

# Forty-Sixth Congress

Mar. 18, 1879–Mar. 3, 1881

## Administration of Rutherford B. Hayes

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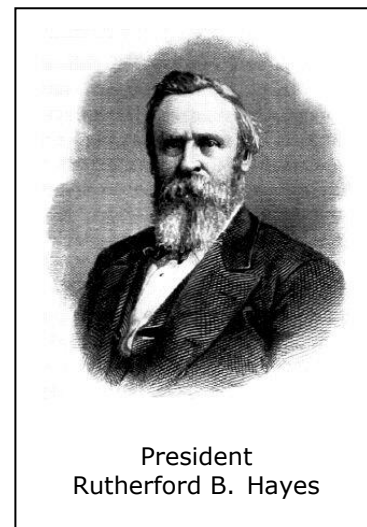
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### Historical Background

The midterm elections of 1878 proved to be difficult for both of the major parties. The new, single-issue National Greenback party was formed to promote a permanent paper currency monetary policy as a means to mitigate the destabilizing economic swings of the preceding decades. Both Republicans and Democrats lost seats in the House of Representatives to this upstart party. While the Democrats wrested control of the Senate from the Republicans and retained the largest number of seats in the House, they lost their majority in the lower house and only managed to retain control by virtue of the Independent Democrats who caucused with them. The chaos within the dominant party was thrown into even sharper relief by the tightly contested election of the Speaker of the House, which pit no fewer than three Democratic candidates—Samuel J. Randall of Pennsylvania, Joseph Blackburn of Kentucky, and Hendrick B. Wright of Pennsylvania, who was nominated by members of the Greenback Party—against each other. While Randall received a plurality of votes in early balloting, he failed to secure the necessary majority, leading Blackburn to steer his supporters away from Wright in favor of Randall in hopes of preserving some measure of party unity.

The Democrats exploited their control of both houses to challenge President Hayes by attaching amendments to Army appropriations bills that would preclude the use of appropriated funds for sending troops to protect polling places in the states of the former Confederacy. In each case, however, Hayes vetoed any appropriations bill that included such restrictions, ultimately forcing Democrats to relent. Instead, Congress failed to appropriate sufficient funds to enforce Federal civil rights laws, such as the Force Acts, rendering them ineffectual. This paved the way for Southern states to enact Jim Crow laws and legally codify voter restrictions of racially discriminatory



House	Senate
Majority Party: Democrat (141 seats)	Majority Party: Democrat (42 seats)
Minority Party: Republican (132 seats)	Minority Party: Republican (33 seats)
Other Parties: Nationals (Greenbacks) (13 seats); Independent Democrats (7 seats)	Other Parties: Independent (1 seat)
Speaker of the House: Samuel J. Randall	President Pro Tempore: Allen G. Thurman

policies.

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. 97<sup>th</sup> Congress, 2<sup>nd</sup> Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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## War or Peace?

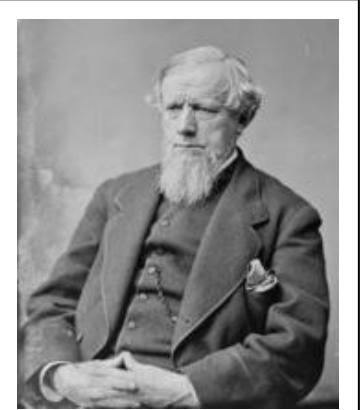
### Indian Wars

President Hayes and the 46<sup>th</sup> Congress continued to see Native American uprisings, with the most significant being the White River War between the Ute tribes in Colorado and U.S. Army. The White River War was instigated by an incident known as the Meeker Massacre: a party of Ute Indians attacked the White River Indian Agency outpost in Colorado, killing the Indian agent Nathan Meeker and ten other men and taking several women and children hostage in September 1879. When troops under the command of Major Thomas T. Thornburgh arrived to assist, they were immediately attacked by Ute warriors, resulting in the deaths of Thornburgh and a dozen other officers. The rebellion was ultimately put down, however, the conflict resulted in Congressional initiatives in favor of removing the Utes from their lands in Colorado gaining new urgency.

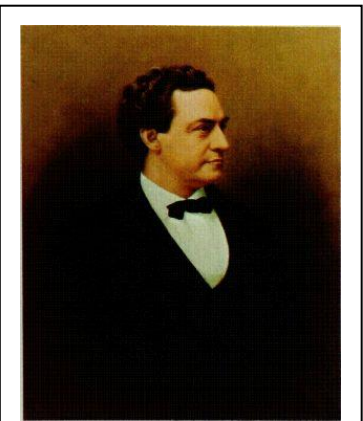
In contrast to his predecessors, President Hayes took a moderate approach with his American Indian policy by resolving conflicts with negotiation, assimilation, and land allotments. Congress was less conciliatory and produced several retaliatory acts in response to Native uprisings in the West, including the Ute Removal Act, which authorized the removal of the White River Utes to the Uintah Reservation in Utah.

Even the judiciary insisted upon having its say in the developing tensions between western settlement and the indigenous tribes populating the territories desired by settlers. In 1879, the Ponca Indian chief Standing Bear sued for a writ of *habeas corpus* after he was arrested for leading the Ponca Indians from the reservation to which they'd been remanded in Oklahoma. When the Ponca arrived at the reservation, they were unable to plant crops because the Federal government failed to provide the farming equipment promised as part of the resettlement. The resultant case, *United States ex rel. Standing Bear v. Crook*, established for the first time that a Native American is a person within the meaning of *habeas corpus*.

Elsewhere, after the surrender of Crazy Horse in 1877, many of the Northern Cheyenne who allied themselves with him expected to join the Sioux reservation at Fort Robinson, however, agents of the Indian Bureau recommended they be settled along with the Southern Cheyenne at their reservation in Oklahoma. Though reluctant to make the move, nearly a thousand Northern Cheyenne made the journey, though many died along the way. Upon arrival at the reservation, the Northern Cheyenne found conditions there untenable, marked by illness, poverty, extreme privation and a complete lack of game for hunting. In September 1878, roughly 350



President Pro Tempore  
Allen G. Thurman



Speaker of the House  
Samuel J. Randall

Northern Cheyenne left the reservation and headed back north, pursued variously by U.S. military forces. A series of skirmishes, raids and other encounters left the Northern Cheyenne in difficult straights, losing most of their horses and provisions along the way. They reached the Pine Ridge Sioux reservation in January 1879, and after repeated orders for the bands to return south, the Federal government at last established a reservation for the Northern Cheyenne in eastern Montana.

Abroad, the U.S. played the role of arbiter in the territorial disputes of South America. President Hayes interpreted the Monroe Doctrine strictly and worked to ensure European powers stayed out of the Americas through a series of diplomatic missions. The President and Congress were further concerned with the Isthmus of Panama after the French began attempts to build a canal in January 1881. A number of hearings and reports were printed by Congress and the Executive branch, but little action occurred. The main foreign policy debate of the day was Chinese immigration and the renegotiation of the Burlingame-Seward Treaty with China.

Sources:

Committee on Indian Affairs. [\*Testimony in Relation to the Ute Indian Outbreak\*](#), House, Jan.-Mar. 1880, 46<sup>th</sup> Congress, 2<sup>nd</sup> Session. HIn 46-A. ProQuest Congressional, HRG-1880-INH-0001

Committee on Interoceanic Ship Canal, Select. [\*Interoceanic Ship Canal\*](#), House, Feb.-Apr. 1880 and Jan. 1881, 46<sup>th</sup> Congress, 2<sup>nd</sup> and 3<sup>rd</sup> Sessions. HS 46-B. ProQuest Congressional, HRG-1880-ISC-0001

Hayes, Rutherford B. [\*Message from the President of the United States, transmitting a letter from the Secretary of State, with accompanying papers, in relation to the recent effort of the Government of the United States to bring about peace between Chili and Peru and Bolivia\*](#), Committee on Foreign Relations. Senate, Jan. 20, 1881, 46<sup>th</sup> Congress, 3<sup>rd</sup> Session. S.exdoc.26 ProQuest Congressional, 1941 S.exdoc.26

Hayes, Rutherford B. [\*\[Treaties with China.\] Message from the President\*](#). Jan. 10, 1881, 46<sup>th</sup> Congress, 3<sup>rd</sup> Session. Exec.Doc.C, 46-3, ProQuest Congressional, SED-46-3-3

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## Economic Trends and Conditions

The Specie Resumption Act took effect in January 1879. In accordance to the act, United States Notes (greenbacks) were to be valued the same as gold for the first time since the Civil War. Silver was substituted for remaining fractional currency. The act also required greenbacks to be retired in proportion of 80% of new national bank notes issued in order to appreciate the remaining greenbacks' value. The theory was to inflate the value of the U.S. Note to equate the value of gold. The primary benefit derived from the act was increased confidence in business and creation of a large gold stockpile in the U.S. Treasury. The Act's provisions providing for the printing of new bank notes failed to set limits on the number issued, leading to the rise of "free banking." However, despite debates to the contrary, the act did little to increase economic output, decrease inflation, or even impact the contemporary economy in general.

The main economic event of the 46<sup>th</sup> Congress involved the end of the Long Depression, which ended in March 1879, 65 months after it began in October 1873. However, even with recovery in the construction and railroad industries, the economy remained unstable and continued to suffer from the Depression's effects. Unemployment remained high and wages saw only moderate growth throughout the 46<sup>th</sup> Congress. Laborers in the West especially were hit by depressed wages, and many blamed the unchecked flow of Chinese immigrant laborers.

Sources:

Select Committee on Depression of Labor, [\*Causes of general depression in labor and business. Chinese immigration. Investigation by a select committee of the House of Representatives relative to the causes of the general depression in labor and business; and as to Chinese immigration\*](#), House, Dec. 10, 1879, 46<sup>th</sup> Congress, 2<sup>nd</sup> Session, H.misdoc.5, ProQuest Congressional, 1928 H.misdoc.5

Sherman, John, [\*Annual Report of the Secretary of the Treasury on the state of the finances for the year 1879\*](#), Department of Treasury, Dec. 1, 1879, 46<sup>th</sup> Congress, 2<sup>nd</sup> Session, H.exdoc.2 (T1.1:879), ProQuest Congressional, 1914 H.exdoc.2

Sherman, John, [\*Annual Report of the Secretary of the Treasury on the state of the finances for the year 1880\*](#), Department of Treasury, Dec. 1, 1879, 46<sup>th</sup> Congress, 3<sup>rd</sup> Session, H.exdoc.2 (T1.1:880), ProQuest Congressional, 1963 H.exdoc.2

Sherman, John, [\*Specie Resumption and Refunding of National Debt. Letter from the Secretary of the Treasury. Transmitting Letters and Documents Pertaining to Resumption of Specie Payments and Refunding of the National Debt\*](#), Department of Treasury, Dec. 2, 1879, 46<sup>th</sup> Congress, 2<sup>nd</sup> Session, H.exdoc.9 (T1.2:Sp3/1), ProQuest Congressional, 1918 H.exdoc.9

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## Landmark U.S. Supreme Court Decisions

*Trade-Mark Cases*, a set of three cases consolidated into a single appeal in which the Supreme Court held Congress had no power to regulate or protect trademarks under the Copyright Clause of the U.S. Constitution, 100 U.S. 82 (1879)

*Baker v. Selden*, a copyright infringement case that held the material of books involving mechanical processes or useful arts fell under patent law, not copyright, and further defined the idea-expression dichotomy, 101 U.S. 99 (1879)

*Strauder v. West Virginia*, the first case to reverse a state criminal conviction for a violation of constitutional criminal procedure, the Court held that categorical exclusion of blacks from juries violated the Equal Protection Clause of the Fourteenth Amendment as such an exclusion violated the rights of black criminal defendants, 100 U.S. 303 (1880)

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. 103<sup>rd</sup> Congress, 1<sup>st</sup> Session, S. Doc.

## 1879 Events

- **Jan. 1:** [The Specie Resumption Act takes effect and the U.S. Note is valued as the same as gold for the first time since the American Civil War](#)
- **Jan. 22:** *Anglo-Zulu War* - Battle of Isandlwana – First major encounter in the Anglo-Zulu War between the British and Zulu Kingdom of South Africa. Despite technological superiority, 1,300 British soldiers were killed in a Zulu victory
- **Jan. 29:** Custer Battlefield National Monument Established in Montana
- **Feb. 8:** At a meeting of the Royal Canadian Institute, engineer and inventor Sandford Fleming proposes the global adoption of standard time
- **Apr. 11:** *War of the Pacific* - [Chile formally declares war on Bolivia and Peru](#)
- **June 1:** Napoleon, Prince Imperial, (Napoleon IV), great-nephew of Napoleon Bonaparte, is killed in Africa while attached to the British Army during the Anglo-Zulu War
- **June 4:** Great Britain takes Cyprus from Turkey
- **July 12:** Yellow-fever breaks out in New Orleans, ultimately killing 4,500 people
- **Sept. 29:** *Meeker Massacre* – [Nathan Meeker and seven others are killed in an uprising at the White River Ute Indian Reservation in Colorado](#)
- **Oct. 22:** Using a filament of carbonized thread, Thomas Edison tests the first practical electrical light bulb (it lasts 13 ½ hours before burning out)

## 1880 Events

- **Jan. 27:** [U.S. Patent 223,898 is granted to Thomas Edison for the incandescent light bulb](#)
- **February:** *Science* journal is first published in the U.S. with financial backing from Thomas Edison
- **Feb. 17:** Nihilists attempt to assassinate Tsar Alexander in St. Petersburg
- **Feb. 24:** The *SS Columbia*, the first ship to be outfitted with Thomas Edison's incandescent light bulbs, is launched at the Delaware River Iron Shipbuilding and Engine Works of John Roach and Sons in Chester, Pennsylvania
- **Mar. 31:** Wabash, Indiana becomes the first electrically lit city in the world
- **Aug. 14:** Cologne Cathedral in Germany completed 633 years after construction began
- **Aug. 26:** Competing circus owners, P.T. Barnum and James A. Bailey, sign a contract in Bridgeport, Connecticut to create Barnum and Bailey Circus

- **Sept. 1:** *Second Anglo-Afghan War* – General Frederick Roberts, commanding British forces, defeats the Afghan troops of Mohammad Ayub Khan in the Battle of Kandahar, ending the war
- **October:** The “Snow Winter” of 1880-1881, considered the most severe winter in U.S. history, begins; blizzard after blizzard leaves snow drifts higher than locomotives and two-story houses
- **Nov. 4:** James and John Ritty of Dayton, Ohio, patent the first cash register
- **Dec. 16:** *First Boer War* – War breaks out between British Empire and Boer South Africa Republic

Sources:

Committee on Indian Affairs. [Testimony in Relation to the Ute Indian Outbreak](#), House, Jan.-Mar. 1880, 46<sup>th</sup> Congress, 2<sup>nd</sup> Session. HIn 46-A. ProQuest Congressional, HRG-1880-INH-0001

Patent Office, Department of Interior. [Index of patents relating to electricity, granted by U.S. prior to July 1, 1881 \[...\]](#). Executive Branch Documents, I2305 Patent Office Special Indexes to Patents. Jan. 1, 1882. (I23.5:EI2/1) ProQuest Congressional, I2305-1.1

Mason, Theodorus B.M. [The war on the Pacific coast of South America between Chile and the allied republics of Peru and Bolivia. 1879-'81](#). Naval Intelligence Office, Bureau of Navigation, Department of Navy, July 10, 1883. 48<sup>th</sup> Congress, 2<sup>nd</sup> Session, H.misdoc.30 (N13.8:2). ProQuest Congressional, 2316 H.misdoc.30

["The Reserve Fund."](#) Congressional Record, 52<sup>nd</sup> Congress, 1<sup>st</sup> Session (July 6, 1892) Vol. 23, pp. 5797-5801. ProQuest Congressional, CR-1892-0706

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