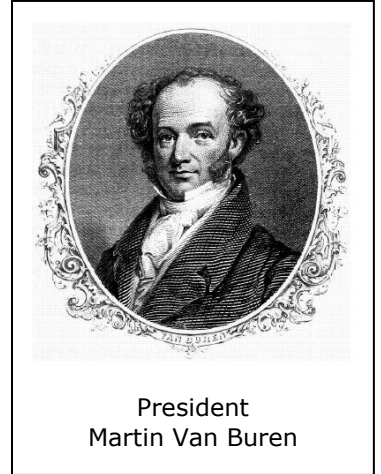


# Twenty-Sixth Congress

Dec. 2, 1839 – Mar. 3, 1841

## Administration of Martin Van Buren

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### Historical Background

The 26<sup>th</sup> Congress began amidst a rapidly declining economy resulting from the Panic of 1837. During a special session of the previous Congress, President Martin Van Buren delivered a message proposing, among other financial measures, the withdrawal of Government funds from the “pet banks,” where President Andrew Jackson had deposited them in 1833, and placing them instead in Federal sub-treasuries. The 25<sup>th</sup> Congress balked at this proposal. Worsening economic conditions in late 1839 and early 1840 refocused the 26<sup>th</sup> Congress’s attention to the President’s appeal for an independent Treasury system, eventually leading to passage of a new Independent Treasury Act on July 4, 1840 — too late, however, to impact that year’s Presidential election, wherein Van Buren was defeated by William Harrison.

Apart from the continuing financial crisis taking place, the United States was also faced with a diplomatic situation involving a Spanish slave ship, *La Amistad*. While transporting 51 African Mende slaves to Cuba, the captives seized the ship and tried to force the crew to take them back to Africa. Instead, the navigator steered the ship north into U.S. territorial waters and the African captives were interned in New Haven, Connecticut while the U.S. judiciary system attempted to settle their legal status and the conflicting claims regarding *La Amistad*’s ownership. The situation provided for difficult diplomacy condition as Britain and Spain both applied pressure, for and against releasing the slaves, respectively. The Supreme Court ultimately found the ship to be in violation of various treaties between Britain, Spain and the United States prohibiting the international slave trade across the Atlantic but did not require the President to return the African captives to Spain.

House	Senate
Majority Party: Democrats (125 seats)	Majority Party: Democrats (30 seats)
Minority Party: Whig (109 seats)	Minority Party: Whig (22 seats)
Other Parties: Anti-Masonic (6 seats); Conservatives (2 seats)	Other Parties: None
Speaker of the House: Robert M.T. Hunter	Senate President Pro Tempore: William R. King

In addition, President Van Buren continued to face issues relating to the demarcation of the U.S. border with the Republic of Texas and the northern border with British Canada, as well as the continued military campaign in the Second Seminole War in Florida, and the force removal of Native Americans to west of the Mississippi.

Sources:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#), Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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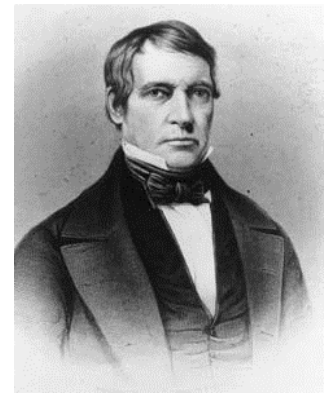
## War or Peace?

### Amistad Crisis

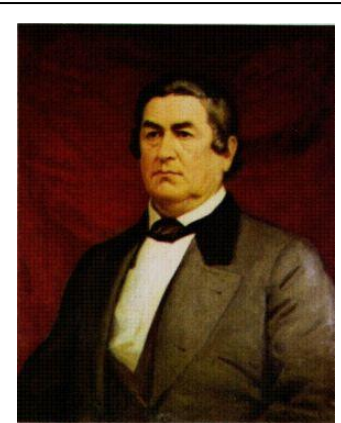
During the 26<sup>th</sup> Congress, the United States confronted a serious diplomatic situation with the government of Spain. While the Spanish slave ship La Amistad was transporting 51 African Mende slaves to Cuba, the captives seized the ship and tried to force the crew to take them back to Africa. Instead, the navigator steered the ship north into U.S. territorial waters and it was eventually captured off the coast of Long Island by the Revenue Cutter U.S.S. Washington. The African captives were interned in New Haven, Connecticut while the U.S. judiciary system attempted to settle their legal status and the conflicting claims regarding La Amistad's ownership.

The case, *United States v. The Amistad*, became a cause célèbre among abolitionists but became a major diplomatic problem for the government as Britain and Spain both applied pressure, for and against releasing the slaves, respectively. Various treaties between Britain, Spain, and the United States prohibited the international slave trade. Britain opposed the institution of slavery and insisted upon the return of the captives to Africa, even going to so far as to send a special commissioner to testify on behalf of the Africans. Spain, in contrast, vehemently protested the capture of their property and demanded the ship and its captives be "returned" to Cuba from which officials claimed it had come.

A case was filed in September 1839 with the Circuit Court in Hartford, Connecticut charging the captive Africans with mutiny and murder. The court ruled it lacked jurisdiction because the siege took place aboard a Spanish vessel in Spanish waters. Dissatisfied, Spanish officials then took their concerns directly to President Van Buren. In the District Court, other private parties claimed ownership of the Amistad, its goods, and the slaves aboard it at the time of capture. The U.S. Government filed a case on behalf of Spain to return the ship and its cargo, including the captives, to the Spanish government. A group of abolitionists, known as the Amistad Committee, mounted a defense and found an interpreter for the captives. The abolitionists then filed charges of assault, kidnapping, and false imprisonment against the owners of the Amistad. All parties then appeared before the U.S. District Court for the District of Connecticut and presented their arguments.



President Pro Tempore  
William R. King



Speaker of the House  
Robert M.T. Hunter

The abolitionists, with help from the special commissioner from Britain, were able to establish that the Africans were not slaves from Cuba, as claimed by Spain and the owners of the Amistad, but rather that they had been illegally trafficked across the Atlantic in violation of international agreements. The District Court ruled in their favor and found the African captives legally free. Moreover, the court ordered the President to return the captives to Africa. Feeling pressure from Spain, Van Buren immediately ordered the U.S. Attorney to appeal the case to the Circuit Court for the Connecticut District. The Court affirmed the lower court's decision in April 1840. The case was then appealed to the Supreme Court, which upheld the previous decision but ruled that the President was not obligated to return the captives to Africa.

## **Second Seminole War**

In Florida, there was a sense of exhaustion over the long-running and seemingly intractable Second Seminole War. With the fiscal pressures brought by the Panic of 1837, there was also a growing sense that the cost of driving the Seminoles from Florida was too high. Congress appropriated \$5,000 to negotiate a settlement with the Seminoles and President Van Buren sent Commanding General of the Army Alexander Macomb to lead the negotiations. Initially the negotiations appeared to be fruitful, but on July 23, 1839, a force of 150 Indians attacked the military detachment at Caloosahatchee, killing several soldiers and civilians. For the remainder of the term of the 26<sup>th</sup> Congress, U.S. forces, led by General Zachary Taylor, ceaselessly tracked and harried the Seminoles. The war would continue for the next few years, as individual Seminole leaders were individually forced to quit Florida for the new Indian territory.

## **Republic of Texas**

Meanwhile, in the recently independent Republic of Texas, Mirabeau B. Lamar, who succeeded Sam Houston as President, reversed his predecessor's policy of seeking rapprochement with the Comanche Indian tribes. Lamar resumed Texian incursions against the Comanche, including into their stronghold, the Comancheria. In 1840, three Comanche chiefs entered San Antonio to seeking a new peace with the Texian government, bringing a young hostage as a gesture of sincerity. The government agreed to meet to discuss peace terms on the condition that all white hostages be returned as a precondition. Texas Secretary of War Albert Sidney Johnston instructed that the Comanche peace delegates were to be taken prisoner in the event they do not bring all their white hostages.

When the 12 Comanche chiefs arrived for the peace conference, they brought only one white hostage. They hoped to negotiate for recognition of the Comancheria as their own sovereign territory. Expecting to promulgate a peace agreement, the Comanche leaders had brought their wives and family members along with them. When it was discovered that the Comanche had not brought all white hostages, they were informed that they were to be held hostage until all captives were returned. When members of the delegation attempted to escape, the Texian soldiers opened fire, killing more than 30 members of the delegation.

The Comanches viewed this as an outright betrayal. The Comanche chief Buffalo Hump raised an enormous war party of over 400 warriors. The war party entered a series of towns along the Gulf coast, which were far less prepared for Comanche raids than the towns of the interior. On August 8, 1840, the invading party surrounded the coastal town of Linville. The residents, correctly reasoning that the Comanche wouldn't follow them into the water, escaped into small boats in the Gulf. The Comanche proceeded systematically through the town, accumulating loot and setting structures alight. The Comanche, who were generally able to outrun their opponents, found themselves slowed down by their heavily loaded pack mules. Texian forces caught up to the Comanche at Plum Creek and though they were able to kill a few dozen of their number, the pursuit was largely abandoned when the militia altered their focus to recovering looted bullion and other property.

The continuing struggle against the Comanche was one of the main drivers behind the push to accept U.S. annexation of Texas. Though Texian leaders like Sam Houston cherished their independence, the combined pressures of Comanche raids and the perennial specter of Mexican invasion to regain control of the territory in the coming years would prove too strong to resist.

Sources:

[\*Suppression of the slave trade -- conference of foreign governments on the subject\*](#), Select Committee on Suppression of the Slave Trade. House; Department of Navy, Feb. 9, 1821. 16<sup>th</sup> Congress, 2<sup>nd</sup> Session, For.rel.346. ProQuest Congressional, ASP05 For.rel.346

Van Buren, Martin. [\*Message from the President of the United States, transmitting the information required by the resolution of the House of Representatives of the 23d ultimo, in relation to the Africans taken in the vessel called the Amistad\*](#), House, Mar. 31, 1840. 26<sup>th</sup> Congress, 1<sup>st</sup> Session, H.doc.185. ProQuest Congressional, 366 H.doc.185

Tyler, John. [\*Schooner Amistad. Message from the President of the United States, transmitting sundry letters between the Department of State and the Chevalier d'Argaiz, on the subject of the schooner "Amistad."\*](#) Committee on Foreign Affairs. House, Feb. 27<sup>th</sup>, 1843. 27<sup>th</sup> Congress, 3<sup>rd</sup> Session, H.doc.191. ProQuest Congressional Research Digital Collection, 422 H.doc.191

Van Buren, Martin. [\*Message from the President of the United States, communicating, in compliance with a resolution of the Senate, copies of the correspondence between the War Department and Governor Call, concerning the war in Florida\*](#), Senate, Mar. 11, 1840. 26<sup>th</sup> Congress, 1<sup>st</sup> S.doc.278, Mar. 11, 1840, ProQuest Congressional Research Digital Collection, 358 S.doc.278

Van Buren, Martin. [\*Message from the President of the United States to the two Houses of Congress, at the commencement of the second session of the Twenty-Sixth Congress\*](#). Dec. 5, 1840. 26<sup>th</sup> Congress, 2<sup>nd</sup> Session, S.doc.1/1 (Pr8.1/1:840). ProQuest Congressional Research Digital Collection, 375 S.doc.1/1

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## Economic Trends and Conditions

As the economy continued to deepen into a depression, the flow of British capital into the country virtually ceased, bank failures increased, and business activity slumped. Banks began for the second time to suspend specie payments. Finally, after being a major issue in the previous election

and debated throughout the 25<sup>th</sup> Congress, on July 4, 1840, President Van Buren signed the Independent Treasury Act for which he had campaigned vigorously for nearly three years.

The Act, however, did little to ease the lingering effects of the economic downturn for average Americans. Moreover, Van Buren's refusal to use government funds to intervene and his determination to pay off the national debt exacerbated the situation. Agriculture, which had seen something of a comeback in 1837-1838, experienced a new steep decline in prices. The cotton belt of the South suffered significant losses and many once prosperous plantations foundered.

Furthermore, states started experiencing difficulty meeting their obligations on bonds for goods and services. As a result, by 1840 state monetary reserves had begun to dry up. Several states defaulted on their bonds, angering foreign investors and leading to the withdrawal of funds, only worsening the crisis. Though the economy showed some signs of recovery during 1838 and 1839, this proved short-lived when European financial institutions raised interest rates. For a brief time, the United States withdrew from the international money markets in an effort to halt the devaluation of currency. In spite of these efforts, though, the effects of the depression would continue to linger for several more years.

Sources:

Van Buren, Martin. [\*Message from the President of the United States, to the Two Houses of Congress, at the commencement of the first session of the Twenty-Sixth Congress\*](#), House, Dec. 2, 1839. S.doc.1/1 (Pr8.1/1:839), ProQuest Congressional, 354 S.doc.1/1

Van Buren, Martin. [\*Message from the President of the United States, transmitting information, in compliance with a resolution of the Senate, in relation to the banks which have recently suspended specie payments\*](#), Committee on Finance. Senate, Jan. 8, 1840. S.doc.72. ProQuest Congressional, 356 S.doc.72

Van Buren, Martin. [\*Message from the President of the United States to the two Houses of Congress, at the commencement of the second session of the Twenty-Sixth Congress\*](#). Dec. 5, 1840. 26th Congress, 2nd Session, S.doc.1/1 (Pr8.1/1:840). ProQuest Congressional Research Digital Collection, 375 S.doc.1/1

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## Landmark U.S. Supreme Court Decisions

*United States v. The Amistad*, a freedom suit filed by African captives found aboard the captured Spanish slave ship La Amistad, restored the slaves' freedom and authorized the return of those Africans illegally trafficked to their homeland in accordance with international treaties, 40 U.S. 518 (1841)

Sources:

Costello, George A. and Johnny H. Killian. [\*Constitution of the United States of America, Analysis and Interpretation\*](#). CRS, Library of Congress, Jan. 1, 1996. 103rd Congress, 1st Session, S. Doc. 103-6 (Y1.1/3:103-6). ProQuest Congressional, 14152 S.doc.6

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## 1839 Events

- **Jan. 9:** The French Academy of Sciences announces the daguerreotype photography invented by Louis Daguerre
- **Feb. 20:** [Congress prohibits dueling in the District of Columbia](#)
- **Mar.** *Aroostook War* – [British troops reach Madawaska in the disputed northern boundary between Maine and New Brunswick; General Winfield Scott quickly negotiated a truce without conflict, eventually leading to the Webster-Ashburton Treaty in 1842](#)
- **Apr. 19:** The Treaty of London establishes Belgium as an independent kingdom with its neutrality guaranteed by the great powers of Europe
- **May 19:** *Second Seminole War* - [Commander Alexander Macomb announces reaching an agreement with the Seminole in which the fighting would end in exchange for a reservation in Southern Florida](#)
- **June 3:** Destruction of opium at Humen begins, causing Britain to open the 3-year First Opium War against Qing Dynasty China
- **July 23:** *Second Seminole War* - A force of 150 Indians attacked the military detachment at Caloosahatchee, killing several soldiers and civilians
- **July 1:** *United States v. The Amistad* - [Slaves aboard the Spanish schooner La Amistad rebel and capture the ship](#)
- **July 8:** American industrialist and philanthropist John D. Rockefeller is born
- **Aug. 19:** In exchange for the rights to the daguerreotype – the first practical photographic process – the French government gives Louis Daguerre a pension, and then publishes all its technical specifications to “the whole world”
- **Sept.:** *United States v. The Amistad* - [A case is filed with the Circuit Court in Hartford, Connecticut charging the captive Africans of the La Amistad with mutiny and murder; in 1841 the case was appealed and heard by the Supreme Court](#)
- **Sept. 5:** The First Opium War begins in China

## 1840 Events

- **Jan. 19:** [U.S. Captain Charles Wilkes sights the Shackleton Ice Shelf in southeast Antarctica, claiming it for the U.S. and providing evidence that Antarctica is a complete continent](#)
- **Jan. 22:** British colonists reach New Zealand, officially founding Wellington
- **Feb. 10:** Queen Victoria marries her cousin Prince Albert of Saxe-Coburg and Gotha
- **Mar. 9:** [The Wilmington and Raleigh Railroad is completed from Wilmington, North Carolina to Weldon, North Carolina; at 161.5 miles, it is the world's longest railroad at the time](#)
- **May 6:** The Penny Black, the world's first adhesive postage stamp, becomes valid for the pre-payment of postage in the United Kingdom
- **May 22:** British transportation of convicts to New South Wales, Australia ends



- **July 15:** [Quadruple Alliance: Pacification of the Levant - Austria, the United Kingdom, Kingdom of Prussia, and Russia sign the Convention of London with the Ottoman Empire, summarizing agreements resulting from the latter empire's second war with Muhammad Ali's Egypt](#)
- **Aug. 7:** *Second Seminole War* – A group known as the 'Spanish' Indians overrun a settlement on Indian Key
- **Aug. 8:** Comanche tribesmen surround and attack the town of Linville after Texian officials capture 33 Comanche chiefs in San Antonio when they came to negotiate a peace treaty
- **Sep. 10:** Ottoman and British military forces bombard Beirut and land troops on the coast to pressure Egyptian Muhammad Ali to retreat from the country

Sources:

[Catalogue of treaties, 1814-1918 \[bibliography of international treaties, and selected treaties from 1353 to 1814, by year and country\]](#), GPO, Jan. 1, 1919. S9.2 Treaties General Publications (S9.2:C28). ProQuest Congressional Research Digital Collection, S9.2-5

Fillmore, Millard. [Message from the President of the United States, recommending the payment of the claim made by the Spanish Government, on behalf of its subjects, in the case of the "Amistad."](#) Committee on Foreign Relations. Senate, Jan. 17, 1853. 32nd Congress, 2nd Session, S.exdoc.19. ProQuest Congressional, 660 S.exdoc.19

Macomb, Alexander. [Documents accompanying the report of the Secretary of War.](#) House, Nov. 27, 1839. 26th Congress, 1st Session, H.doc.2/5 (I24.1:839, W34.1/1:839). ProQuest Congressional, 363 H.doc.2/5

Paulding, James Kirke. [Report of the Secretary of the Navy.](#) Department of Navy, Senate, Dec. 5, 1840. 26th Congress, 2nd Session, S.doc.1/5 (N1.1:840). ProQuest Congressional, 375 S.doc.1/5

Sergeant, John. [Steam-Engines.](#) Select Committee on Steam Engines, House, Jan. 16, 1839. 25th Congress, 3rd Session, H.doc.21. ProQuest Congressional, 345 H.doc.21

Van Buren, Martin. [Message from the President of the United States, upon the subject of the present state of affairs between the State of Maine and the British province of New Brunswick.](#) Committee on Foreign Affairs, House, Feb. 26, 1839. 25th Congress, 3rd Session, H.doc.222. ProQuest Congressional, 348 H.doc.222

Van Buren, Martin. [Message from the President of the United States \[...\] in relation to the Africans taken in the vessel called the Amistad, &c.](#) House, Mar. 31, 1840. 26th Congress, 1st Session, H.doc.185. ProQuest Congressional, 366 H.doc.185

Wylie, Robert, et al. [Petition of a number of citizens of Washington County, PA, praying the passage of a law for the suppression of dueling within the District of Columbia.](#) Senate, Mar. 12, 1838. 25th Congress, 2nd Session, S.doc.292. ProQuest Congressional, 317 S.doc.292

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## Major Acts

**Sixth Census Amendment.** Amended the act "to provide for taking the sixth census or enumeration of the inhabitants of the United States," passed in the 25<sup>th</sup> Congress. Approved Feb. 26, 1840 ([5 Stat. 368, Chap. 3](#))

**First Independent Treasury Act.** Established Federal depositories independent of State banks and private businesses, entrusted the Government with the exclusive care of its own funds, and required the progressive enforcement of the legal tender clause. All government payments and disbursements were to be made in hard money after June 30, 1843. Sub-treasuries were established at New York, Boston, Philadelphia, St. Louis, New Orleans, Washington, and Charleston. Approved July 4, 1840 ([5 Stat. 385, Chap. 41](#)).

Sources:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#), Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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