.*, 800-01; J. A. Smith, *The History of Pittsfield, [Berkshire County,] Massachusetts...* (Springfield, 1876), 85-87; Daniel E. Wager, ed., *Our County and Its People, A Descriptive Work on Oneida County, New York* (Boston, 1896), 306; Arthur Latham Perry, *Williamstown and Williams College* (Norwood, 1904), 311-312; Ezekiel Bacon, *An Oration Delivered at Williamstown, on the 4th of July, 1798...* (Bennington, 1799), Massachusetts Historical Broadside Collection, Boston; Ezekiel Bacon to John Bacon, December 28, 1801, MS, New-York Historical Society, New York; *Independent Chronicle*, June 8, 1807; Thompson J. Skinner, Jr., Eulogy on Judge Ezekiel Bacon, MS, hand written copy in the Berkshire Athenaeum, Pittsfield.
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5. Ezekiel Bacon, *An Ovation Delivered at Pittsfield, on the Thirty-First Anniversary of American Independence, July 4th, 1807* (Pittsfield, 1807), 19-20; Ezekiel Bacon to Joseph Story, June 1, 1808, Joseph Story Papers, Library of Congress, Washington, D.C. (hereafter cited as Story Papers, LC); Ezekiel Bacon, *An Address Delivered Before the Republican Citizens of Berkshire, Assembled at Pittsfield to Celebrate the Thirty-Fourth Anniversary of American Independence, July 4th, 1810* (n. p., 1810), 12.
6. *Annals of Congress*, 10th Congress, 1st session, 50-51, 1217-23; Bacon to Story, August 22, November 4, 5, 1808, Joseph White to Story, December 11, 1808, Story Papers, LC; Ezekiel Bacon to Albert Gallatin, August 22, 1808, Albert Gallatin Papers, New York Historical Society, New York (hereafter cited as Gallatin Papers, NYHS); Bacon, *An Address Delivered Before the Republican Citizens of Berkshire . . .* 17.
7. *Annals*, 10th Cong., 2nd sess., 1172-1350; Bacon to Gallatin, August 22, 1808, Gallatin Papers, NYHS; Bacon to Story, March 2, 8, April 24, 1808, January 22, February 5, 15, 26, 1809, Story Papers, LC; John Quincy Adams to Ezekiel Bacon, December 21, 1808, Adams Family Papers, Massachusetts Historical Society, Boston. For the enforcement legislation, see Louis Martin Sears, *Jefferson and the Embargo* (New York, 1966).
8. Thomas Jefferson to Henry Dearborn, July 16, 1810, Andrew A. Lipscomb and Albert E. Bergh, eds., *The Writings of Thomas Jefferson* (20 vols., Washington, D.C., 1903-04), XII, 398-400; Bacon to Story, November 5, 1808, January 22, February 5, 15, 26, 1809, August 14, October 22, 1810, Story Papers, LC.
9. *Ibid.*, February 5, 15, June 10, 1809; *Annals*, 10th Cong., 2nd sess., 514-21, 1539 ff; Perkins, *Prologue*, 210-20.
10. Bacon to Story, November 27, December 19, 1809, Story Papers, LC; *Annals*, 11th Cong., 1st and 2nd sess., 604-09, 579-82; Perkins, *Prologue*, 242-43; Adams, *History*, V, 196-98; Patrick C. T. White, *A Nation on Trial: America and the War of 1812* (New York, London, and Sydney, 1965), 68; James Madison to William Pinkney, May 25, 1810, Gaillard Hunt, ed., *The Writings of James Madison* (9 vols., New York, 1900-1910), VIII, 98.

11. Bacon to Story, March 2, November 5, 1808, October 22, 1810, February 15, 1809, Story Papers, LC.
12. James Daniel Richardson, ed., *A Compilation of the Messages and Papers of the Presidents* (10 vols., Washington, D.C., 1896-1899), I, 491-96, 499; *Annals*, 12 Cong., 1st sess., 373-77, 546-48, 564-66.
13. *Ibid.*, 546 ff.
14. *Ibid.*, 619, 728-37, 745 ff; Emory Upton, *The Military Policy of the United States from 1775* (Washington, 1912), 96.
15. Bacon, *An Oration Delivered at Pittsfield . . .*, 19; Bacon to Story, February 15, 1809, Story Papers, LC; *Annals*, 12th Cong., 1 sess., 803-1005.
16. Felix Grundy to Andrew Jackson, February 12, 1812, Andrew Jackson Papers, Library of Congress, Washington, D.C.; John A. Harper to William Plumer, February 17, 1812, William Plumer Papers, Library of Congress, Washington, D.C.; Henry Dearborn to Albert Gallatin, March 29, 1812, Gallatin Papers, NYHS.
17. Bacon to Gallatin, October 24, 1854, *Ibid.*; Ezekiel Bacon, *Letter from the Chairman of the Committee of Ways and Means, to the Secretary of the Treasury . . .* (Washington, D. C., 1812), 3-5.
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19. James Madison to Thomas Jefferson, March 6, 1812, Hunt, ed., *Madison*, VIII, 183; Thomas Jefferson to Hugh Nelson, April 2, 1812, H. A. Washington, ed., *The Writings of Thomas Jefferson* (9 vols., Washington, D.C., 1854), IV, 47; *Annals*, 12th Cong., 1st sess., 1092-1155; Perkins, *Prologue*, 364.
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21. *Ibid.*, October 24, 1845; Adams, *History*, VI, 200 ff; Henry Clay to James Monroe, March 15, 1812, James F. Hopkins, ed., *The Papers of Henry Clay* (Lexington, 1959), I, 637; Peter B. Porter, John Smilie, and John C. Calhoun to James Monroe, March 24, 1812, James Monroe Papers, New York Public Library, New York; *Annals*, 12th Cong., 1st sess., 187-89, 1587-98, 1601-14.
22. *Ibid.*, 1314-42, 1546-54; Adams, *History*, VI, 199 Augustus John Foster, MS, June 2, 1812, June 12, 1812, Gallatin Papers, NYHS; Richardson, ed., *Messages*, I, 499-505; Samuel Taggart to John Taylor, June 5, 1812, George H. Haynes, ed., "Letters of Samuel Taggart, Representative in Congress, 1803-1814," *American Antiquarian Society Proceedings*, XXXIII (1923), 399.
23. *Biographical Dictionary*, 800-01; Wager, ed., *Our County*, 306, 354; Pomroy Jones, *Annals and Recollections of Oneida County* (Rome, 1851), 29, 38, 546; W. J. Bacon, *The Early Bar of Oneida County* (Utica, 1876), 28-29; M. M. Bagg, *Memorial History of Utica, N.Y.* (Syracuse, 1892), 124; John Taylor, MS, December 24, 1849, New York Historical Society, New York. There are several letters written by Bacon to business associates during the 1840s in the Gratz and Dreer Collections at the Historical Society of Pennsylvania, Philadelphia. Bacon's writings include *Recreations of a Sick Room* (New York, 1843), *Vacant Hours, A sequel to "Recreations of a Sick Room"* (Utica, 1845), *Recollections of Fifty Years Since* (Utica, 1843), and a short introduction to James Macauley, *The Natural, Statistical and Civil History of the State of New York* (Albany, 1829), iii-iv. He was also very interested in writing a life of Albert Gallatin. See Bacon's letters to Gallatin written in the 1840s at NYHS.
24. Bacon to Story, February 5, 1809, Story Papers, LC.
25. *Ibid.*, September 19, 1810, Bacon, *Recollections*, 34.