THE SENATORIAL CAREER OF BENJAMIN F. WADE TO 1861

A Thesis Presented for the Degree of Master of Arts

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INTRODUCTION

Eighty-eight years ago there entered the United States Senate from Ohio a bold, rough, antislavery Whig who soon proved that he could "eat fire" with the best of the southern "fire-eaters." This man was destined to become an unflinching leader in the Senate among those men who fought the battles of the antislavery cause, a group for a long time in the minority. No man ever entered the Senate who had more courage to speak his opinions, whether popular or unpopular at the time. Such a man of necessity was an extremely partisan figure, one who was either hated or admired; therefore, it is difficult to get a true estimate of him, especially from his contemporaries. This thesis is an attempt to catch something of the true ideas of this man on the great issues of his time in that part of his Senatorial career before the War between the States, a period of his political life which has not been so carefully examined as has his great role in Civil War and Reconstruction times.

Since his contemporaries were biased and since he "seems systematically to have destroyed papers" (Riddle, A. G., The Life of Benjamin Wade, 14) it seems best to let "old Ben Wade" speak out his true ideas as preserved in his own speeches of the Congressional Globe. His only biography is too uncritical and eulogistic to be of much historical value.
CHAPTER I

HIS LIFE AND POLITICAL ACTIVITIES BEFORE
BECOMING UNITED STATES SENATOR IN 1851

Great men are usually not the products of accident, but the results of influences which can be often traced back through generations of ancestors. The truth of this general principle can be fittingly applied to the subject of this study. Wade sprang from English Puritan stock which was transferred to America in 1632, when Jonathan Wade emigrated from Norfolk county, England, to Massachusetts. 1 Medford, in the environs of Boston, became the new world home of the first of the Wades in America. From this beginning there developed in the rigorous climate and ungenerous soil of Massachusetts a tough and sinewy strain of men and women. Among the ancestors of the subject of this study are found names illustrious and prominent in early American history: Dudleys, Bradstreet, Wiggleworths, and Uphams.

The tenth of the eleven children of James and Mary Wade was born on October 27, 1800, in Feeding Hills, near Springfield, Hampden County, Massachusetts, and was christened Benjamin Franklin Wade. 2 His father was a New England farmer who is said to have fought in every battle of the American Revolution from Bunker Hill to Yorktown; 3 his mother was the daughter of a Baptist clergyman.

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3. The Biographical Encyclopaedia of Ohio of the Nineteenth Century, 415.
In childhood he endured the poverty and hardship of a New England farm where he labored with his father during the greater part of each year.\textsuperscript{4} In the winter the boy, Benjamin, managed to get to school for two or three months—this constituted all of his formal schooling. In his leisure time he doubtless read over and over again certain books and classics which were found in every New England home. We know he committed to memory the "Day of Doom" of his great-grandfather, Michael Wigglesworth, and used occasionally to repeat doleful passages from it.\textsuperscript{5} His mother, the daughter of one of the best educated men of the time, taught him in his boyhood; she doubtless emphasized Calvinism and the Bible in her teachings. It is certain that he knew the Bible well, for he often alluded to passages from it in his Senatorial speeches. Benjamin, however, did not develop into a religious man. His only biographer, Riddle, states that he "lived and died outside of religious communion of all forms,"\textsuperscript{6} and that his skeptical notions were a drawback to his personal popularity.\textsuperscript{7} Another writer is of the opinion that in adulthood Wade was "a skeptic, possibly an atheist, and his infidelity was an issue against him in his political life."\textsuperscript{8}

In 1821 Benjamin moved with his parents to Andover, Ashtabula County, Ohio, where several of his brothers had gone

\textsuperscript{4} Dictionary of American Biography, XIX, 303.
\textsuperscript{5} Riddle, op. cit., 33 and footnote.
\textsuperscript{6} Ibid., 35.
\textsuperscript{7} Ibid., 91.
\textsuperscript{8} Lewis, Lloyd, "He Hated Southern Gentlemen," American Mercury, Dec. 1929, XVIII, 476.
a year or two earlier. New England was too cramped for a large family in which there were young men looking toward new horizons of opportunity. Andover was at that time a frontier community; for two years Benjamin helped to clear the land about their new home and to farm the land which was thus made tillable.

For a time young Wade seems to have become a "Jack-of-all-trades." In 1823 he was a drover and helped to drive a herd over the mountains to Philadelphia, from which city he went to Albany where his brother, James, was a doctor. He spent two years in this neighborhood (1823–1825) teaching school, studying medicine, and working with wheelbarrow and shovel on the Erie Canal.

Years afterward, speaking of this great work and the foreigners who performed it, William H. Seward said in the Senate: "Whence came the labor that performed that work? I know but one American citizen who worked with spade and wheelbarrow upon those works. Doubtless there are many others, but I know but one, and he, I am glad to say, is a member on this floor—Mr. Wade of Ohio—and one of the most talented senators."

At the age of twenty-five (1825) he returned to Ohio and became a law student in the office of Whittlesey and Newton in Canfield, Ohio, where his youngest brother, Edward, was already studying law. Benjamin, with his brother, was admitted to the

10. Middie, op. cit., 58.
11. Ibid., quoted in footnote on pp. 58 and 59.
bar in 1827 or 1828, after successfully passing the bar examinations which even then "were thorough and searching—often conducted by judges themselves." Like most young lawyers of his time, or any time, he had to do a great deal of waiting for clients, but in 1831 his great moment came when he availed himself of the opportunity to form a partnership with Joshua R. Giddings in Jefferson, Ashtabula County, Ohio. Giddings was a notable lawyer of that section; therefore, this partnership was a great boon to the young lawyer and introduced him to a much wider practice and more important cases. Perhaps his greatest handicap at the beginning of his legal career was little aptitude for public speaking, but by hard work he became a ready, effective, and fluent speaker, as we can judge from his great speeches later in the United States Senate. Although rather rude and unpolished in manners, he rapidly became a successful lawyer and a dangerous opponent. At times, when provoked by unfairness, his wit and sarcasm could be dreadful. This combination of men proved to be a happy one, and the law firm of Giddings and Wade became the leading law association of the neighborhood.

Wade's political career began in 1835 when he was elected prosecuting attorney of Ashtabula County, which position he filled acceptably for one term of two years. His biographer states that he was "a vigorous, safe, and popular prosecutor."

12. Authorities disagree; one says 1827, another 1828, and still another 1827 or 1828.
During these years, the successful lawyer became very popular, especially among the young men contemplating the legal profession, to whom Wade was a model. "Young men were drawn to him, became his students, adopted his manner—it often set badly on them. They combed their hair back over their heads. Where he was merely frank and abrupt, they became coarse and rough; where he indulged in the stronger English, they became profane. In a few years the bar of northern Ohio was invaded by these rude, swearing caricatures of the strong, magnetic man.\textsuperscript{15}

In 1837 he reluctantly accepted the Whig nomination for the state senate of Ohio, and was elected. Although it was as a legislator that he won his greatest fame, nevertheless he always insisted that this was the great mistake of his life, and that he would have been a much happier and more successful man if he had stuck to the law.\textsuperscript{16} He became the leader of the handful of Whigs in the State at that time. Recognition was given to his ability as a lawyer and judge by giving him a place on the Judiciary Committee.\textsuperscript{17} In his first term as state senator he was noted for his strenuous opposition to divorce and succeeded in obtaining the passage of a bill which deprived the legislature of the power of granting divorces.\textsuperscript{18} He exerted a controlling influence in securing the repeal of the laws of Ohio permitting imprisonment of debtors.\textsuperscript{19}

\textsuperscript{15} Ibid., 90-91.
\textsuperscript{16} New York Tribune, March 4, 1878, at time of his death.
\textsuperscript{17} New York Times, March 3, 1878, at time of his death.
\textsuperscript{18} The National Cyclopaedia of American Biography, II, 94.
\textsuperscript{19} New York Times, March 3, 1878, at time of his death.
It is very significant to note that Wade took his place in the state senate among the opponents of slavery at a time when it was unpopular to do so. Representing the point of view of the abolitionist Whigs of the Western Reserve, he presented a memorial asking resolutions by the legislature asserting the right of Congress to abolish slavery in the District of Columbia and in the Territories.\textsuperscript{20} In the winter of 1838-39 the legislature of Kentucky sent two commissioners to persuade the legislature of Ohio to pass a more rigorous law for the capture and return of fugitive slaves; in the Ohio Senate Wade was one of the five who opposed their wishes. In the course of the debate he clearly stated his position on the question of slavery, a position he consistently held to the end: "While I have a seat on this floor, am a citizen of this state—nay, until the laws of nature and nature's God are changed—I will never recognize the right of one man to hold his fellow-man a slave. I loathe [sic], I abhor the accursed system, nor shall my tongue belie my heart."\textsuperscript{21} The state legislature passed the Fugitive Slave Law, but Wade's determined fight against it resulted in making it practically ineffective.\textsuperscript{22}

Soon afterwards he presented a petition for chartering an academy for the freedmen of Red Oak, a settlement on the northern bank of the Ohio River, where persons emancipating Negroes could secure

\textsuperscript{21} Quoted in Riddle, \textit{op. cit.}, 140.
\textsuperscript{22} \textit{The National Cyclopaedia of American Biography}, II, 94.
them a home with the blessings of freedom. This caused so much
indignation against him that he narrowly escaped expulsion from
the house.23 It was during this term that he took a bold stand
in support of the passage of a resolution against the admission
of Texas into the Union, declaring: "So help me God! I will
never assist in adding another rod of slave territory to this coun-
try."24 He presented in the senate the petition of the colored
people of Ohio asking repeal of the State "Black Laws" which made
distinctions among the people of Ohio on account of color.25

The antislavery activities of Wade during his first term as
state senator found disfavor in some quarters, including his own
Ashtabula County where a majority of his constituents at that
time were proslavery. As a result, he was defeated for a second
term in the next election. He did not retire from political activ-
ity; in the election of 1840 he took the stump for the Whigs and
General Harrison.

In the two years following his forced retirement from the
state senate, a complete revolution of sentiment occurred in his
district and he was elected in 1841 to the senate of the state
for a second term by a large majority. As a state senator this
time he continued his antislavery activities by presenting a

23. The Biographical Cyclopaedia and Portrait Gallery . . . of
State of Ohio, 1, 295.
24. Quoted in The Biographical Encyclopaedia of Ohio of the
Nineteenth Century, 415.
petition for the repeal of the fugitive law passed in 1839 to conciliate Kentucky, by demanding for Negroes personal liberty, common school advantages, and the privilege of trial by jury, and by presenting a bill for the incorporation of Oberlin College where persons, without regard to race or color, could be educated.\textsuperscript{26}

The antislavery people of Ohio asked the state legislature to protest against the "gag" resolution denying the right of the people to petition concerning the abolition of slavery, which was passed by the United States Congress in 1837. The matter was referred to Wade as a special committee of one, and his report was widely circulated as an effective antislavery document.\textsuperscript{27} When his term expired he declined to be a candidate for reelection.

Wade again resumed his law practice; by this time the law firm of Wade and Ranney (the firm of Giddings and Wade had been dissolved in 1837 by the retirement of Mr. Giddings) was definitely the leading one in Ashtabula.\textsuperscript{28} Although the law kept him very busy, he found time for political activity; in the election of 1844, he zealously advocated and worked for Clay's election.

In 1847 Wade was elected president-judge of the third judicial circuit by the legislature of Ohio. He proved to be a judge of superior legal attainment and maintained his position with dignity, courtesy, impartiality, and ability. Once

\textsuperscript{26} New York Times, March 3, 1878, at time of his death.
\textsuperscript{27} New York Tribune, March 4, 1878, at time of his death.
\textsuperscript{28} Middle, \textit{op. cit.}, 104.
when the supreme court reversed one of Judge Wade's decisions in a difficult case and it came up before him again on mandate, he disregarded the mandate and followed his own first decision. "But, your honor, the supreme court reversed your former judgement!" exclaimed the now re-beaten counsel. "Yes, so I have heard. I will give them a chance to get right," was the calm reply. It was again taken to the supreme court and this time Judge Wade's opinion was upheld.\(^{29}\)

When the Fugitive Slave Act of 1850 became a law, Judge Wade was holding court at Ravenna. There was much protest against this law in Ohio and at the court house in Ravenna there was called a public meeting which the judge was asked to address. So great was his feeling against the Fugitive Act that, in spite of the judicial character of his position, he consented to the invitation and delivered a powerful phillipic against it. Thus, against the Fugitive Law began his fight which never abated until the War between the States settled the controversy forever.

On March 15, 1851, while holding court at Akron, Ohio, Judge Wade was pleasantly surprised by a telegram announcing his election by the state legislature to the United States Senate, an honor he had neither sought nor expected.\(^{30}\) There had been a long deadlock between Whigs and Democrats in the state legislature over the

\(^{29}\) Riddle, op. cit., 112.
\(^{30}\) Ibid., 114.
election of a United States Senator with the Free Soilers holding
the balance of power. The Free Soilers tried to bargain with
each of the old parties to bring about the election of a Free
Soiler, but to no avail because the anger of Conservative Demo-
crats and Whigs had not yet died out over the election of Chase
in 1849.31 Finally, Judge Wade was chosen by both Whigs and Free
Soilers throwing their support to him. Wade, a staunch Whig, was
acceptable to the third party because of his bitter criticism of
the Fugitive Slave Law and his antislavery radicalism.32 He was
the last Senator chosen by the Whigs in Ohio; in fact, this was the
last Whig triumph of any importance in that state. This choice of
the legislature tended to show the popular resentment in Ohio against
the odious features of the Compromise of 1850 which Mr. Wade fear-
lessly denounced;33 however, the fact that the Free Soilers held
the balance of power must not be underestimated, as this resulted
in the election of an antislavery radical whose viewpoint a major-
ity of the people of Ohio doubtless did not accept.

The Whig press was jubilant over the choice of the legislature.
The Cleveland Herald thought that Wade was "one of the deservedly
honored Whigs of the Reserve," and that he would "prove an able
and faithful representative of the interests of Ohio and the free
Northwest."34 The Cincinnati Atlas rejoiced "that our State is to

32. Ibid., 237-238.
34. Cleveland Herald, March 15, 1851.
be represented in the Senate of the United States by one so worthy of its honors, and so competent to watch over and advance its interests." The Ohio State Journal remembered Wade in the state legislature as a "bold, unflinching Whig, and a man of character and talents," and considered him "an upright, decided, honorable man, a Whig without spot, blemish or shadow of turning." The Journal defended Wade as an antislavery man by saying that nine-tenths of all the Whigs of Ohio were antislavery men.

The Democratic press emphasized that the Whigs had entered into a political bargain and that Wade was an antislavery radical. The Cincinnati Enquirer accused the Whigs and Free Soilers of the state legislature of entering into an arrangement to divide the spoils between their respective parties. The Enquirer went on to comment on the newly elected Senator: "The Whigs have got the Senator, such as he is. He is an Abolition Whig. . . . He has denounced the Fugitive law as infamous, recommended resistance to it at the point of the bayonet. . . . He is far below Chase in the powers of the mind, and will shed no luster on Whig pride. We think the Freesoilers have gained more in Wade's election than have the Whigs." The Cleveland Plain Dealer thought Wade unworthy of Whig

35. Quoted in Cleveland Herald, March 19, 1851.
37. Cincinnati Enquirer, March 18, 1851.
38. Ibid.
confidence and quoted Wade's reply to Judge Humphrey when asked why he denounced the principles of the Whig party: "Why, because it has fallen into such hands, it is time. I voted for Taylor, but was deceived. Webster is now in the cabinet, and I regard him as a d...d old blast, and Millard Fillmore as a d...d fool. I knew him when a boy." In quoting this article, the Enquirer remarked that it was said of Wade that he could "give any living man forty minutes the start and then distance him in an hour's race at hard swearing!" The Ohio Statesman, in an editorial, attempted to show that the true sentiments of Wade did not square with the sentiments of the Whig party and quoted the leaders of the Whig party, Fillmore and Webster, to show that both of them believed in the finality of the Compromise measures of 1850, including the Fugitive Law. Then Wade was quoted to demonstrate that he bitterly opposed the Fugitive Law and counseled disobedience to it.

Before passing on to Wade's career in the United States Senate, it seems appropriate to consider the appearance of the man. "Mr. Wade... was a man of marked personal appearance, stout, and of dark complexion, with black eyes, which became brilliant when he was aroused. His jaws were firm and large and a peculiarity of his upper lip, doubling at the corners of his mouth, gave him a somewhat

39. Quoted in Cincinnati Enquirer, March 27, 1851, from Cleveland Plain Dealer.
40. Ohio Statesman, March 19, 1851.
truculent expression. For this reason, some supposed him to be hard and cold and fierce, and did him the greatest injustice. Others saw in that remarkable face a thorough honesty of purpose, and thought it almost handsome when it was animated by generous sympathy or ineffable scorn. He was held by his admirers to have a remarkable eye for disconcerting a dishonest man—even the innocent and honest sometimes quailed for a moment before it. The Ohio farmers used to say that it was 'of no use to try to deceive old Ben Wade.' He was plain in his tastes, dressing without ornament, but neatly. Out of his seat he was gay and talkative; but in his official place he was sedate, dignified and thoughtful. 41

CHAPTER II

HIS STAND ON THE SLAVERY ISSUE DURING HIS FIRST SENATORIAL TERM, 1851-1857.

"Among the new Senators, I see no one with whose appearance I am more pleased than with that of Judge Wade of Ohio. If appearances are not altogether delusive, that man will make his mark."

So remarked William Schouler, editor of the Boston Atlas in Washington, shortly after the Thirty-second Congress convened on December 1, 1851; later events were to prove him a good prophet.

The new Senator from Ohio took his seat in the United States Senate the year after the great Compromise measures of 1850 had become law, and had quieted the agitation over the great issue of slavery. Although there was some dissatisfaction with the Fugitive Slave Act among northern antislavery radicals, most people, both North and South, were willing to consider the great Compromise of Henry Clay a finality. Of the great triumvirate, only one remained in the Senate. Calhoun had died in 1850, the same year that Webster left the Senate to become Secretary of State in the cabinet of Millard Fillmore, who became President after Taylor died in office. Clay was still in the Senate, but not for long as the year 1852 saw the passing of both Clay and Webster.

In this Congress Wade added one more vote to that small group of senators who were certain under all conditions to oppose slavery: John P. Hale, of New Hampshire; William H. Seward, of New York;

1. Quoted in Cleveland Herald, December 8, 1851.
Charles Sumner, of Massachusetts; Salmon P. Chase, of Ohio. The slave power was far in the ascendancy as can be judged by the disposition made of the antislavery men by the Democratic majority in the assignment to committees. The new Ohio Senator was assigned a place on two—agriculture and claims. Seward and Hale rated the end of the commerce and private land claims committees, respectively; Chase was second on revolutionary claims, and Sumner was given the tail-piece of Revolutionary claims and roads and canals.

Until Stephen A. Douglas introduced the Nebraska Bill on January 4, 1854, the junior Ohio Senator had little opportunity to air his views on slavery on the floor of the upper house; the Compromise measures of 1850 were considered a finality there and put a quietus on the fiery discussions of an earlier period. One opportunity did present itself, however, and Wade voted, with only five other Senators, to repeal the Fugitive Slave Law, so odious to the abolitionists. Thus, he renewed his unceasing opposition to fugitive slave laws, an opposition which began in the state legislature of Ohio and consistently continued until he won.

The introduction of the Nebraska Bill at the beginning of 1854 brought Wade to the front of the stage and made him a leader of the antislavery forces in the Senate. "With Sumner, he began poking into the tenderest parts of the slavery issue, which all the party

2. Cleveland Herald, December 11, 1851.
leaders wanted hushed in order that the dividing nation might heal its sores under the salve of the recent compromises. While Sumner assailed the slave-holders with lofty righteousness, Wade began pushing them around, treating them rough, flouting them."

On January 27, 1854, there appeared in the Cleveland Herald an address to the people of Ohio entitled, "Shall Slavery be Permitted in Nebraska" signed by William H. Seward, Benjamin F. Wade, Lewis D. Campbell, Edward Wade, Salmon P. Chase, Charles Sumner, Joshua R. Giddings, and Moses B. Corwin. Since this "Address" embodies the ideas of Senator Wade on the question of slavery in Nebraska, a brief summary of it is in order.

The signers of the "Address" in no uncertain terms "arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious right; as part and parcel of an atrocious plot to exclude from a vast unoccupied region, immigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves."

5. Apparently the same as the "Appeal of the Independent Democrats in Congress to the People of the United States" which was published January 24, 1854, and which was signed by Salmon P. Chase and Charles Sumner of the Senate and Edward Wade, Gerrit Smith, Alexander De Witt and Joshua R. Giddings of the House. According to Riddle's Life of Benjamin F. Wade, p. 194, the "Appeal" was originally intended for Ohio only, and in that form was signed by Senator Wade; but before it was issued, its originators changed the form and put it forth as from the Independent Democrats, at which time they omitted Wade's name.
6. Quoted from the "Address" as it appeared in the Cleveland Herald, January 27, 1854.
Historical facts were presented to show that it was wrong to permit slavery in Nebraska, for:

1. "The original settled policy of the United States, clearly indicated by the Jefferson Proviso of 1784, and by the Ordinance of 1787, was nonextension of slavery." 7

2. The plain language of the treaty under which the Territory of Louisiana had been acquired from France was against slavery.

3. "Nothing is more certain" than that the Missouri Compromise, 1850, "has been regarded and accepted by the whole country as a solemn compact against the extension of Slavery in any part of the Territory acquired from France, lying north of 36 deg. 30 min., and not included in the new State of Missouri." 8

4. The Compromise measures of 1850 "were never supposed to abrogate or touch the existing exclusion of Slavery from what is now called Nebraska. They applied to the Territory acquired from Mexico and to that only." The very Compromise measures themselves solemnly declared this fact. Even Mr. Atchison of Missouri in a speech at the last session of Congress said: "It is evident that the Missouri Compromise cannot be repealed." 9

5. The South has already received the full benefit to them of the Missouri Compromise. Is it right that the South should cancel it just when the North is about to derive some benefits? "If this be not punitive faith what is it?" 10

Some consequences of this bill were predicted if it became a law:

1. The settlement of the country would be greatly retarded because free laborers would not go there, since labor was degraded where slave law existed.

2. Immigrants from Europe would not settle where there was slavery.

7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.
3. It would make it more difficult to construct a Pacific Railroad because the energetic and intelligent masses would not emigrate to this territory.

4. A slave-holding belt would be established cutting off the Free States of the Pacific from the Free States of the Atlantic thus stopping the progress of the Free States westward. By this means the South hoped to establish Slavery in the States and Territories of the Pacific.

On February 6, 1854, Senator Wade made his first set speech against the Nebraska Bill. After saying that the Missouri Compromise had been regarded as sacred for thirty-four years and that the Compromise of 1850 had been considered a final settlement of dangerous, difficult, and delicate questions, Wade asked the question, "What new light has burst forth upon the people of the United States, that they come forward at this time and demand this great and hazardous measure?" In answer, Douglas said he contended that by "the acts of 1850 a great principle of self-government was substituted for a geographical line." Wade continued, contending that the acts to organize Utah and New Mexico did not repeal or supersede the Missouri Compromise. He prophesied that "the deleterious effects of this attempt to repeal that compromise will be felt, not only now, but long after the present generation are in their graves."

The men who made the Compromise of 1850 did not suppose that anything was done then to overthrow the time-honored Compromise of 1820; on

the contrary, they indorsed it and reaffirmed it in 1850. Wade argued that the South had gained her benefits from the Missouri Compromise and that, when it was becoming beneficial to the North, the chivalrous South was obligated to fulfill the terms of the bargain.

The Senator from Ohio reaffirmed the point made by his colleague, Chase, in an earlier speech, that free men of the North could not go to lands where there were slaves because "he cannot stoop to labor side by side with your miserable serfs." "If you take any considerable number of slaves into this Territory, you as effectually blast and condemn it for all the purposes of free immigration as though you should burn it with fire and brimstone, as Sodom and Gomorrah were once consumed."

After Wade declared that he was a believer in the Declaration of Independence and that he believed "it was a declaration from Almighty God, that all men are created free and equal and have the same inherit rights," Senator Dixon of Kentucky asked him if he considered the free Negroes in his State as equal to the free white people. Wade quickly responded, "Yes. Why not equal? Do they not all have their life from Almighty God; ...? When you speak of wealth, riches, and influence—if that is what you mean—they are generally poor, without influence, perhaps despised among us as

15. Ibid., 339.
16. Ibid., 339.
well as with you; but that does not prevent that equality of which
I speak."

In Wade's opinion, the Nebraska Bill was as wrong for the
whites in the South as for the slaves and to prove his contention,
he showed the degrading and destructive influences of slavery by
comparing the condition of the State of Virginia with that of New
York State. He was willing to admit that the general government
had no right to interfere with slavery in the States; however, he
was just as certain that the general government did have the right
to interfere with and control slavery in the Territories.

If the Nebraska Bill were passed repealing the Missouri Compro-
mise, the Ohio Senator warned that its first effect would be "to
render all future compromises absolutely ridiculous and impossible." Too, it would break down the Compromise of 1850. If the South re-
pudiated the parts of the compromises it did not like, the North
would do likewise and demand the repeal of all the compromise laws,
the Fugitive Slave Law included.

The Senator of Kentucky thought there would not be much of a
storm in the North over this bill. But Wade thought otherwise, and
warned, "I see a cloud, a little bigger now than a man's hand, gather-
ing in the north, and in the west, and all around, and soon the whole
heavens will be lighted up with a fire that you cannot quench."

17. Ibid., 339.
18. Ibid., 340.
19. Ibid., 340.
The South, by its aggressiveness, was bringing about a war between freedom and slavery; Wade did not believe "this Union can survive ten years the act of perfidy that will repudiate the great compromise of 1820."

As for the great principles that Senator Douglas was always deducing from the Compromise of 1850, Wade had only contempt for them and stated that from the very nature of a compromise it was all but impossible to deduce any particular principle from it, because "there can never be much of a principle drawn from a compromise of antagonistical principles." It would be just as logical to deduce the principle that you should not have slave markets anywhere because the Compromise of 1850 said there should be none in the District of Columbia as to deduce the principles which Douglas did. "The idea of a compromise, of course, presupposes that the disputing parties have not got all they were contending for. How then can you deduce principles from such a state of things as that?"

Senator Jones of Tennessee put to Wade the question as to whether the people of the North had the right, under the Constitution, to deny to him the right to carry his property into the territory of the United States. Wade replied that the Constitution did not compel anyone to recognize a title in slaves; that that great document

20. Ibid., 340.
21. Ibid., 340.
22. Ibid., 340, from Wade's speech.
always spoke of them as persons, never as property. Slaves were
slaves by virtue of the laws of the State or local jurisdiction
where they were; and the moment they got out of that, as he under-
stood the law of the land, they ceased to be slaves.

Wade was not afraid of being called an Abolitionist. "If
man's determination, at all times and at all hazards, to the last
extremity, to resist the extension of slavery, or any other tyranny,
constitutes an Abolitionist, I, before God, believe myself to be
that Abolitionist."

In the course of the Nebraska debate Senator Badger of North
Carolina made a pathetic appeal to the opponents of the bill by
describing himself as wishing to carry his old colored "mammy,"
who nursed him in childhood, with him to the new territory, and he
could not because the enemies of the Nebraska Bill would forbid him.
At this point Wade interrupted, "We are willing you should take the
old lady there but we are afraid you'll sell her when you get there."

Senator Jones of Tennessee said, on conclusion of Wade's speech,
that the Senator from Ohio was insulting and abusive to the South;
his threatenings reminded him of the excited man who said, as he ran
out of Mammoth Cave,

"Mammoth Cave! Oh what a spot!
In Summer cold, in Winter hot!
Great God Almighty! What a wonder!
General Jackson, Hell and Thunder!"

23. Ibid., 343.
24. Quoted in Wilson, Henry, History of the Rise and Fall of the
Slave Power in America, II, 386.
25. Riddle, op. cit., 199-200. Compare Rhodes, J. F., History of
the United States, 452-453.
In his report on Wade's speech of February 6, the Washington correspondent of the Cleveland Herald remarked that the "Senator... is no mealy-mouthed speaker... he talks right out, boldly, frankly and bluntly--hitting the nail on the head every lick." Editorially, the Cleveland Herald had only praise for the speech and remarked, "It is seldom, indeed, that such stubborn truths have been plied with like sledge-hammer force in the Capitol..."

As the debate on the Nebraska Bill continued, Senator Wade, having spoken his mind on February 6, was rather quiet. On March 2, 1854, however, he was aroused by the rather abusive language which Senator Mason of Virginia used in opposition to Chase who had offered some amendments to the Nebraska Bill. Wade arose in defence of his colleague and stated that Chase and he represented the true sentiments of Ohio; that the State of Ohio was not inferior to any other State and that her Senators were not going to be browbeaten; and that the language used by Mason against Chase might be suitable on a plantation, but was unbecoming any Senator.

Wade defended the constitutionality of the Missouri Compromise and gave reasons for his opinion. Some of the greatest statesmen and jurists had pronounced it constitutional; every department of the government for more than a third of a century had thought it so. The very men who had come to advocate its repeal, had over and over again voted for its extension to the Pacific.

27. Cleveland Herald, February 10, 1854.
28. Ibid., February 11, 1854.
29. Cleveland Herald, March 4, 1854.
30. Appendix to Congressional Globe, 33 Cong., 1 Sess., 300.
On March 3 Senator Wade spoke again and declared that the principles of the Declaration of Independence and the provisions of the Nebraska Bill for the extension of slavery were incompatible. He explained, "The serfs of Russia, or the slaves of the southern States, in my doctrine and the doctrine of the fathers, have precisely the same rights as he who has trampled them down..."

The Ohio Senator averred that there was no necessity for this measure; the country had been at peace before its introduction. "Well, then, why harrow up those feelings, those hard feelings that must necessarily arise, consequent upon this?" He cited passages of speeches of Douglas to show that the latter had considered the Missouri Compromise valid until very recently. Thomas Jefferson of Virginia was also quoted to point out that he had opposed slavery. Senator Mason of Virginia was embarrassed to hear a passage of one of his former speeches cited in which he had said that it was impossible for free and slave labor to work side by side.

The argument of the gentlemen from the South that it was an injustice if they could not take their property into Territory of the United States was answered. In Wade's opinion, property in human beings was of a local character and it existed, wherever it did exist, only by force of stipulated, positive law. A slave was not property;

31. Ibid., 310, speech of Wade.
32. Ibid., 512, speech of Wade.
the moment a master carried his slave out of the locality where slavery was guaranteed by unjust laws that moment a master was adjudged to emancipate him, "not by an abolition judge sitting in a court, but by the justices" of the state courts of the South itself.

It was exceedingly difficult for Wade to make a speech without emphatically declaring his undying aversion to the Fugitive Slave Law. On March 2 he proudly asserted, "I voted to repeal the fugitive slave law; and I will vote to repeal it as often as I can get a chance."

The next day in the debate on the Nebraska Bill he again referred to the Fugitive Slave Law in the strong words, "I never did assist, I never will assist in executing that law. I never helped and never will help to retake a runaway negro in my life, either in that Territory [Nebraska] or elsewhere."

In the course of the debate, when Wade was arguing to show that slaves were not property in the constitutional meaning of the term, Senator Butler of South Carolina interposed and said, "Yes, but they won't stay with you; they will come back to us in spite of you."

"Oh yes," responded Wade amid laughter, "I know they love you so well that you have to make a fugitive slave law to catch 'em."

On the night of the final passage of the compromise measures (the House had made some changes in the Nebraska Bill) Wade declared that he could have no further political connection with the Southern

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33. Ibid., 313, from speech of Wade.
34. Ibid., 300.
35. Ibid., 309.
Whigs since they had united their fortunes with those of the miscalled National Democracy. He wished them joy in their new connection and prophesied that the Northern Whigs, released from all Southern incumbrance, would become more popular at home and running without weights against the slave Democracy of the North, would succeed. "Tomorrow," said the Senator, in his place, "is to be an eclipse of the sun, and I think it perfectly meet and proper that the sun in the heavens and the glory of the Republic should both go into obscurity and darkness together. Let the bill then pass; it is a proper occasion for so dark and damning a deed!"

The Nebraska Bill was now law, but even before its final passage Wade proclaimed war upon this "wrong to mankind" as long as it remained unrepealed and announced that "all further compromises are at an end." "The war must be carried on by the North, with a resolute and uncompromising obstinacy, until things shall be put in statu quo ante bellum."

The newspaper comment on Wade's activities in regard to the Nebraska Bill varied with the political complexion of the paper. The Cleveland Herald, the political mouthpiece of the Ohio Senator, thought the battle on the Nebraska Bill had been "most ably fought by Mr. Wade in the United States Senate, and the blows dealt by him right and left have fallen thick and fast upon the enemies of

40. Appendix to Congressional Globe, 33 Cong., 1 Sess., 765, from speech of Wade.
freedom, and the party lick-spittles of the North." The Herald especially thanked him "for his bold bearding of a Southern lion, who, fancying himself an overseer of a gang of negroes, attempted to apply the lash in the Senate Chamber." The New York Times thought "Senator Wade made a capital argument against the bill ... handling the subject with remarkable skill ..." The New York Tribune particularly commended the "real good speech" of Wade delivered in the Senate on the night of the final passage of the Nebraska Bill.

The Democratic Cleveland Plain Dealer was of the opinion that Senator Wade and the others who were so indignant at Douglas for construing the Missouri Compromise as repealed by the Compromise acts of 1850 "owe their very position in Congress to the fact that they have ever warred with all Compromises from those in the Constitution down to the present day. They denounced Henry Clay while living and d...d him when dead for originating the Missouri Compromise, and now they are lifting up holy hands in horror at its repeal. O Consistency."

In February, 1855, Senator Toucey of Connecticut introduced a bill "to protect officers and other persons acting under the authority of the United States." It provided that if a suit was commenced

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41. The Cleveland Herald, March 9, 1854.
42. This refers to Wade's Defense of Chase who had been rather abused by speech of Mason.
43. Quoted in Cleveland Herald, March 9, 1854, from New York Times.
44. New York Tribune as quoted in Cleveland Herald, June 14, 1854.
45. Cleveland Plain Dealer, March 8, 1854.
in any State court, against any officer of the United States, or other person, for any act done under law, or code of law, of the United States, the defendant might remove such suit to the United States Court, sitting in that circuit, and if there was no circuit in the district, in the court clothed with circuit powers. Toucey did not allude to the Fugitive Slave Act, either in the bill itself, or in his remarks on its introduction. The Free Soil members, however, soon tore off the covering of legislative phraseology and exposed its real purpose, the better enforcement of the Fugitive Slave Act.

No voice against that bill rang out in tones more defiant than did that of Benjamin F. Wade on February 23, 1855. He declared the bill meant "nothing more than an attempt to enforce the execution of your odious and unconstitutional fugitive bill." The idea, he asserted, was becoming universal in the free States that the Fugitive Slave Law of 1850 was in violation of the Constitution. In his opinion, if this bill passed, collisions would arise between the Federal and State jurisdictions—"conflicts more dangerous than all the wordy wars which are got up in Congress—conflicts in which the States will never yield . . . ."

46. Cleveland Herald, February 26, 1855.
47. Wilson, op. cit., 457.
49. Ibid., 214.
The bill infringed upon the rights of the States and proposed "to take away from the State courts the power and the jurisdiction of protecting their own citizens." He thought that the purpose of the bill was to discourage by threats the free State legislatures which were everywhere preparing themselves for legal and constitutional resistance to the unconstitutional Fugitive Law. The State of Wisconsin, whose courts had declared the Fugitive Slave Act of 1850 unconstitutional, was praised to the skies. That State's action was only a beginning; State after State, as they took the subject into consideration, would fall in the wake of "noble Wisconsin," and would carry out what she had "so gloriously begun."

Wade told the Senate that Douglas was wrong in assuming that the overthrow which he and his Nebraska measure had met in the elections in the North was due to Know-Nothingism. Rather, he explained, "In consequence of your action last winter, in breaking down that sacred compromise, men in the State of Ohio ceased to be either Whigs, Democrats, or Free Soilers. The old parties crumbled to the dust, as though stricken with the palsy." The result in Ohio was an overwhelming majority in opposition to the Nebraska Bill. He taunted Douglas on the way popular sovereignty was working in Kansas and said that on the borders of Missouri "there have been meetings resolving that those who [sic] they dare to call Aboli-

50. Ibid., 222.
tionists should never be allowed to go into that Territory, and that they themselves would go there with bowie-knives and pistols and put down all sentiment except their own."

Senator Wade denied the charge of Senator Benjamin of Louisiana that the North was the aggressor; in his opinion the patience of the North was not "exceeded by the patience of some long-eared animals with which you do your drudgery."53 He then proceeded to give evidence which showed the South to be the aggressor:

1. The South plunged the United States into a war with Mexico in order to get territory for slavery.

2. In regard to the territory acquired from Mexico, the South had provided that it might come in either with or without slavery.

3. The Compromise of 1850 had been made to save the Union from disasters threatened by the South.

4. Southern conventions had been called, not to consider subjects pertaining to the general administration of the Government, but to consider matters pertaining only to the South.

5. The South had constantly threatened to dissolve the Union.

6. The undeviating and unfailing purpose of the South had been to extend the institution of slavery.

7. The Southerners in the Senate had so arranged the committees "that those who have no more than one-third of the votes of the Government shall mould every measure . . . ."54

52. Appendix to Congressional Globe, 33 Cong., 2 Sess., 223.
53. Ibid., 223.
54. Ibid., 223-224.
8. The Kansas-Nebraska Act had become law.

9. A law of Louisiana stated that free Negroes coming to Louisiana be confined until the ship in which they came went out again.

10. The bill concerning the execution of the United States laws was at that time before the Senate.

Above all other things Wade stressed the aggression of the Kansas-Nebraska Bill which could not and would not be tolerated. "I should be false to you of the South, and false to the North, if I stood here to cry 'peace, peace,' when I know there is no peace. I tell you you must retrace your steps, you must put us in statu quo ante bellum before you talk of peace."

Senator Toucey's bill, in spite of the determined resistance of the antislavery radicals, passed the Senate "under the lash of the Southern masters," but died in the House of Representatives where the more populous North had greater strength.

Not long after the passage of the Kansas-Nebraska Act, the problem of Kansas and its organization under that act became one of the dominant problems before Congress. In April, 1856, there was some debate in the Senate concerning a memorial asking the admission of Kansas as a free State. Senator Wade took part in the debate on April 14, 1856, and was very harsh toward the administration of President Pierce. He understood that citizens of Ohio had been murdered in cold blood in Kansas and that the murderers were

55. Ibid., 225, speech of Wade.
56. Cleveland Herald, March 7, 1855.
in office under the General Government at the time of his speech. 
The people of Kansas, living in a United States Territory, were sys-
tematically assailed, abused, and vilified by the people of Missouri, 
and the United States Executive, pretending he had no authority to 
defend these people, took no steps to vindicate their rights. He 
further declared, "The present feeble, vacillating Administration 
must stand guilty of all that shall follow its imbecility, or worse 
than imbecility."

After the assault upon Senator Sumner by Preston Brooks, Rep-
resentative of South Carolina, there was some discussion of it in 
the Senate in which discussion Wade took part. On May 27, 1856, 
Senator Toombs of Georgia declared on the Senate floor that he had 
been present in the Senate chamber when Brooks made his assault 
upon Sumner, but he rendered no assistance to Sumner because he ap-
proved of it. A bit later, Senator Butler of South Carolina re-
ferred to Brooks as "my gallant relative." "Old Ben Wade" could 
endure it no longer. He arose, eyes flashing, and stated that when 
such an "assassin-like, cowardly attack" upon an unarmed man unable 
to defend himself was approved by Senators upon the floor of the 
Senate, "it becomes a question of some interest to us all and es-
pecially to those who are in the minority." "A brave man may 
be overpowered by numbers on this floor; but, sir, overpowered or

57. Appendix to Congressional Globe, 34 Cong., 1 Sess., 389. 
59. Ibid., 1305.
not, live or die, I will vindicate the right and liberty of debate and freedom of discussion upon this floor, so long as I live. If the principle now announced here is to prevail, let us come armed for the combat; and although you are four to one, I am here to meet you."

Later, Simon Cameron, Zachariah Chandler, and Benjamin F. Wade made a solemn compact to challenge any southerner who insulted them either personally or by insulting the North.

The year 1856 was a presidential election year and Wade made some campaign speeches for the Republican party and its nominee, John C. Fremont. On June 12, 1856, he delivered a speech in Cleveland, Ohio, in which he made human liberty the great issue. It appeared to him that the great question then agitating the country was one between right and wrong and although the Compromise measures of 1850 were to be a finality, no compromise could be final between right and wrong. He complained that the constitutional guarantees of equal rights to all citizens and freedom of speech were not respected in the South. The Northern people had yielded everything, till few rights remained to them, for they were compelled to catch runaway slaves, their representatives were assaulted in Congress, and their people who dared believe in the truths of the Constitution were hunted "by authority" in a Territory of the Union.

60. Ibid., 1305.
61. The National Cyclopaedia of American Biography, II, 94.
The Northern people were being forced to the wall and could be driven no farther, unless it were to permit slavery on their own soil, and he believed that the United States Supreme Court was ready to decide even that "constitutional."

Wade charged that the Democratic party was responsible for the assault upon Sumner and the Kansas outrages. He called the Northern Democrats the "Quaker Democracy" because they were so meek, so humble to the South, and so non-resistant to Southern demands. Every act of Pierce's administration showed that it was pledged to sustain and advance slavery. The Democratic nominee in that election, James Buchanan, was pledged by the Cincinnati Platform to pursue the same course as Pierce.

On June 24, 1856, Senator Toombs of Georgia introduced a bill that provided for a census of the inhabitants of Kansas and the election of delegates to a Territorial constitutional convention. The bill further provided that the constitution formulated by this convention should be submitted to the voters of Kansas for ratification or rejection. On June 30, Douglas introduced from the committee on territories what was substantially the Toombs Bill.

On July 2, Senator Wade took part in the debate on the bill for the admission of Kansas. Wade reiterated that the Kansas-Nebraska Act asserted the principle that the people of a Territory

63. Ibid.
64. Ibid.
65. Channing, Edward, History of the United States, VI, 175.
66. Ibid., 175.
ought to have a perfect right to manage their own domestic institutions in their own way. This proposition, he declared, seemed just enough to many who thought little, but in reality it was a fraud, for "a more damning act of duplicity than this never char-
acterized the legislation of any country on God's earth." He characterized the act as premeditated deception, because, from the evidence which had since come to light, he had no doubt that, at the very time when the Senate was enacting the law declaring that the people of the Territory should do as they pleased on the subject of slavery, a secret society was being organized to carry slavery into Kansas, without regard as to what might be the wishes of the people. Yet, with this light, those who supported this act were charging all difficulties in Kansas to the Emigrant Aid Society of Massachusetts. He maintained that the "Black Republicans" of whom he was one, were determined, above all other things, that the Southerners should not have another inch of territory anywhere for slavery, and especially not Kansas, which they had attempted to steal.

The Ohio Senator went on to give other reasons to demonstrate that the Kansas-Nebraska Act was a fraud. After asserting in the act that the people were left entirely free to fix their domestic institutions in their own way, the words, "subject only to the Constitution of the United States," were added. This addition was put

68. Appendix to Congressional Globe, 34 Cong., 1 Sess., 752, speech of Wade.
69. Ibid., 752-753.
70. Ibid., 755.
there, in Wade's opinion, to please the Southern gentlemen who held that the Constitution gave the right to take slaves into the Territories. This additional clause nullified the previous clause which left the people perfectly free to form their own institutions, a clause made "to tickle the ears of the people."

Civil war was begun in Kansas to carry slaves there in the face of the Kansas-Nebraska Act. The free State people of Kansas were being robbed and murdered, their towns burned, not because they had done any wrong, but because they loved freedom more than slavery. Some of the men responsible for this held high positions in the Administration. "I believe, before high Heaven," said Wade, "that, in the history of all men who were ever intrusted with the welfare of mankind, the acts of none blacken the pages of history more than those of Franklin Pierce, the present President."

He declared that the reason the Kansas-Nebraska Act divided the Territory into two Territories was to make certain that one Territory, Kansas, would become slave. Faithful application of "squatter sovereignty" would give all Territories to free men because the North had the greater population; therefore, the South would not carry out the true spirit of that principle. "It stands confessed," proclaimed Wade, "that the pro-slavery men were out-voted . . . that the miserable Executive was conscious of it; and hence fraud, force, and violence, were resorted to in order to accomplish that which could not be accomplished in a legitimate way."

71. Ibid., 753.
72. Ibid., 754.
73. Ibid., 755.
In conclusion Wade gave his reasons for opposing the bill of Douglas for the admission of Kansas:

1. It proposed to begin immediately to organize the Territory under all the disadvantages consequent upon the late acts of violence there. The free State people are conquered and subdued by the "border ruffians," aided by the Federal Executive. To take a census now and hold a convention would be to the advantage of the slavery interests.

2. The whole power of organizing the Territory is in the hands of five commissioners appointed by the President. "It would be to make Kansas a slave State without a struggle, and to give the robbers, plunderers, and conquerors of Kansas, the full benefit of the War they have so unjustly waged against the rights of freedom." 74

The Washington correspondent of the New York Tribune commented on Senator Wade's speech thus: "Mr. Wade's review today of the whole Kansas fraud...was one of the most effective and scathing excoriations yet witnessed. Several of the chivalry found it convenient to be absent, and others were restless enough under an affected indifference and composure, to induce the belief that the 'fretful porcupine' had affectionately taken possession of their seats." 75

The Democratic Ohio Statesman hoped the bill of Douglas for the admission of Kansas would become a law because the measure was likely to restore peace there. As for Wade, it stated that his speeches, "made before the Kansas troubles began, are now fully exemplified as to their design and object. They do not want peace.

74. Ibid., 757.
75. Quoted in Cleveland Herald, July 5, 1856.
and order in Kansas! Their objects being sectional disturbances, civil commotions and a final dissolution of the Union; any measure that will thwart their unholy designs will of course receive their bitter opposition."

There was a debate in the Senate on August 7, 1856, of nearly nine hours on the Kansas Proviso to the Army Appropriation Bill which had been passed by the House. The Proviso had been proposed by John Sherman of Ohio. It provided that no part of the United States military force should be used to support the alleged legislative assembly of Kansas until Congress should have decided whether it was the valid one or not. In the meantime, the military should be used to preserve the peace and protect persons and property there. Also the President should be required to disarm the present organized militia in Kansas, recall all United States arms, and prevent armed men from going into Kansas to disturb the peace.

In the rough-and-tumble debate on the Proviso, Wilson and Wade dealt some very heavy blows at the theories of Douglas, raking up the whole Kansas iniquity and maintaining that the House had acted with perfect propriety and discretion in limiting the appropriation for the purpose of protecting the people of Kansas from the cruel enactments of their usurping lawgivers. Wade spoke

76. Ohio Statesman, July 4, 1856.
77. Cleveland Herald, August 12, 1856.
of the President as a traitor to one of the two great sections of the country. In the end Congress passed the Army Appropriation Bill without the restrictive proviso.

At the beginning of the short session of Congress in December, 1856, the consideration in the Senate of a motion to print extra numbers of President Pierce's message gave rise to an animated debate, in which Wade was especially severe on the President. He blamed him for opening the slavery agitation and slandering, vilifying, and abusing those who had voted for Fremont. He denied that the Republican party advocated disunion, or that its platform violated the rights of any section of this country.

Wade berated the South for constantly talking about disunion. He himself never entertained a thought disloyal to the Union, but he urged the South to act, not talk. "I am tired of this eternal din of 'dissolution of the Union' which is brought up on all occasions, and thrust into our faces, as though we of the North had some peculiar reason for maintaining the Union that the southern States had not."

Wade admitted that slavery was recognized in the United States Constitution, but the framers of that great document had yielded to political necessity in doing so. It had been their intention that slavery should not spread. What they said showed that they deplored the existence of slavery. Immediately afterwards

78. Ibid.
79. Cleveland Herald, December 5, 1856.
81. Ibid., 25.
slavery was limited in all the Territories the United States then had which showed their intention that slavery should not expand. Furthermore, Chief Justice Marshall had laid down the principle that in the Territories Congress had the same right to legislate that a State had within its jurisdiction.

Although Senator Wade's term of office ran to March 4, 1857, the State Legislature of Ohio reelected him on February 28, 1856. The majority for him was rather overwhelming: the Senators voted twenty-eight for Wade and six for David Tod; the members of the House voted seventy-two for Wade, thirty for Tod, one for Henry Stanbery, and one blank. The House alone gave Wade more votes than was necessary to elect. His antislavery activities were approved of by his constituents.

During a debate in the State House of Representatives before Wade was elected, it was charged by a member of the House that the Ohio Senator to Washington was a disunionist. A petition had been presented in the House from antislavery Garrisonians in Salem, Ohio, praying that Ohio might peaceably secede from the Union. This petition caused a lively debate in the course of which Slough, of Hamilton, Ohio, proceeded to assail Senator Wade, representing that he held and had uttered sentiments agreeing exactly with those of the petition.

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82. Ibid., 26, this statement was true in regard to Territories north of the Ohio River, but would not apply to Territories south of the Ohio River.

83. Cleveland Herald, February 29, 1856.

84. Cleveland Herald, February 9, 1856.
The Republican Cleveland Herald congratulated Wade and proclaimed his election as "an act which is the political capstone of the Freemen's harvest-home. Ohio is a Model. Look at her!!" The Republican Ohio State Journal was also jubilant and knew that "the people of Ohio will rejoice when they learn that he [Wade] is again elected to the high position he now so ably and acceptably fills."

The Democratic newspapers charged that the State Legislature had elected a disunionist. The Cleveland Plain Dealer declared the Black Republican Legislature had elected a United States Senator "who publickly [sic] boasted that this Union to all intents and purposes was virtually dissolved. If there is any glory in such an act the present Legislature is entitled to it!" The Plain Dealer then quoted from a speech Wade had made in Maine in which he had said that there was no union at that time between the North and the South and that he believed "that there are no two nations, not even the Russians and the English, at this day, who at heart feel less unity toward each other than the men of the North and South." The Ohio Statesman in an editorial entitled "The Disunionist Elected" spoke of Wade as the man "who pronounced the 'Whig party' not only 'dead but stinketh'—who preached open disunion doctrines, and gloried in his treason—a man every way defective of every qualification for the post to which he has been elevated."

85. Ibid., February 29, 1856.
86. Ohio State Journal, February 29, 1856.
87. Cleveland Plain Dealer, March 5, 1856.
88. Ohio Statesman, February 29, 1856.
CHAPTER III

HIS STAND ON THE SLAVERY ISSUE DURING HIS SECOND SENATORIAL TERM TO THE CIVIL WAR

Benjamin F. Wade's second term as United States Senator began on March 4, 1857, the same time that James Buchanan was inaugurated President. When Congress assembled in December, Wade was assigned to a position on the important committee on territories. That appointment doubtless pleased him, for he had bitterly complained during his first term that the antislavery men had been given places of insignificance on committees by the dominant group from the South.

In January 1858, Senator Pugh, Wade's colleague at that time from Ohio, presented in the United States Senate the "Ohio Resolutions" which were drawn up by the state legislature to instruct the Senators and Representatives from Ohio in the United States Congress to vote against the admission of Kansas under the Lecompton Constitution because it had not been submitted to the bona fide people of that Territory. The same resolutions also expressed confidence in President Buchanan and his administration.

On January 27, Senator Wade spoke on the "Ohio Resolutions" and declared he could see no consistency in indorsing President Buchanan and then going against his great and "darling measure."

He termed the Resolutions disreputable because they did not speak

2. Ohio State Journal, January 28, 1858.
3. Cleveland Herald, January 29, 1858.
out with "manly independence," and were crowded down the throats of the Republicans in the Ohio Legislature by a cowardly majority under gag rule. President Buchanan was accused by Wade of announcing in his message his determination "not only to prohibit the people of a Territory from making the constitution under which they are to live," but that it was his purpose "to force upon them one made by their enemies and sought to be crammed down their throats, if necessary, by Federal bayonets." Wade expressed his willingness to go with the Legislature of Ohio in resisting "unto the death" the attempt to force the Lecompton Constitution, or any other constitution, upon an unwilling people, against the votes of more than three-fourths of them.

The Ohio State Journal approved of the "hard things" that Wade said against the "Ohio Resolutions," "for a more miserable set were never passed by a Legislature composed of freemen."

The Ohio Statesman waxed eloquent in all its partisan zeal against the speech of Wade on the "Ohio Resolutions":

"Mr. Wade's speech was in the highest style of the profane and bloated blackguard. He pitched and raved like a mad bull in a china shop. With what derision and disgust must Democrats receive lectures from one in such a condition and of such a character, on decency, dignity, and propriety! A man who scarcely opens his mouth without uttering an oath or an obscene epithet, whose hatred of the Union and of his constitutional obligations

5. Ibid., 428.
6. Cleveland Herald, January 29, 1858.
7. Congressional Globe, 35 Cong., 1 Sess., 428, speech of Wade.
8. Ibid., 429.
is the ruling passion of his heart. He is a dis-
grace to the Senate of Ohio and to the United States
Senate. If the purpose of his election had been to
exhibit to the world from one of its highest places,
the most hideous specimen of frenzied fanaticism, in
the person of a man repulsive in manners and a reproach
to good morals, his party succeeded to perfection."

This quotation is a splendid example of the extreme partisanism
of that time as expressed in the press.

On March 13, 1856, when the Lecompton Constitution was still the
dominant question before Congress, Wade made a speech on the Kansas
question, defending his section from the charge of the South that
the North was the aggressor, contending that the aggressions were all
the other way. He charged that the seizure of Texas, and her admis-
sion into the Union in violation of the Constitution was an enormous
Southern aggression upon the rights of the North. Texas was admit-
ted with the purpose of making five more slave States. "The next
great and flagrant aggression upon the rights of the North, upon the
honor of the North, upon the pride of the North," was the forcing
upon her of the accursed fugitive bill, as a badge of servitude and
subjection. The next aggression, the repeal of the Missouri Com-
promise, was a pernicious sectional act for which there was no ex-
cuse or palliation. The South maintained that the North was the
aggressor; however, that was impossible because the slaveholders
of the South had ruled the whole government for sixty years with
absolute despotism.

Wade then entered into an elaborate defense of the laborers of the North from the aspersions of Senator Hammond and others. It was not on the prostrate necks of such a class, that the Senator from South Carolina should erect his system of society. He might as well attempt to make his bed in hell, or erect an edifice over a volcano. He taunted the South in this fashion for producing no new inventions: "Go to your Patent Office, and see what are the products of your degraded labor and your refined aristocrat. The latter never invents anything, unless it is a new way of stuffing a chicken or mixing liquor."

Senator Wade commented on the "nefarious decision" of the Supreme Court in regard to Dred Scott and asserted its dicta could bind no one. That decision was not obligatory upon the President, Senate, and House of Representatives; the court could bind nobody but the suitors in the court. The Supreme Court was charged with being swayed by political considerations and with grounding their decision upon history, and not the Constitution. After saying that the plaintiff had no standing there, the court went on "to declare principles most fatal to the liberties and rights of many of the American people. The like was never done before in any court." Wade asked if it were not remarkable "that America,

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15. Ibid., 1114.
16. Ibid., 1114.
the first nation in the world, should decide that a man may be so low that he cannot even seek his rights in the courts of the country."

The Ohio Senator then turned to Kansas, charging that the last great aggression of the South was the movement for forcing the Lecompton Constitution on a reluctant people. He referred to the report of the House Commission, sent to investigate Kansas affairs, to show fraud and oppression in that Territory. That report pointed out that, before the Kansas-Nebraska Act was passed, lodges were organized on the borders of Missouri for the purpose of carrying slavery into that Territory at all hazards and that "border ruffians" crossed the border line into Kansas on election day and took possession of the polls.

In that speech of March 13, Wade paid his respects to Senator Benjamin, of Louisiana, who had made a flowery and ingenious speech in favor of the Lecompton Constitution a short time before. In alluding to the panegyric which Benjamin poured out upon Chief Justice Taney, Wade commented, "Why he went so far as to even send the old man to Heaven before he died!" He also made a very happy allusion to the Jewish ancestors of the Louisiana Senator by humorously remarking that Moses enticed a whole nation of slaves to run away, and for engaging in that underground-railroad scheme, he was no doubt denounced by Pharaoh and the chivalry of Egypt as a furious abolitionist.

17. Ibid., 1114.
18. From New York Post's letter to Cleveland Herald, March 13, 1858.
19. Ibid.
Two days later, March 15, Wade gave a short history of the struggle over the admission of Kansas and unmercifully flayed the Lecompton Constitution which was the plan of the proslavery group to admit Kansas as a slave state. He defended the Topeka Constitution (the plan of the antislavery group to admit Kansas as a free State) and the people who framed and supported it; he severely denounced those, including President Buchanan, who called the Kansas supporters of the Topeka Constitution rebels. The Topeka Constitution had passed the House of Representatives, but the Senate voted it down, the Republicans voting for, and the Democrats against it.

The Toombs Bill was drawn up as a substitute to get votes in the coming presidential campaign. This bill seemed plausible enough to Wade on its face, but he had voted against it because no bill could be justly carried out in Kansas under the officers who at that time presided there. Then came the Lecompton Constitution which was not made according to authority by law, for in one-half of the counties no census was taken or record made of the voters as the law required. In his opinion the Topeka Constitution was as much authorized by law as the Lecompton. "How is it, then, that an impartial Chief Magistrate will denounce the friends of the one [Topeka] as rebels, and those of the other [Lecompton] as patriots?"

21. Ibid., 1120.
22. Ibid., 1121.
Wade never lost an opportunity to taunt the exponents of popular sovereignty on the way their great principle was working in Kansas. In the course of this speech he remarked, amid laughter, "Two thousand soldiers with all the paraphernalia of war are required to force a people to do just as they please."

The Senator, however, had not finished his tirade against the Lecompton Constitution. According to the act calling the Convention which framed it, the Lecompton Constitution was not to be submitted to a vote of the people of Kansas. The Convention, nevertheless, did make an attempt to submit their constitution to the people, "a plan whereby the form of voting might be preserved to the people, and the result be the same, let them vote as they would." To clarify this point, the one-time farmer used one of his characteristic homely illustrations, which seems too good to omit:

"It makes me think of a man who built a hog-pen up in our country once, and the rails were so crooked and winding, that when his hogs got through and thought they had got out, as they wound along, they came right in again. So here, the people were to say 'constitution with slavery,' or 'constitution without slavery.' If they said 'constitution with slavery,' that gave them slavery up to their ears; it never could be done away with. If they voted 'constitution without slavery,' what would an unsophisticated man suppose would come then? He would suppose he had got out of the pen; but the fact is, it twisted him right in where he was before."

23. Ibid., 1123.
24. Ibid., 1123.
25. Ibid., 1123.
The speech of Senator Wade on the Kansas question aroused the ire of the "fire-eaters" to an unusual degree if a sound judgment can be based on the opinion of the Washington correspondent of the Richmond South who said, "Mr. Sumner was chastised for milder insults than those conveyed in the remarks of the Senator from Ohio; even that big sneak, Wilson, has scarcely dared to risk his hide by such bold language; and your correspondent could not help heartily wishing, as he witnessed the old Ohioan Freesoiler spouting and prancing through his speech, for the punishment of his body by the lash."

The United States Senate and House of Representatives could not agree upon the question of the admission of Kansas under the Lecompton Constitution. A committee of conference was agreed to, and it proposed the English Bill as a substitute for the Lecompton Bill. That measure offered Kansas a large grant of government lands, and provided that the proposition should be voted on by the people of Kansas. If a majority voted for acceptance, Kansas should be admitted into the Union under the Lecompton Constitution by proclamation of the President. If the people rejected the offer, then the territory could not be admitted as a State until its population reached the number required for a representative.

The English Bill was strongly censured by Wade as humiliating to the South and utterly repugnant to the North. He spoke for over

one hour, using forcible terms in condemnation of the course of
28
President Buchanan, whom he characterized as corrupt. He thought
that the report of the conference committee was an improvement on the
Lecompton Bill; however, he opposed it because it did not allow the
people to pass upon the constitution directly. The people of Kansas
were to vote upon the question whether they would accept a gift from
the Government of five or six million acres of land. If the people
voted to take the land, they would have to take the Lecompton Con-
stitution also. "Sir, it seems to be a bid of land for liberty,"
declared Wade, "a bribe held out. 'Will you people of Kansas, sur-
29.
render your liberties for land?'" Also, he was bitterly opposed
to that feature of the measure which provided for a board of five
to supervise the election in Kansas, two chosen by the people and
three by the "corrupt Executive."

The English proposition passed both Houses of Congress but was
overwhelmingly defeated by the vote of the people of Kansas.

After John Brown's raid at Harper's Ferry, Senator Mason of
Virginia offered a resolution for the appointment of a committee
to inquire into the facts attending the invasion and seizure of
the armory and arsenal of the United States at Harper's Ferry.
In his remarks upon that resolution, Wade stated that when the resolu-
tion had been introduced, he had made up his mind to vote for it.

He treated with scorn the charge of some Southerners that the

28. Cleveland Herald, April 28, 1858.
31. Ibid., 141.
Republican party was implicated in the invasion of Harper's Ferry. Southern papers charged that considerable numbers of Northern men were concerned in some deliberate conspiracy against their rights. If this were true, the Southern people were responsible for that feeling. In Wade's judgment the only difference between the Kansas invasion and John Brown's Raid, was that in the case of the Kansas invasion, it was made with no other intention than to introduce slavery there at all hazards, and by force of arms; whereas old John Brown and his men with a like unlawful purpose undertook to extirpate slavery from the State of Virginia. He avowed that he did not mention those things to justify John Brown's invasion, but only to show why it was that the men of the Free States sympathized with the old hero. He believed that John Brown had been maddened by the scenes he had witnessed in Kansas where two of his sons had been murdered. He declared he had never seen a single person who justified Brown's raid, for Northern people did not sympathize with crime. "You may treat old John Brown," he said, "as a common malefactor, but he will not go down to posterity in that light at all."

Wade denied the accusation that he had denounced the Union. He admitted that he had said there was "no very considerable degree of good feeling existing between the different sections of this nation."

32. Ibid., 141.
33. From report of Wade's speech in Cleveland Herald, Dec. 15, 1859.
34. Ibid.
35. Congressional Globe, 36 Cong., 1 Sess., 142.
36. Wilson, Henry, Rise and Fall of the Slave Power, II, 603.
As examples of this, Wade mentioned that Northern men could not travel and do business in a Southern State, that he had read in the newspapers that great numbers of merchants on their way South to do business had been turned back shortly before, "because they were from a section of which the South was exceedingly jealous."

He severely censured the South for saying that they would separate from the Union if the people would elect a Republican president. The Southern Senators were asked if it were fair dealing that they should take all the honors if they won or disrupt the Union if they lost. In his opinion this Union which had been "more than eighty years in the building" could not be destroyed in a day.

In that speech Wade came to the defense of his fellow Ohioan, John Sherman of the House of Representatives, who had been assailed by Senator Iverson of Georgia because he recommended the circulation of Helper's Impending Crisis. He said that he saw nothing in the book but what was proper for the consideration of all men and wondered if free America had come to the place "that there must be a censorship of the press instituted."

The Ohio Statesman severely censured Wade for his statement that "he had never seen a single person who justified Brown's raid, for the northern people do not sympathize with crime." The Statesman asserted, "He knows as well as he lives that in the

37. From report of Wade's speech in Cleveland Herald, December 15, 1859.
38. Congressional Globe, 36 Cong., 1 Sess., 144-145.
region of Ohio in which he resides, a decided majority of the Republican party openly and boldly uphold John Brown's conduct; that the press sustains it; that in their pulpits it has been attempted to exalt the culprit into a martyr...

On March 7, 1860, at the time when Senator Brown's Resolutions, stating that the Territories were the property of all the people alike and to be enjoyed by each with his property of every species alike, were before the Senate, Wade made a speech in answer to the fiery Toomb's charges against the Republican party, and in defense of its practice and principles.

Senator Toombs had accused the North and the Republican party of intending to prohibit slavery in the Territories of the United States. Wade confessed that this charge was true, but defended his party for its stand. In a few words he showed the origin of the Republican party--its birth was the aftermath of the repeal of the Missouri Compromise and its aim was freedom to the Territories.

"We did," Wade boldly declared, "embody ourselves into a party, in order to rescue, protect, and defend the free Territories of this country against the pollution of slavery. I have no concealments to make. There we now stand; this is our platform; on it we will stand forever." He summarized what the "repulsive" Republican party stood for: limitation of slavery, a homestead bill, and

40. Ohio Statesman, December 16, 1859.
41. Report of Wade's speech in Cleveland Herald, March 10, 1850.
42. Appendix to Congressional Globe, 36 Cong., 1 Sess., 153.
protection to American labor against the pauper labor of Europe. Another plank was suggested by Wade for the Republican platform: the Government should provide a means whereby the free Negroes, who were despised by all, might emigrate to a congenial clime such as the Central American States.

Senator Toombs had stated that the Dred Scott decision made it clear that slaveholders had the constitutional right to take their slaves into the Territories. Wade replied that the decision deserved to be held in "utter contempt," because it was "so manifestly a usurpation of power, so manifestly done in order to give a bias to political action, that no man, though he be a fool," could fail to see it. He asserted that the Supreme Court that rendered the Dred Scott decision was made up of "packed" judges, for he understood that a majority who concurred in the opinion were slaveholders. He believed that Judge Taney should have decided no more than was before the court and necessary to the decision, and that all Taney said more than this was "mere talk" and had "just as much operation and effect as if it had been said by a horse-dealer, in a bar-room, and no more." In Wade's judgment, to arm the judiciary with so much power was a "fatal heresy"; if persisted in, it would result in "an utter consolidated despotism." Prior to the Dred Scott decision, the Supreme Court had held that Congress had full power

43. Ibid., 154-155.
44. Ibid., 153.
45. Ibid., 153.
over the Territories of the United States; that decision, he main-
tained, was contrary to the Constitution and to legal logic and
reason.

Senator Wade answered Toombs' accusation that the Northern
people were not executing the Fugitive Slave Law by declaring that
a great many men in Ohio believed that law unconstitutional, but
they had not resisted its execution; he knew "no case of resistance
46 to the execution of the fugitive law in the State of Ohio." Rea-
sons were given why the new fugitive bill was considered unconstitu-
tional by many people: it conferred judicial powers on commissioners
appointed by the courts; it gave ten dollars for a decision in favor
of a claimant, and five dollars for a decision in favor of the fugi-
tive; it stated that an alleged fugitive could be taken out of the
State in defiance of the writ of habeas corpus. Wade observed how
very difficult it was to enforce a law which went against the hearts
and consciences of the great mass of the people. "Nothing short of
the interposition of the Almighty power, changing the hearts of men,
47 can make them prompt and eager to execute your obnoxious law."

In answer to Toombs' accusation that the Northern States, including
Ohio, had passed Personal Liberty laws in violation of the United
States Constitution, Senator Wade maintained that a sovereign State
had the legal right to prevent the kidnapping of her free citizens

46. Ibid., 151.
47. Ibid., 152.
and that his State had never passed a law in violation of the United States Constitution. The Ohio Senator could not see much consistency in Senator Toombs charging the North with disloyalty to the Constitution and at the same time threatening "to pull down the pillars of the Union" if a Republican were elected President in the next election.

The Cleveland Leader had only praise for Wade's Seventh of March speech: "All who know Senator Wade know he always administers his blows thick and heavy when he has occasion to take in hand such an institution as Slavery, and such a reckless and rampant champion of it as Senator Toombs, of Georgia."

The Ohio Statesman thought that Benjamin Wade's idea of colonizing the Negroes in Central America was contrary to his formerly expressed opinions and that his only object was to play his part in the prearranged performance then going on to conceal from public view the Negro equality doctrines of the Republican party until after the coming presidential election.

As the time for the national nominating conventions drew near in the spring of 1860, Benjamin Wade was favorably spoken of as the possible presidential nominee of the Republican party. As early as March 16 an observer at Washington in a letter to the Pittsburgh Journal remarked that "a new name had been very much talked of in connection with the Republican nomination for President" -- that of "old Ben Wade." He thought that Wade had

48. Ibid., 151.
49. Cleveland Leader, March 10, 1860.
the same elements of character, "so signally distinguishing General Jackson," but, in addition, he had "vastly more learning and accomplishments as a statesman." The observer concluded, "Stranger events have come to pass, than would be the election of Ben Wade to the Presidency."

The Washington correspondent of the Philadelphia Press, after relating the good qualities of Wade, did "not wonder to hear his name favorably mentioned for the Presidency." In the correspondent's judgment Wade was "the iron man of his party," and many of the Republicans delighted "in drawing comparisons between him and Old Hickory."

The Washington correspondent of the Cleveland Leader thought that "old Ben Wade" was the "decided choice" at Washington, in and out of Congress. He declared that "knowing ones" asserted with confidence "that a vote of the Republican members and those who act with them, would be three-fourths for Wade on the first ballot."

In his opinion, "should the feeling in Washington prevail at Chicago, the nomination of Benjamin Franklin Wade of Ohio, is already as good as a 'fixed fact.'"

In regard to Wade as a candidate for the Republican nomination for President, the hostile Ohio Statesman had this to say: "His disunion sentiments, his contempt for the feelings and opinions of others, and his vulgarity, make him a real representative man

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51. Quoted in Cleveland Leader, March 30, 1860.
52. Quoted in Cleveland Herald, April 14, 1860.
53. Cleveland Leader, May 14, 1860.
among the Republicans."

When the Republican national nominating convention met in Chicago, Ben Wade had the secret backing of a number of the Ohio delegates and his friends had promises of strong support from other states.

On May 28, 1860, after the Republican party had nominated Abraham Lincoln for President, Senator Wade spoke at a ratification meeting in Washington. In that speech Wade censured the Democratic party for boasting that the country was at peace when actually that party had stirred up sectional strife and had set two portions of the country at war. He knew no great measure of welfare to the country at large that the Democratic party had faithfully carried out, since it had taken possession of the Government about eight years before. Only one measure had been inaugurated by the Democratic party, and that one had to do with the status of slavery in the Territories. That was the one idea of the party south of the Potomac. Free labor went into the Territories, built fences and split rails like "Honest Abe," while the slaveholder went there with his two-legged chattels, called on the Government to protect him, and then called that State equality.

In regard to the Republican nominee for President, Wade believed that the Chicago Convention had been aided by Providence in

55. Roseboom & Weisenburger, History of Ohio, 260.
the wise selection it had made. Abraham Lincoln was no parlor Demo-
crat, shouting Democracy. He was one of God Almighty's living
Democracy, and not shouting it. He was a true American; no other
country could have produced such a man. Yet the Democratic papers
said he was not of the tribe of Judah, not one of the first families,
and not fit to be President. It was, in his judgment, a work of
supererogation to ratify Lincoln's nomination—it was already rati-
fied on high and in the hearts of the people.

In the Presidential campaign of 1860, Senator Wade was very
active and took the stump for Lincoln and the Republican party.
In the early part of October, 1860, he appeared in Cleveland, Ohio,
where he made a political speech in which Douglas especially was
rather roughly handled. He called those who said that the
Republican party was sectional hypocrites and declared he would
show his audience how national Douglas was. In the Baltimore Con-
vention which put in nomination that national man par excellence,
Stephen A. Douglas, the Southern portion of the Union was not rep-
resented by as great a number of votes as it had in the Republican
Convention which made the nomination stigmatized by Douglas as
sectional. The Senator of Illinois was repudiated alike in the
South and the North, and if that constituted a proof of nationality,
then Douglas was intensely national. Wade examined the votes of

57. Ibid.
Douglas in the Senate to show that the leader of popular sovereignty voted persistently to refuse the people powers to regulate their own affairs in their own way. Also he pointed out that Douglas, who had said that he always had supported the Homestead measure, voted to substitute the "nigger" Cuba Bill for the white man's Homestead Bill, with the result that the latter was defeated.

Wade was kinder to the Bell-Everett party, but wondered what really constituted their platform. He commented that if John Bell and Edward Everett were asked what they thought of the Homestead Bill, those old men would answer, "I'm for the Union!" He thought that they were good men but no more fit to fight the political battle which was then raging than a regiment of old women were to charge upon Napoleon's body guard.

South Carolina announced that it was seceding from the Union, December 20, 1860. Just three days before that, December 17, Senator Wade made one of the outstanding speeches of his career in which he had much to say about secession. That speech was called forth by Senator Powell's (Kentucky) resolution at that time before the Senate which resolved that "the grievances between the slaveholding and the non-slaveholding States be referred to a special committee of thirteen members; and the said committee be instructed to inquire into the present conditions of the country, and report by bill or otherwise."

59. Ibid.
In this speech on Powell's resolution, the Ohio Senator observed that, since the Presidential election in which Lincoln had been chosen, there had been "wild and unreasoning excitement in many parts of the country." Many Senators had said that the Union was about to be dissolved. Wade could not understand just why they were complaining because the Republican party, about to come into power, had never held an executive office under the General Government; therefore, that party had as yet committed no act of which anybody could complain. The Southerners were in no position to grumble because they, who represented but a little more than one-fourth of the free people of the United States, had dictated all the policies of the Government for at least the previous ten years. The Southerners had no reasonable ground for their complaint that the Republican party stood ready "to trample their institutions under foot" because the Republican platform definitely stated that the party would not interfere with slavery in the States where it already existed, but would prevent its spread into another inch of the United States Territories. The South was accused by Wade of intending "either to rule or ruin this Government."

As to Powell's resolution, Wade was opposed to it, because he saw no great difficulty to be settled. He was opposed also to compromises and had supposed that they were all agreed "that the day of compromises was at an end." In view of the manner

61. Ibid., 99.
62. Ibid., 102.
63. Ibid., 102.
in which other compromises had been heretofore treated, he hardly thought any two of the Democratic Party could look each other in the face and say "compromise" without a smile. "A compromise," he said, "to be brought about by act of Congress, after the experience we have had, is absolutely ridiculous." The Republican party had nothing to compromise; it had won the election fairly and according to the United States Constitution. The verdict of the people had to be carried out and the slavery controversy settled according to the principles of the Constitution and laws.

In Wade's judgment, no State or group of States had the constitutional right to secede from the Union, and the United States Government could not recognize the right of any State to be out of the Union. The President was sworn not to know that a State had seceded and he would have to exercise every Federal power over her, the most important of which was the collection of the revenues.

If the South did secede, Wade saw a "glorious future" for those States which remained faithful to the Union. If the United States were released from obligation to slavery, Mexico would invite the United States to make a protectorate over her in six months. Northern commercial men would gain trade and commerce there—far more than they would lose by secession. The free blacks

64. Ibid., 102.
65. Ibid., 103.
might be given an opportunity to go to Lower Mexico or Central
America where the climate was more congenial for them. The United
States would adopt a homestead policy there so as to help poor
people everywhere. The Province of Canada also might want to join
the United States, if slavery were done away with.

He insisted, however, that he was for maintaining the Union
and would sacrifice everything but honor to maintain it. "That
blessed old flag," said he, "my own father fought for, an humble
soldier in the Revolution, he manfully braved trials and suffer-
ings under it ten-fold worse than death. That old flag, for which
he ventured all, is the glorious flag which protected me in youth.
It has been the glory and pride of my manhood. Not one star shall
be torn from its ample folds! And by the mercy of God I will die
under it."

This speech of Wade's aroused much favorable editorial comment
in the antislavery and Republican press. The New York Tribune
thought that his powerful common sense, elevated patriotism, firm-
ness, moderation, courage and wisdom, and statement of the prin-
ciples and purposes of the Republican party and defense of that
party, "all combine to impress the speech with the importance of a
great public event, and to make it, as it were, the starting point
of the new era in our current history." The Cleveland Herald

66. Ibid., 104.
67. Ibid., 104.
68. Quoted in Cleveland Herald, December 21, 1860, from Cincinnati
    Commercial.
asserted Wade's speech sent a "thrill of joy through every Republican breast" and that it was high time the Secessionists should know that the Republican party would never accede to the Democratic-Secession  

    70 doctrine of non-resistance. The Cleveland Leader stated that Wade said nothing to add fuel to the flame of discord; but, while his words were considerate, every man in the Senate chamber knew that they came from a heart that never yet faltered in the cause of truth and right." The Washington correspondent of the Cincinnati Commercial mentioned that "the Southern men received the speech as if 'spoken by authority'" and that "Unionists in the border states feared its influence because Secessionists would misapprehend and misinterpret it."

The Democratic newspapers censured Wade's speech severely because, in their opinion, the Ohio Senator widened the breach between the North and South, and made it more difficult to bring about compromise. The Ohio Statesman regretted that the "vulgar Ben Wade" occupied a seat in the Senate, since his chief object appeared to be "to make the breach wider, and by his violence to drive conservative Southern men into the ranks of the Disunionists." The Washington correspondent of the New York Times, in speaking of Senator Wade's speech, said: "Moore, of Kentucky, who came here a strong Union man and ready for any sacrifice to secure harmony, now says the whole South must act together. Woodson, of Missouri, and many others of the most conservative men from the Border States,

70. Cleveland Herald, December 19, 1860.
71. Cleveland Leader, December 20, 1860.
72. Quoted in Cleveland Herald, December 21, 1860, from Cincinnati Commercial.
73. Ohio Statesman, December 18, 1860.
74. Ibid., December 20, 1860.
say Wade's speech has produced a strong and decided feeling." The Cincinnati Enquirer thought that Wade's speech had done "infinite mischief at Washington by inducing the Southern men to believe that the North was opposed to compromise. It condemned his speech as violent and incendiary and declared that it was evident that Wade was a disunionist.

The evidence which has been presented seems to uphold the idea of those who contend that Wade and the other antislavery radicals in Congress hastened secession and the war. One writer was of the opinion that secession could not have come soon enough for Wade, that to him it was inevitable; "all he wanted was to make it plain to the seceders that there would be a terrific fight." In that writer's judgment, it could not be doubted that Wade's attitude hastened the War, "for always he tormented the aristocrats."

After Wade delivered his speech on the question of secession, a news item appeared in the Cleveland Herald from Washington saying that it was alleged that Senator Wade had received letters threatening his personal safety. Later, the Cincinnati Gazette reported that Wade received an abusive letter from a man named Phelps, from Mississippi, concluding with the remark that he would shortly come to Washington and shoot him. The article also

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76. Cincinnati Enquirer, December 19, 1860.  
78. Ibid., 479.  
79. Cleveland Herald, December 19, 1860.  
80. Quoted in Cleveland Herald, January 4, 1861, from Cincinnati Gazette.
stated that on New Year's day in Washington a man with Southern
dialect and appearance had been inquiring about the whereabouts of
Senator Wade and called where the Senator boarded. When asked where
he lived, the stranger replied, "In Massachusetts." He was not al-
lowed, however, to see Wade because he refused to give his name.
This incident, taken in connection with the repeated threats against
Senator Wade, looked suspicious, especially since the stranger re-
fused to give his name and asserted that he was from Massachusetts,
while his dialect and appearance proved him to be a Southern man.

On December 21, 1860, the Senate Committee of Thirteen, of
which Wade was a member, held a meeting in which Senator Wade
made a strong speech, declaring that no compromise could be made,
as the Republicans had done nothing unconstitutional, not having
been in power to do so. Abraham Lincoln, having been elected ac-
cording to the Constitution of the United States, ought to have
the same chance as others had had before him to develop his policy.
The assumption that the Republicans were going to do some wrong was
an insult and came with bad grace from a party that had done so
much mischief to the country. Wade thought that the Republicans
were more united than ever and that the demands of the Southerners
were preposterous and could not be thought of for a moment.

It was also in December that Jefferson Davis, as a member of
the Senate Committee of Thirteen, submitted a proposition, that it

81. Ibid.
82. Quoted in Cleveland Herald, December 24, 1860, from New York
Tribune.
be declared, by amendment of the Constitution, that property in slaves should stand on the same footing in all constitutional and Federal relations as any other species of property. This proposition was not agreed to; Wade, of course, voted against it.

On January 22, 1861, when Senator Crittenden's compromise resolutions were before the Senate, Wade again stated that he was entirely opposed to all measures calling for compromise. "Now, sir, I do not know," he said, "what legitimate controversy we have to compromise with anybody."

The Postal Bill, which authorized the Postmaster General to stop the postal service in those States where the mails were being obstructed, passed the Senate on February 25, and had the strong support of Wade. This measure would have the effect of notifying the Seccessionists that, unless the laws were complied with, their communications would be cut off.

On March 2, 1861, just before the short session of the 36th Congress ended, Senator Wade in a speech on the Senate floor reiterated his intense opposition to all compromise between the North and the South. He declared that the disease lay too deep to be reached by paper resolutions and remedies. The grievance between the North and South could not be remedied "by your Crittenden amendments, or by your peace convention amendments, or by your resolutions,

85. New York Tribune dispatch quoted in Cleveland Herald, February 27, 1861.
86. Ibid.
that we will never interfere with slavery in the States, and that the Constitution should give you a guarantee to that effect." In his opinion not one of those reached the disease; in fact, the disease lay deeper than human ingenuity could devise a remedy for.

Wade went so far as to state that he did not believe in any of the compromises because they were a "constant bone of contention and irritation" and had tended "to weaken the bonds of this Confederacy, from the time they began to patch them up until now." In his opinion, a compromise was "never founded upon any principle," but was a "mixing up of good and bad, of right and wrong." Those who made a compromise did not settle the controversy, but only agreed for the time being to abandon it, while the very irritation that had made the controversy rankled even worse after the compromise was effected than it did before. Wade thought the remedy was not in compromise, but in the Constitution.

Wade must share with the other Republicans in the Senate Committee of Thirteen the responsibility for killing the Crittenden Amendments. James Ford Rhodes thought that if the Crittenden Amendments had been put to a popular vote, they would have been accepted. The Republicans, however, refused to compromise; they were determined to stick by their great principle, exclusion of slavery.

88. Ibid., 1393.
89. Ibid., 1394.
90. Ibid., 1394.
91. Ibid., 1394.
92. Ibid., 1395.
from the Territories. Furthermore, it was politically expedient to make no concessions, for their party was strengthened and consolidated by opposing compromise.
CHAPTER IV

HIS STAND ON OTHER ISSUES, 1851-1861

As a student searches the Congressional Globe to discover what Wade was doing and thinking about during the first ten years of his Senatorial career, he sees much evidence of Benjamin Wade's untiring efforts on behalf of a liberal homestead law. Except for the exclusion of slavery in the Territories, homestead legislation seems to have been his chief interest. It was only natural for Wade to take this viewpoint, for he represented Ohio which at that time had definitely western interests. Wade himself, as a young man, had moved from Massachusetts to a pioneer community. In the period of this study the Senator from Ohio was almost constantly making motions to have the Senate take up the Homestead Bill and to get a vote on it. In these efforts, as on the great issue of slavery, Wade was blocked by southern Senators who were ever watchful over their slavery rights in the Territories.

Senator Wade was determined that the homestead legislation should be liberal even to foreigners, and his motion of April 20, 1854, to amend the Homestead Bill then before the Senate was evidence of this. The sixth section of that Homestead Bill, which had passed the House, authorized any resident of a State or Territory who was not then a citizen of the United States to make application, and take 160 acres. Wade's motion had for its purpose to amend this section so that residence in a State or Territory would not be a prerequisite, but that a foreigner, on the
actual filing of a declaration of his intention to become naturalized, should be enabled to occupy 160 acres. He declared he was willing that this law should be an inducement for foreigners to come to the United States and settle on the public lands. Wade's amendment was immediately attacked by the southern Senators because the foreign emigrants, generally, were opposed to slavery. Later, on June 10, 1854, Wade withdrew this motion because he feared it would endanger the passage of the bill which was better as it was than no homestead law at all.

On July 13, 1854, Senator Chase of Ohio moved to amend section six of the Homestead Bill so as to allow those immigrants who arrived after the passage of the act to participate in its benefits; as it stood, it allowed only immigrants who arrived before its passage to enjoy its benefits. Wade again took part in the debate and argued in favor of the motion. He pointed out that our country had been greatly indebted to foreigners, that during our struggle for independence, foreigners like Montgomery, Steuben, Pulaski, and others helped us, that without foreigners, our public works, canals, railroads, and other improvements would not have been built. The immigrants had been loyal to our institutions; in truth, all of the Americans were immigrants or descendants of immigrants.

2. Cleveland Herald, April 27, 1854.
4. Ibid., 1717.
In reply to the objections that had been raised by certain southern Senators, Wade denied that the Homestead Bill would tax United States citizens for the benefit of foreigners or that it would encourage the idle, the vicious, the vagabond, and the pampered to go west to take up homesteads. A family occupying a homestead would pay a sum to the Government by consuming articles which pay duties; furthermore, the settlement of homesteads would bring power and wealth to the government permanently. Anyway, there was more than land enough for all. As for the idle and vicious, they would not take up homesteads in the west because of the hardships and privations involved. Wade quoted one southern Senator as saying, "the South do not want foreigners about their plantations, corrupting their people, injuring their children, and excluding them from a fair participation in the benefits of the common territory." He was of the opinion that the objections of the Southerners were founded more on feelings of prejudice against foreigners generally than upon principles of political economy.

Wade stated he would vote for the Homestead Bill with or without the amendment, but "Could my will prevail," he said, "I would extend its provisions to all who are able to cultivate the soil, without distinction or restriction on account of color,

5. Ibid., 1717, 1718.
6. Ibid., 1717.
nation, or condition; but I would, as far as possible, make our national legislation on this subject, conform to the benevolence of God, who is no respecter of persons.”

Wade did not want the public lands to come into “the grasp of speculators and monopolists,” this was another reason why he favored liberal homestead legislation.

Later, this Homestead Bill which had passed the House was practically amended to death in the Senate, when Senator Hunter of Virginia, as the organ of a caucus of the Administration members, offered a substitute which the New York Tribune styled “a hybrid Graduation Pre-emption Bill,” which would enable free white persons to locate quarter sections of the public lands on easier terms than heretofore. The Senate agreed to this substitution, but Wade’s name was among the thirteen nays. This bill then passed the Senate by the decided vote of thirty-six to eleven; Wade’s name was not recorded.

On February 25, 1859, Wade clashed with Senator Toombs of Georgia who was clamoring for a vote on the question of the acquisition of Cuba and wanted to substitute the Cuba Bill for the Homestead Bill. Wade replied to Toombs that he had been trying for nearly a month to get a straight forward vote upon that “great measure of land to the landless.” He gloriéd in that measure and considered it the greatest that had ever come before the American

7. Ibid., 1718.
8. Cleveland Herald, July 24, 1854.
Senate. Wade stated that the question would be, "Shall we give niggers to the niggerless, or land to the landless?" He insisted that the vote should be taken on the Homestead Bill first and, then, the Cuba Bill or "nigger bill" as he termed it, should be taken up.

In regard to the Cuba Bill, it seemed to Wade that the Democratic party could "no more run their party without niggers than you could run a steam engine without fuel" and when that party could not "raise niggers enough for the market," then they had to "go abroad fishing for niggers through the whole world." "Are you going to buy Cuba," Wade asked, "for land for the landless? What is there? You will find three quarters of a million of niggers, but you will not find any land; not one foot, not an inch."

Wade's endeavors to procure the enactment of a liberal homestead law failed in this Thirty-fifth Congress as it also did in the following Thirty-sixth Congress. Wade, however, did not have long to wait, for, after Southern secession had withdrawn Southern opposition, the famous Homestead Law of 1862 was enacted.

Wade represented an agricultural state and, therefore, was interested in bills for the benefit of agriculture. On February 1, 1859, he moved to take up a bill donating public lands to the several States and Territories which might provide colleges for the benefit of agriculture and mechanics. Wade cordially approved

9. Refers to Southern desire for acquisition of Cuba.
11. Ibid., 1854.
of this bill and remarked that bills in Congress for the benefit of agriculture, "this great interest of our country," were "very apt to get the go-by." "The military arm of our Government," he asserted, "has its West Point; the naval has its Annapolis; the commercial its Coast Survey; but the agricultural interest of the country seems to be almost entirely overlooked."

In the first session of the first Congress of which Wade was a member, he made only one set speech—a speech in opposition to the granting of additional aid to the Collins' line of steamers for carrying the United States mails between New York and Liverpool. Wade gave the following reasons for his opposition to the increased subsidy:

1. It was "calculated to gratify national vanity, by beating John Bull in a boat-race across the Atlantic." 14

2. It was an "open, palpable monopoly, granted to a private company, in order to enable it to compete with others who navigate the Atlantic Ocean." 15

3. If the British steamers could carry the United States mails more cheaply and just as well, they should be given the contract.

4. It was not fair to all the people to give protection to some special interest.

5. The Government had neglected the interests of the West, such as, the improvement of harbors and rivers. He would not vote for appropriations for the benefit of commerce on the Atlantic until something was done for commerce in the West.

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12. Ibid., 712.
15. Ibid., 1302.
6. The mail steamers could not help in time of war as contended by supporters of the bill because these ships were not built for war purposes. Wade thought a bare inspection of them would show that they were "better calculated for eastern seraglios than for ships of war."\textsuperscript{16}

7. The enormous steamers of the Collins' line running every week would come into ruinous competition with other interests not fostered by the Government.

In regard to the tariff, Wade was a protectionist and gave expression to his views on this issue on March 1, 1855, when he made a speech on an amendment to the civil and diplomatic bill to reduce the tariff. Wade asserted that he had never been the advocate of a high and exclusively protective tariff, but he thought that reasonable encouragement should be given to American laborers in all departments of industry, rather than to those of foreign countries. He noticed that "whenever we had a tariff which discriminated for the protection of our own industry, our country seemed prosperous . . . ." Without careful investigation this fact had forced him to believe that there was the relation of cause and effect. The purpose of the above-mentioned amendment was to reduce the protection afforded by the Tariff Act of 1846. Wade avowed that he was a protectionist and "would give protection to every department of industry in the country"; especially would he give protection to the farmer and agriculturist whose interest he understood was

\textsuperscript{16. Ibid., 1304.}
\textsuperscript{17. Congressional Globe, 33 Cong., 2 Sess., 1049.}
\textsuperscript{18. Ibid., 1049.}
"entirely thrown away and annihilated by the reduction" attempted in this bill. He understood that it was the intention of this measure to build up some and disregard others. "Your legislation," he declared, "should be like the dews of Heaven—impartial, falling alike upon every branch of industry in this great country."

Wade said he protested against this measure because he was opposed to "reducing duties and withholding even that miserable meed of protection" which our country then received.

Later, in 1860, in a speech in the Senate, Wade stated that the tariff was one of the cardinal principles of his party (Republican), as much to be regarded as any other, and as necessary to success.

Wade was always interested in rivers and harbors improvements, and worked diligently as a member of the Senate to get increased appropriations for such improvements. It was only natural that Wade should have this attitude since Ohio and especially Ashtabula County, his home, bordered on Lake Erie. In this regard, the Milan (Ohio) Free Press had said in 1852: "Mr. Daniel Hamilton, who visited Washington for the purpose of interesting Congressmen in the improvement of the harbor at Huron speaks highly of the efforts of Hon. B. F. Wade, in behalf of our lake harbors. Senator Wade truly deserves the thanks of his constituents for his noble and successful efforts."

19. Ibid., 1050.
20. Ibid., 1050.
21. Ibid., 1051.
22. From Philadelphia North American, quoted in Cleveland Leader, April 5, 1860.
23. Quoted in Cleveland Herald, September 13, 1852, from the Milan (Ohio) Free Press.
On February 10, 1855, when the Senate was considering in Committee of the Whole a bill making appropriations for the improvement of the harbors of the Great Lakes, Wade opposed the broad discretion which that bill conferred upon the Executive. He proposed an amendment which made a specific appropriation for each of the harbors on Lake Erie. He emphasized the great need of improvement on the lake harbors which were fast going to dilapidation and decay. He stated that the bad condition of the harbors on Lake Erie had helped to cause immense losses of life and property there.

On May 24, 1858, Wade made a motion to take up bills making appropriations for the lake harbors. Fearing that the Senate would adjourn before passing these bills, he warned the Senators that the condition of the lake harbors, especially those of Lake Erie, were such that some of them would be destroyed before another year passed if repairs were not made.

On June 1, 1858, when the Civil Appropriations Bill containing appropriations for improving the lake harbors was before the Senate, Wade made a strong plea for appropriations to improve the harbors on the lakes. He thought it was altogether proper to have such appropriations in the Civil Appropriations Bill because they furthered the commerce and navigation of the

country. He emphatically denied that money appropriated for lake harbors was thrown away, as some contended. "What would the western country be today," he asked, "if the Government had never expended any money upon that great chain of lakes? Suppose no artificial improvements had been made there. Why [sic] it would have been as impossible to navigate those lakes as it would be to navigate the air." Living along Lake Erie, he knew the harbors there were in ruins. A small expense at that time would save millions later—this was economy. The Government neglected the great West; the men on the Atlantic coast did not realize the importance of the West; already the commerce of the Great Lakes was scarcely inferior to that of the Atlantic.

In regard to the issues discussed in this chapter, it is apparent that Wade was devoted to the interests of his constituents in Ohio. The fact that Ohio at that time was agricultural and western in its viewpoint was reflected in Wade's attitude toward these issues.


26. There are those who would question whether or not the protective tariff was really beneficial for the Ohio farmers at that time. They would maintain that it was only a sop thrown to the western farmers so they would not resist too much the demands of the manufacturing interests for high protection.
CHAPTER V

CONCLUSION

During the periods of the Civil War and Reconstruction, Benjamin Wade played a very active part as one of the leading radical Republicans. During the rebellion he urged a vigorous prosecution of the war and demanded swift and decisive military action. Wade was instrumental in setting up the joint Committee on the Conduct of the War and became its chairman. This committee had for its purpose the fulfillment of the popular demand for a more vigorous prosecution of the war, and less tenderness toward slavery. As chairman of the committee on territories he reported a bill prohibiting slavery in all the Territory of the United States to be subsequently acquired, and the bill for Negro suffrage in the District of Columbia.

Wade was one of the most vigorous critics of the Lincoln Administration -- Lincoln was too cautious and conservative for him. He favored drastic punitive measures: the immediate emancipation and arming of the slaves, the execution of prominent southern leaders, and the wholesale confiscation of Confederate property. He resisted President Lincoln's reconstruction policy, calling it "absurd, monarchial, and anti-American." In 1864, with Henry Winter Davis, Wade secured the passage of the Wade-Davis

1. Julien, George W., Political Recollections 1840 to 1872, 201.
Bill for the reconstruction of the southern States on the principle that reconstruction was a legislative, not an executive problem. When Lincoln refused to sign this bill, Wade and Davis published a vigorous protest known as the "Wade-Davis Manifesto." They charged Lincoln with having perpetrated "a studied outrage upon the legislative authority of the people." This "manifesto" overshot its mark, and Wade lost support.

After the Civil War, Wade believed that the conquered, especially their leaders, were criminals to be punished. When Andrew Johnson became President, Wade thought Congress would be able to rule unmolested, but he was surprised. He became a bitter opponent of the policies of President Johnson and was ready to use almost any method to gain his ends; constitutional scruples did not worry him. The Radicals elected him president pro tempore of the Senate on March 2, 1867. Wade helped to plot the impeachment of Johnson and voted for his conviction even if he were an interested party and would have become president if Johnson had been convicted.

In the Senatorial election of 1868, Wade lost out in his own state; the Democratic Legislature chose Allen G. Thurman for his seat. When his Senatorial career ended he returned to his home in Jefferson, Ohio, where he resumed his law practice. He died there on March 2, 1878.

Benjamin F. Wade brought to the United States Senate the

antislavery radicalism that Giddings had so long upheld in the House; that he was an antislavery radical, even an abolitionist, can hardly be doubted. Wade himself was not afraid to be called an abolitionist. At the time of his death, an editorial in the New York Tribune remarked: "Whenever the slavery agitation shall be recalled, he will be accorded whatever praise may be due to the most persistent and consistent, undismayed and unswerving opponent of the institution."

Wade was a man after the Cromwellian type, a man of rugged, fierce and vindictive feeling. As an orator he was unpolished and without eloquence, but always forceful and effective, and a ready debater. His manner, like his appearance, was rough. His personal courage, as an advocate of principles distasteful to those by whom he was surrounded, was unquestioned, a fact a great many of the southern "fire-eaters" in Congress were perfectly willing to admit; this trait won for him the respect of his bitterest political foes.

One of his most outstanding characteristics was his consistent devotion to principle to the very last. With outspoken frankness he advocated what he considered to be right without regard to its popularity at the time. He was an antislavery radical early in his political career when it was unpopular to be one. In the closing years of his life he bitterly opposed the policy of

leniency toward the South as the policy was developed by Rutherford B. Hayes whom he had supported for the Presidency. There have been few American statesmen who have had more thoroughly than Benjamin F. Wade the courage of their opinions.

There are those who maintain that it was not inevitable that the differences between the two great sections of our country should have been settled by the sword. To them the Civil War was unnecessary, at least as early as it was fought. It is their opinion that the extremists, the antislavery radicals in the North, like Wade, and the "fire-eaters" in the South, prevented the many able men, who would save the Union without war, from accomplishing their ends. In this study there is much evidence to support this view. Wade's speech on secession in December, 1860, no doubt did turn many southern unionists from compromise. His absolute unwillingness to compromise and his vigorous opposition to the Crittenden proposals would seem to indicate that viewpoint. Some of the "awful" responsibility for the Civil War, or for at least hastening it, must doubtless rest upon the shoulders of "old Ben Wade."
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