

SENTINELS OF THE REPUBLIC:  
CUSTOMS COLLECTORS IN THE DISTRICT OF MAINE  
1789-1820

A Thesis

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## ABBREVIATIONS

ASP	American State Papers
JLL	John Lee's Letterbook
MCC	Mellen Chamberlain Collection
MeHS	Maine Historical Society
MHS	Massachusetts Historical Society
NA	National Archives
OWP	Oliver Wolcott, Jr. Papers
PAG	Papers of Albert Gallatin
PAH	Papers of Alexander Hamilton
TGTP	Thomas G. Thornton Papers

## INTRODUCTION

This is a study of federal authority in American seaports in the early republic that concentrates on the role of federal customs collectors posted on the Maine coast between 1789 and 1820. The collectors essentially *were* the federal bureaucracy before 1820: the government only substantially manifested itself in seaports. The importance and number of customs collectors make them an ideal means with which to understand the nature of emerging federal authority. Seaports are the focus of this study because of their importance as centers of population, commerce, and administration. This thesis concentrates on Maine's collectors because they faced extreme conditions that provide an interesting look at federal authority under duress. Between 1789 and 1820 the federal government attempted to develop an effective bureaucratic infrastructure; the collectors were an important part of that process.

The new federal government faced many challenges before 1820. The first problem was to create a reliable income. Placing the federal government in charge of customs duties partially solved that problem. This left the government dangerously reliant on customs duties, however. The second problem was to establish the authority of

the national government over that of the individual states. During the embargo of 1807 and the War of 1812 the federal government experienced difficulty controlling individual states and their commercial populace, especially in Massachusetts. Maine suffered from the struggle between Washington and Boston. The result was a legal and commercial chaos that encouraged widespread smuggling. Out of that confusion the collectors emerged as a formidable political force that helped lead Maine toward statehood. The third challenge the federal government faced was coping with its own growing pains. As the demands on the federal government for services grew, it increasingly turned to the customs collectors to administer a wide variety of functions. By 1820 the national government was on a stronger footing than ever before, having survived sectional problems and foreign invasion. Statehood for Maine in 1820, a new coasting law, and a new system of office tenure for collectors marked the end of the federal government's first, crucial stage of development.

Customs collectors played a vital role in the government of the early republic. These officials collected the revenue that financed the United States government as reorganized under the Constitution. The collectors were also the key element in binding the ports of the nation to the national government. The collectors possessed direct contact with the electorate, Congress, and very often one or more cabinet members. They were the true links between the ports and the federal government.

An understanding of the nation's seaports reveals the degree to which the federal government involved itself in the regulation and taxation of sea-borne commerce. Port

communities possessed most of the visible components of the federal government.

Lighthouses, fortifications, and customhouses were symbolic of the government's interest in and concern for the nation's maritime affairs. The customs duties collected in America's seaports brought the government a substantial surplus in most years before 1820. In Maine, as elsewhere, ports served as centers of economic activity. Timber's predominance in Maine's economy closely wedded it to foreign markets. The entire economy of the district depended on foreign commerce. When the national government interfered with foreign trade, Maine's seaports and citizens suffered. In turn, the customs collectors prospered and suffered with the seaports they regulated.

This study concentrates on Maine for several reasons. First, until 1820 Maine was a part of Massachusetts, which possessed the greatest amount of shipping tonnage of any state in the republic. Massachusetts also presented a substantial threat to federal authority during the War of 1812, when it threatened to secede. Notably, Massachusetts officials were plotting to seize customs revenues should secession have actually occurred. Second, there were a relatively large number of collection districts in Maine. The number grew from nine in 1789 to twelve in 1819. This growth reflects both the development of the region and the rising need to regulate maritime trade. Third, Maine was geographically remote from the national base of authority in the mid-Atlantic states, and even from the state capital in Boston. This fact exaggerated the importance of the collectors' actions. They were without immediate recourse to federal support if matters got out of hand-- as they often did. Finally, Maine lay close to the maritime provinces of British North

America. Trade between American and British merchants was impossible to suppress: the British provinces needed American food to survive, and the American public had an insatiable hunger for British goods. Jefferson's embargo of 1807 and the War of 1812 created hardships for the inhabitants on both sides of the border, who attempted to alleviate their suffering by smuggling. In turn, the extraordinary amount of smuggling after 1807 put considerable duress on the collectors. These factors tested the collectors along the Maine coast, making them an excellent example of the durability and flexibility of federal authority in the early republic.

This study uses customs collectors as a means of exploring the federal government's political economy in the early republic. Chapter one discusses the national importance of the customs collectors. This includes a historical background, the importance of the collectors in financing the national government, and a brief analysis of secretaries of the Treasury. Chapter two analyzes the collectors' functions. The collectors performed many duties in regulating the nation's seaports. Chapter three focuses on patronage. The collectors often gained their office through connections to the national leadership. Chapter four discusses the collectors' political influence. The collectors helped lead Maine from its status as a province of Massachusetts to that of an independent state. Chapter five explores the smuggling problem. Illicit trade was a problem that all collectors faced; not all collectors successfully curtailed it. Taken together, this thesis explores the importance of customs collectors in the early national period.



This thesis does not lie solely in the political sphere. It contains aspects of economic and social history as well. In a sense it attempts to explore the authority of the federal government in social and economic terms; it is a look at government from the bottom up. While this thesis utilizes many traditional primary and secondary sources on government, it also seeks to humanize how historians look at government by including personal details about the collectors. The paucity of documentation on some individual collectors demanded the use of statistical analysis, genealogy, and material culture. These tools add a dimension unattainable through traditional research methods.

## CHAPTER ONE: BACKGROUND

This chapter will establish the historical importance of customs collectors. The collectors stood at the center of several issues, including trade, taxation, officeholding, and the place of government in the new republic. The success of federal customs officials compared to their crown and state predecessors provides a means of contrasting administrative styles. The struggle between Congress and the executive branch to control government revenues reveals some of the differing views the Founding Fathers had about taxation. A brief analysis of the revenues raised by the collectors exposes the degree to which the federal government relied on them.

The collectors were the foundation upon which the republic built its administrative machinery.<sup>1</sup> The near-ubiquity of these officials makes them an ideal means of analyzing the federal civil service in the early republic. Every port of any significance possessed a customs collector. There were customs collectors along the Atlantic seaboard, the Great Lakes, the western rivers, and the border regions between the United States, British North America, and Spanish and French possessions. Collectors

handled matters as diverse as ship construction, taxation, seamen's health, lighthouses, prisoners of war, and managing diplomatic crises.

The success of federal customs collectors in raising revenue and regulating seaports contrasted with the failure of crown and state officials to do so. Crown customs collectors were unpopular. Their venality and corruption alienated them from the mercantile class.<sup>2</sup> State customs officials were ineffective because their connections with the merchant class were too close.<sup>3</sup> Comparing colonial, state, and federal customhouse administration after 1789 reveals that the federal customs service learned from the mistakes of its predecessors.

Serious colonial problems with royal customs collectors date to 1762, when Parliament passed an act calling for renewed vigilance on the part of customs officers stationed in North America. Since American colonies had long ignored crown trade regulations, colonists saw the sudden vigilance of royal customhouse officers as a dangerous precedent.<sup>4</sup> In contrast, the British government saw smuggling as "a Practice carried on in contravention of many express and repeated Laws, tending not only to the Diminution and Impoverishment of the Publick Revenue, at a Time when this Nation is labouring under a heavy Debt incurred by the last war for the Protection of America; but also to expose every fair Trader to. . .even Danger of Ruin by his not being able to carry his Commodities to market on an equal footing with those who fraudelently evade the Payment of the just dues and Customs."<sup>5</sup> To counter the threat of smuggling, the British government appointed a host of new customs officers, used the Royal Navy to enforce

the Navigation Acts, and even tampered with colonial admiralty courts. Many colonists saw these actions as dangerous innovations threatening their liberty.

The northern commercial colonies were adamant in opposing new customhouse regulations. The means used varied from legal action to violence. Lawyers such as the young John Adams and James Otis successfully frustrated crown officials in court. The irritation of crown officials with Otis became so intense that a customhouse officer beat him over the head with a cane, permanently debilitating him.<sup>6</sup> When legal methods ultimately failed against the determined royal government, the colonials adopted extra-legal methods. Mobs throughout New England met the use of lightly armed revenue cutters with force. Naval vessels met with yet more resistance, including the destruction of HMS Gaspee in Rhode Island.<sup>7</sup> Mobs in Massachusetts were equally adamant in obstructing royal customs officials. The most famous incident involved John Hancock's Liberty incident in 1768, which directly resulted in the garrisoning of Boston with regiments of regulars. Bostonians harassed the troops constantly, resulting in the lamentable Boston massacre of 1770. Notably, the crowd had been provoking the guard posted at the customhouse.<sup>8</sup> One rumor circulating in Boston even asserted that customs officials fired muskets out of the second story windows of the customhouse into the crowd.<sup>9</sup>

Maine, the third admiralty district of colonial Massachusetts, went through a very similar process of resistance to crown authority. The only customs officials in Maine were those in the port of Falmouth (later Portland). From there they sometimes ranged up

the coast to suppress smuggling and enforce the Navigation Acts. Events paralleled those in Boston. Local courts supported frivolous lawsuits against customs officials, but refused legal proceedings initiated by crown collectors. In 1766, the people of Falmouth protested the Stamp Act by mobbing the customhouse, demanding the parcel of stamp paper, and burning it in the street. Later that year a mob in Falmouth rescued a cargo of smuggled West India goods seized by customs officials.<sup>10</sup> The unpopularity of the crown officials in Falmouth continued to grow as their powers became more arbitrary. In one instance the mob threatened a customhouse officer with a loaded pistol to force him to name an informer.

The most unpopular of Falmouth's crown officials was Comptroller of Customs John Malcom. This man had already become notorious in Rhode Island and North Carolina for his obnoxious political views and enforcement of unpopular commercial laws. Malcom proved to be just as unpopular in his native Maine as he was in other colonies. In 1773 local merchants and magistrates incited a crowd of sailors to rough-up Malcom after he seized a vessel in Wiscasset. The mob broke Malcom's sword (a token of crown authority), and tarred, feathered, and paraded him around the settlement.<sup>11</sup> Malcom fled to Boston, where he suffered further abuse at the hands of another mob.<sup>12</sup> The lesson was not lost on his fellow customs officers. In the spring of 1775, most of Falmouth's customs officials fled to the safety of HMS Canceau.<sup>13</sup>

After independence, Massachusetts found that it, too, required commercial laws to regulate and tax shipping. This was done in a manner more palatable to a public

suspicious of officeholders and tax gatherers. The General Court abolished the title of royal customs collector in favor of “naval officer.” This ancient title lacked bitter past associations with royal customs collectors. The General Court chose local men of good standing to fill the post, rather than inflicting a stranger on a port as the crown had. Finally, more ports received naval officers, spreading patronage to even the most remote communities. Maine had state naval officers appointed to nearly every coastal settlement.<sup>14</sup>

The state system even retained one colonial customs official. Thomas Child of Falmouth had been a customs official in that port since 1765. Unlike most royal customs officials, he did not flee town in the spring of 1775. The General Court made him a naval officer, a position he held until his death in 1787.<sup>15</sup> Child was the rare example of a colonial customs official who remained popular within his community. How he managed to achieve this feat remains unknown.

Continuity in officeholding helped ensure a smooth transition from state to federal authority in enforcing the revenue laws. The federal government continued most state naval officers in the new post of customs collector. The young lawyer Silas Lee attested to the wisdom of doing so. When he arrived in the port of Castine in 1789, he noted that the “new constitution is scarcely named here. The people in general appear to be totally unacquainted with it and equally indifferent as to its establishment.” The lawyer touched on the true basis of authority when he wrote that the “greatest and almost

only object of their concern are the sheriffs and justices of the peace. These are often looked upon with dread.”<sup>16</sup>

The position of justice of the peace best illustrates the marriage of state-invested power with that of the federal government. This position (often referred to as simply "justice") entitled its possessor to the honorific title "Esquire." These state officials possessed minor judiciary powers, including the enforcement of moral, or “blue” laws, issuing search warrants, taking sworn statements, presiding over marriages, land transfers, estate settlements, and binding those who had transgressed more major laws with a bond to appear in state courts.<sup>17</sup> As time progressed, collectors were increasingly likely to be justices. In 1789, out of nine collection districts in Maine only four collectors were justices, but an additional collector had a close kinsman who was a justice in the same town. By 1802, out of eleven collectors all but two were justices. Of these two, one had that same kinsman who was a justice, and the other had a son who was a justice and handled most of the collection duties.<sup>18</sup>

The advantages of a collector being a justice were many. In the early days of Constitutional government, the title “justice” gave federal officials added authority. A federal officer who was also a justice held power from both the familiar state government and the new federal government, providing him with a powerful combination of authority. The crucial issue was the justice’s power to issue search warrants to collectors. Federally empowered collectors had to obtain search warrants from state appointed justices. A collector who was not a justice was vulnerable to supreme

embarrassment by state officials who might be inimical to the national administration. In later years the dual authority of the collectors was a protection against legal harassment by those attempting to hinder the collector and his men with lawsuits in local courts. This was especially important in Massachusetts, where state courts provided a means of tormenting federal officials.<sup>19</sup>

The collectors were the first federal administrators to take over the duties of state officials. Congress created the customs service before all other field services.<sup>20</sup> It intended that the customs service be the most important element in funding the new national government. The first problem the federal government faced in 1789 was funding. Congress quickly determined that tariffs on imported foreign goods would provide most of the government's revenue.<sup>21</sup> James Madison proposed both the Tariff of 1789 and the Tonnage Act of 1789. These mildly protective acts provided the basis of the government's revenue.<sup>22</sup> Customs collectors enforced these acts. Congress initially wanted to control all Treasury functions, including customhouse activities. This idea evolved through the summer of 1789 until September, when Congress relinquished control of the collectors to the newly created Treasury Department.<sup>23</sup> Nonetheless, Congress continued to monitor the collectors very closely.

Two secretaries of the Treasury were especially important in the creation of an effective customs service. Alexander Hamilton (1789-1795) was the first secretary of the Treasury under the Constitution. His administrative genius made customs duties an efficient system for financing the infant federal government. While James Madison



created the acts that financed the new government, Alexander Hamilton put them into effect.<sup>24</sup> Albert Gallatin (1801-1813) held that post during the Jefferson and Madison administrations. During that time he oversaw both a booming maritime economy and the enforcement of many unpopular commercial laws. Both men were active administrators, sending out a flood of directions to even the most remote collection districts. Other secretaries of the Treasury had less influence. They either held the post for a briefer period, had less interest, or were less vigorous administrators than Hamilton or Gallatin. Oliver Wolcott, Jr. (1795-1800), merely continued Hamilton's policies. Samuel Dexter's tenure (January 1801 to May 1801) was too brief to be influential. Acting secretary of the Treasury William Jones (1812-1813) was also the full-time secretary of the Navy, and brought no talent to the position. George Washington Campbell's (1813-1815) short term in office suffered from his poor health and a complete inability to handle the nation's finances. Congressman Taggart of Massachusetts jeered that Campbell's initials stood for "Government Wants Cash!"<sup>25</sup> William H. Crawford (1816-1825) oversaw the increasing politicization of the customs service.<sup>26</sup> In Maine he surrendered the customhouse to local politicians from whom he sought support for a presidential bid.<sup>27</sup>

Congress assigned revenue as the prime objective of the collectors, followed by regulating commerce and discouraging illicit trade. Customs duties accounted for the overwhelming bulk of the young republic's revenue.<sup>28</sup> The problem was how to tax the merchants in a way that would not arouse the same suspicions and fears that sparked so much resentment against crown customs officials. Hamilton's manner of tackling this

problem was ingenious. It both promoted domestic shipping and raised revenue, while earning the loyalty of the merchants to the new general government.<sup>29</sup> Hamilton's dual system discouraged smuggling and promoted honest trade by American merchants.<sup>30</sup> Albert Gallatin, despite his political differences with Hamilton and Federalism in general, saw the wisdom of the system and instituted few changes.

Hamilton's system encouraged American shippers by giving them sizable breaks in tonnage duties. American-built, American owned vessels only paid six cents a ton on each entry from a foreign port, but American-built foreign-owned vessels paid thirty cents per ton, while foreign-built and foreign-owned vessels paid fifty cents. American coasting vessels only paid a fee once a year. Foreign vessels paid each time they entered an American port. In addition, American merchants received a 10 percent discount on duties on foreign goods imported in American bottoms. Federal law provided similar concessions for American merchants who re-exported imported goods.<sup>31</sup> This system allowed American merchants to operate with substantially lower operating costs than foreigners. The nation's maritime commerce boomed. The revival of sea-borne commerce brought a substantial increase in government revenues.

Table 1 indicates the degree to which the federal government relied on customs revenue. Other sources of income yielded less and created more friction. Jefferson's abolishment of direct taxes left his administration almost entirely reliant on customs duties. In most years the customhouses provided a revenue that brought little irritation to the populace and a healthy surplus to the Treasury. In years of diplomatic crisis, that

source proved less reliable. When the embargo of 1807 brought the nation's maritime prosperity to a halt, the federal government suffered an accompanying loss of revenue. The nation's fiscal health depended almost entirely on sea-borne commerce. The nation's customs receipts between 1789 and 1808 reflect an unprecedented boom in sea-borne commerce. The figures after 1808 reflect the growing troubles with Britain. After 1812 the surprisingly high customs receipts may have been a result of a wartime doubling of duties and income from British war prizes brought in by privateers and American naval vessels.

The new federal government based the authority of the collectors on continuity with the state system, careful control by the Treasury Department, and the support of other federal officers, such as judges. The new collectors were the same individuals who had performed the task under state authority. Continuity of office lent consistency to a civil service that lacked modern communications, even by the standards of the day. When state officers became federal officers this continuity insured a greater compliance with the new commercial laws. A system of bonds, administrative review, and monitoring by Congress strengthened the resolve of customhouse officers to enforce the commercial laws.<sup>32</sup> Relatively low duties, careful monitoring by Congress and the Treasury Department, and a federal judicial system that fully backed the collectors helped create a successful customs system.

Greater compliance with commercial laws did not mean complete acceptance of them. Smuggling continued in the smaller ports of Massachusetts where collectors were

**Table 1: Customs Receipts and Federal Revenue, 1791-1815**

<u>Year</u>	<u>Customs Receipts</u>	<u>Total Federal Revenue</u>	<u>Customs % of Total</u>
1791	\$ 4,399,000	\$ 4,409,000	99.77%
1792	3,443,000	3,669,000	93.84%
1793	4,255,000	4,652,000	91.46%
1794	4,801,000	5,431,000	88.39%
1795	5,588,000	6,114,000	91.39%
1796	6,568,000	8,377,000	78.40%
1797	7,550,000	8,688,000	86.90%
1798	7,106,000	7,900,000	89.94%
1799	6,610,000	7,546,000	87.59%
1800	9,081,000	10,848,000	83.71%
1801	10,751,000	12,935,000	83.11%
1802	12,400,000	14,900,000	83.22%
1803	10,400,000	11,000,000	94.54%
1804	11,000,000	11,800,000	93.22%
1805	12,900,000	13,500,000	95.55%
1806	14,600,000	15,500,000	94.19%
1807	15,800,000	16,300,000	96.93%
1808	16,300,000	17,000,000	95.88%
1809	7,200,000	7,700,000	93.50%
1810	8,500,000	9,300,000	91.39%
1811	13,300,000	14,400,000	92.36%
1812	8,900,000	9,800,000	90.81%
1813	13,200,000	14,300,000	92.30%
1814	6,000,000	11,100,000	54.05%
1815	7,300,000	15,600,000	46.79%

*Source:* Percentage calculated from figures provided in Curtis P. Nettels, The Emergence of a National Economy (New York: Harper & Row, 1969; reprint, Armonk, NY: ME Sharpe, Inc., 1989), 385.

closer to the community's merchant class.<sup>33</sup> Congress found that the old British fears of smuggling were not unfounded. The federal government relied on customs duties: attempts to evade the commercial laws were a direct threat to that revenue. The prevalence of smuggling under the Articles of Confederation dictated that strong measures be adopted. State customhouse officers had turned a blind eye to goods illicitly imported from Europe, British North America, and the West Indies. The collector at

Penobscot wrote the secretary of the Treasury that "Under the State government by far the greatest part of these Vessels found means to avoid the regulation then prescribed." He continued, "Coasters have so long trampled upon the Revenue Laws of this State with impunity that they now think they are bound by no Laws."<sup>34</sup> Collector John Lee was only too accurate in this statement; he was one of those merchants who had trampled on state commercial laws, even when he was a state naval officer.<sup>35</sup> The effort to control illicit trade was large by the standards of the day, and required a considerable portion of the collectors' time.

Alexander Hamilton tackled the smuggling issue as successfully as any eighteenth-century administrator. A native of the West Indies with first-hand knowledge of commerce, Hamilton knew that a careful mix of consistency, incentive, and force was required. He instructed customs officials not to put on airs and to be respectful of the merchants. At the same time he created an administrative system that backed the collectors fully.<sup>36</sup> Part of that system was a revenue cutter service to aid collectors in discouraging illicit commerce.<sup>37</sup>

Merchants found that cooperation with the new federal government was beneficial in a number of ways. The most apparent benefit manifested itself in the completion of Portland Head Light in 1790. Taxes on imported goods made the construction of useful aids to navigation possible. The uniform laws and taxes imposed by federal customs officials also simplified the task of transporting and selling goods from state to state. In addition, American merchants and ships received advantages and

incentives to make them more competitive. Generally, the Constitution was popular with merchants, and they cooperated with it.<sup>38</sup>

Congress successfully established a new government under the Constitution in 1789. Customs collectors and the revenue they brought to the infant government played a key role in that success. James Madison's equitable Tariff laws and Alexander Hamilton's brilliant administration of the Treasury Department made the collectors an acceptable presence in the nation's seaports. The firm implementation of commercial laws by officials associated with both the old state system and the new federal one successfully reduced smuggling to insignificant levels after 1791.<sup>39</sup> The system worked well while maritime commerce prospered. The government experienced a surplus in revenues until 1809, reflecting the healthy state of America's maritime trade. The system, however, was highly vulnerable to the pressures of foreign powers and after 1807 experienced less success.

<sup>1</sup> Leonard D. White, The Federalists: A Study in Administrative History (New York: The Macmillan Company, 1948; reprint, New York: The Free Press, 1965), 200.

<sup>2</sup> Hiller B. Zobel, The Boston Massacre (New York: W.W. Norton & Company, 1971; reissued 1996), 60.

<sup>3</sup> White, 461.

<sup>4</sup> See Lawrence Henry Gipson, The Coming of the Revolution, 1763-1775 (New York: Harper & Row, 1954; reprint, New York: Harper & Row, Publishers, 1962), chapter three, "Writs of Assistance," 28-39, *passim*.

<sup>5</sup> Earl of Egremont to American colonial governors, July 9, 1763, quoted in Gipson, 61.

<sup>6</sup> Zobel, 147-149.

<sup>7</sup> *Ibid.*, 208.

<sup>8</sup> Earl of Egremont to American governors July 9, 1763, Shelburne Papers 53: 1-7, quoted in Gipson, 201.

<sup>9</sup> See Paul Revere's famous print of the Boston Massacre. The British troops are shown in front of the customs house, which is located in "Butcher's Hall." Peeking out of a window in that building is a musket that has just discharged.

<sup>10</sup> James S. Leamon, Revolution Downeast: The War for American Independence in Maine (Amherst, MA: University of Massachusetts Press, 1993), 43.

<sup>11</sup> *Ibid.*, 49.

<sup>12</sup> For further information on Malcom, see Frank W. Hersey, "Tar and Feathers: the Adventures of Captain John Malcom," Proceedings of the Colonial Society of Massachusetts 34 (April, 1941): 429-473.

<sup>13</sup> Leamon, 65.

<sup>14</sup> Cumberland Gazette (Portland, ME) June 19, 1789. These districts almost exactly correlated with the ones established by the federal government later that year. The districts in 1789 and their naval officers were: York, Mr. Richard Trevett; Pepperelborough, Mr. Nathaniel Scammon; Portland, Nathaniel Fadre Fosdick, Esq.; Bath, Mr. William Webb; Wiscasset, Mr. Francis Cook; Boothbay, Mr. Thomas Boyd; Penobscot, Joseph Hibbert, Esq.; Goldsborough, Alexander Campbell, Esq.; Machias, Stephen Smith, Esq.; and Passamaquoddy, Lewis Frederick Delesdernier, Esq. Only the Boothbay district was discarded by Congress; the Goldsborough district was renamed Frenchman's Bay. Only Scammon, Hibbert, and Campbell did not reappear as federal customs collectors later that year.

<sup>15</sup> William Willis, The History of Portland (Portland: Charles Day, 1833; reprint, Maine Historical Society, 1972), 1: 462.

<sup>16</sup> Silas Lee to George Thatcher, January 8, 1788, Mellen Chamberlain Collection, Boston Public Library, Boston, MA [hereafter as MCC]. Silas Lee was younger brother of the newly appointed collector of Penobscot. Their father was Dr. Joseph Lee, the quasi-Tory who played such a large role in Robert A. Gross's The Minutemen and Their World (New York: Hill and Wang, 1976).

<sup>17</sup> David C. Young and Elizabeth Keene Young, Vital Records from Maine Newspapers, 1785-1820 (Bowie, Maryland: Heritage Books, Inc. 1993), 2:681 for a brief explanation of the role of justice of the peace.

<sup>18</sup> Sources are various; Young and Young's Vital Records from Maine Newspapers has a partial listing of Maine justices, and the list of naval officers in the June 19, 1789, Cumberland Gazette (Portland, ME) reveals a few other collectors who were justices. These were compared to the original nine collectors in Maine from the reorganization of the general government in 1789 and the 1802 "Roll of Civil, Military, and Naval Officers" in U.S. Congress. American State Papers: Miscellaneous (Washington, DC: Gales and Seaton, 1832). Francis Cook's brother, Orchard Cook, was a justice, judge, and sometime congressman. Stephen Smith left most of his collection tasks to his son George, who was a justice.

<sup>19</sup> Douglas Lamar Jones, "'The Caprice of Juries': The Enforcement of the Jeffersonian Embargo in Massachusetts," American Journal of Legal History 24 (1980): 314.

<sup>20</sup> White, 201.

<sup>21</sup> Stanley Elkins and Eric McKittrick, The Age of Federalism: The Early American Republic, 1788-1800 (New York: Oxford University Press, 1993), 65.

<sup>22</sup> *Ibid.*, 65-67.

<sup>23</sup> White, 119.

<sup>24</sup> *Ibid.*, 515.

<sup>25</sup> J.C.A. Stagg, Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783-1830 (Princeton, NJ: Princeton University Press, 1983), 377.

<sup>26</sup> Noble E. Cunningham, Jr., The Presidency of James Monroe (Lawrence, KS: University Press of Kansas, 1996), 121-123.

<sup>27</sup> Ronald F. Banks, Maine Becomes a State: The Movement to Separate Maine from Massachusetts, 1785-1820 (Hartford, CT: Wesleyan University Press, 1970; reprint, Portland, ME: Maine Historical Society, 1973), 124.

<sup>28</sup> White, 336.

<sup>29</sup> Curtis P. Nettels, The Emergence of a National Economy, 1775-1815 (New York: Holt, Rinehart, and Winston, 1962; reprint Armonk, NY: M.E. Sharpe, Inc., 1989), 93-94.

<sup>30</sup> White, 436.

<sup>31</sup> William A. Baker, Maritime History of Bath, Maine and of the Kennebeck Region (Bath, ME: Marine Research Society of Bath, 1973) 1:151.

<sup>32</sup> White, 424-431.

<sup>33</sup> *Ibid.*, 464.

<sup>34</sup> John Lee to Alexander Hamilton, December 29, 1789, Oliver Wolcott Papers, Connecticut Historical Society, Hartford, CT [hereafter as OWP].

<sup>35</sup> John Lee to Nathaniel Mills, October 23, 1791, in "John Lee's Letterbook," photocopy of AMs in Wilson Museum, Castine, ME. Lee obtained a false British register for a vessel he had built on the Sheepscot River in Maine [hereafter as JLL].

<sup>36</sup> White, 462-463.



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<sup>37</sup> Irving H. King, The Coast Guard Under Sail: The U.S. Revenue Cutter Service, 1789-1865 (Annapolis, MD: Naval Institute Press, 1989), 5.

<sup>38</sup> White, 462.

<sup>39</sup> Ibid., 464.

## CHAPTER TWO: FUNCTION

This chapter analyzes the importance of Maine's collectors as representatives of the federal bureaucracy in maritime communities. A study of the functions of the customhouse reveals that the collectors served as an important link between the nation's seaports and the federal government. A symbiotic arrangement existed between the mercantile community and the national government. The federal government relied almost entirely on customhouse imposts for revenue. The maritime communities in turn looked to the collectors for support. The collectors represented *all* federal administration in the eyes of maritime society because of their ubiquity and importance.

The first decades of the early republic were a boomtime for the American merchant marine, particularly in Massachusetts and the district of Maine. Massachusetts led all states in tonnage employed in foreign trade, the coasting trade, and the cod fishery, between 1793 and 1810.<sup>1</sup> Table 2 indicates that Maine vessels constituted a considerable portion of Massachusetts' shipping tonnage. The basis of sea-borne commerce in Maine was timber. It served as an export commodity as raw lumber, or as finished products such as barrel staves, shingles, or even entire vessels. Encouraged by

Maine's prosperity, settlers arrived in huge numbers. Only 96,540 people lived in Maine in 1790, but by statehood in 1820 that number had tripled to 298,335.<sup>2</sup> This rapid development called for additional controls over the prosperous ports. Congress established three additional customs ports in Maine before 1820. Two of them were on the shores of Penobscot Bay, a noted timber region.

**Table 2: Comparison of United States, Massachusetts, and Maine Shipping Tonnage, 1807**

	<b>Total US Tonnage</b>	<b>Mass. Tonnage</b>	<b>Mass. % of US Total</b>	<b>Maine Tonnage</b>	<b>Maine % of US Total</b>	<b>Maine % of Mass. Total</b>
<b>Registered</b>	752, 428	280,690	37.31	81,140	10.78	28.91
<b>Coasting</b>	318,190	89,982	28.27	38,270	12.02	42.53
<b>Codfishery</b>	60,690	53,262	87.76	9,627	15.86	18.07

*Source:* American State Papers: Commerce and Navigation, "Abstract of the Tonnage of shipping of the several Districts of the United States on the last day of December, 1807."

The customs service was the most prominent federal agency in the nation's seaports.<sup>3</sup> The customs service was large, and other federal establishments were both smaller and less influential. The army was certainly present in larger seaports such as Portland, but the American nation in the early republic held very little regard for the military. Naval units held greater regard, but the U.S. Navy's ships were largely overseas or in ordinary. The mercantile community relied on the federal postal system to a degree, but that office held little status.<sup>4</sup> The federal district court system did serve an important

purpose in maritime communities, but it rotated among courthouses at Portland, Wiscasset, and Castine and did not possess the patronage powers of the collectors.

Collectors worked hard to place themselves at the center of the political scene.<sup>5</sup> The collectors compounded their control of the seaports by gathering as many offices as possible. Many collectors served as deputy U.S. marshals, post masters, or even as contractors for the war department. While holding more than one state office concurrently was illegal in Massachusetts, there existed no such restriction for federal officers, who often held a state appointment and several federal offices at once. The collectors further strengthened their powers by associating themselves with other federal officials. Federalist collector Nathaniel Fosdick, for example, went even further, employing not only his own brother as an inspector, but the U.S. district marshal's as well. In addition, Fosdick employed the brother of Thomas B. Waite, the editor of a Federalist newspaper in Portland.<sup>6</sup>

The collectors were also at the center of an information network. The ultimate purpose of this information was to prevent merchants from defrauding the government's revenue. The collectors essentially spun a web of paperwork with which they regulated and taxed commerce. Customhouse records informed Congress and the Treasury Department about the state of the nation's trade. Customhouse records also served the maritime community's interests. This information, however, remained useless if the government's officials could not safely and continually send and receive it.

Communications could be problematic in Maine. Mail service only went as far as Wiscasset until the late 1790s. Collectors farther east made their own arrangement to send and receive letters. Some picked up their mail in the Boston customhouse. Others had trusted individuals pick it up for them at various post offices. Sometimes revenue cutters relayed important information to the collection districts. For instance, when the War of 1812 broke out, the revenue cutter Massachusetts carried this news to Passamaquoddy and other ports far to the eastward.<sup>7</sup> On at least one occasion a collector complained that letters to him from the Treasury Department were lost in a shipwreck.<sup>8</sup> Since this informal system was precarious at best, it should be no surprise that the impetus for stretching the mail routes farther east came from the collectors. John Lee of Penobscot was especially active in that drive, petitioning congressmen and cabinet officials alike.<sup>9</sup> Nor should it be surprising that Lewis Delesdernier, collector of Passamaquoddy, served as that area's first post master.

The secretaries and other officials of the Treasury Department communicated with customhouse officers in two ways. The first was through the Treasury Department circular. The Treasury sent out printed sets of instructions en masse to the various customhouses across the nation. Circulars announced policy changes to all Treasury Department officials at once.<sup>10</sup> Treasury officers also sent personal letters to explain specific cases or as a response to a specific inquiry by a collector. Hamilton, Wolcott, and Gallatin spent a great deal of time writing to the various collectors, even to the collector of a district as isolated and sleepy as Frenchman's Bay.<sup>11</sup>

The collectors, in turn, sent a stream of information to the Treasury Department. Monthly returns, amount of cash on hand, state of commerce, statements of prosecutions, and all manner of data went to the capital. Alexander Hamilton saw the collectors not only as individuals charged with raising revenue for the fledgling nation, but as a means of the government learning about the nation's commerce.<sup>12</sup> Early in his tenure as secretary of the Treasury, he required all collectors to write him concerning the state of trade and shipping in their districts. The surviving letters reveal the character of the ports along the Maine coast. A letter from John Lee to Secretary Hamilton is particularly evocative of the Penobscot district:

This country is yet in its infancy the inhabitants are few and many of them new beginners in the world, have lately greatly improved their circumstances, in the year Eighty five there was but one vessel that exceeded the Burden of Fifty Tons owned in the Port of Penobscot, there is now upward of a Thousand Tons of Vessels Enrolled. From Present Prospects I think there is not a doubt but what the increase of property will be still more rapid.<sup>13</sup>

No matter was too small to reach the ear of the secretary. Melatiah Jordan wrote to Hamilton several times, complaining that the hydrometer and thermometer sets sent him to measure the proof of imported spirits had broken en route to Frenchman's Bay.<sup>14</sup>

The valuable and important nature of custom house documents dictated that they be secured in some fashion. Hamilton urged the collector of Passamaquoddy to purchase an iron strong box for his documents, and to bolt it to the floor.<sup>15</sup> Other collectors had boxes made for their documents to remove them in time of peril.<sup>16</sup> The loss of a collector's records was both embarrassing and disabling. British forces seemed to delight

in seizing customhouse papers during the War of 1812. The collector of Passamaquoddy could not remove his documents to safety when the British invaded Eastport in 1814. Just as he left for safety with his papers, a known smuggler grabbed him by the collar. The traitor restrained the collector until British soldiers arrived to take him into custody.<sup>17</sup> Somehow, the collector succeeded in secreting some of his papers. A few weeks later he mounted a secret mission to recover his remaining records. A British patrol confiscated the papers, however, after being tipped off by an informer.<sup>18</sup> The collector of Penobscot prepared himself better, and fled the British forces with all his documents. The collector of Frenchman's Bay did not flee the enemy, but successfully concealed his papers. He was less fortunate with his customhouse boat, which he had to ransom for fifty dollars.<sup>19</sup>

As a security measure to avoid counterfeit documents, the paper used for many customs documents was of a special type. A letter marked "secret" from the Treasury Department to the collector of Bath outlined the special seals and watermarks that appeared on government-issued ship registers.<sup>20</sup> The federal government carefully controlled other blank customhouse documents. For example, the state department handed out blank privateering commissions to the collectors only grudgingly.<sup>21</sup>

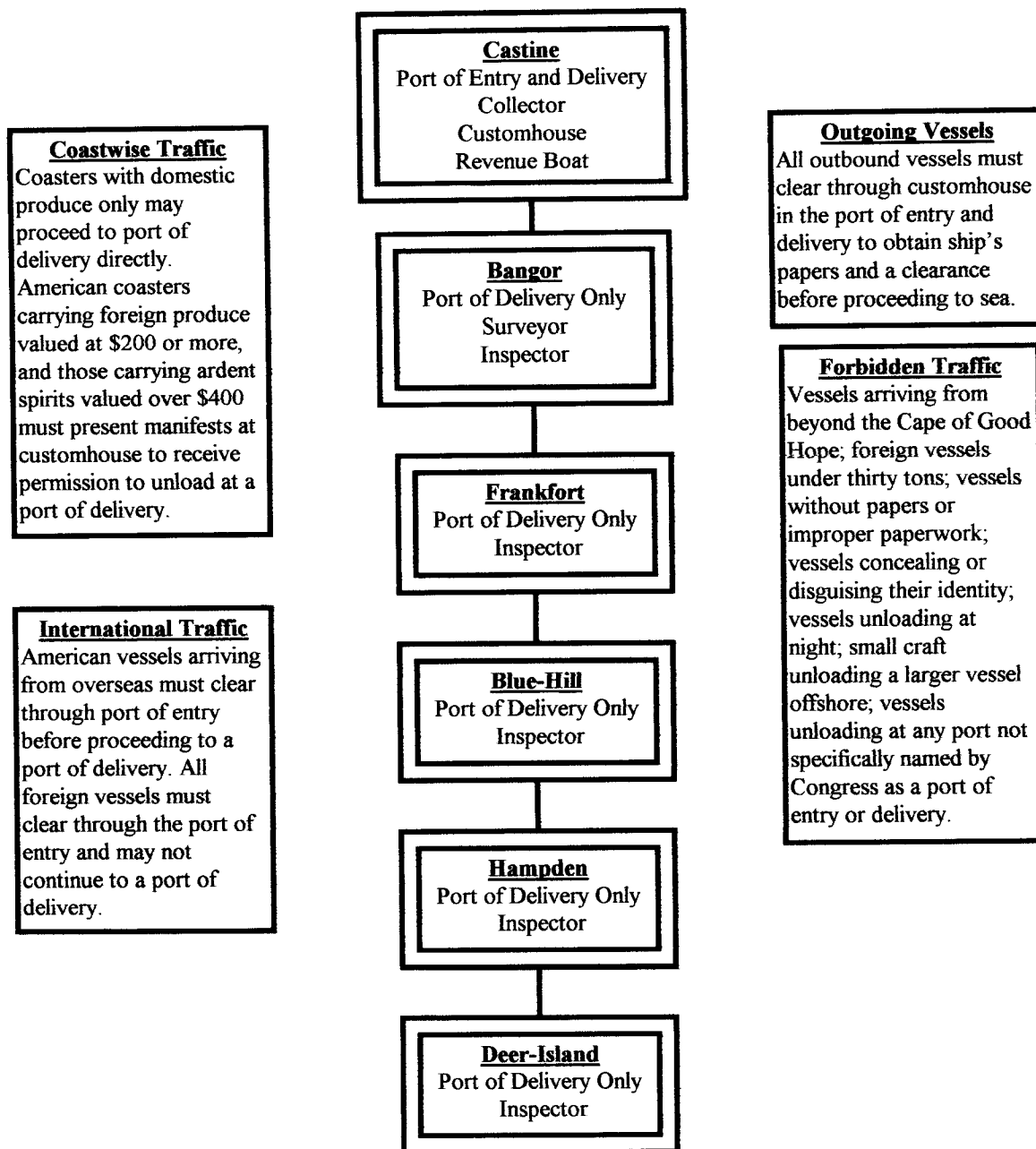
The system relied heavily on an honest and well-organized collector. He was the individual who inspected a vessel's paperwork and determined the duties owed. Federal law provided stiff penalties for any collector who falsified a ship's manifest, overcharged duties, or colluded with merchants to defraud the nation's revenue.<sup>22</sup> The Treasury Department dismissed those who neglected their accounts.<sup>23</sup>

The collectors processed a huge amount of paperwork to collect successfully the revenue. Every ship carried dozens of documents issued from the customhouse, which were in turn used by collectors or consuls in other ports to verify the ship's identity and cargo. The most important documents carried by a vessel were its *enrollment* (if engaged in the coasting trade), or its *registration* (if engaged in foreign trade), or its *license* (if under twenty tons). Vessels thus documented, received several benefits over foreign vessels, such as lower duties and coasting privileges.<sup>24</sup> Vessels that failed to comply with the commercial laws faced severe fines. A merchant who violated the commercial laws faced not only fines, but the loss of his vessel and cargo at government auction, and the forfeiture of sizable bonds.<sup>25</sup> In a period of extreme profitability for the American merchants as neutral carriers during the Napoleonic Wars, conformity to the laws (however bothersome at times) made good business sense. The merchants' conformity to the commercial laws, in turn, created a healthy revenue for the fledgling federal government.

The federal government did not solely rely on the good will of the merchants. Revenue cutters and customhouse boats patrolled the waters to detect smugglers. Congress allowed the collectors to use armed force in pursuing suspected smugglers and granted them legal authority to board any ship within four leagues of the coast. On shore, collectors could ask local magistrates for search warrants to enter buildings suspected of



**Diagram 1: Penobscot Collection District, 1800**



*Source:* Chart compiled from John Brice, A Selection of All the Laws of the United States, Now in Force, Relative to Commercial Subjects, With Marginal Notes and References to the Same (Baltimore: Neal, Wills, & Cole, 1814).

hiding contraband.<sup>26</sup> The collectors had recourse to the U.S. marshal, the local revenue cutter, or federal troops if any were present. Congress also empowered the collectors to call out the militia under certain circumstances.<sup>27</sup>

In addition, a host of laws controlled ship movement, as illustrated in diagram 1. Congress carefully designated the harbors that shipping could use. Every customs district possessed a customhouse located in a “port of entry and delivery.” Law required ship captains to submit their paperwork to the port’s collector for inspection and calculation of tariffs, tonnage duties, and other fees. Vessels faced the scrutiny of the customhouse both on entering and leaving a customs district. Congress required vessels entering a customs district to stop at the port of entry and delivery before proceeding to secondary ports, which were known as “ports of delivery.” Sometimes the collector placed a guard on board a ship continuing to another part of the district to verify the ship delivered its cargo to the port stated in its manifest. Ports of delivery possessed a customs inspector who scrutinized the ship’s paperwork a final time. Federal law required a vessel leaving a customs district to clear through the customhouse in the port of entry again before embarking.

Congress strictly controlled shipping. Federal statutes banned foreign vessels from smaller collection districts. Laws restricted vessels arriving from beyond the Cape of Good Hope to just a few ports, initially limiting that privilege to Portland and later expanding it to Saco and Bath.<sup>28</sup> Federal law required all vessels to have their name and homeport clearly painted on their stern.<sup>29</sup> Federal statutes banned foreign vessels under

thirty tons from entering American ports.<sup>30</sup> Federal law forbade merchants to move or unload goods after sunset.<sup>31</sup> Captains arriving at a port had to submit their papers to the local customs official within twenty-four hours.<sup>32</sup> Vessels changing their appearance or rig required new registers or enrollments.<sup>33</sup> Collectors held enormous bonds on the legal behavior of a vessel, sometimes up to three times the value of the ship and its cargo. Departing ships did not receive their registers and other customs paperwork until all bonds, paperwork, and other requirements were complete. This ensured that vessels complied with all requirements before sailing.<sup>34</sup> With profits high and enforcement strict, most merchants saw the wisdom of conforming to the commercial laws. When federal laws prohibited sea-borne commerce, some merchants, tempted by large profits or driven by creditors, chose to gamble and face the wrath of the federal government by smuggling.

The collectors had a number of assistants to help enforce the revenue laws. There were a few subordinate customhouse officials who held commissions. More common were a host of officers who held no commission, and performed the more mundane tasks. Larger ports possessed a trio of officers in the customhouse who held presidential commissions. The highest ranked was the collector, followed by the naval officer and the surveyor. The collector's primary duty was to tax imported goods at rates set by Congress. Secondary duties included recording all such transactions and hiring individuals to assist in collecting government revenue. Naval officers countersigned customhouse documents after carefully checking the collector's figures, and assumed charge in the absence of the regular collector. Surveyors were in charge of registering

vessels and all scales and other measuring devices (such as hydrometers) and their associated personnel. In most Maine ports the collector performed all three functions.

Only Portland, the area's largest port, possessed a naval officer. But several ports in Maine did boast a surveyor. Congress often required the collector and surveyor to live in separate communities. Separating the officers allowed better regulation of a sparsely settled coast without the cost of creating two districts. The district of Waldoborough from its creation in 1795 possessed a collector in that town, and a surveyor in Thomaston, twenty miles away.

A host of lesser customs officials supported the collectors. Among the more common of these were the weighers and gaugers. These men operated a large set of scales to determine the duty on bulk goods. The weight of many imported articles indicated the duty imposed upon them, an item of extreme interest to both the importing merchant and the federal government. Another, more delicate set of instruments found at every customhouse was a hydrometer and thermometer, used in tandem to determine the proof of imported liquor. Proof was the determining factor for taxing liquors: the higher the proof the higher the duty. Lesser customhouse officials often doubled their customhouse job, or even tripled it, by holding more than one position at a time. Thus one individual might be a measurer, inspector, and boatman all at once.<sup>35</sup> While the collectors held overall responsibility, port surveyors usually supervised lesser customhouse employees.

Every port had several inspectors, the most common of the customhouse officials. These officers boarded all vessels entering a port and searched them for contraband. Sometimes they stayed on board a suspicious vessel for days. As such, they were often unwelcome guests. An English traveler in 1793 described the customs official who came aboard the Wiscasset snow Industry as “an officer, who exhibited a grotesque appearance. He was clad in a fashion prevalent among the lowest class of the country people of England in the earliest years of my youth, and his garments had suffered much in his service.”<sup>36</sup> Inspectors often doubled as the local US deputy marshal, with the power to arrest and impound vessels. Inspectors handled the “rough business” of the customhouse. When federal court records refer to “forcibly resisting a customs house officer,” it generally meant an inspector. It was surely a thankless job.

Initially, the collectors possessed the authority to choose lesser customhouse officers. With a hardening of political differences, this changed. In 1799 the Treasury Department required that the secretary of the Treasury must approve the appointment of all customhouse personnel. Congress also had an interest in the number of assistants, which it attempted to hold to a minimum to minimize expense. A Congressional review of customs districts in 1819 resulted in the removal of superfluous officeholders, including several positions in Maine’s customhouses.<sup>37</sup>

Congress delegated an increasing variety of tasks to the collectors during the early national period. The welfare of mariners was one such duty. The concerns for sailors included their health, protecting them from the avarice of officers and owners, and

protecting them from the depredations of foreign powers. Other tasks included paying pensions, overseeing lighthouses, constructing fortifications, and directing revenue cutters. The spectrum and importance of tasks performed by the collectors demanded that the collectors act as the front-line troops in any major administrative effort made by the federal government. The collectors received ample compensation for their efforts, and were punished just as severely if they failed.

The health of seamen was a major concern to both state and federal governments. Sailors traveling abroad sometimes brought dangerous diseases back to this country. Congress required collectors to provide documents known as “bills of health” for outbound vessels. These documents stated how healthy the port was before the ship’s departure. Ideally, a vessel possessed a “clean bill of health,” the maritime origin of a common modern phrase. A bill of health for the brig Traveller, signed by the collector of Kennebunk on March 2, 1810, is of especial interest. The “no. 1” at its head reveals it was the first issued that year, giving some indication of the seasonal patterns of maritime trade.<sup>38</sup> Collectors also enforced state quarantine laws after 1796. Two years later, Congress required collectors to gather a small fee from all mariners to support seamen’s hospitals. In Maine there was no marine hospital in the period considered.<sup>39</sup> The collectors also protected mariners from unscrupulous owners and officers who tried to bilk them of their pay. In 1803 Congress required collectors to copy a list of crewmembers, and merchant captains to post a bond of \$400 against the return of the original crew.<sup>40</sup>

The customhouse also played a role in the impressment issue. Federal law required every American sailor after 1796 to carry a “seaman’s protection.” These documents provided proof of American citizenship, especially against impressment into the Royal Navy. Mariners had to provide but scant evidence to receive a seaman’s protection, and fraud was rampant.<sup>41</sup> The Royal Navy paid notoriously little regard to these documents.<sup>42</sup> Nonetheless, customhouses continued to issue seamen’s protections well after the War of 1812.

Sitting at the center of the maritime world, carefully recording and communicating all manner of information, the collector sometimes had to inform sailor’s families of bad news. The collector of Penobscot, for example, had to relay news of the death of seaman Samuel Ames after he fell from the mast of his ship in a storm.<sup>43</sup> To families of those who followed the sea, the unexpected appearance of the local collector in the dooryard surely must have boded ill.

The collectors only rarely brought such horrible news to a family. The workaday functions of the collectors were more beneficial to the communities in which they lived. Congress ordered collectors to pay pensions to war veterans in 1790. In 1792 Congress authorized a bounty for the codfishery, a major industry in Maine.<sup>44</sup> The collectors also brought construction contracts to their districts. Collector Trescott oversaw the construction of both a lighthouse and a fortification at Passamaquoddy in 1808. Government salaries, pensions, bounties, and construction contracts created a dependence on the national government that strengthened over time.

Collectors shared the prosperity of their ports. A collector received a wide variety of fees, as well as either a salary or a percentage of duties gathered in his district. In addition, a collector received a share of all fines and seizures made in the districts. Congress and the Treasury Department carefully monitored the collector's salary and emoluments. While Alexander Hamilton believed in generously compensating the collectors, later Republican administrations were more frugal in their approach.<sup>45</sup> In 1802 Congress even set the limit of a collector's emoluments at five thousand dollars.<sup>46</sup>

The port of Wiscasset offers an example of the fluctuation of collectors' emoluments. Throughout the period, Francis Cook was its collector, and his salary remained \$100 per annum. The collector's emoluments did not change drastically. Collector Cook received \$449.80 net compensation in 1792. In 1819 he received \$621.21, roughly a 38% increase.<sup>47</sup> The collector bemoaned his low salary in 1808, complaining that "I have been a Collector of Customs nearly twenty years, and have grown gray while others in larger offices in half that time have acquired handsome fortunes."<sup>48</sup> That year was, of course, a difficult one for collectors because of the difficulty in enforcing Jefferson's embargo and the virtual cessation of international sea-borne commerce. Cook issued only two sea-letters in 1808, compared to sixty-seven in 1807.<sup>49</sup>

While the embargo of 1807 and War of 1812 destroyed Wiscasset's shipping, they did not necessarily cut off the vigilant collector's income. Cook made several valuable



seizures of smuggling craft early in the War of 1812, causing one federal official to comment, "of smuggling- -- Old Francis will make his fortune I suppose out of it."<sup>50</sup>

While some collectors profited in government service, others suffered when they failed in their duties. The government required a bond of customs officials against their misconduct, usually two thousand dollars for the smaller ports, but four thousand for Waldoborough and five thousand for Portland.<sup>51</sup> This bond made it difficult for some individuals to assume the post. John Lee, for example, had difficulty in finding individuals willing to post bond for him when assuming the collectorship of Penobscot.<sup>52</sup> Customs officials removed from office often had to forfeit their bond as well as lose the position and its pay. The Treasury removed both Collectors Waterman Thomas and Lewis Delesdernier for mishandling government money. They forfeited their bonds, spent time in jail for debt, and ultimately lost most of their property to government suits. Both men drifted away from the ports in which they once reigned and died in relative poverty.<sup>53</sup>

The collectors' functions were many and varied; they involved themselves with virtually every aspect of sea-borne commerce. They linked the interests of merchants, sailors, and entire communities to the federal government. Collectors enforced commercial laws that benefited both the seaports and the national government. The commercial laws provided a uniform system of laws for the entire seaboard that encouraged American sea-borne trade. The collectors also supported the commercial community by enforcing health and labor laws. The collectors were a key element in the federal bureaucracy not only because they funded it, but because of their ability to

perform a variety of administrative functions not necessarily related to revenue. The collectors used their many powers and control of information to bind the maritime community to the young republic. The patronage network controlled by the collectors provided further incentive for seaports to support the new national government. The entire maritime community benefited from the collectors: aging veterans collecting pensions, fishing boat captains receiving bounties, sailors receiving medical care in port, and above all, merchants enjoying lower tariff rates. The importance of the collectors, both to the federal government and the seaports, made the choice of an individual to fill the post an important decision.

<sup>1</sup> U.S. Congress, American State Papers: [hereafter as ASP] Documents Legislative and Executive, of the Congress of the United States: (Washington, DC: Gales and Seaton, 1832), Commerce and Navigation, "Tonnage from 1789 to 1810."

<sup>2</sup> Ronald F. Banks, Maine Becomes a State: The Movement to Separate Maine from Massachusetts, 1785-1820 (Middletown, CT: Wesleyan University Press, 1970; reprint Portland, ME: Maine Historical Society, 1973), 5.

<sup>3</sup> Leonard D. White, The Federalists: A Study in Administrative History, 1789-1800 (New York: Macmillan, 1948; reprint New York: The Free Press, 1965), 200.

<sup>4</sup> See Carl E. Prince, The Federalists and the Origins of the U.S. Civil Service (New York: New York University Press, 1977), chapter four, "Postmasters and Politics: The Less Articulate."

<sup>5</sup> *Ibid.*, 44.

<sup>6</sup> *Ibid.*, 42.

<sup>7</sup> Albert Gallatin to Henry Dearborn, June 18, 1812, NA M-178, "Correspondence of the Secretary of the Treasury with Collectors of Customs" [hereafter as M-178].

<sup>8</sup> Melatiah Jordan to Alexander Hamilton, December 19, 1789, M-178.

<sup>9</sup> John Lee to George Thatcher, March 18, 1792, JLL.

<sup>10</sup> "Circular to Collectors, Naval Officers, and Surveyors, Treasury Department, Comptroller's Office, May 25, 1801." Stephen Phillips Memorial Library, Penobscot Marine Museum, Searsport, ME.

<sup>11</sup> Richard A. Savage "The Collectors of Old Frenchman's Bay," New-England Galaxy, 14 (Winter, 1973): 23.

<sup>12</sup> Forrest McDonald, Alexander Hamilton: A Biography (New York: W.W. Norton & Company, 1979; paperback reprint, New York: W.W. Norton & Company, 1982), 139.

<sup>13</sup> John Lee to Alexander Hamilton, December 29, 1789, Oliver Wolcott, Jr., Papers, Connecticut Historical Society, Hartford, CT [hereafter as OWP].

<sup>14</sup> Melatiah Jordan to Alexander Hamilton, October 1, 1791, in Harold C. Syrett, ed., The Papers of Alexander Hamilton (New York: Columbia University Press, 1961-79)[hereafter as PAH].

<sup>15</sup> Alexander Hamilton to Lewis Delesdernier, June 15, 1792, PAH.

<sup>16</sup> Joshua Wingate's customhouse document chest is extant at the Maine Marine Museum, Bath, ME.

<sup>17</sup> William Henry Kilby, Eastport and Passamaquoddy (Eastport, ME: Edward E. Shead & Company, 1888), 199.

<sup>18</sup> H.A.S. Dearborn to Alexander J. Dallas, December 15, 1814, M-178.

<sup>19</sup> Melatiah Jordan to George W. Campbell, September 29, 1814, M-178.

<sup>20</sup> Treasury Department to William Webb, date unknown, Ms. at Stephen Philips Memorial Library, Penobscot Marine Museum, Searsport, ME.

<sup>21</sup> See National Archives M-558, "'War of 1812 Papers' of the Department of State" for numerous appeals for more printed privateering commissions.

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- <sup>22</sup> White, 431.
- <sup>23</sup> Ibid., 428.
- <sup>24</sup> Ibid., 436-440.
- <sup>25</sup> Ibid., 439-440.
- <sup>26</sup> John Brice, A Selection of All the Laws of the United States Now in Force, Relative to Commercial Subjects (Baltimore, MD: Neal, Wills, & Cole, 1814), 138.
- <sup>27</sup> White, 418-422.
- <sup>28</sup> Brice, 42-43.
- <sup>29</sup> White, 413. Smuggling vessels often concealed or falsified their name and homeport.
- <sup>30</sup> Brice, 188.
- <sup>31</sup> Ibid., 105.
- <sup>32</sup> Ibid., 66.
- <sup>33</sup> Douglas L. Stein, American Maritime Documents 1776-1860 (Mystic, CT: Mystic Seaport Museum, 1992), 135.
- <sup>34</sup> White, 446.
- <sup>35</sup> ASP: Miscellaneous, "Roll of Civil, Military, and Naval Officers, February 1802."
- <sup>36</sup> Charles William Janson, The Stranger in America, 1793-1806 (Plymouth-Dock [England]: J. Johns, 1816; reprint, New York: Burt Franklin, 1971), 18.
- <sup>37</sup> See note 7.
- <sup>38</sup> Stein, 21-22.
- <sup>39</sup> White, 121.
- <sup>40</sup> Stein, 50-51.
- <sup>41</sup> Donald R. Hickey, The War of 1812: A Forgotten Conflict (Urbana, IL: University of Illinois Press, 1989), 11.
- <sup>42</sup> Stein, 145.
- <sup>43</sup> David Gelston to Collector of Penobscot, January 4, 1809. Ms. in David Gelston Papers, Manuscripts Collection, Mystic Seaport Museum, Mystic, CT.
- <sup>44</sup> See Syrett (ed.), PAH, 8: 476-77, for a table that includes figures on codfish bounties. Portland alone received over \$1,000.
- <sup>45</sup> White, 307.
- <sup>46</sup> Brice, 362.
- <sup>47</sup> ASP: Miscellaneous, "List of Civil Officers of the United States, 1792" and ASP: Finance, "Compensation of Officers of the Customs, 1819."
- <sup>48</sup> Francis Cook to Albert Gallatin, October 2, 1808, in Carl E. Prince (ed.), Microfilm Edition of the Papers of Albert Gallatin [hereafter as PAG] (Philadelphia: Rhistoric Publications, 1970).
- <sup>49</sup> Rowe, 84.
- <sup>50</sup> Thomas G. Thornton to Orchard Cook, March 31, 1813. Ms. in Jane S. Tucker Archive and Genealogical Collection, Wiscasset Public Library, Wiscasset, ME.
- <sup>51</sup> Brice, 349-350.
- <sup>52</sup> John Lee to Silas Lee, Summer 1789, JLL.

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<sup>53</sup> See Jasper Jacob Stahl, History of Old Broad Bay and Waldoborough, (Portland, ME: the Bond Wheelwright Company, 1956), 1: 47-49, and Kilby, 146.

### **CHAPTER THREE: PATRONAGE**

This chapter will explore the link between the seaports and the federal government by examining the process by which collectors gained office. The selection of an individual as a collector was a carefully researched decision, heavily weighted in political terms but also made with careful consideration of the individual's ability to perform the job. The issue of selection was enormously important due to the powers collectors exercised and their length of tenure. Once selected, some collectors held office for decades, as indicated in Table 3. Francis Cook held Wiscasset's collectorship for forty years. Table 3 also indicates that some districts changed collectors quite frequently. This may reflect conflict within those communities. Certainly in some districts, charges and counter-charges of impropriety were common. Table 3 reveals a high turnover of customs collectors in York, a district that suffered from a succession of collectors accused of various misdeeds. The removal process, too, reveals something about local politics, federal will, and how the collectors saw the office.

The federal government simply took on its first collectors from the state revenue systems.<sup>1</sup> In the absence of political parties, there was little debate over the selection of

**Table 3: Customs Collectors in the District of Maine  
1789-1820**

<b>Port and year est.*</b>	<b>Names of Collectors</b>	<b>Tenure</b>
<b>York</b> (1789)	Richard Trevett Joseph Tucker Samuel Derby Jeremiah Clarke Alex. McIntire Jeremiah Bradbury	1789-1793 1793-1803 1803-1807 1807-1808 1808-1818 1818- post 1820
<b>Kennebunk</b> (1800)	Jonas Clark	1800-1810
<b>Biddeford</b> (1789)**	Joseph Storer	1810- post 1820
	Jeremiah Hill	1789-1809
	Daniel Granger	1809- post 1820
<b>Portland</b> (1789)	Nathaniel Fosdick	1789-1802
	Isaac Ilsley	1802- post 1820
<b>Bath</b> (1789)	William Webb	1789-1805
	Dudley Hobart	1805-1806
	Joshua Wingate, Jr	1806- post 1820
<b>Wiscasset</b> (1789)	Francis Cook	1789- post 1820
<b>Waldoborough</b> (1795)	Waterman Thomas	1795-1800
	Joshua Head	1800-1801
	Joseph Farley	1801-1816
	Denny McCobb	1816- post 1820
<b>Belfast</b> (1819)	Daniel Lane	1819- post 1820
<b>Penobscot</b> (1789)	John Lee	1789-1801
	Josiah Hook	1801- post 1820
<b>Frenchman's Bay</b> (1789)	Melatiah Jordan	1789-1818
	Edward Jarvis	1818- post 1820
<b>Machias</b> (1789)	Stephen Smith	1789-1801
	Lemuel Trescott	1801-1811
	Jeremiah O'Brien	1811-1818
	Samuel A. Morse	1818- post 1820
<b>Passamaquoddy</b> (1789)	L.F. Delesdernier	1789-1811
	Lemuel Trescott	1811-1818
	Stephen Thatcher	1818- post 1820

\*Ports presented from west to east, York the furthest west on the New Hampshire border, and Passamaquoddy the furthest east, on the international border between Maine and New Brunswick.

\*\* The port of Biddeford became known as Saco in December of 1807.

these individuals. The Senate received a list of candidates on August 3, 1789, and approved it the same day, including all candidates from Maine.<sup>2</sup>

The appointment of collectors grew increasingly partisan in the 1790s. Washington's primary concern appears to have been to fill the posts with veterans of the Revolutionary War. Adams's criteria were clearly more political, as he confessed in 1800; "Washington appointed a multitude of democrats and jacobins of the deepest die. I have been more cautious in this respect."<sup>3</sup> Adams does not appear to have purged any Republicans from the customhouses along the Maine coast. But the neighboring state of New Hampshire had its only customhouse in Portsmouth severely shaken, with the collector removed for his political views.<sup>4</sup> Only individuals who were well-known, outspoken supporters of the Federalist cause received subsequent appointments in Maine.

The two most important patrons of prospective collectors in Maine during the Federalist era were Henry Knox and George Thatcher. Both were ardent Federalists and nationalists. Both sponsored a number of individuals as collectors, fostering a mutually supportive relationship designed to benefit the Federalist party.

Henry Knox was an influential figure in Maine in the early years of the republic. Knox became one of Washington's most trusted generals, and commander of the artillery during the American Revolution. He later served as secretary of war under both the Articles of Confederation and President Washington. The ambitious Knox married well, his wife bringing him a dowry that included thousands of square miles of undeveloped Maine lands.<sup>5</sup> This property proved a distraction from his cabinet position, as Knox



removed himself as often as possible to Maine to oversee management of his lands and estate in Thomaston.<sup>6</sup>

It is very likely that Knox engineered the creation of the Waldoborough collection district in 1795. This district surrounded his estate, giving vessels carrying lime and timber from his holdings easy access to a customs port; indeed, Thomaston proved to be a port of entry for the new district. As a local resident, it is only natural that Knox would have selected an appropriate candidate. It may also have been a sop to Knox's pride as he left office in 1794. Notably, the man chosen to fill the post was Waterman Thomas, Revolutionary War veteran, Federalist, justice, sometime representative in the General Court, and land agent for Henry Knox.<sup>7</sup>

Knox was an influential patron of several other collectors. Collector John Lee of Penobscot was one such individual. Lee was a high toned Federalist with ambitions similar to Knox's own. Both Lee and Knox wanted to exploit the commercial possibilities of coastal Maine by promoting industry and toll highways.<sup>8</sup> The corpulent secretary of war was a vehement opponent of the rising tide of Jeffersonian Republicanism. Lee, too, was a strident critic of Republicanism. He perceived it as a threat to his landed interests. With the election of Jefferson in 1800, both men lost their political influence and slipped into obscurity.

The other great Federalist patron of this period was George Thatcher (various as Thacher), the first congressman to represent the district of Maine. Thatcher came from Biddeford, a prosperous community in the southern part of the district. Like Knox,

Thatcher was a conservative Federalist opposed to what he called the “democratic mobs” inspired by the Jeffersonians.<sup>9</sup> He, too, was a patron of John Lee and his family. The younger brother of the collector, Silas Lee, studied law under Thatcher and married the congressman’s niece.

Like Knox, Thatcher engineered the creation of a new customs district near his home. The district, created in 1800, encompassed Thatcher’s home port of Biddeford. Congress required that the district’s collector to live in the heavily Federalist town of Kennebunk. The collector of Kennebunk kept that town safely in the Federalist camp for many years.<sup>10</sup> Collector Jonas Clark was an unabashed Federalist, who referred to Jeffersonians as the “wiezles & rats of anarchy.”<sup>11</sup>

The Federalists used their patronage powers to create, build, and preserve their party’s influence in Massachusetts seaports, including those in the district of Maine.<sup>12</sup> Collectors and their subordinates led Federalist political activity at the local level.<sup>13</sup> In Maine the more politically active Federalist collectors included Jonas Clark, John Lee, and Nathaniel Fosdick.<sup>14</sup> Fosdick appears to have created his own political sphere in the rapidly growing seaport of Portland. Although originally a protégé of both Thatcher and Knox, he broke free and followed his own course.<sup>15</sup> As the port grew, so did his influence. In 1793 he had only seven assistants, but by 1800 he had twenty-three.<sup>16</sup> Thatcher and his cronies may have resented Fosdick’s new-found power. They certainly expressed smug satisfaction when troubles befell the collector.<sup>17</sup>

The Federalist party was not monolithic, and differences did arise, especially when money was at issue. Candidates avidly sought the position of collector. Occasionally it was an issue that divided Maine Federalists. The Treasury Department in 1793 was on the verge of removing collector Francis Cook from office, perhaps for some small fiscal impropriety. The ever-ambitious Silas Lee worried that this political plum would fall into the wrong hands, and so notified his political ally and mentor, Congressman George Thatcher of the situation. He expressed his concern about the situation and asked for a recommendation to fill the post himself as “an anchor to windward.”<sup>18</sup> Despite modest protests to the contrary, Lee clearly coveted Cook’s position.

Paul Dudley Sargent was another Federalist who coveted a collectorship. On several occasions he aspired after any one of three collectors positions near his home in Hancock County. Collector Jordan of Frenchman’s Bay continually had problems with him, writing that Sargent “left no stone unturned to supplant me.”<sup>19</sup> Sargent was the chief justice of Hancock County, and proved a formidable opponent, haunting Jordan for the rest of his career.<sup>20</sup> Despite his position, influence, conniving, and persistence, Sargent never received a collectorship.

The Republican administrations continued many Federalist practices concerning patronage. This included using family connections to dominate all political offices in certain regions.<sup>21</sup> An example of how the Jefferson administration chose collectors is illustrated by some notes on back of a letter from Barzillai Gannett to Albert Gallatin

recommending Dudley Hobart for the collectorship of Bath. Gannett used his passing acquaintance with Secretary of the Treasury Gallatin (he studied French under Gallatin at Harvard during the latter's brief tenure there) to reinforce his recommendation. More interesting than the text is a memo from Gallatin to Secretary of War Henry Dearborn written on the back of the letter. It reads:

Will General Dearborn be so good as to recommend some person? or will it be better for him to retain the papers & consult the republican members from Maine?

This is an unusually graphic example of how the selection process worked. A group of local worthies gathered together, wrote a petition putting forth a candidate, and sent it either directly to the president or to the secretary of the Treasury. The secretary of the Treasury usually handled the application, but sought out other cabinet members who might know the candidate, in this case the secretary of war. If there was no cabinet member from the candidate's area, or if the prospective collector was unknown to him, the appropriate congressman took up the issue. If the candidate was unknown to the congressional representation, he stood little chance of being chosen.

Below the original note there is another, written in the same hand as the first, a memo from Gallatin to himself. It is as revealing as the one above it. It reads:

Dudley Broadstreet Hobart of Gardiner recommended by Genl. Dearborn, who candidly stated that he is his son in law, but the application is from many respectable persons of the neighborhood, & the only competition is a young man at college, son of a federalist.<sup>22</sup>

Dudley Hobart was a lucky man. He had the approbation of his neighbors, little in the way of competitors, and a father-in-law in the cabinet. It should be no surprise that he received the post.

The complex web of relationships that formed the basis of the ruling classes reveals some curious truths about the nature of both the political and social worlds of the collectors. For instance, the Republican collector of Waldoborough married the daughter of his Federalist predecessor. This marriage may indicate that the ruling clique overlooked political differences in these small communities for the sake of remaining within that clique.<sup>23</sup> Collectors were often relatives of congressmen. Brothers, brothers-in-law, and fathers in Congress had a symbiotic relationship with the collectors. They supported collectors from the nation's capital, and if turned out of office at election time, could rely on a position at the customhouse. For instance, Republican Congressman Joseph Carr, brother-in-law to Collector Hook of Penobscot, lost his seat in the Federalist backlash against the embargo of 1807. The collector found a place for him in the Penobscot customhouse.

The collectors in Maine made their connections with national figures during the American Revolution. This is true for the collectors of Machias and Passamaquoddy. Tiny Machias was a bastion of resistance to the British throughout the war. The townspeople of Machias, under the leadership of future-collector Jeremiah O'Brien, seized the first Royal Navy vessels captured by American forces in April of 1775. Led by another future collector, Stephen Smith, the militia raided what is now New Brunswick.

Later, the port became a retreat for John Alan and other Nova Scotians who had been unsuccessful in spreading the Revolution to that province. They remained as a garrison at Machias throughout the war, resisting two British assaults.<sup>24</sup> Young Louis Frederick Delesdernier, an aide-de-camp to Alan and captain of a company of local Indians recruited into Continental service, was among their number. Delesdernier was another future customs collector. Delesdernier's father, a Swiss émigré, joined his son in Machias and supplemented his income by renting a room to another, more recent Swiss émigré, future Secretary of the Treasury Albert Gallatin. The Revolutionary leaders of Machias created a bond with the young Swiss that lasted through their lifetimes.<sup>25</sup>

Louis Delesdernier became collector of Passamaquoddy in 1789, and continued in that post to 1811. His familiarity with Gallatin boosted his prestige immensely. A local historian noted that the collector was over-fond of talking about his friendship with the esteemed Gallatin.<sup>26</sup> Delesdernier and Gallatin exchanged personal news in their official correspondence, especially about the elder Delesdernier, who had gone mad. One of the elder Delesdernier's delusions was that the Secretary of the Treasury had come to visit him, but that his own family prevented his former boarder from seeing him.<sup>27</sup>

Despite Gallatin's friendship with Delesdernier, the secretary removed him from his post in 1811 for mishandling government funds. It is difficult to trace Delesdernier's subsequent movements, but the government did not entirely abandon him. His successor employed the former collector in various ways around the customhouse.<sup>28</sup>

Henry Dearborn was another influential cabinet member from Maine who showed great interest in installing collectors who were politically faithful. He shared with Henry Knox a certain corpulence, the position of secretary of war, and a tendency to slip away to tend his Maine lands to the detriment of his official duties. The similarities stop there, however. Dearborn was an ardent Republican and supporter of Jefferson, a self-made man of the new order. As the first U.S. marshal for the district of Maine, he had close interactions with the collectors and realized the importance of the post. He probably concurred with Attorney General Levi Lincoln's call for the removal of Joshua Head and John Lee from their positions; their high-tone Federalism would have been anathema to him.<sup>29</sup> Their connection with Knox further hardened the case against them, and they lost their posts. After a diligent search, Dearborn found a candidate for each post, a man of "unblemished character & sound in his politics."<sup>30</sup> Dearborn was also able to draw the political fangs of other collectors by threatening them with removal, as he did with Melatiah Jordan of Frenchman's Bay. Upon learning that this was likely, Jordan wrote a letter to Dearborn, stating his worries "in the present crisis of Change & Removal of Public officers." The collector presented a series of arguments for his retention. They included Revolutionary War service, support for the Constitution, his integrity as an official, and for the sake of his "large family of thirteen children growing up."<sup>31</sup>

Collector Cook of Wiscasset also flowed with the Republican tide, as did his brother and future congressman (1806-1809) Orchard Cook. The political transformation of collectors is very difficult to trace. It is possible that some collectors in this early

period were either politically neutral or undecided. Many protested to Jefferson or Dearborn their belief in democracy, even noted Federalist Nathaniel Fosdick. Some, such as Cook, appear to have had a genuine change of heart. Others, like Jordan and Fosdick, apparently only wanted to retain their positions.

Jefferson removed few collectors for their political views. In Maine, only Nathaniel Fosdick of Portland, Joshua Head of Waldoborough, and John Lee of Penobscot suffered removal. All three were high-tone Federalists. Fosdick fought remarkably hard to retain his post, even going so far as to travel to Washington to plead his case personally. After losing the battle to retain his post, Fosdick left Portland and returned to his native Cape Anne.<sup>32</sup> The Jefferson administration on the whole restrained itself and removed only a handful of Federalist officeholders. This pattern holds true in Maine, where even radical Federalists like Jonas Clark retained their posts.

The deaths of the local collectors created some vacancies. Henry Dearborn used this opportunity not once, but twice to fill the collectorship of Bath, a few miles down the Kennebec River from his Pittston farm. When the original collector lay dying, Dearborn moved quickly to insert Dudley Hobart, his son-in-law, into the position. In 1806, when Hobart died, Dearborn was just as quick to install another of his sons-in-law, Joshua Wingate, Jr., into the post. The Wingate family did exceptionally well through its connections to Dearborn. No less than five Wingates occupied federal office in the Kennebec valley.<sup>33</sup> Joshua Wingate, Jr. had previously served as a clerk in the War Department.<sup>34</sup> The press mocked Dearborn for his predilection for installing sons-in-law



in government positions. "Has the noble general any unmarried daughters? If he has, our young men know the road to office and honor."<sup>35</sup> The second appointment caused some consternation among other candidates for the post, some of whom boasted considerable experience as customs officials.<sup>36</sup> Experience was a poor substitute for political connections. Few collectors gained their post from a subordinate position, although there are exceptions.<sup>37</sup> The Jefferson administration even ignored the dying wish of Collector Smith of Machias that his son (who conducted most of the customhouse business already) succeed him. Lemuel Trescott, a protégé of Henry Dearborn, replaced Smith.

The Madison administration managed its collectors in the same way as Jefferson's. The last Federalist collector left his post in 1809.<sup>38</sup> Even at that late date Revolutionary War veterans predominated among officeholders. The sources of patronage remained the same as well. Gallatin continued as secretary of the Treasury until 1813. Dearborn, both as collector of Boston and as a military commander in the War of 1812, continued to exert considerable influence. In the last year of the Madison administration there was some change in the patterns of patronage. At the end of the War of 1812 there was a need to reward those who had served in that unpopular conflict. The first in Maine was Denny McCobb, a life-long Republican and former colonel of a regiment of regulars. He received the collectorship of Waldoborough in 1816.<sup>39</sup>

Patronage in the Monroe administration was unusual for several reasons. Secretary of the Treasury William H. Crawford surrendered most appointments of collectors to a local congressman to gain political influence. There was a high rate of

turnover in office due to natural causes and the addition of another customs district. Moreover, the nature of political patronage changed completely in 1820. The 1820 Tenure of Office Act, drawn up personally by Crawford, allowed him an opportunity to manipulate patronage for his own political purposes.<sup>40</sup>

To gain support in Maine, by 1816 a Republican stronghold in a generally Federalist New England, Crawford allowed Congressman William King to make many patronage decisions there.<sup>41</sup> The choice was obvious. King was not only a Republican congressman and high ranking militia officer, but the wealthiest merchant in the district. He was also one of the most important proponents for creating Maine as a state in its own right, separate from Massachusetts. William King also happened to be the brother of Rufus King, a powerful Federalist from New York. King did indeed support Crawford, and used his patronage powers to fill the collectorships of York, Waldoborough, Belfast, Machias, and Passamaquoddy with pro-statehood Republicans.

King was lucky in that there were an unusually large number of vacancies among the collectorships in Maine. Even as Congress reduced the number of subordinates employed in the various customhouses, it divided the old Penobscot district into two. Congress added an additional collectorship at Belfast at the head of Penobscot Bay to regulate the rapidly growing Penobscot River region. In addition, aged Revolutionary War veterans were either dying in office or retiring from their collectorships, such as Jeremiah O'Brien and Lemuel Trescott. This left vacancies for younger, more politically active collectors.

The 1820 Tenure of Office Act changed the nature of patronage drastically. Congress mandated that collectors be appointed on four-year commissions.<sup>42</sup> Previously, commissions lasted until removal. Now the collectors' commissions faced review every four years. Collectors in even the most obscure ports could not hope to avoid inspection. The position of collector thus became even more subject to political partisanship. So empowered, Andrew Jackson removed Collector Cook of Wiscasset in 1829. The aged collector had served forty years. He was said to be the very last collector in the nation who held his original commission from George Washington.<sup>43</sup>

Examining patronage reveals that personal bonds linked the collectors to the national government. Many of these bonds dated to the American Revolution. It also reveals that federal authority in a given region often rested with one politically dominant family. These patterns combined in the customhouse to provide a strong bond between the nation's seaports and the national government. While these patterns changed over time, they did not weaken. The nation's leaders reached out to the collectors for support just as the collectors needed the prestige and power of association with national political figures.

<sup>1</sup> "Sketch of Proceedings of the General Court," Cumberland Gazette (Portland, ME), June 19, 1789.

<sup>2</sup> Linda Grant DePauw (ed.), Senate Executive Journal and Related Documents (Baltimore: Johns Hopkins University Press, 1974), 2:14, 19.

<sup>3</sup> Leonard D. White, The Federalists: A Study in Administrative History, 1789-1800 (New York: Macmillan, 1948; reprint, New York: The Free Press, 1965), 273. Quoted from Adams Works, 9:87.

<sup>4</sup> *Ibid.*, 288. The Jefferson administration subsequently restored him to office.

<sup>5</sup> Alan Taylor, Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820 (Chapel Hill, NC: University of North Carolina Press, 1990), 40.

<sup>6</sup> Forrest McDonald, Alexander Hamilton: A Biography (New York: W. W. Norton and Company, 1979; paperback reprint, New York: W.W. Norton Company, 1982), 154.

<sup>7</sup> Taylor, 100.

<sup>8</sup> *Ibid.*, 94.

<sup>9</sup> David Hackett Fischer, The Revolution of American Conservatism: The Federalist Party in the Era of Jeffersonian Democracy (New York: Harper & Row, 1965), 258.

<sup>10</sup> Carl E. Prince, The Federalists and the Origins of the U.S. Civil Service (New York: New York University Press, 1977), 38. The collector was Jonas Clark, kinsman of John Hancock, witness to the Battle of Lexington and Concord, and Revolutionary War veteran. He was an outspoken supporter of Jay's Treaty in 1796.

<sup>11</sup> Jonas Clark to George Thatcher, May 3, 1798, MCC.

<sup>12</sup> Prince, 21.

<sup>13</sup> *Ibid.*, 23.

<sup>14</sup> For Hill and Clark, see their several letters to Thatcher in the Mellen Chamberlain Collection, Boston Public Library Rare Book and Manuscript Collection [MCC]. The two shared a passionate hatred of Republicans and resorted to extremely purple prose in denouncing their political foes. For Lee see DePauw, 2: 507. For Fosdick see Prince, 39.

<sup>15</sup> Lee offered both Thatcher and Knox as references when petitioning Washington for office. See W.W. Abbot (ed.), The Papers of George Washington, Presidential Series (Charlottesville, VA: University Press of Virginia, 1987), 2: 329.

<sup>16</sup> Prince, 39.

<sup>17</sup> Daniel Davis to George Thatcher, December 12, 1793, MCC.

<sup>18</sup> Silas Lee to George Thatcher, April 11, 1793, MCC. Both Lee and Cook were Thatcher's political clients.

<sup>19</sup> Melatiah Jordan to Oliver Wolcott, July 28, 1795, M-178. See also Paul Dudley Sargent to Thomas Jefferson, July 6, 1808, PAG. At various times Sargent also sent appeals to be considered for the position of collector at Machias and Penobscot. For Machias see Samuel Brown to Henry Dearborn, November 6, 1806, in NA M-418 "Letters of Application and Recommendation in the Administration of Thomas Jefferson" [hereafter as M-418]. For Penobscot see William Hull to Albert Gallatin, July 15, 1801, PAG.

<sup>20</sup> See Sargent to Thomas Jefferson, July 6, 1808, PAG.

<sup>21</sup> Fischer, 220-221; Prince, 42.

<sup>22</sup> Barzillai Gannett to Albert Gallatin, November 21, 1803. Under Daniel Hobart entry, M-418.

<sup>23</sup> See David C. Young and Elizabeth Keene Young, Vital Records from Maine Newspapers, 1785-1820 (Bowie, MD: Heritage Books, Inc., 1993), 1:194, 295 for wedding information.

<sup>24</sup> See James S. Leamon, Revolution Downeast: the War for American Independence in Maine (Amherst, MA: The University of Massachusetts Press, 1993), passim for Machias's role in the American Revolution.

<sup>25</sup> Henry Adams, The Life of Albert Gallatin (Philadelphia: J.B. Lippencott, 1880; reprint, New York: Peter Smith, 1943), 30-38.

<sup>26</sup> William Henry Kilby, Eastport and Passamaquoddy (Eastport, ME: Edward E. Shead & Co., 1888), 146.

<sup>27</sup> Delesdernier to Gallatin, December 24, 1807, PAG.

<sup>28</sup> Lemuel Trescott to Thomas G. Thornton, June 27, 1812, Thomas G. Thornton Papers [hereafter as TGTP], Maine Historical Society, Portland, ME.

<sup>29</sup> Paul Goodman, The Democratic-Republicans of Massachusetts: Politics in a Young Republic (Cambridge, MA: Harvard University Press, 1964), 148.

<sup>30</sup> Henry Dearborn to Albert Gallatin, September 1, 1801, PAG.

<sup>31</sup> Melatiah Jordan to Henry Dearborn, August 19, 1803, PAG.

<sup>32</sup> Prince, 39-40.

<sup>33</sup> New England Palladium (Boston, MA), March 1 and September 23, 1803, in Fischer, 221.

<sup>34</sup> Richard Alton Erney, The Public Life of Henry Dearborn (New York: Arno Press, 1979), 187.

<sup>35</sup> Jenks Portland Gazette (Portland, ME), December 10, 1803, quoted in Banks, 219.

<sup>36</sup> Joshua Shaw to Orchard Cook, January 13, 1806, Petitioners to Albert Gallatin, January 12, 1806, M-418.

<sup>37</sup> Joseph Farley of Waldoborough appeared on the rolls as an inspector of customs in 1801, Daniel Lane of Belfast was an assistant to the collector of Penobscot.

<sup>38</sup> Jeremiah Hill of Biddeford.

<sup>39</sup> For McCobb's political services see William M. Emery, Honorable Peleg Tallman (Privately Printed: 1935), 37-38. For his subsequent career in Waldoborough see Jasper

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Jacob Stahl, History of Old Broad Bay and Waldoboro (Portland, ME: The Bond Wheelwright Company, 1956), 2:92-95.

<sup>40</sup> Cunningham, 121-122.

<sup>41</sup> Ronald F. Banks, Maine Becomes a State: The Movement to Separate Maine from Massachusetts, 1785-1820 (Middletown, CT: Wesleyan University Press, 1970; reprint, Portland, ME, Maine Historical Society, 1973), 124. See also Goodman, 148-149.

<sup>42</sup> Laurence F. Schmeckebier, The Customs Service: Its History, Activities, and Organization (Baltimore, MD: Johns Hopkins Press, 1924), 13.

<sup>43</sup> Poulson's Daily Advertiser (Philadelphia, PA) April 10, 1829, quoted in Fannie S. Chase, Wiscasset in Pownalborough (Wiscasset, ME: privately published, 1941), 121.

## **CHAPTER FOUR: POLITICS**

This chapter examines the collectors' role in moving loyalties from Massachusetts to the new federal government. The collectors were a key element in implementing federal policy; on occasion this brought them into conflict with state authority. At the same time collectors were active members of their communities' leadership. The strain between state and federal authority severely tested the collectors. Ultimately, the collectors reacted to this strain by rejecting Massachusetts and leading Maine to statehood.

The collectors identified themselves with the traditional leadership of their communities and participated in the conventional activities of the ruling clique. While participation in local political activities certainly gave the collectors additional prestige, it complicated their vision of governmental authority, and many displayed ambivalence when asserting federal authority over that of Massachusetts. They shared this ambivalence with Maine's voters. Assessing the votes in Maine's three separation attempts indicates a reluctance to part from Massachusetts. Table 4 indicates that Maine's small electorate narrowly opposed separation in 1792 and 1816. But in 1819 voters overwhelmingly supported separation. The most dramatic difference was in those

coastal counties that relied on maritime commerce (York, Cumberland, Lincoln, Hancock, and Washington). The late addition of these counties to the pro-statehood cause lay with a change in national commercial laws.

**Table 4: Maine Separation Elections by County**

<i>County</i>	<u>May 1792</u>		<u>September 1816</u>		<u>July 1819</u>	
	<i>For</i>	<i>Against</i>	<i>For</i>	<i>Against</i>	<i>For</i>	<i>Against</i>
York	202	991	1,788	1,573	2,086	1,646
Cumberland	618	596	2,369	2,148	3,315	1,394
Oxford	-	-	1,563	828	1,893	550
Lincoln	1,090	501	1,758	2,357	2,523	1,534
Kennebec	-	-	2,646	1,175	3,950	641
Somerset	-	-	847	668	1,440	237
Hancock	163	345	447	1,257	820	761
Penobscot	-	-	544	200	584	231
Washington	1	91	55	176	480	138
<b>TOTAL</b>	<b>2,074</b>	<b>2,524</b>	<b>12,007</b>	<b>10,382</b>	<b>17,091</b>	<b>7,132</b>

*Source:* Stephen A. Marini, "Religious Revolution in the District of Maine," in Charles E. Clark, James S. Leamon, and Karen Bowden (eds.), *Maine in the Early Republic: From Revolution to Statehood* (Hanover, NH: University Press of New England, 1988), 138.

In Massachusetts the power base consisted of merchants, lawyers, and Congregationalist clergymen. Merchants, followed by lawyers, formed the political leadership in Maine's newer settlements.<sup>1</sup> The influence of Congregational ministers did not match that of those in Massachusetts: dissenting factions thrived in Maine's new settlements.<sup>2</sup> The collectors were almost uniformly merchants. They possessed, perhaps, a store, an interest in a saw mill, a share in a vessel, and a small speculation in Maine's undeveloped lands. A few were substantial merchants who owned several ships,



possessed interests in a number of sawmills, had large land holdings, and diverse interests in wharves, fishing, toll bridges, and ferries. While some collectors were lawyers, and others dabbled in the law as justices or judges, none were ministers (although many were deacons), and none appear to have been physicians. One collector was an owner and skipper of a fishing schooner.<sup>3</sup> One was a former clerk for the War Department.<sup>4</sup>

Tax rolls confirm that the collectors as a whole were among the wealthier individuals in their communities. Collector Ilsley was among the top 2 percent of taxpayers in Portland in 1815. Collector Storer of Kennebunk was also among the top 2 percent of taxpayers in York County.<sup>5</sup> Collector Hook of Penobscot boasted one of twelve gold watches in all Hancock County in 1815, and the tax collectors reckoned he was among ten people in the county who owned furniture valued at over two hundred dollars.<sup>6</sup>

The collectors' position required a degree of proficiency in reading, writing, mathematics, and record keeping. Jeremiah Hill, Nathaniel Fosdick, and possibly others, were graduated from Harvard.<sup>7</sup> Many other collectors had at least Harvard connections. Melatiah Jordan's father was a graduate of Harvard, as was John Lee's father and several of his brothers.<sup>8</sup> Notably, these men were Federalists for at least part of their career. Harvard was an overwhelmingly Federalist institution; relatively few of its graduates became Republicans.<sup>9</sup>

Just as most collectors were merchants, most were also military veterans of the Revolution or War of 1812. Veterans of the American Revolution loomed large in their communities as political leaders.<sup>10</sup> Many received commissions as collectors. Jeremiah O'Brien of Machias was a famed Revolutionary privateersman.<sup>11</sup> Lemuel Trescott served with distinction in the Continental Line.<sup>12</sup> Lewis Delesdernier served throughout the war as a captain of a company of Penobscot Indians in American service.<sup>13</sup> Several collectors served in the disastrous Penobscot expedition of 1779. Jeremiah Hill served as that expedition's adjutant general and Waterman Thomas as an aide-de-campe.<sup>14</sup>

Later collectors also had military connections. Joshua Wingate served as a brigadier in the Massachusetts militia during the War of 1812. Denny McCobb served as a colonel of a regiment of regulars during that same conflict.<sup>15</sup> Samuel Morse was an officer at the federal post in Machias who was court-martialled on a number of charges, including being absent from the fort for days at a time. Despite his misbehavior, he received the collectorship of Machias in 1818 and remained there for many years.<sup>16</sup> Military experience came in handy during times of duress when collectors called out the militia and even regulars to enforce commercial laws.

The collectors' influence in their communities lay not only in their military service, wealth, and education, but in their capacity as local officials. Many communities knew their collectors better as state rather than federal officials. Correspondence and official documents often addressed collectors by their militia rank. Many, as state appointed justices, used the title "esquire." Most collectors held local elected offices.

They served as selectmen, treasurers, secretaries, and on various town and county government committees. At least one, Jonas Clark, was a state-appointed judge.<sup>17</sup> They had first-hand knowledge of local government. They worked with other politicians and knew them personally.

Most collectors participated in a number of social and religious organizations. Their activities within their communities provided them with a network of communication and support that enabled them to communicate with other classes.<sup>18</sup> Among these organizations were the militia, the Order of the Cincinnati, and the Freemasons. The militia allowed would-be leaders to display both their place in the state hierarchy and their conviviality.<sup>19</sup> Freemasonry allowed a cross-section of community leaders to gather socially, and boasted both George Washington and Thomas Jefferson as members.<sup>20</sup> The Order of the Cincinnati, an organization composed solely of Continental officer veterans of the Revolution, was generally identified with Federalism in this period. Nevertheless, the notably Republican Collector Trescott of Passamaquoddy was a member; perhaps his pride in serving in the Continental Line overwhelmed his Republican principles in this instance.<sup>21</sup>

Many collectors actively participated in religious matters. Francis Cook was a deacon of his church who even published a religious tract for seamen.<sup>22</sup> Jeremiah Hill was a religious non-conformist who wrote several inflammatory pamphlets for which he faced trial.<sup>23</sup> Republican collectors were more likely to be of a non-conforming religion. There were many exceptions, however. Collector O'Brien of Machias attended the local

Congregationalist church. He also favored the old-fashioned queue and knee breeches. One might think from this description that he was a conservative Federalist, yet he was not. O'Brien was a dyed-in-the-wool Republican, even sporting a snuff box bearing a portrait of Jefferson.<sup>24</sup>

The dynamics of party politics in Maine for this period have received considerable attention. The conclusions reached are that Federalists generally concentrated in the older, more established coastal communities, while Republicanism thrived in the newer inland communities.<sup>25</sup> Federalists associated themselves with the Massachusetts elite and dominated the legal profession and the Congregationalist church. Republicans garnered support from squatters who occupied lands owned by rich Boston speculators and were often religious non-conformists.<sup>26</sup> Federalists identified themselves within the Boston hierarchy, while Republicans increasingly garnered popular support by challenging the authority of the traditional Massachusetts leadership.<sup>27</sup> The collectors as a group followed these tendencies fairly closely. Waterman Thomas and John Lee, both arch-Federalists, allied themselves with Henry Knox, a member of the Boston elite with grandiose plans for the Maine wilderness. They saw Maine as a part of Massachusetts, and thought it should conform to the social structure of the parent state. The Republicans, on the other hand, increasingly insisted on autonomy for Maine. Republicans sought separation from the self-serving Federalist, Congregationalist, landed interests in old Massachusetts. Despite these differing views, the leadership of both parties shared a vision of a society based on deference and status.<sup>28</sup> The customhouses in Maine became

centers of this political battle during the Jefferson, Madison, and Monroe administrations.<sup>29</sup>

Architecture is one means by which to analyze both the social standing and politics of the collectors. Both the private architecture of the collectors' homes and the construction of public buildings reveal something about the politics and community in the early republic. The collectors and other leaders signified their importance within their communities through the location, size, and style of their homes. The construction of federal facilities, a task often delegated to collectors, reveals both the development of frontier Maine and the changing vision of the role of the federal government in society.

Federalist collectors adhered to a party with strong beliefs in order and preserving the traditional hierarchy. Maine Federalists expressed their attempts to impose order on society through architecture.<sup>30</sup> Henry Knox's palatial home ("Montpelier") in Thomaston is an example of a Federalist leader attempting to put his stamp on a frontier community.<sup>31</sup> Other Federal officials followed suit. Judge David Sewall, the first federal justice for the district of Maine, built a grand mansion known as Coventry Hall. Sewall was an arch-Federalist with considerable influence in the district. When other Federalists sought to assert their importance through architecture, they followed Sewall's lead. For instance, customs collector Jonas Clark borrowed many of Coventry Hall's features when he re-built his own home. All three houses are very early examples of high-style neoclassical mansions.<sup>32</sup>

Republicans did not favor the rigid neo-classical style. William King, Maine's leading Republican for many years, built one of the earliest Gothic Revival structures in New England.<sup>33</sup> King built in a highly romantic style; perhaps he was distancing himself from the severe symmetry and logic of the neo-classical style so beloved by Federalists. Other Republicans were less bold in their architecture. When customs collector Alexander McIntire of York built a new home in 1812, he conformed to the style set by the majority of the town's elite.<sup>34</sup> The vernacular style used by Republican collectors belies their acceptance of society as it then existed; these were homes that were in harmony with their communities, unsullied by foreign influence.<sup>35</sup>

Most collectors conformed to local ideas of architecture. While their homes may have not been as fashionable as some, they were always large homes built near the homes of other community leaders and architectural status symbols, such as churches and courthouses.<sup>36</sup> Collector Cook of Wiscasset built his substantial three story home within a few hundred yards of that shire town's courthouse, meeting house, bank, and homes of the wealthier merchants.<sup>37</sup> Federal structures were few and did little to reflect rank within the hierarchy. Lighthouses were useful structures to the mariner, but due to their isolated locations often served the collectors better as a source of patronage than prestige. The War Department called on the collectors northeast of Portland to build several batteries after the *Chesapeake* crisis, but again these structures brought little distinction.<sup>38</sup> The use of these forts to stop American vessels from leaving port during the embargo of 1807 led critics to call them "embargo forts." That term denoted a fortification strong enough to

keep American shipping in, but entirely inadequate to keep out foreign naval vessels.<sup>39</sup> Nonetheless, these batteries proved valuable in discouraging smuggling.<sup>40</sup>

The federal government did not build any permanent customhouses in Maine until after the War of 1812. Collectors' homes served as customhouses, or the collectors rented office space. Some customhouses shared a building with a school, store, or bank.<sup>41</sup> The first customhouse built and owned by the federal government was a brick and granite structure in Machias that also served as the local post office.<sup>42</sup> Constructed in 1817, perhaps it mollified a populace that suffered British occupation during the late war. A substantial customhouse provided tangible evidence of the power and concerns of the federal government. Federal construction provided employment for the local populace. Its officers provided incentive to heed the laws of the federal government. Its presence added a new source of prestige and authority in port communities.

Whether Federalist or Jeffersonian, the collectors were sympathetic to the commercial interests of their communities. Federal laws prohibited collectors from being engaged in maritime commerce, but many skirted this law. Almost all collectors continued their commercial activities as their post did not occupy all their time nor fully support them. They kept stores, speculated in timber and land, and held state offices even after their appointments as collectors.

Collectors were active leaders, deeply involved with and concerned for their communities. During the 1790s they participated in a number of efforts to encourage support for the federal government. This included mustering support for Jay's Treaty and

enforcing the Alien and Sedition Acts. The reference of the local collector was crucial in obtaining a commission in Hamilton's Provisional Army late in that decade.<sup>43</sup> Early in the 1800s, collectors gathered the tariff that supported the Mediterranean Fund. Early efforts by the collectors to support governmental programs were overwhelmingly successful. This must have made it all the more difficult for collectors when faced with the enforcement of unpopular commercial restrictions after 1807. The local elite to which the collectors belonged was not monolithic. Political, personal, religious, and other differences split the local leadership. When threatened by economic extermination during Jefferson's embargo and the War of 1812, the local leadership turned against the collectors as the nearest representatives of a federal government with no sympathy for commercial interests. It was an unhappy time. Federalists reconsidered their strong views on order and mob violence, while Republicans' loyalty to the federal administration faced a severe trial. Ironically, Federalists encouraged mob activity against the constitutionally elected government, and Republicans resorted to the use of the military to establish order.

Jefferson's embargo of 1807 and the War of 1812 created enormous hardships for Maine. Some contemporaries claimed Maine was the hardest hit by commercial restrictions.<sup>44</sup> Many faced financial ruin, from the great merchants down to ordinary sailors and timbermen. The Federalist Party, formerly in severe decline, revived itself. Although Massachusetts in 1808 possessed a Republican governor (with strong Maine connections), he did little to discourage state authorities from harassing federal officials.



Far from it, Governor James Sullivan handed out large numbers of permissions to carry flour and other provisions to Maine's many ports. This frustrated the national administration, which knew that much of the flour went to British markets. State authority in Massachusetts subverted federal interests in favor of local ones.<sup>45</sup>

State officials' interference in the enforcement of federal laws grew steadily worse as the embargo progressed and federal measures became stricter. Local justices and courts hounded the collectors and their men with frivolous lawsuits.<sup>46</sup> Even Maine's federal courts, still dominated by Federalists, failed to support the collectors.<sup>47</sup> Federal laws lacked the power to back the collectors. Even the use of regulars and the navy failed to deter smugglers. The collectors could not enforce the commercial laws to the fullest extent. As Jefferson's administration came to a close, federal officials ceased to communicate with Washington. They hoped for a change of policy under Madison. Notably, the day Jefferson left office, Congress repealed his embargo.<sup>48</sup>

Maine's collectors suffered heavily from the embargo. Even those who escaped controversy suffered a loss of income. Many suffered harassment, such as the threat of having their homes burned.<sup>49</sup> Others had their helpers brought into court. Several collectors suffered censure at the hands of the Treasury Department for not enforcing the embargo. At least one was accused of colluding with smugglers and fled the country.<sup>50</sup> The collectors complained that influential Federalists led smugglers and rioters opposed to the embargo.<sup>51</sup> The collectors suffered isolation from their communities, all of which opposed the embargo in bitter remonstrances to Jefferson.<sup>52</sup> Furthermore, the federal

government forsook them, showing little apparent concern for their welfare.<sup>53</sup> The collectors' old loyalties to their communities and peers arose, and their enforcement of the embargo faltered.<sup>54</sup> Merchants, who initially supported the new federal government because it provided a healthy climate for business, now reviled it. They returned to the collective sense of justice that had led them to support the American Revolution.<sup>55</sup>

The celebrations at the end of the embargo were riotous. In Wiscasset the commander of the local federal garrison reported on the proceedings: "This town is in an uproar 'the Embargo is off' is all the cry; the Presidents proclamation was received this evening-- every man, woman, boy, girl, horse, dog, cat, pig, hen, duck, and all living things are rejoicing, huzza'ing guns firing Bells ringing flags flying not a Wiscasset but what is merry-- you cannot imagine anything more noisy than this town-- I expect that by 1 o'clock everything that can swallow, will be *how fairs ye jolly boys*." Later that night the officer observed: "I have now just returned from the grand *Jollification*, all Wiscasset are pretty drunk by this."<sup>56</sup> The collectors, too, must have rejoiced at the end of the tedious embargo, and joined their neighbors in toasts to peace, prosperity, and Madison.

After the embargo the federal government's presence in Maine was more evident. A string of federal fortifications stood at the entrance to many ports. Garrisons of regulars manned posts at Portland, Wiscasset, and Eastport. The Treasury Department procured a new revenue cutter to patrol Maine's troublesome waters. This expenditure marked a radical departure for the Republicans from their earlier parsimony. Table 5 indicates that the healthy surplus generated before the embargo of 1807 was slow to return. Federal

increases in spending coincided with smaller receipts because the federal government expanded to cover the costs of the commercial restrictions that diminished customs receipts. In Maine federal spending may have kept Republicans in the fold with construction and supply contracts and other perquisites such as jobs. The Republican party suffered severe setbacks in 1808 and 1809. Congressman Orchard Cook, brother of Wiscasset's collector, lost his seat because of his support for the embargo, as did Joseph Carr, brother-in-law of Collector Hook of Castine.<sup>57</sup> Nonetheless, the district of Maine continued to be a stronghold of Republicanism in Federalist Massachusetts.<sup>58</sup>

The War of 1812 brought the collectors into conflict with their communities again. The British, who needed American provisions for their war against Napoleon, encouraged American merchants to smuggle. The British governor of Nova Scotia even made a direct appeal to the people of Eastport, promising not to interfere with their prosperous smuggling trade.<sup>59</sup> The commercial interests of Maine and Massachusetts responded enthusiastically. Smuggling once again became a major problem for the collectors.<sup>60</sup>

Federalists resumed their bitter opposition to the federal government during the War of 1812. The Federalist governor of Massachusetts declared a day of fasting at the news of war. The hostilities, much like Jefferson's embargo, destroyed New England's profitable sea-borne commerce. Massachusetts Governor Caleb Strong denied the national government the use of Massachusetts militia. Merchants resumed trade with the

British in the traitorous “license trade.” State courts harassed federal army officers, recruiters, and customhouse officials.<sup>61</sup>

**Table 5: Government Receipts vs. Expenditure, 1791-1815**

<u>Year</u>	<u>Receipts</u>	<u>Expenditures</u>
1791	\$ 4,409,000	\$ 3,097,000
1792	3,669,000	6,269,000
1793	4,652,000	3,846,000
1794	5,431,000	6,297,000
1795	6,114,000	7,309,000
1796	8,377,000	5,790,000
1797	8,688,000	6,008,000
1798	7,900,000	7,607,000
1799	7,546,000	9,295,000
1800	10,848,000	10,813,000
1801	12,935,000	9,393,000
1802	14,900,000	7,976,000
1803	11,000,000	7,952,000
1804	11,800,000	8,637,000
1805	13,500,000	9,014,000
1806	15,500,000	9,449,000
1807	16,300,000	8,354,000
1808	17,000,000	9,061,000
1809	7,700,000	10,280,000
1810	9,300,000	8,474,000
1811	14,400,000	8,178,000
1812	9,800,000	20,280,000
1813	14,300,000	31,681,000
1814	11,100,000	34,720,000
1815	15,600,000	32,943,000

*Source:* Curtis P. Nettels, *The Emergence of a National Economy, 1775-1815* (New York: Holt, Rinehart, and Winston, 1962; reprint, Armonk, NY: M.E. Sharpe, Inc., 1989), 385, 386.

Many coastal communities gave up their loyalty to old Massachusetts during the War of 1812. Maine suffered immensely at the hands of the Royal Navy, which swept coastal waters and raided harbors. The ultimate embarrassment occurred in 1814, when British forces seized first Eastport and later Castine. Federal forces could not adequately

defend Maine (let alone repossess the eastern third of the district), without the help of Massachusetts. That help did not come. Massachusetts refused to repeat the disastrous Penobscot expedition of the American Revolution.<sup>62</sup> Massachusetts left Maine to look after itself, while the federal government undertook ineffective measures to raise an army to liberate Castine.<sup>63</sup>

With Federalist state officials actively interfering with the war effort, Maine's Republican collectors took the lead. Collectors in occupied territory, such as Jeremiah O'Brien, chided those who too quickly acquiesced to British rule. In Frenchman's Bay, Collector Jordan assured the federal government of his loyalty. Collector Trescott of Passamaquoddy mounted a secret mission into occupied territory.<sup>64</sup> Collector Hook of Penobscot withdrew before the British forces, and continued his duties up the Penobscot River.<sup>65</sup> The collectors made it clear that British occupation was temporary and continued to enforce federal laws. While the collectors represented an oppressive federal government during the embargo of 1807, in the War of 1812 they represented the resistance to a foreign invader. State officials encouraged desertion, illicit commerce, and treating with the enemy. Federal officials attempted to restore order.

Nonetheless, Federalists criticized the collectors. Forces inimical to the government destroyed mail bound to Collector Jordan.<sup>66</sup> An informer tipped off British forces about Trescott's secret mission.<sup>67</sup> The Federalist press questioned the legality of Hook's removing customhouse activities to Hampden.<sup>68</sup>

Federalist officials in Massachusetts plotted to pull out of the war, possibly even the Union. Maine's populace suffered confusion. They struggled against Republican federal commercial laws, but at the same time resented Federalist Massachusetts' abandonment in the face of the British. During the embargo the federal administration had clearly been the opponent. The issue was muddier in the War of 1812. It was a time of chaos. British forces plundered almost at will. Smugglers abounded, both by land and sea. State officials conspired treason.<sup>69</sup> The governor of Massachusetts even corresponded with the British, sounding them out for support in case of secession.<sup>70</sup> Massachusetts seemed to have abandoned Maine to its fate. Only the collectors and a few other influential Republicans offered reasonable leadership at this time, but many responded to their leadership. The answer Republicans offered was separation from Massachusetts.<sup>71</sup>

The War of 1812 was the catalyst for statehood. Massachusetts Federalists were strident opponents of the war. Ultimately, Massachusetts Federalists called for secession. The more radical called for the seizure of federal customhouses and the re-establishment of state controlled customs.<sup>72</sup> Republicans remained a voice for order, resistance to the British, and a break from old Massachusetts. Even some Federalists displayed disgust with the conduct of Massachusetts and joined their political foes in calling for separation.<sup>73</sup>

The struggle and confusion that occurred in Maine during this conflict was severe. The capture of a smuggler in Wiscasset by the local collector typifies this

conflict. The smuggler had concealed a number of illegal British manufactured goods under a double bottom in his wagon. The smuggler was also the Federalist sheriff of Hancock County. This incident clearly placed the Federalists in the wrong. Trading with the enemy was unseemly behavior for an official chosen by the governor of Massachusetts. Republicans seized on the matter as proof of Federalist calumny.<sup>74</sup>

The final and successful statehood movement for Maine started at the Portland customhouse in December 1814. Among the Republican leaders present were Isaac Ilesley, collector of Portland; Joshua Wingate, Jr., collector of Bath; and Samuel K. Whiting, a customs officer in the Penobscot district. Also present were the Republican U.S. district marshal, Thomas G. Thornton, and the U.S. district attorney, William Pitt Preble. Notably, these individuals complained of Massachusetts' conduct in the war and the subsequent chaos:

Thus abandoned by the state authority, we view with serious alarm the situation in which we are placed-- having the enemy in the bosom of our country-- and an extensive seaboard unprotected; we shall soon become an easy prey to the savage attacks of our foe. Such is the situation of our District, and such the force of our laws, that the most unrestrained and unlimited intercourse with the enemy is carried on. We have become the general thorough-fare through which the unprincipled carry on the most illicit traffic-- and thru which our domestic foes carry on their "traitorous correspondence". The collectors on our frontier in vain raise their arm of authority, our revenue laws are too insufficient to support them.<sup>75</sup>

The committee clearly outlined its grievances against state authority and the problems faced by federal officials there. Smuggling, and the social and legal chaos it wrought,

was a major complaint. These gentlemen saw federal authority as the only means of breaking the misused authority of Massachusetts. Statehood for Maine was the key to restoring federal control. Samuel Whiting, a Republican custom house officer in the Penobscot district, wrote: "If Massachusetts won't cooperate and the Federal government is unable to, then the crisis has arrived when the District of Maine ought to Legislate for herself. Released from the thralldom of Boston influence, we would not suffer this Eastern section of this country to sink into insignificance. . . if we can get no assistance let us make an effort ourselves."<sup>76</sup>

The movement for statehood traces its roots to 1786. Several episodes followed, but the populous maritime towns that had closer connections to Massachusetts defeated them.<sup>77</sup> Federal coasting laws further encouraged merchants to remain within Massachusetts. The Coasting Law of 1789 required coasting vessels to stop at a port in every state not contiguous with the state from which the ship originated. Each stop required a fee be paid. Under this law Maine coasting vessels did not need to make such a stop until New Jersey-- as long as Maine remained a part of Massachusetts. Maine's maritime communities therefore blocked several early statehood movements.<sup>78</sup> Agitation for statehood remained an inland phenomenon, sponsored by poor squatters who hoped to secure cheaper land. Customs collectors formed a significant portion of the pro-statehood leadership. Republicans conspired to ensure that pro-statehood nominees received collectorships. The district's Republicans steadily moved toward statehood, but there remained one major obstacle to overcome. The Coasting Law of 1789 still gave the



coastal populace reason to remain a part of Massachusetts. William King prevailed on Secretary of the Treasury William H. Crawford to support a change in the coasting laws that would not penalize Maine should it achieve statehood.<sup>79</sup> King then persuaded his Federalist brother, Senator Rufus King, to guide a new coasting law through the Senate. The bill had bi-partisan support. Federalists liked the provisions to unfetter commerce, while Republicans were happy to see less regulation. The effort was successful, and the bill passed through the House on March 2, 1819. The law removed the requirement that coasting vessels stop in every state they passed. A coaster could then proceed from Maine to Florida without stopping at any customhouses along the way. Coastal opposition to statehood for Maine promptly crumbled, as displayed in Table 4.<sup>80</sup> Subsequent Congressional problems in giving Maine statehood and the Missouri Compromise fall outside of the scope of this thesis.

The collectors were members of Maine's ruling clique. They shared common interests with the rest of Maine's ruling elite. Architecture is one means of analyzing the collectors' solidarity with the community elite. During the embargo of 1807 the collectors became isolated from the ruling elite and had difficulty in maintaining federal authority. During the War of 1812 they fared somewhat better as they represented those who actively resisted foreign invasion, while the traditional elite degraded itself through traitorous activities. The collectors formed a significant element in the drive for Maine's statehood. At the same time, commercial laws blocked that goal. The customhouse thus became a key element in pulling down the old Massachusetts-aligned elite, and replacing it with a new one more closely associated with federal authority.

<sup>1</sup> Ronald F. Banks, Maine Becomes a State: The Movement to Separate Maine from Massachusetts, 1785-1820 (Middletown, CT: Wesleyan University Press, 1970; reprint, Portland, ME: Maine Historical Society, 1973), 7.

<sup>2</sup> Stephen A. Marini, "Religious Revolution in the District of Maine," in Charles E. Clark, James S. Leamon, and Karen Bowden (eds.), Maine in the Early Republic: From Revolution to Statehood (Hanover, NH: University Press of New England, 1988), 128.

<sup>3</sup> Carl E. Prince, The Federalists and the Origins of the U.S. Civil Service (New York: New York University Press, 1977), 38. Joseph Tucker, collector of York, was a fisherman of modest means according to Prince.

<sup>4</sup> Richard Alton Erney, The Public Life of Henry Dearborn (New York, NY: Arno Press, 1979), 187.

<sup>5</sup> Richard M. Candee, "'The Appearance of Enterprise and Improvement': Architecture and the Coastal Elite of Southern Maine," in Laura Fecych Sprague (ed.), Agreeable Situations: Society, Commerce, and Art in Southern Maine, 1780-1830 (Kennebunk, ME: Brick Store Museum, 1987), 71, 72.

<sup>6</sup> Joseph Williamson, "US Direct Tax, 1815," in Bangor Historical Magazine 4 (1889): 14-15.

<sup>7</sup> See Linda Grant DePauw (ed.), Senate Executive Journal and Related Documents (Baltimore, MD: The Johns Hopkins University Press, 1974), 2:503, 505.

<sup>8</sup> For Jordan see Richard A. Savage, "The Collectors of Old Frenchman's Bay," New England Galaxy, 14 (Winter 1973): 22. For Lee, see DePauw, 507.

<sup>9</sup> Paul Goodman, The Democratic-Republicans of Massachusetts: Politics in a Young Republic (Cambridge, MA: Harvard University Press, 1964), 166.

<sup>10</sup> Ronald P. Formisano, The Transformation of Political Culture: Massachusetts Parties, 1790s-1840s (New York: Oxford University Press, 1983), 57-60.

<sup>11</sup> James S. Leamon, Revolution Downeast: The War for American Independence in Maine (Amherst, MA: University of Massachusetts Press, 1993), 99-100.

<sup>12</sup> William Henry Kilby, Eastport and Passamaquoddy (Eastport, ME: Edward E. Shead & Company, 1888), 440-441.

<sup>13</sup> DePauw, 503.

<sup>14</sup> NA M-247, Papers of the Continental Congress, State Papers, Massachusetts.

<sup>15</sup> Jacob Jasper Stahl, History of Old Broad Bay and Waldoborough (Portland, ME: Bond Wheelwright Company, 1956), 2:94.

<sup>16</sup> For Morse's court-martial see "US Army 1st Military District Orders/ Fort Independence," Ms. at MHS, Boston, MA.

<sup>17</sup> William Willis, History of the Law, the Courts, and the Lawyers of Maine (Portland, ME: Bailey & Noyes, 1863), 60.

<sup>18</sup> Formisano, 134.

<sup>19</sup> *Ibid.*, 133-134.

<sup>20</sup> *Ibid.*, 198, Taylor, 152.

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- <sup>21</sup> Kilby, 441.
- <sup>22</sup> Sailor's Magazine & Naval Journal (New York, NY), June 1829.
- <sup>23</sup> Clifford K. Shipton, Biographical Sketches of Those Who Attended Harvard College (Boston, MA: Massachusetts Historical Society, 1975), 17:394.
- <sup>24</sup> Andrew M. Sherman, Life of Jeremiah O'Brien (George W. Sherman, Publisher, 1902), 214.
- <sup>25</sup> Alan Taylor, Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820 (Chapel Hill, NC: University of North Carolina Press, 1990), 33, 209-210.
- <sup>26</sup> Goodman, 155.
- <sup>27</sup> *Ibid.*, 209.
- <sup>28</sup> Formisano, 132. See also Sprague, 98, for a description of U.S. District Marshal (1801-1824) Thomas G. Thornton. He was the last official in Maine to wear the scarlet cloak, sword, and cocked hat to official functions. That dress was associated with the colonial elite.
- <sup>29</sup> For the best discussion of the traits of Federalists and Republicans in Maine, see Taylor, esp. chapter eight, "The Jeffersonians," and Banks, chapter three, "The Separation Movement Gains New Leadership."
- <sup>30</sup> James Deetz, In Small Things Forgotten: The Archeology of Early American Life (New York: Doubleday, 1977), 117.
- <sup>31</sup> Carolyn S. Parsons, "Bordering on Magnificence," in Clark et al., 62-82.
- <sup>32</sup> Candee, in Sprague, 67-87.
- <sup>33</sup> Richard M. Candee, "Maine Towns, Maine People," in Clark et al., 57-58.
- <sup>34</sup> Candee, in Sprague, 73.
- <sup>35</sup> Deetz, 117.
- <sup>36</sup> See Betsy Blackmar, "Rewalking the 'Walking City': Housing and Property Relations in New York City, 1780-1840," in Robert Blair St. George (ed.), Material Life in America, 1600-1860 (Boston, MA: Northeastern University Press, 1988), 371-384, for an analysis of social distancing in a major seaport.
- <sup>37</sup> See Orchard Cook's 1819 AMs. map of Wiscasset in the Jane S. Tucker Genealogical Collection, Wiscasset Public Library, Wiscasset, ME.
- <sup>38</sup> Secretary of War Henry Dearborn to Joshua Wingate, Jr., April 16, 1808, NA M-107, "Miscellaneous Letters Sent by the Secretary of War, 1800-1809" [hereafter as M-107].
- <sup>39</sup> William H. Sumner, History of East Boston (Boston, MA: n.p., 1858), 741.
- <sup>40</sup> See David Zimmerman's Coastal Fort: A History of Fort Sullivan, Eastport, Maine (Eastport, ME: Border Historical Society, 1984), for the full story of one such fortification.
- <sup>41</sup> The collectors of Saco and York kept customs offices in their homes. See R.B. Williamson and E.C. Craig, Three Centuries of Custom Houses (n.p.: National Society of the Colonial Dames of America, 1972), 119. Wiscasset's customhouse was in a building belonging to Collector Cook. He rented out the upper story as a school. See Fannie S. Chase, Wiscasset in Pownalborough (Wiscasset, ME: The Author, 1941), 264.

Kennebunk's customhouse shared a building with a bank. See Williamson and Craig, 114.

<sup>42</sup> Williamson and Craig, 122.

<sup>43</sup> Sharp, 181-182.

<sup>44</sup> See Paul Dudley Sargent to Thomas Jefferson, July 6, 1808, PAG. Sargent wrote "There is no section of the Union suffers more from the Embargo than the District of Maine."

<sup>45</sup> Goodman, 194.

<sup>46</sup> See Richard James Mannix, "The Embargo: Its Administration, Impact, and Enforcement," (Ph.D. diss., New York University, 1975), 183, and Dwight F. Henderson, Congress, Courts, and Criminals: The Development of Federal Criminal Law, 1801-1829 (Westport, CT: Greenwood Press, 1985), 83.

<sup>47</sup> Henderson, 86.

<sup>48</sup> Carl E. Prince concluded that the collectors' relationship with Secretary of the Treasury Gallatin broke down. See Carl E. Prince and Mollie Keller, The U.S. Customs Service: A Bicentennial History (Washington, DC: Department of the Treasury, 1989), 83.

<sup>49</sup> Harvey Strum, "Smuggling in Maine During the Embargo and War of 1812," Colby College Quarterly, 19 (June, 1983): 91.

<sup>50</sup> Eastern Argus (Portland, ME), August 18, 1814. Jeremiah Clark, former collector of York, sought refuge from the federal government for colluding with smugglers. U.S. Army officers on parole in Dartmouth, Nova Scotia, reported Clark's presence.

<sup>51</sup> Melatiah Jordan to Albert Gallatin, December 21, 1808, PAG. Jordan wrote; "The Inhabitants I am sorry to inform your honour, in this obscure place do not regard the laws and are led blindfolded by some bad Men under pretence to supply their families, and assist the Vessels in carrying it away."

<sup>52</sup> William Hutchinson Rowe, The Maritime History of Maine (New York: W.W. Norton & Company, 1948; reprint, Gardiner, ME: Harpswell Press, 1989), 85.

<sup>53</sup> Mannix, 280.

<sup>54</sup> *Ibid.*, 242.

<sup>55</sup> Douglas Lamar Jones, "'The Caprice of Juries': The Enforcement of the Jeffersonian Embargo in Massachusetts," American Journal of Legal History 24 (1980): 319.

<sup>56</sup> Captain John Binney to his wife, April 27, 1809, in Proceedings of the Wiscasset Fire Society July 20, 1905 (Wiscasset, ME: 1905), 17-19.

<sup>57</sup> Goodman, 194.

<sup>58</sup> See the table in Banks, 45. Republican candidates for governor of Massachusetts consistently received a majority of Maine votes after 1805. See also Goodman, 197.

<sup>59</sup> Zimmerman, 28.

<sup>60</sup> See Kilby, chapter four, *passim*.

<sup>61</sup> Strum, 96, Banks, 59.

<sup>62</sup> Samuel Eliot Morison, "The War of 1812," in Samuel Eliot Morison, Frederick Merk, and Frank Freidel, Dissent in Three American Wars (Cambridge, MA: Harvard University Press, 1970), 13.

<sup>63</sup> J.C.A. Stagg, Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783-1830 (Princeton, NJ: Princeton University Press, 1983), 474-476.

<sup>64</sup> HAS Dearborn to Alexander J. Dallas, December 15, 1814, M-178.

<sup>65</sup> George Augustus Wheeler, History of Castine, Penobscot, and Brooksville, Maine. (Bangor, ME: Burr & Robinson, 1875), 175.

<sup>66</sup> Melatiah Jordan to James Monroe, November 1, 1814, M-178.

<sup>67</sup> See note 44.

<sup>68</sup> Portland Gazette (Portland, ME), November 28, 1814.

<sup>69</sup> Stagg, 470-471.

<sup>70</sup> See Herbert T. Silsby, "A Secret Emissary from Downeast," Maine Historical Society Quarterly, 2 (Spring 1972): 106-125, for a discussion of Caleb Strong's treating with the British.

<sup>71</sup> See Banks, chapter four, for an excellent synthesis of the impact of the War of 1812 in Maine.

<sup>72</sup> Morison, 11, 17.

<sup>73</sup> Banks, 64.

<sup>74</sup> Strum, 96.

<sup>75</sup> Banks, 65.

<sup>76</sup> Samuel Whiting to William King, September 21, 1814, William King Letters, MeHS, quoted in Banks, 66.

<sup>77</sup> James S. Leamon, "Revolution and Statehood," in Clark et al., 91-92.

<sup>78</sup> Banks, 35-36.

<sup>79</sup> *Ibid.*, 124.

<sup>80</sup> *Ibid.*, 127-129.

## CHAPTER FIVE: SMUGGLING

A study of smuggling reveals some important aspects of administrative, economic, and social history. This practice was rife in the early republic. Smuggling primarily represents a form of tax evasion, but it also had important social dimensions. By avoiding customs officials, smugglers could gain substantial profits, both by avoiding the customs duties and by trafficking in proscribed goods. The social aspects of illicit trade remain largely unexplored, but a breakdown in law and order often accompanied it. Studying the economics of smuggling reveals some illicit patterns of trade.

Americans were ambivalent about illicit trade. Administrators may have approved of Dr. Johnson's definition of a smuggler as "A wretch who, in defiance of the laws, imports and exports goods without payment of the customs," but other accounts lean in the opposite direction.<sup>1</sup> Fisher Ames, in addressing Congress on the problem of smuggling, stated, "The habit of smuggling pervades our country. We were taught it when it was considered rather as meritorious than criminal."<sup>2</sup> Modern scholars are equally equivocal about smuggling. While a subject of great interest, historian John D. Forbes described it as "prejudiced from the outset by an aura of humor and romantic

farce.”<sup>3</sup> Folklorist Horace Beck claimed “the smuggler feels he is performing a service to his community rather than committing a crime.”<sup>4</sup>

Smuggling was a serious administrative problem. Government officials and those with an interest in maintaining order knew smuggling defrauded the government’s revenues, promoted disrespect for the government, and contributed to lawlessness in general.<sup>5</sup> Despite the notoriety associated with smuggling, for much of the period it was not a criminal offense. Heedful of the smuggling-associated problems with governmental authority before the American Revolution, the Founding Fathers considered smuggling to be a civil offense.<sup>6</sup>

Customs collectors in Maine devoted a large portion of their time to thwarting smuggling. It was an uphill battle. Smugglers were numerous and often had the sympathy of the local populace. Moreover, Maine’s coast was difficult to control. The collector of Frenchman’s Bay, Melatiah Jordan, eloquently stated this in a letter to Secretary of the Treasury Alexander Hamilton, while bemoaning his lack of a boat to patrol the coast adequately:

The detached situation of the District interspersed with waters and abounding with a Number of Islands which afford commodious harbours and some of them as far distant as thirty miles from the Office will occasion my sending a Boat sometimes to visit the District throughout for I not only have reason to suspect that defrauding the Revenue is practised among the Island part of the District but have been informed of many little parcels of Goods landed on the Coast part of the District, it was impossible for me to prevent, all which difficulties a Boat will in great measure remedy.<sup>7</sup>

Jordan neatly described the predicament of the Maine collectors. There were simply too many good harbors to patrol without the use of small craft.

The federal government realized that smugglers could resort to violence. As early as 1790, the Treasury Department used armed vessels (known as revenue cutters) to intercept smugglers. These craft patrolled the coast on a somewhat erratic schedule.<sup>8</sup> During time of crisis, larger naval ships joined the smaller revenue cutters in suppressing smuggling. A number of Jeffersonian gunboats patrolled Maine waters during the embargo of 1807-09, as did ships as large as the frigate Chesapeake. Future naval hero Stephen Decatur demonstrated the futility of using warships. Two smuggling vessels handily out-sailed the frigate near Machias, causing Decatur to write in disgust: “Chesapeake as a vessel of war sails uncommonly dull.”<sup>9</sup>

Generally, collectors lacked the aid of naval vessels or revenue cutters. They enforced commercial laws as best they could, without help from the federal government. When smuggling was rampant, collectors armed their men and boats.<sup>10</sup> Running gunbattles between officials and smugglers were common in the last few months of Jefferson’s embargo.<sup>11</sup>

The Penobscot district serves as an example of a district that suffered from violent confrontations between customhouse officers and smugglers. Josiah Hook, collector of Penobscot, possessed a district prone to violence. Smugglers killed one of Hook’s assistants in a gunfight on Isle au Haut in 1808. Hook captured the perpetrators with the assistance of the revenue cutter New Hampshire, but a mob subsequently freed



them from the jail in Castine.<sup>12</sup> In that same year, an armed English smuggling vessel alarmed one of Hook's assistants sufficiently for him to call on the assistance of the U.S. Navy.<sup>13</sup> Another assistant suffered a knifing in 1815.<sup>14</sup> Another smuggler scuffled with one of Hook's men in Buckstown and received a \$400 fine for his aggression.<sup>15</sup> In addition, a variety of petty lawsuits against the collector's underlings hampered their effectiveness.<sup>16</sup> Perhaps the ultimate embarrassment occurred during the War of 1812, when British forces chased Hook out of Castine and occupied his home.<sup>17</sup> Hook retreated to a nearby settlement and watched a huge smuggling trade develop in Castine. This illicit trade not only supplied the enemy's troops with provisions, it introduced British manufactured goods, such as linens and tinware, into the United States.<sup>18</sup> Overnight a fleet of allegedly "neutral" vessels with Swedish or Danish registry appeared in Penobscot Bay. They quite legally brought British goods from Castine to American controlled territory.<sup>19</sup> This trade was substantial enough for the national press to comment on a drain of specie to Maine. That issue was scandalous in a year when the federal government faced a shortage of hard currency.<sup>20</sup> Collector Hook did his best to stop that trade, which occasioned hard words against him and violence upon his men.

In 1814 a Bangor merchant noted the hostility prevalent among the mercantile community toward Hook and his assistants in his journal:

I will here notice a circumstance singular Viz -- that there have arrived a large quantity of English goods from Fredricton, in the British Province, said to be worth some thousands of dollars, bro't in birch canoes, except the carrying places -- amongst them the trunks & packages are carried on men's shoulders, & from this place transported to Boston by land at the rate of \$7 per cwt. Some of these

goods are regularly entered and the duties paid - but many are smuggled -- and the customs house pimps & spies are vigilant & watch for their part of the prey - 'now and then, make, what they call, a good grab. I will here record their names -- Joseph & James Carr - Esq. - Saml. K. Whitting -- Esq. are officers under Hook the collector. With the under-officers, the whole, I can compare to nothing better than a hungry set of wolves, prowling after, prey upon the defenceless lamb. Thus we have here an exhibition of some of the first of the Dem. administration. However, I will remark that I do not approve of smuggling.<sup>21</sup>

This description of smugglers bringing goods from New Brunswick to Bangor is a rare insight into overland smuggling. The identification of the customs house officers is noteworthy; Joseph Carr was a Republican congressman recently turned out of office, and Samuel K. Whiting was a lawyer and future leader in Maine's statehood movement.<sup>22</sup>

Smuggling created significant stress on the local leadership in the Penobscot district. The escalating violence alarmed one junior customs official to the point that he disarmed his revenue vessel. This act earned him a vote of thanks from the people of Castine. The reaction of the local collector remains unknown.<sup>23</sup> The following newspaper article provides an impression of the outrage felt by the local populace when confronted with armed force:

*Maine*-- The situation of the people in some parts of the District of Maine is truly deplorable. On the one hand the Embargo has absolutely and literally deprived them of the means of getting clothing and bread. If they submit to these *acts* of Congress, called Embargo *Laws*, many of them, we are assured in the most solemn terms, must perish with hunger. On the other hand, if they take the only means they have to procure bread, and send their lumber to sea, they will be opposed by the sword and the bayonet. Mr. Hook,

the brother of the Collector, at Penobscot River, is now in this town, purchasing arms to butcher these unhappy sufferers if they do not tamely submit to this infernal usurpation, and die without an effort. Good God, is this the state of things to be endured? Talk of waiting another two years longer and then New-England will probably all send federalists to Congress-- then wait two years more, and perhaps a majority may be obtained, who will be honest *Americans*. Does not every man's heart revolt at such propositions, when many of our brethern of Maine, in particular, must either be *starved to death* or resist oppression at the risk of their lives? They look to the Legislature with the utmost anxiety, and they look to their fellow citizens throughout the Union for support, countenance, and aid. There is no fiction or calumny in all this. Let the serious and patriotic think attentively on these things.<sup>24</sup>

When Captain Whitney removed the guns from Penobscot's revenue cutter he clearly indicated dissatisfaction with using force to prevent his neighbors and peers from conducting illicit commerce. The incidents of mobbing the jail suggest that the populace understood the impetus to smuggle. The violence with which smugglers defended themselves suggests that they felt pushed to desperation by the federal government's commercial restrictions. The zeal with which Federalist-dominated courts harassed the collector's men reflects a complete breakdown in trust between state and national government. The Penobscot district, reliant on maritime trade as it was, rejected the notion that the federal government could prevent them from conducting trade indefinitely. "We consider the sea our FARM, and our ships our STOREHOUSES" wrote the town's elected officials in a remonstrance to Washington.<sup>25</sup>

Violence was relatively rare when smugglers encountered customhouse officials. Threats of violence and nocturnal movement of goods were more common. The following incident graphically illustrates some of the problems the government encountered in curtailing smuggling, as well as some of the typical characteristics of smuggling. In the summer of 1800 the collector of Portland seized a quantity of coffee brought illegally into that town by the brig Ranger. A Portland merchant, one Deering, owned the brig. The district attorney for Maine wrote the following account of what happened next:

The Coffee for safe keeping was deposited in the cellar of the Collectors dwelling house. It was instantly reported that Deering and his friends had threatened to take his Coffee by force from the Collectors cellar. I made such inquiry into the origin of the report, as convinced me that it was not groundless; and I advised Mr. Fosdick to call for protection upon the Commanding officer of Fort Sumner, which he did; and a file of soldiers were quartered in his house for this purpose- The Marshal and myself passed the night in the Collectors house, armed in a proper manner for his assistance and protection. Not inclining to subject his family to such an inconvenience for any length of time he deposited the Coffee in that building of Fort Sumner in which were then stored the military apparatus and other property belonging to the United States. Lieutenant Leonard the then commanding officer of the fort, rec'd it into his custody, and placed over it a guard of soldiers; which Guard was continued over it, untill it was taken away in the outrageous manner which I shall now relate-

Not many days after it was there deposited, the centinels were bribed; the building was violated and partly pulled down in the night time, and the coffee stolen and carried down to an Island in this harbour owned by the family of this same Deering; and there by the assistance of his tenant, and others whom he had seduced into this nefarious project, concealed in the woods. It was

afterwards removed from this place, but where it was carried it was never in the power of any of us to ascertain.<sup>26</sup>

This incident over a few bags of coffee demonstrates several elements common to smuggling in northern New England. First, the goods were commonplace agricultural goods. Second, the smuggler was a local merchant, who sought to use his local standing and threats to cow the collector into submission. Finally, while goods could be smuggled directly into substantial harbors like Portland's, isolated islands reached by small craft were an easier way to move goods unobserved.

Smuggling in the early republic in northern New England was not about weapons, drugs, or other exotic contraband. Rather, it involved relatively mundane goods until the War of 1812. That conflict disrupted Anglo-American trade so badly that even delicate wares such as ladies' silk gloves were passing through the rough and tumble settlements of Maine.<sup>27</sup> More common smuggling involved the staples of life, unglamorous cargoes of flour, salt pork, plaster of paris, and even lumber. The size of this smuggling trade defied the best efforts of British and American policy makers to regulate it. The very basic nature of the commodities involved in the smuggling trade ensured that it would thrive. There are few commodities as basic as food, and both Maine and the Maritime Provinces were food importers.

Smuggling in northern New England followed a pattern of American agricultural goods flowing to British colonies in contravention of British (and occasionally American) law. This pattern complemented one in which British and colonial goods entered the

United States illicitly. The export of surplus American foodstuffs had long been a mainstay of this nation's maritime commerce. Before the Revolution, American merchants provided crucial supplies of grain, fish, beef, and pork to the British West Indies and the colonies in what is today Canada.<sup>28</sup> The British government after the Revolution attempted to create a new breadbasket for its colonies in the Canadas. This notably failed, despite repeated attempts by British administrators to shut Americans out of this trade and to foster food production in British North America. Colonial consumers preferred American foodstuffs, and colonial governors, especially in the West Indies, persistently allowed American vessels to enter British ports to discharge cargoes of both food and lumber.<sup>29</sup> This exasperated some ambitious Royal Navy officers, notably the young Horatio Nelson. In the mid to late 1780s, Nelson began what was virtually a one-man campaign against illegal commerce in the Caribbean.<sup>30</sup> It was one of the few failures of his naval career.

British colonial efforts in the Maritime Provinces were equally unsuccessful. Those provinces needed American food. Restricting the flow of provisions was a highly sensitive issue that aroused the ire of a hungry populace. Until the approval of Jay's Treaty in 1795, the Navigation Acts forbade all American trade with British colonies. This reduced most American merchants involved in the West India trade to smuggling. Among their number were merchants from both New Hampshire and Maine.<sup>31</sup> British imperial policy fluctuated wildly concerning accepting American ships in colonial harbors. This inconsistency often left British colonial and American merchants in the

lurch as political decisions to halt or open trade had considerable impact on markets and profitability.<sup>32</sup> This is an important aspect of smuggling, perhaps even the definitive one. Smugglers followed natural patterns of trade that evolved over centuries to the contravention of laws that fluctuated. Smuggling remained constant; governmental policy changed.

The primary American commodity smuggled to British colonies was flour, followed by saltbeef, salt pork, and naval stores. These were necessities that British colonies could not grow or produce in sufficient quantity to meet demand. New Englanders often smuggled these goods after buying them in the southern or middle states. The basic nature of these goods gave smugglers a degree of anonymity. The seemingly endless demand for flour in Maine during the embargo of 1807 (in reality headed for British markets in the Maritimes) drew wry comments and drastic actions from American policy makers.<sup>33</sup>

The primary goods smuggled from the Maritime Provinces into northern New England were plaster of paris (gypsum), millstones, and British manufactured goods. Plaster of paris and millstones arrived in the United States from New Brunswick, where mining gypsum and cutting millstones formed an important part of the economy. Rather than pay the high duty charged for imported British goods, small vessels brought the plaster and millstones surreptitiously to American merchants and ships gathered on the uncertain boundary line that ran through Passamaquoddy Bay. American merchants traded contraband (such as foodstuffs) with their British counterparts. This practice

thrived from the 1790s throughout the period considered, and made the Passamaquoddy region a hotbed of smuggling.<sup>34</sup> At least one British official observed that the only honest traders in New Brunswick were those who lived far away from the temptations of smuggling on Passamaquoddy Bay.<sup>35</sup>

Smuggling is by definition a furtive process. It requires either stealth or subterfuge. Ships involved in smuggling relied on remote anchorages, surreptitious sailings, false paperwork, or, in rare and extreme cases, false names painted on their stern or hiding of illegal cargoes under bulkier legal cargoes. Table 6 indicates that the majority of vessels involved in smuggling were open boats. Schooners, although fewer in number, possessed greater tonnage, and thus may be considered the most important of the smuggling vessels. Larger vessels, such as brigs and ships, are a useful indicator of how desperate merchants were to trade. Full rigged ships were only apprehended four times in the period, and then only in the darkest years for American merchants as embargo and war devastated normal, legal trade patterns.

In Passamaquoddy open boats traversed the small distance between the British and American sides of the border. During the embargo this became a booming business. Boats, rafts, skiffs, reach boats, and canoes participated in the profitable contraband trade.<sup>36</sup> Small craft also lightered goods ashore from larger vessels in remote harbors such as Deer Isle.<sup>37</sup> The ubiquity of these craft allowed smugglers to use them with a measure of impunity.



Table 6 also indicates the *when* of smuggling. Using the numbers of vessels caught smuggling establishes a crude idea of when smuggling activity peaked. After 1807 American restraints on trade imperiled the economic safety of many American merchants with over-extended credit. The result was a booming smuggling trade on Maine's coast. This commerce continued during the disputes between the United States and Great Britain until the 1820s. Even during the War of 1812 significant numbers of American vessels traded with the British. This leads to two conclusions. First, there were two periods of smuggling activity. *Ordinary* smuggling occurred between 1789 and 1807. The American maritime economy was booming during that period, and while smuggling existed, it did not seriously threaten the functions of the federal government. *Extraordinary* smuggling began in 1808 and continued until 1820. American sea-borne commerce experienced severe setbacks during this period due to embargo, war, and a post-war economic slump. Extraordinary smuggling was a more diverse trade, involving more specie and manufactured goods than ordinary smuggling. It also involved far more violence and merchants from farther afield than the coast of Maine. Extraordinary smuggling threatened the security of the nation. For example, the smuggling trade in Castine was so brisk after British occupation that the federal government considered it a serious drain of the nation's specie.<sup>38</sup> The British utilized Castine to dump manufactured goods in the U.S. and buy American agricultural produce, a tactic utilized successfully in Europe to undermine Napoleon's authority.<sup>39</sup> While extraordinary smuggling might offer greater profits, it also offered greater risk.<sup>40</sup>

**Table 6: Numbers and Rigs of Vessels Successfully Prosecuted in the Federal District and Circuit Courts of the District of Maine, 1789-1820.**

<b>Year</b>	<b>Boats</b>	<b>Sloops</b>	<b>Schrs.</b>	<b>Brigs</b>	<b>Ships</b>	<b>Total</b>
<b>1790</b>			1			1
<b>1791</b>			1			1
<b>1792</b>						0
<b>1793</b>						0
<b>1794</b>		2	2			4
<b>1795</b>			2			2
<b>1796</b>		1				1
<b>1797</b>			1			1
<b>1798</b>			2			2
<b>1799</b>	1					1
<b>1800</b>	1		1	1		3
<b>1801</b>						0
<b>1802</b>	1					1
<b>1803</b>						0
<b>1804</b>						0
<b>1805</b>			1			1
<b>1806</b>						0
<b>1807</b>			1			1
<b>1808</b>	42	2	6	1	1	52
<b>1809</b>	2	3	8			13
<b>1810</b>			4			4
<b>1811</b>	1	1	1			3
<b>1812</b>	7	6	11	1		29
<b>1813</b>	9	3	10			22
<b>1814</b>	13	1	9	1	2	31
<b>1815</b>	5	2	8	1	1	17
<b>1816</b>	5	1	2			8
<b>1817</b>	7	1	4	1		13
<b>1818</b>	14	1	5			20
<b>1819</b>	1	3	4	1		9
<b>1820</b>	5	2	5			12
<b>TOTAL</b>	114	29	89	7	4	247

*Source:* U.S. Congress. House. "Account of Penalties and Forfeitures recovered, in the District and Circuit Courts of the United States, for the District of Maine, for breaches of the laws of Revenue and Navigation in that District." 20th Cong., 2d sess. H. doc. 146.

The smugglers themselves were not cutthroats or pirates; generally, they were ordinary merchants, farmers, and sailors. Many merchants smuggled. Small local merchants like Joseph Leavitt of Bangor engaged in this practice, in his case to recoup losses inflicted by the War of 1812. Even William King, the richest merchant in the district, took part in smuggling during the embargo and War of 1812. Both merchants denied being smugglers.<sup>41</sup> As a militia officer, King gave strict orders to suppress smuggling. As a private individual he traded with the British.<sup>42</sup> In extraordinary times merchants from as far away as New York came personally to remote Passamaquoddy to take part in the illicit flour trade with Britain. John Clap was one such merchant. He attempted to smuggle a cargo of provisions across the border "in eight different boats, vessels, & rafts." Federal authorities caught him red-handed and successfully prosecuted Clap.<sup>43</sup> British merchants established themselves in those parts of Maine occupied by the British army in 1814. In ports such as Castine, they set up a thriving illicit trade.<sup>44</sup> John Young was a Halifax, Nova Scotia, merchant who came to Castine to participate in the profitable trade with the enemy. Apparently, he was not a man for half measures. Not only did he buy smuggled goods from willing Americans, he also avoided the 5 percent duty imposed by British customs officials. His methods of smuggling included packing tobacco, soap, candles, and other American goods in barrels of codfish. His justification was of ancient vintage: "We are you know creatures of imitative habits & as all around me are smuggling I am beginning to smuggle too."<sup>45</sup>

Legal records often identified fishermen as smugglers. Fishermen lived in remote communities, often on islands. They frequented the shores of the British provinces. The temptation to sell relatively cheap American foodstuffs in return for scarce British manufactured goods proved too great to resist. This was smuggling on a small scale: a bag of coffee, a few millstones, a barrel of salt pork. Small fishing schooners like the Morning Star conducted this trade. Federal authorities caught that ship smuggling in Burnt Coat Harbor.<sup>46</sup> Collectors named fishing communities such as Penobscot, Deer Isle, Frenchman's Bay, Cranberry Islands, Fox Islands, Mt. Desert, Little River, and Passamaquoddy as smuggling centers, both in ordinary and extraordinary periods of smuggling.

The timber industry also suffered from the perception that it participated in smuggling and anti-social behavior. One English visitor to Maine commented that the lumbermen were "nurtured, not only in habits of idleness, intemperance, and dishonesty, but in the habits of an outlaw and desperado."<sup>47</sup> It was certainly an industry that relied almost entirely on the export trade. The embargo of 1807 and the War of 1812 were very hard on Maine's many timber ports. Buckstown was one timber town often mentioned in connection with illicit trade; even President Jefferson himself mentioned it as a community given to infractions of his embargo.<sup>48</sup>

In defense of the smugglers, Maine's ports were hard-scrabble communities, newly settled, and overly-reliant on exports to the British empire. It was difficult to make a living in these settlements, and local residents did what they had to do to feed their

families. Even in the long-settled town of York (established in the 1620s) times were hard enough to promote a thriving underground trade. Smuggling, except in extraordinary times, was the last resort of impoverished men and their families. Smuggling appears not to have been an act of greed, but of self-preservation.

The people of Passamaquoddy found it profitable to assist both smugglers and law enforcement authorities. Smuggling flour across the border brought a rate as high as \$3.00 per barrel; working for the customs collector brought \$2.00 a day.<sup>49</sup> Locals thus took advantage of whatever opportunities came to hand. One wag made the comment that “So profitable was the boating business [smuggling], and the standing guard, that the poor people had suddenly become rich.”<sup>50</sup>

Smuggling became prevalent again during the War of 1812. Castine's occupation by the British in September of 1814 set off a frenzy of smuggling. The British garrison welcomed locals with foodstuffs and lumber. The occupation forces paid for supplies in specie. British merchants also came to the town to trade with their American counterparts. The letters of one British merchant survive to detail the traffic and leave the impression of a community gone mad with commerce. British merchants jammed the town with manufactured goods and sold them to eager American merchants in return for fish, lumber, tobacco, provisions, shoes, and other goods. Few seemed bothered by the stigma of trading with the enemy.<sup>51</sup>

Smuggling was a means of survival for those on the periphery of society. On rare occasions it became a politically inspired, mainstream activity. On no occasion were the

people happy to smuggle. If legitimate, profitable avenues of trade existed, merchants generally conformed to them, in Maine as elsewhere. There was little truly romantic about smuggling; it was merely an unsavory part of trying to survive in difficult times.

Smuggling represented a significant threat to the federal government. The loss of revenue at the hands of unscrupulous persons engaged in smuggling deprived the government of much-needed revenue. Whether this threat was actual or merely perceived remains to be explored. It should be no surprise then that the federal government directed considerable energy to curb smuggling. The maritime nature of Maine's populace, the proximity of lucrative markets in the British provinces of New Brunswick and Nova Scotia, and the lawlessness endemic in any frontier society combined to make Maine the haven of large numbers of smugglers.

Violence was the last resort of the smuggler, and a distinguishing feature of extraordinary smuggling. Smugglers usually chose stealth, cunning, or bluff rather than violent resistance. For instance, antipathy to collectors was so great downeast that mobs threatened to burn down the collector's home at Passamaquoddy. The federal government took this threat very seriously. At the Treasury Department's request, the secretary of war dispatched a company of soldiers to Passamaquoddy in 1808 to support the beleaguered collector. A populace entirely in sympathy with the smugglers, intimidated, bribed, and encouraged the soldiers to desert.<sup>52</sup> Not all collectors were hated, however; some are remembered as pillars of the community. It was a time of very personal government; an individual officeholder's personality played a large role in his

effectiveness. Some collectors even sympathized with merchants who had to resort to smuggling. The collector of Waldoborough's name appeared on a petition to Thomas Jefferson to end the embargo.<sup>53</sup> The collector of Frenchman's Bay was willing to charge the duty for brown sugar on more valuable white sugar.<sup>54</sup> The collector of Penobscot obtained a false British register for a ship he built in Maine.<sup>55</sup> The collector of Bath allowed local merchants to trade with the enemy in time of war.<sup>56</sup> Clearly, even government officials had ambiguous feelings concerning the smuggling trade. The federal government placed the collectors in an awkward position when it made demands that conflicted with the desires of the ports they administered.<sup>57</sup> Some failed to fulfill their duties and suffered dismissal. Others suffered persecution by their own neighbors.

A study of the smuggling trade reveals three lessons. First, New Englanders in general seem to have had few qualms about engaging in illicit commerce. Second, it followed both ordinary and extraordinary patterns with a difference in violence levels. Third, smuggling represented a breakdown in law and order that placed enormous stress on customhouse officials, many of whom failed to uphold the commercial laws. The rampant smuggling in Maine between 1808 and 1815 was a trial for all society, and seriously strained federal authority. Trade truly ruled coastal New England; if it could not be conducted legitimately, then illicit means were found. All classes participated, as did both Federalists and Republicans. In some instances, this participation extended to the collectors themselves.

<sup>1</sup> Samuel Johnson, cited in John O. Coote, The Norton Book of the Sea (New York: W.W. Norton & Co., 1989), 332.

<sup>2</sup> Annals I, 299 (May 9, 1789) quoted in Leonard D. White, The Federalists: An Administrative History (New York: The Macmillan Company, 1948; paperback reprint, New York: The Free press, 1965), 460.

<sup>3</sup> John D. Forbes, "Boston Smuggling, 1807-1815" American Neptune, 10 (April 1950): 154.

<sup>4</sup> Horace Beck, Folklore and the Sea (Middletown, CT: Wesleyan University Press, 1973), 349.

<sup>5</sup> See the article entitled "Smuggling," Cumberland Gazette (Portland, ME), June 12, 1789.

<sup>6</sup> See William R. Castro, "The Origins of Federal Admiralty Jurisdiction in an Age of Privateers, Smugglers, and Pirates," American Journal of Legal History, 37 (April 1993): 117-157.

<sup>7</sup> Melatiah Jordan to Alexander Hamilton, July 1, 1791, PAH.

<sup>8</sup> John Foster Williams, "Log of the First U.S. Revenue Cutter *Massachusetts*," photocopy of Ms., U.S. Coast Guard Historian's Office, Washington, DC.

<sup>9</sup> Stephen Decatur to Secretary of the Navy Robert Smith, September 6, 1808, in NA M-125, "Captain's Letters" (hereafter as M-125).

<sup>10</sup> New York Evening Post (New York, NY), February 11, 1809.

<sup>11</sup> Edward Trenchard to Secretary of the Navy Robert Smith, August 9, 1808 in NA M-148, "Letters Received by the Secretary of the Navy from Officers Below the Rank of Commander" (hereafter as M-148).

<sup>12</sup> Harvey Strum, "Smuggling in Maine during the Embargo and War of 1812," Colby College Quarterly, 19 (June 1983): 92.

<sup>13</sup> W.G. Pillsbury to the Commanders of the *Chesapeake*, *Wasp*, and *Argus*, November 15, 1808, NA M-149, "Letters Sent by the Secretary of the Navy to Officers."

<sup>14</sup> *United States v. Thomas Cunningham*, Records of the U.S. District Court, Maine, Ms. at New England Regional Branch of the National Archives, Waltham, MA.

<sup>15</sup> *Ibid.*, *United States v. Eliakim Darling*, jun..

<sup>16</sup> David Perham to Josiah Hooke, Jr., Esq. November 25, 1823, in U.S. Congress. House. "Report of the Committee of Claims on the bill from the Senate, for the relief of Josiah Hook, jun.," 18th Cong., 1st sess., 1824. H.R. 46, 25.

<sup>17</sup> George Augustus Wheeler, History of Castine, Penobscot, and Brooksville, Maine (Bangor: Burr & Robinson, 1875), 160.

<sup>18</sup> See the Eastern Argus (Portland, ME) for all of 1814 for descriptions of smuggled British manufactured goods in U.S. Marshal's auctions.

<sup>19</sup> Ronald F. Banks, Maine Becomes a State: The Movement to Separate Maine from Massachusetts, 1785-1820 (Middletown, CT: Wesleyan University Press, 1970; reprint, Portland, ME: Maine Historical Society, 1973), 101-102.



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- <sup>20</sup> Eastern Argus (Portland, ME), December 8, 1814.
- <sup>21</sup> August 1814 entry, "Diary of Joseph Leavitt," photocopy of TMs. in Bangor Public Library, Bangor, ME.
- <sup>22</sup> Banks, 73.
- <sup>23</sup> William Henry Kilby, Eastport and Passamaquoddy (Eastport, ME: Edward E. Shead & Company, 1888), 145.
- <sup>24</sup> New York Evening Post (New York, NY), February 11, 1809 [reprinted from the Boston Repertory].
- <sup>25</sup> Wheeler, 78-80.
- <sup>26</sup> Daniel Davis to Albert Gallatin, April 5, 1803., Nathaniel Fosdick entry, M-418.
- <sup>27</sup> U.S. Congress. House. "Account of Penalties and Forfeitures recovered, in the District and Circuit Courts of the United States, for the District of Maine, for breaches of the laws of Revenue and Navigation in that District." 20 Cong., 2d sess., H. R. 146. 1826.
- <sup>28</sup> John J. McCusker and Russell R. Menard, The Economy of British North America, 1607-1789 (Chapel Hill, NC: University of North Carolina Press, 1991), 109, 114.
- <sup>29</sup> Gerald S. Graham Sea Power and British North America, 1783-1820: A Study in British Colonial Policy (Cambridg, MA: Harvard University Press, 1941; reprint, New York: Greenwood Press, 1968), 189.
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- <sup>31</sup> *Ibid.*, 180-181.
- <sup>32</sup> Graham, 63.
- <sup>33</sup> Thomas Jefferson to Albert Gallatin, October 4, 1808, PAG.
- <sup>34</sup> Graham, 168.
- <sup>35</sup> George Leonard to President of His Majesty's Council, September 27, 1806, in Graham, 171.
- <sup>36</sup> The best account of smuggling at Passamaquoddy remains Kilby's History of Eastport and Passamaquoddy.
- <sup>37</sup> Albert Gallatin to Robert Smith, June 4, 1808 PAG.
- <sup>38</sup> Stagg, 471, 477.
- <sup>39</sup> See Walter Ronald Copp, "Nova Scotian Trade During the War of 1812," Canadian Historical Review, 18 (1937): 141-155, for a description of the extent of illegal trade with British possessions.
- <sup>40</sup> Alan S. Taylor, "The Smuggling Career of William King," Maine Historical Society Quarterly, 17 (Summer 1977): 24.
- <sup>41</sup> See "Diary of Joseph Leavitt" in note 21 above, and William King and Mark L. Hill, Remarks Upon a Pamphlet Published at Bath, Maine, Relating to Alleged Infractions of the Laws During the Embargo, Non-Intercourse, and War (Bath, ME: Thomas Eaton, 1825).
- <sup>42</sup> Taylor, 36.

<sup>43</sup> United States v. John Clap of New York, Records of the U.S. District Court, Maine.

<sup>44</sup> See D.C. Harvey, "Pre-Agricola John Young, or a Compact Family in Search of Fortune," Collections of the Nova Scotia Historical Society 32 (1959): 125-159, for a detailed account of smuggling in Castine.

<sup>45</sup> John Young to William Young, February 6, 1815, *ibid.*

<sup>46</sup> United States libel v. Schr. Morning Star & Lading, Records of the U.S. District Court, Maine.

<sup>47</sup> E.A. Kendall, Travels Through the Northern Parts of the United States (New York, 1809), 3: 75-76 quoted in Graeme Wynn "Deplorably Dark and Demoralized Lumberers?" Journal of Forest History, 24 (October 1980): 168.

<sup>48</sup> Thomas Jefferson to Albert Gallatin, November 13, 1808, PAG.

<sup>49</sup> Kilby, 145.

<sup>50</sup> Eastern Argus (Portland, ME), June 16, 1808, in Jamie H. Eves, "'The Poor had Suddenly Become Rich' a Boom in Maine Wheat," Maine Historical Society Quarterly, 27 (Winter 1987): 130. An excellent article on Maine smuggling, although Eves labors under the misconception that the flour smuggled at Passamaquoddy came from New England. Almost all the flour at Passamaquoddy came from New York, Pennsylvania, the Chesapeake, and the Carolinas.

<sup>51</sup> Harvey, 125-142.

<sup>52</sup> David Zimmerman Coastal Fort: A History of Fort Sullivan, Eastport, Maine (Eastport, ME: Border Historical Society, 1984), 21.

<sup>53</sup> Jasper Jacob Stahl, History of Old Broad Bay and Waldoborough (Portland, ME: The Bond Wheelwright Company, 1956): 2:107.

<sup>54</sup> Richard A. Savage, "The Collectors of Old Frenchman's Bay," New England Galaxy, 14 (Winter 1973): 25-26.

<sup>55</sup> John Lee to Nathaniel Mills, October 23, 1791, JLL.

<sup>56</sup> Taylor, 32.

<sup>57</sup> Richard James Mannix, "The Embargo: Its Administration, Impact, and Enforcement," (Ph.D. diss., New York University, 1975), 236-240.

## CONCLUSION

In the summer of 1817 President James Monroe conducted a tour of New England, during which he stopped in the village of Kennebunk, Maine. His eastern tour went far to heal a nation still suffering the effects of the War of 1812. Monroe's speech in Kennebunk reflected his effort to bring the nation back together; he told his audience: "how much we are one people, how strongly the ties, by which we are united, do in fact bind us together; how much we possess in reality a community, not only of interest, but of sympathy and affection."<sup>1</sup>

This small incident is illustrative of the major themes of this thesis. Kennebunk was a maritime community, entirely reliant on the sea for its prosperity. It petitioned for the creation of a customs district centered around Kennebunk in the late 1790s, perceiving it as crucial in maintaining the area's prosperity.<sup>2</sup> The community regarded sea-borne commerce as "legitimate as the air we breathe," and had bitterly opposed Jefferson and Madison's commercial restrictions.<sup>3</sup> It was a notoriously Federalist community, as were many seaports. Maritime commerce, prosperity, and federal

authority were major issues of the early republic. The focus of all three was the customhouse and its principal officer, the customs collector.

Kennebunk's collector in 1817 was Joseph Storer, who is representative of many Republican collectors. He was a merchant and the local postmaster before becoming collector in 1810.<sup>4</sup> He received his position through his political connections. In 1808 he married Priscilla Cutts, sister of Congressman Richard Cutts, a man who favored Maine's separation from Massachusetts. Cutts had the fortune to marry Dolly Madison's sister and enjoyed considerable influence with President Madison.<sup>5</sup> Storer thus possessed the prestige of association with important men in Washington. Unlike his Federalist predecessor, Storer did not build a neoclassical mansion. With typical Republican modesty, Storer updated his father's old fashioned colonial home with some elements of the new style.<sup>6</sup> His modesty belied his means: he was Kennebunk's highest taxpayer for many years.<sup>7</sup>

Kennebunk, like many other Maine communities, suffered from the social and legal chaos smuggling brought during the embargo of 1807 and War of 1812. In Kennebunk smuggling manifested itself most visibly during the War of 1812, when many wagons and sleighs loaded with contraband traveled through the town from British occupied territory bound for markets to the south. This traffic was known as the "Horse Marine." Kennebunk's newspaper described this overland smuggling trade in nautical terms: "Arrived, November 6, at noon two horse cutters, 'Timothy Pickering' and 'Quincy Cannon Ball,' Commodore Delande, from Portland for Boston. Spoke on

passage sixteen ox schooners from Bath for Boston, cargo, tin plate; all well. Also saw on Scarborough turnpike a suspicious looking cutter, which we escaped by superior sailing.”<sup>8</sup> The specious names of the horse cutters belies the owners’ Federalist sympathies. The south-bound ox schooners carried tin plate, a well-known British manufactured item. The suspicious looking cutter was, of course, manned by customs officials whom the smugglers outran. This article displayed the complete disruption of the coasting trade by the war, the large scale of smuggling, and the distrust with which the commercial community viewed federal officials.

Kennebunk was a largely Federalist community. It had a strong Congregationalist church and was reliant on sea-borne commerce. Even in 1819 it remained both Federalist and anti-separation from old Massachusetts.<sup>9</sup> Kennebunk did not suffer much during the War of 1812. It also possessed an unusually large ratio of registered tonnage compared to coasting tonnage.<sup>10</sup> Kennebunk never experienced the disruption felt by many Maine communities during the war, and so never turned its back on old Massachusetts. Its coasting tonnage was less important than in most ports, so the 1819 revision of the coasting laws held little attraction. To the very last, the community opposed separation.

Despite their political sympathies, the people of Kennebunk turned out a fine reception for President Monroe. This included the traditional militia escort, cannon salutes, and ringing church bells. Monroe’s call for reconciliation pleased the community. But the President did not share a meal with the Federalist hierarchy of Kennebunk. He had luncheon with the port’s customs collector.<sup>11</sup>

Monroe's lunch with Collector Storer points out the importance of the collectors both nationally and locally. A key element in the development of the United States was the creation of an effective bureaucracy. Customs collectors represented an important part of that process; customs duties funded the new government. The collectors were individuals who possessed strong connections to local, state, and national government. They were often friends of, or were related to, men of national importance, as was Storer. Their prestige and influence within their own communities is reflected in the architecture of their homes and in federal structures such as lighthouses. As members of their communities' elite, the collectors exerted considerable influence in local politics. Smuggling challenged all collectors and brought them into conflict with their communities.

The collectors linked their communities to the national government. They helped establish federal authority in a variety of ways. Patronage was one such link. Jobs, pensions, and building contracts offered tangible benefits to those adhering to the new government. Another was regulation. Via the medium of customs collectors, the federal government gave the coastal commercial communities a commercial stability unknown since colonial times. That regulation helped allow the unprecedented prosperity of those ports. In turn, the nation's seaports generally supported the federal government.<sup>12</sup> Kennebunk actually petitioned the government for the privilege of that regulation. In the two instances when the federal government attempted to halt overseas commerce, the port communities resorted to massive smuggling. Illicit trade diminished federal revenues

and promoted disrespect for the national government. Completely reliant on overseas commerce, Kennebunk prospered and suffered at the whim of the federal government.

Smuggling tested all the collectors. This was especially true during the embargo of 1807 and War of 1812. Some collectors completely failed these tests, and actively abetted smugglers. Others reached a private compromise with their communities and indulged in a degree of favoritism toward some merchants. A few adhered strictly to the federal laws and those few earned the enmity of their communities. Collector Storer appears to have been lucky in that Kennebunk was largely unsuitable for smugglers. Little controversy seems to have arisen in that port during the War of 1812, although the community's merchant elite certainly opposed the conflict.

As members of the local elite, the collectors possessed a mixture of loyalties to their communities, state, and nation. Their power as state and local leaders enhanced their prestige and power as federal officers. During the embargo of 1807, Maine's coastal communities and the state of Massachusetts combined to resist the authority of what they perceived as an oppressive federal government. Popular will cowed many customhouse employees from fully enforcing the unpopular commercial laws. During the War of 1812, the balance shifted. Maine's coastal communities and representatives of the federal government made common cause against the authority of Massachusetts. Kennebunk's local congressman during the War of 1812 represents the ambiguous feelings many had about state and federal authority. Federalist Cyrus King (brother of William and Rufus King) ousted Republican Richard Cutts from his congressional seat in 1812 on an anti-

war, anti-Washington platform. Yet he was a strident proponent of statehood for Maine.<sup>13</sup> Ultimately, Maine sought separation from Massachusetts, but statehood became assured only with a change in the laws collectors enforced.

Collectors promoted federal authority in the early republic. In the nation's coastal communities, they essentially *were* the federal government. They were common and highly visible officials, whose functions were important on both a local and national scale. A knowledge of their activities permits a better understanding of the maritime communities' relationship with the federal government in the early republic. They were diverse individuals who helped establish the authority of the fledgling United States. In Maine, as elsewhere, they were at the center of seaport economic and political activity and acted to bind the ports to the national government.



<sup>1</sup> Noble E. Cunningham, Jr., The Presidency of James Monroe (Lawrence, KS: University Press of Kansas, 1996), 36.

<sup>2</sup> Joyce Butler, "Rising Like a Phoenix: Commerce in Southern Maine, 1775-1830," in Laura Fecych Sprague (ed.), Agreeable Situations: Society, Commerce, and Art in Southern Maine, 1780-1830 (Kennebunk, ME: Brick Store Museum, 1987), 22.

<sup>3</sup> Edward E. Bourne, LL.D., The History of Wells and Kennebunk (Portland, ME: B. Thurston & Company, 1875), 593, quoting Resolves of the Town of Wells, January 23, 1809.

<sup>4</sup> *Ibid.*, 754.

<sup>5</sup> Ronald F. Banks, Maine Becomes a State: The Movement to Separate Maine from Massachusetts, 1785-1820 (Middletown, CT: Wesleyan University Press, 1970: reprint, Portland, ME: Maine Historical Society, 1973), 45.

<sup>6</sup> See James Deetz, In Small Things Forgotten: The Archeology of Early American Life (New York: Doubleday, 1977), chapter five, "I Would Have the Howse Stronge in Timber," 92-119, for a fascinating analysis of early American architecture, including the updating of older structures with more fashionable facades.

<sup>7</sup> Richard M. Candee, "'The Appearance of Enterprise and Improvement': Architecture and the Coastal Elite of Southern Maine," in Laura Fecych Sprague (ed.), Agreeable Situations: Society, Commerce, and Art in Southern Maine, 1780-1830 (Kennebunk, ME: Brick Store Museum, 1987), 78-79.

<sup>8</sup> Butler, 29, quoting November 1814 Weekly Visitor (Kennebunk, ME).

<sup>9</sup> Banks, 137.

<sup>10</sup> Butler, 30.

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<sup>12</sup> Butler, 22.

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