

# Thirty-First Congress

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Dec. 3, 1849-Mar. 3, 1851

## Administration of Zachary Taylor/ Administration of Millard Fillmore\*

\*Zachary Taylor died on July 9, 1850 of an unknown digestive ailment. Millard Fillmore succeeded him later that day.

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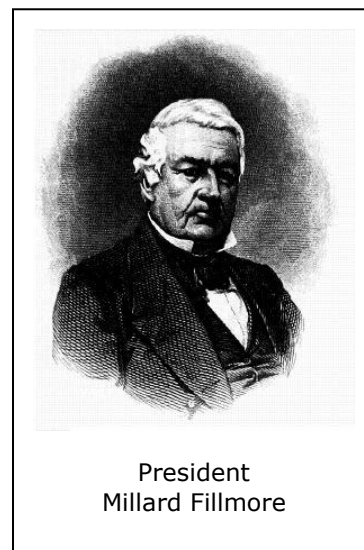
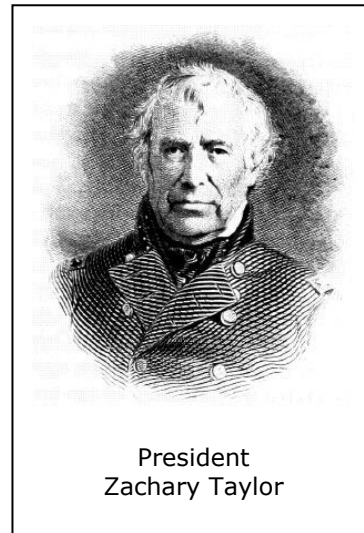
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### Historical Background

While settlers had been trickling westward for years, with the acquisition of the Oregon Territory and the Mexican Cession in the previous Congress, America's push westward intensified. The 31<sup>st</sup> Congress, therefore, opened at the beginning of a great wave of Westward expansion and the debates which came with it. In particular, the discovery of gold in California in 1848 resulted in one of the greatest migrations west in American history (the "Forty-niners"). As the population grew, however, so too did lawlessness and the increasing need for effective government in the territory. While President Taylor urged the expedient acceptance of California as a state, sectional debates meant that Congress was slow to act. In response, the military governor, Brigadier General Bennet Riley, called for a constitutional convention in September 1849. On November 13<sup>th</sup> a constitution prohibiting slavery was ratified and Congressional Representatives were elected by the people of California. California had effectively declared itself a state while in Washington, President Taylor continued to recommend its immediate admission to the Union.

Moreover, as the new states and territories emerged in the west, sectional debates around statehood intensified, as the new lands threatened to tip the balance between free and slave states. The Northern States demanded that slavery be barred in America's new western holdings. The South insisted on the right to take it there. From 1848 to 1861 this dispute was to dominate the national political scene. Early in 1850, Henry Clay returned to the Senate for another term and, with the help of Senator Daniel Webster, offered a series of eight compromise resolutions in an attempt to resolve the basic



disputes between the North and the South. Subsequently, Clay's resolutions were incorporated into an "Omnibus bill" pertaining to the West and another bill prohibiting slavery in the District of Columbia.

After Northern and Southern opponents of these compromises blocked the Omnibus Bill, Senator Stephen A. Douglas of Illinois divided it into four separate bills, each of which attracted a differently composed majority. Enactment of these bills, along with one ending slave trade in the District of Columbia, were signed into law by President Millard Fillmore—who had taken office barely two months before on July 9, 1850 after the death of war hero and President, Zachary Taylor—in September and collectively were known as the "Compromise of 1850."

The resulting compromise included:

1. Admitting California as a free state.
2. Organizing the Utah and New Mexico territories with slavery to be decided by popular sovereignty.
3. Setting Texas's boundaries, wherein the state dropped its claims to land north of the 32<sup>nd</sup> parallel north and west of the 103<sup>rd</sup> meridian west.
4. Abolishing the slave trade in Washington D.C. (but not slavery itself)
5. Amending and strengthening the Fugitive Slave Act to impose penalties on marshals who did not enforce the law and individuals who aided slaves to escape or evade capture.

Meanwhile, a cholera epidemic swept across the Midwest, killing thousands of Americans, including former U.S. President James K. Polk. The disease spread rapidly with the mass movements heading West at the height of the California Gold Rush, killing an estimated 6,000 to 12,000 people from 1849 to 1855. Believing the disease spread through "miasmas" in the air, whole populations would flee upon news of the first cases in town and, as rapidly as the disease would claim its victims, once thriving settlements would become ghost towns nearly overnight. Organized religion grew rapidly under the auspices of this unexplainable pestilent terror.

Sources:

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House	Senate
Majority Party: Democrats (113 seats)	Majority Party: Democrats (35 seats)
Minority Party: Whigs (108 seats)	Minority Party: Whigs (21 seats)
Other Parties: Free Soilers (9 seats); American (1 seat); Independent (1 seat)	Other Parties: Free Soiler (2 seats)
Speaker of the House: Howell Cobb	President Pro Tempore: David Atchison; William R. King



President Pro Tempore  
David Atchison

## War or Peace?

### Central America and the American West

After years of tense relations over Britain's policies involving Central American ports around Panama, Secretary of State John M. Clayton and British Minister Sir Henry Bulwer signed a treaty in Washington on April 19, 1850, delineating the role of the two countries in Central America. The treaty provided that neither nation would exclusively control or fortify a Central American canal. Though construction of a canal would be decades away, the Clayton-Bulwer Treaty paved the way for its inevitable existence.

In the South, Narciso López, a Spanish colonial citizen who had fled to the U.S. in 1848, campaigned in America for U.S. "liberation" of Cuba from Spain. His views were somewhat popular in the South, but found little tolerance with President Taylor when he learned of López's attempts to raise an expedition to invade Cuba. López became a known 'filibuster,' someone who engages in unauthorized military expedition into a foreign country to foment a revolution, and President Taylor attempted to have him prosecuted before he could cause a more severe diplomatic disturbance between the U.S. and Spain. However, due to the fact Congress had never passed a law punishing filibusters, Taylor was unable to arrest him.

In Europe, which at the time was struggling with a number of wars and revolutions collectively known as the 'European Revolutions of 1848', the United States attempted to stay neutral. However, in light of a declaration of Hungarian independence from Austria, the U.S. readied itself to become the first nation to recognize it as a sovereign country. President Taylor appointed a special agent for this very purpose, but shortly thereafter, Russian intervention crushed the Hungarian rebellion.

In the American West, forty-niners and Native American tribes clashed as the massive rush to California pushed Native peoples off their lands. After California became a state on September 9, 1850, it began to offer bounties for Native American scalps, effectively beginning a campaign to exterminate the native peoples.

Sources:

Fillmore, Millard. [\*Message from the President of the United States, to the two House of Congress, at the commencement of the second session of the Thirty-first Congress\*](#), House, Dec. 2, 1850. H.exdoc.1/1 (Pr13.1/1:850). ProQuest Congressional, 595 H.exdoc.1/1

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President Pro Tempore  
William R. King



Speaker of the House  
Howell Cobb

## Economic Trends and Conditions

By the commandment of the 31<sup>st</sup> Congress, the California Gold Rush was well underway, drawing thousands of “forty-niners” (in reference to ‘1849’, when the majority of speculators arrived). The Rush dramatically changed California. San Francisco, originally a small settlement of under a 1000 residents in 1848, became a boomtown by the end of 1849. Migration exploded with an estimated 100,000 Americans and international immigrants racing to California to strike it rich. Miners, speculators, surveyors, entrepreneurs, criminals, missionaries, and anyone else with the means flocked from around the world. Investment from the East Coast poured into the region.

The boom also brought lawlessness, as California and much of the Mexican Cession were not yet organized U.S. territories and lacked official laws and formal government. To counter this, a 48 person delegation convened a constitutional convention to draw up California’s state constitution. The constitution made California a “free” state from which slavery was excluded. This prohibition did not apply to the bonded servitude and enslavement of the Native American population.

Gold deposits from California amounted to over 6 million dollars total in 1849, with \$5,481,439 sent to the Philadelphia mint and \$666,080 to the New Orleans mint. This was nearly 140 times the amount of gold deposited in 1848. Gold deposits for 1850 were almost 6 times the amount of 1849, with \$36,273,097 deposited from California alone. Alongside gold deposits, silver stocks were also on the rise, as much of the gold mined from California was fused with silver before refinement. Mintage rose dramatically and 1850 marked the largest coinage to date. As a result of the Rush, domestic commerce grew exponentially and international trade increased, especially between the United States and South American countries.

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Ewing, Thomas, [\*Annual Report of Secretary of Interior\*](#), Department of Interior, Dec. 3, 1849, 31<sup>st</sup> Congress, 1<sup>st</sup> Session. S.exdoc.1/11 (I1.1:849). ProQuest Congressional, 550 S.exdoc.1/11

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## Major Treaties

**Clayton-Bulwer Treaty.** Provided for a joint protectorate of the United States and Great Britain over the proposed canal to be built across Central America, neither government to obtain exclusive control of the canal, or "occupy, or fortify, or colonize, or assume, or exercise any dominion" over any part of Central America. The two governments also agreed to keep the canal open to all nations. Concluded April 19, 1850. Approved by the Senate May 22, 1850. ([9 Stat. 995](#))

Source:

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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## Landmark U.S. Supreme Court Decisions

*Passenger Cases*, two cases argued together before the Court, held that New York's and Massachusetts's laws imposing taxes on alien passengers arriving in each states' ports were unconstitutional, 48 U.S. 283 (1849)

*Sheldon v. Sill*, held that Congress may restrict the jurisdiction of the lower federal courts by limiting the subjects those courts may hear, 49 U.S. 441 (1850)

*Hotchkiss v. Greenwood*, first US Supreme Court case to introduce the concept of "non-obviousness" as patentability requirement in United States patent law, 52 U.S. 248 (1850)

*Luther v. Borden*, holding that the question of whether a state government is a legitimate republican form as guaranteed by the Constitution is a political question to be resolved by the Resident and Congress, 48 U.S. 1 (1849)

Source:

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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## 1849 Events

- **Jan. 23:** Elizabeth Blackwell is awarded her M.D. by the Medical Institute of Geneva, New York, becoming the first woman doctor in the U.S.
- **Feb. 8:** [European Revolutions of 1848 - After ousting Pope Pius IX from Rome and months of agitation for social and government reform, the new Roman Republic is proclaimed](#)
- **Mar. 3:** [U.S. Department of the Interior is established, incorporating the Census Office, General Land Office, Office of Indian Affairs and Patent and Trademark Office](#)
- **Apr. 14:** [European Revolutions of 1848 - Hungary declares independence from Austria](#)



- **Apr. 25:** James Bruce, 8th Earl of Elgin, the Governor General of Canada, signs the Rebellion Losses Bill, outraging Montreal's English population and triggering the Montreal Riots
- **May:** Henry David Thoreau's essay "Resistance to Civil Government" also known as "Civil Disobedience," published in the *Aesthetic Papers*
- **May 10:** The Astor Place Riot takes place in Manhattan, pitting immigrants against nativists; over 20 people are killed
- **May 17:** The St. Louis Fire starts when a steamboat catches fire nearly burning down the entire city
- **July 3:** *European Revolutions of 1848* - [French troops occupy Rome; the Roman Republic surrenders](#)
- **Aug. 28:** *European Revolutions of 1848* - [Venice \(the Republic of San Marco\) surrenders to Austrian troops after a 4-month siege](#)
- **Oct. 6:** *European Revolutions of 1848* - [The 13 Martyrs of Arad are executed after the Hungarian War of Independence](#)
- **Nov. 16:** A Russian court sentences Fyodor Dostoyevsky to death for anti-government activities linked to a radical intellectual group, the Petrashevsky Circle. Facing a firing squad on December 23 the group members are reprieved at the last moment and exiled to the katorga prison camps in Siberia
- **Dec. 6:** [Harriet Tubman escapes from slavery in Maryland](#)

## 1850 Events

- **Jan. 20:** Ships of the McClure Arctic Expedition set sail from Plymouth, England
- **Jan. 29:** *Compromise of 1850* - [The Compromise of 1850 is introduced in the Senate by Henry Clay as a series of resolutions](#)
- **Feb. 5-6:** *Compromise of 1850* - [Senator Henry Clay defends his proposed compromise on sectional issues](#)
- **Mar. 4:** *Compromise of 1850* - [Senator John Calhoun's speech against the compromise is presented by Senator James Murray](#)
- **Mar. 7:** *Compromise of 1850* - [Senator Daniel Webster delivers his "Seventh of March" speech in favor of the Compromise](#)
- **Mar. 19:** [American Express is founded by Henry Wells & William Fargo](#)
- **Apr. 19:** [Clayton-Bulwer Treaty is signed by the United States and Great Britain, allowing both countries to share Nicaragua and not claim complete control over the proposed Nicaragua Canal](#)
- **May 23:** [The U.S.S. Advance puts to sea from New York to search for John Franklin's Arctic expedition](#)
- **June 1:** Transportation of British convicts to Western Australia begins
- **July 9:** [President Zachary Taylor dies from an unknown digestive ailment](#)
- **Sept. 9:** *Compromise of 1850* - [California is admitted into the Union as the 31<sup>st</sup> State](#)
- **Sept. 9-20:** *Compromise of 1850* - [Five laws, known collectively as the Compromise of 1850, are passed to attempt to settle disputes on the expansion of slavery in the American West](#)

- **Sept. 29:** The Catholic hierarchy is re-established in England and Wales by Pope Pius IX and future Pope Pius X
- **Oct. 28:** Delegate Edward Ralph May delivers speech on behalf of African American suffrage to the Indiana Constitutional Convention
- **November:** [Taiping Rebellion-The first clashes of the Taiping Rebellion occur between Imperialist militia and the Heavenly Army](#)

Source:

[Affairs of Hungary, 1849-1850. Message from the President](#), Department of State, Apr. 10, 1850. 31st Congress, 1st Session, 31-1-13. ProQuest Congressional, SED-31-1-13

Arnold, Julian. [Commercial handbook of China: Vol. 2](#), GPO, Jan. 1, 1920. Foreign and Domestic Commerce Bur. Misc. Series No. 84 in C18.15 Bureau of Foreign and Domestic Commerce Miscellaneous Series (C18.15:84/2). ProQuest Congressional, C18.15-84.2

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[\[Convention with Great Britain.\] Message from the President](#). Apr. 22, 1850. 31st Congress, 1st Session, Exec.Doc.12, 31-1, ProQuest Congressional, SED-31-1-17

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[Harriet Tubman National Historical Parks](#), Committee on Energy and Natural Resources, Senate, Jan. 13, 2012, 112th Congress, 2nd Session. S.rp.112-105 (Y1.1/5:112-105). ProQuest Congressional, S. Rpt. 112-105

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Webster, Daniel. [\*"The Compromise."\*](#) Congressional Globe, 31<sup>st</sup> Congress, 1<sup>st</sup> Session (Mar. 7, 1850) Vol. 19, pp. 476-484. ProQuest Congressional, CG-1850-0307

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## Major Acts

**Compromise of 1850 (Texas and New Mexico).** Established the Texas boundaries and authorized a payment of \$10,000,000 compensation to Texas for relinquishing its claims to New Mexico. Provided that New Mexico would be admitted to the Union with or without slavery according to its constitution upon admission to the Union. Approved Sept. 9, 1850. ([9 Stat. 446, Chap. 49](#))

**Admission of California as a Free State.** Provided for the admission of California to the Union as a free state. Approved Sept. 9, 1850. ([9 Stat. 452, Chap. 50](#))

**Compromise of 1850 (Utah).** Established the territorial boundaries of Utah and provided that it was to be a free or slave state according to the constitution it adopted upon admission to the Union. Approved Sept. 9, 1850. ([9 Stat. 453, Chap. 51](#))

**Fugitive Slave Act of 1850.** Amended the 1793 Fugitive Slave Act by removing fugitive slave cases from Federal jurisdiction. Provided for the appointment of special Federal commissioners to conduct hearings and issue warrants of arrest and certificates of return. Imposed a fine and imprisonment on any person harboring a fugitive slave or aiding his escape. Denied fugitive slaves the right of jury trial or the right to testify in their own behalf. Approved Sept. 18, 1850. ([9 Stat. 462, Chap. 60](#))

**District of Columbia Slave-Trade Act.** Abolished the slave trade in the District of Columbia after January 1, 1851. Approved Sept. 20, 1850. ([9 Stat. 467, Chap. 63](#))

Sources:

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