

## Chapter 281 – The Chaotic 36<sup>th</sup> Congress Convenes Amidst The Harpers Ferry Turmoil



**Dates:**

December 5,  
1859

**Sections:**

- Selection Of A House Speaker Reveals Growing Political Fractures

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### Selection Of A House Speaker Reveals Growing Political Fractures



The U.S. Capitol Seen From Pennsylvania Avenue

The 36<sup>th</sup> Congress convenes on December 5, 1859, three days after John Brown is executed in Virginia.

From the beginning, the proceedings are marked by open hostility over the issue of extending slavery into the new western territories -- the South demanding foolproof guarantees of this outcome and the North hardening its opposition. The sectional breach is evident not only in the words spoken on the floor, but also in the fact that members now enter the chamber armed to the teeth. James Hammond, the fire-eater Senator from South Carolina, captures this fact in his diary.

*The only persons who do not have a revolver and a knife are those who carry two revolvers.*

The discord begins with the choice of a new Speaker of the House to succeed James L. Orr of South Carolina, who has retired. Total membership is 237 seats, with the surging Republicans accounting for 113; the American Party at 6; the Mainstream Democrats at 84; and the remaining 34 divided among dissident Democrats unwilling to toe the traditional party line for a variety of reasons.

### Division Of House Seats In The 36<sup>th</sup> Congress

Party	# of Seats
Republican	113
Mainstream Democrats	84
Anti-Lecompton Democrats	8
Independent Democrats	7
Opposition Party (South)	19
American	6
	237

The election will require forty-four ballots cast over an eight week period, and will reveal the deep divisions within the Democratic party.

The Republican are unified, and, after the first ballot, they line up behind a 36 year old third term congressman, John Sherman of Ohio, an anti-slavery man who has served in 1856 as a Whig on the “Kansas Investigation Committee.” They will stick with him through 39 ballots, when it becomes evident that he cannot win the majority needed.

The Mainstream Democrats throw their initial support behind Thomas Bocock of Virginia, who, ironically, will become Speaker of the Confederate House in 1863. Bocock is already in his sixth term, but proves too polarizing, having earlier praised the caning of Charles Sumner. He reaches 85 votes, but then fades after the eleventh round.

From there the search is on for a compromise candidate at least minimally acceptable to the divisive factions within the party:

- Northerners who have backed Pierce and Buchanan, the *Dred Scott* decision, and the Lecompton Constitution.
- The Stephen Douglas loyalists, committed to popular sovereignty, and a re-vote in Kansas.
- The Opposition Party Democrats of the South, demanding federal guarantees on slavery, talking secession.
- The Independent Democrats who, like the American Party stragglers, focus on preserving the Union.

Another Virginian, John Milson, peaks at 95 votes on the 17<sup>th</sup> ballot. More names spring up from there, albeit falling short of Milson’s total. Opposition Party candidate Horace Maynard of Tennessee hits 65 votes on the 23<sup>rd</sup> round, and the Doughface Ohioan, Clement Vallandigham, garners 69 votes on the 26<sup>th</sup>. Next up with 88 ballots is Independent Party Texan, Andrew Jackson Hamilton, a Southerner who will eventually side with the Union.

Still, nothing appears promising for the Democrats until the 39<sup>th</sup> ballot when William N.H. Smith of North Carolina reaches the 112 vote mark on ballot #39. Smith is a conservative Presbyterian, Yale-educated, previously a Whig, both pro-slavery and fiercely pro-Union, although later serving in the Confederate Congress.

Once the Republicans see the tide shifting to Smith, they drop Sherman in favor of William Pennington, the 63 year old ex-Governor of New Jersey who is just beginning his only term in the House. While opposing the Lecompton Constitution, Pennington is less outspoken on slavery than Sherman and favors compromises to save the Union. On the 44<sup>th</sup> ballot Pennington achieves the majority 117 votes needed to win, after a futile attempt by the Douglas Democrats to back John McClernand of Illinois.

**Round By Round Voting For Speaker Of The House in 1859-60**

	1 <sup>st</sup>	7 <sup>th</sup>	11 <sup>th</sup>	17 <sup>th</sup>	23 <sup>rd</sup>	26 <sup>th</sup>	28 <sup>th</sup>	31 <sup>st</sup>	35 <sup>th</sup>	39 <sup>th</sup>	40 <sup>th</sup>	44 <sup>th</sup>
<b>Thomas Boccock (D) – Va</b>	86	86	85		14	2	32		51	1	1	
<b>John Sherman (R) – Ohio</b>	66	96	112	106	101	104	102	105	105	106		
<b>Galusha Grow (R) – Pa</b>	43					2						
<b>Alex Boteler (D) – Va</b>	14	1	21									
<b>John Milson (D) – Va</b>	0			95			4					
<b>John Gilmer (O) – NC</b>	3	26	1	6	2	17		19	3			16
<b>Charles Scott (D) – Ca</b>					3							
<b>Clem Vallandingham (D) – OH</b>					2	69						
<b>Horace Maynard (O) – TN</b>					65							
<b>Andrew Hamilton (ID) – Tex</b>					1			88	4			
<b>William N.H. Smith (ID) – NC</b>									26	112	113	4
<b>John McClernand (D) – IL</b>				1	5	2	37					85
<b>William Pennington (R) – NJ</b>										1	115	117
<b>All Others</b>	18	8	11	17	22	16	41	7	26	8	5	11
<b>Total Cast</b>	230	217	230	225	215	212	216	219	215	229	234	233
<b>Needed to win</b>	116	109	116	113	108	107	109	110	108	115	118	117