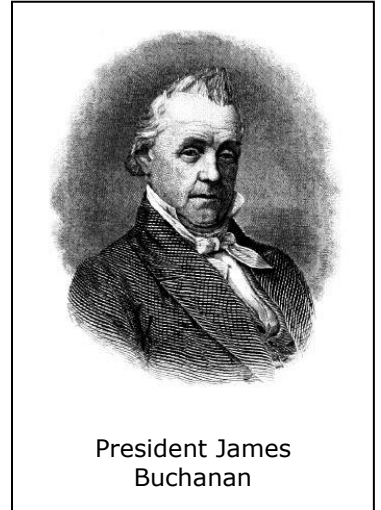


Thirty-Sixth Congress

Dec. 5, 1859-Mar. 3, 1861

Administration of James Buchanan

War or Peace?	3
Economic Trends and Conditions.....	5
Major Treaties.....	7
Landmark U.S. Supreme Court Decisions	7
1859 Events	7
1860 Events	8
Major Acts.....	9



Historical Background

Once again, attention focused on Kansas during July 1859 when another constitutional convention met at Wyandotte. The Wyandotte Constitution, prohibiting slavery in the territory, was ratified on October 4, 1859 by a popular vote of 10,421 to 5,530. Less than two weeks later, on October 16, radical abolitionist John Brown and his men seized the U.S. arsenal at Harpers Ferry, Virginia (now West Virginia), in a failed attempt to secure arms for instigating a slave uprising. When Brown was hanged for treason on December 2, 1859, he became a martyr to many in the North. For the South, the raid confirmed their worst fears— that abolitionists were willing to use force if necessary to destroy slavery. President James Buchanan warned in his annual message to Congress that the “bloody occurrences at Harpers Ferry” symbolized “an incurable disease in the public mind, which may [lead to...] open war by the North to abolish slavery in the South.”

As the Democrats gathered at their national convention in Charleston, South Carolina, in April 1860, it became clear sectionalism was on the verge of opening an irreparable rift in the United States political system. Most of the Southern delegates demanded the party adopt a platform providing for Federal protection of slavery in the territories. When the Democrats adopted a platform vaguely endorsing popular sovereignty and proposed that all questions involving slavery in the territories should be left up to the Supreme Court, delegates from eight Southern States walked out, thereby splitting the Democratic Party, and virtually assured a Republican victory in November. A second Democratic convention convened in June and selected Stephen A. Douglas as its presidential candidate. Meanwhile, the southern delegates who abandoned the Charleston convention nominated Vice President John C. Breckinridge on a platform advocating slavery in the territories.

House	Senate
Majority Party: Republicans (116 seats)	Majority Party: Democrats (38 seats)
Minority Party: Democrats (83 seats)	Minority Party: Republicans (26 seats)
Other Parties: Opposition (19 seats); Anti-Lecompton Democrats (8 seats); Independent Democrats (7 seats); Americans (5 seats)	Other Parties: Americans (2 seats)
Speaker of the House: William Pennington	President Pro Tempore: Benjamin Fitzpatrick; Solomon Foot

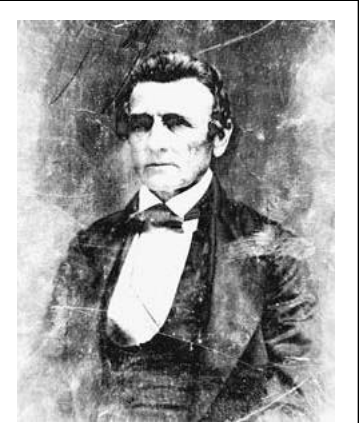
A third presidential contender, John Bell, represented the Constitutional Unionist Party, which included remnants of the Whigs and Know-Nothings. Meanwhile, Abraham Lincoln embarked on his quest for the Republican nomination with a stirring speech at the Cooper Union in New York City on February 27, 1860, followed by several successful addresses in New England. Although he believed the institution of slavery was morally wrong and must be contained within its existing boundaries, Lincoln insisted that slavery should not be disturbed where it already existed. Lincoln believed that his compromise (guaranteeing slavery while simultaneously preventing its expansion) would settle the question. These views won him the Republican nomination at Chicago in May.

The Republican Party platform appealed to both the North and the West. It called for a homestead law, a railroad to the Pacific, liberal immigration policies, and a protective tariff. Although Lincoln won only 40 percent of the popular vote in the 1860 election, Democratic fragmentation guaranteed him an Electoral College majority of 180 votes to 123 for Breckinridge, Bell, and Douglas combined.

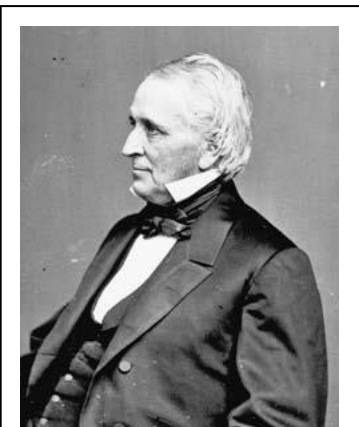
Rumors of secession began well before the Presidential election of 1860, but it was only after the results came in did the South Carolina legislature call for a state convention to discuss seceding. On December 20, the convention passed a unanimous ordinance of secession. During the next six weeks, six additional southern states— Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas— left the Union. On February 8, 1861, the seceding states adopted a constitution forming the Confederate States of America and elected Jefferson Davis as president. However, even before the Confederate states officially joined together, they began seizing U.S. federal government property in the South.

Less than a month after the seven southern states left the Union, Congress approved a constitutional amendment offered by Rep. Thomas Corwin of Ohio, which would have stopped Congress from “abolishing or interfering” with “domestic institutions.” Afterwards, President Buchanan took the unusual step of signing the Corwin Amendment, which was not required by the Constitution. Three states ratified it, however the onset of the Civil War stopped it from gaining any momentum.

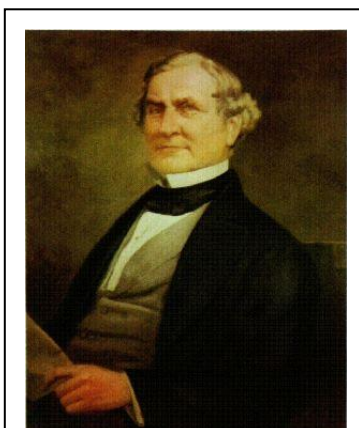
After the secession of the southern states and their representatives, Congress approved the creation of the Colorado, Dakota, and Nevada Territories. The Pacific Telegraph Act, enacted in June 1860, established the first transcontinental telegraph. Investigations of fraud and mismanagement in government procurement prompted the inclusion of reform legislation in a Sundry Civil Appropriations Act. The Printing Act of 1860, enacted in response to a series of scandals originating in the Federal government’s reliance on private printers and newspapers for publication and distribution of public information, required the government to not only publish information but, for the first time, disseminate that information directly. The Morrill Tariff Act of 1861, one of the last bills signed into law by President Buchanan, was passed in response to the drastic drop in revenues caused by the Panic of 1857. It reversed the quasi-free trade policy established by the



President Pro Tempore
Benjamin Fitzpatrick



President Pro Tempore
Solomon Foot



Speaker of the House
William Pennington

Walker Tariff of 1846 and began a trend toward protectionism that further accelerated the outbreak of the Civil War.

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War or Peace?

Secession Crisis and Indian Wars

Both the House and Senate scrambled to find a solution to the secession crisis, with each forming a special committee and proposing a number of last-minute compromises. Senator John J. Crittenden of Kentucky introduced a package of six constitutional amendments that would have cemented slavery south of 36° 30' parallel, prohibited Congressional interference with interstate slave trade, negated "Personal liberty laws," reinforced fugitive slave acts, and permanently barred Congress from abolishing slavery. These provisions were also made to be immune to future repeal and amendment. Both the House and the Senate rejected this compromise.

Two more versions of Crittenden's compromise were put forth along with a number of resolutions introduced by other committee members. The House Committee of Thirty-Three, composed of one member from each remaining state and led by Ohio Republican Thomas Corwin, proposed a constitutional amendment that would have stopped Congress from "abolishing or interfering" with "domestic institutions." The amendment was postponed to allow for a Peace Conference to be held in February.

The Washington Peace Conference, called for by the legislature of Virginia and former president John Tyler, extended an invitation to the free and slave

Border States in a bid to preserve the rest of the Union and avert war. The conference convened on February 4, 1861 at the Willard Hotel in D.C. At the same time the seceded Southern states were holding their own convention in Montgomery, Alabama. The Peace Conference, with fourteen free states and seven slave states represented, focused primarily on the formation of a constitutional amendment similar to Crittenden's original proposal. The proposal once again failed and the Conference ended in failure. The 36th Congress, nearing its final adjournment and Lincoln's inauguration, passed the Corwin amendment. President Buchanan, in an unusual move, signed the amendment before it was submitted to the states for ratification. However, only three states ratified it. Meanwhile, Union troops withdrew from Fort Moultrie to Fort Sumter to await the inevitable attack of the South Carolina militia.

In the newly formed Washington Territory, Territorial Governor Isaac Stevens pursued an aggressive policy of coercing the various Native American tribes in the territory to enter into treaties ceding their ancestral homes to white settlers in exchange for small reservations on less desirable lands. Two such treaties were ratified by the Congress in the Spring of 1859: the Quinault Treaty between the United States and the Quinault and Quileute Tribes, which established a reservation on the ancestral lands of the Quinault Tribe, and forced the Quileute and Hoh Tribes to relocate there, and the Point No Point Treaty between the U.S. and the S'Klallam, Chimakum, and Skokomish Tribes, which coerced the inhabitants of the northern Kitsap Peninsula and Olympic Peninsula to vacate their ancestral homes in exchange for a series of small reservations along the Hood Canal and a payment of \$60,000. Though the native tribes recognized the inequitable nature of these treaties, the negotiating tribal leaders were mindful of the lessons of those tribes that resisted entering into agreements with the U.S., such as the confederated Yakama Tribes, and the even less favorable outcomes of their resistance.

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Economic Trends and Conditions

As the United States, along with the major European economies, continued the rapid industrialization that would, in the coming decades, completely remake the U.S. economy and disrupt longstanding modes of living for millions of Americans, two discoveries contributing to the development of the nation's natural resources would add momentum to these already snowballing trends.

The first of these occurred on the slope of a mountain in the Virginia Range in western Utah Territory, in the present state of Nevada. In 1850 a company of Mormon emigrants camped along the Carson River as they waited for snows to melt before continuing their journey discovered gold while panning along the riverbank. As word of the discovery spread, prospectors descended on the region hoping to exploit the next great gold rush. Though a few of these managed to unearth some small quantities of gold, the expected boom never materialized. Then, in early 1859, two prospectors working a parcel somewhat removed from what were then considered the most valuable claims, desecrated a layer of unfamiliar dark sand at the bottom of a water hole. Though the precise constituents of the strange dark deposit were as yet unknown, word of its discovery spread, bringing hopeful prospectors to this new area. On June 12, 1859, a trench was dug, exposing a layer of black manganese sand mixed with a strange dark, bluish material and gold. In the process of transporting the gold from the mine, the thick, dark, bluish material was assayed and discovered to be an especially rich silver sulfide, such that the quantity of silver in the material extracted from the mine was three times that of gold. The so-called Comstock Lode unearthed here spurred a boom in silver mining in the territory of Nevada allowing several prospectors to amass considerable fortunes and spurred important technological developments in the field of minerals extraction.

Meanwhile, some 2,000 miles away in the town of Titusville in northwestern Pennsylvania, Col. Edwin L. Drake, on assignment from the Seneca Oil Company, was working on developing a method for extracting petroleum from a parcel south of town. The presence of oil in the region had been known for some time. Prior to the stratospheric rise in demand for petroleum products spurred by the industrial revolution, the material was extracted in modest quantities for medicinal uses. The dramatic explosion of applications for petroleum and petroleum products wrought a corresponding expansion in the quantities needed to make extraction economically viable, though, as yet, there were no known means for extracting oil in such large quantities. Drake was joined in his efforts by a salt well driller and the pair began a process of trial and error to overcome the numerous technical challenges inherent to the project. Finally, on August 27, 1859, Drake and his team managed to drill a well that would prove

economically viable. The development of the Titusville oilfields marks the inauguration of the modern petroleum industry.

In the immediate term, the discovery required the development of distribution networks for transporting crude to refineries and end users as well as new drilling tools and techniques for exploiting reserves situated beneath a variety of geographical and geological formations. Miles of new railroad had to be laid and the once-sleepy town of Titusville transformed seemingly overnight, with the population exploding from 250 residents prior to Drake's success to over 10,000, including the world's first oil millionaire, who owned the land worked by the Colonel and his partners. More significantly, the discovery of oil and the development of technologies for extracting, transporting, refining, and, of course, consuming it, would become the engine driving extraordinarily rapid, revolutionary changes to the organization of human civilization.

Of course discoveries of new oil and mineral deposits often require years of development before they begin contributing to economic growth. Despite a climate of agricultural abundance and increased industrial production, the U.S. economy was still suffering the effects of the Panic and Depression of 1857. Moreover, before the economy sank into depression, the 35th Congress enacted the Tariff of 1857, which reduced tariffs, leading to a decline in Federal revenue. The effects of the Depression and the attendant reduction in consumer spending were compounded by those of the tariff reduction and resultant loss of revenue, leading to a Federal budget deficit requiring the government to take out substantial loans to address the shortfall. To correct the situation, Congress enacted the Morrill Tariff Act of 1861, which substituted specific tariffs for *ad valorem* duties, raised duties generally from 15 to 28 percent, and greatly increased tariffs on iron and textiles. The enactment of the new, broadly protectionist tariff scheme, which invariably would have been blocked by the tariff-averse Southern delegations who had enjoyed fifteen years of quasi-free trade, was made possible by the withdrawal of Southern representatives after their states seceded from the Union.

In addition to their deliberations on the matter of tariffs and foreign trade, the Congress considered large scale infrastructure projects, such as the construction of a transcontinental railroad that would join the eastern states with the rapidly growing western territories. Supporters of a transcontinental rail link pointed to the economic development that it would facilitate, not to mention the military advantages that a speedy cross-country route would afford. Though advocates failed to secure sufficient support for the project during the 39th Congress, the project would ultimately be approved just prior to the start of the Civil War and the First Continental Railroad would be completed in 1869.

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Cobb, Howell. [Annual Report of Secretary of Treasury on State of Finances](#). Department of Treasury, Dec. 4, 1860. 36th Congress, 2nd Session, H.exdoc.2. ProQuest Congressional, 1093 H.exdoc.2

[Tariff of 1861](#), House, Mar. 2, 1861. 36th Congress, 2nd Session, H.misdoc.43. ProQuest Congressional, 1103 H.misdoc.43

Major Treaties

Quinault Treaty (also known as the Quinault River Treaty and the Treaty of Olympia). A treaty agreement between the U.S. government and Native American Quinault and Quileute tribes located in the western Olympic Peninsula north of Grays Harbor in Washington Territory. Divided and ceded tribal lands to the U.S. and set up reservations for the Native Americans. Signed Jan. 25, 1856, ratified on Mar. 8, 1859, and proclaimed law on Apr. 11, 1859. ([12 Stat.971](#))

Point No Point Treaty. A treaty agreement between the U.S. government and the Native American S'Klallam, Chimakum, and Skokomish tribes in Washington Territory. Divided and ceded tribal lands in the Kitsap Peninsula to the U.S. and set up reservations for the Native Americans. Signed Jan. 26, 1855, ratified on Mar. 8, 1859, and proclaimed law on Apr. 29, 1859. ([12 Stat. 933](#))

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Ableman v. Booth, held that state courts cannot overturn federal courts decisions, 62 U.S. 506 (1859)

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1859 Events

- **Feb. 27:** U.S. Congressman Daniel Sickles shoots U.S. District Attorney Philip Barton Key for having an affair with his wife
- **Mar. 9:** *Austro-Sardinian War* – the Austro-Sardinian war is triggered when the Kingdom of Sardinia mobilizes its army against Austria
- **Apr. 25:** [The French Suez Canal Company \(*Compagnie universelle du canal maritime de Suez*\) begins construction on the Suez Canal in Egypt](#)
- **May 31:** The Great Clock (aka Big Ben) at the Palace of Westminster, London, starts and its bells ring for the very first time

- **June:** [In western Utah Territory \(present day Nevada\), prospectors discover the Comstock Lode, the first major silver deposit found in the U.S.](#)
- **June 21 – June 24:** [Austro-Sardinian War – the combined forces of the Second French Empire and the Kingdom of Sardinia defeat the Austrian army, commanded by Emperor Franz Joseph, in the Battle of Solferino. The battle inspires Henri Dunant to later found the Red Cross](#)
- **July 1:** The first intercollegiate baseball game is played, between Amherst and Williams Colleges; the final score is 72-32
- **Aug. 27:** [Edwin Drake drills the first oil well in the United States, near Titusville, Pennsylvania, starting the Pennsylvanian oil rush](#)
- **Aug. 28 – Sept. 2:** The Solar Storm of 1859, created by a super solar flare, produced aurorae so brilliant that newspapers could be read by the light and were seen as far south as Cuba, El Salvador, and Hawaii; it also knocked out telegraph systems around the world
- **Oct. 4:** [Wyandotte Constitution ratified in Kansas, prohibiting slavery in the territory](#)
- **Oct. 16:** [John Brown raids the Harpers Ferry Armory in Harper's Ferry, Virginia; the raid fails to spark a general slave rebellion and is later hanged on December 2nd](#)
- **Nov. 24:** [English naturalist Charles Darwin publishes *The Origin of Species*, a book which argues for the gradual evolution of species through natural selection](#)

1860 Events

- **Feb. 22:** Shoe-making workers of Lynn, Massachusetts, successfully strike for higher wages; the strike spreads throughout New England and eventually involves 20,000 workers
- **Feb. 26:** White settlers massacre a band of Wiyot Indians on Indian Island near Eureka, California - At least 60 women, children, and elders are killed
- **Feb. 27:** Abraham Lincoln gives a stirring speech at the Cooper Union in New York City, helping to secure his Republican presidential nomination
- **Mar. 9:** The first Japanese embassy to the United States arrives in San Francisco
- **Mar. 22:** The Grand Duchy of Tuscany is annexed to the newly formed Kingdom of Italy
- **Apr. 3:** [The Pony Express begins its first run from St. Joseph, Missouri to Sacramento, California](#)
- **Apr. 9:** French typesetter Édouard-Léon Scott de Martinville sings the French folk song "Au clair de la lune" to his phonograph, producing the world's earliest known sound recording
- **Sept. 18:** The Piedmontese decisively defeat the Papal State forces in Battle of Castelfidardo, effectively reducing the Papal States to the territory around Rome
- **Oct. 18:** The first Convention of Peking formally ends the Second Opium War and opens China to missionaries

- **Nov. 6:** *American Civil War* - [In the U.S. presidential election, Abraham Lincoln beats John C. Breckinridge, Stephen A. Douglas, and John Bell and is elected as the 16th President of the United States, the first Republican to hold that office](#)
- **Dec. 20:** *American Civil War* - [South Carolina becomes the first state to secede from the United States Union](#)

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[“An Act granting to A. Sutro the Right of Way, and granting other Privileges to aid in the Construction of a Draining and Exploring Tunnel to the Comstock Lode, in the State of Nevada.”](#) (14 Stat. 242, Chap. 244; July 25, 1866). ProQuest Congressional

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[Suez Canal special-tonnage certificates](#). Department of Treasury, Oct. 19, 1874. 43rd Congress, 2nd Session. (T1.4:874/102) ProQuest Congressional, T104-1.102

U.S. House. 109th Congress, [“H. R. 5883: Drake Well Sesquicentennial Commemoration Act”](#) (Version: 1; Version Date 7/25/09). ProQuest Congressional

Major Acts

Pacific Telegraph Act. Authorized the secretary of the Treasury to solicit sealed proposals for construction of a telegraph line between the western boundary of Missouri and San Francisco, California. Left the exact route of the line to the discretion of each bidder. To the successful bidder it provided

a ten-year contract worth a maximum of \$40,000 annually, a right-of-way through unoccupied public lands, and the right to establish repair stations at fifteen-mile intervals. Did not confer an exclusive right to construct a Pacific telegraph line. Established rates to be charged for each dispatch and protected the telegraph contractors from excessive use by the government by authorizing additional payments when appropriate. Approved June 16, 1860. ([12 Stat. 41, Chap. 137](#))

Printing Act of 1860. Established the Government Printing Office (GPO) and authorized the superintendent of public printing to construct a building, hire printing and binding staff, and carry out the printing needs of Congress as well as those of the executive and judicial branches of the government. Approved June 23, 1860. ([12 Stat. 117](#))

Morrill Tariff Act of 1861. Reversed the quasi-free trade policy established by the Walker Tariff of 1846 and began a rapid trend towards protectionism. Substituted specific duties for ad valorem duties, raised duties generally from 15 to 28 percent, and greatly increased the rates on irons and woolsens. Approved Mar. 2, 1861. ([12 Stat. 178, Chap. 68](#))

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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