

Out of Sight and Out of Mind: The Early Consular Service and the Facilitative State, 1776–1856

Lawrence A. Peskin

The United States Consular Service was one of the largest and most active divisions of the antebellum federal government, yet it was nearly invisible then and remains so in retrospect. This condition superficially appears to support a traditional exceptionalist understanding of the United States initially rejecting the European model of a larger, more powerful, bureaucratic state. More recently, however, historians of American political development have taken a somewhat less exceptionalist perspective, viewing the early



James Maury of Virginia was a long-serving U.S. consul to Liverpool, 1790–1829.

federal government as larger, at least domestically, but with its powers hidden “out of sight” to appease early national concerns about an overweening central government. While pointing to ways in which the federal government was more active than previously assumed, these historians have still mostly accepted that it was somewhat exceptional when compared to more overtly powerful European governments. They have focused on the larger bureaucratic arms such as the Customs Service, which was responsible for funding the government but only directly influenced a small portion of Americans, and the Post Office, which, as the largest agency in terms of employees, reached deep into the daily lives of most Americans but exerted little authority. Max Edling, in particular, has painstakingly delineated how the Federalists created an effective funding system that provided the means for the federal government to secure ample credit with which to build the sinews of government, allowing the young republic to wage war and finance

Lawrence A. Peskin is a professor of History at Morgan State University.

expansion, all without directly taxing the citizenry.¹ The nearly invisible but actually quite extensive consular service fits nicely into this paradigm, though proponents of the large but hidden state thesis have rarely, if ever, extended their view to the State Department.

More recently, Nicholas Barreyre and Claire Lemerrier have made the case that this stealthy early federal government was, in fact, unexceptional. They view the contrast to larger, more bureaucratic European governments as a false dichotomy. On both sides of the Atlantic, “state building only rarely involved setting up bureaucracies staffed with salaried civil servants.” Instead, unsalaried actors, private individuals or organizations (such as chambers of commerce), or officials doing public business while gaining private compensation did much of the work of government. Such individuals would not necessarily appear as government employees, and thus, to modern eyes, all early governments would appear much smaller and weaker than they actually were. Like most previous authors, Barreyre and Lemerrier focus primarily on the domestic side of government, only noting in passing that the United States had approximately 200 diplomats, compared to 400 in France. Yet, the unsalaried consular service fits their model perfectly, and the number of people associated with the federal government abroad, including in the consular service, is vastly and misleadingly diminished when one focuses only on traditional, salaried diplomats.²

¹ Ariel Ron and Gautham Rao, “Introduction: Taking Stock of the State in Nineteenth-Century America,” and Stephen Skowronek, “Present at the Creation: The State in American Political History,” *Journal of the Early Republic* 38 (Spring, 2018): 61–66, 95–103; Gautham Rao, *National Duties: Custom Houses and the Making of the American State* (Chicago: University of Chicago Press, 2016); Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995); William J. Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Charlotte: University of North Carolina Press, 1996); Novak, “The Myth of the Weak American State,” *American Historical Review* 113 (June 2008): 752–72; Max M. Edling, *A Hercules in the Cradle: War Money and the American State, 1783–1867* (Chicago: University of Chicago Press, 2015); Edling, “‘So Immense a Power in the Affairs of War’: Alexander Hamilton and the Restoration of Public Credit,” *William and Mary Quarterly, 3rd Series* 64 (April 2007): 287–326; Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009); Gautham Rao, “The Early American State ‘In Action’: The Federal Marine Hospitals, 1789–1860,” in James T. Sparrow et al., eds., *Boundaries of the State in US History* (Chicago: University of Chicago Press, 2015), 21–56. Most of this so-called American Political Development literature, with the exception of the specifically antebellum-focused items, looks back on early America from the 20th century to debunk the exceptionalist thesis that the United States did not begin to develop an active state until after the Civil War. While not disagreeing with their general findings, this essay looks at the contours of the early national state as an evolutionary stage arising out of colonial political economy.

² Nicholas Barreyre and Claire Lemerrier, “The Unexceptional State: Rethinking the State in the Nineteenth Century (France, United States),” *The American Historical Review* 126 (June 2021): 494.

By 1800 there were at least 70 consuls in American consulates around the world, and they in turn employed many translators, secretaries, vice-consuls, and others, so that likely 200–300 individuals worked within the consular service alone at that time, more than Barreyre and Lemerrier's estimate of total diplomats, which would include ministers, attachés, agents, and similar officials, as well as their employees. By comparison, only 2 of the 16 American states could boast of having more than 300 federal officials within their borders in 1801, and 8 had fewer than 100. Nationwide, only about 150 people in total were employed full-time within domestic federal departments, as opposed to field agents such as customs agents, postmasters, and the like.³ Looked at this way, the consular service could certainly have been considered one of the largest federal employers at the time.⁴ Nevertheless, neither of the two relatively complete histories of the State Department (one written more than 100 years ago) allots more than a few scattered pages to the early consular service. Leonard White's definitive administrative history of the Federalist period mentions it only once in passing in a large chapter on the Department of State.⁵

Consuls were not government employees in the modern sense. Of the hundreds of people working for the newly established consular service, only the four so-called Barbary consuls received salaries from the federal government.⁶ As a

³ Leonard D. White, *The Federalists: A Study in Administrative History, 1789–1801* (New York: Free Press, 1965), 256.

⁴ The consular service's profile was so low that I have never seen it referred to in contemporary documents as an agency, a service, or with any sort of official name. The earliest book on it that I am aware of, written in 1813 by a consul, refers only to the "consular system of the United States." D.B. Warden, *On the Origin, Nature, Progress and Influence of Consular Establishments* (Paris: Smith, 1813), 139.

⁵ Elmer Plischke, *U.S. Department of State: A Reference History* (Westport, CT: Greenwood Press, 1999), 89–90, 150; Gaillard Hunt, *The Department of State of the United States* (Washington, DC: Department of State, 1893), 14–15, 69–70, 93–95, 153; Walter B. Smith II, *America's Diplomats and Consuls of 1776–1865* (Washington, DC: U.S. Government Printing Office, 1986) provides prosopographical information on consuls and other agents, but virtually no discussion of the consular service itself; White, *The Federalists*, 128–44. Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service, 1776–1915* (Westport, CT: Greenwood Press, 1990), and Chester Lloyd Jones, *The Consular Service of the United States: Its History and Activities* (Philadelphia: University of Pennsylvania, 1906), are the only histories of the consular service. Roughly the first 50 pages of Kennedy's book address the pre-1815 consular service.

⁶ These posts (with annual salaries) were Morocco (\$2,000), Tunis (\$2,000), Tripoli (\$2,000), and Algiers (\$4,000). As fee-reliant public officials, consuls fit into the model provided by Nicholas R. Parillo, *Against the Profit Motive: The Salary Revolution in American Government, 1780–1940* (New Haven, CT: Yale University Press, 2013), although Parillo focuses on domestic officials and does not mention consuls. However, while Parillo essentially argues that what he terms "facilitative" fees were gradually eliminated due to republican concerns about official corruption, the case of the consuls as described in this article is somewhat opposite in that their argument against the fee system was that it weakened their authority and severely limited their ability to perform their governmental functions.

result, the only cost to the federal government to support the consular service was \$10,000 in annual salaries to the Barbary consuls and reimbursements (paid sporadically and reluctantly) to the others for their official expenses. Early on, many were noncitizens or Americans living abroad who volunteered to act as consuls without prompting from the State Department, in many cases ultimately receiving an official appointment after months or years of voluntary service. Since there were many important ports where no or very few Americans resided, there were often no good alternatives to these voluntary consuls. Consuls lived far from the U.S. capital and were often in poor communication with the State Department due to distance or, in some cases, lack of inclination. In turn, the State Department employed only eight clerks in 1800 (including the head clerk), so even if each consul reported only once per quarter, it would have strained the clerks to respond to those 280 letters annually in addition to all the rest of the departmental correspondence.⁷

The apparent invisibility and minimal funding for the consular service was illustrative of a widespread wariness of governments, especially the federal government during its early years. Americans, particularly those with means, wanted the new government to assist them whenever possible, but feared that a government that was too “energetic,” to use Alexander Hamilton’s term, would oppress them. This attitude was rooted in the colonial relationship with Britain. Jack Greene has noted that colonists viewed government as “still regulative and negative” but “also facilitative and positive in that it encourages—at the very least, by not in any way inhibiting—the individual to preoccupy himself with his own goals without forcing him to be much concerned with the social well-being of the community as a whole.”⁸ This passage perfectly describes the consular system, which was one of the larger branches of the federal government yet remained invisible to most Americans and subsequent historians, exerted no influence on the vast majority of Americans, and, as we will see below, was virtually powerless even in relation to those Americans who benefitted from it on a regular basis.

Consuls and Mercantile Infrastructure

The tendency to view the state as facilitative rather than restrictive continued after the Revolution, which, with its republican rhetoric and condemnation of ministerial agencies, bred further distrust of active government. As a result, early

⁷ White, 135–36.

⁸ Jack P. Greene, “An Uneasy Connection: An Analysis of the Preconditions of the American Revolution,” in Steven G. Kurtz and James H. Hutson, *Essays on the American Revolution* (New York: WW Norton, 1973), 56–57.

national domestic government did little at both the federal and state levels to regulate capitalists and others but instead acted to facilitate economic projects that would benefit investors at little to no cost. At the federal level, Alexander Hamilton and his assistant secretary at the Treasury Department attempted such a scheme with the Society for Establishing Useful Manufactures, which would have used state power to create a factory complex in New Jersey, thereby benefitting both the development of manufacturing infrastructure and the capitalists who invested in federal securities.⁹ At the same time, they eschewed the sort of heavy tariff taxation that would have caused pain for importing merchants. Similarly, and on a larger scale, many state governments that issued corporate charters and other incentives to facilitate economic development within their borders and support large investors remained hesitant to lay taxes or impose regulatory devices that would alienate these moneyed interests.¹⁰

There were many parallels between the administration of the consular service and these domestic efforts. The consular service was a crucial portion of a broader effort to build an overseas mercantile infrastructure at little or no cost to facilitate the monied merchants whom it would serve. This program was essential because the old British infrastructure of consular and naval protection of commerce no longer served American trade after the Revolution and, in fact, at times appeared to hinder it, as many in Britain viewed the upstart republic as a potential rival.

The consular service provided protection to American commerce in several ways. As state officials, consuls could prevent ship captures by privateers, pirates, or others by warning Americans of danger or by negotiation with local officials. If ships were captured despite these efforts, consuls could negotiate for their release and provide support for captured crews. Minimizing ship captures was essential to the smooth functioning of overseas commerce. Every capture potentially cost the merchants who owned the vessel hundreds of thousands of dollars in lost profits if the cargo

⁹ Jacob E. Cooke, "Tench Coxe, Alexander Hamilton, and the Encouragement of American Manufactures," *William and Mary Quarterly* 32 (1975): 369–92; Andrew Shankman, "'A New Thing on Earth': Alexander Hamilton, Pro-Manufacturing Republicans, and the Democratization of American Political Economy," *Journal of the Early Republic* 23 (Autumn 2003): 323–52; Brian Phillips Murphy, *Building the Empire State: Political Economy in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2015).

¹⁰ This sort of action has typically been characterized as "state mercantilism." Murphy, *Building the Empire State*; Andrew M. Schocket, *Founding Corporate Power in Early National Philadelphia* (DeKalb: Northern Illinois University Press, 2007); Lawrence A. Peskin, *Manufacturing Revolution: The Intellectual Origins of Early American Industry* (Baltimore: Johns Hopkins University Press, 2003).

I N S T R U C T I O N S

For the information of Masters and all others belonging to Trading Vessels of the United States of America, at the Port of Mogadore.

I. Any Boat or Vessel, attempting to enter the Port, or depart, before Sunrise or after Sunset, would be fired upon from the Forts.

II. No Boat can be sent from any Vessel before Sunrise, or come to or depart from the shore after Sunset.

III. No Person whatever is permitted to go on shore on any part of the Island or Rocks near it, or to land at any part of the shore, except the usual landing place.

IV. No Merchandize or Money is permitted to be landed or carried on board, nor Ballast taken in or discharged, except in Boats belonging to the Town; previous to which, notice must be given the Merchant to whom the Vessel is addressed, or, if no Consignee, to the Consular Agent, that the intended lading or unlading may be notified to the Governor, whose orders thereon are to be observed. Ballast is not to be thrown overboard.

V. No Passenger can embark or land until permission be obtained from the Governor, which is only to be applied for through the Consular Agent, to prevent disputes with the Government of the Country.

VI. All Citizens of the United States, visiting Mogadore, will be careful to avoid disputes and quarrels with Boatmen and all other Inhabitants of the Country; if at any time they should be insulted by a Moor, it is not permitted, nor are they on any pretence to attempt to take revenge; the Consular Agent, on application being made to him, will see Justice done, as the case shall require.

VII. Captains of Vessels will order their Sailors not to go into Moors' Houses, neither frequent those of Jews; by the custom of the Country, Strangers are not permitted to enter the former. No Christian whatever can on any pretence go into any of the Moors' places of Worship; it is also forbid to approach their Sanctuaries, or enter their Burial Grounds. The less Sailors are permitted to be in Towns in Barbary, the better; trivial irregularities there frequently produce serious consequences.

VIII. The Captains or Supercargoes of American Vessels, coming to Mogadore, are expected, for the information of Government, to report at Arrival and Departure, agreeably to a Form lodged at the Office of the Consular Agent; should any refuse to do so, the circumstance will be noted by the Consul General on his Report of Arrivals and Departures of American Vessels in this Empire, made to the Honorable the Secretary of State of the United States.

LASTLY. Smuggling of every description is hereby most strictly forbid; the consequences in this Country falling heavily not only on the immediate Agent in the affair when detected, but also on the Captain, Vessel, and Cargo. After this warning, those who may be found guilty, must take their fate.

THESE INSTRUCTIONS, having been compiled with a view of preventing Disputes with the Government and People of this Country, and for the better securing to all Citizens of the United States, visiting Mogadore, a peaceable residence, and every advantage calculable thereon, a due attention thereto will be expected. That no Officer, Scaman, or other person concerned, may trespass through ignorance, the Captain to whom this will be delivered is, as early as may be, to have the same read publicly on board his Vessel, in the presence of all his Ship's Company.

Delivered at Mogadore, this day of 180
to Captain of the

*Delivered 27 Aug
1801
General*

Instructions sent by Consul James Simpson to U.S. captains in Morocco in order to inform them of local rules and regulations, 1801.

was not recovered in good shape and could, in the worst case, also result in the loss of extremely valuable ships. Beyond that, a high incidence of ship captures led to higher insurance rates, which significantly increased the cost of doing business even when shipments successfully reached their destinations. Consuls were able to warn shipowners of quarantines due to pandemics, thereby saving them potentially thousands of dollars in lost cargo when ships and their goods were quarantined for weeks, often causing goods to spoil or rapidly lose their value in the process. Consuls also saved merchants money by informing them of unfavorable port regulations (such as new tariffs), warning them when trade was poor in a particular region, and much more. They also acted as state welfare agents in providing support for sick or abandoned sailors and paying for their passage home.

These services were virtually free of cost to the merchants whom they benefitted and the taxpayers of the United States, since consuls did not receive salaries but supported themselves through trade. The Continental Congress had debated whether consuls should be prohibited from trading, presumably because of the potential conflict of interest. But, as New York Chancellor Robert Livingston noted, “As the funds of Congress leave them no means of affording an adequate support to persons who are properly qualified, they fear that the only inducement to accept the appointment will be taken away by this prohibition [of trade].”¹¹ As a result, the vast majority of consuls in the early national period were merchants who hoped that the prestige of the consular position would help them to succeed in their private businesses. They did, however, receive fees for performing certain services for Americans in their port, usually for certifying ships’ papers or notarizing other documents. At most, consuls could expect to earn \$600 or so per year from these fees, perhaps double what a low-wage worker might make in the United States at the time, but the vast majority would earn far less than that. As a result, then, consuls provided a broad array of services at very minimal cost to the republic and to the people who benefitted from them.

The Early Consular Service and its Discontents

The institution of consulship predated the United States. Before the rise of the modern nation state, merchants who lived abroad formed small communities that were exempted from local laws (extraterritoriality) and granted various economic, judicial, and political privileges. These included the ability to elect their own representatives, known as consuls, who served not only as political representatives to the surrounding polity but also as quasi-judicial officials empowered to settle disputes within the merchant community. Thus, consuls were focused more on

¹¹ Robert Livingston to Benjamin Franklin in *The Revolutionary Diplomatic Correspondence of the United States*, VI, <https://memory.loc.gov/ammem/amlaw/lwdc.html>.

governing and advocating for the foreign merchant community, while ministers (modern day ambassadors) were more focused on representing their sovereign and, with the rise of the nation state, their government. By the time of the American and French Revolutions, which ushered in the modern nation-state, the institution of consulship was in transition in the West. Merchant communities residing within foreign nations were becoming less autonomous while the nation states that they represented began to assume some of the functions that those communities once controlled, most notably the appointment of the consuls themselves, which became the responsibility of the State Department (albeit with a good deal of feedback from merchants who, typically, wrote letters of recommendation to support candidates for the position).¹²

Even before the ratification of the Constitution, the Confederation government recognized the need for a consular service and had appointed a number of consuls after agreeing to exchange consuls and other officials with France in the 1778 Treaty of Amity and Commerce. The Washington administration quickly appointed many more to serve both the ports where Americans did business and those where they aspired to trade.¹³ Exactly half were not U.S. citizens, and most others were Americans who had lived abroad long enough that their own loyalty to the United States could easily be questioned, particularly those who left before or during the war and could well have been Loyalists. A number of these new consuls had been providing consul-like services voluntarily to Americans and reporting to the U.S. government even before official appointments ratified their voluntary service. Others were appointed by the State Department after submitting letters of reference from prominent merchants and politicians in the United States and abroad. Only 3 of the 18 consuls Washington appointed in the Mediterranean, which contained the most aspirational ports during this period, were recorded to be American citizens (though at least two probably were mis-recorded as noncitizens). As a result, most early appointees usually had little knowledge of the new nation, and some were not even good English speakers.¹⁴

¹² Barreyre and Lemercier, "The Unexceptional State," 481–503; Ferry de Goeij, *Consuls and the Institutions of Global Capitalism, 1783–1914* (London: Taylor and Francis, 2014), 1–13; Nicole M. Phelps, *US–Habsburg Relations from 1815 to the Paris Peace Conference* (Cambridge: Cambridge University Press, 2013), 13–38; Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service, 1776–1914* (Westport, CT: Greenwood Press, 1990), 1–4.

¹³ Of the 53 consular appointments during the Washington administration (1790–95), 3 (6%) were to Asia, 3 (6%) to African Islands, 9 (17%) to the West Indies/Caribbean, and 18 to the Mediterranean littoral (34%). This includes Southern European and North African ports bordering the Mediterranean and 20 to non-Mediterranean European ports (38%). Percentages are rounded.

¹⁴ Consular appointments are listed alphabetically and chronologically in *List of U.S. Consular Officers, 1789–1939* (National Archives Microfilm Publication M587), Records of the Department of State, Record Group (RG) 59, National Archives at College Park, MD (NACP).

Newly appointed consuls received copies of the laws of the United States as well as general and special instructions from the State Department—or, at least, they were supposed to. The former would have contained the 1792 Act Concerning Consuls and Vice Consuls, which for many years was the only legislation spelling out consular powers and duties. Assuming they could read English, newly appointed consuls would have learned that they were authorized to receive complaints and petitions from U.S. citizens, to resolve estates of Americans who died in their jurisdiction, to save or salvage stranded American vessels, and to care for abandoned American seamen. The act also laid out a schedule of fees consuls might collect for authorizing documents and settling estates. State Department instructions, which became more detailed as the years went on, clarified some aspects of daily operations. These included the nature of consular certificates, the passport system, the need to discipline Americans breaking the law, how to set up consular offices, the need to send reports on American shipping, and more.¹⁵ Nevertheless, consuls, especially in the early years, could be quite confused about the particulars of their positions. Two years after passage of the 1792 act, the first American consul to Gibraltar repeatedly wrote his fellow consuls for information about consular fees, as he had not received any information from the State Department until finally receiving a copy of the laws of the United States a year or so later.¹⁶

From the start, these new consuls expressed frustration in their service to the State Department. Their complaints, which continued for more than a half-century, reflected the inherent shortcomings of a service designed to facilitate the mercantile interest at minimal expense. At the end of 1794, Secretary of State Edmund Randolph sent out a circular to all consuls asking them for suggestions to assist him in systematizing the consular service. Those consuls who responded repeatedly cited two basic problems. First, consuls had too little power over ship

¹⁵ Sidney Henshaw, *A Manual for United States Consuls: Embracing their Rights, Duties, Liabilities and Emoluments* (New York: JC Riker, 1849), 49–190; D.B. Warden, *On the Origin, Nature, Progress and Influence of Consular Establishments* (Paris: Smith, 1813), 139–51. The passport system originated in the Mediterranean region around the turn of the 19th century. On Mediterranean Passes, see Tristan Stein, “Passes and Protection in the Making of a British Mediterranean,” *Journal of British Studies* 54 (July 2015): 602–31. On the early U.S. system of personal identification, see Nathan Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution* (Belknap Press/Harvard University, 2015), 181–83, and Henshaw, *A Manual for Consuls*, 86–90.

¹⁶ James Simpson to Sec State, July 15, 1795, to Michael Morphy, August 28, 1794, to Joseph Iznardy, August 28, 1794, to Edward Church, September 18, 1794, all in James Simpson, *Letterbook*, Library of Congress, Washington, DC. Thomas Appleton in Livorno complained he had not received any copies of the laws of the United States for three years after his appointment. Appleton to Sec State, July 8, 1803, *Despatches from U.S. Consuls in Leghorn, 1793–1906*, (National Archives Microfilm Publication T214), RG 59, NACP.

captains. Second, the lack of salaries and reliance on fees was a serious detriment. Both issues boiled down to the general disengagement of the U.S. government and its inability to support a fully institutionalized consular corps. P. F. Dobree, consul to Nantes, summarized the consuls' concerns and captured the nature of facilitative government when he wrote, "Until now the consular establishment has not received from the government of the United States the necessary force and means of answering its useful institution. . . . Captains of vessels have not been held to report at their consuls and till now have only looked upon them as their protector in case of need."¹⁷

The consuls' most common complaint about captains was that they would not provide information about their cargoes. Since the State Department instructed consuls to submit semiannual reports on American shipping, this refusal seriously impeded their ability to do their jobs. Consul Sylvanus Bourne of Amsterdam wrote that, "due to the imperfect state of the present law as it regards the duties of our captains towards the consuls of the United States it has not been in my power to comply with the new requisition for the [summary] of returns of the state of our trade in this port." James Maury of Liverpool wrote that "having no power to enforce," he could not procure the requisite data, and added that, since the State Department had informed him, he "should not be warranted in compelling the masters of our vessels to conform, even if the laws of this country permitted, I have for some time past, ceased to demand those particulars." Similarly, James Simpson at Tangier hoped "that masters of vessels should be enjoined by law, to deliver at the consular office manifests of their outward and homeward cargoes."¹⁸

Robert Montgomery of Alicante, Spain, argued that consular reliance on fees turned consuls and captains against each other. The fees charged to Americans became "a very heavy burden on the masters of small vessels in particular who are obliged to discharge their cargoes at several ports, it is always [paid] with greater grudge than any other fee and rarely fails at creating ill will from masters to their consuls who in lieu of being considered their friend, their protector and councilor in every case, are far too often looked on as their oppressor and enemy." Several years later he added

¹⁷ PF Dobree to Sec. State March [1], 1797, *Despatches from U.S. Consuls in Nantes* (National Archives Microfilm Publication T223), RG 59, NACP.

¹⁸ Sylvanus Bourne to Sec. State, Aug. 6, 1795, *Despatches from U.S. Consuls in Amsterdam, The Netherlands, 1790–1906* (National Archives Microfilm Publication M446); James Maury to Sec. State, Aug. 3, 1795, *Despatches from U.S. Consuls in Liverpool, England, 1790–1906* (National Archives Microfilm Publication M141); James Simpson to Sec. State, Oct. 31, 1795, *Despatches from U.S. Consuls in Tangier, Morocco, 1797–1906* (National Archives Microfilm Publication T61), all in RG 59, NACP.

*General Statement of extra Disbursements for Public Service
from 1st September to 31st October 1803.*

		Pounds	Shillings	Pence
6	Paid charge of a Certified copy of letters to Marabout	1	-	-
8	" two Expresses sent to Tetuan	2	10	-
12	" paid Express to His Majesty with provision	9	-	-
"	" Sidy Abdashaman, Talle, for his assistance since the 1 st of	6	-	-
"	" an Express to Tetuan	1	3	-
18	" Breadstuffs to the Constabulary	8	-	-
19	" Express to Tetuan with advice of Commodore	1	3	-

Section of an expense account detailing Consul James Simpson's expenditures in Morocco, 1803.

that "the independent principle natural to people under our government leads masters and supercargoes of vessels to believe that any submissions to consuls would be deleterious to the right of an American citizen." He added that this refusal to comply also hit the consular pocketbook, since without salaries, their only recompense was the fees that the captains paid or refused to pay.¹⁹

Most consuls complained more generally about the fee system and the lack of salaries, which essentially shifted the expense of the consular system away from the federal government and on to the consuls themselves. Reliance on fees and mercantile business rather than a salary had several deleterious consequences. The differential in income for consuls between a port with frequent American arrivals and one with few (or between good commercial years and bad ones) would create great disparities and make many ports undesirable. Yet even at Bristol, certainly one of the busier ports and a desirable appointment, consul Elias Vanderhorst complained that the very vastness of commerce there forced him to "appoint agents for the protection of our very growing commerce," which he claimed caused him great "trouble and expence."²⁰

¹⁹ Montgomery to Sec. State, Oct. 9, 1795, Feb. 19, 1802, *Despatches from American Consuls in Alicante, Spain, 1788–1905* (National Archives Microfilm Publication T357), RG 59, NACP.

²⁰ Elias Vanderhorst to Sec. State, July 31, 1795, *Despatches from U.S. Consuls in Bristol, England, 1792–1906*, (National Archives Microfilm Publication T185), RG 59, NACP.

Consuls also argued that lack of financial remuneration often made it difficult for the State Department to find good candidates. Vanderhorst complained, “The want of salaries adequate to the dignity of the office . . . creates not only a languor in its movements incompatible with its design, but annexes to it a sort of contempt not less unfriendly to its purposes than mortifying to those who are entrusted with its execution.” Sylvanus Bourne reported that “the inadequateness and poverty of the existing consular establishment . . . in regard to compensation or emoluments forbids that anyone could accept of a consular appointment”—at least anyone not already “established” overseas. As a result, many non-Americans were appointed to these posts, a situation that he and others found to be less than desirable. Noting the disparity in income and expenses at different ports, Bourne suggested that Congress create differential salaries based on those factors.²¹

In Alicante, Robert Montgomery strongly supported the idea of merchant-consuls. So long as they did not ignore the public business for their own personal enterprise, “the more experienced a consul in business, his knowledge and information must be greater and it will be more in his power to serve the country than those who are confined to the simple vocation of their office and who for want of a proper [stimulus] seldom trouble themselves about anything else.” Having consuls rely solely on fees, however, was a very bad idea in his opinion, because it threatened to deter American trade. Salaries, he explained, were “the most dignified and honorable mode for both the nation and consul.” But, he added, when consular compensation was based on fees paid by “the few industrious adventurers who come abroad it in most cases damps their industry and often defeats the very intention of government in appointing consuls to give counsel and assistance to the masters of vessels in foreign countries” since captains avoided consuls in order to avoid paying fees.²²

Even the four consuls on the Barbary Coast (the only consuls to receive salaries) complained that their \$2,000 per year did not go far enough. Unable to conduct much commerce, these consuls were almost entirely reliant on consular fees and their salaries, unlike their counterparts in European ports, where conducting commerce was much easier and more lucrative. In 1799, William Eaton, the newly appointed consul to Tunis wrote, “I found myself here in an immensely large, empty house in the neighborhood of European consuls who support a degree of

²¹ Ibid, Sylvanus Bourne to Sec. State, Aug. 6, 1795, *Despatches from U.S. Consuls in Amsterdam*, M446, RG 59, NACP.

²² Montgomery to Sec. State, Oct. 9, 1795, *Despatches from the U.S. Consul in Alicante, Spain*, T357, RG 59, NACP.

stile, whose example must be copied, with less than half their means.” Writing that a year’s salary would be just allow him to furnish the house, leaving nothing for his own necessities, he concluded that the “situation of the slave in Tunis should be as happy as the consul; alas, poor fellows, I wish them more so.” A year later he wrote that his salary was “barely sufficient to furnish my table.”²³

In Tangier, consul James Simpson was unpleasantly surprised when he discovered he only received a \$2,000 annual salary, exactly half of what he had anticipated. Even the expected \$4,000 salary “is by no means adequate to the expenses we are now unavoidably at in this country,” he wrote, referring among other things to the many gifts that foreign consuls were expected to provide the Moroccan rulers. He was also surprised to find that the United States government refused to purchase or build a consular house for him, forcing him to set up the consulate in a tiny outbuilding on the Swedish consul’s extensive property near what is now Tangier’s Petite Socco (town square). To add insult to injury, he frequently had difficulty drawing his salary at all due to the scarcity of merchants in the region willing to credit bills drawn on the new United States government.²⁴

Criticism of Consuls

In addition to being critics of the consular service, consuls were themselves frequent targets of criticism from others, particularly the merchants and captains they represented. This attitude emerges most clearly from the recommendation letters that consuls solicited to gain appointments from the State Department. The need for and content of these letters, mostly written by overseas merchants in American ports, made it clear that both the recommenders and the applicants understood consuls to be the merchants’ representatives. The fact that the applicants found it necessary to solicit such endorsements from multiple merchant-patrons, shows that consuls agreed with this assessment. For example, Thomas Bulkeley, who successfully applied to be U.S. consul to Lisbon, solicited six such petitions, all nearly identically worded and signed by dozens of leading merchants from New York City, Salem, Boston, Providence, Alexandria, and Philadelphia. The letters (likely prepared by Bulkeley himself) all noted in the exact same language that, “as it is important that the consul for the United States at Lisbon should be a person *whose character and responsibility are approved of by the merchants of America* we can with confidence recommend Mr. Bulkeley to the appointment,” followed by the signatures of the

²³ Eaton to Pickering, Mar. 28, 1799, Letterbook, 99-02; Eaton to Pickering, May 7, 1800, Letterbook 99-01 William Eaton Papers, Huntington Museum and Library, San Marino, CA (hereinafter WEP).

²⁴ Simpson to Timothy Pickering July 17, 1798, Mar. 11, 1799, and ff, *Despatches from U.S. Consuls in Tangier, Morocco*, T61, RG 59, NACP.

various merchants. Many other applicants submitted similarly worded letters. For example, a recommendation letter from Daniel Hawley, consul to Havana, began, “Some of our respectable merchants seem desirous of having a consul appointed to reside at Havana and have mentioned Captain Daniel Harley as a very proper person for the trust.” A petition for Ebenezer Brush, consul to Suriname, was signed by New York merchants who “recommend[ed] him as a citizen fully capable of doing the duties of a consul in those parts whereby we conceive the commerce of this country might be promoted.” Supporters of Jacob Mayer, consul to Cape Francois, implied that consuls were appointed for their convenience when they noted, “The merchants trading to the north side of the island of Hispaniola [have] frequently experienced inconveniences and delays in their business for want of an American consul.”²⁵

Merchants and the captains who were their employees and agents did not hesitate to complain when consuls did not meet their needs. Their complaints were basically twofold: First, that noncitizen consuls did not represent them well, and, second, that a number of consuls were either incompetent or excessively self-interested. Probably the more common concern was over consuls who were not American citizens. Often those complaints were made by native-born Americans hoping to replace noncitizen consuls themselves, so there was doubtless an element of exaggeration at times. They generally argued that non-Americans were less inclined or less capable of representing American interests than citizens. One such applicant derided “the great evils which result from foreigners filling the offices of consul of the United States in various parts of Europe, who possessing neither common feelings of interest with the citizens of the United States, instead of protecting often conspire to rob them.” Another complained that the foreign-born American consul to Naples “feels no attachment to the country he represents, and has not even prudence enough to conceal it; who seems to discover rather an enmity than friendship toward Americans, and frequently treats them with incivility and rudeness.”²⁶ Others argued that Americans needed the benefits of consular posts more than foreigners, who were generally already well-situated in the ports they represented.²⁷

²⁵ Bulkeley and Hawley in *Letters of Application and Recommendation During the Administration of John Adams, 1797–1801* (National Archives Microfilm Publication M406), RG 59, NACP; Peter and Bayard et al., Petition nd [1796] in George Washington Papers, Series 7, Applications for Office, 1789–1796; Jacob Mayer, <https://www.loc.gov/item/mgw758511/>.

²⁶ Joseph Barnes to Thomas Jefferson, Sept. 7, 1800, in Barnes file, and Memorial of Frederick Degan, Degan File, both in *Letters of Application and Recommendation During the Administration of Thomas Jefferson, 1801–1809* (National Archives Microfilm Publication M418), RG 59, NACP.

²⁷ See JM Forbes to Madison, May 26, 1804, John M. Forbes File, M418, RG 59, NACP; Thomas Gilpin to Van Buren, March 4, 1830 *Letters of Application and Recommendation During the Administration of Andrew Jackson, 1829–1837* (National Archives Microfilm Publication M639) RG 59, NACP.

Merchants and sailors also complained of consular incompetence, both on the part of Americans and non-Americans. An American supercargo wrote that the foreign-born Neapolitan consul was unable to assist him when his ship's captain went insane, "and from [the consul's] want of attention this vessel was detained five weeks, when she might have been dispatched in as many days." An American merchant-consul noted that the Genoese consul had gone bankrupt, that he had occasionally "compromised the consular seal on the service of the United States for his private affairs . . . [and] would have compromised me had I complied with his desires." Many merchants complained about Sidney Mason, the American-born consul to San Juan, Puerto Rico. One described him as "an unfit person for said office, giving general cause of complaint and dissatisfaction to every captain and supercargo, and in fact to all Americans trading to said port"²⁸



Joel Barlow was a well-known literary figure and consul to Algiers, 1795–97.

The consuls themselves occasionally voiced similar concerns about their colleagues. Mordecai M. Noah, consul to Tunis, wrote that the American-born consul to Algiers, Joel Barlow, was "admirably qualified," but "at Tangier, a foreigner, Mr. Simpson, was appointed, and at Tunis and Tripoli we had agents, ignorant of our country and its policy, who were only tolerated." He also noted, "I have no objections to adopted citizens holding office, but I would rather see them in power at home, than abroad." William Eaton, Noah's Connecticut-born predecessor at Tunis, complained that "the character of our government suffers" due to many of the consular appointments. Naming names, he continued, "Mr. Appleton at Leghorn, though harmless, wants character; Mr. Barnes at Sicily probity; Mr. Pulis at Malta, national attachment and fealty; and Mr. Mathieu at Naples wants everything."²⁹

²⁸ Stephen Cathalan to Thomas Jefferson, n.d, Peter Kuhn file, and Joseph Barnes to Thomas Jefferson, Sept. 7, 1800, in Barnes file, both in M418, RG 59, NACP; Jonathan P[?] to Andrew Jackson, Aug. 7, 1835, in Sidney Mason file, M639, RG 59, NACP.

²⁹ Mordecai M. Noah, *Travels in England, France, Spain, and the Barbary States, in the Years 1813–14 and 15* (New York: Kirk and Mercein, 1819), 218, 339; Eaton to Robert Smith, Oct. 27, 1804, Letterbook, Jan. 2, 1804–June 17, 1805, WEP.

Indirect and Direct Federal Reforms

Congress made few efforts to address these or other complaints about the weakness of the consular service during its first half-century of operation. Those acts that did increase consular power most often did so indirectly, with their chief objectives aimed elsewhere. This apparent lack of interest in empowering consuls points to a general satisfaction or at least lack of dissatisfaction with the facilitative nature of the consular service even if individual consuls fell short. After all, merchants and captains benefitted from the system without having to give up any power or much profit, and the cost to government was minimal. Consular weakness mainly acted to the detriment of the consuls themselves and the seamen they assisted, neither of whom had much influence back in the national capital.

The creation of the U.S. Navy with the construction of six frigates in 1794 was aimed primarily at protecting American ships from Barbary pirates, but it offered tremendous support to consuls, merchants, and seamen. The initial impetus was the 1794 capture of American ships by North African corsairs whose habit of capturing American ships and ransoming their crews and cargoes would provoke the two Barbary Wars (May 1801–June 1805 and 1815). Shortly thereafter, threats of ship capture during the Quasi-War with France (1798–1800) provided additional incentives. When American ships were captured, consuls were typically the officials who had to work to free them as they were usually the only representatives of the United States on the spot.³⁰ Since the consuls and merchants understood the consuls' first priority to be maintaining the flow of American commerce, and since most consuls were themselves merchants, the establishment of the navy was widely viewed as an important improvement for consuls and American commerce. In North Africa, for example, the consul to Tangier wrote with gratitude on the arrival of the new U.S. Mediterranean Squadron in 1802: "I have often since the summer of 1795 had the honor of stating in my dispatches, there is not anything has such weight, as showing the Moor that a naval force is on hand, to act in case of need." For his part, Secretary of State James Madison acknowledged the role of consuls in pushing for a navy when he wrote the Tunisian consul that "the policy of exhibiting a naval force on the coast of Barbary has long been urged by yourself and other consuls."³¹

The navy's facilitation of smoother overseas commerce benefitted merchants enormously at essentially no cost to them. As discussed above, ship captures were costly not only to owners of the captured ship but also to all merchants forced to

³⁰ Although this duty was not prescribed by legislation, it occupied a large part of many consuls' time and effort.

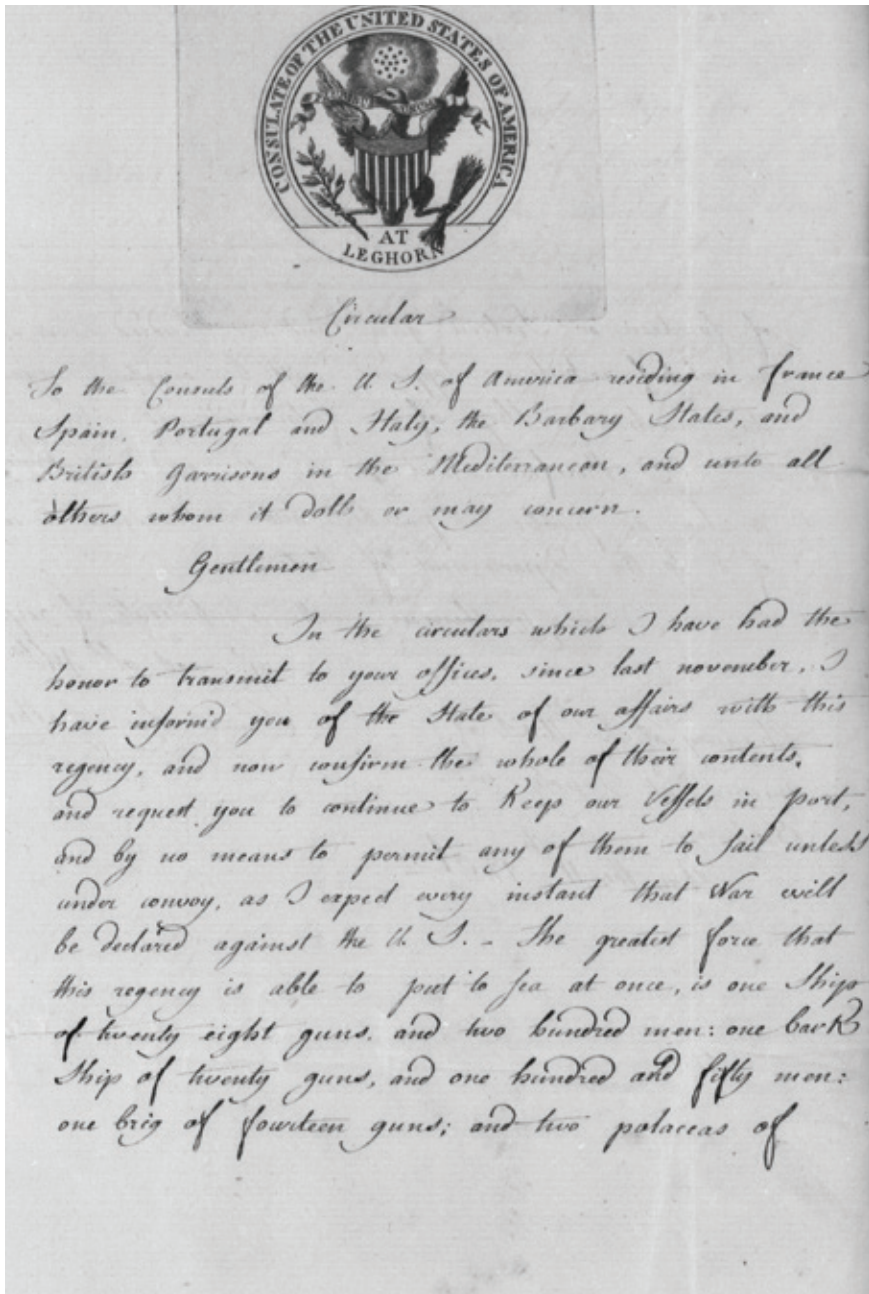
³¹ Simpson to Sec. State, July 3, 1802, *Despatches from U.S. Consuls in Tangier, Morocco*, T61, NACP; Frank Lambert, *The Barbary Wars: American Independence in the Atlantic World* (New York: Hill and Wang, 2007), 126.

pay higher maritime insurance in the wake of a series of captures. Furthermore, the establishment of the navy directly benefitted several American merchants living overseas who were appointed naval agents. Consuls were very desirous of procuring these positions, presumably because of the possibility for lucrative contracts supplying the navy with goods and services. Although he denied money was his primary motivation, Thomas Appleton, consul to Livorno, applied for the job repeatedly, and in Alicante, consul Robert Montgomery frequently urged the government to create a naval agency there so that he could supply the Navy (presumably at a profit). Neither consul succeeded in his efforts.³² In sum, the establishment of the navy assisted American merchants and captains by projecting American power outward but did nothing to augment the power of the consuls over their fellow Americans.

Two examples illustrate the serious problems resulting from the continuing lack of consular authority. In Alicante, consul Robert Montgomery was convinced that the supposedly American ship *ABC* carried false papers, a serious issue not only because it broke American law but because it could prompt authorities from other countries to detain the ship and provoke an international incident. Yet Montgomery received very little support from the State Department, which assured him he had the right to detain the *ABC*, but “it is a right you must use discreetly and attentively to avoid personal [liability] or preclude complaint.” Essentially, the government refused to support the consul if he were to be sued by the shipowners. As a result, Montgomery concluded it was too risky to detain the ship when the captain persisted in asserting the authenticity of his papers. He feared “a law suit must be sustained in a Spanish tribunal [where the shipowners] could afford to pay high and with the great likeness of the papers there is no doubt a sentence would go in their favor and the charges go very heavy on my self” and he doubted he “should be funded by government.” In Gibraltar, the American consul, James Simpson, made many efforts to prevent American captains from sailing to the port of Safi, which had been closed to traders by Morocco’s emperor in 1795. But American captains could not resist the possibility of big profits there even though they risked detention, which could create serious problems for Simpson and the State Department. Simpson wrote, “I gave early notice of [the emperor’s] wishes in this particular to all [U.S.] consuls in this part of the world and wish it was in their power to prevent any farther [*sic*] such causes of complaint.”³³

³² Appleton to Secretary of State, Sept. 28, 1801, Dec. 8, 1808, Oct. 10, 1813, in *Despatches from U.S. Consuls in Leghorn*, T214, RG 59, NACP; Montgomery to Secretary of State, Jan. 13, 1808, in *Despatches from the U.S. Consul in Alicante, Spain* (T357), RG 59, NACP.

³³ R Montgomery to Charles Pinckney, Aug. 16, 1803, *Despatches from the U.S. Consul in Alicante, Spain*, T357, RG 59, NACP; James Simpson to David Humphreys, Dec. 10, 1795, James Simpson *Letterbook*, Library of Congress, Washington, DC.



One of many circulars sent to U.S. consuls warning of possible shipping disruptions, in this case due to Tripoli declaring war on the United States, 1807.

Two sets of legislation in the subsequent half-century that were specifically directed toward the consular service served to shore up consular power a bit, though neither came close to addressing consular concerns head on. The first was the 1803 Act supplementary to the “Act Concerning Consuls and Vice Consuls, and for the further protection of American Seamen.” As the title suggests, rather than reforming the consular service, this act addressed the more narrow problem of relief to American seamen in foreign ports. The original 1792 legislation had vaguely charged consuls with aiding suffering American seamen in their ports “in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man per diem.” The revised legislation was much more specific. It required captains to draw up a detailed list of their crews at the start of each voyage and to deposit it along with other documents with the U.S. consul at any foreign port of arrival or be fined \$500. It also created an elaborate mechanism for looking after sick or discharged seamen. Captains were required to provide three months’ pay for all discharged seamen to the consul, part of which was to go into a fund to help return other abandoned seamen to the United States. Consuls also now had the power to require captains to take on board abandoned seamen and return them to the United States.³⁴ Additionally, the 12-cents-per-sailor cap was lifted, and consuls could now be reimbursed the full expense of caring for discharged seamen, and they would also receive a 50-cent fee for every discharge certificate issued as well as a 2.5 percent commission for wages paid to each discharged seaman.³⁵

These modifications not only relieved consuls of burdensome expenses but also significantly increased their authority over American captains who were now, for the first time, legally required to report to and deposit papers with American consuls. Thomas Appleton, consul to Livorno, Italy, had suffered a good deal of personal and monetary stress providing for discharged seamen and trying to get captains to take responsibility for them. He estimated that in its first year of operation, the new system had saved him over \$200, or roughly 50 percent of the amount spent on discharged sailors the previous year. He commended the act to the State Department, reporting that since its passage “not a citizen has evaded

³⁴ Once inside the United States, seamen benefitted from federally funded maritime hospitals, as detailed in Rao “The Early American State ‘In Action’: The Federal Marine Hospitals, 1789–1860,” in Sparrow et al., eds., *Boundaries of the State in US History*, 21–56.

³⁵ “An Act Concerning Consuls and Vice Consuls,” Ch. XXIV, April 14, 1792; “An Act Supplementary to the ‘Act Concerning Consuls and Vice-Consuls and for the further protection of American Seamen’” 7th Cong. Sess. II. Ch. 9, Feb. 28, 1803.

from this port, the captains are less unjust in their treatment of their sailors, and... *we can compel* [them] to do their duty.”³⁶

A second set of federal statutes also strengthened the consuls’ authority via the U.S. Customs Service. The primary way in which the federal government raised revenue during this period was through tariffs on imported goods. Merchants had to pay these duties and were often able to gain some credits on specific imports (known as drawbacks). In 1799 Congress passed a lengthy and specific “Act to regulate the Collection of Duties on Imports and Tonnage” that replaced the less detailed act originally establishing the customs service in 1789. Buried in Section 81 of this act was a stipulation that merchants must obtain a certificate from the U.S. consul at the port where any goods qualifying for a drawback had been purchased. This certificate would attest that the details provided by the merchants to customs were accurate. These consular duties were reaffirmed and slightly expanded by subsequent legislation in 1818 and 1823. By essentially incorporating consuls into the customs service, these acts provided a very strong incentive for captains to report to consuls on arrival in a port and show a certain amount of respect, since they needed their signatures on important certificates.³⁷

Despite this legislation, consuls and legislators realized that the weaknesses of the consular service persisted. Increasing numbers of proposals to reform the service made their way into Congress in the 1830s and 1840s, but none gained much traction. Two such efforts came from American consuls who raised the same issues that had worried consuls since the inception of the service. In 1831 Daniel Strobel, consul to Bordeaux, submitted a detailed report to the secretary of state calling for the restructuring of the Consular Service. He recommended reducing the number of consuls and instituting salaries for the remaining positions. He argued that salaries would resolve complaints about the current fee system and help ameliorate tensions between unpaid merchant-consuls and ship captains. He further recommended the consuls “ought to possess a certain degree of judicial authority, sufficient to decide the disputes between masters and seamen.” Finally, he noted that consular authority was further reduced by the failure of customhouse officials to enforce the portion of the 1803 act that called for captains to provide a detailed list of their crew members before sailing and for customs collectors

³⁶ Appleton to Sec. State, Jan. 20, 1804, Jan. 20, 1805, in *Despatches from U.S. Consuls in Leghorn*, T214, RG 59, NACP. Emphasis added. In theory Appleton would eventually be reimbursed for his expenses, but reimbursement was difficult to obtain, and even then, the State Department often denied expenses.

³⁷ Statutes of the US, First Congress, Ch. V, “An Act to regulate the collection of the Duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the US”; Fifth Congress, Ch. XX, “An Act to regulate the Collection of Duties on Imports and Tonnage”; 15th Congress, Ch. LXXIX, “An Act Supplementary to an Act, entitled ‘An Act to Regulate the Collection of Duties on Imports and Tonnage...’”; 17th Congress, Sess. II, Ch. 21, “An Act Supplementary to and to Amend an act entitled ‘An Act to regulate the Collection of duties on Imports and Tonnage....’”

to verify it. As a result, consuls could not readily redress mistreatment of sailors by their captains.³⁸ Congress never appears to have acted on this report.

The second effort came from the consul to Puerto Rico, George Washington Montgomery, who raised many of the same issues that consuls had complained about in the 1790s. Montgomery, a well-known writer, included a bit of criticism of American consuls in his travelogue on Guatemala when he described how, in 1838, a longtime resident was amazed to find that “Mr. P” served as the American consul and asked, “I wonder if your government knows it?” No doubt this barb was aimed at the general weakness and frequent invisibility of American consuls as well as the specific situation in Guatemala. Also in 1838, Montgomery drafted a plan to reform the consular system. In it, he wrote that “to judge from various notices on the subject which have appeared of late in newspapers and pamphlets, [reform] is generally admitted to be indispensably necessary for the commercial interests and for the credit of the country abroad.” His proposal attempted to address the disparities created by the fee system and the “want of proper regulations for the guidance and government of these officers, and for clearly defining their powers and responsibilities,” especially their “authority and jurisdiction.” His proposal was considered by the House Committee on Commerce but never made it out of committee.³⁹

Despite these and other efforts, Congress did not pass meaningful reform legislation until 1856. The new “Act to regulate the Diplomatic and Consular Systems of the United States” reorganized the consuls into two groups. The first group consisted of 82 consuls who would receive salaries from \$1,500 to \$7,500 per year, while a second group of 34 would receive annual salaries ranging from \$500 to \$1,000. Consuls in the higher pay bracket were forbidden to engage in trade. All consuls would continue to collect fees as well. To address consular weakness, the new legislation mandated that captains must consult with consuls when they needed any services and deposit their papers with them, while consuls were authorized to hold ships’ papers, effectively detaining the captains, until “payment shall be made of all demands and [sailors’] wages on account of such ships and vessels.”⁴⁰

³⁸ “Mr. Strobel’s report to the Secretary of State, relative to consular fees etc. etc.” in *Public Documents Printed by Order of the Senate of the United States* (Washington, DC: Duff Green, 1831), II:4–13.

³⁹ George Washington Montgomery, *Narrative of a Journey to Guatemala in Central America, in 1838* (New York: Wiley and Putnam, 1839), 100–1; U.S. Congress, *House Documents, Otherwise Published as Executive Documents*, 13th Cong., 2nd sess.–49th Cong., 1st Sess., 1147–1151. Montgomery was the nephew of Robert Montgomery, the Alicante consul, and his father had served as Barcelona consul and vice-consul, so he was presumably aware of the fraught history of the consular service.

⁴⁰ “An Act to regulate the Diplomatic and Consular Systems of the United States of America in Congress Assembled,” 34th Cong., Sess. 1, Chap. CXXVII (1856).

Conclusion

Why did it take 60 years for Congress to address problems that consuls had identified from the start? Considering the numerous efforts made by consuls at initiating reform, it seems clear that legislators simply had little desire to institute change and little impetus from their constituents to do so. The facilitative system worked well for captains and merchants who received valuable benefits at minimal cost and with few restrictions on their freedom and who were often able to avoid paying what they viewed as onerous fees. When consuls pushed back or displeased them, merchants and captains could petition to have them replaced. The people who suffered the most from the system—consuls and common seamen—were far away and lacked political power for the most part. Furthermore, the system of neglect accorded with the general philosophy of limited, facilitative management of domestic affairs by the federal government. That governing approach did not begin to change substantially until the mid-19th century.

It is probably no coincidence that the weakness of the consular system coincided with the diplomatic weakness of the United States abroad during the Antebellum period. Consuls were the most numerous American representatives in foreign ports. They served as the face of the United States to foreign governments as well as to American citizens in their ports. By underfunding them and depriving them of authority, Congress essentially emaciated the “sinews of power.” This was the tactic of a government that generally refrained from exerting authority abroad beyond the bare minimum of supporting trade. It would only be with the rise of American power and imperialism in the second half of the century that government would view this weakness as a serious liability and seek to rectify it.⁴¹

Picture credits: James Maury, portrait by Gilbert Stuart Newton, Walker Art Gallery; Mogadore instructions, expenses of Consul James Simpson, National Archives at College Park, MD (NACP), T61; Joel Barlow, Indianapolis Museum of Art; Circular, NACP, T214.

© Society for History in the Federal Government. Readers can download *Federal History* articles and share them but must credit the journal and author. They cannot change the articles in any way or use them commercially. This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License (CC BY-NC-ND).

⁴¹ Nicole M. Phelps, “One Service, Three Systems, Many Empires: The U.S. Consular Service and the Growth of U.S. Global Power, 1789–1824,” in Kristin L. Hoganson and Jay Sexton eds., *Crossing Empires: Taking U.S. History into Transimperial Terrain* (Durham: Duke University Press, 2020), 135–58. Phelps sees a general increase in the use of consuls to pursue imperial-style influence after the Civil War in what she calls “informal empire posts.”