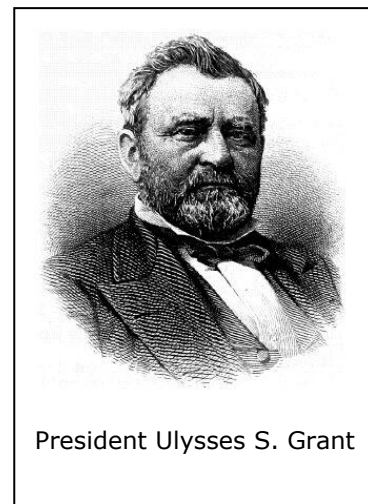


Forty-Second Congress

March 4, 1871-March 3, 1873

First Administration of Ulysses S. Grant

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Historical Background

On February 24, 1871, the two Senators from Georgia were seated, and the South had full representation in Congress for the first time in a decade. Within two months, however, Congress felt the need to pass a third - and the broadest - Reconstruction Force Act. By May 1872, a growing desire in the North to end Reconstruction, and the immediate political advantages to be gained from such a decision in upcoming elections, finally prompted a general amnesty for all person disfranchised under the Fourteenth Amendment. Under the terms of the Act, all except approximately 600 "rebels" (men who had held high Federal offices prior to the Civil War and had violated their oaths to uphold the Constitution) had all their political rights restored.

That Spring, President Grant signed the law establishing the first National Park near the headwaters of the Yellowstone River. He also approved the General Mining Act of 1872, much of which remains intact to this day.

Shifting to monetary matters, Congress on February 12, 1873, terminated the coinage of silver, because silver was so scarce its intrinsic value exceeded its face value. In 1876, when abundant silver was discovered in the West, this act became known as "The Crime of '73." Other more immediate concerns affected President Grant personally, as stories of scandal and corruption involving members of his Cabinet and close friends became increasingly commonplace. His public popularity was further eroded when he signed, just before his second inauguration, the "Salary Grab Act," which substantially raised his own salary and those of all Government officials.

House	Senate
Majority Party: Republican (136 seats)	Majority Party: Republican (56 seats)
Minority Party: Democrat (104 seats)	Minority Party: Democrat (17 seats)
Other Parties: Liberal Republicans (2 seats); Independent Republican (1 seat);	Other Parties: Liberal Republican (1 seat)
Speaker of the House: James Gillespie Blaine	President Pro Tempore: Henry B. Anthony

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

Grant, Ulysses. [*Message of the President of the United States, together with the reports of the heads of departments, to the two Houses of Congress at the commencement of the second session of the Forty-second Congress*](#). House, Dec. 5, 1871, 42nd Congress, 2nd Session. H.exdoc.1/1 (Pr18.1:871), ProQuest Congressional, 1502 H.exdoc.1/1

Grant, Ulysses S. [*Papers Relating to the Foreign Relations of the United States, Transmitted to Congress with the Annual Message of the President*](#), House, Dec. 2, 1872, 42nd Congress, 3rd Session. H.exdoc.1/1(Pr18.1:872). ProQuest Congressional Research, 1552 H.exdoc.1/1

War or Peace?

Southern Reconstruction and Indian Wars

The Department of War's functions shifted from peacekeeping to civil functions during the latter half of President Grant's first administration. With the re-admittance of Confederate states to the Union, he looked for ways to modernize the South. Army personnel assisted in infrastructure projects such as building bridges, roads, railroads, dams, channels, and navigational aids to connect the north and south. The Department also enforced Freedman's Bureau initiatives for freed slaves. The U.S. also signed the Treaty of Washington, which concluded the diplomatic hostilities between the U.S. and Great Britain relating to claims for damages done during the Civil War by British-built Confederate raiders.

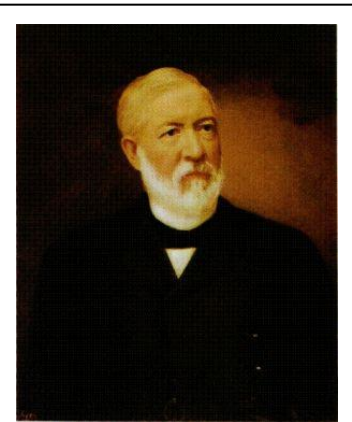
The Army sometimes engaged in conflicts with Native American populations as American settlers headed west. Army personnel were stationed from the British Columbia line to the Gulf of Mexico and from the Missouri River to the eastern line of California and Arizona, charged with protecting settler's interests and repelling Native Americans attacks. However, many of the organized campaigns denigrated into smaller skirmishes as more settlers moved westward and many tribes accepted treaties that included reservation land.

The Indian Appropriations Act of 1871, enacted at the end of the 41st Congress, included a provision that altered the way in which the Congress would deal with Native American tribes on lands claimed by the United States. Prior to enactment, the Congress approached Native American tribes in the territories into which the U.S. expanded as sovereign nations with which the Federal government entered into treaty agreements. According to this provision of the 1871 Act, however, "no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty," thereby opening the way for the Congress to deal with the indigenous inhabitants in an arbitrary fashion.

During the 42nd Congress, U.S. settlers faced resistance by several native tribes, including the Ute in the Utah and Arizona territories and the Sioux in the Dakotas. In September 1872, Colonel Ranald Mackenzie's 4th U.S. Cavalry attacked a Comanche village near McClellan Creek, capturing more than 100 women and children and over 1,000 horses. The following day, Kotsoteka



Senate President Pro
Tempore Henry B.
Anthony



Speaker of the House
James Gillespie Blaine

and Quahadi Comanche warriors attacked the cavalry and recovered the horses, however they were unable to free the hostages, which Mackenzie used the following year as a bargaining tool to force the Indians back onto the reservation and to free their white captives. The Quahadi were among the most resistant Native American groups to U.S. westward expansion, having never entered into any treaty or agreement with the Federal government. Beginning in 1867, the Comanche campaigns wouldn't succeed in finally quelling Comanche resistance until 1875.

President Grant stated that since the U.S. was forming business relations with every part of the world, a Navy strong enough to command respect was necessary for full rights protection. In 1871, naval ships were deployed to Korea to accompany a diplomatic delegation sent to establish political and commercial ties. While patrolling the Yellow Sea, two American ships were fired upon by Korean coastal artillery. Days later, a contingent of 650 U.S. sailors and marines retaliated and commandeered several coastal forts; killing two hundred Korean soldiers while U.S. forces suffered only three casualties.

Sources:

Grant, Ulysses S. [*Papers Relating to the Foreign Relations of the United States, Transmitted to Congress with the Annual Message of the President*](#), House, Dec. 2, 1872, 42nd Congress, 3rd Session. H.exdoc.1/1(Pr18.1:872). ProQuest Congressional Research, 1552 H.exdoc.1/1

Belknap, William W. [*Report of the Secretary of War, 1872*](#), Department of War, Nov. 1, 1872, 42nd Congress, 3rd Session. H.exdoc.1/8 (W1.1:872/v.1). ProQuest Congressional, 1558 H.exdoc.1/8

Robeson, George Maxwell. [*Report of the Secretary of the Navy, 1871*](#), Department of Navy, Nov. 25, 1871, 42nd Congress, 2nd Session. H.exdoc.1/6 (N1.1:871), ProQuest Congressional, 1507 H.exdoc.1/6

Economic Trends and Conditions

In his 1872 State of the Union speech, President Grant highlighted his economic agenda throughout his first four years. There was a reduction of the public debt in the successive years of his first administration and he requested that Congress keep taxation low as a result. Grant also wanted to combat a decade long decrease in American shipping trends, consequently calling on Congress to appropriate \$5 million that would increase and restore the United States' proportion of carrying-trade throughout the world. There was a major focus on creating new commercial routes that would allow for cheaper transportation of increasing surplus of Western and Southern products to the Atlantic sea-board. President Grant furthermore suggested Congress fund railway, bridge building, and the creation of more inland waterways to allow for faster trade routes.

Crédit Mobilier of America Scandal

One dubious facet of the push to rapidly develop new overland transportation routes across the vast territory stretching from the Atlantic to the Pacific coasts involved a fraudulent financing scheme originating in the planning and construction of the Union Pacific Railroad beginning in 1864.

At the time the route running from the Missouri River to the Pacific coast was planned, the railroad operators had difficulty securing private investments to supplement the Federal government's already substantial contribution. The route was to traverse numerous difficult stretches of desert and mountainous territory through which there were few settlements. Despite these significant hurdles, the project was presented to potential investors as one with significant revenue generating opportunities such that it would only require small levels of investment before reaching self-sufficiency as operation began. Compounding this, Union Pacific officials incorporated Crédit Mobilier of America—unrelated to the French bank Crédit Mobilier, at the time one of the most respected international banks—that they then presented as an independent company contracted by Union Pacific for the construction of the railroad. The participation of a seemingly-unrelated concern associated with a highly respected bank lent the project an unwarranted aura of soundness. Union Pacific then used the arrangement to present apparently genuine invoices from Crédit Mobilier of America to extract nearly \$95 million from Congress against real operating costs of \$50 million. The story was first reported during President Grant's 1872 reelection campaign by *The Sun* newspaper in New York. The investigation that followed implicated several senior government officials, who had received stock in the enterprise, including Grant's first Vice President, Schuyler Colfax, Colfax's replacement on the 1872 ticket, Henry Wilson, and Ohio Representative James A. Garfield, who would be elected President in 1880, shrugging off any lingering taint of scandal.

President Grant faced further criticism when he signed the 'Salary Grab Act' which increased the salary of elected and appointed government officials. The President's salary was doubled and Cabinet members' salary was increased to \$10,000 per year. Congressional salaries were also raised from \$5,000 to \$7,000 per annum and retroactive bonuses were given to former members for their final two terms. The move was met with public outcry, especially by unions, saying high salaries of government officials created wage stagnation among the labor and workingmen class, which they believed to be the backbone of America.

Several years earlier, President Grant instituted a gold standard that allowed U.S. bondholders to redeem gold, not just greenbacks. That standard was further established with the signing of the Coinage Act of 1873, which eliminated silver as a monetary unit which bondholders could redeem from the Treasury. Opponents claimed the Act relied too heavily on a single, and increasingly rare, mineral, gold, and would create problems in backing the nation's monetary supply.

Sources:

Boutwell, George Sewel. [Report of the Secretary of the Treasury on the state of the finances for the year 1871](#), Department of Treasury, Dec. 4, 1871. H.exdoc.2 (T1.1:871) ProQuest Congressional, 1507 H.exdoc.2

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Committee on the Judiciary. House. [Resolution of the Eight-Hour League of Boston, Against an Increase of the President's Salary; also Against the One-Term Principle](#), House, Dec. 20, 1872, H.misd.33. ProQuest Congressional, 1572 H.misd.33

Committee on Coinage, Weights, and Measures. [History of the Coinage Act of 1873, Being a Complete Record of all Documents Issued and the Legislative Proceedings Concerning the Act](#), House, Jan. 1, 1900, H3792 (Y4.C66:C66) ProQuest Congressional, CMP-1900-CWE-0001

Landmark U.S. Supreme Court Decisions

Collector v. Day, held that the Federal government's power to tax could not be used to interfere with the functioning of state governments. 78 U.S. 113 (1871)

Knox v. Lee (Legal Tender Cases), overturned the decision of *Hepburn v. Griswold*, which held that the use of paper notes issued under the Legal Tender Act was unconstitutional; determined that the use of United States Notes, first used to finance the Civil War and since depreciated in value, was within constitutional bounds. 79 U.S. 457 (1871)

United States v. Klein, concluded that Presidential pardons were inadmissible as evidentiary support in Court of Claims, prohibiting their use by that court in deciding claims or appeals, and requiring dismissal of appeals by the Supreme Court in cases where proof of loyalty had been made otherwise than prescribed by law, held an interference with judicial power. 80 U.S. 128 (1871)

Taylor v. Taintor, concluded that a fugitive's duty to surrender is not absolute and unqualified; if State laws to which fugitives have fled have been put into force against them, and if imprisoned, the demands of laws may be satisfied before the duty of obedience is requisitioned. 83 U.S. 366 (1872)

Source:

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

Major Treaties

Treaty of Washington. Established an international commission at Geneva to arbitrate the claims by the United States against Great Britain for damages done during the Civil War by British-built Confederate raiders. Concluded May 8, 1871. Approved by the Senate May 24, 1871. ([17 Stat. 863](#))

Source:

1871 Events

- **Feb. 21:** [Congress repeals individual charters of cities of Washington and Georgetown and passes legislation that creates municipal government for all of the District of Columbia](#)
- **Mar. 21:** Otto Von Bismarck becomes the first Chancellor of German Empire
- **May 10:** France and Germany sign the Treaty of Frankfurt, designating the borders of the two countries
- **June 10:** U.S. forces attack Korean forts, killing over 200, on Ganghwa Island in retaliation for a previous attack on U.S. warships several days earlier during the Korean Expedition
- **July 20:** British Columbia becomes part of the Canadian confederation
- **Aug. 29:** The feudal-based han system in Japan is abolished in favor of a centralized-style government
- **Oct. 8-10:** [The Great Chicago Fire - wiped out the homes of nearly 100,000 people and destroyed property valued at \\$222 million, equivalent to over \\$4 billion today](#)
- **Oct. 9-10:** [Battle of Blanco Canyon – A force of several cavalry and infantry companies led by Colonel Ranald S. Mackenzie launched an incursion in west Texas at the suspected site of the Quahadi Comanche village, home of Quanah Parker’s Comanche warriors, in the first major incursion deep in the Comancheria. The invading soldiers drove Parker and his band to flee the area, and managed to destroy much of the tribe’s food and other resources just ahead of the difficult winter season](#)
- **Oct. 12-17:** [Concerned about the growing influence of the Ku Klux Klan \(KKK\) in nine South Carolina counties, President Ulysses S. Grant issued a warning that unless the KKK dispersed from their jurisdictions, martial law would be declared. His warnings ignored, Grant declared martial law and suspended habeas corpus in those jurisdictions, empowering Federal officials to imprison KKK members and others fomenting racial tension without trial](#)
- **Oct. 24:** New York State Senator and unrivalled virtuoso of Tammany Hall machine politics William “Boss” Tweed was arrested in New York City on corruption charges first revealed by the *New York Times*
- **Oct. 27:** [Chinese Massacre of 1871 – In an environment of increasing resentment against Chinese immigrants in Los Angeles, a mob numbering as many as 500 white and mestizo Californians descended upon the city’s Chinatown, attacking virtually every Chinese owned building, looting and destroying property, and lynching as many as 20 Chinese residents. Of those involved in the incident, ten were prosecuted, 8 of whom were convicted, though in each case the convictions were overturned on legal technicalities](#)

- **Nov. 10:** Henry M. Stanley finds Dr. Livingstone in Africa, reported saying “Dr. Livingstone, I presume?”
- **Nov. 17:** The National Rifle Association is granted its first charter in New York State
- **Dec. 10:** The German government passes harsh laws separating church and state, in attempt to ban Catholics from taking public office

1872 Events

- **Feb. 20:** The Metropolitan Museum of Art is opened in New York City
- **Mar. 1:** [Yellowstone National Park is established at the first National Park in the U.S.](#)
- **Apr. 2:** American inventor George B. Brayton patents the first gasoline powered engine
- **Apr. 24:** Mt. Vesuvius erupts in Naples, Italy, killing 20 spectators who were visiting the volcano and surrounding the volcano’s observatory with lava flows, stranding the staff for days before a rescue could be safely executed
- **May 22:** President Grant grants amnesty and restores civil rights to Confederate sympathizers
- **June 14:** Trade unions are legalized by the Canadian government
- **July 18:** Secret ballot voting is allowed in Great Britain
- **Aug. 22:** The Overland Telegraph system is completed in Australia, connecting the country with the rest of the world for the first time
- **Sept. 14:** [Arbitrators investigating U.S. claims against Britain for damages sustained during the Civil War by ships manufactured in Britain for sale to the navy of the Confederacy sided with the Americans, ordering Britain to pay \\$15.5 million dollars in damages](#)
- **Sept. 21:** John Henry Conyers becomes the African-American student at the U.S. Naval Academy in Annapolis, MD
- Sept. 28: *Battle of North Fork* – [Colonel Ranald S. Mackenzie continues his campaign against the Comanche of west Texas in this raid on a camp near McClellan Creek, killing 50 Comanche and capturing 130](#)
- Nov. 5: [The Presidential election sees incumbent Ulysses Grant defeat challenger Horace Greeley, by a margin of 55.6% to 43.8%](#)
- Nov. 9: *Great Boston Fire of 1872* – [A fire originating in the basement of a Boston warehouse destroyed over 750 structures over 65 acres and killed thirteen before finally being contained](#)
- **Dec. 5:** [The ship *Mary Celeste* is discovered mysteriously abandoned by her crew in the Atlantic Ocean](#)

Sources:

Bureau of Navigation. [Relative to brigantine "Mary Celeste" found derelict at sea \[and possible murders, request for information from customs officers\]](#). Department of Treasury. Mar. 24, 1873. Treas. Dept. Circ. No. 1873/34; Navigation Div. Circ. No. 1873/9 (T1.4:873/34). ProQuest Congressional, T104a-41.34

Carpenter, Matthew Hale. [\[Relief of sufferers by fire in Boston\]](#). Committee on the Judiciary. Senate, Jan. 20, 1873. 42nd Congress, 3rd Session, S.rp.311. ProQuest Congressional, 1548 S.rp.311

Cleveland, Grover. [Message from the President of the United States, transmitting the last Annual Report of the government directors of the Union Pacific Railway Company](#). Government Directors of Union Pacific Railroad Company, Department of Interior, Feb. 15, 1886. S.exdoc.73 (I1.30:885). ProQuest Congressional, 2336 S.exdoc.73

Dunnell, M.H. [The Yellowstone Park](#). Committee on Public Lands, House, Feb. 27, 1872. 42nd Congress, 2nd Session, H.rp.26. ProQuest Congressional, 1528 H.rp.26

Grant, Ulysses S. [Condition of affairs in the southern States. Message from the President of the United States, in answer to a resolution of 25th January last relative to the lawlessness in insurrectionary States](#). Select Committee to inquire into the Condition of Affairs in Late Insurrectionary States. Joint, Apr. 19, 1872. H.exdoc.268. ProQuest Congressional, 1515 H.exdoc.268

Hale, Robert Sanford. [Papers relating to the foreign relations of the United States, transmitted to Congress, with the annual message of the President](#). Mixed Claims Commission, U.S. and Great Britain; Geneva Arbitration, Department of State, Nov. 30, 1873. H.exdoc.1/5 (S3.13/1:P19/6). ProQuest Congressional, 1596 H.exdoc.1/5

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U.S. House. 42nd Congress, 2nd Session. ["42 H.R. 465."](#) (Dec. 6, 1871). ProQuest Congressional

U.S. Senate. 42nd Congress, 1st Session. ["42 S. 257."](#) (Mar. 18, 1871). ProQuest Congressional

Welsh, William. [Report of the Commissioner of Indian Affairs](#). Office of Indian Affairs, Department of Interior, Nov. 1, 1872. H.exdoc.1/13 (I1.1:872/v.1) ProQuest Congressional, 1560 H.exdoc.1/13

Major Acts

Third Force Act (Third Ku Klux Klan Act). Directed the Federal courts to punish specific acts of terrorism with fines and/or imprisonment, barred members of Klan-type societies from serving on juries trying cases under the Act, and authorized the President to suspend the writ of habeas corpus in areas deemed by him to be in a condition of anarchy and insurrection. Approved Apr. 20, 1871. ([17 Stat. 13, Chap. 22](#)) Certain provisions of this Act were subsequently held unconstitutional in *United States v. Harris*, 106 U.S. 629 (1883)

Yellowstone National Park Act. Designated a 2-million-acre tract of land "lying near the headwaters of the Yellowstone River ... as a public park or pleasuring ground for the benefit and enjoyment of the people." Established for the first time the policy of national ownership of superlative resources for the common good and barred commercial use of the park's timber, grass, water power, and minerals. Approved Mar. 1, 1872. ([17 Stat. 32, Chap. 44](#))

General Mining Act of 1872. Provided that "all valuable mineral deposits in the lands belong to the United States ... to be free and open to exploration and purchase by the citizens of the United States. Required that not less than

\$100 worth of work be performed on each claim per year. Patents were to be issued for lands containing 'valuable deposits' upon expenditures of \$500 worth of work." Approved May 10, 1872. ([17 Stat. 91, Chap. 152](#))

Amnesty Act. Removed all remaining political disabilities imposed by the third section of the fourteenth amendment to the U.S. Constitution. Approved May 22, 1872. ([17 Stat. 142, Chap. 193](#))

Tariff Act of 1872. Made a 10 percent across the board reduction on all imported manufactured products. Reduced the duties on salt and coal, and placed some raw materials on the free list. Approved June 6, 1872. ([17 Stat. 230, Chap. 315](#))

Coinage Act of 1873. Ended the policy of "bimetallism" by abolishing the right of holders of silver bullion to have their metal struck into U.S. dollar coins and officially re-established gold as the sole mineral backing U.S. currency. Approved Feb. 12, 1873. ([17 Stat. 424, Chap. 131](#))

Salary Grab Act. Doubled the President's salary from \$25,000 to \$50,000, gave the Vice President, Cabinet members, and Supreme Court Justices \$10,000, and increased congressional pay from \$5,000 to \$7,000. In addition, a retroactive provision had the effect of bestowing on lame duck Congressmen, of whom there were many in this session, a gift of \$5,000 extra. Approved Mar. 3, 1873. ([17 Stat. 485, Chap. 226](#)) Repealed January 20, 1874.

Source:

CRS, Government Division. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#), CRS Report: 82-156 GOV, Sept. 1, 1982. ProQuest Congressional Research Digital Collection, CRS-1982-GOV-0005

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