Geographies of Freedom: Black Women’s Mobility and the Making of the Western River World, 1814-1865

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Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Department of History in the Graduate School of Duke University

2018
ABSTRACT

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Abstract

*Geographies of Freedom* explores the ways in which free and enslaved black women pursued freedom for themselves and their families in the middle Mississippi River Valley using the law and uniquely gendered access to forms of labor, mobility, and the special configurations of the region. The river-centric economy and the fluid mobility of goods, people, and ideas across state borders there begs the study of the region expanding out from the confluence of the western rivers as a unique site to explore questions of mobility, geography, slavery, and freedom.

My dissertation argues that black women actively navigated the roiling world of the antebellum middle Mississippi River Valley—a region that offers an unparalleled opportunity to understand some of the most historically significant cultural, political, and economic shifts of the nineteenth century anew. The black women I discuss lived in a world being transformed by an increasingly market driven economy and attendant reconstructions of labor organization. At the same time, the demographic landscape was shifting, new industries and public social spaces emerged, and the conflict over the political geography of slavery and freedom heightened. Amidst the chaos, black women found access to mobility, economic opportunity, and even the law, which they used to pursue freedom. From court records, slave testimonies, newspapers, government records, manuscript collections and contemporary popular literature, I extract narratives
of black women as migrants, laborers, litigants, and agents of their own lives in a border region perpetually in the process of making itself.

By running away, suing for their freedom or that of their children, and achieving economic stability, black women embodied the very promise of capitalism and democracy that most white men flocked to the river valley to pursue. In doing so, they threatened hardening notions of gender inequality and racial control. My dissertation shows that as they continued to act in these self-determined ways, black women fueled an accelerating political conflict over race and slavery in the border region leading up the Civil War. They challenged slave holders’ claims to their bodies, their labor, and their children, and they forced judges and attorneys in the region to reevaluate laws around slavery, freedom, and property. In the aftermath of the Civil War, black women retained these methods of strategically appealing to the law and using their mobility and extended networks of communication to organize and maintain control over their lives.
Dedication

For my family.
# Table of Contents

Abstract ........................................................................................................................................ iv  
List of Figures .................................................................................................................................... viii  
Acknowledgements ............................................................................................................................. ix  
Introduction .......................................................................................................................................... 1  
Chapter 1 “Illinois Might Yet Become a Slave State…”: The Fraught Boundar(ies) Between Slavery and Freedom in the Early Mississippi River Valley ................................................................................................................................. 21  
Chapter 2 “She Had an Idea of Endeavoring to Git Her Freedom”: Mobility, the Chattel Principle, and the Laws of Slavery in the Antebellum River Valley ......................................................................................................................... 54  
Chapter 3 “To Make Her Own Bargains with Boats”: Gender, Labor, and Freedom in the Western Steamboat World ........................................................................................................................................ 101  
Chapter 4 “Never Go Out of the City”: Forging Freedom in the Slave South ......................................................................................................................................................................................... 155  
Chapter 5 “I Trust We May Meet in a Better World Than This”: Black Women and the Politics of Mobility During and After the Civil War ......................................................................................................................... 196  
Conclusion ......................................................................................................................................... 249  
References .......................................................................................................................................... 254  
Biography .......................................................................................................................................... 266
List of Figures

Figure 1. Royal Mail Through Line Company Advertisement........................................110

Figure 2. 1838 Map of St. Louis showing Chouteau’s Pond in the center....................119

Figure 3. "The Family Nurse" from David Hunter Strother's article "A Winter in the South" (1858)..............................................................................................................142

Figure 4. Chambermaids on the Charles Rebstock, ca. 1883. Thomas H. Gandy and Joan W. Gandy Collection ....................................................................................................................252
Acknowledgements

I have looked so forward to the opportunity to thank all of those who were a part of making this dissertation possible. I have been extremely lucky to find brilliant and generous archivists to assist me in my research including, especially, Mike Everman and Pat Barge at the Missouri State Archives in St. Louis. I am one of many researchers who has benefited from your dedication and expertise and the field will continue to be enriched by your guardianship of the archive. Darla Brock and the archivists and staff at the Tennessee State Library and Archives and Vincent Clark and Frank Stewart at the Shelby County Archives were also instrumental in carrying out this project.

My research has been supported by several grants and fellowships from my home department at Duke University, the Graduate School, and other institutional bodies such as the PhD Lab in Digital Humanities and the Office of Interdisciplinary Studies. I am also indebted to the Coordinating Council for Women in History, the Marcus Garvey Foundation, the Tennessee State Historical Society, the McNeil Center for Early American Studies, and the Association of Black Women Historians for their support.

I have benefited personally and intellectually from the instruction and mentorship of my committee members Thavolia Glymph, Sarah Deutsch, Gunther Peck, and Adriane Lentz-Smith. Thank you for your enthusiasm about my work, for reading my chapters and asking difficult questions, and for the invaluable feedback and advice.
you’ve given that I will always return to as I continue to live with this project. Sally, as I begin my career I carry with me my first teaching experience as your teaching assistant. I regularly watched in awe as you captured the students’ attention and imagination in your lectures and so engagingly and enthusiastically guided us through the history of women and gender in the United States. I hope to be half the teacher that you are.

Adriane, early on during my time at Duke you met me where I was and provided space for the growth and development of my ideas, I thank you especially for that. You also gave me, literally, a place to sit and a place to write, and for that I am eternally grateful!

Gunther, our independent study truly changed the trajectory of this project and I am so glad that you stuck with me through the research and writing and have continued to help me refine its conceptual framework. To Thavolia Glymph, my advisor and mentor for the past six years, you have pushed me to become the historian that I am and instructed me in the discipline in ways that I cannot begin to thank you for. This dissertation and the contributions it will make to the field in this iteration and others will be a product of your close and careful attention to my research, writing, and ideas. You have shown me what it means to be a historian. Working with you has been a privilege and an honor, and I can only hope the benefits of this experience will remain evident in my scholarship.

I have collected many mentors and friends over the course of my education and training. At the University of Chicago, I had been interested in studying education and it
was Charles Payne, whose graduate class I took at the School of Social Service Administration, who recognized certain patterns in my interests, saw talent in my writing, and encouraged me to take courses in history. My advisors Adam Green and Thomas Holt guided me at different stages through various aspects of the discipline and shaped my interests and trained me in ways that I am still only beginning to appreciate. The summer I spent at Princeton University where I participated in their summer research experience for underrepresented minority students under the thoughtful and kind supervision of Tera Hunter solidified my commitment to pursuing this career.

I have found intellectual homes in both the history department and the department of African and African American Studies at Duke. The Black Graduate and Professional Student Association and the Hurston James Society gave me the opportunity to extend my community beyond East Campus and the wonderful friends I have made are far too many to name. I would not have made it through without the 2011 and 2012 history PhD cohorts, especially. I have laughed, cried, celebrated, and commiserated with you all over the years and I am so lucky to have been at Duke at this time. Yuridia, Claire, Tiffany, and Jessica, it has been a privilege to read, write, and think alongside and in conversation with such brilliant women. I look forward to reading and assigning your scholarship, but more importantly to the growth of my deeply enriching friendships with each of you.
To the many friends that I have made in Durham, you have kept me sane and at peace through this process and for that I cannot thank you enough. Maranatha, Jessica, Kamilah, Alex, Bettina, Danielle, Renee, Ashley, and of course, the guys—I couldn’t have asked for a better crew. Your friendship and your emotional labor is embedded in these pages. To my family, you have always been my foundation. You have been patient and steadfast through my many, many years in school. Your support has been unwavering, and you have not once doubted my ability to achieve any goal I pursue. Grammy, Ma, and Martinique, you are the strongest women that I know, and I hope that I make you proud and can one day care for you in the ways that you have cared for me. Dad, thank you for giving your children a perfect example of the spirit of power, love, and a sound mind. Thank you for instilling in us a yearning for knowledge, wisdom, and understanding. I will always be your student first.
Introduction

In November of 1853, the steamboat *El Paso* arrived in the port at St. Louis after completing its regular route on the Missouri River. It had lain in the chilly, late fall air at Lexington, Missouri for a few days before making its way back east. Henry Thornburgh, the captain of the boat, was prepared to embark west to St. Joseph when his steward alleged that a “negro woman” had absconded on the boat from Lexington to St. Louis with the assistance of the boat’s porter. Thornburgh delayed the boat’s departure to investigate. Although the porter denied any knowledge of the woman, the captain enlisted him in a hunt for the alleged fugitive who they found at a “negro house” in the city.¹ The young woman told the captain her name was Angeline Tilford and that she was owned by a man named James Tilford of Mercer County, Kentucky. She explained that the latter had hired her out to work at a hotel in Liberty, Missouri, and she was on her way there. Despite her rebuttal, Thornburgh was “satisfied” that the woman was a runaway and ordered her arrest by the St. Louis deputy marshal.²

¹ Henry Thornburgh deposition. *Withers v. El Paso Steamboat* 4 April 1854 Circuit Court, Lafayette County, Mo; Missouri Supreme Court reversed and remanded the lower court’s decision: *Withers v. Steamboat El Paso* 24 Mo. 204, Records of the Supreme Court Case Files, Missouri State Archives, Jefferson City, Mo Box 72, Document 23.

² Thomas Groom and William McCreight, crew members on the steamboat *El Paso*, were both deposed in the case. In their depositions, they mention that Thornburgh was skeptical of black passengers and constantly reminded the crew to be careful of admitting black travelers on the boat. Thomas Groom and William McCreight depositions, *Withers v. Steamboat El Paso*. 
Black women, as either passengers or crewmembers on steamboats, were highly conspicuous in the male-dominated steamboat world. Ann(geline) drew attention from the crew simply because she was unfamiliar and out of place and the mere suspicion that Ann (or Angeline) was a runaway slave had landed her in jail. Captain Thornburgh was long gone from the city when, in the spring of 1854, Marquis Withers of Lexington, Missouri sent an agent to identify the “negro” woman as someone other than who she claimed, namely his slave Ann. Intent on recovering the value of his property, Marquis Withers initiated a suit against the steamboat El Paso for the alleged loss of his slave.³

A generation of scholars has critiqued the historical archives’ capacity to accurately portray or truly represent historical knowledge about black women.⁴

³ This particular suit was brought based on a section of the 1845 Revised Statutes of Missouri in effect at the time. Article I Sections 32 and 33 in Chapter 167 on Slaves read: “[32]Any master, commander or owner, of any boat or other vessel, who shall transport any slave out of this state, in such vessel…without the consent or permission of the person to whom such slave does of right belong…shall forfeit and pay the value of such slave to his owner, to be recovered by action of debt. [33] Every boat or vessel, used in navigating the waters of this State, whose master, owner or commander, shall violate the preceding section, shall be liable to the same extent that such master, owner or commander, is; and such boat or vessel may be proceeded against for the recovery of such liability…” These kinds of suits were far from a sure bet. In one case that reached the Missouri Supreme Court in 1851, Charles Beardslee sought compensation for the loss of his wife’s slave who had been hired on the Harry of the West and escaped. The St. Louis Circuit Court ruled in favor of the defendants based on the fact that Beardslee had not furnished sufficient evidence of how or when the slave escaped. The Supreme Court affirmed the decision and the steamboat captains were found not liable for the loss of the slave. William Claude Jones, The Revised Statutes of Missouri, Revised and Digested by the Thirteenth General Assembly, During the Session of Eighteen Hundred and Forty-Five; To Which are Prefixed the Constitutions of the United States and of the State of Missouri, and the Act of Congress Authorizing the People of Missouri Territory to Form a State Government, and the Ordinance of the Convention of the People of Missouri, by their Representatives, Declaring the Assent of the People of Missouri to the Conditions and Provisions of the said Act of Congress; with an Appendix (Printed for the State, by J.W. Dougherty: St. Louis, 1845); Beardslee v. Perry, 14 Mo. 88 (1851).

⁴ Since the publication of Deborah Gray White’s Ar’n’t I a Woman?: Female Slaves in the Plantation South in 1999, scholars have offered increasingly sophisticated models for engaging archives in search of black
Following that tradition of archival critique, I use “Ann(geline)” in this introduction because it is not possible to be fully certain that either she or Marquis Withers was telling the truth about the woman’s identity. But by representing both of their claims in her naming relays the possibilities her story represents. Ann(geline) could have realistically been either a runaway or a migrant. As I will show in the following pages, relatively independent mobility and opportunities to escape were available to black women like her in the river valley surrounding the port city of St. Louis. The physical and social geography of the steamboat rendered Ann(geline)’s mere presence, and especially her pattern of movement, highly suspicious. The social organization of the boat—and the urban river world more generally—that determined who belonged where and when limited her freedom of movement and heightened both Ann(geline)’s visibility and vulnerability. For the denizens of the white river valley world, her imprisonment was the swift correction of a dangerous social disruption. No matter who

she was when she boarded the *El Paso*, she disembarked a fugitive slave, and has remained so in the historical record.\(^5\)

In the context of the Mississippi River world, Ann(geline)’s own story was perfectly likely. The advent of steamboat transportation offered black men and women in the river valley unique access to mobility and many women were hired out by their owners. One might reasonably question if Withers had ever even owned the young female traveler who was seized and imprisoned in St. Louis. No evidence beyond the testimonies of Withers’ close acquaintances was offered as proof that Ann(geline) belonged to Withers and had escaped. Depositions from the steamboat captain and crew, the St. Louis deputy marshal, jailor and slave trader offer a spotty timeline of Ann(geline)’s life before she boarded the *El Paso* and her motivations for doing so. At the time of Ann(geline)’s arrest, the most recent slave schedule showed that Withers owned two female slaves, one forty-three years of age and another eighteen years of age, and a young male the age of sixteen.\(^6\) And in the court transcript, Withers offers no description of the woman, bill of sale, or other any evidence of her appearance that might be measured against the testimony of the jailor and the city marshal. Nonetheless, the St.


Louis County marshal recalled that Marquis Withers’s agents, Alfred Edgar and Alfred Nichols, in making their application for the release of the woman from jail had presented all “the necessary affidavits and complied with the law in such cases.”

The collective white social imagination that served to uphold antebellum racial hierarchies and slaveholders’ power relied in part on the belief that an independent and mobile black population was under white control. It is therefore unsurprising that a white jury was “satisfied,” much as Captain Thornburgh was, with the testimonies of a few white men hailing an unfamiliar black woman as a fugitive slave. Although it was quite possible that Ann(geline) had told Captain Thornburgh the truth about her identity and her movements, she could not rely solely on her word to make herself known. The burden of proof in the nineteenth century river world would have weighed heavily on women like Ann(geline) to prove that their migrant labor status, their freedom of movement, and their very existence in the steamboat world were sanctioned and unthreatening. Ultimately, Wither’s claims to the woman and the positive identification of both the woman and the steamboat by Withers’s agents were the only pieces of evidence needed to challenge the woman’s claims and her freedom of mobility. Uncovering Ann(geline)’s identity presents a challenge for historians and points to the limitations of the archive. But her life and other black women’s lives in the nineteenth

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7 David Bayles deposition. Withers v. Steamboat El Paso.
century river world would have been, at the time, politically, socially, and ideologically unruly. The ways black women like Ann(geline) navigated the legal structures, geographical boundaries, and social customs that governed their messy lives and shaped their pursuits of freedom is the subject of this dissertation.

*Geographies of Freedom* tells the story of the role and place of black women like Ann(geline) in the making of the antebellum middle Mississippi River valley. The geographic focus of this dissertation mirrors one of the common patterns of black women’s movement in the region. The middle Mississippi River valley was a distinct geosocial region. It centered around the Mississippi River and its tributaries and included the surrounding slave territories of Tennessee and Missouri, and the free state of Illinois. It was anchored by major river cities including St. Louis, Memphis, and Alton.\(^8\) This dissertation is a history of the ways in which black women, successfully and unsuccessfully, navigated the uneven legal, social, and political terrain of this border region to craft freedoms of their own imagining.

Scholarly discussions of the middle river valley in the eighteenth and nineteenth centuries have been largely piecemeal, focused on the history of certain states (especially those that would be defined as the Old Northwest), groups of people such as French and

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\(^8\) I consider Ohio, Kentucky, and what would become the Kansas Territory, as part of the region as well but this dissertation’s primary focus is Memphis, St. Louis, and southern Illinois.
Spanish settlers and their relationships with native communities, or specific political or commercial developments that shaped the region’s history. These studies continue to illuminate our understanding of early American history and the historical, political, economic, and human development of the North American continent. My dissertation contributes to these efforts by linking free and enslaved black women’s experiences over time and space to tell a new story of the region and offer a history of the women who participated in and bore witness to the making of a nation.

The Mississippi River and its tributaries were part of the transportation network that carried over one million enslaved men and women from tobacco and cotton fields in the Old South states to cotton and sugar plantations in the lower Mississippi River valley. At mid-century the domestic trade in human slaves shaped the commercial, political, and social character of the middle river valley. However, enslaved black men and women did not just pass through cities like St. Louis and Memphis in chains. Thousands lived and worked in these centers of economic activity, and many moved on

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their own accord between them. By the 1830s a vibrant urban world had begun to emerge in the region—characterized by river-centric commerce, small-scale slaveholding, and the ceaseless mobility of goods, ideas, and people across the borders of free and slave states. The legal boundary between free and slave states belied the commercial and social ties that unified the region. Trade flowed freely across state borders, white people tested the geographical limits of slave ownership by moving frequently (often with their slaves) back and forth across the borders, and strong pro-slavery and anti-slavery forces competed for control everywhere. Fur, lead, and pork trades along the Mississippi and Missouri Rivers traversed state borders and frequent migration between border states was commonplace. In the minds of its white inhabitants, the river valley teemed with opportunity. In this world, black women also saw possibilities for their own lives, and sought to live a counter-narrative of that same time and space.

The theme of mobility lies at the center of existing historical narratives of the Mississippi River valley. Whether through steamboat travel, the movement of goods between port cities, or the involuntary mass movement of human slaves, mobility is a

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central motif in this body of scholarship. I seek to show that for black women, mobility, both voluntary and involuntary, carried distinct and profound meaning. A culture of movement transitory in nature facilitated a reordering of the gendered slave experience by unmooring black women from their landed communities and, often, the direct supervision of their owners. The river valley’s physical geography was overlaid with laws that criminalized black mobility and aimed at eradicating free blacks from the region. But compared to women elsewhere, black women in the river valley had unique access to certain kinds of mobility. Enslaved women were often hired out to work on steamboats running on the western rivers, allowed to trade goods at the docks, or traveled alongside peripatetic masters. In addition, river cities included places like river markets, hotels, and other points of contact for blacks in the river world. This

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12 Despite much excellent work on themes such as female slave networks, or rival geographies like plantation neighborhoods organized around the social and familial needs of slaves, scholars examining forms of slave resistance related to space and movement have not focused on black women’s mobility in the river valley world that brought them closer to freedom than ever. Stephanie M. H Camp, Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South (Chapel Hill: University of North Carolina Press, 2004); Anthony E Kaye, Joining Places Slave Neighborhoods in the Old South (Chapel Hill: University of North Carolina Press, 2007).
dissertation shows that as they gained and shared knowledge of the cleavages in the structures of governance in the region, or found themselves in the crosshairs of jurisdictional disputes, black women developed strategies to negotiate the places and roles they inhabited as well as their status in order to suit their needs. As black women traversed the legal and geographic boundaries of slavery and freedom in the river valley, they redefined the meaning of those boundaries and their relationship to that physical place.

Black women who were carried to urban river towns during the domestic slave trade of the antebellum era joined others who had arrived in the early settlement period as the property of French and Spanish traders. As the river valley was transformed throughout the nineteenth century by technological and economic advancement, black women found new opportunities to earn money and legal avenues to pursue their freedom. As chambermaids on river boats, they earned wages by performing the invaluable labor of making steamboat travel a coveted experience for wealthy white travelers; in river cities they occupied positions ranging from laundress to land-owner; and in local courts they litigated their claims to family, property, and liberty. Even black women who did not move about on their own initiative engaged the broader river world in their everyday lives. Slaveholders hired enslaved women out to work on steamboats and allowed them to trade goods at the docks. Black women’s families and communities included transient black men and women. The significance of mobility in
the river valley changed for black women as the antebellum order was disrupted by heightened political tensions in the 1850s and ultimately the Civil War.

As historians have conceived of a politics emerging from black men’s access to certain kinds of independent movement, this dissertation outlines a black female politics of mobility in the Mississippi River valley. Gender proved singularly important in determining black men’s and women’s choices and outcomes. In the antebellum period, economic opportunity and familial and community networks could be more consequential than one’s legal status. Freedom of mobility and access to certain kinds of labor were differently available to men and women. Black women learned that, throughout the antebellum river valley, uneven structures of governance around their mobility created certain limits but also opportunities. By bringing freedom suits against their masters, gaining economic freedom by engaging in both legal and extralegal river commerce—an alternative river world economy—and, put simply, moving around, black women enacted a politics of mobility. Those actions were rooted in their gendered access to movement and their calculation of the costs and benefits, the risks and

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potential rewards they could anticipate in their attempts to move closer to freedom.

Black women’s actions in this particular time and place constituted a “politics” because they forced their owners and existing legal structures to answer their claims to freedom, and they challenged the political boundaries that defined their physical environment.

The major problems of the nineteenth century—gender, migration, the political struggle over slavery and freedom, or capitalist transformations—can be understood in part through black women’s negotiations of gendered social constructs and in their making of the meaning of freedom. In the history of the middle Mississippi River valley, black women were at the center of the story. Their stories provide a sharp lens through which historians can view and represent the stakes of this period of American history. 

*Geographies of Freedom* thus shifts the focus to black women’s visions of the river world and their role in the expansion, division, and reconstitution of a nation.

Recent work on antebellum black women shows how the intersection of gender, race, and class mediated black women’s experiences of slavery and shaped their dreams of freedom in urban or border regions of the South.  

This dissertation examines those

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dynamics in the context of the western river valley where the legal, social, and
gеographic boundaries of slavery and freedom were uniquely permeable. Historians
have considered the antebellum Mississippi River valley as part gateway to the
American West, part incubator of sectional conflict, and altogether a cauldron of ideas,
people, and institutions contending for power. But even as white men and women
drafted blueprints of global trade networks of cotton and slaves, with the Mississippi
valley at the heart, black women inhabited that space in ways that are still much less
understood.

In 1857, it appeared that the benefits of mobility would be greatly diminished
when the United States Supreme Court upheld the Missouri Supreme Court’s decision
in *Dred Scott v. Sandford*. The state court’s decision had overturned thirty years of
precedent created in large part by black women bringing—and winning—freedom suits

based on residence. As political tensions heightened in the years before the Civil War, the boundaries between slavery and freedom hardened throughout the South. In the middle Mississippi River valley, though, conflicts over the geographic boundaries between slavery and freedom were very pronounced. As the war commenced, new spaces of and pathways to refuge were introduced to the region and black women were set in motion by the promise of freedom perceived to lay just beyond Union army lines.¹⁶ After the Civil War, the river valley was transformed again. Black women’s movement as well as their relationships to space, the law, and community changed once more.

This dissertation relies on court cases in which black women were either litigants or the subjects of contention between white petitioners. Specifically, these legal and court records include freedom suits, legal disputes between slave owners and steamboat companies over the loss of female slaves who used river work to escape, free persons’ registries and petitions for residence in slave states, and writs of habeas corpus submitted on behalf of black women. Those records are supplemented by newspapers and manuscript collections of river valley residents. The dissertation also uses federal and military records such as Civil War Widows’ Pension files which include testimonies

¹⁶ As Thavolia Glymph’s recent work has shown, the paths to freedom during the Civil War were gendered, and my project highlights how black women adapted and mobilized to their own ends the wartime spatial disruption of the river valley. Thavolia Glymph, “Rose’s War and the Gendered Politics of a Slave Insurgency in the Civil War,” The Journal of the Civil War Era 3, no. 4 (2013): 501–32; Sharon Romeo, Gender and the Jubilee Black Freedom and the Reconstruction of Citizenship in Civil War Missouri (Athens: The University of Georgia Press, 2016).
of black life in the antebellum and wartime river valley, and records from local repositories.

The ways in which black women exercise mobility in the Mississippi River world led them to be a profoundly disruptive force, undermining slaveholders’ notions of the permanence of bondage, the unassailability of property rights, and clear-cut notions of gendered respectability and power. The experiences and ambitions of Ann(geline) and women like her are distorted in the historical archive and, as a result, the contested nature of the Mississippi River valley and the struggle for freedom that occurred there has been hidden.

This dissertation is comprised of five chapters. Chapter 1, “Illinois Might Yet be a Slave State: The Birth of a Nation and the Making of the Western River World,” offers an overview of the complex legal terrain that defined the boundary between slavery and freedom in the middle Mississippi River valley. It offers a summary of the codes and statutes around the institution of slavery that operated in the region during the period of French and Spanish settlement and sovereignty. After American independence from Britain, the colonial territorial laws related to slavery were codified in some state constitutions and heavily modified, eradicated, or replaced in others. While some black women were victimized by these shifts in governance, others perceived those transformations as legal pathways to freedom. In particular, the passage of the Northwest Ordinance in the late eighteenth century rendered ambiguous and
indeterminate the status of women who lived in the Old Northwest. The legal prohibition of slavery in the north frustrated some slave owners’ efforts to move freely throughout the region with their human property. Enslaved women learned that residence, even temporary, in "free" territory granted them a justifiable claim to freedom that they often pursued and sometimes won. Thus, this chapter reveals the river valley as a uniquely unsettled landscape—a stage on which black men and women and slave owners would engage in a drawn-out contest over the ultimate legality of the concept of human bondage in the region, both sides equally hopeful but uncertain of their own fates.

Chapter 2, “She had an idea of endeavoring to git her freedom: Mobility, the Chattel Principle, and the Laws of Slavery in the Antebellum River valley,” builds on the first by expounding on black women’s complex and changing relationship to the law in the river valley. This chapter argues that, beginning in the late eighteenth century and continuing through the nineteenth, black women were contenders in the messy legal arena of the middle river valley and used the law and the region’s legacy of movement, as well as their own, to their advantage when they could. Many black women who were forcibly moved over space and transferred between owners mobilized these histories of enslavement, sale, and migration in the court to claim their freedom. In this chapter freedom suits as well as local and state Supreme Court records ground a discussion of black women who sought out counsel or court officials in order to lay claim to some
manner of freedom, no matter how complicated. Their actions undermined the preeminence of the "chattel principle" in this period. These women engaged the law to pursue legal freedom, re-enslaved themselves or their children, or even attempted to act as slave owners to protect their kin from sale or exile. This chapter also illustrates that, through their actions, black women proved that legal freedom was just one pathway to self-possession.

Chapters 3 and 4 examine mobility and embeddedness in the nineteenth century river valley, a region which, at the time was in the throes of yet another profound transformation. Those dynamics included the ascendance of steamboat transportation, river-centric commerce, and the encompassing "market revolution," Native American removal, increased German and Irish immigration, and the emergence of the lower river valley as the center of the global cotton empire. In the early to mid-nineteenth century, the river valley was also defined by other national trends such as the growing abolitionist movement and the emergence of a quantifiable free black population. These two chapters highlight the extra-legal pathways black women took to pursue freer lives. If they did not pursue legal freedom in the court, black women used their access to mobility and economic opportunity, and their embeddedness in river valley communities to make a living, protect their loved ones, and define freedom for themselves.
Chapter 3, “To Make Her Own Bargains with Boats:” Gender, Labor, and Freedom in the Western Steamboat World illustrates how black women used river work to transform their lives. By the 1840s, most steamboats were outfitted to carry human cargo in addition to commercial freight. The use of both free and enslaved labor on steamboats epitomized the ways in which slavery and capitalist production accommodated one another’s existence in the mid-nineteenth century river valley.

Enslaved steamboat chambermaids on western river steamboats earned wages and moved relatively freely through the river world like their free counterparts. Free and enslaved chambermaids used river work to various ends. For many, river work was merely a job, but some took the opportunity to permanently or temporarily flee from slavery, while others used the income they earned on the river to purchase their freedom. In this chapter, I interpret the experiences of black women in the male-dominated steamboat world through steamboat and local court records alongside popular literature such as travel narratives. Black women faced gender-specific dangers on river boats, including rape and hyper-surveillance, but river work still offered the opportunity for many to exist more freely in the antebellum river valley. The ways in which black women were surveilled on river boats, however, demonstrates that steamboats were an extension of the river valley community in which black women and their movement was strictly policed.
Chapter 4, “Never Go Out of the City: Forging Freedom in the Slave South,” however, argues that black women could use their embeddedness in river communities to achieve a freer existence. The social milieu of the nineteenth century river valley was anchored in port cities. These antebellum urban spaces have been framed in historical scholarship as being communities of strangers. Indeed, immigrants, transient laborers, and entrepreneurial migrants fostered an atmosphere of unfamiliarity between river valley residents. However, this chapter argues that residents of the river valley cultivated ways of organizing and maintaining social hierarchies and policing a chaotic social landscape. Embeddedness/legibility within community and surveillance or strict control of mobility in the river valley were two sides of the same coin. This chapter uses local court records such as petitions for residence in slave states and habeas corpus petitions brought by alleged fugitive slaves to explore why some black women chose to remain in port cities in the slave South. These records also reveal how the law, economic prospects, and their reputation in the community allowed some black women to exercise personal liberty, but led others to imprisonment or exile.

Black women's legal and extra-legal pursuits of freedom in the river valley throughout the nineteenth century continuously exposed the glaring tensions and inconsistencies between the institution of slavery and the nation's pursuit of freedom and independence. The individual struggles they waged against the legal doctrines and the social and political customs that bolstered slaveholders' power and perpetuated the
institution of slavery culminated in the outbreak of civil war. As their world was violently disrupted by war, and black women became certain that slavery would no longer exist, many boldly claimed their freedom by fleeing to Union army camps. Chapter 5, “I Trust We May Meet in a Better World Than This: Black Women and the Politics of Mobility during and after the Civil War,” follows the characteristics of black women’s mobility laid out in chapters 1 through 4 to narrate their experiences in the river valley during and after the Civil War. Drawing on Civil War Widows’ Pension Records, this chapter illuminates black women’s post war labor experiences, their shifting relationship to the state—in this case through their encounters with the federal pension bureau and its agents—and the reconstruction of family and community in the aftermath of war and emancipation.
Slavery was thriving in the state of Kentucky in 1805. The enslaved population there was experiencing rapid and sustained growth. The number of enslaved people in the state would increase by over eighty percent over the decade, reaching 80,561 in 1810. One of those enslaved people was sixteen-year-old Milly, a girl just two years younger than the United States Constitution. As an enslaved person in early America, the meaning of Milly’s legal status and her very existence would be tested in the coming years, much like the nation’s founding document. The Constitution’s ambivalence on the issue of slavery had allowed Milly’s owner, Mathias Rose, to confidently sustain his claim to Milly as his property. But Rose’s slaveholding rights would not go unchallenged as the nation changed and grew.

Rose was certain that he could maintain his claim to Milly when he left the thriving slaveholding community of Kentucky for the Indiana territory in 1805. In the Old Northwest—what constituted part of the late eighteenth century “frontier” —Rose’s property rights and Milly’s legal status were not yet codified into United States law. The territories that made up the “western” United States prior to the Louisiana Purchase

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1 Ivan E. McDougle, “Slavery in Kentucky,” *The Journal of Negro History* 3 no. 3 (July 1918), 218.
were governed by temporary, territorial laws—amalgamations of Spanish, French, and British laws and the outcomes of various peace treaty negotiations. One year before Rose’s move, the Indiana territory had been incorporated and a general assembly elected by eligible citizens there. Rose brought Milly to the territory during the brief period in which he would have benefited from its proslavery measures. The legislative government in the Indiana territory provided that slaveholders could immigrate with their slaves without consequence if they secured a labor “contract” between themselves and their enslaved within thirty days of their settlement. When he arrived with Milly in Knox County, Rose indentured the young woman for a seventy-year term. Milly remained in the territory for the next sixteen years.

In those intervening years, further geopolitical change would come to the region. The Illinois territory was incorporated in 1809, and Illinois and Indiana would be admitted into the Union as free states in 1816 and 1818, respectively. In 1817, Rose moved with Milly again. This time they traveled across the Mississippi River to St. Ferdinand in the county of St. Louis in what was then the territory of Missouri. At this point, the impetus for Rose’s migration was clear—he sought to settle in a place that

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2 Milly, a free woman v. Rose, Mathias, St. Louis Circuit Court August Term 1820 No. 20, St. Louis County Court Archives (Hereafter: SLCA).
3 Mathias Rose deposition, Milly, a free woman v. Rose, Mathias.
4 Milly’s petition, Milly, a free woman v. Rose, Mathias.
would uphold his slaveholding rights. However, through his ‘flight’ and her own forcible migration, Milly may have begun to understand or at least imagine the limits of Rose’s power.

In 1817, both the free and enslaved populations in St. Louis were growing fast. Over just three years, the city’s population doubled, reaching over three thousand the year after Milly and Rose arrived. In 1821, the city’s total population would reach ten thousand and contain an enslaved population of eighteen hundred. We cannot know what kind of contact Milly had with the enslaved and small free black population of the city when she came. But she had been there less than a year before she escaped from Rose and later brought a suit for freedom against him in the St. Louis Circuit Court. Milly was only the fourth known plaintiff to have her freedom suit heard before the St. Louis court and the first to bring her claim based on her residence in Indiana - free soil. Because she had escaped from Rose in 1818, he was able to mount a defense against Milly’s accusations by claiming that she was not in his possession at the time, making it impossible for him to be guilty of holding her in slavery. Milly’s case was ultimately dismissed. Just a few years later, though, another enslaved woman named Winny would successfully sue for her freedom based on residence in free territory, creating a legal...

\[5\] Rose deposition, *Milly, a free woman v. Rose, Mathias.*
precedent that would facilitate the freedom of enslaved black men and women in St. Louis for thirty years.⁶

Milly’s life is one of the most instructive stories available to historians to understand the relationship between slavery, the making of early America, and the political, economic, and ideological conflicts that would lead to the Civil War. From the time of her birth in the late eighteenth century and the time she escapes the historical record after 1820, Milly traversed a territory, a nation – a world – that was in the process of making itself. Milly and other women like her, who were enslaved in this border region, witnessed the birth of a nation. No one could see the country, in its infancy, for what it would become, but their actions prove that these women saw themselves in it and that they intended to stake their claim to the freedoms it promised. Milly’s tale also brings to light the intersecting themes of mobility, in her case forced, freedom, and the law which played out in the middle Mississippi river valley in ways that mirrored the region’s interconnectedness and instability.

A state-centered view of the history of the early American and the antebellum middle western region of North America obfuscates the more complicated geopolitical reality. Residents of the region, especially free blacks and urban slaves, lived and

⁶ This window closed when the Supreme Court decided Dred Scott’s case. Scott v. Sandford 60 U.S. 393 (1857).
worked in alternative geographic imaginings, bound together across state lines by continuous exchange. This dissertation argues that the middle Mississippi River valley was a unified geographic space that, when considered as such, offers new insight into enduring historical questions around the slave experience and the “sectional” conflict over slavery and freedom. By 1820, southern Illinois, St. Louis, Missouri, and Memphis, Tennessee had become vital nodes in a system of transportation and trade, that not only carried slaves to the deep South, or goods between port cities, but also facilitated black men and women’s relatively fluid physical, legal, and symbolic movement between slavery and freedom. Due to the exigencies of steamboat commerce as well as the migratory patterns of small-scale slaveholders, free and enslaved people’s access to mobility unified the region in the mental cartographies of the river valley’s black inhabitants. The systems of legal governance regarding slavery and freedom in each

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state belied the fact that the region was culturally and socially unified through the constant traffic of goods, people, and ideas across state borders.

Milly was brought into a dynamic world that existed before the economic and political transformations of the nineteenth century of which she was a part. At various points during the period of this dissertation, the middle Mississippi River valley would have been unrecognizable to itself, so frequent and significant were the transformations it experienced. The places that constitute it have taken on different names, fallen under various regimes of governance, and assumed a variety of political designations. In order to understand the black women studied in this dissertation and the significance of their stories one must understand the legal, social, and political histories within and upon which they acted.

To that end, this history of the middle Mississippi River valley actually begins in the eighteenth century. As imperial regimes shifted in the river valley during the period, the nature of slaveholding and the laws that governed it shifted as well. Shortly after French settlement in the American Confluence and the founding of New Orleans in 1718, African slaves came to constitute a substantial portion of the populations of early mission and fur-trading posts like Cahokia, and Kaskaskia. In the 1720s, the region including the valleys of the Arkansas and the Wabash Rivers was defined as the Illinois country (not to be confused with the “Illinois Territory” that would be incorporated in 1809)—a distinct territory within the Louisiana colony. Slaves captured from the west
coast of Africa were taken to lower Louisiana and then up the Mississippi River into the Illinois Country. Louisiana’s 1724 Black Code was instituted to govern the significant enslaved population bound to agricultural labor by Catholic and Jesuit missionaries. By 1732, a total of one hundred and sixty-four black slaves made up a third of the population of the Illinois Country. The slave population continued to grow over the 1740s and 50s and on the eve of the French and Indian War, four hundred and forty-six slaves constituted thirty-two percent of the total population of the Illinois Country. The vast majority of these enslaved people resided in Kaskaskia and belonged to the Society of Jesus there.8

The political geography of the region experienced a dramatic shift after France’s defeat in the French and Indian War. British rule commenced over the Illinois Country on the east side of the Mississippi River and the Spanish took control of the west. After the end of the war, the entrepreneurial, fur-trading Chouteau family from New Orleans secured a charter from their allies and debtors in the Spanish government to establish a trading outpost in what was then Spanish Illinois. In 1764, Pierre Laclede and his stepson Auguste Chouteau founded the city of St. Louis there. St. Louis differed from its neighboring French settlements in that its primary function was to serve as a trade

The earlier settlements were to varying extents agricultural communities and the enslaved people in those settlements were entrenched in the cultivation of cereal grains that sustained not only the Illinois Country but also fed New Orleans. The Chouteau family was deeply entrenched in the fur-trading business and their settlement in the upper river valley was strategically placed to grant them access to Native American tribes (some of whom they enslaved and others with whom they intermarried) engaged in trapping, hunting, and trading with European colonialists. The slaves owned by European and Creole fur-trading families would not have been engaged in intensive agricultural production but were likely used as domestic servants or boat hands. However, European colonialists did not exclusively use the labor of African slaves until after the American Revolution. In the decades prior, black slaves labored alongside native Americans and non-land owning European day or contract laborers.

The last decades of the eighteenth century were a tumultuous time for Europeans, Native Americans, and African slaves in the upper Mississippi River valley. By the 1790s, Anglo-American migrants increasingly populated the Illinois Country and

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introduced their own ideas and customs about land ownership and slaveholding. The broader Atlantic World’s age of revolutions would result in the repurposing of the Mississippi River to serve a series of fleeting geopolitical arrangements and, ultimately, be emboldened as the gateway to the vast "American" West.10

Although slavery existed in what would become the American middle Mississippi River valley since the onset of European settlement there, the legal status of the enslaved became increasingly insecure over the course of the eighteenth century. A variety of legal codes regarding the enslaved, their treatment, and slaveholders’ rights and responsibilities were unevenly adapted in the various European settlements in the middle Mississippi River valley and irregularly enforced. However, the Northwest Ordinance of 1787 threatened the apparently lax and customary regulation of slavery and slave-holding in the region that it defined. The hastily added sixth article of the Northwest Ordinance prohibited slavery in the newly defined Northwest Territory, which included several settlements where the use of slave labor and the valuation of slaves as property were widespread practices among the mostly French and French Creole inhabitants. After learning of the new statute, slave owners in the region sent a

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flurry of petitions to Congress imploring it to modify the article on the point of the slavery prohibition. Barthelemi Tardiveau, a French attorney, most famously lobbied on behalf of French slaveholders incensed by the "ex post facto law." However, apart from the half-hearted organization of a small congressional committee to address the matter, Congress did little to confirm or deny the meaning of the ordinance as it related to the existing presence of slavery in the territory. Although the ordinance led many slave owners to move with their slaves west across the Mississippi River, others remained in the nominally free territory under the impression that the United States government had no mechanism, let alone intention, to infringe on their slaveholding rights.

Slavery continued in the region and was further sanctioned through the schemes of Illinois lawmakers. Despite the federal requirement that Illinois establish a constitution that explicitly prohibited slavery in order to achieve statehood and enter the union, two to three thousand blacks remained enslaved in the nominally free state until the middle of the nineteenth century. The legal protection of indentured servitude provided in the Illinois Constitution in 1818 allowed slave owners to preserve their mastery over their enslaved. Enslaved men and women were frequently coerced or

tricked into binding, decades-long contracts that amounted to little, if any, change in their status at all.\textsuperscript{14}

Although the Northwest Ordinance forbade slavery in the territory, a large number of settlers in what would become the Indiana Territory—a portion of which eventually became the state of Illinois—migrated from southern slave states, and often brought their enslaved property with them. This practice necessitated a legal foundation for indentured servitude. As early as 1807, the Governing Council of Illinois declared that, “all male Negroes under fifteen years of age had to serve until they were thirty-five years old; women until the age of thirty-two. The children born to indentured persons could be bound out—males for thirty years and females for twenty eight.”\textsuperscript{15} By the time the state constitution ensuring Illinois’ admission into the Union forbid slavery, the right to hold blacks as indentured servants had been confirmed and enshrined.\textsuperscript{16} A year after the ratification of the state constitution, in 1819, black codes enacted by the state government further restricted the freedom of blacks in the ‘free’ state. The codes included provisions that required blacks to provide certificates of freedom upon their entry into the state and free blacks already residing in the state to register with evidence

\textsuperscript{14} Harris, The History of Negro Servitude in Illinois.
of their freedom. In addition, a one-thousand-dollar bond, to be paid to the county clerk, was required to ensure former slaves did not become a burden on the county in which they settled. It was also unlawful to bring any slave to the state for the purpose of freeing him/her.\textsuperscript{17}

In the following decades, though, some court decisions involving the black laws offered a more hopeful outlook for blacks in Illinois. In 1836 the state Supreme Court ruled that holding any indentured servants “not in the strictest conformity” with the earlier acts concerning indenture that were included in the 1818 constitution was illegal. Therefore, “all colored persons not registered within thirty days after being brought into Illinois could not be held to service and were free by virtue of their residence in the state.”\textsuperscript{18} In two cases in 1840 and 1841, the sale of indentured servants was ruled illegal.”\textsuperscript{19} On the other hand, Article XIV of the state’s new constitution adopted in 1848 provided that the upcoming general assembly would pass laws prohibiting free black immigration to the state, and reaffirm the illegality of slave owners bringing slaves there to free them.

Across the river, the law of slavery was developing differently. St. Louis, the eighteenth-century metropole, would be encompassed by what was briefly deemed the

\textsuperscript{17} Gertz, “The Black Laws of Illinois.”
\textsuperscript{18} Gertz, “The Black Laws of Illinois,” 468.
\textsuperscript{19} Gertz, “The Black Laws of Illinois,” 469.
Missouri Territory until Missouri statehood was negotiated and achieved in 1820. As will be explored in the following pages, the laws regarding the states’ free and enslaved populations were modified throughout the antebellum period. Overall, in the decades after 1820 the state legislature shifted incrementally toward harsher policies regarding its free and enslaved black population. “In cases involving the protection of slave property,” Historian Emil Oberholzer has stated, “there was a distinct trend towards greater and surer safeguards, beginning with the revision of the laws of 1835.” Oberholzer offers as evidence of this trend increasingly harsh runaway slave measures, restrictions on abolitionist activism, and increased surveillance.20

However, in contradi distinction to that trend, a series of legal statutes that permitted enslaved people to sue for their freedom were especially significant for the region. After the United States’ acquisition of the Louisiana Territory, the region enacted “An Act to Enable Persons Held in Slavery to Sue for their Freedom,” among other laws. Later, Missouri’s territorial statutes included one with a similar provision.21 In 1824 the

21 “An Act to Enable Persons Held in Slavery to Sue for their Freedom,” Laws of the Territory of Louisiana, Chapter 35 (June 27, 1807); Henry S. Geyer, A Digest of the Laws of Missouri Territory. Comprising: An Elucidation of the Title of the United States to Louisiana; Constitution of the United States; Treaty of Session; Organic Laws; Laws of Missouri Territory, (alphabetically Arranged); Spanish Regulations for the Allotment of Lands; Laws of the United States for Adjusting Titles to Lands, Etc. To Which Are Added, A Variety of Forms, Useful to Magistrates., vol. 1 (St. Louis: Printed for the Publisher Joseph Charless at the Missouri Gazette), 210, https://catalog.hathitrust.org/Record/010447749.
statute became state law and included the provision that enslaved people could petition the court to sue for freedom as poor persons. This set of legal statutes made possible the over three hundred freedom suits, including Milly’s, brought in St. Louis courts from the early nineteenth century up to the Civil War.

By the time an enslaved woman named Julia brought her freedom suit in the St. Louis Circuit Court in 1831, she had the power of legal precedent on her side. An enslaved woman named Winny was the first to successfully sue for her freedom based on residence in free territory. Winny had lived with the Whitesides family in the Indiana Territory for nearly ten years after the passage of the Northwest Ordinance. Around 1794, the Whitesides moved to “the western side of the Mississippi River.” Almost twenty years later, Winny brought her suit against the widow Phebe Whitesides for her freedom in the St. Louis Circuit Court. Her case established the legal precedent on which Julia’s claim later stood. Julia’s case, though, highlights the unresolved constitutional questions raised by the voluntary or involuntary movement of enslaved people across territorial boundaries.

Julia was born a slave of Asa Carrington in Tennessee around 1806. She then moved with the Carrington family, including Asa’s wife and children, to Kentucky.

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Shortly after they moved, Asa Carrington died and his wife, Lucinda, took Julia with her to Pike County, Illinois. There, Lucinda and her son Joseph purchased land and prepared to settle there permanently. Julia did not remain in Illinois with the Carringtons for long. After about three months, she was hired out in Louisiana (also Pike County), Missouri to a Dr. Abraham Stewart for a twelve-month term. She became ill and returned to Illinois to recover, at which point Lucinda determined it would not be viable to live in Illinois and keep Julia as a slave, so she sold her to Samuel McKinney of St. Louis.

As it turned out, Julia’s brief stay in Illinois in 1829 would be enough to have her freedom suit heard in the circuit court. In 1831, sued as a poor person for her freedom from Samuel McKinney. Her attorney, Gustavus Bird, cited her residence in Illinois as the basis of her freedom claim, and she relayed her migratory experiences through the Mississippi River Valley. Julia’s case, though, was complicated by the facts that she had lived in Illinois for such a short period of time and that she had, indeed, been hired out in Missouri, a slave state, which indicated to the jury that the Carringtons had not violated the Illinois constitution. The court ruled in favor of the defendant and Julia appealed her case to the Supreme Court.

Though her case was entered in the St. Louis Circuit Court, it was based on the sixth article of the Constitution of the state of Illinois. Although historians have long acknowledged the proslavery sentiment of the Illinois constitution despite its entry into
the Union as a free state, the sixth article did declare that neither slavery nor involuntary servitude would be legal in the state except for as punishment for duly convicted crimes. Furthermore, section three of the article states that any violation of said article “shall effect the emancipation of such person from his obligation to service.”

Julia may have waited until she was sold to Samuel McKinney to sue for her freedom because she did not want to enlist her former owner, Mrs. Carrington, into a court case. Or, perhaps after living in Missouri, she encountered other men and women who had sued for their freedom and decided to bring her case to court. Her lawyer, Gustavus Bird, was a well-known litigator in St. Louis who brought many freedom suits in the St. Louis Circuit court, and she may have been directed to him by members of St. Louis’s free black community. In any case, her migratory pattern and other details of the case illustrate not only the interconnectedness of this geographic space that included formally free and slave states, but also the jurisdictional challenges that arose from such fluid movement of people and information within the region.

Before Mrs. Carrington even left for Kentucky, a man named Huston Wells approached her and offered to purchase Julia. Huston Wells stated that he and his son


“went to Mrs. Carrington’s house for the purpose of purchasing Julia…of Mrs. Carrington,” and offered her five hundred dollars for Julia and her child. Mrs. Carrington told Wells that she did not want to sell Julia but if she did it would be for no less than seven hundred dollars. Wells warned Mrs. Carrington that she could not take Julia to Illinois and would risk losing her, to which Mrs. Carrington replied that “perhaps Illinois might yet become a slave state.” In the meantime, she intended to hire Julia out in Missouri.

Mrs. Carrington had reason to believe that Illinois would change its stripes. When she moved to Pike County, Lucinda Carrington joined a large and vocal contingent of southern migrants to Illinois who held proslavery ideologies, so her confidence that her rights as a slaveholder would be protected were not unfounded. By 1823, five years after its statehood was established, Illinois’ General Assembly was controlled by proslavery interests. That assembly proposed a convention with the intent of modifying the constitution to more fully protect and serve slaveholders. The proslavery faction was eventually defeated by a vote of 6,640 to 4,972, but the issue remained unsettled and a major point of contention in constitutional conventions in that

state up to the Civil War.\textsuperscript{26} The same friction that existed between legal constructs and political ideologies in the region, particularly around the institution of slavery, which created the space for Julia to bring her freedom suit also led Mrs. Carrington to believe that there were viable strategies she could use to protect her right to own human property, even in an ostensibly free state. But it was not just individual attorneys or individual slaves and slave owners who were forced to reconcile such legal disjunction with the actual migratory, settlement, or trade patterns that characterized their everyday lives. Because men and women like Julia learned to push at that very disjunction and politicize their own movements, the Missouri Supreme Court was also forced to reckon with the region’s complex legal and territorial history. In Julia’s case, its decision hinged on their interpretation of the Illinois constitution.

Justice McGirk delivered the opinion of the court in which he discussed at great length the letter and spirit of the Illinois constitution as it related to the case. In the opinion, McGirk stated that the circuit court had erred when it instructed the jury that if they believed from the evidence “that the plaintiff Julia was taken into the state of Illinois by her owner without any intention on the part of such owner to make the state of Illinois the residence of said Julia, that the plaintiff is not entitled by such removal into

that state to recover in this action.” McGirk went on to argue that whether or not Mrs. Carrington had intended to introduce slavery into the state of Illinois was not the issue; the jury should instead have decided if she, in fact, did or did not. The court decided that the eight weeks Julia had spent in Illinois with the Carringtons before she was hired out in Missouri was in excess of what might have been necessary if, for example, Mrs. Carrington had become ill and needed Julia’s assistance, or if Julia’s travel plans had been delayed for some reason out of Mrs. Carrington’s control. McGirk wrote,

In this case we see nothing in the nature of an accident to prevent the owner from taking the plaintiff to Missouri immediately. The excuse set up is that the owner was a widow and might not have had means of immediate transportation of the slave to Missouri, that she was a newcomer in the county and might be poor therefore unable to do it that some reasonable time ought to be allowed to her to provide a residence for herself and family and that one month in this case is not too much, we are of opinion that the excuse to raise an exception [to the article] must be something more than the mere convenience or inconvenience of the owner.

He continued, “The constitution of Illinois does not regard the intention to introduce or not introduce slavery but prohibits the act.” The best intentions could not “save him from the forfeiture.” The Supreme Court ruled 2-1 in Julia’s favor and she became free.

Enslaved people in the middle river valley cultivated forms of resistance that reflected their unique experiences with mobility, empire, and the law. Men and women

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27 Julia v. McKinney.
28 Julia v. McKinney.
29 Julia v. McKinney.
who had been enslaved in the region prior to the major events that guide most historical inquiry into region, such as American Independence or the Louisiana Purchase, had a unique understanding of the impermanence of legal regimes. The many disruptions of imperial power occasioned by war and revolution in the mid to late eighteenth century instructed black slaves in the region that their status and condition were legally malleable. Many used that knowledge to seize upon their own paths to freedom amidst the chaos of colonization and its afterlife.

In the early decades of the nineteenth century the hardening territorial and, increasingly, state boundaries overlaid an ethnically diverse and highly mobile community interconnected by trade, marriage, and mastery. Residents of the river valley, like those in Illinois who continued their slaveholding practices in defiance of federal law, would continue to obscure these superficially imposed boundaries. Black women would do the same, but to very different ends. The nature of slaveholding in the region always differed from that of the lower river valley, and especially so once Native Americans had been successfully removed from southwestern and eastern lands and those areas were opened up for large-scale cotton production facilitated by slave labor. For the most part, enslaved people in the middle river valley, especially in the areas nearest the Mississippi River, labored for small-scale commercial agriculturalists or entrepreneurs. As a result, slavery in the urban river valley was executed differently than it would have been on plantations in the deeper South. Black men and women’s
pursuits of freedom in the nineteenth century river valley would be shaped by the mobility, indeterminacy of legal status, and the disruption of commercial and social fluidity by superimposed state borders.

By the 1840s, river settlement became the dominant pattern as market access and soil quality became increasingly important. Thomas Jefferson’s vision of a society of self-sufficient, “non-commercial,” white households “headed by yeoman patriarchs” was undermined by the Mississippi River valley economy which became dominated by southern white millionaires.30 Despite “various efforts to stem the tide of speculative investment that flowed into the land market, the Mississippi Valley was soon awash in the very capital Jefferson had so feared.”31 The increasing demand for cotton spurred the expansion of commercial agriculture in the region and, as a result, steamboats rose to facilitate river commerce and grew to become among the leading investment sectors in the Mississippi Valley economy. The number of steamboats on the river increased exponentially in a matter of a few years, and the increasing capacity to conduct upriver trade transformed the region. The river-centric and market-oriented settlement precipitated by these changes peaked in the 1840s, and for a period, time and space

seemed to collapse; the region and its inhabitants were more mobile and connected than ever before.\textsuperscript{32}

Land speculators, businessmen, and developers made large investments in order to attract settlers, merchants, and, most importantly, capital to what they believed were the most economically competitive locations. In the mid-nineteenth century, St. Louis sat at the center of the rapidly maturing American political economy. “Situated midway between two oceans, and near the geographical center of the first agricultural and mineral region on the globe,” at the near exact point of convergence between the Mississippi, Missouri, Ohio, and Illinois rivers, the city’s natural advantages made it destined for commercial greatness.

The population of St. Louis increased rapidly throughout the early nineteenth century and, shortly after the United States government acquired the Louisiana Territory, wealthy St. Louis residents lobbied for the establishment of St. Louis as the capital of the territory. Writing about the city in the 1850s, James T. Lloyd claimed St. Louis’s “natural advantages...as a commercial emporium, [were] probably not surpassed by those of any inland port in the world.”\textsuperscript{33} The Missouri Compromise of 1820

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\textsuperscript{32} Timothy R Mahoney, \textit{River Towns in the Great West: The Structure of Provincial Urbanization in the American Midwest, 1820-1870} (New York: Cambridge University Press, 1990), 52.
\textsuperscript{33} James T. Lloyd, \textit{Lloyd’s Steamboat Directory, and Disasters of the Western Waters: Containing the History of the First Application of Steam, as a Motive Power} (Cincinnati: J.T. Lloyd, 1856), 220.
\end{flushright}
authorized Missouri’s admission as a slave state alongside Maine as a free state to maintain the balance of power in the United States Senate. St. Louis was shortly thereafter incorporated as a city in 1822 and soon boasted the third busiest port town in the nation.

Memphis, Tennessee and Alton, Illinois were considered among those other competitive locations that could foster commercial growth. In the 1830s, Memphis emerged as a central port city for trading goods and raw materials and, between 1840 and 1850, the city’s population increased more than any other American city, expanding by over two hundred and fifty percent.34 Similarly, by the 1830s, Alton was one of the fastest growing cities in Illinois. Its growth was promising from the moment of its incorporation. In 1813, more tracts were purchased in western Madison County, where Alton is located, than almost anywhere else in southern Illinois. Despite the “uneven, abrupt and hilly surface of a portion of the town site,” its location near the river indicated good soil quality to speculators and potential migrants.35 Speculators knew that “soil quality was richest in a parallel band along the river to within a half mile or so of the bluffs. There, beyond the flood plain, and across the eroded bluffs, soil quality

declined considerably, only to improve again, several miles behind the bluffs.”

Alton's location placed farmers in an ideal location to grow crops and trade them right across the river in St. Louis.

But in the 1820s, river traffic in the region was dominated by trade between St. Louis and the lead mines in northwestern Illinois, known as the “Lead Region.”

Alton, along with most other towns along the upper Mississippi River Valley, was initially outshined by Galena, or “Lead City,” which was located about three hundred miles north up the river. This situation changed as other towns vied for position in the burgeoning river economy and more stops were added to the St. Louis-Galena route to break up the seventy-five hour voyage: “Town after town, emerging from a local contest among paper towns for local dominance, drew a steamboat to their wharf, at first to drop off or pick up passengers and mail and then, somewhat later, to handle freight.”

Altonians likewise joined the race to have their city counted as one of the major commercial centers in the upper Mississippi River Valley.

Still, St. Louis reigned supreme as Alton’s moneymen “struggled and failed to get out from under [St. Louis’s] shadow.” A group of Alton agents who formed

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36 Mahoney, River Towns in the Great West, 43.
37 Mahoney, River Towns in the Great West, 112.
38 Mahoney, River Towns in the Great West, 112.
39 Mahoney, River Towns in the Great West, 95.
Godfrey, Gilman and Company received a loan of eight hundred thousand dollars from the state bank to purchase huge shipments of lead to ship to Alton but it was not enough to overthrow the near monopoly St. Louis merchants had over steamboats running on the Illinois and Upper Mississippi Rivers. “The St. Louis merchants had more capital.” They also owned or operated nearly every steamboat running along the Illinois and Upper Mississippi. To complete their routes, those boats required both upriver and downriver freight, and the former was dependent on St. Louis operators who would not furnish boats engaged in the Alton conspiracy. Further, most lead merchants in the region were indebted to St. Louis traders and had little incentive to settle those balances and lose standing credit in order to do business with the Alton company. Thus, some investors and the river towns they represented profited greatly from river commerce while others tried but failed to gain an edge. But more importantly, the river connected a number of radically different labor and social systems. The starkest distinction between Alton and its counterparts was the presence or legal prohibition of slavery.

In 1850, St. Louis’s population had reached over 80,000, including nearly 3,000 slaves and 1,398 free people of color. Comparatively, Memphis, Tennessee’s total black

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40 Mahoney, River Towns in the Great West, 125.
41 Mahoney, River Towns in the Great West, 125.
population was 2,486. However, in Memphis, only 120 of those were free blacks. In 1860 this number grew to just below 200, while the slave population had rose to 3,882. The differences stretched into social life, too. St. Louis had imposed fewer restrictions on black life, blacks were allowed to assemble and create organizations, while this practice was prohibited in Memphis. Early in the century, black slaves in St. Louis performed mostly agricultural labor. By mid-century, though, slaves in Missouri worked in various labor sectors related to the river economy and steamboat commerce.

By 1860, the state of Missouri, which had a population of over 1 million, contained over 114,931 slaves and over 3,000 free blacks. White settlers from Kentucky, Tennessee, Virginia, and North Carolina were mostly responsible for bringing slaves into the territory. Western counties increased in slave population at a faster rate than eastern counties largely due to the quality of soil near the river. Still, Missouri remained generally a state of small slaveholding families. Although some slave owners were found in counties like Cooper, Boone, or St. Genevieve, a large proportion of slave holders in counties across the state held fewer than ten slaves. In 1860, nearly five hundred slave masters resided in the city of St. Louis, together paying taxes on over

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42 Smith P. Bankhead, Memphis (Tenn.), and Tennessee,, *Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1860, Inclusive, Together with the Acts of the Legislature Relating to the City, and Municipal Corporations Generally, with an Appendix* (Memphis, Tenn.: Printed by Saunders, Oberly & Jones, 1860), Ch. XII Art. II Sec. 8.
44 Trexler, *Slavery in Missouri*, 12.
thirteen hundred slaves. About two hundred owned just one slave and about one hundred owned two. In other words, “three hundred and twenty-one of the four hundred and ninety-seven slaveholders of the city returned less than three negroes.”

Agriculture was but one occupation for slave labor, especially in Missouri’s booming urban areas. In Missouri river counties, hemp was a staple. Kentucky was the only state that surpassed Missouri in hemp production and slaves deemed suitable for hemp cultivation sold at very high prices (regularly over one thousand dollars). Before the invention of various hemp breaking machines in the 1850s, male slaves carried out the difficult labor of cutting and breaking hemp. Tobacco and cotton were also staple crops in antebellum Missouri. Tobacco was produced “to a greater or less degree” in the eastern and central parts of the state while cotton cultivation was largely confined to the southern region. But the many Missouri slave masters owning just one slave employed them as personal servants, nurses, maids, or general labor hands. Like many other northern and more urban regions in the antebellum period, slavery did not take on the character of a large commercial enterprise in the way that it did in the lower Mississippi Valley and deep South. J.G. Haskell, writing on slavery in Missouri in 1901 explained,

Slavery in Missouri was…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 sones [sic], labored in the same fields with

45 Trexler, Slavery in Missouri, 18.
the negroes both old and young. The mistress guided the industries in the house in both colors.46

In St. Louis specifically, most of the fifteen hundred slaves there were employed in domestic labor at mid-century. And to the ire of some St. Louis whites, in the 1850s many black men could be found working on steamboats in cabin crews. Of course, black men served in the most menial and dangerous capacities on steamboats, often as firemen or “cabin boys.” Still, the editor of the Daily Evening Gazette complained in 1841 that abolitionists were able to communicate with black employees on steamboats and encourage their discontent, referring to them as “the profligate reckless band of slaves and free negroes…habitually employed as stewards, fireman, and crews on our steamboats.”47

The practice of hiring slaves out was prevalent in Missouri. Some were hired out by their owners for one or more years and others, often belonging to transient slave owners, were hired out for weeks or months at a time during their master’s period of travel. Harrison Trexler found that male slaves were often hired at a rate of between one seventh and one eight of their valuation, according to existing St. Louis probate records

46 Trexler, Slavery in Missouri, 19.
47 August 18, 1841, Daily Evening Gazette; cited in Trexler, Slavery in Missouri, 21.
indicating those figures. Women, on the other hand, were hired at rates of about one sixteenth of their stated value.

Slave hiring was shaped by a number of legal struggles between Missouri whites, as those who hired slaves assumed responsibility for the preservation of the slave. This meant that the hirer would assume responsibility for keeping the slave alive and well, and, more importantly, in custody. As exhibited in Chapter 3, slave owners often filed suit against steamboat operators for allowing their slave to escape. That Missouri residents were keen on the possibility of escape is starkly evident in one Missouri Supreme Court case in 1847 in which the jury was instructed to consider the city’s geography in their decision whether to prosecute the defendant who was responsible for the loss of a slave. The court stated:

The jury is authorized 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 boat hand, 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?

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48 Trexler, Slavery in Missouri, 31.
49 Trexler, Slavery in Missouri, 31.
51 Perry v. Beardslee, 10 Mo 568 (1847); Trexler, Slavery in Missouri, 35.
Missouri’s geography posed particular challenges for slave owners hoping to safeguard and master enslaved people, particularly given its proximity to the Mississippi River, which had served as an avenue to freedom for many slaves. Territorial laws and later, state codes, sought to ameliorate the loss of slave property and the conditions that might lead to it. In 1804, one territorial law indicated that a slave owner would stand to be fined if he allowed his slave to hire himself out as a “free man.” If the owner wished to allow the slave to hire him or herself out, the slave was then required to advertise him or herself at the court-house and be sold by the sheriff at the next term of court.\textsuperscript{52} In 1835, a state code provided that an owner could be fined from twenty to one hundred dollars for allowing a slave to be hired to another person or allowing the slave to hire himself out.\textsuperscript{53}

Although Memphis’ diversity and urbanity made it an outlier in the region of Tennessee most invested in the institution, slavery shaped its social geography, including that of the city’s black population. The Mississippi Bottom region of Tennessee, which included the two tiers of counties in the southwestern part of the state, was best suited to cotton production; therefore, western Tennessee came to contain the

\textsuperscript{52} Geyer, \textit{A Digest of the Laws of Missouri Territory}, 377.
\textsuperscript{53} Missouri and Austin Augustus King, \textit{The Revised Statutes of the State of Missouri: Revised and Digested by the Eighth General Assembly during the Years One Thousand Eight Hundred and Thirty-Four, and One Thousand Eight Hundred and Thirty-Five. Together with the Constitutions of Missouri and of the United States. Printed and Published under the Direction of the Superintendent Appointed by the General Assembly for That Purpose} (St. Louis: Printed at the Argus Office, 1835), 583.
highest concentration of slaves in the state. In some ways, black Memphians benefited from the city’s urban culture, but they were surrounded by rural Western Tennessee, which “bore striking resemblance” to the Lower South and was deeply dependent on the institution. The city’s rural environs were comprised largely of plantations. \(^{54}\) Slaves in Haywood and Fayette counties, for example, outnumbered whites in 1850 and 1860. \(^{55}\) Moreover, due to its central location in the cotton region, Memphis became a major slave trading post—one author named Memphis the “mistress of the Mississippi between New Orleans and St. Louis.” \(^{56}\)

The enforcement of expulsion laws and other restrictive legislation in Tennessee often made free black life there appear more symbolic than real. Laws regarding free blacks in Memphis only further blurred the boundaries between slavery and freedom. After the Nat Turner rebellion in 1831, which incited fear of collective slave resistance in the state, the Tennessee legislature passed a law prohibiting the migration of free blacks into the state and requiring emancipated slaves to migrate out of the state upon their

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\(^{54}\) The lowest concentration of slaves could be found in eastern Tennessee, notorious for its abolitionist activity, where most slaves worked as servants or in the field alongside their masters. Middle Tennessee contained larger slaveholdings than eastern Tennessee. Chase C Mooney, *Slavery in Tennessee* (Bloomington: Indiana University Press, 1957), 86.


manumission. Free blacks faced the threat of imprisonment, expulsion, or enslavement if they could not provide sufficient proof of their freedom or were not properly registered in their county. In 1842, county courts were restored the ability to grant emancipation and the residential rights to certain freed blacks who were born in the state or had migrated there before 1836. A few years later, though, the original expulsion act was reestablished. Despite these conditions, many freed black people chose to remain. If they could come up with the bond required by the law and find community members to act as securities, many black men and women appeared before the court to submit petitions for residence. In those petitions, many declared that they would rather return to slavery than be forced to move to the North where they believed conditions for black people were deplorable.

Well into the nineteenth century, the fluid legal status of black people in the middle Mississippi River valley was an environmental reality that men and women, black and white, continued to carefully negotiate. Even though states entered the Union designated as free or slave, a state-by-state examination of slavery and freedom remains insufficient. The increased frequency of movement of both blacks and whites between

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states and systems of governance in the antebellum era rendered those unique state
codes and customs difficult to disentangle, let alone enforce. The choices black men and
women made to move among, or to remain in, either a nominally free or slave state was
based on a careful evaluation of the costs and benefits each might incur. They held in
their minds understandings of overlapping localized social worlds that together created
a mental landscape of the Mississippi River valley as interconnected and, thus, ripe with
possibility. Milly, Winny, and Julia were joined by many other black women who would
use their knowledge to pursue freedom in the river valley in the decades leading up to
the Civil War. They would all cultivate their own meanings of freedom and face
different obstacles, but their actions can and must be considered collectively to
understand how the conflict over slavery and freedom unfolded along and around what
was the nation’s most vital artery.
Chapter 2 “She Had an Idea of Endeavoring to Git Her Freedom”: Mobility, the Chattel Principle, and the Laws of Slavery in the Antebellum River Valley

By the laws of this state, all negroes in this state are held subject to the annoyance of having a suit brought for freedom against the owner.

Defendant further states that...*prima facie* said negroes are slaves for life and that he believes they can never make out a case of freedom.

Augustus Evans by his attorney

Augustus Evans would not live to see the outcome of the Civil War. He died in 1861 and carried to his grave the attitude that every person of color should be assumed a slave for life. Evans believed that slavery was the natural or certain condition of people of color despite his own personal experience with lawyers, judges, and black petitioners in the state of Missouri who consistently disproved it. In fact, the laws regarding slavery and freedom in the region had been in flux since the period of early European settlement and were further complicated by shifting geopolitical boundaries. Despite often being robbed of the freedom guaranteed them by the passage of the Northwest Ordinance through coercion, trickery, or removal, many black women sought justice by challenging their legal status and that of their children throughout the early nineteenth century.

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1 *Wash, Polly v. Magehan, Joseph*, St. Louis Circuit Court, Nov Term Case No 167 (1839), St. Louis County Court Archives (Hereafter: SLCA).
2 *Williams, Alexander v. Evans, Augustus*, St. Louis Circuit Court, Sept Term Case No 236 (1859), SLCA.
including during the period when Augustus Evans was a slave trader. Nearly half of the freedom suits brought in the St. Louis Circuit Court between 1814 and 1865 were based on residence in free territory and many were successful. Although the badge of slavery was nearly indelible, enslaved black women in the middle Mississippi River valley could, and sometimes successfully did, draw on the complicated history of slavery in the region and their own experiences of coercion, sale, and migration to make their claims to freedom.

The chapter begins by elaborating on the themes raised thus far around the freedom suits of Milly, Winny, and Julia. It looks further into the mechanisms by which white men, including Anglo-Americans and French settlers who remained in the Northwest Territory after 1787, found ways to circumvent the federal ordinance and protect their rights to enslaved property. It continues by illustrating that black women’s uses of their legal and geographical knowledge destabilized the legal boundaries between slavery and freedom. In the context of the complex history of slavery and freedom in the middle Mississippi River valley, black female litigants discovered

3 More than half were based on such claims if suits based on being born to a mother who lived in a free state are included. In recent years much insightful scholarship has been produced based on analyses of the freedom suits brought in the antebellum St. Louis Circuit Court, such as: Lea Vandervelde, Redemption Songs: Suing for Freedom Before Dred Scott (London: Oxford University Press, 2014); Anne Twitty, Before Dred Scott: Slavery and Legal Culture in the American Confluence 1787-1857 (New York: Cambridge University Press, 2016); Kelly Kennington, In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America (Athens: The University of Georgia Press, 2017). The records have also been transcribed and digitized by researchers at Washington University: http://digital.wustl.edu/legalencodingproject/.
opportunities to manipulate both the legal constructs around slavery and the politically
diverse population of white people they lived among to serve their own ends. In some
cases, their resistance to slavery entailed instrumentalizing histories of forced mobility
throughout the region to make freedom claims. In other cases, black women drew on
their community’s collective understanding that some white attorneys and witnesses in
the region would assist them as they devised creative legal strategies to pursue freedom.
As they used their knowledge that the fraught history of slavery in the region had
bestowed upon them legal claims to freedom, black women became interlocutors in the
political dialogue around slavery and freedom in the river valley. Their cases established
subversive legal precedent and forced judges, attorneys, and slaveholders to deliberate
over their freedom claims and legal rights. In doing so, black women aggravated the
tenuous political consensus over the coexistence of systems of slave and free labor in the
region. By utilizing their histories of movement as a vital pathway to legal claims-
making, they helped create the vibrant politics of black mobility that defined the region.

This chapter also shows that black women perceived both the capacity and the
limit of the law to “make” them into slaves or free persons. Those who carried the

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For example, *Winny v. Whitesides, Phebe*, St. Louis Circuit Court, April Term Case 190 (1821), SLCA,
established the criteria to determine a petitioner’s eligibility for freedom. The decision established that based
on the Northwest Ordinance of 1787, enslaved persons who had lived in free territory were entitled to
freedom.
responsibility of motherhood used the law at times and in ways that reflected a careful deliberation of the potential consequences for themselves and their children. *Partus sequitur ventrem*, the legal doctrine that codified hereditary racial slavery, haunted each subject as she attempted to mother her children. One woman discussed in this chapter adopted the posture of a slave owner in order to regain possession of her daughter and another, after securing her own freedom, negotiated the conditions of her children’s enslavement. Their creative uses of the law demonstrate that black women in the middle river valley possessed an understanding of themselves and their condition that was more expansive than their binary legal status as slaves or free persons. In a context in which the physical and legal boundary between slavery and freedom was uniquely permeable, black women were able to negotiate and dilute the significance of legal status by seeking self-determined conditions of freedom and motherhood that the law sought to deny them.

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5 The seventeenth century colonial statute established that the status of the child follows the mother.
Lucy Delaney’s narrative of her journey from slavery to freedom, *From Darkness Cometh the Light: or Struggles for Freedom*, begins with the memory of her mother’s own journey. Delaney states that at some time in the early eighteen-hundreds, “Mr. and Mrs. John Woods and Mr. and Mrs. Andrew Posey lived as one family in the State of Illinois. Living with Mrs. Posey was a little negro girl, named Polly Crockett [Delaney’s mother], who had made it her home there, in peace and happiness, for five years.” Delaney explained that her mother was then kidnapped and bound to slavery in Missouri. Throughout the early chapters of her narrative Delaney describes her mother as strong-willed and defiant. She thought this reflected the fact that, unlike herself, her mother had not always been enslaved. Her mother’s unrest drove her to escape from St. Louis to Chicago. After she was captured again, Polly Wash [née Crockett] decided to sue for her freedom in St. Louis. Wash and women like her considered a variety of strategies to redress the many violations of personal liberty they endured. Actively engaging the law was one tactic many used in their effort to become free themselves as well as pursue freedom for their children.

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Polly Wash brought what would become one of the better-known freedom suits in the St. Louis Circuit Court in the eighteen forties. This notoriety is in part because of her daughter’s published account of her life in slavery and freedom in which Wash was a central character. The two sources, Wash’s freedom suit and Delaney’s book, offer somewhat dissimilar accounts of Polly Wash’s life but together they highlight the unique challenges of free black motherhood in the antebellum South. Black mothers who became free negotiated the conditions of their children’s enslavement, to whom their freedom did not extend. In the process, they cultivated legal knowledge and constructed meaning around their own narratives of enslavement and freedom. Polly Wash appears to have adopted a sense of entitlement to freedom in the context of the region’s shifting legal parameters regarding slavery and freedom. She passed this sense of entitlement on to her children. From her daughter’s perspective, Polly Wash carried the attitude of a woman entitled to liberty and sought to instill that attitude in her children. However, her daughter’s narrative threatens to smooth over a more complex picture of what transpired over the early years of Wash’s life in the Illinois territory, a picture which offers a far more illuminating portrait of life in the river valley.

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8 In addition to Delaney’s narration of her mother’s legal pursuit of freedom, other scholars have examined the case: Eric Gardner, “You Have No Business to Whip Me: The Freedom Suits of Polly Wash and Lucy Ann Delaney,” *African American Review* 41 no. 1 (Spring 2007); Vandervelde, *Redemption Songs*; Twitty, *Before Dred Scott*; Kennington, *In the Shadow of Dred Scott*; Delaney, *From the Darkness Cometh the Light*.

9 The Woods and the Poseys that Delaney references in her introduction are in fact called by Wash to testify on her behalf, but the families testified to meeting Polly only when she had arrived near their encampment.
Many enslaved black women in the middle Mississippi River valley became legal casualties of the late eighteenth-century nation-building project. As discussed in chapter 1, black women who were forcibly settled in what would become the free territory of the middle Mississippi River valley or were born there as slaves during the period of French and Spanish settlement were often denied the liberty granted to them by the Northwest Ordinance through forced indenture contracts or removal to neighboring slave territory. Because the ordinance did not include a mechanism of enforcement and Congress repeatedly ignored requests for clarification or further instruction, slaveholders in the region relied on their own favorable interpretations of the ordinance to justify the retention of their property in human slaves. As lawmakers in Illinois drafted their state constitution and applied to enter the Union, they created new legal statutes that just barely met the federal government’s anti-slavery mandate and effectively ensured the perpetuation of the system of bondage and unfree labor there. If they were not immediately removed to slave territory, black women’s unfreedom was reinforced by a new set of laws governing indentured servitude that were enacted in the “free” state of Illinois. Scholars of the region have discovered that even though over fifteen hundred

in the Illinois territory as a teenage girl with a one-armed drunk from either side of the Kentucky-Tennessee border (depending on the deponent) named Joseph Crockett, along with his wife and son.

free people of color were listed as residents of Illinois by 1830, a substantial portion of them were bound by decades-long indenture contracts.¹¹

Lawmakers in what would become the other free states in the region took more deliberate measures to ban slavery. Shortly after the Northwest Ordinance was passed in 1787, the constitutional convention convened in the Ohio Territory affirmed Article VI of the ordinance, which banned slavery in the territory. It also explicitly prohibited the introduction of indentured servants into the state unless said servant entered under “a perfect state of freedom.”¹² Four years after Indiana entered the Union the meaning of the Northwest Ordinance was tested there. The outcome was quite different than in neighboring Illinois. Anti-slavery activists brought a freedom suit in the circuit court at Vincennes on behalf of an enslaved woman named Polly based on her residence in the territory impacted by the 1787 ordinance. In 1820, the case reached the state Supreme Court, which ruled that slavery could not exist in the state of Indiana based on its constitution.¹³

In the 1820s, after Missouri was admitted into the Union as a slave state, black women like Polly Wash who had been removed there from free territory began to

¹² Article VIII Section 2, Constitution of Ohio (1802).
pursue their claims to freedom. The adjudication of the status of black women depended on the reconstruction of an era of early European settlement and American western migration, forcing antebellum judges and attorneys to reckon with the region’s complicated legal past. Although Polly Wash did not leave her own narrative of her struggle from slavery to freedom, the freedom suit she brought in the St. Louis Circuit Court offers a fuller picture of her experiences with migration and enslavement than Delaney’s admiring narration of her mother’s life.

Delaney’s narrative highlights the triumphant outcome of her mother’s freedom suit. She claimed that the suit produced “ample testimony to prove that [Polly Wash] was kidnapped” and that it was “so fully verified that the jury decided that she was a free woman.” However, the existing depositions in Polly Wash’s freedom suit say nothing of her kidnapping and primarily include discussions of the law governing slavery and freedom in Illinois territory at the time Wash lived there. The discrepancies between the facts presented in Polly Wash’s petition to the court to sue for freedom and her daughter’s telling suggest that Polly Wash was probably not born free. But, perhaps more significantly, by the time her children were born she had learned or come to understand that her residence in free territory entitled her to freedom.

14 Delaney, From the Darkness Cometh the Light, 24.
It is, of course, feasible that Wash had been kidnapped but the memory of that experience is only narrated through her daughter Lucy who wrote:

On a dismal night in the month of September, Polly, with four other colored persons, were kidnapped, and, after being securely bound and gagged, were put into a skiff and carried across the Mississippi River to the city of St. Louis. Shortly after, these unfortunate negroes were taken up the Missouri River and sold into slavery.\(^{15}\)

Wash’s petition reads that she was “taken up the Missouri River and detained.”\(^{16}\)

Delaney described in even greater detail the horror of her mother’s sale itself. After residing with a man named Thomas Botts for a year, Delaney describes her mother’s experience in an unnamed Missouri slave market.

Among those present on the day set apart for the sale was Major Taylor Berry, a wealthy gentleman who had travelled a long distance for the purpose of purchasing a servant girl for his wife. As was the custom, all the negroes were brought out and placed in a line, so that the buyers could examine their good points at leisure. Major Berry was immediately attracted by the bright and alert appearance of Polly, and at once negotiated with the trader, paid the price agreed upon, and started for home to present his wife with this flesh and blood commodity, which money could so easily procure in our vaunted land of freedom.\(^{17}\)

\(^{15}\) Delaney, *From the Darkness Cometh the Light*, 9.

\(^{16}\) In the depositions included in the surviving case file, at no point do witnesses mention Wash’s alleged kidnapping. Only one statement indicates that she was taken to Missouri by Joseph Crockett’s son-in-law at some undefined time. *Wash v. Magehan*.

\(^{17}\) Delaney, *From the Darkness Cometh the Light*, 10.
Wash’s description of the series of events detailed above, on the other hand, reads more simply that "after different sales and transfers she was at last located in the family of Taylor Berry."\textsuperscript{18}

In her testimony, a white neighbor of Wash’s named Naomi Wood offered her recollection of the early years of Wash’s life, much of which seems not to have been conveyed to Polly’s daughter Lucy. Wood explained that she had known Polly Wash nearly since the time she was born. She stated that Wash belonged to a family of Kentucky slaveholders who lived about ten miles from Wood’s residence at the time and only one or two miles from Wood’s sister whom she visited often. Wood also testified that while living in Wayne County, Kentucky she “saw the mother of the plaintiff carry the child (Polly Wash) about.”\textsuperscript{19} Naomi Wood migrated with her husband Samuel Wood, daughter Mary, and son-in-law to Illinois territory shortly before Wash’s owner Joseph Crockett brought her to what would become Madison County. She stated: “It may have been five or six years or more for when Joseph Crockett the old one-armed man came in to this country the present state of Illinois and within the present county of Madison said Crockett told her there Polly the plaintiff was about fourteen or fifteen years of age.”\textsuperscript{20}

\textsuperscript{18} Wash v. Magehan.
\textsuperscript{19} Naomi Wood deposition, Wash v. Magehan.
\textsuperscript{20} Wood deposition, Wash v. Magehan.
Although Lucy Delaney suggested that her mother was a free woman and that she was living with the Wood family, it seems more plausible that Polly was in fact enslaved and hired out to more than one family during her time in the Illinois territory. Wood, for example, indicated in her testimony that Polly had been hired out to her son-in-law and also to the Poseys—the families with whom Lucy Delaney understood that her mother had lived. Andrew Posey was also deposed in the case and he corroborated the suggestion that Polly had been hired to his family, specifically to his wife for the length of three weeks, but he could not “say how or exactly in what way.” Posey remembered paying for her services in “corn or other things.” Mary Moore, the daughter of Mr. and Mrs. Wood explained that Joseph Crockett made a similar bargain with her husband for the hire of Polly. She explained “my husband Whaley Moore (deceased) hired the plaintiff of Mr. Crockett for a dollar a week and paid him in provisions for his stock and himself such as corn fodder so I heard them make the contract.”

The legal basis on which Polly Wash made her claim to freedom is not made explicit in the petition itself but it appears that, perhaps on the advice of her “good lawyer,” she understood claiming residence in free territory would be a more viable

21 Andrew Posey deposition, Wash v. Magehan.
22 Posey deposition, Wash v. Magehan.
23 Mary Moore deposition, Wash v. Magehan.
legal strategy than attempting to prove that she had been kidnapped (if that had in fact been the case). Wash explained that she had lived in Wayne County, Kentucky before migrating to Illinois and while still in Kentucky she was sold to Joseph Crockett and confirms that she was held in his custody as a slave when they departed the state. She recalled that she was "removed by said Crockett...to the state of Illinois and resided under his charge and immediate control at a place about four miles from the town of Edwardsville." She was "afterwards" removed from Illinois up the Missouri River and detained there for five years. Wash described being taken up the Missouri River, "detained," and finally "located" with a family in Missouri, but these experiences, whether amounting to kidnapping or not, do not appear to ground her claim to freedom nearly as much as her residence in free territory. Later in the petition, Polly Wash mentioned another period she spent in Illinois, perhaps to strengthen her claim. She explained that she was hired out to the captain of the steamboat Banner and, "in the capacity of chambermaid [Polly] made several trips up the Illinois river as far as Peoria."

Judging by the questions he posed, Wash’s attorney seemed to be attempting to prove that Joseph Crockett had remained in Illinois territory long enough to suggest that

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24 Delaney, From the Darkness Cometh the Light, 24.
25 Wash’s petition, Wash v. Magehan.
26 Wash’s petition, Wash v. Magehan.
he intended to make the place his home, thereby imperiling his legal claim to enslaved property. Witnesses, however, testified to Crockett’s intentions to eventually settle in Missouri and only briefly remain in Illinois territory. Samuel Wood stated, “it was my understanding that Mr. Crockett intended to settle in Missouri.” Naomi Wood claimed that “when old man Crockett and wife arrived in Illinois they said they were bound for Missouri, that they stopped here because they thought the weather was too cold for them to pursue their journey.” However such claims opened up a new line of questioning regarding minutiae like the climate and the condition of the roads during Crockett’s stay in the territory twenty years earlier. Each deponent was asked to recall if any bridges were out at the time or if the roads were obstructed, and none of the witnesses recalled anything that might have kept Mr. Crockett from leaving the state and traveling to Missouri. Mary Moore stated that “many people were daily traveling to Missouri while the old man remained here.” Naomi Woods stated that as far she knew the fifteen to twenty miles to the river at St. Louis were passable. Also of interest to the counsel were the items Crockett carried as he passed through the region. The witnesses remembered that the family had a wagon, livestock, household furniture and other miscellaneous items but nothing out of the ordinary for “movers.” They further

27 Wood deposition, Wash v. Magehan.
28 Moore deposition, Wash v. Magehan.
remarked on whether Crockett had unloaded the items on his wagon or not. Crockett was a partially-disabled drunk, and he and his wife were near elderly, but no outside conditions existed that could justify deterring the group from continuing to make their way west across the Mississippi.

Although Polly Wash only engaged the courts after a failed attempt to escape, slave owning western settlers were debating the laws pertaining to the status of other enslaved women long before she made her petition for freedom in 1839. Her status in the mid-nineteenth century required judges to reconstruct and interpret a messy and unstable early national moment. The witnesses in the case testified to their collective knowledge that Polly Wash might become free if she remained in the territory. Most claimed that when she arrived they understood her to be the slave of Joseph Crockett, but they also indicated that Crockett talked frequently of manumitting Polly upon his and his wife’s death. They understood him to be quite fond of Polly—one witness claimed to have heard Crockett say that she treated him better than his own children. Mr. Crockett’s son seemed to have more keenly appreciated the legal predicament his father put himself in by bringing Polly to the Illinois territory. Another deponent, Mary Moore, explained that he cautioned his father against keeping Polly in the state for too long. She stated, “I heard my husband, old Mr. Crockett, and his son talking about the consequences of keeping plaintiff in Illinois; the son said she would be free according to
the laws of Illinois.”

At the time, the trio floated a few solutions for Mr. Crockett to consider. Moore claimed her husband “advised old Mr. Crockett to have the plaintiff bound to him by indenture.” They spoke of another plan “to prevent her from becoming free;” Mr. Crockett could “send her to Missouri for a term of time and then take her back so that she should not be in Illinois for more than sixty days at a time.” Mr. Crockett refused each proposition and remained in the territory with Polly.

The deponents in the case may never have called into question Wash’s enslaved status, her behavior suggests she never passively accepted this ‘fact.’ Her daughter noted her mother’s persistent insubordination and dissatisfaction with her status and that of her children, perhaps mistakenly attributing it to the fact that she had once been free.

When Delaney’s sister Nancy got the opportunity to travel to Philadelphia with the daughter of the Berry family, Lucy Delaney explained that her mother encouraged Nancy to escape as soon as she got the chance. She claimed Wash had “registered a solemn vow that her children should not continue in slavery all their lives, and she never spared an opportunity to impress it upon us, that we must get our freedom whenever the chance offered.”

Wash eventually won her suit for freedom, and went on

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29 Moore deposition, Wash v. Magehan.
30 Delaney explained her mother “was especially restless, because she was a free woman up to the time of her being kidnapped, so the injustice and weight of slavery bore more heavily upon her than upon me.” Delaney, From the Darkness Cometh the Light, 20.
31 Delaney, From the Darkness Cometh the Light, 15.
to assist her daughter Lucy in suing for her own. Delaney again emphasized the origin of her mother’s unrest noting, “having been brought up in a free state, mother had learned much to her advantage, which would have been impossible in a slave state, and which she now proposed...for the benefit of her daughter.”32 Whatever her formal legal status, Wash had, indeed, lived in free territory. And, perhaps more importantly, she had come to understand herself as entitled to such freedom.

Considered together, the two accounts of Wash’s life, produced many years apart, offer a far more interesting narrative about how Polly Wash and her daughter came to understand the legal boundary between slavery and freedom and the meaning of that boundary in each of their lives. By running away and eventually suing for her freedom, encouraging one daughter to escape and assisting another in her own suit for freedom, Polly Wash exhibited a sophisticated and developing knowledge of the law and how she might use it to her advantage. Yet, even as she constructed a legally-actionable narrative of her mobility and enslavement that would secure her freedom, she seems to have decided to instill in her children a narrative of free birth instead of the more complicated story that emerges from her freedom suit.

Suits similar to Polly Wash’s dredged up a complex history of slavery in the region that forced the re-adjudication of the status of generations of black women and

32 Delaney, From the Darkness Cometh the Light, 16.
placed their narratives of forced mobility and enslavement at the center of antebellum debates around the institution of slavery and the rights of slaveholders. The meaning of American Independence, citizenship, and the white American conquest of the west converged in deliberations among early settlers and migrants in the middle river valley over the status of black women. But black women were more than witnesses to the political drama that created a tenuous consensus among slaveholders, non-slaveholders, and their respective political allies. Black women staked their own claims in the antebellum legal arena. As a result, by either forcing slaveholding defendants and their attorneys to provide a legal defense of their property rights in freedom suits or generating debates in antebellum courts over the interpretation of existing legal statutes that might allow black women some control over their lives and their children’s lives, black women contributed to the making of legal knowledge in the antebellum river valley.

The Northwest Ordinance suddenly disaggregated the region into free and slave territory in 1787, disrupting long-standing customs and practices of migration and slaveholding. Yet, the proximity of territory in which slavery was legal as well as the emergence of indenture contracts offered what seemed at the time effective strategies for white American slave owners to legally retain their property in slaves, even if they lived or remained in now-free territory. But women like Polly Wash, who were “removed” from what became the free territory of Illinois to the slave territory of Missouri in the
late eighteenth and early nineteenth century and exchanged as property, continued to challenge these practices and lay claim to legal freedom. By basing their suits on the declarations of the Northwest Ordinance, they pulled on the threads linking the native and imperial periods of the middle Mississippi River valley with the early national period and intensified sectional conflict in the mid-nineteenth century. Their freedom suits hearkened back to a complicated geopolitical time and space in the nation’s history. Women who lived in the middle river valley during that time witnessed the making and unmaking of tenuous business and trade relationships between European creole and native populations, the violent seizure of power by white Americans, and were themselves enduring manifestations of that past.33

After 1787, Missouri remained slave territory. Nevertheless, the state’s courts provided a viable legal arena in which black men and women could protest their enslavement. Having adopted the laws of the Virginia commonwealth, Missouri’s territorial statutes included one that allowed slaves to sue for their freedom as early as

In 1824, that statute became state law and included the provision that enslaved people could petition the court to sue for freedom as poor persons. In 1819, Milly Rose became the first woman to bring a freedom suit in the St. Louis Circuit Court based on residence in free territory. She had lived for the previous sixteen years in the territory of Illinois before being “removed” to Missouri in 1817.

It is not clear when women like Milly Rose came to understand that the Northwest Ordinance entitled them to freedom, but Rose and others appeared wise to the machinations of their slave-owners. Historian Allison Mileo Gorsuch has shown that some enslaved people who signed indentures did not consider themselves to be “freely” contracting their service, often for the next (and perhaps final) three or more decades of their lives. Many understood the transaction as simply a transfer or sale to a new owner—which was much closer to the truth. As Gorsuch explains, “the right of masters to sell, assign, or transfer their contracts with indentured servants, even with a nod to

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34 “An Act to Enable Persons Held in Slavery to Sue for their Freedom,” Laws of the Territory of Louisiana, Chapter 35 (June 27, 1807); Henry S. Geyer, A Digest of the Laws of Missouri Territory. Comprising: An Elucidation of the Title of the United States to Louisiana; Constitution of the United States; Treaty of Session; Organic Laws; Laws of Missouri Territory, (alphabetically Arranged); Spanish Regulations for the Allotment of Lands; Laws of the United States for Adjusting Titles to Lands, Etc. To Which Are Added, A Variety of Forms, Useful to Magistrates., vol. 1 (St. Louis: Printed for the Publisher Joseph Charless at the Missouri Gazette), 210, https://catalog.hathitrust.org/Record/010447749.


36 Three freedom suits brought by men preceded Milly Rose’s 1819 suit. Tarleton, William, a black man vs. Horine, Jacob, St. Louis Circuit Court Feb Term Case No 7 (1814), SLCA; Jack, a free man vs. Harris, Barnabas St. Louis Circuit Court Oct Term Case No 111 (1818), SLCA; Arch, a black man vs. Harris, Barnabas St. Louis Circuit Court Oct Term [case number unavailable] (1818), SLCA.
consent, meant that the servants themselves often still presented themselves as being enslaved.”37 For example, a man who was forcibly brought from Kentucky to ostensibly-free Illinois Territory in 1816 described the moment of his original ‘contract’ in Illinois as “being sold ‘as a slave,’ even though he was technically a registered, indentured servant of his own consent.”38 The defendant in Milly Rose’s freedom suit, Mathias Rose, denied culpability by invoking an indenture contract she allegedly signed. He claimed that he went with Milly to the county of Knox in the Indiana Territory in 1805 and, in front of the clerk, agreed with Milly on the terms of her indenture: “that she the said Milly should and would serve him the said Mathias Rose and his assigns for the term of seventy years from that date,” and that he would provide her with clothing, lodging, and other provisions.39 Although white owners relied on such legal technicalities to maintain their property claims, black men and women understood that indenture was just slavery by another name, and they sought to become free from both.

Aspasia was one of the women who courageously took action to sue for her freedom. In Aspasia’s case, she had to bring action against one of the most prominent fur trading families in North America, the Chouteaus. Born in the town of Kaskaskia
and held in slavery by one Baptiste Jeandreau in the early years of the nineteenth century, Aspasia joined the Chouteau when she was sold to Colonel Pierre Menard and then gifted to his recently married daughter, Francis Chouteau. Aspasia sued Chouteau for her freedom in 1827 based on her previous owners’ violation of the terms of the Northwest Ordinance.⁴⁰

The Chouteaus controlled the fur trade of the middle and upper Mississippi River valley before St. Louis and Memphis replaced cities like Kaskaskia, Prairie du Rocher, and Vincennes as primary sites of orientation in the region. The Chouteau family emigrated to the then “Francophone world” of New Orleans from France in the early eighteenth century. After the treaty of 1763, the French lost much of their control of the North American continent, but the Chouteaus had cultivated positive relationships with the Spanish and secured land grants to establish their fur-trading enterprise in the upper river valley. Soon the entrepreneurial clan solidified strong commercial as well as familial ties to local native populations in the region—some even abandoned their French families to live with their Osage wives and métis children. The Chouteau family legacy loomed large well into the nineteenth century, even as the then-American Louisiana territory was divided into states and a new political economy emerged.

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⁴⁰ Aspasia, a woman of color vs. Chouteau, Francis St. Louis Circuit Court Jul Term Case No 24 (1827), SLCA.
centered on the use of slave labor to expand the profits of commercial agriculture in the South.41

Black women’s antebellum freedom suits contain evidence of an era that, by the mid-nineteenth century, seems a world apart in its social and racial fluidity. The southwest region of the Northwest territory was, for much of the eighteenth century, inhabited and governed by a diverse group of native people, French and Spanish settlers, who were joined in the early national period by increasing numbers of Anglo-American migrants. The array of cultures generated tensions that sometimes resulted in warfare, but in many cases the commercial interests of all groups fostered cooperation and accommodation. But the exchanges that occurred throughout the region and among its inhabitants were not limited to the financial sort. European settlers and native residents regularly intermarried and proliferated generations of creole persons who continued to blur racial and ethnic boundaries in their own family practices and commercial endeavors.42 Yet by the antebellum period, the central river valley had

42 Anne F. Hyde’s recent book on the familial and business relationships between European settlers and native inhabitants of the North American continent is particularly useful on this point: Hyde, Empires, Nations and Families.
become an entirely different world. Racial and ethnic divides had become much firmer and the legal boundary between slave and free much brighter.

Despite the political and demographic changes in the region over the course of the nineteenth century, early European settlers maintained their acquaintances and familial ties across space and time. Given the continued prominence of the Chouteau clan, Aspasia feared that she would be in danger of kidnapping if she sought testimonies to support her case. The black women who were enslaved, traded, and gifted within this network of kin and business partners in the middle river valley could potentially benefit from their embeddedness in this social and commercial milieu. Women like Polly Wash who could entrust their pursuits to their former white neighbors and acquaintances drew on those networks to support their claims to freedom. But others like Aspasia were not as confident that they could escape the networks that had held them in bondage for so long. After she brought her petition and was granted permission by the court to pursue her case, Aspasia appealed to the court for protection and the speedy resolution of her suit. She alerted the justice of the peace to the “fixed design and intention” of Francis Chouteau and his wife to carry her “on board the steamboat America” in order to carry her “down the river” out of the boundaries of the state for the express purpose of preventing her from instituting her freedom suit.43

43 Aspasia, a woman of color vs. Chouteau, Francois.
Other women were similarly fearful of retribution for taking legal action. Mary, for example, was enslaved within the same settler network as was Aspasia. When she filed her petition to sue for freedom in 1827 she explained to the court that “she knows of no person who can prove the facts stated in her petition, to whom she thinks she could safely confide her intention of instituting a suit for her person, without incurring the hazard of being deprived of the opportunity of making this application by being sent out of the jurisdiction of this court.” Ultimately the same two women, both early French settlers in Kaskaskia, testified to the fact that Mary and Aspasia were held in slavery in Kaskaskia and were then removed to St. Louis.

Along with apparent threats, Francis Chouteau also employed a legal tactic to derail Aspasia’s action. Instead of avoiding or refusing the court summons, Chouteau essentially pled not guilty to the charges laid against him due to the fact that he did not claim ownership of Aspasia in the first place. He stated “she was not at the time when the said several trespasses were committed and from that time several hitherto now is she not the slave of him.” This was a common evasion tactic among slave owners. Absentee-ownership and the widespread practice of hiring out that characterized slaveholding in the region created confusion for black women when they attempted to determine who they might name as the defendant or transgressor in their claims of trespass and assault. This was especially true in cases like Aspasia’s in which the appellant sought to look decades back to locate the origin of their claim to freedom.
Although Aspasia was initially afraid to acquire testimonies from her old neighbors in the Illinois territory, their depositions confirmed the facts of her petition. Though perhaps reluctantly, Marie Louise Rocheblave testified that she knew the ‘mulatto girl’ at Kaskaskia from the period of her birth. Rocheblave also confirmed that she had seen Aspasia in St. Louis in the possession of her friend, Francis Chouteau’s wife. Another French St. Louis resident, Marie Louise Lachappelle, testified to the same.44

Frequently, when women could secure supportive testimonies to corroborate their claims, witnesses exposed that they or their neighbors knew the risks associated with exercising the prerogatives of the chattel principle. They understood that they operated in at least partial violation of the law regarding the geographic boundaries of slavery in freedom by forcibly moving their enslaved servants to and through the Northwest Territory or executing their sale across free territory. But many slave owners continued to take such risks even as legally savvy black women convinced other white residents to repeatedly acknowledge, and even sometimes cooperate in executing, the consequences. The same women who testified in Aspasia’s case were deposed in Mary’s suit as well as another brought by one Theotiste against Pierre Chouteau Jr. in the winter of 1827.

44 Aspasia, a woman of color vs. Chouteau, Francois Chouteau.
Theotiste was born in a village called Prairie du Rocher, or “The Rock Prairie,” which received its name from the rock bluffs at the bottom of the village. Prairie du Rocher was one of the first French settlements in the region, following the founding of Peoria, Cahokia and Kaskaskia which were all established by the start of the eighteenth century.\textsuperscript{45} Her first owner was the Prairie du Rocher militia captain M. Jean Baptiste Barbeau who was appointed as the first judge of the village in 1779. When Barbeau died, the executor of his estate took Theotiste to St. Louis where she was sold to a man named Manuel Lisa. Upon Lisa’s death, Theotiste was sold at a public auction, likely as part of his estate, and purchased by Pierre Chouteau Jr. She, unlike Aspasia, was confident that she could retrieve the necessary affidavits to support her claim. She stated in her petition that she could “prove and establish the fact of her birth and residence in Illinois by persons who reside there.”\textsuperscript{46}

Historians have used the St. Louis freedom suits to demonstrate the ways in which black women claimed citizenship in a society that in many ways denied their very humanity.\textsuperscript{47} But freedom suits were still a perilous undertaking and those based on residence posed unique challenges because they required the reconstruction and

\textsuperscript{46}Theotiste, a woman of color v. Chouteau, Pierre, Jr., St. Louis Circuit Court Nov Term Case No 6 (1827), SLCA.
\textsuperscript{47}Twitty, \textit{Before Dred Scott}; Kennington, \textit{In the Shadow of Dred Scott}. 

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rehearsal of the plaintiffs’ history of sale and status as chattel and a lineage of the many men, women, families and traders who held them in slavery. Freedom suits based on residence were risky in that they depended on the preeminence of the letter of the law over common knowledge and practice, which often weighed heavily in determining one’s status in a community. Many defendants like Francis Chouteau claimed they were wrongfully accused because they did not own the plaintiff during the period referenced in the suit, exercising their privileged access to records and information.

Residence-based freedom suits tell more than the story of antebellum resistance to slavery, they tell an alternative history of the river valley from the perspective of black women. The imperfect legal constructs that were adopted to govern the vast, newly acquired United States territory in the late eighteenth century proved insufficient to contain what came before and what continued to lay beneath. But black women brought those pasts to light. When they learned that the laws of slavery had allowed their owners to arbitrarily or fraudulently define and enforce their legal status, some black women responded by interpreting the law to suit their needs and desires and using it as a tool to seek justice. But black women did not just use the law to lay claim to formal freedom for themselves, they also attempted to use it to exert control over their family and property. The following cases show that black female litigants concocted creative legal strategies to negotiate theirs and their children’s condition. Even if they were denied, black women’s legal pursuits beyond petitions for freedom forced judges,
attorneys, juries, their owners and their communities to consider, debate, and record black women’s claims to their lawful rights.

Augustus Evans—whose remarks open this chapter—was involved in several legal cases regarding enslaved people in St. Louis throughout his life, but in 1850 he was summoned to court under rather unique circumstances. A woman named Margaret Davis, whose child he claimed to own, had initiated a suit against him and his partner in the slave trading business for ownership of her daughter based on a claim of adverse possession. That is, Davis claimed that she was “lawfully entitled to the possession of a negro girl named Patsey, being a slave and the property of the plaintiff.” She stated that she “claimed the slave Patsey...as her own property, and exercised over her the usual acts of ownership and control over such property, such as raising, feeding, and clothing her, procuring and paying for medical attendance for her when sick, hiring her out at various times during this period and receiving the hire for herself.”

Her attorney’s cited other cases in which it had been decided that five years adverse possession of personal property gave title “absolute and indefeasible.” Davis’s suit provides another example of the sundry ways black women in the river valley tried to pursue a living liberty for themselves and their families. Polly Wash and Margaret Davis likely held

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48 18 Mo. 249 DAVIS, Appellant, v. EVANS, et al., Respondents, Supreme Court of Missouri, March Term, 1853.
49 18 Mo. 249 DAVIS, Appellant, v. EVANS, et al., Respondents, Supreme Court of Missouri, March Term, 1853.
similar goals when it came to their daughters; they wanted to protect them from cruel 
slave owners and ensure their safety and personal liberty. But their methods were quite 
different. While Polly Wash eventually assisted her daughter in bringing a freedom suit, 
Davis’s suit reaffirmed her young daughter’s legal status as a slave and effectively 
created another record or document of her enslavement.

By bringing such a suit claiming rightful ownership over enslaved property, 
Margaret Davis presented herself in a way that would be unique for any woman in the 
mid-nineteenth century, let alone a free woman of color.\(^50\) She had been owned by at 
least three quite wealthy and renowned men and was manumitted in 1842. Margaret 
Davis’s first known owner in St. Louis, General Nathan Ranney, moved to the city in 
1819 after climbing the military ranks to sergeant and eventually provost marshal over 
the course of the war of 1812.\(^51\) Ranney purchased Margaret in 1835, shortly before she

\(^{50}\) Davis, Margaret v. Blakey, Granville and Alfred B. McAfee, St. Louis Circuit Court Nov Term Case No. 78 (1850), SLCA.

\(^{51}\) Instead of returning to his home in the northeast he decided to pursue a professional life in St. Louis. His 
military experience earned him the position as Brigadier-General in the Missouri militia in 1836, in 1838 he 
was listed in the St. Louis city directory as the surveyor and collector of the St. Louis port. He was appointed 
to prominent municipal posts including a seat the Board of Aldermen in 1842 and also the president of the 
Board of Public Schools. Throughout this time he worked as a steamboat agent and commission merchant in 
the city. Keemle’s St. Louis Directory For, 1838-'39 (St. Louis, Mo.: Printed by Keemle, 1838); Charles Keemle, 
The St. Louis Directory, to the Years 1840-1: Containing the Names of the Inhabitants, Their Occupations, and the 
Numbers of Their Places of Business and Dwellings: With a Sketch of St. Louis; Also the Names of the City, Township, 
County, and State Officers, and the Names and Officers of the Various Literary, Scientific, Benevolent, Religious and 
Public Institutions; with a Variety of Other Interesting Matter (St. Louis, Mo.: C. Keemle Book and Job Printer, 
n.d.); The Saint Louis City Directory for the Year 1842... with a Sketch of the City of Saint Louis (Saint Louis: 
Printed by Chambers and Knapp, 1842); James Green, Green’s St. Louis Directory : 1845 (Saint Louis: J. Green 
and Cathcart and Prescott, 1845); James Green, Green’s St. Louis Directory : 1847 (Saint Louis: J. Green and 
Cathcart and Prescott, 1847); J.H. Sloss, The St. Louis Directory for 1848 (St. Louis, Mo.: Printed by Charles and
gave birth to what appears to be her third child, Patsey. That same year, though, Ranney sold Margaret and her child to Augustus Evans, who would prove to be a thorn in Davis’s side for quite possibly the rest of her life. Evans had several children but lost two wives in his lifetime while he amassed substantial personal wealth. However, his estate would be tied up in legal battles for many years after his death. In 1835, Augustus Evans purchased Margaret Davis and her child Patsy from Nathan Ranney. By then he had gone into business with well-known St. Louis slave traders Alfred McAffee and Granville Blakey. The purchase may have been an acquisition for the company, but his testimony and incessant harassment of Margaret Davis suggests that he had a more personal interest in her and her daughter Patsey.

Even after Davis and Patsey were purchased by another migrant from the Northeast, August Evans continued to claim rights to Davis’s daughter. Testimony in the case suggests that somewhere between 1835 and 1842—when Davis was manumitted—a shoemaker named Oliver Bennett purchased Margaret and her


daughter.\textsuperscript{53} Bennett established a wholesale warehouse business, Oliver Bennett and Company, in 1833 and ran the company until he retired and returned back to the northeast as a very wealthy man around 1863.\textsuperscript{54} Bennett testified that he had manumitted Davis in 1842 but did not state explicitly what came of his title to Patsey. His affirmation of Davis’s freedom allowed her to bring the suit as a free person with rights to property, but his testimony would not be sufficient to secure a favorable verdict on the issue of her daughter’s status.

Davis’s case was very deliberately and carefully constructed. The depositions in her case show that she was well connected in the community and the white people she had encountered and built relationships with were willing to support her legal claims. Witnesses in the case affirmed Davis’s “possession” of Patsey over the past decade by stating that they had either seen Patsey in Davis’s care or that they had paid Davis wages for Patsey’s hire. They certainly knew the facts of the case and what Davis was trying to accomplish. By cultivating valuable relationships and making herself knowable to a community, Davis and other women might create space to push the legal boundaries of slavery and freedom.

\textsuperscript{53} There is no clear evidence in the case file to determine when Oliver Bennett purchased Margaret.
\textsuperscript{54} Bennett is listed in the 1860 census, when he was still living in St. Louis, as owning real estate worth $125,000 and personal wealth of $50,000. L. U. Reavis, \textit{Saint Louis, the Commercial Metropolis of the Mississippi Valley} (St. Louis: Tribune Pub. Co., 1874), 80.
Davis seemed to have maintained a relatively positive relationship with Ranney. He even testified that his intention had always been to keep Margaret out of the hands of slave traders. He stated, “when I sold the colored woman Margaret to Mr. Evans for $350 I did not sell him her child which was only two weeks old, I paid $400 for Margaret to keep her out of the hands of negro traders.” “The child,” he explained, “now belongs to her and Peter. Peter paid me in handling about $10 which all I received but I told Margaret and Peter they should keep the child and that it should be free. I only gave bill of sale to Evans for the woman and let him have her at a loss to myself of $50.” Ranney would later recall that he had, indeed, actually included Patsey in the bill of sale to Evans and had merely forgotten. But Ranney’s elaborate misremembering of the events is curious. He may have denied selling Patsey in order to support Davis’s claim to her. But that claim may have actually harmed Davis’s case, because her claim of adverse possession would lose its grounding if Davis were Patsey’s rightful owner. Davis sought to prove only that her daughter had been in her possession so that she could, in effect, obtain a legal affirmation of her right to Patsey. The motivation behind his ‘misremembering’ and the testimony of the other deponents in the case are not made explicit, but by supporting Davis’s claim they widened the opening for legal adjudication of her status and rights as a property-owning citizen.

55 Nathan Ranney deposition, Davis v. McAffee et. al.
Each affiant in support of Davis’s case testified to the fact that they had always known Patsey to be in her care. Her list of witnesses included her former owners Nathan Ranney and Oliver Bennett, but also neighbors, and other credible witnesses Davis had encountered in her time living in the city. Nathan Ranney testified to the fact that Davis and her daughter had lived near him for years since he had owned her and that Patsey was always in Davis’s possession. Between 1849 and 1850, Patsey had been hired to man named Robert B. Catherwood, the son and (heir) of Robert H. Catherwood, a wholesale liquor dealer in St. Louis. The company’s half or full-page advertisements were a staple in the 1850s city directories. Catherwood testified to always seeing Patsey with Davis and knowing the child to be in her possession, he even recalled that he had made “particular inquiries whether she was a free girl.” In 1848, a man named Dr. Meredith Morton lived in the city near Davis on 4th street. He testified to having attended to Patsey in 1848 and that Davis paid for Patsey’s treatment. Oliver Bennet, who had emancipated Margaret, testified to that fact and that Davis had hired Patsey out to him, possibly to work in his thriving shoe warehouse, more than once. To support

56 Ranney deposition, Davis v. McAffee et. al.
57 Robert B. Catherwood deposition, Davis v. McAffee et. al.
58 Keemle, The St. Louis Directory, to the Years 1840-1: Containing the Names of the Inhabitants, Their Occupations, and the Numbers of Their Places of Business and Dwellings: With a Sketch of St. Louis; Also the Names of the City, Township, County, and State Officers, and the Names and Officers of the Various Literary, Scientific, Benevolent, Religious and Public Institutions; with a Variety of Other Interesting Matter.
59 Dr. Meredith Morton deposition, Davis v. McAffee et. al.
her claim of ownership, he indicated that he always paid Patsey’s wages to Davis and that he “knows the plaintiff, Evans, and the girl Patsey, she has always been in possession of the plaintiff from 1840 to 1851. I had her in my employ some ten years ago, some five or six years ago…I always paid Margaret the plaintiff for Patsey’s services.”

Most of the testimonies are tinged with a tone a familiarity between all the parties in involved. Davis’s former owners, the Catherwood son, and another witness named Catherine Sickler all spoke of Evans, Margaret and Patsey as if they knew or had some relationship with each of them. Davis had clearly formed positive relationships with white people in her community who were willing to challenge the property rights of another white person. But even their support would not be enough to achieve a favorable decision for Davis. Augustus Evans maintained that he had purchased Margaret and Patsey from Nathan Ranney in 1835 but says nothing of Davis’s sale to or manumission by Oliver Bennett. After discussing the purchase of Davis and Patsey, Evans returned to the recent past stating “sometime in September last he put into the possession of Granville Blakey and Alfred B McAffee…said negro girl Patsey for safekeeping.” Davis had become free since her first encounter with Evans, and Patsey had grown up with and lived with her mother and worked about the city at her

60 Oliver Bennett deposition, Davis v. McAffee et. al.
61 Davis v. McAffee et. al.
mother’s instruction for most of her life. Yet the case ultimately came down to the matter of Evans’ technical ownership of Patsey that had gone legally undisputed for fifteen years despite the changes in and realities of Davis’s and Patsey’s lives. Davis’s case was dismissed by the St. Louis Circuit Court, but she and her attorneys were confident enough to appeal the decision and it reached the state supreme court in 1853.

Davis was a contemporary of Dred and Harriet Scott as a litigant in the Missouri courts. In January of 1850, the year of Davis’ original suit, the Scotts initially won their appeal (and their freedom) before the decision would be appealed again by Irene Emerson’s attorney and reach the Missouri Supreme Court. Davis did not have much better luck than the Scott’s with the sitting state supreme court judges Hamilton Gamble, John Ryland, and William Scott. In the March term of 1853, one year after the Missouri Supreme Court reversed the lower court’s decision in the Scott case, Judge Scott delivered the opinion of the court in Davis’s case. The opinion, like its infamous predecessor, would finally close the opening that Davis had made for herself in southern law and society:

Had the facts in this case been as they were represented by the appellant, and had been found accordingly by the court, we see no reason for disturbing the judgment rendered below. The circumstances, as detailed in evidence, are such as forbid all idea of an adverse possession of the slave in controversy by the appellant. It would be hard, if Evans’ humanity, in permitting a mother to retain her infant child, should be tortured into an abandonment of his claim of right; nor should his justice, in suffering the child, after she was capable of rendering some service, to remain with her mother, in remuneration for her care during its infancy, be turned to his disadvantage. There is no doubt of the general principle,
that five years adverse possession of chattels will confer a title, but we are of opinion, that this rule has no application under the circumstances of the present case.\textsuperscript{62}

The judges used Evan’s purported “humanity” to affirm Evans’ dehumanizing belief that, above and before all, persons of color should be assumed to be chattel and lack the same claims to property as others. Davis’s 1850 suit against Evans could never depict the fullness of her life and pursuit of freedom, which didn’t falter even in the face of such failure. Much like Polly Wash, Margaret Davis hatched several schemes to protect her liberty and pursue that of her children. It is even possible that those pursuits indirectly drew the same Augustus Evans back into court to defend his ownership claims almost a decade later.

Almost exactly one year before the outbreak of the Civil War, in February of 1860 Evans was compelled to, again, forcibly reclaim his property in human slaves. When Evans heard that Julia Ann and Isham Shaw had returned to St. Louis he promptly had them seized and thrown into jail. What compelled them to return to the city after so many years is not clear, but they certainly had no intention of surrendering themselves to Mr. Evans. The siblings submitted their petition to the court claiming their unlawful detaintment by Evans on the grounds that they were both born free. Evans of course

\textsuperscript{62} Davis \textit{v.} Evans, 18 Mo. 249 (1853); The second point of the opinion was the only section to which Judges Gamble and Ryland dissented: that being “a negro, under our laws, cannot hold slaves. It is against their policy, and in its tendency is subversive of all the police laws for the government of slaves.”
denied their freedom and submitted that their mother had been his slave and they belonged to him as well, until their mother ran them both out of the state and then returned to St. Louis and pretended that both Julia and Isham were dead.\textsuperscript{63}

Defendants in freedom suits often prolonged the trial to gather evidence or sometimes, it seemed, simply to discourage or intimidate the plaintiff. But in this case, the plaintiffs’ attorney John Jackson submitted a request to the court to defer the trial until the next term because he was missing the testimony of a vital material witness who had recently left the city to return to his hometown in Massachusetts—that witness was Oliver Bennett, the man who had emancipated Margaret Davis nearly twenty years before Julia and Isham engaged her former adversary Augustus Evans in their own battle for freedom.

Circumstantial evidence suggests that that Julia Ann and Isham may have been two of Margaret Davis’s other children. In the transcript from Davis’s case against Evans, two witness testimonies refer to other members of Davis’s nuclear family. Catherine Sickler, a witness for Davis the plaintiff, testified that she had lived near Sickler and her husband in the late 1830s, which would have been three years after Patsey was born and before Davis was emancipated, and that Margaret had always fed

\textsuperscript{63} Shaw, Isham v. Evans, Augustus H., St. Louis Circuit Court Feb Term Case No 456 (1860), SLCA; Shaw, Julia Ann v. Evans, Augustus H., St. Louis Circuit Court Feb Term Case No 457 (1860), SLCA.
and clothed the girl. She went on to testify that “three of Margaret’s children were taken away at one time, one girl and two boys…I don’t know who did it. The three which were taken belonged to Mr. Evans, this was before 1842.”64 There is no other mention of Margaret’s other three children leaving or being taken away in the existing case file. However, in his testimony, Oliver Bennett remarked on a few instances in which Davis might have left or planned to leave the city. In recalling that Davis had hired Patsey to him, he mentioned that Davis did so in order to leave the city for a period of time. Bennett explained, “a year ago Margaret came to me to hire Patsey and go east.”65 This may have been the incident that Evans referred to in Julia Ann and Isham’s case. Davis may have in fact hired Patsey out for a period so she could take her other children away from St. Louis and out of Evans’ grasp.

Davis’s former owner Nathan Ranney also mentioned her family in his testimony. When he recalled the deal he had struck with Margaret, he mentions her husband, Peter, and the payments he received from him for his effort to protect Patsey. In Ranney’s original statement, he explained, “When I sold the colored woman Margaret to Evans for $350 I did not sell him her child which was only two-week-old…the child now belongs to her and Peter.” The transcript does not include a statement from Peter.

64 Catherine Sickler deposition, Davis v. McAfee et. al.
65 Oliver Bennett deposition, Davis v. McAfee et. al.
Being not only a man of color but also a slave he would not be allowed to testify against a white man, but notes on the case explained that Margaret Davis had lived “by herself and with her husband Peter, a slave of Henry Shaw, in the city of St. Louis.” Given their shared last name, it is possible that Julia Anne Shaw and Isham Shaw were Peter and Margaret’s children.

Whether or not the plaintiffs in the freedom suit against Evans were Davis’s children, Davis must have been on his mind. He and Davis had engaged in a three year long legal battle in which he had been successful but probably remained embittered. The 1861 freedom suit would contribute to his frustration with judges, attorneys, and litigants who dared claim the humanity of persons of color or question the property rights of white people. Evans died shortly after the Shaws sued him for their freedom. His estate would remain entangled in several legal battles, one arising over a debt Evans failed to pay the agent he hired to capture Julia and Isham. Over his lifetime, Evans would be continuously reminded that the law could in fact be used by black men and women in St. Louis as a tool to subvert the institution of slavery.

While Davis chose an unusual legal strategy to retain possession of her daughter Patsey, a free black woman named Leah Charleville negotiated the condition of her children differently. Unlike Davis, Charleville chose to live apart from her children and

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66 Davis v. McAffee et. al.
enslave them to the pastor of her church. Both choices, though, emerged from the dilemma women like Davis and Charleville faced as free mothers of enslaved children. Because her own freedom did not immediately extend to her children, Charleville, like Davis, secured what control she could over her children within the antebellum legal confines.

Charleville had some prior experiences with the legal system. When four black men were arrested in St. Louis in 1841 for murder, burglary, and arson, Charleville was implicated but never charged as an accomplice in the crimes. Charleville and her husband Peter ran a boarding house near the river that each of the accused men had frequented throughout the previous year. The men’s testimonies revealed that Charleville had in fact been an accomplice to other schemes carried out by the men and statements by those who reported the crime indicated that “Leah’s house” had been headquarters for the convicted criminals over the previous year. In his confession, Madison Henderson provided some insight into the nature of Charleville’s relationship with the men. He explained, “Leah was washing for guests at the National Hotel,” he explained. “One day she told Ennis and myself that a gentleman from the south had

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made her certain propositions, that when she refused to gratify him he put his money in his pocketbook and put it in his trunk—that he had a large sum. She told me his room, over Johnson’s drug store, and when he went to supper, I took the trunk and carried it to Leah’s house.”

Historians who have discussed the case have not centered Leah Charleville’s life in their analyses. But her story tells us about how black women sometimes pursued freedom by delicately negotiated legality or illegality, whether it be in terms of actual criminal behavior, or engaging or avoiding the laws in place that governed their lives as free or enslaved people. Charleville was one among many black women in nineteenth century river towns who used the gaps that existed between law, policy, community, and custom to construct makeshift survival strategies for themselves and their families.

The two mothers, Charleville and Davis, likely crossed paths, or knew something of each other, given their overlapping ties in the city’s black community. Two of their residences were quite near each other, Leah Charleville’s boarding house was on 3rd street below the National Hotel on Market Street and Margaret Davis at least for some time lived near 5th Street and what was Myrtle Street (now Clark Street), just two blocks

69 Thomas Buchanan, Black Life on the Mississippi: Slaves, Free Blacks, and the Western Steamboat World (Chapel Hill: University of North Carolina Press, 2006); Kennington, In the Shadow of Dred Scott. Lea Vandervelde’s book is one exception, however, other scholars have pointed out that some of her interpretations of her subjects’ motives are problematic: Vandervelde, Redemption Songs; Twitty, Before Dred Scott, 22.
from Market Street. Like Davis, Leah Charleville had similarly negotiated some sort of agreement or understanding with her former owner. Charleville moved with Arthur Mitchell from Kentucky to Ohio in 1817 and indicated that she was employed on his farm for six months. In the nearly ten years that she lived in Ohio she had enlisted the help of a man named Peter Grant to seize her freedom. He brought Charleville to his relative Jesse Grant’s home and told him that he would be helping Leah pursue her freedom suit in the court of common pleas. The group stayed there for a few days until the trial. Charleville won her suit and she, Mitchel, and Peter Grant all returned to the home of Jesse Grant and agreed that Charleville was a free woman and Mitchel would treat her as such. This seems to have made Charleville feel secure enough in her freedom as she resumed living with Mitchel with her children. Eventually, Charleville and her children moved with Mitchel to Missouri where tensions would rise. In 1832, Charleville brought another suit against Mitchel on the basis that he had begun again to claim her as his slave. She cited her earlier Ohio suit in the case, but the Missouri case was eventually discontinued.70

Whatever agreement Mitchel struck with her former owner seems to have included the sale of her children to the Reverend John Berry Meachum, the same person who assisted Davis in bringing her suit against Augustus Evans. While unusual, this

70 Leah, a woman of color v. Mitchel, Arthur, St. Louis Circuit Court Nov Term Case No 68 (1832), SLCA.
arrangement was not unheard of in St. Louis, and the arrangement seemed to work at least for a while. Meachum owned at least twenty black men and women in St. Louis before his death in 1854. A pillar of St. Louis’s black community, he ran his own school for black children whose curriculum emphasized piety and industry, enlisting the men and women he purchased in manual labor in preparation for freedom. Meachum met his wife Mary in Kentucky where he purchased his freedom and followed her master to St. Louis where he then purchased her freedom. They spent the rest of their lives together in St. Louis helping enslaved people purchase their freedom or escape the slave state. Mary Meachum continued this work after her husband’s death and was arrested in 1855 with nine enslaved people she was attempting to carry across the river to Illinois. During the Civil War, she founded the Colored Ladies’ Soldier’s Aid Society and died a few years after the war in 1869.71

Given this history, Charleville likely thought it would be beneficial for her children to remain in the Meachum family’s care while she worked to earn money to build a home for her family. It seems, though, that in Charleville’s effort to earn money to care for herself and children she became involved in the dangerous alternative river

world economy and put the freedom and life she had worked so hard to protect in great jeopardy. Over the years after her freedom suit against Mitchel, Charleville partnered with Peter Charleville. Before the murder trial Peter Charleville suspected that Leah had been intimate with one of her boarders, but he nevertheless appears to have continued to share the responsibility of caring for her children. In 1840, Peter Charleville assisted Brunetta and Archibald Barnes, Leah Charleville’s children, in bringing their own freedom suits against the Baptist Reverend Meachum.

Throughout her life Leah Charleville was no stranger to the law. Her life embodies all of the complexities of slavery and its legal trappings in the antebellum river valley. Her story is one of mobility, she moved at least twice with her former owner Mitchel and perhaps remained with him to maintain some stability for herself and her children. Her story is also one of the challenges of mothering in slavery and in freedom. Her petition indicates that it was only when Mitchel derailed her from earning money that she decided to reaffirm her freedom for the second time. Above all, Leah Charleville sought independence, and the opportunity to keep her children safe and provided for. Although she at times used illicit and unorthodox methods to negotiate

72 In his testimony, Henderson stated that during a certain time “Peter did not stay very much at Leah’s for he thought Ennis was too intimate with her.” Henderson et al., “Trials and Confessions,” 31.
her freedom and the condition of her children, she also used the law strategically to support her efforts.

The complex legal past of the middle Mississippi River valley provided unique avenues for black women to redefine or at least call into question the status of generations of persons of color held in slavery. Many were successful. But the colonial legal doctrine which codified hereditary racial slavery haunted their efforts; it was the legal raison d’être for Margaret Davis and Leah Charleville, and it led Lucy Delaney to distinguish her condition and experience of enslavement from that of her mother. Instead of highlighting the legal doctrine’s enduring significance, though, it fostered creative and strategic legal action on the part of black women to whom the doctrine had denied the right to motherhood. What did freedom mean if a mother could not protect their children and relieve them from a life of bondage? Margaret Davis and Leah Charleville each attempted to negotiate the condition of their children after becoming free themselves. Polly Wash sought to impart her own sense of entitlement to freedom to the children she could not herself make free. Their strategies forced the broader white community to consider the historical reality of the instability of slavery and also confront black women’s interpretations of their rights and claims to freedom. Even though Davis and many other black litigants were unsuccessful, their creative uses of
the law and their access to counsel and legal representation blurred the racial boundary between slavery and freedom and constituted a vital component of the politics of mobility of black women in the river valley.
Chapter 3 “To Make Her Own Bargains with Boats”: Gender, Labor, and Freedom in the Western Steamboat World

On September 14, 1855, a twenty-four-year-old “bright mulatto” woman named Celeste hired herself out as a chambermaid on the Reindeer, a steamboat that plied the western rivers. Although a slave, she had done so many times before. Her owner, Stephen Ridgley, allowed the French and English-speaking woman the freedom to “make her own bargains with boats.” This meant that, although Ridgley collected her earnings, Celeste could negotiate her wages and terms of service with steamboat captains or their agents without Ridgley’s direct supervision. This time, however, when Ridgley returned from a trip east that he took over the summer of 1855, he found that Celeste had used her freedom of movement to escape slavery. When the Reindeer docked in the free territory of Illinois, Celeste got off and never returned.

A year after Celeste fled, Ridgley sued the Reindeer for his loss. He stated that he had allowed Celeste to live with her mother, a free woman of color, in St. Louis and gave her a significant amount of freedom to come and go as she pleased. But, Ridgley

2 Ridgley v. Steamboat Reindeer, 1857; Sylvester Waterhouse, “Sketches of Mr. & Mrs. Stephen Ridgley,” (Washington University: St. Louis), 1892.
testified, he had instructed Celeste to hire her time only on steamboats whose routes ran safely within the borders of slave territory—those running from St. Louis to New Orleans and along the Missouri River. Ridgley rested his case on the claim that he had not given Celeste permission to go “on the Alton Packets” which ran to the free territory of Illinois, “of which the Reindeer was one.” In their defense, the officers and captains of the boat pleaded ignorance. Celeste had professed to them, they claimed, that she “had authority to go upon any steamboat she might select…to hire herself out upon steamboats as a chambermaid and…control her own movements and to employ her time where and in such manner as she might choose.”

It appears from Ridgley’s testimony that he never exerted much control over the young woman. He testified that Celeste and her mother, who also worked as a chambermaid on the river, asked him to purchase Celeste after her mistress died, and that Celeste promised to reimburse him the eight hundred dollars he paid for her from the wages she earned working on the river. Ridgley further claimed that he “never earned much from her” and recollected one incident when Celeste, who was at the time employed at the time on a boat running the St. Louis-New Orleans route, left the boat when it was lying at Cairo, Illinois and came back to St. Louis “on the railroad.” When

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the boat returned, Ridgley collected the wages Celeste had earned before she decided to quit the crew.⁵

The St. Louis Court of Common Pleas awarded Ridgley the one thousand dollars he sought in damages. The court’s ruling, however, did not change the fact that Celeste had seemingly successfully escaped, and had had plenty of opportunities to do so.

River-centric commerce facilitated by the steamboats that ran the Mississippi River and its tributaries not only shaped black women’s experiences in the river valley’s port cities, it also provided them with the opportunity to pursue freedom for themselves through river work. Whether by earning wages to purchase their freedom or, like Celeste, using their physical mobility to escape, black women who worked on the river embodied an important dimension of the politics of mobility in the antebellum river world.

Scholarship on fugitive slaves and also on the economic freedom and personal liberty seized by antebellum black water workers tends to privilege the experiences of men.⁶ Celeste’s story shows that women who worked on the waterways seized freedom

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in ways that were comparable to their male counterparts and that their stories can be interpreted through similar frameworks. As it did for black men, river work offered women like Celeste the opportunity to gain knowledge about and access to the larger river world and to use that knowledge to pursue their freedom. However, the story of black women in river work is also a different story, for which existing analytical frameworks are insufficient. The history of black women in water work forces a reinterpretation of a world that has been narrated as a space inhabited primarily by men, black and white, and best suited for the fulfillment of male desires for mobility, wealth, and freedom.

Celeste’s story challenges us to think differently about the gendered world of steamboats. It forces us to consider how enslaved and free black women negotiated this world and helped to transform it into a site of the making of race, gender, and freedom. It also allows us to situate black women’s steamboat work in the constellation of black women’s self-determined activities and pursuits of freedom in the river world that constituted an antebellum politics of mobility. This chapter asks how Celeste, her mother, and other women like them fit in and contributed to the diverse social landscape of the nineteenth century steamboat world. One wonders how Celeste’s mother began working on the river? What did she relay to Celeste about that line of work? How did Celeste convince the boat captain that she had greater freedom of movement than her owner had given her and why steamboat captains so eagerly hire
black women? When and how did Celeste make up her mind to run? This chapter explores these connections within the context of black women’s labor on steamboats. How did the arrival of the steamboat on western rivers and state and territorial laws that governed the movement of free and enslaved black people impact and change labor routines and routes of mobility? How did the culture of steamboat travel give rise to greater opportunities for black women to find work that allowed them to buy their freedom, escape slavery, and enact a politics of mobility? For free and enslaved black women the river world was both a site of antebellum racial and gendered social struggle and the struggle for black women’s freedom.

What follows is an examination of black women’s laboring experiences in the western steamboat world—an unstable world that embodied and expressed antebellum anxieties around race, gender, labor, and the contested geography of slavery and freedom. This chapter uses the theoretical lenses of gender and spatial formation to highlight the myriad ways in which social order, and especially gender and racial hierarchies, was both reinforced and undermined in the steamboat world by slave owners, white steamboat passengers, captains, and crew. In doing so it offers a new understanding of the historical relationship between gender, labor, slavery, and freedom in the United States. Secondly, it examines how black women river workers navigated and resisted the repressive constructs of gender and slavery to pursue their freedom—thereby engaging in the politics of mobility that defined black life in the western river
world. Black women who ran the river took advantage of opportunities that were never meant for them. Within the male-dominated steamboat world, black women defied social hierarchies based on race, slavery, and gender. Taking advantage of crevices created by the rise of the cotton kingdom and the steamboat economy, black women seized freedom for themselves and sometimes others.

Fictional treatments and first-hand narratives of the steamboat world form a kaleidoscopic lens through which the social landscape of the Mississippi River valley is visible. River wharfs and steamboats attracted people from all walks of life and encouraged new ways of performing class and status as older ways of preserving social hierarchy were increasingly upended. Highly independent and transient black river workers contributed to this social maelstrom. Steamboat culture thus became literary fodder for countless novels, memoirs, diaries, and contemporary popular media. Elaborate sketches of American and immigrant steamboat passengers of all classes and the black, white, and immigrant laborers who served them fill these historical records. They tell us about how a broader American public made meaning of travel on the

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western rivers. While literary and narrative records enable insight into black women’s experiences, we can see them even more clearly when combined with legal records where the actions and voices of black female river workers emerge. Archival records such as court cases where slave owners sued steamboats for the loss of enslaved property, where black women sued for freedom, or insurance companies challenged steamboat insurance claims, provide valuable evidence of life on the river for black women. Reading these records—court records, archival manuscripts, and literary caricatures of black female river workers—together, brings the unique experiences of black women on the river into focus.

By the 1840s and 50s western river steamboats had become much more than conveyors of goods between major port cities. Steamboat owners increased their revenue by taking on passengers in addition to freight. Eventually, steamboats became a quite popular and culturally significant form of travel.⁸ Steamboats, according to historian Thomas Ruys Smith, were the “avatars” of the Mississippi River.⁹ “In the decades before Mark Twain enthralled the world with his definitive representations of the antebellum

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Mississippi,” Smith writes, “the river was a powerful symbol of both America’s conception of itself, and the world’s conception of America.”

Competitive steamboat owners seeking to capitalize on the increased popular demand for steamboat travel drove improvements in passengers’ accommodations. The first step was to devote the cabin, a long rectangular structure situated atop and in the center of the boat deck, to the accommodation of human cargo. The cabins were then outfitted with private berths, saloons, dining rooms, and a service staff of cooks, waiters, cabin boys, and chambermaids. Those who could afford it enjoyed an enclosed living space, lavish meals, and plush saloons. In 1857, the Royal Mail Through Line Company advertised its fleet of “first class upper cabin steamers” built “expressly for lake and river navigation—commodious, staunch and in every respect well found with every requirement for safety; and fitted and furnished with every modern convenience and comfort.” The company specifically announced its “new and magnificent” steamboat Passport. The advertisement assured passengers that the steamboat was “fitted up with

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Saloons and State Rooms, elegantly furnished; and for speed and Comfort not surpassed.”

As one historian put it, the steamboat was “a world in miniature” that brought together people from seemingly every walk of life. Despite their owners’ commitment to appealing to elite passengers, steamboats served a much broader population. Most steamboat passengers traveled on the deck, which cost a fraction of the fare of cabin passage. The two worlds were meant to remain as separate as possible. As historian Louis C. Hunter writes, “steamboat society was, in a manner of speaking, organized on a class basis, with the dividing line between upper and lower classes roughly drawn at the level of the boiler deck. Between those who lived above and those who lived below there was no free intermingling and no intercourse on equal terms.”

Company advertisements made clear that the cabin was designated for a certain type of passenger. “To the tourist or pleasure seeker,” one advertisement read, the line afforded the “most desirable conveyance—comfortable, pleasant, and expeditious.” But the advertisement addressed migrant “families moving west” differently. That class of travelers could expect advantages that were “unequalled…the Steamer running through without

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12 “Steamer PASSPORT,” Broadside Coll. Port. 254-16 [item] [Rare Book RR], Library of Congress Rare Book and Special Collections Division Washington, D.C. 20540 USA, http://www.loc.gov/pictures/item/2007680098/.
13 Hunter, Steamboats on the Western Rivers, 391.
14 Hunter, Steamboats on the Western Rivers, 391.
transhipment [sic], and direct to the Railway depot...the annoyance and damage in the removal of luggage...is entirely avoided.”

Figure 1. Royal Mail Through Line Company Advertisement

The hierarchy of steamboat passage evidenced by such steamboat advertisements was also present in contemporary, literary representations of the culture. T.B. Thorpe’s essay “Reminiscences of the Mississippi” published in Harper’s New Monthly Magazine in 1855 included extensive commentary on the diverse “crowd of

15 “1857. New and important arrangement. Royal Mail through line for Kingston, Cobourg, Port Hope,” Broadside Coll. Port. 254-12 [item] [Rare Book RR], Library of Congress Rare Book and Special Collections Division, http://www.loc.gov/pictures/item/2007680086/.
passengers on...Mississippi steamers.”16 While he highlighted the overall “cosmopolitanism” of steamboats, Thorpe framed each class of passenger by the space they occupied on the boat. “In the cabin,” he explained, “are strangely mingled every phase of social life—the aristocratic English lord is intruded upon by the ultra-socialist...the wealthy planter is heartily amused at the simplicities of a ‘Northern fanatic.’”17 But the steamboat’s underworld, staged on the deck—which was literally below the cabin—centered around a diverse cast of characters whose customs and activities were also of great interest to literary travelers. “Upon on their decks,” Thorpe continued, “are to be seen immigrants from every nationality in Europe.”18 Those immigrants would have been joined by poor white migrant families and sometimes free black travelers, the deck crew, and the boat’s bonded human freight—enslaved men and women bound to the deck by rows of chains amidst other commercial goods.

Historians interested in gender and travel in the nineteenth century have yet to fully incorporate the experiences of women on steamboats, especially black women, in their analyses of popular forms of transportation before the late nineteenth-century.19

19 An important exception is Elizabeth Pryor’s recent monograph Colored Travelers. Her analysis is interested primarily, though, in “free people of color in the antebellum North who had the financial resources and social networks to be able to travel.” Elizabeth Stordeur Pryor, Colored Travelers: Mobility and the Fight for Citizenship before the Civil War (Chapel Hill: The University of North Carolina Press, 2016), 1.
Much of this work has focused on the cultural, symbolic and sometimes legal significance of white women’s experiences as passengers on railroads. Historian Amy Richter argues that white women who traveled on railroads contributed to major shifts in the understanding of nineteenth-century Victorian ideals of the proper place and role of men and women in society and space. In her work, Richter illustrates that trains fostered an alternative realm of domesticity in the public domain in the mid to late nineteenth-century. Railroad culture bent to accommodate the requisites of respectability and a nineteenth-century Victorian ethos that relegated the home, or “private sphere” as the woman’s domain. As a result, Richter argues that women were at the center of shifts in meaning of the public and private realms. Although railroads signaled technological modernity and rationalization, the presence of women as passengers and their visibility in the public arena required certain ideological and cultural adjustments in service of existing gender norms. The “public” became increasingly synonymous with the realm of not man or woman, but consumer, with class and status exhibited through proper consumption rather than the preservation of spatially constituted gendered spheres. Railroads, historian Barbara Welke adds, were an important terrain of struggle over class and racial status in the late nineteenth and

21 Richter, Home on the Rails, 4-6.
early twentieth centuries. After the Civil War women like Ida B. Wells expanded the legal boundaries of personal liberty to include black women by suing railroad companies for the right to accommodations comparable to those provided white women.

These analyses not only leave an opening for the study of black women on antebellum locomotives, they suggest the symbolic significance of their presence in such important cultural spaces. Steamboats generated a culture distinct from their contemporary competitors. Although not as beholden to the same burdens of respectability and social order as railroads, steamboats still make for fruitful spaces to examine the transformation and practice of nineteenth century gender norms. Feminist theorists have provided a framework for thinking about the establishment of social, and especially gender, inequality that focuses on conflict and complexity over uncontested social power. Doreen B. Massey’s work, for example, has contributed tremendously to our understanding of the historical and social construction of gender roles where the gendered bifurcation of space is an enduring mechanism of gender subordination. The “gendering” of space, she argues, has historically served to keep women in pre-

determined social roles and naturalize gender hierarchies. While theorist Katherine McKittrick also recognizes that the attachment of gendered meaning to physical space, such as the distinction between “public” and “private” spheres of human life and labor, acts as an instrument of social control, she highlights the constitution of these spatial relationships as a site of struggle. In assuming that space embodies certain “predetermined” social stabilities, she writes, we risk undermining, specifically, the “imperative perspective of black struggle” and “what space and place make possible, outside of and beyond tangible stabilities.”

Steamboats, as both physical and social spaces, were sites of struggle for social meaning. Black women’s presence in this public space was in part reconciled by their confinement to positions of servitude. White boat captains, passengers, and the broader white public could view their presence through the “stable” prism of private, domestic labor relations. However, steamboats simultaneously disrupted that social paradigm by offering black women access to mobility. In addition, work on the river allowed enslaved black women to evade the violent intimacy of the mistress’s household and

23 Doreen Massey, “Space, Place, and Gender,” in Space, Place, and Gender, ed. Doreen Massey (Minneapolis: University of Minnesota Press, 1994).
earn wages for the same kind of labor performed by domestic slaves. As a result, it fueled black women’s sense of independence and supported their claims to self-possession.

Even when they did not use the river to escape, black women’s work on the river, whether for months or years, earned them money to purchase their freedom. Access to river travel also allowed some to secure their freedom by using temporary residence in a free, urban river town as the basis for their claims to freedom. After she had attempted to escape slavery and was recaptured by her owner, Polly Wash successfully sued for her freedom based on her “detainment” in the free state of Illinois during a period in which she worked as a chambermaid on steamboats that ran the upper rivers. Moses Grandy’s daughter, Catherine, worked patiently to earn enough money working on the river to purchase her freedom. After Catherine Grandy was sold away from her father in Virginia she would be traded to three different owners and finally purchased to care for a Frenchman’s ailing wife. When her mistress passed away, Catherine negotiated the purchase of her freedom for twelve hundred dollars. To earn

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26 Polly Wash’s petition to the St. Louis Circuit Court to sue for her freedom, *Wash, Polly v. Magehan, Joseph*, St. Louis Circuit Court November Term 1839 No. 167, SLCA.
the money, she washed at “a dollar a dozen,” finding plenty of work along the river.27 She eventually responded to an inquiry for the position of stewardess on a steamboat running the Mississippi and took the position at thirty dollars per month. Catherine supplemented her income by selling fruit on the deck and with tips from passengers, almost doubled her base monthly rate, eventually earning enough money to purchase her freedom. Catherine then left the boat to look for her sister Charlotte. She found her working in a Louisiana cane-field and struck the same deal with Charlotte’s master as she had with her own. The two returned to the river to hire themselves on a boat and were soon able to purchase Charlotte’s freedom.28

The hierarchical structure of steamboat labor, mandated by the separation of cabin and deck, also imbued the physical layout of the steamboat with social meaning. Steamboat laborers, one historian argues, worked “at a nexus of capitalist development” with shifting ideas about industrialization, wage labor, and occupational status were articulated through the organizational structure of the industry.29 On the steamboat, chambermaids were part of the cabin crew. Stewards, cooks, cabin boys, and clerks fell into this worker class as well. The cabin crew had the advantage of sleeping in the

27 Moses Grandy, University of North Carolina at Chapel Hill, and Library, Narrative of the Life of Moses Grandy, Late a Slave in the United States of America (Chapel Hill: University of North Carolina at Chapel Hill, 2011), 47.
28 Grandy, Narrative of the Life of Moses Grandy, 48.
shelter of the cabin rather than on the exposed deck, but these workers, including black female river workers, were still in all ways subordinate to the white, salaried boat captains and pilots who were typically paid ten times the crews’ monthly wages.30

Chambermaids spent a great deal of their time in the ladies’ cabin, where female passengers slept. A space or small room at the back of the ladies’ cabin, nearest the stern or the back of the boat, was designated for chambermaids to clean table linen, towels, bedding and sometimes passengers’ personal garments to earn extra income. They worked long hours washing items in tubs and hanging them on the guard rails to dry and finally ironed them using irons heated by coal. The process was never-ending; they continuously traded batches of laundered and ironed linens for more dirty pieces. They washed the staterooms and wash closets on the boats, changed beds, and performed any other task related to the upkeep of the domestic spaces and personal comfort of the boat’s crew and passengers.31

30 Steamboat ledgers from the mid-nineteenth century indicate that chambermaids were paid ten to fifteen dollars less per month (their wages were typically between fifteen and twenty-five dollars per month) than firemen and deckhands who could earn as much as fifty dollars per month. Freelance workers, such as barbers, were the only black river workers who might avoid such harsh discrimination in accommodations and pay. Gudmestad, Steamboats and the Rise of the Cotton Kingdom, 40; Thomas Buchanan, Black Life on the Mississippi: Slaves, Free Blacks, and the Western Steamboat World (Chapel Hill: University of North Carolina Press, 2006), 13-14.

31 This description of the work of chambermaids is based on the depositions of Martha Parris and Suzan Moore in a fire insurance fraud case who were asked to describe the nature of their work as chambermaids and how and where they spent most of their time on the boat. Deposition of Martha Parris, Marshall, William D.; Kilpatrick, Joseph v. Thomas Fire Insurance Company, October Term 1866 No. 3140, Box 132 Folder 5, SLCA; Gudmestad, Steamboats and the Rise of the Cotton Kingdom, 30-52; Virginia Penny, The Employments of Women: A cyclopaedia of women’s work (Boston: Walker, Wise, and Company, 1863), 427-428.
Women who worked as chambermaids often drew on valuable skills they had learned from other black women with experience with river work who inhabited vibrant communities of women in port cities. On shore, black women dominated the laundering profession and the work was an important site of community building. Washing was often done collectively and around the same body of water. Before it was drained in 1850, the banks of Chouteau’s Pond, for example, were common meeting places for washerwomen in antebellum St. Louis—river water was too muddy to wash clothes unless the silt was allowed to settle and the clean water separated out. When they washed together black women could share stories, laughs, and other information crucial to their survival.

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32 The majority of the washerwomen listed in the 1840 St. Louis City Directory, for example, are designated as “colored.” St. Louis City Directories Collection, Missouri State Historical Society; The above cited St. Louis freedom license database shows that over half (400 of 686) of the licenses granted to women indicated their occupation as washerwoman, https://www.nps.gov/jeff/learn/historyculture/freedom-licenses.htm.

Figure 2. 1838 Map of St. Louis showing Chouteau’s Pond in the center

Within the communal settings occasioned by washdays, more experienced washerwomen taught others. In her autobiography, Lucy Delaney relayed her endless
struggle to satisfy her mistress with her washing. She explained that “in those days filtering was unknown and the many ways of clearing water were to me an unsolved riddle. I never had to do it, so it never concerned me how the clothes were ever washed clean. As the Mississippi water was even muddier than now, the results of my washing can be better imagined than described. After soaking and boiling the clothes in its earthy depths, for a couple of days, in vain attempt to get them clean, and rinsing through several waters, I found the clothes were getting darker and darker, until they nearly approximated my own color.”

Delaney was apparently not one of the beneficiaries of communal learning.

Chambermaids who were skilled at washing could earn income off the steamboat books that. If enslaved, they could keep this income from being transferred to their owners by the boat clerk. Suzan Moore, a chambermaid from New Orleans for example, freelanced as a washer for other crewmembers on the steamboat Magnolia. She stayed with relatives in between trips, in her case on the steamboat Magnolia. When Moore left the boat and went to her cousin’s home in St. Louis, she carried clothes to wash from two black porters who worked on the Magnolia with her. She returned to the

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boat a few days later to drop off the garments and collect her fee. As chambermaids like Celeste and Moore proved through their navigation of the steamboat world, economic opportunity and the chance to seize freedom lay on and beyond the banks of the Mississippi. But when they left the shore, black women also activated an entanglement of legal prescriptions that regulated their status and freedom of movement in the river valley.

By the 1830s, the Mississippi River world was divided into what might have seemed like permanent—although culturally and historically unnatural—geopolitical boundaries that constitutionally separated slave states from free. In Illinois, where Celeste escaped, the institution of slavery died hard as the state’s inhabitants found ways to keep bound laborers from becoming free. Most unfree laborers in the state were bound by quasi-legal indenture contracts that held them in slavery and the constitution still explicitly permitted the use of slave labor in the state’s salt mines. In 1830, even though over fifteen hundred free people of color were listed as residents of the state, scholars of the region have discovered that a substantial portion of them were bound by

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35 Deposition of Suzan Moore, Marshall, William D; Kilpatrick, Joseph v. Thomas Fire Insurance Company, October Term 1866 No. 3140, Box 132 Folder 5, SLCA.
36 “An Act Concerning Negroes and Mulattoes,” Laws of the Territory of Illinois (December 22, 1814); Art. VI, Sec 2., Constitution of Illinois (1818).
decades-long indenture contracts.\textsuperscript{37} It appears that Celeste survived in Illinois through her own wit. According to the testimonies in Ridgley’s case against the Reindeer, she was a very smart woman.\textsuperscript{38} To make it to Chicago where she went to begin a new life, she likely tapped into the community of free blacks and abolitionists that worked to protect runaways and other black migrants from re-enslavement. The year before Celeste escaped to Illinois, the black community in Alton had banded together to save a young woman from Memphis, Tennessee from re-enslavement by collecting money to purchase her freedom from the slave catchers who had kidnapped her.\textsuperscript{39}

Lawmakers in what would become the other free states in the region took more deliberate measures to ban slavery. Shortly after the Northwest Ordinance was passed in 1787, the constitutional convention convened in the Ohio Territory affirmed Article VI of the ordinance, which banned slavery in the territory. It also explicitly prohibited the introduction of indentured servants into the state unless said servant entered under “a perfect state of freedom.”\textsuperscript{40} Four years after Indiana entered the Union the meaning of the Northwest Ordinance was tested there. The outcome was quite different than in


\textsuperscript{38} In their depositions H.B. Moreland and Stephen Ridgley referred the Celeste as “capable” and “very competent,” H.B. Moreland and Stephen Ridley depositions, \textit{Ridgley v. Steamboat Reindeer}, 1857.

\textsuperscript{39} Amanda Kicherell’s story was reported to the \textit{National Era} in 1853. See “A letter to the editor,” \textit{National Era}, January 27, 1853.

\textsuperscript{40} Article VIII Section 2, Constitution of Ohio (1802).
neighboring Illinois. Anti-slavery activists brought a freedom suit in the circuit court at Vincennes on behalf of an enslaved woman named Polly based on her residence in the territory impacted by the 1787 ordinance. In 1820, the case reached the state Supreme Court, which ruled that slavery could not exist in the state of Indiana based on its constitution.41

Celeste left a state that had a small but steadily growing population of slaves. By 1830 the slave population in Missouri had reached over 25,000, falling slightly behind Kentucky, which had endorsed slavery outright in its constitution when it entered the Union in 1792. Although agricultural production in rural Kentucky and Missouri was performed in large part by black, enslaved laborers, in urban river towns and especially on riverboats, a patchwork of enslaved, free black, native white and immigrant laborers worked in tandem. The river valley was not characteristically unlike the region historian Max Grivno describes in his book on labor on the early national and antebellum Pennsylvania/Maryland border. Small-scale slaveholding and agricultural production, the frequent crossing of goods and people over the geographic divide between slavery and freedom, and the echo of liberty that beckoned to those south of free soil typified both geographic spheres. By the early nineteenth-century slave owners could earn large

profits by selling their slaves to the Deep South and it became less profitable to retain many enslaved people year-round. As slavery flourished in the Deep South, small agriculturalists in Old South states like Maryland and Virginia began to rely on a variety of seasonal laborers to sustain their small farms. As a result, both free and unfree labor was necessary to sustain agricultural production in Maryland. On slavery’s “tattered margin,” or the Mason-Dixon borderline, Grivno explains, a kaleidoscope of labor took shape.42

However, the advent of steamboat transportation and the unique access to mobility it offered black men and women in the region differentiated the middle Mississippi River Valley from other border regions.43 At mid-century the number of free, slave, white, and immigrant river workers who labored in the western steamboat world reached about twenty-thousand.44 The percentage of the work force made up by free and enslaved black river workers varied but historians of steamboat labor have concluded that, overall, about twenty-thousand free and enslaved blacks worked on the western rivers in the late antebellum period, and according to the census data from 1850 St.

43 My work joins scholars like Matthew Salafia and Thomas Buchanan in re-conceptualizing this border region as a western river world. Matthew Salafia, Slavery’s Borderland: Freedom and Bondage along the Ohio River (Philadelphia: University of Pennsylvania, 2013); Buchanan, Black Life on the Mississippi.
44 Buchanan, Black Life on the Mississippi, 10.
Louis, eighteen percent of river workers docked in the city fell into either of those
categories. 45 By working on the river, black women could increase their knowledge of
distant places thereby closing the “imagined distance” between them and other parts of
the country where their relatives were or where they might be free. 46 Women from
North, South, and East converged on the river city docks at any given time. The black
women on steamboats docked at the St. Louis port in 1850, who made up nearly
seventy-five percent of the female work force on steamboats, stated they were from
states ranging from Pennsylvania to Louisiana. 47

In addition, river workers’ patterns of mobility especially, and those of other
river valley residents, were not unidirectional. Black and white people regularly traveled
to distant counties and or neighboring states on weeks- or months-long trips and back to
their homes at times simply to rest before doing it all over again. As noted above, when
Celeste escaped, her owner Ridgley was out of town on a trip. Ridgley’s purpose in
recounting the time when Celeste left the boat in Cairo and returned to St. Louis was to

45 Hunter, Steamboats on the Western Rivers, 443; Buchanan, Black Life on the Mississippi, 10-11.
46 “The real distance was great enough, but the imagined distance was, to our ignorance much greater.”
Frederick Douglass, Life and Times of Frederick Douglass Written by Himself (Hartford, Conn: Park Publishing
Co., 1882), 199.
47 Census data derived from ninety-three St. Louis Steamboats docked at St. Louis in 1850 indicates the place
of birth of each steamboat worker including chambermaids. Ancestry.com. 1850 United States Federal
FamilySearch.; Original data: Seventh Census of the United States, 1850; (National Archives Microfilm
Publication M432, Roll 417); Records of the Bureau of the Census, Record Group 29; National Archives,
Washington, D.C.
illustrate that it was unusual that on her last trip she had not come home from her last trip. The seemingly constant and fluid mobility of black and white people back and forth over borders made possible by steamboat transportation on the western rivers set the middle river valley apart. Even prohibitive laws regarding slavery and mobility in the river valley were interpreted to accommodate enslaved laborers’ mobility, especially regarding river work.

The laws around slavery, labor, and property in the river valley were creatively adapted to regulate the steamboat industry. Laws that addressed enslaved persons’ mobility were interpreted to accommodate employment of slaves in river work. Slave owners who allowed their slaves to hire their time on steamboats were typically exempt from laws that prohibited slaves from “going at large,” although, on the other hand, steamboat captains were made financially liable for the slaves they hired on their boats. While new laws were created in some states to police the mobility of free black steamboat workers, territorial laws that regulated the movement of enslaved people were adapted in the antebellum period to supervise their participation in a new labor industry.

The chaotic river valley and steamboat world—where black men and women, slave and free, had enhanced access to mobility, economic opportunity, and “urban freedoms” that could threaten white authority and slaveholders’ power—had created its
own ways of knowing who belonged where.\textsuperscript{48} Laws regarding free black residence and especially mobility in states bordering the river signaled the fear of what black self-possession and freedom of movement threatened. In the state of Tennessee, for example, free people were required to submit petitions for residence in the state that were supported by reputable white residents of the state or otherwise face imprisonment, fines, or immediate expulsion. Illinois' infamous black codes attempted to prohibit black immigration to the state altogether.\textsuperscript{49} But much of the controversy over the movement of free black persons in the region centered on steamboats. In 1843, a bill regarding free persons' entrance into the state that directly targeting steamboats was brought before the Missouri state legislature. The act passed by the general assembly, like those operating at the time in southern states like Louisiana and Mississippi, prohibited free black people from entering the "port, city, or harbor" in the state on board any steamboat as an employee or passenger. The bill declared that free persons arriving at any landing in the state be committed to jail—the boat captain would be forced to enter a bond of up to five hundred dollars and also pay for the expenses arising from the person's apprehension and detention—until the boat was ready to proceed to the next

\textsuperscript{48} Buchanan, “Levees of Hope,” 364.

destination. In Memphis, steamboats carrying free blacks were prohibited from docking at the city levee for more than a few hours. These kinds of statutes were reported in newspapers like the National Anti-Slavery Standard to caution black travelers. These laws were never created to address enslaved river workers specifically.

Although enslaved black steamboat workers in many ways behaved as free laborers in the steamboat labor market, slave owners’ property rights were protected when their slaves were injured on the job or when they escaped. According to Missouri law slaves were technically prohibited from “going at large” and could face fines or imprisonment if found in any county hiring their own labor. Their owner might also be fined or otherwise penalized for allowing their slave to do so. Nine consecutive articles in Missouri’s 1835 Revised Statutes concerned the illegality of slaves “going at large” and the prosecution of this offense. Three of the articles outlined the penalties of not less than twenty dollars or more than one hundred for allowing a slave to “go at large” by hiring his own time or acting as a free person and the arrest of such persons.

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50 Laws of the State of Missouri Passed at the Regular Session of the 12th General Assembly Begun and Held at the City of Jefferson on Monday, the 21st Day of November, Eighteen Hundred and Forty-Two, and Ended Tuesday, the Twenty-Eighth Day of February, Eighteen Hundred and Forty-Three (City of Jefferson: Printed by Allen Hammond, 1843), 66.
52 Anti-Slavery Items, National Anti-Slavery Standard, October 6, 1842; Anti-Slavery Items, National Anti-Slavery Standard, April 20, 1843.
53 Missouri, Austin Augustus King, The Revised Statutes of the State of Missouri: Revised and Digested by the Eighth General Assembly during the Years One Thousand Eight Hundred and Thirty-Four, and One Thousand Eight Hundred and Thirty-Five. Together with the Constitutions of Missouri and of the United States. Printed and
instructions for carrying out these penalties and ensuring that the enslaved person was either returned to their owner or sold to another were spelled out in the articles that followed. Enslaved laborers who hired their time on steamboats were clear violators of the law. Still, some owners negotiated the hire of one or more of their slaves on steamboats with boat captains themselves; others regularly permitted their slaves to hire their own time on steamboats without direct assistance or supervision.

However, when something went awry, as when enslaved woman like Celeste ran away, the laws regarding the “transport” of slaves by boat operators were activated, as opposed to the laws prohibiting enslaved people to go at large. By law, a correctly addressed pass or permit was all an enslaved person needed to freely negotiate their wages and hire their time with boat captains. By custom, merely the common knowledge or understanding that an enslaved person was permitted to engage in river work could result in their hiring. Slave owners’ suits against steamboat captains and companies for the loss of their slaves were never appealed on the basis that the owner had violated the law by allowing a slave to independently hire her own time in the first place, nor does it appear that judges dismissed slave owners’ cases on those grounds.

Published under the Direction of the Superintendent appointed by the General Assembly for that Purpose (St. Louis: Printed at the Argus, 1835), 583.
The laws that did regulate the movement of enslaved people over the western rivers were holdovers from the early nineteenth century when the United States assumed control over the Louisiana Territory. The 1804 code that governed the territory included in the section on slaves specific guidelines for the transport of enslaved people by officers of ships or other waterborne vessels, and penalties for those who failed to comply. As the nineteenth century wore on and the Mississippi River economy expanded and matured, those laws were applied to different technological and economic circumstances and brand-new modes of black labor and mobility.

Regarding the transport of slaves on the Mississippi River specifically, Article 34 of the 1804 law “respecting slaves” stated: “No master of any ship or any other vessel shall transport or carry any servant, whatsoever, or any negro or mulatto, or other slave out of this district without the consent or permission of the person or persons to whom such servant or slave doth of right belong.” The law stated further that the damages were to be recovered by an action of debt. Thirty years later, an updated version of the law would be used to regulate labor relations within the steamboat economy. The language of the law was slightly modified to reflect the technological and economic shifts at mid-century, but it still failed to specifically address the employment of

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54 Laws for the Government of the District of Louisiana, passed by the Governor and Judges of the Indiana Territory, at their first session, begun and held at Vincennes, On Monday the first day of October 1804 (Vincennes: Printed by E. Stout, 1804), 120.
enslaved laborers on steamboats as had, for example, the law regarding the use of slave labor in Illinois salt mines had. Articles 35 and 36 of the 1835 Revised Statutes of Missouri read:

δ 35. Any ferryman, or other person, who shall cross any slave, from this state across the Mississippi River, unless such slave, have a pass or permit in writing from his master, mistress, overseer or employer, particularly direction to such ferryman, or other person, shall forfeit and pay to the owner or employer, for the use of the person injured, all damages and costs which may accrue to the owner or employer of such slave, and the value of such slave in addition thereto, to be recovered by action on the case.

δ 36. Any master, commander or owner of a steamboat, or any other vessel, who shall transport or carry away any servant or slave, out of this state in such vessel, without the consent or permission of the person, or persons to whom such slave doth of right belong, or who had authority to grant such consent, or permission, shall forfeit and pay one hundred and fifty dollars, to the owner of such servant or slave, to be recovered by action of debt, without prejudice to the right of such owner to his action at common law.55

The phrases “carry” and “transport” captured neither the autonomy enslaved laborers enacted when they hired their time on steamboats or the transactional nature of the relationships they developed with steamboat captains and agents. The language of the law suggests that steamboat captains had assumed complete responsibility for and control over enslaved laborers’ mobility when in fact black female river workers like Celeste had a great deal of power over when and where they moved. In their interpretation of the law, however, steamboat owners, their attorneys, and many judges

55 Missouri; King, The Revised Statutes of the State of Missouri, 587.
extended the slave owners’ paternalistic responsibility for their enslaved property to steamboat captains. They often successfully applied the law regarding the transport of enslaved persons by boat operators to recover damages from steamboat captains who employed and “lost” their slaves. In this way, slave owners and their representatives forced a new mode of production to comply with their understanding of slaveholders’ rights to property and legal recourse to protect their investment in human slaves. In addition, they might have found it frightening to admit that they had mistakenly entrusted their slaves with freedom of movement and expected them to remain loyal and return with their wages and their bodies.

In one case where the boat owners were found innocent in the “loss” of an escaped enslaved boat hand who had escaped, the court stated what many seemed to be reluctant to admit. “Where a slave is hired as a boat hand,” The Missouri Supreme Court declared, “we must presume that the owner is fully aware, that every facility for escape is afforded by the very nature of the service.”56 The truth was that white river valley residents had every reason to fear that if granted access to mobility and free association with black river town communities, free and enslaved black laborers and travelers on the river would forge a path to freedom for themselves and others. Perhaps by the time the decision was rendered in the 1850s the court had heard enough of these kinds of

56 Beardslee v. Perry 14 Mo 88 (1851).
suits to understand that the 1804 territorial law was not suitable to regulate the steamboat labor industry. Also, by then, a more powerful legal provision, namely the 1850 Fugitive Slave law, was in effect. For years though, slave owners took advantage of an interpretation of the law that was favorable to their property rights and regularly sought damages from steamboat companies who had employed their slaves. In the dispute over the loss of his enslaved woman, James Wilkinson was certain that she had been employed with an Ohio River packet for several months and ultimately escaped.\textsuperscript{57} He alleged that she had fooled the captain and crew by dressing as a man and hiring herself as a fireman. In 1849 John Calvert sued the steamboat \textit{Timoleon} for the loss of his enslaved woman Melinda. It appears that she told the boat captain that she had permission to travel to the free state of Illinois and remain there for months, effectively making her a free woman. By the time her former owner discovered her trick she was “wholly lost.”\textsuperscript{58}

Samuel Merry, a prominent St. Louisian and regular litigant in the St. Louis Circuit Court successfully sued at least two steamboat companies in the 1830s to recover damages for two of his slaves, one of whom was an enslaved mulatto woman named

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\textsuperscript{57} \textit{Wilkinson, James J. v. Baldwin}, July Term 1840 Case No. 195, SLCA.
\textsuperscript{58} \textit{Calvert, John v. Steamboat Timoleon}, November Term 1849 Case No. 186, SLCA.
Maria, who had been employed in river work and escaped. In the summer of 1835, Maria “applied for a berth” on the steamboat Lady Jackson lying at St. Louis. Thomas Hubbard, the acting master of the boat at the time, denied her request at first because she could not furnish proof that she had permission from her owner to hire her time in such a way. Later, Maria returned to the captain with a letter allegedly signed by Merry, which authorized her to be employed as a chambermaid on any boat running the “upper rivers,” including the Mississippi River, the Missouri, the Illinois, and Ohio Rivers, “but not...lower down than the Ohio River.” Having successfully confirmed her liberty of movement, the then eighteen-year-old Maria joined the Lady Jackson cabin crew, her rate of pay set at twelve dollars per month. The Lady Jackson left St. Louis and traveled up the Missouri River toward St. Charles and then changed course northwest toward Port de Sioux. The boat traveled back down the Mississippi to St. Louis, this time continuing southbound for Nashville, Tennessee. Due to low water, however, the boat was stuck at Smithland at the mouth of the Cumberland River where it laid up for several days. On

59 Samuel Merry was a physician and held the office of the “Receiver of Public Moneys of the United States” in St. Louis. He was elected mayor of the city in 1833 but he was declared ineligible to take office because of his position as a federal officer. Merry sued the City Council to dispute his ineligibility but the court ruled against him. Elihu Shepard, The Early History of St. Louis and Missouri from its First Exploration by White Men in 1673 and 1843 (Saint Louis: Southwestern Book and Publishing Company, 1870), 112.
60 D.B. Green deposition, Merry, Samuel v. Ament, William B., July Term 1835 No. 8, Box 171 Folder 19, SLCA.
61 Charles Butts deposition, Merry, Samuel v. Ament, William B.
July 22, 1834, less than two weeks after she had been initially hired on the boat, Maria was discharged and paid three or four dollars for her services.62

Maria never returned to her owner in St. Louis. One year later Merry brought an action of debt against the captain of the steamboat Lady Jacks for hiring his enslaved woman Maria as a chambermaid without his expressed permission. He won the case and recovered one thousand dollars in damages. According to the 1804 territorial law, a slave owner could recover one hundred and fifty dollars for each servant removed without the owner’s permission. But the 1835 Missouri state, as noted above, allowed aggrieved slave owners to pursue damages based on the stated value of their lost property and any costs they may have incurred in their attempt to recover an escaped slave. A few years earlier, Merry had sued the master of the steamboat Champion for the loss of another slave who had escaped, and sought eight hundred dollars in damages.63

The captain of the Lady Jackson had attempted to evade any legal controversy by denying Maria permission to work on the boat without a pass but the permit she returned with would have been insufficient under Missouri law any way. The capacious language of the laws regarding the hiring of enslaved river workers did not quite capture what happened on the ground, or at the port, between women like Maria and

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62 Charles Butts deposition, Merry, Samuel v. Ament, William B.
63 Merry, Samuel v. Lane, James S., St. Louis Circuit Court, Jul Term Case No 63 (1832), SLCA.
their potential employers. The law that allowed Merry to bring his action against the steamboat captain read that steamboat owners who intended to cross or transport an enslaved person over the river must see “a pass or permit in writing from [the slave’s] master, mistress, overseer or employer.” During Maria’s time on the Lady Jackson, she never technically “crossed” the Mississippi, but the captain understood that she still needed to provide proof that she could travel on the river. Even though the captain forbade Maria from being hired on the boat until she could present a work permit, an important directive in the law undermined his attempt to avoid liability. The 1835 law specified that the pass or permit presented by the enslaved person must be “particularly directed to such ferryman” carrying the enslaved person on their vessel. The clerk and mate of the Lady Jackson, who were witnesses in the case, indicated that Maria’s pass authorized any captain to hire her on their boat. This seemingly minor technicality appears to have bolstered Merry’s case against the Lady Jackson.64

The responsibility steamboat captains had been legally tasked with in part shaped black women’s experiences in river work. There was consensus that the practice of hiring enslaved black workers would continue, but it required a certain amount of

64 A false copy of the pass was submitted as evidence, but once the crew denied that the pass entered as evidence was the pass Maria produced, the copy was dismissed as evidence. The documents in the case file do not indicate how or why the false copy of the pass was produced, but the document itself is included in the file. The false copy specified that Maria was authorized to work specifically for the Lady Jackson. Merry, Samuel v. Ament, William B.
vigilance among boat captains and crew. Black women river workers were surveilled by boat captains and other crew members who could expect to be called to testify to their vigilance before a judge. Within this atmosphere of suspicion, black women were especially visible. Chambermaids either worked alone or for short stints of time with women they did not know. The average western steamboat in the 1840s employed a crew of twenty-one men. This average increased to twenty-six by the 1850s and the crew usually included just one chambermaid. Among the eighty-five chambermaids recorded on ninety-three boats docked in St. Louis in 1850, less than one percent of the boats housed more than one chambermaid.

In his cross-examination of the boat clerk, Merry’s attorney asked about the personality of the boat captain and his general treatment of “negro” employees. D.B. Green, the clerk of the boat, was asked by the plaintiff’s attorney if he would consider the captain of the Lady Jackson to be a “carefree” man, and also “what was the treatment of the captain to [Maria] while on said boat?” Merry’s attorney also asked Green if the captain, when he discharged Maria from the Lady Jackson, “use[d] the necessary means

65 For this project, I have consulted several manuscript collections that include nineteenth-century steamboat ledgers such as the Charles Parsons Papers and the Steamboats and River History Collection held at the Missouri State Historical Society and also the United States Military Vessel Files (Record Group 92) held at the National Archives and Records Administration in Washington, DC. The crew lists included in those ledgers indicate that steamboats typically hired just one chambermaid.
66 Hunter, Steamboats on the Western Rivers, 442-443.
67 This statistic is based on the author’s analysis of crews of the boats docked at St. Louis in 1850. Ancestry.com, 1850 United States Federal Census [database on-line].
to send [Maria] to her owner the plaintiff in St. Louis, Missouri.”

To this the clerk simply replied that he did not know. In another 1850s case over the loss of an enslaved woman who allegedly boarded the steamboat El Paso and escaped, a member of the crew testified that the captain of the boat was very diligent in his surveillance of black persons on his boat, that “scarcely a night passed that Captain Thornburgh did not give a caution to take care of admitting Negroes saying he had seen so much trouble about them…that he wished to be very particular.”

Sometimes white and black river workers themselves policed black laborers and passengers on their boats to protect their own reputations and credibility with steamboat captains, and other times they did so simply out of spite. For example, an incensed German boatman had a chambermaid named Mary Wilson arrested based on his accusation that she was a runaway. In her petition for habeas corpus, Mary Wilson claimed that her accuser had “malicious motives” for having her jailed because she had not paid him for some unnamed services. Although the enforcement of laws pertaining to free and enslaved persons’ mobility was uneven, incensed coworkers like Wilson’s

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68 D.B. Green deposition, Merry, Samuel v. Ament, William B.

69 Thomas Groom deposition, Withers v. El Paso Steamboat 4 April 1854 Circuit Court, Lafayette County, Mo.; The Missouri Supreme Court reversed and remanded the lower court’s decision. See Withers v. Steamboat El Paso 24 Mo. 204, Records of the Supreme Court Case Files, Missouri State Archives, Jefferson City, Mo Box 72, Document 23.

70 In the matter of Mary Wilson, St. Louis Law Commissioner’s Court April Term 1854 No 92, SLCA.
had the real power of the law on their side to threaten the freedom of black female river workers.

Black steamboat laborers were subject to unique forms of voyeuristic surveillance from cabin passengers as well. On the one hand, black women who worked as chambermaids could use their access to the boat’s enclosed spaces to their advantage. In the time they spent in and around upper-class passengers’ private spaces, black women could use their access to their advantage by eavesdropping on white passengers’ conversations to pick up news tidbits and study their habits. They could learn passengers’ etiquette, demeanor, and style of dress, and mimic them when they played their own games of risk and confidence. However, the social intimacy of the steamboat cabin and the hyper-visibility of black women river workers made them more vulnerable to intense scrutiny and inspection.

Steamboat passengers specifically, and a white nineteenth-century public audience more generally, regularly created and consumed images and stories of black service laborers on boats. Literary illustrations of steamboat culture were littered with commentary on the physical appearance, strength, or disposition of the black steamboat laborers a traveler might encounter. Chambermaids were particularly vulnerable to

71 For recent work on the “concept of performance” among runaways throughout the South see: Amani Marshall, “‘They will endeavor to pass for free’: Enslaved Runaways’ Performances of Freedom in Antebellum South Carolina,” Slavery and Abolition 31, no. 2 (May 2010): 161-80.
critique by haughty, upper class cabin passengers. In the passage below, for example, Lady Emmerline Stuart-Wortley describes the black stewardess employed on the Ohio River steamboat she took out of Louisville, Kentucky during her travels through the United States between 1849 and 1850.

A very handsome person. Her mouth was too wide, but, excepting this defect, her features were very fine; her eyes magnificently large, reminding me a little, both by their size and lustre, and their languid expression, of the great dark orbs of the women at Constantinople. She had a straight classical line of nose. I think she might have been a Quadroon, from descriptions I have read of their personal appearance. Her hair had not the slightest wooliness or even curl about it; it was very black, and parted in the straightest possible bands on her forehead.72

Stuart-Wortley’s detailed, racially taxonomic description of the woman characterizes the specific kind of voyeurism that black women steamboat laborers faced.

White passengers’ descriptions of black service laborers were sometimes marked by comments on dissatisfactory service, but they were mostly evaluative. An installment of renowned journalist David Hunter Strother’s Harper’s New Monthly Magazine series titled “A Winter in the South,” regaled readers with a portrait of “negro waiters and maids bust[ling] about the boat—skillful, through long practice, in making a great racket with a little work.”73 “Old Aunt Sally,” he wrote, “in the capacity of family nurse, has waged an amiable war with consecutive generations of fair-haired rebellious Anglo-

72 Lady Emmerline Stuart Wortley, Travels in the United States, etc. during 1849 and 1850 (New York: Harper and Bros., 1851), 204; Buchanan, Black Life on the Mississippi, 65.
Saxons.” Lady Stuart-Wortley not only described the stewardess’s appearance, but she also offered an extended assessment of her work habits. While admiringly observing that an older white woman in a family of passengers tended to certain tasks independently, Stuart-Wortley took the opportunity to disparage the stewardess. “Well, up [the older woman] got in the dark, and dressed herself as neatly as ever, and then she lighted the fire—for the coloured stewardess in this steamer happened to be particularly lazy.” The grandmother went on to feed the children, Stuart-Wortley explained, while “the stewardess went slowly somnambulizing about, laboriously yawning, stretching herself industriously, and diligently doing nothing.”

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25 Stuart-Wortley, Travels in the United States, 203.
26 Stuart-Wortley, Travels in the United States, 204; Buchanan, Black Life on the Mississippi, 65.
Although Stuart-Wortley characterized the stewardess on her boat as lazy, she also acknowledged the intensity of the workload for a single woman, adding the qualifier, “I, believe, also, poor woman, she had a great deal to do.” Still, Stuart-Wortley concluded that the woman’s comportment was an “exception to the general rule.” In her experience, women in such a position had been “a most active, obliging, quick, and attentive set of people, and [they] perform their duties admirably.” These passages suggest that white steamboat travelers found it important, useful, or simply

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entertaining to offer their assessments of the unfamiliar black steamboat laborers they encountered.

Depictions of deck crew members differed from those of the cabin crew because of the differences in their work, but also the real and social distance between cabin travelers and the boats’ hard laborers. Writing in *Harper’s New Monthly Magazine*, Thorpe seemed most captivated by the spectacle of deck workers. He found “the negroes of the Mississippi are happy specimens of God’s image done up in ebony, and in many lighter colors…their custom of singing at all important landings, has a pleasing and novel effect.” But it was the process of loading wood onto the boat that especially impressed him. “The glory of the darkie deck-hand is ‘wooding up,’” he wrote. The “performance,” he stated, “consists in piling on the boat one hundred cords of wood in the shortest possible space of time.” Thorpe was “astonished” by the amount of “hard work” the men performed; he and other passengers of the boat lined up along the guard of the deck “as spectators, and present[ed] a brilliant array.” Strother also offered a colorful illustration of riverside laborers working between the shore and the docked boats in his series. He described the group as a “party of athletic young blacks,” “tumbling cotton bales from the low warehouses…down the steep bank.” After depositing one load of

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79 Thorpe, “Reminiscences of the Mississippi,” 34.
80 Thorpe, “Reminiscences of the Mississippi,” 34.
luggage on the deck, the porters, he explained, “would testify their sense of relief by executing a double shuffle...before departing for another load.” Finally, he observed the “sooty firemen...poking up their fiery furnaces, drowning the iron clatter with a grand Mandingo chorus.” By translating their awe or disdain of black steamboat workers, white literary travelers created iconic and representative cultural figures of the entire steamboat world.

As some scholars have noted, antebellum narrative and literary representations of social life acted to solidify cultural identities amidst social change and uncertainty. Lisa Brawley writes, for example, that antebellum travel writing was a means by which “deterritorialized,” or migrant Americans cultivated a national identity. Moreover, she argues that black Americans “provided a central medium through which the territorially dispersed peoples of the antebellum United States imagined the American nation.” Historian Rashauna Johnson uses runaway slave advertisements from antebellum New Orleans to demonstrate how narrative representations of black fugitive bodies provided opportunities for white people to reassert social power. In runaway advertisements slave owners might either feminize or masculinize black female runaways. In one advertisement, Johnson notes, a slaveowner described his escaped slave Nancy as

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having “very small” breasts and a masculine gait: “walks rather as a man than as a woman.” In other cases, though, black women fugitives were portrayed in runaway advertisements as weak, having been seduced away by “treacherous black men.”

Elizabeth Pryor has also argues that visual representations of black bodies in the antebellum period served to criminalize black mobility. “While state and federal laws taught white Americans that black mobility was criminally suspect,” she explains, “popular culture deployed a visual companion that helped foster white vigilantism: the portrait of the runaway slave.” While these scholars center representations of the fugitive slave in their analyses, caricatures of black river workers in antebellum travel writing contribute to their interpretations. White people’s practices of spectatorship and surveillance worked in tandem to turn black workers hauling wood and freight onto boats, dancing, singing, or waiting on cabin passengers into cultural tropes. As white migrants in the antebellum United States tried to make sense of highly transient and anonymous black river workers they were also making sense of their world and themselves.

85 Johnson, *Slavery’s Metropolis*, 79.
86 Pryor, *Colored Travelers*, 50.
The impact of this kind of surveillance on a black female river worker’s psyche or her relationship to river work is difficult if not impossible to ascertain. But the prevalence of the practice highlights the important fact that while steamboat facilitated black women’s pursuits of freedom, it was no place of refuge for black women in the river valley. To be sure, the taxonomy of enslaved bodies served more than symbolic purposes. In Ridgley’s suit against the Reindeer deponents discussed Celeste’s value, in order to determine how much Ridgley should expect to recover in damages, based on her physical appearance. H.B. Moreland, a witness for Ridgley, stated that Celeste was a "bright mulatto” and a “very handsome looking girl.”\(^7\) When Ridgley said she would probably bring one or two thousand dollars in New Orleans, Moreland explained, “he supposed it would not be as a slave but as a mistress.”\(^8\) The widespread practice of parodying black river workers in addition to the interpretation of the law that mandated the surveillance of black river workers by steamboat captains and crews reveal that the steamboat was an extension of a society governed by the consensus that enslaved bodies and the labor they performed were commodities to be valuated and traded, and that a slave owners right to that value was paramount.


The scrutiny black women were subjected to on nineteenth-century steamboats might have tempered their enthusiasm for river work, and no less the gender-specific dangers they faced such as the threat of sexual violence, extreme isolation, and at least temporary separation from their families and communities. These factors may have disinclined many black women from seeking work as washerwomen on steamboats. According to historians of steamboat labor, chambermaids made up two percent of the steamboat labor force in the 1850s. Of the over six hundred free black women who registered in the city of St. Louis between 1835 and 1863, over four hundred listed washerwoman as their occupation but only sixty indicated that they worked as chambermaids. Certainly more jobs as washerwomen were available and black women would have had reason to prefer this work to the work of chambermaids.

Black men and women performed different labor on steamboats, they had different connections to their communities on shore and they were vulnerable to different threats to their freedom, safety, and well-being. These and other perils of the river world contributed to black women’s trepidation surrounding river work. In the

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89 Hotels also employed chambermaids so one cannot be entirely certain what percentage worked on the river. Of the 85 chambermaids employed on the 93 boats docked in St. Louis in 1850, 26 percent (22) were slaves, 48 percent (41) were free blacks, and 26 percent (22) were white or European immigrants. Buchanan, *Black Life on the Mississippi*, 10.
90 Between December 1835 and May 1863, 1,492 people received freedom licenses from the St. Louis County Court. This data has been compiled by researchers at the Jefferson County Branch of the National Park Service in the St. Louis County Court Record Books. The database has been made publically available: https://www.nps.gov/jeff/learn/historyculture/freedom-licenses.htm
end, whatever freedom they could pursue there was indeed bargained. The lyrics below, included in an ethnographic text about the antebellum western steamboat world, directly address the dangers inherent to the work of boat chambermaids. The suggestion of an intimate relationship between a chambermaid and a steamboat captain intimates the possibility of sexual violence that would have shaped black women’s ideas about river work:

Hurrah my boys, Hurrah my boys
The captain has told and said,
Shove up my lads and push the boat ahead.
But as everybody knows, and everybody says,
They know his tricks, they know his ways;
He is up to time and never late,
You will find him with the chambermaid.
-Habermehl, “Songs of the Darkies”

Writing about the song in *Life on the Western Rivers*, John Habermehl had fond recollections of it: “Whenever the negroes would sing this and drag in the captain and chambermaid, everybody would laugh in their sleeves as a good rig on the ‘old man,’ who considered it better policy to squeeze one eye shut for fear that if he stopped the darkies singing this song, the crew would say that the truth hurts.” In the context of the steamboat world, the lyrics could suggest consensual sexual relationships between boat

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captains and chambermaids, but the threat of sexual violence at the hands of male crew or passengers was undeniable.

Steamboats were havens of sexual activity. Interracial sex, sex between free and enslaved workers, and between river workers and passengers carried certain risks but steamboats offered the opportunity for many to carry out their illicit sexual desires. Historian Martha Hodes explains, for example, that some white women solicited black boat stewards to sleep with them in their private berths. The women of a Louisville, Kentucky family were apparently known among some black river workers for their “habits” of seeking out the entertainment of “fine looking” black men.93 Black women who worked in intimate proximity to male passengers were subject to their sexual propositions. In his examination of court cases involving steamboat workers in the lower Mississippi River Valley, Thomas Buchanan found a collection of petitions brought by one chambermaid that must have represented the experiences of countless other black female river workers. Mary Johns worked as a chambermaid for years in the lower Mississippi River valley and over the course of her career she endured severe physical abuse and sexual assault by various steamboat captains. Over the course of nearly a decade she repeatedly appealed to the state district courts to be compensated for her

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abuse. After the case was finally heard before the Louisiana Supreme Court, the court ruled that steamboat commanders had the right to use whatever force they deemed reasonable to maintain discipline on their boats and instructed Johns to be “wiser in the future than to embark on such ventures.”

The above representations of the threat of sexual violence against black women river workers say nothing of the experience of enslaved black women who were forcibly transported by steamboat to the New Orleans or St. Louis slave markets. In those cases, the steamboat cabin could double as a lair of sexual coercion they might not escape for the days-long journey down the river. Steamboat worker William Wells Brown lamented such a plight endured by an acquaintance. “Poor Cynthia! I knew her well. She was a quadroon, and one of the most beautiful women I ever saw. Mr. Walker bought her for the New Orleans market, and took her down with him on one of the trips that I made with him...He directed me to put her into a state-room he had provided for her...I had seen too much of the workings of slavery, not to know what this meant.”

Black chambermaids would have been not only regularly forced to bear witness to such abuses, but also tasked with cleaning up behind them.

94 Buchanan, Black Life on the Mississippi, 165-166.
95 William Wells Brown, Narrative of William W. Brown, A Fugitive Slave (Boston: Published at the Anti-Slavery Office, No. 25 Cornhill, 1847), 46.
Although any river worker or passenger might have been made susceptible to violence or sexual attack by the intimacy of the steamboat cabin or the chaos of the deck, black women were the most isolated inhabitants of the steamboat world. Loneliness could explain, in part, why women worked on the river only sporadically, with intervals between trips, or waited to be called back to work by a captain or steward with whom they were familiar. Due to the labor structure on steamboats, it was difficult for black women to cultivate the female-centered networks of mutual protection and support that existed in port cities. The itinerant nature of river work did not always offer black women the opportunity to forge bonds with other female river workers, but it was possible. For at least two trips, Martha Parris worked with another part-time chambermaid from New Orleans, Suzan Moore. It appears the women had become familiar with each other over the time they had spent running the river, but when asked about the third chambermaid who was hired on the boat (which was already an unusual case), Moore’s answer revealed the limits to those connections. She explained that although she knew the third chambermaid was in New Orleans, she “forg[ot] her name, she was coloured, nothing but a girl you may say.”

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96 The attorney for the insurance company in this case asked that the women be separated as they gave their testimonies in court so they did not influence one another’s response, this indicates that the women had a close relationship or were at least very familiar with each other. It also appears from the court record that Martha Parris was the “head” chambermaid on the boat and had the authority to recruit the other two chambermaids to work with her. Deposition of Suzan Moore and Martha Parris, Marshall, William D.; Kilpatrick, Joseph v. Thomas Fire Insurance Company.
When asked about her tenure working as a chambermaid on the steamboat *Magnolia*, Martha Parris explained, “I was on her about three months; the first time I went on her when she went down in September as near as I remember; staid on her two weeks after she laid up, *when I got uneasy and quit and come home*.“ Although Parris did not explain what she meant by being “uneasy,” and we can never be sure, as discussed above, there were several reasons why she might have been inclined to take a break from her work on the boat. But Parris benefited enough from the job that she was willing to go back. When the steward of the *Magnolia* sent for her before the boat left the city again, she made another three trips on it. The uneasiness Parris relayed in her deposition taken for a steamboat insurance fraud case provides some insight into black women’s relationship to the river world and their tenuous place within it. The fact that she returned to work on the boat, though, underscores the value black women placed on the opportunities river work provided them.

Centering the actions of black women water workers and the cultural and historical productions around their experience allows us to see the river world as a both a site of antebellum racial and gendered social struggle and one of the struggle for black women’s freedom. When black women took advantage of the opportunities offered by the western river world, they embodied the promises of a geographically expanding

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nation, industrialization, and nineteenth-century economic progress. But when they escaped on the river, earned money to purchase their freedom, or reunited their disparate families and communities by working as steamboat chambermaids, they activated a politics of mobility by challenging a social order that depended on their economic and gendered subordination, as well as the stability of the institution of slavery. White nineteenth-century America, while a society in flux, kept faith in the social tenets of racial hierarchy, the benefits of slavery, and gender inequality. Black women moving and laboring with relative independence on the western rivers threatened them all.

The stories in this chapter are about black women’s defiance of the legal and cultural restrictions on their independence and mobility and the expectations that they would not abandon their owners or even their families in their pursuit of freedom. Existing scholarship on black male water workers deploys a gendered analysis to make historical meaning of their experiences. Despite the racist context that shaped the lives of men who ran the river, their freedom of movement, intermittent self-possession, and centrality to black networks bolstered their sense of masculinity and perceived capacity for self-determination. That scholarship considered alongside recent work emerging from the intersection of feminist theory and geography provides a path toward a more meaningful understanding of the intersectional nature of black women’s experiences on the river—one I have attempted to navigate here. This analytical framework allows us to
see black women who—despite real and imminent dangers unique to their race, sex, and class—seized the opportunity provided by steamboat labor and transportation to pursue what freedom they imagined beyond the shores of the Mississippi River.
Chapter 4 “Never Go Out of the City”: Forging Freedom in the Slave South

In 1843 the names of free black Memphians filled the docket of the Shelby County Quarterly Court. They had been summoned to the court due to a recently passed law that required free blacks in the state of Tennessee to file a petition for residence in order to remain in the state. The system began in 1843 and ran through 1861. Among the petitioners were Judy Pritchitt and Ellen Burton, older women who both petitioned the court for residential licenses believing that in Memphis they could “procure a more comfortable subsistence” than they could elsewhere. The petitioners also included Alice Whitelaw and Jane Dougherty, who had been sold to Barton

2 The city’s free black population was very small. In 1845 fewer than 100 of the city’s 3,000 residents were free blacks. This number reached 198 in 1860. Beverly Greene Bond, “Milly Swan Price: Freedom, Kinship, and Property,” in Laura Helper-Ferris, ed., Tennessee Women: Their Lives and Times, Volume 1 (Athens and London: The University of Georgia Press, 2009), 51.
3 Chapter CXCI, Sec. 1 of “An act to amend the laws now in force in relation to free persons of color”: Be it enacted by the general assembly of the state of Tennessee, that when any slave has been or shall be emancipated in this State, agreeably to the laws now in force, and where any free person of color shall have removed to this State, previous to the 1st day of January, 1836, it shall be lawful for such free person color, to prefer his petition to the county court of the county in which he or she is residing, or may wish to reside, setting forth the causes why he or she may wish to remain in this State, and if, upon the hearing of the petition, and any evidence that may be adduced, the court is satisfied that the person making the application, is of good character, and ought to be permitted to reside in the county they may grant such privilege upon the condition hereafter mentioned, and thereupon, such free person of colour shall be exempted from the penalties imposed by the act of 1831 chap. 102, and other penalties and conditions imposed on free persons of colour removing to or residing in this state, or required to leave the same. Acts Passed at the First Session of the Twenty-Fourth General Assembly of the State of Tennessee, 1841-1842 (Murfreesborough: D. Cameron & Company Printers to the State, 1842).
4 Ellen Burton petition, File #502 and Judy Pritchitt Petition, File #498, Box 8, Shelby County Quarterly Court Records, Shelby County Archives, Memphis, TN (Hereafter: SCA).
Richmond of Memphis, Tennessee and then sold to William Morris and manumitted in Cincinnati. Both women returned to Memphis and submitted petitions for residential licenses in June of 1848. These petitions offer a rare glimpse at the desires and fears of black people in the antebellum United States and also their sense of place in the middle Mississippi River valley.

This chapter uses the petitions for residence in Memphis, Tennessee, free person’s bonds in Missouri and Tennessee, and writs of habeas corpus submitted by black petitioners imprisoned on suspicion of being fugitive slaves to explore the ways that social embeddedness coexisted with frequent mobility in the middle river valley. Together, they provide insight not only into the question of why free black women fought to stay in the slave South but also how they remained in southern states despite anti-immigration and expulsion laws meant to exile free blacks from the state or the country entirely, and who was most vulnerable to exclusionary legal codes. It draws on scholarship on antebellum free black populations in other urban environments like New Orleans, Savannah, Charleston, and Baltimore, which highlight certain characteristics of

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5 Alice Whitelaw, File #497 and Jane Dougherty, File #504, Box 8, Shelby County Quarterly Court Records, SCA.
6 John Dougan examines their desires and motivations to stay in the city in his 1994 essay. He concludes that family and economic security were the chief concerns of petitioners who wished to live out their freedom in the slave state: John Dougan, “Why They Chose to Stay: The Petitions of Free Persons of Color to Remain in Shelby County, Tennessee, 1843-1853,” West Tennessee Historical Society Papers 48 (December 1994).
urban centers in the South that drew free black migrants. Most importantly, those scholars point to the fact that free blacks could earn money in southern cities in order to make a way for themselves and their families. Southern cities also offered free blacks access to legal recourse in matters of labor, property, and kinship. Despite the racial and gendered structure of southern society, black men and women used the law to protect their property and families in ways that circumvented the overarching racial hierarchy and legal imperatives of slavery.

In this chapter I argue further that one’s reputation and familiarity within their river valley communities defined their condition of freedom more than their legal status. A free person’s residence in the urban spaces of the river valley was usually called into question as a result of interpersonal conflict or one’s perceived outsider-ness. On the other hand, free blacks who were imprisoned on suspicion of being runaway slaves

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often relied on their reputation as a free person and recognition in the community as evidence of their free status. Of course, familiarity was itself a historical process. The “social milieu” in the middle river valley operated similarly to what Anthony Kaye located in the Natchez District, wherein communal belonging was constantly made and re-made to incorporate newcomers and also protect slave communities from dangerous outsiders like runaways.⁸ Although the river valley was in some ways a land of strangers, characterized by constant motion, its inhabitants practiced (and the law facilitated) ways of knowing oneself and others that relied upon and reinforced intimate bonds between them. Still, transient free and enslaved laborers as well as absentee slave owners occupied important positions in the social and mental geography of the river world. Thus, in the context of the urban river valley where black and white people were constantly coming and going, and where one’s physical presence was not always requisite of inclusion in the social landscape, a strict but not always visible social and relational order governed local communities.

The sense of order for slave-holding white people relied on the perceived stability of the master-slave relationships and the inferior social position of free blacks in the region. In reality, the institution of bondage was frequently challenged by

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widespread practices of hiring out, the employment of free and enslaved black workers in occupations that granted them access to mobility, owner absenteeism, and the access black people had to legal personhood. For those very reasons, commonly held understandings of one’s status as a slave, free person, or slave owner steadied troubled waters. When that delicate social balance was disrupted, people sometimes turned to the courts to clarify those roles and relationships. These moments of social and thus legal crises, often spurred by the individual choices and actions of black people in the river world, fanned the flames of increasingly contentious political debates around the institution of slavery. In times of relative stability, though, the river world’s mechanisms of social and community knowledge production and exchange allowed its black residents, both free and enslaved, to experience some measures of lived freedom amidst bondage. This, I argue, is why they stayed.

There were sometimes weaknesses in the exclusionary laws regarding free black residents in slave states, or their enforcement, which provided legal and extralegal opportunities for black women to circumvent them. Although Tennessee law required that manumitted slaves be immediately removed from the state or that they submit a petition for residence, individual citizens were tasked with the enforcement of the law. If a freed person was “illegally” residing in the state, another resident would be responsible for bringing the offense to the attention of county officials. And even if indicted, the accused would have the opportunity to defend themselves and avoid
deportation. Martha and Mary, free black residents of Nashville, were freed by their late mistress’s will and had no intention of leaving the county after her death. The executor of Jane Craighead’s estate however, had a different agenda. R. N. Williams applied for the women’s emancipation in 1850 per Craighead’s instructions, but took some liberty with the remaining provisions pertaining to the women. Craighead’s will read, “I will and desire that all my negro slaves, to wit, Martha, Mary and Henry, the child of Martha, shall be set free and emancipated at my death; and I do hereby direct and request that my executor, hereinafter named, shall use all possible exertions for this purpose by taking my said slaves to any state of the Union, where the laws will permit their emancipation and there set them free, provided it cannot be done by the laws of Tennessee.” After applying for their emancipation, Williams stepped well beyond his role as executor and worked tirelessly to have the women removed. In 1852, he brought the women to court on the grounds that they refused to leave the state after their emancipation in accordance with the law. Williams declared that the women knew their emancipation was contingent on their emigration from the state, and that he had even attempted to arrange their departure by steamboat to Cincinnati. The women had since been “repeatedly commanded” by Williams to leave the state.

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9 Copy of will included in Williams, RN, adm. v. Mary, Martha, Henry, persons of color, Records of the Chancery Court Case Files, Box 9, Document #935, Metropolitan Nashville-Davidson County Archives, Nashville, TN.
10 Mary and Martha’s answer to Williams’s petition, Williams, adm. v. Mary, Martha, Henry, persons of color.
Mary and Martha’s answer to the charge suggested that they were oblivious to the law that required their emigration upon emancipation. They explained to the court that although they knew they had been manumitted by their mistress’s will, they knew “nothing of the complainant’s applications to the county court of Davidson for their emancipation, nor anything of the information…that their emancipation and freedom were conditional and dependent upon their leaving the state of Tennessee…nor of the complainants offer to pay them expenses the more easily to enable them to leave the state; nor of his contract with the captain of a steamboat to carry them away.”11 The women, by their counsel, submitted further that they were not, in fact, in violation of the law because they had been born in the state, thereby meeting one of the requirements for free persons to remain in the state. Williams had not informed the women that Craighead, in addition to providing for Mary and Martha’s emancipation in her will, instructed that “one year of the rent of my land, the year in which I die, is to be given to my two women, Martha and Mary, to provide them homes.”12 Mary and Martha pleaded to the court that if Williams believed it was his charge to settle them in a free state, he had failed to take the necessary steps to do so at no fault of their own.13 The women recalled being instructed to go to the wharf at some point after their

11 Mary and Martha’s answer, Williams, adm. v. Mary, Martha, Henry, persons of color.
12 Copy of will included in Williams, adm. v. Mary, Martha, Henry, persons of color.
13 Mary and Martha’s answer, Williams, adm. v. Mary, Martha, Henry, persons of color.
manumission to be taken to Cincinnati, but claimed that when they arrived there were no arrangements for their travel because they knew nothing of what would await them in Cincinnati, so they returned to their homes.

The women argued that their residence in the state was lawful, and they ended their declaration with an appeal that the charges be dismissed, and they be left alone to enjoy their freedom in the land of their birth. Mary and Martha stated they “have not been a charge upon the public…they have maintained themselves by honest labor; and before their mistress’s death they had formed connections, which attach them to their present homes, and which they pray they may be peacefully permitted to enjoy.”

Martha was married to and lived with a man named Alexander, who was the slave of an absentee owner living in St. Louis named Joseph Brown. Martha and Alexander lived with their four children in Brown’s Nashville residence. Mary lived with her husband Philip and their two children, in the residence of Philip’s owner, a Davidson County judge.

Ultimately the case against the women was dismissed. The decision reflects the ongoing flexibility in the interpretation of exclusionary laws as well as the kinds of protection black women could obtain in seeking to live out their freedom in the same places they had been enslaved. The fact that Williams, in the first place, needed to

14 Mary and Martha’s answer, Williams, adm. v. Mary, Martha, Henry, persons of color.
submit a petition to the county court to have the women removed illustrates that they had been living for at least a few years on their own, unhampered by the courts, despite the laws regarding free people of color in operation at the time. If they did not know that they were required to leave upon their manumission, they likely learned of it by Williams’s incessant harassment. The women reported that Williams had more than once demanded that they leave the state. They seem to have at least feigned compliance by going to the wharf as he had instructed.

Mary and Martha claimed they had no knowledge of the submission of a legal petition for their emancipation and there is no evidence that they sought out their inheritance although, by Craighead’s will, they had strong claims to the execution of both. Instead, with no gift or legal confirmation of their freedom, Mary and Martha went about their lives, confident in their status as free women. In Mary and Martha’s case it seems that obtaining documentation of their freedom was not their first priority because there is no record showing that they submitted petitions for residential licenses. Free papers were certainly a symbol of status and could offer freed people some protection, but in themselves, as will be discussed below, they were of unequal consequence against the weight of attitudes, custom, or reputation which could be much more consequential for freed people’s lives.

Mary and Martha’s living situation highlights another aspect of free black survival in the slave South, namely the continued power of white protection. Both
women claimed in their answer to Williams’ petition that they were living in the dwellings of their enslaved husbands. This would have provided them some protection from scrutiny from other members of the community. Free blacks were more acceptable when they remained in the care and service of white people. With limited economic resources, they sometimes created public dwellings on streets and in back alleys and their increased visibility could make them vulnerable targets, or fodder for anti-black political sentiments. If they lived with white people, free blacks were “knowable” in a way that shielded them from much of the inquisition and suspicion faced by unattached free blacks.

In Missouri, the laws pertaining to negroes and mulattoes indicated that free blacks who were the spouses of slaves held and owned in the state or legally brought there were among those eligible to petition for residential licenses.¹⁵ Although Tennessee did not have a comparable law, Mary and Martha, who were attached through marriage to white slave owners, even absentee owners like Joseph Brown, might have benefited from their connection to white slaveholders and avoided removal from the state. The

¹⁵ “An act concerning free negroes and mulattoes,” The revised statutes of the State of Missouri: revised and digested by the Eighth General Assembly during the years one thousand eight hundred and thirty-four, and one thousand eight hundred and thirty-five. Together with the Constitutions of Missouri and of the United States. Printed and published under the direction of the Superintendent appointed by the General Assembly for that purpose (St. Louis: Printed at the Argus Office, 1835).
way in which Mary and Martha evaded legal prosecution despite Williams’ best efforts reveals that black women could be successful in their effort to circumvent racist laws.

At the time that Williams brought his suit against Mary and Martha the weight of the law appeared to be on the women’s side. A few years later two other women, Lucinda and Susannah would have to contend with a new law requiring the removal of freed persons of color from the state to the western coast of Africa and engage in a legal contest over their freedom that would last nearly a decade. Like Mary and Martha, Susannah and Lucinda were freed by their master’s will. Also, as in the case of Mary and Martha, the executors of their late owner’s estate found the women’s freedom repugnant. After their owner Michael Smithpeter’s death in October 1856, Carrick W. Nelson and David Smithpeter, executors of the deceased’s will, initiated the procedure to have the women removed to Liberia. It would have been the duty of the executors, according to the law, to file a petition in the court for the women’s removal and to have them served with notice of the petition. Section 1 of Chapter L of the Public Acts passed by the General Assembly of Tennessee in February of 1854 read:

Be it enacted by the General Assembly of the State of Tennessee. That hereafter all slaves in this state, acquiring a right to freedom, whether by contract or will, shall be transported to the western coast of Africa. If the slave shall be liberated by will, it shall be the duty of the executor or administrator; if by contract, the

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duty of any justice of the peace, sheriff, clerk, constable or register, who may have any knowledge of the facts, to file a petition in the circuit court of the county in which such slave resides, setting forth the facts; copies of which petition shall be served on the slave.\textsuperscript{17}

In this case, it appears that when the initial petition was filed in June of 1857 the court ordered that Susanna and Lucinda be hired out until the next term of court. By April of 1858, the executors of the estate had not fulfilled their obligation to provide the women with a copy of the petition. The court then ordered that the sheriff deliver said petition to the women and also appointed them counsel in order to offer an answer to the complainants—the executors—at the following term. In October of 1858, Susannah and Lucinda offered their interpretation of their late master’s will and accordingly submitted their desires to the court. By their answer to the court, it seems their attorney, R.H. Luttrell, may not have been aware of the 1854 law at all. Their first wish was to remain in the state as free persons and, as they understood their condition, they had every right according to the law and the late Smithpeter’s will.

Smithpeter’s will read: “It is my will and desire that my two slaves Susan and Lucinda, shall be emancipated if the laws of the land will permit them to remain in this state, or if they or either of them shall prefer to go to a free country, and if not then they

\textsuperscript{17} “An act to regulate the emancipation of slaves, and to provide for the transportation of free persons of color to the western coast of Africa,” \textit{Acts of the State of Tennessee passed at the First Session of the Thirtieth General Assembly, for the years 1853-1854}. (Nashville: M’Kennie & Brown, Book and Job Printers, True Whig Office, 1854).
shall have and enjoy a quasi-freedom in this country and shall have the right of managing and making for themselves.” On those grounds, Luttrell argued that the women’s continued residence in the state “would not be incompatible with the laws of this state as the act of 1842, which evacuated the law of 1831 section 2, chapter 102 in which provisions it only compelled slaves to (be) removed (from) the state; and unless some other intervening law which they are not informed of, compels them to remove to Liberia...” If it were in fact inconsistent with the law that they be permitted to remain in the state, the women wished to remove to a free state in the country. But if left with the choice between slavery and emigration to Liberia, the women concluded “after much study and penetration of mind” that they would remove to Liberia, “believing that freedom in a foreign country is preferable to slavery here.” The case was postponed and resumed in April of 1859.

The court then issued a decree which argued that although Susannah and Lucinda were entitled to their freedom, they could not exercise that freedom in the state of Tennessee and thus did not legally reserve the “power of election” to emigrate to a

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19 Susan and Lucinda’s answer by their attorney to Smithpeter’s petition, Smithpeter, David and Carrick W. Nelson, exor. Of Michael Smithpeter, deceased v. Smithpeter, William et. al.
free state. The court’s decision read: “Persons of color cannot enjoy a quasi-freedom in this state or exert the power of election in going to a free state…they can only be free under the express provisions of the laws of this state on condition of their immediate removal from the state…” The court ordered that the county clerk continue to hire the women out until the “Governor or other proper authority” require that they start to Liberia. It appeared that Susan and Lucinda’s fate had been sealed. But in the following months the women would seize their freedom with their own hands.

Both Susan and Lucinda ultimately accepted different fates than the court sought to execute. In the October term of 1859 Susan submitted another petition to the court. In their first answer to Nelson and Smithpeter’s petition, by their attorney Luttrell, Susan and Lucinda seemed appalled at the “exciting law” that allowed for the voluntary enslavement of free persons of color in the state. They preferred freedom in a foreign country over slavery in Tennessee especially in light of the law which would offer one the right to choose a master but, in their estimation, “allow[ed] that person to sell them again at their will and perhaps force them to be slaves of those who might prove hard

21 If an enslaved person was freed by will or contract it conferred upon them the “imperfect right to freedom.” Only the court could confirm one’s full legal freedom. Charles C. Trabue discusses this technicality in his essay: Charles C. Trabue, “The Voluntary Emancipation of Slaves in Tennessee as Reflected in the Legislation and Judicial Decisions,” Tennessee Historical Magazine 4, no. 1 (1918): 50-68. 22 Smithpeter, David and Carrick W. Nelson, exor. Of Michael Smithpeter, deceased v. Smithpeter, William et. al.
and cruel masters.” But, a year later, Susan petitioned the court to do just that. She elected to enslave herself to the family to which she had been hired out during her case’s pendency. Her decision had been made from a combination of grief, fear, and some hope of being protected from further prosecution. Since the last term of court she had lost her friend, which lay heavy on her mind. Susan explained that Lucinda,

She is sorry to say destroyed herself by her own hand, why she did it this respondent Susan is unable to state, unless it was from the fact that she felt she would be compelled to leave the land of her nativity, and to take up her residence in a strange land and among a people she knows not, but be the cause what it may your respondent Susan states that it greatly influenced her mind, and contributed very much to induce her to select her master and go into voluntary servitude.

The additional guiding influence in this decision was “her affection;” Susan had recently been married to an enslaved man belonging to the family to whom she had been hired out. “Rather than fall back into the executors hand” she hoped to “happily spend her days as the slave of her selected master Jacob Wagner and the wife of her present husband.”

Susan was right to think that, without such drastic measures, she would continue to be threatened by at least one of the remaining Smithpeters. David Smithpeter had

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gone to the length of accusing Susan and Lucinda of murdering their late master in order to more quickly be freed by his will and challenged the court’s approval of Susan’s petition for reenslavement. It would not be until after the Civil War that the Tennessee Supreme Court heard the case, at which point it was quickly decided that the terms of the case were no longer legally material. The decision read: “It is now unnecessary to determine the questions raised in the record, in reference to the right of the girl Susan, to go into voluntary servitude. The amended constitution of the State of Tennessee, adopted on the 22nd of February 1865, prohibits slavery or voluntary servitude, in the State of Tennessee, and it has ceased forever to exist.” The court declared that Susan and Lucinda were entitled to take the legacy of two hundred dollars given to each, along with the other articles mentioned in the will. William Ross, Lucinda’s child, would be entitled to the interest of his dead mother.

Death and reenslavement may rightfully be seen as failures in Susan and Lucinda’s struggle for freedom. But if so, one must also recognize the power, however limited, they exerted over their fate. As they weighed the options that were laid before them by the executors of their late master’s estate and the Johnson County court, these

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26 Nelson & Smithpeter, Ex’rs v. Smithpeter, William and Hiram Smithpeter. 42 Tenn. 13, Supreme Court of Tennessee, September Term, 1865.
27 Nelson & Smithpeter, Ex’rs v. Smithpeter, William and Hiram Smithpeter. 42 Tenn. 13, Supreme Court of Tennessee, September Term, 1865.
women were able to convey, at least in part, what they prioritized and, if given the choice, how they would have chosen to live out their freedom. Smithpeter’s will granted the women not only their freedom but also a monetary gift, with which they could have started their lives over in a new place. Instead, like Mary and Martha, they wished to remain in their community. Each of them seemed to believe they could best live out their freedom where they were—Lucinda to the extent that she preferred to die rather than be forced to leave.

The narratives relayed in this chapter reveal that some black men and women in the river world lived somewhere between slavery and freedom and their experience was constituted by the varying attitudes and actions of white slave owners. In the river valley, both the laws themselves and local custom left much room for slippage between liberty and bondage. Notions of mastery, property, freedom, and family were intertwined, relational, and sometimes unstable. Despite laws that prohibited enslaved people from hiring their own time, going “at large,” or moving about the city without permission of one’s owner, for example, these practices were widespread on the river in towns like St. Louis and Memphis. Like Tennessee, Missouri had passed exclusionary laws regarding free people of color. But the laws there provided for a few more legal pathways for remaining. In Missouri, one could be granted a residential license if they could prove that they were married to an enslaved resident of the state before 1835 or before their arrival in the state, that they themselves were residents before 1840, or that
they had been emancipated or freed in the state. Many free blacks met one or more of those requirements and successfully registered.28

However, it was not uncommon for free blacks to find their access to those pathways obstructed. Those who were convicted of residing in the county without a license were met with a fine, often in addition to ten to twenty lashes, and then forced to leave. In September of 1840 *The Colored American* remarked that the “mayor of St. Louis,” William Carr Lane, was “proceeding against all the free colored people who have taken up their residences there, in violation of the law. Fifteen, who were found to have violated the laws, were ordered to leave the State in three days.”29 Just a few months earlier, on July 31, an attorney named Ferdinand Risque petitioned the court to grant freedom licenses to more than twenty free black men and women at once and all were refused.30

28 Researchers at the St. Louis Branch of the National Park Service concluded that between 1835 and 1861 St. Louis County granted free negro licenses to nearly seven hundred women and eight hundred men. Over about the same period more than five hundred men and women were fined and imprisoned for residing in the city without a license, many of those were discharged due to their employment on steamboats and others were permitted to be released in order to procure testimony of their freedom. I am grateful to those NPS researchers, especially Bob Moore and Ebony Jenkins, who have enumerated all persons of color who applied for freedom licenses in St. Louis County. I learned of this database during the course of my own research at the Missouri History Museum and the St. Louis County Archives and have consulted many, but not all, of the original documents used by those researchers to create their database. I have also found cases that do not appear in the database. My findings in no way undermine their conclusions, however I invite the reader to take these discrepancies into account when I refer to statistics taken from the National Park Service database in this paragraph. Please find the NPS’s compiled data here: https://www.nps.gov/jeff/learn/historyculture/freedom-licenses.htm.


30 Information taken from NPS database.
At the same time, the Missouri statutes regarding free negro licenses included a peculiar provision that would have made it nearly impossible to closely police the free black community, let alone distinguish them from those who were enslaved. If a free person had been granted a free negro license, the court, according to the statute, was prohibited from providing a copy to the applicant. Instead, all free negro licenses were to be held “for safe-keeping” in the clerk’s office. Further, the sheriffs, constables, and deputies of each county were instructed by the law to seize any copies of free licenses that might be in the possession of black residents in their county. A free person could receive a copy of their free papers only if they intended to journey out of the county. Upon their return, they were given five days to return the license to the clerk’s office, under threat of fine. If they were relocating to a different county, the free person was expected to submit their license to the local clerk’s office in the county where they settled. Section 3 of Tennessee’s 1842 laws regarding free persons of color, by contrast, stated that a copy of free person’s licenses should be deposited in the clerk’s office but did not explicitly prohibit the possession of free persons’ licenses by their holders. Yet, it appears to have been customary in Tennessee too that free persons did not carry their licenses.31

31 In 1848, P.G. Gaines of Memphis assisted a free man named Rylen Hand in retrieving his freedom certificate because he intended to travel for a few days. PG Gaines petition, box 16, file #474, Shelby County Quarterly Court Records, SCA.
By 1860, a county commissioner from Missouri was so fed up with what he perceived to be the wanton practice of granting free negro licenses that he submitted a furious petition to the board of County Commissioners, which had overruled him on a number of occasions. Commissioner Tippett protested specifically the cases in which licenses were granted on affidavits taken in states other than Missouri, for the reason that he “did not believe that an affidavit of negroes freedom is such a certificate of citizenship as is contemplated by the laws of Missouri.” Here he referred to the clause in the act that permitted free negroes to petition for residence in the state if they could produce a “certificate of citizenship” from “someone of the United States.” 32 Tippett cited the case of one “negro woman born in Kentucky licensed on the 22nd April 1861, [with] no certificate of citizenship.” 33 In 1850, the woman in this case, Mary Walker, used a letter of introduction from her former owners as her proof of eligibility for residence in the city. It explained that she had “taken a notion to go to St. Louis” after being with them for fifteen years. On its merit, Walker was granted a petition to reside in the state. 34 Tippett also objected to the number of transient black residents of the state who were born elsewhere and had “never made th[e] state their home.” 35 In April of 1861 alone at

32 “An Act Concerning Free Negroes and Mulattoes,” Revised Statutes of Missouri (March 26, 1845).
33 Petition to the Board of County Commissioners, box 63, folder 10, Dexter P. Tiffany Collection, Missouri History Museum Library and Research Center, St. Louis, MO (MHM).
34 Mary Walker Free Negro Bond, box 62, folder 4, Dexter P. Tiffany Collection, MHM.
35 Petition to the Board of County Commissioners, box 63, folder 10, Dexter P. Tiffany Collection, MHM.
least fifteen steamboat chambermaids, who by the nature of their work were transient, had been granted free negro licenses in the city of St. Louis and were probably implicated in Tippett’s complaint. Finally, Tippett leveled a critique that exhibited the jurisprudential imperative of Justice Taney’s damning 1857 Scott decision. He protested the licensing of even those free negroes who could produce certificates of citizenship for “if the decision of the Supreme Court of the United States is the law of the land then no free negro or mulatto can be recognized as a citizen, the certificate of any state to the contrary notwithstanding.”

Both free and enslaved residents of the state benefited in some ways from the ambiguity the statute created around their legal status, even if, at times, free blacks in Missouri became more vulnerable because they were not able to keep official documentation of their status. In Missouri especially, one’s reputation as a free person could prove more significant than legal status. If one was brought before a Justice of the Peace on the grounds of being a runaway slave, it was in many cases because of some dispute or conflict, or perhaps mere unfamiliarity. Because free black residents could not have possession of their free papers, in many cases they appealed to the court on the

36 Occupations were not always recorded. Free negro bonds, box 62, folders 7-8; box 63, folders 1-2, Dexter P. Tiffany Collection, MHM.
37 Tippett was undoubtedly referencing Taney’s 1857 decision in the matter of Dred Scott’s petition for freedom. Petition to the Board of County Commissioners, box 63, folder 10, Dexter P. Tiffany Collection, MHM.
basis of their reputation. Transient or mobile blacks were more vulnerable to the threat of arrest because they were less likely to possess the social capital of more permanent black residents in urban river towns. But if they could get some reputable person to attest to the fact that they were employed in river work, even transient free blacks could be acquitted.

But the burden of proof weighed more heavily on those who had not registered with the local clerk and were thus not as easily absolved. George Bailey, a black steamboatman, was arrested in St. Louis on suspicion of being a runaway slave. In his petition to prosecute a writ of habeas corpus, he called on a witness from Pittsburgh, Pennsylvania to testify to his freedom.38 Another boatman named Charles Dorsey, also from Pittsburgh, was arrested as a runaway slave and released based on the testimony of three separate steamboat captains who attested to his freedom and their hiring of him as a fireman or barkeeper on their boats.39 One Captain Blagg even testified that he knew of Dorsey sending money to his wife in Allegheny a few times. Despite a provision of the act to regulate proceedings in writs of habeas corpus stating that “no negro or mulatto, held as a slave within this state, or lawfully arrested as a fugitive from service from another state or territory, shall be discharged, nor shall his right to freedom be had

38 In the matter of George Bailey, Case No. 93 Aug 1856, St. Louis Law Commissioner’s Court Records, St. Louis County Court Archives (Hereafter: SLCA).
39 In the matter of Charles Dorsey, Case No. 94 Apr 1855, St. Louis Law Commissioner’s Court Records, SLCA.
under the provisions of this act,” Bailey and Dorsey were a few of many prisoners who submitted petitions to the courts to challenge their detainment.

Some detainees may have been allowed to submit petitions because they had been arrested in a neighboring state. William Edwards was arrested in Iowa on board the steamboat *Sarasen* and imprisoned in St. Louis. He remained in jail for a year before a man named Francis Lisle submitted a testimony on the prisoner’s behalf, claiming that he had known Edwards eleven years ago when Lisle was “engaged in the employment of the United States Government,” and that at that time he was reputed as a “free boy.” Whatever the reason for allowing such testimony, the practice nevertheless represented a small chink in the legal armor meant to control black mobility.

Even those mobile blacks who carried legitimate proof of their freedom of mobility could not bypass the authority of the local, intimate knowledge the people and connections that populated and governed the river world community. Adam Marshall was trying to get work on the river in the spring of 1855 when he was arrested and detained as a runaway slave. He carried in his pocket a note from his owner, Mary Logan Smith, of Shelbyville, Kentucky, indicating that he had permission “to go on the river in a boat.”40 The patroller Mr. Doyle, on authority to “arrest all colored people” that day, claimed he recognized Adam as Mrs. Smith’s slave and thought the pass had been

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40 *In the matter of Adam Marshall*, Case No. 95 Apr 1855, St. Louis Law Commissioner’s Court Records, SLCA.
forged. When Mrs. Smith found out that Adam had been arrested she hired agents to petition for his release and arrange to have him sent back to Kentucky. In her petition she reiterated what she had written on Adam’s pass: “[Adam] is not a runaway—he is a trusty slave in whom she has full confidence and he had her full permission and authority to engage on any steamboat in any capacity, excepting as a firemen and as such to go to St. Louis or New Orleans or any other place.”

In his own defense, Mr. Doyle wrote back to Mrs. Smith stating that her handwriting must have changed over the past few years because the writing on the pass was not familiar to him. He went on to explain that he never knew Mrs. Smith to hire her slaves in certain areas of Missouri, nor was it her habit to “allow one to go at large.” Mrs. Smith intervened in Adam’s case because she had a vested interest in his safety, but her actions also served to undercut Mr. Doyle’s status as a supposed repository of communal knowledge.

Given the complex and dense web of ties in the river valley, it was not entirely unusual for one’s former owner to intervene in legal matters on behalf of a black litigant. Rebecca Moore was arrested in 1854 under suspicion of being a runaway slave. She explained in her petition to the court that she had formerly been enslaved to a man

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41 Mary Logan Smith’s petition to the court. In the matter of Adam Marshall, Case No. 95 Apr 1855, St. Louis Law Commissioner’s Court Records, SLCA.
42 Mr. Doyle’s telegram to Mary Logan, In the matter of Adam Marshall, April Term Case No. 95 (1855), St. Louis Law Commissioner’s Court Records, SLCA.
43 In the matter of Rebecca Moore, October Term Case No. 110 (1854), St. Louis Law Commissioner’s Court Records, SLCA.
named James Wilson formerly of Pinkneyville, Mississippi then residing in Cincinnati, Ohio, and was sold to a Noah Webb in 1831. Ten years later she was emancipated by the will of Dr. Webb. James Wilson submitted a letter on Rebecca’s behalf indicating that he sold her to the doctor and that she and her daughter Mary Ann had been emancipated by Webb’s will. Wilson further testified to the fact that Rebecca and her daughter lived in New Orleans, Louisiana for some time before Rebecca began “running on the steamboat Niagara in the capacity of chambermaid.”

The harassment and detainment suffered by women like Chloe Ann Harris and Mary Wilson reveals both the promise and peril of reputation and notoriety. Mary Wilson was working as a chambermaid on the Steamboat Isabel in the spring of 1854 when she was seized and arrested by the St. Louis constable on the suspicion of being a runaway slave. Her accuser, John J. Schuler, swore he knew that the “yellow woman, about thirty-five years of age, [with] straight hair and one tooth out in front,” was a fugitive. Schuler was a boatman himself and the two could have met working on any of the hundreds of steamers running on the antebellum western rivers. Wilson claimed she was a free person of color and Schuler was simply exacting revenge over an unsatisfied debt.

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44 James Wilson’s letter to the court on behalf of Rebecca Moore, *In the matter of Rebecca Moore*.
45 *In the matter of Mary Wilson*, April Term Case No. 92 (1854), St. Louis Law Commissioner’s Court Records, SLCA.
Eliza Duncan, a free, literate black woman expressed utter confusion in her petition to the court after her arrest in 1854. It stated that although she was colored, she was a free woman and the fact was “well known to be so to many citizens of St. Louis.” It continued, “she knows not why or by whom she has been taken and detained. There is no charge against her in any of the courts, nor does she know any just reason why there should be nor so far as she can learn, is there authority for her arrest or process for her detention.” The tone of Eliza’s petition suggests that she had successfully relied on her reputation as a free woman in the city to maintain her liberty.\footnote{In the matter of Eliza Duncan, August Term Case No. 129 (1854), St. Louis Law Commissioner’s Court Records, SLCA.} Chloe Ann was seized by a slave trader named Reuben Bartlett and confined in his “slave prison” in the winter of 1855. She petitioned to be taken before the judge and was promptly discharged only to be detained again by her attorney to prevent her from being recaptured by Bartlett. Chloe Ann Harris did not welcome this “protection” and petitioned to the court that she had been again illegally restrained of her liberty.\footnote{In the matter of Chloe Ann Harris, Case No. 106 Feb 1855, St. Louis Law Commissioner’s Court Records, SLCA.}

Until the passage of the Fugitive Slave Act, the presence of nearby free soil could be a zone of temporary refuge for people of color in the river valley. The November 10, 1848 issue of The North Star included a report originally printed in the St. Louis Union
titled “The Good Swimmer.” It read: “Yesterday, officer Micheau was informed that a large negro man, supposed to be a runaway slave, had been seen loitering about the island opposite the Arsenal, for several days past. The officers went to the island, saw the negro, and attempted to arrest him, but after a short race the negro took the water and swam the Mississippi. When he reached the Illinois shore he turned, and seeing no one in pursuit, sat down upon a log and viewed, with apparent satisfaction, the barrier he had placed between himself and his pursuer.”

But after 1850, slave catchers or kidnappers could feign legitimacy when they seized unsuspecting blacks beyond state borders based on the authority vested in them by the Fugitive Slave Act. Section 4 indicated that commissioners in each jurisdiction should “grant certificates to…claimants, upon satisfactory proof being made, with authority to take and remove…fugitives from service or labor, under the restrictions herein contained, to the State or Territory from which such persons may have escaped or fled.” Slave owners took advantage of his legal chance to pursue black men and women who were living as free in the river valley. Nathan Coleman petitioned the St. Louis Law

48 To be sure, kidnapping occurred before the passage of the Fugitive Slave Act. For example, less than a year later the same newspaper published a story about a family of colored people emigrating from Missouri to Canada that was seized and carried to St. Louis. “A Good Swimmer,” *The North Star*, November 10, 1848; “Kidnapping in Illinois,” *The North Star*, June 1, 1849.
Commissioners’ Court to apprehend his slave Mary, alias Ellen, who ran away three years earlier.  

In 1853 Robert Wash petitioned the court to seek out his slave Charles who had run away four years earlier, and indicated that Charles had been “seen working as a cook on the steamer Mayflower, which was lying in Detroit, Michigan.” Furthermore, section 6 of the Fugitive Slave Act expressly denied black prisoners any recourse against their capture, affirming that “in no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned, shall be conclusive of the right of the person or person in whose favor granted.” Nevertheless, as was the case with earlier writs of habeas corpus, this provision of the law was unevenly applied and some did succeed in at least having their petitions brought in court. Elizabeth, alias Sarah, Vincent was born free and a resident of Illinois. She was arrested in 1859 in Illinois and brought to St. Louis where she submitted a writ of habeas corpus. Sixteen-year-old Nancy Miller was from Quincy, Illinois and imprisoned in St. Louis in 1856. Her mother’s petition prayed that a writ of habeas corpus be issued on the grounds that both she and Nancy were born free.

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49 In the matter of Mary, alias Ellen, slave of Nathan Coleman, Case No. 106 Aug 1853, St. Louis Law Commissioner’s Court Records, SLCA.
50 In the matter of Charles, slave of Robert Wash, Case No. 105 Aug 1853, St Louis Law Commissioner’s Court Records, SLCA.
51 In the matter of Elizabeth, or Sarah, Vincent, Case No. 90 Apr 1859, St. Louis Law Commissioner’s Court Records, SLCA.
Repeated attempts made by state and local authorities to render free and enslaved black men and women in the river valley legible and governable suggests that slavery and slaveholders’ power was not a totalizing force in the region. In the cases that follow, the actions of black women in pursuit of their freedom reverberated far beyond themselves, demonstrating the power of these women to weaponize the flexibility in the interpretation of the law and further exacerbate the weaknesses at slavery’s foundation.

When Charles Leath died of scrofula at age twenty-nine, the farmer’s will was entered in the Shelby County Probate Court. It included thirteen items, the sixth and seventh of which referred to two women who were both enslaved by the Leath family, but would take divergent paths to freedom. The sixth item read: “On the first day of January 1850 I direct my executors to pay to my mother Sarah H Leath two hundred dollars towards the manumission of her negro woman Charlotte. I having every confidence that the said money will be faithfully applied to that purpose.” 52 Charles’s mother Sarah fulfilled this task and emancipated Charlotte in the summer of 1850. It seems, though, that the two hundred dollars Charles had left her to free the woman would not be needed for that purpose. In Sarah Leath’s petition to the court to emancipate Charlotte, she indicated that she wished to free the woman because of her

52 Charles A. Leath Will, Records of Wills, September Term 1849, p 94, Shelby County Probate Court Will Books 002 1847-1853, SCA.
meritorious service to the family, but also because she had a “sufficient, valuable consideration to wit four hundred dollars saved in money,” for the purchase of her freedom.\textsuperscript{53} Sarah’s other son James, the attorney, saw to the execution of the petition and served as surety in the case. Moreover, in the same term of the court, Charlotte submitted a petition for residence as a free person in the state. Charlotte had been born in Georgia but had lived in Memphis for the past twelve years. She made her case to the court representing that she wished to remain there because many of her children were still owned by the Leath family and explained that she was “very much attached to her children and to the white family with which she ha[d] been all her life connected.”\textsuperscript{54} James again served as Charlotte’s surety and she would be relatively secure in her status as a free black woman in the city for at least the next three years.\textsuperscript{55}

In the seventh item of his will, Charles Leath secured a different fate for another woman enslaved by the Leath family. Instead of manumission, he loaned her to his mother and brother “for their joint use during their lives and for the survivor during his

\textsuperscript{53} Emancipation of Charlotte Leath by Sarah Leath, box 20, file #0, Shelby County Quarterly Court Records, SCA.
\textsuperscript{54} Charlotte Leath’s petition for residence, box 21, file #602, Shelby County Quarterly Court Records, SCA.
\textsuperscript{55} The 1842 law required free person of color to renew their licenses every three years; 1850 Slave Schedules indicate that Charlotte Leath may have eventually purchased her children from the Leath family. “Charlott Leath” is listed as owning six slaves in Memphis’s 2\textsuperscript{nd} ward—Milly Swan, a property and slave owning black woman is listed in the slave schedule that year in the same ward. The 1870 census reports that Charlotte Leath lived with five others in the city’s 7\textsuperscript{th} ward. She was buried in the colored section of the Elmwood Cemetery in Memphis in 1874.
or her life…my servants John, William, and Amanda to be kept in their possession and
with their increase preserved until the death of the survivor they or the survivor of them
taking and receiving only the services of the said slaves and the same not being subject
to their debts or going out of their possession.” By offering the servants as a “loan,”
Charles effectively protected the slaves within his estate from any insolvency of his
survivors. Along with half of his remaining household possessions, he intended for the
slaves to be given to his niece Valeria after the death of his brother and mother. 56 The
other half of his household possessions would fall to his brother’s son, James Jr., to
whom Charles made other generous considerations including “my gold watch,
wardrobe and trunk with its contents, shot gun, and walking cane the latter given me by
my friend Jesse Alexander.” However, despite the careful allocation of his earthly
belongings, Charles Leath’s wishes for at least one of his enslaved women would not be
carried out. A few years after Charles’s death, it appears his beloved nephew James T.
Leath Jr. defied his uncle’s last will and testament and decided to assist Amanda in
becoming a free woman.

In January or February of 1853, Cyrus Howard of Alton, Illinois wrote to the
National Era, describing the kidnapping of a woman in his hometown of Alton. Howard

56 Charles A. Leath Will, Records of Wills, September Term 1849, p 94, Shelby County Probate Court Will Books 002 1847-1853, SCA.
explained that he could no longer afford the newspaper subscription because he, along with other black members of the community, had contributed funds for the purchase of her freedom and to keep her from being taken back to Memphis and reenslaved.57 Amanda, the young woman that Charles Leath had loaned as a servant to his brother and mother, had arrived in the town fifteen or sixteen months prior with Charles’s nephew James Leath Jr. It was reported that after some “family difficulty,” James Jr. brought Amanda to Alton to find and live with an aunt and eventually left her in Illinois in the belief that she was then a free woman by virtue of her residence in a free state.

Charlotte and Amanda’s divergent narratives considered alongside each other make evident the double-sidedness of river world intimacy and social embeddedness. The Leath family was well known in the city of Memphis. The matriarch, Sarah H. Leath, allocated five acres of land to be used for the construction of an orphanage and discretionary funds to be put to the use of building a public school for orphans. She owned a number of slaves in service at the time of her death, some she willed to be loaned or bequeathed and others to be manumitted after a certain age. Her son, James T. Leath Sr. was an attorney who served as the executor of substantial estates, had been appointed to oversee the development of the city’s infrastructure, and was a prominent

member of the city’s Presbyterian church. In 1850 Charlotte Leath benefited from her connection to this family in earning her freedom and also successfully petitioning to remain in the state of Tennessee among her children with the Leath family’s blessing.

But Amanda’s freedom was ultimately threatened by her intimate belonging to this river world community. Although the initial report of Amanda’s kidnapping suggested that James Jr. had inherited Amanda from his father, a later report indicated that James Jr. had actually run away with Amanda, after which “negro traders” had purchased a title to the young woman from James Sr. The slave catchers who kidnapped Amanda, referred to in the papers as the McCollums, arrived in Alton with proof sufficient enough to satisfy the commissioner and would have been free to take Amanda and return her to slavery in Memphis. The claim that the McCollums were “negro traders” cannot be substantiated but they were certainly friends of the Shelby County Court. John C. McCollum served the city as deputy sheriff for some time. Malcom McCollum, like James Leath Sr., was repeatedly given work by the court overseeing the building of roads and bridges, and was also frequently called as a juror. Moreover, the same newspaper article that mentions the McCollums suggests that they learned of

58 James Leath Sr. appears frequently in the court minute books. Shelby County Quarterly Court Minute Books, No. 4 1833-1843, No. 5 1843-1848, No. 6 1848-1851, SCA.
59 The McCollums appear frequently in the court minute books in various roles. Shelby County Quarterly Court Minute Books, No. 4 1833-1843, No. 5 1843-1848, No. 6 1848-1851, SCA.
Amanda’s whereabouts because a black woman wrote to a friend in Memphis inquiring about how Amanda had become free. Such a letter may never appear in order to corroborate the claim, but the suggestion that the McCollums were alerted to Amanda’s whereabouts in this way signals an enduring connection between the mobile and migratory residents of the river world. A woman in her new place of residence, Alton, would have had to have known Amanda in Tennessee as well as maintained contact with others still there. Thus, the very webs of knowledge and communication that would have made Amanda knowable to her new community in Alton would be the same that threatened her freedom.

Black women’s liberty in the context of this movement and embeddedness fanned political tensions in and outside of the region. Charlotte Leath and other petitioners to the county court caused white Tennessee residents to disparage the practice of granting residential licenses and call for its repeal. Amanda Kicherell’s kidnapping became national news because of Charles Howard’s letter to The National Era editor. The news of her kidnapping and rescue was reported in at least three different publications. Although an enslaved woman named Elsa Hicks did not earn the same attention as Amanda, her story further highlights the ways in which black women’s pursuits of liberty rippled outward and sparked political controversy, if even by mistake.
Elsa Hicks was born in Virginia around 1824. She was enslaved to John Spotswood Ravencroft Burwell, a son of the revolution in more ways than one—he was born in 1776 the son of Lewis Burwell, a colonel in the revolutionary army. Hicks was gifted to Burwell’s daughter Letitia and after Letitia married around 1835, the three migrated to Wisconsin territory. That move would mark the beginning of Hicks’s journey to freedom. Shortly after, Letitia gave birth to her first child and would have two more before the family settled in St. Louis around 1841. Whether Letitia and her husband James Mitchell knew it or not, when they moved to St. Louis holding Hicks as a slave they were in violation of the law. Article 1 of “An act concerning slaves,” in The Revised Statutes of Missouri of 1835 held that “hereafter no person shall bring, or cause to be brought into this state, or hold, purchase, hire, sell or otherwise dispose of within the same…any person or the descendant of any person, who shall have been imported to the United States, or any of the territories thereof, in contravention of the laws of the United States, and held as a slave.” By law, Hicks had been held as a slave in the Wisconsin Territory in contravention of the Northwest Ordinance and only then brought to Missouri, thereby violating the statute. Sometime between 1841 and 1845 Hicks learned that she had legal grounds to sue for her freedom. Interestingly, she would only turn to the law when she was threatened with removal from Missouri, a slave state.

If Amanda and Charlotte’s stories are evidence of the intimacy of the river world, Elsa Hicks’s journey to freedom highlights the fact that such intimacy was in some cases
no match for the chaos fostered by a highly mobile black population moving between
the worlds of slavery and freedom. The Burwells meant to correct for Letitia and her
husband James’s ignorance or negligence in removing to the Wisconsin Territory with
Hicks, endangering their claim to her. John Burwell arranged for the family to move to
St. Louis and Hicks was hired out to a man named Edward Gay until it could be
arranged for her to return to Virginia where the Burwells could “care for her interest”
until Letitia’s children were adults and able to legally claim Hicks as their property. John
Burwell sent his son to retrieve Hicks from St. Louis, but she escaped.

In her telling of the events, when she tried to board a steamboat, the captain
refused to take her on board. But according to Burwell’s son, when he had possession
of Hicks in 1844 or 1845 she was “seduced from him” and “concealed (he believe[d] in
[St. Louis]), so that he could not get her.” In an attempt to secure legal protection from
the Burwells, and perhaps after hiding out in the city for some time, Hicks initiated her
first freedom suit in the St. Louis Circuit in 1845 based on the Mitchells’ violation of the
Northwest Ordinance. Burwell was summoned to give security but was not found in the

60 Elsa Hicks’s petition to the court for freedom, Hicks, Elsa a mulatto girl v. Burwell; Mitchell, Apr Term Case No. 55 (1845), St. Louis Circuit Court Records, SLCA.
61 Taken from Burwell’s answer to Elsa Hicks’s second petition for freedom, Hicks, Elsa a mulatto girl v. McSherry, Patrick T., Nov Term Case No. 121 (1847), St. Louis Circuit Court Records, SLCA.
city; according to the provisions of the law, Hicks was seized and hired out by the court for her protection.

The two years after she initiated her first suit are murky, but in the fall of 1847 Hicks initiated a second freedom suit based, again, on the claim that she had resided in the Wisconsin Territory for six years with the Mitchells as a slave, in violation of the Northwest Ordinance. But this time the defendant charged in the case was neither Burwell nor Mitchell, but one Patrick T. McSherry. The court allowed Hicks to proceed with her suit but Burwell was determined to carry out his father’s charge to return Hicks to Virginia for safe-keeping. Hicks reported that Burwell and some other men “seized upon her at the place she was employed and gagged her and hurried her and her child off,” attempting to board them on the Steamboat Algoma. This time, Hicks explained, a “friend” rescued her. Burwell had failed again and, because of Hicks’s pending freedom suit, he was charged with being in contempt of the court.

When he learned of the suit, Burwell maintained his innocence and denounced the entire petition as a collusive attempt by conniving abolitionists to deny slaveholders their property rights. At the February term of the Circuit Court, the younger Burwell’s response to the charge of contempt was heard. He claimed that the Mitchells had forfeited their rights to Hicks by taking her to the Wisconsin territory and thus the title...
to and interest in her had been transferred to Letitia Mitchell’s children as their father John Burwell had stipulated. The younger Burwell explained that he meant no disrespect to the court by kidnapping Hicks and had only intended to fulfill his father’s wish that he return her to Virginia in order to protect the interest of his grandchildren.63

Burwell’s plea of innocence was in equal measure a diatribe against abolitionists who he portrayed as seeking to conspire against the rights of others. He charged “the suit in which the order of this court [was] said to have been made a collusive and fraudulent suit.” And as a result the charge against him was ungrounded: “although the orders of this court made according to law are binding, yet that when there are no real parties to a cause—...a false and fraudulent suit is imposed on the court for the mere purpose of defeating citizens of their property,” and “the court is by the false and fraudulent and collusive representations of such conspirators against the rights of others...induced to make orders the court would not require individuals having just claims to property to be prejudiced by an observance of any of the proceedings which the court was so defrauded into.” He then pleaded that the court consider that he was only assisting his father and sister in Hicks’s recovery and thus not in “willful” contempt of the court. Burwell lamented the charge of kidnapping against him as the

63 Burwell’s answer to Elsa Hicks’s second petition for freedom, Hicks, Elsa a mulatto girl v. McSherry, Patrick T.
“universal hue and cry of abolitionists when a master attempts to recapture his slave in any portion of the country which is infested with such creatures,” and claimed “if the master attempts to recover his property by civil process, in most instances, his slave will be concealed or taken beyond the reach of his process before his rights can be determined.” In Burwell’s estimation Hicks had eluded him for so long because she had been harbored by abolitionists, namely one Patrick McSherry, and that this new suit naming McSherry as a defendant was another diversionary tactic.64

The case stirred up so much controversy that the sheriff could not get anyone to hire Hicks. In addition, neither Patrick McSherry nor the Burwells had provided security as parties in the case, meaning the cost of Hicks and her child’s keep in jail would go unpaid. Eager to relieve himself of Hicks and her child, the sheriff first approached her in jail and informed her that he could find no house for her and she would stay in jail for as long as her suit against McSherry was pending. When Sheriff Conway relayed their conversation to the justices he included Hicks’s reply that she had never intended to sue Patrick McSherry, and her case was, just as the first, against the Mitchells. A simple administrative error had led Burwell to such a passionate denunciation of the trickery of abolitionists. In actuality, no trickery was needed; the strides Hicks made toward

64 Burwell’s answer to Elsa Hicks’s second petition for freedom, Hicks, Elsa a mulatto girl v. McSherry, Patrick T.
freedom were her own. Because the Burwell family had introduced her to a river valley world in which she could hide in plain sight waiting to strike freedom, Elsa Hicks evaded, at least for some time, their plans for her further forced mobility and transmission as property.

The intimacy of the river world still operated within an atmosphere of distorted, diminished legibility, where a woman like Elsa might successfully avoid her numerous determined captors while simply staying put. Like Hicks, other women considered in this chapter exploited the cracks within the claims of sovereignty and ownership in the slave South, which had been widened by local customs related to the law, labor, and mobility in the middle Mississippi River Valley. Their experiences challenge a strict analytical binary between classes of free and enslaved people in the region. Freedom suits, voluntary emancipation, and self-purchase were practices that assisted many black women in becoming legally free. But at the same time, voluntary reenslavement or flight were practices that sometimes assisted them in experiencing the conditions of freedom. The experiences of both free and enslaved women in the river valley, over the course of their lives, fell at various points on the spectrum of liberty.

Possessing legal status as a free person did not exempt one from being classified as or suspected of being a slave and it did not guarantee legal recourse. On the other hand, enslaved people in the region had greater access to mobility, the law, and other formerly enslaved people, and took advantage of these opportunities and resources to
expand their liberty, even in the slave South. The myriad laws meant to restrict the movement of black residents in the river valley reflected the difficulties and dangers of governing a mobile black labor force on the border of slavery and freedom. But these same conditions – of surveillance and distorted legibility, of risk and reward, of the necessity of their labor and fear of their presence - meant that some black women in the region were able to live within the margins of restrictive legal doctrines by relying on their reputations and their connections to the community for protection.
Chapter 5 “I Trust We May Meet in a Better World Than This”: Black Women and the Politics of Mobility During and After the Civil War

Over the course of the 1850s black women in the river valley felt the political ground shift in new ways and shift further during the Civil War. The violent political conflict shook the worlds of both free and enslaved black men and women in the river valley and its rural environs. Black women knew from their experiences in court and through their encounters with white men and women in their communities—both slaveholding and non-slaveholding—that white people held a range of political attitudes regarding race and the institution of slavery. In the years leading up to the Civil War, space, mobility and political geographies took on brand new meaning for enslaved women in the Mississippi River valley—as did the politics of mobility in the context of war. Somewhat fluid political ideologies became hardened as the Compromise of 1850, the fight for Kansas, and the nascent but increasingly influential Republican Party forced white citizens, especially, in the middle border states, to choose a side in the political controversy over slavery. Such political polarization created opportunities for some and had woeful consequences for others. The movement of military forces and the slave

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owners wishing to escape them, the journeys of black men and women to Union army
camps, and the perpetual movement of black women seeking to protect themselves and
their children as the fight for freedom waged on violently disrupted the antebellum river
world landscape.

Even as many of their husbands sought to enter the Union army, black women
would still have to chart paths to freedom of their own. Scholars have begun to highlight
both mobility and the gendered nature of the journey to freedom for black women and
children, especially, during the Civil War in new and important ways. The themes of
mobility and gender are both at play in this chapter. Many black women discussed here
fled with their husbands to Union army regiments but for many their migratory routes
did not end there. Black women’s patterns of movement were still driven by economic
opportunity and proximity to community. In some cases, black women moved along
with their rural plantation communities, which uprooted and reconfigured themselves
in river towns like Memphis, Alton, and St. Louis. After they reached the first
destination on their journeys, black women continued to make choices about where to

2 A few key pieces of scholarship on this point: Thavolia Glymph, “Du Bois’s Black Reconstruction and Slave
Women’s War for Freedom,” South Atlantic Quarterly 112, no. 3 (Summer 2013): 489-505; Thavolia Glymph,
“Rose’s War and the Gendered Politics of a Slave Insurgency in the Civil War,” Journal of the Civil War Era 3,
no. 4 (December 2013): 501-532; Amy Dru Stanley, “Instead of Waiting for the Thirteenth Amendment: The
War Power, Slave Marriage, and Inviolable Human Rights,” American Historical Review 115, no. 3 (June 2010):
732-765; Yael Sternhell, Routes of War: The World of Movement in the Confederate South (Cambridge: Harvard
University Press, 2015).
go next to keep themselves and their families safe, and where they would ultimately settle to live their lives in freedom.

Black women in the river valley engaged the federal government in ways that differed from their experiences with local justices of peace, juries, and judges in the antebellum river valley. They were newly educated in the relationship between local power brokers like pension agents and lawyers and the authority of the federal government. Pension records speak to a discrete experience—those of black Civil War widows—but the existence of these records signals an important departure from the antebellum period in terms of black women’s legal legibility. Prior to the Civil War, the marital status of free and enslaved black women was inconsequential in the civil disputes they either provoked or initiated. After the Civil War, widowed black women were forced to perform their womanhood before the law in wholly new ways. This shift is historically significant in terms of codifying the meaning of black freedom and citizenship post-emancipation, but at the time it also abruptly gendered black women’s relationships to the state. “One might argue,” Elizabeth Regosin writes, “slaves traded one master for another, albeit a more benign and protective one. As citizens, former slaves were now subject to new laws, new constraints and restrictions that redefined the
family and familial relationship.”3

Although much had changed, much was still the same. This chapter also highlights the fact that the parameters of black women’s politics of mobility were still gendered during and after the war. The expectations of and constraints on black women shifted, but they were nonetheless gendered and impacted black women’s capacity for self-determination.4 These themes are especially pronounced in river valley port cities. Most of the women discussed in this chapter led working class lives after the war and many found economic opportunity in the urban river valley. Their labor in river cities, though, was different from that performed by women in farming families in rural areas. The women discussed in this chapter made their living in a variety of industries that did not always meet the contemporary standards of respectability. Overall, black women in the wartime and post-Civil War Mississippi River valley survived different but no less

4 Historians have begun to reengage Evelyn Brooks Higginbotham’s path-breaking study of black women in the Baptist church in the era of Jim Crow. This chapter relies on Higginbotham’s insights and others on the politics of respectability among black women to make meaning of working-class black women’s experiences in the river valley during and after the Civil War and, in particular, how they navigated accusations against their morality and sexual character. However, this chapter uses their experiences primarily to highlight continuity between the antebellum period and the postwar period in terms of how black women both benefited from their embeddedness in community but also suffered gendered forms of surveillance. Evelyn Brooks Higginbotham, Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880-1920 (Cambridge: Harvard University Press, 1994); Treva B. Lindsey, Colored No More: Reinventing Black Womanhood in Washington, D.C. (Urbana: University of Illinois Press, 2017); Tamika Nunley, “Wild Colored Woman: A Legal and Cultural Examination of Black Female Criminality During the Civil War” (PhD. Diss., University of Virginia, 2017).
precarious circumstances than those who lived in and shaped the antebellum river world. They continued to use their access to movement, economic opportunity, and the law, to shape and define the terms of freedom for themselves and their families.

The Mississippi River valley had been embroiled in conflict in the few years leading up to the outbreak of the Civil War. Black women there witnessed a hardening of political boundaries and an impending breakdown of the consensus between white men and women that slavery, whether one liked it or not, was a reality that would continue to exist. Slaveholders had found some comfort in the passage of the 1850 Fugitive Slave Act, which bolstered its much weaker 1793 predecessor and required that citizens aid in the kidnaping of alleged fugitive slaves.\(^5\) However, such legislation only aggravated political tensions between proslavery and anti-slavery factions in the region. The impact of that legislation was compounded by the 1854 Kansas-Nebraska Act, which effectively repealed the Missouri Compromise of a few decades earlier by enacting popular sovereignty on the question of slavery in the region. The opening of

\(^5\) The 1850 Fugitive Slave Act was intended to be a more effective measure to recover and prosecute runaway slaves and their aids. “An Act respecting fugitives from justice, and persons escaping from the service of their masters,” February 12, 1793; “An Act to Amend, and supplementary to, the Act entitled ‘An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters,’” September 18, 1850.
Kansas elicited a massive migration to the state where antislavery and proslavery factions would go to battle over defining the state’s soil as slave or free.6

The effects of that political bargain were felt especially in Missouri. As antislavery migrants swarmed Kansas’s border, Missouri slaveholders feared they might become isolated among free states. They quickly mobilized to execute their own proslavery vision of the new state. When Lincoln attempted to raise troops from Tennessee to put down the “rebellion” in South Carolina, Tennessee’s General Assembly declared independence and, shortly after, secured voters’ support—except those in East Tennessee—to secede from the Union.7 Soon Tennessee, and especially Memphis, would become a major battleground and the port city would take on new meaning for the black women who lived and came there after 1861.

For black women, the political consensus between proslavery and antislavery factions that they had both navigated and relied upon to survive in the antebellum river valley erupted in the 1850s and had become a distant memory by 1861. “The strongest men that were not Abolitionists,” one white Tennessean wrote in her diary, “have turned warm secessionists since they have been under Yankee rule.”8 Pro-slavery

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8 August 19, 1862, Sarah Jane Johnston Estes Diary, Tennessee State Library and Archives (Hereafter: TSLA).
Residents of the border region became more visible than ever and swept port city homes up in the increasingly hostile national conflict. As the spaces black women knew became less and less familiar, new beacons of hope emerged in the form of federal troops they perceived as bringing the promise of freedom to the South. For many, Union army camps became the North Star that Illinois never was.

Rachel and Elias Falls lived on neighboring plantations in Hardin County, Tennessee. Rachel belonged to a wealthy planter named J.J. Williams of Savannah, Tennessee and Elias to John Falls of the same county. The couple married in 1849. In the summer of 1863, Rachel Falls traveled with her husband Elias from Savannah, Tennessee to Corinth, Mississippi where he enlisted in the United States Colored Infantry. Rachel was widowed a year later when, after surviving the battle of Fort Pillow, Elias died at the Mound City hospital in Illinois. But it appears that Rachel never made it Illinois. Like many other black women who shared her migratory route from middle Tennessee to the Mississippi River valley, Rachel settled as a free woman in the river town of Memphis, just south of Fort Pillow, where many women had been left when the soldiers departed for the 1864 battle.

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9 Claim for Widow’s Pension, Falls, Elias, WC123446, RG 15, NARA.
10 Adjutant General’s Report, Falls, Elias, WC123446.
When she arrived, Falls would have found a substantial community of runaway slaves who began to flock the city in the summer of 1862, after the Union victory at the first battle of Memphis. “The town is filled with negroes who have run away,” Sarah Estes wrote in her diary. According to Estes, the Union army had granted the city’s growing, self-emancipated black population license to do what they wished. While some were impressed in the military to fortify Memphis, others took charge of the city and their own lives in different ways. “The negroes are protected in all kinds of villainy,” Estes wrote. She was particularly disappointed in one of her own slaves. The young man had remained with the family even after their other slaves had runaway, but eventually he left too. “Jasper is keeping boarders in Memphis,” Estes wrote, “Oh! How that boy deceived us, but the thought of freedom was a great temptation.”

11 August 19, 1862, Sarah Jane Johnston Estes Diary, TSLA.
12 Ulysses Grant and his officers established contraband camps in Memphis and Corinth, Tennessee and elsewhere, where the army provided refuge for the numbers of runaway slaves who abandoned their masters’ homes, in many cases after their masters had fled to Confederate lines. August 17, 1862, Sarah Jane Johnston Estes Diary, TSLA; Ira Berlin, ed., Freedom: A Documentary History of Emancipation, 1861-1867, Series II: The Black Military Experience (Cambridge: Cambridge University Press, 1982), 116.
Other women stayed close to their husbands after they enlisted in the Union army. Rachel Parks and her husband Ransom were married very young on her owner William Buford’s plantation in LaFayette County, Mississippi. Her husband was owned by a man named Samuel Parks who owned a nearby farm.\textsuperscript{14} When Rachel, Ransom, and at least one other slave from the Buford plantation left their owners they travelled to Jackson, Tennessee where Ransom Parks worked as a cook for white soldiers.\textsuperscript{15} They then travelled to Corinth, Mississippi where Ransom Parks enlisted in the Union army in the summer of 1863. Parks travelled with her husband to Tennessee and then to Corinth where she had their second child before they left with the army for Memphis. From there, Rachel Parks went with her husband “on a boat to go to Fort Pillow.”\textsuperscript{16} The soldier was killed at the battle of Fort Pillow in 1864. Parks told the examiner that she saw her husband in the battle and “while the said battle was going on she was placed on a flat and taken up and across the river.” Parks never saw her husband again.\textsuperscript{17}

\textsuperscript{14} Abner Buford, another enslaved man on the Buford plantation recalled that Rachel and Ransom were married very young in his home on the plantation, and that the last time he saw the couple they were at Memphis, Tennessee during the war. Abner Buford deposition, Parks, Ransom, WC 104473, RG 15, NARA.

\textsuperscript{15} Jerry Steward deposition, Parks, Ransom, WC 104473.

\textsuperscript{16} Buford deposition, Parks, Ransom, WC 104473.

\textsuperscript{17} Rachel Parks deposition, Parks, Ransom, WC 104473.
Still other women chose different routes of migration after their husbands enlisted in the army, forging paths apart from the Union army entirely. Women who were free before the war did not have owners to flee or to fear, but the conflict disrupted their world as well. A range of political ideologies coexisted in Illinois. William Herndon, Abraham Lincoln’s law partner, characterized the state as being separated into three distinct political partitions. Residents in the northern counties, including Chicago, were readily absorbed into the Republican party as they were predominantly antislavery. As many runaways had discovered and those free and enslaved blacks who lived across the river in St. Louis already knew, white southern Illinoisans were hostile to black freedom. However, as seen in the case of Amanda Kicherell, the region also contained pockets of well-established free black communities. The central counties, according to Herndon, were a political “battle ground.”  

A free black woman named Susan Green became Henry Heighton’s second wife when they married in April of 1864 in Adams County, Illinois. Henry enrolled in the

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19 Widow’s Declaration for Army Pension, Heighton, Henry, WC 82270.
United States Colored Troops in February of that year at Alton, Illinois and was mustered in at Quincy in April. The couple agreed that Susan would travel to Chicago to stay with Mrs. Eliza Simpson, the wife of George Simpson, a soldier in Henry’s regiment. However, she decided to return to Quincy in June of 1864. “I left Chicago the Thursday after the first Sunday in June,” Susan wrote in a July 11 letter to Henry.20 “I did not like Mrs. Simpson’s ways and thought if I was to take sick I would not have any one to tend to me.”21 Though Eliza and George were from Mississippi, the couples had met before the men enlisted and become close. Henry wrote once that George had sent “his best love” to Susan.22 Susan reassured her husband that she would be safe back in Quincy. “There is no more trouble concerning the copperheads.”23 Because the threat of the anti-War Democrats had been tamed, Susan had independently determined that Quincy was now safe. Henry replied to his wife in support of her decision. He thought her reasons for leaving were good “for if ever there was a time that women should be careful of themselves it is when their husbands are away.”24

Susan’s mobility and the couple’s literacy was also used to the advantage of others who had been separated by war. Susan and her husband exchanged several

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20 Susan Heighton to Henry Heighton, July 11, 1864, Heighton, Henry, WC 82270.
21 Susan Heighton to Henry Heighton, July 11, 1864, Heighton, Henry, WC 82270.
22 Henry Heighton to Susan Heighton, June 23, 1864, Heighton, Henry, WC 82270.
23 Susan Heighton to Henry Heighton, July 11, 1864, Heighton, Henry, WC 82270.
24 Henry Heighton to Susan Heighton, July 19, 1864, Heighton, Henry, WC 82270.
letters in the few months between the regiment’s departure from Quincy and Henry’s
death in Virginia. At one point Henry requested Susan send him money in order to buy
stamps as he wished to write “quite often” to her. In one letter from Henry in the
summer of 1864 he asked his wife if she knew the whereabouts of a woman named Julia.
“Wife are you and Julia living together at present,” he asked, “if not write and tell me
where she is and how she is getting along.” Henry later indicated that he was inquiring
about the woman for someone else. “Wife tell me in your next letter if Julia is in
Quincy,” he wrote, “if she is find out her other name as there is a man here that wishes
to write to her and he does not know her last name.” Susan adapted to the wartime
political landscape. She clung to her relationships and her community during the war
but she ultimately moved based on her own calculation of the risks and opportunities
she might face. And the letters between Susan and her husband regarding the other
woman named Julia indicate that Susan was not alone.

Some black women in the river valley, of course, never left their homes. Those
who had lived in the urban river valley before the war may have found little reason to
leave. One pre-Civil War Madison County family remained in the state of Illinois after

25 Charles Greanwell, the first sergeant of Heighton’s company reported that the soldier was killed at the
battle of Petersburg, Virginia on July 30, 1864. Heighton, Henry, WC 82270.
26 Henry Heighton to Susan Heighton, July 19, 1864, Heighton, Henry, WC 82270.
27 Henry Heighton to Susan Heighton, undated, Heighton, Henry, WC 82270.
28 Henry Heighton to Susan Heighton, undated, Heighton, Henry, WC 82270.
the war. Sarah Fanny Arbuckle married Conrad Arbuckle in Upper Alton on December 1, 1853. Conrad enrolled in the Union army at Wood River, Illinois in February of 1864. He was mustered into service at Quincy, Illinois two months later. Conrad Arbuckle’s fellow soldiers viewed him as a “strong and healthy” man. But during the latter part of June 1864 after the regiment was forced to march from “near Richmond, Virginia back to the Rappahannock River, and around to below and to the left of Petersburg, Virginia,” Conrad was “not able to perform any active duty.” Arbuckle was discharged from the military in June 1865 due to his disability. The attending physician reported that Arbuckle suffered from tubercular consumption, fistula, and had also developed abscesses in his lungs. Arbuckle died in April of 1866. E.M. Joslin, the doctor who attended to him, testified that the soldier contracted the illness while in the service of the Union army. Arbuckle was “circumspect, orderly, neat,” according to Joslin, and possessed “intelligence superior to a majority of his race.” When Sarah Arbuckle filed a pension claim as a widow with minor children. She and Conrad had three surviving children (one had died), George Washington, Frederick Douglass, and William Henry. Ellen Johnson and Miria Arbuckle testified to the births of the children. Johnson

29 Certificate of Record of Marriage, Arbuckle, Conrad J., WC 126836, RG 15, NARA.
31 James B. Delaney and Lewis Martin joint deposition, Arbuckle, Conrad J., WC 126836.
32 Delaney and Martin joint deposition, Arbuckle, Conrad J., WC 126836.
33 Report of Dr. E.M. Joslin, Arbuckle, Conrad J. WC 126836.
attended their births as midwife and Miria as nurse.\textsuperscript{34} Ann and Gardner Morgan, who also remained residents of Madison County, Illinois, testified that they had known them both since before their marriage and confirmed that the couple was in fact married.\textsuperscript{35}

In the end, some women made journeys before eventually returning to the places they knew. Charity Fleming travelled with her husband and three children from Mississippi to LaGrange, Tennessee, where her husband enrolled in the Union army, in the fall of 1863.\textsuperscript{36} Grandison died of small pox shortly after Charity gave birth to their fourth child, a son who was given Grandison’s name.\textsuperscript{37} Charity did not remain in Memphis long after the war. After the war, Charity eventually returned with her children to her former owner James Harper’s place in Yalobusha County, Mississippi, where she and Grandison, who belonged to a neighboring planter, had married in the winter of 1852.\textsuperscript{38} It appears that Charity traveled back and forth for some time between Tallahatchie and Memphis to execute her claim. Her 1867 claim originated in Memphis, where she lived during the war, but in 1868 James Harper offered an affidavit on her behalf stating that she and her children had moved back to Mississippi to live on his plantation.\textsuperscript{39} In the same month James Harper offered his testimony to the clerk of the

\textsuperscript{34} Ellen Johnson and Miria Arbuckle joint deposition, Arbuckle, Conrad J., WC 126836.
\textsuperscript{35} Ann and Gardner Morgan joint deposition, Arbuckle, Conrad J., WC 126836.
\textsuperscript{36} Adjutant General Office’s Report, Fleming, Grandison WC120405, RG 15, NARA.
\textsuperscript{37} Adjutant General Office’s Report, Fleming, Grandison WC120405.
\textsuperscript{38} Charity Fleming deposition, Fleming, Grandison WC120405.
\textsuperscript{39} James Harper deposition, Fleming, Grandison WC120405.
probate court in Tallahatchie, Mississippi, Charity Harper appeared before the clerk of
the circuit court in Shelby County, Tennessee. She might have returned to ensure the
speedy execution of her claim, or she may have returned to visit members of her
transplanted Mississippi community. Two women, Viney Harper and Caroline
Williams, who had also lived on the Harper Plantation but settled in Memphis were key
affiants in Charity’s case. The women testified that they acted as midwives at the births
of Charity’s four children: Maria and Lizzie, born before the war, and Meshack and
Grandison, both born after 1861. 40

Black women who applied for pensions from the federal government navigated a
new system of claims-making during and after wartime, which significantly reshaped
the ways they narrated their movements and communities. 41 Like women in the
antebellum river valley before them, they had to learn through their own and others’
experiences the most effective strategies for achieving their desired outcomes. Word that
soldiers’ wives could petition the government to receive compensation for their
husband’s service likely spread quickly through military camps. Attorneys—some
honest and others swindling—became known for preparing and submitting widow’s

40 Viney Harper and Caroline Williams joint deposition, Fleming, Grandison WC120405.
41 This chapter expands on a growing body of literature on the history of the Pension Bureau and the
experiences of black pensioners. Donald R. Shaffer, “‘I do not suppose that Uncle Sam looks at the skin’: 
African Americans and the Civil War Pension System, 1865-1934,” Civil War History 46, no. 2 (June 2000),
132-147; Regosin, Freedom’s Promise; Theda Skocpol, Protecting Soldiers and Mothers: The Political Origins of 
Social Policy in the United States (Cambridge: Cambridge University Press, 1992);
pension applications to the war department.\textsuperscript{42} Black women’s legal education through the processes of claiming bounties, soldiers’ back pay, and their widow’s pensions continued as they learned what evidence they would need, such as sworn testimonies or local government documents to corroborate the information they offered about their marriages, the birth of their children, and their past and present lives.\textsuperscript{43} Providing proof or “credible” testimony was especially difficult for some who were uncertain of dates. Sarah Robinson, for example, used a relational understanding of time to determine the date of her marriage. Her claim was initially held as suspect due to a discrepancy between her statement and the statements of witnesses regarding the date of her marriage to her late husband Benjamin Robinson, who served in Company D of the 11th

\textsuperscript{42} Pensioners might learn which lawyers they could and could not trust through other members of their community or from other pensioners’ experiences. Regosin, \textit{Freedom’s Promise}, 28-29; Section 6 of “An Act to Grant Pensions” provided that “the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance, before the Pension Office under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office, with the requisite correspondence, five dollars. In cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit so required and executed and forwarded (except the affidavits of surgeons, for which such agents and attorneys shall not be entitled to any fees) one dollar and fifty cents. July 14, 1862.

\textsuperscript{43} Widows or dependents of deceased black soldiers were granted some concessions in terms of the evidence they were expected to provide for their marriages before the war: Section 2 of the 1866 Pension Act read: That in determining who is or was the wife, widow, or heirs of any colored soldier, evidence that he and the woman claimed to be his wife or widow were joined in marriage by some ceremony deemed by them obligatory, followed by their living together as husband and wife up to the time of enlistment, shall be deemed sufficient proof of such marriage for the purpose of securing any arrears of pay, pension, or other allowances due any colored soldier at the time of his death; and the children born of any such marriage shall be held and taken to be lawful children and heirs of such soldier, “A Resolution respecting bounties to colored soldiers, and the Pensions, Bounties, and Allowances to their heirs,” June 15, 1866.
regiment of the United States Colored Infantry. She had provided the wrong date in her application, but Sarah Robinson knew that she was married “some short time before the fall of Vicksburg.” She perceived that time to be February when it “actually was in June 1863.” Although the differences raised some suspicion, the examiner concluded that this was due to her “not knowing exactly the order and nominations of the months.”

When laws regarding war pension claims changed over the later decades of the nineteenth century some women were able to take advantage of new concessions that allowed pensioners to claim arrears or increased allowances for children. In other

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44 Elizabeth Regosin has demonstrated that many formerly enslaved pensioners “marked time and significant events differently from those who could read and write.” In her study, she also highlights the pensioners’ practice of orienting events in their personal lives around the events of the war. Regosin, *Freedom’s Promise*, 41-42.

45 Section 1 of the 1879 Pension Act read: That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the law war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension; provided, the rate of pension for the intervening time or which arrears of pension are hereby granted shall be the same per month for which the pension was originally granted, “An act to provide that all pensions on account of death, or wounds received, or disease contracted in the service of the United States during the law war of the rebellion, which have been granted, or which shall hereafter be granted, shall commence from the date of death or discharge from the service of the United States; for the payment of arrears of pensions, and other purposes,” January 25, 1879; Section 4 of the 1868 Pension Act read: That if any officer, soldier, seaman, or enlisted man has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, leaving a widow entitled to a pension, and a child or children under sixteen years of age by a former wife, each of said children shall be entitled to receive two dollars per month, to commence from the death of their father and continue until they severally attain the age of sixteen years, to be paid to the guardian of such child or children for their use and benefit: provided, however, that in all cases where such widow is charged with the care, custody, and maintenance of such child or children, the said sum of two dollars per month for each of said children shall be paid to her for and during the time she is, or may have been, so charged with the care, custody, maintenance of such child or children, subject to
cases, changes in the law forced women to defend their original claims against character assassinations. Especially in those instances, black female pensioners learned that the value of their testimony against or in relationship to white persons’ testimonies had changed from slavery to freedom. Networks of black women were mobilized in wholly new ways during and after the Civil War. The testimony of black midwives, nurses, or even bridesmaids became more valuable than they had ever been in the view of the law. These female witnesses were essential to the success of black women’s widow’s pension applications because so many claimants lacked doctor’s records or wedding certificates to corroborate their claims and their testimonies were often all black pensioners had. These legal requirements emboldened the community networks of black men and

the same conditions, provisions, and limitations as if they were her own children by her said deceased husband, “An Act Relating to Pensions,” July 27, 1868.

46 The pension act of July 4, 1864 was the first that dealt with slave marriages. Section 14 read, “That the widows and children of colored soldiers who have been, or who may be hereafter, killed, or who have died, or may hereafter die, of disease contracted in the military service of the United States, and in the line of duty, shall be entitled to receive the pensions now provided by law, without other proof of marriage than that the parties had habitually recognized each other as man and wife, and lived together as such for a definite period next preceding the soldier’s enlistment, not less than two years, to be shown by the affidavits of credible witness.” An Act Supplementary to An Act Entitled “An Act to grant Pensions,” approved July 14, 1862, July 4, 1864; The act was updated in 1873 and required widows of black soldiers to offer additional proof of marriage including evidence that the couple was recognized as married by their community. Section 11 read “That the widows of colored or Indian soldiers and sailors who have died, or shall hereafter die, by reasons of wounds or injuries received, or casualty received or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor,” An act to revise, consolidate, and amend the Laws relating to Pensions, March 3, 1873; Regosin, Freedom’s Promise, 84.
women that had been forged during the antebellum period and remade in the crucible of war and reconstruction.

There were numerous ways in which a woman might learn she was entitled to compensation based on her husband’s service or be informed of the required processes. The commissioner of pensions was instructed by law to make public statements regarding amendments to the pension acts. In some cases, military officials were sympathetic to their cause and made them aware of their rights. Lucinda Wilburn’s husband Isham enrolled in the Union army in February 1864 at Sulphur Springs, Missouri and was mustered into service the following month at Benton Barracks.\textsuperscript{47} The soldier died at the New Orleans hospital from gunshot wounds received in the battle of Blakey, Alabama in April of 1865. On May 17\textsuperscript{th}, 1865 Lucinda Wilburn received a letter from J.D. Macfarlane, the captain of Company A of the 68\textsuperscript{th} Regiment of the United States Colored Infantry, informing her of the death of her husband at Alabama. “He was one of the best and bravest men,” the captain wrote.\textsuperscript{48} He then informed Lucinda Wilburn that she was entitled to some compensation for his service from the war

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\textsuperscript{47} Adjutant General Office’s report, Wilburn, Isham, WC 117242, RG 15, NARA. \\
\textsuperscript{48} Captain J.D. Macfarlane to Lucinda Wilburn, May 17, 1865, Wilburn, Isham, WC 117242; Regosin, \textit{Freedom’s Promise}, 27.
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department. “You can secure his back pay and your bounty by applying to some war claim agent,” he explained, “I advise you to attend to the matter immediately.”

Lucinda, or Lindy, Wilburn was 48 years old when she applied for her widow’s pension in September of 1865. She had married her late husband in 1842 in Jefferson County, Missouri. She named four of her children - Isham Robert, Charles Wyatt, Emma Maria (or Amy), and George Walter, all born before the war - in her pension claim. Due to their ages, Lucinda would not have been able to claim a pension for her eldest daughters, Harriet Elizabeth and Fanny Jane. Wilburn’s former owner, William Smith, offered proof of her children’s birth by copying his family bible record which included the birth dates of her children. Jane Cultan testified that she had known Lucinda Wilburn for twenty years and the deceased Isham Wilburn for thirty, and that she was present at the birth of Lucinda’s children. In 1868, William Nichols and Robert Venn testified that they had known Lucinda for six years and that she was an “honest, respectable, and industrious colored woman…doing her best to support herself and her children.” Taking Macfarlane’s advice, Lucinda was able to marshal her connections

49 Captain J.D. Macfarlane to Lucinda Wilburn, May 17, 1865, Wilburn, Isham, WC 117242.
50 Widow’s Declaration for Army Pension, Wilburn, Isham, WC 117242.
51 Copy of William Smith Family Bible Record, Wilburn, Isham, WC 117242.
52 Jane Cultan deposition, Wilburn, Isham, WC 117242.
53 William Nichols and Robert Venn joint deposition, Wilburn, Isham, WC 117242.
within the river valley communities, both black and white, and obtain the information required to pursue her security.

Oftentimes, complications resulting from continued movement and legal delay posed challenges for women pursuing the economic security a pension claim could ensure. Alexine Hayes was particularly resolute in pursuing the execution of her pension claim. Her husband, John Hayes, enlisted in the Union army in 1863 and the couple married the following year. In April of 1864 Hayes’s company, Company C of the 83rd USCT Regiment, fought in the battle of Jenkins Ferry, Arkansas. The day after the battle, Hayes received permission to visit his father, Josiah Hayes, at the field hospital. When Confederate forces attacked the hospital, Hayes was captured and detained for two months before he and three others managed to escape. Nineteen-year-old Alexine Hayes relayed what she knew of the details of her husband’s escape in her 1866 application for pension. “They started for Little Rock,” she explained, “on the rout [sic] he and his comrades were pursued by the Rebles [sic] and were forced to swim the Saline River.” John fell “sick with consumption” after the soldiers hid in the brush on the bank of the river overnight. The soldiers reached Fort Smith in Arkansas from where Hayes was then taken back to Fort Madison, Iowa where his wife Alexine was

54 James M. Grant deposition, Hayes, John E., WC 101406, RG 15, NARA.
55 Alexine Hayes deposition, Hayes, John E., WC 101406.
living. There a Union surgeon treated him, but he never recovered from his illness and died at Fort Scott, Kansas.\textsuperscript{56}

Alexine was still living at Fort Madison when the war ended where she enlisted attorney John VanVolkenburg to pursue her pension claim. However, Alexine became dissatisfied with his service and decided to take her claim into her own hands. “Owing to her attorney not attending to her claim as promptly as she thinks he ought to,” she asked that “all communication concerning the [her claim] to be sent to her,” in order for her claim to be “prosecuted as speedily as possible.”\textsuperscript{57} By 1867, Alexine had left Iowa and settled in St. Joseph, Missouri. She did not state the source of her income in her 1867 affidavit, to which she signed her own name, but she assured the pension officers that she was “willing to pay her said attorney [VanVolkenburg] for his trouble and expense.”\textsuperscript{58} In October of 1867, Alexine Hayes was approved for a pension of $17.00 per month, which she received until she remarried in the summer of 1868.\textsuperscript{59}

Despite some similar challenges, Clarissa Perkins successfully navigated the pension claim process until her death many years after her husband’s. Clarissa Perkins was enslaved in Fulton, Callaway County, Missouri and married her husband George

\textsuperscript{56} Deposition of Lieutenant William White of Company K, 83\textsuperscript{rd} Regiment, United States Colored Infantry, Hayes, John E., WC 101406.
\textsuperscript{57} Alexine Hayes deposition, Hayes, John E., WC 101406.
\textsuperscript{58} Alexine Hayes deposition, Hayes, John E., WC 101406.
\textsuperscript{59} Pension Certificate, Hayes, John E., WC 101406.
“by the manner of slaves” in 1852. In 1863 the couple left Missouri for Illinois. At the end of that year Clarissa and George were “advised to take license” according to the laws of Illinois and be married again. Two months later George enrolled in the Union army. Just three months after he mustered in the 29th USCT Regiment, George was killed in the battle of Petersburg, Virginia. The following month Clarissa applied for a pension certificate with the help of attorney J. T. Rice of Alton, Illinois. Like many other pensioners, Perkins relied on a community of women to execute her pension claim. When she initially applied for the pension certificate two women, Mary McDonald and Lucy Rout, testified that they had been acquainted with Clarissa over the past five years,

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60 The following year, the United States Congress would pass a resolution that enhanced the benefits of marriage, whether legally recognized or not, between enslaved men and women. It read “That, for the purpose of encouraging enlistments and promoting the efficiency of the military and naval forces of the United States, it is hereby enacted that the wife and children, if any he have, of any person that has been, or may be, mustered into the military or naval service of the United States shall, from and after the passage of this act, be forever free, any law, usage, or custom whatsoever to the contrary notwithstanding; and in determining who is or was the wife and who are the children of the enlisted person herein mentioned, evidence that he and the woman claimed to be his wife have cohabited together, or associated as husband and wife, and so continued to cohabit or associate at the time of the enlistment, or evidence that a form or ceremony of marriage, whether such marriage was or was not authorized or recognized by law, has been entered into or celebrated by them, and that the parties thereto thereafter lived together, or associated or cohabited as husband and wife, and so continued to live, cohabit, or associate at the time of the enlistment, shall be deemed sufficient proof of marriage for the purpose of this act, and the children born during the continuance of any such marriage shall be deemed and taken to be the children embraced within the provisions of this act, whether such marriage shall or shall not have been dissolved at the time of such enlistment,” Joint Resolution to Encourage Enlistments and to Promote the Efficiency of the Military Forces of the United States, December 13, 1864; For an instructive analysis of the meaning of this resolution to our understanding of gender, freedom, and legal claims-making, see: Stanley, “Instead of Waiting for the Thirteenth Amendment”; Clarissa Perkins deposition; Marriage License Issued to George and Clarissa Perkins, December 28, 1863, Perkins, George WC 40974, RG 15, NARA.
and that she was married to her husband George.\textsuperscript{62} Perkins was granted a pension of $8.00, but the rate was lower than she could have obtained given that she had two children. In the preparation of her original pension certificate application, her lawyer J.T. Rice had failed to indicate that Clarissa and George had two children. In 1865, when she initiated her claim for an increase she indicated that Rice had “neglected the case” and left Alton.\textsuperscript{63}

In her claim for increase, with the help of a new lawyer, Henry M. Pike of Alton, Clarissa secured the testimonies of two different women, Tabitha Walker and Mary Morgan, both residents of Upper Alton, Illinois to support her request for an increase.\textsuperscript{64} By 1870, however, Clarissa’s pension claim either came under investigation or the office was just then processing her request. It appears that she was questioned because she and her other witnesses swore that George Perkins did not leave any children behind in her original claim. In 1871 Clarissa Perkins, still living in Alton, appeared before the county clerk and testified that she “cannot read or write and that she did not at the time knowingly make oath that said George Perkins left no children, and that if such statement was made it was made without her knowledge.”\textsuperscript{65} Clarissa had not, herself,

\textsuperscript{62} Mary McDonald and Lucy Rout joint deposition, Perkins, George WC 40974.
\textsuperscript{63} Clarissa Perkins deposition, Perkins, George WC 40974, RG 15, NARA.
\textsuperscript{64} Tabitha Walker and Mary Morgan joint deposition, Perkins, George WC 40974.
\textsuperscript{65} Clarissa Perkins deposition, Perkins, George, WC 40974.
been able to get in touch with the women who could attest to the birth of her two children because the women had “moved from Fulton their former residence.” But eventually they were reached to give their testimony. In 1870, Cynthia Buford and Maria Wyman, who lived in St. Louis, Missouri at the time, testified that they had known Clarissa and George for twenty-five years. They affirmed the fact that she was the widow of the deceased soldier and that the couple had had two “lawful children.” In addition, Perkins or her lawyer found more women living near her in the city of St. Louis to corroborate her claims. Maria Harris and Hanna Breckenridge were deposed in October of 1871 as witnesses for the claimant. The women stated that they had known George and Clarissa Perkins at the time their children, Walton and Mary, were born. The women further stated that the fact of their marriage was never “doubted or questioned.” Based on the pension act of 1879, Clarissa petitioned the government once more for the arrears she was due for the time she had not received her proper pension rate. Clarissa Perkins was last paid $12.00 by the United States Pension Agency before she was dropped from the rolls after her death in July 1904.

66 Clarissa Perkins deposition, Perkins, George, WC 40974.
67 Cynthia Buford and Maria Wyman joint deposition, Perkins, George, WC 40974.
68 Maria Harris and Hannah Breckenridge joint deposition, Perkins, George, WC 40974.
69 Clarissa Perkins’s appeal to the “Court of Pensions,” Perkins, George, WC 40974.
70 Pension Agency record, Perkins, George, WC 40974.
Some pensioners who, like Alexine Hayes and Clarissa Perkins, were dissatisfied with their attorneys lodged formal complaints. Louisa McKenna complained of Gilbert Moyers to the Shelby County Circuit Court in April 1867. She claimed that two weeks after she submitted her pension application to the Nashville pension agency she visited the offices of Moyers and Dedrick, “in order to obtain the money due her on the pension certificate.”\textsuperscript{71} McKenna explained that Moyers told her that “no money had as yet arrived for her but that he would advance her $45.00.”\textsuperscript{72} She continued to receive incremental payments from Moyers that amounted to $205.00. On her last visit to the office, after her “pension had arrived,” Moyers informed her that she was only due $45.00 as he had already paid the rest out to her. McKenna, however, knew that Moyers “received for her no less $276.00,” and concluded that he charged her $71 “for the collection of said claim after having for a “considerable length of time” withheld her money,” “appropriating the same for his own use and compelled her to receive her dues in small portions.”\textsuperscript{73}

\textsuperscript{71} Louisa McKenna petition to Shelby County Clerk, McKenna, James WC 86841, RG 15, NARA.
\textsuperscript{72} Louisa McKenna petition to Shelby County Clerk, McKenna, James WC 86841.
\textsuperscript{73} Other freedman in Memphis had levied complaints against the lawyer as well. In the fall of 1876, a group of black Memphis residents complained that Gilbert Moyers had neglected to distribute the dividend payments of the Freedmen’s Savings and Trust Bank after the bank failed in 1874. Moyer’s colleague, James Sprague, wrote to R.H.T. Siepold, the Commissioner of the Freedmen’s Savings and Trust Company, in the lawyer’s defense. The complainants were some of Moyers’s “personal enemies,” according to Sprague. Louisa McKenna petition to Shelby County Clerk, McKenna, James WC 86841; James Sprague to R.H.T Siepold, Commissioner of the Freedmen’s Savings and Trust Bank, April 19, 1878, “Letters Received by the Commissioners of The Freedman’s Savings and Trust Company and by the Comptroller of the Currency, 1870–1914,” NARA.
The obstacles between black pensioners and the successful execution of their claims were many. Some were precluded from pursuing a pension because of remarriage and had to navigate other legal processes to claim pensions for only their children instead. Maria Wilson married her first husband Reuben Wilson in 1844 in Madison County, Illinois. Reuben enrolled in the Union Army at Ridge Prairie, Illinois in February of 1864 and was mustered in at Quincy, Illinois that April. Wilson died from wounds he received in the battle of Petersburg, Virginia in August of the same year. Maria Wilson remarried shortly after her husband Reuben Wilson died. By her remarriage, Wilson sacrificed her own claim to a widow’s pension, but her children were still entitled to a minor’s pension.

She and her second husband were unable to provide financial security as guardians for Maria’s children, so Wilson solicited Curtiss Blakemen, a resident of Marine, Madison County, Illinois to apply to the probate court and be appointed as the guardian of her three youngest children. Blakemen then filed a minor’s pension claim for Wilson’s daughters Susan Emma, Harriet Ann, and Henrietta Maria. At the time Wilson and Blakeman filed the pension application, Wilson left her eldest daughters

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74 Adjutant General Office’s Report, Wilson, Reuben WC 135071, RG 15, NARA.
75 Adjutant General Office’s Report, Wilson, Reuben WC, 135071.
76 Curtis Blakeman’s application to the Madison County probate court for guardianship, Wilson, Reuben WC, 135071.
Martha and Frances off of the minor’s pension claim. Her daughter Martha was already over the age of sixteen, so she would not have been eligible to receive a minor’s pension at all. In Frances’s case, Wilson claimed it was “not convenient to prove the date of her birth,” and “the time for which the pension on her account would have been payable was so short” because she was nearly sixteen.\textsuperscript{77} Keziah Sexton, a resident of Edwardsville, Illinois testified that she was present only at the birth of Maria Wilson’s three youngest children and attended as the midwife.\textsuperscript{78} Louisa Price and Mary Rollens, also residents of Edwardsville, were friends of Maria Wilson and Reuben Wilson who knew Frances was Maria and Reuben’s child but they only saw her one week after she was born.\textsuperscript{79}

These kinds of obstacles may have demotivated some potential pensioners from pursuing their cases. But if a soldier’s widow did not immediately apply for her pension, she risked having to refute a fraudulent pension claim previously executed in the soldier’s name. Laurena Young waited for decades after the war to pursue her pension claim. When she filed her application in 1882, she had some trouble executing the claim

\textsuperscript{77} Martha Wilson, Wilson, Reuben WC, 135071.
\textsuperscript{78} Keziah Sexton deposition, Wilson, Reuben WC, 135071.
\textsuperscript{79} Louisa Price and Mary Rollens joint deposition, Wilson, Reuben, WC 135071.
because hers seemed to contradict the claim of a woman named Betty Young who claimed to be William Young’s mother.  

While enslaved in Tuscaloosa, Alabama, Young married William Young in her master’s parlor. The ceremony was performed by an Episcopalian minister, a Reverend Dr. Easter, sometime between the year 1859 and 1861 when she was thirteen or fourteen years of age. Young believed her husband was a “free colored man” but she was not entirely sure. “I cannot swear positively that he was free,” she explained, “I know he used to go off and hire to do carpenter work.” William lived with Young’s owner and “did the carpenter work needed by Mr. Hayes and other people living around him.”

Some women who remained in the south during the war remained ignorant of their entitlements and unknowingly jeopardized the approval of their pension certificate. Laurena Young probably did not learn that she was entitled to a pension for her husband’s service until after she left Alabama. “I was ignorant and did not know enough to know that I could get money on account of my husband’s death.” “Had I known this,” she said in her 1882 affidavit, “I could have gotten positive proof of our marriage and his enlistment and death.”

80 Pension Examiner’s notes, Young, William WC 143004, RG 15, NARA.  
81 Laurena Young deposition, Young, William, WC 143004.  
82 Laurena Young deposition, Young, William, WC 143004.  
83 Laurena Young deposition, Young, William, WC 143004.  
84 Laurena Young deposition, Young, William, WC 143004.
couple’s three children after her husband entered the military in 1863. The last she heard of her husband was through a letter he wrote her from Tennessee. Young heard of her husband’s death from “a colored soldier who had escaped from the massacre at Fort Pillow.” Even in the 1880s, Young remembered distinctly what the man told her.

“Colored soldier’s were shot down till they broke to run and some of them ran into the river and were drowned, and some of them with the women and children were burned up in the barracks.” The soldier told Laurena Young that he knew her husband and that William “was working on steamboat that was at Fort Pillow in time of the battle and that nearly all the men were killed.”

Young struggled to fix exact dates and locations in her own testimony. “Colored people were sold and shipped around so much,” she told one examiner, “it is no wonder they cannot give a more accurate history of themselves.” The testimonies of white Alabamans regarding Young’s life were also unreliable. Young had returned to Tuscaloosa to secure testimonies to support her claim but found that “the people or most of them who knew these facts were all dead or their whereabouts unknown to me.”

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85 Laurena Young deposition, Young, William, WC 143004.
86 Laurena Young deposition, Young, William, WC 143004.
87 Laurena Young deposition, Young, William, WC 143004.
88 Laurena Young deposition, Young, William, WC 143004.
89 Laurena Young deposition, Young, William, WC 143004.
In 1870, Young finally left Tuscaloosa for St. Louis where friends and family were awaiting her arrival. Mary Polk, an affiant in Young’s case, had known Young since she was a child. “I lived…on a farm that joined the place of James Hays [Laurena Young’s former master]...” she explained in her testimony, “and we colored people used to often visit theirs and be together.” Polk also believed that Young’s husband was a free man. She attended the couple’s wedding and remembered it fondly. “She was the house girl and they thought a heap [sic] of her,” Polk told the claim agent. Once married, “the white people gave them a little house just a little ways from their own.”

Polk was one of the first to leave their rural Alabama community in pursuit of freedom. She left Alabama “with some Yankee soldiers that passed through there and came to St. Louis before the war was over.” Polk had lived in the city working as a housekeeper ever since and had run into Young’s mother there as well. Young’s mother and her sister Eliza had moved to the city in 1869 and Young followed her the year after. “[Laurena’s mother] told me she was looking for Rena every day,” Polk explained, “then I looked too and saw her as soon as she came.” Other members of her Tuscaloosa community, transplanted in St. Louis, aided Young in making her case. In 1867, Mrs. Hetty Ellis “left Laurena in Tuscaloosa” and moved to St. Louis. She learned from

90 Mary Polk deposition, Young, William, WC 143004.
91 Polk deposition, Young, William, WC 143004.
92 Hetty Ellis deposition, Young, William, WC 143004.
Young that her husband had gone to join the army. “We talked mighty low about it then,” she explained. Ellis further testified that she was a bridesmaid in Young’s wedding and a childhood friend of the widow.\(^9\)

The special examiner sent from the pension bureau did their part to find the affiants Young named who would support her testimony. The investigators found a man named William H. Jones, a black barber who knew Young in the 1850s, when she was a child and before she was sold in Alabama. “I knew her as Laurena Cummins,” he testified, “she was then quite a small girl 12 or 13 years old and was the slave of Captain Cummins a Steamboat Captain.” Jones was a “free colored man” and a “barber on [Cummins] boat running from Tuscaloosa, to Mobile.”\(^9\) Jones continued his work as a river man throughout the war and had seen Young intermittently at Tuscaloosa when he returned to the town. He seemed close to Young and her mother and sisters. He brought money once from Young’s sister in Mobile to her mother in Tuscaloosa. “I came to know her so much as I did,” Jones explained, because “I was employed by her owner Captain Cummins and my father who was a free man... [who] owned slaves himself and owned her brother.”\(^9\) The examiner also tracked down a black man named Caesar Patterson who also testified that he knew Young “from childhood.” He knew she had married

\(^9\) Ellis deposition, Young, William, WC 143004.
\(^9\) William H. Jones deposition, Young, William, WC 143004.
\(^9\) Jones deposition, Young, William, WC 143004.
William Young but he was “on the river when they were married, steam boating.”\textsuperscript{96} Caesar Patterson’s wife Mary testified that Young lived with the couple “about two years directly after the surrender.”\textsuperscript{97} Moreover, a servant named Sylvia Leach testified that Young worked with her for the Leach family “until they all [Young and her mother and children] left for St. Louis a few years after the war.”\textsuperscript{98}

The special examiner who was investigating Young’s case in 1892 had gotten some information that Young gave birth to a white child before she left for St. Louis.\textsuperscript{99} Her former employer, Mrs. Elizabeth Leach indicated that this might have been the reason for Young’s departure from Tuscaloosa. “I was greatly surprised to hear that she had given birth to a child. I never had any trouble with her on account of men,” Mrs. Leach explained, but Young “came to me and said she was sick and could not do my work.” After Young left, Mrs. Leach learned that she had given birth to a child and concluded that the child was “really the cause” of Young leaving her.\textsuperscript{100} The examiner suspected that Young had given birth to the child sometime in 1867 and it died shortly after Young arrived in St. Louis. The report of the investigation does not include a

\textsuperscript{96} Caesar and Mary Patterson joint deposition, Young, William, WC 143004.  
\textsuperscript{97} Patterson joint deposition, Young, William, WC 143004.  
\textsuperscript{98} Sylvia Leach deposition, Young, William, WC 143004.  
\textsuperscript{99} In his final report on the case, examiner L. Campbell reported that he asked multiple affiants in the case if they had heard of Young giving birth to a white child before she moved to St. Louis. Young, William, WC 143004.  
\textsuperscript{100} Elizabeth Leach deposition, Young, William, WC 143004.
statement from Young regarding the “illegitimate child.”\textsuperscript{101} However, the special examiner of the case in 1892 concluded that “the preponderance of the evidence is to the effect that claimant had an illegitimate child prior to the time she went to St. Louis.” It appears this fact “impaired” Laurena’s credibility, according to the examiner, which made “her testimony entitled to little weight unless corroborated.” Ultimately, the bureau rejected Laurena Young’s pension claim on the grounds that she could not “satisfactorily” prove that her husband was the identical William Young who had served in the United States Colored Infantry.\textsuperscript{102}

Despite the definitive and positive support of white persons’ testimonies, Hannah Washington shared Young’s fate. In 1870 Hannah Washington’s pension was suspended pending investigation because someone contacted the pension bureau and claimed to be her late husband George’s brother and rightful beneficiary of his pension. In September of 1871, at the age of 35, Hannah applied for a restoration of her pension.\textsuperscript{103} Her son Thomas had died the year before but her younger son George and her daughter Maddy were still alive and in her care. Twenty-three-year-old Sarah Madison and

\textsuperscript{101} Examiner L. Campbell’s report in the case of Laurena Young, Young, William, WC 143004.
\textsuperscript{102} Campbell concluded that Laurena Young failed to establish the fact that she was the soldier’s widow. In 1915 she visited the office of William Igoe, a pension agent in Missouri, to inquire about her pension claim. Igoe wrote to the Washington D.C. office on her behalf and was informed that her claim had been rejected in 1892. William Igoe to E.C. Tieman, Assistant Commissioner of the Pension Bureau March 30, 1915; Return letter from E.C. Tieman, April 1, 1915, Young, William, WC 143004.
\textsuperscript{103} Application for Restoration of Pension, Washington, George WC 119683, RG 15, NARA.
twenty-year old Eliza Williams were neighbors of Hannah Washington in Memphis, where she settled after the war. “From frequent conversations” with Hannah Washington, her children, and other members of their community, the women reported to the examiner, they believed Washington was the true widow of George Washington, a soldier in Company E of the 11th Regiment of the United States Colored Infantry.104

Elizabeth Hardy was another crucial witness in Hannah Washington’s claim. Like Washington, Hardy had been enslaved in Obion County and was also living in Memphis after the war. Hardy claimed that she had known Washington in Tennessee since about two or three years before the war. Hardy had also met George before the war and testified that she saw him again when she went to visit her own husband Nelson Hardy, who belonged to the same company and regiment as the late George Washington.105

Hannah and George Washington’s former owners agreed to testify on Hannah’s behalf. Before the Civil War, George had belonged to a Mississippi River valley family by the name of Watson—the last name he dropped when he enlisted in the Union army. One of George’s owners, Daniel Watson, lived in the state of Kentucky. George was then transferred to Lucien Watson of Obion County. The couple was married April 15, 1865

104 Sarah Madison and Eliza Williams joint deposition, Washington, George WC 119683.
105 Eliza Hardy deposition, Washington, George WC 119683.
by a black preacher named Benjamin Carter on the Davis plantation. At the time Hannah was enslaved to James Davis, of Obion County, who, like George’s owner at the time, lived near Reelfoot Lake. The couple had four children between 1857 and 1861, one of whom died in infancy.

When her owner James Davis died, Hannah fell to his daughter, Mary Jane Alexander, who then sold Hannah to Mrs. Robert Isler who lived on Island No. 10. When George’s owner Lucien Watson died, he was given to Randolph Watson who also lived on Island No. 10. “When the US forces took the island,” Hannah explained, “George was there and enlisted as she thinks in 1862.”106 Hannah never saw her husband after he left the island. Like Young, Hannah stayed home over the course of the war and did not move to Memphis until 1866. She learned from her former mistress, Mrs. Isler, that her husband had fallen ill and died at Memphis in December of 1864.

Rebecca Davis, wife of the deceased James Davis, testified that Hannah was telling the truth about her marriage and her children and denied the veracity of George’s so-called brother’s claim to his pension.107 Mary Jane Alexander, affirmed Hannah’s version of her life events as well. Mary Jane’s husband H.K. Alexander “knew Hannah for several reasons better than either his wife or mother-in-law,” Mary Jane explained,

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106 Hannah Washington deposition, Washington, George WC 119683.
107 Rebecca Davis deposition, Washington, George WC 119683.
“because he attended her in the capacity of a physician before and after she was married to George.”

“Having owned [Hannah] and lived in the immediate neighborhood when George and his master resided,” H.K. Alexander also reassured the pension agent that he knew “most every fact connected with the two slaves.” In his notes on the case, the examiner reported that George’s relatives included a sister named Lucy who died several years prior and an uncle who “ran away to the free states,” and made no mention of a brother.

Hannah Washington’s case remained under investigation through 1874. A new pension agent took up the investigation then, but since many of the original witnesses in the case had died or become old or infirm, the new examiner seemed convinced that Hannah Washington had executed a fraudulent claim and closed the case. Despite the weight of evidence that had been offered in support of Hannah Washington’s testimony, she was not restored to the rolls. In the end, the bureau officials who oversaw the case deliberated over how to deliver a judgment against the woman and if it would be worthwhile to recover the money she had already received.

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108 Mary Jane Alexander deposition, Washington, George WC 119683.
110 Special Agent Daniel Atwood’s report in Hannah Washington’s case, Washington, George WC 119683.
111 Special Agent Daniel Atwood to J.H. Baker, Commissioner of Pensions, April 2, 1874, Washington, George, WC 119683.
Complicated legal processes and accusations of fraudulent claims were not the only obstacles black women faced as they pursued their pension claims. Many black widows were left with multiple children to care for and risked falling into extreme poverty if they struck out on their own to live out their lives in freedom. Some found both work and community in river towns but they also found that, as in the antebellum period, they would be subject to strict surveillance. Working-class, mobile black women in the antebellum river world had relied on their recognition in the community to survive and were also subject to gendered forms of surveillance. Single, mobile, working-class black women in the postbellum river world were burdened with similar considerations.

Black female pensioners found that they were expected to maintain a standard of morality, propriety, and respectability as they approached the government as mothers, wives and widows that was different from those who entered the legal arena as runaways, property owners, or freedom petitioners. In addition, the mechanisms of said surveillance privileged black persons’ testimonies in ways that changed the meaning of community for working-class black women. The character of black communities shifted between networks of survival and networks of surveillance, and working-class, mobile black women remained the most vulnerable.

When she returned to Memphis after watching her husband fight in the battle of Fort Pillow, Rachel Parks lived with a couple named Elsie and George Patterson,
previous residents of Obion County, Tennessee, who she and her husband had met in Jackson, Tennessee.112 Parks successfully applied for her pension certificate after her husband’s death but when she attempted to become independent and make a home for herself, her sexual propriety was called into question and her pension claim was flagged.

When she left the home of Elise and George Patterson, Rachel Parks rented a house in Central Point, Memphis from a man named Amos Lewis for nearly a year before she purchased it. “No man has ever paid any house rent…bought any provisions, clothing, or anything since the death of her husband,” Parks explained to the examiner.113 Lewis, the previous owner of her home, confirmed that Parks “rented the house in her name” and always paid him the rent herself.”114 But Parks had for a period of a year kept a boarder named James Nelson, and had housed him sporadically since then. In doing so, she raised the suspicion that she had taken up with him as his wife. In 1874 the Pension Bureau examiner sent to investigate her case deposed Rachel and other witnesses. Rachel denied ever making “her bed his bed,” although the pair had been “at times more intimate perhaps than they should have been.” Nelson always “paid her for

112 Elsie and George Patterson deposition, Parks, Ransom WC 104473, RG 15, NARA.
113 Rachel Parks deposition, Parks, Ransom, WC 104473; In the record of her account at the Memphis branch of the Freedmen’s Saving and Trust Company, Rachel Parks is listed as a washerwoman and pensioner. Parks, Rachel, Account #5995, “Registers of Signatures of Depositors in Branches of the Freedmen’s Savings and Trust Company, 1865-1874,” M816, NARA.
114 Amos Lewis deposition, Parks, Ransom, WC 104473.
his board,” however, and never stayed with her as her husband. She admitted that some of her neighbors had begun calling her by the name Nelson, but she reassured the examiner that she never considered the man her husband and other than what he paid her for his board, she did not benefit from his financial support.

Parks’s acquaintance, Lotta Williams, however, told the examiner that Parks had moved around quite a bit since she returned to Memphis and that in each case Nelson “has always moved with her.” Williams attempted to prove her credibility by stating that she and Parks were a part of the “same class” in their church and they would “see each other and talk together often.” Churchgoers like Williams experienced the multivalent nature of black community vividly. One black preacher in Memphis, Africa

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115 Rachel Parks deposition, Parks, Ransom, WC 104473.
116 Black female sexuality has become central to the study of black women in any time period. Notably, Cynthia Blair has offered instructive insights on black sex workers. In her book, Blair challenges the argument that sex work was at its heart a form of exploitation and refuses the assumption that black women were powerless in such transactions. Sex workers were urban workers attempting to make a living and provide for themselves and their families. Moreover, black women’s ideas about their own sexual lives are largely inaccessible through existing archives and continue to evade historians. The representations of pensioners who were accused of engaging in prostitution or other inappropriate sexual relationships in this chapter draw on Blair’s work and others by avoiding an evaluative tone in regard to their actions and highlighting, instead, the context in which they made choices about their sexual lives, the strategies they employed to earn a living, and the consequences they faced as a result of those choices. The financial benefits of sex work as well as community participation in the surveillance of black women’s sexuality are of particular interest here. Cynthia Blair, I’ve Got to Make My Livin’: Black Women’s Sex Work in Turn-of-the-Century Chicago (Chicago: University of Chicago Press, 2010); Darlene Clark Hine, “Rape and the Inner Lives of Black Women in the Middle West: Preliminary Thoughts on the Culture of Dissemblance,” Signs 14, no. 4 (Autumn 1989): 912-20; Dorothy Roberts, Killing the Black Body: Race, Reproduction, and the Meaning of Liberty (New York: Vintage, 1998); Michelle Mitchell, “Silences Broken, Silences Kept: Gender and Sexuality in African-American History,” Gender and History 11, no. 3 (November 1999): 433-44; Tricia Rose, Longing to Tell: Black Women’s Stories of Sexuality and Intimacy (New York: Farrar, Straus, and Giroux, 2003).
117 Lotta Williams deposition, Parks, Ransom, WC 104473, RG 15, NARA.
Bailey, was deposed in several pension claim investigations. While he mostly testified to officiating weddings, in one case he reported that a pensioner, and congregant, had confessed her adultery in a service but promised to stop the behavior. Such testimony from a community leader likely endangered the security of her claim. Lotta Williams was unable to say “from personal knowledge” that Nelson provided for Parks’s support, but it was “her opinion” that he in fact did. The existing pension investigation file does not include the examiner’s verdict in Rachel Parks’s case nor does it indicate who alerted the bureau to her alleged marital misconduct, but her case illustrates the danger that sometimes lurked in social intimacy.

In other cases, it is made blatantly clear that some pensioners were targeted by members of their community and maliciously exposed to the pension bureau. Sarah Ann Atkinson was dropped from the pension rolls for “open and notorious adulterous relations.” Sarah Ann wed George Atkinson at Benton County during the war in September of 1863 and the couple had a daughter early the next year. A month after the child’s birth, George enrolled in the Union army at Sedalia, Missouri, and was mustered into service in April 1864 at Benton Barracks. George died shortly after being shot in

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118 For Bailey’s remarks on Grace De Long’s confession: Africa Bailey deposition, De Long, Benton, WC 86407, RG 15, NARA; Other testimonies from Bailey: Africa Bailey deposition, Hurd, General, WC 94585, RG 15, NARA; Africa Bailey deposition, Goodman, Duncan, WC 119511, RG 15, NARA.
119 Lotta Williams deposition, Parks, Ransom, WC 104473.
120 Pension agency report, Atkinson, George, WC 135423.
121 Adjutant General Office’s report, Atkinson, George, WC 135423.
the battle of Fort Blakely, Alabama in the last month of the Civil War. In Sarah Atkinson’s original pension claim, Pat Atkinson and George Elwrath testified that they had known Sarah since before the war and that she was the wife of George Atkinson.\textsuperscript{122} A woman named Emily Hear claimed that she was present at the birth of Sarah Ann’s daughter Sarah Louisa and acted as midwife.\textsuperscript{123} Sarah Atkinson remained in Benton County, Missouri immediately after the war but eventually removed to Kansas City. In 1879, she successfully applied for arrears based on the pension act of January 1879.\textsuperscript{124}

A woman who knew Sarah Atkinson in Kansas City sought to disrupt her pension by bringing a charge of adultery against her to the pension agent. In 1884, Ada White, also a resident of Kansas City, Missouri, testified that Sarah Atkinson had been living with a man named Ed Talton as his wife. White knew Sarah and the man Ed Talton from working in various “sporting houses,” or houses of prostitution, in the town.\textsuperscript{125} Furthermore, white claimed that before she lived with Ed Talton, Sarah Atkinson had lived with yet another man named Bill Ellis in Sedalia, Missouri as his wife before he left her. When the examiner asked White whether or not Sarah Atkinson was a “sporting woman,” White replied, “I don’t know whether she is or has been a

\textsuperscript{122} Pat Atkinson and George Elwrath joint deposition, Atkinson, George, WC 135423, RG 15, NARA.
\textsuperscript{123} Emily Hear deposition, Atkinson, George WC 135423.
\textsuperscript{124} Sarah Atkinson application for arrears, Atkinson, George WC 135423.
\textsuperscript{125} Ada White might have tracked down a pension agent and urged him to investigate Atkinson’s case. Ada White deposition, Atkinson, George WC 135423.
sporting woman but I know that she has laid with both Ellis and Talton... and hasn’t been lawfully married to them.”

White’s testimony reveals the tenuousness of the relationships among the black residents of this particular community. White claimed to have learned this damning information about Atkinson when the two “were on good terms,” but the pair had since “fell out.” During their verbal altercation, White stated, Atkinson told her “she could live with who she pleased and got money from the government to live on anyhow.”

While White’s motivations seem obviously malicious, others in Sarah’s life confirmed the charges laid before her. A woman named Amanda Halls was also deposed in the case. At the time, she too was “not on very friendly terms” with Sarah Atkinson and testified that it was the “common talk” that “Sarah and Ed” were man and wife. Mary Brady, also a resident of Kansas City, worked with Sarah and Ed Talton at Fanny Wilson’s sporting house and lived “in the same yard” as the couple. Brady told the pension agent that about two years prior Sarah and Bill Ellis had split and Sarah “took up with Ed Talton and has been living with him as his wife ever since.” When asked if she was on friendly terms with Atkinson, Halls replied “I am on speaking terms

126 White deposition, Atkinson, George, WC 135423.
127 White deposition, Atkinson, George, WC 135423.
128 White deposition, Atkinson, George, WC 135423.
129 Amanda Halls deposition, Atkinson, George, WC 135423.
130 Mary Brady deposition, Atkinson, George, WC 135423.
with Ed, but not with Sarah.” Hannah Scott, a chambermaid at Mattie Wilson’s sporting house, had known Sarah Atkinson even longer - ever since she was a child. She knew her in Warsaw, Missouri and then in Sedalia, and since she “had been in Kansas City for about ten years.” She also reported that Sarah Atkinson had been with Bill Ellis in Sedalia and then taken up with Ed Talton since then. In terms of her relationship with Sarah she, too, told the agent “no sir we don’t speak but Ed and me speak.” “I speak to him but not her,” Lizzie Wells, another chambermaid at Mattie Wilson’s explained after affirming what the other affiants had stated. The only woman deposed in the case who was on friendly terms with Sarah Atkinson was Bill Ellis’s new wife, Maria. Maria Ellis worked as a chambermaid at “the house of Nellie Scott.” She knew that Sarah Atkinson and Ed Talton were living as man and wife “because we used to be good friends.” “I have been to their house, and they have been to my house together.”

When the examiner initially deposed Sarah Atkinson, she was reluctant to answer his questions. As the examiner probed into her personal life Atkinson became increasingly guarded. Finally, when he asked if she lived in the same house with Ed Talton as his wife or woman, Atkinson replied “I will not answer that or any more

131 Halls deposition, Atkinson, George, WC 135423.
132 Hannah Scott deposition, Atkinson, George, WC 135423.
133 Scott deposition, Atkinson, George, WC 135423.
134 Lizzie Wells deposition, Atkinson, George, WC 135423.
135 Maria Ellis deposition, Atkinson, George, WC 135423.
questions.” Atkinson may not have known at the time she gave her statement the substance of the claims that women in her community had made about her. But a few years later, in 1886, Sarah Atkinson sought to defend herself against the accusations. Her affidavit revealed that black female pensioners were subject to heightened scrutiny in their communities and that their peers felt they were entitled to judge questions of sexual morality. The reports “against her character,” Atkinson explained, “arose from her place and residence and occupation…and also from false reports originated by one Ada White whose ill will she has incurred.” Atkinson claimed that White had “often threatened that she would cause [Atkinson’s] pension to be stopped.” Atkinson denied living in any of the “houses of ill fame” in which she worked but had “rented a small house of three rooms in which she has made her home.” Although Atkinson reported that she was being unfairly judged and characterized based on her occupation and where she had chosen to live, she could not prove her good and moral character against the weight of the testimonies offered by residents of her community. She continued to petition to be restored to the rolls well into the twentieth century, but to no avail.

Like Atkinson, Sally Weatherspoon was accused of immoral conduct and her pension claim was investigated. Sally Weatherspoon and her late husband married

136 Sarah Atkinson deposition, Atkinson, George, WC 135423.
137 Atkinson deposition, Atkinson, George, WC 135423.
138 White deposition, Atkinson, George, WC 135423.
while enslaved three years before the Civil War, “according to the customs of slavery.” Sally and Harry were both owned by William Weatherspoon who lived outside of Jackson, Tennessee. The couple married for the second time in Moscow, Tennessee in September of 1863.”\textsuperscript{139} Sally Weatherspoon settled in Memphis after the war and applied for her widow’s pension in 1867. Although she received a marriage certificate at her 1863 wedding, she had since lost it, “sometime in October 1866.”\textsuperscript{140} Her late husband’s relatives, or perhaps fellow servants, Melissa and Marshall Weatherspoon were witnesses in her original pension claim.

In 1900, Sally Weatherspoon was dropped from the pension rolls “on the ground of her violation of the act of August 7, 1882, by open and notorious adulterous cohabitation with Richmond Eckels, Oscar Mullen, Boston Langston, and Sandy Mathers, since death of soldier and the passage of said law.”\textsuperscript{141} Weatherspoon was living in the city on Kentucky Avenue, where she had worked as a washerwoman and servant since the Civil War. She drew a pension of thirty six dollars every three months, but

\textsuperscript{139} Sally Weatherspoon deposition, Weatherspoon, Harry, WC 103674, RG 15, NARA.
\textsuperscript{140} Sally Weatherspoon deposition, Weatherspoon, Harry, WC 103674.
\textsuperscript{141} Brief for Reduction, Dropping, or Continuance, May 1, 1900, Weatherspoon, Harry, WC 103674; “An Act to Amend section forty-seven hundred and two, title fifty-seven, Revised Statutes of the United States, and for other purposes,” read: “That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised statutes shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued; and the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation.” August 7, 1882.
someone alerted the pension bureau to investigate her based on the intimate relationships she had had since her husband’s death. When she was first deposed by the examiner in February of 1900, Weatherspoon testified that she had supported herself by “taking in washing and hiring out as a servant.”\textsuperscript{142} She claimed that all the children she had with the soldier were dead but since her husband’s death she had more children Richmond Eckels, who was also deceased. She assured the examiner that she had not remarried and that everyone knew she was never married to Eckels.

Over the next few weeks, however, Weatherspoon became overcome with guilt. She tracked down the examiner, probably as he was gathering other depositions around town, and modified her original statement. “When you called the other day I made a false statement as to my illicit relations with men,” she explained.\textsuperscript{143} She confessed that after her relationship with Eckels, she took up with a man named Oscar Mullen. At the time, she was living in a place on “Rayhorn and Broadway,” and Mullen moved into the house with her.\textsuperscript{144} “There were two rooms and my son slept in a bed in my room and my daughter slept in bed with me,” she explained, “after they would get asleep I would go in Mullens room and stay until early morning when I would slip back in my room.”\textsuperscript{145}

\textsuperscript{142} Sally Weatherspoon deposition, Weatherspoon, Harry, WC 103674.
\textsuperscript{143} Sally Weatherspoon second deposition, Weatherspoon, Harry, WC 103674.
\textsuperscript{144} Sally Weatherspoon second deposition, Weatherspoon, Harry, WC 103674.
\textsuperscript{145} Sally Weatherspoon second deposition, Weatherspoon, Harry, WC 103674.
She charged him three dollars a month for his board and he would give her “change now and then.” During the cotton-picking season in the O.K. Landing, Arkansas, Weatherspoon met another man named Boston Langston who would come to her cabin for sex. “He gave me about three dollars during that time,” she confessed. When she returned from cotton picking she began a relationship with another man named Sandy Mathers who gave her about three or four dollars a month as “pay for [their] relations.”

Weatherspoon knew that the people in her neighborhood saw the men come to her house and “all the people would talk about [her] having these illicit relations.” A washerwoman named Alice Hastings and a housekeeper named Laura Campbell who lived in Weatherspoon’s neighborhood testified that they had seen “Sandy and Oscar call at [Weatherspoon’s] house.” But Weatherspoon claimed no one had actually seen her with Mullens and Mathers so she would deny it. Whatever the “common talk,” Weatherspoon sought to reveal her own “truth” to the examiner.

Mary Jane Miller applied for her pension certificate in October of 1865. Her husband, Tony Miller, died of pneumonia at Benton Barracks military hospital in the

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146 Sally Weatherspoon second deposition, Weatherspoon, Harry, WC 103674.
147 Sally Weatherspoon second deposition, Weatherspoon, Harry, WC 103674.
148 Sally Weatherspoon second deposition, Weatherspoon, Harry, WC 103674.
149 Alice Hastings and Laura Campbell joint deposition, Weatherspoon, Harry, WC 103674.
150 Sally Weatherspoon second deposition, Weatherspoon, Harry, WC 103674.
Spring of 1864. At the time, she was just twenty years old, living in Howard County, Missouri. The couple married in the same county by a black preacher named Davis Harvey while enslaved before the war. Mary Jane was owned by a man named Milton Maupin and Tony was owned by a man named William Lewis Miller whose farm was less than two miles from the Maupin place. Tony Miller enlisted in March of 1864 at Glasgow, Missouri and was mustered into service a few days later at Benton Barracks, Missouri where he became ill and died just two months after his enlistment.

Mary Jane Miller successfully executed her pension claim in 1865 and had received a widow’s pension with increase for her child for decades before her claim came under investigation. In the winter of 1900 a woman named Fannie Williams wrote from Omaha, Nebraska to the Bureau of Pensions regarding Mary Jane Miller’s pension.

“Dear sir: It affords me with the greatest of pleasure to write you a few lines to inform you that you are paying a pension to some one that does not deserve it,” she began.

“This is Mrs. Mary Jane Miller.” Mrs. Williams continued to explain that Miller had six children in addition to her daughter Fannie. Williams denounced Miller’s character and revealed that her own husband had boarded with Miller and while he was there Miller

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151 Adjutant General Office’s report, Miller, Tony, WC 121261, RG 15, NARA.
152 Mary Jane Miller deposition, Miller, Tony, WC 121261.
153 Adjutant General Office’s report, Miller, Tony, WC 121261.
154 Letter to the pension bureau from Mrs. Frances Williams, December 30, 1900, Miller, Tony, WC 121261.
“told him things so he wouldn’t come here to live with me.” As the investigation into Williams’s claims moved forward, several witnesses testified that Miller did in fact have six children in addition to her daughter and that she entertained many men in her home. “She catches them as she can, it is the first one that gets in,” one deponent remarked.

When deposed by the examiner, Mary Jane Miller, like Sally Weatherspoon, admitted to what she had been accused of. “She had sexual intercourse with any man who came to her house for that purpose for which she charged 50 cent or one dollar.” She denied having intercourse with Fanny William’s husband, though. “Yes I know H. Clay Williams who now lives out West somewhere,” she told the examiner, “he has been gone away from here several years.” Williams boarded with Miller for three or four months, she claimed, but when he was there they “did not occupy the same bed,” nor did they “have sexual intercourse.” She had previously lived “about four miles northeast from Fayette” before moving to Fayette in Howard County in 1895. Since then, she “hadn’t done anything of that kind.” At the time of the investigation she was supplementing her pension by washing and ironing. The examiner concluded, though,
that her admission was sufficient to “warrant dropping her name from the roll,” and did not seek further testimony.\textsuperscript{162} Both Miller and Weatherspoon’s confessions carry a tone of remorse but their testimonies reveal that they were both trying to make a living as widowed freedwomen and supplement their “legitimate” income with what they could earn performing other kinds of labor.

Life for free and enslaved black women in the river valley was disrupted by the hardening of political boundaries, violence, and the mass movement of people occasioned by war. Black women were forced to adapt the survival strategies they had deployed in the antebellum era including the cultivation of legal knowledge to pursue their interests, positive recognition with their communities, and advantageous uses of space and movement. Whether they were conscious of it or not, their mechanisms of protecting themselves and their families and pursuing freer lives had pushed the political conflict over slavery and freedom further. During and after the Civil War, the stakes were much different, both for black women and for the country. As white people took their sides in the feud, they were not only betrayed by their white neighbors but also those they had enslaved and, like Sarah Estes, believed they could trust. The freedom that had been made available by a deconstructed and militarized landscape in the Civil War era river valley had, indeed, become too great a temptation.

\textsuperscript{162} Special Examiner A.R. Banks report in the Mary Jane Miller’s case, Miller, Tony, WC 121261.
But black women discovered that they would have to continue to make meaning of freedom for themselves. No space in the river valley had been inherently safe for black women before the war and that remained the case after 1861. For black women in the river valley, there was “no north, no south, no east, no west.” But they would have understood the phrase much differently than their white counterparts in any part of the country. Although many flocked to Memphis after 1862 and found some form of freedom there under the protection of the Union army, other women, like Laurena Young, took much longer to follow their kin to the postwar urban river world. Susan Heighton’s patterns of movement show that places one might have presumed to be safe zones during the war, like Illinois, were not always so.

After the war, survival for freedwomen in the river valley depended on earning money. The pension records allow historians to interpret the experiences of black women as both laborers and citizens. Their pension investigations reveal that “free” labor was not always so free. In the postwar period, black women answered to new gendered constraints and expectations that mitigated their capacity to safely and

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163 During the Senate debate over the Compromise of 1850, Kentucky Senator Henry Clay famously argued that he knew “no north, no south, no east, no west,” and that his allegiance was to the Union and to Kentucky. *Congressional Globe*, 31st Congress, 1st Session.

164 Key texts for understanding black women’s transitions from slavery to freedom through the lenses of labor and class include: Tera Hunter, *To Joy My Freedom: Southern Black Women’s Lives and Labors after the Civil War* (Cambridge: Harvard University Press, 1998); Schwalm, *A Hard Fight for We*; Glymph, *Out of the House of Bondage*. 
peacefully earn a living in whatever way they chose. Although the war ended in emancipation, the defeat of the Confederate rebellion, and the political unification of the country, black women’s journeys toward freedom in the river valley marched on.
Conclusion

That’s the very main virtue of the thing. If the shapes didn’t change every three seconds they wouldn’t be of any use. Take this place where we are now, for instance. As long as that hill over yonder is the only one hill, I can boom right along the way I’m going; but the moment it splits at the top and forms a V, I know I’ve got to scratch to starboard in a hurry, or I’ll bang this boat’s brains out against a rock. If that hill didn’t change its shape, there would be an awful steamboat graveyard around here inside of a year.¹

Mark Twain, *Life on the Mississippi*

When Jane McCray left Missouri in 1844 her freedom was at stake. In 1838, she had earned nearly enough money to purchase herself from her master William H. Hopkins. She was one hundred dollars short of the agreed upon price. After paying the bulk of the price, five hundred dollars in 1837, she carried the outstanding balance until the following January. But even after she had paid the remaining “price of herself” and received an “instrument in writing” from Hopkins of her manumission, McCray learned that, based on Missouri state laws regarding slave emancipation, a personal deed of manumission was not enough to secure her freedom. The 1835 Revised Statutes of Missouri stated that “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 proved in the circuit court of the county, where he or she resides, or acknowledged by the party

in the same court.” Instead, Hopkins personally manumitted McCray and then advised her to “go and reside in any county in the state of Illinois, and there to do and act for [her]self.”

But McCray intended to live out her freedom in Missouri on the land she had acquired. To do so, she believed would have to be recognized by law as a free woman, especially since William Hopkins’s death shortly after McCray’s manumission. Per Hopkins advice, Jane McCray journeyed four hundred miles and forty-four hours north on the Mississippi River to Galena, Illinois. She returned in 1845 and submitted her petition for freedom to the St. Louis Circuit Court. McCray stated that she could not “foresee what may happen…to deprive her of the fruits of her labor unless her right to freedom be established according to law.” Although she claimed to have the support of Hopkins’s heirs in bringing her suit, McCray was not freed. Although McCray had used her access to movement and her knowledge of the law to secure her freedom and control of the life she had made for herself, little was certain in the lives of free and enslaved

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2 Missouri and Austin Augustus King, The Revised Statutes of the State of Missouri: Revised and Digested by the Eighth General Assembly during the Years One Thousand Eight Hundred and Thirty-Four, and One Thousand Eight Hundred and Thirty-Five. Together with the Constitutions of Missouri and of the United States. Printed and Published under the Direction of the Superintendent Appointed by the General Assembly for That Purpose (St. Louis: Printed at the Argus Office, 1835), 587.

3 Jane McCray’s petition, McCray, Jane, a mulatto woman vs. Hopkins, William; Miller, William; Oliver, Eliza, et. al., St. Louis Circuit Court, November Term Case No. 162 (1845), St. Louis County Court Archives (Hereafter: SLCA).

4 Jane McCray’s petition, McCray, Jane, a mulatto woman vs. Hopkins, William; Miller, William; Oliver, Eliza, et. al.
black women in the river valley. However, we know through other women’s stories that even without the formal recognition of the law, McCray could still find her own way to be free.

The moving shapes along the western rivers represented in Twain’s memoir were akin to the social, legal and political nuances that defined the spaces through which black women in the river valley moved. Black women’s signposts were the legal statutes and geo-political borders that shifted over time in the river valley, and the white men and women whose political leanings and attitudes about slavery and black people were difficult to know for certain and rarely fixed. And of course, black women’s evaluations of this shifting landscape were not always accurate. If they did not actually end up dead, some of their stories ended in Twain’s proverbial graveyard—those who were raped, kidnapped, imprisoned, or permanently separated from their children or their loved ones. The excerpt from Twain’s Life on the Mississippi captures the precarity of black women’s lives in the river valley, but it also captures something more important, the determination and the competence with which black women navigated their world in order to define freedom for themselves. Even as they were being surveilled, black women watched, learned, and evaluated their environment and acted deliberately in pursuit of their individual interests. This is the politics of mobility.
This dissertation has illuminated how black women actively navigated the roiling world of the antebellum middle Mississippi River valley. They lived in a world being transformed by an increasingly market driven economy and attendant reconstructions of labor organization. They lived at a time when the demographic landscape again shifted dramatically, new industries and public social spaces emerged, and the conflict over the political geography of slavery and freedom heightened. Amidst the chaos, black women found access to mobility, economic opportunity, and even knowledge of the law, which they used to pursue freedom.

In doing so, they embodied the very promise of capitalism and democracy that most white men flocked to the region to pursue. But by acting on this promise, black
women also threatened hardening notions of gender inequality and racial control. They challenged slave holders’ claims to their bodies, their labor, and their children, and they forced judges and attorneys in the region to reevaluate laws around slavery, freedom, and property. They helped make black communities in river port cities and towns. In the aftermath of the Civil War, black women continued to strategically appeal to the law and use their mobility and extended networks of communication to organize and maintain control over their lives. Their actions, taken together, reveal that through their attempts to order their own lives, black women helped shape the hastening conflict over labor, slavery, and freedom. As the world they knew was unmade by war and reconfigured in peace, black women proved that freedom was and would continue to be theirs to define and to defend.
References


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265
Biography

Alisha J. Hines was born on May 17, 1988 in Chicago, Illinois. Hines received her bachelor’s degree in history in 2010 from the University of Chicago and her master’s degree in the social sciences from the same institution in 2011. Hines has received several fellowships and awards since obtaining her bachelor’s degree, including the Ida B. Wells Graduate Student Fellowship from the Coordinating Council for Women in History, the Marcus Garvey Foundation Fellowship, the Wills Fellowship from the Tennessee State Library and Archives, and various research and writing fellowships from Duke University, including the Katherine Goodman Stern Dissertation Completion Fellowship. In 2017, she was invited to present her work at the McNeil Center for Early American Studies at the University of Pennsylvania and she also received the Drusilla Dunjee Houston Memorial Scholarship Award from the Association of Black Women Historians.