

Yeaton and Others, Claimants of the Schooner General Pinkney and Cargo v. The United States: The Case, the History, and the Impact

By: Magaly Bittner
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Abstract: On February 28, 1806 Congress passed an embargo against any part of St. Domingo not in possession by the French Government. There was much debate regarding the embargo and the international politics regarding the Haitian Revolution. On August 23, 1806 the Schooner General Pinkney, owned by William Yeaton set sail from the port of Alexandria for St. Jago de Cuba, but instead went to the prohibited port of Cape Francois, St. Domingo. In addition to this ship, another ship owned by William Yeaton, the Schooner Betsey and Charlotte also took the same course on September 23, 1806. Both were held in violation of the embargo, but only the Betsey and Charlotte was condemned. This paper will examine the history behind the embargo, the cases of *the General Pinkney* and *the Betsey and Charlotte*, and the effects the *General Pinkney* had on America's legal field.

Discipline: Admiralty, History of the United States

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I. Introduction

During Thomas Jefferson's presidency he encouraged the independence of Saint Domingue¹, now Haiti, from France. However this prompted many debates because President Jefferson did not recognize the rebel regime, passed laws to end trade, and even embargoed trade with the "rebels" in Saint Domingue.

The embargo was signed into law on February 28, 1806, and was the first of many embargos during Thomas Jefferson's presidency. This embargo led to many condemnations of ships for violating the embargo, one case was *Yeaton and Others, Claimants of the Schooner General Pinkney and Cargo v. The United States*, 5 Cranch 281 (1809), which has influenced the American legal field since its ruling.

II. History of the Haitian Revolution

The Haitian slave revolution began in August 1791. The revolution sparked the emergence of "Afro-America on the scene of international" and domestic politics because the Haitian rebels defeated all armies sent against them, including the British, French and Spanish.²

The revolution worried President Jefferson because he had encouraged the revolution and the subsequent independence of Saint Domingue from France. Yet he refused to recognize the regime. President Jefferson warned others, especially southern planters, about the danger of the revolution.³ President Jefferson's fear and his loyalty to the southern planters was clearly seen in some of his letters to his close advisors, even

¹ During this time the French colony was called Santo Domingue and St. Domingo interchangeably. Haiti refers to the portions of the colony under "rebel" control.

² Tim Matthewson, *Jefferson and the Nonrecognition of Haiti*, 140, Proceedings of the Am. Philosophical Soc'y., No. 1, Mar., 1996, at 22-48.

³ *Id.* at 22.

before his presidency. In 1799 then Vice-President Jefferson wrote to his future Secretary of State James Madison explaining his warnings, and expressing a need for a gradual emancipation in Saint Domingue.⁴ He further stated, “if something is not done, and soon done, we shall be the murderers of our children.”⁵ President Jefferson knew he could not continue to encourage and support the “rebel” resistance.

In 1802, Napoleon Bonaparte sent forty-four thousand men, led by Charles Leclerc, to fight the rebels in Saint Domingue, but twenty-two months later only seven thousand men had survived. After almost two years, the French troops withdrew from the island, giving Haiti a victory. President Jefferson held a policy of neutrality from 1802-1803, but this neutrality actually “starved the French and aided the blacks.” This was because the French did not have the warships or the financial resources to continue their efforts to reclaim the colony.⁶ This stance of neutrality by President Jefferson strained the tensions between France and the United States so greatly that the French chargé Louis A. Pichon recommended to France that the United States be seen as a co-belligerent. Due to the United States’ status as a co-belligerent Bonaparte began to launch a diplomatic offensive against United States commerce.⁷

Yet, despite President Jefferson’s claims of neutrality and support for the rebels, when the new ruler of Haiti, General Jean-Jacques Dessalines, sent him a letter asking that the two countries have closer commercial and political ties, President Jefferson ignored this letter.

⁴ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 22, citing Jefferson to Madison, 5 Feb. 1799, Ford, ed., *Writings of Jefferson*, 7:343.

⁵ *Id.*

⁶ *Id.* at 23.

⁷ *Id.* at 24.

III. The Revolution's Effect on the United States

In the early 1800s many slave conspiracies were occurring in the southern states in the United States. The Gabriel conspiracy occurred in 1800 and the Easter Plot in 1802. Both occurred in Richmond, Virginia. It was widely believed amongst those in the United States that these conspiracies, which involved thousands of slaves, were inspired or even led by missionaries of treason from Saint Domingue, possibly even white Frenchmen. In 1803, the mind-set across the United States was that "Virginians had narrowly escaped the fate of a Dominguan-type revolution."⁸ This belief led the southern conservative's reaction to the revolution, which was seen in effect by laws passed by the southern states targeting slaves and freed slaves. An example of a law passed by Virginia was any recently freed slave was to leave the state within one year. These types of laws "encouraged new systems of surveillance and control, especially for free blacks, whom southerners thought to be dangerous incendiaries, owing to their role in the Dominguan revolution."⁹

Not only was President Jefferson faced with the fears of the southerners in the United States, but he also needed to consider the need and want for expansion of land within the United States. This need for expansion of land within the United States was triggered in part by the Collapse of Saint Domingue's exports due to the revolution and the Louisiana Purchase with the French Government.¹⁰

However even with President Jefferson opposing General Dessaline's regime in the newly freed Haiti and Bonaparte's threats to consider the United States an enemy to

⁸ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 25.

⁹ *Id.* at 25, citing William S. Jenkins, *Pro-Slavery Thought in the Old South*, 1935, 63, passim; Jordan, *White over Black*, 24, 399-402.

¹⁰ *Id.*

France, American merchants still had close commercial ties with the new Haitian regime. In early 1804 French generals, Marie-Louis Ferrand and J. Lavalette, organized commands in Santo Domingo and eastern Cuba to attempt to reestablish a credible claim to Haiti. General Ferrand intended to place forces in Santo Domingo City in an attempt to restore French sovereignty over the island. But General Ferrand did not have enough troops to even attempt to reclaim Santo Domingo. Due to this he authorized attacks on American merchants who were supplying or had supplied the rebel armies with provisions, arms and ammunition during the previous expedition by Leclerc in 1802. General Ferrand and General Lavalette both issued letters of marque, commissioned privateers, and allowed them to seize American ships that traded contraband of war with the Haitian rebels.¹¹

Leaving from both Cuba and Santo Domingo City, the French privateers used “piratical methods to capture American merchantmen.” The North American merchants began arming themselves in self-defense to fight off the many assaults on the American traders. These attacks led to cries for help from the American people to the Jefferson Administration. President Jefferson gave a speech to the Ninth Congress of the United States at the beginning of the 1805 Session. In this speech President Jefferson discussed the complaints he was receiving from American merchants about the attacks and the urgent need to arm their merchant vessels. President Jefferson said, “that individuals undertak[ing] to wage private war, independently of the authority of their country, cannot be permitted in a well ordered society” and called for change.¹² The American ships were being looted, sunk, and their crews were being forced into their lifeboats. Despite all of

¹¹ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 26.

¹² 9 Annals of Cong. 26 (1806).

these issues American exports to the French West Indies, including Haiti, increased from \$3.6 million in 1804 to \$7.4 million in 1805.^{13 14}

Once again chargé Pichon argued that the American merchants were conducting a “private and piratical war against a power with which the United States [is] at peace,” and he threatened warlike measures if President Jefferson did not create a trade embargo between the United States’ and Haiti.¹⁵ In Pichon’s letter to Secretary of State James Madison, on May 7, 1804, he said, he would be “wanting in his duty if he did not vindicate...the rights and dignity of his Government, which are openly injured,” and warned the Secretary of State

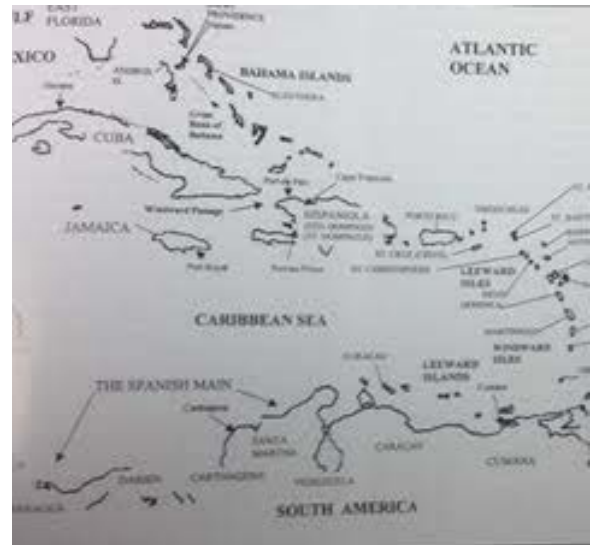


Figure 1: Map of ports of the West Indies in the 19th Century.¹³

that if the trade continued the peace between the two nations would be “subject to injury.” The chargé of France even stated that the silence of the United States “appear[ed] to offer an excuse, and even a sort of encouragement” to the rebels.¹⁶

Similar thoughts as Pichon’s were told by the Envoy of Great Britain in a letter to James Madison sent on August 31, 1804:

It cannot, I conceive, but be justly considered, that such armaments, on the part of the citizens of a neutral State, must be attended with consequences prejudicial to a belligerent Power, and may, therefore, be deemed rightly as offensive, for which reason the law of nations has stated

¹³ Photo: Peter Graham Fish, *Federal Justice in the Mid-Atlantic South: United States Courts from Maryland to the Carolinas, 1789-1835*, 73 (Duke U. 2002).

¹⁴ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 27.

¹⁵ *Id.* at 27, citing Pichon to Madison, 7 May 1804, *ASP: FR*, 1:304.

¹⁶ 9 *Annals of Cong.* 28 (1806).

one of the first obligations of neutrality to be that of abstaining from all participation in warlike expeditions.¹⁷

Both the words of the chargé and Envoy to Great Britain illustrated the belief that the acts of the American Merchants violated the Law of Nations and called for an end to the trade with the rebels.

The Jefferson Administration continued to defend American trade with Haiti despite all of the criticism, but the Secretary of State James Madison instructed the United States minister in Paris to investigate a possible compromise with France on the issue of trade. The compromise that was agreed upon would be that the “United States would prohibit American merchants from trad[ing] in contraband, if the powers agreed to protect noncontraband commerce.” This demonstrated the Jefferson Administration’s policy shift because prior to Haitian independence, President Jefferson and former President Adams had both stood against the French demands for embargos, but now the Jefferson Administration was prepared to institute the embargo. Secretary of State Madison had raised the subject of the Haitian embargo and asked Congress to pass one. He stated he need for one was mainly due to the massacres that occurred in the spring of 1804 and the fear amongst the southern states.¹⁸

IV. First Attempt at Stopping Trade with Santo Domingue

In 1805 Boston Republican William Eustis introduced a bill in Congress that would regulate the armed trade with Haiti. This bill was highly contested. William McCreery defended the right of the trade with Haiti and argued that “arms were vital to the continuation of the Haitian trade.” Even the Federalist press opposed restrictions on

¹⁷ 9 Annals of Cong. 27 (1806).

¹⁸ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 30.

the trade by drawing their support for trade from the similarities between the Haitian and American Revolutions.¹⁹ The Republicans opposed the restrictions because it seemed as if the Jefferson Administration was giving into the “illegitimate demands” by the French Government. On the other hand, arguments for the restriction were made stating that vessels from Baltimore “had suffered almost half a million dollars in losses from the recent seizures in the West Indies.”²⁰

Despite the opposition to the restrictions on trade, the bill passed on March 3, 1805. “The bill only required that United States merchants post bond on ships in the West India trade; it enjoined that any armaments could be used only for defense and not be sold to the Haitian blacks. It eliminated the armed trade, but it left the noncontraband trade open.”²¹

This law did nothing to stop American trade with the Haitian rebels. Republican George Logan told the Ninth Congress “this act has operated as a deception, as, since the publication of the law, the trade with St. Domingo has been carried on to as great if not [a] greater extent than formerly.” He continued on to say the only benefit of the law is “that in a national view it removes the responsibility to the individual who may be engaged in the trade, from the Government by which it is authorized.”²²

Not all parties in the international world were convinced by this act. Bonaparte became increasingly angry and belligerent when he learned that American merchants

¹⁹ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 30.

²⁰ Donald R. Hickey, *America’s Response to the Slave Revolt in Haiti, 1791-1806*, 2 J. of the Early Rep., 361, 372 (1982) (discussing the federal government’s reaction to the Haitian Revolution).

²¹ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 31. *See also* 2 Stat. 342 (1805).

²² 9 Annals of Cong. 28-29 (1806).

were defying the law, and not only defying the law but flaunting their defiance of the law. An example of American merchants flaunting their defiance of the law was seen “in 1805, when a fleet of merchant vessels returned to New York and prominent Federalists including [the] former minister to England and vice presidential candidate Rufus King, publicly celebrated [a] successful gun-running expedition” to the rebels. There was even a public dinner held in New York to celebrate the armada’s return, complete with a toast to the new Haitian republic.²³

Bonaparte used President Jefferson’s expansionist ambitions in the Floridas to his benefit with the issue in Haiti. Since President Jefferson had already claimed that the Floridas belonged to the United States due to the Louisiana Purchase, Bonaparte approached American envoys and suggested that France might intervene with Spain if they began to defer to Bonaparte. The President saw this arrangement as a way to obtain title to the Floridas and avoid conflict with Spain.²⁴

Republican George Logan introduced a Haitian embargo bill into Congress on December 20, 1805.²⁵ ²⁶

V. The Embargo of February 28, 1806

On February 28, 1806 President Jefferson

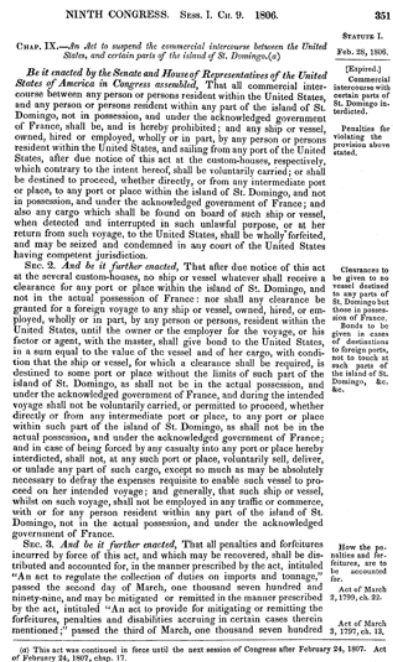


Figure 2: February 28, 2013 statute creating the Embargo²⁶

²³ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 31. See also Hickey, *America’s Response to the Slave Revolt in Haiti, 1791-1806* at 369.

²⁴ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 32.

²⁵ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 32. See also 9 Annals of Cong. 26 (1806).

²⁶ Photo: 2 Stat. 351 (1805) (Oct. 15, 2013) <http://memory.loc.gov/cgi-bin/ampage>.

signed into law “an Act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo.”²⁷ The bill went through the House with minimal debate, but there was a lot of opposition in the Senate.²⁸

Senator Logan argued that the law from 1805 was a “deception that neither complied with the [P]resident’s wishes no[r] met the objections of the British and French ministers.” He also argued that “the trade with Haiti violated the law of nations and the Franco-American Convention of 1800.” However Logan told Federalists that he had no intention of actually putting an end to the Haitian trade, but wanted something that would satisfy the French while putting American merchants on notice that they were trading with Haiti “at their own risk.”^{29 30}

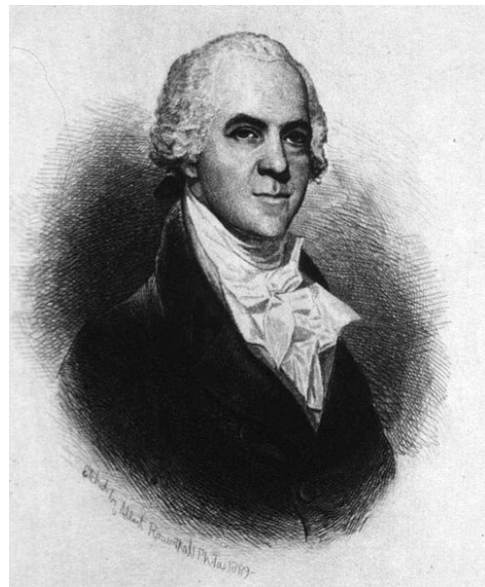


Figure 3: George Logan, United States Senator for Pennsylvania.³⁰

“The bill prohibited merchants from trading with any portion of the former French colony not in possession of France; it also required merchants to post bond as [a] guarantee of compliance and to forfeit both ship and cargo if the measure were violated.” In the Senate, southern Republicans eagerly embraced the bill and persuaded northern Republicans to support the embargo. However Logan shifted the debate from the question of southern domination to

²⁷ 9 Annals of Cong. 1228 (1806).

²⁸ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 32.

²⁹ Hickey, *America’s Response to the Slave Revolt in Haiti, 1791-1806* at 375-76.

³⁰ Photo: *George Logan*, Images from the Hist. of Med., (Nov. 3, 2013), <http://ihm.nlm.nih.gov/images/B17328>.

the issue of violence in the Caribbean. Even with this shift, southern members of the Senate continued to focus on the issue of the “Haitian menace.”³¹

Senator James Jackson of Georgia said, the “government of that unfortunate island must be destroyed.”³² Senator Jackson argued that if these trades were to continue, then “the United States, by affording [the rebels] succor, arms, ammunition, and provisions, must be considered by them as their allies---their supporters and their protectors,” and he believed the French Government would view the United States in this same light.³³ To no surprise other southern Senators voted for the measure because of the dangerous influence that Haiti’s independence would have on their slaves.

Senator Mitchell renewed the sentiment that was among some of those in opposition regarding the fear of giving into a foreign power. Senator Mitchell stated, “I think the St. Domingo commerce is no great thing in itself. We might do exceedingly well without it; and I am very far from approving the means by which it has been carried on; but I dislike the idea of forbidding it, at the mandate of a foreign Power.”³⁴ He then examined all the potential bad effects the embargo could have: the planters and graziers industry would be taken away, ship-building would fall into neglect, and “inhabitants of the [United States’] seaports would be forced back to the country to keep them from starving.”³⁵

But according to John Quincy Adams, one of the most powerful arguments in opposition came from Senator Samuel White of Delaware. Senator White argued that

³¹ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 33.

³² *Id.* at 33.

³³ 9 Annals of Cong. 30 (1806).

³⁴ *Id.* at 34.

³⁵ 9 Annals of Cong. 35 (1806).

“the surrender of this commerce has never been asked of us as a temporary sacrifice to the convenience and accommodation of France; but has been demanded of us, in the most insulting and peremptory style.”³⁶ He also said that France has attempted to bully and terrify the United States into the embargo and that the United States must take ground so this never happens again. Senator White based his arguments on the decree from the French Government forever abolishing slavery in the West Indies and extending all the blessings of citizenship and equality to all humans regardless of color. He argued these documents show that the French Government has no claim to any portion of the people of St. Domingo as slaves and that they are each individually free. “He demolished the bogus legal claims that Haiti was a French colony and that France had a legal right to call for [an] embargo of the Haitian trade.”³⁷ Senator White further argued, “the people of St. Domingo are fighting to preserve not only their independence as a community, but their liberty as individuals” and “neutral nations are bound to observe the strictest impartiality; not to grant a benefit to one that they withhold from the other.”³⁸

Despite all the arguments against the embargo, including Senator White’s moving arguments, the embargo was signed into law on February 28, 1806 to be “in effect for one year and no longer.” The main reason for the passing of the 1806 embargo was the fear of danger, especially after the massacre of “the whites...on account of numerous slaves, arising from the unrestricted intercourse with the black population of [St. Domingo].”³⁹

³⁶ *Id.* at 118.

³⁷ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 33. See also, 9 Annals of Cong. 123-24 (1806).

³⁸ 9 Annals of Cong. 124-26 (1806).

³⁹ Matthewson, *Jefferson and the Nonrecognition of Haiti* at 35.

Even though the original length of the embargo was to be only one year, on February 24, 1807, during President Jefferson's second term, the embargo was renewed and extended for another year. The embargo did ultimately expire on April 25, 1808, but because of a general embargo passed on December 22, 1807 trade with Haiti was not again legal until the spring of 1810.⁴⁰

Despite the embargo American merchants continued to evade trade laws for many years, but the law of 1805 and the embargo of 1806 let the merchants know that if they ran into difficulties with the French, they would not receive help from those in the government. Those captured in violation of the embargo of February 1806, and those subsequently condemned by the appropriate court would have their cargo publicly auctioned off.⁴¹

VI. The Schooner General Pinkney

On August 23, 1806 the Schooner General Pinkney set sail from the port of Alexandria, District of Columbia. The schooner, owned by William Yeaton, was cleared to set sail to the port of St. Jago de Cuba, located on the south east side of Cuba, on a trading mission.⁴²

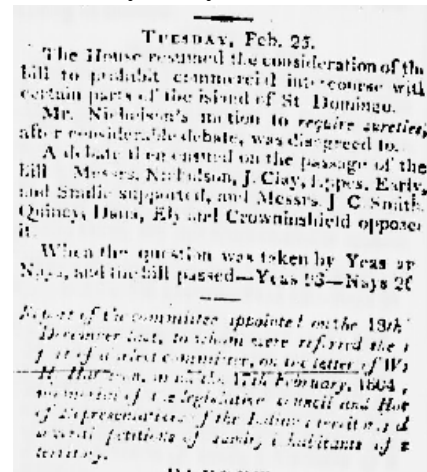


Figure 4: February 28, 1806 report from the *American and Commercial Daily Advertiser* about the embargo.⁴¹

⁴⁰ *Id.* See also 9 Annals of Cong. 1262 (1807).

⁴¹ Photo: William Pechin, *American and Commercial Daily Advertiser*, Nov. 8, 1806 (Nov. 1, 2013) <http://www.aomol.net/megafile/msa/speccol/sc4800/sc4872/000893/html/index.html>.

⁴² *Yeaton and Others, Claimants of the Schooner General Pinkney and Cargo v. The United States*, 5 Cranch 281, 281 (1809).

However, the General Pinkney's owners and captain had their minds set on another port. The ship actually sailed to Cape Francois, St. Domingo, a prohibited port per the embargo of February 28, 1806.^{43,44}

Cape Francois was an important city in Saint Domingue. The port had previously been the capital of Saint Domingue, and became the capital of the Kingdom of Northern Haiti after the slave revolution.⁴⁵

Therefore the rebels held the city, and any trade with that port was prohibited by the embargo because as the embargo stated, "any person or persons resident within the United States, and any person or persons resident within any part of the island of St. Domingo, not in possession, and under the acknowledged Government of France, shall be, and is hereby prohibited."^{46 47}

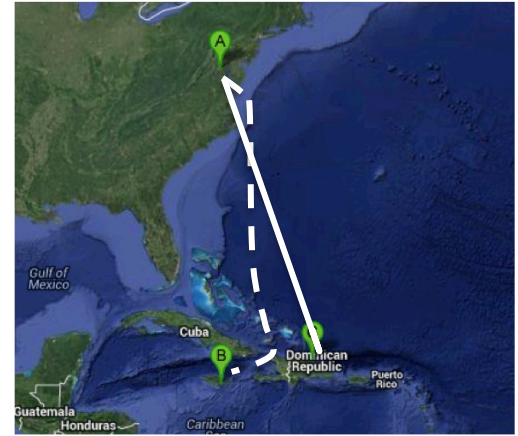


Figure 5: The dashed line was the cleared path of sail. The solid line is the path the Schooner General Pinkney actually sailed on August 23, 1806.⁴³



Figure 6: Map of Santo Domingue/Haiti in 1789⁴⁷

The General Pinkney returned to Baltimore, and was seized upon her return on November 17, 1806. Less than two months later on January 5, 1807 she was libeled in the United States District Court for the District of Maryland in Baltimore.⁴⁸

⁴³ Photo: GoogleMaps (Nov. 5, 2013) <http://www.maps.google.com>.

⁴⁴ *The Schooner General Pinkney*, 5 Cranch at 281.

⁴⁵ *Cap-Haïtien*, Wikipedia, (Nov. 1, 2013) <http://en.wikipedia.org/wiki/Cap-Haïtien>.

⁴⁶ 9 Annals of Cong. 1228 (1806).

⁴⁷ Photo: *St. Domingue (Haiti), 1789* (Nov. 10, 2013) <http://www.fsmitha.com/h3/map34-ht.html>.

On July 23, 1807 the Schooner General Pinkney was condemned for violation of the embargo on February 28, 1806 for trading with Cape Francios, St. Domingo in the United States District Court for the District of Maryland. The case was appealed by the defendants, William Yeaton *et. al.*, to the United States Circuit Court for the District of Maryland. On November 7, 1807 the case was affirmed by the Circuit Court.⁴⁹⁵⁰



Figure 7: United States Court for Maryland, in Baltimore.⁴⁹

Again the defendants immediately appealed the case, and did so in open court on November 7, 1807. The case then was sent to the United States Supreme Court, and was supposed to be heard on the first Monday of February 1808 by the Court. But the case was continued until the following year, till the term of February 1809. This would prove to be part of Mr. Yeaton’s counsel’s successful plan.⁵¹

Finally the case of *The Schooner General Pinkney* was heard on March 7, 1809 in the United States Supreme Court. The attorneys for the appellants were: Charles Lee, Luther Martin, Robert Goodloe Harper, and Mr. Youngs. The attorney for the appellee was the Attorney General, Caesar Augustus Rodney.⁵²

The main issue of the case was “whether [the] court could now affirm the sentence of condemnation, inasmuch as the law which created the forfeiture, and

⁴⁸ *The Schooner General Pinkney* at 281.

⁴⁹ Photo: Fish, *Federal Justice in the Mid-Atlantic South* at 105.

⁵⁰ *The Schooner General Pinkney* at 281.

⁵¹ *Id.*

⁵² *The Schooner General Pinkney* at 281-82.

authorized the condemnation, had expired?”⁵³ The attorneys for the appellants argued “in all cases of admiralty and maritime jurisdiction, an appeal suspends entirely the sentence appealed from...as if no sentence had been pronounced.” Counsel for the appellant also stated that the embargo of February 28, 1806 did not make a “provision for the recovery, after the expiration of the act, of penalties or forfeitures which had been incurred under that act during its existence.”⁵⁴ The appellants also argued that the law has always been, if the penalty or forfeiture cannot be enforced, nor any punishment inflicted, then the court no longer has jurisdiction in the case.⁵⁵

The Attorney General did not disagree with the position of the appellant, but added that “an appeal is a process of civil law origin, and removes a cause entirely, subjecting the fact as well as the law to a *review* and *retrial*, and therefore the sentence should be affirmed.”⁵⁶

The Court held, in an opinion written by Chief Justice Marshall “that in admiralty cases an appeal suspends the sentence altogether; and that it is not *res adjudicate* until the final sentence of the appellate court be pronounced. The cause in the appellate court is to be heard *de novo*, as if no sentence had been passed.”⁵⁷ “This cause is to be considered as if no sentence had been pronounced; and if no sentence had been pronounced, it has been long settled, on general principles, that after the expiration or repeal of a law, no penalty can be enforced, nor punishment inflicted, for violations of the law committed

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* at 283, citing *Wiscart v. Dauchy*, 3 Dal. 327 (1796); *See also Pennington v. Coxe*, 2 Cranch 61 (1804).

⁵⁷ *The Schooner General Pinkney* at 283.

while it was in force, unless some special provision be made for that purpose by statute.”⁵⁸

Chief Justice Marshall reversed and annulled the “sentence pronounced in this [case] by the [C]ircuit [C]ourt of the [D]istrict of Maryland, affirming the sentence of the judge of the [D]istrict [C]ourt.” He ordered the libel to be dismissed and the property, which had been libeled, be returned to the appellants, but the appellants had to pay duties on their cargo if it had not already been paid. Attorney General Rodney motioned that the court note there was probable cause for the seizure at the time due to the embargo.⁵⁹

General Pinkney case notes, two other cases *Wilmot, et al. Claimants of the Schooner Collector v. United States*, and *Lewis, Claimant of the Schooner Gottenburgh v. United States* were both reversed on this same principal, and entitled to be returned their property.⁶⁰ However, other ships that were found in violation of the embargo of February 28, 1806 were not as fortunate as *the General Pinkney, the Collector*, and *the Gottenburgh*.

VII. Continued Sale of Cargo from Santo Domingue and the Schooner Betsey and Charlotte

On November 8, 1806 in the *American and Commercial Daily Advertiser*, the sale of St. Domingo Coffee, Sugar, and Logwood arriving from the port of Cape Francois continued to be advertised. However the sale of the goods were not illegal by the

⁵⁸ *Id.*

⁵⁹ *Id.* at 284.

⁶⁰ *The Collector*, 19 U.S. 194 (1821). *The Schooner General Pinkney*. At 284 n. †.

embargo because the ship conducting the trade was a Swedish brig the *Sudumania*.⁶¹⁶² This continued sale of goods from Cape Francois shows the continued demand for trade with Haiti, how Americans found the loophole in the embargo, and why American merchant ships continued to trade with Haiti despite the illegality created by the embargo.

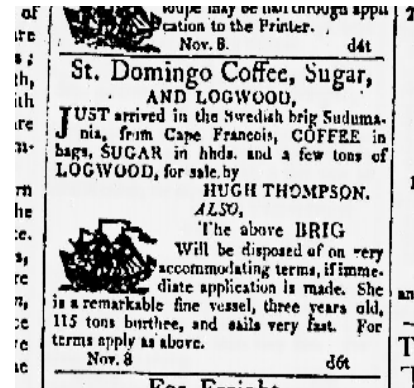


Figure 8: Ad from *American and Commercial Daily Advertiser* for the sale of goods from Cape Francois on November 8, 1806.⁶¹

Again due to high demand, William Yeaton attempted a trading venture to Cape Francois, St. Domingo.⁶³ On September 23, 1806, the Schooner *Betsey and Charlotte* sailed from the port of Alexandria, District of Columbia, commanded by James Abbott.⁶⁴ The *Betsey and Charlotte* was cleared to sail for St. Jago de Cuba, but instead the ship arrived at Cape Francois, St. Domingue. This path of sail was the same pattern as two other vessels, owned in whole or in part by William Yeaton, one being the Schooner *General Pinkney*.⁶⁵

Upon the *Betsey and Charlotte*'s return to the port of Alexandria on November 23, 1806 her cargo was found to be from the forbidden port of Cape Francois and was seized. Aboard the *Betsey and Charlotte* were two hundred and eleven bags of coffee, ten

⁶¹ Photo: Pechin, *American and Commercial Daily Advertiser*, Nov. 8, 1806 (Nov. 1, 2013) <http://www.aomol.net/megafile/msa/speccol/sc4800/sc4872/000893/html/index.html>.

⁶² *Id.*

⁶³ The Schooner *General Pinkney* was also owned by William Yeaton and Robert Young.

⁶⁴ Now Alexandria is located in Virginia but during this time the port of Alexandria was part of the District of Columbia.

⁶⁵ *United States v. The Schooner Betsey and Charlotte and her Cargo*, 4 Cranch 443 (1808).

barrels of sugar, and seventeen thousand and forty-one pounds of logwood, all of which belonged to Mr. William Yeaton.⁶⁶

On November 24, 1806 the collector for the District of Columbia and the port of Alexandria, Charles Simms, filed libel for the Betsey and Charlotte's schooner, her tackle, apparel, furniture, and all her cargo, to be seized and condemned by the District Court for the District of Columbia.⁶⁷

After William Yeaton and James Abbott were served with the libel by Daniel C. Brent, the marshal of the District of Columbia, Mr. "Yeaton appeared and offered to file his claim and plea to the libel in this case, and the [United States] ordered that he give security in the sum of two hundred dollars to respond to the costs in the case."⁶⁸ Mr. Yeaton filed such bond with the court, and appeared by and through his attorney, Charles Lee. During the case the claimant, through his attorney Mr. Lee, agreed to offer a plea where he would admit to all the facts charged in the libel, except that he voluntarily carried the vessel into the prohibited port of Cape Francois. Specifically he stated that all facts regarding the ships departure from the port of Alexandria and other facts were true except,

the said vessel as not, after she sailed from Alexandria aforesaid, carried by the claimant or by his direction, or by any other person, to his knowledge, voluntarily, either directly or from any intermediate port or place to any port

⁶⁶ Reports from the Court of Claims: Submitted to the House of Representatives, 4 (Vol. 5, 1860) Available at http://books.google.com/books?id=vb82AQAAMAAJ&pg=RA4-PA10&lpg=RA4-PA10&dq=%22SCHOONER+BETSEY+AND+CHARLOTTE%22&source=bl&ots=tcv30JhPEZ&sig=Z8lQcwr1jvpFJxfMln92clA0kp8&hl=en&sa=X&ei=0cd_UoeiEffH4AOV64CgDw&ved=0CE0Q6AEwBg#v=onepage&q=%22SCHOONER%20BETSEY%20AND%20CHARLOTTE%22&f=false. Accessed on: October 30, 2013.

⁶⁷ *Id.*

⁶⁸ *Id.* at 5.

of place within the Island or St. Domingo, and not in the possession nor under the acknowledge government of France, contrary to the statute of Congress aforesaid, as is in the said bill alleged,

and Mr. Yeaton prayed judgment that “said vessel, her tackle, apparel, and furniture, and her cargo aforesaid, may be restored to him.” Mr. Yeaton made this oath on December 2, 1806.⁶⁹

United States Attorney Walter Jones, Jr., replied to Mr. Yeaton’s oath by stating that the ship was destined to proceed to Cape Francois, part of the island in possession under the government of people claiming independent sovereignty under the title of the Empire of Haiti. He also stated the purpose of the unlawful destination was for suiting the market of such parts of the Island of St. Domingo because the schooner Betsey and Charlotte disposed its her cargo at the port of Cape Francois and the returned cargo was secured and taken on board her ship.⁷⁰

Again Mr. Yeaton maintained this trip was not voluntary by stating that the ship was carried contrary to her original destination because the,

cargo was there forcibly taken by certain persons acting or pretending to act under the government of Hayti...and after the same was so taken by force, and offer of compensation in the produce of that island was made, and the produce such was offered in quantity and quality was received on board and brought back to America.⁷¹

⁶⁹ Reports from the Court of Claims at 6.

⁷⁰ *Id.*

⁷¹ *Id.* at 7.

However the attorney for the United States, Walter Jones, Jr., produced evidence during trial that this was not the only ship that William Yeaton owned that was set to sail to St. Jago de Cuba but instead went to Cape Francois.⁷²

The ship was condemned by the district judge in the District Court for the District of Columbia “for a violation of the act of congress of the 28th of February, 1806.”⁷³ The judge for the District Court ordered that the schooner, her tackle, apparel, and furniture, as well as the cargo found on board the same at her return from the said voyage to the United States, be, and the same are hereby...forfeited and condemned,” and the Marshal on the first of January, 1807 sell all of the items “to the highest bidder at public auction, for ready money.”⁷⁴

The Claimants appealed the case to the Circuit Court of the District of Columbia. Even though Mr. Yeaton prayed an appeal to the Circuit Court of the District of Columbia, which was granted, the parties consented to the marshal selling the items of the ship, on December 16, 1806, at public auction to the highest bidder. All the money arising from the sale was to be paid to the clerk, and held for the final decree in this case.⁷⁵

On December 16, 1806 Deputy Marshal R. Moss and the Marshal D.C. Brent, sold the ship’s items to the highest bidder, William Yeaton. He was the purchaser of the entire auction, jointly with Robert Young for \$7,569.60. However due to the appeal, “the

⁷² *The Schooner Betsey and Charlotte and her Cargo* at 444.

⁷³ *Id.* at 443.

⁷⁴ Reports from the Court of Claims at 8-9.

⁷⁵ *Id.* at 9.

part of the decree which direct[ed] that the money arising from the sale [is] to be paid over to the clerk cannot...yet be complied with.”^{76 77}

The Circuit Court of the District of Columbia reversed the ruling of the District Court that condemned the Schooner Betsey and Charlotte for the violation of the embargo on January 17, 1807. The

Item	Price
Schooner, and rigging, &c.....	\$410 00
6,225 weight of coffee, at 27½ cents per pound.....	1,711 87½
9,600 weight of coffee, at 27 cents per pound.....	2,592 00
6,225 weight of coffee, at 26½ cents per pound.....	1,649 62½
3,735 weight of coffee, at 52½ cents per pound.....	952 42½
494 weight of sugar, at \$10 75 per cwt.....	53 10½
1,235 weight of sugar, at \$8 75 per cwt.....	108 06
741 weight of sugar, at \$6 75 per cwt.....	50 01½
8½ tons of logwood at \$5 per ton.....	42 50
Total	7,569 60½

Figure 9: Photo of sale at auction of the Betsey and Charlotte.⁷⁷

court ordered that the “schooner Betsey and Charlotte, her rigging, tackle, apparel, and furniture, and her cargo be restored” to William Yeaton without costs. The United States attorney then appealed the case to the United States Supreme Court, which was granted the same day.⁷⁸

Ultimately during the February term of 1808 Chief Justice Marshall held for the United States, reversed the ruling of the Circuit Court for the District of Columbia and condemned the ship and her cargo.⁷⁹

However the case was not over for William Yeaton and Robert Young. In November 1809, the United States’ attorney, Walter Jones Jr., filed suit to recover monies owed from the public auction held on the schooner Betsey and Charlotte on December 16, 1806. The case was heard on July 19, 1810, Walter Jones Jr., appearing for the United States and Charles Lee appearing for Mr. Yeaton and Mr. Young in the Circuit

⁷⁶ Reports from the Court of Claims at 10.

⁷⁷ Photo: Reports from the Court of Claims at 9.

⁷⁸ *The Schooner Betsey and Charlotte* at 443. *See also*, Reports from the Court of Claims at 10.

⁷⁹ *The Schooner Betsey and Charlotte* at 451.

Court of the District of Columbia for the county of Alexandria. The court found for the United States and ordered Mr. Yeaton and Mr. Young “to pay their debt of seven thousand five hundred and sixty-nine dollars and sixty cents”, and found damages “amounting to one thousand dollars...with interest from the 16th day of March, 1807, till paid.”⁸⁰

The case continued when William Yeaton petitioned, the now president James Madison, for a remission of the forfeiture incurred. President Madison “thought it proper to remit, and [did] remit, the forfeiture aforesaid, so far forth as...Yeaton, pays all the costs which have accrued in the case.” Yet on May 5, 1813 Mr. Yeaton was committed to prison for his debt and Mr. Young gave “three hundred and fifty hogsheads of tobacco” to not be committed to the prison.

VIII. Analysis of the General Pinkney

The case of the General Pinkney, the Betsey and Charlotte, and William Yeaton’s debt shed light on the process and the strategy for the General Pinkney. Both ships left the port of Alexandria within a month of each other, the General Pinkney on August 23, and the Betsey and Charlotte a month later on September 23, 1806. Both were cleared for St. Jago de Cuba, but instead went to Cape Francois. The General Pinkney was seized November 17, 1806 but not libeled until January 5, 1807, and the Betsey and Charlotte was libeled on November 24, 1806. The Betsey and Charlotte’s cargo, ship, and other items were auctioned off on December 16, 1806, but the General Pinkney was not condemned until July 23, 1807. This is significant because the General Pinkney had not

⁸⁰ Reports from the Court of Claims at 14.

even been libeled before the *Betsey* and *Charlotte* was condemned and auctioned leading to Yeaton's defense.

William Yeaton continued to attempt trade with the prohibited ports in Santo Domingo because as the sentiment best stated by Senator George Logan there was no intention in the United States of actually putting an end to the Haitian trade, the embargo was only meant to satisfy the French while making American merchants aware that when they traded with Haiti they were doing so "at their own risk."⁸¹ Additionally goods from Santo Domingo were still being regularly sold in the United States and Mr. Yeaton knew these goods would sell for a good profit.

Due to the *Betsey* and *Charlotte* being libeled and heard prior to the General Pinkney, William Yeaton thought he could successfully argue he did not voluntarily go to the port of Cape Francois and therefore the case against his ship would be dismissed. This is another reason why he purchased his own ship and cargo at auction because he believed the Court would reverse the previous rulings and find for him, therefore allowing him to retain all his possession at no cost.

Due to the General Pinkney and Yeaton's other ships the Court knew this was a false statement and condemned the cargo and authorized the sale of the *Betsey* and *Charlotte*. This created the need for Mr. Yeaton to attempt to save at least one of his ships to pay his debt of seven thousand, five hundred and sixty-nine dollars and sixty cents, and saw this ability through the General Pinkney. However Mr. Yeaton found hope in the ruling of the Circuit Court for the District of Columbia, which ruled that his property be restored to him.

⁸¹ Hickey, *America's Response to the Slave Revolt in Haiti* at 375-76.

Both the case of *the General Pinkney* and *the Betsey and Charlotte* were to be heard in the February term of 1808. However only *The Betsey and the Charlotte* was heard during that term. Due to *the Betsey and Charlotte* not resulting in Mr. Yeaton's favor, as hoped, the case of *the General Pinkney* was, fortunately for Mr. Yeaton, continued until the February term of 1809. This seems to have been strategic lawyering by Mr. Yeaton's counsel after the loss in *the Betsey and Charlotte* to prevent Mr. Yeaton from losing two ships.

This was a strategic move by Mr. Yeaton and his counsel because the embargo was set to expire in April of 1808. When the case of the General Pinkney was heard in the February term of 1809, by the United States Supreme Court, the embargo was no longer in effect and Mr. Yeaton had a viable and successful defense. This gave Mr. Yeaton a way to pay back his debt, even though he ultimately did not.

Ultimately Mr. Yeaton was pardoned, twice, by President Madison on June 24, 1811 and August 27, 1813 for his violation of the embargo by the Betsey and Charlotte. The second pardon stated that Mr. Yeaton the "present full and entire remission of the said forfeiture, whether accruing to the United States or otherwise" were pardoned.⁸²

IX. The General Pinkney's impact in cases during Prohibition Repeal

On January 17, 1920 Prohibition through the Eighteenth Amendment went into effect. However on December 5, 1933 the Twenty-First Amendment to the Constitution repealed the prohibition on alcohol.

Two months after prohibition was repealed the Supreme Court heard the case of *United States v. Chambers et al.*, 291 U.S. 217 (1934). The defendants in this case were

⁸² Letter from President James Madison to James Monroe (Aug. 20, 1813) (*Available at* <http://founders.archives.gov/documents/Madison/03-06-02-0525>).

indicted in North Carolina for conspiring to violate the National Prohibition Act, for possessing and transporting intoxicating liquor contrary to the Act with in North Carolina. The indictment against the defendant was filed on June 5, 1933; the defendant pled guilty, but sentencing was continued until December 6, 1933. The Judge subsequently dismissed the indictment and the Government appealed.⁸³

The Court held in *Chambers* that the National Prohibition Act and the Eighteenth Amendment became inoperative after December 5, 1933 and any “proceedings on appeal, pending on, or begun after, the date of repeal, had to be dismissed for want of jurisdiction. Only final judgments of conviction rendered while the National Prohibition Act was in force remained unaffected.”⁸⁴ In the Supreme Court’s ruling the Court cited to *The General Pinkney* case as the authority for this ruling because there was no saving clause and after the expiration or repeal of the law no penalty can be enforced for violations of the law committed while it was in force, which was the rule in *The General Pinkney* case.

In cases of admiralty law and a violation of the National Prohibition Act, *The General Pinkney* case did come to the aid of the vessels because of the common theme that the vessels were not only found in violation of the National Prohibition Act, but had violated some other law that was still able to be enforced. In *United States v. 3190 Bags, 228 Cases, and 17 Kegs, Containing Rye Whiskey and Scotch Whisky et al.* the ship was seized for a violation of the Tariff Act of 1922 and the Act was created due to the 18th Amendment. Therefore the Court found that *The General Pinkney* case was not

⁸³ *Chambers et al*, 291 U.S. at 221-22.

⁸⁴ *Prohibition of Intoxicating Liquors*, Authenticated U.S. Government Information. (Sept. 5, 2013) <http://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-10-19.pdf>. See also *Chambers et al*, 291 U.S. at 222-26.

applicable in this case, even after repeal because the vessel violated the Tariff Act in addition to the violation of the National Prohibition Act.⁸⁵

Additionally, in *United States v. Rizzo*, Customs and Coast Guard officials seized a cargo of alcohol. The Marshal sold the alcohol, and required that Rizzo pay a tax on the sale. Rizzo argued that because the National Prohibition Act was repealed, the tax was therefore uncollectable, citing to the cases of *Chambers* and *The General Pinkney*. However the Court found that regardless of the repeal of the National Prohibition Act, the ship still needed to pay the taxes because there was also a violation of navigation laws in addition to the National Prohibition Act.⁸⁶

X. Conclusion

The case of the General Pinkney was a landmark case in its time, creating a ruling that would be cited to in subsequent cases even still today.⁸⁷ The case was the first time the Court had ruled that after the expiration or repeal of a law, no penalty can be enforced, nor punishment inflicted, for violations of the law committed while it was in force, unless some special provision be made for that purpose by statute. Even though the case was a result of an embargo passed due to American foreign politics, the resulting holding was a holding that helped forever shape the legal field.

⁸⁵ *United States v. 3190 Bags, 228 Cases, & 17 Kegs, Containing Rye Whisky & Scotch Whisky*, 70 F.2d 246 (2d Cir. 1934).

⁸⁶ *United States v. Rizzo*, 297 U.S. 530 (1936).

⁸⁷ The case of *Yeaton v. the United States* “*The General Pinkney*” was cited to in a 2012 administrative decision in Florida. *Robinson v. Aydelott*, 2012 WL 6762050 (Fla.Div.Admin.Hrgs.).

APPENDIX

A. Biography of Charles Lee

**CHARLES LEE
(1758-1815)**



Charles Lee was born in 1758 in Leesylvania, Virginia. His political affiliation was that of a Federalist during his life. Charles Lee was the son of Henry Lee and Lucy Ludwell Grymes Lee. He was the brother of “Light Horse Harry” Lee, and Robert E. Lee’s Uncle. Charles Lee attended the College of New Jersey (now known as Princeton University) and received a bachelor of arts. He completed his legal studies Philadelphia under Attorney Jared Ingersoll and was admitted to the bar in June of 1794. He was married to Anne Lee from Dec. 1, 1770 until September 1804, and then married Margaret

Scott⁸⁸; Charles Lee's children are: Anne Lucinda Lee, Arthur Lee, Richard Henry Lee, Charles Henry Lee, William Arthur Lee, Alfred Lee, Robert Eden Lee, Elizabeth Gordon Lee, Alexander Lee. Charles Lee represented William Marbury in Marbury v. Madison in the Supreme Court.⁸⁹ He died on June 24, 1815 in Fauquier County, Virginia, and is buried in Warrenton Cemetery.⁹⁰

During Charles Lee's life he was a Delegate to the Continental Congress, a Naval Officer in the District of the Potomac from 1777 to 1789⁹¹, the Collector of the Port of Alexandria from 1789 until 1793, a Member of the Virginia Assembly from 1794 until 1795, the Third Attorney General of the United States from Dec. 10, 1795 until March 4, 1801. He was also a Circuit Court Judge for one year from 1801 till 1802, and then was a Private Lawyer from 1802 until his death. Notably Mr. Lee Declined offer of position of Chief Justice from President Jefferson.⁹²

⁸⁸ *Charles Lee (Attorney General)*, Wikipedia. (Oct. 14, 2013) [http://en.wikipedia.org/wiki/Charles_Lee_\(Attorney_General\)](http://en.wikipedia.org/wiki/Charles_Lee_(Attorney_General)).

⁸⁹ *Lee, Charles*, Legal Dictionary. (Oct. 14, 2013) <http://legal-dictionary.thefreedictionary.com/Lee,+Charles>.

⁹⁰ *Charles Lee*, Find a Grave. (Oct. 14, 2013) <http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=7718044>.

⁹¹ *Charles Lee (1795-1797): Attorney General*, American President: A Reference Resource. Miller Center, Univ. of Va. (Oct. 14, 2013) <http://millercenter.org/president/washington/essays/cabinet/112>.

⁹² *Charles Lee*, Office of the Attorney General, The U.S. Dept. of Just. (Oct. 14, 2013) <http://www.justice.gov/ag/aghistpage.php?id=2>.

B. Biography of Caesar Augustus Rodney

CAESAR AUGUSTUS RODNEY (1772-1824)



Caesar Augustus Rodney was born on January 4, 1772 in Dover, Delaware. He was the son of Colonel Thomas Rodney and Elizabeth Fisher.⁹³ His political affiliation was Democratic Republican.⁹⁴ He studied at the University of Pennsylvania at Philadelphia in 1789. Mr. Rodney married Susan Hunn, and had 12 Children. He studied Law under Joseph B. McKean, and was subsequently admitted to the bar in 1793. Caesar Augustus Rodney died on June 10, 1824 in Buenos Aires. He was buried in the British

⁹³ William C. Read, *Biographical Sketch Caesar Augustus Rodney*, Order of the Grand Lodge, June 27, 1853. (Oct. 14, 2013) <http://ia700500.us.archive.org/22/items/biographicalsket00read/biographicalsket00read.pdf>.

⁹⁴ *Rodney, Caesar Augustus*, Biographical Directory of the United States Congress. (Oct. 14, 2013) <http://bioguide.congress.gov/scripts/biodisplay.pl?index=r000377>.

Cemetery, in the Victoria District in Buenos Aires, Argentina, but was reinterred in 1923 to the British Cemetery, Charcarita District, in Buenos Aires, Argentina.

During his life Caesar Augustus Rodney was a Representative for the state of Delaware (1796-1802), was elected to the Eighth and Seventeenth Congress (March 4, 1802- March 3, 1805) (March 4, 1821- Jan. 24, 1822), was the Attorney General for the United States (1807-1811). He was also captain of a company of Artillery in the War of 1812, a Member of and Senior Warden of the Grand Lodge of Delaware (June 24, 1812), a Member of the Delaware Committee of Safety (1813), a member of the State Senate (1815-1816), and the Commissioner who was sent to South America to investigate and report on the propriety of recognizing the independence of the Spanish-American Republics. He was also a United States Senator (Jan. 24, 1822-Jan. 29, 1823), and his last post in his life was the Minister Plenipotentiary to Argentina (1823).