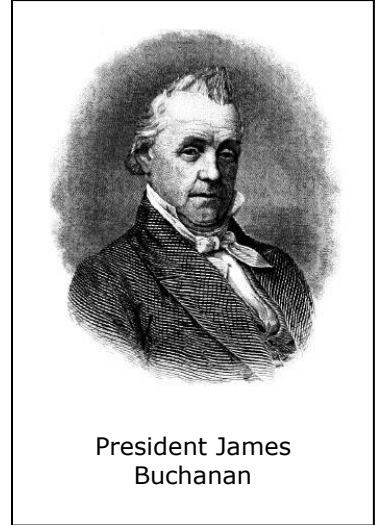


Thirty-Fifth Congress

Dec. 7, 1857-Mar. 3, 1859

Administration of James Buchanan

Historical Background.....	1
War or Peace?	3
Economic Trends and Conditions.....	4
Major Treaties.....	5
Landmark U.S. Supreme Court Decisions	5
1857 Events	6
1858 Events	6
Major Acts.....	8



Historical Background

On March 6, 1857, two days after President James Buchanan condemned the violent sectional conflict over the issue of slavery in Kansas and the, to his mind, unconstitutional insistence of the shadow Topeka Free-Stater government upon its legitimacy, the U.S. Supreme Court handed down its decision in *Dred Scott v. Sandford*. Dred Scott, a Missouri slave, sued to gain his freedom on the grounds of having lived for almost four years with his master in the free (slavery-free) state of Illinois and the free Wisconsin territory. The Court disagreed, ruling that because Scott was a slave, he was not an American citizen and thus had no constitutional rights. The Court also held that Congress did not have the authority to abolish slavery in the territories. As a consequence, relevant provisions of the Compromise of 1850 were ruled unconstitutional and further inflamed the sectional differences within the country.

In early October 1857, anti-slavery Free Staters in Kansas captured a majority of seats in the territorial elections. Two weeks later, a pro-slavery constitution was adopted by a convention held in the territorial capital of Lecompton. Only one article of the Lecompton Constitution, whether to have a constitution “with slavery” or “without slavery,” was put to a popular vote in December. However, even if voters chose to have a constitution without slavery, it would remain legal to own slaves already in Kansas. Free Staters, who were an overwhelming majority of the settlers in Kansas, refused to participate. The Lecompton Constitution was adopted, 6,226 to 569 (with a large number of the yeas widely believed to be fraudulent).

The Kansas legislature in turn called for an election on January 4, 1858, at which time the whole constitution was submitted. Pro-slavery settlers did not participate and the document was rejected, 10,226 to 162. Nevertheless, President James Buchanan recommended Kansas be admitted under it.

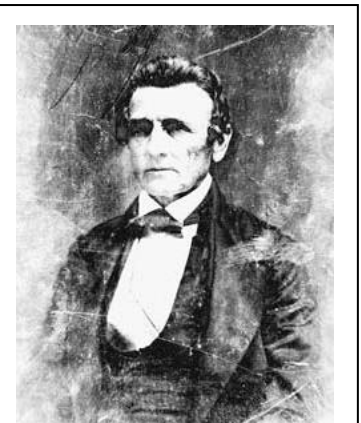
House	Senate
Majority Party: Democrats (132 seats)	Majority Party: Democrats (38 seats)
Minority Party: Republicans (90 seats)	Minority Party: Republicans (26 seats)
Other Parties: Americans (14 seats); Independent Democrat (1 seats)	Other Parties: Americans (2 seats)
Speaker of the House: James L. Orr	President Pro Tempore: Thomas J. Rusk; Benjamin Fitzpatrick

Senator Stephen A. Douglas was outraged by what he considered a mockery of popular sovereignty and urged Congress to reject admission of Kansas under the Lecompton Constitution. The Senate voted to approve the admission of Kansas as a slave state over Douglas's opposition, while the House determined that another popular vote in the territory was necessary. When a deadlock resulted between the House and the Senate, Representative William H. English, an anti-Lecompton Democrat from Indiana, proposed a bill which would provide for another popular vote on the Lecompton Constitution. If the Constitution was approved and slavery accepted, Kansas would receive four million acres of public land and approximately 5 percent of the net proceeds from two million acres that were to be sold by the federal government in July. Otherwise statehood would be deferred until Kansas had a population of 93,420. This compromise English Bill was enacted by Congress on April 30, 1858. In the second vote, Kansans rejected the pro-slavery Lecompton Constitution on August 2, 1858, by a vote of 11,812 to 1,926, thereby deferring statehood for another two years.



President Pro Tempore
Thomas J. Rusk

Late in August 1858, the first of seven debates between Senator Douglas and his Republican challenger, Abraham Lincoln, was held in Ottawa, Illinois. During their second, and most notable, debate, Douglas declared that despite the *Dred Scott* decision, slavery could be excluded from a territory if it were done through local legislation. Douglas's Freeport Doctrine, together with his opposition to the Lecompton Constitution, was widely criticized by southerners and would prove instrumental in the lack of southern support for his Democratic presidential nomination in 1860. As the two senatorial candidates continued their exchanges, Lincoln took a strong moral stand against slavery while Douglas evaded discussion of the moral aspects of the institution. Although Lincoln lost his bid to unseat Douglas, the debates thrust him into the national spotlight.



President Pro Tempore
Benjamin Fitzpatrick

In the 1858 congressional elections, Lincoln's fellow Republicans won control of the House. The Democrats retained the Senate. Amidst the heated debate and controversy over slavery, Minnesota and Oregon were admitted to the Union. In June 1858 the Senate ratified the Tientsin Treaties, opening eleven new Chinese ports to American shipping, setting tariff and duty rates, and legalizing the opium trade.

Sources:

Buchanan, James. [*Message of the President of the United States, Communicating a Constitution for Kansas as a State, and Presenting his Views in Relation to the Affairs of That Territory.*](#) Senate, Feb. 2, 1858. 35th Congress, 1st Session, S.exdoc.21. ProQuest, 924 S.exdoc.21

Buchanan, James. [*Message of the President of the United States, to the Two Houses of Congress at the Commencement of the First Session of the Thirty-Fifth Congress.*](#) House, Dec. 8, 1857. 35th Congress, 1st Session, H.exdoc.2/1. ProQuest Congressional, 942 H.exdoc.2/1

Buchanan, James. [*Message of the President of the United States to the two Houses of Congress at the commencement of the second session of the Thirty-fifth Congress.*](#) Senate, Dec. 6, 1858. 35th Congress, 2nd Congress, S.exdoc.1/1. (Pr15.1/1:858) ProQuest Congressional, 974 S.exdoc.1/1

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

Green, James Stephen. [\[Message of President, Communicating Constitution for Kansas Adopted at Leecompton, 4 September, 1857\]](#). GPO, Feb. 18, 1858. 35th Congress, 1st Session, S.rp.82. ProQuest Congressional, 938 S.rp.82

War or Peace?

Sectionalist Crisis and Utah War

President Buchanan and the 35th Congress were faced with increasing domestic violence and instability as Sectionalism started to tear the nation apart. Violence between pro-slavery elements and Free-Staters in Kansas reached a fever pitch during the Lacompton controversy. On May 19, 1858, pro-slavery Georgia native Charles Hamilton and approximately 30 men captured 11 unarmed Free-Staters and shot them. Five men died, five were seriously wounded, and 1 escaped unharmed. The Marais des Cygnes Massacre shocked the nation and became one of the pivotal moments in the “Bleeding Kansas” era.

War almost broke out in the West when U.S. armed forces confronted Mormon settlers in the Utah Territory. The Utah War, or the Utah Expedition, began with President Buchanan’s fears that the current governor of the territory, Brigham Young, had gained too much power during his tenure as governor, local superintendent of Indian affairs, and, specifically, as leader of the Mormons of the Church of Jesus Christ of Latter-day Saints. In his first State of the Union address to the 35th Congress, Buchanan charged that Brigham Young’s “power has been [...] absolute over church and State” and that the people of Utah, belonging “almost exclusively” to the Mormon church, believed “with a fanatical spirit that he is governor [...] by divine appointment.”

Buchanan went on to further accuse Brigham Young of preparing a rebellion against the federal government and to disparage Mormons, calling their religious opinions “deplorable” and “revolting to the moral and religious sentiments of all Christendom.” On September 11, 1857, war hysteria led to the massacre of 120 unarmed migrants passing through Utah by Mormon militiamen in the Mountain Meadows Massacre. On June 26, 1858, U.S. Army forces marched through Salt Lake City, negotiating a peace and preventing the conflict from escalating any further.

Internationally, the United States made great strides in its relations with the East. The Senate ratified the Treaties of Tientsin in June 1858. The following month, on July 29, the U.S. and Japan signed the Treaty of Amity and Commerce, which opened the port of Kanagawa and four other Japanese cities to trade, fixed duties, and granted foreigners extraterritoriality status or exemption from local law for certain purposes. However, continued difficulties with Paraguay prompted President Buchanan to send 17 U.S. Navy warships to demand concessions from Paraguay after the 1855 shelling of the *USS Water Witch*.

Sources:

Buchanan, James. [*Message of the President of the United States, to the Two Houses of Congress at the Commencement of the First Session of the Thirty-Fifth Congress*](#). House, Dec. 8, 1857. 35th Congress, 1st Session, H.exdoc.2/1. ProQuest Congressional, 942 H.exdoc.2/1

Buchanan, James. [*Message of the President of the United States to the two Houses of Congress at the commencement of the second session of the Thirty-fifth Congress*](#). Senate, Dec. 6, 1858. 35th Congress, 2nd Congress, S.exdoc.1/1. (Pr15.1/1:858) ProQuest Congressional, 974 S.exdoc.1/1

Douglas, Stephen Arnold. [*Message of President relative to our difficulties with Paraguay*](#). Senate, Feb. 9, 1858. 35th Congress, 1st Session, S.rp.60. ProQuest Congressional, 938 S.rp.60

Economic Trends and Conditions

The 35th Congress opened amidst a time of growing economic contrast. Before the beginning of the new term, the largest slave auction in U.S. history occurred in March 1857. Over a two-day period, 436 men, women, and children were sold after being kept in horse stalls at a Georgia racetrack for weeks beforehand. The sale, later known as the “Weeping Time,” netted \$303,850 for the slaves’ owner. The auction highlighted the many moral and economic contradictions of North-South Sectionalism and fueled the already heated debate around slavery. Meanwhile, Southern slavery continued to produce cheap exports of raw materials, as well as command high international demand for said materials. The tariff, which had been revised to its lowest levels barely a Congress before, also created favorable conditions for the Southern economy while foreign competition began to slow the more industrialized Northern economy.

The economy took a drastic downward turn with the Panic of 1857. Considered the first world-wide financial panic, the Panic of 1857 was thought to be started by a decline in the British economy when gold and silver reserves could no longer back money in circulation. The sinking of the *SS Central America* and its cargo of 30,000 pounds of gold in September triggered a panic among New York bankers. Banks failed as runs emptied their vaults and hundreds of businesses were left ruined. Loans dried up, railroad construction ground to a halt, and thousands of workers were laid off in the ensuing economic downturn. The Panic exposed serious financial and labor issues, and prompted debate between free traders, protectionists, labor interests, and growing corporate interests.

The Panic did not impact the South as hard as the North due to the continued steady exportation of cotton. This led Senator James Hammond to extoll the superiority of the Southern slave system in his famous “King Cotton” speech in the Senate on March 4, 1858. However, despite “unsurpassed plenty in all the productions of agriculture, and in all aspects of national wealth,” President Buchanan pointed out, “we find our manufactures suspended, our public works retarded, our private enterprises [...] abandoned, and thousands of useful laborers thrown out of employment and reduced to want.” Furthermore, the Panic led to a major drop in imports as consumer and business spending plummeted and the government faced a deficit with the decrease in tariff revenues.

Sources:

Buchanan, James. [Message of the President of the United States, to the Two Houses of Congress at the Commencement of the First Session of the Thirty-Fifth Congress](#). Senate, Dec. 8, 1857. 35th Congress, 1st Session, S.exdoc.11/1 (Pr15.1/1:8587). ProQuest Congressional, 919 S.exdoc.11/1

Cobb, Howell. [Report of the Secretary of the Treasury, on the state of the finances, for the year ending June 30, 1857](#). Senate, Dec. 8, 1857, 35th Congress, 1st Session, S.exdoc.1 (T1.1:857) ProQuest Congressional, 918 S.exdoc.1

Cobb, Howell. [Report of the Secretary of the Treasury, on the state of the finances, for the year ending June 30, 1858](#). Senate, Dec. 6, 1857, 35th Congress, 2nd Session, S.exdoc.2 (T1.1:858) ProQuest Congressional, 979 S.exdoc.2

["Kansas-Lecompton Constitution."](#) Congressional Globe Vol. 27 (Mar. 4, 1858) p. 959. ProQuest Congressional, CG-1858-0304

Major Treaties

Treaties of Tientsin. Opened eleven new Chinese ports to the United States, Great Britain, Russia, and France, and allowed navigation up the Yangtze River into the heart of China. Granted foreigners freedom to travel anywhere in the interior of China and permitted foreign diplomats to reside in Peking. Fixed the tariff on imports from China at 5 percent and legalized the opium trade. Concluded June 18, 1858 ([12 Stat. 1023](#)). Ratified by the Senate on Dec. 15, 1858.

Treaty of Amity and Commerce (Harris Treaty). Signed on the deck of *USS Powhatan*. Opened the port of Kanagawa and four other Japanese cities to trade, fixed duties, and granted foreigners extraterritoriality status or exemption from local law for certain purposes. Concluded July 29, 1858 ([12 Stat. 1051](#)). Ratified by the Senate on May 22, 1860.

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

Landmark U.S. Supreme Court Decisions

Dred Scott v. Sandford, held that that Dred Scott, a black man born into slavery but living in a free State, could not be American citizens and therefore had no standing to sue in federal court nor had Constitutional protection; also ruled that the federal government had no power to regulate slavery in the federal territories acquired after the creation of the United States, 60 U.S. 393 (1857)

Sources:

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

Subcommittee on Constitutional Rights. [*Civil Rights – 1959. Part 3: Appendix*](#). Committee on the Judiciary. Senate, Jan. 1, 1959. 86 S1339-0-A (Y4.J89/2:C49/13/959/pt.3) 86th Congress, 1stSession. ProQuest Congressional, HRG-1959-SJS-0009

1857 Events

- **Jan. 24:** University of Calcutta is established in India as the first multidisciplinary modern university in South Asia
- **Mar. 3:** France and the United Kingdom formally declare war on China in the Second Opium War
- **Mar. 6:** [Supreme Court hands down its decision in Dred Scott v. Sandford, holding Dred Scott, a black man born into slavery but living in a free State, was not an American citizen and therefore had no Constitutional protection](#)
- **Mar. 23:** Elisha Otis' first elevator is installed at 488 Broadway, New York City
- **Mar.:** Large slave auction, later known as “Weeping Time” takes place in Georgia, further fueling debates on slavery
- **Apr. 4:** Anglo-Persian War officially comes to an end
- **May 10:** The 3rd Light Cavalry of the British East India Company's army rebels against its British officers, beginning the Indian Rebellion of 1857 (later known as the Indian Mutiny)
- **June 29:** *Utah War* – [President Buchanan, alarmed by the semi-theocratic dominance of the Utah Territory, declares Utah to be in a rebellion of the U.S. government](#)
- **July 18:** *Utah War* - The Utah Expedition leaves Fort Leavenworth, effectively beginning the Utah War
- **Aug. 24:** The Panic of 1857 begins
- **Sept. 11:** *Utah War* – [The Mountain Meadows massacre culminates when an emigrant wagon train of 120 unarmed non-Mormons are killed 120 by Mormon militiamen while passing through Utah](#)
- **Sept. 12:** *SS Central America* sinks off the coast of North Carolina during a hurricane, killing roughly 500 people and taking 30,000 pounds of gold to the bottom of the sea
- **Dec. :** The Reform War begins in Mexico

1858 Events

- **1857-1858:** *Bleeding Kansas* – [Lecompton Constitution Crisis: On November 7, 1857, the proslavery elected assembly of Kansas based in Lecompton drafted a constitution in response to the Free-Stater Topeka Constitution. The Lecompton Constitution, which President Buchanan supported, would have allowed slavery in the state, prohibited the state legislature from passing any laws freeing slaves without the consent of their owners, and prohibited free blacks from](#)

[residing in the state, but was rejected by Kansas voters in a referendum on August 2, 1858](#)

- **Jan. 14:** Italian revolutionary Felice Orsini and his accomplices fail to assassinate Napoleon III in Paris but their bombs kill 8 and wound 142 people; Orsini is executed by guillotine on March 13
- **Mar. 4:** [Senator James Hammond extolls the superiority of the Southern slave system to the Senate in his famous "King Cotton" speech](#)
- **Apr. 6:** *Utah War* – [President Buchanan issues a proclamation granting a "a free pardon for the seditions and treasons" of Utah](#)
- **Apr. 12:** *Utah War* – [The U.S. Army marches through Salt Lake City. Brigham Young surrenders the title of governor](#)
- **Apr. 28 – May 1:** Montenegrin forces defeat the Ottoman army and capture the town, and its considerable arsenal, in Battle of Grahovac
- **May – July:** Peasants in the Governorate of Estonia, Russian Empire revolt against serfdom in the Mahtra War
- **May 11:** [Minnesota is admitted as the 32nd U.S. state](#)
- **May 14:** Dr. David Livingstone's 6-year Second Zambesi Expedition arrives at the African coast
- **May 19:** *Bleeding Kansas* – [Pro-slavery Charles Hamilton leads a group of 30 men in capturing and shooting 11 unarmed 'Free-Staters' in Kansas, which comes to be known as the Marais des Cygnes Massacre](#)
- **June 16:** [Abraham Lincoln accepts the Republican Party nomination for a seat in the US Senate, delivering his "House Divided" speech in Springfield, Illinois](#)
- **June 20:** The last rebels of the Indian Mutiny surrender in Gwalior
- **June 26:** *Utah War* – The U.S. Army marches through Salt Lake City. Brigham Young surrenders the title of governor
- **July:** The Pike's Peak Gold Rush begins with the discovery of gold in Pike's Peak County in western Kansas and southwestern Nebraska Territories
- **July 1:** Papers by Darwin and Wallace announcing a theory of evolution by natural selection are read at London's Linnean Society
- **Aug. 2:** The Government of India Act transfers the territories of the British East India Company and their administration to the direct rule of the British Crown
- **Aug. 5:** [Cyrus West Field and others complete the first transatlantic telegraph cable after several unsuccessful attempts; U.S. President James Buchanan inaugurates the new trans-Atlantic telegraph cable by exchanging greetings with Queen Victoria 11 days later on August 16](#)
- **Dec. 30:** [Seventeen U.S. Navy warships depart from Uruguay on a mission to demand concessions from Paraguay in the Paraguay Expedition](#)

Sources:

["An Act for the Admission of the State of Minnesota into the Union."](#) (11 Stat. 285, Chap. 31; May 11, 1858). ProQuest Congressional

Buchanan, James. [*Message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the massacre at Mountain Meadows, and other massacres in Utah Territory.*](#) May 4, 1860. 36th Congress, 1st Session, S.exdoc.42. ProQuest Congressional, 1033 S.exdoc.42

Buchanan, James. [*Message from the President of the United States relative to the probable termination of Mormon troubles in Utah Territory.*](#) June 10, 1858. 35th Congress, 1st Session, H.exdoc.138. ProQuest Congressional, 959 H.exdoc.138

Buchanan, James. [*Message from the President of the United States, transmitting reports from the Secretaries of State, of War, of the Interior, and of the Attorney General, relative to the military expedition ordered into the Territory of Utah.*](#) Feb. 26, 1858. 35th Congress, 1st Session, H.exdoc.71. ProQuest Congressional, 956 H.exdoc.71

Buchanan, James. [*Respecting the Rebellion and Mormon Troubles in the Territory of Utah.*](#) Presidential Proclamations, Apr. 6, 1858. 35th Congress, 2nd Session, 11 Stat. 796. ProQuest Congressional

Commissions and Temporary Committees. Joint. [*Abraham Lincoln Bicentennial Commission: Final Report to Congress and the American People.*](#) GPO, Apr. 1, 2010. 111th Congress, 2nd Session. ProQuest Congressional, CMP-2010-LIN-0001

Jackson, Alden. [*Resolutions of legislature of Maine on decision of Supreme Court of United States in case of Dred Scott.*](#) Senate, Apr. 15, 1857. 35th Congress, 1st Session, S.misdoc.14. ProQuest Congressional, 934 S.misdoc.14

[*"Kansas-Lecompton Constitution."*](#) Congressional Globe Vol. 27 (Mar. 4, 1858) p. 959. ProQuest Congressional, CG-1858-0304

Kendall, Amos, et al. [*Memorial of the Magnetic Telegraph Company and of the New England Union Telegraph Company \[...\].*](#) Committee on the Judiciary. Senate; Committee on Printing. Senate, Mar. 31, 1858. 35th Congress, 1st Session, S.misdoc.227. ProQuest Congressional, 936 S.misdoc.227

Stephens, Alexander Hamilton. [*Kansas Constitution.*](#) Select Committee on Kansas (Lecompton) Constitution. House, Mar. 31, 1858. H.rp.377, 35th Congress, 1st Session. ProQuest Congressional, 966 H.rp.377

Subcommittee on National Parks; Committee on Interior and Insular Affairs. House. [*Fort Scott Public Historic Site.*](#) GPO, June 19, 1964. 88th Congress, 2nd Session. ProQuest Congressional, HRG-1964-IIA-0126

Toucey, Isaac. [*Expenses -- Paraguay Expedition. Letter of the Secretary of the Navy, addressed to the Chairman of the Committee on Naval Expenditures, communicating papers in reference to the expenses of the late expedition to Paraguay.*](#) Committee on Expenditures in the Navy Department. House, May 11, 1860. 36th Congress, 1st Session, H.misdoc.86. ProQuest Congressional, 1065 H.misdoc.86

Major Acts

English Bill. Offered immediate admission of Kansas to the Union, plus a grant of 4 million acres of public land and 5 percent of the net proceeds from about 2 million acres to be sold by the Government after its admission as a State, if the Lecompton Constitution was to be accepted by the voters. If rejected, the Territory would not be admitted to the Union as a State until its population exceeded (93,400) that was required for a member of the House of Representatives. Approved May 4, 1858. ([11 Stat. 269, Chap. 26](#))

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

Copyright©2018, ProQuest LLC. All rights reserved.