

Winter 1970

VOL. XXXVIII No. 1



The PROCEEDINGS of the
VERMONT HISTORICAL SOCIETY



Smuggling into Canada: How the Champlain Valley Defied Jefferson's Embargo

by H. N. MULLER

WHEN Britain resumed open hostilities against France in 1803, the relative tranquillity of Anglo-American relations was among the first casualties. By 1805, after Napoleon's success at Austerlitz and Nelson's decisive victory at Trafalgar, the contest became a stalemate. With the French dominating the Continent and the British the sea, neither side could afford to observe the amenities of neutral rights. Britain took steps to close the loop-holes by which American merchantmen evaded the notorious orders-in-council, and her navy renewed in earnest its harassing and degrading practice of impressing American citizens.

Ill feeling and tension mounted as Anglo-American relations disintegrated. Then in late June 1807 the British frigate *Leopard* fired on the United States Frigate *Chesapeake*, killing three American seamen and wounding eighteen others, and a party from the *Leopard* boarded the American warship and removed four alleged British deserters. The *Chesapeake* affair precipitated an ugly crisis. Americans, now more united in hostility toward Britain than at any time since the Revolution, demanded action from their government.¹

President Thomas Jefferson responded with the Embargo Act, hastily pushed through a special session of Congress and signed in December 1807. Jefferson held the illusory hope that by withholding its produce and its merchant marine, the United States would force Britain and even

1. Burt, *The United States, Great Britain, and British North America* (New Haven, 1940), Ch. XII; and Bradford Perkins, *Prologue to War* (Los Angeles, 1963), Ch. V.

France to recognize the American interpretation of neutrality. Thus economic sanctions, applied in varying ways, became the touchstone of the United States policy until the declaration of war with Britain on June 19, 1812.

News of the Embargo Act reached the Lake Champlain region in early January 1808. A routine newspaper report on January 8 gave no indication of the storm that would later erupt.² Valley residents felt little direct concern with an embargo "laid on all ships and vessels."³ The mere letter of the new law would not interrupt the substantial overland trade with Canada, and the local customs officers agreed with this interpretation. On January 19, 1808, they gave John C. Brown permission to export "Goods and Merchandise" from Vermont to lower Canada provided he shipped the goods "in sleighs only."⁴ Also, they questioned whether the wording of the act included the lumber rafts, which carried a substantial portion of the Canada trade.

Thus at first the Champlain Valley shared little of the furious excitement that the embargo generated in the rest of New England. Vermonters repeated the current humor that reading "embargo" backwards made "O-grab-me" and noted with little appreciation for the stark reality that "a great number will feel the influence of its Grab!"⁵ The strongest criticism that the *Vermont Centinel* could muster about the embargo was the weakly partisan comment that it "ought to be the last time its authors and supporters are placed in a position to do so much mischief."⁶ In fact two of Vermont's four Congressmen, both from towns on the Lake Champlain watershed, voted for the measure.⁷ The valley rested smugly, beguiled by the stillness before the storm.

Then on March 12, 1808, Congress tightened the embargo by means of further legislation, commonly called the "Land Embargo," which made it illegal to export "in any manner whatever any goods, wares, or merchandise."⁸ Vermont's first news of the "Land Embargo" reached

2. *Vermont Centinel*, 8 January 1808; and *Middlebury Mercury*, 13 January 1808.

3. *U. S. Congress, Statutes at Large*, II, 451.

4. Haswell MSS (Bailey Library, Univ. of Vermont), District of Vermont, Customs Office, 19 January 1808.

5. *Vermont Centinel*, 3 February 1808.

6. *Ibid.*, 11 March 1808.

7. Walter Hill Crockett, *Vermont, The Green Mountain State* (New York, 1922), III, 5. James Witherell (Republican) of Fair Haven and James Fisk, (Republican) of Barre voted for the Embargo Act, while Martin Chittenden (Federalist) of Williston and James Elliot (Republican) of Guilford opposed it.

8. *U. S. Statutes at Large*, II, 463-475; and Burt, *The United States, Great Britain, and British North America*, 257. Recognizing that the Montreal-based fur trade was continental in scope and increasingly an American activity, in April Congress lifted the embargo on fur and goods for the fur trade. Many Americans made full use of the provision (Haswell MSS, cargo manifests) which, one embittered Vermonter charged, supported no one but the Canadian merchants (*Middlebury Mercury*, 6 July 1808.).

Collector of Customs Jabez Penniman on April 1. Appreciating the violent outburst this measure would provoke, he immediately consulted with Asa Aldis and Cornelius Peter Van Ness, two prominent Jeffersonian attorneys in St. Albans. Acting on their advice, Penniman dispatched a letter that same day to Secretary of the Treasury Albert Gallatin, pointing out "that a large number of men on the Lake shore was [*sic*] deeply concerned in rafting timber for [*the*] Canadian market" and that he had every "reason to believe that they would have the same exported," unless the government provided "an adequate force . . . to convey the law."⁹

Jefferson who viewed the Vermont situation with considerable alarm, after conferring with Vermont's Senator Jonathan Robinson, Congressman James Witherell and others, decided that if necessary force would be used to maintain the law. He asked Albert Gallatin to instruct Penniman to equip, arm, and man enforcement vessels: and if they proved inadequate to the task, the United States Marshal should "raise his posse" and the Governor of Vermont, Israel Smith, "call on the militia." The President further ordered two gun-boats to be built at Whitehall.¹⁰ Then to Penniman's surprise and discomfiture, Jefferson issued a ringing proclamation charging that "sundry persons are . . . confederating on Lake Champlain and the country thereto adjacent, for the purpose of forming insurrections against the authority of the laws of the United States." He ordered the "insurgents" to disperse and commanded all military and civil authorities to enforce the embargo "by all the means in their power, by force of arms or otherwise."¹¹

Penniman had accurately forecast the local response to the "Land Embargo." News of the new policy broke in early April,¹² touching off a wave of heated protest. Burlington residents quickly scheduled a town meeting for April 16 "to deliberate the question whether any, or what measures can be adopted to avert the evils of the late embargo act."¹³ Those assembled at the meeting viewed the suspension of trade with Canada as ruinous and in no way related to the "dangers to our vessels, our seamen and merchandise, upon the high seas." They thought that the law should be changed to permit trade with Canada and named

9. *Vermont Centinel*, 2 September 1808; Vermont, *Records of the Governor and Council, of the State of Vermont* (Montpelier, 1877), V, 472-473; Haswell MSS, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808; and *Middlebury Mercury*, 18 May 1808.

10. Vermont, *Governor and Council*, V, 473, Jefferson to Gallatin, 19 April 1808, and same to same, 19 April 1808.

11. Haswell MSS, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808; Richardson, *Messages and Papers of the Presidents*, I, 450-541, A Proclamation, 19 April 1808; and *Vermont Centinel*, 6 May 1808.

12. The *Middlebury Mercury* printed a brief reference to the "Land Embargo" on March 30, 1808, but it did not carry the full text until the next issue on 6 April 1808.

13. *Vermont Centinel*, 15 April 1808.

a committee to draft an appropriate memorial to Congress. In the memorial, the committee rehearsed at great length the potential economic losses; Burlington would have no market, no specie, no "excitement to industry." Rather ironically, considering the fortunes many subsequently made because of the embargo, the committee found it a convenient scapegoat for an incredibly long list of imaginary economic woes. Concluding that they could not "possibly devine any reason which may or can be given to justify restrictions," they demanded the embargo on Canadian trade be lifted.¹⁴ The Burlington protest was followed by similar meetings in Castleton, Shelburne, and Milton that unanimously adopted resolutions that "highly approbate the sentiments contained in the Memorial from the town of Burlington."¹⁵

For some the situation called less for serious opposition than for ridicule. One wag with the inevitable pen name "Ethan Allen" wrote that:

This fag end of the Embargo goes to prohibit the farmers of Vermont and New Hampshire from driving their swine to Canada for sale. Now suppose a man should drive a herd of hogs close up to the line of the United States, *but not over*, and a Canadian should accidentally make his appearance just within the boundary of that British colony, with a basket of corn in his hand and should cry *Pig-Pig-Pig* and the whole drove should run over the line into Canada, and *voluntarily* place themselves under the government of the tyrant of the ocean, who should be punished, the farmer who drove his hogs so near despotism, the swine, who regardless of the blessings of a free country, thus ran over the line, or the Canadian who tempted them to this anti-republican act?¹⁶

Despite its humorous aspects, the situation was quite serious and daily grew more explosive. John Henry, an Irishman later retained in a semi-espionage capacity to report to Governor Craig of Canada on the state of affairs in New England, wrote from Swanton, Vermont, that "the clamour *against the* Government and the measure (supplementary embargo) particularly is such that you may expect to hear of an engagement between the officers of Government and the sovereign people on the first effort to stop the introduction of that vast quantity of lumber and produce which is prepared for the Montreal market."¹⁷

The publication of Jefferson's Proclamation of April 19th, far from

14. *Ibid.*, 22 April 1808.

15. *Ibid.*, 29 April 1808; 6 May 1808; and *Middlebury Mercury*, 13 July 1808.

16. *Vermont Centinel*, 15 April 1808.

17. John Henry to H. W. Ryland, Swanton, Vt., quoted in E. A. Cruickshank, *The Political Adventures of John Henry: The Record of An International Imbroglio* (Toronto, 1936), 18. Also see Haswell MSS, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808.

quieting the unrest, served to increase the din. Penniman probably anticipated its effect, for John Henry reported that its publication had been withheld by the "Excise officers for a considerable time after its arrival," and that "they were afraid to give it publicity."¹⁸ The people of St. Albans, offended by Jefferson's accusations, issued a self-righteous rebuttal to the President. Indignantly they declared themselves "TRUE AND FAITHFUL CITIZENS" who "had furnished NO cause for such Proclamation." However the responsibilities of good citizenship, they warned, demanded that "individuals, finding themselves and their families on the verge of ruin and wretchedness . . . evade the embargo restrictions."¹⁹

Town meetings from one end of the Champlain Valley to the other—from Castleton to North Hero—continued to echo the protests of the original Burlington meeting. Vermonters complained that without "commercial intercourse with Canada" the produce of their land "becomes useless trash," and they agreed to accept their obligation "as FREE and INDEPENDENT REPUBLICANS . . . to examine the measures of government."²⁰ And Vermonters, who to this day make a fetish of public declarations of patriotism, sounded a rebellious note in the traditional Fourth of July toasts. They drank to such bad tidings as: "Commerce: All trade is dead and navigation fails; Agriculture: May the want of a market never blast the hopes of an industrious farmer; The Embargo: May those who discern the *Wisdom* of the measure, enjoy the *benefit* of its effects"; and more ominously, "Vermont: May her green hills become barren, when her sons become slaves."²¹

While the din of public outcry against the embargo increased, Jabez Penniman had wasted little time in marshalling aid to enforce the loathsome restrictions. At first he hired a number of local men, whom he dismissed as the militia was called out.²² On May 5, 1808, Governor Smith ordered General Levi House to station a detachment of 150 men of the Franklin County brigade of the Vermont militia at Windmill Point (in Alburg) in order to prevent the passage of lumber rafts.²³ As most of the men had relatives and neighbors among the raftsmen, officials had serious reservations about the effectiveness and loyalty of the militia. "The adminsitration, it seems," noted one observer, "have

18. John Henry to H. W. Ryland, 15 May 1808, quoted in Cruickshank, *John Henry*, 30-31.

19. *Vermont Centinel*, 3 June 1808.

20. *Ibid.*, 10 June 1808, and 15 July 1808.

21. *Ibid.*, 8 July 1808.

22. *Ibid.*, 15 July 1808.

23. Vermont, *Governor and Council*, V, 474-475; and *Middlebury Mercury*, 18 May 1808.

no confidence in the Militia of all this Northern Country.”²⁴ Governor Smith soon discharged seventy-five of the Franklin County unit and replaced them with “A detachment of 150 of the militia of Rutland County,” which he ordered “to the Canada line . . . to assist the Collectors.”²⁵ Smith sent another detachment of sixteen regulars with two “brass 6 pounders” to Windmill Point and issued orders to recruit an additional one hundred men to be posted along the border.²⁶ By October 1808 most of the militia had been replaced by regulars.²⁷

Doubts about the militia’s reliability were well-founded. In mid-July the *Vermont Centinel* calmly reported that “fourteen of the militia of Rutland County who have been stationed at the lines, passed through this town last Sunday on their return home. We understand that they had left the service without permission” (referred to colloquially as taking “leg Bail”).²⁸ According to John Henry, “the militia men who were hired at the stipulated price of a dollar a day to each man, refused to fire on those who were passing in contempt of the law, and a few prisoners whom they seized, were immediately released from an apprehension of a rescue by the inhabitants.”²⁹ For their part the militia claimed that they had done the best they could. The Third Brigade of the Third Division of the Vermont Militia publically protested that despite “their ability and faculty as soldiers they could not command the wind and waves and consequently could not prevent the passage of rafts and potash into Canada.”³⁰

Nevertheless, Penniman thought that “all kinds of corruption has been practiced on those men and no confidence can be placed in but few [of them] at Champlain and near the lines.”³¹ Yet some of the men whom Penniman had hired proved to be no more reliable than the militia. One of his hired thugs, Samuel Mott, subsequently played a leading role in the notorious *Black Snake* affair and later related that he had only worked for Penniman “to have all the other smugglers apprehended, to have his boat armed, and then he could do the business of the Lake.”³²

As soon as troops went to the border, rumors of armed clashes with smugglers flooded the valley. Happily printing in large type “Dog Eat

24. *Middlebury Mercury*, 1 June 1808.

25. *Vermont Centinel*, 10 June 1808.

26. *Ibid.*, 1 July 1808.

27. Vermont, *Governor and Council*, V, 475.

28. *Vermont Centinel*, 15 July 1808; and *Middlebury Mercury*, 20 July 1808.

29. John Henry to H. W. Ryland, 15 May 1808, quoted in Cruickshank, *John Henry*, 30–31.

30. *Middlebury Mercury*, 20 June 1808.

31. Haswell MSS, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808.

32. *Vermont Centinel*, 2 September 1808; and *Middlebury Mercury*, 24 August 1808.

Dog" and "No love's lost," the *Vermont Centinel* reported that one "Armed force of ninety men in disguise" took a raft into Canada with "Little opposition."³³ Another raft "nearly half a mile long," carrying "wheat, potash, pork, beef, etc., worth more than \$3000," was optimistically described as having "a regular fort built upon it ball proof, and is manned with between 5 and 600 men armed."³⁴ The *Connecticut Courant*, acknowledging the story as "rumor," carried a report of a "pitched battle between revenue officers and smugglers on Lake Champlain with a loss of one killed and thirty-nine wounded."³⁵ Early in May, just as the rafting season began, Penniman tried to scotch the rumors, which he termed "as thick as locusts and as troublesome as gnats." "You may consider," he wrote "three parts out of four of the reports in circulation are false . . . no man is killed — no man is hurt — no boat is run away with — [Gideon] King has not drowned me yet."³⁶

But as Penniman well knew, not all the reports of smuggling were founded in rumor. The "combination and intrigues," he admitted, "that has and is taking place near the lines — you can have no idea of it unless on the ground and saw the measures taken to disappoint the government."³⁷ When the rafting season opened in the spring of 1808, Burlington merchants claimed that locally they had more than \$400,000 worth of timber and potash for market in Canada.³⁸ Governor Craig in Canada thought "the honourable desire to discharge their obligation to our merchants (from whom they have received large advances in money before that part of the law [the "Land Embargo"] was passed)" motivated many of the smugglers. Smuggling, according to Craig, became "the only means in their power" to pay the debts, "for the money has been expended."³⁹

As a result, Canadians reported that "immense quantities of Produce come in by every fair wind from Lake Champlain."⁴⁰ Rafts valued at from 5 to 20 to 30,000 dollars, loaded with all kinds of produce, proceed as usual from the ports on the Lake to Montreal."⁴¹

33. *Vermont Centinel*, 17 June 1808.

34. *Ibid.*, 3 June 1808.

35. *Connecticut Courant*, 18 May 1808, quoted in Louis Sears, *Jefferson and the Embargo* (Durham, North Carolina 1927), 167.

36. Haswell MSS, Jabez Penniman to Nathan B. Haswell, St. Albans, 3 May 1808. Gideon King, known as the "Admiral of the Lake," was the leading shipper and an associate of John Jacob Astor.

37. *Ibid.*, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808.

38. *Vermont Centinel*, 22 April 1808.

39. Governor Craig, Quebec, 13 May 1808, quoted in H. A. Innis and A.R.M. Lower, *Select Documents in Canadian Economic History, 1782-1885* (Toronto, 1933), 269.

40. William Armstrong to Lieutenant-Governor Gore, 26 May 1808, quoted in *Ibid.*, 228-229.

41. *Connecticut Courant*, 25 May 1808, quoted in Sears, *Embargo*, 168.

Less than a week after he had dismissed the reports of smuggling as three-fourths false, Penniman conceded that even though "no means or pains" of enforcement "has be[en] spared," the rafts "by force and stratagem [sic]" crossed the lines into Canada. "One raft," he related, "was taken by two boats full of men" with the militia guard still on board. Another raft, which the customs officers had "run on shore and grounded," was boarded and cut loose by an armed force of "thirty or fifty men." In yet another incident "money was offered to the guard, who were set to watch seven cribs not got off yet." The guard ostensibly refused the bribe, and "men were seen walking all night in all directions," probably unloading goods stored on the raft.⁴² At the close of the rafting season one observer concluded that though "several of them [rafts] have been brought to and boarded — they have, however, found means to liberate themselves, and not a raft . . . is now left in our waters. Taking advantage of the night and a strong south wind, those concerned in rafts, have evaded every exertion to molest them."⁴³

It was not long before Secretary of the Treasury Albert Gallatin, who had the responsibility to direct the enforcement of the embargo, admitted the obvious fact that the restrictions were being honored more in the breach than in the observance. He wrote to Jefferson that because the administration was not "properly supported by the people" and "the stoppage of intercourse [was] so unpopular," the revenue agents and "other truly friendly characters are afraid to act." Gallatin angrily found scapegoats in "the love of gain & British agency."⁴⁴

Whatever the motive, gangs of men, quite prepared to shoot their way past the customs officers, drove their rafts to Canada.⁴⁵ The ingenious smugglers also quickly devised less hazardous ways to move goods in and out of Canada. One of the most popular means involved unloading goods close to the border whence they could easily be carried into Canada. The sudden appearance in 1808 of an astonishing number of manifests for a wide variety of cargoes bound for the border towns of Highgate, Alburg, and Champlain indicated the popularity of this scheme.⁴⁶ The customs officers knew of the ruse, but nonetheless found it very difficult to keep an ever-vigilant eye on the determined smuggler who among other advantages had time on his side. A good example was

42. Haswell MSS, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808.

43. *Middlebury Mercury*, 1 June 1808.

44. Albert Gallatin to Thomas Jefferson, 28 May 1808, quoted in Sears, *Embargo*, 91.

45. See *Vermont Centinel*, 24 June 1808 and 1 July 1808.

46. See Haswell MSS for manifests which list shipload after shipload of such items as tea, tobacco, corn, pork, coffee, glass, leather, rum, ginger, dry goods and the other usual items of the Canadian trade, bound for the border towns in amounts that far exceed the probable local consumption.

Captain Boardman of Burlington, who waited near Alburg for "three or four days with a cargo of Pork and Ashes which he wished with the owner to land about one or two rods [five to ten yards] of the lines—for the purpose of getting [the cargo] immediately over" the border into Canada.⁴⁷

The geography of Missisquoi Bay created another problem for Penniman and his men. Well over half of Missisquoi Bay is Canadian, but the only outlet to the Richelieu River and market is through Lake Champlain and American waters. The embargo regulations were justly interpreted to permit British vessels to carry goods through the United States between Canadian settlements on Missisquoi Bay and St. John. "British bottoms" going from Missisquoi Bay to St. John were an open invitation for smugglers. Further, customs officers had difficulty determining whether or not American vessels trading in Missisquoi Bay confined themselves to the United States sector, and men such as Gideon King took full advantage of this problem.⁴⁸ To his dismay Penniman found "that Vessels going from the South[w]ard to Missisquoi Bay after getting their clearance take on board Ashes for that place and then proceed round for St. John."⁴⁹

Sometimes smugglers found a strong south wind could be used to evade the law. In May 1808 two sloops from Whitehall with cargoes of tea anchored close to the border. "No person seemed to have command—no entry was made—no clearance procured [*sic*]." Melancton Woolsey, Collector of Customs on the New York side of the lake, ordered a guard placed on the sloops. As the guard approached, "a person immediately went on board slipped [*sic*] her cable and [the sloop] was over the line in a moment it blowing a strong gale from the south—the other [vessel] was boarded and taken into custody—on board which was found 104 Chests of Tea—Gen. Woolsey has taken her to Plattsburgh [*sic*] for safe keeping [and] . . . intimation was given that a strong force would soon rescue her."⁵⁰ The smugglers happily liberated goods the customs officers had confiscated whenever they could. Later in the year Woolsey reported that "the smugglers have stolen seventy-odd barrels [of the ashes] . . . I had in Plattsburgh & altho every exertion has been made we can obtain no intelligence."⁵¹

A number of boats on Lake Champlain used the cover of darkness to sail or be rowed from creeks and obscure islets (Missisquoi Bay

47. *Ibid.*, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808.

48. *Ibid.*, Nathan B. Haswell to Jabez Penniman, Burlington, 2 May 1808.

49. *Ibid.*, Jabez Penniman to Nathan B. Haswell, St. Albans, 3 May 1808.

50. *Ibid.*, Jabez Penniman to Nathan B. Haswell, Swanton, 8 May 1808.

51. *Ibid.*, M. L. Woolsey to Nathan B. Haswell, 22 September 1808.

was a favorite smuggler's rendezvous, as the revenue cutter *The Fly* generally patrolled the outlet of the lake).⁵² The most famous of these vessels was the celebrated *Black Snake*, captured in August 1808 after a gun fight in which two government men and one private citizen lost their lives.⁵³ This sinister boat, unpainted and covered with tar, was about forty-feet long, shipped seven oars to a side as well as a sail, and when loaded to capacity could carry about one hundred barrels of potash.

The indefatigable smugglers devised any number of bizarre schemes to avoid the customs men. John Banker, Jr., an enterprising New Yorker, was alleged to have obtained a commission to fit out a privateer on Lake Champlain. A small sailboat armed only with three muskets, the phony privateer *Lark* would wait just off Rouses Point near the border and "overpower" vessels laden with cargoes for the Canadian market. The cargoes, forcibly captured by an armed privateer, came under the authority of international law, legally beyond the reach of American revenue officers. A prize crew then sold the cargoes in Canada at a price pre-arranged by its original owners. Mr. Banker returned the money to the owners, reserving a percentage for himself.⁵⁴ Others built wharves along the border, half in Canada, half in the United States. American ships would unload on the south side and British ships, beyond the jurisdiction of the United States revenue men, would reload the cargo on the north side of the wharf.⁵⁵ A less subtle way to hamstring the customs men succeeded for a short time after June 25, 1808, when men stole the revenue cutter from those guarding it at Windmill Point.⁵⁶

If the attempt to stop the illicit trade on the lake entailed serious problems of enforcement, the prevention of smuggling over the maze of paths, trails, and roads that crisscrossed the New York and Vermont portions of the Canadian-American frontier presented an impossible task. "The Green Mountain Boy," rejoiced an editor, "as he trundles over the line his load of pot ashes . . . smacks his whip in the face of the collector without fear or let alone molestation or remonstrance."⁵⁷ In

52. *Ibid.*, 5 August 1808; and Crockett, *Vermont*, III, 11-15.

53. For accounts of the *Black Snake* affair see Crockett, *Vermont* III, 11-15; *Vermont Centinel*, 5 August 1808; 12 August 1808; 10 August 1808; 28 August 1808; and 2 September 1808; and Monitor, *To the People of Vermont*, a broadside held by the Vermont Historical Society.

54. Peter S. Palmer, *History of Lake Champlain* (Albany, 1866), 186-187.

55. George S. Bixby, *Peter Saily* (1754-1826): *A Pioneer of The Champlain Valley with Extracts From His Diarys and Letters*, New York State Library, History Bulletin 12 (Albany, 1919).

56. D. H. Hurd, *History of Clinton and Franklin Counties, New York* (Philadelphia, 1880), 47-48.

57. *Middlebury Mercury*, 1 June 1808.

the winter of 1808–1809 one frustrated army officer charged with this thankless task wrote that “there are a number of roads, and we cannot make a calculation how many loads go over the lines,” although he knew that “immense quantities of produce of every description find their way into Canada every day.” Through Swanton alone “on a fair calculation, 100 [sleigh-] loads per day for 15 days past have gone into Canada.” Moreover, because the sleighs were “driven by a desperate set of fellows, many of whom are armed, and have been encouraged to defend themselves against any force that attempts to take them” officers could only inspect the sleighs at the risk of their lives.⁵⁸

The woods near the border offered seclusion for caches of goods which had been carried in on men’s backs and hidden until they could be safely transported across the line. Livestock walked itself across the border in defiance of the law. Smuggler’s Notch at Mount Mansfield lived up to its name, as cattle and other produce destined for the Canadian market and goods bound for New England merchants moved in opposite directions over the pass.⁵⁹ The *Vermont Centinel* reported one clever scheme in which the smugglers carried goods to hills along the Canadian border. “On the top [of the hill] a slight building is erected, in which barrels, pipes, and other articles are deposited. The construction of the house is such, that on the removal of a stone or piece of wood, the whole edifice with its contents immediately falls on the British territory, by which means although apparently accidental, the laws are evaded.”⁶⁰

Not all of the smugglers escaped capture, however, nor did all of the clandestine cargoes arrive safely in Canada. The capture of the *Black Snake* presented a case in point. Between May and October 1808, Penniman and his counterpart on the New York side of the lake, Melancton Woolsey, seized at least twelve vessels, with cargoes that included over 300 barrels of potash, and butter, tea and leather.⁶¹ Nathan B. Haswell, the collector at Burlington, arranged storage for over 350 barrels of confiscated ashes.⁶² United States District Courts generally condemned the confiscated goods to auction in rooms such as the one operated by Nathan Haswell, who at the same time maintained a full partnership in the mercantile firm of Pease & Haswell.⁶³

58. Letter from “An Officer in the U. S. Army,” January 1809, printed in the *Vermont Centinel*, 24 February 1809.

59. Crockett, *Vermont*, III, 9.

60. *Vermont Centinel*, 27 May 1808.

61. *Ibid.*, 31 March 1809 and 7 April 1809; and Charles Connell to Thomas Jefferson, New York, 29 September 1808, quoted in Sears, *Embargo*, 95.

62. Haswell MSS, Bills for Storing Ash.

63. *Vermont Centinel*, 21 May 1808.

On the other hand, the customs officers were hardly beyond reproach. They profited handsomely from their seizures and even charged the United States government for storing confiscated ashes.⁶⁴

Enacted to force a change in British policy, the embargo was wholly an American measure and its enforcement strictly an American affair. Stemming the trade to Canada presented a problem for the United States alone, for Canadian officials had no quarrel with accepting American goods. In fact Canada's role in rendering the embargo impotent worked in the best interests of both British policy and Canadian prosperity. Governor Craig happily reported that because of the products pouring into Montreal and Quebec from the United States, the total volume of Canadian exports for 1808 more than doubled the average for the preceding five years.⁶⁵ One Quebecker writing to a Vermont correspondent of the "beneficial" effects of embargo, prayed "*God grant that your Embargo Law may continue forever.*"⁶⁶

The embargo did not alter the operation of British or Lower Canadian trade regulations, which still required all goods imported into the province (whether legally exported from the United States or not) to be entered at a customhouse. St. John remained the only inland port of entry in Lower Canada, and all goods smuggled out of the Champlain Valley in contravention to the embargo had to be recorded at the St. John customhouse to avoid the possibility of seizure by Canadian officials. Similarly, all commodities exported from Lower Canada to the United States over the Richelieu-Champlain route had to be first entered at St. John.⁶⁷

Not all of the commerce passed under the aegis of the customs officers; the border area was extensive and locating customs officials could be bothersome. Presumably many traders, having already decided to smuggle goods in or out of the United States, simply neglected to make an entry at St. John. "There are Quantities of dutiable Articles, arrives at Montreal that is never known to this Customs-House," George McBeath, a Canadian customs officer, noted in November 1808.⁶⁸ Yet, except for a few commodities, Lower Canadian regulations demanded no duty, and hence merchants gained little advantage and stood con-

64. Haswell MSS, Bills for Storing Ash.

65. Public Archives of Canada: Q, CIX, 10-23, Governor James H. Craig to Lord Castle-reagh, Quebec, 13 February 1809.

66. *Vermont Centinel*, 27 May 1808.

67. Cargoes entering or leaving Lower Canada would not have to be brought physically to the customhouse. For a fixed schedule of fees, landwaiters and other customs officials would inspect cargoes at a variety of border crossings and later record a manifest of the cargo at the customhouse. For a schedule of fees see PAC: R. G. 1, E1, D, 396-397.

68. PAC: S. LXXI, 51, George McBeath to H. W. Ryland, St. John, 26 November 1808.

siderable risk in avoiding the customshouse. Further no evidence suggests that the cargoes not entered at St. John differed significantly from those that crossed the border legally. Thus the St. John customs returns fairly depict both the quantitative and qualitative composition of the commerce over the Champlain-Richelieu route, and for 1808 become a rare testimonial to the nefarious activities of the smugglers.

Breaking the aggregate value of the trade into its import and export sectors and their components brings the effect of the embargo into focus.⁶⁹ The northbound trade from the United States to Canada increased a startling 31 per cent from about £116,000 in 1807 to over £140,000 in 1808. At the same time the value of the exports from St. John declined by 20 per cent.

The huge increase in the value of goods imported at St. John consisted largely of the flood of natural produce that poured through the Champlain Valley into Canada. The embargo had effectively disrupted most of the foreign export markets, and the few Champlain Valley products that had previously been taken over the mountains to the rest of New England or to the Hudson Valley and New York no longer found ready markets because of the surplus of locally produced commodities. Thus the Champlain Valley's surplus produce had to be marketed in Canada. Also a small part of produce from southern New England and New York that had been formerly marketed in Europe, the West Indies, or the Atlantic fisheries came through the Champlain Valley on its way into Canada. Tons of produce, loaded on cribs of timber lashed together into giant rafts, floated over the Canadian border with impunity.

The pot- and pearlash, lumber, pork, cheese, butter, grain and a dozen other commodities worth more than £93,000 smuggled out of the Champlain Valley in 1808 constituted a 70 per cent increase over 1807. Produce had always been the largest sector of the exports to Lower Canada, but since 1799 its relative importance had declined until in 1808 it amounted to only 41 per cent of total exports. With the embargo, however, this sector jumped to over 66 per cent of the total.

As during the previous decade, pot- and pearlashes continued to be the most important commodities exported to Canada. The £54,000 worth of ashes entered at St. John in 1808 increased 90 per cent over

69. The data for the discussion of the commerce of the Champlain-Richelieu route in 1808 are from Legislative Assembly of Lower Canada, *Journals of the House of Assembly of Lower Canada*, 1809 (Quebec, 1810), Nos. 18-22. Consistent with the rest of this study, the prices used in computing the value of the trade are for 1800, listed in PAC: S, LVI a, 5.

the previous year and made up 38 per cent of the entire northbound trade. Other products, such as salt pork, cheese, and butter also made remarkable gains over 1807 levels. Only lumber, which fell 23 per cent to £11,200, and corn, wheat, and flour showed sizeable losses.

While the embargo cannot be isolated as a variable, a clear functional relationship existed between the embargo and the great increase in natural products sent to Canada, an increase so dramatic that it more than compensated for substantial losses in other sectors of the trade.

After Jay's Treaty (effective July 1, 1796) opened the Canadian Market to American manufactures, they became increasingly important in the trade moving over the Champlain-Richelieu route to Canada. Beginning at close to £5,000 and only 17 per cent of the trade in 1797, manufactures had increased to over £50,000 and 44 per cent of the exports to Lower Canada by 1807. In 1808 these figures dropped drastically to a scant 21 per cent of the trade. The greatest setbacks occurred in tobacco products and general merchandise (medicines, ribbons, tinware, dry goods, jewelry, furniture, etc.) that had formerly been shipped over the Champlain-Richelieu route from towns throughout the northeastern United States. Only £17,100 worth of general merchandise entered at St. John in 1808, off 48 per cent from 1807. The trade in some manufactures such as spermaceti candles, cranepoles, socks and mittens ceased altogether. On the other hand, a number of leather commodities, known to have been manufactured in the Champlain Valley, corresponded to the pattern of valley produce and showed surprisingly uniform increases. The trade in shoes (men's and women's), boots, boot legs, and saddle trees all increased about 100 per cent.

It is difficult to determine why the commerce in general merchandise, tobacco and non-Champlain Valley manufactures declined so markedly. A possible explanation is that distant manufacturers, uninformed about the ease of circumventing the embargo via the Champlain-Richelieu route, did not send their products north in 1808. Moreover, Canada would be only a small part of their over-all market and perhaps not worth the risk of having their goods seized at the border. For Champlain Valley producers, the Canadian market would be much more important. Yet this is not a satisfactory answer for a firm such as Caldwell, Van Ingen and Caldwell which processed tobacco in Albany and had close connections in Montreal.

Also the lively trade continued in East Indian goods and other foreign imports that American merchants transshipped through the Champlain-Richelieu route to Canada. In 1808 more than £17,000 worth of these commodities entered at St. John, an 80 per cent climb

over the 1807 level. This gain, however, probably represents more of an adjustment to the 1806 level of £24,000 than an increase directly related to the embargo. In 1808 tea, always a favorite item with smugglers, made up 93 per cent of this sector and accounted for virtually all of the increase over 1807. Other goods showed an irregular pattern of change. Pepper, foreign spirits, indigo and pimento made gains; lime juice remained about the same; chocolate and nankeens showed large losses; while coffee and ginger were not even listed. Though it is difficult to determine the effect of the embargo on this trade, it is obvious that the measure did not greatly inhibit it.

The embargo did not prohibit foreign ships from bringing goods into the United States, though in practice it did discourage the trade, as they had to sail from American ports in ballast. On the Champlain-Richelieu route, where Canadians owned very few of the vessels that carried goods from Canada, the embargo became a legal barrier to the southbound commerce, yet in fact the trade flourished. Evidently many commodities that had previously been imported at Atlantic ports found alternative routes to American markets through Canada. Hezekiah Niles complained that British goods were "feloniously introduced into the United States to a prodigious amount."⁷⁰ David Anderson, a self-appointed publicist for the new British industrialism, waxed eloquent about the use of the British North American colonies as entrepôts "for the supply of the United States, in defiance of her prohibitory laws."⁷¹

In fact, however, the total value of the exports from St. John to the United States dropped 20 per cent in 1808. But, ironically all of the loss occurred in the one sector of the commerce specifically exempted from the embargo, the fur trade, which fell 30 per cent. If the non-fur exports had not increased dramatically by two-thirds, the over-all loss would have been much greater.

Though Anderson had an inflated notion of the value of the commodities being carried into the United States, the customs returns at St. John indicate that the embargo did in fact stimulate the non-fur sector of the trade, which had been stagnant since 1776. In 1808 the value of general merchandise shipped to Americans over the Champlain-Richelieu route jumped to £4,270, a substantial gain of 165 per cent. The 17,094 bushels of salt sent across the border valued at more than £4,200 showed an increase of 24 per cent. Similarly the exports of other commodities rose.

70. Hezekiah Niles, *The Weekly Register*, Baltimore, Saturday, 26 October 1811, I. No. 8, 133.

71. David Anderson, *Canadas or, A View of the Importance of the British American Colonies* (London, 1814).

As the first year of the embargo experiment drew to a close, its utter failure had become starkly apparent. Relations with Britain and France had deteriorated, national revenue had been largely destroyed, and government policy had been "reduced to a negation."⁷² In November Congress made an abortive attempt at repeal, which freely admitted that "patriotism, cannon, militia and all" could not prevent the smuggling along the Canadian border.⁷³ The administration responded with Gallatin's demand for stiffer regulations, and after seven weeks of debate on January 9, 1809, yet another Enforcement Act became law.⁷⁴ This measure allowed federal officials to seize without warrant any goods thought to be intended for foreign destination. Further, it protected them from legal liability for their actions. Jefferson loaned his prestige to the act in a circular letter to governors in which he demanded that loyal militia be found and used to prevent the Flagrant smuggling.⁷⁵

The Champlain Valley greeted the announcement of the Enforcement Act with undisguised hatred. The *Vermont Centinel* printed the news along with a crude sketch of a coffin under the heading, "The Last Act of Slavery."⁷⁶ Reports circulated in the valley that seventy United States soldiers from Burlington had been marched to the border to give teeth to the new measure. Rumors found the troops guilty of treating citizens in a high-handed manner and of threatening a Mr. Reuben Tuttle, "who was going peaceable to mill . . . to have his brains blown out, if he did not submit to have his sleigh searched."⁷⁷

Throughout February and March 1809 towns on both sides of Lake Champlain — Burlington, Williston, St. Albans, Monkton, Plattsburgh, Bakersfield, and Fairfield — held meetings that declared "the late act to enforce the Embargo" to be "in its nature odious and oppressive."⁷⁸ The meetings issued many unabashedly treasonable statements, but some of the intemperance was politically inspired, as the embargo policy had become a main issue of contention between Federalists and Republicans.⁷⁹

72. Burt, *The House States, Great Britain, and British North America*, 264.

73. Senator Hillhouse of Connecticut in debate, quoted by Crockett, *Vermont*, III, 10.

74. *U. S. Statutes at Large*, II, 506-511.

75. Circular letter from the Secretary of War to the Governors, prepared by Thomas Jefferson, 17 January 1809, quoted in *Vermont, Governors and Council*, V, 477.

76. *Vermont Centinel*, 27 January 1809.

77. *Ibid.*, 8 February 1809.

78. *Ibid.*, 10 February 1809; 17 February 1809; 24 February 1809; 10 March 1809; 24 March 1809; and 31 March 1809; and *Middlebury Mercury*, 15 February 1809; 15 March 1809; and 29 March 1809.

79. *Vermont, Governor and Council*, V, 477. See also Chilton Williamson, *Vermont in Quandary* (Montpelier, 1949), 258-266.

Politics or not, John Henry aptly remarked that “free intercourse with Canada is “the philosopher’s stone which turns everything into gold.”⁸⁰ Provisions continued to pour across the Canadian border in defiance of the law. The *Quebec Gazette* reported seven hundred sleighs on the roads between Middlebury and Montreal in January 1809.⁸¹ In the face of such determination, the embargo was doomed to failure.

80. Cruickshank, *John Henry*, 31.

81. *Quebec Gazette*, 2 February 1809.

Getting the Facts About a Traffic Accident

Slightly more than twenty-five years ago a policeman in a northern Vermont community was asked by his Chief to measure the height of a traffic signal suspended on wires above an intersection. A truck had hit the light while crossing the intersection beneath it, and the Chief wanted to know the distance from the surface of the road to the bottom of the light. The policeman submitted this report (quoted here without a single change) to his Chief:

I measure the height of the traffic light I didn't have much to do with I had to take a piece of board about two feet long and I stuck my pen knife in the that wasnt long enough so I jump once I didnt get any where near the light I tried again this time I didnt fall I think I must have come about three feet from the light so I jump again this time the time I fell I got up and I jump again I jump about two feet from the ground and I came about a foot lower than the second time I jump this will give you a good idea of the height Im 5 feet six and the height of my arm and the stick was about two feet My knife four inches and the two jumps one was higher than the other I dont think that the light was put up high enough because if it was the trucks wouldnt hit it.