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SLAVERY IN MISSOURI

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SLAVERY IN MISSOURI
1804-1865

BY

HARRISON ANTHONY TREXLER

A DISSERTATION

Submitted to the Board of University Studies of The Johns Hopkins University in Conformity with the Requirements for the degree of Doctor of Philosophy

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PREFACE

The subject of this study was suggested to the writer several years ago by Professor Jonas Viles of the University of Missouri. Later it was again taken up and expanded when the author entered the Seminary in American History at the Johns Hopkins University. The writer is under great obligations to Professor J. M. Vincent for his advice throughout the preparation of the study, especially for the idea of emphasizing the economic side of Missouri slavery. Dr. R. V. D. Magoffin facilitated the work of collecting material both by his own efforts and by pointing out efficient methods of research. Although this study was practically completed before the election of Professor J. H. Latané to the chair of American History at the Johns Hopkins University, he has critically examined the entire work and made many suggestions which were gladly received.

To Mr. William Clark Breckenridge of St. Louis the writer owes much of the best that the study may afford. Mr. Breckenridge not only pointed out many valuable lines of work, but submitted for use his large private collection of manuscripts, newspaper files, and pamphlets. He also introduced the author to many collections of materials and made possible interviews with many antebellum citizens of St. Louis and Missouri. The writer is also indebted to Miss Mae Symonds of the Mercantile Library of St. Louis, Mr. Gaillard Hunt of the Library of Congress, Messrs. F. A. Sampson and F. C. Shoemaker of the State Historical Society of Missouri, Dean Walter Williams and Professor Jonas Viles of the University of Missouri, and to Judge Walter B. Douglas of the Missouri Historical Society for his cooperation and aid in finding materials in St. Louis.

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H. A. T.

SLAVERY IN MISSOURI, 1804–1865

CHAPTER I

Missouri Slavery as an Economic System

When Louisiana was purchased in 1803, there were between two and three thousand slaves within the present limits of Missouri, of which only the eastern and southern portions were then settled.[1] By 1860 the State contained 114,931 slaves and 3572 free negroes.[2] Natural increase was one cause for this increase in the number of slaves, and importations from other slave States represented the other. The relative number of negroes gained from these two sources cannot be learned with any accuracy. The number of slaves born within the State is not given in the Federal census returns. In 1860 of the 1,063,489 whites of Missouri 160,541 were foreign born, and 475,246 were natives of the State. Of the remainder, 273,808 were born south of Mason and Dixon's line, and 153,894 in the free States and Territories.[3] It may fairly be assumed that these slave-state immigrants brought most of the slaves imported. Of these southern settlers 99,814 were from Kentucky, 73,594 from Tennessee, 53,957 from Virginia, and 20,259 from North Carolina. It would perhaps be incorrect to assume that the slaves brought to Missouri were in exact proportion to the whites from the several Southern States, yet one may assert with a fair measure of safety that the imported blacks came from the four slave States named and from

[1] In 1810 there were 17,227 whites, 3011 slaves, and 607 free blacks in Missouri Territory (Eighth Federal Census, Population, p. 601). For a summary of the various census returns of the Missouri country before the cession of Louisiana see J. Viles, "Population and Extent of Settlement in Missouri before 1804," in Missouri Historical Review, vol. v, no. 4, pp. 189–213.

[2] Eighth Federal Census, Population, pp. 275, 281–282.

[3] Ibid., p. 301.

the other slave States in some rough proportion to the whites from those States.[4]

To some counties immigration came in waves. In the thirties Carolinians settled in Pike County with their slaves; later others came from Virginia and Kentucky.[5] A large body of Union sympathizers from eastern Tennessee took up land in Greene County; Kentuckians and Virginians also settled on the rich soil of this county.[6] Other counties experienced similar movements. By no means all of the settlers who came from slave States brought negroes or favored slavery, but, as will be learned in another chapter, hundreds of immigrants, especially those coming from Kentucky, Tennessee, and Virginia, brought negroes, and some of them considerable bodies of slaves.[7]

The birth-rate was perhaps about the same as it is among the negroes of the State today, but because of the property interest of the master the death-rate may have been lower. For the year ending June 1, 1850, the slave births in Missouri numbered 2699, while the deaths amounted to 1293.[8] If these figures are correct, the births were double the death toll. It would be unsafe, however, to generalize from these limited data.

The growth of the different classes of the population of Missouri was as follows:—[9]

Year	Whites	Free Colored	Slaves
1810	17,227	607	3,011
1820	54,903	376	9,797
1830	115,364	569	25,091
1840	322,295	1478	57,891
1850	592,004	2618	87,422
1860	1,063,489	3572	114,931

[4] Six thousand and fifteen whites came to Missouri from Maryland, 4395 from Arkansas, 3913 from South Carolina, 3473 from Alabama, 3324 from Mississippi, and so on (ibid.).

[5] Statement of Ex-Lieutenant Governor R. A. Campbell of Bowling Green.

[6] Statement of Mr. Dorsey D. Berry of Springfield.

[7] See below, pp. 102–103.

[8] Seventh Federal Census, p. 665.

[9] The figures for 1810 are from the Eighth Federal Census, Population, p. 601. The other returns are from the Fourth Census, p. 40; Fifth Census, pp. 38, 40–41; Sixth Census, p. 418; Seventh Census, p. 655; Eighth Census, Population, pp. 275–283.

It appears from these figures that the slaves increased in number but at a decreasing ratio to the whites. Between 1810 and 1820 the slave increase was 239.48 per cent, in the next decade 145.46 per cent, in the next 132.11, in the next—1840 to 1850—50.1 per cent, while between 1850 and 1860 the increase was only about 33 per cent.[10] We must not conclude that slavery was declining because the increase was less decade by decade while that of the whites was continually greater. It must be remembered that the land of greatest fertility was naturally occupied first, and as a result there was less and less room for expansion. The back counties were not so rich and were more difficult to reach. By 1840 Texas and other new regions were beginning to divert settlers from Missouri. However, non-slaveholding whites continued to fill the towns and the rougher land which was less adapted to slave labor. Agriculture was the great source of slave profit. The artisan class was white, and the filling up of the country rather increased than decreased their possibilities in developing manufactures. Had slave labor in Missouri been as profitable as was German labor in Illinois, the occupation of the best soils would have limited its growth in time. Increase in population means more intensive agriculture. Slave labor, being largely unintelligent and lacking initiative, is better suited to extensive farming.

The fact that the increase of the slave population of Missouri was limited by the supply of new lands was first noticed in the old Mississippi River settlements. The old French counties along the Mississippi from St. Louis south—Jefferson, St. Genevieve, Cape Girardeau, and so forth—contained 11,647 slaves in 1850 and but 11,528 in 1860.[11] Another decrease is found in the counties along the Missouri from its mouth to the boundaries of Callaway and Cole—St. Louis, St. Charles, Franklin, Warren, Montgomery,

[10] Seventh Federal Census, p. 665.

[11] For these and the following figures see the Seventh Federal Census, pp. 654–655, and the Eighth Federal Census, Population, pp. 280–283.

Gasconade, and Osage—which in this decade fell from 11,-732 to 11,597 slaves. Increases are found in the counties lying on the Mississippi from the mouth of the Missouri to the Iowa line,—St. Charles, Lincoln, Ralls, Pike, Marion, Lewis, and Clark. In 1850 these counties contained 13,171 slaves and in 1860 there were 15,618. The slaves in the counties along the Iowa border increased from 897 in 1850 to 1009 in 1860.

To find the real location of the slave increase of the State we must turn to the west. The large and excessively rich Missouri River counties from Callaway and Cole to the Kansas line—Boone, Howard, Chariton, Cooper, Saline, Lafayette, Ray, Clay, Jackson, and Manitou—contained 34,135 slaves in 1850 and 45,530 ten years later.[12] The whole series of counties along the Kansas border from Iowa to Arkansas—Atchison, Buchanan, Platte, Jackson, Cass, Jasper, and the rest—had but 20,805 bondmen in 1850, while in 1860 they contained 29,577.

For two reasons these western counties increased in slave population faster than the eastern. In the first place, the land of the western counties was better, and hemp culture made slave labor profitable. A soil map of Missouri shows that the rich loam along the Missouri River surpassed any other land in the State. Here the slaves increased both in value and in price as in no other section. The eastern region was earlier settled, and as a consequence fewer and fewer slave-owners came from the South to locate there, while to the west settlers were still coming in large numbers when the Civil War opened.

The distribution of the slaves, as well as of the free population of Missouri, was controlled by the same conditions. The French and Spanish located along the Mississippi both because the land was fertile and because the river offered the

[12] Some of these counties are counted twice where they are located at corners, or where two series of counties meet. In 1860 the counties ranked as follows in slave population: Lafayette, Howard, Boone, Saline, Callaway, St. Louis, Pike, Jackson, Clay. All of these counties save Pike are on the Missouri River.

only means of communication with the outer world. As the Anglo-Saxons invaded the Territory after the American occupation, they went up the Missouri to the Osage, then to the Bonne Femme, and then on west. Settlements thus followed the great streams and their tributaries. In general the slave-master also followed the streams, this fact being due to the coincidence that the river counties were not only more accessible than the back counties, the products from them being therefore more readily marketed, but were also more productive. It may be said, then, that the slaveholder followed the river because the railroad and the highway were not yet opening the back country. He remained in these river counties because they contained lands of unsurpassed fertility.

In Missouri as in the other border States the slave was put to general farm work rather than to the producing of a staple crop. The great plantation of the Mississippi and Louisiana type with its white overseer and gangs of driven blacks was comparatively uncommon in the State. Very few masters had a hundred slaves, not many had half that number. There were some farmers, however, who employed a considerable body of negroes.

The number of slaves held is most difficult to find with any accuracy. Personal information from contemporaries conflicts with the census reports and the county tax returns. For example, an old boat's clerk, Mr. Hunter Ben Jenkins of St. Louis, who spent much time in the great Missouri River slave counties, claims that the largest slaveholder of the State was Jabez F. Smith of Jackson County, who owned 165 negroes. In contrast with this statement the Jackson County tax book of 1860 credits Jabez F. Smith with but 42 slaves.[13] Therefore, Smith either dodged his

[13] MS. Tax Book, Jackson County, 1860, pp. 151–152. The Eighth Federal Census (Population, p. 280) gives the Jackson County slave population at 3440 as against the 3316 listed in the tax book of that year. But this small difference does not account for the discrepancy of four to one in the reported numbers of Smith's slaves. Mr. James Peacock of Independence, who was an acquaintance of

taxes enormously or had fewer slaves by far than his neighbors thought.

From the local returns gathered for the Federal census it is found that there were some fairly large slaveholders for a country of diversified agriculture which, as compared with the plantations further south, was a community of small farms. These figures should be more complete than the tax returns, as they were not collected for purposes of taxation. These census reports for 1850 show that in Cooper County John H. Ragland was the leading slave-owner, being credited with 70 negroes, including infants and the aged. He lived on a farm of 1072 acres, 500 of which were under cultivation. Of these 70 slaves 29 were over fifteen years of age. His land was worked by 34 horses, mules, and oxen. His produce in hand was large,—4000 bushels of wheat, the same amount of corn, 400 bushels of oats, and 7000 pounds of tobacco. He had 140 swine and 24 head of cattle besides his oxen.[14]

The second largest Cooper County slaveholder was Henry E. Moore, who had 32 negroes, of whom 23 were over fifteen years of age. He possessed 250 acres of improved and 150 acres of unimproved land, 57 work animals, 5000 bushels of corn, 400 of oats, 200 swine, and 32 cattle.[15] These represent the more affluent Missouri farmers who were not engaged in producing a staple crop. An example of a less favored farmer is Joseph Byler, who owned 11 slaves, only 4 of whom were over fifteen years of age—2 men and 2 women. Byler owned 100 acres of improved

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Smith's, told the present writer that "Smith had many more than forty-two slaves." Mr. Peacock suggested that the infants and aged negroes were often not listed by the assessor, but 123 of Smith's 165 slaves could hardly have been infants and very old people. In the tax books old and young are alike given, as is the case with Smith's. In the earlier tax returns young negroes were not included. In the St. Charles County tax book of 1815 only slaves above ten years of age are listed, while in the Franklin County tax list of 1823 only those over three years were given. But if the assessor did omit the infants and the aged, he but eliminated those who were not effective producers, and with such a class there is little concern here.

[14] MS. Census Enumeration, Cooper County, 1850, Schedule no. 2.

[15] Ibid.

and 140 acres of unimproved land, 14 work animals, 32 head of cattle, 80 sheep, 50 swine, 1000 bushels of corn, and 200 each of wheat and oats.[16] These examples give an idea of the external economic conditions of the slave society in a rich river county.

If the old French Mississippi River county of St. Genevieve in eastern Missouri is examined, some large holders are found there. In 1860 John Coffman was the chief slave-owner, having 78 negroes living in fourteen cabins. Joseph Coffman, the second largest holder, had 32, and the third, Hiram Blaclege, possessed 27 slaves who were domiciled in eight cabins.[17] Although the tax levies discount slave property, nevertheless in many cases they are the only means of obtaining information. If the tax lists omit the slave children and the wornout blacks, they but fail to include those who did not labor and who had little economic significance save as a burden to the owner. The probate records would be an exact source of knowledge as to the size of slave holdings, but as only those who died in slavery days had their slaves listed in such records, an examination must be made of the assessors' returns.[18]

In Boone County the heirs of R. King were assessed in 1860 with 57 slaves,[19] and W. C. Robinett with 50.[20] In the adjoining county of Howard William Swinney paid taxes on 86 slaves valued at $44,800 and on 1369 acres of land.[21] J. C. Carter of Pike County was assessed in 1859 with 43 slaves,[22] and Andrew Ashbaugh with 37.[23] In 1856 Dugan Frouts of Buchanan County was listed as having 28

[16] MS. Census Enumeration, Cooper County, 1850, Schedule no. 2.

[17] MS. Census Enumeration, St. Genevieve County, 1860, Schedule no. 2.

[18] Thomas A. Smith of Saline County left in 1844 a large estate in which were included 77 negroes (MS. Probate Records, Saline County, Box no. 248, Inventory and Appraisement, filed November 11, 1844).

[19] The heirs of R. King (MS. Tax Book, Boone County, 1860, p. 18).

[20] This was William C. Robinett (ibid., p. 118).

[21] MS. Tax Book, Howard County, 1856. George Cason was second with 52 negroes, and John R. White third with 46 (ibid.).

[22] MS. Tax Book, Pike County, 1859, p. 48.

[23] Ibid., p. 1.

negroes and 320 acres of land,[24] and J. C. Ingram as having 26 slaves and 160 acres.[25] The Clay County tax books could not be found entire. However, figures for 1858 are obtainable for the southwestern portion of the county, the section just across the Missouri from Kansas City. Here on the rich riverbottom John Daugherty was assessed with 33 negroes and 2420 acres of land,[26] and Michael Arthur with 30 slaves and 1880½ acres.[27]

In southeast Missouri the records show that in Cape Girardeau County the largest holders were assessed with 40 slaves in 1856.[28] In the southwest portion of the State, in the rich county of Greene, Daniel D. Berry was taxed on 37 negroes worth $13,300, 23 horses and mules, and 4320 acres of land worth $33,760, and John Lair and Solomon C. Neville on 24 slaves each, the former's valued at $16,200 and the latter's at $10,000.[29] In the northern counties of Daviess and Macon the holdings were smaller. In 1854 Alfred Ray of Macon County was taxed on 31 slaves, and the second largest holder, James W. Medley, on 13,[30] while in Daviess County Milton N. Moore, the chief owner of slaves, was assessed with but 16.[31]

The Reverend Frederick Starr ("Lynceus") says that there were some plantations along the Missouri River having from 150 to 400 slaves. From the above figures it appears that a Missouri plantation with as many as 400 slaves must have been extremely rare.[32] In fact, the average slave-master had many less than the great holders mentioned in the preceding paragraphs. For instance, in Cooper County in 1850 of the 636 slaveholders 173 had but 1 negro each,

[24] MS. Tax Book, Buchanan County, 1856, p. 59.
[25] Ibid., p. 85.
[26] MS. Tax Book, Clay County, 1858, p. 17.
[27] Ibid., p. 2.
[28] MS. Tax Book, Cape Girardeau County, 1856. These were T. H. and Lucy Walker.
[29] MS. Tax Book, Greene County, 1858. By 1860 Berry's slaves on the tax book numbered 42 (MS. Tax Book, Greene County, 1860).
[30] MS. Assessors' List, Macon County, 1854, pp. 86, 63.
[31] MS. Tax Book, Daviess County, 1857, p. 29.
[32] Letters to the People in the Present Crisis [1853], Letter no. 1, p. 9.

and 102 possessed but 2. The average for the whole county was 4.67 slaves to the master.[33] Just across the Missouri in Boone County the average was almost the same—4.83 per owner in 1860.[34] Journeying on west up the Missouri to Jackson County a similar condition is met. Here in 1860 the average was 4.5 slaves to the master.[35] To the north of Jackson in Buchanan County the average was considerably less—3.6 in 1856,[36] which was a little higher than the average sixteen years previously in the same county, when it was 3.2.[37]

In looking eastward to the prosperous Mississippi River county of Pike the average is found to be slightly less. In this county in 1859 there were listed on the tax book 3733 slaves owned by 908 masters, or 4.18 negroes to the master.[38] To the north of Pike in the extreme northeastern corner of the State is Clark County. The 129 masters of this county averaged 3.14 slaves each in 1860.[39] In the old French county of St. Genevieve the average holding in 1860 was 5.16 negroes.[40]

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[33] MS. Census Enumeration, Cooper County, 1850, Schedule no. 2. The Reverend Mr. Starr, who in 1853 endeavored to prove that slavery was declining in Missouri, divided the number of farms in the State, as given by the Federal census of 1850, and found the number of slaves per farm (Letter no. 1, pp. 9–12). But as even a small truck farm, which naturally could not support slave hands, was included in the government report, his results seem purposeless. It appears much more to the point to find the average of those who really had slaves than to find how many each farmer would have in case of an equal division—a condition impossible on its face. Hinton R. Helper stated that there were 19,185 slaveholders in Missouri in 1850 (The Impending Crisis, p. 146). From the averages given above in this study the 114,931 slaves of the State were owned by about 24,000 masters. This is merely a rough estimate.

[34] MS. Tax Book, Boone County, 1860, gives 4354 slaves and 902 owners.

[35] MS. Tax Book, Jackson County, 1860: 3316 slaves and 736 owners.

[36] MS. Tax Book, Buchanan County, 1856: 1534 slaves and 425 owners.

[37] MS. Tax Book, Buchanan County, 1840: 177 slaves and 55 owners.

[38] MS. Tax Book, Pike County, 1859: 3733 slaves and 908 owners.

[39] History of Lewis, Clark, Knox and Scotland Counties (St. Louis and Chicago, 1889), p. 305: 405 slaves and 129 owners.

[40] MS. Census Enumeration, St. Genevieve County, 1860, Schedule no. 2: 615 slaves and 119 owners.

Many of these masters actually held only one or two negroes each. In 1860 Jackson township, St. Genevieve County, contained 32 slaves owned by 10 persons. Of these 10 owners there were three who had but one slave, 2 had 2 negroes, 2 owned 3, 2 had 6, and another 7.[41] In this year there were 497 masters paying taxes on 1383 slaves in St. Louis city. Of these owners 217 were taxed on 1 negro each and 104 on 2 negroes. In other words, 321 of the 497 slaveholders of the city returned less than 3 negroes.[42] In Greene County in 1858 there were 567 slaves in the district about Springfield. These were owned by 108 persons, of whom 38 held 1 slave each and 31 held 2, 69 of the 108 masters having less than 3 slaves.[43] A similar situation is found in the newer county of Audrain in the earlier period, where in 1837 there were 26 masters and 68 taxable slaves. Of these 26 owners 13 were assessed with 1 slave and 8 with 2 each.[44]

From the figures given it appears that Missouri was a State of small slaveholdings. How these slaves were employed will next claim our attention.

The single slave held by so many persons was usually a cook or a personal servant, or perhaps a "boy" for all-round work. Often a slave man and his wife were owned. The probate records are filled with the appraisements of estates holding one or two slaves.[45] Captain Joseph A. Wilson of

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[41] MS. Census Enumeration, St. Genevieve County, 1860, Schedule no. 2.

[42] MS. Tax Book, St. Louis City, 1860, six vols. It is interesting to learn that among these St. Louis slaveholders of 1860 were Frank Blair, who was taxed on 1 negro (ibid., Book A to B, p. 115); Senator Trusten Polk, on 2 (ibid., Book P to S, p. 44); Mrs. U. S. Grant, on 3 (ibid., Book G to K, p. 59), and the St. Louis University, which held 6 taxable slaves (ibid., Book P to S, p. 220).

[43] MS. Tax Book, Greene County, 1858. At this time Greene County was much larger than at present.

[44] MS. Tax Book, Audrain County, 1837. This return lacks the taxpayers whose initials were A and B, but this would not necessarily change the proportion. James E. Fenton was taxed on 17 of the 68 slaves then on the list.

[45] An interesting example of this holding of a single servant is found in the appraisement of the estate of Louise Ann Pippin, whose personal property was composed of six trunks containing clothing

Lexington declared that every decent Missouri family had at least one slave, and usually from two to four, as house servants. So many of the antebellum settlers of the State being from the border and Southern States, the idea of white servants was not congenial, even had there been a supply of them. Many slaves, as in other southern communities, were nurses and acted as maids to the female members of the family. "Slavery in western Missouri," wrote a contemporary, "was like slavery in northern Kentucky—much more a domestic than a commercial institution. Family servants constituted the bulk of ownership, and few families owned more than one family of blacks. The social habits were those of the farm and not of the plantation. The white owner, with his sons, labored in the same fields with the negroes both old and young. The mistress guided the industries in the house in both colors."[46]

The fifteen hundred slaves of St. Louis seem to have been quite largely employed as domestics, though as the city grew the German and the Irish immigrant assumed this work. When Anthony Trollope visited St. Louis in 1862, the Civil War and the coming of the alien had nearly driven the household slave from the city.[47] The further discussion of the slave as a domestic is not necessary, as this function of the negro is a commonplace.

The slave was early put to work at clearing the land, much of which was timbered. Advertisements for such negroes are to be found in the papers of the early period.[48]

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appraised at $75, and "1 negro Boy Philbert aged 18 Years," valued at $550 (MS. Probate Records, St. Louis, Estate no. 2653, filed August 14, 1849).

[46] J. G. Haskell, "The Passing of Slavery in Western Missouri," in Transactions of the Kansas State Historical Society, vol. vii, p. 31.

[47] North America, p. 381. He writes: "Slaves are not generally employed in St. Louis for domestic service . . . St. Louis has none of the aspects of a slave city." When Maximilian, Prince of Wied, visited St. Louis in 1832–34, he found that "the greater part of the workmen in the port, and all the servants of St. Louis, are negroes . . . who in the State of Missouri are all slaves" ("Travels in the Interior of North America," in R. G. Thwaites, Early Western Travels, vol. xxii, p. 216).

[48] "Wanted, To hire . . . an industrious negro man who is a good hand at choping with an axe" (Missouri Herald [Jackson], Septem-

The rivers were the great highways for both passenger and freight traffic till the forties and fifties brought the railroads, and they quite largely retained the freight traffic till after slavery days. The boating business being very lucrative, the hire of surplus slave labor for cabin and deck work was very common. As early as 1816 Pierre Chouteau bought a slave who was "a working hand on a keel boat."[49] A traveller descending the Mississippi in 1858 stated that the crew and stokers on the boats were all slaves.[50] A Kansas immigrant who ascended the Missouri in 1857 observed that the deck hands were colored,[51] while another contemporary states that the Missouri River boats usually had a cabin crew of about twenty, "generally colored."[52]

This use of blacks on the rivers caused race feeling. An old boatman says that there were not enough free negroes, and consequently slaves were used as cabin crews. Therefore the custom developed that whites would not permit negroes to touch the freight. This division of the races seems evident from the following advertisement of 1854: "Wanted to hire by the Year, Ten negro boys, from 15 to 20 years of age—suitable for cabin boys. Also fifteen negro men for firemen, on a steamboat. Smith and Watkins."[53] According to an old boatman, these colored river

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ber 4, 1819). In the Missouri Intelligencer and Boone's Lick Advertiser (Franklin) of November 25, 1823, is read, "A Negro Woman, Healthy and Masculine, who can turn out 100 rails per day. May be hired."

[49] Lagrange v. Chouteau, 2 Mo., 19.

[50] C. Mackay, Life and Liberty in America, p. 151.

[51] A. D. Richardson, Beyond the Mississippi River, p. 285. In the St. Joseph Commercial Cycle of May 11, 1855, there is found an expense account of a steamer running between St. Louis and St. Joseph. In this table are listed twelve "boys" at $25 each per month. As this term was applied to negro men and as the above accounts state that the cabin crews were generally colored, it seems probable that negroes were here meant. "Uncle" John Dill of Cape Girardeau claims that good river hands brought as high as $45 per month, as a trusted boat hand was considered very valuable. He stated that he knew of masters who gave their negroes a silver watch or a bill after a cruise on the river.

[52] G. B. Merrick, Old Times on the Upper Mississippi [1854–1863], p. 64.

[53] Republican (St. Louis), February 7, 1854. There is found the

hands received from twenty to thirty dollars a month and keep.[54] The employment of free blacks and slaves on the river caused a strong protest on the part of a St. Louis editor in 1841. He asserted that the practice enabled abolitionists to communicate with the slaves of the State, and made them discontented. He spoke of the crews as "the profligate reckless band of slaves and free negroes . . . habitually employed as stewards, firemen, and crews on our steamboats."[55]

A considerable number of slaves seem to have been worked in the Missouri and Illinois lead mines.[56] In 1719 Renault brought a few to work the Fort Chartres and later the Missouri lead deposits. Some were seen working at Potosi as miners by Schoolcraft in 1819.[57] Later travellers, however, do not mention slaves working the mines of that region. Missouri slaves hired to work the saline deposits of the Illinois country provoked much litigation and a careful interpretation of the Ordinance of 1787.[58]

The slave also did general work about town and city as the negroes do today.[59] The chief interest here, however,

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following advertisement in the Daily Missourian (St. Louis) of May 7, 1845: "For hire—a woman chambermaid in the city or on the river . . . I. B. Burbbayge."

[54] Mr. Hunter B. Jenkins of St. Louis.

[55] Daily Evening Gazette (St. Louis), August 18, 1841.

[56] American State Papers, Public Lands, vol. iv, p. 800.

[57] H. R. Schoolcraft, A View of the Lead Mines of Missouri, pp. 15, 40.

[58] See below, pp. 216–217.

[59] Schoolcraft also states that "there are a considerable number [of slaves] at present [1819] nearly every good plantation, and many mines being wrought by them." He also states that many slaves served as blacksmiths and carpenters. "It has led to a state of society which is calculated to require their assistance" (pp. 40, 176). Slaves were also used as draymen, according to a traffic regulating ordinance of St. Louis of June 13, 1835, sec. 12 (Missouri Argus [St. Louis], June 19, 1835). This use of slaves caused some trouble (Mayor, etc., of St. Louis v. Hempstead, 4 Mo., 242). Slaves were also licensed as hucksters, hawkers, and so on (St. Louis Ordinances, 1836, p. 145). In the Jeffersonian Republican (Jefferson City) of January 16, 1835, there is the notice of an escaped slave who had worked in "Massey's Iron Works" near Jefferson City. The tobacco firm of Spear and Swinney of Fayette employed slaves. They were assessed with 34 negroes in 1856 (MS. Tax Book, Howard County, 1856).

lies in the agricultural slave. Whether or not free labor could have been obtained to work the fields of Missouri is a question about which contemporaries still living are not agreed. From their statements it is evident that the supply of free labor varied in the different parts of the State,[60] but the fact remains that slave labor really did the larger part of the work of the State.

Missouri was a State with a great variety of topography and soils, and a number of products were raised in great abundance.[61] The majority of Missouri bondmen were employed as general field hands. Statements of men who lived in various parts of the State convey the idea that the plantation with its overseer, "task system," and great negro gangs was not common. Except in hemp culture, where the task system prevailed, the Missouri rural negro is to be considered a general farm hand as he is today. A prominent Kansan who viewed slavery as it existed in western

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[60] Among some two dozen contemporaries living in the great slave counties opinion as to the availability of free labor was varied. Most of those questioned claimed that free white labor was scarce. Colonel D. C. Allen of Liberty said that abolition agitation kept white labor from the State. Colonel R. B. C. Wilson of Platte City stated that there was no free labor in Platte County. Captain J. A. Wilson of Lexington declared that free black labor was considered a menace, and that white labor was scarce in Lafayette County. Colonel James A. Gordon of Marshall said that free labor was usually obtainable in Saline County. "Uncle" Henry Napper, who was a slave in the same county, remembers that his master hired some free labor at harvest and other heavy seasons. "Lynceus" (Reverend Frederick Starr), who endeavored to prove that slavery was dying in the State, declared (1853) that the price of slaves was high because there was so little white labor (Letter no. i, p. 6). James Aull of Lexington, who was a prominent trader of western Missouri, wrote to a correspondent in Philadelphia on June 15, 1835: "We are the owners of slaves, in this State as well as in other slave holding states you must either have slaves for servants or yourself and family do your own work" (to Siter, Price and Company. In the collection of Messrs. E. U. Hopkins and J. Chamberlain of Lexington).

[61] For the year ending June, 1850, Missouri produced 2,981,652 bu. of wheat; 44,268 bu. rye; 36,214,537 bu. corn; 5,278,079 bu. oats; 17,113,784 lbs. tobacco; 1,627,164 lbs. wool; 939,006 bu. Irish and 335,505 bu. sweet potatoes; 23,641 bu. buckwheat; 116,925 tons hay; 15,968 tons hemp; 527,160 lbs. flax, and so forth. The State also contained 225,319 horses; 41,667 asses and mules; 230,169 milch cows; 112,168 oxen; 449,173 other cattle; 762,511 sheep; 1,702,625 swine (Seventh Federal Census, p. lxxxii).

Missouri states that the slave was an all-round laborer, there being no classification of "domestic servants" and "field hands."[62]

The severity of the slave's labor will be treated in a later chapter of this study, but the nature of his work, especially in the hemp country, deserves attention in this connection. Hemp was the great Missouri staple, although its culture was mostly restricted to the Missouri River counties. Other products were raised in greater abundance, but in some regions hemp was the chief crop. "From the first settlement of the county," wrote a citizen of Platte County, "hemp was the staple product. We became wealthy by its culture. No soil on earth, whether timber or prairie, is better adapted to hemp than Platte County. . . . But no machinery ever invented superseded the hand-break in cleaning it. . . . Negroes were, therefore, in demand, and stout men sold readily for $1,200 to $1,400."[63] As a hemp State Missouri was second only to Kentucky, and the quality of her hemp was said by J. C. Breckinridge to be even superior to that of his own State.[64] American hemp passed through many vicissitudes because of the tariff, and often met the competition of better hemp from Russia. The market

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[62] Haskell, p. 31.

[63] W. M. Paxton, Annals of Platte County, p. 37. In 1854 Judge Leonard of Buchanan County raised 1426 lbs. per acre on a ten-acre field. It was a virgin crop, however (St. Joseph Commercial Cycle, May 18, 1855).

[64] B. Moore, A Study of the Past, the Present, and the Possibilities of the Hemp Industry in Kentucky, p. 60, quoting from a letter of Breckinridge's of January 10, 1854, to C. J. Sanders, the Navy's hemp agent. In 1860 the great Missouri hemp counties were: Saline 3920 tons; Lafayette 3547 tons; Platte 1783 tons; Pike 1608 tons; Buchanan 1479 tons; the whole State 19,267 tons. Some of this was water-rotted, but most of it was dew-rotted. Gentry County produced 600 tons of water-rotted hemp but no dew-rotted (Eighth Federal Census, Agriculture, pp. 90–94). In 1850 Missouri was credited with 4 "hemp dressers," 48 ropemakers, and 191 rope-making establishments, each turning out over $500 worth of material a year (Seventh Federal Census, Statistics, p. 674). In 1850 the great hemp counties were: Platte 4345 tons; Lafayette 2462 tons; Buchanan 1894 tons; Saline 1559 tons; Clay 1274 tons; the whole State 15,968 tons, of which 60 tons were water-rotted (ibid., pp. 679–680).

finally dropped about 1870 when the South substituted iron hoops for hemp rope in baling cotton.[65]

The healthy western Missouri negro must have been a profitable investment as a hemp cutter and breaker if the slave was a paying investment anywhere. "I can remember how twenty or thirty negroes would work in line cutting hemp with sickles. It was then left to rot till January. Then it was broken and the pith removed by means of a heavy crusher which the slave swung up and down. He often received the lash if not breaking his one hundred pounds. I have seen a long line of wagons loaded with hemp extending from the river nearly to the court house." Thus a citizen of Lexington describes the hemp culture in Lafayette County.[66] "The farmers of Missouri seldom

[65] Thomas S. Forman of Louisville wrote in 1844: "The price of hemp, bagging and bale rope has declined almost in ratio of their increased production; thus in 1835 with a crop of 7,000 or 8,000 tons in all the western States, it was $10.00 to $12.00 per hundred weight. . . . Since then, under the stimulating influence of the tariff of 1842, the products are four or five times the amount they were in 1835, and the price is $3.00 per hundred weight. . . . These prices do not remunerate the grower or manufacturer" (Moore, Hemp Culture in Kentucky, pp. 53–54). The poorer American dew-rotted hemp had to compete with the superior Russian water-rotted, which was said to exceed the former by at least ten or fifteen pounds per hundred weight (ibid., p. 55). The loss of the cotton crop during the Civil War injured the demand for hemp bagging and rope. "Formerly, when bagging and rope were worth more per pound than cotton, they were considered one of the expenses of cotton shipping; now that cotton was twenty-five cents a pound, the bagging and rope were only six or seven cents a pound, rope and bagging were not spared, since they weighed in with the cotton bale. It was for the sake of the spinner rather than the cotton grower, that iron ties were substituted for hemp rope during the years around 1870. The inability of Kentucky to supply bagging enough created competition of jute bagging, which, during the early seventies, almost completely disabled hemp bagging" (ibid., pp. 62–63).

[66] Statement of Captain Joseph A. Wilson. In 1855 one S. A. Clemens of St. Louis invented a hempbreaker which was propelled by steam or by horsepower. The hemp stocks could be used for fuel. It was said to have a capacity of breaking a ton in ten hours, and if the hemp was very fine, a ton and a half. Three men could run it (St. Joseph Commercial Cycle, May 18, 1855). W. B. Napton states that "John Lock Hardeman, about 1850 . . . invented a hemp breaking machine, which lessened the labor to a considerable extent, and about the year 1854 an attachment had been added to the McCormick reaper by which hemp was cut by machinery also" (Past and Present in Saline County, p. 132). Mr. Napton claims to write from

stack hemp," runs a letter of the slavery regime. "They suffer it to receive enough rain, after cutting, to color it. It is then taken up and shocked without binding. About the middle of October it is spread out to rot. Our winters are so dry that the hemp must receive several rains before it is shocked."[67]

It was the task of the slave to break one hundred pounds of hemp a day, receiving one cent per pound for all broken in excess of that amount. Many slaves broke from a hundred and seventy-five to two hundred, some as many as three hundred pounds a day. The work seems to have been heavy, but the possibility of making a dollar or more a day made it popular with the ambitious slaves.[68] Hemp became the staple in western Missouri to such an extent that, according to the statement of an old negro, his master could find no market for his wheat.[69] Hemp was even

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personal experience. On the other hand, Mr. Paxton asserts that no machine that was ever invented superseded the handbreaking of hemp by the slave. The work was so very arduous that after the War the freed negro would not engage in it (p. 37).

[67] Paxton, p. 81, quoting a letter of unknown date from an unknown person.

[68] Mr. Dean D. Duggins of Marshall stated that their old Jim could break 300 pounds a day at one dollar per hundred over the task, and that Jim had quite a sum of money when the War opened. "Uncle" Henry Napper of Marshall, a wiry little negro, formerly owned by Mr. Duggins's family, said that he could not break over 175 pounds, but that many broke 200, and some 300 pounds. "Uncle" Eph Sanders of Platte City claims that he could break 200 pounds. Captain J. A. Wilson of Lexington stated that many slaves made a dollar a day and were paid in silver at Christmas, the negroes keeping accounts on notched sticks and the owner or overseer in his books. Mr. Hunter B. Jenkins knew slaves in Lafayette County who made from seventy-five cents to a dollar a day breaking hemp. "Uncle" Peter Clay of Liberty said that he broke 165 pounds in a day, and that he would as soon break hemp as do any other hard work, while Henry Napper said that it was very hard labor. Dr. John Doy says that while he was a prisoner in the Platte City jail a young negro owned by one William Rywaters, living near Camden Point, told him that "both men and women had a task given them, the latter to break one hundred pounds of hemp a day and the former still more, and received a lash for every pound they fell short" (J. Doy, Narrative of John Doy of Lawrence, Kansas, p. 60). But Doy had both a political and a private grudge against slaveowners, and consequently gathered all the hard tales about them he could find.

[69] Statement of Henry Napper of Marshall.

used as a medium of commerce in some cases, like tobacco in old Virginia.[70]

The other staple crops of Missouri were tobacco and cotton. The culture of the latter was restricted to the southern part of the State. Tobacco was raised to a greater or less degree throughout the eastern and central regions. As today, many farmers raised tobacco, not as a staple, but as they did corn or wheat.[71] "In the tobacco regions of the State," says a prominent citizen of Pike County, "there was no task system for the slaves. They were expected, and in many instances required, to do a reasonable day's work."[72]

The slave seems to have been a very slight factor in the cotton culture of the State. The cotton counties ranked as follows in 1860: Stoddard, Shannon, Dunklin, Dallas, Jasper, and Barry.[73] Their slave population was very small,—Stoddard 189, Shannon 6, Dunklin 152, Dallas 88, Jasper 317, and Barry 217.[74] Contemporaries remember few or no slaves in the cotton fields and no task system. As in the tobacco culture, the few slaves employed worked as general field hands.[75] Outside of the hemp fields the task system was seldom practiced in the State. A negress who was a slave in Madison and St. Francis Counties claims that

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[70] The following notice is found in the Weston Platte Argus of December 19, 1856: "All persons indepted to us . . . are hereby requested to come forward and settle, with Cash, Hemp or give approved security . . . Belt, Coleman & Co."

[71] In 1860 Missouri ranked seventh in tobacco culture, producing 25,086,196 lbs. The great tobacco counties were: Chariton 4,356,024 lbs.; Howard 2,871,584 lbs.; Randolph 1,918,715 lbs.; Callaway 1,433,-374 lbs.; Macon 1,396,673 lbs.; Lincoln 1,356,105 lbs.; Monroe 1,325,-386 lbs.; Pike 1,194,715 lbs. (Eighth Federal Census, Agriculture, pp. xliv, 88–94).

[72] Statement of Ex-Lieutenant-Governor R. A. Campbell of Bowling Green.

[73] Missouri was credited with no ~~tobacco~~ cotton in 1850. In 1860 the State raised 44,188 bales of 400 lbs. each. Stoddard County produced 19,100 bales, Shannon 10,877, Dunklin 7000, Dallas 1200, Jasper 972, and Barry 500 (Eighth Federal Census, Agriculture, pp. 90–94).

[74] Eighth Federal Census, Population, p. 280.

[75] Several old settlers of the cotton counties were questioned, but all denied that a task system existed in the cotton fields or that any number of slaves were employed in them.

she had to weave four yards a day and fill the quills. The spinning of eight "cuts" (one hundred and fifty threads to the "cut") was a day's work. Often she wove or spun till dark after working all day in the fields. She worked neither Saturday afternoons nor Sundays.[76]

The Missouri law forbade a master to work his slaves on Sunday, except in regular housework or labor for charity. Field work was thus forbidden on Sunday. The penalty for the master was one dollar for each negro so employed.[77] This law was enforced in some instances at least, as on February 28, 1853, the Boone County circuit court fined R. R. Rollins five dollars "for working slaves on Sunday."[78]

As there were few great plantations in the State, the systematic but brutal overseer—that grewsome evil genius of so many slave tales—was not often seen in Missouri. Widows who needed a farm manager at times employed an overseer, and some tobacco and hemp farmers had white managers. Usually a trusted slave, called a "driver," or one of the sons laid out the work for the slaves, so that the hired white overseer managing great gangs of negroes was not a characteristic Missouri figure. Contemporaries are nearly unanimous on this point.[79]

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[76] Mrs. Anice (or Alice) Washington of St. Louis.

[77] Law of July 4, 1825 (Revised Laws, 1825, vol. i, p. 310, sec. 90).

[78] MS. Records, Boone County Circuit Court, Book F, p. 190.

[79] Ex-Lieutenant-Governor R. A. Campbell of Pike County stated that some widows and a few tobacco farmers of the county had overseers, but that general farming was the rule in most of the county. Mr. J. H. Sallee of Mexico, formerly of Marion County, remembers no overseers or task system in that county. Mr. John W. Beatty of Mexico said that the overseer and the task system were seldom seen in Audrain County, Robert St. Clair having the only overseer he remembers. Mr. Robert B. Price of Columbia stated that there were no overseers in the southern sense in Boone or neighboring counties. Mr. George Carson remembers a few overseers in Howard and adjacent counties. Captain J. A. Wilson of Lexington said that there were a few overseers in Lafayette County, some farmers with over twenty negroes hiring one, but that usually a son or a negro "driver" managed the hands. The latter was often more severe than a white overseer. Colonel D. C. Allen of Liberty said that there were some white overseers in Clay County. Mr. E. W. Strode of Independence stated that he knew of very few

Without the overseer and the horror of drudgery in pestilent rice and sugar swamps, the despair of the slave could not have been so great as in the far South. As the negroes of Missouri today work about the town or the farm, so they must have labored in slavery days, except that more of them worked than now and the hours of labor were longer. The great slave counties of antebellum days are the great negro counties of today, save where urban attractions have caused the negroes to flock to the cities.

Many slave-owners naturally had more of such labor than they could utilize. Negroes inherited by professional men and other townsmen often had little work except as household servants. The excess hands were therefore hired to those needing their services.[80] These slave-masters retained their slaves either because they thought the investment was paying, or in order to preserve the family dignity, which was largely based on slave property. Widows were unable to alienate their slaves if there were other heirs, and consequently hired them out as a means of income. The slaves of orphans and of estates in probate were annually hired

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overseers in Jackson County, as a negro foreman usually managed the slaves. Mr. George F. Shaw of Independence, formerly of Franklin County, said that there were few overseers in the latter county, as general farming was the rule. Mr. Dorsey D. Berry and Mr. Martin J. Hubble of Springfield stated that the overseer was not seen in Greene County.

Overseers were at times advertised for, as may be learned from the Daily Missourian of November 16, 1845: "Wanted—an overseer with a wife to go on a farm. . . . I. B. Burbbayge." The Seventh Federal Census states that there were 64 "overseers" in Missouri in 1850 (p. 674). In 1860 there were 256 of them in the State (Eighth Federal Census, Population, p. 303). This term seems to have been applied to the familiar negro overseer, as of the 37,830 in the United States 32,458 were accredited to the slave States (ibid., pp. 670–671). On the other hand, Pennsylvania is given 1241 of these "overseers" (ibid., p. 440), and Massachusetts 1098 (ibid., p. 228). From this it appears that the term in some cases must have been applied to ordinary foremen or managers.

[80] One Alexander Stuart offered to hire out nineteen slaves, which were doubtless excess hands as he at the same time advertised for an overseer, and so could hardly have been giving up farming (The Missourian [St. Charles], December 31, 1821).

out by the court, bond being necessary "for the amount of hire."[81]

As the State developed, the hire of the slave advanced in price approximately in proportion to the increasing value of slave property. Excepting in the earlier part of this period,[82] negroes seem to have been hired almost entirely by the year, without reference to the busy planting and harvest seasons or to the slack months when their possession must have been a burden. Some were even hired for terms of years.[83] This well illustrates the weakness of the entire slavery system. In addition to the cash paid by the hirer, he also furnished the slave with medical attention, food, and a customary amount of clothing. An old slave claims that the hired slave of western Missouri usually received two pairs of trousers, two shirts, and a hat the first summer, a

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[81] Law of January 23, 1829 (Session Laws of Missouri, 1828, ch. i, sec. 1). The slaves of estates in probate or of minor orphans were to be hired to the highest bidder once each year at the court house door where the administrator or guardian resided, unless the court otherwise directed. The former was to give twenty days' notice of such hiring of slaves at the court house and at two other places in the county. No private hiring of slaves belonging to such estates or such minors was allowed, the penalty being five hundred dollars. An example of one of these published notices is found in the Farmers' and Mechanics' Advocate (St. Louis) of February 20, 1834: "By order of the Court there will be hired to the highest bidder, for the term of one year, at the court house door in the City of St. Louis, on the first day of March next, Two Negro Men, belonging to the estate of William C. Fugate, deceased. Bond and approved security will be required for the payment of the hire and redelivery of said negroes. Isaac J. Price, Admr." But slaves were privately hired as the law provided. The probate court of Saline County on February 5, 1860, "ordered that McDowell, Poage and Maupin as administrators of the Estate of Samuel M. McDowell, deceased, hire publically or privately the slaves belonging to said Estate" (MS. Probate Records, Saline County, Book G [1859–66], p. 111).

[82] The following advertisements show that in the early days slaves were at times hired by the month: "Wanted, To hire, by the month an industrious negro man" (Missouri Herald, September 4, 1819); "A NEGRO WOMAN . . . may be hired at $6 per month" (Missouri Intelligencer, November 25, 1823). R. H. Williams, en route from Virginia to Kansas in 1855, hired his three slaves in St. Louis by the week (With the Border Ruffians, p. 64).

[83] The following advertisement is found in the St. Louis Enquirer of May 24, 1820: "FOR SALE, Four negroes for the term of four years each, from the 1st of August next. . . . Also two others for 2 years each. . . . W. Brown."

coat and a pair of trousers in the winter, and two pairs of trousers the second summer.[84]

The yearly hiring price of the slave was of course dependent on the nature of the work and on the character, sex, age, and individual strength of the negro.[85] The rate steadily increased till the Civil War. A number of figures were obtained by the author from old Missouri masters and slaves which are very similar to those obtained from the county records and other sources.[86] The market rate for

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[84] "Uncle" Peter Clay of Liberty. He adds that the slave was clever enough to go to his new employer in his worst rags in order to get the full quota of clothing.

[85] The hirer often demanded good references as to the slave. This form of advertisement is frequently found: "WANTED TO HIRE, A healthy, sober, and industrious Negro Woman . . . one that can be well recommended" (Jeffersonian Republican, May 28, 1836).

[86] Mr. Hunter B. Jenkins of St. Louis, formerly of Lexington, said: "Many slaves received from $15 to $20 per month and board and clothing as farm hands, and from $20 to $30 as roustabouts on the river." Major G. W. Lankford of Marshall stated that most slaves hired for from $150 to $250 as hemp hands, many bringing $200. "Good livery-stable hands brought from $200 to $250," said Captain J. A. Wilson of Lexington. "Mechanics received more. I knew a good carpenter whose master received $250 for his hire." Peter Clay of Liberty stated that his master hired him out as a general field hand at $175 per year. "Aunt" Melinda Sanders of Platte City said: "I was hired out by my mistress, a widow woman, for one dollar a week and had to keep house for a family of seven. I was fed very badly." Professor Peter H. Clark, formerly of the Colored High School of St. Louis, said he knew of slaves who paid their masters several hundred dollars for the master's share of the yearly hire. General Haskell of Kansas says that he knew a trusty negro who returned to his Missouri master with $150 in gold as the latter's share of his earnings, and that this was an "exceptional but not an isolated case" (p. 32). The Reverend William G. Eliot in an article of unknown date wrote that in St. Louis "prime male house servants received $150 per year and females $75 per year and in the country slave labor appeared equally unprofitable, $100 on an average being received by the owner for the hire of his best field hands," while free labor could be had for $10 per month and no clothing (C. C. Eliot, William Greenleaf Eliot, p. 142). In the History of Lewis, Clark, Knox, and Scotland Counties it is stated that in northeast Missouri a good man hired for about $250 a year with specified clothes, food, and so on. "In case of sickness his owner usually took care of him and paid the doctor's bills" (p. 630). In many cases, however, the hirer paid the bills in case the slave was sick, unless the illness was more or less permanent. Mr. William M. Paxton, the historian of Platte County, now in his ninety-sixth year (1913), was interviewed by the author at his home in Platte

slave hire is difficult to discover for a certain period because of the individual differences in the negroes. However, two papers found in the probate records of St. Louis show the ratio between the hiring price and the value in the year 1838.[87] The slaves were all men but one. Their ages, value, and annual hire were as follows:—

Name	Age	Value	Year's Hire
Solomon	22	$800	$119
Antoine	25	800	96
John	23	600	90
Bill	16	600	87
Henry	35	300	47
Edd	12	350	45
Frank	14	350	45
Lucy	10	300	15

For the closing years of the slavery period when negroes were considered gilt-edged property there are the following comparisons of the value and the hiring price in the rich river county of Boone. In 1858 a body of slaves were valued and hired as follows by the probate court of that county:—[88]

Name	Value	Year's Hire
Men—Charles	$1200	$194.00
Jack	1200	190.00
Sam	1100	176.00
Stephen	1200	150.00
Bob	1000	132.50
Joe	1000	120.00
Fil	800	105.00
Elijah	800	101.00
Ben	600	22.00
Women—Palma	$ 900	$ 83.00
Lizzy	300	52.00
Ann, and child	500	46.00
Amy, and child	1000	41.00

City on August 1, 1912. In describing the hemp culture he stated that he remembered that $200 was frequently paid as the annual hire of a good hemp-breaking negro.

[87] These figures are taken from papers of the Estate of Thomas Withington. The ages and values are given in the Bill of Appraisement, filed June 14, 1838, p. 12. The hiring price is found in the Bill of Sale, pp. 14–15 (MS. Probate Records, St. Louis, Estate no. 1374).

[88] MS. Probate Records, Boone County, Inventories, Appraisements, and Sales, Book B, pp. 87–89. Appraisement filed December 30, and Sale Bill December 31, 1858.

Name	Value	Year's Hire
Mary, and child	1100	35.00
Nancy	500	18.00
Alsey	550	16.00
Milly	500	10.00
Lucy, and Servis, her husband.	10	.50

From the above figures it will be seen that in the case of the men the rate was between one seventh and one eighth of the valuation, or about fourteen per cent. The hire of the women averaged only about one sixteenth of the value. This difference was caused largely by the fact that in three cases the children were taken with the mothers; these, unless they were fairly large, would be an expense to the hirer and would demand some of the mother's time. Roughly, the hiring price was in proportion to the valuation. Fourteen per cent hardly seems an excessive rate for a developing country famous for its fertility when we consider that the owner must subtract taxes, wear and tear, risk of escape, and permanent injury if received through no fault of the hirer. He had also to figure on the deterioration in value and the approaching old age of the slave, whom he must support when past working.[89]

In Saline County a slave named Cooper was hired for $231 in 1857, the following year for $200, and again in 1859 for $190.[90] Cooper was a valuable negro and Saline a rich county.[91] For the above three years Cooper's hire

[89] The owner's risk by disease is well illustrated by the following letter: "Sister . . . desires me to say that Dr. Johnson was to see the Negro Woman Elinzra & pronounces her not worth a Cent as she is deformed & diseased in several ways & thinks it will in all probability terminate in Consumption" (MS. J. L. Talbot to S. P. Sublette, dated St. Louis, October 1, 1854, Sublette Papers). The present writer looked into the question of the insurance of slave property. Several of the oldest insurance men of St. Louis remembered nothing of the kind. Mr. Martin J. Hubble of Springfield, who well remembers slavery days and who has long been in the insurance business, said, "No, slaves were never insured." But the contract quoted on page 221 of this study implies that it might have been done at times.

[90] Estate of Jas. D. Garnett, MS. Probate Records, Saline County, Inventories, Appraisements, and Sales, Book 1, p. 606, filed April 5, 1860.

[91] Major G. W. Lankford of Marshall stated that Cooper was a valuable negro.

averaged $207, or $17.25 per month. In comparison with this figure, it is found that in the adjoining river county of Cooper the average monthly wage of a white farm hand with board was $10 in 1849–50,[92] and in St. Genevieve the average was $12 a month in 1859–60.[93] Even admitting that the above-named slave lived in a very wealthy county, his hire seems liberal, especially so when it is remembered that in addition he was fed, clothed, and given medical attention. Except for the ever-threatening danger of escape, the western Missouri slaveholder must have had a good investment in the ownership of a slave like Cooper from his fifteenth to his fiftieth year, yet the cost of his raising must have been heavy. The risk of absconding, injury, and future decrepitude of a slave were stalking menaces which the easy-going slaveholder could not escape but apparently did not always consider.

The hiring price of female slaves has been referred to in the preceding pages. It was considerably less than that of the men because their labor was less productive. The loss of time resulting from the birth and rearing of children was also an item which was not overlooked. The German traveller, Graf Adelbert Baudissin, claims that in the early fifties a negress was worth from $500 to $700 and was hired for from $40 to $60.[94] In some cases a high price was paid for a negress who was competent. Just before the Civil War a former citizen of Franklin County hired a negress as cook and housekeeper for $150.[95]

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[92] MS. Census Enumeration, Cooper County, 1850, Schedule no. 6.

[93] MS. Census Enumeration, St. Genevieve County, 1860, Schedule no. 6.

[94] Der Anziedler in Missouri Staat, p. 56. His book was published in 1854. A woman was hired in 1834 for $42 (Blanton v. Knox, 3 Mo., 241), and one in 1839 for $40 (MS. Probate Records, St. Louis, Estate of John W. Reel, Estate no. 1359. paper filed March 11, 1840). As late as August, 1863, a negress was hired in Lafayette County for $40 (MS. Probate Records, Lafayette County, Estate of Jas. H. Crooks, Inventories, Book D, filed August 3, 1863). From the context it appears that in case the slave escaped during the turmoil of the War the time was to be deducted.

[95] Mr. George F. Shaw of Independence, formerly of Franklin County.

A contract for slave hire was protected on both sides by the law. If a slave was hired for a year and died within that time, the hirer was bound for payment only to the time of the slave's death.[96] If the hirer caused the slave's death by his cruelty, he was responsible to the owner for the value of the negro and was subject to criminal prosecution as well.[97] Should a slave, hired without the owner's consent, be killed while so employed, though by no act of the employer, the latter was responsible.[98] It was held as early as 1827 that "the law is that if the . . . covenanter disable himself by his own act [in injuring a hired slave] to perform his covenant . . . this shall not excuse his own performance" to pay for the hire of the slave.[99] The sickness of a hired slave might cause trouble. One case was found in which the hirer attempted to return the negro to the owner before the contract had expired.[100]

The hirer was bound to take reasonable care that the slave did not escape. He was honestly to endeavor to recapture a fugitive whom he had hired.[101] Because of the precarious position of Missouri's slave property the owner took considerable risk in hiring his negro as a hand on a Mississippi River boat.[102] Concerning such a case the supreme court in 1847 instructed a jury as follows: "The jury is authorized

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[96] Dudgeon v. Teas, 9 Mo., 867. A statement of this case as it appeared before the Warren County circuit court can be found in the Jefferson Inquirer (Jefferson City) of October 2, 1845. The supreme court confirmed the lower decision.

[97] Adams v. Childers, 10 Mo., 778.

[98] Garneau v. Herthel, 15 Mo., 191.

[99] Mann v. Trabue, 1 Mo., 508.

[100] On April 4, 1853, Theodore La Beaume wrote Solomon J. Sublette: "Your boy George that I hired last January at the Courthouse, I believe has strong Symptoms of Consumption and if not taken from hard work will not last long. . . . So says the Doctor, as long as he is exposed. I am willing to give him up, and I think that it will be to your advantage as well as his to have him under your immediate charge" (MS. Sublette Papers).

[101] Elliott v. Robb, 6 Mo., 323. This opinion was also followed in Perkins v. Reeds, Admr., 8 Mo., 33, and in Beardslee et al. v. Perry et al., 14 Mo., 88. In case a slave committed a crime while in the service of the hirer "the owner and not the temporary master of the slave . . . is the proper person to pay the costs of conviction" (Reed v. Circuit Court of Howard County, 6 Mo., 44).

[102] Merrick, p. 64.

to consider the peculiar circumstances of the country, the vicinity of the city of St. Louis . . . and Missouri to free States, the difficulties of retaining negroes in slavery, the age, character, sagacity, color and general appearance of the negro.... Where a slave is hired as a boathand, we must presume that the owner is fully aware, that every facility for escape is afforded by the very nature of the service. . . . Does the owner expect, that in case his slave escapes, whilst the boat is . . . putting off freight . . . the captain and crew will relinquish the boat, or abandon the trip for the purpose of hunting up the slave?"[103]

There were apparently many careless masters and numerous wandering slaves in the State at times, despite the laws passed to prevent the practice mentioned above. The Code of 1804 provided that an owner should be fined thirty dollars for allowing his slave to go about as a free man and hire himself out. If a negro was permitted to so hire his own time, he could be sold by the sheriff at the next term of court, after being advertised at the court-house for twenty days.[104] The Code of 1835 fined an owner from twenty to one hundred dollars for hiring a slave to another slave or suffering him to go at large and hire himself out.[105]

Cases occurred where persons were fined for violating this law. In 1860 one R. Schooling was fined twenty dollars in Boone County for "hiring a slave his time."[106] The following entry appears in the circuit court records of St. Louis for 1832: "Sam a Negro Man Slave who is in the custody of the sheriff on charge of having hired himself out contrary to the statute in such cases made and provided, being now brought before the court . . . it is ordered by the court that therefore said slave Sam be discharged from custody on the charge aforesaid and that the court do further order that Smith the person in whose service he

[103] Perry and Van Houten v. Beardsley and Wife, 10 Mo., 568.
[104] Territorial Laws of Missouri, vol. i, ch. 3, secs. 18, 19.
[105] Revised Laws, 1835, p. 581, art. i, sec. 7; reenacted February 15, 1841 (Session Laws, 1840, p. 146, sec. 1).
[106] The State v. R. Schooling, MS. Records, Boone County Circuit Court, Book H, p. 169.

now is do pay the costs of this proceeding and those incurred in consequence of his arrest and imprisonment."[107]

From an early date this law seems to have been hard to enforce. The press and the public continually complained of its non-enforcement to the detriment of the negro and the danger of the community.[108] A St. Louis editorial of 1824, after quoting the law, explains the real or supposed seriousness of this custom as follows: "The reasons for this enactment are obvious: and the reasons resulting from the neglect to enforce it are already severely felt. Slaves hiring their own time of their masters, as is the case in numerous instances, take upon themselves at once the airs of freemen and often resort to very illicit modes to meet their monthly payments. . . . They become unsteady and vicious, and corrupt their associates, and perhaps at length resort to theft as an easier mode of paying their masters. This practice, is in fact, one principal source of the irregularity and crimes of slaves in this place."[109]

At a mass-meeting of St. Louis citizens, held October 31, 1835, there were drawn up a series of resolutions which show the magnitude of the problem as contemporaries viewed it. "Resolved, That no slave should be suffered to live or dwell in this city or county at any place other than the same lot or parcel of ground on which his owner . . . shall reside. . . . Resolved, That this meeting view the practice of slaveholders hiring their slaves their time, one of the greatest evils that can be inflicted on a community in a slave State." The committee on abolition was given power to see that the practice was stopped.[110] A Columbia

[107] MS. Records, St. Louis Circuit Court, vol. 6, p. 301.

[108] Governor Dunklin in his message to the General Assembly of November 8, 1834, said: "I lay before you a presentation of a grand jury in the County of St. Louis. So much of it as relates to free negroes; . . . and slaves hiring their time of their owners, is entitled to your consideration" (Senate Journal [Journals of the General Assembly of Missouri, House and Senate Journals], 8th Ass., 1st Sess., p. 20). Perhaps this advice resulted in the above provisions in the Code of 1835.

[109] Republican, July 19, 1824.

[110] Daily Evening Herald and Commercial Advertiser (St. Louis), November 3, 1835, resolutions no. 10, 18, 19.

editor in 1856 complained that the law covering this point was "frequently violated." Its enforcement was demanded.[111]

It is quite evident that the Missouri slave-master indulged his bondman in many ways. It would have been a hardship to the negro to have hired him at a distance from his family. The hirer often allowed him to return to his owner's plantation at night, but if working at some distance the slave was able to return home only over Sunday.[112] A traveller states that a slave was often given a horse on which to visit his family and in some cases his prospective wife.[113] These favors could but have made the lot of the slave easier and his contentment and faithfulness more assured.

No question concerning slavery is more difficult to handle than the value of slave property. The selling price of individual negroes and of lots of them can be found in the county records and in the newspapers, but to generalize on these figures for any one period or to compare values in different periods would be most misleading. For example, if a male slave twenty years of age sold for $500 in 1820 and another of the same age sold for $1400 in 1860, little is learned. The first negro may have been less healthy, less tractable, and less intelligent than the other. Therefore the difference of $900 could not represent the general rise in prices or the increased value of slave labor. To illustrate this point concretely, two slaves were sold in Ray County in 1854; both were twenty-six years of age, yet one brought $1295 and the other $670.[114] This shows how unsafe it is to compare specific sales.

On the other hand, by comparing the prices brought by bodies of negroes about the same age and in the same

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[111] Weekly Missouri State Journal (Columbia), February 7, 1856. The charter of Carondelet of 1851 empowered the city council "to impose fines, penalties and forfeitures on the owners and masters of slaves suffered to go at large or to act or deal as free persons" (pamphlet, art. v, sec. 21).

[112] Statement of Mr. Hunter B. Jenkins of St. Louis.

[113] Baudissin, p. 56.

[114] Notice of the sale of the slaves of the estate of Thomas Reeves (Richmond Weekly Mirror, January 5, 1855).

locality an approximately sound conclusion is reached. In general it can be said that there was a gradual rise in slave values up to the Civil War. It was exceptional indeed when a negro brought over $500 before 1830.[115] A prime male servant from eighteen to thirty-five years of age was in this early period worth from $450 to $500, and a woman about a fourth less.[116] When Auguste Chouteau's negroes were appraised in 1829, the eleven men among them who were between the ages of sixteen and thirty-five averaged $486.35 each, the highest being valued at $500 and the lowest at $300. The eleven women between the ages of sixteen and thirty-nine averaged $316.35, the highest valuation being $350 and the lowest $130.[117]

From the third decade of the century on there is an increase in value. Men brought considerably more by the late thirties. In 1838 prime hands were bringing from $600 to

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[115] The following representative examples of slave values of the territorial period are found in the St. Louis probate records. In the will of the Widow Quénel of March, 1805, four slaves are listed and valued as follows: two women at 376 and 641 "piastres" respectively; Sophie, aged 13, at 900 piastres, Alexander, aged 5, at 300, and a cow at 10 piastres. If the latter was a normal animal, some idea may be had of the comparative value of the negroes (MS. Probate Records, Estate no. 7). Joseph Robidoux's estate was probated in August, 1810. His slaves were listed as follows: Felecite with child at breast, 300 piastres, her daughter 8 years old, 150, a girl of 6, 125, and "Une autre petite Negrette" 100 (ibid., Estate no. 59). In 1817 the following values were attached to slaves in Cape Girardeau County: two men, $900, woman and two children, $800, woman and child, $550, woman, $350, and five men, $2700 (MS. Probate Records, Cape Girardeau County, Appraisement of the Estate of Elijah Betty, filed June 2, 1817, Estate no. 628). H. R. Schoolcraft, writing in 1820 or 1821, stated that a good slave sold for $600 in Missouri (Travels in the Central Portion of the Mississippi Valley, p. 232).

[116] In 1830 the following values were given in St. Louis: Charles, aged 32, $450; Anthony, aged 30, $400; Antrim, aged 24, $450; Allen, aged 24, $500 (Estate of John C. Sullivan, MS. Probate Records, St. Louis, Estate no. 882, Appraisement filed October 9, 1830). The appraisement values correspond very closely with the amounts received at the sales; in some cases slaves sold for more than the appraisal value and in others for less. In Pike County in 1835 a negress aged 22 years and her three children aged 4 years, 3 years, and 3 months respectively, sold for $650 (MS. receipt of sale, dated May 2, 1835, Dougherty Papers).

[117] MS. Copy of Appraisement, dated May 11, 1829, in the Missouri Historical Society.

$900 in St. Louis.[118] Up to 1840 female slaves were worth from $300 to $350 when men were bringing from $500 to $600. Children from two to five years of age were sold for from $100 to $200. In St. Louis, Thomas Withington's slave children were appraised as follows in 1838: Frank, aged 14, $350; Lucy, aged 10, $300; Sophia, aged 5, $200; Charlotte, aged 3, $100; Harriet and Jane, aged 2, $75 and $100 respectively.[119] In the same year W. H. Ashley's women and children were valued as follows: Berril (boy), aged 12, $350; Celia, aged 9, $250; Lucy, aged 9, $250; Catherine, aged 7, $200; and Betsy, aged 30, and her infant son, $500.[120] The above are representative prices for the forties. At Marshall, Thomas Smith's women and children were valued as follows in 1844: Harriet, aged 32, $300; Patsy, aged 22, $350; Wilson, aged 8, $200; Lizzy, aged 3, $125; Betty, aged 2, $150; Emiline, aged 1, $75, and Leah, aged ten months, $75.[121]

The golden age of slave values is the fifties. The prime male slave of Missouri in 1860 was worth about $1300 and the negresses about $1000. The fabled $2000 negro is found more often in story than in record. "Uncle" Eph Sanders of Platte City, still a very intelligent and powerful negro, claims that his master refused $2000 for him in 1859 when he was twenty-three.[122] Contemporaries, however, place the normal limit at about $1500. Mr. Paxton says that stout hemp-breaking negroes "sold readily for from $1200

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[118] The estate of Thomas Withington received $800 each for two men, aged 22 and 25, and $600 each for one 23 and one 16 (MS. Probate Records, St. Louis, Estate no. 1374, Bill of Sale dated June 14, 1838). This same year a man of 21 brought $650, and one 35 sold for $900 (ibid., Estate of W. H. Ashley, Estate no. 1377, Inventory and Appraisement, filed June 20, 1838). In 1844 in Saline County good hands sold at about the same figures. Thomas A. Smith's blacks were valued as follows: $500 each for three men, $550 each for two others, and one for $600 (MS. Probate Records, Saline County, Box no. 248, Inventory and Appraisement filed November 11, 1844).

[119] MS. Probate Records, St. Louis, Estate no. 1374.

[120] Ibid., no. 1377.

[121] MS. Probate Records, Saline County, Box no. 248.

[122] Mr. Hunter B. Jenkins of St. Louis claims that in the late fifties a good sound black brought from $1500 to $2000.

to $1400" in the heyday of Platte County hemp culture.[123] Dr. John Doy asserts that one sold in Weston in the late fifties for $1800.[124]

Although the above figures may be exceptional, there is plenty of evidence that negroes were very valuable in these years. In 1854 the slaves of Thomas Reeves were sold in Richmond for fine prices. The ages and prices of these negroes were as follows:—[125]

Sex	Age	Value
Man	23	$1440
Man	26	1295
Man	23	1245
Man	40	1115
Man	31	911
Man	33	904
Man	26	670
Man	58	115
Boy	13	851
Boy	14	825
Boy	11	795
Boy	13	775
Woman	49	510
Girl	12	942

[123] P. 37. G. B. Merrick says that while he was on the Mississippi as a boatman in the late fifties, a male slave sold for from $800 to $1500 (p. 64). At the Lexington Pro-Slavery Convention of 1855 President James Shannon of the State University declared that the average Missouri slave was worth $600, and that field hands "will now readily sell for $1,200" (Proceedings of the Convention, p. 7).

[124] P. 59.

[125] Richmond Weekly Mirror, January 5, 1855. One thousand to $1200 seems to have been the common figure for good men in the late fifties. In 1858 in Boone County four men were valued at $1200 each, one at $1100, and another at $1000. Two women were rated at $900 each (MS. Probate Records, Boone County, Inventories, Appraisements, and Sales, Book B, pp. 87–88, filed December 30, 1858). The following year in Greene County two men were valued at $1100 each (MS. Probate Records, Greene County, Inventories and Appraisements, Book A, p. 31, Estate of Jonathan Carthel, filed August 4, 1859). In 1860 in the same county a man was rated at $1200 (ibid., p. 160, Estate of Jacob Rodenkamer, filed May 18, 1860). The same year a woman was sold for $1100, and two men for $1150 and $1260 respectively (ibid., p. 202, Estate of James Boaldin, Sale Bill not dated). In Henry County in 1860 a man aged 29 was valued at $1250, a girl of 12 at $1000, one of 15 at the same figure, a girl of 9 and two boys of 7 at $800 each. A boy 5 years old was valued at $600 (MS. Probate Records, Henry County, Inventories, Appraisements, and Sales, p. 126, Estate of A. Embry, filed September 26, 1860).

In the same issue of the Richmond Weekly Mirror which published the above items there is an account of the disposal of the negroes of Charity Creason, which were sold on January 1, 1855. They brought the following prices: a man aged 23, $1439; another aged 38, $1031; a woman aged 26 and her 18-months child, $1102.50; a girl of 3, $400, and a woman of 59, $1.

During the middle and late fifties all classes of negroes were priced high. In 1856 a lot of children was sold as follows: a boy of nine for $550, one of seven for $500, and another of five for $300.[126] A Saline County inventory of 1859 shows what good prices negroes in general were commanding in the closing years of the slavery regime:—[127]

Name	Age	Value
Henry	17	$1300
Daniel	36	1200
George	13	950
Stephen	8	650
Addison	8	550
Thomas	5	440
Ellen	20	1300
Mary, 21, and child of 14 mos.		1250
Susan	15	1150
Eliza	17	1050
Francis	10	800
Minerva	12	800
Marie, 35, and son, 18 mos.		775
Delia	46	500
Marie	7	625
Julia	4	400
a girl	6 mos.	50

Top prices are found in Boone County, where in 1860

[126] Estate of Benjamin Moberly (MS. Probate Records, Saline County, Appraisements, and Sales, 1855–61, vol. i, pp. 118–119, filed January 26, 1856). At Hannibal on April 15, 1855, a girl of 9 sold for $450, and a boy of 4 for $321 (Weekly Pilot [St. Louis], April 21, 1855).

[127] Estate of H. Eustace (MS. Probate Records, Saline County, Appraisements, and Sales, 1855–61, vol. i, pp. 602–603, filed April 4, 1859). In this same year two men (age not given) were appraised in Saline County at $1300 each, and another at $1100. A mother and child were together valued at $1100 (ibid., Estate of Samuel M. McDonald, Box no. 169, Inventory filed November 20, 1859). In these records there are many similar valuations.

George W. Gordon's blacks received the following valuations:—[128]

Name	Age	Value
Lou	25	$1500
Horace	30	1500
Charles	34	1600
Roger	36	1500

It appears from the foregoing pages that the highest official value placed upon a negro man was $1600, and upon a woman $1300. A difficulty in finding the exact price of slave women is that the small children are often included with them.

When the Civil War opened and escapes became more numerous, the values of slave property began to decline. Compared with the above figures there is the following appraisement of the estate of Lawson Calvin of Saline County, filed July 11, 1861, after the War had engulfed the State in a torrent of strife:—[129]

Name	Age	Value
Lewis	18	$800
George	12	600
Narcissa	16	600
Lewis	47	500
Henry	7	300
Mag	40	275

Nevertheless, it is surprising to note how slave values persisted during the Civil War. The prices kept fairly high, as the probate records of Lafayette, Missouri's greatest slave county, bear witness. Two men were actually appraised at $1100 and $800 respectively, and a woman at $1000, in November, 1861.[130] In January, 1862, one woman was in-

[128] MS. Probate Records, Boone County, Inventories, Appraisements, and Sales, Book B, p. 287, filed December 25, 1860). In 1859 William W. Hudson's negro named Beverley, aged 29, was valued at $1500, three other men at $1200 each, and four men at $1000 each (ibid., p. 170, filed September 12, 1859).

[129] MS. Probate Records, Saline County, Inventories, and Appraisements, 1855–61, vol. i, p. 677. The appraisement of the estate of Elizabeth Huff of July 7, 1861, bears similar testimony to the effect of the War on slave property (ibid.).

[130] The Estate of Colonel John Brown, Appraisement filed November 18, 1861 (MS. Probate Records, Lafayette County, Inventories, Appraisements, and Sales, vol. ii, p. 24).

ventoried at $650 and another at $550, and a boy of seventeen at $650, while one of eleven was rated at $500.[131] By the last of July, 1863, the price had further decreased, but although Gettysburg had been fought and Missouri was overrun by bushwhackers, values did not fall as much as one conversant with conditions in the border States might expect. In the above month two women aged twenty-three and sixteen were appraised at $300 each, and a boy of eighteen at $400.[132] Slave property was not merely appraised this late. On June 3, 1863, the negroes of Samuel F. Taylor of Lafayette County were actually sold as follows: Amanda, $380; Milky (girl), $370; Jack, $305; Georgetta, $300; William, $250; Eunis, $200; and Sam, $200.[133] There was an appraisal of an estate in Lafayette County made on October 2, 1863, but the slaves were not assigned value.[134] Over a month later, on November 5, 1863, negroes were still appraised, but this is the last official valuation of slave property in Lafayette County records. On that date a "boy" named Charles was appraised at $300 and a girl of fourteen at $200.[135]

The total value of slave property is of course very difficult to estimate. Contemporaries were far from agreeing on this point. For instance, in 1854 John Hogan of the Republican, in an article which was intended to boom St. Louis and Missouri, placed the average value at $300.[136] In contrast with this low estimate, the "Address to the People of the United States," prepared by a committee of the Lexington Pro-Slavery Convention of 1855, valued the 50,000 slaves of western Missouri at $25,000,000, or $500

[131] Estate of John D. Bailey, Inventory filed January 2, 1862 (ibid., p. 18).

[132] Estate of Randell Latamer, Appraisement filed July (?), 1863 (ibid., p. 261).

[133] Estate of Samuel F. Taylor, Bill of Sale filed June 6, 1863 (MS. Probate Records, Lafayette County, Inventories and Sale Bills, Book D, p. 69). Several slaves appraised in the early part of this year are found in these records. The values show a gradual decline.

[134] Estate of Western Woollard (MS. Probate Records, Lafayette County, Inventories, Appraisements, and Sales, vol. ii, p. 267).

[135] Estate of F. U. Talliferro (ibid., p. 262).

[136] Thoughts about the City of St. Louis . . . pamphlet, p. 65.

each.[137] Governor Jackson in his inaugural address of January 3, 1861, estimated the 114,931 slaves of the State to be worth $100,000,000.[138] Of course the governor was speaking in general terms, but his average would be nearly $700 a slave.

The above figures are in excess of those given by the county assessors of the period. Tax values are usually considered lower than market values. The Jackson County tax average for 1860 was $438.05 per slave,[139] and that of Boone County $372.30.[140] The average in Pike County in 1859 was $434.78.[141] In 1856 in Buchanan County it was $450.92,[142] and that of the 170 slaves of its county seat, St. Joseph, was $434.70.[143] Evidently the assessors of the various counties had no uniform standard in rating negroes, but despite the fact that the figures vary they show at least that slave property was increasing in price. In 1828 the 239 slaves of Lafayette County were taxed at an average of $249.68.[144] This is at least a third less than the average rate in the counties above mentioned in the years around 1860. At the same time, in comparing these values the decreasing purchasing power of money should be taken into consideration.

A very bitter experience which the slave might at any time be forced to undergo was his removal to a strange region far from his wife or children or old associations.

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[137] Proceedings of the Convention, p. 3, or in the Weekly Missouri Sentinel (Columbia), October 5, 1855. This address was signed by W. B. Napton, Governor Sterling Price, and others.

[138] Pamphlet, p. 7.

[139] MS. Tax Book, Jackson County, 1860: 3316 slaves, tax value $1,452,591.

[140] MS. Tax Book, Boone County, 1860: 4354 slaves, tax value $1,721,000.

[141] MS. Tax Book, Pike County, 1859: 3733 slaves, tax value $1,623,085.

[142] MS. Tax Book, Buchanan County, 1856: 1534 slaves, tax value $691,825.

[143] M. H. Nash, city registrar, valued the 170 slaves of the town at $73,900 (St. Joseph Commercial Cycle, September 7, 1855).

[144] The History of Lafayette County (St. Louis, 1881), p. 306. The total valuation was $59,665, as copied by the author of the above work from the tax book.

This disruption of the negro family was entirely dependant upon the humanity of the individual owner. The sale of the slave to be taken south was known in Missouri as in the other border States, but the Missourians deny that it was ever practised save where financial reverses, an excess of hands, or a chronic spirit of viciousness or of absconding on the part of the slave made it necessary.[145] Whether to mollify the new antislavery party which developed during the Compromise struggle, or whether through pure conviction, the constitution of 1820 provided that the legislature might pass laws to prohibit the introduction of slaves into the State as "an article of commerce."[146] The provision was not taken seriously, and the General Assembly never acted upon the suggestion.

The slave-trader is generally pictured as the brutal, conscienceless, evil genius of the slavery system, detested even by those with whom he dealt. In Missouri he held no very enviable position. "Slavetraders and whiskey-sellers were equally hated by many," wrote one antislavery clergyman of St. Louis,[147] while another maintained that "large fortunes were made by the trade; and some of those who made them were held as fit associates for the best men on 'change'."[148] Dr. John Doy, the Kansas abolitionist, who had a personal grievance against the Missouri slaveholder, claimed that General Dorris, whom he described as a brutal dealer, was highly respected and "belonged to the aristocracy of Platte county."[149] Some of the slaveholders who were interviewed

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[145] "I never heard of any Missourian who consciously raised slaves for the southern market. I feel sure it was never done," said Ex-Lieutenant-Governor R. A. Campbell of Bowling Green. Mr. Robert B. Price of Columbia denied that slaves were consciously bred for the southern market. Mr. J. W. Beatty of Mexico stated that there was a general feeling that the sale of negroes south was not right. Letters from old residents and slaveholders in all parts of the State deny that in Missouri, at least, slave breeding was ever engaged in as the antislavery people so often charged. The better classes at any rate frowned upon the practice.

[146] Art. iii, sec. 26.

[147] G. Anderson, The Story of a Border City During the Civil War, p. 171.

[148] W. G. Eliot, The Story of Archer Alexander, p. 100.

[149] P. 59.

declared that the slave-trader and the saloon-keeper were tolerated as necessary evils, but that they were personally loathed and socially ostracised. Others, however, stated that it was a question of the individual trader, some being liked and some disliked.[150]

If the slave-trader was a hard man and detested, he at least had the satisfaction of knowing that the wisest and gentlest of men would be hated by many if plying his trade. The very nature of the business made it contemptible. If the Missouri system was as patriarchal and the tie between master and man as close as one is led to believe they were, the dealer who higgled and bargained even for the most unruly servant must have been disliked. This feeling would naturally be enhanced if financial reverses compelled the sale of family slaves.[151]

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[150] Captain J. A. Wilson of Lexington declared that slave-traders were considered worse than saloon-keepers, many of them about Lafayette County being gamblers. Mr. R. B. Price of Columbia stated that they were considered a questionable class in Boone County. Messrs. J. H. Sallee and J. W. Beatty of Mexico said that like any other class of people some were respected and some were detested. James Aull of Lexington, a prominent merchant and slaveholder, wrote in 1835: "A traffic in slaves we never could consent to embark in. No hope of gain could induce us to do it . . . we entirely and forever abandon the least share in the purchase of Negroes for Sale again" (MS. Aull to Siter, Price and Company of Philadelphia, June 15, Aull Papers).

[151] Many dealers were undoubtedly brutal men. An escaped Missouri slave later wrote that he was once hired to a dealer named Walker who collected Missouri slaves for the Gulf markets. This Walker forced a beautiful mulatto slave into concubinage, and years after sold her and his four children by her into slavery before marrying a white woman (W. B. Brown, Narrative of William B. Brown, A Fugitive Slave, p. 47). Once while on a negro buying expedition Walker was annoyed by the continual wailing of an infant in the gang. He seized it from the mother and ran into a wayside house with the child hanging by one leg. Despite the shrieks of the mother he gave it to a woman who thankfully received it. The gang then marched on to St. Louis (ibid., p. 49). John Doy says that while a prisoner in Platte City he met many brutal dealers. He thus describes a slave gang: "At midnight Gen. Dorris, his son and assistants came to the jail and ordered the slaves to get ready to leave. As it was quite cold a pair of sox were drawn over the fists and wrists of the men, in place of mittens, they were then hand cuffed together in pairs and driven into the street, where they were formed in marching order behind the wagons containing the women and children—some of the former tied with rope when considered unruly" (p. 64).

In addition to the vicious, the runaway, and the slave of the financially depressed owner, there was a surplus from the natural increase, and consequently a considerable amount of business in the local exchange of negroes existed. Besides this there was the itinerant buyer for the southern markets. The smaller towns seem to have been regularly visited, while the larger centers had permanent dealers. There were two such in Lexington in 1861, but they are said to have had difficulty in getting sufficiently large gangs to make the business pay.[152] There was at least one permanent firm of dealers in St. Joseph in 1856.[153] John Doy asserts that while he was imprisoned in St. Joseph many negroes were shipped from there to Bernard Lynch, Corbin Thompson, and other large St. Louis buyers.[154] Columbia and Marshall were regularly visited, and Platte City had quite a thriving trade.[155] John R. White of Howard County was a wealthy planter of good repute who dealt in slaves. He lived on a farm of 1053 acres and was taxed with 46 negroes in 1856.[156] The slave-trader, like the stock dealer, undoubtedly plied his trade wherever he could obtain his commodity.

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[152] Captain J. A. Wilson has a map of Lexington executed by Joseph C. Jennings in 1861. It also contains a business directory in which are given two slave-traders, A. Alexander at the City Hotel, and R. J. White at the Laurel Hotel. The latter, Captain Wilson remembers, had a three-story building which he used as a slave pen, but found it difficult to collect many negroes.

[153] Wright and Carter, who were "located permanently at the Empire on Second Street" (St. Joseph Commercial Cycle, August 15, 1856).

[154] P. 98.

[155] Mr. R. B. Price remembers that dealers came regularly to Columbia. "Uncle" Henry Napper said that buyers came regularly to Marshall and picked up unruly slaves and those of hard-up masters. John Doy wrote: "During our imprisonment [in Platte City in the late fifties] numbers of slaves were lodged in the jail by different traders, who were making up gangs to take or send to the south. Every slave when brought in, was ordered to strip naked, and was minutely examined for marks, which with the condition of the teeth and other details, were carefully noted by the trader in his memorandum-book. Many facts connected with these examinations were too disgusting to mention" (p. 59). J. G. Haskell states that unless unruly the slave had little danger of being sold to a distant market; "the oldest inhabitant remembers no such thing as a market auction block in western Missouri" (p. 31).

[156] MS. Tax Book, Howard County, 1856. Mr. George Carson of Fayette gave the above description of White's character.

St. Louis became a considerable center for shipping gangs down the Mississippi. One Reuben Bartlett openly advertised for negroes for the "Memphis and Louisiana Markets."[157] St. Louis was "fast becoming a slave market," wrote the Reverend W. G. Eliot, an antislavery clergyman, "and the supply was increasing with the demand. Often have I seen gangs of negroes handcuffed together, two and two, going through the open street like dumb cattle, on the way to the steamboat for the South. Large fortunes were made by the trade."[158] "I had to prepare the old slaves for the market," stated William Brown, a slave who worked for a trader on a boat from St. Louis south on the Mississippi; "I was ordered to have the old men's whiskers shaved off, and the grey hairs plucked out where they were not too numerous, in which case he [the trader] had a preparation of blacking to color it, and with a blacking brush we put it on. . . . These slaves were then taught how old they were . . . after going through the blacking process they looked fifteen years younger."[159] In one issue of the Republican three firms, perhaps to imply great prosperity or to outdo one another, advertised for five hundred, one thousand, and twenty-five hundred slaves respectively.[160]

The St. Louis Directory of 1859 lists two "Slave Dealers" among the classified businesses. These were Bernard M. Lynch, 100 Locust Street, and Corbin Thompson, 3 South Sixth Street.[161] The former may be taken as a

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[157] Republican, April 23, 1852.

[158] W. G. Eliot, p. 100.

[159] P. 43. Brown claims that "Missouri, though a comparatively new state is [1847] very much engaged in raising slaves to supply the southern market" (p. 81). On the other hand, the antislavery clergyman, Frederick Starr, said in 1853: "It is true that our papers are defiled by the advertisements of slave-traders, but they are few. Our Court-house witnesses the sale [of slaves] . . . and yet, this is emphatically a free city . . . most of the sales are for debt, or to close estates in accordance with the statute law" (Letter no. i, p. 8).

[160] Issue of January 7, 1854.

[161] Published by L. and A. Carr, p. 131. In the directory of 1859, published by R. V. Kennedy and Company, this same list appears, but Lynch's address is given as 109 Locust Street (p. 615). In a letter to S. P. Sublette of January 19, 1853, Lynch gave his address as 104 Locust Street (MS. Sublette Papers).

type of the great Missouri slave-dealer, who had his correspondents in the outlying parts of the State. His historic slave-pen in St. Louis was afterward used as a military prison.[162] Like other dealers, Lynch advertised his business in the newspapers, and posted in his office the rates and the conditions under which he handled negroes. This latter broadside placard read as follows:—[163]

"RULES

No charge less than one Dollar
All Negroes entrusted to my care for sale or otherwise
must be at the Risk of the Owners,—
A charge of 37½ cents will be made per Day for board of
negroes & 2½ per cent on all Sales of Slaves,—
My usual care will be taken to avoid escape, or, accidents,
but will not be made Responsible should they occur,—
I only promise to give the same protection to other negroes
that I do to my own, I bar all pretexts to want of diligence,
These must be the acknowledged terms of all Negroes found
in my care, as they will not be received on any other—
As these Rules will be placed in my Office, so 'That all can
see that will see.' The pretence of ignorance shall not be a
plea.

1st January 1858 B. M. Lynch
No. 100 Locust St."

Lynch could not have been the terror-inspiring ogre that the slave-dealer is usually pictured to be. On two different occasions slaves ran for refuge to his door.[164] Statistics of his business are also uncertain, for he was evidently clever enough to empty his "pen" on tax assessment day. In 1852

[162] An account of this building can be found in the Encyclopedia of Missouri History, vol. iii, p. 1333. There was also a slave-pen at Broadway and Clark Streets (J. L. Foy, "Slavery and Emancipation in Missouri," in ibid., vol. iv, p. 2079). Another was located at Fifth and Myrtle Streets (Anderson, p. 184). Lucy Delaney states that her mother was sold at an "auction-room on Main Street" (From the Darkness Cometh the Light, p. 22). Father D. S. Phelan of St. Louis remembers seeing slaves sold at the block on the northeast corner of Fifth and Elm Streets.

[163] Photo-facsimile copy in the Missouri Historical Society.

[164] On December 16, 1852, Lynch wrote Solomon P. Sublette, "Your negro woman Sarah came to the gate for admittance, she is here and will be held subject to your order, Very Respectfully B. M. Lynch" (MS. Sublette Papers). On January 19, 1853, Lynch wrote Sublette, "Your Negro woman with child rang about 4 oclock this morning for admittance and will be retained subject to your order" (ibid.).

Lynch was taxed on three slaves,[165] on the same number in 1857,[166] and on four in 1860.[167]

The slave-dealer had his own difficulties, and was perhaps a little prone to "horse-swapping" methods. His commodity at times fell back upon his hands. "I received your letter yesterday," runs a note from John S. Bishop to S. P. Sublette in 1854, "in reference to the negro Girl I sold you. I will be on my way South by the last of October . . . and will take the negro and pay you the money—Or if you should see my Bro. G. B. Bishop . . . he perhaps will pay you the money, and request him if he does to leave the girl at Mullhalls at the Stock Yards."[168] In February, 1855, Bishop again wrote Sublette: "I received yours of Feb 8 & was rather surprised . . . times is hard & money scares. I would of taken her as I was going South but do not want her now in hard times as Negroes have fallen. I bought her above here & Paid $600 for her as a Sound Negro & a very good one & will have My recorse where I bought her so you will know how to pro sede according to law."[169]

In some respects the slave-trade was unique. In the earlier days of the State the negro was frequently used as a medium of exchange in the purchase of land.[170] Some dealers bought both horses and slaves.[171] Others handled

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[165] MS. Tax Book, St. Louis City, 1852, Second District, p. 117.

[166] MS. Tax Book, St. Louis City, 1857, vol. ii, p. 96.

[167] MS. Tax Book, St. Louis City, 1860, Book L to O, p. 74.

[168] MS., dated Mexico, Missouri, September 26, 1854, Sublette Papers.

[169] MS., dated February 14, 1855, Sublette Papers. A guarantee of soundness for a slave sale reads as follows: "Franklin, County, Mo. March 1st, 1856. Received of Mr. Solomon P. Sublette Eight hundred and fifty dollars in full payment for a Negro Girl Eliza, aged seventeen years, the above described Negro girl I warrant sound in body and mind a Slave for life & free from all claims. . . . W. G. Nally" (ibid.).

[170] In the Farmers' and Mechanics' Advocate (St. Louis) of November 21, 1833, is an example of this. Such advertisements are common.

[171] Advertisement of George Buchanan in the Republican of March 19, 1849.

negroes, real estate, and loans.[172] In some cases slaves were taken on trial.[173] Some dealers sold negroes on commission, boarding them till sold at the owner's risk and at his expense.[174]

Many sorrows were undoubtedly borne by bereaved slave families and much misery was suffered by negroes at the hands of traders, but the master at times endeavored to make his departing bondman comfortable. In the Republican of January 7, 1854, may be read the following: "For Sale; A good negro man, 32 years old, and not to be taken from the city." In the same issue a dealer offered to find homes for negroes within the city or the State if requested. These provisions were either to prevent the separation of slave families or to insure the master that his negro would not be sold south.

The official negro auction block of St. Louis was the eastern door of the court-house.[175] Some of these sales, especially when negresses were on the block, may have been accompanied by obscene jibes and comment. The frequency of this is denied by contemporaries. "I have often," said a citizen of Lexington, "heard the auctioneer cry, 'A good sound wench, sixteen years old, good to cook, bake, iron, and work. Warranted a slave for life.' Crowds would flock to the court house to see the sight. I never heard or saw any indecency on such an occasion."[176] William Brown stated that it was not uncommon in St.

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[172] "I. B. Burbbayge, General Agent, and proprietor of the old established Real Estate, Negro, Slave, Money Agency and Intelligence Office, Third Street between Chestnut and Market streets" (Daily Missourian, May 1, 1845).

[173] This advertisement is found in the Richmond Weekly Mirror of October 20, 1854: "Negro Woman for Sale. . . . She can be taken on trial if preferred."

[174] See the advertisements of Blakey and McAfee (Republican, March 6, 1849); of B. M. Lynch (Daily Union [St. Louis], February 6, 1849); of R. Bartlett (Republican, January 7, 1854), and that of Wright and Carter (St. Joseph Commercial Cycle of August 15, 1856).

[175] Most of the notices of official slave sales state that the bidding would take place at the east door of the court house. Slaves were also sold at the north door (see this study, ch. vi, note 5).

[176] Captain J. A. Wilson.

Louis to hear a negress on the block thus described: "How much is offered for this woman? She is a good cook, good washer, a good obedient servant. She has got religion!"[177] Nevertheless, the slave traffic at its best was perhaps the worst feature of the system. Unruly slaves were continually threatened with being "sold south" as a means of encouraging industry or of enforcing discipline. Families were actually separated and obedient slaves often sold into a life of misery "down the river," either because of callousness on the part of the owner or because financial straits demanded it.[178] Many sad incidents occurred at the block. Children were at times wrung from their parents. Professor Peter H. Clark of St. Louis remembers a house on the southwest corner of Morgan and Garrison Streets in which lived a woman who bought up infants from the mothers' arms at the slave-markets of St. Louis and raised them for profit.

On the other hand, a little good was inadvertently done by some dealers. The story of the finding of Wharton Blanton's slave-pen near Wright City, Warren County, is most interesting. Certain mounds in that vicinity, some two score in number, were supposed to mark the resting-place of the members of some ill-fated Spanish expedition, or of an Indian tribe. Investigation was started and the mounds were opened, but the bodies encountered were found to be those of negroes Eventually it was learned that one

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[177] P. 83.

[178] Lucy Delaney states that she was continually threatened with being sold south. Her father was sent south despite the will of his late master. Lucy herself escaped this fate by hiding with friends in St. Louis (pp. 14, 22). Undoubtedly the sale of slaves was discouraged by the better classes. The following letter is dated St Joseph, November 26, 1850: "I must Know tell you what I have done with Kitty, I found her two expensive and I sold here for one hundred and fifty dollars which money started me House Keeping it was through necesity I sold here" (MS. Wm. S. Hereford to S. P. Sublette, Sublette Papers). The separation of families was also decried. "I have a Negro Woman in St. Louis," runs a letter of November 1, 1848; "she should remain [in St. Louis] if she prefers it—She may have a child or children, if so, dispose of the whole family to the same person" (MS. Captain G. Morris to W. F. Darby, Darby Papers).

Blanton had bought up diseased negroes about St. Louis and taken them to Warren County for recuperation. Those who died on his hands were buried in this mysterious cemetery.[179]

The incidental and often exceptional results of the system were juicy morsels for the antislavery agitators. The public too often generalized on these exceptions, which were perhaps only too numerous, but were not the normal conditions of slavery in Missouri.

Missouri as a slave State differed from others in many respects. As it is today, the State was then a vast region of unlimited resources both in minerals and soils. It was not homogeneous, but displayed a great variety of interests, of products, and of industries. As a slave State it was a region of small farms, small slave holdings, and relatively few slaves. All these conditions make it most difficult to reach a conclusion as to the profit or loss of the slavery system.[180] It must always be borne in mind that some farmers are good managers and can get a profit from almost any soil with almost any kind of labor, while others fail under the greatest advantages. The statement of a slaveholder pro or con must always be considered in connection with the personal equation.

When the question is asked, "Was slave labor a paying proposition in Missouri?" one of three things may be in mind: Was slave labor in Missouri as good an investment as it was in Texas, Georgia, or some other slave State? Was slavery in Missouri as profitable as white labor in Ohio, Iowa, or some other free State? Would free labor have

[179] This information was obtained by Mr. T. C. Wilson of Columbia, Missouri, who was one of the excavators of this cemetery. His knowledge of the traffic of Blanton was gained from old residents of the neighborhood. He also learned a great deal from Mr. Emil Pollien of Warrenton, Missouri, the present possessor of this property. According to Mr. Pollien's papers the land came into the possession of the Blanton family in 1829.

[180] When this study was begun the author hoped to arrive at a satisfactory conclusion as to the profitableness of slave labor in the State. The results have been disappointing.

brought greater returns to the Missouri farmer than did slave labor?

The first question is simply a comparison of slave labor under different conditions. It may well be doubted whether this could ever be answered. If the second is meant, it must be said that to come to any adequate conclusion the account books of hundreds of farmers of Iowa or Ohio ought to be compared with those of farmers of Missouri to find their profits and losses. There would have to be taken into consideration the differences in land values, interest rates, market prices, labor rates, cost of raising slaves and of clothing them, losses by escape, accident, and deterioration, and a mass of other facts. To begin with, few if any farmers ever kept such accounts, hence it is not difficult to see that the question is insolvable, or at least that any conclusion would be unconvincing to both friend and foe of the slavery system.

Likewise, if the questioner has in mind the comparative profits of slave and white labor on the same soil, the data are equally unresponsive. As already stated in another part of this chapter, white labor was not to be had in some counties and was scarce in all. To say that the farmer of Lafayette or Pike County was a poor manager in employing slave labor is unreasonable. Through tradition, through habit, through necessity, he used slave labor.

A large number of old slaveholders were asked the question, "Do you think that slavery paid in Missouri?" Four fifths of them replied in the negative. They were then asked a second: "*At the time* did Missouri slaveowners think that free labor would have been better for the State?" A large majority answered that some perhaps thought slavery was an economic burden, but that most of them were well satisfied with conditions as they were. After the Civil War the advantages of free labor were realized, but not in slavery days.

A prominent Missouri historian declared that "relatively, slavery declined in Missouri from 1830 onward to emancipa-

tion."[181] As was seen in the early pages of this chapter, the whites increased much faster than the slaves in the State as a whole, but this is not valid proof that slavery was actually declining or that it did not pay. Enormous sections of the State were unfit for slave labor. These districts invited the westward moving settlers, because the land was cheap and because white labor shunned the slave portions of the State. Because the whites increased faster in the State as a whole is not proof that slave labor did not remunerate the farmer of Saline or of Marion County.

Little information of value is gained from the local literature of the time. Most of it is political and therefore written for a purpose. The proslavery element denied emphatically that slavery was anything but a blessing, whether viewed from a financial, a social, or a religious point of view. "The slave population of the State of Missouri has grown rapidly in the last ten years," exclaimed Senator Green in the United States Senate in 1858, "and it is retained because it is profitable."[182] Even Frank Blair, Missouri's most forcible antislavery agitator, declared in 1855 that the staples of the State, hemp and tobacco, could "only be cultivated by slave labor."[183] On the other hand, there were a number of prominent Missourians who never ceased to decry slavery as a curse. They held the system responsible for keeping free labor away from the State, for hampering the commerce and industry of St. Louis, and, in fact, for preventing Missouri from realizing her possibilities.[184]

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[181] C. M. Harvey, "Missouri," in Atlantic Monthly, vol. lxxxiv, p. 63.

[182] Speech in reply to Preston King, May 18, 1858 (Congressional Globe, 35th Cong., 1st Sess., part iii, p. 2207).

[183] Speech at a joint session of the General Assembly, January, 1855, pamphlet, p. 4. Blair emphasized this point. In its "Address to the people of the United States" the Lexington Pro-Slavery Convention of 1855 declared that in the great slave counties of western Missouri agriculture was prospering. Slavery was held to be the cause of this prosperity (Proceedings of the Convention, pp. 3–4).

[184] The Reverend Frederick Starr in 1853 showed how the whites were outgrowing the blacks, and how the alien was battering down the slavery system. He used the phrase of the time, "One German

The whole question of the profit and loss of slave labor and the relative prosperity of the slave and the free States is academic. Hinton R. Helper and his opponents in their day thrashed over the question from beginning to end, and based their conflicting conclusions on the same census figures. No matter what contemporaries or present-day authorities conclude, the problem is not one to be mathematically settled. The amount of data is so enormous and at the same time so incomplete and so contradictory that one is not justified in drawing conclusions.

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knocks out three slaves and one Irishman two" (Letter no. i, entitled, "Slavery in Missouri," p. 6). "The feeling is becoming painful, throughout the State, that slavery is retarding its growth, . . . making men supercilious, the women dolls, and the children imbeciles" (ibid., p. 17). See B. Gratz Brown's speech in the Missouri House of Representatives, February 12, 1857. He shows how slavery was being swamped in the State by the white immigrants. The Reverend Galusha Anderson, who was pastor of a Baptist church in St. Louis during the late fifties and the sixties, declared that proslavery sentiment prevailed. "Those who cherished it [proslavery belief] were often intense and bitter, and controlled the entire city. But on the other hand the leading business men of the city were quietly, conservatively, yet positively, opposed to slavery . . . [considering it] a drag upon the commercial interests of the city" (p. 9).

CHAPTER II

The Slave Before the Law

Slavery, both of the negro and of the Indian, had existed in the Louisiana country from the earliest days. Upon the cession of the province to the United States slave property was presumably guaranteed by the Treaty of 1803.[1] The binding force of the clause protecting property at once caused much discussion in the Missouri region and later in Congress during the debate on the Compromise of 1820. Immediately upon the annexation of Louisiana the upper or St. Louis portion, called the "District of Louisiana," was placed under the government of the Indiana Territory.[2] This action caused rather a strong outburst of feeling in the St. Louis region. In January, 1805, "Representatives elected by the Freemen" of the District of Louisiana protested against this assignment for several

[1] Territorial Laws, vol. i, ch. 2, sec. 3. This section reads as follows: "The inhabitants of the ceded territory will be incorporated into the Union of the states and admitted, as soon as possible . . . and during this time they will be upheld and protected in the enjoyment of their liberty, property, and religion they profess."

[2] Law of March 26, 1804 (United States Statutes at Large, vol. ii, p. 287, sec. 12). Whether or not this statute guaranteed the inhabitants in the possession of their slaves is a question. Section thirteen reads: "The laws in force in the said district of Louisiana, at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the governor and judges of Indiana territory, as aforesaid." The powers of the latter seem quite large. The law of March 3, 1805, which made the Missouri country a separate territory, required that the laws must be consistent with the "constitution and laws of the United States" (ibid., p. 331, sec. 3). Section nine of this statute reads: "And be it further enacted, That the laws and regulations, in force in the said district, at the commencement of this act and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature." This seems to give much latitude to the legislature, and ultimately of course to Congress and the President, who controlled the Territory.

reasons, one of the chief of which was that they feared for their slaves, because such property was proscribed in the Indiana Territory. They were apprehensive lest this connection with Indiana should "create the presumption of a disposition in Congress to abolish at a future day slavery altogether in the District of Louisiana." This they declared would be an infringement of the French treaty.[3]

In October, 1804, the Indiana judges formulated for the new district an extensive slave code which would have answered for a much larger slave society,[4] there being but 3011 slaves in the Missouri Territory as late as 1810.[5] This code did not state who were slaves, but did fix the status of those to be considered colored, as "every person other than a negro whose grandfather or grandmother any one is, or shall have been a negro . . . and every such person who shall have one-fourth or more of negro blood, shall in a like manner be deemed a mulatto."[6] Neither this code nor any subsequent Missouri legislation distinguishes between the life bondman or slave and the limited bondman or servant, as was done in several of the States. However, there were some bond servants, either black or white, in the State as late as 1832, in which year there were thirty-seven "bound to service for a term of years."[7]

The constitution of 1820 guaranteed slave property, as no slaves were to be emancipated "without the consent of

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[3] Remonstrance and Petition of the Representatives elected by the Freemen of the Territory of Louisiana, dated January 4, 1805, pp. 11–12. Among other things the petition requested "that Congress would acknowledge the principle of our being entitled in virtue of the treaty, to the free possession of our slaves, and to the right of importing slaves into the District, under such restrictions as to Congress in their wisdom appear necessary" (ibid., p. 22).

[4] Territorial Laws, vol. i, ch. 3.

[5] Eighth Federal Census, Population, p. 601. Governor Delassus gave the slave population of the twelve districts which comprise eastern Missouri as 883 in 1799, and the free blacks 197 (American State Papers, Miscellaneous, vol. i, p. 383).

[6] Territorial Laws, vol. i, ch. 3, sec. 6. Reenacted in Revised Laws, 1825, vol. ii, p. 600, sec. 1.

[7] Senate Journal, 7th Ass., 1st Sess., pp. 60–61, 124. There were 64 of this class in the State according to the state census of 1824 (Senate Journal, 3d Ass., 1st Sess., p. 41).

their owners, or without paying them, before such emancipation," and as any "*bona fide* emigrants to this state, or actual settlers therein," were to be secure in such property "so long as any persons of the same description are allowed to be held as slaves by the laws of this state."[8] But the lack of any positive municipal law enslaving the negro must have caused some misunderstanding. In the case of Charlotte v. Chouteau, which was argued three times before the Missouri supreme court to settle the status of a negress whose mother was born in Canada, the court each time declared that no positive law was necessary. In the final hearing in 1857 it was held that "slavery now exists in Louisiana, Missouri, and Florida without any act of legislation introducing it, and none was necessary, for being in existence under the sanction at least of France and Spain in 1803 . . . it was continued, and was not dependent on any positive law for its recognition."[9]

The Missouri slave law, like that of Kentucky, is usually said to have been taken largely from the Virginia statutes. This statement seems to be fairly well founded if the early Missouri laws are compared with those of Virginia. The Code of 1804 bears many close resemblances, in some cases having the identical wording of the Virginia statutes.[10] In

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[8] In Revised Laws, 1825, vol. i, p. 15, art. iii, sec. 26. This section is nearly identical with the Kentucky constitutions of 1792 and 1799 (B. P. Poore, Federal and State Constitutions, vol. i, p. 647, art. ix; p. 657, art. vii).

[9] 25 Mo., 465. In Chouteau v. Pierre it was held that "the system being recognized in fact, it devolved upon the plaintiff, he being a negro, to show the law forbidding it" (9 Mo., 3). In Charlotte v. Chouteau it was stated that the existence of slavery in fact was presumptive evidence of its legality (11 Mo., 193). The next time this case was tried it was held that African slavery was recognized as legal in the Spanish, French, and British colonies, though no law could be found reducing that race to bondage (21 Mo., 590).

[10] For Virginia statutes with which to compare the Missouri Code of 1804 see: Statute of 1723 (Hening's Statutes of Virginia, vol. iv, p. 126, secs. 8–14); Statute, 1832 (ibid., p. 327); Statutes, 1748 (ibid., vol. v, p. 432; p. 548, sec. 4; p. 558; vol. vi, p. 105, secs, 2, 3, 13–16); Statute, 1753 (ibid., p. 356, secs. 4, 9, 28); Statute, 1765 (ibid., vol. viii, p. 135, sec. 1); Statute, 1769 (ibid., p. 359, secs. 1, 3–8); Statute, 1772 (ibid., p. 522, sec. 1); Statute, 1776 (ibid., vol. ix, p. 186); Statute, 1782 (ibid., vol. xi, p. 39, secs. 1–3); Statute, 1785 (ibid., vol. xii, p. 145, secs. 22, 23); Statute, 1788 (ibid., p. 531, sec. 2).

addition to this internal evidence is the fact that Governor Harrison and one of the three Indiana judges were natives of the Old Dominion, while another judge came from Kentucky.[11] As later Missouri slave law was based largely on this code, being reenacted in some cases verbatim up to the Civil War, the legal status of the Missouri slave in many aspects can be traced to the original home of so many of the antebellum Missourians. This similarity of the two legal systems, as far as slave law is concerned, will in the more striking instances be compared in the notes.

The Code of 1804 made the slave personal property, and each revision of the laws followed this precedent.[12] The widow's dower in slaves and the division of estates holding negroes were the subjects of much technical legislation.[13]

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[11] The Indiana judges in 1804 were Henry Vanderburgh, born in Troy, New York, John Griffin, born in Virginia, and Thomas Terry Davis. The latter came to Indiana from Kentucky where he had served as a member of Congress; the place of his birth could not be found ("The Executive Journal of the Indiana Territory," edited by W. W. Wooley, D. W. How, and J. P. Dunn, in Publications of the Indiana Historical Society, vol. iii, no. 3, p. 91). D. W. How says that the Indiana slave law of 1803, which was almost identical with the Missouri Code of 1804, was adapted from that of Virginia. He declares that the Indiana law as a whole was from the following sources: seven laws from Virginia, three from Kentucky, two from Virginia and Kentucky, one from Virginia and Pennsylvania, one from New York, Pennsylvania, and Virginia, and two from Pennsylvania ("The Laws and Courts of the Northwest and Indiana Territories," in ibid., vol. ii, no. 1, pp. 20–22).

[12] Territorial Laws, vol. i, ch. 3, sec. 27. Revised Laws, 1835, p. 581, art. iii, sec. 1. The slave was not always considered ordinary personal property, but assumed the nature of real estate in certain cases, as in a law of January 11, 1860, which provided that "when slaves or real estate shall be taken in execution . . . it shall be his [the sheriff's] duty to expose the same for sale at the court house door" (Session Laws, Adjourned Session, 1859, p. 63, sec. 1).

[13] Until the widow's dower was assigned the court was to grant her an income from realty rents and slave hire "in proportion to her interest in the slaves and real estate" (Revised Laws, 1835, p. 40, art. vi, sec. 12). The widow was very often bequeathed the slaves "during her natural life." A number of such wills can be found in the MS. Probate Records of Saline County (Will Record Book, No. A, 1837–1860). If the husband had no children by his last wife, "in lieu of dower [she could] elect to take in addition to her real estate, the slaves and other personal property" which came to her through this marriage (Revised Laws, 1835, p. 227, sec. 3; see also provision concerning dower in slaves in Session Laws, 1836, p. 60).

In case of an inability to divide an estate "the court may order the sale of slaves, or other personal property."[14] The court often exercised this power. Descriptions of the distribution of negroes belonging to an estate, showing how some of the heirs gave or took cash to equalize the division in case the slaves varied in value, can be found in the probate records of the various counties.[15]

Slaves could be seized in execution on a lien under certain conditions.[16] Whenever sold in such distraint the negroes were to be advertised by hand bills or by publication in a newspaper twenty days before the sale.[17] A law of 1835 provided that "if the perishable goods [of the deceased] be not sufficient to pay the debts, the executor . . . [shall dispose] of the slaves last until the debts and legacies are all paid."[18] Examples of the sale bills of slaves sold in execution are numerous in the probate records.[19]

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[14] Revised Laws, 1835, p. 40, art. vi, sec. 4. The Code of 1804 made this same provision (Territorial Laws, vol. i, ch. 3, sec. 30).

[15] For an instance of such a division of slaves see the example given in The History of Henry and St. Clair Counties (St. Louis, 1883), p. 130. The probate court of St. Louis in 1844 appointed appraisers who divided the slaves between the children of Antoine Chenie. This arrangement did not satisfy them, and so on March 21 of that year they filed a petition stating that "an equal division of the said slaves cannot be made . . . without great prejudice to said petitioners and praying the Court to order the sale of the said slaves and cause the money to be distributed according to the several rights of said petitioners" (MS. Probate Records of St. Louis, Estate No. 1731). The circuit court records of the several counties are quite rich in petitions for the division of groups of slaves.

[16] Revised Statutes, 1855, vol. i, p. 669. This law also placed slaves on an equality with other personal property.

[17] Session Laws, 1859, p. 93, sec. 1. This law was to apply specifically to the judicial circuit of Cape Girardeau County.

[18] Revised Laws, 1835, p. 40, art. vi, ch. 2, sec. 32.

[19] "In the St. Louis Circuit Court, April Term 1845. This bill of sale made this twenty seventh day of September . . . by John W. Reel . . . and Henry M. Shreeve of the second part . . . for and in consideration of Seven hundred & fifty Dollars . . . a Negro man named William about thirty years of age and a slave for life" (MS. Probate Records, St. Louis, November, 1859, Estate of John W. Reel, Bill of Sale filed June 17, 1845). For an example of an advertising bill of a slave sold in execution we read in the Western Monitor (Fayette), July 4, 1829: "PUBLIC SALE of a valuable Negro Man On the first day of the July term of Howard County Circuit Court to be holden at Fayette on the first monday in July next, I will sell at public sale to the highest bidder for cash in hand, a likely

While in probate the slaves of an estate were to be hired to the highest bidder, "unless the court order otherwise."[20] This form of property caused more trouble than most others because of the peculiar risks. One widow complained that a slave on whose labor she depended was very prone to abscond for months at a time. She obtained permission to sell this negro and purchase another, but this one also became a source of great trouble.[21] The Code of 1804 forbade a widow to leave the State with slaves in whom other heirs had a claim.[22] This provision was reenacted in 1831,[23] and apparently was rigorously enforced.[24]

Slaves do not always appear to have been considered as mere chattels. An old ordinance of the city of St. Charles required the whites and the slaves in common to turn out

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negro man belonging to the estate of Thomas Crews deceased in order to raise funds to pay off the debts due by said estate. David D. Crews, Exec'r T. Crews dec'd."

[20] Revised Laws, 1835, p. 40, art. ii, sec. 41. A guardian could also sell slaves and loan the proceeds of the sale (Local and Private Acts, 1855, p. 402). An administrator could sell the slaves, the proceeds going to the widow for life (ibid., p. 448).

[21] MS. Probate Records, St. Louis, No. 2068, Estate of Beverley Allen. Papers filed June 23, 1848, and March 20, 1850. The danger and peculiarity of slave property is shown in the provisions by which slave title passed. Slaves were transferred (1) by will only under the set form, (2) by "deed in writing, to be proved by not less than two witnesses, or acknowledged by donor, and recorded in the county where one of the parties lives, within six months after the date of such deed" (Revised Laws, 1835, p. 581, art. iii, sec. 2). This article was not placed in the later revisions. Slaves seemingly took on the character of real estate in this provision.

[22] Territorial Laws, vol. i, ch. 3, secs. 28, 29. A Virginia statute of 1785 forbade a widow to remove slaves from the State unless the heirs in reversion gave their consent (Hening, vol. xii, p. 145, secs. 22, 23).

[23] Session Laws, 1830, ch. 70. Somewhat modified in Revised Laws, 1835, p. 384, secs. 30, 33.

[24] In 1841 one Adolphus Bryant, accompanied by William Kio, took two slaves from St. Louis to New Orleans. These negroes were the temporary property of Bryant's wife, her first husband's children having an interest in them after her death. These heirs had Bryant and Kio arrested for slave-stealing. The captain and clerk of the steamer Meteor were forced to give bail, but Bryant and Kio could not furnish bond and were consequently jailed (Daily Evening Gazette, August 13, 1841).

and work the streets of the town under a penalty.[25] As a slave could not vote this could not have been a poll tax. It was therefore really a double tax on slave property, as the master also paid a property tax on his negroes.

Ownerships in slaves were often held by free colored persons. Sometimes these were owned as bona-fide property, but usually merely in the interim between the date when the free negro purchased the freedom of the slave and the date of the latter's liberation. The following item appears in the St. Louis circuit court records for March 16, 1837: "Thomas Keller a free man of colour, comes into court and acknowledges a deed of Emancipation in favor of his negro slave named Ester, a woman aged thirty-nine years."[26] Many such entries appear in the circuit court records of the various counties. In David v. Evans the state supreme court by a decision of 2 to 1 held that a free negro could legally hold slaves.[27] Thus it can readily be seen that slave ownership was unique. It was declared by the law to be personal estate, but both the law and circumstances made so many exceptions that it became a form of property peculiar to itself.

A slave could hold no property in his own right. In 1830 it was held that the mere fact that a negro was keeping a "barber's shop and selling articles in that shop is such evidence of freedom as ought to have gone to the jury."[28] This assertion implies that a property right gave the presumption of a free status. Other decisions bear out this impression.

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[25] Ordinance of April 28, 1821, "Concerning the Streets of St. Charles." Section three reads: "All able bodied persons of the age of 16 to 50 years, are required to work on the streets to which they may be assigned and on failing . . . each person shall forfeit and pay $2.00 each day, if a man of full age, if a minor by his parents or guardian, and if a slave by his master, overseer or employer" (printed in the Missourian of May 2, 1821).

[26] MS. Records St. Louis Circuit Court, vol. 8, p. 194. For further examples of this practice see ibid., p. 240, ibid., vol. 6, p. 421, and also a paper dated December 3, 1855, in the MS. Darby Papers.

[27] 18 Mo., 249. See also Machan (negro) v. Julia Logan (negress), 4 Mo., 361.

[28] The State v. Henry, 2 Mo., 177.

The local Dred Scott decision of 1852 possibly influenced the court in its later renderings and general sentiment regarding most phases of slave rights.[29] In reversing a lower decision relative to the purchase of goods by a slave for his master, the state supreme court held in 1857 that "our system of slavery resembles that of the Romans rather than the villanage of the ancient common law. . . . Under the former law, slaves were 'things' and not 'persons'; they were not the subjects of civil rights, and of course were incapable of owning property or of contracting legal obligations."[30] This being the case, the slave had no legal right even to the clothes on his back. Hence he could make no valid contract, nor could he either sue or be sued.

The court applied this principle rigidly in 1860. In that year a case was tried in which the owner had sold a slave after entering into a contract to manumit him on the payment of a specific sum. The slave held a receipt from the master for most of the stated amount. After denying the slave any right to sue in the courts of the State, the court held that "the incapacities of his condition . . . suggest, at the threshold of the inquiry, insuperable obstacles to the specific enforcement of an executory contract between the master and himself . . . even where there might be a complete fulfillment on the part of the slave."[31] Thus at the very close of the slavery regime the doctrine was again enunciated that the slave had absolutely no property rights independent of his owner.

It has been seen that a slave had a legal right to no property whatever, although he naturally held temporarily the furniture and utensils necessary for carrying on his small household in the slave quarters. As laws against the commercial dealings of slaves date from the earliest slave code in old Louisiana and are continuously reenunciated from then till 1860, the conclusion must be reached that this was a serious problem. The Missouri laws are unfortu-

[29] Scott (a man of color) v. Emerson, 15 Mo., 570.
[30] Douglas v. Richie, 24 Mo., 177.
[31] Redmond (colored) v. Murray et al., 30 Mo., 570.

nately not often prefixed by preambles, whether elaborate or only brief, hence the reasons for the law are left largely to speculation. For petty crimes of this nature the slave was simply haled before a justice of the peace, and consequently there are no records by which one may judge of the real gravity of the situation. It might well have been feared that the slave, by buying or selling without permission, would dispose of his owner's goods. But there was also, as in the case of the slave hiring himself out without his master's consent, the danger that he might grow independent and unruly in disposition.

The Black Code of 1724 forbade buying or selling without a written permission from the master, and fixed a fine of fifteen hundred livres upon any one so dealing with a slave without permission. When the owner gave his negro such permission, he was responsible for the commercial acts of the slave.[32] The police regulations of Governor Carondelet of 1795, under penalty of twenty-five lashes, prohibited a slave from selling without his master's consent even the products of the waste land given him for his own use.[33] The Code of 1804 fined a dealer four times the value of the consideration involved, with costs, while the informer of such a transaction received twenty dollars. A free negro for the same offense was given thirty stripes "well laid on" in default of the payment of this fine.[34] This section seems

[32] B. F. French, Historical Collections of Louisiana, vol. iii, p. 89, secs. 15, 23.

[33] American State Papers, Miscellaneous, vol. i, p. 380. The Laws of Las Seite Partidas bound the master to all commercial acts of the slave if the former commissioned the slave to "exercise any trade or commerce" (vol. i, p. 485). It is not known what binding force these semiclerical laws had in the Louisiana colonial courts. The translators of these laws claim that they had the force of law as late as 1820 (translator's note, vol. i, p. 1). In 1745 Governor Pierre Regant De Vandreuil drew up a police regulation in which a white person for illegally dealing with a slave was to be placed in the pillory for the first offense and sent to the galleys for the second (C. Gayarré, History of Louisiana, vol. ii, app., p. 361, art. xvii). The severity of the penalty implies that the problem was somewhat grave.

[34] Territorial Laws, vol. i. ch. 3, sec. 11. The master was also liable for the transactions of his slave (ibid., sec. 18).

to have been taken almost word for word from Virginia statutes of 1753 and 1785, the only difference being that the information fee was to be five pounds instead of twenty dollars.[35] The Missouri legislature reenacted this law verbatim in 1822,[36] 1823, 1835, 1845, and 1855.[37] Many of the Missouri statutes sprang from this superimposed code of the Indiana judges of 1804, and continued in operation with little or no change till slavery disappeared in the State.

The charter of Carondelet of 1851 empowered the city council "to impose fines, penalties and forfeitures on the owners and masters of slaves suffered to go at large or to act or deal as free persons."[38] Other particular communities seem also to have experienced grave apprehensions from this cause, as is indicated by a statute passed in 1861 which forbade any owner in Macon County to permit his slave to sell refreshments or do huckstering of any kind unless under the direction of himself or an overseer. The penalty was from fifteen to twenty dollars, which was to go to the county school fund. Such cases were to be taken before a justice of the peace.[39]

The slave early caused apprehension by both vending and imbibing liquor. In 1811 an ordinance was passed in St. Louis fining an offender ten dollars for selling a negro any "spiritous or ardent liquor" without his master's consent. If a person found a slave in a state of intoxication in the

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[35] Hening, vol. vi, p. 356, sec. 9; ibid., vol. xii, p. 182, sec. 6. A statute of 1769 fined a master £10 for allowing his slave to go at large and trade as a free man because of numerous thefts thereby committed (ibid., vol. viii, p. 360, sec. 8).

[36] Territorial Laws, vol. i, p. 399, sec. 1.

[37] Law of March 1, 1823 (Laws of Missouri, 1825, vol. ii, p. 746, sec. 1). If the consideration was over ninety dollars, the case could be carried to the circuit court. Reenacted in Revised Laws, 1835, p. 581, art. i, sec. 37; Revised Statutes, 1845, ch. 167, art. i, sec. 31; Revised Statutes, 1855, ch. 150, art. i, sec. 31.

[38] Art. v, sec. 21. This section also refers to careless owners who permitted their slaves to hire themselves out without due formality. It was a pressing problem in Missouri (see above, pp. 35–37). It was decided in 1853 that "hiring a slave to maul rails without the consent of his master is not a dealing with the slave," manual labor not being considered "dealing" under the law (State v. Henke, 19 Mo., 225).

[39] Session Laws, 1860, p. 417, secs. 1, 2.

streets or other public place, he was to give the offender ten lashes. The master or mistress of such slave was to be fined five dollars for neglecting to punish him.[40] A law of 1833 forbade a store, tavern, or grog-shop keeper to permit slaves or free negroes to assemble on his premises without the owner's assent, under a penalty of from five to fifty dollars.[41] The Act of 1835 Regulating Inns and Taverns fined the keepers of such places from ten to fifty dollars for "bartering in liquors" with slaves, free blacks, or apprentices without the consent in writing of their masters.[42] The Grocers' Regulation Act of the same year fined such a person for this offence from fifteen to fifty dollars and costs and revoked his license.[43] Cases on record indicate that these provisions were at times enforced. In 1853 James Hill was fined twenty-five dollars by the Boone County circuit court for selling liquor to slaves,[44] and in 1859 Henry Hains was similarly punished.[45]

The slave as well as the white and the free black engaged in illicit liquor dealing. The Revision of 1835 placed a fine of three hundred dollars upon the master who allowed his slave to sell or deliver any spiritous or vinous liquors to any other slave without the consent of the latter's owner, and the offending slave was to receive not more than twenty-five stripes after a summary trial before a justice of the peace. He was to be released only after the master had

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[40] An Ordinance concerning Slaves in the Town of St. Louis, February 5, 1811 (MS. Record Book of the Trustees of St. Louis, pp. 23–25, secs. 1, 3). That the slave often drank to excess is learned from the following advertisements: "Runaway this morning, my negro man David. He is a black man . . . stout made, fond of whiskey, getting drunk whenever he can procure it" (Missouri Gazette [St. Louis], March 9, 1820, advertisement of Nathan Benton). "Ranaway from the farm of General Rector . . . my servant John, a very bright freckled mulatto . . . he is remarkably fond of whiskey" (ibid., July 5, 1820).

[41] Session Laws, 1832, ch. 41, secs. 1, 2.

[42] Revised Laws, 1835, p. 315, sec. 22. Reenacted, Revised Statutes, 1845, ch. 83, sec. 22.

[43] Revised Statutes, 1845, p. 291, sec. 7. It was necessary to prove that the grocer was actually licensed when the liquor was sold to slaves (Fraser v. The State, 6 Mo., 195).

[44] MS. Circuit Court Records, Boone County, Book F, p. 190.

[45] Ibid., Book H, pp. 82, 173, 282.

paid the costs and had given a bond of two hundred dollars for his negro's good behavior for one year. The slave could be sold if not removed from jail by the second day of the following session of the county court.[46] The Revision of 1845 fixed the maximum punishment of a slave selling liquor at thirty-nine lashes, and his owner was to pay all costs.[47] In addition to this penalty the Revision of 1855 fined the owner from twenty to one hundred dollars.[48]

It was held in 1850 that if a person sold liquor to a slave without the master's consent and the negro was made drunk and died, the vendor of the liquor was liable for legal damages, even though a clerk sold the liquor without the proprietor's knowledge.[49] Despite the number of statutes on this subject, the press does not reflect a serious condition of drunkenness among the slaves. Lack of money on the part of the negro as well as fear on the side of the merchant prevented the problem from assuming alarming proportions.

Although the Missouri slave was without any property rights, he was not a mere thing. He was not absolutely at the mercy of his master. The constitution of 1820 required the legislature to pass laws "to oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them extending to life or limb." The slave was also to be given a jury trial, and, if convicted of a capital offence, was to receive the same punishment as a white person for a like offence, "and no other," and he was to be assigned counsel for his defence.[50] The definite principle

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[46] Revised Laws, 1835, p. 591, art. i, secs. 17–22.
[47] Revised Statutes, 1845, ch. 72, secs. 7, 25.
[48] Revised Statutes, 1855, ch. 57, secs. 17, 19, 23.
[49] Skinner et al. v. Hughes, 13 Mo., 440.
[50] Art. iii, secs. 26, 27. "No other state constitution gave so much protection to the rights of the slave as this one" (F. C. Shoemaker, The First Constitution of Missouri, p. 55). These sections are nearly identical with the Kentucky constitutions of 1792 and 1799 (Poore, p. 647, art. ix; p. 657, art. vii). In the territorial period two cases are recorded in the MS. Records of the St. Louis general court or court of record, wherein it appears that the slave had fair treatment in court. In United States v. Le Blond (vol. ii, pp. 86, 96) the latter was fined $500 and costs and imprisoned for two months for killing

was declared that "any person who shall maliciously deprive of life or dismember any slave, shall suffer such punishment as would be inflicted for a like offence if it were committed on a free white person."[51] For striking his master a law of 1825 condemned an unruly slave to punishment after conviction before a justice, but gave the master no permission to punish him.[52] Furthermore, several decisions were at various times rendered by the supreme court of Missouri which show that it was disposed to protect the slave against the arbitrary will of his master. In Nash v. Prinne it is incidentally stated that "the justice of the country shall be satisfied," and that the slayer of a bondman was first to be criminally prosecuted before civil damages could be allowed.[53] In other words, the court declared that in the maiming of a slave the public was outraged to a greater extent than the owner was injured financially. Justice was not to be sacrificed for the personal gain of the master. In 1846 a person sought escape from prosecution for injuring a slave on the plea of an improper indictment, but the court in this instance declared that "it made no difference whether the slave belonged to the defendant or to a third person. . . . It could answer no useful purpose whatever, unless to designate with greater certainty the person of the injured slave."[54] Thus a white man was not allowed to escape justice on a technicality, even though his victim was a bondman.

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his slave. Le Blond's provocation is not stated. In 1820 one Prinne was found not guilty on a charge of murdering his slave, Walter, by confining him "in a dungeon or cell dangerous to his health" (ibid., pp. 226, 230, 234, 236). The Missouri Gazette of September 4, 1818, gave accounts of two negroes then being tried for murder before the local court, one being defended by two and the other by three counsel. The above provision is very similar in nature to a Virginia statute of 1772 which provided that slaves suffering death for burglary were not to be refused benefit of clergy "unless the said breaking, in the case of a freeman would be burglary" (Hening, vol. viii, p. 522, sec. 1).

[51] Art. iii, sec. 28. A case was decided under this section twenty years later (Fanny v. The State, 6 Mo., 122).

[52] Revised Laws, 1825, vol. i, p. 309, sec. 84.

[53] 1 Mo., 125.

[54] Grove v. The State, 10 Mo., 233.

The right of any other white than the master to mistreat a slave was emphatically denied, one decision holding that "such offences stand on the same ground as when white persons cruelly use each other."[55] The whole subject of the treatment of the slave will be considered in the following chapter. Whatever the practice of individuals may have been, the wording of the statutes and of the court decisions is certainly humane and praiseworthy.

In most of the States there was a stiffening up of the criminal laws following insurrections or severe antislavery agitation, but the Missouri slave code of 1835 was reenacted almost verbatim in 1845 and again in 1855. More stringent patrolling regulations were enacted and there was an increasing bitterness toward outside interference or the free airing of antislavery views at home, but of a growing hostility toward the negro or fear of trouble there is little reflection in law or decision. Even the newspapers, despite their occasional rancorous political vituperation, evince a spirit of justice to the black bondman, even if not toward the white opponent in politics. Some of the most lofty opinions regarding the duty of the whites toward the slave and his right to seek freedom under the laws are to be found in the period between the Compromise of 1850 and the Civil War. Even the obvious danger of the Kansas struggle, instead of reacting on the slave, seems to have been focussed on the white abolitionist and the Bentonites. More severe control of movement and stricter inspection of slave meetings and assemblies are evident, but of change in the personal treatment of the bondman, either in law or practice, little can be seen other than what would naturally follow a growing system needing more orderly control.

At the same time the Dred Scott dictum as enunciated by the Missouri supreme court in 1852 shows that in principle the State was ready to change her policy the better to protect the system. The Missourians who favored slavery desired not to depress their blacks, but rather to extend slave terri-

[55] The State v. Peters, 28 Mo., 241.

tory in order to safeguard their colored property. Thus as late as 1860, when her own slaves numbered scarcely one eighth of her total population, Missouri was made the battering-ram to fight against the abolition influence in Kansas.

The criminal legislation affecting the slave falls according to penalties under three heads: capital offences; mutilation; whipping.

The Code of 1804 provided the death penalty without benefit of clergy "if any negro or other slave shall at any time consult, advise or conspire to rebel or make insurrection or shall plot or conspire the murder of any person or persons whatever."[56] The same punishment was to be inflicted for administering poison or "any medicine whatever" unless there was no evil intent and no actual harm resulted.[57] Thus the slave was responsible for both the intent and the result of his act, while with the white the old common-law idea of the intent alone was considered in a criminal charge.

When these provisions are compared with the general criminal law of 1808, it is found that if the slave was cruelly used the white man was no less severely handled. Under that statute any individual, black or white, was to suffer castration for rape, thirty-nine lashes for burglary, disfranchisement and an hour in the pillory for perjury, forty-nine lashes on the bare back "well laid on" for stealing and branding horses and cattle, and death for stealing or enslaving a negro whom he knew to be free.[58]

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[56] Territorial Laws, vol. i, ch. 3, sec. 14. This provision is identical with a Virginia statute of 1748 (Hening, vol. vi, p. 105, sec. 2).

[57] Hening, vol. vi, p. 105, secs. 15, 16. In 1825 a law likewise made it a death penalty for a slave to prepare, exhibit, or administer any medicine whatever, but if such medicine was found to be harmless and no evil intent was evident, he was to receive stripes at the discretion of the court (Revised Laws, 1825, vol. i, p. 312, sec. 98). In 1843 an act was passed fining any person a maximum of fifty dollars for selling poisoned drugs to any slave without the written consent of the owner (Session Laws, 1842, p. 102, secs. 1, 2). In 1818 a slave was tried on a poison charge in St. Louis (MS. Records of St. Louis Court of Records, vol. ii, pp. 180, 184).

[58] Territorial Laws, vol. i, p. 210, secs. 8, 11, 16, 18, 21, 22, 39, 45. That some of these provisions were literally carried out is learned from the Missouri Intelligencer of April 24, 1824, wherein is an

The law of 1804 as to conspiracy was virtually reenacted in 1825, but the punishment was limited to thirty-nine stripes if the slave simply conspired without committing the "overt act," unless he "unwittingly" entered the conspiracy and voluntarily confessed with "genuine repentance" before being accused of the crime. In the latter case he might be pardoned, but the second offence was to be punishable by death in any case.[59] As already stated, the constitution of 1820 limited the punishment of a slave for a capital offence to the same degree of punishment that would be inflicted upon a white person for the same crime.[60] There seems to have been no slave insurrection of any magnitude in Missouri, but the commission of a number of crimes punishable by death is recorded, the accounts often not specifying whether they were committed by slaves or by free colored persons.[61]

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advertisement for one William Job, a horse thief, who had broken out of the Cooper County jail. He could be recognized as he "has lately been whipped for the said crime, and his back in all probability is not yet entirely healed." Cases of selling free blacks into slavery seem to have been rare. On January 27, 1835, one Jacob Gregg was "granted relief" for expenses in taking Palsa Rouse and Sarah Scritchfield, "arrested for having sold a free person as a slave" (Senate Journal, 8th Ass., 1st Sess., p. 208).

[59] Revised Laws, 1825, vol. i, p. 312, secs. 96, 97.

[60] Art. iii, sec. 27.

[61] In December, 1835, Israel B. Grant of Callaway County, a member of the legislature, was murdered, his throat being cut. "We have been informed that this horrid deed has been traced to one of his own slaves," reads the account in the Jeffersonian Republican of January 9, 1836. In 1836 a sheriff submitted a bill for fees in holding a slave charged with murder (Senate Journal, 9th Ass., 1st Sess., p. 127). In 1841 four negroes (status not given) were hanged for murder and incendiarism (R. Edwards and M. Hopewell, Edwards's Great West and her Commercial Metropolis, p. 372). In April, 1847, a slave named Eli was lynched in Franklin County for murdering a white woman (History of Franklin, Jefferson, Washington, Crawford and Gasconade Counties, p. 283). In Lincoln County a slave named Gibbs was burned for murdering his master during a brawl when both were drunk. The date of this affair is not given (History of Lincoln County [Chicago, 1888], pp. 365–368). In 1850 a white man named McClintock and a slave woman were hanged by a Clay County mob for murdering a white woman. Being a slave, her testimony could not be accepted against her white confederate, and so both were lynched (History of Clay and Platte Counties [St. Louis, 1885], pp. 158–159). Several attacks were made in the year 1855 by slaves on their masters and mistresses (ibid., pp. 158–159). Two slaves were tried for murder in 1852 (Weekly Missouri Sen-

That his bondage was no absolute deterrent in preventing criminal assault by the negro can be seen by a survey of the slavery period in Missouri. The general criminal law of 1808 punished rape, whether committed by a white or a black, by castration.[62] In 1825 another criminal law likewise made mutilation the punishment of any one who assaulted a girl under ten years of age, but a slave who assaulted any white woman, no matter what her age might be, was to suffer castration.[63] Although both whites and blacks were to be thus punished, no record of a white being so used has been noted, but several instances of negroes treated in this manner are on record.[64]

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tinel, August 10, 1853). On July 12, 1854, a slave woman poisoned the Kent family of Warren County. The victims recovered (Republican, August 1, 1854). In August, 1854, W. T. Cochran of Trenton was stabbed by a slave (Richmond Weekly Mirror, August 11, 1854). A negress killed Robert Newson near Fulton on June 23, 1855 (Missouri Statesman [Columbia], July 6, 1855). In 1857 in Boone County a slave named Pete was given twenty-five lashes for a murderous attack. Charles Simmons, his owner, was ordered to pay the costs of the prosecution (MS. Circuit Court Records, Boone County, Book G, p. 281, Book H, pp. 226, 246). In 1859 a slave named Jack Anderson murdered his master, Seneca Diggs, in Howard County, and escaped to Canada (Session Laws, 1860, p. 534).

[62] Territorial Laws, vol. i, p. 210, sec. 8.

[63] Revised Laws, 1825, vol. i, p. 312, secs. 10, 11, 99.

[64] In 1844 a slave was sentenced to be castrated for a rape (Nathan, a slave, v. The State, 8 Mo., 631). In 1853 two negroes (status not given) were so sentenced (The State v. Anderson, 19 Mo., 241). The Republican of April 30, 1838, records that a negro (status not given) was thrown overboard from a river boat and drowned for an assault. Several negroes murdered Dr. Fisk and child of Jasper County in July, 1852. His wife was raped and killed and the house was burned (Weekly Missouri Sentinel, August 4, 1852). In 1853 a negro was taken from jail and hanged for an assault (ibid., August 25, 1853). At Boonville in September, 1853, a negro was caught "and beat almost to death" for an attempted rape (ibid., September 1, 1853). In the same year at Springfield two negroes were burned and one was hanged for an assault (A. D. Richardson, "Free Missouri," in Atlantic Monthly, vol. xxi, pp. 363, 492). In 1859 a slave was dismissed for some reason by the Greene County circuit court after having been indicted for rape by a special session of the grand jury (MS. Records, Book Djr., pp. 487–488, 501). In The State v. Anderson it was held that the character of the white girl or that of her parents was not relevant, as it was simply a question of the assailant being a negro and the victim a white female (19 Mo., 241). In many cases the accounts do not state whether the negro in question was free or a slave, but as the slaves of the State outnumbered the free blacks thirty to one the presumption is strong that they were slaves.

The slave was not to be fined or imprisoned,[65] save at his master's request.[66] He was therefore punished physically in cases where a white man would be fined or incarcerated. In some instances the maximum and minimum number of lashes are given while in others the matter was left to the "discretion" of the court. All whippings, whether received by whites or blacks, were to be given in public "and well and truly laid on such offenders' bare backs, and that without favor or affection."[67] In theory at least the law made no distinction between the white and the black offender in the early days. Punishment by stripes being the only form of punishment for the slave besides

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[65] Revised Laws, 1825, vol. i, p. 312, sec. 99. Females other than slaves could not be whipped (ibid., sec. 101).

[66] Local police regulations made exceptions to this provision. In St. Louis slaves were imprisoned unless the owner paid fines imposed for various offences (St. Louis Ordinances, 1836, p. 89, sec. 2; p. 25, sec. 5). An early ordinance of St. Louis fined a master one dollar a year if his slave kept a dog within the city limits (Ordinance of February 25, 1811, MS. Record Book of the Trustees of St. Louis, p. 42, sec. 3). An ordinance of St. Charles fined an owner ten dollars if his negro littered the streets of the town (Ordinance of the Board of Trustees of St. Charles, April 28, 1821, in the Missourian of May 2, 1821). Another ordinance of St. Charles fined the master the same amount if the slave injured the woods on the village common (ibid., April 13, 1822, in the Missourian of April 18, 1822).

[67] Revised Laws, 1825, vol. i, p. 312, sec. 30. But all whippings were not performed in public. Thomas Shackelford states that when he was a boy one of their slaves was unjustly condemned to be whipped. The family were indignant, but the neighbors demanded that the negro be punished. The sheriff took the slave into a shed and bound him to a post. The crowd waited till they heard the lash applied and the negro yell with pain. After the crowd had disappeared the sheriff brought the slave out to young Shackelford, who was told to keep the matter secret as the sheriff had only lashed the post and had made the negro scream that the crowd might be mollified ("Early Recollections of Missouri," in Missouri Historical Society Collections, vol. ii, no. 2, p. 9). When the old sheriff's house was destroyed at Lexington, Captain J. A. Wilson secured the slave whip which had been the official Lafayette County flagellum. It is composed of a wooden handle attached to a flat piece of rubber strap about eighteen inches long, an inch and a half wide, and a quarter of an inch thick. It has the appearance of having been cut from rubber belting, being reenforced with fibre as is rubber hose. It would cause a very painful blow without leaving a scar. If scarred the negro would be less valuable, as a prospective buyer would consider him vicious or liable to absconding if bearing the marks of punishment (see below, p. 96).

hanging and mutilation, it was thus more or less definitely limited to prevent either a too severe or a too lenient sentence.

Resistance to the owner or overseer was considered the gravest offence after the two treated above.[68] The Code of 1804 fixed the maximum at thirty lashes for lifting a hand against any person not a negro or mulatto unless "wantonly assaulted."[69] The general criminal law of 1825 empowered the master to incarcerate his slave in the public jail, at his own expense, if the slave resisted his "lawful demands" or refused to obey him, "and if any slave shall, contrary to his bounden duty, presume to strike or assault his or her master . . . such slave, on conviction before a justice of the peace, shall be whipped not exceeding thirty-nine stripes."[70]

Although no insurrections of any importance were ever even threatened in Missouri, there was a continual reenactment of the early legislation to prevent seditious speeches and riotous meetings. The Missouri slaveholder, being surrounded on three sides by free territory where abolitionism was more or less active, and knowing that the great rivers of the State offered a ready means of escape for the slave, feared the loss of his property rather than personal danger. Hence the amount of legislation and litigation concerning the fugitive. The Missourians retained the laws which the Indiana judges had given them in 1804 relative to slave insurrections. These laws were later reenacted so as to be in harmony with those of the other slave States, which were continually threatened with servile outbreaks. The subject of slave assemblages will be treated in Chapter VI of this study.

The evidence that might be offered by the slave was a

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[68] The terms "master," "mistress," "owner," and "overseer" are used interchangeably in this paper. The law provided that these terms were to be considered synonymous before the courts (Revised Statutes, 1835, vol. i, p. 581, sec. 39).

[69] Territorial Laws, vol. i, ch. 3, sec. 12. A Kentucky law of 1798 provided that a slave be sentenced by a justice of the peace to thirty lashes for striking any person not a negro (J. C. Hurd, The Law of Freedom and Bondage, vol. ii, p. 14).

[70] Revised Laws, 1825, vol. i, p. 309, sec. 84.

point which caused considerable legislation. In the first section of the Code of 1804 it was provided that "no negro or mulatto shall be a witness except in pleas of the United States against negroes or mulattoes or in civil pleas where negroes alone shall be parties."[71] Practice gave rise to some exceptions, and a number of decisions later modified this provision in some details, but the principle was never deserted. Slaves were allowed to testify against whites in some instances. When the Illinois abolitionists, Burr, Work, and Thompson, were placed on trial at Palmyra in 1841, their counsel sought in vain to exclude the testimony of the slaves whom they had sought to liberate. This testimony was given through the masters of these slaves, which the narrator implies was the custom.[72]

In cases where suit was brought for damages in selling an unsound slave the latter's declaration of "a symptom or appearance of disease, is competent evidence to prove that the slave was at the time diseased."[73] In Hawkins v. The State it was held that "on the trial of an indictment against a white person, the State may give in evidence a conversation between the accused and a negro in relation to the offense charged, when the conversation on the part of the negro is merely given in evidence as an indictment, and in illustration of what was said by a white person, and not by the negro."[74] This case seems very close to the line of allowing a negro to testify against a white, the technical distinction being between an indictment before a grand jury and a trial.

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[71] Territorial Laws, vol. i, ch. 3, sec. 1. A Virginia law of 1732 forbade a negro, mulatto, or Indian to give evidence except in cases involving one of his own race (Hening, vol. iv, p. 327). When giving evidence against one of their own race negroes took the oath and testified as whites. The following entry appears in the St. Louis Coroners' Inquest Record for 1836: "Spencer a colored man after being duly sworn on his oath said that on Wednesday . . . he saw a colored boy belonging to I. A. Fletcher throw a brick bat and strike the above named William on the head . . . 12th day of April, 1836, John Andrews, Coroner" (MS. Record of Coroners' Inquests, City of St. Louis, 1822–1839, not paged).

[72] R. I. Holcombe, History of Marion County, Missouri, p. 239.

[73] Marr v. Hill & Hayes, 10 Mo., 320. Also, Wadlow v. Perrymans, Admr., 27 Mo., 279.

[74] 7 Mo., 190.

The court in 1855 took a very peculiar view of the law in accepting a slave's evidence against himself which rendered his master liable to damages. In this instance the action was brought against the owner for a larceny committed by his slave. The latter's declaration as to the whereabouts of stolen goods, in connection with the fact that the goods were actually found in the place mentioned, was held by the supreme court to be admissible as evidence.[75] Thus it appears to be a point of fact rather than testimony. Had the stolen property not been found, the court seems to imply that the negro's evidence would not have been accepted. Whatever may have been the means by which slave evidence was admitted, it is certain that it was occasionally accepted and at the expense of the master or other whites.

By the Missouri practice the slave was also protected from cruelty in forcing evidence from him. In one case where a slave testified against himself it was held that a confession extorted by pain was not to be admitted as evidence.[76] Here the court declared plainly that "it is settled that confessions induced by the flattery of hope or terror of punishment, are not admissible as evidence."[77]

In the early period procedure in slave indictments for misdemeanors was similar to that of the whites. Later the

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[75] Fackler v. Chapman, 20 Mo., 249.

[76] Hector v. The State, 2 Mo., 135.

[77] Hawkins v. The State, 7 Mo., 190. It is interesting to note that the division of the whole Methodist Church largely revolved about the point of admitting negro evidence in a church trial in Missouri. In 1840 the Reverend Silas Comfort appealed to the General Conference of the Methodist Church from a decision of the Missouri Conference which had adjudged him guilty of mal-administration in admitting the testimony of colored members against a white. On May 17 the General Conference of 1840 rejected a resolution confirming the Missouri decision. The following day Mr. I. W. Few of Georgia introduced the following resolution, which was adopted by a vote of 74 to 46: "Resolved, That it is inexpedient and injustifiable for any preacher among us to permit colored persons to give testimony against white persons in any state where they are denied that privilege in trials at law." Bad feeling resulted, and by the next general conference the church was ripe for a division. The question of the right of bishops and preachers to hold slaves was the rock upon which the church split (J. M. Buckley, History of Methodism in the United States, vol. ii, p. 12).

practice was modified. A law of 1825 required that a bondman should be taken before the circuit court for serious offences.[78] Six years later the justice court was given jurisdiction over thefts amounting to less than twenty dollars. If the master so requested, the offending slave was to be given a jury trial. The punishment for either a misdemeanor or a theft could be fixed by the justice, the maximum penalty being thirty-nine lashes.[79] The justice court was the tribunal to which the slave was haled for most of his offences. In many respects the procedure resembled that of the old English market court of "Pied poudre." As the justice of the peace was not required to keep permanent records, it is not possible to gain a very close view of the procedure or of negro punishment. The county circuit court records contain many accounts of slaves tried for the more serious crimes.

The owner was responsible for the depredations committed by his negro as for injury done by his other live stock. The liability of the master was the cause of considerable legislation and was continually brought before the courts. A law of 1824 made the owner, or the employer in case the slave was hired out at the time of the trespass, responsible for his injury to trees, crops, and other forms of property.[80] In 1830 a statute limited this liability to the value of the offending slave.[81]

The slave naturally differed from other forms of property in the point of the responsibility of the owner in that, being human, he had his abettors and his colleagues in crime, both

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[78] Revised Laws, 1825, vol. ii, p. 790.

[79] Session Laws, 1830, p. 35. In 1853 the supreme court of Missouri held that this statute did not provide for an appeal in cases of petit larceny (The State v. Joe, 19 Mo., 223).

[80] Revised Laws, 1825, vol. ii, p. 781, sec. 4. The owner was also responsible if his slave fired the prairie or forest with his knowledge (ibid., p. 798, sec. 4). These provisions were both reenacted in Revised Laws, 1835, p. 612, sec. 5; p. 624, sec. 4.

[81] Session Laws, 1830, p. 35. In 1859 a law was passed making a person hiring a slave from a party not a resident of the State responsible for any trespass, felony, or misdemeanor committed by such slave (Session Laws, 1858, p. 90, sec. 2).

white and black. In reversing a lower decision in 1855 it was held that if the slaves of several persons united in committing larceny, the owner of one of the negroes so offending would be liable for the damages committed by all.[82]

Although the old Spanish practice held to the contrary,[83] the supreme court declared in 1837 that a master was not liable if his slave killed the negro of another. The court here held that the law did not provide for injury to that form of property by a slave,[84] but this does not mean that the slave was mere property. That the slave was punished for injuring another slave, although the master was relieved of pecuniary responsibility, is learned from an issue of the Liberty Tribune of 1848: "The black man of Mr. J. D. Ewing of this county [Clay], charged with the murder of Mr. Robert Thompson's black man, had his trial on Monday last and was sentenced to receive 39 lashes and transported out of the State."[85]

The Indian slave occupied an entirely different position from that of the negro. Although feared as a race, the Indians were socially never under the ban as were the Africans. Conscious and legal as well as clandestine sexual relations existed in the Mississippi Valley, especially where the French settled. The French "voyageurs" mingled with the natives and produced a mixed race, but as slaves they seem to have come under the regular servile law. "Indian slaves," says Scharf, "it is obvious were treated and regarded as negro slaves were, with the difference, however, that more Indians than negroes were manumitted. Many of the en-

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[82] Fackler v. Chapman, 20 Mo., 249. In 1857 a master was held not to be responsible if his slave fired a stable and thereby injured a horse belonging to a third party not the owner of the stable (Stratton v. Harriman, 24 Mo., 324). This opinion reaffirmed the decision of the lower court, and it was again reaffirmed in Armstrong v. Marmaduke, 31 Mo., 327.

[83] For the responsibility of the master for injury done by his slave to that of another during the Spanish regime see F. L. Billon, Annals of St. Louis, vol. i, pp. 58–60.

[84] Jennings v. Kavanaugh, 5 Mo., 36.

[85] Quoted from an October issue of 1848 in the History of Clay and Platte Counties, p. 140. The date of issue is not given.

slaved women were probably the concubines of their masters, and were set free, because they had borne them children."[86]

The enslavement of Indians had nearly disappeared in the Eastern States before the cession of Louisiana, although the practice still existed in a modified form.[87] In the Mississippi Valley there was also a continuous opposition to the bondage of the Indian, but the custom could not easily be prevented in such an extensive region so far from the home government. Intertribal wars led to the sale of captives rather than to their execution, and the natural thirst of the Indian for liquor and his weakness for gaming placed before the whites a most lucrative traffic which they could not always forego.

As early as 1720 Bienville forbade the enslavement of the natives along the Missouri and the Arkansas rivers who had been taken in war by the "voyageurs" upon pain of the forfeiture of their goods.[88] In 1769 Governor O'Reilley also forbade the practice, but nevertheless it continued.[89] As late as 1828 it was declared by the Missouri supreme

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[86] J. T. Scharf, History of Saint Louis City and County, vol. i, p. 304. On December 26, 1774, St. Ange de Bellerive bequeathed three Indian slaves, a mother and two children, to his niece, Madame Belestre; the mother was to be freed at the death of Madame Belestre and the children when twenty years of age (MS. St. Louis Archives, vol. iii, p. 289).

[87] J. C. Ballagh, A History of Slavery in Virginia, p. 50. The practice was prohibited by implication in 1691 and in 1777. There were vestiges of it, however, as late as 1806.

[88] "La Compagnie ayant appris que les voyageurs, qui vont traiter sur les rivières du Missouri et des Akansas, taschent de semer la division entre les nations sauvages et de les porter à se faire la guerre pour se procurer des esclaves qu'ils achettent, ce qui non seulement est contraire aux ordonnances du Roy, mais encore très préjudiciable au bien du commerce de la Compagnie et aux establissemens qu'elle s'est proposé de faire audit pays, elle a ordonné et ordonne par la présente au sieur de Bourmont, commandant . . . de faire arrester, confisquer les marchandises des voyageurs qui viendront traiter dans l'estendue de son commandement, sans prendre sa permission et sans luy declarer les nations avec lesquelles ils ont dessein de commercer.—Mande la compagnie au sieur Lemoyne de Bienville, commandant général de la colonie." October 25, 1720 (quoted by P. Margry, Découvertes et Établissements Des Français Dans L'ouest et dans Le Sud de L'Amérique Septentrionale, vol. vi, p. 316).

[89] American State Papers, Miscellaneous, vol. i, p. 380.

court that "Indians taken captive in war, prior to 1769, by the French, and held or sold as slaves, in the province of Louisiana, while the same was held by the French [are] . . . lawful slaves, and if females, their descendants likewise."[90] Six years later the same court repassed on this case. Two of the three judges decided that the holding of Indians as slaves was not lawful in Louisiana under either France or Spain.[91] Thus Indian slavery passed away in Missouri. It was already practically extinct, as little or no mention of it is made after the American occupation.

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[90] Marguerite v. Chouteau, 2 Mo., 59.

[91] Marguerite v. Chouteau, 3 Mo., 375. Judge Wash dissented. An historical discussion of Indian servitude can be found in this decision.

CHAPTER III

The Social Status of the Slave

In discussing the social relations of the slave it is difficult to escape being commonplace. Many points in the everyday experience of the negro have been incidentally touched in the preceding pages of this study. The ordinary life of the slave was very similar to that of the negro of today in so far as it was affected by temperament and inclination, hence it will be the endeavor of this chapter to deal simply with the more vital points of slave existence, mentioning only a few of the numerous items gathered on the different phases of the subject.

A question which caused much concern both to the slaveholder and to his antislavery critic was the education of the slave and of the free negro. After the different servile insurrections many of the eastern slave States enforced more rigidly old laws or passed new ones forbidding the teaching of the slaves. This was done largely to prevent the negroes from reading the abolition literature then being sent South.[1] Missouri, however, was less subject to social than to political or financial hysteria. Never having a slave population equal to more than a fifth of the total, being far from the insurrections to the east and south, and each master averaging so few negroes, Missouri seems not to have been affected by the movements which concerned so many of

[1] Commenting on the North Carolina law of 1830 which prohibited the teaching of the slaves to read and write, J. S. Bassett says: "This law was no doubt intended to meet the danger from the circulation of incendiary literature; yet it is no less true that it bore directly on the slave's religious life. It cut him off from the reading of the Bible—a point most insisted on by the agitators of the North. . . . The only argument made for this law was that if a slave could read he could soon become acquainted with his rights" ("Slavery in the State of North Carolina," in J. H. U. Studies, series xvii, p. 365).

the slave States. She did not change her law in common with them, although much of it was originally copied from Kentucky and Virginia.

When the Missouri country passed into the hands of the United States, education among the old French settlers was at a very low point, and undoubtedly the condition of their slaves was worse. As late as 1820, long before a law had been passed to prevent the teaching of negroes, a slave who could read was something of a novelty. A fugitive is thus described in a paper of that year: "Ranaway . . . a negro man named Peter. . . . He pretends to be religious and can read a little."[2] Apparently his ability to read was calculated to attract attention.

An apprenticeship law of 1825 relieved the master from the duty of teaching negro and mulatto apprentices reading, writing, or arithmetic, but "if such apprentice or servant be a free negro or mulatto he or she shall be allowed, at the expiration of his or her term of service, a sum of money in lieu of his education to be assessed by the probate court."[3] This provision seemingly had no reference to masters who desired to teach their slaves. In May, 1836, the faculty of Marion College forbade their students to instruct "any slave to read without the consent of his owner being first given in writing."[4] From this statement it is learned that the teaching of slaves must have been practiced by some masters at least.

Either to conform to the law and practice in the Southern States or because of interference on the part of abolitionists, a statute was passed in 1847 which provided that "no person shall keep or teach any school for the instruction of any negroes or mulattoes, in reading or writing in this State"

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[2] St. Louis Enquirer, June 14, 1820.

[3] Session Laws, 1825, p. 133, sec. 5.

[4] Fourth Annual Report (1837) of American Anti-Slavery Society, p. 81. The Reverend J. M. Peck wrote from St. Charles in October, 1825: "I am happy to find among the slave holders in Missouri a growing disposition to have the blacks educated, and to patronize Sunday Schools for the purpose" (R. Babcock, Memoir of John Mason Peck, p. 210).

under a penalty of five hundred dollars or not more than six months' imprisonment or both.[5] This statute was broken by indulgent masters and their families. "Many of us," says a prominent citizen of Lafayette County, "taught our niggers to read despite the law, but many of them refused to learn."[6] A colored educator of St. Louis asserts that Catholic sisters in that city often taught illegitimate colored girls, while free colored women, under the guise of holding sewing classes, taught negro children to read. Sometimes slave children slipped into these classes. Such a school was carried on by a Mrs. Keckley (colored) of St. Louis.[7]

As will be seen later, rigorous laws, increasing in severity in proportion to the activity of free-state neighbors in assisting slaves to escape, were passed to prevent negro assemblages, whether religious or social.[8] Nevertheless the patriarchal Missouri system fostered the religious instruction of the slave. The antebellum frontiersman was very religious and very orthodox, and the newspapers, the public speeches, and even the journals of the General Assembly abound in expressions of deep fervor. It was not a busy industrial society, and outside of St. Louis and a few other sections the liberal alien was as yet hardly known. The northern clergy with their developing unitarianism were abhorred. The master and the mistress and even the children considered themselves personally responsible for the spiritual welfare of the slave. In the rural sections the bondman usually attended his master's church.[9] "In the old Liberty Baptist church the servants occupied the northeast corner. After the whites had partaken of the Communion the cup was passed to the slaves," says a con-

[5] Session Laws, 1846, p. 103, secs. 1, 5.
[6] Captain Joseph A. Wilson.
[7] Statement of Professor Peter H. Clark.
[8] Pages 179–181.
[9] "Uncle" Peter Clay of Liberty stated that he went to the Baptist Church because his master did, but that after the War he joined the Methodist Church "because the Nothen Methdists stood foh freedom from slavery an freedom from sin."

temporary.[10] Very often the negroes were placed in the gallery. William Brown, a fugitive Missouri slave, declares that the slaves were instructed in religion at the owner's expense as a means of making them faithful to their masters and content in their state of servitude. He admits, however, that the owner really had a pious desire to give his negroes Christian training.[11] The restriction on negro preachers will be treated later.[12]

The statistics given of the various churches include the free colored along with the slaves, and hence are of little value in obtaining an idea of slave membership. In St. Louis, where there was a large free negro population, both classes seem to have attended the same churches, one colored minister, the Reverend Richard Anderson, having a flock of one thousand, "fully half of whom were free."[13] The other half must necessarily have been slaves. The St. Louis Directory of 1842 mentions two colored churches, each having a pastor.[14] Another negro church, organized in 1858, had seventy-five members.[15] That slaves, whether Protestant or Catholic, were often very devout is indicated by numerous touching accounts.[16]

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[10] Statement of Colonel D. C. Allen of Liberty. "Uncle" Eph Sanders of Platte City said that the slaves had a corner in the Baptist Church in that town and partook of the Sacrament after the whites and from the same cup.

[11] Pp. 36, 83. A traveller passing through Independence in 1852 heard a negro preacher say in a sermon, "It is the will of God that the blacks are to be slaves . . . we must bear our fate." This writer heard that the blacks believed that bad negroes became monkeys in the next world, while the good ones became white and grew wings (J. Froebel, Seven Years Travel in Central America . . . and the Far West of the United States, p. 220).

[12] Page 180.

[13] Anderson, p. 12.

[14] These were the Reverend John Anderson, Methodist, Green and Seventh Streets, and the Reverend J. Berry Meachum, Baptist, South Fifth Street (p. vi).

[15] Scharf, vol. ii, p. 1697.

[16] The Reverend Timothy Flint, a Presbyterian missionary, states that in September, 1816, he celebrated Communion at St. Charles. On that occasion a "black servant of a Catholic Frenchman," running in, fell on his knees and partook of the Sacrament with passionate devotion (Recollections of the Last Ten Years in the Valley of the Mississippi, p. 112).

The relations between the old French inhabitants of Missouri and their slaves were very close. The Catholic church was the special guardian of the bondman. It was very common for the white mistress to stand as sponsor for the black babe at its baptism, or for the slave mother to act as godmother to the master's child.[17] The following entry may be read in the records of the St. Louis Cathedral: "On the thirtieth October 1836, I baptized William Henry, six weeks old, and John, six years old, both slaves belonging to Mr. H. O'Neil, born of Mary, likewise Slave belonging to Mr. H. O'Neil, Sponsors were Henry Guibord and Mary O'Neil. Jos. A. Lutz."[18]

The Catholic church considered slavery as a part of the patriarchal life of the old French settlements. The growth of the country, however, soon commercialized the system, the French families becoming as prone to slave-dealing as were the newcomers. One has but to examine the probate records of the older counties to realize this fact. The Catholic clergy themselves often held slaves whom they did not govern very strictly. Some of the religious orders inherited negroes,[19] and in 1860 St. Louis University paid taxes on six slaves.[20]

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[17] Father D. S. Phelan of St. Louis said that he officiated at such baptisms. "The relations between the master's family and the slaves were close," he said. "I have seen the black and the white child in the same cradle, the mistress and the slave mother taking turns rocking them."

[18] MS. Records, St. Louis Cathedral, Baptisms 1835–1844, p. 37. Scharf counted 945 negro baptisms in Roman Catholic parishes in St. Louis up to 1818 (vol. i, p. 171). The present author, in company with Father Schiller of the Roman Catholic Cathedral, found several entries in the records similar to the above.

[19] Father Phelan stated that he once owned a couple of slaves but never knew what became of them. He remembers that the Lazarus Priests and other orders were at times bequeathed negroes.

[20] MS. Tax Book, St. Louis, 1860, Book P to S, p. 220. Bishops Rosati and Kenrick were taxed with no slaves, according to the St. Louis tax books covering the years 1842–60. The old Cathedral choir of the thirties and forties, led by Judge Wilson Primm, contained among others "Augustine, a mulatto slave of Bishop Dubourg, a fine tenor" (W. C. Breckenridge, "Biographical Sketch of Judge Wilson Primm," in Missouri Historical Society Collections, vol. iv, no. 2, p. 153).

The marriage relation of the slaves was necessarily lax, as the right of the owner to separate the parties was a corollary of his property right. This was the subject of very bitter criticism by antislavery people, as most of the churches admitted that the removal of either party sundered the marriage bond. A Unitarian minister of St. Louis wrote indignantly that "the sham service which the law scorned to recognize was rendered by the ministers of the gospel of Christ."[21] He also states that a religious ceremony was "according to slavery usage in well regulated Christian families."[22] William Brown, a Missouri refugee, says that the slaves were married, usually with a ceremony, when the owner ordered, but that the parties were separated at his will. He declares that he never heard of a slave being tried for bigamy.[23] Scharf claims that the official registration of a slave marriage was almost unknown in St. Louis.[24]

On the other hand, the Catholic church regularly married slaves and held the tie to be as sacred as any other marriage. The following entry appears in the Cathedral records: "On the twenty-fourth of December, Eighteen Hundred and twenty-eight the undersigned Parish priest at St. Louis received the mutual consent at Mariage between Silvester slave of Mr. Bosseron born in St. Louis and Nora Helen slave of Mr. Hough born in the city of Washington and gave them the nuptial benediction in the presence of the undersigned witnesses. Wm. Sautnier." Then follow the

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[21] W. G. Eliot, app., p. i.

[22] Ibid., p. 40.

[23] P. 88.

[24] Vol. i, p. 305, note. In the Republican of February 16, 1854, there is the complaint of a free negress that her husband had taken another wife. "As the subject of the second marriage is a slave, and some fears being entertained that he might take her out of the state to the injury of the master, the City Marshall sent some police officers in search of him and had him arrested." Financial loss rather than moral delinquency seems to have been the burden of interest in this matter.

crosses which represent the signatures of Silvester, Nora Helen, and four other slaves and one free negro.[25]

Several old slaves were questioned regarding the subject of marriage, and their statements show differences in practice. One said that he and his wife liked one another, and as they both belonged to the same master they "took up" or "simply lived together," and that this arrangement was the custom and nothing was said.[26] A negro of Saline County who was a child in slavery days stated that his parents belonged to different persons, and, by the consent of both, were married by the squire. The children went to the mother's master. After the War they were again married in conformity with the new state constitution.[27] Doubtless the experience of many slave families was similar to this last.

The slave marriage was never recognized by the law, consequently a statute was passed in 1865 requiring a legal marriage of all slaves in the State under a penalty.[28] An illustration of the legal position of the old slave marriage is best gained from a reading of the case of Johnson v. Johnson, which was handed down by the state supreme court in 1870. Here it was held that the old slave marriages were simply moral agreements and had no legal force whatever.[29]

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[25] MS. Records, St. Louis Cathedral, Register of Marriages 1828–1839, p. 10. Father Phelan stated that Catholics never sold their slaves and thus escaped the predicament of severing a Church marriage. The probate records, however, belie his statement. The Chouteaus, Chenies, and other Catholic families bought and sold many slaves.

[26] "Uncle" Henry Napper of Marshall.

[27] John Austin of Marshall.

[28] This law reads: "In all cases where persons of color, heretofore held as slaves in the State of Missouri, have cohabited together as husband and wife, it shall be the duty of persons thus cohabiting to appear before a justice of the peace of the township where they reside, or before any other officer authorized to solemnize marriages, and it shall be the duty of such officer to join in marriage the persons thus applying, and to keep a record of the same." The children previously born to such parties were thereby legitimatized. A fee of fifty cents was received by the recorder and sent to the one who performed the ceremony. Those refusing to be thus married were to be criminally prosecuted (Statutes, 1865, ch. 113, secs. 12–16).

[29] "In this State marriage is considered a civil contract," said

Crime was existent among the negroes in the slavery period, although it is often asserted that the black man has degenerated since his emancipation and a mass of revolting crimes is cited in evidence. If more crimes are committed today than in slavery days, it must be remembered that there are three negroes in the South today to one in 1860, and that a massing of population in towns undoubtedly increases crime. It was to the financial advantage of the master to shield his slave and smother his crimes, while today the race problem and race feeling encourage an airing of the failings of the blacks.

While at times the misbehavior of the slave and the free negro worked the populace into mob violence, such action was of a local and temporary nature.[30] Neither the legisla-

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the court, "to which the consent of the parties capable in law of contracting is essential. In none of the States where slavery lately existed did the municipal law recognize the marriage rites between slaves. . . . They were responsible for their crimes, but unconditional submission to the will of the master was enjoined upon them. By common consent and universal usage existing among them, they were permitted to select their husbands and wives, and were generally married by preachers of their own race, though sometimes by white ministers. They were known and recognized as husband and wife by their masters and in the community in which they lived; but whatever moral force there may have been in such connections, it is evident there was nothing binding or obligatory in the laws. . . . The slave, in entering into marriage, did a moral act; and though not binding in law it was no violation of any legal duty. If, after emancipation, there was no confirmation by cohabitation or otherwise, it is obvious that there would be no grounds for holding the marriage as subsisting or binding. . . . That in his earlier days he was previously married can make no difference. His first marriage in his then state of servitude had no legal existence; he was at liberty to repudiate it at pleasure; and by his continuing to live with respondent and acknowledge her as his lawful wife after he had obtained his civil rights, he disaffirms his first marriage and ratifies the second" (45 Mo., 598). "Uncle" Henry Napper of Marshall stated that he knew many negroes who took advantage of the interpretation of the new statute to leave the neighborhood and marry a young wife.

[30] In 1837 the governor "unconditionally" pardoned a slave woman who had been condemned for murder. His action caused no popular criticism (House Journal [Journals of the General Assembly of Missouri, House and Senate Journals], 9th Ass., 1st sess., p. 319). But when in 1854 a slave, condemned by the supreme court for raping a white girl, was pardoned, the Republican of February 7 stated editorially: "We are at a loss to determine upon what grounds the Executive thought proper to exercise his clemency . . . it was

tion nor the court decisions seem to have been influenced by any crimes on the part of the slaves. Of the two negro cases which caused the most feeling, one, the McIntosh affair of 1836, concerned a free negro, and the other, that of "Jack" Anderson, was a murder committed by a slave who had resided for some time in Canada.[31] Consequently there was no such feeling toward the slave as there was throughout the period toward the free negro. The Missourian, though irritated by political interference with his property and bitter against those who sought to carry off his blacks, had a rough good humor, and apparently exercised a spirit of fairness toward his bondmen.

The old slave masters without exception declare that the system was patriarchal in Missouri and that the bond between the owner and the owned was very close. The small number of slaves held by the vast majority of the masters was one reason for this condition. When the young Virginian or Kentuckian and his negroes emigrated to far-off Missouri, they suffered in common the pangs of parting, and together went to develop the virgin soil amid common dangers and common hardships. Thus there undoubtedly grew up an attachment that the older communities had long since outgrown.

For the territorial period there is evidence that the rela-

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an outrage of the most flagrant character, and deserved the severest punishment." Even this criticism of the court seems very calm considering the color of the offender.

[31] Francis McIntosh, a powerful negro, stabbed two officers who were escorting him to prison. He was burned by a St. Louis mob. A full account of this event is given in J. F. Darby, Personal Recollections of Men and Events in St. Louis, pp. 237–242. See also below, p. 117. Anderson had escaped to Canada. While on a visit to Missouri to remove his family he was apprehended by Seneca Diggs of Howard County, whom he shot (September 24, 1859). This episode caused much excitement. His extradition was still pending when the Civil War opened, as he had again fled to Canada. On March 27, 1861, certain citizens of Howard County were petitioning for money advanced by them to prosecute Anderson (Session Laws, 1860, p. 534). There is also a short account of this episode in W. H. Siebert, The Underground Railroad from Slavery to Freedom, p. 352. This affair is discussed, and also the action of the Canadian authorities and courts, in the Twenty-Eighth Annual Report of the American Anti-Slavery Society (1861), pp. 167–170.

tion between the races was friendly. Judge J. C. B. Lucas of St. Louis, a man who certainly had no love for the slavery system and who in 1820 advocated its restriction, admitted this fact. "I confess," he wrote, "that I do not entertain very serious apprehension of slaves as domestics . . . they are usually treated with a degree of humanity, and not infrequently of paternal affection. The opportunities they have to observe the conduct of the master's family, to attend public worship, and the satisfaction they receive from enjoying in a reasonable degree the comforts of life, generally induces them to respect the rights of others and be harmless."[32]

This condition of fellowship between master and man, made possible by deep respect on the part of the slave, continued on to the Civil War in many rural communities. "The Missouri slave holders," said Mr. Robert B. Price of Columbia, "were not such through choice. They inherited their negroes and felt duty bound to keep them." Colonel J. L. Robards of Hannibal stated that his father left him a number of slaves to whom he was fondly attached and whom he considered as a family trust. Mr. E. W. Strode of Independence claims that the negro was closely united to the master's family. Mr. Strode stated that his grandfather required in his will that the slaves be kept in the family, and that they were so held till the Civil War. "The children of the master," said Mr. Strode, "played and fought with the slave children with due respect, there being no need for race distinction."

The slave not only worshipped at his master's church and partook of the same sacraments as his master, but was ministered to by the same pastor and attended by the family physician.[33] In the quaint little cemetery south of Colum-

[32] Letter in the Missouri Gazette of April 12, 1820.

[33] Although as property the slave was naturally well protected, yet the following item shows how really sincere the master generally was in the care of his slaves. This news item appeared in the Missouri Intelligencer in 1835: "We with pleasure announce for the benefit of the public, that on Wednesday last, Dr. William Jewell of this Town [Fayette], successfully performed the great operation of

bia, where lie William Jewell and Charles H. Hardin, rest also the family servants. The latter are buried together side by side under small marble markers in the further side of the lot. Nothing can give a better impression of the strong tie between the slave and his master. This presents an idea of the system in its ideal state and under men who both intellectually and politically made life brighter in Missouri. "My mother," said Mr. R. B. Price, "labored incessantly to clothe and nurse our slaves—with no thought of any ulterior motive." Thus there is presented a picture of the system in the hands of the responsible and the conscientious, but economic pressure, human depravity, and greed too often made the picture morbid and disgusting. Herein lay the weakness of the system. The comparatively unlimited power of the master might be used for the blessing of the slave, or for his misery.

A general view of the condition of the Missouri slave can be gained from the recollections of one of the most eminent antislavery statesmen of the period, General George R. Smith of Sedalia. "The negroes," he wrote, "had Saturday 'evenings' as the afternoons were called, in which to do work for themselves; and what they made during this time they could sell and so get a little money. For money, however, they had little need, as they had no opportunities for higher life. . . . The masters were usually humane and there was often real affection between master and slave—very often great kindliness. There were merciful services from each to the other: there was laughter, song, and happiness in the negro quarters. . . . The old negroes had their comfortable quarters, where each family would sit by their own great sparkling log fires. . . . They sang their plantation songs, grew hilarious over their corn shuckings and did the bidding of their gracious master. Their doctor's

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Lithotomy, or cutting for stone in the bladder. . . . The individual operated upon by the Doctor was a little yellow boy, about eight years of age, the property of Archibald W. Turner, Esq." (quoted in the Jeffersonian Republican of May 2, 1835, from an unknown issue of the Intelligencer).

bills were paid; their clothing bought, or woven by themselves in their cabins, and made by their mistress; their sick nursed; and their dead laid away,—all without thought from themselves."[34] "I was but a lad in slavery days," says Mr. Dean D. Duggins of Marshall, "but my recollections of the institution are most pleasant. I can remember how in the evening at husking time the negroes would come singing up the creek. They would work till ten o'clock amidst singing and pleasantry and after a hot supper and hard cider would depart for their cabins. The servants were very careful of the language used before the white children and would reprove and even punish the master's children."[35] "How well I remember those happy days!" wrote Lucy A. Delaney. "Slavery had no horror then for me, as I played about the place, with the same joyful freedom as the little white children. With mother, father, and sister, a pleasant home and surroundings, what happier child than I!"[36]

The life of the slave was often made happy by privileges which a negro can appreciate as can no one else. Colonel R. B. C. Wilson of Platte City says that the happiest hours of his life were on Saturday afternoons in the slavery days when he and the negroes and dogs went tramping through the woods for game. The slaves had their dances under

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[34] S. B. Harding, Life of George R. Smith, pp. 50–51. As General Smith spent his life in Kentucky and Missouri, it may be inferred that he here refers to slave life in these States.

[35] Major G. W. Lankford of Marshall stated that the old servants often made the master's children behave. Captain Joseph A. Wilson of Lexington tells the following story: "One day my brother, a slave girl, and myself were playing with sticks which represented river boats. We had seen the boats run past the landing and then turn about and land at the dock prow foremost. But the slave girl insisted on running her boat in backwards. My mother, who was in an adjoining room, soon heard the slave girl give a great howl, screaming that Henry had slapped her. 'Henry, why did you strike that child,' said mother. 'Well, she is always landing stern first,' protested Henry. This anecdote shows how paternal the system was in our part of the state."

[36] P. 13. Later Lucy Delaney had less humane masters and mistresses. Her book, few copies of which are now extant, gives a good picture of slave life in St. Louis, despite her hostile attitude toward the system.

regulations and with officers present. The circus was also open, occasionally at least, to the slaves, who with the children went in for half price.[37]

The treatment of the negro was seen from various angles by contemporaries. One general statement was that "the slaves were universally well treated, being considered almost as one of the other's family . . . and in all things enjoyed life about as much as their masters."[38] Frank Blair, who worked for emancipation and colonization throughout his career, said in a speech at Boston in 1859 that the Missouri slaveholder was kind to his negro.[39] Blair was certainly not a man to trim for political purposes by praising slave-owners, especially in Boston. Gottfried Duden, who visited Missouri in 1824–27, declared that the slave in the grain-producing States was well off—as well or better situated than the day laborer of Germany.[40] Another German, Prince Maximilian of Wied, who travelled about the State in 1832–34, remarked that "though modern travellers represent in very favorable colors the situation of this oppressed race, the slaves are no better off here than in other countries. Everywhere they are a demoralized race, little to be depended upon. . . . We were witnesses of deplorable punishments of these people. One of our neighbors at St. Louis, for instance, flogged one of his slaves in the public

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[37] The following advertisement is found in the St. Joseph Commercial Cycle of June 29 and July 6, 1855: "E. T. and J. Mabies' Grand Combined Menagerie. . . . Admission 50 cents: children and servants 25 cts." The word "servant" was applied through the South to the negro slave in polite language. In the law, however, as in formal language, the word "slave" was used.

[38] H. C. Levens and U. M. Drake, A History of Cooper County, Missouri, p. 120. A secondary authority gives a similar picture of the happiness and the close relation of the races in the territorial period. He even goes so far as to declare that "they [the master and his slave] counseled together for the promotion of their mutual interests: the slave expressed his opinion . . . as freely as his mistress or master; nor did he often wait to be solicited." No authority for this statement is given (D. R. McAnally, A History of Methodism in Missouri, vol. i, pp. 146–147).

[39] F. P. Blair, Jr., The Destiny of the Races of this Continent, p. 25.

[40] Bereicht ueber eine Reise nach den Westlichen Staaten Nordamerika's, p. 146.

streets, with untiring arm. Sometimes he stopped a moment to rest, and then began anew."[41]

The physical punishment of the slave was the joint of antislavery attack, and was undoubtedly an often abused necessity on the part of the owner. "We treated our slaves with all humanity possible considering that discipline had to be maintained," said Colonel D. C. Allen of Liberty. It has always been argued that corporal suasion alone could influence a creature as primitive as the slave. The law forbade unnecessary cruelty to slaves and public sentiment opposed it. The Reverend William G. Eliot, though having very decided antislavery views, stated that "the treatment of slaves in Missouri was perhaps exceptionally humane. All cruelty or 'unnecessary' severity was frowned upon by the whole community. The general feeling was against it."[42] Another antislavery clergyman, the Reverend Galusha Anderson, said that the St. Louis slaves were mostly well treated, but that he knew of several notorious cases of bad treatment.[43] Those who had no sympathy with the system easily found much that was revolting.[44] Reports coming from such sources make no mention of the benefits which partly counterbalanced the evils.

Exact knowledge of the treatment of the slave is difficult to reach. A wide difference of opinion is found even among

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[41] "Travels in the Interior of America," in R. G. Thwaites, Early Western Travels, vol. xxii, p. 216.

[42] W. G. Eliot, p. 39. He mentions several cases of very cruel treatment that he observed (ibid., pp. 39, 91–94, 101–103).

[43] P. 170.

[44] Brown, pp. 28–38. He dwells upon several very disgusting instances which he witnessed as a Missouri slave. Dr. John Doy gives several tales of cruelty which he both saw and heard while a prisoner at Platte City and St. Joseph (pp. 61–62, 94–99, 102–103). The American Anti-Slavery Society tract, "American Slavery as It Is (1839)," is rich in revolting tales, and contains several accounts of events which it claims took place in Missouri (pp. 71, 88–89, 127, 158). A Virginia slaveholder on his way to Kansas, where he later joined a company of Southern Rangers, stopped in Missouri for a few weeks. He prevented a mule dealer named Watson from beating his negro with a chain. "If he had not been checked when he was so mad, he might have killed the poor darkey, and nothing would have been thought of it" (Williams, p. 69).

contemporaries living in the same locality. Colonel D. C. Allen of Liberty asserted that he had never witnessed any instances of bad treatment, while "Uncle" Eph Sanders, an old Platte County slave, stated that for every kind master there were two brutes who drove their negroes as they did their mules. "But my own master," said "Uncle" Eph, "was very good. The slaves were treated about like his own family. He allowed no one to mistreat us and hated the hard masters of the neighborhood." As it would be impossible to reduce the matter to mathematical exactitude, we must be content to generalize from the particular instances given.[45]

Self-interest naturally prevented treatment that was severe enough to affect the slave physically, except in the case of an owner blind to all sense of his own advantage. Captain J. A. Wilson of Lexington, a man of clear insight and one who saw the evils as well as the good in the system, says: "There was not much public whipping. It was an event which attracted a crowd and was thought worthy of comment. It made the slave resentful, if he was innocent, and but hardened him if he was guilty. If a slave bore the scars of the lash his sale would be difficult. In Lafayette county ill treatment of the slave was condemned. William Ish killed one of his slaves with a chisel for not working to suit him. The public sentiment was bitter against him. He spent a fortune to escape the penitentiary." J. B. Tinsley of Audrain County threatened to prosecute the patrol for whipping one of his slaves.[46] A slave was once whipped by the patrol as he was returning at night from the livery stable in Lexington where he was hired. The hirer sued the patrol, as the negro was on legitimate business.[47] From

[45] Anice Washington of St. Louis said: "Some slaves were very bad and they deserved to be whipped. My master once struck me when I was a girl and I have the scar on my wrist yet. I refused to go and get the cows when he ordered. I was owned by two masters. One treated me much better than the other, but he was better off."

[46] Statement of Mr. J. W. Beatty of Mexico.

[47] "Uncle" Peter Clay of Liberty.

what could be learned the slaves, while by no means considered as equals or comrades, were very jealously guarded by their masters. Missouri was so surrounded by free territory that it was necessary to keep the negro in as good humor as possible.

The punishment of the slave for indolence, sedition, and other forms of misconduct was largely left to the master. The State punished the negro for crime, but could hardly be expected to enforce the master's personal demands upon him. However, in some cases the public took an interest in the matter. An ordinance of Jefferson City permitted owners having "refractory" slaves to require an officer to give them "reasonable punishment." The constable or other official so whipping the slave was to receive for his services fifty cents, which was collectable as were his other fees.[48]

The amount of labor required of the slave has already been considered.[49] Some were undoubtedly cruelly worked. William Brown, a slave who lived on a tobacco and hemp plantation "thirty or forty miles above St. Charles on the Missouri River," says that the slaves were given ten stripes with a loaded whip if not in the fields at four-thirty in the morning, and that their wounds were washed with salt water or rum.[50] This may be a true account, but it was exceptional. However, other cases of long hours have been found. Anice Washington stated that while a slave in Madison County she went to the fields at four, and after supper spun or knit till dark. "We had dinner at noon of meat and bread with greens or other vegetables in summer, and bread and milk for supper. While in St. Francis county I did not have enough to eat." "I had a good master," said a Saline County slave, "and had plenty to eat. We had three meals a day—bacon, cabbage, potatoes,

[48] Mandatory Ordinance relative to the City Police, and to Prevent and Restrain the Meeting of Slaves, of June 16, 1836, sec. 5 (Jeffersonian Republican, June 25, 1836).

[49] Above, pages 26–27.

[50] Pp. 14, 20–24.

turnips, beans, and some times molasses, coffee, and sugar. We also had milk and some times butter. We got a little whiskey at harvest. We were in the field before sun-up but were not worked severely. One of the neighboring farmers had a lot of slaves and he was a hard man. He shoved 'em through. We had another neighbor who unmercifully whipped his slaves if they shirked."[51] A Platte County slave declared that he had a good master and had plenty to eat and wear. "We were given liquor in harvest and had no Saturday afternoon nor Sunday work. Christmas week was also a holiday. But all slaves were not treated so well. I have seen mothers go to the field and leave their babies with an old negress. They could go to them three times during the day."[52] This negro's wife stated that she was once hired out by her mistress, and often had only sour rice and the leavings of biscuits to eat. "Uncle" Peter Clay of Liberty said that he was well enough fed and was given whiskey at harvest, corn shucking, and Christmas time.

Although bitterly opposed to slavery, the abolitionist, George Thompson, in order to prove that the negro was capable of making his own way, stated that while a prisoner in the Palmyra jail in 1841 he saw slaves who were certainly anything but oppressed. "The slaves here, on the Sabbaths, dress like gentlemen. They get their clothes by extra work, done on the Sabbaths and in the night, and yet they can't take care of themselves. Shame on those who hide under this leaf."[53] The War brought no immediate relief to many of the slaves, as the reports of the Western Sanitary Commission show. "At one time an order was

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[51] Henry Napper of Marshall. Thomas Summers of Cape Girardeau lived near Jackson in slavery days. "I was never exposed in such weather nor worked so hard while a slave as since I have been free," he said, "but I would rather be free and eat flies than be a slave on plenty." His mistress made the clothes of the slaves and they were well fed. He remembered few slaves being cruelly used in the county.

[52] Eph Sanders of Platte City.

[53] P. 42.

issued forbidding their payment [for excavating, teaming, and other camp work] on the ground that their master would have a claim against the Government for their services. All the while they were compelled to do most of the hard work of the place [St. Louis] and press gangs were sent out to take them in the streets. . . . Sometimes they were shot down and murdered with impunity. They were often driven with their families into 'Camp Ethiopia' with only cast off army tents to shield them. At one time an order was issued driving them out of the Union lines and into the hands of their old masters."[54]

So much has been written on the life of the slave, and so much of this has been argumentative, that little more than a brief sketch of the everyday life of the slave has been attempted here.

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[54] Rev. J. G. Forman, The Western Sanitary Commission (1864), pp. 111–112.

CHAPTER IV

The Slavery Issue in Politics and in the Churches

The motives behind the fight for statehood in Missouri during the years 1819–21 have been discussed by several writers.[1] The opinion of the majority of authorities on this subject is that the sentiment of Missouri in 1819 shifted from the old Jeffersonian dislike of slavery, or at least from a cold support of the system, to an avowed proslavery position. This change of attitude is said to have been caused by the attack of the northern representatives in Congress on Missouri's efforts to secure statehood, this northern opposition being based on avowed hostility to slavery extension. This is the orthodox view, and it is held by those who declare that the South at heart had no great solicitude for slavery till northern interference pricked her pride. At first glance this appears plausible, but a closer inspection of the materials relating to the period shows this opinion to be both superficial and unreasonable.

The people of Missouri were in favor of slavery from the earliest days of its existence as a Territory. Even before Missouri became a Territory her citizens had what appears to have been more than a mere nominal attachment to "the peculiar institution." On January 4, 1805, the settlers about

[1] F. H. Hodder, "Side Lights on the Missouri Compromises," in American Historical Association Reports, 1909, pp. 151–161; L. Carr, Missouri: A Bone of Contention, ch. vi, vii; F. C. Shoemaker, The First Constitution of Missouri. The author of the present study treated this point briefly in his "Slavery in Missouri Territory," in Missouri Historical Review, vol. iii, no. 3, pp. 196–197. Governor Amos Stoddard in discussing slavery in Louisiana refers rather to the system as he viewed it on the lower Mississippi. Speaking of the slave States as a whole he says: "Their feelings, and even their prejudices, are entitled to respect; and a system of emancipation cannot be contrived with too much caution" (Sketches Historical and Descriptive of Louisiana, p. 342).

St. Louis protested warmly at being joined to the Indiana Territory under the title of "The District of Louisiana." Their pride was touched and their grievances were many, but of all their complaints the fear for their slave property seems to have been one of the most weighty. Their memorial to Congress reads as follows: "Slaves cannot exist in the Indiana Territory, and slavery prevails in Louisiana, and here your petitioners must beg leave to observe to your honorable Houses, that they conceive their property of every description has been warranted to them by the treaty between the United States and the French Republic. . . . Is not the silence of Congress with respect to slavery in the District of Louisiana, and the placing of this district under the government of a territory where slavery is proscribed, calculated to alarm the people with respect to that kind of property, and to create the presumption of a disposition in Congress, to abolish at some future day slavery altogether in the District of Louisiana?" Again they claimed that the treaty warranted "the free possession of our slaves, and the right of importing slaves into the District of Louisiana, under such restrictions as to Congress in their Wisdom will appear necessary."[2]

This last statement at least was no mere attempt to conserve existing property, but was an open desire to import blacks. The full force of the slavery issue, however, did not develop till the struggle for statehood opened. Petitions to this end are said to have been signed by citizens of Missouri Territory as early as 1817.[3] Apparently no mention of slavery was made in them. On January 8, 1818, the

[2] Representation and petition of the representatives elected by the Freemen of the territory of Louisiana. 4th January, 1805. Pp. 11–12, 22. This original printed petition is in the Library of Congress. The text of the petition can also be found in American State Papers, Miscellaneous, vol. i, pp. 400–405. One petition was signed September 29, and another September 30, 1804, at St. Louis (ibid.).

[3] L. Houck mentions one which was circulated in 1817 and was presented in 1818 (History of Missouri, vol. iii, pp. 243–245). Scharf quotes the Missouri Gazette of October 11, 1817, as stating that a memorial praying for statehood was being circulated (vol. i, p. 561, note).

speaker of the House of Representatives "presented a petition from sundry inhabitants of the Territory of Missouri praying that the said Territory may be admitted into the Union; on an equal footing with the original States."[4] John Scott, the territorial delegate, presented several similarly described papers on February 2 and March 16, 1818.[5] There is in the Library of Congress a printed petition signed by sixty-eight Missourians. It is not dated and makes no mention of slavery, though it deals extensively with territorial needs and abuses.[6]

That the Missouri of 1820 really had considerable slave property to fight for is evident. Between 1810 and 1820 the slave population of the Territory had grown from 3011 to 10,222.[7] That this gain was not simply the natural increase of the negroes of the old French settlers is learned from many sources. An item in the Missouri Gazette of October 26, 1816, says that "a stranger to witness the scene would imagine that Virginia, Kentucky, Tennessee, and the Carolinas had made an agreement to introduce us as soon as possible to the bosom of the American family. Every ferry on the river is daily occupied in passing families, carriages, wagons, [and] negroes." The same paper on June 9, 1819, gives the following report from St. Charles: "Never has such an influx of people . . . been so considerable, . . . flowing through our town with their maid servants and men servants . . . the throng of hogs and cattle, the whiteheaded children, and curlyheaded Africans." Another item in the same issue states that "170 emigrants were at the Portage des Sioux at one time last week." The papers for nearly every week from the above date are filled with similar statements. That the newcomers were of the kind to make

[4] Annals of Congress, 15th Cong., 1st Sess., vol. i, p. 591.

[5] Ibid., vol. ii, pp. 839, 1391. Alphonso Wetmore mentions a Missouri petition of 1818, but says nothing as to any slavery clauses being in it (Gazetteer of the State of Missouri, p. 212).

[6] This petition is in the Manuscripts Division. At least one signature has been removed and with it the lower right-hand corner, which perhaps also contained the date. It was printed by S. Hall of St. Louis.

[7] Federal Census, Statistical View, 1790–1830, p. 27.

Missouri a slave State there is no trouble in discovering. The St. Louis Enquirer of November 19, 1819, informs us that a citizen of St. Charles counted for nine or ten weeks an average of one hundred and twenty settlers' vehicles per week, with an average of eighteen persons per vehicle. "They came," it continues, "almost exclusively from the States south of the Potomac and the Ohio bringing slaves and large herds of cattle." The Gazette of January 26, 1820, states that "our population is daily becoming more heterogenious [sic] . . . scarcely a Yankee has moved into the country this year. At the same time Virginians, Carolinians, Tennesseeans, and Kentuckians are moving in great force." The St. Louis Enquirer of November 10, 1819, claims that in October of that year two hundred and seventy-one four-wheeled and fifty-five two-wheeled vehicles passed "Mrs. Griffith's in the point of the Missouri," bound for Boone's Lick, and speculates that from ten to fifteen thousand people would settle in Missouri during the autumn. Timothy Flint, a New England clergyman, counted a hundred persons passing through St. Charles in one day. "I have seen . . . nine wagons, harnessed with from four to six horses. We may allow one hundred cattle . . . and from three or four to twenty slaves to each wagon. The slaves seem fond of their masters."[8]

This change in the character of the population is reflected in the personnel of the constitutional convention of 1820. According to one partisan paper there was not "a single confessed restrictionist elected."[9] At Mine à Burton the

[8] P. 201.

[9] St. Louis Enquirer, May 10, 1820. Benjamin Emmons of St. Charles is rumored to have been the only antislavery man in the convention. Vermont and New York are both said to have been his native State. If Emmons was marked as the only emancipationist in the convention, it is strange that he had the confidence of his fellow members to such an extent as he did. He was actually placed on the most important committee, considering the slavery agitation of the time,—the legislative committee, which drafted the slavery sections of the new constitution (ibid., June 14, 1820). Emmons was later elected to the state Senate, and at a St. Charles mass-meeting of December 19, 1821, he was made chairman (The Missourian, January 24, 1822). Emmons was a tavern keeper, and his advertisement may be seen in the above issue.

"Manumission Men" were beaten by 1147 to 61 votes,[10] at St. Louis by about 3 to 1,[11] and in Cape Girardeau County by 4 to 3.[12] It therefore appears that this influx of newcomers had brought into the Territory many who had financial or hereditary reasons for favoring slavery. A letter of Judge J. B. C. Lucas of St. Louis, written October 27, 1820, confirms the fact that slavery was the basis, at least to a considerable extent, of the local struggle against restriction. "I was a candidate," wrote Judge Lucas, "for the state convention. I did not succeed because being requested to declare my sentiments on the subject of slavery, I expressed an opinion that it would be proper to limit the importation of slaves to five years or a short period from the date of the Constitution . . . the ardent friends of slavery, in all its extent and attributes, charged me, or suspected me to be hostile to the principles altogether, and contended that I dare not go the whole length of my opinion, knowing it to be unpopular. In fact I was called an emancipator and this is the worst name that can be given in the state of Missouri."[13] Judge Lucas also stated that as he was known to oppose the Spanish land claims these claimants, in order to procure his defeat—in which object they succeeded—spread the report that he opposed slavery.[14] If such an issue was raised to defeat a candidate, St. Louis at least must have been strongly proslavery in sentiment in 1820, but it was not the "Lawyer Junto" of that city alone which had this feeling, as will be seen later. It seems hardly possible that the hardheaded frontiersmen with their ten thousand slaves would thunder at Congress for two years on an abstract question of constitutional equality.[15]

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[10] St. Louis Enquirer, May 10, 1820.

[11] Missouri Gazette, May 20, 1820.

[12] St. Louis Enquirer, May 31, 1820.

[13] Lucas to Robert Moore (J. B. C. Lucas, Jr., comp., Letters of Hon. J. B. C. Lucas, from 1815 to 1836, pp. 28–29).

[14] Lucas to William Lowndes, November 26, 1821 (ibid., p. 158); Lucas to Rufus King, November 16, 1821 (ibid., p. 148).

[15] This view is somewhat stronger than that expressed in my former study of this period (see note 1 of this chapter). Professor Hodder is of the contrary opinion. He states regarding the sweep-

The immigration of southern settlers during the late territorial period changed the social complexion of Missouri. To this fact can be traced the real cause of the anxiety of the people to be admitted as a slave State. This lay at the heart of the outcry against the attempt of Congress to force conditions on the new commonwealth. The merits of the slavery question were soon obscured, and the excitement veered over into the constitutional field.[16] Slavery was theoretically condemned, and at the same time the right to import negroes was asserted. At least a denial of the right of Congress to prevent the introduction of slaves became the cry of the proslavery party. "No Congressional Restriction!" was the shibboleth of the day. "I regret as much as any person," declaimed John Scott, the territorial delegate in 1819, "the existence of Slavery in the United States. I think it wrong in itself, nor on principle would I be understood as advocating it; but I trust I shall always be an advocate of the people's rights to decide on this question . . . for themselves. . . . I consider it not only un-

ing victory of the proslavery party in the constitutional convention election of 1820 that "the result seems to have been due not so much to any very strong sentiment in favor of slavery as to a fierce resentment bred by the Congressional attempt at dictation" (p. 155). Professor Woodburn agrees with this view. "It does not appear," he writes, "that any of those who argued for the free admission of Missouri ventured to defend the institution of slavery. . . . The defence for Missouri rested almost altogether on the constitutional phases of the question. They touched the evils of slavery only in minor and incidental ways" ("The Historical Significance of the Missouri Compromise," in American Historical Association Reports, 1893, p. 284). On the other hand, Frank Blair went so far as to say, "The effort [to restrict slavery] was defeated by the interposition of 10,000 slaves in Missouri, and the threat to dissolve the Union, unless permitted to constitute it a slave state" (The Destiny of the Races of this Continent, p. 7).

[16] This purely constitutional nature of the struggle is denied by a correspondent signing his name "X." He denies the charge that the slavery restrictionists favored congressional tyranny. "It is a notorious fact," he continues, "that many, if not all of the individuals who are opposed to slavery, were equally opposed to the interference of Congress on the subject." He also says that "every individual, who happened to believe slavery an evil, and its further introduction into Missouri prejudicial, have been indiscriminately abused" (Missouri Gazette, May 31, 1820).

friendly to the slaves themselves to confine them to the South, but wholly incompetent on Congress to interfere."[17]

In this same strain Henry Carroll, on presenting a resolution from Howard County against congressional interference, said: "There are none within my view, none it might be said in Boone's Lick country . . . who would not lend efficient co-operation to achieve all the good within their compass, and wipe from the fair cheek the foul stain which soils it . . . [but] a rejection of slavery cannot fail to shut out of our country those disposed to migrate hither from the southern states, under a repugnance to separate from the labor useful to them."[18] On September 11, 1819, the Baptist Association in session at Mount Pleasant Meeting House in Howard County adopted a petition to Congress in which these words are found: "Although with Washington and Jefferson . . . we regret the existence of slavery at all . . . and look forward to a time when a happy emancipation can be effected, consistent with the principles of . . . Justice . . . the constitution does not admit slaves to be freemen; it does admit them to be property . . . we have all the means necessary for a state government, and believe that the question of slavery is one which belongs exclusively to the people to decide on."[19]

The efforts of Congress to dictate the slave policy of Missouri raised a veritable tidal wave of antagonism in the Territory. On April 28, 1819, citizens of Montgomery County vigorously criticized Congress.[20] Resolutions followed to the same effect in Franklin County on July 5,[21] in Washington County on the 29th,[22] and in New Madrid County soon after.[23] In some cases the theory of limiting importations of negroes into the new State was advocated, but any tampering with the slaves already in the Territory

[17] Missouri Intelligencer, July 16, 1819.
[18] Ibid., July 9, 1819.
[19] St. Louis Enquirer, October 20, 1819.
[20] Missouri Herald, August 20, 1819.
[21] Missouri Intelligencer, July 9, 1819.
[22] Missouri Herald, August 4, 1819.
[23] Ibid., August 20, 1819.

was condemned. Such a declaration was made at a meeting at Herculaneum in Jefferson County in April, 1819,[24] and the grand jury of the county followed the example in July.[25] On April 11, 1819, nearly a hundred citizens of St. Louis met and condemned any further importations of slaves into the State, but decried any interference with the local system as it existed.[26]

Official bodies joined in the protest against Federal tyranny. The grand jurors of St. Louis on April 5, 1819, declared that "they believe that all the slave-holding states are virtually menaced and threatened with eventual destruction [if slavery is prohibited in Missouri]."[27] The grand jurors of Montgomery County in July said, "They view the restriction attempted to be imposed on the people of Missouri Territory in the formation of a State Constitution as unlawful, unconstitutional, and oppressive."[28] The Washington County grand jury put themselves similarly on record during the same month.[29] The editorials, the correspondence, and the general material of the press during these months bear witness to the interest which Missouri took in the slavery question.

If the mere naked words and phrases of the multitude of indignant resolutions and declarations of the period be accepted as the expression of honest opinion, we should be forced to the conclusion that the majority of the inhabitants of the Territory in 1820 thought less of slave labor than of constitutional rights. Nevertheless, the present writer and at least one other student of the period are forced by both internal and external evidence to the belief that the declara-

[24] Missouri Gazette, April 26, 1819. At this meeting at Herculaneum a three-column argument against slavery in the abstract was drawn up. It was argued that a restriction of importations would ultimately wipe out the system. "This perhaps will be the only time that you will ever have in your power to oppose the Horrible system with effect," concludes this statement.

[25] Missouri Herald, September 10, 1819.

[26] Missouri Gazette, April 12, 1819.

[27] Ibid., May 12, 1819.

[28] Missouri Herald, September 4, 1819.

[29] Ibid., August 20, 1819.

tions of the press and of the various individuals and political bodies should not be taken on faith as being the real sentiments of the day.[30] No great liberties need be taken in interpreting the phraseology of the documents of these years to arrive at this view. The real solicitude of the "anti-restriction" men for slavery creeps out here and there with bald frankness.

On April 5, 1819, the "Grand Jury of the Northern Circuit of the Territory of Missouri," meeting at St. Louis, declared that congressional restriction of slavery was "an unconstitutional and unwarrantable usurpation of power over our unalienable rights and privileges as a free people. . . . Although we deprecate anything like an idea of disunion which next to our personal liberty and security of property is our dearest right . . . we feel it our duty to take a manly and dignified stand for our rights and privileges."[31] It appears that these jurors, at least, struck at the root of the whole matter when they advanced "personal liberty and security of property" as alone being dearer than the Union. Another illustration of this point appears in the account of the celebration at St. Louis on March 30, 1820, to commemorate the enabling act which Congress had just passed. admitting Missouri with slavery. Among other features of this celebration was one "representing a slave in great spirits, rejoicing at the permission granted by Congress to bring slaves into so fine a country as Missouri."[32] This

[30] When the author of this study and Mr. Floyd C. Shoemaker compared conclusions, it was found that they were identical on this point. We had arrived at them independently. He had judged from internal evidence in studying the convention in detail and the constitution which resulted from its work. My own conclusions were largely gained from external evidence, a study of the make-up of the population, previous and subsequent expressions and events, and also by reflecting back the whole later slavery struggle in Missouri upon this period when not only Missouri but the entire South was finding its bearings on the slavery question. Mr. Shoemaker's study, an enlargement of his early study of the Constitution of Missouri of 1820, will soon appear in print.

[31] MS., signed by John McKnight, foreman, and the other jurors, and by Archibald Gamble, clerk, Dalton Collection.

[32] Missouri Gazette, April 5, 1820.

affair does not look like the celebration of a victory over a point of constitutional law.

The real strength of an immediate emancipation party during these years is not difficult to measure. Joseph Charless of the Missouri Gazette, who led the forces of those who opposed the introduction of slaves, stated editorially that he had spoken personally with all the convention candidates on his slate—Lucas, Bobb, Pettibone, and so forth. He said: "I am apprised of the sentiments of all those candidates who were favorable to the restriction of slavery. . . . They are decidedly opposed to any interference with the slaves now in the territory."[33] Judge Lucas, in a long statement in the Gazette of April 12, 1820, denied that he was an immediate emancipationist, but said that he did favor the limitation of the period allowed for the importation of negroes lest the State be filled with thieving slaves and with overgrown slaveholding "nabobs" who would corrupt the democratic institutions of Missouri. He also argued that slaves would cause white labor to shun the State, and so argued for restriction.

Of all the convention candidates whose cards appear in the four papers examined which cover the campaign period not one advocated any interference whatever with the slave property of the Territory.[34] Many were for the restriction of future importations, but none favored any meddling with the slaves already on the soil. Most of them condemned slavery in the abstract, but at the same time came out boldly for temporary importations. Pierre Chouteau, Jr., who is a fair example of these, declared that should he be elected

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[33] Missouri Gazette, April 12, 1820. Charless wrote this in answer to "A Farmer" who disclaimed any desire to see more slaves imported, but opposed emancipating those then in the Territory. The candidates of the various factions were listed in the Gazette of April 3, 1820, and other issues.

[34] The Missouri Gazette supported the "Restrictionists" and the St. Louis Enquirer the "Anti-Restrictionists." The Missouri Herald of Jackson, Cape Girardeau County, and the Missouri Intelligencer of Howard County—then in the extreme western part of the Territory—advocated no restriction also. The first issue of the Missourian, published at St. Charles, that could be found is dated subsequent to the election.

to the convention, "any attempt to prevent the introduction of slaves . . . will meet my warmest opposition."[35]

Not only in St. Louis was there strong proslavery feeling. James Evans, running for election in Cape Girardeau County, advertised as follows: "I frankly declare that I am in favor of the future introduction of slaves into the new State."[36] Thomas Mosly of the same county was for no "constitutional restriction on the subject whatever."[37] Several others advocated the same policy. A lone restrictionist came out in Cape Girardeau County. George H. Scripps declared that increased slave importations would keep free labor from the State, and would result in race amalgamation.[38]

In Lincoln County John Lindsay stated that "as to slavery, I shall be in favor of it."[39] Abner Vansant of Jefferson County did not deny that slavery affected morals and had other bad features, but considered that "perhaps it would be politic to permit the future introduction of them [slaves] for a short time."[40] Indeed several candidates, as, for example, Robert Simpson, were not strongly proslavery in feeling, but thought it expedient to "allow a reasonable time for those owning slaves and who may become interested in our soil, to emigrate to the state."[41] Rufus Pettibone also favored no restriction for a number of years "for the sake of encouraging emigration."[42] This economic motive was doubtless an important factor in arousing opinion against restriction. The broad prairies were there to be developed, and slave labor was to be the means of accomplishing the task.

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[35] Missouri Gazette, April 19, 1820. For the St. Louis candidates see the issues of April 5, 12, 19, 1820.

[36] Missouri Herald, April 8, 1820.

[37] Ibid.

[38] Ibid., April 22, 1820.

[39] Missouri Gazette, April 12, 1820. Two candidates, Robert Simpson and John Robb, fearing lest Missouri later deal in slaves as an article of commerce, favored restriction in the period of importations (ibid., April 19).

[40] Ibid., April 26.

[41] Ibid., April 5.

[42] Ibid , April 12.

From the constitutional convention itself one may gain a clear-cut view of the sentiment of the period. The procedure of this assembly, together with the origin and development of the slavery clauses, has been minutely examined and analyzed by others, and the subject need not enter into the present discussion.[43] The slavery sections of the constitution will be set forth in the various chapters of this study according to their subject matter. In general it may be said that the document laid no restriction upon bona-fide importations of slaves, and only by the consent of the master could they be emancipated.[44] Benton's claim to the authorship of the clause preventing emancipation without the owner's consent and without reembursing him was not made by him until years after the convention had assembled. He repeatedly maintained that he secured the insertion of this provision, but his claim is backed by his own word alone.[45] The constitution apparently satisfied the pro-slavery element.[46] The question seemed legally settled,

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[43] Shoemaker, pp. 49–51. The original published Journal of the convention is now very rare, but a photo-facsimile was printed in 1905.

[44] Art. iii, sec. 26, paragraphs 1, 2.

[45] "I was myself the instigator of that prohibition, and the cause of it being put into the constitution—though not a member of the convention—being equally opposed to slavery agitation and slavery extension" (Thirty Years' View, vol. i, pp. 8–9). Benton was exasperated when Frank Blair and Gratz Brown became active supporters of emancipation in the legislature. "They know perfectly well," he said, "that I introduced the clause against Emancipation into the Constitution of the state, with a view to keep this slavery agitation out of politics, and that my whole life has been opposed to their present course" (Republican, July 26, 1858). Benton wrote Gale and Seaton on February 29, 1856, that he was "most instrumental in getting that clause put in for the express purpose of keeping slavery agitation out of the State" (quoted in the St. Joseph Commercial Cycle, March 28, 1856).

[46] The St. Louis Enquirer was well pleased with the constitution, even calling it "immortal" on one occasion (issue of September 1, 1821). The Gazette, on the other hand, had no praise for the slavery sections (issue of July 21, 1820). "A Planter" sent to the Missourian of August 26, 1820, the following note of satisfaction as to the work of the convention: "What better security can slave holders have that their rights will be secured, and their habits respected in Missouri, than the provisions of the constitution. . . . I hear nobody advocating emancipation: all my neighbors say the question is set-

although the free-negro clause was to keep Missouri and the whole country roused for another year.

After the Compromise of 1820 Missouri sat down to enjoy the fruits of her effort, her legally secure black labor. The first decade of her statehood was one of development. With her great and pugnacious senator, Thomas Hart Benton, she was becoming influential in the land. In these years there occurred an episode which was so spontaneous and romantic and so long kept secret that but for the high authority who vouches for it one might well consider the whole story comparable to Jefferson's shimmering salt mountain and other airy legends of Mississippi Valley lore. This is the emancipation conspiracy of 1828 which was years after revealed by the Whig leader, Mr. John Wilson of Fayette. He, with Senators Benton, Barton, and other prominent statesmen of both parties, "representing every district of the State," met in secret to plan a movement for gradual emancipation. Candidates were to be canvassed, and both parties were to get memorials signed to be presented to the legislature. At this juncture appeared the widespread newspaper canard representing that Arthur Tappan of New York "had entertained at his private table some negro men and that, in fact, these negroes rode out in his private carriage with his Daughters." This report raised a storm of indignation in the State, and the scheme of the emancipationists was abandoned. Mr. Wilson claims that "but for that story of the conduct of the great original fanatic on this subject we should have carried, under the leadership of Barton and Benton, our project and begun the future emancipation of the colored race that would long since have been followed by Kentucky, Maryland, Virginia . . . our purpose after we got such a law safely placed on the Statute Book, was to have followed it up by a provision requiring the masters of those who should be born to be

tled fairly, and they have no wish to renew it. . . . The worst sort of restrictionists are the men that wish to tie the people, neck and heels, to prevent them from injuring themselves."

free to teach them to read and write. This shows you how little a thing turns the destiny of nations."[47]

Assuming that the meeting took place, its first peculiarity is the really naïve confidence of the participants that but for the Tappan story "we should have carried, under the leadership of Barton and Benton, our project." The furor which convulsed Missouri during the Compromise debate would seem to have been sufficient to appal any one who might be minded to tamper anew with the slavery question. It hardly seems possible that Benton, who systematically smothered the slavery issue, should have pushed such a program, but the apparently permanent calm which followed the Compromise and the material prosperity of the State during these years may have warranted a venture at wiping out an institution which Benton considered a potential cause of bitter agitation and political unrest.

Again, one can scarcely believe that sentiment in Missouri had materially changed between 1821 and 1828 when it is considered that she more than doubled her slave population between 1820 and 1830.[48] It might be answered that Benton was clever enough to feel the public pulse, and that if he entered into any such project there must have been appearances to justify his hopes of success. But Benton was not an infallible reader of the signs of the times. It is known how he mistook popular sentiment when he made his disastrous "Appeal" to the voters of his party twenty years later. Another fact which appears to make the success of any such emancipation scheme doubtful in 1828 is that in

[47] MS. Wilson to Thomas Shackelford, January 13, 1866, in the possession of the Missouri Historical Society. In his Illustrated History of Missouri (pp. 221–223) Switzler quoted this letter but took several liberties with the text which later writers have copied. From the text of the letter Wilson did not remember whether the meeting was held in 1827 or 1828. Meigs in his Life of Benton does not mention this episode. He even thinks Benton was the "devoted friend of Missouri" who published a long article in the St. Louis Enquirer of April 26, 1820, which advocated slavery in the State (p. 119).

[48] The Federal census of 1820 gave Missouri 10,222 slaves, and that of 1830, 25,091 (Federal Census, Statistical View, 1790–1830, p. 27).

January of the next year the Missouri General Assembly passed a resolution declaring it to be unconstitutional for Congress to vote money for the American Colonization Society.[49]

There was some antislavery sentiment in the State prior to the Garrisonian movement. As early as 1819 one Humphrey Smith was indicted by the Howard County grand jury for inciting slaves to revolt.[50] In 1820 certain ministers of the Methodist body were accused of preaching sedition to slaves. This was denied by one A. McAlister of St. Charles County, who declared that he had talked to them and had heard most of them preach. The "Methodist Church," he continued, "would no sooner countenance such conduct than they would any other gross immorality."[51]

There must have been some effective antislavery feeling in the General Assembly in these early years. On December 30, 1832, Lane submitted the following resolution to the House: "Resolved. . . . That the following amendment to the Constitution of this State be proposed. . . . That so much of the twenty sixth section of the third article of the Constitution, as declares that the General Assembly shall have no power to prevent BONA FIDE emigrants to this State . . . from bringing [their slaves] from any of the United States . . . shall be and is hereby repealed."[52] This amendment got as far as a second reading, but does not reappear in the journal. It must have had some supporters to have gone even as far as that. During the year 1835 there was a demand for a state convention to meet and settle various needs, among others to bring about emancipation.

An insight into the views of this precise period can be gained from a prominent citizen who had much at stake and great opportunities for observation. James Aull of Lexing-

[49] Session Laws, 1828, p. 89. These resolutions passed January 23, 1829.

[50] St. Louis Enquirer, October 20, 1819.

[51] Missouri Gazette, May 24, 1820. McAlister's letter is dated May 5.

[52] House Journal, 7th Ass., 1st Sess., p. 126.

ton was a trader of considerable prominence throughout western Missouri. He had mercantile establishments at Lexington, Independence, Liberty, and Richmond. In answer to an antislavery Quaker firm, Siter, Price, and Company of Philadelphia, who refused to have business relations with any firm dealing in negroes, Aull wrote on June 15, 1835: "We are the owners of Slaves, . . . [but] it would gratify me exceedingly to have all our negroes removed from among us, it would be of immense advantage to the State, but to free them and suffer them to remain with us I for one would never consent to. I once lived in a town where about 1/10 of the whole population was free Negroes and a worse population I have never seen." Aull then discusses the emancipation movement of the time as follows: "At our August elections it will be proposed to our people the propriety of calling a convention, if the convention meet one of the most important subjects to be brought before it will be the gradual abolition of slavery. I have no doubt that we will have a convention and I have as little doubt that such steps will be taken as will free all our slaves in a limited number of years. Many of our Slave holders are the warm advocates of this doctrine but I have not conversed with a man who would consent to let them remain amongst us after they are free."[53]

From this letter it appears that from an early date one of the fundamental problems of emancipation was prominent,—the free negro. The slaveholder had before him not only the fear of losing, in case of legal emancipation, the only labor then available, but also the spectre of a great body of free blacks as his neighbors, who he felt would be both an economic and a social burden.

Although no convention met, despite the prediction of Mr. Aull, there seems to have been a somewhat widespread idea that gradual emancipation could be effected by this

[53] In the collection of Messrs. E. U. Hopkins and J. Chamberlain of Lexington.

means.[54] The Missouri Argus states that several articles favoring gradual emancipation had appeared in various papers, although no sheet had definitely declared for it. Some papers opposed the meeting of any convention lest the slavery subject should be discussed. The Missouri Argus stated editorially that "the slave-holders cannot be frightened, as they know that they have the power in their own hands. They never will consent to turn their slaves loose among us. Some system of disposing of the blacks would have to be devised. . . . Such a question should be discussed at a time when the public-mind is entirely serene and peaceful."[55] Again, the Argus stated in the same issue that a discussion of slavery would tend to check southern immigration to the State and would cause restlessness and insubordination on the part of the slaves. "We are conversant with men in every section of the State, and fully believe that the proposition to abolish slavery at this time would be voted down by a majority of four or five to one. So exceedingly unpopular and illy received is it, that no candidate dare avow himself its advocate." Whether the Argus was wholly correct or not may be questioned, but the fact that the convention was never held makes it probable that the editor had well analyzed the situation.

At this period there seems to have been little race feeling. The Daily Evening Herald of St. Louis of June 9, 1835, in commenting on the burning of two Alabama negroes for murdering two white children, said: "We have no such punishment known to our laws, and it argues an evil state of public mind that can permit this punishment of feudal tyranny to be inflicted upon men, in defiance of the law, because they are black." Another statement which illustrates the broad feeling of the time and the strength of the emancipation party of the State is found in the following

[54] The Daily Evening Herald and Commercial Advertiser of June 9, 1835, quotes an issue of the National Intelligencer of unknown date as follows: "Several of the leading Missouri papers are advocating the gradual emancipation of the slaves of the State."

[55] Issue of May 22, 1835. The abolition agitation was exciting the country.

editorial: "Is it not wonderful that the citizens of free States will not allow the doctrines of Abolition and negro equality to be lectured upon but at the risk of pelting with eggs, when here in Missouri we calmly allow a political party to subserve party ends, to attempt to break up the very foundations, the whole slave interests in Missouri?"[56] Such sympathy for the negro seems to have been the calm and judicial feeling in the State on the eve of a period in which anti-negro sentiment was as bitter and as violent in its demonstrations as any the State ever witnessed.

On April 28, 1836, the mulatto, Francis McIntosh, was burned by a St. Louis mob for stabbing an officer.[57] A young New England editor, the Reverend Elijah P. Lovejoy, of the Observer, already disliked for his anti-Catholic, antimob, and antislavery sentiments, severely criticized the mob and the judge who upheld their action.[58] By the fall of 1835 the agitation created by Lovejoy was at least strong enough to cause apprehension on the part of his friends. On October 5 of this year a letter was sent to the Observer by several prominent citizens, among whom was Hamilton R. Gamble, later the Union governor and the champion of gradual emancipation. These men suggested that "the

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[56] Missouri Argus [St. Louis], May 22, 1835.

[57] There are several contemporary accounts of this episode. The mayor of St. Louis at the time was J. F. Darby. He mentions the affair in his Personal Recollections (pp. 237–242). Perhaps the fullest account, although a biased one, is found in the Quarterly Anti-Slavery Magazine for July, 1836 (vol. i, pp. 400–409). This narrative claims that some of the St. Louis aldermen even aided in McIntosh's death (p. 403). Accounts can also be found in the Fourth Annual Report of the American Anti-Slavery Society (pp. 78–79), and in Niles' Register (vol. l, p. 234). The Missouri press of the months of May and June contains scattered fragments of news on the subject. Judge L. E. Lawless's statement of his action is found in the Missouri Argus of July 1, 1836. He here calls Lovejoy a "sanctimonious enthusiast."

[58] The career of Lovejoy is well discussed by N. D. Harris, History of Negro Slavery in Illinois and of the Slavery Agitation in that State, ch. vi, vii. His account, although antislavery in tone, is based on newspapers and other local sources. Some of Lovejoy's papers can be found in the Memoir by his brothers and in Thomas Dimmock's Address at the Church of the Unity, St. Louis, March 14, 1888. A very eulogistic account of Lovejoy can be found in E. Beecher, Narrative of the Riots at Alton.

present temper of the times require a change in the manner of conducting that print [The Observer] in relation to the subject of domestic slavery. The public mind is greatly excited, and owing to the unjustifiable interference of our Northern brethren in our social relations, the community are, perhaps, not in a situation to endure sound doctrine on this subject . . . we hope that the concurring opinion of so many persons having the interest of your paper and of religion both at heart, may induce you to distrust your own judgment, and so far change the character of the OBSERVER as to pass over in silence everything connected with the subject of slavery."[59]

Lovejoy, however, would not be silenced. His criticism of Judge Lawless and the McIntosh mob brought a storm of indignation, and he prepared to move up the Mississippi to Alton, Illinois, after a mob had pillaged his office. It is said that Lovejoy's criticism of the Catholics, and of Judge Lawless as such, added to his attacks on mob rule and slavery, caused this affair,[60] and the slavery issue is therefore not to be considered as the only cause of the feeling which compelled his flight. To follow Lovejoy's career to his violent death would be of no immediate pertinence in this con-

[59] Quoted by Dimmock, p. 7. Whatever may have been Lovejoy's early conservatism in his antislavery crusade, he became fanatical later on. After removing to Alton, he wrote to the editor of the Maine Christian Mirror as follows: "I have seen the 'Recorder and the Chronicle' with column after column reasoning coldly about sin and slavery in the abstract, when the living and awful reality was before them and about them; disputing about . . . the precise amount of guilt to . . . be attached to this or that slave-holder as coolly and with as much indifference, as if no manacled slaves stood before them with uplifted hands . . . beseeching them to knock off their galling, soul-corroding chains . . . how long, oh! how long shall these beloved, but mistaken brethren continue to abuse their influence . . . and retard the salvation of the slave?" This plea is certainly strong, and in the temper in which the State was in these years any such sentiments would hardly be endured (quoted in the Fourth Annual Report of the American Anti-Slavery Society, pp. 81–82, note).

[60] See Judge Lawless's statement in the Missouri Argus of July 1, 1836.

nection.[61] His retirement to Alton has been considered to mark the close of an epoch in Missouri history. This period is said to have been characterized by a somewhat general demand for gradual emancipation. That there was such a movement is evident, but it seems improbable that those who favored the issue were numerous enough to have been successful at any time.

Lovejoy's expulsion from St. Louis was looked upon as justifiable by most of his local contemporaries. "As I remember," wrote the Reverend W. G. Eliot, "very few persons, even among the best citizens, expressed either regret or condemnation."[62] The Bulletin of St. Louis expressed the sentiment of a considerable number when it stated editorially that "we have read, with feelings of profound contempt and disgust a paragraph in the Alton Observer . . . in which . . . Elijah P. Lovejoy, the fanatic editor . . . spits his venom at the Judge [Lawless]. . . . We in common with every honest man consider this 'Reverend' libeler to have disgraced . . . the town which has the misfortune to have him for an inhabitant. . . . The epithet of 'infamous' which this fanatic bestows upon Judge Lawless, is properly applied to himself alone. Such vile language sufficiently explains his expulsion from this city."[63]

The reformer's efforts apparently did little to better the lot of the Missouri slave. Unfortunately he made his plea just when the Garrisonian movement was agitating both the country and Congress. Lovejoy's program was naturally considered a part of the general abolition movement, so that the people were prejudiced against him when he began his preaching.

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[61] Lovejoy was killed by a mob at Alton on the night of November 7, 1837. Mayor John M. Krum of Alton made an official statement of the affair which can be found in Niles' Register, vol. liii, pp. 196–197.

[62] W. G. Eliot, p. 111.

[63] In quoting the above from an unknown issue of the Bulletin the editor of the Missouri Argus remarks, "We . . . need hardly add that we fully coincide with the Editor of the Bulletin" (issue of December 9, 1836).

The same year that the anti-abolition feeling drove Lovejoy from St. Louis an episode growing out of the slavery situation convulsed Marion County. Dr. David Nelson, president of Marion College, who was a Southerner and a former slaveholder, read at a religious meeting a paper presented to him by Colonel John Muldrow "proposing to subscribe $10,000 himself and asked others to subscribe, to indemnify masters for their slaves when government should think proper to abolish slavery in that way." This led to a personal encounter between Muldrow and a certain extreme pro-slavery citizen named John Bosley, in which Bosley was severely injured. The people were highly incensed, and the college president was forced to flee the State.[64] Muldrow was tried at St. Charles and was acquitted, Edward Bates acting as his counsel.[65] It is interesting to note that his proposition was in harmony with the twenty-sixth section of the third article of the constitution of 1820 which provides that slaves were not to be emancipated "without the consent of their masters, or without paying them." The incident indicates that this clause had become unpopular, at least in Marion County.

Two other men, Williams and Garrett, were ordered from Marion County the same year for receiving literature from the American Colonization Society. The feeling became so warm that upon Dr. Nelson's return to attend his sick son a public meeting was called at Palmyra, May 21, 1836, and it was resolved "That we approve the recent conduct of a portion of our citizens towards Messrs. Garrett and Williams

[64] Among the contemporary accounts of this turmoil, which convulsed Marion County in 1836, is the rather biased but full one sent by a correspondent of the New York Journal of Commerce, which was quoted in the Fourth Annual Report of the American Anti-Slavery Society, pp. 78–81, note. This same narrative is also found in the Quarterly Anti-Slavery Magazine for July, 1837 (vol. ii, pp. 395–397). R. I. Holcombe outlines the story (pp. 203–207). He gained his information from old newspaper files and the statements of contemporaries. His account agrees with the above in most particulars.

[65] Bosley soon recovered, and the excitement "blew off" within a month, according to the anonymous writer of a letter dated Palmyra, June 8 (printed in the Missouri Argus of July 29, 1836).

(two avowed advocates and missionaries of abolition) who came among us to instruct our slaves to rebellion by the use of incendiary pamphlets . . . eminently calculated to weaken the obligations of their obedience."[66] The faculty of Marion College were suspected because of Dr. Nelson's course. Conscious of the public temper, they exhibited a resolution passed by them the day before this meeting, in which it was resolved "That the faculty of Marion College utterly disapprove, as unchristian and illegal the circulation of all books, pamphlets, and papers, calculated to render the slave population of the State discontented." They had taken even such definite action as to forbid the students to talk sedition to slaves, circulate any antislavery literature, hold any antislavery meetings or discuss slavery matters before the public, or instruct slaves without the consent of their masters.[67]

The feeling exhibited in the events just recounted persisted in Marion County for years. In July, 1841, the Illinois abolitionists, George Thompson, James Burr, and Alanson Work, were betrayed near Palmyra by slaves whom they attempted to entice into Canada.[68] After a stormy imprisonment and trial they were sentenced to the penitentiary for twelve years, but were pardoned before their terms expired.[69] This event caused the formation of a vigilance

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[66] Fourth Annual Report of the American Anti-Slavery Society, p. 80.

[67] Ibid., p. 81.

[68] Republican, July 23, 1841, quoting from the Missouri Courier of unknown date. See also the Daily Evening Gazette of July 26, 1841. The Gazette claims that these abolitionists attended the "Mission Institute near Quincy." Holcombe says that the citizens raised $20.62½ for the slaves who betrayed Thompson and his colleagues (p. 239). An account of the affair can also be found in Thompson, passim.

[69] A Palmyra correspondent of the Republican declared that this trial caused "Great Excitement" in that city. The defence argued that they simply "attempted" to entice the slaves, used no force, and had no idea of profit in mind. This it was claimed did not come within the statute. The attempt to escape on a technicality inflamed the citizens. "Our informant," continues the report, "states that it was the general understanding that they could not be indicted: and if it should so turn out, there would probably be worse fare for the prisoners than if they went to the penitentiary" (Republican, September 11, 1841).

committee in each township of the county to examine strangers who could not well explain their business, and suspected persons were expelled from the county and were also threatened with a penalty of fifty lashes should they return.[70] Some doubtful sympathy seems to have been felt for Thompson and his companions by certain Missourians. The Daily Evening Gazette lamented that Missouri had no "Lunatic Asylum," as "the poor, deluded creatures" were victims of "monomania—a case not where the morals are stained, but where the mind is disordered."[71] At the same time anti-abolition feeling in Marion County continued. On March 8, 1843, citizens set fire to the institute of the Quincy abolitionist, Dr. Eels. They were not prosecuted.[72]

While these events were occurring in eastern Missouri, the western portion of the State was in an uproar over the "Mormon War." The extent of the slavery element in the Mormon troubles is debated, but the citizens of western Missouri were convinced that their slave property was endangered by the sectaries, whether the Mormons deserved the imputation or not. On July 20, 1833, a large meeting of "Gentiles" was held at Independence. It is said that nearly five hundred were present. A manifesto was published by this meeting, a portion of which is as follows: "More than a year since, it was ascertained that they [the Mormons] had been tampering with our slaves, and endeavoring to rouse dissension and raise seditions among them. . . . In a late number of the STAR published at Independence by the leaders of the sect, there is an article inviting free negroes and mulattoes from other states to become Mormons, and remove and settle among us. This exhibits them in still more odious colors . . . [this] would corrupt our blacks, and instigate them to bloodshed."[73]

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[70] Holcombe, p. 263.

[71] Issue of September 16, 1841.

[72] Holcombe, p. 266.

[73] Quoted by W. A. Linn, The Story of the Mormons, p. 171. Another portion of this manifesto reads: "Elevated as they [the Mormons] mostly are but little above the condition of our blacks either in regard to property or education, they have become a subject

Other meetings were called to take action against the Mormons. In the summer of 1838 citizens of Carroll County condemned "Mormons, abolitionists, and other disorderly persons."[74] This implies that the slavery issue in some cases entered into the "Mormon War." On the other hand, citizens of Ray County, meeting about the same time, passed seven resolutions against Mormon shortcomings, but did not mention slavery among these.[75] The Mormons asserted that nothing but the bitter prejudice of the Missouri "Gentiles" and their greed for the well-improved Mormon farms was the motive underlying the trouble. Etzenhouser, writing with a strong pro-Mormon bias, quotes General Doniphan as denying that the slavery question "had anything to do with it [the Mormon War]."[76]

The position of the Mormons on the slavery issue is said to have shifted at different periods.[77] Be that as it may, the

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of much anxiety on that part, serious and well grounded complaints having been already made of their corrupting influence on our slaves" (quoted by Elder R. Etzenhouser, From Palmyra, New York, 1830, to Independence, Missouri, 1894, p. 328).

[74] Southern Advocate (Jackson), September 1, 1838. The date of this meeting is not given.

[75] Southern Advocate, September 8, 1838. The date of this meeting is not given. The editor did not seem to be aware of the slavery issue entering into the Mormon troubles. "What is the precise nature of the offence of this deluded people," he said, "and in what particular they are troublesome neighbors, we are uninformed" (ibid., September 1). This paper was published in Cape Girardeau County, far from the seat of the Mormon difficulties.

[76] Etzenhouser quotes from the Kansas City Journal (date not given): "Question: 'Do you think, Colonel, that the slavery question had anything to do with the difficulties with the Mormons?' Colonel Doniphan, 'No, I don't think that matter had anything to do with it. The Mormons, it is true, were northern and eastern people, and "free soilers," but they did not interfere with the negroes and we did not care whether they owned slaves or not'" (p. 304).

[77] The Utah Mormons took a novel stand—a sort of compulsory neutrality—on the slavery question. About 1850 the official organ of the Church declared: "We feel it our duty to define our position in relation to slavery. . . . There is no law in Utah to authorize slavery, neither any to prohibit it. If a slave is disposed to leave his master, no power exists here either legal or moral, that will prevent him. But if a slave chooses to remain with his master, none are allowed to interfere between the master and the slave. . . . When a man in the Southern States embraces our faith, and is the owner of slaves, the Church says to him: If your slaves wish to remain

consideration here is of the effect of the negro question on the Missourians of the day. Whether real or alleged, activity relative to slavery on the part of the Mormons was used by the western Missouri people during the thirties as a campaign slogan, and the issue must therefore have been vital and important. That the Missourians thought the Saints were negro thieves seems certain. When Burr, Work, and Thompson attempted to entice slaves from Marion County in 1841, the people thought at once that they were Mormons.[78] As late as 1855 a St. Joseph editor, in quoting Brigham Young's denial that the Mormons had ever stolen slaves, remarked: "We think that the latter day saints are not so bad after all."[79] Evidently Young's statement was a surprise.

In another quarter at this period a movement less violent but of enormous consequences to the slave interests of the State was developing. This was the Platte Purchase, which added six very rich counties to the slave power. Benton and Linn pushed the measure in the Senate, the former always taking great pride in its accomplishment, both because of the magnitude of the undertaking and because of

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with you, put them not away; but if they choose to leave you, or are not satisfied to remain with you, it is for you to sell them, or to let them go free, as your own conscience may direct you. The Church on this point assumes the responsibility to direct. The laws of the land recognize slavery; we do not wish to oppose the laws of the country" (The Frontier Guardian [date not given], quoted in the Eleventh Annual Report [1851] of the American and Foreign Anti-Slavery Society, pp. 94–95).

[78] Republican, July 23, 1841, quoting from an issue of the Missouri Courier (Palmyra): "On Tuesday morning of the present week our town was thrown into considerable excitement by the arrest of three white men (supposed to be disciples of the Mormon Prophet Jo. Smith) who were caught in the act of decoying from their rightful owners several slaves of the neighborhood." The issue of the Courier is not given.

[79] St. Joseph Commercial Cycle, May 18, 1855. "Formerly the rumor was," said Young, "that they [the Mormons] were going to tamper with the slaves . . . we never had thought of such a thing. . . . The blacks should be used like servants, and not like brutes, but they must serve." The Cycle gives no reference for this statement of Brigham Young.

its importance to Missouri.[80] In his message of November 22, 1836, Governor Boggs stated that the General Assembly had memorialized Congress on the subject, and that Congress had agreed to grant the request when the Territory should be secured from the Indians.[81]

That the State was anxious to obtain the rich river bottoms of this region cannot be doubted. It does not seem likely that this was a preconcerted grab for more slave territory as von Holst asserts,[82] and as Horace Greeley apparently believed. The latter says that the bill passed "so quietly as hardly to attract attention."[83] Either the North

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[80] "This was a measure of great moment to Missouri. . . . The difficulties were three-fold: 1. To make still larger a State which was already one of the largest in the Union. 2. To remove Indians from a possession which had just been assigned to them in perpetuity. 3. To alter the Missouri Compromise line in relation to slave Territory, and thereby convert free soil into slave soil. . . . And all these difficulties to be overcome at a time when Congress was inflamed with angry debates upon abolition petitions. . . . The first step was to procure a bill for the alteration of the compromise line and the extension of the boundary: it . . . passed the Senate without material opposition. It went to the House of Representatives; and found there no serious opposition to its passage. . . . The author of this view was part and parcel of all that transaction—remembers well the anxiety of the State to obtain the extension—her joy at obtaining it—the gratitude which all felt to the Northern members without whose aid it could not have been done" (Benton, Thirty Years' View, vol. i, pp. 626–627). Switzler claims that the idea originated at a militia muster at Dale's farm, three miles from Liberty, in the summer of 1835, and that the originator was General Andrew S. Hughes. "At this meeting," he says, "and in public addresses, he proposed the acquisition of the Platte country; and the measure met with such emphatic approval that the meeting proceeded at once by the appointment of a committee to organize an effort to accomplish it." Among others the committee was composed of D. R. Atchison and A. W. Doniphan. Missouri had, however, agitated the annexation for several years prior to 1835.

[81] House Journal, 9th Ass., 1st sess., p. 36. The bill granting the cession and providing for the Indian treaties necessary for its consummation was signed by the President June 7, 1836. The treaties were secured, and were proclaimed February 15, 1837.

[82] H. Von Holst, Constitutional and Political History of the United States, vol. ii, pp. 144–145. "The matter was disposed of quietly and quickly. . . . The legislative coach of the United States moved at a rapid rate when the slavery interest held the whip" (ibid.).

[83] A History of the Struggle for Slavery Extension or Restriction in the United States, pp. 30–31. Greeley says that the bill "floated through both Houses without encountering the perils of a division."

wished to win the favor of Benton and his constituents, or, as Carr says of the act, "It did not and could not add to the voting strength of the South in the Senate."[84] Whether or not this accession contravened the Missouri Compromise has no direct bearing on the discussion of the local slavery system, and consequently will not be considered here.

During the late thirties and early forties the slavery question began to affect the religious bodies of the country. In Missouri the change did not fail to manifest itself,[85] but the scope of this study will limit the discussion to a few of the denominations in which the struggle occurred. The Methodist Church labored heavily in this storm. As early as 1820 little patience was manifested toward those who instigated negroes to discontent or preached to them anything that might cause sedition.[86] In 1835 the Missouri Annual Conference, while praising the Colonization Society, at the same time condemned the "Abolition Society" and its agents, declaring the latter to be "mischievous in character,

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[84] P. 186.

[85] During the earlier period the feeling against the colored race was far from inhuman in Missouri. Judge R. C. Ewing states that as late as 1836 he heard a mulatto preacher, the Reverend Nicholas Cooper, speak from the same pulpit with the prominent Cumberland Presbyterian ministers in the Bethel Church at the Boone County Synod. Cooper had been a slave (History and Memoirs of the Cumberland Presbyterian Church in Missouri, p. 18). The Baptists of Illinois and Missouri had in the territorial days an organization called the "Friends of Humanity." When "Father" John Clark visited Boone's Lick in 1820, he found some families belonging to this society. This organization is said not to have opposed slavery in all its forms, but to have sought gradually to bring about emancipation ("An Old Pioneer" [pseudonym], Father John Clark, pp. 256–257). This society allowed the holding of slaves by certain persons: (1) young owners who intended to emancipate their negroes when older; (2) those who purchased slaves in ignorance and would let the church decide on the date of emancipation; (3) women who were legally unable to emancipate; (4) those holding old, feebleminded, or otherwise incapacitated slaves. Another authority says that Clark came to St. Louis a Methodist in 1798, but that he and one Talbot immersed one another and became "The Baptized Church of Christ, Friends of Humanity." They had strong anti-slavery feeling, Clark even refusing his salary if it came from slaveholders (W. B. Sprague, Annals of the American Pulpit, vol. vi, pp. 492–493). Some deny that Father Clark was a real Baptist.

[86] Letter of A. McAlister in the Missouri Gazette of May 24, 1820.

and not calculated to better the situation of the people of color of the United States."[87]

The Missouri feud stirred up a general and bitter discussion elsewhere, and, indeed, was the immediate cause of the slavery issue being injected into debates of the church. The question was transmitted to wider circles by the appeal of the Reverend Silas Comfort in 1840 from the Missouri to the General Conference of that year. The Missouri Conference had adjudged him guilty of maladministration in admitting the testimony of colored members against a white member in a church trial. On May 17, after a protracted debate, the General Conference reversed the decision of the Missouri Conference. Much bitterness was aroused, and when the next General Conference met at New York in 1844, the sectional break was imminent. Despite the protests of the southern members, Bishop Andrew was suspended for indirectly holding slaves through his wife.[88] In the following spring the Southern Methodist Church was formed at Louisville.

The Missouri Conference of 1844, held after the session of the General Conference, remained firm in its position on slavery. "We are compelled to pronounce the proceeding

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[87] Resolutions of the conference in the Daily Evening Herald of October 1, 1835. D. R. McAnally discusses the early Methodist Church in the State at some length. Without giving any authority, he speaks of the close relation between the races in the missionary period of the territorial and early statehood days. He declares that the negroes often led in the singing and in the testimony meetings (vol. i, pp. 147–148).

[88] Debates in the General Conference of the Methodist Episcopal Church During its Session at New York, May 3 to June 10, 1844. George Peck, editor, pp. 190–191. Bishop Soule was very influential in this conference. He does not appear as a radical. While Bishop Andrew's case was before the conference, he declared (May 9) that there could be no compromise if the Northern Methodists held slavery to be a "moral evil" (ibid., pp. 166–172). On May 31 he and Bishops Hedding, Waugh, and Morris petitioned the conference to drop the matter till the next conference and thus permit time to heal the trouble (ibid., pp. 184–185). On June 1 Bishop Andrew was suspended by a nearly sectional vote, the result being 111 to 69. All the Missouri delegates voted in the negative (ibid., pp. 190–191). However, when the Reverend Francis A. Harding was suspended for a similar offence, one of the Missouri members voted against him (ibid., p. 240).

of the late General conference against Bishop Andrew extrajudicial and oppressive," said one of the resolutions of the committee of nine who reported on October 4, 1844.[89] But the conference does not seem to have been very bitter against the Northern Methodists at this time. It even condemned some of the southern agitators for their "violent proceedings." The resolutions of the conference contain the following worthy clause: "We do most cordially invite to our pulpits and firesides all our bishops and brethren who, in the event of a division, shall belong to the northern Methodist Church."[90] The members of the conference deeply regretted "the prospect of separation," and declared that they most sincerely "pray that some effectual means, not inconsistent with the interests and honor of all concerned, may be suggested and devised by which so great a calamity may be averted." Nevertheless, they approved the call of the Southern Methodist Convention to be held at Louisville the following May, and requested the individual churches to state their position regarding a separation from the Northern Methodists.[91]

The Annual Conference assembled at Columbia on October 1, 1845, under the presidency of Bishop Soule. The Southern Church had already been formed, and a great deal of interest and heat was manifest in the debates on the action to be taken by Missouri. By a vote of 86 to 14 the conference decided to separate, and a new organization was thereupon effected.[92] Some ministers refused to accede,

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[89] Report of the Missouri Conference on Division (Committee of Nine), resolution no. 2. This can be found in the official Southern Methodist source, History of the Organization of the Methodist Episcopal Church, South, Comprehending all of the Official Proceedings, pp. 124–127. It can also be found in the official Northern Methodist account by the Reverend Charles Elliott, entitled, History of the Great Secession in the Methodist Episcopal Church, p. 1065.

[90] Report of the Committee of Nine, resolution no. 9.

[91] Ibid., nos. 3, 4.

[92] Jefferson Inquirer of October 16, 1845, quoting the Missouri Statesman of October 10. "The debate was a protracted one," according to the official account in the Missouri Statesman. The members who were dissatisfied with the action of the conference were given

and an active antislavery minority continued to flourish in the State.[93] It was ambitious, and was so tenacious of purpose that it was accused of courting martyrdom. These so-called "Northern Methodists" came out openly against slavery, and their propaganda caused intense bitterness until, in the fifties, hostility to the ministers of this organization became implacable. In Fabius township, Marion County, a public meeting on February 18, 1854, protested against these persons, and demanded that they refrain from preaching in the county.[94] On October 11, 1855, resolutions were passed by citizens of Jackson County requesting the Northern Methodists not to hold their conferences in the county,[95] and public meetings in Andrew, Cass, and other counties uttered condemnations.[96]

The Northern Methodists, however, would not be silenced or driven from the field. At times they denied that they preached abolition doctrines. At their quarterly conference at Hannibal in 1854 they declared that the opposition to them was "a base persecution. . . . That, while we regard

leave to join the northern body if they wished, and were dismissed "without blame" as to their moral position. Each member arose in the conference and stated his individual position on the issue (ibid.). The Northern Methodist account claims that the St. Louis churches were especially opposed to a division of the church. When the author of this statement visited the city in October, 1846, he considered that a majority of the members were still in the old church, the northern body comprising two English churches with 200 members, two German churches with 284 communicants, and two colored churches with 180 members (Elliott, History of the Great Secession in the Methodist Episcopal Church, p. 593).

[93] One of the dissenting ministers, Lorenzo Waugh, states that his charge at Hermon Mission was unanimously opposed to separation. Immediately after the New York General Conference of 1844, the Missouri Conference met at St. Louis. Waugh says that there was "some excitement," and that a number wished a new church. At the Columbia Conference he claims that "most of the older preachers" were determined to "go South," and that those who opposed them were unfairly restricted in debate (A Candid Statement of the Course Pursued by the Preachers of the Methodist Episcopal Church South in Trying to Establish Their New Organisation in Missouri, pp. 7–8).

[94] Elliott, A History of the Methodist Episcopal Church in the South West, pp. 39–42.

[95] Ibid., pp. 68–69.

[96] W. Leftwich, Martyrdom in Missouri, vol. i, pp. 102–104.

the system of slavery as a great moral, social, and political evil, we do most heartily protest against any attempt, directly or indirectly, at producing insubordination among slaves; we do heartily condemn . . . the underground railroad operation, and all other systems of negro stealing."[97] At a Warrensburg meeting in May, 1855, they protested that "the constitution and the laws guaranteeing to us the right to worship God according to the dictates of conscience we regard as sacred, and the course pursued at meetings held in our own and sister counties in proscribing ministers of the Gospel of certain denominations, is tyrannical, arbitrary, illegal and unjust."[98]

The struggle soon degenerated into a hatred which long outlasted slavery days. Northern Methodist ministers were expelled. Benjamin Holland was killed at Rochester in Andrew County in 1856,[99] and Morris and Allen were driven from Platte County.[100] "The whole course of this Northern Methodist Church since the separation, has been faithless and dishonorable," declared an editorial of 1855. "They are sending preachers into this State against an express agreement and plighted faith. . . . They send them . . . not for the purpose of propagating the Christian faith

[97] Elliott, A History of the Methodist Episcopal Church in the South West, p. 42. The proslavery party refused to believe that the Northern Methodists were not abolitionists. The following letter from a Rhode Island Methodist to the Hannibal Courier appeared in the Richmond Weekly Mirror of September 8, 1854: "You are right in charging our Missionaries in Missouri with laboring for the overthrow of slavery; or else we are deceived at the East. According to the published report we have forty-one charges or circuits in Missouri, and only two self-supporting. We have been told again and again at the east, that it is for our highest interest as abolitionists to keep these missionaries there to operate against slavery."

[98] The History of Clay and Platte Counties, p. 174.

[99] R. R. Witten, Pioneer Methodism in Missouri, pp. 17–18.

[100] History of Clay and Platte Counties, p. 644. W. M. Paxton mentions the treatment accorded Morris (p. 198). In April, 1855, a proslavery meeting was held in Parkville to protest against abolitionism. One of the resolutions adopted reads as follows: "Resolved, That we will suffer no person belonging to the Northern Methodist Church to preach in Platte county after date, under penalty of tar and feathers for the first offence, and a hemp rope for the second" (Missouri Statesman, April 27, 1855).

. . . but to overthrow slavery."[101] When the press was declaring itself in this manner we cannot wonder that the populace detested the name.

In 1857 the Northern Methodists petitioned the legislature for a charter to found a university. A bill was introduced in the House on November 4 to grant such a charter.[102] After being amended, it was tabled on November 12 by a vote of 95 to 16.[103] This action of the General Assembly called forth at the Annual Conference at Hannibal the following year this protest: "While we are aware that our anti-slavery sentiments were well known, we knew our peaceable and law-abiding character was equally well known. . . . Could we with reason have anticipated that a hundred ministers, and ten thousand members of our church, and a population of fifty thousand . . . would be denied a charter because their views of the peculiar institution did not correspond with those of a majority of the Legislature?"[104]

The slavery question gave rise to many peculiar situations. Men found their positions perplexed by conflicting elements of religion, politics, and social status. The stand of the Reverend Nathan Scarritt well illustrates this point. His biographer says: "The division of his Church [the Methodist] left him connected with the Southern branch, where he has ever since remained, because, although opposed to slavery, he agreed with the Church South in her views of the relations of the Church to slavery as a civil institution."[105] Such confusion of interests makes it very unsafe to attribute absolute party alignment to the slavery issue.

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[101] Weekly Pilot (St. Louis), March 10, 1855. A similar editorial also appears in the issue of March 17.

[102] House Journal, 19th Ass., Adj. Sess., p. 110.

[103] Ibid., p. 169. Twelve members were absent or sick. On March 10, 1860, the House of Representatives refused its hall to a Northern Methodist preacher (Missouri Statesman, March 16, 1860).

[104] Minutes of the Eleventh Session of the Missouri Annual Conference of the Methodist Episcopal Church, meeting at Hannibal May 6 to 10, 1858, pp. 17–18.

[105] C. R. Barns, ed., The Commonwealth of Missouri, Biographical section, p. 770.

Dr. Scarritt, for instance, was a Whig, a Southern Methodist, in theory but not in practice opposed to slavery, and a strong Union supporter in 1860.[106]

The Presbyterian Church also divided on the slavery issue, but much later than the Methodist. "The whole New School Church," wrote an influential clergyman who was a witness of the events of the period, "was known to be opposed to slavery, and continued discussion was had at every meeting of the General Assembly until 1857, when such decisive action was taken as led to a separation from the General Assembly of all the synods in slaveholding states. In the Old School there was but little discussion on the subject, and the generally understood public sentiment of Missouri was that nothing was to be said against the institution, and consequently, so far as Missouri was concerned there was a constant tendency on the part of those of the New School, who wished for quiet, to leave that body and enter the Old." The New School was embarrassed by its connection with the American Home Missionary Society, for this organization would not commission a slaveholder or aid a church which contained slaveholding members. "Out of this struggle the New School Synod came out a very small band."[107]

The Congregational Church was known in the State as an abolitionist body, and was regarded with little favor in Missouri as a whole, although it was fairly strong in St. Louis.[108] In 1847 the Reverend Truman M. Post was called

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[106] Barus, p. 770. Dr. Scarritt pleaded for the Union in 1860.

[107] Reverend T. Hill, Historical Outlines of the Presbyterian Church in Missouri, A Discourse delivered at Springfield, Mo., Oct. 13, 1871. Pp. 27–28. Hill states that the Missouri Home Missionary Society permitted slaveholders to represent them, but that the American Home Missionary Society demanded that even this society conform to its regulations. This resulted in the formation of the Home Missionary Committee, "which entered upon its work with immediate success" (ibid.).

[108] A good idea of this feeling toward the Congregational Church can be gained by reading the "Ten Letters on the Subject of Slavery" (1855), by the Reverend N. L. Rice of the Second Presbyterian Church of St. Louis; note especially p. 24. He argued that all agitation of the slavery issue should be suppressed.

to the Third Presbyterian Church of St. Louis. This organization became the First Congregational Church, and was very antislavery in feeling. Dr. Post, because of his slavery views, looked upon the call with some misgivings, whereupon two of the leading members, Dr. Reuben Knox and Mr. Moses Forbes, wrote him advising his acceptance. Dr. Knox even alleged that the few slaveholding members were "mostly as anti-slavery as you or I, and long to see the curse removed."[109] Even before foreign immigration came to St. Louis in such large numbers there was apparently a strong antislavery body in the city which had migrated thither from the Northern and the border States.[110]

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[109] Reuben Knox to Post, February 15, 1847. "You may perhaps be of the number," he wrote, "who suppose we are not allowed to speak for ourselves and hardly think our own thoughts in the slave state and among slaveholders, but you need not fear. Though we have three or four families who own slaves, they are mostly as anti-slavery as you or I, and long to see the curse removed" (T. A. Post, Truman M. Post, p. 151). The same day Moses Forbes wrote Dr. Post: "You are looked upon as opposed to the system and as feeling it your duty to preach upon the subject as upon the other great moral and political evils and sins, and that for the wealth of the Indies you would not consent to be muzzled. At the same time you are not viewed as being so exclusive as to suppose there are no Christians who own slaves, or so unwise as not to use good judgment and sound discretion as to times and seasons, ways and means of treating the subject and removing the evil" (ibid., pp. 151–152).

[110] A portion of the St. Louis press from the middle forties on was antislavery. It was apparently not until the fifties that the distinction between the abolitionists and the mere antislavery sympathizers was denied. The Kansas struggle largely caused this revulsion of feeling against any one not pronounced in his proslavery views.

CHAPTER V

Senator Benton and Slavery

Returning to the field of politics, it may be observed that the state legislature took little official notice of the Garrisonian program till the congressional debates raging about the abolition petitions and the use of the mails to scatter antislavery literature had stirred the whole land. On February 1, 1837, a law was passed which subjected to fine and imprisonment "any person [who] shall publish, circulate, or utter by writing, speaking, or printing any facts, arguments, reasoning, or opinions, tending directly to excite any slave or slaves, or other person of color, to rebellion, sedition, . . . or murder, with intent to excite such slave or slaves." The punishment for the first offence was to be a fine of one thousand dollars and imprisonment for not more than two years, for the second offence imprisonment for not more than twenty years, and for the third, imprisonment for life.[1] Although several individuals were punished for attempts to run slaves over the borders, there is a dearth of records dealing with prosecutions under the statute of 1837, but what the law failed to accomplish popular feeling effected, and several persons were forced to flee the State for airing their antislavery views.[2]

An idea of the feeling of insecurity caused by the abolition crusade can be gained from the fact that the above law passed the House of Representatives by a vote which was unanimous—61 to 0.[3] George Thompson states that while he and his companions were prisoners at Palmyra in 1841,

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[1] Session Laws, 1836, p. 3.

[2] See above, pp. 118, 120.

[3] House Journal, 9th Ass., 1st Sess., p. 383. This law passed the House on January 28, 1837, and the Senate on December 23, 1836 (Senate Journal, 9th Ass., 1st Sess., p. 147). The vote in the Senate is not given.

their counsel informed them that it was a violation of the Missouri law to read even the Declaration of Independence or the Bible to a slave.[4] On February 12, 1839, the Assembly passed resolutions protesting against the efforts of the North to interfere with "the domestic policy of the several states." Each slave State would be forced to "look out for means adequate to its own protection, poise itself upon its reserved rights, and prepare for defending its domestic institutions from wanton invasion, whether from foreign or domestic enemies, peaceably if they can, forcibly if they must."[5] On February 2, 1841, the Assembly in joint session voted an address of thanks to President Van Buren for his "manly and candid course on the subject of abolitionism." For some unknown reason the vote was close—47 to 43, ten members being absent.[6] Two weeks after this vote of thanks the legislature passed a series of resolutions condemning Governor Seward of New York for having demanded a jury trial before consenting to the rendition of fugitive slaves. The Assembly declared that such a jury "frequently would be Abolitionists," and character-

[4] P. 60.

[5] Session Laws, 1838, p. 337. These resolutions read as follows: (1) As the Constitution does not deprive States of power to regulate domestic slavery, it is a reserved right. (2) Interference by citizens of non-slaveholding States "is in direct contravention of the constitution of the United States . . . derogatory from the dignity of the slaveholding states, grossly insulting to their sovereignty and ultimately tending to destroy the union, peace and happiness of these confederated states." (3) They approved the course of the southern representatives in Congress. (4) They viewed "the active agents [abolitionists] in this country in their nefarious schemes to subvert the fundamental principles of this government" as destructive of our "domestic peace and reign of equal law." (5) The slave States had "no other safe alternative left them but to adopt some efficient policy by which their domestic institutions may be protected and their peace, happiness, and prosperity restored." (6) Copies were to be sent to each governor and member of Congress.

[6] House Journal, 11th Ass., 1st Sess., pp. 342–343. In his reply to Goode on February 2, 1855, J. S. Rollins said that the Democrats voted unanimously for this Address (ibid., p. 14). Most of the Whigs must therefore have opposed the measure, undoubtedly rather through enmity to Van Buren and Van Buren politics than through any love for abolitionists.

ized Seward's action as "frivolous and wholly unworthy of a statesman."[7]

Some conception of the grip with which the State was held by slavery can be gained from the action of the constitutional convention which assembled at Jefferson City in November, 1845. A reporter at the convention wrote as follows on November 24: "Mr. Ward presented a petition from one solitary individual, on the subject of the abolition of slavery. He remarked that he arose to perform a delicate duty—present a petition on the subject of abolition, containing 27 reasons. Every person who knew him, was aware of his opposition to abolitionism in every shape. He wanted to get rid of the petition, and therefore he moved to lay it on the table." Mr. Ewing then moved that it be not received. The vote was unanimously in favor of this motion—64 to 0. "Mr. Hunter called for ayes and noes that the world might know the sentiment of this body on the subject of abolitionism."[8] The subjects of abolition or of emancipation did not again appear before the convention. The actual provisions of the constitution of 1845 relating to the negro deserve some further consideration.

Although this constitution was defeated, its failure was due to causes other than the slavery sections, which were identical with those of the constitution of 1820. The changes were leveled at the free negro rather than at the slave. For example, to article iii, section 26, paragraph i, was added a clause compelling the removal of newly emancipated negroes from the State. The same clause was also

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[7] Session Laws, 1840, pp. 236–237.

[8] Jefferson Inquirer, November 26, 1845. See also the Journal of the Constitutional Convention of 1845, p. 38. Two members were absent when the above vote was taken. The proceedings of the convention are briefly given in the above Journal. The full debates can be found in the Jefferson Inquirer of November 19, 22, 26, 29, December 3, 6, 10, 12, 15, 19, 23, 31, 1845, January 5, 9, 1846. The constitution can be found in the Journal and in the Jefferson Inquirer of January 21, 1846. This constitution was defeated by "about 9000 votes" in a poll of "about 60,000" (Switzler, p. 259).

added to paragraph iv of the same section.[9] This evident satisfaction of the convention with the old provisions implies that the public may have been similarly minded. The vote on the various paragraphs cannot be learned as they were not passed on singly.

Reviewing the discussion thus far as a whole, and bringing it to a point, it is evident that from the later territorial days Missouri was largely inhabited by a citizenship which came from slaveholding communities. Arriving in Missouri already acclimated to the economic and social atmosphere of a slave society, and themselves possessing considerable slave property, it can hardly be conceived that these people would immediately turn their backs on the traditions which they so dearly loved and renounce a system which not only involved a great amount of capital, but was the only source of labor then available.

This early period of Missouri slavery sentiment and its influence upon politics and religion conveniently closes with the opening of the Mexican War. It is marked by western good humor and fair play toward the negro, if not always toward the political opponent. One event after another set the populace in a furor. Emancipationists and even a few abolitionists there were in the State throughout these years, and the Colonization Society was fairly well supported.[10] But agitation for emancipation was more common among individuals than in political parties, and that general emancipation could have taken place before 1861 does not seem probable to the present writer.

The annexation of Texas early engaged the attention of the State. On November 18, 1844, Governor Marmaduke in his last message to the legislature made a plea for annexation. He argued that many Missourians had settled in

[9] Journal of the Convention, app., p. 43. The vote on article iii is given in ibid., pp. 241–242. It is interesting to note that the old trouble-making clause forbidding free negroes to enter the State was placed in this constitution (art. iv, sec. 2, par. i), but with the condition that it was not to "conflict with the laws of the United States" (ibid.).

[10] See ch. vii of this study.

Texas,[11] that its markets were valuable, and that if the United States did not act it might either become a prey to the English or to the savages. In this message there is no reference to slavery.[12] Two days later the new governor, Edwards, sent his message to the Assembly, but it took no notice whatever of the Texas question.[13] The thoughts of the State, however, were on the new republic, for on November 26, 1844, Ellis introduced in the Senate joint resolutions relative to annexation.[14] These strongly favored that action, approved Senator Atchison's vote on the Texan treaty in the Federal Senate, opposed a division of Texas into free and slave States, and declared that the decision of the question of slavery should be left to the citizens of Texas.[15] Resolutions appeared in the House on November 29, December 9, and December 12, also favoring annexation.[16] After various amendments and substitutes had been proposed, Gamble, on December 12, offered ten resolutions which condemned the Texan treaty as "an intrigue for the Presidency," provided that the boundary of Texas should not exceed in extent the largest State in the Union, and declared that Benton's vote against the treaty "was in strict conformity with the sovereign will of Missouri."[17] After a protracted debate these resolutions were rejected on December 18 by a vote of 63 to 27, ten members not being present.[18] These resolutions were so conglomerate that this vote cannot be taken as a gauge of sentiment against Benton.

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[11] "During the last two weeks, a vast number of families have passed through this place for Texas. . . . They are principally from . . . this State and Illinois" (Jefferson Inquirer, November 6, 1845). A party of from fifty to a hundred was solicited in St. Louis in 1840 to settle on a tract of land near Nacogdoches (Daily Pennant [St. Louis], November 3, 1840).

[12] House Journal, 13th Ass., 1st Sess., pp. 18–19.

[13] Ibid., pp. 27–37.

[14] Ibid., p. 56. The vote on these resolutions in the Senate varied from 26 to 6 on the second and third ballots to 18 to 14 on the sixth. There were eight in all (ibid., pp. 100–102).

[15] House Journal, 13th Ass., 1st Sess., pp. 108–111. The above Senate Resolutions are given in full on these pages.

[16] House Journal, 13th Ass., 1st Sess., pp. 70, 108–111, 120–122.

[17] Ibid., pp. 120–122.

[18] Ibid., p. 136.

On the same day that Gamble's resolutions failed the original Senate resolutions relative to annexation passed by a margin of 55 to 25, nineteen members being absent.[19]

In this Texas agitation the legislature was following rather than leading the State. On June 8, 1844, the Democracy of St. Louis city and county passed resolutions demanding the "reoccupation of Oregon and the reannexation of Texas at the earliest practicable period." "We pledge ourselves," they boasted, "not to be behind the foremost in the contest . . . until the stars and stripes shall wave in triumph over the Union with Texas included."[20] It will soon be seen that their jingoism was not mere froth. Not only Democrats but Whigs as well were most enthusiastic in the cause of Texas from this time till the close of the Mexican War.

The demand of Missouri, and in fact of the whole Southwest, for Texas was probably due in greater degree to native love of expansion for its own sake than to any desire for new slave territory. The poverty of the exhausted soil and the need of fresh acres might have influenced portions of the old South, but Missouri was in 1844 still in the exploitative stage, and the economic pressure could not have been severe. This western democracy was indignant at outside, and especially at northern, dictation. Annexation made a good campaign issue, even for home use. There is indication that it was employed for this purpose in the resolutions of a meeting in favor of the annexation of Texas held in Greene County in April, 1845. The declaration runs: "Resolved, That we look upon the re-annexation of Texas to the United States as a measure calculated to reunite the democratic party of this State."[21]

The later course of the Texan question and the war in which it culminated appealed with particular force to the

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[19] House journal, 13th Ass., 1st Sess., p. 140. This vote has been analyzed by H. Tupes, The Influence of Slavery upon Missouri Politics, pp. 21–25. The Whigs and nine Democrats voted in the negative.

[20] Western Pioneer (Liberty), June 21, 1844. This newspaper strongly advocated annexation.

[21] Jefferson Inquirer, April 17, 1845.

Missourians. Switzler mentions the enthusiasm with which the State raised troops for this conflict.[22] Irrespective of party affiliation, the flower of Missouri enlisted. Such prominent Whigs as A. W. Doniphan were among the leaders of the State in this war. Missouri furnished 6733 of the 71,309 volunteers who enlisted during the Mexican War. Only two States, Louisiana and Texas, furnished more, and they were much closer to the seat of war than was Missouri.[23] In 1840 the white population of Missouri was but one forty-fifth of that of the whole country, nevertheless that State furnished one eleventh of the nation's volunteers in the Mexican War.[24]

The Wilmot Proviso was most distasteful to the Democratic party of Missouri. Benton disliked the act because it stirred up the slavery issue. The proslavery wing of the party was indignant because the bill sought to restrict the system in the Territories. The General Assembly on February 15, 1847, passed instructions to the Missouri senators in Washington to vote according to the spirit of the Missouri Compromise, which of course was considered as at variance with the Wilmot Proviso.[25] Popular sentiment, however, seems to have viewed the proviso with less fear than did the legislature. On January 8, 1848, a meeting of St. Louis

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[22] Pp. 260–263. Switzler speaks from personal observation.

[23] Adjutant General's Report of April 5, 1848 (Executive Documents, 30th Cong., 1st Sess., vol. viii, pp. 45, 76, Doc. no. 62). Louisiana furnished 7728 volunteers, Texas 7313, Georgia 2047, Kentucky 4800, Virginia 1303, Illinois 5973, Ohio 5530, New York 2665, Massachusetts 1047, and so on (ibid., pp. 28–49). For the enthusiasm of the South and the West for the Mexican War see W. E. Dodd, "The West and the War with Mexico," in Journal of the Illinois State Historical Society, vol. v, no. 2, p. 162.

[24] The white population of the United States in 1840 was 14,581,453, and that of Missouri 323,888 (Sixth Federal Census, Population, pp. 476, 418).

[25] "Be it enacted: 1. That the peace, permanency and welfare of our National Union depend upon the strict adherence to the letter and spirit" of the Compromise of 1820. 2. "That our Senators in the Congress of the United States are hereby instructed and our Representatives requested, to vote in accordance with the provisions and spirit of the said . . . act, in all questions which may come before them in relation to the organization of new Territories or States" (Session Laws, 1846, pp. 367–368). These resolutions were considered a victory for Benton and his faction.

Democrats was held in the court house rotunda. Trusten Polk and Frank Blair were among those present. Judge Mullanphy offered the following special resolution: "Resolved, That the declaration of the Congress of the United States 'that war existed by act of Mexico' 'IS TRUE.'" Regarding the proviso this meeting made a declaration which was evidently so worded as to save Benton, whose attitude upon the question had caused much criticism in the State. The fifth of the thirteen resolutions read as follows: "Resolved, That as we are now approaching a period when the struggle for the control of the Government is again to be contested by the Federalists, we think it time to give over disputes in Congress; upon such abstractions as the Wilmot Proviso . . . we think this [absurd Proviso] has lived long enough, and time sufficient has elapsed to enable every man to perceive the folly of it."[26]

A bitter struggle, however, developed over the proviso. Some in the State even favored disunion, if a prominent contemporary, Colonel W. F. Switzler, interpreted the period correctly.[27] This intense feeling is reflected in a

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[26] The Address, Resolutions, and Proceedings of the Democracy of St. Louis, in the Rotunda of the Court House, January 8, 1848, pp. 6–8. Attached to the account of this meeting are comments from the Daily Union of January 10. One of these reads as follows: "The Wilmot proviso is properly stigmatized by the St. Louis Democracy as an act of folly—a miserable stalking horse, on which a few small politicians have mounted. . . . The true doctrine on the Slavery question, is:—The Federal Government must keep hands off—leave it to be controlled by the people in the several States and Territories, as a local matter" (ibid., p. 8). Regarding local opinion relative to the justice of the Mexican War, this strong statement is made: "Here [in St. Louis] no Democrat hesitates for a moment, to declare that the war in which we are now engaged, was forced upon us by Mexico. . . . Indeed, that feeling extends beyond the Democratic ranks; and many of the most intelligent and patriotic Whigs openly avow their detestation of Clay, Webster, and Corwin's sentiments" (ibid., p. 7).

[27] "It was quite natural," says Switzler, "that a large portion of the people of Missouri without regard to party distinctions, should share these convictions with varying degrees of intensity. Some, it is true, were so wedded to the institution of slavery that rather than abandon it in Missouri even through the process of gradual emancipation or submit to an act of Congress prohibiting it in the territories they seemed willing to abandon, and even to adopt measures to disrupt, the National Union itself" (pp. 264–265). Some idea of

letter written by F. P. Blair, Sr., in January, 1849: "Frank [F. P. Blair, Jr.] writes me from St. Louis that his legislature will instruct him against the Wilmot Proviso—in which case Frank insists he ought to resign or . . . make an appeal to the people of Missouri."[28] This declaration was made about the same day that the so-called "Jackson" Resolutions against Benton were introduced into the Missouri Senate (January 1), and brought to pass the "Appeal" of that senator from his legislative instructions to the people of the State.

The protracted debate and intense excitement growing out of the pertinacity of the Wilmot Proviso brought Benton's political record squarely before the people on the eve of his sixth attempt to represent Missouri in the United States Senate. Since the events leading up to and concerning Benton's defeat have been treated by several authorities,[29] it will be the province of this study to take up the various political struggles only in so far as they are affected by the slavery issue. Some writers maintain that slavery in itself was the cause of Benton's fall, while others would have it that those of the rising generation who had political ambitions, jealous of his dictatorship, and grieved by their exclusion from public affairs, had most to do with overturning

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the feeling of the radical element in Missouri can be gained from a resumé of Senator Atchison's speech against the proviso in the Federal Senate as it is given in the Jefferson Inquirer of June 22, 1850. In the same year a Clay County meeting bitterly condemned both abolitionists and disunionists, and also declared that they regarded the "Wilmot Proviso and all kindred measures with the most perfect abhorrence" (quoted in the History of Clay and Platte Counties, pp. 155–156). The date of this meeting is not given.

[28] MS. F. P. Blair, Sr., to Van Buren, January 6, A. L. S. [Autograph Letter Signed], Van Buren Papers, vol. lvi.

[29] The best account is that of P. O. Ray, The Repeal of the Missouri Compromise, Its Origin and Authorship, ch. i. Ray, however, used no manuscript sources, and the questionable thesis that Atchison originated the repeal engages most of his attention. The subject is also treated by W. M. Meigs, The Life of Thomas Hart Benton, ch. xxi. Meigs's materials were also limited. In his Thirty Years' View Benton makes no comments on his retirement from the Senate. Switzler does not give much light on the subject. Neither does Roosevelt or Rogers in his biography of Benton. The press of the period is too bitterly partisan to be of great assistance.

his power. The arguments of this chapter will go to show that both of these elements enter into the fight. The slavery question seems to have been the real vital force behind the struggle, although the personal equation of Benton's imperiousness cannot be overlooked.

It was said that of all his colleagues in the Senate Dr. Linn alone was treated with consideration by Benton. The man who dared to look Andrew Jackson in the eyes and who would as soon meet his opponents with pistols as with eloquence was not the man to brook criticism from local politicians. His arrogance is said to have been supreme. "In 1828," declared Lewis V. Bogy, "Col. Benton sent a series of instructions addressed to Spencer Pettus, then Secretary of State, in his own hand writing, and told the Legislature that they were not to cross a T or dot an I, but they must be passed as sent."[30] Benton's friend, the editor of the Jefferson Enquirer, lamented that his enemies had seized "upon his traits of character, and upon what they call his vanity, egotism, and self conceit," and admitted that he was not "infallible" on these points.[31] The Whigs had had little use for Benton for a generation. One Whig editor warned his party not to aid the Benton wing of the Democrats. "Benton," he wrote, "has ruled this state, for thirty years with a despotism rarely equalled, in any country."[32]

From 1820 to 1844 Benton's control was hardly questioned. His hold on his party, despite the fact that he took little interest in Missouri politics, was undoubtedly due to the pride which his constituents felt in a statesman whose national prominence shed such lustre on a new and western State. The old settlers worshipped a Missourian who was

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[30] Speech of Colonel Lewis V. Bogy, the Democratic nominee for Congress. . . . Delivered at the Rotunda [of the Court House] May 27, 1852, pamphlet, p. 11. President Polk in his Diary for March 29, 1847, speaks of Benton's "domineering disposition and utter impatience of contradiction or difference of opinion" (The Diary of James K. Polk During His Presidency, vol. ii, p. 445).

[31] Issue of January 18, 1851.

[32] Weekly Missouri Sentinel, August 28, 1852.

the equal of Clay and Webster in debate and who feared not to castigate Calhoun for his nullification program, but with the debate on the Texan Treaty of 1844 and the Wilmot Proviso a radical proslavery wing of the Democratic party developed which realized that its first task was to unseat Benton. The situation is very hard to analyze because of the bitterness on both sides. Benton's enemies covered whatever personal animus and rivalry they might have borne him with the cloak of the slavery issue. To extricate the slavery needle from the haystack of political furor which buried Missouri from 1849 to 1852 is most difficult. That Benton's whole slavery vote and policy were contrary to those of a large portion of his own party in Missouri is certain. To what extent this fact was used by his enemies both within the State and without deserves some attention.

Benton's position on the various great political struggles revolving about the slavery issue was quite consistent. He opposed the Texan Treaty of 1844 which all knew meant war with Mexico. "Atlantic politicians," he said on June 10, 1844, "hot in pursuit of Texas, may have no sympathy for this Mexican trade, but I have! and it is my policy to reconcile the two objects—acquisition of Texas and the preservation of the Mexican trade—and, therefore, to eschew unjust war with Mexico as not only wicked but foolish. . . . I am for treating her with respect, and obtaining her consent fairly and honorably . . . to the annexation of Texas."[33] Benton opposed the war with Mexico up to its declaration.[34] "Col. Benton called . . . and I gave him a copy of the message 'declaring war on Mexico,'" wrote President Polk in his diary for May 11, 1846. "I found he did not approve it in all its parts. He was willing to vote

[33] T. H. Benton, Abridgment of the Debates of Congress, vol. xv, p. 145.

[34] Polk, who loved the Texan Treaty much and Benton little, says that the latter was sorry for his opposition to the treaty. "Col. Benton feels he has lost cast[e] with Democracy on the Texan question, and feels sore and dissatisfied with his position" (Diary for March 4, 1846, vol. i, p. 265).

men and money for defence of our territory, but was not prepared to make aggressive war on Mexico. . . . I inferred too, from his conversation that he did not think the territory of the United States extended west of the Nueces River."[35] After war had been declared, however, Benton became quite enthusiastic. He advised Polk that a general-in-chief should be appointed, "a man of talents and resources as well as a military man," and modestly intimated to the President that "if such an officer was created by Congress, he would be willing to accept the command himself." Polk continues: "He [Benton] alluded to what was apparent to every one, that the Whigs were endeavoring to turn this war to party account. . . . I [Benton] have returned . . . to Washington to render you any aid in my power."[36] Benton received an appointment but without the plenary powers which he desired. Congress was unwilling to create the office of lieutenant-general, to which Polk intended to appoint Benton. Polk did, however, appoint him major-general and his appointment was confirmed by the Senate, but Benton refused to accept unless he was placed in supreme command and also given full diplomatic powers. Polk concluded that he had no right to put him over the four major-generals already in the field.

Benton played the patriot and supported the war when it actually took place, but he was never reconciled to either the justice or the expediency of the enterprise, and repeatedly accused Calhoun of causing it.[37] From the day he opposed the Texan Treaty his enemies gave him no peace. "There is cogent logic," ran an editorial of June, 1844, "as well as a severe rebuke in the . . . letter of the 'Hero of New Orleans' [Jackson's letter of February, 1843, favoring annexation, which was published in 1844] that must have been gall and wormwood to Benton. Jackson has fixed the

[35] Diary, vol. i, p. 390.

[36] Ibid., for November 10, 1846, vol. ii, pp. 227–228.

[37] See Benton's speech in the Senate, February 24, 1847 (Congressional Globe, 29th Cong., 2d Sess., pp. 497–498); also his Jefferson City Speech of May 26, 1849 (see note 44 of this chapter).

stigma on Benton's recreant brow—let it rest there forever."[38] Other papers and individuals as well were disgusted with Benton's stand on the whole Texan question.[39]

The Compromise of 1850 was generally popular with the Missouri Democracy. Benton, however, opposed most of its provisions. He decried compromise on principle. "Clay is destroying the Union with his humbug compromises," he wrote Clayton in December, 1850.[40] Among the provisions of the Compromise of 1850 which he disliked was that which dealt with slavery in the District of Columbia. He maintained that Congress had the power to abolish slavery in the District, "but," he said, "I am one of those who believe that it ought not to be touched while slavery exists in the States from which the District was ceded."[41]

Benton was also against "mixing up the question of admitting California with all the questions which slavery agitation has produced in the United States. . . . I asked for California a separate consideration."[42] He argued that slavery was already abolished in the territories acquired from Mexico. He then read the Mexican Decree of Emancipation of 1829 and the article of the Mexican constitution of 1843 which forbade slavery in all the Mexican territories. "The practical application which I make of this exposition of law is," he continued, "that the proviso

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[38] Western Pioneer, June 21, 1844. The Pioneer likewise spoke of Benton's Texas position as giving him the nature of a "self-executioner" (ibid.).

[39] A mass-meeting held at St. Genevieve on January 8, 1845, passed resolutions favoring "the principles of the Tyler Treaty." They praised Atchison's and condemned Benton's vote on the treaty, claiming that the latter "did not cast the vote of Missouri" on that occasion. "We approve the vote of our State Senator, Hon. C. Detchemendy, against the reelection of Col. Benton" (Missouri Reporter [St. Louis], January 18, 1845). This sheet spoke of Benton's Texan position as "treason," and condemned him for not obeying his instructions on annexation (ibid., January 4, 1845).

[40] MS. Benton to John M. Clayton, December 8, 1850, A. L. S., Clayton Papers, vol. viii, p. 1803.

[41] Congressional Globe, 31st Cong., 1st Sess., pt. i, p. 712. Speech of April 11, 1850.

[42] Ibid., p. 656. Speech of April 8, 1850.

[Wilmot's] of which we have heard so much is of no force whatever—unnecessary from any point of view—and of no more effect, if passed, than a blank piece of paper pasted on the statute book." He declared that positive law alone could introduce slavery into California and New Mexico.[43] Distasteful as this whole argument, with its conclusion, must have been to many of his constituents, Benton continued to preach it, and even elaborated it in his Jefferson City speech of May 26, 1849.[44]

As to a fugitive slave law, Benton urged an "efficient and satisfactory" act, but "it must be as a separate and independent measure." He believed that the seduction of slaves was "the only point . . . at which any of the non-slave-holding States, as States, have given just cause of complaint to the slave-holding States."[45]

When the movement for the acquisition of the 54:40 line and the demand for "all of Oregon" appeared, Benton was likewise in opposition while the Missourians clamored for the Columbia River country.[46] In his speech at Jefferson City, mentioned above, Benton said that his position on the slavery question had been consistent. "In my vote on the Oregon bill," he declared, "in which I opposed the introduction of slavery there—and, again in my letter to the people of Oregon . . . I declared myself to be no propagandist of slavery." He did not stop here, but openly decried the system: "My personal sentiments, then, are against the institution of slavery, and against its intro-

[43] Ibid., pp. 430–432. Speech of February 27, 1850.

[44] Speech Delivered by the Hon. Thomas H. Benton at Jefferson, the Capital of Missouri on the 26th of May, 1849, pamphlet, pp. 11–12. This speech can also be found in Niles' Register, vol. lxxv, pp. 390–392, 397–399.

[45] Congressional Globe, 31st Cong., 1st Sess., pt. i, p. 657.

[46] Resolutions favoring the "reoccupation" of Oregon were common throughout the State. On January 8, 1846, a great mass-meeting was held at Jefferson City where the state constitutional convention was then in session. Many of the convention delegates were present. Governor Marmaduke acted as chairman and J. S. Green as secretary. Resolutions demanding all of Oregon and endorsing the Monroe Doctrine were passed. President Polk was congratulated on the success of his Texas policy (Jefferson Inquirer, January 14, 1846).

duction into places in which it does not now exist. If there was no slavery in Missouri today, I should oppose its coming in . . . as there is none in New Mexico and California I am against sending it to those territories."[47]

Regarding the question of slavery in, and the power of Congress over, the Territories, Benton gave out what must have been unpalatable doctrine to his Jefferson City hearers. "It is absurd," he said, "to deny to Congress the power to legislate as it pleases upon the subject of slavery in the territories. . . . Congress has power to prohibit, or to admit slavery, and no one else. . . . Congress has the constitutional power to abolish slavery in [the] territories."[48]

Benton was no sentimental antislavery enthusiast. He had considerable slave property himself. "I was born to the inheritance of slaves," he said, "and have never been without them. I bought some but only at their own entreaty. . . . I have sold some, but only for misconduct. I had two taken from me by the Abolitionists, and never inquired after them; and liberated a third who would not go with them. . . . I have slaves in Kentucky. . . . I have slaves in Washington City—perhaps the only member of Congress who has any there."[49]

Benton's whole attitude toward slavery was open to the world, and must have been anything but satisfactory to an influential portion of his party. There is, therefore, a reasonable basis for supposing that the opposition to him might well have been based, not immediately perhaps, but certainly ultimately, on the slavery issue. Of course this was by no means the only motive that caused his defeat. The personal and political bitterness was deep-seated, but Benton himself always thought that it was the disunion faction headed by Calhoun which brought about his downfall.

To the southern radicals, with their doctrine of nullification and their hatred for his stalwart defence of the Union,

[47] Jefferson City Speech, p. 17.
[48] Ibid., p. 11.
[49] Ibid., p. 17.

Benton laid the charge of seeking his ruin by undermining him at home. From the day when he and Jackson "were made friends together" the rift between the Jacksonian Unionists and the Calhoun "Nullifiers" was never closed. In the open Senate on March 2, 1847, Benton formally charged Calhoun with conspiring to consummate his defeat.[50] His speeches of the following years are burdened with the most abusive denunciations of Calhoun and the latter's famous Resolutions of 1847, the prototype of the so-called "Missouri" or "Jackson" Resolutions to which attention will be called later.[51] Benton so hated and abominated Calhoun that he severely criticized President Shannon of the State University for placing Calhoun's newly published works in the University library.[52] Calhoun, on his part, denied any complicity in the imaginary conspiracies to unseat Benton. "He [Benton] seems to think," wrote the former, "I stand in his way, and that I am ever engaged in some scheme to put him down. I, on the contrary, have never for a moment thought of raising him to the level of a competitor, or rival; nor considered it of any importance to me whether he should be put down or not."[53]

There is some evidence, however, that Calhoun and other extreme southern leaders were at least corresponding with Benton's enemies at home who had his defeat as their chief political goal. Judge W. C. Price of Springfield, who claims to have been Benton's arch-opponent in Missouri, states that he opened the fight against Benton in 1844. The judge, according to his own story, was in constant communication with Calhoun, Davis, Benjamin, and other extremists of the South. He declared that it was in 1844, at a time when Benton refused to aid in the repeal of the Missouri Com-

[50] Congressional Globe, 29th Cong., 2d Sess., p. 563.

[51] See the whole of the Jefferson City Speech, and that delivered at Fayette on September 1, 1849, which may be found in the Jefferson Inquirer of October 6, 1849.

[52] Letter of Shannon of July 26, 1852, in the Missouri Weekly Sentinel of August 12, 1852.

[53] John C. Calhoun to the People of the Southern States, Or Reply to Benton, pamphlet, p. 1.

promise in order to save Missouri from a free-soil neighbor to the west, that he declared war on the latter and worked incessantly to undermine him.[54] These reminiscences need not be taken too seriously. Benton's stand on the Texan Treaty had already given him bitter enemies,[55] and even earlier than this there was an active faction against him in his own party in the State. So perhaps Judge Price over-estimated his own importance in claiming to be the "original" anti-Benton man.

There was in fact a distinct anti-Benton movement within the Democratic ranks of Missouri before the Texan Treaty came up. On July 5, 1843, one V. Ellis, a St. Louis Whig, wrote to George R. Smith relative to the appointment of certain Indian agencies, that "Benton's days are numbered. V. Buren has no chance for the nomination . . . it shall not be my fault if things do not work right. Select Democrats in all cases, & such as are opposed to Benton."[56] In March, 1844, Charles D. Drake sent out printed instructions for the Whigs in the approaching presidential election. The Whigs were to launch an aggressive campaign, and, by dividing the Democrats, win. "Is there, or can there be created, such a division," said a portion of this suggestive query, "as would enable the Whigs by their votes to elect an anti-Benton man, . . . or if no anti-Benton man can be found, one who will go with us on these measures?"[57]

Nevertheless, the stand of Benton on the Texas question can be considered as the real cause of the organized opposition. "Ever since 1844, when Mr. Benton commenced opposing the Democratic party and its great measure . . . the annexation of Texas," said a published letter of 1857, "his followers have never doubted his position."[58] On

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[54] Statement made by Price to W. F. Connelley and quoted by Ray, pp. 248–249.

[55] See the Western Pioneer of June 21, 1844, quoted above.

[56] MS. Smith Papers.

[57] Printed letter in the Smith Papers. Dated March 19, 1844, and circulated by Drake as "Cor. Sec. St. Louis Clay Club."

[58] Printed letter of William Palm to C. C. Zeigler of the state legislature. Dated St. Louis, January 25, 1857. This same idea is

October 1, 1844, Benton was severely criticized at Hannibal by one Davis, who answered him from the platform, and declared that "he was dissatisfied, and others were dissatisfied . . . with the Colonel's [Benton's] position on the subject of Texas."[59]

There is very substantial ground for presuming that Benton's enemies took advantage of his position on the slavery question in general and used it as a lever. Senator Atchison implied as much in a speech at Platte City on September 26, 1849. He said: "I have been and am now making war on him [Benton], Free Soilism, Abolitionism, and all similar isms . . . and if he is not driven from the United States Senate, it will be no fault of mine."[60] The observations of Montgomery Blair, a shrewd man of affairs, leave the impression that the slavery issue was by no means the sole root of Benton's trouble. "I have no doubt," he wrote Martin Van Buren from St. Louis early in 1849, just after the passage of the "Jackson" Resolutions, "but that we can sustain Col. Benton . . . his enemies are in the ascendant now in this State & it requires something potent to physic them with. Fortunately for him, I think, they have taken the Slavery chute, imagining that the safe channel, while the course of his old associates and his own

given in the official anti-Benton campaign pamphlet of 1856, entitled, A Statement of Facts and a Few Suggestions in Review of Political Action in Missouri, p. 6.

[59] The Mill Boy (St. Louis), October 12, 1844. This was a St. Louis Whig organ. The account of the above meeting is as follows: On October 1 Benton spoke to a large audience at Hannibal, after which "Mr. Jamison, of Callaway, followed. . . . Mr. Jamison remarked that if there were any persons present who were not satisfied with Col. Benton's course on the Texan question . . . the Colonel would be pleased to give further explanation. . . . Thereupon, Mr. Davis took the stand, and announced that he was dissatisfied, and other Democrats were dissatisfied . . . with the Colonel's position upon the subject of Texas, and especially with reference to the subject of instructions by the legislature." Benton replied "that he did not desire instructions, and would not hold his seat when he believed he was not acting in conformity with the views of his party."

[60] Republican, October 6, 1849.

vote on the Oregon bill would they think effectually destroy him."[61]

As above quoted, Montgomery Blair is casually stating to a personal friend that Benton's enemies had chosen the "Slavery chute" as the most convenient exit by which to discharge him, evidently believing that Benton's slavery policy was not the real cause of the attack upon him. Even one of Benton's opponents, W. C. Price, acknowledged that it was not only because of their honest displeasure with his stand against slavery, but as much because of their jealousy of his dominance, that the enemies of Benton sought his downfall.[62] Benton himself thought that the slavery issue was a mere subterfuge to place him in a bad position. Calhounism and secession appeared to him as the sole inspiration of his enemies. "The slavery question," he wrote Clayton in 1855, "is a cover for the real motives which, with the politicians, [is] ambition—with the masses, [is] a belief that the Union works to the disadvantage of the South."[63]

The means used to force Benton to declare himself was the passage of the so-called "Jackson" Resolutions of 1849.[64] Frank Blair and his St. Louis Bentonites openly charged the anti-Benton faction with this intent. "His [Benton's] friends will see at once," was the statement by Blair, "that those most busy in Missouri, in denouncing the proviso, are none others than Benton's old enemies, and although many of them are northern men, and must therefore be disinclined to the extension of slavery . . . it is

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[61] MS. Van Buren Papers, dated St. Louis, March 12, vol. lvi, pp. 13161–13162.

[62] Statement of Price, quoted by Ray, pp. 248–249.

[63] MS. Benton to Clayton, July 21, 1855, Clayton Papers, vol. xi, pp. 2107–2108.

[64] Regarding this point the Jefferson Inquirer stated editorially on August 20, 1853, that "the Jackson nullification resolutions were gotten up for this purpose [getting rid of Benton] and every Democrat who would not join in the crusade against Missouri's beloved statesman, was denounced as a free soil traitor." "The object of the anti-Benton proceedings, as we infer from the St. Louis Republican," comments Niles' Register, "[is] to cut off Col. Benton from, or commit the [democracy] against any appeal or justification which he may have to make for his course in the Senate on the Wilmot Proviso" (vol. lxxv, p. 288).

enough . . . that Benton voted for the proviso for Oregon, and denounced the attempt . . . to carry slavery to the Pacific shore."[65]

The "Jackson" or "Jackson-Napton" Resolutions have been discussed by almost every writer on Missouri history, hence elaborate consideration of the text of them would be out of place in a study merely of the slavery issue. Their origin, however, deserves attention. By chance Claiborne F. Jackson has often been given credit for these resolutions, but Judge William B. Napton of Saline County, an old enemy of Benton, deserves the honor of originating them. The copy of a letter dated August 8, 1849, from Sterling Price to Benton conclusively proves that Napton was the author, although at the time he seems to have denied it. In this letter Sterling Price asserted that Napton drew them up during the winter of 1848–49 and told him (Price) that he expected that either Carty Wells or Claiborne F. Jackson would introduce them in the legislature.[66]

On January 1, 1849, the resolutions were introduced in the Senate by none other than Carty Wells of Marion

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[65] F. P. Blair, Jr., and thirty-seven others, "Address to the Democracy of Missouri," pamphlet, p. 14. Date 1850(?).

[66] This letter was published by Benton in the Weekly Republican (St. Louis) of May 25, 1852. It is as follows:—

"VAL VERDE, Aug. 8, 1849.

HON. THOS. H. BENTON:

"*Dear Sir;* having very recently seen a communication from Judge W. B. Napton, replying to your charge, touching the points of issue between you, in which he evidently conveys the idea that he was not the author of the Missouri Resolutions, I feel constrained to offer my testimony; and thereby comply with the promise made when I last saw you. The facts are these;

"During my visit to Jefferson City, last winter, Judge Napton invited me into his room and showed me a set of resolutions which he informed me had been prepared by himself, and which I believe are the same which passed the Missouri Legislature. I will merely add that another gentleman of high respectability and credit was also invited to hear them, and that he too had prepared a set of resolutions, which were laid aside and Judge Napton's accepted. I conceive it unnecessary to give his name . . . and I am sure he stands ready to corroborate, by his testimony my statement. In connection with my visit to Judge Napton's room he informed me that his resolutions would be presented by either Carty Wells or Claiborne F. Jackson. I remain, with regard, your obedient servant,

STERLING PRICE."

County.[67] They were referred to the committee on Federal relations, and on January 15 were reported by its chairman, Claiborne F. Jackson.[68] This caused Jackson's name to be associated with them. Parallel resolutions were introduced in the House of Representatives on January 5.[69] Amendments, substitutes, and counter-resolutions were offered by the Whigs, who opposed the measure in both houses. On March 6 Jones proposed that Benton be commended for his "long and brilliant career in the Senate," whereupon Wilkerson offered an amendment approving of Senator Atchison's political record "generally, and particularly his course in reference to the subject of slavery."[70] On January 26 the resolutions[71] as a whole passed the Senate by a

[67] Senate Journal, 15th Ass., 1st Sess., p. 64.
[68] Ibid., p. 111.
[69] House Journal, 15th Ass., 1st Sess., p. 82.
[70] Ibid., pp. 490–491.
[71] These resolutions are as follows:—
"*Resolved, by the General Assembly of the state of Missouri,*
"1st. That the Federal Constitution was the result of a Compromise between the conflicting interests of the states which formed it, and in no part of that instrument is to be found any delegation of power to Congress to legislate on the subject of slavery, excepting some special provisions having in view the prospective abolition of the African slave trade and for the recovery of fugitive slaves. Any attempt therefore on the part of Congress to legislate on the subject so as to affect the institution of slavery in the States, in the District of Columbia, or in the Territories, is, to say the least, a violation of the principle upon which that instrument was founded.
"2d. That the territories acquired by the blood and treasure of the whole nation ought to be governed for the common benefit of the citizens of all the states; and any organization of the territorial governments excluding the citizens of any part of the Union from removing to such territories with their property would be an exercise of power by Congress inconsistent with the spirit upon which our federal compact was based, insulting to the sovereignty and dignity of the States thus affected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion.
"3d. That this General Assembly regard the conduct of the Northern States on the subject of slavery as releasing the slaveholding States from all further adherence to the basis of compromise fixed on by the act of Congress of the 6th of March, 1820, even if such act ever did impose any obligation upon the slaveholding States, and authorizes them to insist on their rights under the Constitution; but, for the sake of harmony and the preservation of our Federal Union, they will still sanction the application of the principle of the Missouri Compromise to the recent territorial acquisitions, if by such concession future aggression upon the equal rights of the States

vote of 23 to 6, four members not being present.[72] They passed the House on March 6 by a vote of 53 to 27, thirteen members being absent and sick.[73] Of these twenty-seven voting nay, Switzler, who was a Whig member, says that all but four were Whigs, and that seventeen members, all Whigs but two, voted "from first to last" against the resolutions.[74]

Benton refused to stand by the instructions which the resolves embodied, and made his celebrated "Appeal" to the voters of the State.[75] On May 26 he delivered his

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may be arrested and the spirit of antislavery fanaticism be extinguished.

"4th. The right to prohibit slavery in any territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State government, or in their sovereign capacity as an independent State.

"5th. That in the event of the passage of any act conflicting with the principles herein expressed, Missouri will be found in hearty co-operation with the slaveholding States in such measures as may be deemed necessary for our mutual protection against the encroachments of Northern fanaticism.

"6th. That our Senators in Congress be instructed, and our Representatives be requested, to act in conformity with the foregoing resolutions."

These resolutions may be found in Session Laws, 1848, p. 667; and in the Congressional Globe, 31st Cong., 1st Sess., pp. 97–98. They can also be found in almost any history of Missouri or biography of Benton.

[72] Senate Journal, 15th Ass., 1st Sess., p. 176. The vote on the individual resolutions was: first, 24 to 6, 3 absent; second, 25 to 5, 3 absent; third, 23 to 7, 3 absent; fourth, 23 to 6, 4 absent; fifth, 23 to 6, 4 absent; sixth, 23 to 6, 4 absent.

[73] House Journal, 15th Ass., 1st Sess., pp. 479–483. The vote on the individual resolutions was: first, 59 to 25, 9 absent; second, 63 to 21, 9 absent; third, 56 to 27, 9 absent; fourth, 62 to 29, 11 absent; fifth, 53 to 29, 12 absent; sixth, 54 to 27, 12 absent.

[74] See Switzler, pp. 267–268. Switzler himself was one of these. The committee of the House on Federal relations failed to agree; the proslavery minority report which was neutralized by an expression of loyalty to the Union was defeated the day before this vote, March 5, by a vote of 62 to 20 (ibid., p. 267). This report can be found in House Journal, 15th Ass., 1st Sess., app., pp. 219–222.

[75] His formal "Appeal" was dated St. Louis, May 9, 1849. It is given among other places in Niles' Register, vol. lxxv, p. 332. Benton's enemies claim that he was far from consistent on the question of legislative instruction. L. V. Bogy asserted that Benton had once written a Missouri friend that "the Legislature had a right to instruct, and the Senator was in duty bound to obey the resolutions, or resign" (Bogy's Speech of May 27, 1852, at St. Louis, p. 11). Benton was very sensitive on the whole question, and sharply criti-

famous "Calhounic" at Jefferson City. He accused the South Carolinian of undermining him in Missouri, castigated his local enemies, and gave an exposition of his own views regarding slavery.[76] When Benton made his "Appeal," not only he but as astute a politician as Montgomery Blair thought that he would be successful. "I have no doubt," wrote Blair, "but that we can sustain Col. Benton in the doctrines here ascribed to him. . . . I think now that they [Benton's enemies] have no longer the fostering care of Mr. Polk at Washington if Col. Benton will carry out his determination to visit the whole state [he will be able to] annihilate them with the questions which only need to be explained to be as strong with the people as the Bank question was. It must be confessed however that the work remains to be done, but I am strong in the faith that it will be accomplished."[77] Two months later Blair was still sanguine, though he could not overlook the obstacles with which the old warrior's way was beset. He wrote Van Buren: "I still think he will succeed although he has great difficulties to contend against," the greatest of these difficulties being his absence from and loss of touch with local politics; in fact he had not "been in the State or made a political speech out of it for two years."[78] Just after his Jefferson City speech Benton was full of cheer, and wrote to F. P.

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cized President Shannon in 1852 for permitting a student at the last commencement to deliver an oration on The Right of Appeal. Shannon, however, denied that Benton's name had been mentioned in the speech (Weekly Missouri Sentinel, July 30, 1852).

[76] Printed in pamphlet form, as well as in the press, from which quotations have already been given in this chapter.

[77] MS. Montgomery Blair to Van Buren, dated St. Louis, March 12, 1849, A. L. S., Van Buren Papers, vol. lvi, pp. 13161–13162.

[78] MS. ibid to ibid., May 12, 1849, A. L. S., Van Buren Papers, vol. lvi, pp. 13180–13182. Blair emphasizes this last point relative to Benton's loss of contact with the local situation: "The greatest of his difficulties has heretofore been that his feelings were so engrossed in another quarter as almost entirely to withdraw his attention from politics, & if he is defeated it will be mainly owing to that cause. For during the time when his enemies have possessed the general and State Governments & have been using incessant efforts against him, he has written but one private political letter and that containing but a few lines & he has not been in the State or made a political speech out of it for two years."

Blair, Sr., "that he was never better received by his constituents."[79] In December even the hopeful Blairs were anxiously fearing a coalition of Whigs and anti-Bentonites,[80] but as late as November, 1850, Benton wrote from Missouri that he was "victorious there." The two younger Blairs, however, were fearing that the "best that can happen will be no election."[81] Although Benton was defeated and a Whig took the seat he had so honored for thirty years, he was far from politically dead, as he himself viewed the situation. The fierce torrent which swirled about his "Appeal" was to convulse Missouri and split his party beyond repair.

It is not the aim of this paper to follow Benton's campaign during 1849–50, but it is of importance to learn something of the influence of his "Appeal" in moulding later politics. In his Jefferson City speech he admitted that he had "no idea that the mass of the members who voted for the resolutions in the last General Assembly, had any idea that they were Calhoun's, or considered the dissolution of the Union which they announced, as a thing in actual contemplation. But they are not the less injurious on that account. They are the act of the General Assembly, and stand for the act of the State, and bind it to the car of Mr. Calhoun."[82] Nevertheless, in his speech at Fayette on September 1, 1849, he took a different view. "The whole conception, concoction, and passage of the resolutions," he said, "was done upon conspiracy, perfected by fraud. It was a plot to get

[79] MS. F. P. Blair, Sr., to Van Buren, June 10, 1840, A. L. S., Van Buren Papers, vol. lvi, pp. 13193–13194. On August 8 F. P. Blair, Sr., wrote Van Buren that "Benton plays his part like a great Bear surrounded by a yelping pack of whelps. He slaps one down on this side—another on that—and grips a third with his teeth—then tosses him with his snout" (A. L. S., ibid., pp. 13216–13218).

[80] MS. F. P. Blair, Sr., to Van Buren, December 3–4, 1849, A. L. S., Van Buren Papers, vol. lvii, pp. 13250–13251; also see ibid. to ibid., August 1, 1850, A. L. S., ibid., pp. 13352–13353.

[81] MS. ibid. to ibid., November 12, 1850, A. L. S., Van Buren Papers, vol. lvii, p. 13376.

[82] Jefferson City Speech, p. 9.

me out of the Senate and out of the way of the disunion plotters."[83]

During this campaign Benton was at once so extravagantly lauded and so scorchingly condemned that it is very hard to discern the real motives of the contestants. "We have already noticed the difficulty," said an editorial in the Missouri Republican of September 10, 1849, "which attends our purpose to give a faithful history of the quarrels between Benton and his enemies in this State." A fair idea of the furor which swept over the State can be gained from the following account of a meeting held in St. Louis, February 12, 1849. "The meeting was organized amid much confusion," and a committee was appointed to draft resolutions. The committee reported a series of resolutions declaring for the power of Congress over the Territories, denouncing the late Washington convention of southern men as a "Hartford Convention," and praising Benton for seeing the imminent danger which was threatening the Union. Amid confusion Mr. Hoyt offered the late ("Jackson") resolutions of the legislature. These were laid on the table by "a large majority." After this the Benton resolutions were carried.[84] Throughout the State, resolves were drafted favoring Benton and condemning him. Letters attacking him and letters taking his part and prints of speeches pro and con crowd the press of the years 1849–53. The editorial comments are at times so vitriolic as to appear amusing to those living in an age when personalities are not so important in politics.[85]

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[83] Jefferson Inquirer, October 6, 1849. At this meeting he was not well received, but at other points he evidently was. "Col. Benton was here in Boonville making speeches in the vicinity," reads a letter of June, 1849, "and creating great excitement and confusion in the democratic ranks. I heard him yesterday at the Choteau Springs—his speech was very well rec[eive]d" (MS. Freeman Wing to Mrs. E. Ashley, June 24, A. L. S., J. J. Crittenden Papers).

[84] Niles' Register, vol. lxxv, pp. 239–240.

[85] At a Platte County meeting in July, 1849, among other resolutions passed was one calling upon Benton to obey his legislative instructions or else resign (Republican, July 16, 1849, quoting the Weston Platte Argus of unknown date). It was openly charged that Benton was in alliance with the abolitionists (letter dated St. Genevieve, September 30, 1849, in ibid., October 3). Such accusa-

The swirl of excitement engulfed even the Whigs themselves. "And the Whigs," wrote a contemporary, "were to some extent divided into Benton and Anti-Benton Whigs, designations which attached to the one segment or the other according to the intensity of its pro-slavery or anti-slavery sentiments."[86] One gets a good deal of light on the position of the Whigs in this contest from the reply of James S. Rollins to Goode, a St. Louis Whig.

Mr. Goode: "Though there was nothing in the resolutions ["Jackson"] in which he did not heartily concur, yet he deemed their introduction at the time was inexpedient."

Mr. Rollins: "Every Whig in the General Assembly except the gentleman from Scott, (Mr. Darnes) voted against those resolutions when they were introduced. Their action was endorsed by every Whig newspaper in the State. Every Whig of prominence and distinction in Missouri sustained the action of their Representatives in this hall. Including our distinguished candidate for the Senate (Col. Doniphan)."

Mr. Darnes said that the Whigs had approved his vote (above) and that "at public meetings of Whigs held shortly after the resolutions were passed in support of the Jackson resolutions and of his action in that hall."

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tions were common. Atchison so criticized him September 26, 1849 (ibid., October 6, 1849). Adam Klippel of St. Joseph wrote S. P. Chase, September 14, 1849, that "nine out of 22 democratic papers in the State, it appears, are out against Benton, and are unbounded in villifying him" (Chase Correspondence, in American Historical Association Reports, 1902, vol. ii, pp. 471–472). During the session of 1850–51 resolutions were introduced into the House condemning Benton for not obeying his instructions (House Journal, 16th Ass., 1st Sess., app., p. 240). So bitter became the struggle that Frank Blair of the Republican and L. Pickering of the Daily Union almost came together with bowie knives on January 28, while the resolutions were still before the legislature (Daily Union, February 3, 1849). On March 5 they met on the corner of Olive and Second Streets and jabbed at one another with their umbrellas. Pickering received an injury to one of his eyes (ibid., March 6). The trouble had started by Pickering's declaring that Blair's statement calling Benton a true Democrat was "twaddle at least, and only shows the littleness of the writer" (ibid., February 3).

[86] Switzler, p. 273. Colonel Switzler was in the legislature when the "Jackson" Resolutions were passed. As an editor he keenly observed the situation.

Mr. Rollins: "But on that particular occasion I was with Col. Benton. The Whig party of Missouri was with Col. Benton upon that question, and against the anti-Benton wing of the Democratic party. I condemned the Jackson resolutions because they sprung a baleful agitation upon the State, and also because they embodied nullification and tended to disunion . . . the Whigs were united almost to a man on this question."[87]

The effects of Benton's "Appeal" were most important. The Democratic party was so riven by hatred and bitterness that the cleavage between slavery and antislavery became more and more distinct. Benton's failure of reelection in 1851 but aroused him and his friends to carry the war to the last extremity. To "put down Benton" was easier than to eradicate the force and pertinacity of his followers. Henceforward the anti-Bentonites became the active proslavery organization, although by no means a secession party.

For years the Democratic party was in a precarious condition. The Napton Resolutions were the rocks on which the party was shattered. Yet despite dangers at the hands of the jubilant Whigs, one wing of the Democrats, led by Frank Blair, risked party success to repeal them. The Claiborne F. Jackson faction held solid for no retraction. The legislative session of 1852–53 was disrupted by the "irrepressible" resolutions and by the three-cornered fight for the speakership between Bentonites, anti-Bentonites, and Whigs. The power of Congress over slavery in the Territories also embittered the partisans, "the animus of the discussion foreshadowing to many the terrible catastrophe in which our national troubles culminated in 1861."[88]

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[87] Jas. S. Rollins, Speech in Joint Session of the Legislature, Feb. 2, 1855, in reply to Mr. Goode of St. Louis, pamphlet, p. 17. Also given in the Missouri Statesman, March 16, 1855.

[88] Switzler, pp. 275–277. Switzler was in the legislature off and on during this period. Some idea of this bitterness within the party can be gained from the Speech of L. V. Bogy of May 27, 1852. "Col. Benton appealed from those resolutions, and since that time the party has been divided. . . . This division spread throughout the length and breadth of the State, and a feeling of hostility—a deadly feud, sprung up between the two wings of the party" (p. 6).

The Democratic party longed for peace but found it not. On December 22, 1851, the Democracy of Oregon County passed resolutions declaring that, whereas the divisions in the party had given the Whigs a senator and three congressmen, "unless these unhappy divisions are amicably adjusted . . . the Whigs will have both the executive and the legislature of the State."[89] A Platte County gathering of January 8, 1852, begged for a healing of the schism.[90] For weeks the press was full of accounts of similar pleas. But as much as they loved peace and harmony they loved principle more. The Democrats of Ray,[91] Osage, Cooper, Boone, Lafayette, Randolph, Monroe,[92] and other counties determined "to lay aside personal animosities and petty bickerings," but at the same time declared plainly that the instruction of senators and even of representatives was "a vital principle of republicanism."

The Democratic state convention met at Jefferson City on April 5, and the party seemed again united.[93] Candidates were nominated, and a solid front was arrayed to meet the Whigs. Colonel Lewis V. Bogy was nominated to represent St. Louis in Congress. Even the St. Louis Democracy on April 24, under the leadership of Frank Blair, B. Gratz Brown, and Trusten Polk, swore to support the ticket.[94] But the pipe of peace was rudely knocked from the lips of the sanguine politicians. Benton announced his independent candidacy for Congress. The whole conflict now reopened.

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[89] Jefferson Inquirer, January 31, 1852.

[90] Ibid. In July, 1854, the anti-Benton candidate for the state Senate for Clay and Platte Counties begged his Bentonite rival to come to an agreement so that one could withdraw, lest the Whigs should win (Republican, July 25, 1854).

[91] Jefferson Inquirer, January 31, 1852.

[92] Ibid., February 14, 1852.

[93] This convention was by no means harmonious. One delegate, Dr. Lowry, thus expressed himself: "He said he was an anti-Benton man all over, and he expected to stand on the Jefferson platform, that he came to the Convention for the purpose of fraternizing, etc." (Weekly Missouri Sentinel, April 8, 1852).

[94] Quoted by Bogy in his Speech of May 27 from the Daily Union of unknown date (pp. 14–15).

The Bentonites struck at the Napton Resolutions.[95] On February 1, 1853, Frank Blair in a long speech moved the repeal of the resolutions, declaring they "did not express the sentiments of the people of this State."[96] A week later Claiborne F. Jackson reviewed Benton's whole career as an antislavery statesman.[97] On the 15th the rescinding resolution was tabled by a vote of 72 to 49.[98] The resolutions therefore remained, and along with them the ill-feeling.

The Whigs loved not the Napton Resolutions, but they loved still less Democratic peace and harmony. "We always opposed making these questions [Napton Resolutions] a test of orthodoxy in the whig ranks," declared the Hannibal Journal. "Besides, if the whigs were to repeal these resolutions, the only bone of contention would be taken from the democratic ranks, and the cohesive power of public plunder would bring their disjointed ranks together, and then the Whigs might bid adieu to all hope of ever getting power in this State."[99] Other Whig papers agreed with the Journal, while some favored the repeal of the resolutions.[100]

With his election to Congress in 1852 Benton opened his agitation for the "Central National Highway to the Pacific." But even this popular issue could not save him. In 1854 he was defeated for reelection to Congress, and two years later failed in his efforts to become governor. Benton was a

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[95] For an account of this action of Benton as told by his opponents see their pamphlet entitled A Statement of Facts and a Few Suggestions in Review of Political Action, pp. 8–9.

[96] Jefferson Inquirer, March 5, 1853.

[97] Ibid., February 12, 19, 1853. For a review of Benton's slavery record also see the printed letter of James S. Green to Messrs. Farish, Minor, Roberts, and Burks, December 10, 1849.

[98] Jefferson Inquirer, February 19; or in House Journal, 17th Ass., Extra Sess., p. 519. Nine members were absent and sick. On February 25, 1857, the fifth resolution was rescinded by a vote of 20 to 7 in the Senate, eight members either being absent or not voting (Senate Journal, 19th Ass., 1st Sess., p. 340).

[99] Quoted from an unknown issue of the Journal by the Weekly Missouri Sentinel of August 28, 1852.

[100] The Sentinel cautioned the Whigs to "keep hands off," and criticized the Boonville Observer and the Missouri Statesman for favoring repeal (May 16, 1852).

fighter and never knew when he was beaten. His Jacksonian Unionism was out of date. His revenge, however, was sweet, for David R. Atchison, his inveterate enemy, was as politically dead as himself,—so dead that, as Frank Blair said, "We have ceased to look at the spot where he went down."[101] Against Benton's protests the Missouri Compromise was repealed, but his enemies merely digged their own pit, for Kansas was soon filled with abolitionists. So passes Thomas Hart Benton from the field of Missouri politics, of which for thirty years he had been the master. With him passed the Democrats who believed in the Union at any price. Following Benton came the most passionate period of Missouri history.[102]

The Whigs were the conservative force in Missouri politics, but the Kansas convulsion loosened many of them from their ancient moorings. On the slavery issue that party, like Benton, largely favored moderation. They prided themselves on their sound financial tenets. Agitation they naturally shunned. "Resolved, That we are equally opposed to the abolitionists of the North, and the Nullifiers of the South, as enemies of the Union, and will hold no political communion with either," said the Daviess County Whig convention declaration of 1852.[103] Fifty of the sixty Whig members of the legislature met on Christmas day, 1854, and, after condemning those who opposed the Kansas-Nebraska Bill and those who sought to defeat the purpose of the Fugitive Slave Law, declared unanimously that they would support no candidates tarred with the free soil or the abolition stick.[104]

James S. Rollins was the intellectual leader of the Whigs for years. His statement of the orthodox Whig position on slavery is as follows: "I will reiterate what I consider to be the correct doctrine upon the subject of slavery," he said to a joint session of the legislature in 1855; "Congress . . .

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[101] Speech delivered by Blair in St. Louis, date not given (St. Joseph Commercial Cycle, March 23, 1855).

[102] See ch. vi of this study.

[103] Convention held at Gallatin, April 12, 1852 (Republican, April 24).

[104] Richmond Weekly Mirror, January 5, 1855.

has the power to legislate in the territories. . . . But if Congress has the power, as I believe it has, to legislate upon the slavery in the territories, justice, honor and expediency forbid its exercise. . . . Upon the question of slavery, I think, I may safely say, that the great Whig party of Missouri, is sound and conservative, ready to resist illegal Northern aggression and abolitionism on the one hand, and to suppress Southern fanaticism and nullification on the other. Above all things the people want repose upon this question. The safety of their property, the integrity of the Union, and the permanency of the Government itself, cries aloud against further agitation! Let it cease!" Mr. Rollins then read a resolution which had been previously drawn up for a Boone County meeting, and "which," he said, "I believe embodies on this question the Whig sentiments of this State." This document is as follows: "Resolved, That although the people of this State have always been willing to abide by the Missouri Compromise, yet believing the best and only method of settling the slavery question is to submit it to the judgment of the people; we approve of the establishment of the territories of Kansas and Nebraska with the power of the people who settle in those territories to regulate the subject of slavery within their limits according to their own pleasure."[105]

The Whigs as a party never admitted that slavery was anything but a personal matter. They would not allow their party to become an instrument for or against it. "There is a Whig ticket for the City of St. Louis," caustically remarked an antislavery German editor, "upon which appear the proud names of slave-raising millionaires, and millionaire slave-raisers, and at the head of them is Luther M. Kennett."[106]

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[105] Speech in Reply to Goode, February 2, 1855, pp. 14, 16.

[106] Anzeiger des Westens of July 7, 1854, quoted by the Republican of July 8. The position of the Whigs on the slavery issue has been analyzed by Tupes (pp. 17–18). His thesis as a whole is somewhat too statistical, as the analysis of the vote on certain measures has been too strictly interpreted as measuring public as well as personal sentiment. He takes little account of the complexity of conflicting issues entering into each measure.

The American party of Missouri, composed largely of old-time Whigs, was also far from favorable to the antislavery program. At a Boone County meeting held on February 4, 1856, resolutions were adopted condemning congressional interference with slavery in the Territories, advocating the enforcement of the Fugitive Slave Law, and pleading for a cessation of slavery agitation.[107]

A great force in Missouri politics, especially during the fifties, was the German element of St. Louis. Detesting slavery and slaveholders on the one hand, and hating still more what they thought slavery stood for—disunion—they became active antislavery agitators. The old southern portion of the State was both shocked and outraged by these uncouth iconoclasts, many of whom had little respect for a slaveholding aristocracy, Calhoun politics, or the Puritan Sabbath.[108] Boernstein of the Anzeiger des Westens was exceptionally obnoxious to the proslavery people. "The tremendous majority of the citizens of our State are tired of the improper influence of the Slavocratic interest. They are not willing any longer to be tyrannized by a few thousand slaveholders," declared the Anzeiger in 1854.[109] The

[107] W. F. Switzler's Scrapbook, 1856–57, p. 31. Switzler himself submitted these resolutions. "The American party has therefore nowhere spoken its views on the subject of Emancipation," he said at a joint session of the legislature on January 25, 1857 (Missouri Statesman, April 10, 1857).

[108] On January 14, 1857, Akers of Missouri complained in Congress that the board of aldermen of St. Louis, "consisting in part" of Germans, had voted to repeal the Sabbath laws (Congressional Globe, 34th Cong., 3d Sess., app., p. 151). But practical politics demanded that the slaveholder be not too squeamish when votes were needed from the contemptible "Dutch." In his message of December 29, 1858, Governor Stewart endeavored to wean the Teuton away from the new Republican party by honeyed words. Slavery, and in fact all labor systems, he said, were the result of climatic conditions and of experience. The governor declared that he had no apprehension from foreigners. He hinted that the North was endeavoring to make labor a slave to capital as had been done in England (Senate Journal, 20th Ass., 1st Sess., pp. 33–36).

[109] Anzeiger, July 21, 1854, quoted by the Republican of July 24, 1854. "We must oppose the extension of slavery over the Territories," continued the editor. "Slavery is a perfect pestilence to the State of Missouri. No one denies it, but . . . the establishment of slave States on our western borders will make the abolition of

Germans do not seem to have advocated an unqualified abolition program. "We are for the abolition of slavery in Missouri, but only constitutionally and in a manner to pay due respect to the just claims of the citizens of the State," explained the Anzeiger.[110] "On the subject of slavery, being an institution recognized by the laws of the country," stated the Volksblatt in 1856, "although we would favor a plan for gradual emancipation, we are against any forcible and unconstitutional interference for its abolition. And, therefore we are decidedly opposed to the Abolition party."[111]

The Germans even held slaves in some cases. In 1860 nineteen Germans of St. Louis paid taxes on forty out of the thirteen hundred and eighty-three slaves taxed in the city. Of these German slavemasters O. C. Schauenburg led with six negroes, C. W. Gauss was second with five, and George Heise and J. R. Lienberger were taxed on three each.[112] When the South seceded, the Germans, with hardly an exception, supported the Union. Of the 10,730 Federal

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slavery in our own State still more difficult, if not entirely impossible. We are for the abolition of slavery in Missouri, but only constitutionally . . . we demand of the Northern States that they constitutionally fight the South for every foot of land that has not yet been conquered for slavery!"

[110] Anzeiger, July 21, 1854, quoted by the Republican of July 24, 1854.

[111] Volksblatt of unknown date quoted by the Weekly Pilot of April 26, 1856.

[112] These Germans and the number of slaves on which they paid taxes in 1860 were as follows: Richard K. Bechtel, 1 slave (MS. Tax Book, St. Louis City, 1860, Book A to B, p. 81); Edward Benkendorp, 1 slave (ibid., p. 87); C. B. Fallenstein, 1 slave (ibid., Bk. C to F, p. 207); George Heise, 4 slaves (ibid., Bk. G to K, p. 122); C. W. Gauss, 5 slaves (ibid., p. 18); Jacob Iseler, 2 slaves (ibid., p. 149); Charles Hoeser, 2 slaves (ibid., p. 248); John Knipperberg, 1 slave (ibid., p. 238); J. R. Lienberger, 4 slaves (ibid., Bk. L to O, p. 41); Louis I. Mantz, 1 slave (ibid., p. 42); Samuel Myerson, 2 slaves (ibid., p. 197); Robert Ober, 2 slaves (ibid., p. 218); George Schaffner, 2 slaves (ibid., Bk. P to S, p. 139); O. C. Schauenburg, 6 slaves (ibid., p. 141); N. J. Strautman, 2 slaves (ibid., p. 253); R. C. Weinck, 1 slave (ibid., Bk. T to Z, p. 84); Thomas H. Weit, 1 slave (ibid., p. 122); Z. F. Wetzel, 1 slave (ibid., p. 125), and A. Weisman, 1 slave (ibid., p. 137). Naturally it is difficult to distinguish between German immigrants and Pennsylvania German settlers. But if the latter held slaves it would also be a matter of interest.

volunteers raised in St. Louis in 1861 four fifths, according to the state adjutant general's report of that year, were Germans.[113] One German writer boasts that his countrymen who did not support the Union could be counted on his fingers.[114]

Throughout the slavery period the subject of emancipation was unceasingly preached by an ever active minority, while, on the other hand, a mighty effort was made to keep the agitation out of politics. "Our own representative, the Hon. Willard P. Hall, is a slave holder both in theory & practice," wrote Adam Klippel of St. Joseph to Salmon P. Chase in 1849, "and although his constituents, by a large majority, are non-slaveholding, yet he never dares to speak a word in favor of freedom."[115] "We do not apprehend much trouble from the slavery question," said a St. Louis editor the same year, "for . . . the great majority of our citizens look upon the subject as we do: that it is more dangerous for the politicians than for the people at large."[116] On the other hand, the St. Louis newspaper, the Organ, in this same year claimed that there was a widespread desire for emancipation in the State and that "not a single paper in Missouri, out of St. Louis, condemns or disapproves the agitation of the question."[117] From the evidence touched upon in foregoing pages it is clear that this editor did not know the rural press of the State. The conservative old paper, the Republican, ever counseled caution and deprecated agitation.

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[113] Adjutant General's Report, 1861, p. 6.

[114] W. Kaufman, Die Deutschen im amerikanischen Burgerkriege, p. 194. Another German says that of the 85,400 Federal volunteers raised in Missouri the Germans furnished 30,899 (A. B. Faust, The German Element in the United States, vol. i, p. 523). E. D. Kargau states that the first four Union regiments of the State were composed entirely of Germans ("Missouri's German Immigration," in Missouri Historical Society Collections, vol. ii, no. 1, p. 33). On this point see also J. F. Hume, The Abolitionists, p. 182, and W. G. Bek, The German Settlement Society of Philadelphia, and Its Colony, Hermann, Missouri, pp. 124–126.

[115] Chase Correspondence, p. 473.

[116] Daily Union, February 17, 1849.

[117] Quoted from an issue of the Organ of unknown date by Niles' Register, vol. lxxvi, p. 259.

In spite of all caution, the activity of the great antislavery leaders, Frank Blair, B. Gratz Brown, Boernstein, and George R. Smith, continually brought the disagreeable spectre before the people. Evidently Gratz Brown's electorate in St. Louis favored his views. "I sent you a few days since a copy of my remarks upon the Emancipation resolutions," he wrote George R. Smith in 1857. "It was a startling speech to the House in some respects, and took the opposition members by surprise. In St. Louis I hear it raised quite a furor. . . . It was framed principally as you will see from reading it to suit my own meridian, but I am sanguine enough to hope that it will not be without good effect even in other counties of Missouri."[118]

The extent of emancipation sentiment during the last years of the slavery regime in Missouri cannot be measured either in its volume or in its intensity. The opinion is often advanced that the State was ready for emancipation at any time between 1804 and 1860, but that the attitude of the antislavery faction caused justifiable resentment on the part of the slaveholders. "Let it be understood," said a proslavery contemporary many years later, "that Missourians did not so much oppose the emancipation of their slaves as they did the means used to accomplish it. For thousands of slave holders believed that the abolition of slavery would be a blessing both to the slave and to the master, if it could be done in a lawful and peaceable way. . . . For ten years before the war it was a foregone conclusion with intelligent classes that slavery would be abolished in Missouri, and a system of free labor adopted that would be more successful in developing the resources of the State."[119] It is doubtful if this writer would have made the above statement in slavery days. Such musings were common after slavery was dead and the success of free labor realized in Missouri. The mass of slave-owners were well satisfied with their property, and bitterly resented any hint that emancipation

[118] MS. Brown to Smith, dated Jefferson City, March 3, 1857, Smith Papers.

[119] Leftwich, vol. i, pp. 96–97.

was either advisable or possible, especially if the negroes were to remain in the State after being liberated.

The proslavery leaders at the time denied that slavery was a burden either economically or socially. The Address of the Lexington Pro-Slavery Convention to the People of the United States, drawn up by Sterling Price, Judge W. B. Napton, and others, mentioned the fact that the idea was prevalent "that Missouri contained but a small slave population, and that the permanence of this institution here was threatened by the existence of at least a respectable minority of her citizens . . . we think it proper to state, that the idea above alluded to is unfounded; and that no respectable party can be found in this State, outside of St. Louis, prepared to embark in any such schemes. In that city . . . it will not seem surprising that its wild and heterogeneous population should furnish a foothold for the wildest and most visionary projects."[120]

One of the great slavery advocates of the State in the late fifties was Senator Green. In the United States Senate on May 18, 1858, he said: "It has been my privilege to live there [in Missouri] nearly twenty years, to mix freely with the people of all classes. . . . I know it [sentiment in Missouri] to be exactly the reverse of what he [Senator King] represents it. . . . The public common sentiment of the people of the State is for peace, for law, . . . and to abide by our institutions as they are, . . . I undertake to say that the sentiment to which the Senator alludes in the State of Missouri is exceptionally small."[121] "Emancipation! a new word in our political discussions; a new theme in this State for the contemplation of the people," exclaimed W. F. Switzler in a joint session of the legislature in 1857.[122] The following year Switzler repeated his statement, and claimed that not fifteen thousand voters could be found in the State who favored emancipation.[123]

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[120] Proceedings of the Convention, p. 4.
[121] Congressional Globe, 35th Cong., 1st Sess., part 3, p. 2207.
[122] Speech of January 25 (Missouri Statesman, April 10, 1857).
[123] Ibid., July 30, 1858.

Although the active emancipation party in Missouri in the late fifties was comparatively small, it was menacing. The General Assembly felt called upon to denounce the movement. On February 10, 1857, Carr introduced the following resolution in the Senate: "Be it therefore Resolved, That the emancipation of all the slaves held as property in this State, would not only be unpracticable, but any movement having such an end in view, would be inexpedient, impolitic, unwise, and unjust, and should, in the opinion of the General Assembly be discountenanced by the people of the State." This declaration passed the Senate by a vote of 25 to 4, seven members being absent or not voting.[124] It passed the House by a majority of 107 to 12, thirteen members being absent or not voting.[125]

A general spirit of intolerance toward agitators was manifested during the last decade of the slavery regime in Missouri. The State University was in a condition of unrest for years. President James Shannon, who had served as a minister of the Christian Church and as president of a denominational college in Kentucky, was accused of preaching sectarianism and proslavery politics in the classroom. On December 22, 1852, a committee was appointed by the Senate, and on January 25, 1853, one was named by the House, to examine the university.[126] A report was made on February 24, signed by five of the faculty and many students, declaring that the charges were false.[127]

Early in 1856 a student of Bethany College named Barns lectured on "Liberty." A reporter stated that Barns was offensive to the proslavery people, and fled after receiving threatening letters. The reporter, however, declared that

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[124] Senate Journal, 19th Ass., 1st Sess., pp. 213–214.

[125] House Journal, 19th Ass., 1st Sess., p. 303. The resolutions passed the House February 13.

[126] Senate Journal, 17th Ass., 1st Sess., p. 107; House Journal, 17th Ass., 1st Sess., p. 381.

[127] House Journal, 17th Ass., 1st Sess., app., pp. 349–365. There was also a minority report. One student declared that President Shannon disagreed with a text-book which condemned slavery and referred the students to his own Philosophy of Slavery. This student, however, admitted that the president was fair-minded and argued as he did purely for the sake of argument (ibid., p. 364).

Barns was not badly used, but craved martyrdom.[128] One Ross, a temperance lecturer, in 1855 created "quite a row" in Howard, Boone, and Cooper Counties by his antislavery utterances, but there was no proof that he was an abolitionist. His relatives were told to watch him lest he get into trouble.[129] In April, 1855, at Chillicothe, a Christian minister, the Reverend David White, was ordered to leave the county as his sermons were "strongly tinctured with Abolition sentiments." A vigilance committee was appointed to carry out the decrees of the protesting citizens.[130]

Even some of the most ardent emancipationists of the Civil War period, the "Charcoalers" of 1863, were far from being abolitionists at this time. General George R. Smith, who with Charles D. Drake led the unconditional emancipationists later, resented bitterly being styled an abolitionist in 1856. "I have never either published or charged you privately with being an abolitionist," indignantly wrote Silas H. Woodson to Smith on July 1, 1856; "I am mortified and astonished that you should become so evidently disaffected toward me on the strength of rumor."[131]

One fact which should always be kept in mind is that secession and slavery bore no close relation to one another in Missouri. Out of a total poll of 166,518 in 1860, Breckinridge received but 31,317 votes, while Lincoln received but 17,028.[132] A year later, however, the Camp Jackson affair considerably changed sentiment in favor of the South. It is very unsafe to gauge sentiment by count of votes, especially at a presidential election, yet to realize the conservative nature of the Missourians when it came to a clear division one has but to glance at the combined vote of the radicals, Breckinridge and Lincoln, in comparison with the 117,173 votes received by Douglas and Bell, or to turn back to 1857

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128 St. Joseph Commercial Cycle, February 22, 1856.

129 Ibid., November 2, 1855. In July, 1851, Mr. Wyman of St. Louis was widely praised for refusing to rent his hall to an abolition lecturer (Daily Intelligencer [St. Louis], July 7, 1851).

130 Missouri Statesman, April 27, 1855. The public meeting referred to was held on April 8.

131 MS. dated Independence, Smith Papers.

132 Switzler, p. 297.

when Stewart defeated Rollins by only 334 votes for governor in a State which was considered strongly Democratic.[133] The slaveholding Missourian of the fifties valued his property, and he longed for peace. If national issues—the tariff, the currency, internal improvements—were temporarily submerged, the slaveholder turned to a candidate who would secure the integrity of existing conditions. Slavery may have been the ultimate but it certainly was not the immediate cause of the Civil War as far as Missouri was concerned.

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[133] Switzler, p. 271. It is not within the scope of this study to deal with party politics, as the slavery issue was a small factor in influencing struggles between Whig and Democrat. James S. Rollins had been a staunch Whig. His son, Mr. Curtis B. Rollins, gave the present writer a description of his father. He worshipped the doctrines of the Whig party. His friends claim, and some Democrats have admitted, that Rollins was really elected in 1857, although he was defeated by nearly fifteen thousand votes in 1848 (ibid., p. 255). Despite the wild excitement of the Kansas troubles, Rollins's efforts to calm the storm may have driven many proslavery voters to him for security. "Rollins is sweeping everything before him in this part of the State," gleefully wrote Silas Woodson to George R. Smith from Independence in July, 1857. "His position, and past personal history upon the slavery issue, though highly conservative was altogether acceptable to the most of the ultra pro-slavery men of our party [Whig], and I believe he will not lose five old time Whigs in our County" (MS. dated July 26, Smith Papers). Mr. George Carson of Fayette says that Rollins was the most polished orator he ever heard. He was not only eloquent but was brilliant. Mr. Carson remembers hearing Benton when he delivered his famous speech at Central College, Fayette, in 1849. He declared that Benton spoke very slowly and deliberately. He was not eloquent, but was a convincing speaker.

CHAPTER VI

Missouri and Kansas

To understand the great movements which excited Missouri and agitated the entire country on more than one occasion—the Compromise of 1820, the Kansas-Nebraska Act and the resulting struggle in Kansas, and the Dred Scott Case—one must get a picture of the State which gave them birth. The exposed position of Missouri—"a slave-holding peninsula jutting up into a sea of free-soil"—was primarily the cause of her continued unrest. This peninsula, unnaturally formed for political reasons to reconcile irreconcilable sections, was exposed still more by the two great rivers. The Missouri, coming out of free territory, flowed past free Kansas for a hundred miles and then swerved off through the heart of Missouri's great slave counties. The Mississippi for hundreds of miles alone separated Missouri from an ever-watchful abolitionist minority in Illinois. The great interstate shipping along the Mississippi offered a chance of freedom to any plucky black who might be hired as a boat hand or stowed away by a sympathetic or a venal crew till a free port was reached. The Underground Railroad was busy on three borders of the State. The spectre of a "horde of negro-stealing Abolitionists" permanently settled in Kansas with the avowed purpose of strangling the "peculiar institution" was both irritating and economically appalling to the hardheaded, self-made frontiersman, who resented any interference with his God-given institution. Slave-stealing was abhorrent to his idea of fair play and sacrilegious in the light of his interpretation of the Constitution. Despite present-day claims to the contrary, the newspapers, the journals of the General Assembly, and contemporary correspondence prove that Missouri was from its very inception in a state

of unrest and feverish apprehension which subsequent events seem to have justified.

Throughout the slavery period most of the Missouri law dealing with the absconding black was concerned with the recovery of the fugitive. The Code of 1804 fined any person five dollars and costs for harboring a runaway negro.[1] In 1817 a form of procedure for seizing a fugitive was passed. He was to be taken first before a justice of the peace. The sheriff was then to serve notice on the owner. If the latter refused to pay the summons fee, the justice might "issue execution as in ordinary cases." For the benefit of non-resident owners the names of escaped slaves were to be published for ninety days in a territorial paper. The master was to pay costs before receiving his property. If the slave was not claimed within ninety days, he was to be sold to the highest bidder for "ready money." After deducting the jail fees and five dollars for apprehending the negro, the residue was to be deposited in the treasury to satisfy the future claims of the master.[2] The punishment of the slave for absconding seems to have been left entirely to the owner.

A law of 1823 gave any person the right to apprehend a slave and place him in the "common gaol" of the county,[3] unless the owner or employer of the fugitive resided in the county, in which case the negro could be directly delivered to the claimant. Any slave found twenty miles from home without a pass was to be deemed a fugitive. On suspicion of an escaped slave lurking about the county a justice was to direct the sheriff or the constable to lodge him in prison. The negro, after being advertised for twelve months, was to be sold, and if the claimant did not appear within five years

[1] Territorial Laws, vol. i, ch. 3, sec. 9.

[2] Ibid., ch. 187, secs. 1, 2.

[3] On January 23, 1865, a committee was appointed by the House to investigate the rumor that the state penitentiary was being used for the safekeeping of slaves (House Journal, 22d Ass., 1st Sess., p. 143). On February 28, 1848, Mrs. Francis A. Sublette paid jail fees to the amount of $6.75 for the keeping of her negro named London for twenty-four days, at the rate of twenty-five cents per day, and a fee of seventy-five cents for the turnkey (MS. Sublette Papers).

the money was to go to the State University. The master must prove his property by witnesses, and, in addition to any reward which may have been offered, must pay the apprehending fee of ten cents a mile for the distance traversed in returning the slave. If after seizing a negro the justice was satisfied that he was not a fugitive, he could be discharged by habeas corpus proceedings. In cases where a negro died in jail or was discharged from custody the State was to pay these fees.[4] The provisions of the Revised Code of 1835 were very similar to the above, but were more precise as to the method of claiming the slave.[5] This law, with some modifications, remained as the working statute till slavery disappeared in the State. It was reenacted in 1845, again ten years later, and finally again in 1861, at a time when the escapes of slaves were increasingly numerous.[6]

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[4] Revised Laws, 1825, vol. ii, p. 747, secs. 1–10.

[5] Revised Laws, 1835, p. 589, art. iv, sec. 12. The claimant was to prove that he had lost a slave and that the negro in question was the same, and he had to give bond to indemnify the sheriff for his services, and give a certificate of proof and security under seal of court. Examples of the sheriffs' notices of the sale of fugitives are numerous in the newspapers of the period. The following is an illustration: "NOTICE OF A RUNAWAY SLAVE. There was committed to the common jail of St. Louis County . . . as a runaway slave, a negro who says . . . that he belongs to Milton Cooper of Ashland in the State of Arkansas. Said negro is about thirty one years of age. . . . The owner of the above slave is hereby required to make application for him . . . and pay all charges incurred . . . otherwise I will, on Tuesday, the 25th day of January next . . . at the north door of the Court House . . . sell the said negro . . . to the highest bidder for cash, pursuant to the statute in such cases made and provided. John M. Wiener, Sheriff of St. Louis Co." (Jefferson Inquirer, November 27, 1852).

[6] Revised Statutes, 1845, ch. 167, art. iii; Revised Statutes, 1855, ch. 150, art. iii; Session Laws, 1860, p. 90. A law of 1835 gave the method by which an out-of-state slaveholder could recover his property. Such a claimant was to secure a warrant from some "justice or justice of the peace" requiring the sheriff to present the fugitive to some court or magistrate. "The proof to entitle any person to such warrants shall be by affidavit, setting forth, particularly and minutely, the ground of such claim." After the court had heard the testimony he could return the negro to jail if further testimony was thought necessary. If the negro in question was not a fugitive, the one causing his arrest was to pay him $100 and pay all costs (Revised Laws, 1835, p. 286). A law of 1845 granted the sheriff a fee of $100 for taking a fugitive without the State if he was over twenty years of age, if under twenty half that amount, in addition to the reward.

Toward slave-stealing the law was very severe, whether the deed was perpetrated through sentiment or for profit. In the Code of 1804 either the selling of free negroes into slavery or the stealing of slaves was punished by death without benefit of clergy.[7] In 1843 it was declared grand larceny to "decoy or carry any slave" from the State, whether done as a theft or to free the negro. The offender was to suffer five years' imprisonment, whether the attempt succeeded or failed.[8] This statute was reenacted in 1845 and again in 1861.[9] That this provision was enforced is learned from the inspectors of the penitentiary, who in 1854 reported that there were seven inmates in that institution for the "attempt to decoy slaves."[10] In 1858 there were six,[11] and in 1860 ten such prisoners.[12] Seemingly none of these efforts had succeeded, as all are reported as being "attempts," nor is it possible to tell whether the convicts were abolitionists or

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The fee was to be $25 and the reward if the slave was taken within the State. After a slave had been advertised for three months he was to be sold and the residue kept for the claimant, after the sheriff's claims had been settled (Revised Statutes, 1845, ch. 168, secs. 1–6, reenacted in Session Laws, 1860, p. 90). For apprehending a slave within his own county the sheriff was to receive $5, or $10 if in an adjoining county over twenty miles from the home of the fugitive (Revised Statutes, 1845, ch. 169, sec. 1). The question of the legal recipient of the reward must have been a subject of some dispute. In Daugherty v. Tracy the state supreme court held that "a person who actually apprehends the slave, makes the affidavit and has the slave committed to jail, is to be deemed the taker of the slave." If a private person called in an officer to take up a slave, the latter was entitled to the reward if he committed the slave (11 Mo., 62).

[7] Territorial Laws, vol. i, ch. 3, secs. 21, 22. A law of 1825 reduced the punishment for enslaving a free person or for decoying such out of the State to a maximum of thirty lashes and imprisonment for ten years, unless the kidnapped negro was meanwhile returned, in which case the punishment was to be a fine of one thousand dollars and costs (Revised Laws, 1825, vol. i, p. 283, sec. 13).

[8] Session Laws, 1842, p. 133, secs. 1, 2, 3.

[9] Revised Statutes, 1845, ch. 168, sec. 7. The same punishment was given a white or a free negro for forging a pass so that a slave could escape (ibid., secs. 7, 9).

[10] Senate Journal, 17th Ass., 1st Sess., app., p. 223.

[11] Senate Journal, 20th Ass., 1st Sess., app., p. 138.

[12] House Journal, 21st Ass., 1st Sess., app., p. 314. In 1846 there was one such prisoner (House Journal, 14th Ass., 1st Sess., app., p. 54). In 1856 there were two such inmates (Senate Journal, 18th Ass., 1st Sess., p. 284).

mere thieves. Two very famous cases of slave abduction were that of Burr, Work, and Thompson in Marion County in 1841,[13] and that of "old" John Doy of Kansas at St. Joseph and Platte City in the late fifties.[14]

Missouri's great rivers had early caused both legislation and litigation. The Code of 1804 forbade the master of a vessel to carry a slave from the "district" of Louisiana without permission.[15] The Codes of 1825, 1835, 1845, and 1855, which were based on a law of 1822, fined a ferryman the full value of the slave and costs for taking him across the Mississippi without a special permit, and a shipmaster for the same offense was fined one hundred and fifty dollars, to be recovered by the owner by action for debt. He might be further subject to common-law action.[16] A statute of 1841 made any "master, commander or owner of any boat or other vessel" liable for the value of the slave "without prejudice to the right of such owner to his action at common law," for carrying any slave from one point to another within the State without permission.[17]

This statute was the result of a feeling that abolitionists and free blacks were using the shipping as a means of systematically running off Missouri slaves. A contemporary editorial illustrates the dangers and fears of the time and

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[13] Thompson, passim. In August, 1841, these three Illinois abolitionists came over from Quincy to take certain slaves to Canada. The slaves betrayed them, and they were sent to the penitentiary after an exciting trial. The term was to be twelve years, but was later reduced. An account of this episode can also be found in the Bulletin (St. Louis), September 13, 1841. See also pp. 121–122, above.

[14] Doy, passim. Doy was caught in Kansas by a crowd of Missourians in an attempt to take to Canada some negroes of Lawrence, who feared kidnapping. The Missourians claimed that these were fugitives and not free blacks. Doy was imprisoned for several months, but was finally taken from the St. Joseph jail by a band of antislavery Kansans. His account, like Thompson's, is bitter, but gives a good idea of the struggles of the period.

[15] Territorial Laws, vol. i, ch. 3, secs. 35, 36.

[16] Revised Laws, 1825, vol. ii, p. 747; Revised Laws, 1835, p. 581, art. i, sec. 36; renewed in Revised Statutes, 1845, ch. 167, art. i, sec. 28; also in Revised Statutes, 1855, ch. 150, art. i, secs. 28, 29.

[17] Session Laws, 1840, p. 146. A law of 1823 had fined a ferryman the value of the slave, in addition to the damages and costs, for carrying him over the Mississippi (Revised Laws, 1825, vol. ii, p. 747. sec. 2).

the price which St. Louis paid for her great and boasted river commerce. "Recent events demonstrate the fact that the employment of free negroes, mulattoes, and free slaves who hire their own time, on board of steamboats on the western waters, is a cause of serious loss and danger to the slave states and slave owners. . . . These have the opportunity of constant communication with slaves of Missouri, Kentucky and the other southern States, and have also very frequent communication with the free negroes and abolitionists of Illinois, Indiana, Ohio, and Pennsylvania. This communication renders the slaves restless and induces them to run away, and furnishes them a means of escape. . . . The negro hands on board the steamboats can frequently conceal runaway negroes . . . without the consent of the captain . . . their association with the slaves is not a cause of suspicion and discovery, as a similar association between white emissaries and slaves would certainly be."[18]

The coming of the railroad furnished a new means of escape for slaves. Captain J. A. Wilson of Lexington claims that the people of western Missouri were apprehensive lest the Pacific Railroad, for which Benton and his constituents had fought for years, should run their slaves to Kansas. The old boat law with some changes was applied to railways in 1855. The offenders were liable for double the value of the escaped slave and for common-law action as well.[19] A number of negroes evidently escaped by rail. In 1857 the people of Franklin County complained of their slaves escaping by this means.[20] The trouble must have continued, for on March 1, 1860, a resolution was introduced into the House of Representatives that the General Assembly should "vote for no bill knowingly granting state aid to railroads whose Board of Directors is composed of a majority of Black Republicans." The resolution was tabled by a vote of 82 to 17, and may simply have been a general thrust at

[18] Daily Evening Gazette, August 18, 1841.

[19] Session Laws, 1854, p. 169. Repealed February 6, 1864 (Session Laws, 1863, p. 41).

[20] House Journal, 18th Ass., 1st Sess., p. 233 (February 7).

antislavery activity.[21] Apparently fewer slaves used the railroads as a means of escape than the river shipping, as the newspapers of the day do not contain many notices of such absconding, while the press and court records note many escapes by boat.

Assemblies of slaves, both public and private, were more or less carefully regulated. The Code of 1804 brought pressure to bear on both the slave and the master. If the slave left his master's "tenements" without leave, he could be punished with stripes at the discretion of a justice of the peace. If he entered another's plantation, that planter could give him ten stripes. If a free colored person or a slave carried a gun, powder, shot, or a club, the justice could punish him with a maximum of thirty stripes, but if living on the frontier the latter could give him permission to carry such weapons. All "riots, routs, unlawful assemblies and seditious speeches" were to be punished at the discretion of the justice.[22] For allowing more than five slaves to gather on his plantation at one time a fine of one dollar per slave was to be levied against the offending planter, and for permitting a slave, without the owner's permission, to remain on his plantation for more than four hours he was to be fined three dollars.[23] This did not prevent slaves from assembling at a public mill "with leave" except at night or on Sunday. They could also go to church by written consent.[24] Passes,

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[21] House Journal, 20th Ass., Called Sess., p. 31. Absent and not voting, 32.

[22] Territorial Laws, vol. i, ch. 3, sec. 7. This provision is found word for word in a Virginia statute of 1785 (Hening, vol. xii, p. 182, sec. 4).

[23] An ordinance of St. Louis of February 5, 1811, punished a slave with ten lashes for attending such an assembly, and the master was to be fined five dollars if the slave was not punished. A free negro or white person was to receive twenty lashes and a fine of ten dollars for attending without the owner's permission (Ordinance of February 5, 1811, MS. Record Book of the Trustees of St. Louis, pp. 23–25, secs. 4, 5, 6).

[24] Territorial Laws, vol. i, ch. 3, secs. 3, 4, 5, 7, 8. These sections are very similar to an old Virginia statute of 1723 which provided a penalty of five shillings per slave if a master allowed more than five slaves, other than his own, to meet on his property. Slaves could meet at church or a public mill. If living on the frontier slaves could carry weapons, if so licensed by a justice of the peace (Hening, vol. iv, p. 126, secs. 8, 9, 14).

however, were somewhat liberally granted, and were not always necessary.[25] The revisions of 1835, 1845, and 1855 accepted these provisions of 1804 in most cases verbatim, and in addition fined any white person ten dollars and any free negro ten dollars and ten lashes for joining in any slave meeting. The sheriffs, constables, justices, and other officials were to suppress these assemblies and to bring offenders to justice under penalty for neglect of duty.[26]

Manifestly intended to prevent loafing and intemperance as well as the usual dangers connected with slave assemblages, a law was passed in 1833 fining a store- or tavern-keeper from five to fifty dollars for allowing slaves or free negroes to assemble at any time on his premises, especially on Sundays, unless sent on business by their owners.[27] In 1847 every religious assembly of negroes or mulattoes was required, if the preacher was a negro, to have some official present "in order to prevent all seditious speeches and disorderly and unlawful conduct of every kind."[28] In September, 1854, two slaves were convicted in Platte County, fined one dollar each and costs, and ordered committed till this was paid, for "preaching the gospel to their fellows, with no officer present, on Atchison Hill."[29] It is probable that abolition emissaries and a temptation to abscond were feared more than conspiracies to revolt. Unless watched, the

[25] General George R. Smith of Sedalia wrote: "It is melancholy to remember . . . that Uncle Toby, Uncle Jack, and other gray-haired men and women . . . were compelled to have written permissions to leave home and would come even to me, a little child, when the older members of the family were busy, to give them a written pass to go to town" (Harding, p. 49). Anice Washington of St. Louis, who was a slave in Madison and St. Francis Counties, said that a pass was demanded by her owners only when the negroes went to a dance. They could go to the church, which was two miles off, on Sundays without one.

[26] Revised Laws, 1835, p. 581, art. i, secs. 26–33. Section 32 is not in the Revision of 1845 (vol. ii, ch. 167, art. i), otherwise it is identical. The revision of 1855 (vol. ii, ch. 110, art. i) is the same as that of 1845.

[27] Session Laws, 1832, ch. 41, secs. 1, 2.

[28] Session Laws, 1846, p. 103, secs. 2, 3.

[29] Paxton, p. 187.

preacher, particularly if a negro, might give his audience views of liberty and worldly ambition.[30]

The punishment of the slave for leaving his owner's plantation and for actually running away seems to have been left largely with the master. The slave was to be punished "with stripes" for leaving his master's "tenements" without a pass, and the one on whose property he was found was to give him ten lashes.[31] The Revision of 1835 increased this summary punishment to twenty lashes, and any person who found a slave off his master's property could take such slave before a justice, who was to punish him at his discretion. Any slave who concealed a fugitive was to be punished with not more than thirty-nine stripes by a justice of the peace.[32] The law of 1825 establishing patrols ordered these officers to punish any slave found off his master's plantation by ten lashes, or by not more than thirty-nine after conviction by a justice.[33] The revised statutes of ten years later reduced this punishment by the justice to twenty stripes, and this number remained till slavery was abolished.[34]

The city of St. Louis had its special slave problems because of its numerous free negroes and dissolute whites, natural to a great port with a large alien population. Its enormous shipping interests likewise affected slave conditions. An ordinance of 1835 punished a slave with from five to fifteen lashes for being at a religious or other meeting without permission later than nine at night from October to March, or ten o'clock the other six months of the year. If the master paid two dollars and the costs, the punishment could be remitted.[35] This provision was modified somewhat by one passed later in the same year which prohibited a slave

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[30] See above, p. 85, note 11, for an example of a slave sermon.

[31] Territorial Laws, vol. i, ch. 3, secs. 2, 3. This same punishment was accorded by a Virginia statute of 1723 (Hening, vol. iv, p. 126, sec. 13).

[32] Revised Laws, 1835, p. 581, art. i, secs. 23, 24, 25.

[33] Revised Laws, 1825, vol. ii, p. 614.

[34] Revised Laws, 1835, ch. 129, sec. 5.

[35] Ordinance of May 11, 1835, sec. 3 (Ordinances of St. Louis, 1836, p. 125). This ordinance is also printed in the Missouri Argus of June 5, 1835.

from being in the streets of the city from ten p. m. to four a. m. during the summer months, or from nine p. m. to five a. m. in winter, "under any pretense whatever unless such slave have a written pass . . . of that day's date." The master of a slave was to be fined five dollars for the first, ten dollars for the second, and twenty dollars for subsequent offenses, and the slave could be imprisoned till this fine was paid.[36] This ordinance was reenacted March 16, 1843, with very little alteration, and remained without change till the Civil War.[37]

An ordinance of 1850 gave the mayor power to issue general passes to free negroes of good character and to grant them permission to hold religious or social assemblages after eleven p. m. The city guard was to watch all assemblies when so commanded by the mayor. Whites were fined from twenty to fifty dollars for being present at unlawful meetings. Offending slaves were to be sent to the workhouse on default of the payment of the fine by their owners. Any person fraudulently issuing a pass was to be fined from twenty to one hundred dollars.[38] The enforcement of these ordinances was not always satisfactory. "A large meeting" of St. Louis citizens on October 22, 1846, resolved among other things "That the City Council be requested to pass an ordinance, prohibiting all assemblages and passing of negroes after dark."[39]

In 1825 the General Assembly passed an act establishing patrols. The patrol was to visit the negro quarters and assemblages with power to arrest any suspicious blacks who might be wandering about without passes and to inflict not more than ten lashes. If the patrol took any such negroes before a justice of the peace, they could be punished with a

[36] Ordinance of December 22, 1835 (Ordinances of St. Louis, 1836, p. 89, secs. 1, 2).

[37] Ordinances of 1843, p. 522; Ordinances of 1846, p. 229; Ordinances of 1850, pp. 297–299; Revised Ordinances, 1856, pp. 564–566; Ordinances of 1861, pp. 522–524.

[38] Ordinance of March 29, 1850 (Revised Ordinances, 1853, no. 2377, secs. 2, 3, 4, 6, 7, 8, 9).

[39] Scrapbook of James S. Thomas, vol. i, p. 26.

maximum of thirty-nine stripes.[40] The county patrols were established in 1837. The act gave the county court power to appoint township patrols to serve for one year. The stripes to be given by a justice were reduced to a maximum of twenty. This law was reenacted in 1845, and again in 1855.[41] Cities had their own systems of slave regulation. As early as 1811 a patrol was established in St. Louis to arrest stray negroes and prevent fires in slave cabins after dark.[42] Jefferson City in 1836 passed an ordinance which was very similar to the county patrol act.[43] The same year a supplementary ordinance was published which compelled all citizens, under a penalty, to aid the patrol if called upon.[44]

The courts seem to have been rigid in interpreting the laws covering slave escapes. Steamboats as well as ferryboats and other small craft were held to be under the statute.[45] It was not necessary to prove that the captain of the boat knew that the negro he carried was a slave.[46] The owner of the steamboat was liable for the value of the negro if the latter was carried off by the carelessness of the captain in permitting the slave to ship.[47] Later still it was held that the

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[40] Revised Laws, 1825, vol. ii, p. 614.

[41] Session Laws, 1836, p. 81; Revised Statutes, 1845, ch. 129; Revised Statutes, 1855, ch. 121. The captain of the patrol could be fined if derelict in his duty. The members of the patrol were to serve a minimum of twelve hours a month, and were not to receive over twenty-five cents an hour. In 1860 a special act was passed providing a patrol to search for firearms in the possession of the slaves of Cooper County (Session Laws, 1859, p. 471). Captain J. A. Wilson of Lexington said that patrol duty was irksome, and as a consequence the better classes often left the duty to a class that was brutal. "Uncle" Peter Clay of Liberty claims that the young slaves took great delight in docking the tails of the horses of the patrol and tripping them at night by means of ropes stretched across the roads.

[42] Ordinance of February 9, 1811 (MS. Record Book of the Trustees of St. Louis, pp. 26–27). Stray slaves on the streets after nine o'clock were to receive ten lashes, and the owner was to be fined five dollars if they were not punished. In 1818 this was increased to fifteen lashes (ibid.).

[43] Ordinance of January 21, 1836 (Jeffersonian Republican, January 23).

[44] Mandatory Ordinance, of June 16, 1836, in Jeffersonian Republican, June 25.

[45] Russell v. Taylor, 4 Mo., 550.

[46] Eaton v. Vaughan, 9 Mo., 743.

[47] Susan Price v. Thornton et al., 10 Mo., 135.

owner was responsible even when the captain did not know that the slave was on board, unless the captain used proper care to guard against such an occurrence—"that degree of care . . . that prudent men would take in conducting their own affairs."[48] The shipowner was held responsible not only for the carelessness of his agent, the captain,[49] but also for that of the boat's clerk if the latter took money for the slave's passage, which fact was considered sufficient proof of trespass.[50]

The strictness with which the courts applied the law is illustrated by a case from the Buchanan circuit court, as reported in a newspaper of 1855: "Dr. Fox's slave—a negro girl—was decoyed on board the Aubrey [at St. Joseph] by the watchman of the boat in the night time without the knowledge or consent of the commander or any of his subordinates. . . . No moral delinquency is attributed to any officer of the Aubrey, except the watchman and he had been very promptly discharged. The girl was found on board between this city and Boonville, and as soon as discovered was immediately secured and afterwards placed in jail at that place, by Mr. Glime (chief clerk) who also from that place sent telegraphic dispatches to Dr. Fox, and the agents of the boat . . . by which means the slave was promptly restored to her owner. . . . This case . . . has been completely and amicably settled; the defendant having paid to the plaintiff the sum of $450, and the plaintiff having given a full release of all claims against the boat."[51] This shows that the risk of escape, undoubtedly increased by the proximity of St. Joseph to the then turbulent Kansas, had affected the courts to such an extent that heavy damages were paid in a case where it was acknowledged that "no moral delinquency" existed, and where the defendants had done everything to right the matter, including the immediate return of the slave.

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[48] Withers v. Steamboat El Paso, 24 Mo., 204.
[49] Susan Price v. Thornton et al., 10 Mo., 135.
[50] Calvert v. Rider and Allen, 20 Mo., 146.
[51] T. H. Fox v. Steamer F. X. Aubrey (St. Joseph Commercial Cycle, September 7, 1855).

Perhaps Missouri suffered, especially during the fifties, from loss of slave property as did no other border State. The Underground Railroad ran into the State from three sides, and its service appears to have been efficient. "The Underground Railroads," declared Trusten Polk in the United States Senate in 1861, "start mostly from these [the border] states. Hundreds of dollars are lost annually. And no state loses more than my own. Kentucky it is estimated, loses annually as much as $200,000. The other border states no doubt in the same ratio. Missouri much more."[52] As early as 1847 the legislature memorialized Congress for a better treaty of rendition, "as the citizens of this State are annually subjected to heavy losses of property, by the escape of their slaves, who pass through the State of Illinois, and finally find a secure place of refuge in Canada."[53] In 1846 a mass-meeting of St. Louis citizens was held in the court house "to devise ways and means to protect their slave property in this city and county."[54] "When," mourns a Boone County editor in 1853, "will the abominable system of man-stealing, practiced by a portion of our northern people, find their operations checkmated and discountenanced by that professedly Christian and law-abiding people?"[55]

The loss of negroes by escape became unbearable as a result of the filling of Kansas by antislavery settlers, and the subject deserves attention at this point. The question of the real motive or motives behind the settlement of Kansas and the struggle which resulted has been a fruitful subject of debate. Many writers, especially those with antislavery leanings, have maintained that the whole affair from the conception of the repeal of the Missouri Compromise to the

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[52] Congressional Globe, 36th Cong., 2d Sess., p. 356. In the introductory pages of the Federal census of 1860 there is the unsubstantiated statement that "the greatest increase of escapes appears to have occurred in Mississippi, Missouri, and Virginia" (Population, p. xv).

[53] Session Laws, 1846, p. 360. St. Genevieve County in 1845 petitioned the legislature for relief from the escape of her slaves through Illinois (House Journal, 13th Ass., 1st Sess., p. 332).

[54] James S. Thomas Scrapbook, vol. i, p. 26.

[55] Weekly Missouri Sentinel, April 28, 1853.

admission of Kansas as a State was an organized effort of the slave States to expand their territory.[56] Slaveholding Missourians, however, have always asserted that from the standpoint of Missouri proslavery people it was purely a defensive movement to conserve existing slave property and an existing slave society. The present writer has come to the conclusion that as far as Missouri was concerned this latter argument is in the main correct, no matter what territorial ambitions to spread may have moved the South as a whole. While it cannot be denied that many Missourians had the desire to enlarge the slave power, yet one thing is certain, that outside of the Missouri counties near or immediately bordering on the Kansas line—Jackson, Platte, Clay, Ray, Holt, Buchanan, and so on,—sentiment for action was sluggish, and only fiery stump oratory and a wild plea from the radical press, both Democratic and Whig, aroused the populace to activity. As will be seen in the sequel, very few permanent settlers ever went from Missouri to Kansas with their slaves, and this is the chief argument against the contention that Missourians were engaged in a general offensive movement toward Kansas in order to spread slave territory.

No matter how greatly many Missourians may have craved the rich prairies of Kansas as a field of exploitation for their black labor, it appears that their first thought was to defend what they already possessed. An observing man like W. F. Switzler dwells upon this point, but makes no mention of any idea of expansion.[57] "When Missourians have seen her citizens robbed of their property," wrote J.

[56] As an example see J. W. Burgess, The Middle Period, ch. xix. The Kansans have always taken pride in their instrumentality in driving slavery from Missouri, or at least in making the system most precarious there. But General J. G. Haskell admits that western Missouri looked upon an antislavery settlement of Kansas with indifference till the South pushed her to action, the slaveholder regarding an inhabited Kansas as merely a new market for his crops, which were largely raised by slave labor (pp. 32–37).

[57] "Apprehensive that Kansas would become a free State, many of our citizens especially on the Kansas border became seriously alarmed for the safety of their slaves, and in the excitement of the conflict were induced without authority of law, to cross over into Kansas with arms and with ballots to coerce the new State into the Union with a pro-slavery constitution" (p. 282).

Locke Hardeman of Saline County in June, 1855, "and members insulted and imprisoned for merely appealing to the laws of the land that proposes to guarantee the rights of property. . . . What shall Missourians do? . . . If Kansas be settled by Abolitionists, can Missouri remain a slave State? If Missouri goes by the board what will become of Kentucky? Maryland? Virginia?"[58] Senator David R. Atchison as early as 1853 saw the real danger clearly. "Will you sit here at home," he said in a speech at Weston, "and permit the nigger thieves, the cattle, the vermin of the North to come into Nebraska . . . run off with your negroes and depreciate the value of your slaves. . . . But we will repeal the Compromise. I would sooner see the whole of Nebraska in the bottom of hell than see it a Free State."[59]

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[58] MS. Hardeman to George R. Smith, June 10, 1855, Smith Papers. Judge William C. Price of Springfield claimed the honor of originating the demand for the repeal of the Missouri Compromise. "He claimed," says W. E. Connelley, "that he pressed this idea on the South, saying that Missouri could not remain slave with Iowa free on the North, Illinois free on the east, and a free state on the west. In short, Missouri had to accomplish the Repeal or become a free State. That was what Judge Price preached for twenty years before the War" (Statement of Price to Mr. Connelley, quoted by Ray, p. 247). On December 28, 1854, Mothersead of Gentry County introduced a resolution into the House declaring it to be the duty of "the State and her citizens to use all means consistent with the Constitution . . . to prevent if possible that beautiful country [Kansas] from becoming an asylum for abolitionists and free soilers, to harass and destroy our peace and safety" (House Journal, 18th Ass., 1st Sess., pp. 35–36). In his address at the Lexington Convention of 1855, President James Shannon of the State University read a series of thirteen resolutions by Dr. Lee, the eighth of which reads as follows: "Resolved, That the whole state is identified in interest and sympathy with the citizens on our Western border, and we will co-operate with them in all proper measures to prevent the foul demon of Abolition from planting a colony of negro-thieves on our frontier to harass our citizens and steal their property" (Proceedings, p. 29). "Already many of our slaves have been carried off and as self preservation is the first law of nature, it certainly cannot be objected to, if Missourians should adopt the most summary method to secure themselves against this avalanche of abolitionists on our frontier" (editorial in Richmond Weekly Mirror, January 26, 1855).

[59] Quoted by J. N. Holloway, History of Kansas, p. 97. This quotation in slightly different form is given in the Weston Platte Argus of December 26, 1856. But the editor claims that Atchison made no such statement and that the Reverend Frederick Starr lied in claiming that he stood immediately in front of Atchison and

Undoubtedly Atchison made this passionate plea to arouse feeling, but the very fact that emotion could be aroused by harping on this string makes it appear evident that the fear for property was stronger than the wish to expand slave territory. The first was a less abstract and less distant proposition. The antislavery forces of Missouri realized the whole situation. Kansas as a free State meant eventually a free Missouri. "So soon as Kansas will have constituted herself a free state," confidently boasted the Anzeiger des Westens in 1858, "slavery must fall in Missouri."[60]

It is not the purpose of this study to follow all of the struggles that Missouri experienced in her antebellum days, but simply to attempt to explain the motives of those actions which are related to the slavery issue. Others have sketched the development of the general agitation for the repeal of the Missouri Compromise, and its immediate effect upon Kansas.[61] Here will be considered only the movement within the State, which practically begins on January 2, 1849, when the state Senate passed a resolution declaring that the Missouri Compromise of 1820 was unconstitutional and void, and holding "Squatter Sovereignty" to be an axiom. "Whether the slave, or the free States," said this statement, "are willing to abide by said act, as a compromise, or not, is a matter of perfect indifference to the people of the territories. Their right to self-government is wholly independent of all such compromises."[62] This idea is in harmony with the Napton Resolutions, which were before the legislature at the same time. An anti-Benton wing of the Democratic party consistently hammered away on this theme. Even Atchison was taken unawares, and seems to have lost courage. In his Fayette speech late in 1853 he refused to vote for the organization of the Nebraska Territory till the Com-

heard him deliver the speech. Frank Blair on March 1, 1856, quotes Atchison himself as having made this statement (A Statement of Facts and a Few Suggestions in Review of Political Action, p. 75).

[60] Issue of April 10, quoted by the Republican of April 20, 1858.

[61] Ray, ch. iii; Hodder, Genesis of the Kansas-Nebraska Act, pp. 69–86.

[62] Daily Union, January 6, 1849.

promise of 1820 should be repealed.[63] Benton's plea for the organization of the Kansas country as a necessity for developing his "Central National Highway from the Mississippi to the Pacific" was most warmly advocated by his supporters, the Missouri Democrat and the Jefferson Inquirer.[64] On January 9, 1854, Frank Blair, Gratz Brown, and others declared at a meeting of St. Louis Democrats that they regarded "all who oppose it [the immediate organization of Nebraska Territory] upon whatever pretext, as hostile to the best interest of this State."[65]

Whatever may have been the sincerity of the sparring between Benton and Atchison, it is evident that many Missourians emphatically demanded the opening of Kansas. Was this an economic desire for the spread of hemp culture by Missouri slavemasters, or was it to forestall the possible free-state emigration? Both of these elements entered into the situation. Ray gives a number of contemporary quotations to prove that the desire of Missourians for the rich Kansas hemp lands was the cause of the whole movement.[66] Besides the statements noted by Ray several others could be men-

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[63] Jefferson Inquirer, December 17, 1853. Ray has well described Atchison's position during this period and also Benton's "Central National Highway" (ch. iii). But Ray insistently keeps before the reader his untenable thesis that Atchison was the real author of the movement and of the Kansas-Nebraska Bill. If Atchison was the father of the bill, his neighbors either did not know it or jealously denied him the honor. The St. Joseph Commercial Cycle, a Whig sheet, on September 28, 1855, sneered at the editor of the Weston Platte Argus for giving Atchison the honor.

[64] No attempt will be made in this study to outline this issue. Benton's nine-column letter on the subject can be found in the St. Louis Inquirer of April 2, 1853. The Missouri Democrat (St. Louis) in its issues of the early winter of 1852–53 had advocated the movement.

[65] Republican, June 21, 1854, as quoted by Atchison in his letter "To the People of Missouri."

[66] Pp. 81–83, 169–171, 250, etc. Ray was visibly impressed by Colonel John A. Parker's statement that the primary object which induced the initiation of the measure to repeal the Missouri Compromise "was to secure the reelection of Mr. Atchison to the Senate. The means to be employed was to repeal the Compromise in order that the people of Missouri might carry their slaves to Kansas and there raise hemp" ("The Secret History of the Kansas-Nebraska Bill," in National Quarterly Review, July, 1880 [no. lxxxi], pp. 105–118).

tioned, but they are so few that it seems evident that the hemp issue was a minor one.[67] The Parkville Industrial Luminary and the St. Joseph Commercial Cycle preached hemp lands and Kansas with a vim, but otherwise there was little advocacy of such a program. These prints apparently were more deeply engaged in rousing the Missourians to settle the Territory than in giving them disinterested advice.

The Kansas-Nebraska Bill, which repealed the Missouri Compromise and opened Kansas to slavery under the "Squatter Sovereignty" policy, was enthusiastically supported by the anti-Benton Democrats and many of the Whigs of the State. All of the Missourians in Congress save

[67] The following appeared in the Weekly Missouri Sentinel of October 6, 1853: "The Industrial Luminary expresses the opinion that many of those who have been waiting for the favorable action of Congress . . . in relation to Nebraska will wait no longer but will go over and make their settlements before 'cold weather sets in.'" The Howard County Banner of October 6, 1853, stated editorially: "Is any one so bigoted and blind enough to suppose that this broad expanse of fertile territory in the very heart of our country; and in the only road from ocean to ocean, left to savages and buffalo, and to remain a desert; one must be very . . . little acquainted with American character and enterprise [to have such an idea]. . . . The people will not await the slow motion of Congress" (quoted by the Missouri Sentinel of October 13). In arousing Missouri to colonize Kansas to save it from the abolitionists the St. Joseph Commercial Cycle pleaded on March 30, 1855, as follows: "What could commerce do without cotton, hemp, indigo, tobacco, rice and naval stores? All these are products of slave labor, and one of the articles, hemp, will be the main staple of Kansas." Frank Blair, fearing that the rich soil of Kansas would invite Missouri slave-owners, endeavored to frighten them by raising the phantom of competition. He said at a joint session of the legislature in January, 1855: "A large proportion of the soil of Kansas is adapted to the cultivation of the staples produced in Missouri, and which can only be cultivated by slave labor. The whole extent of the Kansas river is adapted to the cultivation of hemp. All of Kansas along the Missouri river . . . is likewise well suited to produce hemp and tobacco. . . . It is but natural to suppose, therefore, that many of the people of Missouri will sell out and move to these new, cheap, and fertile lands. . . . It will be no advantage to our State . . . to raise up a rival in the production of a staple in which, from the superior freshness and cheapness of her soil, she will very soon be able to undersell Missouri" (On the Subject of Senatorial Election, pamphlet, pp. 4–5). Immediately after the opening of Kansas to settlement the "Union Emigrant Society" was organized in Washington. Blair was elected vice-president. Eli Thayer's Massachusetts Aid Society seems to have caused more ill-feeling in Missouri, however (Republican, July 3, 1854).

Benton voted for the measure.[68] The Whigs of Boone County declared in March, 1854, that they approved "of the establishment of the Territories of Kansas and Nebraska, with power in the people who may settle in those Territories to regulate the subject of slavery within their own limits according to their own pleasure."[69] "Resolved that the Whigs of Marion County are in favor of the immediate organization of the Nebraska Territory," said another statement, "and that we indorse and are in favor of the bill now pending."[70] Similar resolutions were passed by the fourth Congregational Whig convention meeting at Plattsburg, July 8, 1854.[71] Fifty of the sixty Whigs in the legislature met on Christmas day, 1854, and unanimously decreed that they would support only such candidates as acquiesced in the Kansas-Nebraska Bill.[72] The party as a whole seems to have been a unit on this question.

The anti-Benton Democrats were especially hostile toward the Compromise of 1820. "There is no power given Congress to say that slavery shall exist on one side of a line of latitude and shall not on the other," read Governor Sterling Price's message of December 25, 1854, "and hence in my opinion, that clause of the Missouri act was a nullity."[73] The press of the period was burdened with Democratic resolutions favoring the repeal. In St. Louis a meeting of second ward Democrats declared on June 3, 1854, that they "congratulate the country on the cheering fact that the Kansas-Nebraska Bill is now the law of the land."[74] Democratic expressions similar to the above are numerous. On the other hand, the Benton Democrats—Frank Blair, B. Gratz Brown, and others—were implacable enemies of the repeal.

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[68] On this point see the comments of the Republican of June 22, 1854.

[69] Ibid., March 16, 1854.

[70] Ibid.

[71] Missouri Statesman, July 17, 1854.

[72] Richmond Weekly Mirror, January 5, 1855. The St. Joseph Commercial Cycle, a Whig organ, on September 28, 1855, complimented Stephen A. Douglas for being the author of the repeal of that "odious measure," the Missouri Compromise.

[73] House Journal, 18th Ass., 1st Sess., p. 31.

[74] Republican, June 5, 1854.

Benton was most vociferous in condemning the attack on the Missouri Compromise, which he always considered a sacred compact. However, in 1855, the year following the repeal, his supporters claimed that he deserted this position and betrayed them as a bid for Missouri favor.[75] Whether this is true or not, it but proves the popularity of the repeal in the State.

When Kansas was once open to settlement, its future status as a slave or a free State depending on whether proslavery or antislavery votes were in the majority when the constitution was adopted, events took place with great rapidity. In the late summer of 1853 colonists had arrived from Iowa, Minnesota, and Missouri, although lands were not yet "subject to lawful settlement."[76] Some proslavery people at first looked upon efforts to make Kansas a free State as harmless. "Doubtless many more will be sent out to Kansas by these Societies of the North with a view of making Kansas a free State. . . . But we do not at present believe they will be able to accomplish it," the St. Joseph Gazette said.[77] The correspondent of the Republican wrote his sheet from Leavenworth, Kansas Territory, on December 17, 1854, that "notwithstanding the Aid Societies have poured in hordes of her paupers for the purpose of Abolitionizing Kansas, they either become initiated in our institutions, or leave as soon as they arrive. Now, if the South does her duty, and especially Missouri, the Northern hope of Abolitionizing Kansas, will be a phantom hope."[78]

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[75] "Benton has I think kicked over the pail of milk he produced for his friends by his vote to sustain the Missouri Compromise. He has made another speech acquiescing in the fraud [the repeal of the Compromise], evidently looking to Missouri prospects. He loses by it all prospects of the Presidency through the northern vote but stands better in Missouri" (MS. F. P. Blair, Sr., to Martin Van Buren, February 9, 1855, A. L. S., dated Silver Spring, Maryland. Van Buren Papers, not bound).

[76] Weekly Missouri Sentinel, September 29, 1853, quoting the Parkville Luminary of unknown date.

[77] Date of issue not stated, quoted by the Republican of August 24, 1854.

[78] Republican, December 30, 1854. Other proslavery people were also sanguine. "Kansas must of necessity be a slave state, as the slavery interest has now in possession nearly all the timber of the territory" (letter in Missouri Statesman, June 8, 1855).

Missouri was soon called upon by the radical press and by "Atchison, Stringfellow & Co." to do her "duty." Jackson, Platte, Clinton, and other western counties by resolution and by organization condemned the settlement of Kansas by northern immigrants, and advocated proslavery action.[79] On July 29, 1854, a large meeting was addressed at Weston by Atchison. B. F. and J. H. Stringfellow, and George Galloway were present. Here the "Platte County Self Defensive Association" was formed. By resolution it was determined that the settlers sent out by the Emigrant Aid Society were to be turned back. The Defensive Association was to hold public meetings, urge the settlement of Kansas by proslavery men, and guard the territorial elections against frauds. The Kansas League, a subsidiary institution composed chiefly of the same persons, was formed to carry out the decrees of the association. It worked in secret, was bound by an oath, held meetings in the night, suppressed antislavery newspapers, and silenced Northern Methodist ministers.[80] The anti-Atchison forces answered by calling the Law and Order meeting at Weston on September 1. Their declaration was signed by one hundred and thirty-three citizens. They declared their loyalty to the General Government and their opposition to "violence and menace."[81]

The slave interests of the State were now thoroughly aroused. On December 28, 1854, Mothersead of Gentry

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[79] See the Republican of July 13, 1854. On June 6, 1853, Atchison had harangued at Weston and on June 11 at Platte City (Republican, June 22, 1853). At Parkville on August 8 he also aroused his hearers as to free-soil invasions of Kansas (ibid., August 31).

[80] Paxton, p. 184. Their badge was a skein of bleached silky hemp. Over five hundred signed the association agreement. Antislavery merchants and sympathizers were boycotted (The History of Clay and Platte Counties, p. 635). Under the auspices of the association B. F. Stringfellow wrote a series of essays which attempted to prove that slavery as found in the United States was a "blessing." From the Federal census reports of 1850 he sought to prove that there was less blindness, deafness, insanity, and idiocy among slaves than among whites or free blacks (St. Joseph Commercial Cycle, February 2, 1855). The whole series was published in this paper in the issues from February 2 to March 9, 1855. The title is, "Negro Slavery No Evil or The North and the South."

[81] Paxton, pp. 185–186; History of Clay and Platte Counties, p. 535.

County submitted five resolutions to the House of Representatives which declared that "the law organizing the Territories of Kansas and Nebraska maintains the equality of the States, and the justice of the Constitution, and therefore demands our decided approval," and "That the State of Missouri as a slave State, and from local position, is deeply interested in the character of the Government that is instituted in Kansas Territory, and that it is the duty of the State and her citizens, to use all means, consistent with the Constitution . . . to prevent, if possible, that beautiful country becoming an asylum for abolitionists and free-soilers, to harass and destroy our peace and safety."[82] Appeals were now made by the proslavery party for emigrants. "You can without exertion send 500 of your young men who will vote in favor of your institution," pleaded Atchison at Platte City on November 6, 1854. "Should each county in the state of Missouri only do its duty the question will be decided quietly and peaceably at the ballot box."[83] The press now loudly called for volunteer voters for Kansas. "Will Kansas be a free or a slave State?" queried the Liberty Tribune in the autumn of 1854, and continued: "Citizens of Missouri you must ACT . . . you must go to Kansas; nothing else will do . . . you must go to Kansas NOW, for an election is soon to take place for a Delegate to Congress and the Territorial Legislature, and it is all important that the Abolitionists should be defeated in the first election, for by the Territorial law their Legislature can exclude slavery . . . you must nip the thing in the bud."[84] "The hour for action in Kansas is at hand," was the clarion cry of a St. Joseph Whig editor in March, 1855, "and we call every free voter to the polls! to the polls!! to the polls!!! . . . Let the minion of . . . his Aid Society stand back until he has redeemed the birthright he ignominiously sold, by a service of hard labor in tilling

[82] House Journal, 18th Ass., 1st Sess., p. 35, secs. 3, 4. On February 25, 1855, these were referred to the committee on Federal relations (ibid., p. 175). They could not be traced farther.

[83] Quoted by Switzler, p. 492.

[84] Quoted by the Richmond Weekly Mirror of November 7, 1854. Date of Tribune not given.

the soil of Kansas."[85] The Richmond Weekly Mirror was comforted by the fact that "Missouri and the entire South are awake to a sense of their danger," and it bade God-speed to the departing voters. It advised the emigrants, however, to settle in Kansas and thereby become legal voters.[86] In Ray County six local meetings were held in February, 1855, and a call was made for voters to go to Kansas for the March election.[87] The practice at local county meetings was to elect delegates who would go to Kansas to vote. Yet for some the movement was too slow. The young bloods were dissatisfied with the efforts of their elders. On March 17 a body of the State University students assembled under the lead of Adjunct-Professor B. S. Head. They criticized the apathy of the Kansas meeting held the same day in Columbia, and passed the following declaration: "Be it resolved That we the youth of the South having within our bosoms a spark left of that patriotic spirit that fired the minds . . . of our Revolutionary sires . . . do hereby express our condemnation of the course . . . pursued by those whose age and mature judgment should have prompted them to set a nobler example to the rising generation." They passed a resolution to send a delegate voter to Kansas.[88]

At the time the Missourians made no denial of voting in Kansas and leaving that territory immediately afterward. They claimed that they were simply counteracting the deceitful and illegal action of the Emigrant Aid Society. In May the St. Joseph Commercial Cycle resented Governor Reeder's statement that the Missourians had carried the Kansas elec-

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[85] St. Joseph Commercial Cycle, March 30, 1855.

[86] Issue of March 24, 1855.

[87] Richmond Weekly Mirror, February 16, 1855. An idea of the intense feeling engendered at this time can be gained from the following editorial: "On yesterday a train of about forty abolition vagabonds and negro stealers passed through our town enrout for Kansas Territory. May the devil get them before they arrive at their journey's end. We understand they came off the steamer Golden State, now lying at Brunswick" (ibid., March 3). The Mirror was a Whig organ.

[88] Missouri Statesman, March 30, 1855. One Boone County citizen was so disgusted with the impudence of the students that he wrote a stinging letter in which he berated Professor Head and his "gosling" students (ibid.).

tion by "fraud, violence, and corruption." "We hurl back upon the head of this debased wretch, the vile slander which none but he . . . would proclaim to the world." That any fraud or violence was committed was flatly denied. "The people of Missouri were present at many of the precincts . . . to see that quiet and order might prevail."[89] The Liberty Tribune declared that Missourians voted in Kansas, "but only those who considered Kansas their home, and who were staying temporarily in Missouri, in order to shelter their families."[90] Colonel D. C. Allen of Liberty stated that the Missourians went to Kansas feeling that they were justified, as the South considered that the North had broken a tacit agreement in engulfing Kansas after being given Nebraska. "There can be no doubt of there being secret organizations to secure votes in Kansas," he said. A Lexington editor in May, 1855, declared that the able-bodied males of that place had all gone to Kansas with a sense of deep sacrifice to the cause of the South.[91]

Endeavors were also made to colonize Kansas with slaveholders as the only permanent means of securing victory. The St. Joseph Commercial Cycle on October 12, 1855, agitated "a tax of one or two per cent, on all . . . real and personal property for the purpose of colonizing one thousand proslavery men in Kansas."[92] Silas Woodson and others issued a call for a meeting to consider an organization for

[89] Issue of May 25, 1855. As a Whig sheet the Cycle was in a peculiar position. It condemned Kansas abolitionists on the one hand and, on the other, their arch enemy Atchison as being a "Demagogue" and a "disunionist" (issue of July 13, 1855). It will be remembered that the Cycle was proslavery Whig and Atchison a proslavery Democrat.

[90] Quoted by the Republican of April 26, 1855, from the Tribune of unknown date.

[91] Republican, May 24, quoting from the Lexington Express of unknown date. It was claimed that Lafayette County spent $100,000 on the Kansas invasions (Harvey, p. 125). "On the Kickapoo ferryboat, the following notice appears: 'Some illy-disposed persons have tried to injure my ferry by stating that I refused to carry persons last fall to the election. This is false. It would be difficult to find one more sound on the goose than I am. John Elles'" (Paxton, p. 198).

[92] For advocating this policy the Daily Intelligencer flayed the editor of the Cycle on October 20 (Cycle of November 2).

this purpose,[93] and on December 31, 1855, the "Proslavery Aid Society" of Buchanan County was formed. Shares were to be sold as stock at twenty-five dollars each. Biennial meetings were to be held at the St. Joseph city hall. A vote was to be given for each share of stock, and a paid agent was to remain in Kansas. "All of the means of this society shall be faithfully applied to the purchasing of lands, and in furthering the interests of the proslavery party in Kansas Territory."[94] For very good reasons this society was a failure, and later efforts to colonize Kansas fared no better. When on March 17, 1855, it was proposed to send settlers from Boone County to Kansas it was found that "no one was heard of who desired to go to Kansas to live."[95] In some cases, however, success was partially realized. "Many citizens from Platte go over to Kansas," is read in an entry in the Annals of Platte County for September, 1854, "and locate claims and then return. Some were in earnest, and became actual settlers."[96] An attempt to raise money in Ray County at a meeting held on March 5, 1855, brought little result.[97] Benton contemptuously belittled the whole proslavery program to settle Kansas or vote there. "But a very small part of Missouri, and that in Atchison's neighborhood [Platte County] had anything to do with it," he wrote to J. M. Clayton in July, 1855.[98]

While the advance proslavery party were planning the invasion of Kansas with ballot and musket,[99] a tidal wave of

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[93] St. Joseph Commercial Cycle, December 28, 1855.

[94] Ibid., January 11, 1856. Articles of Incorporation.

[95] Missouri Statesman, March 30, 1855.

[96] P. 188.

[97] Richmond Weekly Mirror, March 10.

[98] MS. dated Washington, July 29, A. L. S., Clayton Papers, vol. xi, p. 2108.

[99] Considering the class of Missourians who agitated the Kansas invasion it does not seem possible that the "Border Ruffians" were the blear-eyed, maudlin, bloodthirsty brutes they are often pictured to have been. Excited they were with a fanatical crusading spirit, but low-lived sots they could not have been as a class. Neither were John Brown, Jim Lane, "Old Doctor" Doy, and their satellites the coarse-grained blacklegs of literature. They committed crimes as do all men laboring under a self-righteous enthusiasm. Many criminals naturally followed both camps, but the rank and file of both "armies" seem to have conscientiously followed an ideal.

political hysteria swept over western Missouri. "The abolition excitement has been running so high at Weston," wrote a correspondent from Westport on August 1, 1854, "that the authorities have ordered all free gentlemen of color to leave the town."[100] "Proslavery harangues provoked the people to frenzy and outrage. Those living east and north of Platte City became almost insane," reads an entry in the Annals of Platte County for April, 1855.[101] On April 14 a meeting was held at Parkville to threaten Northern Methodists. G. S. Park and W. J. Patterson of the Luminary were threatened with a plunge into the Missouri if they reappeared in the village, "and if they go to Kansas to reside, we pledge our honor as men, to follow and hang them whenever we can take them." The press was then dumped into the river.[102] "Atchison, Stringfellow & Co. have worked up quite a portion of Platte County to a fever-heat excitement," says the account of a conservative slaveholder, "and they appear ready for almost any rash act; but that feeling does not extend above that county. Buchanan, Andrew, Holt, etc., are quite calm and conservative in feeling and action. Some effort was made in Buchanan to raise steam, but it proved an entire failure."[103] On May 17, 1855, William Phillips, a Leavenworth abolitionist, was brought to Weston

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[100] From a proslavery correspondent in the Republican of August 4, 1854.

[101] P. 198.

[102] Missouri Statesman, April 27, 1855. See also Paxton, p. 198. This action was indorsed by meetings in Platte County and at Liberty (ibid., pp. 198–200). The statement of Park which caused the trouble can be found in the Missouri Statesman of June 1, 1855.

[103] Letter dated May 10, from "One of the largest slaveholders in Andrew county" (Missouri Statesman, June 8, 1855). The Bentonites and the Whigs, though many of the latter were radically proslavery, incessantly accused Atchison of arousing feeling to insure his reelection to the Federal Senate. His Whig competitor at the time was A. W. Doniphan. Early in July, 1855, a proslavery meeting was held in Platte County. Atchison's party pushed through the following resolution: "That in the selection of persons for office, State, Federal, or county, we will hereafter disregard all questions which have heretofore divided us as Whigs and Democrats." As the Whigs were in the majority at this meeting, one of them immediately moved that Doniphan be supported for the Senate. The Atchison party then withdrew its conciliatory resolution (letter in ibid., July 13, 1855).

where he was tarred and feathered, had half of his head shaved, was ridden on a rail, and was finally sold at auction by a negro. It was claimed, however, that the citizens of Weston did not participate in this affair.[104]

By the summer of 1855 the furor had become pretty general in western and central Missouri. The anti-Bentonites and radical Whigs advocated strenuous action, while Bentonites, with some exceptions, and conservative Whigs preached law and order.[105] A letter of May 24 from James S. Rollins to George R. Smith well describes the conditions in Boone and neighboring counties. "I endorse your position throughout, and commend you, for having the courage to take it, unless the conservative men of the Country stand firm, and resist the spirit of reckless unprincipled fanaticism, which a few dangerous demagogues are exciting, there is positively no predicting what is to become of our institutions. . . . The demagogues are doing all in their power to get up excitement in this locality,—thus far they have not succeeded—they renew their efforts on the 2nd of June when a public meeting is called in this place. The principal instigators here, are . . . old McBride and . . . Shannon the Irishman, at the head of the college. . . . Let me tell you that no man is doing more to corrupt the public mind of Missouri, on these exciting questions than the aforesaid Shannon . . . the excitement is confined chiefly to Platte, Clay & Jackson. . . . We should not hesitate to make the issue which Atchison and his Mobocrats have tendered and if the law abiding conservative portion of Missouri, those indeed, the real slave owners, most deeply interested in this question, are overpowered, it will only be that much worse for the country . . . let us act."[106]

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[104] Republican, May 25, 1855, quoting from an issue of the Weston Platte Argus of unknown date. Another abolitionist, J. W. B. Kelly, was condemned by a Clay County public meeting in August, 1855, and as they had no tar he was asked to leave, which he did (Missouri Statesman, August 20, 1855).

[105] The Commercial Cycle of St. Joseph and the Weekly Mirror of Richmond were strongly proslavery Whig papers, while the Fulton Telegraph, Boonville Observer, and Hannibal Messenger were conservative Whig sheets.

[106] MS. Smith Papers. The underlining of clauses for the sake of emphasis as made by the writer has been omitted, as it is the rule rather than the exception.

The meeting of June 2, referred to in the above letter, well portrays the spirit of the extremist element. Radical Democrats and Whigs for the time buried the hatchet. Three of each party were appointed to draft resolutions which were reported to the Assembly by W. F. Switzler, who had gone temporarily into the jingo camp. Slavery was declared to be a legal institution, abolitionism was excoriated, "Squatter Sovereignty" and the Kansas-Nebraska Act were endorsed, and the agitation of the slavery issue in or out of Congress was condemned. The Union was declared to be the "palladium of our liberties," and Governor Reeder of Kansas was censured and with him the antislavery element in Kansas. Dr. Lee, one of the above committee of six, then offered a series of resolutions which declared that "odious measure," the Missouri Compromise, to be unconstitutional, and stated that "while we deprecate the necessity, we cannot too highly appreciate the patriotism of those Missourians who so freely gave their time and money for the purpose, in the recent election in Kansas of neutralizing said abolition efforts."[107]

Meanwhile there was a demand for a state proslavery convention. The St. Louis Intelligencer on June 6 advocated such an assemblage, and prayed that every delegate be a slave owner, as "we never yet knew a mob composed of slaveholders."[108] On June 21 a "Committee of Four" sent out a call from Lexington "To the Members of the General Assembly of the State, and all true friends of the South and the Union."[109]

As a result the convention met at Lexington, July 12 to 14, 1855.[110] The "Irishman" James Shannon, president of

[107] Switzler's Scrapbook for Years 1844–55, p. 229. Also in Missouri Statesman of June 8, 1855.

[108] Quoted by the Missouri Statesman of June 15.

[109] Ibid., June 29. Delegates to the convention were chosen at local county meetings. For example, on July 4 the proslavery party of Audrain County assembled in the court house at Mexico, selected representatives, and passed resolutions (Dollar Missouri Journal, July 19). But there were no Audrain County delegates listed in the official roster of the convention.

[110] The work of the convention can be found in the official published Proceedings and Resolutions. This pamphlet contains President

the State University, delivered on July 13 a fanatical tirade on abolitionism in general and on the antislavery forces of Missouri and Kansas in particular. His effort so pleased the leaders of the movement—Judge W. B. Napton, Sterling Price, and others—that it was ordered to be printed with the proceedings.[111]

Great enthusiasm marked the progress of the convention. Twenty-five counties were represented on the opening day. Later two delegates arrived from St. Louis, bringing the number up to 226 from 26 counties.[112] Of these delegates one writer found that 150 were from counties which had gone Whig in the previous election, 18 were from anti-Benton counties, 15 from Benton counties, and the other 41 were from counties which were Whig and anti-Benton.[113] This analysis, however, is most misleading. Naturally it was the radical proslavery element alone in any county which met to elect the delegates, and the majority party in the county did not necessarily have any control in the selection. That many Whigs joined the Kansas invasions and helped to fan the flame at home is certain.[114] On the other hand, the law and order forces were led by the great Whigs—Rollins, Smith, Doniphan, and others. In 1855 Whig and Democrat differed fundamentally on the tariff, the currency, and kindred subjects, but differences on the slavery

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Shannon's address, the Address of the Convention to the People of the United States, and the Proceedings and Resolutions. The proceedings can also be found in the Missouri Statesman of July 20, the Missouri Weekly Sentinel of July 20, the Weekly Pilot of July 21, the Dollar Missouri Journal of July 19, and in most of the other Missouri papers.

[111] Proceedings, pp. 6–31. The opposition criticized Shannon as being "unprofessional" and "anti-ministerial" in his public activity (Missouri Statesman, October 20, 25, 1855). President Shannon was a minister in the Christian (Disciples) Church.

[112] Proceedings, pp. 19–21.

[113] Tupes, p. 61. He did not include the two delegates from St. Louis.

[114] "I will not talk about the Kansas troubles," said Mr. Martin J. Hubble of Springfield. "I did not favor the agitation. Many Whigs did, however." "Party made no difference in the Kansas struggle," stated Colonel D. C. Allen of Liberty. "James H. Moss and Hiram A. Bledsoe of Lafayette county were prominent Whigs who led in the invasions."

question were largely a matter of personal opinion, not a party issue.

Judge W. B. Napton seems to have been the leading spirit in the convention. He introduced a series of resolutions covering the whole subject of slavery in the abstract and in its concrete application to Kansas. A committee of five was appointed to draw up an address to the people of the United States "setting forth the history of this Kansas excitement."[115] In this paper the danger to western Missouri slave property, and indeed to the slavery system throughout the country, was enlarged upon. Emigrant aid societies were condemned, the presence of a widespread desire for emancipation in Missouri was denied, and the entire political situation as it related to slavery was elaborately discussed.[116]

The resolutions of the Lexington convention did not carry with them the pacification of the whirlwind in Missouri. As northern settlers continued to pour into Kansas, political convulsions in Missouri increased. Nearly a year after the convention R. C. Ewing wrote George R. Smith from Lexington: "I find . . . the Slavery question . . . all absorbing. . . . Your reported opinion in relation to Kansas is doing you a deal of damage in Saline, Lafayette, & Jackson. . . . You had as well try to oppose an avalanche as the influence of this Kansas excitement."[117] Armed invasions of Kansas by Atchison and his henchmen ensued, but in this connection we are interested only in the effect of the settlement of Kansas on the escape of the Missouri slave.

After the struggle had resulted in a victory for the anti-slavery forces, the golden age of slave absconding opened.

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[115] Proceedings, pp. 22–24. Torbert of Cooper County advocated retaliatory measures against the products and manufactures of Massachusetts and other States which had opposed the Fugitive Slave Law. This resolution was adopted (ibid., p. 25). Knownslar of Lafayette County introduced a resolution to make more "effective laws, suppressing within said States [slave States] the circulation of abolition or freesoil publications, and the promulgation of freesoil or abolition opinions." This resolution was also adopted (ibid., p. 27).

[116] Besides being printed with the Proceedings, the Address can be found in the Weekly Pilot of October 5 and in the Missouri Statesman of October 19.

[117] MS. dated June 19, 1856, Smith Papers.

Escapes apparently increased each year till the Civil War caused a general exodus of slave property from the State. The enterprising abolition fraternity of Kansas—Brown, Lane, Doy, and the rest—seemingly made it their religious duty to reduce the sins of the Missouri slaveholder by relieving him of all the slave property possible. The problem became so grave that in 1857 the General Assembly by joint resolution instructed the Missouri representatives in Congress to demand of the Federal government the securing of their property as guaranteed by the Constitution, and in particular protested against the action of certain citizens of Chicago who had aided fugitives to escape and had hindered and mistreated Missouri citizens in search of their slaves.[118] In this same year two members of the legislature independently introduced amendments to the patrolling laws, which, although not adopted, received such strong support that they were printed in the appendix of the House Journal. These bills provided that special patrols should be created in the counties on the Illinois, Iowa, and Kansas borders, to be supported by a special tax levied on the slave property of the State. These patrols were to watch free negroes and examine all ferries and other river craft. Any boat not licensed was to be cut loose, and if it was not chained and locked the owner was to be fined one thousand dollars.[119] This shows the nature and the constancy of the danger to which the slaveholder's property was subjected.

The Underground Railroad was now running very smoothly. Neighboring States reveled in Missouri's misery. Galesburg, Illinois, and Grinnell, Iowa, were con-

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[118] House Journal, 18th Ass., 1st Sess., p. 296, and app., p. 313, February 14, 1857. An account of this Chicago episode is found in the Weekly Pilot of May 26, 1855. At times Illinois seems to have done her duty in enforcing the Fugitive Slave Law. "Last week, two negro men supposed to be slaves, who had escaped from a steamboat whilst ice bound in the river . . . were arrested in the town of Benton, Illinois. As the citizens had no means of detaining them, not having sufficient evidence that they were slaves, they were lodged in jail under a charge of petit larceny. This charge, however, would not justify a long detention" (Republican, January 18, 1852).

[119] House Journal, 18th Ass., Adj. Sess., app., pp. 276–278.

sidered havens for the fugitive.[120] Philo Carpenter of Chicago is said to have helped two hundred Missouri slaves to Canada.[121] The route of the western Missouri division of the Underground was by Kansas, circling Leavenworth, Atchison, Lecompton, and other proslavery settlements, and thence by way of Tabor, Iowa, to Canada. John E. Stewart and Dr. John Doy are said to have shipped a hundred slaves, averaging in value $1000, for the recovery of each of which a reward of $200 was offered. John Brown was rumored to have carried off sixty-eight.[122]

To many Missouri slaveholders the seriousness of the problem must have been overwhelming. "It [slave abduction] threatens to subvert the institution in this State," said an editorial of 1855, "and unless effectually checked will certainly do so. There is no doubt that ten slaves are now stolen from Missouri to every one that was spirited off before the Douglas bill."[123] As a result of this unrest many

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[120] Siebert, pp. 97–98.

[121] Ibid., p. 147.

[122] Anonymous, "The Underground Rail Road in Kansas" (Kansas City Star, July 2, 1905). As Lecompton lay between Lawrence and Topeka, both the Mound City and the Lawrence routes made for Holton and then for Nebraska City and Tabor (ibid.). According to another writer, many are said to have escaped by way of Tabor, but no figures or particulars are given (A. A. Minick, "The Underground Railway in Nebraska," Collections of the Nebraska State Historical Society, ser. ii, vol. ii, p. 70). Ten or twelve disappeared from Platte County during 1854–55 (History of Clay and Platte Counties, p. 632). Four slaves escaped from Platte County in June, 1855, through the aid of three whites (Missouri Statesman, June 29, 1855, quoting from the Parkville Democrat of June 16). The legends which were woven about the slave raids from Kansas were often most fantastically colored. For instance, James Redpath states that after Brown's famous raid the slave population of Bates and Vernon Counties was reduced from five hundred to "not over fifty slaves" from being sold south and from escapes (Public Life of Captain John Brown, p. 221). As a matter of fact, these two counties together had 471 slaves in 1856 (State Census, 1856, Senate Journal, 19th Ass., 1st Sess., fly-leaf in the appendix), while in 1860, after Brown's raid, there were more than before the raid, 535 being accredited to these counties in the Federal census of 1860 (Population, p. 208). The depositions of several border county slaveowners who lost property through Kansas forays can be found in House Journal, 20th Ass., 1st Sess., app., pp. 79–80.

[123] Quoted by Siebert, p. 194, from the Independent of January 18, 1855, which in turn quotes from an issue of the Daily Intelligencer of unknown date.

owners seem to have moved their negroes to safer regions. General Haskell of Kansas states that while going down the Missouri in December, 1858, there was a continuous stream of slaves driven on board his boat. By the time he reached Jefferson City there were three hundred and fifty bondmen aboard.[124] This account is confirmed by a similar report in a St. Joseph paper of 1860. "Within ten days no less than one hundred slaves were sold in this district, and shipped South. Owners are panic struck, and are glad to sell at any price." An "excellent house-keeper" sold for $900 for whom $1200 had been offered the year before.[125]

Not all slaveholders considered western Missouri as unsafe for slave property, as did the above. An army officer in 1857 wrote from St. Louis to George R. Smith of Pettis County that he had ten negroes at Fort Leavenworth whom he feared the abolitionists might run off. "I wish to purchase a tract of land for cultivation," he wrote, "to put my negroes on. . . . I am offered fine tracts near Jefferson City and Boonville. I am advised by some of my friends to make a location in Mississippi. . . . I will visit your county if your answer to my questions seem to warrant it."[126] A man as well informed as an army officer would not debate between Missouri and Mississippi when several thousand dollars' worth of slaves were concerned if he thought the State was as unsafe a place for slave property as many believed it. At the same time, newspaper accounts of escapes are numerous during the years from 1850 to 1860.[127] As in the other

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[124] P. 37. The Reverend Frederick Starr claimed that escapes were so numerous in 1853 that the planters of river counties were moving to Texas (Letter no. i, p. 16).

[125] Quoted in the Twenty-Eighth Annual Report (1861) of the American Anti-Slavery Society, p. 141, from the St. Joseph Democrat of unknown date.

[126] MS. Lackfield Maclin to Smith, June 25, 1857, Smith Papers.

[127] "We have noticed with regret, that for more than a year the negroes have been running away from the eastern part of this [Lafayette] county, and the western part of Saline, while in the other parts of this county and adjoining counties very few attempt to escape. Is there no cause for this? Is there not some branch of the underground railroad leading from the neighborhood of Dover and Waverley?" (Richmond Weekly Mirror, September 15, 1854).

border States, the advertisement, with a cut of the flying negro with his earthly goods in a bandana swinging from a stick over his shoulder, is seen in almost every issue of nearly every paper.

The opening of the Civil War at once released thousands of negroes. As it continued many of the slaves of western Missouri ran for Kansas. "$200,000 of colored wealth walked off in the night to the bleeding shores of our neighboring state and 'turned up' there as citizens," said a contemporary.[128] An entry in the Annals of Platte County for February 1, 1865, states that the Missouri was frozen over and that many slaves had crossed to Kansas and enlisted in the Federal army, and another item for April 1 declares that slaves were daily escaping, being enticed away by Union soldiers.[129] The Federal census of 1860 gave Missouri 114,931 slaves.[130] Of these but 73,811 were in the State in 1863.[131] Many had enlisted in the Federal army, and many had fled to free territory. So many Missouri slaves took active part in the War that even the emancipationists were alarmed. In the "Charcoal" Convention of September, 1863, the radical emancipation party expressed their indignation. McCoy of Caldwell County offered among other resolutions the following: "Whereas, The slaves heretofore held in bondage in Missouri are rapidly escaping into surrounding States, and entering the army there, being credited to those states and as circumstances necessitate the draft for filling up the decimated regiments of our own State. . . .

Six slaves were discovered storing arms in Marion County preparatory to trying the "Underground" in 1855 (Weekly Pilot, April 28, 1855). Eight hundred dollars reward was offered for four slaves who escaped from C. Cox and R. Middleton of St. Joseph on September 22, 1855. "It is believed that said slaves are aiming to go to Iowa and thence to Chicago," runs this advertisement (St. Joseph Commercial Cycle, September 28, 1855).

[128] William Kauscher of Oregon, Missouri, in a speech delivered by him at that place on July 4, 1876, entitled, "Holt County During the War" (Wm. Hyde Scrapbook, volume on "Early St. Louis and Missouri").

[129] Pp. 325, 327.

[130] Eighth Federal Census, Population, p. 280.

[131] Report of the State Auditor of Missouri for 1865, p. 39.

We respectfully demand of General Schofield, permission to recruit colored men belonging to disloyal men of this State . . . to be accredited on the quota of Missouri troops."[132]

From what has been said it is clear that the escape of the slave was a problem in Missouri throughout the whole slavery period. It may have been that in many instances the press and political agitators sought to arouse popular fear by holding up the spectre of a vast negro migration, representing millions of capital and the only obtainable labor, moving across the sluggish Missouri in the skiffs of the Massachusetts abolitionists, with "Beecher's Bible" in hand and with Underground ticket in pocket, or by predicting a general exodus over the level boundaries of Jackson and Cass Counties, guided by dark, bearded satellites of John Brown or Jim Lane. Events proved that the slavery system, especially in western Missouri, was in danger, and in the fifties the hard-headed Missourian needed no lurid tales to arouse his fears and stir his resentment.

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[132] Journal, Missouri State Radical Convention, 1863, p. 10.

CHAPTER VII

Manumission, Colonization, and Emancipation

The power of the master to manumit his slave was recognized from colonial days.[1] Although Missouri was in the throes of slavery agitation many times, and although the free negro was as little favored there as elsewhere, yet the privilege of granting freedom under a set legal form was never denied, despite the fact that attempts were made to abridge it.[2] Nevertheless the power to manumit a slave appears to have been considered a privilege rather than a right, as its exercise was thought dangerous to society. On one occasion the state supreme court declared that "that power [manumission] could only be exercised by the consent of the sovereignty . . . the whole community being alike interested."[3]

The effect of Christian baptism upon the status of the slave had been settled by the older slave States long before the Missouri country came under the dominion of the United

[1] The words "emancipation" and "manumission" were used synonymously in the laws, but as the former has assumed a political significance, meaning the freeing of the whole race, the latter term, having a strict legal and personal relation, will be used in this portion of the chapter.

[2] On January 7, 1833, the Senate rejected an amendment to limit "every act of emancipation" to a period of six months. All slaves manumitted contrary to this act were to become the property of the county at the end of six months. This amendment was rejected by a vote of 10 to 5 (Senate Journal, 7th Ass., 1st Sess., pp. 152–153). On January 14 the Senate passed a "rider" providing that the former masters of slaves thereafter freed should be "responsible and reliable for the conduct of the person or persons emancipated" as long as the latter resided in the State. It passed the Senate by a vote of 10 to 7 (ibid., p. 172), but in the House was rejected along with the bill to which it was attached by a vote of 25 to 20 (House Journal, 7th Ass., 1st Sess., p. 214).

[3] Rennick v. Chloe, 7 Mo., 197. In Charlotte v. Chouteau it was stated that it was not the policy of the slaveholding States to "favor" the liberation of the slave (11 Mo., 193).

States.[4] Emancipation was not a consequence of this religious rite, hence the subject needed no discussion in Missouri. Emancipation by testament was possible, and the Code of 1804 gave the form of procedure by which a slave could be liberated by will or other instrument in writing. When this was under seal of the district court of the Territory and was attested by two witnesses, the document made the slaves as free "as if they had been particularly named and freed by this act." To prevent fraud the freedman could be seized to satisfy his owner's debts contracted before his liberation. To prevent the free negro becoming a burden to society the slave manumitted must be "sound in mind and body," not over forty years of age or under twenty-one if a male, or eighteen if a female. The late owner's property could be attached if his former slave was incapable of self-support. Should an executor neglect to obtain the necessary papers for the one manumitted he was liable to a thirty-dollar fine. A negro without the papers proving his freedom was to be held by a justice until they could be obtained. If he could not pay his taxes, he was to be hired out.[5]

The constitution of 1820 gave the legislature power to pass laws permitting the freeing of the slave but "saving

[4] This subject is discussed in Ballagh, p. 119; and in J. R. Brackett, "The Negro in Maryland" in J. H. U. Studies, extra volume vi, pp. 28–29.

[5] Territorial Laws, vol. i, ch. 3, secs. 23, 24, 25. The papers proving the slave's freedom, which the various codes provided that he must receive, were often very jealously carried about by him. The following is a specimen of one of these: "Know all men by these presents that I James Johnson of the County of Gasconade in the State of Missouri for divers good considerations me unto moving and inducing have emancipated set free and discharged from slavery my negro girl named Parthenia aged about twenty six years to be and remain from this time a free woman discharged from bondage. St. Louis October 15th, 1853." The witnesses were M. S. Carré and United States Senator Trusten Polk. It was also signed by the manumittor in the St. Louis circuit court. This paper is in the collection of Mr. W. C. Breckenridge of St. Louis. It is numbered 504. Mr. Breckenridge also has a deed of manumission dated as late as August 27, 1864. It was granted by Russell H. Westcott to Indy Hines. Dr. John Doy, the Kansas abolitionist, claimed that he knew of several cases in which free negroes had their papers destroyed and were then sold into bondage (pp. 61, 93–95).

the rights of creditors."[6] The later slave codes followed the form of 1804 in substance, adding that "such emancipation shall have the effect to discharge the slave from the performance of any contract entered into during servitude, and shall make such slave as fully and perfectly free, as if such slave had been born free."[7] Of course this would not give the freedman the legal status of the white but simply that of the despised free negro who could not be educated,[8] who had no standing in court save when a negro was on trial,[9] and who was usually treated with indignity.[10]

In 1836 the law was somewhat loosely interpreted, it being held that "when any person owns a slave, and is desirous to set him free... the same can be done by a deed or instrument in writing . . . acknowledged before a justice of the peace . . . without any reference whatever to that part of the act which requires a deed under seal to be attested by two witnesses," as the latter was needed only when immediate emancipation was in view.[11] Some years later it was stated that the mere promise of the late owner was not sufficient, but that the legal document was necessary,[12] while in 1856 it was held that a will regularly drawn, though not probated, was a valid act of manumission even if inefficacious as a

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[6] Art. iii, sec. 26.

[7] Revised Laws, 1835, p. 581, art. ii, sec. 2; Revised Statutes, 1845, ch. 167, art. ii, sec. 2; Revised Statutes, 1855, ch. 150, art. ii, sec. 2. These laws were all repealed February 15, 1864 (Session Laws, 1863, p. 108, sec. 1). The above statutes were evidently influenced by a Virginia law as old as 1782 which required a deed of manumission to be signed by two witnesses in the county court, and further providing that the negroes "shall thereupon be entirely and fully discharged from the performance of any contract entered into during servitude, and enjoy as full freedom as if they had been particularly named and freed by this act" (Hening, vol. xi, p. 39, sec. 1).

[8] See above, p. 83.

[9] See above, p. 76.

[10] All religious and other assemblies of free negroes were under surveillance (see above, p. 180). The admission of free blacks to the State was forbidden at various times (Constitution, 1820, art. iii, sec. 26; Revised Laws, 1825, vol. ii, p. 600, sec. 4). In how many of the States the free negro was a complete citizen under the law is still a question.

[11] Paca v. Dutton, 4 Mo., 371.

[12] Robert v. Melung, 9 Mo., 171.

will.[13] In the very rigid case of Redmond v. Murry et al., wherein a slave held his master's receipt for most of his purchase price, it was plainly enunciated that this contract of manumission, being "a mere intention or promise by the master, not consummated in the manner pointed out by law, however solemn such promise may have been made, can confer no power or capacity on the slave to have it enforced."[14]

By 1863 the Civil War had so changed the fortunes of the slave power that in a decision of that year Judge Bay declared that an act or will providing freedom might be presumed from such acts of the master as afforded a sufficient ground for the presumption.[15]

This form of manumission took effect either immediately, or at the death of the owner, or within a stated period. In one instance a negress was to be hired out for a term of four years after the master's death, and a child she bore within that time was sold to pay certain debts and expenses of the estate.[16] Another negress was to serve for ten years and then be free. A child she bore within those years was also held to be a slave.[17]

Although not encouraging manumission, Missouri seems to have given the slave ample opportunity to sue for freedom. As early as 1807 the territorial government passed quite a comprehensive procedure permitting "any person held in slavery to petition the general court of common pleas, praying that such person may be permitted to sue as a poor person." Under this legal fiction a slave could have full opportunity to fight for his freedom. The court was to assign counsel for the petitioner, allow him reasonable liberty to attend his counsel, and see that he was not subjected to any severity by his owner for bringing the suit. If the court feared a violation of this provision, the slave could be taken by habeas corpus and hired out, the earnings of such hire to go to the party winning the suit. The jury was to be in-

[13] Schropshire v. London et al., 23 Mo., 393.
[14] 30 Mo., 570.
[15] Louis et al. v. Hart Adm'r, 33 Mo., 535.
[16] Erwin v. Henry, 5 Mo., 470.
[17] Lee v. Sprague, 14 Mo., 476.

structed that the "weight of evidence lies with the petitioner [the slave]," and jurors were to have regard not only to the written evidence of the claim to freedom, but also to such other proofs either at law or equity as the very right and justice of the case might require. Either party might appeal the case to the general court.[18] In practice as well as in the word of the law the court was liberal toward the suing slave. Instances can be found in which the court ordered that the slave be protected while the case was pending and be given freedom to communicate with his attorney.[19]

An act very similar to the above was passed in 1824. It provided that "such actions shall be conducted in other respects in the same manner as the like actions in other cases."[20] A law still more liberal was passed in 1835 which, being reenacted in the later revisions, became the working statute about which a multitude of cases were argued down to the time of the Civil War. The circuit courts were substituted for the old territorial district court as the body before which the manumissions were recorded.[21]

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[18] Territorial Laws, vol. i, ch. 35, secs. 1–4. In the MS. Records of the St. Louis General Court are several cases arising under this law: Matilda v. Van Ribber (vol. ii, p. 144); Layburn v. Rice (ibid., p. 164); and Whinney v. Phoebe Rewitt (ibid., p. 172). The habeas corpus clause of this law must have caused some dissatisfaction, as in the Revision of 1855 it was stated that "no negro or mulatto held as a slave within this State or lawfully arrested as a fugitive from service from another State . . . shall be discharged . . . under . . . this act [habeas corpus]" (vol. i, ch. 73, art. iii, sec. 8).

[19] The following entry is found in the MS. Records of the St. Louis Circuit Court for July 24, 1832: "Stephen W. Ferguson presents the petition of Susan a girl of color praying that she may be permitted to institute suit against Lemon Parker for establishing her right to freedom and that she may be permitted to sue as a poor person, therefore the court permitted the said Susan and assigned the said Stephen W. Ferguson Esq., as her counsel and it is ordered by the court that said Lemon Parker permit the said petitioner to have reasonable liberty of attending her counsel and the court when the occasion may require it, that the said petitioner shall not be taken or removed out of the jurisdiction of the court, or be subject to any severity of treatment on account of her said application for freedom" (vol. vi, pp. 337–338).

[20] Revised Laws, 1825, vol. i, p. 404. In Gordon v. Duncan a negro was given the value of his services during the pending of the suit (3 Mo., 272).

[21] Revised Statutes, 1835, p. 284. It was also here provided that the judge could grant the deed of manumission during the vacation

The classical Missouri suit for freedom is of course the case of Dred Scott, the story of which has been often told.[22] An account which well shows the struggle experienced by some negroes in suing for their liberty is that of Lucy Delaney. The story is undoubtedly told with bias. She states that her mother and three other colored children were kidnapped from Illinois and taken to Missouri, where they were sold into slavery. Later Lucy's mother married a slave of Major Taylor Berry of Franklin County. Before entering a fatal duel the latter "arranged his affairs and made his will, leaving his negroes to his wife during her life time and at her death they were to be free." Nevertheless Lucy's father was sold south. Her mother later brought suit and gained her own freedom. On September 8, 1842, the mother started proceedings to obtain Lucy's freedom from her old master's daughter. The court required this lady's husband to give bond for two thousand dollars as a guarantee that he would not remove Lucy from the State while the case was pending. The guarantor then had her placed in jail, lest, as he said, "her mother or some of her crew might run her off, just to make me pay the two thousand dollars; and I would like to see her lawyer or any other man in jail that would take up a . . . nigger case like that." Lucy was kept in jail for seventeen months. As the mother when suing for her own freedom had not mentioned her children, the defence endeavored to prove that they were not hers. At this point Edward Bates took up the matter,

of the court and that the slave could be hired out if the defendant (master) refused to enter into a recognizance, and the plaintiff was denied the right to recover damages for false imprisonment in case his enslavement was held to be illegal (ibid., secs. 1, 2, 8, 14). This law was reenacted in the Revision of 1845 (ch. 70). A section was added giving the sheriff power to collect the slave's earnings, in case he was hired out by the court pending the suit, and invest them at from three to six per cent. In this shape the law was reenacted in the Revision of 1855 (ch. 69).

[22] The best account of this negro is that of F. T. Hill, "Decisive Battles of the Law: Dred Scott v. Sanford," in Harper's Monthly Magazine, vol. cxv, p. 244. The various legal treatises covering the case will be found in note 40 of this chapter.

and after much difficulty obtained the girl's freedom.[23] This was perhaps an exceptional case, but it shows what the negro might be forced to undergo, even when he appealed to the courts.

As was learned above, the burden of proof lay with the plaintiff, who was further at a disadvantage in that "color raised the presumption of slavery."[24] The court, however, declared that the legislature in framing the law endeavored to put fairly the question of freedom between the parties.[25] Just before the Civil War the court held further that "if a negro sues for his freedom he must make out his case by proof like any other plaintiff, but the law does not couple the right to sue with ungenerous conditions; and he may prove such facts as are pertinent to the issue, and may invoke such presumption as the law derives from particular facts."[26] It was held that the claimant of a slave could not enter court "and disprove the matter [in the petition], and thereby prevent the institution of a suit," as this would result in "every object of the law" being defeated. It would also be equivalent to a master's bringing suit against his slave, a procedure which could not be allowed without statutory provision.[27] The plaintiff had to sue in person, another not being competent to do it for him, since he was a slave "as long as he acquiesced in his condition."[28] On the other hand, the slave had the common-law privilege of having excluded as testimony any admission he might ever have made that he was rightfully a slave.[29] Property in slaves did not lapse through the statute of limitations. A master might permit an infant to remain with its free

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[23] Pp. 2–11, 24–35.

[24] See also Susan v. Hight, 1 Mo., 82, and Rennick v. Chloe, 7 Mo., 197.

[25] Susan v. Hight, 1 Mo., 82.

[26] Charlotte v. Chouteau, 25 Mo., 465.

[27] Catiche v. Circuit Court of St. Louis County, 1 Mo., 432.

[28] Calvert v. Steamboat "Timolene," 15 Mo., 595.

[29] Vincent v. Duncan, 2 Mo., 174.

mother, and when grown up it might even work and return its wages to the mother, but it continued to be a slave.[30]

A great deal of litigation arose relative to the Ordinance of 1787. Settlers moving from the eastward to Missouri often took up land in Illinois as they passed through the State, then at some later time moved on to Missouri with their slaves. From this situation there resulted a long series of cases culminating in the Dred Scott case of 1852. As there was no Missouri law to apply to this class of cases, the court interpreted the ordinance as it appeared to intend and as the Illinois court construed it. Governor St. Clair wrote President Washington, June 11, 1794, that "the anti-slavery clause of this Ordinance did not go to the emancipation of the slaves they [the people of the Territory] were in possession of and had obtained under the laws by which they had formerly been governed, but was intended simply to prevent the introduction of others. In this construction I hope the intentions of Congress have not been misunderstood, and the apprehensions of the people were quieted by it."[31] The Illinois constitution of 1818 allowed indentures of negroes for terms of years, permitting those bound under previous laws to be held till their terms had expired. The children subsequently born to these were to be free at twenty-one if males and at eighteen if females.[32] The courts of Illinois

[30] David v. Evans, 18 Mo., 249. The origin of a suit for freedom seemingly annulled a contract of sale of slaves. The administrator of the estate of Therese C. Chouteau obtained the following order of court in 1843: "Pierre Rose having commenced a suit for freedom was not offered for sale,—that Charlotte, [and] Victorine . . . were sold to Kenneth Mackenzie, and Antoine to Henry Chouteau, but after the sale and before payment was made . . . said Charlotte instituted a suit to establish her right to freedom and that of her children . . . and in consequence the said Mackenzie and Chouteau refuse to pay the sums bid by them for the slaves aforesaid, whereupon the court . . . order that the said Administrator do cause defense to be made against the claims set up by the said Pierre Rose and Charlotte" (MS. Probate Records, St. Louis, Estate no. 1745, paper filed September 11, 1843).

[31] Wm. M. Smith, ed., The St. Clair Papers. The Life and Public Services of Arthur St. Clair, vol. ii, p. 176.

[32] Poore, vol. i, p. 445, art. vi, secs. 2, 3.

for years permitted long-term indentures which were virtual slavery.[33]

The Missouri interpretation of the Ordinance of 1787 was in principle consistent until overturned by the Dred Scott opinion. In 1827 a negro child who had been born in Illinois after 1787 was declared to be free.[34] The following year it was held that the ordinance was "intended as a fundamental law, for those who may choose to live under it, rather than as a penal statute to be construed by the letter against those who may wish to pass their slaves through the country." A permanent residence was therefore held to work emancipation, as the court further declared that "any sort of residence contrived or permitted by the legal owner . . . in order to defeat or avoid the ordinance, and thereby introduce slavery de facto, would doubtless entitle a slave to freedom."[35] The court perhaps based this rendering on the constitution of Illinois of 1818 which read: "No person bound to labor in any other State shall be hired to labor in this State, except within the tract reserved for the saltworks near Shawneetoun; nor even at that place for a longer period than one year at any one time; nor shall it be allowed after the year 1825. Any violation of this article shall effect the emancipation of such person from his obligation to service."[36] In 1830 a case was decided which definitely laid down the principle that a slave might be hired out in Illinois for at least two years without working his freedom, but that if the owner intended to reside in Illinois and so resided with his slaves they would

[33] Harris, pp. 7–14. The interpretation of the Illinois courts is treated by Harris in ch. viii. He found instances in which negroes bound themselves to service for thirty-five, forty-nine, and even ninety-nine years. They were often made to believe that they were really slaves under the law.

[34] Merry v. Tiffin and Menard, 1 Mo., 520. If slaves were brought from Canada and were not lawfully held as slaves there, they could not be so held in Missouri (Charlotte v. Chouteau, 21 Mo., 590).

[35] La Grange v. Chouteau, 2 Mo., 19. But it was also here held that if an owner resided in Illinois and chose to employ his slave on a Missouri boat which touched at Illinois ports, he was in no way seeking to engraft slavery on that State.

[36] Art. vi, sec. 2.

become free.[37] These decisions were used as precedents, and this idea of the Ordinance of 1787 was held until overturned in 1852.[38] A case very similar to that of Dr. Emerson and his man Dred Scott was already on record. An army officer named Walker in 1836 actually forfeited his slave by virtue of the ordinance by taking her as a servant into the Northwest Territory for a number of years.[39]

Consequently, when the Dred Scott case was taken to the Missouri supreme court on a writ of error from the St. Louis district court, the whole mass of preceding decisions was swept away. The court held that "the voluntary removal of a slave by his master to a State, Territory, or country in which slavery is prohibited, with a view to reside there, does not entitle the slave to sue for his freedom, in the courts of this State."[40] After 1852 this principle was followed to the letter.[41]

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[37] Vincent v. Duncan, 2 Mo., 174. But in Ralph v. Duncan it was held that a master by permitting his slave to hire himself out in Illinois offended against the ordinance as much as though taking the slave there himself (3 Mo., 139).

[38] In Theodeste v. Chouteau it was decided that the ordinance did not impair any rights then existing, and that negroes born and held as slaves before its passage were not entitled to freedom under it (2 Mo., 116). In Ralph v. Duncan the court limited the force of the ordinance to the time when Congress admitted Illinois as a State (3 Mo., 139). In Chouteau v. Pierre the ordinance was held not to be in force until the western posts were evacuated by the British under the Treaty of 1794, in districts controlled by such posts (9 Mo., 3). J. P. Dunn outlines several of these Missouri slave cases (Indiana: A Redemption from Slavery, ch. vi). In some of these cases the court was somewhat exacting of the slave-owner. In one instance it was declared that if he intended leaving Illinois but hired out his slave for "a day or two" for pay, the slave was entitled to freedom (Julia v. McKenney, 3 Mo., 193). In Nat v. Ruddle a slave was declared to be free if he was taken by his master to work in Illinois, but if he ran away from Missouri to his master in Illinois or went to visit him there and was allowed by him to work, he would not be free (3 Mo., 282). On this point see also Whinney v. Whitesides, 1 Mo., 334, Milly v. Smith, 2 Mo., 32, and Wilson v. Melvin, 4 Mo., 592.

[39] Rachel v. Walker, 4 Mo., 350.

[40] Scott (a man of color) v. Emerson, 15 Mo., 576. The lower decision was reversed. Judge Ryland concurred with Judge Scott in the opinion, Judge Gamble dissented. For a history of the case see the Federal decision in Howard, vol. xix, p. 393. The local situation is briefly discussed by F. T. Hill, p. 244. The legal phase of the subject is treated from different angles by E. W. R. Ewing, The

This view of the court aroused immediate indignation. Missouri had been liberal toward the slave seeking release from unlawful bondage. Senator Benton always took great pride in this fact, and claimed that negroes preferred to be tried in Missouri and Kentucky rather than in the free States north of the Ohio.[42] Senator Breese of Illinois admitted in 1848 that "in all his observation and experience . . . he had discovered that the courts of the slave States had been much more liberal in their adjudications upon the question of slavery than the free States. The courts of one of them (Illinois) has uniformly decided cases against the right of freedom claimed by persons held in bondage under a modified form of servitude recognized by its old constitution. In precisely similar cases the courts of Kentucky and Missouri . . . decided in favor of the rights of freedom."[43]

The abandonment of this liberal policy was clearly recognized at the time. The Missouri chief justice in his minority opinion said, "I regard the question as conclusively settled by repeated adjudications of this court."[44] In 1856 Justices Curtis and McLean of the Federal Supreme Court enlarged upon this complete reversal of precedent by the Missouri court in their individual opinions.[45] The majority of the Missouri court admitted that precedent was against them, but claimed that a higher law demanded that abolition be

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Legal and Historical Status of the Dred Scott Case, and by T. H. Benton, Historical and Legal Examination of the Dred Scott Case. Both of these are bitterly partisan.

[41] For example, see Sylvia v. Kirby, 17 Mo., 434.

[42] Benton, Historical and Legal Examination of the Dred Scott Case, pp. 44–45, note.

[43] Benton, Abridgement of the Debates of Congress, vol. xvi, p. 226. Breese delivered this speech on July 24, 1848.

[44] 15 Mo., 576. Chief Justice Gamble continued: "I would not feel myself any more at liberty to overthrow them [former decisions], than I would any other series of decisions by which the law of any other question was settled. There is with me nothing in the law relating to slavery which distinguishes it from the law on any other subject."

[45] Justice Curtis's opinion may be found in Dred Scott v. Sandford (Lawyers' Co-operative edition, Supreme Court Reports, vol. xv, pp. 767–795); and Justice McLean's (ibid., pp. 752–767). The subject of the reversal of precedent by the Missouri court is treated in the Thirteenth Annual Report of the American Anti-Slavery Society, p. 39 (report for 1853).

rebuked and the institution of slavery in the State be conserved. "Cases of this sort are not strangers in our courts," reads their opinion. "Persons have been frequently here adjudged to be entitled to their freedom, on the ground that their masters held them in slavery in Territories or States in which that institution is prohibited . . . on the ground it would seem, that it was the duty of the courts of this State to carry into effect the constitution and laws of other States and Territories regardless of the rights, the policy, or the institutions of the people of this State . . . times are not as they were when the former decisions on the subject were made. Since then, not only individuals but States have been possessed with a dark and fell spirit in relation to slavery, whose gratification is sought in the pursuit of measures whose inevitable consequence must be the overthrow and destruction of our government. Under such circumstances, it does not behove the State of Missouri to show the least countenance to any measures which might gratify this spirit."[46]

To this open acknowledgment of the influence of the political heat of the time on the decision there is the following answer from Chief Justice Gamble: "There is nothing with me in the law relating to slavery which distinguishes it from the law on any other subject, or allows any more accommodation to the temporary public excitements which are gathered about it."[47] The Missouri court decided the Dred Scott case in 1852. Benton had fought for and lost his reelection to the United States Senate in 1849–51. Party feeling was extremely bitter, and the slavery issue divided Democrats and Whigs alike. The court recognized this "dark and fell spirit in relation to slavery." To such political forces one must look for the inspiration of the then novel decision in Scott against Emerson.

Two motives entered into the act of liberating a slave,—financial consideration, and sentiment. In many cases pure sentiment was the moving force. Often it was mere barter

[46] Scott (a man of color) v. Emerson, 15 Mo., 576.
[47] Ibid.

in which the slave or his friends or relatives bought his freedom. This resulted in many free negroes temporarily owning slaves—parents their children, a husband his wife—between the time of purchase and the date of manumission.[48] In many cases the elements of sentiment and cash both entered,[49] while the force of sentiment alone undoubtedly moved other emancipators.[50] Colored mistresses are known to have been freed by their owners, a familiar case being that of J. Clamorgan who in 1809 manumitted two such negresses who were mothers of his children.[51] Many slaves were freed by will. Some of these were required to reimburse the heirs of the estate for their loss by such manumission, while a few were allowed to pay for their freedom in installments.[52]

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[48] For examples of the holding of slaves by free negroes, see p. 63 above.

[49] The following is an illustration: "Know all men by these presents that I William Howard . . . do, for and in consideration of her former good qualities, correct deportment and faithful services to me, together with the further consideration of Tu Hundred Dollars to me in hand paid . . ." set free the slave under consideration. Granted in the St. Louis Circuit Court, December 16, 1843. In the possession of W. C. Breckenridge. Paper no. 208.

[50] As is the case today, the negro was attached to his old home and master. Some freed slaves preferred to remain with the erstwhile owner. The following proves this point: "Said Slaves thus manumitted . . . are so to remain without hindrance or molestation, and that at the date of my death, are to work and labor for themselves, and not to look to my estate for support. . . . That said slaves have been well and truly provided whilst in servitude, and that in consideration of my affection for them I will provide for them meat and drink and suitable wearing apparel. And that Said Slaves thus emancipated must look in future to themselves for support. . . . But whilst they remain with me, they must be subject to my control and direction" (MS. Deed of Henry Dearing, dated December 17, 1855, St. Louis Court House Papers, Missouri Historical Society).

[51] MS. Records of St. Louis, vol. B, pp. 368–372, under date of September 12.

[52] "Whereas Beverley Allen deceased by his will, directed that his slave Joe should be emancipated upon his paying Five Hundred Dollars and the said Joe not being able to pay that sum at one time We are willing to allow a specified time for the payment in installments." Joe was to pay $50 when the papers were given him and the same amount on January 1, 1847, and each four months thereafter till the total was paid. "And if the undersigned Penelope Allen should also receive from the hire of the said Joe or he should otherwise pay to her the sum of Ten dollars per month until

Accounts are on record of most heroic and pathetic sacrifices on the part of relatives to liberate slaves. That of George Kibby of St. Louis and his wife Susan is very instructive. In 1853 Kibby entered into a contract with Henry C. Hart and his wife Elizabeth L. Hart to purchase their negress named Susan, whom he wished to marry. The price was to be eight hundred dollars. The contract is devoid of all sentiment and is as coolly commercial as though merchandise was the subject under consideration. Kibby had but two hundred dollars to pay down. He was to pay the remainder in three yearly installments, and upon the fulfilment of the contract Susan was to receive her freedom. In the meantime Kibby was to take possession of Susan under the following conditions: "Provided however said Kibby shall furnish such security as may be required by the proper authorities, to such bond as may be required for completing such emancipation, so as to absolve . . . Hart and wife from all liability for the future support and maintainance of said Susan and her increase. This obligation to be null and void on the part of said Hart and wife, if said Kibby shall fail for the period of one month, after the same shall become due and payable, to pay to said Hart and wife said sums of money as hereinbefore specified, or the annual thereon, and in the event of such failure, all of the sum or sums of money whether principal or interest, which may have been paid by the said Kibby shall be forfeited, and said Kibby shall restore to said Hart and wife said negro girl Susan and such child or children as she may then have, such payments being hereby set off against the hire of said Susan, who is this day delivered into the possession of said Kibby. And said Kibby hereby binds himself to pay said sums of money as hereinbefore specified, and is not to be absolved therefrom on the death of said Susan, or any other contingency or plea whatever. He also binds himself to keep at his own expense a satisfactory policy of insurance on the life of said

the said sum" was paid, he was to receive his freedom (MS. Probate Records of St. Louis, Estate no. 2068, paper filed September 18, 1846).

Susan, for the portion of her price remaining unpaid, payable to T. J. Brent trustee for Mrs. E. L. Hart, and that said Susan shall be kept and remain in this County, until the full and complete execution of this contract."

Attached to the back of this contract are the receipts for the installments. The first reads thus: "Received of George Kibby one mule of the value of sixty five dollars on within contract Feb. 1st, 1854, H. C. Hart." The fifth and last payment was made on December 3, 1855—two years lacking six days following the date of the contract. Accompanying the contract is the deed of manumission of Susan, likewise dated December 3.[53] Thus Kibby fulfilled his bargain in less than the time allowed him.

Cases can be found where slaves directly purchased their own freedom. One deed reads as follows: "For and in consideration of the sum of five hundred dollars, I have this day bargained and confirmed my right title interest and claim in and to a certain Negro Slave named Jackson . . . the said Sale being made unto Jackson himself with the intent . . . that the said slave shall henceforth be a free man."[54] As to the nature of the transaction, most deeds of manumission were mere quit-claim contracts, while others seem to have been a guarantee of the grantor. The following was evidently such: "I Benjamin J. Vancourt . . . for a good and valuable consideration have emancipated . . . My Slave Dolly Maria . . . She . . . being entitled as against me and my heirs, . . . and against all persons whomsoever claiming by through or under me to all the rights privileges & immunities belonging to Free persons of color."[55] This

[53] MS. original in the St. Louis Court House Papers at the Missouri Historical Society.

[54] MS. deed signed by James W. Scott, November 27, 1854 (in ibid.). One free negro of St. Louis, Jerry Duncan, was quite fortunate in emancipating his family. After buying the freedom of his wife and child, he purchased a home in the city. Later the police found his house filled with stolen goods. His family was then thought to have been purchased by dishonest means (Daily Evening Gazette, July 29, 1841).

[55] Filed November 20, 1846, no. 292. In the collection of Mr. W. C. Breckenridge.

provision, however, may have been a mere precaution to prevent the heirs from causing the slave in question future trouble.

At times the General Assembly by special act manumitted negroes. Two slaves were thus freed by the legislature in February, 1843, one in Jefferson and the other in Callaway County. In both cases the bill was "read the first time, rule suspended, read the second time, considered as engrossed, read the third time and passed." There seems to have been no opposition to these acts. "Sundry citizens of Callaway county" even petitioned in the one case in favor of the negroes under consideration.[56]

The actual number of slaves passing over into the class of free negroes can be learned with accuracy in so far as the circuit court records are complete, as all deeds of manumission were granted by these courts.[57] The census returns give little aid in calculating totals, as the free negroes are not always listed in the returns. The free black also went from one county to another, and so the increase per county is difficult to find. The two motives leading to manumission —sentiment and money—are so inextricably merged that it is doubtful whether the conclusions drawn from such figures would throw much light on the sentiment of the State relative to the subject of emancipation.

The number of slaves given their freedom from year to year was not great except in St. Louis. For the ten years between January 1, 1851, and January 1, 1861, but a single slave was freed in the Howard County circuit court.[58] In

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[56] Senate Journal, 12th Ass., 1st Sess., p. 344; House Journal, 12th Ass., 1st Sess., p. 253.

[57] "Any person may emancipate his or her slave, by last will, or any other instrument in writing under hand and seal attested by two witnesses, and approved in the circuit court of the County, where he or she resides, or acknowledged by the party in the same court" (Revised Statutes, 1835, p. 581, art. ii, sec. 1). The later revisions follow this form.

[58] MS. Circuit Court Records, Howard County, Book 11, p. 174. In examining these records the present writer in some cases covered a series of years and in other cases took years widely separated in order that a fair impression might be gained. The volumes were carefully gone over, indexes and digests not being relied upon. The

the adjoining county of Boone but eight were liberated in these same ten years,[59] while to the southwest in Henry County only two were manumitted.[60] In the prosperous southwest Missouri county of Greene not a single slave was given freedom in the circuit court in the sixteen years preceding the Civil War—1845 to 1861.[61] The old Mississippi River county of Cape Girardeau in the southeastern part of the State witnessed no manumissions in the years 1837, 1844, 1850, and 1851; there were four in 1858, and none in 1859.[62]

In St. Louis County there was an entirely different situation. From the early days slaves were steadily and increasingly liberated. In 1830 four were manumitted, in 1831 three, in 1832 twelve, and in 1833 three.[63] Even in the years 1836 and 1837, while Congress was being thrown into a furor by abolition activity, twenty-eight were liberated.[64] In the year 1855, while the Kansas-Nebraska Bill and the settlement of Kansas were forcing the State into a fever of excitement, no less than forty-nine slaves received their freedom before the circuit court at St. Louis. Thirty-nine persons manumitted these forty-nine negroes.[65] In 1858 forty-nine slaves were liberated by nineteen different owners.[66]

Evidently many free blacks moved from county to county or else the natural increase of the free negro was large. Al-

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volumes covering the earlier period in Howard County were also examined. The same result was found. For the years 1835–37 no manumissions were recorded (ibid., Books 5, 6).

[59] MS. Circuit Court Records, Boone County, Book E, pp. 451, 479–480, 510; Book F, pp. 195, 429; Book G, p. 92; Book H, pp. 66, 98.

[60] MS. Circuit Court Records, Henry County, Book B, pp. 49, 99.

[61] MS. Circuit Court Records, Greene County, Books C, Dsr, Djr, E.

[62] MS. Circuit Court Records, Cape Girardeau County, Book J, p. 79.

[63] MS. Circuit Court Records, St. Louis, vol. 6, pp. 4, 101, 156, 197, 221, 276, 316, 317, 323, 340, 351, 338, 393, 492.

[64] Ibid., vol. 8, pp. 7, 13, 36, 46, 52, 96, 99, 109, 128, 130, 139, 144–145, 189, 194, 195–196, 218, 220, 240, 276, 272, 367, 421.

[65] MS. Duplicate Papers in the Missouri Historical Society received from the Clerk of the St. Louis Circuit Court.

[66] MS. Circuit Court Records, St. Louis, vol. 27, pp. 6, 179; vol. 28, pp. 198, 231, 232, 249, 279.

though but eight were freed in Boone County between 1851 and 1861, the free negroes there increased from 13 in 1850 to 69 in 1860, and Howard County, while manumitting but a single slave in these ten years, increased her free colored population from 40 to 71. No slaves were liberated in Greene County between 1845 and 1861, nevertheless the free blacks of the county increased from 7 in 1850 to 12 in 1860. The gain of St. Louis County, however, was consistent with her numerous liberations, increasing from 1470 in 1850 to 2139 in 1860.[67]

The census returns, both state and Federal, contain so many omissions, especially in the free negro column, that little can be gained from comparisons of the relative growth of the slaves and the free blacks. Moreover, the state census returns do not harmonize with the Federal. For Missouri as a whole the relative gains of the three classes, whites, slaves, and free colored, are as follows according to the Federal census returns:—[68]

	1820	1830	1840	1850	1860
Whites	54,903	115,364	322,295	592,004	1,063,489
Slaves	9,797	25,091	57,891	87,422	114,931
Free Negroes..	376	569	1,478	2,618	3,572

From the above figures it appears that the free negroes and the slaves continued at about the same ratio, while both were outstripped by the whites. Law and sentiment kept the number of free blacks from being swelled from without, but slave accessions were not restricted. Would the free negro class tend naturally to increase as fast as the slaves? To answer this question a detailed study of the life of the free colored as well as of that of the slave would be necessary, and even if such a study should be made, it would be denied by many that the birthrate of the despised free negro was governed by any economic law.

[67] Seventh Federal Census, pp. 654–655; Eighth Federal Census, Population, p. 275.

[68] Fourth Federal Census, p. 40; Fifth Federal Census, pp. 38, 40–41; Sixth Federal Census, p. 418; Seventh Federal Census, p. 655; Eighth Federal Census, Population, pp. 275–283.

The various portions of the State differed in sentiment as in interest. Outside of St. Louis County the slaves increased faster than the free negroes. St. Louis was a city of one hundred and sixty thousand inhabitants in 1860, of whom sixty per cent were foreign born.[69] The rural sections of the State looked askance at the liberal, antislavery, commercial spirit of the metropolis. The business interests of the city blamed slavery for keeping free labor from the State. The German element was strongly nationalistic and antislavery in feeling. As a consequence St. Louis County differed from the State as a whole. The Federal census reports for the county are as follows:—[70]

	1820	1840	1850	1860
Whites	8,253	30,036	99,097	182,597
Slaves	1,810	4,631	5,967	3,825
Free Negroes	225	706	1,470	2,139

The city of St. Louis contained more free negroes than slaves. In 1860 its population was divided as follows:—[71]

Whites	157,476
Slaves	1,542
Free Negroes	1,755

The increase of the free colored population was more rapid than that of the slaves. The cause of this lies not only in the fact that the people of St. Louis perhaps favored the freeing of the blacks more than did the State at large, but also in the fact that the great commerce of the city and its growing industry offered greater opportunities for labor than did the

[69] Eighth Federal Census, Population, p. xxxi. The population was 160,773. Of these, 96,086 were foreign born—50,510 of them Germans, 29,926 Irish, and 5513 English.

[70] See note 68. Scharf states that of the 1259 free blacks in the city of St. Louis in 1851 over one half, or 684, were in the city "in violation of the law" or without a license (vol. ii, p. 1020). Scharf's figures are far below those of the Federal census. He gives a number of manumissions in vol. i, p. 305, note. Free negro licenses were granted by the county courts. The MS. County Court Records of St. Louis contain many such records of licenses. In the year 1835 one hundred and forty-two were licensed (vol. i, pp. 455–459, 461–462, 463–464).

[71] Eighth Federal Census, Population, p. 297.

interior of the State. The negro when released from his bonds has tended to drift cityward, and such must have been the case with the free negro before the Civil War. In addition the antislavery views of so many of the people of the city might naturally attract the free black to a congenial environment.

From the foregoing pages it is evident that the freeing of the slave was tolerated but not welcomed in Missouri. The law provided that it should be done only at the risk of the owner, and the free negroes were looked upon with distrust. This contempt for and fear of the free black was the chief reason for the limited number of manumissions in all of the Southern States.

It is not the purpose of this study to discuss the free negro except where such a treatment affects the slavery system, yet the movement to colonize the free blacks is closely related to the slave in that the fear and dislike of the free colored population often prevented the manumitting of the bondman. Colonization in Africa by American negroes was a definite program favored by the slaveholders of the South and the philanthropists of the North as a means of ridding the country of free negroes. The organized movement had hearty support from the second decade of the nineteenth century till long after the Civil War. James Madison and Henry Clay were early presidents of the national society. It was recognized as a slaveholders' movement.

The Missouri society was late in its origin and never developed to great proportions. Even Arkansas seems to have supported the movement with greater ardor than did her neighbor to the north. Missouri contained few free colored persons, and the economic burden of slaveholding, if such a burden there was, seems not to have been generally felt at the time. The first colonization society of the State was the "Auxilliary Society of St. Louis," which was founded about 1827. In this year William Carr Lane was president, James H. Peck, Governor Cole of Illinois, George Thompkins,

and William S. Carr vice-presidents, T. Spalding and D. Hough secretaries, and Aaron Phule treasurer.[72] In 1832 this was as yet the only society in the State, and it still had the same officers.[73] The legislature gave the movement at least indirect support in resolutions passed in 1829 which declared unconstitutional the action of Congress in appropriating funds for the use of the national society.[74]

The churches pushed the work, and the St. Louis society often met under the auspices of the Methodists.[75] Indeed, the Missouri Conference of that body in 1835 put itself on record as being enthusiastic over the subject of colonization: "Resolved, That we highly approve of the Colonization enterprise as conducted by the American Colonization Society; we will use our influence and reasonable endeavors to promote its interests, and we recommend its claims to the people among whom we may be appointed to labor."[76] Other churches were also interested. In 1846 "Reverend W. Patton's church" of Fayette sent $7.50 to the national society,[77] while two years before the Reverend A. Bullard had enclosed $66 to aid a colonist.[78] The Unitarian church of St. Louis raised $150 for the society at a meeting in 1849.[79]

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[72] Tenth Annual Report (1827) of the American Society for Colonizing The Free People of Color of the United States, app., p. 79. This is the first notice the present writer found of the society in Missouri. Scharf claims that the St. Louis society was founded in March, 1825, in the Methodist Church, and permanently organized in 1828 (vol. ii, p. 1757). But the above reference proves that it was officially recognized at least a year before this latter date.

[73] Fifteenth Report, American Colonization Society, p. 63.

[74] Session Laws, 1828, p. 89.

[75] "I will attend to paying up the Sum you direct for the Colonization Society," wrote the Reverend Joseph Edmundson to a fellow pastor in 1831. "It meets on next Monday night in the Methodist church" (Edmundson to Rev. J. R. Greene, May 18, in M. Greene, Life and Writings of Reverend Jesse R. Greene, pp. 70–71).

[76] Resolutions of the Methodist Episcopal Annual Conference, 1835 (Daily Evening Herald, October 1, 1835).

[77] The African Repository and Colonial Journal, June, 1846 (vol. xxii, p. 199).

[78] Ibid., September, 1844 (vol. xx, p. 288).

[79] C. C. Eliot, p. 139. There is found in Scharf the statement that the Young Men's Colonization Society met in the Unitarian Church of St. Louis on January 11, 1848, its pastor, Dr. Eliot, being president (vol. ii, p. 1757).

The Missouri State Colonization Society was organized in 1839 with Beverley Allen as president.[80] This association evidently prospered, for in 1845 its "Agent," the Reverend Robert S. Finley, sent $50 to the organ of the national society, the Repository.[81] It even advocated the raising of $1000 in the State with which to cooperate with the Illinois society in sending a packet twice a year to Liberia.[82] During that decade there were numerous signs of active interest. Public meetings were held, and colonial literature was sent to the clergymen of the State,[83] but whatever may have been the activity of the society the number of negroes sent from Missouri to Liberia was not great. Up to 1851 only 21 blacks had been sent to Africa from the State out of a total of 6116 sent from the United States.[84] Within the next five years Missouri sent 62 more.[85]

An illustration of the manner in which a local society was formed and the real motives behind the movement can be gained from the contemporary account of the genesis of the Cole County society. On November 17, 1845, a gathering was addressed in the Jefferson City Methodist church by the state colonization agent, the Reverend R. S. Finley. Officers were elected, and the society adjourned to meet in the Capitol on the following evening.[86] The state constitutional convention was in session at Jefferson City at the time, and many of its members were present at this second meeting. Colonel James Young of Callaway County was made

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[80] Scharf, vol. ii. p. 1757.

[81] African Repository, April, 1845 (vol. xxi, p. 256).

[82] R. S. Finley, "Circular Appealing for Aid for Colonizing Free Negroes in Liberia," in Journal of the Illinois State Historical Society, vol. iii, p. 95.

[83] Twenty-Ninth Annual Report of the American Colonization Society, p. 10. In 1851 the society was active. It had organized a movement to memorialize the legislature on the subject of colonization (Thirty-Fourth Report, p. 17).

[84] Thirty-Fourth Annual Report of the American Colonization Society, p. 84. Kentucky had sent 225 and Tennessee 177 in these years (ibid.).

[85] Fortieth Annual Report of the American Colonization Society, p. 16. During the year 1856 the Missouri society had remitted $313.48 to the treasurer of the national society (ibid., p. 21).

[86] Jefferson Inquirer, November 19, 1845.

chairman and General Aaron Finch of Dade County secretary. Colonel Young offered a resolution in favor of the society and its work, and recommended the movement to the people of the State. This resolution was "unanimously adopted." General Finch then made a speech in which he lauded the society. He urged that the work of colonizing Africa with these negroes should be vigorously pushed, as it was the only means of removing from the State the free blacks, who were an "injury to our country" and constantly "corrupt our slaves."[87] From the above account it is evident that it was the slaveholders and not the abolitionists who led the movement. At the same time many radical antislavery agitators such as Frank Blair likewise advocated the colonization program, yet the movement was entirely distinct from the organized antislavery agitation.

The policy of supporting the colonization program was apparently popular in the closing days of the slavery regime. The cautious and prominent Presbyterian clergyman, the Reverend N. L. Rice of the Second church of St. Louis, who dreaded both northern and southern agitators, wrote a series of public letters to the General Assembly of his church in 1855 in which he declared that colonization alone could save the country from northern abolitionism and southern radicalism.[88] When on January 1, 1852, Captain Andrew Harper of St. Charles turned his twenty-four slaves over to the society upon the condition "that they be immediately Colonized to Liberia," the conservative old St. Louis Republican declared it a "noble New Year's gift." "How can the affluent hope to dispense their wealth better than in generously aiding in this effort to let the bondman go free?"[89]

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[87] Jefferson Inquirer, November 22.

[88] Ten Letters on the Subject of Slavery to the General Assembly of the Presbyterian Church, pamphlet, p. 6. In 1850 the Reverend James A. Lyon of the Westminster Presbyterian Church of St. Louis advocated that the legislature grant the state society $2000 with which to plant a "Missouri Colony in Liberia." The state society, he claimed, was "efficient and well organized" (An Address on the Missionary Aspect of African Colonization, pamphlet, pp. 20–21).

[89] Republican, January 1, 1852. These negroes all reached Liberia

Even the political heat engendered by the Kansas struggle and the war between the Benton and anti-Benton forces seems to have had little effect on the popularity of colonization. On January 14, 1858, Frank Blair delivered in Congress an able speech in favor of a resolution introduced by himself which provided that territory be acquired in Central or South America on which to plant a colony of free negroes of the United States.[90] Senator Green of Missouri, a strong proslavery man, in a speech of May 18 on this measure expressed his own favorable attitude toward colonization, but resented Senator King's statement that Blair as a Missourian was the logical person to push the measure. He declared that only "a few individuals" in the State favored emancipation.[91] This illustrates how easily the colonization movement might be confused with the active antislavery program. In 1860 among the ninety-seven vice-presidents of the national society were Edward Bates and John F. Darby of St. Louis,[92] showing that the project had able and influential supporters in Missouri in the closing days of the slavery period.

It will be the aim of the following paragraphs to depart entirely from the military and political affairs which engulfed Missouri from 1861 to 1865 and to outline the development of the movement toward emancipation.

When Governor Jackson was driven from Jefferson City and the "Rebel" legislature moved to Neosho, Hamilton R.

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save two, who were beguiled by "free negroes and abolitionists" to stop by the wayside while en route through Pennsylvania (ibid., May 13, 1852). In 1844 the administrator of the estate of Thomas Lindsay of St. Charles sent the national society $600 "toward the support of eighteen persons left by him to be sent to that colony" (African Repository, July, 1844 [vol. xx, p. 223]). In the case of a negro who was freed by will on condition that he be sent to Liberia by the Colonization Society it was held that his manumission was valid only if he had the means as well as the "willingness" to go (Milton [colored] v. McHenry, 31 Mo., 175).

[90] Congressional Globe, 35th Cong., 1st Sess., pt. i, pp. 293–298.

[91] Congressional Globe, 35th Cong., 1st Sess., pt. iii, p. 2208.

[92] Forty-Third Annual Report of the American Colonization Society, p. 3.

Gamble, a lifelong Whig and antislavery man, was made governor. His party was conservative, and hoped by gentle means to placate those who had believed in the "Union with slavery." Opposed to this party were the "Radicals" or "Charcoalers," headed by Charles D. Drake and General George R. Smith. These latter preached immediate emancipation, and accused the governor and his friends of having lurking proslavery sentiments.[93]

When the state convention met in March, 1861, to decide the relation of Missouri to the Union, Uriel Wright declared that emancipation meant the destruction of the agricultural interests of the South.[94] The majority of the committee on Federal relations were otherwise minded, and they maintained that the interests of Missouri would suffer from the policy of free trade as advocated by the South. They condemned secession, and thought that the North could never be at peace with the South as a separate nation, as the question of fugitive slaves would force a free North to police her territories for a slave South.[95] The convention was loyal to the Union, but could not be said to be at all in favor of materially affecting the slavery system.

In August, 1861, General Frémont, in command of the Union forces of the State, by proclamation declared the property of all rebels to be forfeited, and emancipated their slaves. But President Lincoln on New Year's day, 1862, modified this provision so that it applied only to those who had taken up arms against the United States or had aided her enemies.[96]

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[93] "Governor Gamble was then [August, 1861] a . . . pro-Slavery man . . . he believed the people of Missouri to be pro-slavery people" (C. D. Drake, Union and Anti-Slavery Speeches, Delivered During the Rebellion, p. 348). In December General Halleck and Governor Gamble reprimanded Thomas C. Fletcher for saying that "having arms in our hands we never intended to lay them down while slavery existed" (Harding, p. 338).

[94] Journal and Proceedings of the Missouri State Convention, held at Jefferson City and St. Louis February 28 to March 22, 1861, p. 35.

[95] Ibid., p. 35. The committee reported March 9.

[96] Paxton, p. 317. See also Switzler on this point (pp. 391–392). Switzler says that Frémont with his own hand liberated two slaves of Colonel Thomas L. Snead on September 12, 1861 (p. 391).

When the state convention reassembled in June, 1862, emancipation was immediately agitated. Breckenridge for the committee on the constitution introduced a series of resolutions which provided for the abolition of the slavery clauses of the state constitution; for the liberation of all slaves born in the State on and after the first of January, 1865, when such should reach the age of twenty-five years; for indemnifying the masters of slaves for their losses, and for requiring the reporting of slave births within six months under a penalty of the confiscation of the slave. No slaves were to be imported. The proposal of the President to aid the State in reimbursing her slaveholders was favorably considered. These resolutions were tabled by a vote of 52 to 19.[97] On June 13 Governor Gamble submitted to the convention the offer of President Lincoln of the recent congressional provision proposing to pay Missouri slave-owners in case of gradual emancipation. The governor, however, feared that the measure "would produce excitement dangerous to the State," and hinted that in such a contingency the President would not consider the "action disrespectful" if the offer were rejected. The proposition was thereupon tabled and ordered printed.[98] Hitchcock then moved that the offer of the President be considered, that he be advised of the danger its acceptance might cause, and that he be duly thanked. A committee of five was appointed for this purpose.[99]

The convention was not composed entirely of kindred spirits. Hall immediately moved a counter-resolution declaring that "the people in choosing the Convention, never intended or imagined that body would undertake any social revolution wholly unconnected with the relations between the State and the General Government." This resolution

[97] Journal, Appendix, and Proceedings of the Missouri State Convention, held at Jefferson City, June 2 to 14, 1862, p. 19.

[98] Ibid., p. 37.

[99] Ibid., p. 40. This resolution reads: "Resolved, That . . . a majority of this Convention have not felt authorized at this time to take action with respect to the delicate and grave questions of private right and public policy presented by said resolution."

was rejected by a vote of 35 to 30.[100] Birch then moved that the President's offer be "respectfully declined." This was rejected by a vote of 38 to 22, whereupon Breckenridge moved to submit the communication of the governor, along with the motion of Hitchcock, to the President. This motion passed by a vote of 37 to 23.[101] It is evident from the action of this convention and from a survey of the vote on the various motions that the time was not yet ripe for radical interference with the slavery system.[102]

By 1863 a large portion of the Union element, which party then controlled the situation in the State, was in favor of emancipation. Some wished immediate and some gradual emancipation. Charles D. Drake said to the convention which he and his followers called in 1863 that in the summer of 1861 "a large majority—perhaps seven-eights—of them [the people of Missouri] then were proslavery people." But during the two years which followed, he claimed that the "sentiments of the people of Missouri in regard to the institution of slavery underwent a radical change." He added that Lincoln's offer of cooperation in reimbursing the slaveholders was largely responsible for this transition.[103] This change in feeling regarding emancipation is also vouched for by the Reverend J. W. Massie of England, who was sent to the United States in 1863 by a band of four thousand French and English clergymen. "I was as free to utter my antislavery sentiments in Missouri as I had been

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[100] Journal of the Missouri State Convention, 1862, pp. 45–46.

[101] Ibid., p. 46.

[102] For an idea of Governor Gamble's views of the emancipation situation at this time see his message to the General Assembly of December 30, 1862 (Senate Journal, 22d Ass., 1st Sess., pp. 13–15). "The General Emancipation Society of Missouri" was formed in April of this year (Constitution and By Laws of the General Emancipation Society of Missouri, adopted at St. Louis April 8, 1862). "I think," wrote Anthony Trollope in January, 1862, "there is every reason to believe that slavery will die out in Missouri. The institution is not popular with the people generally and as white labor becomes more abundant—and before the war it was becoming more abundant and profitable—men recognize the fact that the white man's labor is more profitable" (p. 380).

[103] Speech at Jefferson City, September 1, 1863 (Drake, pp. 348–349).

in Connecticut. The Reverend H. Cox at whose church I spoke [Methodist] affirmed that such an address would not have passed without a mob, and the probable destruction of the place, only the year before."[104]

When the legislature met for the regular session of 1862–63, Governor Gamble submitted his message, which dealt largely with the negro situation.[105] On January 21 concurrent resolutions were introduced in the House declaring that $25,000,000 would be necessary to carry emancipation into effect in the State and requesting that amount of Congress for the purpose. This was amended by various members to read a greater and again to read a less amount. Zerely moved that Missouri had no wish that the slaves when emancipated should remain in the State. He was declared out of order. On the following day the original motion passed by a vote of 70 to 34, nineteen members being absent for one cause or another.[106] In the Senate this resolution appeared on January 26, was likewise amended, and finally passed the next day, the vote being 26 to 2, four members not being present.[107] But as the slaves could not be liberated without paying their owners, the constitution of 1820 so providing, the legislature felt its power to be limited, and therefore the governor on April 15 called the convention to reassemble on June 15.[108]

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[104] America: The Origin of her Present Conflict, p. 255. An observing contemporary who was prominent in politics during these years makes the following observation as to the changing effect of the War on political parties: "During the preceding election [1863] little or nothing remained of previously existing national political parties. The mad torrents of civil war had swept them all away. New issues and new combinations, with new objects arose. . . . It was during the judicial canvass of 1863 that the nuclei of the present political parties of the State were formed; one as the 'Conservative' and the other as the 'Radical'; and now known as the 'Democrat' and 'Republican.' All the ante-bellum issues had gone down in the bloody vortex of fratricidal war. Elements hitherto antagonistic, now coalesced on the living issues of an all-absorbing present" (Switzler, p. 446).

[105] Senate Journal, 22d Ass., 1st Sess., pp. 13–15.

[106] House Journal, 22d Ass., 1st Sess., pp. 129–141.

[107] Senate Journal, 22d Ass., 1st Sess., pp. 115–140.

[108] In his message calling the convention of 1863 Governor Gamble stated the position of the legislature on the subject, and also the

The convention met as called. On the following day Smith introduced an ordinance for the "emancipation of slaves."[109] On June 23 Gamble resigned as governor in order to retain his position in the convention as chairman of the committee on emancipation. At the request of the convention he consented to continue as governor till the election of the following November.[110] He then submitted an ordinance repealing the slavery sections of the constitution; abolishing slavery after July 4, 1876; liberating all slaves thereafter brought into the State not then belonging to citizens of Missouri; freeing any slaves who had been taken into one of the seceding States after such had passed the Ordinance of Secession, and declaring that the legislature had no power to emancipate slaves without the consent of the owners.[111] A number of amendments were proposed reducing the period of servitude. These were rejected.[112] Drake moved that all slaves over forty years of age remain as apprentices for the remainder of their lives and those under twelve till they were twenty-three, and that all others be free on July 4, 1874.[113] Broadhead amended Drake's proposition to read July 4, 1870, instead of 1874, and moved that these "apprentices" should not be sold without the State or to non-residents after 1870. In this form the ordinance passed by a vote of 55 to 30.[114] On July 1, 1863, with some slight changes it was adopted as a whole, the vote being 51 to 30, seven members not being present. The governor approved the ordinance the same day.[115]

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needs of the State and what the convention was expected to accomplish (Journal, Appendix, and Proceedings of the Missouri State Convention, held at Jefferson City, June 15 to July 1, 1863, pp. 1–5).

[109] Ibid., p. 12.

[110] Ibid., pp. 24–25. Governor Gamble died in January, 1864.

[111] Journal of the Missouri State Convention, 1863, Appendix, p. 13.

[112] Ibid., Journal, pp. 28–29. Gravelley moved that the masters be given $300 per slave in case of emancipation. This amendment was tabled (ibid., p. 29).

[113] Ibid., p. 36.

[114] Ibid., p. 38.

[115] Ibid., pp. 47–48. The ordinance can be found in the Journal of the Convention (p. 3). It reads as follows: "Be it ordained by the people of the State of Missouri in convention Assembled: Sec-

In those stormy days events took place in rapid succession and issues developed readily. The halfway measures of the convention in framing the ordinance displeased the "Radicals." Quantrell's raid on Lawrence in the late summer, the ill success of the state guard in maintaining order, and the occasional success of Confederate sympathizers aroused Drake and his followers.[116] They met in convention at Jefferson City on September 1. Seventy-two counties were represented, St. Louis sending one hundred and six delegates, most of whom were Germans. On the

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tion 1, The 1st and 2nd clauses of the 26th section of the constitution are hereby abrogated. Sec. 2. That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the 4th day of July, 1870 and all slaves within the State at that day are hereby declared to be free; Provided, however, That all persons emancipated by this ordinance shall remain under the controll and be subject to the authority of their late owners or their legal representatives, as servants, during the following period; towit: Those over forty years for and during their lives; Those under twelve years of age until they arrive at the age of twenty-three years, and those of all other ages until the 4th of July, 1870. The persons or their legal representatives, who, up to the moment of the emancipation were the owners of slaves thus freed, shall, during the period for which the services of such freed men are reserved to them, have the same authority and control over said freed men for the purpose of receiving possession and service of the same, that are now held absolutely by the master in respect to his slave. Provided, however, That after the said 4th day of July, 1870, no person so held to service shall be sold to a non resident of or removed from the State of Missouri by authority of his late owner or his legal representatives. Section 3. That all slaves hereafter brought into this State and not now belonging to citizens of this State, shall thereupon be free. Section 4, All slaves removed by consent of their owners to any seceded state after the passage by such state of an act or ordinance of secession and hereafter brought into this State by their owners shall thereupon be free. Section 5, The General Assembly shall have no power to pass laws to emancipate slaves without the consent of their owners. Section 6, After the passage of this ordinance no slave in this State shall be subject to State, county, or municipal taxes."

[116] On November 21, 1862, Surgeon John E. Bruere and Ferdinand Hess, Adjutant, Missouri State Militia, swore that Colonel Guitar, in command of the Union troops at Fulton, allowed twelve slaves working as army teamsters to be seized by their late masters (House Journal, 22d Ass., Adjourned Sess., App., pp. 73–74). Complaints were made that the "rebels" were becoming active and insulting. The political events of these years have been best described by Samuel B. Harding in his Life of George R. Smith, and in his "Missouri Party Struggles in the Civil War Period," in American Historical Association Reports, 1900, vol. i, pp. 85–103.

opening day Drake addressed the convention. He condemned Governor Gamble for seeking to betray the will of the people by opposing immediate emancipation.[117] This "Radical" or "Charcoal" convention at once showed the purpose of its meeting. On the opening day Lightner offered a resolution declaring "That Missouri requires and demands as indemnity for past and security for the future the extinction of slavery, and the disfranchisement of rebels." This resolution was referred to a committee.[118] A committee of one from each county was appointed to go to Washington and interview the President on the subject of immediate emancipation.[119] The Germans of the State were thanked for their "undivided support and defense of the Government and the Constitution." "Without a dissenting voice" the convention declared "that we demand a policy of immediate emancipation in Missouri because it is necessary not only to the financial success of the State and the prosecution of its internal improvements, but especially because it is essential to the security of the lives of our citizens."[120]

During the year 1864 emancipation was loudly advocated throughout the State. B. Gratz Brown of the Missouri Democrat was especially active both in and out of the legislature.[121] On February 15 the restrictions on legal manu-

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[117] Drake, pp. 348–357.

[118] Missouri State Radical Emancipation Convention, held at Jefferson City September 1 to 3, 1863, p. 20.

[119] Drake, p. 26. This mission was a failure, as a contemporary tells us. "The writer was once a member of a delegation of Missouri Charcoals that went to Washington to see the President," says J. F. Hume. "An hour was set for the interview, and we were promptly at the door of the President's chamber, when we were kept waiting for a considerable time. As the door opened, but before we could enter, out stepped a little old man who tripped away very lightly for one of his years. That little old man was Francis P. Blair, Sr., and we knew that we had been forestalled. The President received us politely and patiently listened to what we had to say, but our mission was fruitless" (p. 162).

[120] Missouri State Radical Emancipation Convention, 1863, pp. 27, 39–40.

[121] See his speech in the State Senate of March 8, 1864, printed in pamphlet form.

mission were removed by the General Assembly.[122] But slavery still existed in the State, despite the hopeless condition of the Confederacy and the abolition of the system in several of the Southern States through the Emancipation Proclamation.[123] "Slavery is not extinct. It dies slowly," says an item in the Annals of Platte County for May, 1864.[124]

On January 6, 1865, the state convention reassembled at St. Louis. On January 9 Owens moved an ordinance repealing the slavery clauses of the constitution and the ordinance passed by the convention the year before. Slavery was to be abolished entirely. On January 11 this ordinance passed by a vote of 60 to 4.[125] The members voting in the negative were Switzler of Boone, Morton of Clay, Harris of Callaway, and Gilbert of Platte. Charles D. Drake was the warhorse of the convention.[126] After pushing through his ordinance, he secured the passage of a provision forbidding any apprenticeship of the negro, save where the laws would later affect individuals.[127] On April 8 the new constitution passed by a vote of 38 to 13, thirteen members not being

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[122] Session Laws, 1863, p. 108.

[123] For examples of the vitality of slave property in the State see above, pp. 42–43.

[124] P. 362.

[125] Journal and Appendix of the Missouri State Convention, held at St. Louis January 6 to April 10, 1865, pp. 13, 26. Two members were absent. This ordinance reads: "Be it Enacted by the People of Missouri in convention assembled, That hereafter, in this state, there shall be neither slavery nor involuntary servitude except in punishment of crimes, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free" (ibid., Journal, p. 281). A MS. copy written on parchment, perhaps the original, is in the Missouri Historical Society. On the back in red ink is the following: "Ordinance of Emancipation, Filed May 14th 1865, Francis Rodman, Secretary of State."

[126] Switzler, who was a dissenting member of the convention, wrote: "Charles D. Drake was the Ajax Telamon of the Convention, and left upon the Convention the impress of his spirit and ability. Owing to this fact the body was known as the 'Drake Convention' the Constitution as the 'Drake Constitution,' and the disfranchising portion of it as the 'Draconian Code'" (p. 453, note).

[127] Missouri State Convention, 1865, Journal, p. 27. The vote on this provision was 57 to 3, four members not being present.

present.[128] By its provisions slavery was forbidden and the educational and civil position of the negro was fixed.

While the convention was in session, the legislature was acting upon the Thirteenth Amendment of the Federal Constitution. A concurrent resolution which ratified the above amendment was passed by the House on February 9 by a vote of 85 to 8, thirty-nine members not being present.[129] On February 6 it passed the Senate, the vote being 25 to 2, five members not being present.[130] Governor Fletcher signed the measure on the 10th.[131]

Thus Missouri voluntarily abolished slavery by convention a month before the General Assembly ratified the Thirteenth Amendment. The slaveholders of the State were never reimbursed for their losses, but by 1865 there could have been few actual slaves in Missouri. The State has always been proud of its voluntary action in freeing the remnant of its black population.

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[128] Missouri State Convention, 1865, Appendix, p. 255.
[129] House Journal, 23d Ass., 1st Sess., p. 300.
[130] Senate Journal, 23d Ass., 1st Sess., p. 250.
[131] Ibid., p. 303. The amendment is given in Session Laws, 1864, p. 134.

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VITA

Harrison Anthony Trexler was born at Freeport, Illinois, December 6, 1883. He attended Bellevue College, where he graduated in 1906. He later took graduate work at the Universities of Missouri, Chicago, and Bonn, Prussia. In 1911 he entered the Johns Hopkins University and served as Fellow in the Department of History during the year 1912–13. He was in charge of the Department of History and Economics at Hardin College, Mexico, Missouri, during the years 1907–09. During 1910–11 he was Acting Professor of History and Economics at Allegheny College, and in 1913 he became Acting Professor of Economics at the University of Montana.

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