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Freedwomen in pursuit of liberty: St. Louis and Missouri in the age of emancipation

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University of Iowa

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FREEDWOMEN IN PURSUIT OF LIBERTY:
ST. LOUIS AND MISSOURI IN THE AGE OF EMANCIPATION

by
Sharon Elizabeth Romeo

An Abstract

Of a thesis submitted in partial fulfillment
of the requirements for the Doctor of
Philosophy degree in American Studies
in the Graduate College of
The University of Iowa

December 2009

Thesis Supervisor: Associate Professor Leslie A. Schwalm

ABSTRACT

This dissertation is a social and legal history of St. Louis and Missouri in the Civil War and Reconstruction eras. The study examines African American women's individual and collective struggles for freedom and civil status in the Age of Emancipation. By mining the records of the local military police in Missouri, this project finds that freedwomen, and even enslaved women, used military courts to seize rights during the Civil War. African American women entered this legal system as petitioners and claimed specific rights, including the right to paid labor, the right to state protection from bodily assault, and the right to custody of their children.

The project identifies a number of key points when emancipation took a gendered path. Union officers were more likely to allow fugitive men into their camps, as they viewed women as unfit for military work. Mothers with children were particularly unwanted in military camps and forts throughout the state. After slave enlistment began in Missouri, men were freed in return for their military service but their female relatives had to find a separate path out of slavery. As part of the process of emancipation, freedwomen developed and asserted their own beliefs regarding marital rights and obligations. These marital claims were made in dialogue with the Union army, the Military Pension Bureau, divorce law, and the African American church and community.

In the crisis of the Civil War, freedwomen developed a gendered conception of citizenship that was firmly rooted in their wartime struggle to destroy slavery. By considering the claims women made before military and civil officials, we can see in detail how African American women fought for national inclusion and, furthermore, that freedwomen's claims derived from a political philosophy that fueled their visions of freedom. The struggles of this population clarify the central role of the legacy of slavery, and the process of slave emancipation, in the construction of American citizenship rights.

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CERTIFICATE OF APPROVAL

PH.D. THESIS

This is to certify that the Ph.D. thesis of

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To the memory of my father, Nicholas A. Romeo

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I also thank Milo for not running away when things got crazy and his carpet savannah was replaced by a wasteland of scattered thesis printouts. Of course, we kept the door locked.

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INTRODUCTION

In 1862, Catherine McNeil, a twelve-year-old African American child, was kidnapped by a St. Louis couple who wanted her for their own use. This kidnapping and its resolution demonstrates a struggle for different visions of the nation and citizenship. This struggle was fought, literally, over the body of Catherine McNeil. The St. Louis couple sought to recreate labor conditions similar to slavery while McNeil struggled to claim custody of her child. The transition from slavery to freedom was, most of all, a process of enslaved people re-claiming their own bodies.

Both Catherine, and her mother, Charlotte McNeil, had lived as slaves in Dent County, Missouri. Their journey from slavery to freedom began during the Civil War, when they fled to a Union encampment at the town of Rolla. Charlotte McNeil found work as a laundress for Union soldiers while her twelve-year-old daughter, Catherine, labored as a nurse for the infant child of the Robbins family.¹

After two months, Dr. and Mrs. Robbins prepared to travel home to St. Louis. The couple wished to retain the services of Catherine. They convinced the military commander of the post at Rolla to prevail upon Charlotte McNeil to release her child into their custody. When the Robbins family left Rolla for St. Louis, they took Catherine with them. Charlotte McNeil had been assured that her daughter Catherine would be returned to her whenever she wished. But when McNeil travelled to St. Louis to reclaim her child, Mrs. Robbins refused to release Catherine into her custody.²

¹ “Statement of Charlotte McNeil to George E. Leighton, Provost Marshal,” St. Louis, 5 June 1862, F-1371, “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-187, RG 109, National Archives and Records Administration (hereafter NARA), Washington, D.C.

² Ibid.

In Union-occupied St. Louis, Charlotte McNeil sought out the military police and described the circumstances of her daughter's capture.³ After McNeil made her statement, an officer was dispatched to investigate the situation. The officer interviewed Catherine McNeil at the Robbins' residence, and asked the child where she would prefer to live. Catherine replied that she feared she would never again see her mother, and wished to be returned to her custody.⁴ By requesting the assistance of the military, Charlotte McNeil inserted herself into a system of justice and redress that was organized and enforced by the U.S. Army.

Charlotte McNeil performed political work when she brought her complaint before an officer of the Union military. The captivity of formerly enslaved children was not necessarily a military concern. McNeil, through her actions, transformed the capture of a recently enslaved child into a military matter. McNeil was one of many formerly enslaved women who brought petitions and complaints before Union officials as part of their pursuit of liberty during the Civil War.⁵

McNeil's complaint challenged the right of white individuals to take custody of her child. Freedwomen who claimed custody of their own children threatened the political ideology of white mastery. Nancy Bercau has argued that the process of emancipation threatened the slaveholders "understanding of political rights." Men who

³ Ibid.

⁴ W. M. H. Judd, United States Police Officer, to George E. Leighton, Provost Marshal, St. Louis, 6 June 1862, F-1371, "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-187, RG 109, NARA, Washington, D.C.

⁵ I am indebted to Linda Kerber for her observation that the right to petition was one of the few formal political tools available to women in the early republic and antebellum period. See, for example, her discussion regarding Rachel Wells' petition to the Continental Congress seeking the repayment of war bonds. Linda K. Kerber, "'I Have Don . . . Much to Carrey on the Warr': Women and the Shaping of Republican Ideology After the American Revolution," in *Women and Politics in the Age of the Democratic Revolution*, Harriet B. Applewhite and Darline G. Levy, eds. (Ann Arbor: University of Michigan Press, 1990), reprinted in Linda K. Kerber, *Toward an Intellectual History of Women: Essays by Linda K. Kerber* (Chapel Hill: University of North Carolina Press, 1997), 100-103.

possessed whiteness, manhood, and mastery were allocated political and civil rights in a slaveholding republic.⁶ Charlotte McNeil challenged this political ideology by asserting her own definition of citizenship, one informed by her experience as an enslaved woman.

This dissertation examines African American women's struggles for freedom and civil status during and immediately following the Civil War. Popular conceptions of the Civil War have been dominated by histories that erase the political actions of the enslaved population.⁷ But the actions of enslaved women illuminate their struggles for specific freedoms. This project analyzes political beliefs as expressed through everyday social practices. As Robin D.G. Kelley argues in *Race Rebels*, political motivations do not "exist separately from issues of economic well-being, safety, pleasure, cultural expression, sexuality, freedom of mobility, and other facets of daily life . . ."⁸ Enslaved and freedwomen's daily acts of resistance and survival had consequences for existing power relations. It is through the study of these actions that we can understand the specific ways in which power operated during the Civil War. Studying the processes used by African American women to remove the bonds of slavery to claim freedom, and even citizenship rights, is crucial to understanding not only the early history of civil rights, but also the operations of power during the Civil War.

Charlotte McNeil engaged in a struggle to claim her own definition of freedom; her actions underscore the role played by the everyday activities by ordinary people in the wartime destruction of slavery. As a new generation of scholarship has demonstrated, slave emancipation was not accomplished by a single event, but as a process that

⁶ Nancy Bercaw, *Gendered Freedoms: Race, Rights, and the Politics of the Household in the Delta, 1861-1875* (Gainesville: University Press of Florida, 2003), 77, 75-78.

⁷ In the last 20 years, one of the most popular presentations of Civil War history was the television documentary series, *The Civil War*, directed by Ken Burns (Public Broadcasting Service, USA, 1990).

⁸ Robin D.G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: The Free Press, 1994), 9-10.

occurred unevenly throughout the slave states.⁹ These everyday, on-the-ground contestations played a significant role in “freeing the slaves,” and should be given serious attention alongside the analysis of political moments such as the Emancipation Proclamation.

Petitioners like Charlotte McNeil applied great creativity in their use of the military justice system. African American women brought complaints to Union officers that were not, strictly speaking, military concerns. They transformed “civil” grievances into military issues. African American women entered this legal system as petitioners and claimed specific rights, including the right to paid labor, the right to state protection from bodily assault, and the right to custody of their children.

This dissertation identifies a number of key points when emancipation took a gendered path.¹⁰ Enslaved people ran to Union lines in a bid for freedom, but the military responded differently to the fugitive men and women who appeared at their camps and forts.¹¹ Union officers were more disposed to admit fugitive men into their camps, as they tended to view women as unfit for military labor. Mothers with children were particularly unwelcome in camps and regiments on the march. In contrast, enslaved

⁹ Scholarly debates have raged over the question of who, or what, freed the enslaved population. A contentious panel at the 1992 Annual Meeting of the American Historical Association highlighted these scholarly disputes over the respective roles of Abraham Lincoln and the wartime actions of enslaved people in the collapse of slavery in the United States. Ira Berlin, “Who Freed the Slaves? Emancipation and Its Meaning,” in *Union and Emancipation: Essays on Politics and Race in the Civil War Era*, David W. Blight and Brooks D. Simpson, eds. (Kent, Ohio: Kent State University Press, 1997), 105-121.

¹⁰ This study follows a body of scholarship on the process of wartime emancipation that has demonstrated the gendered ways in which freedwomen attempted to reclaim from the slave system a measure of control over their lives. Nancy Bercaw, *Gendered Freedoms: Race, Rights, and the Politics of Household in the Delta, 1861-1875* (Gainesville: University of Florida, 2003); Noralee Frankel, *Freedom’s Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: Indiana University Press, 1999); Leslie Schwalm, *A Hard Fight for We: Women’s Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press, 1997).

¹¹ Thavolia Glymph, “‘This Species of Property’: Female Slave Contrabands in the Civil War,” in *A Woman’s War: Southern Women, Civil War, and the Confederate Legacy*, Edward Campbell and Kym Rice, eds. (Charlottesville: University Press of Virginia, 1997), 54-71.

men were more likely to keep up with Union troops, and they were not as likely as women to be burdened with caring for children.

African American women acquired a powerful tool in their pursuit of freedom with the passage of the Second Confiscation Act in July 1862.¹² This legislation allowed the Union military to confiscate the slave property of masters who engaged in disloyal activities. Women, who were more likely to be subject to expulsion from army camps and unable to keep up with regiments on the march, now had another route to freedom. Women sought out Union officers, who conducted the affairs of the military police, to report disloyal behavior.

These gendered paths to freedom continued to diverge in 1863 when the Union military began enrolling male slaves as soldiers in Missouri. Enslaved men who enlisted received freedom in return for their service, but this bounty did not extend to their families. The female relatives of enslaved soldiers had to find their own route out of slavery. Many escaped to St. Louis, where they lived throughout the war, waiting for their male relatives to return home. Other women freed themselves under the Second Confiscation Act by reporting the Confederate sympathies of slave owners to the military police of the Union army.

African American women used their access to the military police and courts to press a multitude of claims impossible under the Missouri legal system.¹³ These

¹² *Confiscation Act of 1862* (The Second Confiscation Act), approved 17 Jul. 1862, *Statutes at Large*, vol. 12, 589-92.

¹³ These claims and petitions can be found in the following two record groups housed at NARA in Washington D.C. The first includes three letter books ("Letters Sent") generated by the St. Louis district provost marshal during the months May 1864 to June 1865, housed at the National Archives and Record Administration in Washington D.C. This first record group is divided into three different archival subgroups: "Letters Sent," Entry 1733 (May – October 1864), "Letters Sent," Entry 1734 (October 1864 – April 1865) and "Letters Sent," Entry 1735 (April – June 1865), Provost Marshal Office, St. Louis District, Department of the Missouri (hereafter Dept. of the MO), RG 393, Part 4, NARA, Washington D.C. The second record group is the "The Union Provost Marshals' File of Papers Relating to Individual Civilians" which is part of Record Group 109 and has been microfilmed onto 300 rolls of microfilm rolls (National Archives Microfilm Publication M345). These documents were sent to the War Department from Union Army

demands for inclusion within the military judicial process constituted a critical step in the process of emancipation. The complaints and petitions of African American women promoted a gendered conception of citizenship derived from their experiences in bondage and the wartime struggle to destroy slavery. Freedwomen developed their own visions of what freedom ought to be in response to living under the slave system. The Civil War then mobilized this population as they fought to gain liberty and free themselves and their families from bondage.

Citizenship forms its meaning through the access one has to a variety of arenas, including markets, social institutions, and public space. As an identity, citizenship is constructed through daily contestations for greater control over one's life.¹⁴ Definitions of United States citizenship have historically rested on raced and gendered articulations of identity that specify who is included and who is excluded in the political process.¹⁵ My work follows scholars who use gender analysis to critique definitions of civic culture

provost marshals and placed in RG 109, the War Department Collection of Confederate Records. Much of the material deals with the patrol and punishment of Confederate sympathizers. The Missouri State Archives has created a searchable database of the Missouri materials available at <http://www.sos.mo.gov/archives/provost/> (last accessed 28 Mar. 2009).

¹⁴ This dissertation is particularly influenced by Kathleen Canning and Sonya O. Rose's discussion of how citizenship forms its meaning through social practices in which people test the boundaries of their rights and obligations. "Gender, Citizenship and Subjectivity: Some Historical and Theoretical Considerations," *Gender and History* 13, no. 3 (November 2001): 427-443.

¹⁵ This project relies upon gendered critiques of citizenship and republican political theory. For scholarship on the gendered nature of citizenship in the United States, see Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth-Century New York* (Ithaca: Cornell University Press, 1982); Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Massachusetts: Harvard University Press, 2000); Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (Hill and Wang: New York, 1998); For scholars who have applied the gendered analysis of citizenship to the study of slave emancipation see Nancy Bercaw, *Gendered Freedoms* (2003); On the gendered aspects of republican political theory see Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988), and Carroll Smith-Rosenberg, "Dis-Covering the Subject of the 'Great Constitutional Discussion,' 1786-1789," *Journal of American History* 79, no. 3 (December 1992): 841-873. On the pro-slavery rhetoric derived from republican ideology in the antebellum south, see Stephanie McCurry, "The Two Faces of Republicanism: Gender and Proslavery Politics in Antebellum South Carolina," *Journal of American History* 78 (March 1992): 1245-64.

and the role of the public sphere in modern democratic republics. I have applied these critiques to a body of scholarship that charts the process of slave emancipation during the Civil War.¹⁶

The historical circumstances of the Civil War collapsed the pretended boundaries between the civil, military, political, and domestic spheres.¹⁷ Feminist scholarship has demonstrated that these boundaries are suspect and, to a large degree, rhetorical constructions.¹⁸ African American women were legal actors in the material, cultural, and

¹⁶ This study builds on work that locates enslaved people as critical actors in the destruction of slavery, beginning with the classic study of W. E. B. Du Bois, *Black Reconstruction in America: An Essay Toward the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (New York: Russell and Russell, 1936), and elaborated upon by the critical work performed by the documentary editors at the Freedmen and Southern Society Project, in particular, the following three volumes of *Freedom: A Documentary History of Emancipation, 1861-1867*: Series I, Volume I, *The Destruction of Slavery*, Ira Berlin, Barbara J. Fields, Thavolia Glymph, Joseph P. Reidy, and Leslie S. Rowland, editors (Cambridge: Cambridge University Press, 1985); Series I, Volume II, *The Wartime Genesis of Free Labor: The Upper South*, Ira Berlin, Steven F. Miller, Joseph P. Reidy, and Leslie S. Rowland, editors (1993); and Series II, *The Black Military Experience*, Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, editors (1982). For scholarship on the role played by gender in the process of wartime emancipation see Schwalm, *A Hard Fight for We*, and Frankel, *Freedom's Women*. On the construction of gender and the politics of southern households, see Bercaw, *Gendered Freedoms*, and Laura Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Chicago: University of Illinois Press, 1996). For a study of labor and African American women situated in a southern city from Reconstruction to the first decades of the twentieth century, see Tera W. Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War* (Cambridge, Mass: Harvard University Press, 1993).

¹⁷ Feminist scholarship has problematized the historical constructions of private and public life. Linda K. Kerber, "Separate Spheres, Female Worlds, Woman's Place: The Rhetoric of Women's History," *Journal of American History* 75, no. 1 (Jun. 1988): 9-39. Jeanne Boydston demonstrates how women's household labor becomes invisible when it is falsely separated from the larger economic system. Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic* (New York: Oxford University Press, 1990).

¹⁸ Nancy Fraser has demonstrated how a gendered analysis reveals the false distinctions between the family household and the public economic system of the nation-state. Nancy Fraser, "What's Critical about Critical Theory? The Case of Habermas and Gender," *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Minneapolis: University of Minnesota Press, 1989). Elsa Barkley Brown argues that African American women, and even children, participated in community decisions. Furthermore, the African American church operated as a political site, serving the community as an organizing location for parades, rallies, and conventions. Elsa Barkley Brown, "Negotiating and Transforming the Public Sphere: African-American Political Life in the Transition from Slavery to Freedom," *Public Culture* 7 (1994): 107-146.

rhetorical collapse of these boundaries, which, in turned, granted them further ability to maneuver in their struggles for power.

The wartime actions of African American women illustrate the inseparable link between the realm of the domestic and the political. For example, enslaved women used their positions as household workers to report Confederate activity to Union officers. Enslaved women had a vested interest in revealing that the institution of slavery, which had been rhetorically classified as a part of household operations, was, in fact, a critical component of the political realm. The personal was political for enslaved women, who worked to reclaim their productive and reproductive labor. Enslaved women worked to insert the military into the “domestic” struggles of slaves and slaveholders. Household politics were not separate from the question facing the nation during the civil war—the fate of slavery.

Legal historians have produced a methodology that moves beyond the study of statutes and legal precedents to demonstrate the role of enslaved people as legal actors.¹⁹ This approach is particularly useful in revealing the role of the legal system in the lives of enslaved people through the examination of legal documents such as trial transcripts and case records.²⁰ Grappling with the question of “why African Americans thought to make

¹⁹ Laura F. Edwards, “Status without Rights: African American sand the Tangled History of Law and Governance in the Nineteenth-Century U.S. South,” *American Historical Review* 112, no. 2 (April 2007): 365-393; Ariela J. Gross, *Double Character: Slavery and Master in the Antebellum Southern Courtroom* (Princeton, New Jersey: Princeton University Press, 2000). In contrast to scholarship that examines the role of enslaved people within the judicial system, Dylan C. Penningroth finds that the enslaved population developed concepts of property ownership primarily through social relations, outside of formal legal frameworks. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: The University of North Carolina Press, 2003).

²⁰ Ariela Gross, “Beyond Black and White: Cultural Approaches to Race and Slavery,” *Columbia Law Review* 101 (April 2001), 643. I am deeply appreciative of Yvonne M. Pitts for her insights about this historical method, and who referred me to Gross’ article. Pitts has applied this methodology to reveal the role of enslaved people in the contestation of wills in Kentucky. Yvonne M. Pitts, “Imposing Their Wills: Inheritance Practices, Family, and Capacity in Nineteenth Century Kentucky,” Ph.D. Diss., University of Iowa, 2006.

their claims in legal forums in the first place,” opens up further questions about the enslaved population’s assumptions about the role of the law, the uses of citizenship, and concepts of nationhood.²¹ The study of court records, particularly legal court transcripts found at the lowest level of the justice system, reveals “the ways law was understood” by African Americans who watched and participated in court proceedings.²²

Union army records reveal the type of claims made by African American women, and the process by which petitioned military justice officials during the Civil War. My source base also relies upon the Civil War pension files of African American war widows, as these records divulge information about the daily lives of women as they moved from slavery to freedom. Military correspondence, newspaper clippings, slave narratives, and diaries round out the source base and add texture to the Union military’s response to African Americans who sought out regiments and military camps.²³

St. Louis, a border city located in a slave state, provides a specific theatre in which to analyze the wartime process of emancipation and the struggle for civic recognition. Both Missouri and St. Louis can be characterized as borderlands; the population experienced a rupture in the nation-state as two “national entities” fought for control over the state and the city. The Confederates and the Federals fought this battle on multiple terrains in Missouri, including the military, political, social, and cultural.

²¹ Edwards, “Status without Rights,” 366.

²² Gross, “Beyond Black and White,” 643.

²³ I am grateful to Leslie A. Schwalm for directing me to the National Archives and Records Administration in Washington D.C. and its wealth of sources; she suggested I explore both the military sources and the Civil War pension files. Her scholarship presents a model of how to employ military sources and Civil War pension files in the study of emancipation. Schwalm, *A Hard Fight for We*. Other scholars who have heavily influenced my methodology in their use of records at the National Archives include Nancy Bercaw, *Gendered Freedoms*, and Noralee Frankel, *Freedom’s Women*. I have relied heavily on the edited volumes of primary sources collected from the National Archives and published in Berlin, et al., *Freedom: A Documentary History of Emancipation, 1861-1867*.

Geographically situated at a juncture between north and south, St. Louis operated as a significant port on the Mississippi River. Confederates, immigrants, enslaved people and Union soldiers all lived in this city. To be a slave owner in St. Louis was a signifier of cultural and social status for the upper echelons of St. Louis society. But many merchant class New England residents had moved to the city in the years leading up to the war.²⁴

Union forces declared martial law in the state, which led to the arrest and trial of civilians. Missouri had the greatest number of civilian arrests among all of the Union slave states, and Union officials took an active role in tracking down secessionist activity in St. Louis.²⁵ Enslaved and freedwomen informed on disloyal white citizens, and elite members of society were subject to military justice and imprisonment. This turn of events would allow for specific legal, social, and cultural work to take place around the identifier of “the citizen.” Both enslaved and freedwomen used patriotism as a strategy to undermine the institution of slavery, asserting a cultural citizenship in order to claim their right to national inclusion.²⁶

²⁴ For scholarship on antebellum and Civil War St. Louis, see Jeffrey S. Adler, *Yankee Merchants and the Making of the Urban West: The Rise and Fall of Antebellum St. Louis* (Cambridge: Cambridge University Press, 1991); Galusha Anderson, *The Story of a Border City During the Civil War* (Boston: Little, Brown, and Company, 1908); Louis S. Gerteis, *Civil War St. Louis* (Lawrence: University Press of Kansas, 2001); William E. Parrish, *Turbulent Partnership: Missouri and the Union, 1861-1865* (Columbia: University of Missouri Press, 1963).

²⁵ Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1991), 32-50; Louis S. Gerteis, “‘A Friend of the Enemy’: Federal Efforts to Suppress Disloyalty in St. Louis During the Civil War,” *Missouri Historical Review* 96, no. 3 (April 2002): 166-68; Louis S. Gerteis, “‘An Outrage on Humanity’: Martial Law and Military Prisons in St. Louis During the Civil War,” *Missouri Historical Review* 96, no. 4 (July 2002): 302-22.

²⁶ Cultural citizenship is a set of social and cultural practices that establish claims to a place in the body politic. See William V. Flores with Rina Benmayor, “Constructing Cultural Citizenship,” and Renato Rosaldo, “Cultural Citizenship, Inequity, and Multiculturalism,” in *Latino Cultural Citizenship: Claiming Identity, Space and Rights*, William V. Flores and Rina Benmayor, eds. (Beacon Press: Boston, 1997), 1-23; 27-38.

African Americans, both enslaved and free, had been ill treated by the legal system and the structures of white authority in their lives. Slave patrols, police, sheriffs, judges—all of these elements of state authority presented constant threats to the enslaved and free population. African Americans in Missouri were regularly arrested and imprisoned on the suspicion of being fugitive slaves. Prior to January 1865, slavery was still legal in the city of St. Louis. Slave owners continued to recapture fugitive people throughout this period.

Considering the past treatment of African American women, it is worth asking why they were willing to enter the buildings of any institutions associated with state power. Yet this population, which had been so abused by structures of state authority, chose to use the apparatus of the Union army, and the strategy of claiming national inclusion, to maneuver for a better life.²⁷ Ultimately, this is a story about how African American women worked to construct a civil existence.

This project begins with a description of Civil War St. Louis, a slave city in a border state, with special attention given to the resident African American population. Chapter I explores St. Louis, the home of Dred and Harriet Scott, and the unique circumstances and features that drew African American women to the city during the Civil War. I discuss the legal disabilities of the St. Louis free black population, the migration of fugitive and contraband African American women to the city, the occupation of the city by Union troops, and the institutional resources that the city offered to African Americans during the war. This chapter explores the proclamation of martial law and the challenges military occupation represented to the institution of slavery in St. Louis.

²⁷ I am indebted to Nancy Bercaw for her comments at the Fourteenth Berkshire Conference on the History of Women (June 2008), and especially to her particular insight that African American women demanded inclusion in the nation-state when they could have rejected citizenship claims, or displayed more ambivalence towards national inclusion.

Chapter II reveals the gendered strategies employed by Missouri women to escape slavery under the First and Second Confiscation Acts of August 1861 and July 1862, respectively. The Confiscation Acts defined the terms under which enslaved people could be seized by the Union military, and for all practical purposes, liberated from their former masters. The Emancipation Proclamation did not apply to the border states, and slavery remained legal in Missouri until January 1865. But martial law could not comfortably co-exist with the institution of slavery. The thousands of freedpeople who ran to Union lines encouraged the military bureaucracy to develop new practices and policies. Consequently, Union commanders instructed provost marshals to record the witness testimony of enslaved people regarding the disloyal acts of slave owners. These impromptu courts allowed for the practical application of the Second Confiscation Act on the ground in Missouri. The provost marshals ran a low-level military court system and possessed the power to charge, arrest, and incarcerate civilians. Enslaved women used the Union army and the military's provost marshal system to circumvent the Missouri slave code.

The enlistment of slave men in 1863 changed the grounds on which enslaved women could seek military support. Enslaved women were now the kin of soldiers, they had contributed to the cause of the Union military, and they sought their freedom as a matter of justice. Chapter III demonstrates that the enslaved wives, mothers, and sisters of Union soldiers claimed a military citizenship based on the service of their male relatives. In 1863, thousands of formerly enslaved Missouri men began to enlist in the United States Colored Troops. Five regiments of black soldiers were mustered into the army and trained at Benton Barracks in St. Louis during the Civil War. But the enlistment of enslaved men did not free the families of black soldiers, and the Missouri legislature would not abolish slavery until January 1865. In spite of this, the female kin of black soldiers played a critical role in the wartime collapse of Missouri slavery. They

identified the enlistment of their male relatives as a revolutionary moment and an opportunity to win their own freedom.

Chapter IV argues that African American women used St. Louis military courts to claim citizenship rights before the passage of the 14th Amendment. The Missouri slave code forbade any African American, slave or free, from testifying against a white person. But martial law provided new opportunities for African American women living in St. Louis to claim citizenship rights. Unable to testify against whites in the civil courts, African American women entered the military court system to charge white residents with a variety of offenses. By 1864, African American women routinely sought justice in the local military courts, accusing white citizens of assault, rape, kidnapping, and unfair labor practices.

The final chapter turns to a discussion of marriage. As part of the process of emancipation, freedwomen asserted their own marital and romantic choices. The Union army, federal pension law, and the state law of Missouri all played a role in recognizing and defining slave marriage. Freedwomen worked to redefine the meaning of marriage for their own purposes. Their marital claims were made in dialogue with the Union army, the federal pension bureau, divorce law, and the African American church and community. As freedwomen demanded the right to define marriage on their own terms, they worked to emancipate themselves from slaveholders, patriarchal authority, church authority, and state authority. Emancipated women asserted the right to redefine marriage as part of their Civil War struggle to construct a civic identity.

CHAPTER I
 “I TOLD MY MISTRESS
 THAT THE UNION SOLDIERS WERE COMING . . .”:¹
 ENSLAVED ST. LOUIS WOMEN
 AND UNION OCCUPATION

Ellen Turner Jackson, an enslaved cook in St. Louis during the Civil War, expressed her political sentiments when she hung a picture of President Abraham Lincoln, clipped from a newspaper, on the wall of her room. Offended by this statement of loyalty to the Union cause, her owner demanded to know why she had placed the president’s picture on the wall. Jackson retorted, “. . . it was there because [I] liked it.” In response, William Lewis knocked her to the floor, using physical violence to reassert his power over a woman who was challenging both his Confederate sympathies and the institution of slavery that bound her to him.² Jackson was just one of the many enslaved people emboldened by the Union occupation of St. Louis. As the war progressed, Union successes encouraged the enslaved population of the city in their own acts of resistance within Confederate households.

As Union soldiers poured into St. Louis, Ellen Turner Jackson and her daughter, Mattie Jane, eagerly read the military news in local newspapers, which the local troops “took much delight” in throwing over the fence to the Jackson family. Mrs. Lewis, their mistress, observed this informal alliance between her enslaved property and the Union troops. She grew deeply “aggravated” by this development, and began to engage in antagonistic discussions with the Jacksons. She sought out Ellen in the kitchen to

¹ L.S. Thompson, *The Story of Mattie Jackson: Her Parentage, Experience of Eighteen Years in Slavery, Incidents During the War, Her Escape from Slavery, A True Story, . . . As Given by Mattie* (Lawrence, Massachusetts: Sentinel Office, 1866), 10, electronic edition: <http://docsouth.unc.edu/neh/jacksonm/menu.html>, *Documenting the American South*, The University Library, The University of North Carolina at Chapel Hill, First edition 1999, Accessed 5 Jun. 2009.

² *Ibid.*, 11.

disparage the Union cause and taunt her about Union military defeats. Ellen ignored Mrs. Lewis provocations, while continuing to closely observe military developments.³

A few years prior to the war, William Lewis had purchased Ellen Turner Jackson and her two daughters, Sarah Ann and Mattie Jane, from a slave trader named Bernard T. Lynch. St. Louis, a port city on the Mississippi River, was a major hub for the slave trade, with several traffickers establishing their base of operations in the downtown. As part of his business, Lynch ran a “slave pen,” where enslaved people were held in preparation for auction, or as punishment for disobedience. Lynch’s jail was situated on the corner of Fifth Street and Myrtle, four blocks from the St. Louis Courthouse where Dred and Harriet Scott petitioned for their freedom.⁴ Outside of Lynch’s auction house, the St. Louis cityscape bustled with business conducted in storefronts, saloons, dance halls, and merchants waiting for stevedores to unload their goods from steamboats at the levee.

William Lewis and his wife were joined in their Confederate sympathies by many residents of the city. James Thomas, a free African American man living in St. Louis, recalled that, in 1861, St. Louis “had a secession feeling,” and that the “. . . old and wealthy families of St Louis were all southern in sentiment with few exceptions.”⁵ Jud

³ Ibid., 10.

⁴ On slave trading in St. Louis, and Bernard Lynch in particular, see Galusha Anderson, *The Story of a Border City During the Civil War* (Boston: Little, Brown, 1908), 182-187; Louis S. Gerteis, *Civil War St. Louis* (Lawrence: University Press of Kansas, 2001), 170.

⁵ James Thomas, *From Tennessee Slave to St. Louis Entrepreneur: The Autobiography of James Thomas*, Loren Schweningen, ed. (Columbia: University of Missouri Press, 1984), excerpted in “Ain’t But a Place”: *An Anthology of African American Writings about St. Louis*, Gerald L. Earley, ed. (St. Louis: Missouri Historical Society Press, 1998), 49. Anderson, *The Story of a Border City*, 9. Anderson further wrote that, “. . . Although in 1860 St. Louis had but few slaves, nevertheless pro-slavery sentiment largely prevailed.” Also, see Letter from J. B. Frémont to George Julian, 1 May 1862, in *The Letters of Jessie Benton Frémont*, Pamela Herr and Mary Lee Spence, eds. (Urbana: University of Illinois Press, 1993), 320. In her own book, Frémont wrote, “. . . In the city of St. Louis, [it was] unfashionable, to be with the North and for Freedom.” Jessie Benton Frémont, *The Story of the Guard: A Chronicle of the War* (Boston: Ticknor and Fields, 1863), 27.

Bemis, corresponding from St. Louis in April 1862, claimed there were “plenty” of secessionists living in St. Louis: “Very pleasant ain’t it to have a Secesh living on each side of you.” He observed that many of the wealthy people in society were Confederate sympathizers and the “poor folks” in St. Louis were for Lincoln.⁶ Although there were some wealthy Unionists, much of the free labor fervor derived from the city’s large population of German immigrant labor. Many of the Germans who migrated to St. Louis in the late 1840s and 1850s held strong anti-slavery views. With the start of the Civil War, these same immigrants adopted fierce pro-Union sentiments.⁷

St. Louis experienced a five-fold increase in population between 1840 and 1850 as it underwent rapid urbanization and immigration due to the city’s advantageous location for steamboat traffic. By the late 1840s, St. Louis had established itself as the hub for the flow of goods up and down the Mississippi, Missouri, and Ohio Rivers and the city grew to the eighth largest city in the United States in 1860.⁸ By the Civil War, the growth in white immigrants and commerce in St. Louis had greatly reduced the relative influence of the institution of slavery on the social and economic life of the city.⁹

⁶ Letter from Jud Bemis to Brother Stephen A. Bemis, St. Louis, 13 Apr. 1862, Bemis Family Papers, 1861-1865, Bemis Collection, Missouri History Museum, St. Louis.

⁷ Ira Berlin, Steven F. Miller, Joseph P. Reidy and Leslie S. Rowland, editors., *Freedom: A Documentary History of Emancipation*, ser. 2, vol. II: *The Wartime Genesis of Free Labor: The Upper South* (New York: Cambridge University Press, 1993), 552-553; Bruce Levine, *The Spirit of 1848: German Immigrants, Labor Conflict, and the Coming of the Civil War* (Urbana: University of Illinois Press, 1992); *The Forty-Eighters: Political Refugees of the German Revolution of 1848*, A. E. Zucker, ed. (New York: Columbia University Press, 1950), 65-66, 105-109; *Germans for a Free Missouri: Translations from the St. Louis Radical Press, 1857-1862*, Steven Rowan, ed. (Columbia: University of Missouri Press, 1983).

⁸ The population of St. Louis in 1860 was 160,773. Joseph C. G. Kennedy, *Population of the United States in 1860* (Washington, D.C.: Government Printing Office, 1864), 297. On the rapid urbanization of antebellum St. Louis and the city’s prominence in the steamboat trade, see Jeffrey S. Adler, *Yankee Merchants and the Making of the Urban West: The Rise and Fall of Antebellum St. Louis* (Cambridge: Cambridge University Press, 1991), 71, 93, 110, and James Neal Primm, *Lion of the Valley: St. Louis, Missouri* (Boulder: Pruett Publishing, 1981), 138-139, 201.

⁹ Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1967). The relatively marginal role of urban slavery in St. Louis before the war was similar to that of other southern cities, such as Atlanta, especially when contrasted with the way

Free labor sentiment was growing in St. Louis, but the state of Missouri was invested in the institution of slavery. By 1860, the U.S. Census found 114,931 enslaved people resident in the state. The next year, Governor Claiborne Jackson estimated the total value of these slaves at \$100,000,000.¹⁰ The history of St. Louis itself was steeped in the history of slavery. In 1836, it was the city where Francis McIntosh, a free black man working as a cook on a steamboat, was tied to a tree and burned alive on the corner of Seventh and Chestnut streets.¹¹ It was also where the *St. Louis Observer* publisher, Elijah Lovejoy, was run out of town after mob attacks on his press in response to his editorial protests of the McIntosh lynching. His murder the following year at the hands of yet another mob, in nearby Alton, Illinois, became a touchstone event for abolitionists nationwide.¹² Elijah Lovejoy himself, while a resident of St. Louis, worked with William Wells Brown, the future novelist and publisher of the anti-slavery newspaper, *The North Star*. Brown, while enslaved, was hired out to Lovejoy, who assigned him to work the press and run errands for the printing office of the *St. Louis Times*.¹³

slavery dominated society in the rural south. Tera W. Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War* (Cambridge, Mass: Harvard University Press, 1993), 8-9.

¹⁰ Kennedy, *Population of the United States in 1860*, 283; Harrison Anthony Trexler, *Slavery in Missouri, 1804-1865* (Baltimore: Johns Hopkins Press, 1914), 44, cited in Kenneth C. Kaufman, *Dred Scott's Advocate: A Biography of Roswell M. Field* (Columbia: University of Missouri Press, 1996), 172.

¹¹ Lea VanderVelde, *Mrs. Dred Scott: A Life on Slavery's Frontier* (New York: Oxford University Press, 2009), 78-79; Mary E. Seematter, "Trials and Confessions: Race and Justice in Antebellum St. Louis," *Gateway Heritage* 12, no. 2 (Fall 1991): 36-47; Gerteis, *Civil War St. Louis*, 7-15.

¹² Gerteis, *Civil War St. Louis*, 7-17; Robert W. Trabscott, "Elijah Parish Lovejoy: Portrait of a Radical, The St. Louis Years, 1827-1835," *Gateway Heritage* 8, no. 3 (Winter 1987-1988): 32-39; Henry Tanner, *The Martyrdom of Lovejoy . . .* (Chicago: Fergus Printing Company, 1881), 77.

¹³ William Wells Brown, *Narrative of William W. Brown, An American Slave. Written By Himself* (Boston: The Anti-Slavery Office, 1847), 26, 28, electronic edition: <http://docsouth.unc.edu/neh/brown47/menu.html>, *Documenting the American South*, The University Library, The University of North Carolina at Chapel Hill, First edition 2001, Accessed 5 Jun. 2009. Brown successfully escaped slavery in 1834. As a "fugitive slave," he would later

Urban slavery consisted largely of domestic work in St. Louis, and enslaved women, like Ellen Jackson Turner, worked primarily as cooks, servants, and laundresses.¹⁴ Enslaved and free people of color comprised eighteen percent of the population in 1820, and grew to almost twenty-five percent in 1830, but this proportion dropped quickly with the arrival of white immigrants.¹⁵ Although St. Louis remained a major port for the slave trade, by 1860 enslaved African Americans and free people of color made up only two percent of the populace—986 enslaved females and 556 enslaved males.¹⁶

Although the antebellum population of free African Americans in St. Louis was comparatively small, it was a well-organized and politically active community. Approximately 1,500 free African Americans lived in St. Louis, mostly scattered throughout the central part of the city in 1860.¹⁷ This population was well-established with historical ties throughout the city.¹⁸ Following the Civil War members from this

write the novel *Clotel, or The President's Daughter* (Armonk, NY: M.E. Sharpe, 1996; originally published London: Partridge & Oakey, 1853).

¹⁴ Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1967).

¹⁵ Primm, *Lion of the Valley*, 136

¹⁶ *Ibid.*, 332.

¹⁷ Lawrence O. Christensen, *Black St. Louis: A Study in Race Relations, 1865-1916*, Dissertation, University of Missouri, 1972, 83-84; Judy Day and M. James Kedro, "Free Blacks in St. Louis: Antebellum Condition, Emancipation, and the Postwar Era," *Bulletin of the Missouri Historical Society* 30, no. 2 (Jan. 1974): 117-135.

¹⁸ Lorenzo J. Greene, Gary R. Kremer, and Antonio F. Holland, "Slaves without Masters: Free Blacks before the Civil War," Chapter 4 in *Missouri's Black Heritage*, Gary R. Kremer and Antonio F. Holland, eds., revised edition (Columbia: University of Missouri Press, 1993); Cyprian Clamorgan, *The Colored Aristocracy of St. Louis*, ed. by Julie Winch (Columbia: University of Missouri Press, 1999).

community would take up leadership roles working for civil rights such as black male suffrage and education for African American children.¹⁹

The free and enslaved African Americans living in St. Louis intermingled by socializing, marrying, and attending church together. Ellen Turner Jackson and her daughters lived in this community where they could have come into contact with some of the prominent figures in African American history that made St. Louis their home. Elizabeth Keckley, later famously the seamstress to Mary Todd Lincoln, bought her freedom with money raised from her skills as a dress-maker in 1855.²⁰ Perhaps the most famous enslaved residents of the city were Harriet and Dred Scott. The Scotts and their two children, Eliza and Jane, had all begun their freedom suits in the St. Louis civil courts. In fact, Harriet Scott may have initiated the original April 1846 suits out of concern for the future of her two young daughters, Eliza and Jane.²¹

Harriet Scott was a member of the Second Colored Baptist Church in St. Louis, otherwise known as the Eighth Street Church. A fixture of the African American community, the Eighth Street Church served a congregation of approximately 1,000 members, of which about half were enslaved people.²² The church would play a prominent role as a meeting place for civil rights activists during and after the Civil War.

¹⁹ Greene, Kremer, and Holland, *Missouri's Black Heritage*, rev., 85-86; "Colored Schools in St. Louis," American Freedmen's Inquiry Commission, 169; Anderson, *The Story of a Border City During the Civil War*, 333-337. On African Americans during the war who "created a school board . . . in establishing a school system for blacks," see Lawrence O. Christensen, "Race Relations in St. Louis, 1865-1916," *Missouri Historical Review* 78, no. 2 (January 1984): 125; also Christensen, *Black St. Louis*, 34, 35.

²⁰ Elizabeth Keckley, *Behind the Scenes or Thirty Years a Slave, and Four Years in the White House* (New York: Oxford University Press, 1988, originally published New York: G. W. Carleton, 1868) 60-62.

²¹ Lea VanderVelde and Sandhya Subramanian, "Mrs. Dred Scott," *Yale Law Journal* 106, no. 4 (Jan. 1997):1040-1041, 1076, 1083; Kaufman, *Dred Scott's Advocate*, 139-143.

²² Anderson, *A Border City During the Civil War*, 13; George E. Stevens, *A History of Central Baptist Church* (St. Louis, Missouri: King Publishing, 1927), 10, 29-31, 39; VanderVelde, *Mrs. Dred Scott*, 300, 302.

At the Eighth Street Church, in the midst of a blizzard on January 1, 1863, African Americans began their celebration of Lincoln's Emancipation Proclamation before marching in a "great procession" to Turner's Hall in downtown St. Louis, where the church's minister, John Richard Anderson, presided over the "great thanksgiving and speaking service."²³

Members of the Eighth Street Church, and the wider African American community in St. Louis, would have been aware of the freedom suits of the Scott family. At the church, information about freedom suits would surely have circulated between family members and friends, enslaved and free people alike. Harriet Scott was one of hundreds of enslaved people in St. Louis who filed legal petitions for freedom in the St. Louis courts between the years of 1814 to 1860.²⁴ Suits for freedom were permitted by an 1807 territorial statute and an 1824 state law, which allowed any person held illegally as a slave to sue for freedom in civil court. These individuals were "permitted to sue as a poor person to establish his or her freedom" and the court consequently assigned lawyers to the plaintiffs.²⁵

²³ Stevens, *A History of Central Baptist Church*, 11. Turner's Hall was located at Tenth and Walnut Streets. On the uses of Turner's Hall during the Civil War, see Primm, *Lion in the Valley*, 246; Gerteis, *Civil War St. Louis*, 80, 81, 103, 323.

²⁴ The following record group contains documents associated with 301 freedom suits filed in the St. Louis courts: Freedom Suits Case Files, 1814-1860, *St. Louis Circuit Court Historical Records Project*, Office of the Circuit Clerk-St. Louis, Missouri State Archives-St. Louis, Office of the Secretary of State, <http://www.stlcourtrecords.wustl.edu/about-freedom-suits-series.php>, accessed 16 Dec. 2008. The St. Louis Circuit Court Historical Records Project has processed and scanned in hundreds of cases filed in the St. Louis courts, which may be searched digitally at <http://stlcourtrecords.wustl.edu/about-archivists-database.php>.

²⁵ "Laws of the Territory of Louisiana," Chapter 35, "Freedom," Sections 1-5, 1807, *St. Louis Circuit Court Historical Records Project*, Office of the Circuit Clerk-St. Louis, Missouri State Archives-St. Louis, Office of the Secretary of State, <http://www.stlcourtrecords.wustl.edu/about-1807-statute.php>, accessed 16 Dec. 2008; "Laws of the State of Missouri," "Freedom," Section 1-5, 1824, <http://www.sos.mo.gov/archives/education/aahi/beforedredscott/1824MissouriLaw.asp>, "Before Dred Scott: Freedom Suits in Antebellum Missouri," *Missouri Digital Heritage*, Missouri State Archives, accessed 5 Jun. 2009.

Although Dred Scott lost his case at the U.S. Supreme Court, in May 1857 the Scott family was finally emancipated by their owner in the St. Louis Circuit Court.²⁶ Dred Scott passed away in September 1858, but Harriet, Eliza and Jane Scott were alive and living as free people of color in St. Louis on the eve of the Civil War.²⁷ After their 1857 emancipation, the Scott family lived in a wooden home on an alley off Carr Street in the city. Harriet Scott resided in St. Louis during the war and would pass away at her St. Louis residence in 1876.²⁸

Even when freed, African Americans in the state of Missouri experienced highly circumscribed lives. Like other free people of color living in the state of Missouri, the law demanded that Harriet Scott and Elizabeth Keckley acquire freedom licenses.²⁹ Besides establishing their “good character and behavior” and their self sufficiency, license applicants were required to put up a bond of up to \$1000. Free African Americans caught without proper licensing were subject to arrest, fines of between \$10 and \$100, whippings of between 10 and 20 lashes, and immediate expulsion from the state. After 1847, a new law prohibited free African Americans from any other state or territory from relocating to Missouri.³⁰

²⁶ Kaufman, *Dred Scott's Advocate*, 226; VanderVelde, *Mrs. Dred Scott*, 321-322.

²⁷ *Frank Leslie's Illustrated Weekly*, June 26, 1857; “Dred Scott Free At Last, Himself and His Family Emancipated,” *St. Louis Daily Evening News*, May 26, 1857; Kaufman, *Dred Scott's Advocate*, 142, 227, 223-228.

²⁸ VanderVelde, *Mrs. Dred Scott*, 324, 441n45.

²⁹ “Free Men and Women of Color in St. Louis City Directories, 1821-1860,” *St. Louis Public Library: Premier Library Sources*, <http://previous.slpl.org/libsrc/freemen.htm>, St. Louis Public Library, accessed 30 May 2009; Kaufman, *Dred Scott's Advocate*, 228; “List of Free Negroes, Licensed by the County Court of St. Louis County,” Dexter P. Tiffany Slavery Collection, Missouri History Museum, St. Louis, Missouri.

³⁰ General Assembly of the State of Missouri, “Negroes and Mulattoes: An Act Concerning Free Negroes and Mulattoes,” § 21 & 22, pg. 416, approved 14 Mar. 1835, pg. 414, Missouri State Archives, cited in Ebony Jenkins, “Freedom Licenses in St. Louis City and County, 1835-1865,” *Jefferson National Expansion Memorial - Freedom Licenses (U.S. National Park Service)*, <http://www.nps.gov/jeff/historyculture/upload/Freedom%20License%20Report.pdf>, U.S. National Park Service, updated 27 Oct. 2008, accessed 30 May 2009. For the pertinent

People of color living in St. Louis during the Civil War continued to be subject to arrest by the city police; simply walking on the streets of St. Louis was not a liberty that African Americans could take for granted. For their own safety, free people of color continued to acquire free licenses during the Civil War. Julia Collins, a 24-year-old “washer,” received a free license from the St. Louis County Court in April 1864. Lucy Ann Hamlet, a 21-year-old housekeeper signed her own name on her bond and was listed as 4-feet 10 $\frac{3}{4}$ inches and “rather good looking.”³¹ On May 27, 1861, as the Civil War conflict escalated, a white man named P. Tippet formally protested to the St. Louis Board of County Commissioners that at the previous April board meeting African Americans had “crowded the room” with their applications for free licenses. Tippet was appalled that the affidavit of a woman born in Kentucky was accepted as a “certificate of citizenship.” He objected to the very idea that a person of color could ever attain a “certificate of citizenship,” referring to the Dred Scott decision where the United States Supreme Court had proclaimed that no “free negro or mulatto Can be recognized as a citizen”³² Tippet’s objection to the distribution of free licenses would pale in comparison to the challenge soon to be dealt to the Missouri slave code. As the Civil War crisis proceeded, P. Tippet would discover that the state laws established to uphold slavery and control the African American free population would not be compatible with Union occupation and martial law.

legislation, see *Revised Statutes of the State of Missouri* (St. Louis, 1835), 413-417; *Laws of the State of Missouri, Twelfth General Assembly, First Session* (Jefferson City, 1843), 66-68; *Laws of the State of Missouri, Fourteenth General Assembly, First Session* (Jefferson City, 1847), 104; all cited in Donnie D. Bellamy, “Free Blacks in Antebellum Missouri, 1820-1860,” *Missouri Historical Review* 67, no. 2 (Jan. 1973): 198-226; VanderVelde, *Mrs. Dred Scott*, 244-246.

³¹ “Free Negro Bonds, 1862-1864,” Dexter P. Tiffany Civil War Collection, Missouri History Museum, St. Louis, Missouri.

³² “Protest Against Licensing Negroes,” 27 May 1861, Dexter P. Tiffany Civil War Collection, Missouri History Museum, St. Louis, Missouri.

The Effect of Martial Law on the Institution of Slavery

As Union forces began to organize in St. Louis at the start of the war, tensions with Confederate sympathizers culminated in a confrontation known as “The Camp Jackson Affair.” On May 10, 1861, Union troops established control over the city in a minor skirmish with Confederate sympathizers belonging to the Missouri state militia. The Confederate-leaning governor of Missouri, Claiborne Jackson, called for state militiamen, who were largely sympathetic to the Confederacy, to gather in St. Louis; these volunteers set up “Camp Jackson” on the outskirts of the city. Alarmed by this display of secessionist strength, Union officers feared the city would fall to the Confederacy. St. Louis was of strategic importance; whoever held the city would control upper Mississippi River traffic.

As part of a plan to hold St. Louis for the Union, Captain Nathaniel Lyon recruited four regiments of volunteer infantry from city residents, the majority of whom were German immigrants. Captain Lyon, concerned that the secessionist militias planned to take control of the federal arsenal at St. Louis, surrounded and dismantled the camp, taking the men prisoner. In the weeks and months after the Camp Jackson Affair, pro-Union forces chased Governor Jackson out of Missouri to Arkansas, established control over the state with a provisional governor, declared martial law in St. Louis, and purged the city’s police system of Confederate sympathizers.³³

The morning after the Federals confronted the state militias at “Camp Jackson,” local crowds gathered to watch Union soldiers mopping up the secessionist camp.³⁴ As troops loaded the tents and other equipment used by the defeated militias, a young white

³³ Gerteis, *Civil War St. Louis*, 100-115; Anderson, *The Story of a Border City*, 102, 159, 160; Robert J. Rombauer, *The Union Cause in St. Louis in 1861: An Historical Sketch* (St. Louis: Nixon-Jones Prtg. Co, 1909), 174; “‘Like Sheep in a Slaughter Pen’: A St. Louisan Remembers the Camp Jackson Massacre, May 10, 1861,” William C. Winter, ed., *Gateway Heritage* (Spring 1995): 56-71.

³⁴ Anderson, *The Story of a Border City*, 98-102, 106-119.

woman announced her Confederate sympathies “with an air of triumph, stretching out her arm and excitedly shaking her hand, ‘We’ll whip you yet.’” Not willing to let this political gesture stand, two enslaved girls pointed “to the loaded wagons, [and] gleefully cried out, ‘They’ve got all your tents.’”³⁵ These girls not only positioned themselves against this Confederate woman, and by implication, the Confederate cause, they did so loudly, in a crowd of people that could easily have reacted with physical violence.

As federal soldiers filled camps in and around the city, St. Louis became “a city where camps and barracks were everywhere, and the drilling, departing and arrival of troops were going on night and day.”³⁶ Anne E. Lane, a resident of St. Louis, observed that while the black population greeted the Union army with enthusiasm, white women who supported the Confederacy were scornful of Union military men. She wrote in a letter to her sister that “. . . ladies go their own way holding their skirts away from laughing federal officers & making much of all the secesh who come in their way. To console them the darkies are universally their friends.”³⁷ As Anne E. Lane observed in her letter, the African American population viewed these new military troops as allies in their struggle against slavery.

³⁵ Anderson, *The Story of a Border City*, 98-102, 106-119, 181; Gerteis, *Civil War St. Louis*, 338. For information on the mob violence, and excitable crowds who gathered in the streets of St. Louis during this time, see W. L. Webb, *Battles and Biographies of Missourians, or the Civil War Period of Our State* (Kansas City, MO: Hudson-Kimberley Publishing Company, 1900), 50; and Rombauer, *The Union Cause in St. Louis in 1861*, 238-240.

³⁶ Emily Parsons, *Memoir of Emily Elizabeth Parsons*, Theophilus Parsons, ed. (Boston: Little, Brown, and Co., 1880), 74. Parsons also noted that with the military patrols and occupation of St. Louis, Union troops occupied ten forts in and around the city, all meant to protect the city. For bibliographic information on Parson, see L.P. Brockett, *Woman’s Work in the Civil War: A Record of Heroism, Patriotism, and Patience* (Philadelphia, PA: Ziegler, McCurdy & Co., 1867), 272-278.

³⁷ Letter from Anne Ewing Lane to sister, Mrs. Sarah Sidney Glasgow, 12 Jan. 1862, William Carr Lane Collection, Missouri History Museum, St. Louis.

The Union occupation of the city provided the enslaved population with new opportunities to contest the authority of slave owners.³⁸ “I told my mistress that the Union soldiers were coming to take the camp,” proclaimed Mattie Jane Jackson in reference to the conflict at Camp Jackson.³⁹ The daughter of Ellen Jackson Turner, Mattie Jane, her sister, and her brother were all enslaved domestic laborers in the household of William Lewis during the Camp Jackson incident.⁴⁰ In a challenge to the authority of William Lewis, the Jackson family grew more expressive in their happiness as Union forces strengthened their hold over the city: “The days of sadness for mistress were days of joy for us. We shouted and laughed to the top of our voices.”⁴¹

In the midst of this domestic and political tension, the Lewis family household exploded into violence. One evening, Mrs. Lewis erupted “in a terrible rage” and declared that Mattie should be punished that night. Mattie’s mistress cut down a switch and placed it out for her husband to use against Mattie. In response, Mattie “bent the switch in the shape of W”, the first letter of William Lewis’s name, and fled the house with a fellow enslaved “servant.” The two teenage girls spent the night with Mattie’s aunt, a free woman who lodged at her own St. Louis residence.⁴²

The next morning, the young women attempted to gain admittance and refuge at the St. Louis Arsenal, which was by then manned by Union troops. Jackson recalled, “There was so much excitement at that time, (1861), by the Union soldiers rendering the

³⁸ On the increased resistance, both symbolic and material, of the enslaved population during the Civil War, see Leslie Schwalm, *A Hard Fight For We*, 75-76, 88-97, 104-107, 126-127; Tera Hunter, *To’ Joy My Freedom*, 4-6, 13-20.

³⁹ Thompson, *The Story of Mattie Jackson*, 10.

⁴⁰ *Ibid.*, 6, 8.

⁴¹ *Ibid.*, 11.

⁴² *Ibid.*

fugitives shelter and protection”⁴³ Unfortunately for Mattie, the girls were turned away by the troops, and began to travel around the city, searching for an alternative place to hide. The escape attempt was aborted when her friend’s father found them and convinced them to return to the Lewis household.⁴⁴ Her friend’s father most likely encouraged the girls to return because he was concerned that his daughter would face physical punishment or sale as a consequence of her rebellion. But the threat of punishment was not significant enough to deter the city’s enslaved population from seeking refuge with Union forces in the city. Union officers took note when slave owners such as Thomas Grider, in September 1861, sought to recapture his fugitive slaves from the St. Louis Arsenal.⁴⁵

Three weeks after Mattie Jane Jackson’s aborted escape, her mistress grew upset about some task she claimed Mattie had not performed and “flew into a rage and told [her husband] I was saucy.” William Lewis picked up a stick of wood, and hit Mattie on the head, wounding her grievously: “The blood ran over my clothing, which gave me a frightful appearance.” Mattie’s head wound bled profusely, and Lewis ordered her to change her clothing. Mattie refused, her disobedience eliciting more violence from William Lewis; he continued to beat her until her mother intervened.⁴⁶ Mattie wore her bloodied clothing to express her disdain for her legal owner; her refusal to obey his orders demonstrated her rejection of his right to attack her.

After the assault Mattie Jackson left the house and walked to the St. Louis Arsenal where, with her clothes still bloody from William Lewis’ attack, a Union officer

⁴³ Ibid., 13.

⁴⁴ Ibid., 12.

⁴⁵ Capt. G. Granger, Judge Advocate, St. Louis, Missouri, to Major Eaton, St. Louis Arsenal, 10 Sept. 1861, file of Thomas Grider, F-1333, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-11, RG 109, NARA, Washington, D.C.

⁴⁶ Thompson, *The Story of Mattie Jackson*, 12.

gave her refuge. He sent her to a tent where a contraband woman resided, laboring as a cook for the troops. Mattie Jackson remained with this woman until a commanding officer that she referred to as “the General” found her, and sent her to a local boarding house.⁴⁷ Three weeks later, William Lewis located Mattie and recaptured her at her new residence. The commanding officer at the Arsenal had informed Lewis of Mattie Jackson’s location, but also admonished him that his cruelty had led Jackson to “seek protection of him.” William Lewis continued to abuse Mattie, and imprisoned her in the jail of a local slave trader for punishment.⁴⁸

Union troops may have occupied the city, but William Lewis still owned Mattie Jackson and her family, and their maltreatment at his hands continued. He would employ the powers granted to him by the slave system to re-assert his control over the Jackson family. William Lewis hired Mattie Jackson out of the city, isolating her in the countryside. Mattie’s mother and siblings continued to resist William Lewis’ authority. Ellen Turner Jackson escaped, secreting herself and her other two children in the city, most likely in the homes of friends or relatives. Upon discovery, William Lewis recaptured the family and sold them to a “Captain Tirrell,” the operator of a civilian ship.

As the sale of the Jackson family demonstrates, the mere presence of troops in the city was not sufficient to impede the practice of slavery in St. Louis. Before and during the Civil War, an interwoven system of courts, prisons, and local slave traders worked together to maintain the economic and legal framework of the slave system. The criminal justice system still operated under the Missouri slave code, and resident slave masters

⁴⁷ Mattie Jane Jackson may have found shelter at a building on Elm Street run by a group affiliated with the Ladies Union Aid Society to shelter refugees and contrabands. Rooms in the back of the St. Louis house were set aside for African American residents. Katharine T. Corbett, “Refugees of War,” *In Her Place: A Guide to St. Louis Women’s History* (St. Louis: Missouri Historical Society Press, Distributed by University of Missouri Press, 1999), 87; William E. Parrish, *A History of Missouri, 1860-1875*, vol. III (Columbia: University of Missouri Press, 1973), 71-72.

⁴⁸ Thompson, *The Story of Mattie J. Jackson*, 12-14.

used the local jails and court system to re-capture and punish enslaved people. The city police system assisted slaveholders in the capture of their runaway property, and St. Louis courts issued warrants for the arrests of fugitives.⁴⁹ Army officers stationed in St. Louis observed that city police were “in the habit of arresting negroes” found on the street as suspected “runaways.”⁵⁰ City police made these arrests on their own initiative, and did not wait for slave masters to come in search of their property. Under standard procedures, suspected fugitives were placed in the city prison for three months, and if a master neglected to claim them, they were sold as slaves, and their sale price was used to cover jail costs.⁵¹

Despite the civil court system’s continued support of Missouri’s slave law, the Union occupation of St. Louis challenged the institution of slavery in critical ways. On August 14, 1861, Major-General John C. Frémont established martial law in St. Louis and the surrounding county. General Frémont extended martial law to the entire state on August 30, 1861, with an additional provision that required the emancipation of any enslaved people owned by citizens who had joined the rebel forces.⁵² This emancipatory provision, which exceeded the existing confiscation policies adopted by the United States

⁴⁹ Rombauer, *The Union Cause in St. Louis in 1861*, 174-175.

⁵⁰ Bernard G. Farrar, Provost-Marshal-general to the Police Commissioners of Saint Louis, MO, March 3, 1862, *Official Records* (hereafter *OR*), Series 1, Volume 8, 584.

⁵¹ Gerteis, *Civil War St. Louis*, 267.

⁵² *OR*, 1, 3, 466-467; “The Beginning of the End,” *Harper’s Weekly*, 14 Sept. 1861, 578; “General Fremont’s Proclamation—Emancipation,” *Frank Leslie’s Illustrated Newspaper*, 21 Sept. 1861, 290. Lincoln overruled Frémont’s emancipation policies, but accepted the general’s institution of martial law. General Henry W. Halleck, Frémont’s successor as Commander of the Department of the West, specifically requested permission to establish martial law, and received formal authorization to suspend the writ of habeus corpus on 2 Dec. 1861. Military commanders in Missouri often took actions that resembled martial law before it would be established. On 15 May 1861, General William S. Harney invoked a “higher law” when he refused to answer a writ of habeus corpus issued by U. S. District Judge Samuel Treat concerning the military prisoner Capt. Emmet McDonald, who had been taken during the Camp Jackson affair. Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1991), 32, 36-38; Gerteis, *Civil War St. Louis*, 113, 128-131.

Congress and President Lincoln, resulted in a rebuke from Washington. Lincoln, concerned about alienating powerful but loyal slave owners in Missouri and Kentucky, insisted that Frémont align his confiscation policy with federal law, and then removed the general from his post as Commander of the Department of the West.⁵³ But the practice of martial law would generally continue in Union-occupied areas of Missouri; consequently, this military justice system introduced specific elements that would prove to be incompatible with slave law.

It was the patrol and arrest of the civilian population that helped insert the military into the everyday practice of slavery. Military arrests were more prevalent in Missouri than any other state.⁵⁴ The advent of martial law allowed Frémont to begin the courts-martial of civilians, other wise known as military commissions, which commenced in September 1861. These military trials of civilians began in Missouri during the Civil War but soon spread to other states. It was in Missouri that Frémont that first instituted the trial of civilians during the war. The military would hold more military commissions in Missouri alone than in the whole of occupied Confederate states during the Civil War. The number of military commissions in Missouri was nine times greater than those held in the border states of Maryland or Kentucky.⁵⁵

The implementation of martial law created an institutional apparatus to patrol the civilian population. At the outset, martial law implemented an organizational hierarchy of provost marshals, commanded by the Provost Marshal General.⁵⁶ Headquartered in St.

⁵³ Gerteis, *Civil War St. Louis*, 149-161.

⁵⁴ Gerteis, *Civil War St. Louis*, 128; Neely, 35, 36, 38, 41, 44, 49, 168-169.

⁵⁵ Neely, 168-169.

⁵⁶ Gerteis, *Civil War St. Louis*, 132, 169; "St. Louis Declared under Martial Law," *The Christian Recorder*, Philadelphia, Penn., 24 Aug. 1861; "Police Commissioners' Report," 29 Apr. 1862, in the *Mayor's Message with Accompanying Documents submitted to the Common Council of the City of Saint Louis, at the opening of the first stated session, May 12, 1862* (St. Louis: 1862); William C. Winter, *The Civil War in St. Louis: A Guided Tour* (St. Louis: Missouri Historical Society Press, 1994), 39; Major-General John Charles Frémont, U. S. Volunteers, St. Louis,

Louis, the Office of the Provost Marshal governed an organizational apparatus created within the United States military for the purpose of investigating, patrolling, arresting and detaining civilians. Assistant provost marshals in the District of St. Louis had U.S. Police and U.S. Detectives at their disposal. By the end of the war, provost marshals were established in every district and subdistrict in the state of Missouri. This institutional apparatus allowed the military to systematically override the state's civil court system when the military so desired. While Fremont's emancipatory proclamation has gained much historical attention, it was the institution of this system of military justice which would prove to have far-reaching effects on the enslaved population. Frémont's military justice system was designed to repress Confederate activity, but military law would eventually present a significant challenge to the practice of slavery in the city. Even early in the war, the military's interference with the civil court and police system disrupted the enforcement of the slave code. Ultimately, this system of military justice, at critical moments, would be co-opted by the enslaved population to resist and combat the institution of slavery.

The establishment of military prisons in St. Louis allowed the provost marshals to hold civilians detained under martial law. Myrtle Street Prison, opened in September 1861, was located in a facility confiscated from Bernard M. Lynch, the slave trader who had sold the Jacksons to the William Lewis, and who fled to the south at the beginning of the war. The McDowell Medical College was converted into the Gratiot Street Prison in December 1861 after its founder, Dr. Joseph McDowell, joined General Sterling Price's army as a surgeon.⁵⁷

Missouri, to His Excellency, Hamilton Gamble, Governor of the state of Missouri, 18 Aug. 1861, in *Supplement to the Official Records of the Union and Confederate Armies*, part III, vol 1, series 93 (Wilmington, North Carolina: Broadfoot Publishing Company, 1999), 42-43.

⁵⁷ Gerteis, *Civil War St. Louis*, 170.

The authority and power held by the St. Louis slaveholding class may have been the impetus behind the removal of Fremont, but these strengths were sharply challenged as martial law came to Missouri. The enslaved population used military authorities, such as U.S. policemen, to protect their own interests. For example, Mattie Jackson's new owner, Captain Tirrell, planned to sell the Jackson family out-of-state, as the Missouri slave system was under strain due to wartime circumstances.⁵⁸ With the out-of-state sale of slaves highly regulated by the provost marshals under military orders, Captain Tirrell attempted to "smuggle" the Jackson family out of the city on a steamboat in order to transport them down the Mississippi to Memphis. Loaded onto a covered wagon along with her children, Ellen Turner Jackson "sprang to her feet and gave [her captor] a desperate blow, and leaping to the ground she made an alarm." The wagon left her behind, but her calls brought the attention of "Union policemen." The Union police officers questioned Ellen Turner Jackson about the matter, and then traveled with her to Captain Tirrell's boat, arriving just before it was due to leave. As the ship prepared to cast off, the U.S. policemen ordered the Captain to produce the children, and foiled Tirrell's plan to sell the Jackson family out of state.⁵⁹

At times Union military officers overruled the civil courts in St. Louis, acting in contradiction to the Missouri slave code. In August 1862, Union soldiers came to the McCutchen farm, located about eight miles outside of the city of St. Louis, to investigate suspected rebel activity at that household. The soldiers found a freshly abandoned rebel camp, and discovered that Margaret and Catharine McCutchen, two enslaved women owned by Rebecca McCutchen, had been cooking for 50 men, presumed by the Union military to be rebels. The soldiers also discovered that Rebecca's husband not only

⁵⁸ The military regulation of slave sales, and the illegal smuggle of slaves out-of-state, is discussed in greater detail in Chapter II.

⁵⁹ Thompson, *The Story of Mattie J. Jackson*, 14-15.

assisted the Confederate insurgents, but he was working to raise a company of soldiers for the Confederate army.⁶⁰ The soldiers confiscated Margaret, Catherine, and Margaret's son, and turned them over to Provost Marshal General Farrar. The officer granted them emancipation certificates under the Second Confiscation Act, which declared that enslaved people owned by disloyal masters could be confiscated by the military as "contraband of war."⁶¹ Margaret and Catherine McCutchen, and Margaret's child, Charlie, settled into a St. Louis residence where they were joined by an elderly woman, Nancy McCutchen, who was most likely an elderly relative.

The disposition of the Provost Marshal General and his superior officers frequently affected the military policies towards slavery. By September 1862, Farrar was replaced as Provost Marshal General by Colonel Thomas T. Gantt, who considered the emancipation certificates issued by his predecessor "not worth anything." Gantt was conservative in using military power to override the Missouri slave code, and he proclaimed that only a federal court could decide the status of contrabands.⁶² The political attitudes of provost marshals towards slavery directly affected the lives of enslaved people. When the male relatives of Rebecca McCutchen attempted to recover the fugitives in the city, they received Gantt's verbal approval.

⁶⁰ Jonathon N. Herder, Major 1st Inf Mo, Provost Marshal, Camp Gamble, St. Louis, Missouri, to Brigadier General Davidson, Commanding St. Louis Division, 28 Aug. 1862, file of Rebekah McCutchen, F-1198 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-182, RG 109, NARA, Washington, D.C.

⁶¹ *Confiscation Act of 1862* (The Second Confiscation Act), approved 17 Jul. 1862, *Statutes at Large*, vol. 12, 589-92. The enforcement of the First and Second Confiscation Acts in Missouri is discussed in further detail in Chapter Two.

⁶² The Provost Marshal General of Missouri, Thomas T. Gantt, proclaimed this in his endorsement of a letter from Col. John F. Tyler to Capt. Griffing, 20 Sept. 1862, in Ira Berlin, Steven F. Miller, Joseph P. Reidy, and Leslie Rowland, eds., *Freedom: A Documentary History of Emancipation*, ser. 2, vol. I: *The Destruction of Slavery* (New York: Cambridge University Press, 1985), 438.

After receiving a warrant for their arrest from a local justice of the peace, John McCutchen and John's brother-in-law found the sheriff and police were reluctant to assist in the arrest of this newly freed family. The city police and the county sheriff deferred to the earlier decision by the provost marshal, as they feared contradicting military orders. After they "deputized" some men who "heard of the matter," John McCutchen and his comrades successfully executed the warrant on their own, arresting and re-enslaving the family.⁶³

The matter was brought to the attention of the Commander of the Department of the Missouri, Major-General Samuel Curtis. General Curtis objected to this arrest with a display of military power:

If as stated the negroes of the McCutchens have been taken by any person associated with their former servitude you will regard it as a contemp of Mil power for the [pur]pose of restoring them to slavery. Arrest offenders.⁶⁴

After granting protection or emancipation to fugitives, Union officers were offended when individuals displayed contempt for military power by re-enslaving people who had been placed under military protection.⁶⁵

Wartime events created circumstances in which the Union military wished to assert its own authority; the respect of military authority could result, not necessarily

⁶³ Testimony of John H. McCutchen, St. Louis, Missouri, 14 Oct. 1862, file of J.H. McCutchen, F-1198 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-182, RG 109, NARA, Washington, D.C.

⁶⁴ Major General Samuel R. Curtis, St. Louis, Missouri, to Brigadier General Davidson, 9 Oct. 1862, file of J.H. McCutchen, in "Union Provost Marshals' File of Papers Relating to Individual Civilians." The mother of John McCutchen was probably the property owner of these slaves; Testimony of John H. McCutchen, 14 Oct. 1862, file of J.H. McCutchen, in "Union Provost Marshals' File of Papers Relating to Individual Civilians." Several individuals testified about the events surrounding the kidnapping of the McCutchens; Testimony of Robert Ricaby, 10 Oct. 1862, Testimony of Dr. Henry J. Barron, 10 Oct. 1862, Testimony of Sam. K. Jones, 11 Oct. 1862, file of John McCutchen, F-1198 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-182, RG 109, NARA, Washington, D.C.

⁶⁵ R.J. Howard, St. Louis Custom House Official, to Maj. Genl. Curtis, Commander of the Department of the Missouri, 10 Oct. 1862, in Berlin, et al., *The Destruction of Slavery*, 437-438.

intentionally, in the erosion of the slave system. The struggle between the provost marshals and the city police provide one example of the institutional conflict between civil and military power. At times, the provost marshal's office engaged in direct conflict with the city police. As the result of an 1863 arrest of an African American man, the St. Louis Provost Marshal's office directed U. S. Detectives to arrest two apparent city policemen. Archer Alexander, a fugitive slave, fled to the city from St. Charles County in February 1863. William Eliot, a Unitarian minister and moderate anti-slavery Unionist, sheltered Archer Alexander in his St. Louis household in exchange for gardening and tending the animals. Before the war Eliot could have been brought up on criminal charges for providing Alexander with a place to live. Eliot visited the office of the St. Louis Provost Marshal General and received a provisional 30-day permit to employ and harbor Archer Alexander until the "legal right to his services shall be established by such party, if any, as may claim them."⁶⁶ Eliot contacted, anonymously through a mutual acquaintance, the man currently claiming ownership of Archer Alexander. The minister hoped to purchase Alexander for "full 'market value,'" but inadvertently revealed to the owner Archer Alexander's presence in St. Louis. The slave owner reportedly responded with anger, saying: "that he didn't mean to play into the hands of any Yankee Abolitionist; that he'd have the nigger yet, and take it out of his black hide."⁶⁷

The master involved sympathetic local officials at the St. Louis city jail and, perhaps, a local policeman. Three men with "clubs in hand" approached Archer Alexander on the Eliot property, where he was plowing the garden. They verified that he went by the name "Archie," and bludgeoned him as soon as he gave an affirmative

⁶⁶ William G. Eliot, *The Story of Archer Alexander: From Slavery to Freedom, March 30, 1863* (Westport, CT: Negro Universities Press, 1970), 60-61.

⁶⁷ *Ibid.*, 63.

response. Brandishing knives and pistols, they “kicked him in the face”, handcuffed him, and dragged him into a “numbered city wagon,” most likely belonging to the city police. One of Eliot’s neighbors who witnessed the attack reported that: “One of the men had a policeman’s star on his coat, and the wagon was a numbered city wagon. The poor devil was mauled to death, and they drove off quick. I heard one of ‘em say ‘jail.’” This witness also reported that Union soldiers were afraid to interfere “because of the star.”⁶⁸

Eliot went to the provost marshal’s office seeking help in freeing Archer Alexander from the city jail. The duty officer, Captain Dwight, “was no friend of slavery.” After reviewing the provisional permit, which granted Archer Alexander the protection of the U.S. Army, Dwight proclaimed, “I’ll show these fellows what it is to defy this office!” Dwight found two U.S. Detectives, and, after verifying that their “six-shooters” were loaded, charged them with finding Archer Alexander and returning him to the Eliot household. One of the detectives, John Eagan, verified that the use of lethal force was authorized if Alexander’s captors refused to turn him over. “Shoot them on the spot . . . Shoot them dead if necessary,” Captain Dwight stated.⁶⁹

Detective Eagan found the two men seated at a table, drinking, in the office of city’s Sixth Street Jail. They were celebrating their successful capture of Alexander from Eliot, who they described as “a little abolition preacher.” Eagan revealed his identity, stating that Archer Alexander “. . . was under military protection, and I want him.” He then informed the captors that he had a provost marshal’s warrant for their arrest, drew his gun, and incarcerated them in the Myrtle Street military prison.⁷⁰

⁶⁸ Ibid., 64-66, 68.

⁶⁹ Ibid., 67-68.

⁷⁰ Ibid., 70-71.

Like Margaret and Catherine McCutchen, Archer Alexander was freed under the provisions of the Second Confiscation Act.⁷¹ Once Archer won his freedom, family members joined him in St. Louis. Enslaved relatives often took advantage of opportunities for freedom provided by conflicts between the civil and military authorities. In November 1863, Archer Alexander's wife, Louisa Alexander, was still living in the Missouri countryside with her master, James Naylor, when her husband offered to purchase her freedom. In a letter Louisa Alexander sent to Archer, she described her owner's response to Archer's offer: "He flew at me, and said I would never get free only at the point of the Bayonet, and there was no use in my ever speaking to him any more about it."⁷² Louisa and their youngest daughter, Ellen, managed to escape to St. Louis with the aid of a local German-American farmer, who hid them under corn stalks in his wagon, and drove them out of the neighborhood. Louisa Alexander lodged with Archer at the Eliot household, and was reunited with three of their other children who had managed to travel to St. Louis during the war.⁷³ Martial law and the military justice system was only one element which enabled the Archer family to escape bondage. Wartime circumstances facilitated Louisa Alexander's escape and migration to the city. She was one of many fugitive women who migrated to St. Louis during the war.

"Jane, Your Boots Cry Out of Freedom"⁷⁴:
Enslaved Women and Migration to St. Louis
during the Civil War

Living in a room overlooking Chestnut Street in October of 1864, Judge W. B. Napton wrote in his journal:

⁷¹ Ibid., 72-73; *Confiscation Act of 1862* (The Second Confiscation Act).

⁷² Letter from Louisa Alexander to Archer Alexander, 16 November 1863, reprinted in Eliot, *The Story of Archer Alexander*, 78-79.

⁷³ Eliot, *The Story of Archer Alexander*, 79-82.

⁷⁴ "Letter V," Emily Elizabeth Parsons to "Dear Mother," *Mississippi River*, 13 Feb. 1863, in Parsons, *Memoir of Emily Elizabeth Parsons*, 55.

This city is now a great rendezvous of refugees of all parties and creeds from the interior. All men who do not join one army or the other are here. One would suppose from the crowd on streets that there are little short of 50,000 persons in the city, who have fled here for safety.⁷⁵

As the Union Army conquered Confederate territory, “poor whites and negroes” travelled to St. Louis.⁷⁶ At least forty thousand formerly enslaved people first glimpsed freedom as the Union army moved down the Mississippi River and occupied Confederate territory; the defeat of the Confederacy at Vicksburg opened the Missouri Valley to Union control.⁷⁷ White and black refugees poured into the city. Galusha Anderson, a white abolitionist Baptist minister and a resident of St. Louis, described this wartime migration: “They came on government transports, came by boat-loads, sent by Union generals because they had become a serious impediment to military movements; they came also in wagons and cars of wonderful make, and in large numbers on foot. St. Louis was for them a city of refuge.”⁷⁸

Enslaved women migrated to St. Louis from the interior of Missouri, and they also traveled up the Mississippi from newly conquered territory. For many women, the migration to St. Louis was one step in the transition from slave to freedwoman. The journey from Vicksburg to St. Louis marked a turning point for Jane Dicks in her battle for freedom—it brought about her own personal emancipation from William Dicks’ sexual oppression.

⁷⁵ Diary of W. B. Napton, 13 October 1864, in William B. Napton, *The Union on Trial: The Political Journals of Judge William Barclay Napton, 1829-1882*, Christopher Phillips and Jason L. Pendleton, eds. (Columbia: University of Missouri Press, 2005), 217, 218; *The Western Sanitary Commission: A Sketch of its Origin, History, Labors for the Sick and Wounded of the Western Armies, and Aid Given to Freedmen and Union Refugees, with Incidents of Hospital Life* (St. Louis: R. P. Studley & Co., 1864), 134.

⁷⁶ Anderson, *The Story of a Border City*, 251.

⁷⁷ The Western Sanitary Commission, 110.

⁷⁸ Anderson, *The Story of a Border City*, 251.

Following the Union victory of Vicksburg in July of 1863, William Dicks did not want to lose possession of his enslaved woman, Jane Dicks. After Vicksburg fell to the Union army, Jane ceased sleeping in the same room as William. Jane Dicks claimed that her slave owner had promised to hand over her free papers if “she should live with me as my wife in the state of Concubinage.” But William Dicks refused to relinquish her free papers: “She never had these papers in her possession; I kept them all the time.” Jane stole the key to Dicks’ trunk, and retrieved the documents for herself.⁷⁹

Jane Dicks became acquainted with Aaron Brown, a Union man working as the Revenue Aide on the steamboat named the *Jessie Belle*. Towards the end of August 1863, Aaron Brown informed William Dicks that he would be leaving the city with Jane. Jane’s master reacted violently. When Brown called at William Dicks’ home with a military permit to take Jane up the river, Dicks not only ordered Brown to leave his home, he threatened to shoot him.⁸⁰

Brown reported this threat to the local Union provost marshal, and William Dicks was arrested by military authorities and placed in jail. He remained in military custody for about a week, during which time Aaron Brown, Jane, two other African American women, and several children left Vicksburg for St. Louis. The party boarded the *Jessie Belle* steamer for their trip up the Mississippi River while William Dicks sat in jail.⁸¹

William Dicks pursued Jane to St. Louis after he was released from jail. Within a few weeks, Dicks had found both Jane and Aaron Brown living together in St. Louis.⁸²

⁷⁹ “Testimony of William Dicks,” 28 Sept. 1863, in *State of Missouri v. Aaron Brown and Jane Dicks*, Court John Young, Justice of the Peace (Recorders Court), Microfilm MA-544, Archives of the St. Louis Circuit Court Project, Missouri State Archives.

⁸⁰ *Ibid.*

⁸¹ “Testimony of William Dicks,” 28 Sept. 1863, and “Testimony of Walter E. Dill, clerk of the *Jessie Bell*,” 30 Sept. 1863, in *State of Missouri v. Aaron Brown and Jane Dicks*.

⁸² “Testimony of Hugh Murphy,” 28 Sept. 1863, in *State of Missouri v. Aaron Brown and Jane Dicks*.

William Dicks located a local Justice of the Peace, and testified that Jane and Brown had stolen money from him. Consequently, a St. Louis constable arrested Jane and inquired of her if she had taken any money from her master.” The policeman testified that Jane “hesitated for a while and said that she did not think she had done anything wrong.” The woman admitted to taking “2 Silver Mexican dollars” but felt she was owed the money from William Dicks.⁸³

The pursuit of Jane up the Mississippi by her owner demonstrates his investment in what he saw as his property—he wanted to reclaim his money, his enslaved woman, and, perhaps, his social status as a slaveholder. When Jane Dicks left his home, multiple forms of capital escaped his possession with the fall of Vicksburg. However, William Dicks demanded more from Jane than simply performing domestic work. Dicks lost what he saw as his sexual property.⁸⁴ William Dicks had engaged in a sexually coercive relationship with Jane when Aaron Brown assisted her escape from Vicksburg. Dicks admitted to having sexual relations with Jane: “if Jane says that I have had connection with her, it is so . . . That if she says, I have co-habited with her, it is so.” He reportedly exclaimed to another man in reference to Jane, “How would you feel, if a man was to take your wife away from you.”⁸⁵

William Dicks’ pursuit of Jane to St. Louis demonstrates some of the dangers that women faced as they escaped their slave homes and traveled to the city. Despite the risk of pursuit and re-capture, women took the opportunity to escape enslavement when their chance for freedom appeared. The story of Jane’s travels to exemplifies one type of St.

⁸³ “Testimony of Lawrence Harrigan, St. Louis Police Officer,” 28 Sept. 1863, in *State of Missouri v. Aaron Brown and Jane Dicks*.

⁸⁴ “Testimony of William Dicks,” 28 Sept. 1863, in *State of Missouri v. Aaron Brown and Jane Dicks*.

⁸⁵ *Ibid.*

Louis migration story. For many enslaved women, the escape from bondage and reclamation of their own bodies was a critical moment in the transition to free status.

“I dread to think of the coming winter, the Negro’s are coming in by the hundred . . . ,” wrote St. Louis resident, Bethiah Pyatt McKowen, to her son in July 1864.⁸⁶ Wartime migration would have lasting effects; the St. Louis African American population grew by 600 percent between the 1860 and the 1870 census.⁸⁷ Some migrant families used the city as a temporary stop on their way to more permanent residence in a free state such as Illinois or Wisconsin.⁸⁸ Others made St. Louis their permanent home.

The wartime changes in the St. Louis legal and prison system provided an environment that allowed fugitives to live in risky but nominal freedom. Formerly enslaved people lived in constant danger of arrest by civil authorities. Alice, a woman who had received her free papers, was arrested and placed in the city jail after a local slave trader falsely identified her as his fugitive slave and used the city’s civil court system to apprehend and incarcerate her. The Union military investigated her arrest and found that Alice was a contraband who had been freed in Arkansas and sent to St. Louis by Samuel Sawyer, the superintendent of contrabands at Helena, Arkansas. The military

⁸⁶ Bethiah P McKowen to “My dear Son,” St. Louis , 1 July 1862, published in “Civil War Letters of Bethiah Pyatt McKowen, Part I,” ed. by James W. Goodrich, *Missouri Historical Review* 62, no. 2 (January 1973): 247.

⁸⁷ Christensen, *Black St. Louis*, 52; Testimony of John F. Hume, Esq, Editor of the *Missouri Democrat*, American Freedmen’s Inquiry Commission, 1863, p. 144, Roll #201, M-619, RG 94, ser. 12, NARA, Washington, D.C; Anderson, *The Story of a Border City During the Civil War*, p. 262. George Lipsitz claims in 1880 the city held the distinction of the “third largest urban black population in the nation, behind Baltimore and Philadelphia.” George Lipsitz, *The Sidewalks of St. Louis: Places, People, and Politics in an American City* (Columbia: University of Missouri Press, 1991), 17. In 1860, the percentage of African Americans living in St. Louis was 2.04 percent or 3,297 people. By 1880, the percentage had risen to 6.36 percent with 22,256 black residents. Primm, *Lion of the Valley*, 332; Lorenzo J. Greene, Gary R. Kremer, and Antonio F. Holland, *Missouri’s Black Heritage*, Gary R. Kremer and Antonio F. Holland, eds., revised edition (Columbia: University of Missouri Press, 1993), 69; Katharine Corbett, “Missouri’s Black History: From Colonial Times to 1970,” *Gateway Heritage* 4, no. 1 (1983): 21.

⁸⁸ Leslie A. Schwalm, “‘Overrun with Free Negroes’: Emancipation and Wartime Migration in the Upper Midwest,” *Civil War History* 50, no. 2 (2004): 145-174.

report concluded that her arrest was orchestrated by a notorious slave trader of the city, and that she ought to be freed.⁸⁹

Alice was one of a group of contrabands the Union military sent to the city from the contraband camp at Helena, Arkansas. Hundreds of contrabands traveled up the river to St. Louis in the spring of 1863, and they were housed at the old Missouri Hotel.⁹⁰ The Superintendent of Contrabands noted that the refugees were “rather pleased with the idea of the negroes running a big Hotel in St. Louis.”⁹¹ By April 1863, over 1,100 people had received emancipation certificates through the office of the Superintendent of Contrabands at St. Louis.

Many of these people were sent to nearby free states due to their danger of capture and re-enslavement in St. Louis. This danger derived from two sources: the civil court system in St. Louis and illegal kidnapers. The superintendent of contrabands reported that he had heard several instances of people being illegally kidnapped. He described an instance where he had sent two of these freed people with a guard for protection to the provost marshal’s office. The precaution proved valuable, as the guard physically protected his two charges from attackers who were either illegal slave catchers or persons attempting to execute a legal writ.⁹²

⁸⁹ File of Alice (Negro Contraband), 27 Aug. 1863, F-1461 in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-4, RG 109, NARA, Washington, D.C.

⁹⁰ Berlin, et al., *The Wartime Genesis of Free Labor*, 572. The migration of contraband people from Helena, Arkansas to St. Louis is further discussed in Chapter II.

⁹¹ Letter from Samuel Sawyer, Superintendent of Contrabands at Helena, Arkansas, to Brigadier General Prentiss, Commander of the District of Eastern Arkansas, 16 March 1863, St. Louis, Missouri, S-239 1863, Letters Received, ser. 2593, Department of the Missouri, RG 393, Pt. 1, NARA, Washington, D.C., in Berlin, et al., *The Wartime Genesis of Free Labor*, 566.

⁹² Samuel Sawyer, Superintendent of Contrabands at St. Louis, Missouri, to Maj. Gen. Curtis, Commander of the Department of the Missouri, 18 Apr. 1863, S-284 1863, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 568-570.

Perhaps the greatest fear of freedpeople was the possibility of re-capture. The threat of kidnapping remained a danger for African Americans living in the city, although the St. Louis cityscape provided a certain degree of anonymity. Fugitive people “quickly scattered over the city” living in “pocket settlements.”⁹³ Despite the relative anonymity, slave catchers did track down fugitives. White women from the Contraband Ladies Relief Society testified that women “think more of their children being sold South than of their death.”⁹⁴

In November 1863, as Missouri began to recruit black soldiers, new waves of immigrants came with their soldier relatives to the city.⁹⁵ A few days after Christmas 1864, Nancy Edwards, her half-sister Mary Ross, and her husband James Edwards determined to “run-off” from their owner’s St. Charles County farm. The fugitives made their way to St. Louis, where James Edwards immediately enlisted while Nancy Edwards “worked out at different places.”⁹⁶

African American soldiers like James Edwards trained at Benton Barracks, a military installation located just outside the west side of the city in the old county fairgrounds. In 1863, the Union military opened Benton Barracks as a contraband camp

⁹³ Christensen, *Black St. Louis*, 38, 83-85, 86, 97, 112-113.

⁹⁴ Testimony of Ladies Contraband Society before the American Freedmen’s Inquiry Commission, [2 Dec. 1863], filed with O-238 1863, Letters Received, ser. 12, RG 94, NARA, Washington, D.C., in Berlin, et al., *The Wartime Genesis of Free Labor*, 583.

⁹⁵ John W. Blassingame, “The Recruitment of Negro Troops in Missouri During the Civil War,” *Missouri Historical Review* 58 (1964): 326-338; Michael Fellman, “Emancipation in Missouri,” *Missouri Historical Review* 83 (1988): 36-56; Ira Berlin, Joseph P. Reidy, Leslie S. Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. II, *The Black Military Experience* (New York: Cambridge University Press, 1982), 183, 187-190.

⁹⁶ Testimony of Nancy Edwards, 9 Dec. 1903 and 23 Apr. 1904, and Testimony of Mary Ross, 1 Apr. 1904, in the pension file of James Edwards, Co. F, Reg. 6, USC Inf., Invalid Application Number (hereafter IA) 842.583, Invalid Certificate Number (hereafter IC) 593.662, Widow Application Number (hereafter WA) 792.546, Widow Certificate Number (hereafter WC) 579.665, Contested Widow Application Number (hereafter CWA) 756.051, Civil War Pension Files, RG 15, NARA, Washington, D.C.

and hospital for the formerly enslaved population. This barracks was located in the western outskirts of the city, and provided temporary housing for many fugitive migrants.⁹⁷

Soldier's wives formed new social networks after arriving in St. Louis. Rosette Hughes and her husband, Tom, ran away from their home in Howard County, Missouri during the war. Claiborne Holiday, a local African American man from Rosette's old neighborhood, noted that when "a whole host of colored people" left their masters, "Ozette went along with them and she never came back any more."⁹⁸ Her husband enlisted in the United States Colored Infantry while Rosette lived and worked in St. Louis. Once living in St. Louis, Rosette became acquainted with Nancy Watts, another young woman whose husband was also serving in the army. Nancy and Rosette both worked for wages in St. Louis while their husbands served in the same regiment of the United States Colored Service. On furloughs, their husbands traveled together back to St. Louis when they came to the city to visit their wives.⁹⁹

Large numbers of these migrants died from sickness during the Civil War. Emily Elizabeth Parsons, the nursing superintendent at Benton Barracks hospital and contraband Camp, noted this problem in the winter of 1863-64: "There are a great number of frost-bites in the hospital. The negroes lay in the woods and fields in cold weather while escaping from their masters."¹⁰⁰ Fugitive women often fled slavery with insufficient

⁹⁷ Christensen, *Black St. Louis*, 44; Gerteis, *Civil War St. Louis*, 277, 283, 287, 288-89, 290.

⁹⁸ "Testimony of Claiborne Holiday," 14 Aug. 1894, in the pension file of Thomas Hughes, Co. G, Reg. 67, USC Inf., WC 249.568, Civil War Pension Files, RG 15, NARA, Washington, D.C.

⁹⁹ "Testimony of Nancy Watts," 27 Mar. 1894, in the pension file of Thomas Hughes, Civil War Pension Files.

¹⁰⁰ Letter XXXV from Emily Elizabeth Parsons to "My Dear Mother," Benton Barracks Hospital, 12 Mar. 1864, in *Memoir of Emily Elizabeth Parsons*, 132; from the Testimony of the Ladies Contraband Relief Society, St. Louis, 2 Dec. 1863, American Freedmen's Inquiry Commission: "especially the women and children . . . arrive here, they are utterly destitute," 166; *The Western Sanitary Commission*, 110; Parsons, *Memoir of Emily Elizabeth Parsons*, 5, 6, 72; Anderson, *The Story of a Border City During the Civil War*, 262.

clothing, in inclement weather, and in fear of their lives. Lacking money and other options, they often traveled on foot to St. Louis, and those individuals who fled in winter were particularly vulnerable to sickness. Many women and children suffered frost-bite and exposure from traveling by foot in cold weather. Women often traveled while pregnant. Emily Parsons noted that there were so many births at the St. Louis contraband camp that a doctor suggested they rename the military base to the “Recruiting Infantry Station.”¹⁰¹ Elizabeth Brooks traveled to St. Louis with five children, and while living at Benton Barracks her two youngest children, Nancy and George, died of disease. Her husband passed away of pneumonia while serving in the Union Army in July of 1864.¹⁰² Hundreds of refugees, like Nancy Edwards and Elizabeth Brooks, arrived at Benton Barracks sick, destitute, and “scantily clad in mere rags” at St. Louis in the winter of 1863-1864.¹⁰³

An established black population provided institutional aid and social support to the new migrants. The migrants drew support from African American institutions active in the city. The city contained six African American churches, a black Masonic lodge, and aid societies, such as the Robert Small Benevolent Society and a Preachers’ Aid Society associated with the African Methodist Episcopal faith. African American women built and participated in these church benevolent societies. Ara Moore, a city resident,

¹⁰¹ Letter XXXVII from Emily Elizabeth Parsons to “My Dear Mother,” 18 Mar. 1864, in *Memoir of Emily Elizabeth Parsons*, 135; Letter XXXVI from Emily Elizabeth Parsons to “Dear Kittie,” Benton Barracks Hospital, 16 Mar. 1864, in *Memoir of Emily Elizabeth Parsons*, 133. Thousands came to Benton Barracks after it was established in the fall of 1863; Berlin, et al., *The Wartime Genesis of Free Labor*, 558.

¹⁰² Testimony of Elizabeth Brooks, 22 Sept. 1871, in the pension file of Joshua Brooks, Co. E, Reg. 56, USC Inf., WA 156.637, WC 155.265, Civil War Pension Files, RG 15, NARA, Washington, D.C.

¹⁰³ “Colored Recruits at Benton Barracks,” *The Daily Missouri Democrat*, 20 Jan. 1864; “Contraband Camp and Hospital,” American Freedman’s Inquiry Commission, 168; Testimony of the St. Louis Ladies’ Contraband Relief Society, St. Louis, 2 Dec. 1863, American Freedmen’s Inquiry Commission, 168; Berlin, et al., *The Wartime Genesis of Free Labor*, 558, 561, 581-582; Testimony of John F. Hume, American Freedmen’s Inquiry Commission, 144-145.

was a founding member of the Preachers' Aid Society.¹⁰⁴ A prominent African American minister, Reverend Edward Woodson, revealed that each of the community's St. Louis churches possessed “. . . a poor fund, for the relief of needy persons.”¹⁰⁵

St. Louis African American women also formed and ran secular aid organizations during the Civil War, founding the Colored Ladies' Soldier's Aid Society in 1863 to assist black soldiers and contraband refugees. Mary Meachum served as the president, and Charlton H. Tandy, a civil rights activist, served as secretary of the organization. Members of the Society cared for African American soldiers stationed in St. Louis, offered support to the enlisted men and taught the soldiers to read. The organization negotiated with the streetcar lines to allow members of the aid society to ride inside the cars, one day a week, each Saturday, to visit the soldiers.¹⁰⁶ African American women also belonged to volunteer societies such as the Freedmen's Orphan Home Association, which operated an orphanage for African American children in the city.¹⁰⁷

¹⁰⁴ One of the founders of the Preacher's Aid Society in St. Louis was memorialized in “Obituary of Ara Moore,” 7 May 1864, *The Christian Recorder*. For more on the African American women benevolent workers in St. Louis, see “Ladies of the Preachers' Aid Society,” 20 Sept. 1862, *The Christian Recorder*. For more on the African American churches and benevolent societies, see “Testimony of Rev. Edward Woodson, Pastor of Colored Baptist Church,” 1 Dec. 1863, American Freedmen's Inquiry Commission, 154, 156; Bellamy, “Free Blacks in Antebellum Missouri,” 224. For more on African American churches, see “Churches,” *Kennedy's St. Louis Directory* (R.V. Kennedy & Co: 1860); Christensen, “Race Relations in St. Louis,” 124-125. On African American religious benevolent societies see W.R. Revels, “St. Louis, MO, Correspondence,” 21 July 1866, *The Christian Recorder*.

¹⁰⁵ Testimony of Rev. Edward Woodson before the American Freedmen's Inquiry Commission, 1 Dec 1863, filed with O-328 1863, Letters Received, ser. 12, RG 94, in Berlin, et al., *The Wartime Genesis of Free Labor*, 580-581.

¹⁰⁶ “Colored Ladies' Soldiers' Aid Society,” *Daily Missouri Democrat*, 17 December 1864; Emily Elizabeth Parsons discusses the Colored Ladies' Union Aid Society in her letters; Letter XXXIX from Emily Elizabeth Parsons to “Dear Mother,” Benton Barracks Hospital, 4 Apr. 1864, and Letter XL, Benton Barracks Hospital, 9 Apr. 1864, in *Memoir of Emily Elizabeth Parsons*, 138-140.

¹⁰⁷ “Final Report of the Western Sanitary Commission,” 125, quoted in Day and Kedro, “Free Blacks in St. Louis,” 129.

White-run institutional organizations such as the Western Sanitary Union and the Ladies Contraband Relief Association also offered aid to the contrabands.¹⁰⁸ This society ran a school for African American children, and the Western Sanitary Union donated books to this endeavor. An African American minister noted that by December 1863, Civil War St. Louis contained four “pay schools” and one free school for the African American population.¹⁰⁹

Once the refugees arrived in St. Louis, they searched for paid labor to sustain their new independent households. African American women found work as laundresses, cooks, and maids-of-all-work in St. Louis households.¹¹⁰ Enslaved and free women often performed the same types of labor. The meaning of this labor, however, was dramatically transformed by the new status of freedwomen. Their labor was now their own to sell; their children were in their custody. Harriet, a St. Louis laborer, exemplified this identity shift with the knowledge that “she belonged to herself and had a right to what she earned”¹¹¹

¹⁰⁸ For information on the Ladies Contraband Relief Society, see *The Western Sanitary Commission*, 133-134; Testimony of The Ladies Contraband Relief Society before the American Freedmen’s Inquiry Commission, [2 Dec. 1863], filed with O-328, Letters Received, ser. 12, RG 94 in Berlin, et al., *Wartime Genesis of Free Labor*, 161-166; Testimony of Rev. Mr. Forman, Secretary, Western Sanitary Commission, 3 Dec. 1863, American Freedmen’s Inquiry Commission, 167; “Contraband Relief Society,” Circular Letter, February 1863, Civil War Collection, Missouri History Museum, St. Louis; Paula Coalier, “Beyond Sympathy: The St. Louis Ladies’ Union Aid Society and the Civil War,” *Gateway Heritage* 11, no. 1 (Summer 1990): 38-51; Hannah Isabella Stagg, “Local Incidents of the Civil War,” Manuscript B564, Civil War Collection, Missouri History Museum, St. Louis; William E. Parrish, “The Western Sanitary Commission,” *Civil War History* 36 (1990): 17-35.

¹⁰⁹ Jacob G. Forman, *The Western Sanitary Commission: A Sketch* (St. Louis: R. P. Studley & Co., 1864), 131; Testimony of Rev. Edward Woodson before the American Freedmen’s Inquiry Commission, 1 Dec 1863, filed with O-328 1863, Letters Received, ser. 12, RG 94, in Berlin, et al., *The Wartime Genesis of Free Labor*, 580-581. On schools established in Civil War St. Louis by the American Missionary Association, see Joe M. Richardson, “The American Missionary Association and Black Education in Civil War Missouri,” *Missouri Historical Review* 69 (1971):433-48.

¹¹⁰ Letter VI from Emily Elizabeth Parsons, Memphis, to “Darling Mother,” date unknown, in *Memoir of Emily Elizabeth Parsons*, 62.

¹¹¹ Anderson, *The Story of a Border City*, 266.

Although the possibility of paid work attracted migrants to St. Louis, it was often not sufficient for the needs of many refugees. Many of the new migrants suffered great destitution, and, excluded from almshouses and parish relief, they did not have access to traditional sources that aided poor whites. The new residents often had trouble finding work, or could not find sufficient wages or aid to cover their needs.¹¹² Furthermore, the wartime economy depressed wages in St. Louis.¹¹³ Contrabands lived in crowded conditions, with several people crowded into small apartments and houses. A combination of sickness, destitution, and exposure caused the deaths of many refugees. In January 6, 1863, a local newspaper reported that an eighteen-year-old contraband woman died of “destitution and sickness.”¹¹⁴ J.G. Foreman, the secretary of the Western Sanitary Commission, was concerned that the military and the Sanitary Commission were not providing sufficiently for the St. Louis refugees: “The care of these people is not half provided for by the W. S. Commission, by the Government, or by voluntary Associations.”¹¹⁵

Segments of the white population evidenced a hostile reaction to the influx of African American refugees. A St. Louis newspaper article, referring to a suburb of the city, complained about “the throng of free negroes that daily and nightly infest our city.

112 “Outrages by Contrabands at Carondelet,” 6 Jan. 1863, *Daily Missouri Republican*; J.G. Foreman, Secretary of the Western Sanitary Commission, to M.E. Strieby, St. Louis, Missouri, 22 Feb. 1865, American Missionary Association Archives, quoted in Christensen, *Black St. Louis*, 285, note 106.

113 *OR*, 3, 4, 1, p. 371. The contrabands hired out from Benton Barracks are discussed in Berlin, et al., *The Wartime Genesis of Free Labor*, 558.

114 “Inquest Regarding Death,” *Daily Missouri Republican*, 6 January 1863.

115 J. G. Foreman, Secretary of the Western Sanitary Commission to M.E. Strieby, St. Louis, Missouri, 22 Feb. 1865, American Missionary Association Archives, quoted in Christensen, *Black St. Louis*, 285n106.

They are without work, and consequently are dependent upon charity or dishonest means for support”¹¹⁶

Yet, despite the dangers and economic hardships, the formerly enslaved women built new households for themselves and their families in the city. Minerva Moore and her husband Alfred left their slave homes in Mississippi County, Missouri during the war. Alfred enlisted in the Union army, and sent his wife on a steam boat to Cape Girardeau, Missouri, for safekeeping. Although Cape Girardeau was a port town where contrabands had gathered in a community during the Civil War, Minerva Moore decided after two weeks to leave that town. She braved re-capture to travel into the countryside to escort her mother and her mother’s six children to St. Louis. They all lived at Benton Barracks for four months until Minerva rented a house in the city. She worked as a laundress and “kept my mother and her little children.”¹¹⁷ Moore not only accomplished her own freedom, but that of her close relatives. Enslaved women like Minerva Moore performed political work when they fled their slave homes and established independent households in St. Louis. Women stole themselves away from their masters with a purpose—they pursued free status. The escapees did not ultimately wish to live as fugitives subject to arrest on the streets by city police; rather, they aspired to live unencumbered by the legal disabilities of slavery or black codes.

In the winter of 1863, a group of formerly enslaved people sat talking as they traveled the Mississippi River on a government steamboat. A migrant named Jane strode across the boat with a pair of squeaky boots. Another refugee commented on her noisy footwear: “‘Ah Jane,’ sung out one, ‘your boots cry out of freedom.’”¹¹⁸ Jane’s

¹¹⁶ “Outrages by Contrabands at Carondelet,” *Daily Missouri Republican*, 6 Jan. 1863.

¹¹⁷ Testimony of Minerva Moore, 14 May 1901, in the pension file of Alfred Moore, Co. A, Reg. 68, United States Colored Troops, WA 726.393, CWA 738.121, Civil War Pension Files, RG 15, NARA, Washington, D.C.

¹¹⁸ “Letter V,” Emily Elizabeth Parsons to “Dear Mother,” Mississippi River, 13 Feb. 1863, in Parsons, *Memoir of Emily Elizabeth Parsons*, 55.

comrade captured the aspirations for freedom held by the thousands of enslaved people who escaped bondage during the Civil War via rail, steamboats, or by walking on foot to sites of refuge.

These aspirations for freedom included the ability to live without fear of arrest; the definition of liberty included the freedom to walk in public and claim a presence in the cityscape. “I tell you this is 1864, and not the days of youre, that we now live in . . .” proclaimed *The Christian Recorder*, a national newspaper published by the African American Methodist Episcopal Church. The *Recorder* described the 1864 New Years celebration of the St. Louis African American community, which began with a procession to Turner’s Hall, a facility supported and built by the German immigrant population. A crowd filled by people of all ages enjoyed speeches and entertainment: “Only think of such a procession in this city, when [the pro-Southern governor] was pursuing the colored people in this city not but a couple years ago with grievous fines for being here; and now he is gone, and the black men, with muskets and banners, are marching to the music of ‘John Brown’s Soul is Marching On’”¹¹⁹

But although Union occupation and martial law challenged Missouri’s slave code, the African American population was still vulnerable to legal arrests and illegal kidnappings during the Civil War. The ability to safely occupy public space would become a defining feature of freedom, an explicit contrast to life under slavery. Mattie Jackson described the geographic constriction of slavery in these terms: as a slave she was “not allowed to advance a rod from the house, or even out of call, without a severe punishment.” But after the war, Mattie Jackson reveled in her ability to travel freely. One day, Mattie was walking along a street in St. Louis when she saw William Lewis, her old owner: “I met my old master, Lewis, who strove so hard to sell us away that he

¹¹⁹ A. R. G., “A Voice From the South-West: Advancement of the Cause of Liberty. Review of Colored Regiment at Benton Barrack, St. Louis, Mo. Items, &c.,” *The Christian Recorder*, 30 Jan. 1864.

might avoid seeing us free, on the street. He was so surprised that before he was aware of it he dropped a bow.”¹²⁰

¹²⁰ Thompson, *The Story of Mattie Jackson*, 22, 30.

CHAPTER II
 “A NEGRO WOMAN IS RUNNING
 AT LARGE IN YOUR CITY”:
 CONTRABAND WOMEN AND THE
 TRANSFORMATION OF UNION MILITARY POLICY

“I have a negro woman, who I am informed, is running at large in your city,” wrote Luther T. Colbir in his letter to the St. Louis Provost Marshal General in February 1863. Colbir believed his enslaved woman had escaped with the 27th Missouri Regiment. In fact, he blamed men in the regiment who had “enticed” his slave “to leave her home.” This unnamed woman had successfully fled to St. Louis, using the Union military as a means to flee her slave master.¹

In the turmoil of the Civil War, thousands of enslaved women escaped their owners in Missouri and fled to Union lines in search of freedom. Melissa Abernathy and her daughter, Betty Abernathy, escaped to the Missouri port town of Cape Girardeau, “where they’s sojers who’d protect us.”² Women sought out Union troops, and “joined the army” as military laborers; fugitive women sought refuge in Union camps and forts scattered throughout the state.³ From 1861 to 1863, they were among the first slaves in Missouri to achieve a practical freedom, which should not be confused with a legal emancipation.⁴ In the course of these escapes, some women received papers that

¹ Luther T. Colbir, Chillicothe, Missouri to F.A. Dick, Provost Marshal General, St. Louis, MO, 8 Feb. 1863, F-1141 in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-55, RG 109, National Archives and Records Administration (hereafter NARA), Washington, D.C.

² “Interview with Betty Abernathy (Ex-Slave),” *Missouri Narratives*, Volume X, Prepared by the Federal Writer’s Project of the Works Progress Administration for the State of Missouri, published in *The American Slave: A Composite Autobiography: Arkansas Narratives Part 7, and Missouri Narratives*, Volume 11, George P. Rawick, ed. (Westport, Connecticut: Greenwood Publishing Company, 1972), 6.

³ For scholarship on the Union occupation of Missouri, see William E. Parrish, *Turbulent Partnership: Missouri and the Union, 1861-1865* (Columbia, MO: University of Missouri Press, 1963); Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri During the American Civil War* (New York: Oxford University Press, 1989); and Louis S. Gerteis, *Civil War St. Louis* (Lawrence, KN: University Press of Kansas, 2001).

confirmed their status as military contraband, emancipation certificates that were consequently regarded as “freedom papers” in the state.⁵ Once the military designated freed people as “contrabands,” a new legal definition applied which allowed the military to confiscate slave property.⁶

In the clearest examples of military emancipation, the military issued emancipation certificates and declared fugitives forever free under the Second Confiscation Act. The First Confiscation Act, passed by the federal government in the summer of 1861, “nullified” the claims of slave owners who had directed enslaved people to labor for the Confederate war effort, and allowed the Union military to appropriate their slave laborers.⁷ In the summer of 1862, the Second Confiscation Act expanded the

⁴ An estimated four million enslaved people were held in bondage in 1861. That approximately two million women and girls would achieve freedom in the next five years constituted a legal moment of great significance for African American women specifically, and for the enlargement of the United States citizenry, generally. Elsa Barkley Brown had written about how this new public participated in the political sphere in “Negotiating and Transforming the Public Sphere: African American Political Life in the Transition from Slavery to Freedom,” *Public Culture* 7 (Winter 1994): 107-46.

⁵ Hundreds of formerly enslaved people followed the Army of the Southwest, commanded by Union General Samuel R. Curtis, as it marched through Arkansas in the winter and early spring 1862. This journey ended with the capture of the city Helena, Arkansas, in July 1862. General Curtis issued “certificates of freedom” under the First Confiscation Act to the refugees following his army. Curtis’s offer of military protection and freedom resulted in a general migration to Helena, where a contraband camp filled with thousands of freedpeople formed on the outskirts of the city. Ira Berlin, Steven F. Miller, Joseph P. Reidy, and Leslie Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. I, vol. I: *The Destruction of Slavery* (New York: Cambridge University Press, 1985), 25, 259-260.

⁶ Kate Masur has written about the cultural meanings of the word “contraband” for northerners in the United States during the Civil War. The concept of the “negro contraband” entered the nation’s lexicon after the passage of the Confiscation Acts. Masur’s article explores the fluid understandings of contraband people, not other forms of property confiscated by the Union military: Kate Masur, “‘A Rare Phenomenon of Philological Vegetation’: The Word ‘Contraband’ and the Meanings of Emancipation in the United States,” *Journal of American History* 93, no. 4 (March 2007): 1050-1084.

⁷ *Confiscation Act of 1861* (The First Confiscation Act), approved 6 Aug. 1861, *Statutes at Large*, vol. 12, p. 319. For an analysis of the Congressional political debate about the First Confiscation Act please see Silvana R. Siddali, *From Property to Person: Slavery and the Confiscation Acts, 1861-1862* (Baton Rouge: Louisiana State University Press, 2005), 70-94. On General Benjamin Butler’s treatment of the contrabands in Tidewater Virginia and the passage of the First Confiscation Act, see Berlin, et al., *Destruction of Slavery*, 15-16.

prior act by declaring that slaves owned by disloyal masters could be confiscated—and freed from slavery—as “contraband of war,”⁸

The Union military viewed enslaved men as the ideal “contraband” to confiscate from Confederates. Officers easily recognized the military value of men who could dig trenches and build military fortifications. In contrast, Union officers routinely expelled fugitive women and children from military posts and encampments. Women were less likely than enslaved men to be classified as “contrabands” under the First Confiscation Act; officers initially viewed the presence of enslaved women as a “problem” in camp. Both the federal government and the Union military were slow to acknowledge the potential and actual contributions of enslaved women to the war effort.⁹ But women, through their persistent efforts to free themselves from slavery, made a space for themselves in the military camps and regiments. They provided valuable labor for the Union army, working as laundresses, nurses, and cooks.¹⁰

⁸ *Confiscation Act of 1862* (The Second Confiscation Act), approved 17 July 1862, *Statutes at Large*, vol. 12, p. 589-92. For an analysis of the Congressional Debate on the Second Confiscation Act please see Siddali, *From Property to Person*, 120-144. The military treatment of escaped slaves was complicated by Congressional legislation passed by Radical Republicans in March 1862 that prohibited the military from acting as slave catchers in any capacity. Federal policy forbade military employees from contributing or assisting the return of slaves to their masters. U.S., *Statutes at Large, Treaties, and Proclamations*, vol. 12 (Boston, 1863), p. 354, cited in Berlin, et al., *Destruction of Slavery*, 22, 402.

⁹ Berlin, et al., *Destruction of Slavery*, 259.

¹⁰ “Snell and Green’s Testimony,” 11 Apr. 1862, No. 90; “Testimony of Mary Catherine,” undated, 1862, No. 181; and “Testimony of the Caldwell Negroes,” undated, 1862, No. 77, F-1482, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-168, RG 109, NARA, Washington D.C. For more examples of the exchange of military information for Union protection by enslaved Missouri residents, see Fellman, *Inside War*, 66-67.

“We shall then be freed from these vexatious questions”:¹¹
Enslaved Women and Military Emancipation

In the early stages of the war, opportunities for enslaved women to escape slavery were constrained by orders from Washington D.C. instructing the Union military not to disturb the institution of slavery in Missouri. President Abraham Lincoln wished to avoid alienating loyal slave owners, who wanted to be reassured that the Union military would assist in the recapture of fugitive slaves.¹² In May 1861, a man from Green County asked Thomas T. Gantt, a prominent Unionist from St. Louis, if the government would “interfere with the institution of negro slavery in Missouri.”¹³ Gantt, a conservative who opposed military emancipation, replied that “my answer was most unqualifiedly and almost indignantly in the negative.” Gantt further “felt certain” that the Union military would return escaped fugitives to their masters.¹⁴ William S. Harney, Commander of the Military Department of the West, responding to Gantt’s queries of reassurance, asserted that he had “no doubt” that the United States Government would respect “the protection

¹¹ Major General Henry W. Halleck wrote in a letter to Col. Carlin on 9 Jan. 1862, “I do not consider it any part of the duty of the military to decide upon the rights of master & slave . . . This is accomplished by keeping all such fugitives out of our camps. This is the object of orders No 3. Those orders should in all cases be enforced, and we shall then be freed from these vexatious questions.” Major Genl. H.W. Halleck to Col. Carlin, the commander at Ironton, Missouri, 9 Jan. 1862, Unentered Letters Received, ser. 2594, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C. printed in Berlin, et al., *Destruction of Slavery*, 424.

¹² At the beginning of the war the federal military policy protected the institution of slavery in Missouri. General Willam S. Harney, commander of the Department of the West, assured slaveholders that the military would protect their enslaved property. Berlin, *Destruction of Slavery*, 397.

¹³ Thomas T. Gantt served as the Provost Marshal General for the Military Department of the Missouri under General Samuel Curtis until Curtis replaced Gantt with Franklin A. Dick in November 1862. Gantt advocated a conservative position on slave emancipation in Missouri during the Civil War. For further information on Thomas T. Gantt and Franklin A. Dick, see Louis S. Gerteis, *Civil War St. Louis* (Lawrence: University Press of Kansas, 2001), 177-178, 189-190, 261-262, 270-271.

¹⁴ Thomas T. Gantt to Wm. S. Harney, Brigadier-General U.S. Army Commanding the Military Department of the West, St. Louis, Missouri, 14 May 1861, *Official Records*, Series 1, Volume 3, 372-373.

of negro property.” General Harney further explained that slaves who had escaped to Union lines “were carefully sent back to their owners.”¹⁵

The enslaved people of Missouri experienced a brief but radical shift in policies with Lincoln’s appointment of General John C. Frémont in July 1861. At that time, hundreds of slaves were building Confederate fortifications less than 170 miles south of Frémont’s headquarters in St. Louis. Sympathetic to the abolition of slavery, and frustrated with the Confederate use of slave labor, Frémont declared martial law on August 30, 1861. Frémont’s proclamation emancipated the enslaved property of any Missouri residents who aided the Confederate cause. This proclamation anticipated how martial law would later be used by the military to circumvent the state’s slave code. But in 1861 his orders caused consternation and uproar among conservative Unionist political elements in Missouri. Lincoln also reacted to Frémont’s proclamation with alarm, and in September 1861 he ordered the General to confine his concerns with slavery to the scope defined by the First Confiscation Act.¹⁶ The President asked Frémont to revoke the order, before ultimately removing him as the Commander of the Department later that fall.¹⁷

¹⁵ Wm. S. Harney, Brigadier-General, U.S. Army Commanding Military Department of the West, to Thomas T. Gantt, Esq, St. Louis, Missouri, 14 May 1861, *OR*, 1, 3, 373.

¹⁶ Frémont issued his Proclamation on 30 Aug. 1861: “The property . . . of all persons in the state of Missouri who shall take up arms against the United States, or who shall be directly proven to have taken an active part with their enemies in the field is declared to be confiscated to the public use, and their slaves, if any they have, are hereby declared freemen.” *OR*, 1, 3, 466-467; Berlin, *Destruction of Slavery*, 397-398; Gerteis, *Civil War St. Louis*, 149-153; Vernon L. Volpe, “The Frémonts and Emancipation in Missouri,” *Historian* 56 (Winter 1994): 330-54. The Department of the West included the state of Missouri. The federal government would reconstitute the military district known as the Department of the West, altering its names and boundaries several times over the course of the war, although St. Louis consistently remained the military administrative headquarters of the District. The government re-named this military district part of the Department of the Mississippi and the Department of the Missouri during the Civil War. For a description of the Department of the West see Gerteis, *Civil War St. Louis*, 140; William E. Parrish, *Turbulent Partnership: Missouri and the Union, 1861-1865* (Columbia: University of Missouri Press, 1963), 82.

¹⁷ Gerteis, *Civil War St. Louis*, 149-161.

The United States Congress, like General Frémont, was frustrated with the Confederate use of slave labor as it grappled with the issue of enslaved people who sought refuge with Union regiments. The passage of the First Confiscation Act in August 1861 allowed the military to confiscate slaves that the Confederacy had employed in wartime labor.¹⁸ Rebels had forced thousands of enslaved men to labor for the Confederacy. They performed heavy labor, building military fortifications and creating a complex system of breastworks in southern Missouri. In August 1861, at New Madrid, Missouri, Confederate General Gideon Pillow reported that he was “pushing up the defenses at this place having some 160 negroes at work.”¹⁹ Enslaved men constructed elaborate trench systems that literally altered the topography of military positions. Confederate General J. Jeff Thompson reported that he had “the work done by negroes” as it would be “impossible to make my men work” on the fortifications.²⁰

The labor of enslaved men not only provided fortifications, it improved morale as the Confederate army transferred heavy and menial work from white soldiers onto the enslaved population. Union officers responded to this use of slave labor with alarm as they were aware of the military advantage that it gave the Confederate war effort. The Union officers stationed in Missouri used the First Confiscation Act to appropriate enslaved men to work on their own fortifications. In December of 1861 there was a rise in insurgent and organized Confederate activity in the state. St. Louis headquarters responded by ordering the impressments of enslaved men owned by Confederates.

¹⁸ Siddali, *From Property to Person*.

¹⁹ General Gid. J. Pillow, Commanding General, Headquarters Army Liberation, New Madrid, Missouri, to Major-General Polk, C.S. Army, 1 Aug. 1861, *OR*, 1, 3, 626; General Gid. J. Pillow, Commanding General, New Madrid, Missouri, to General Polk, 18 Aug. 1861, *OR*, 1, 3, 660; The following citation is an additional report from General Pillow regarding slaves at work on fortifications: Gid J. Pillow, Brigadier-General C.S. Army to Major General Polk., 20 Aug. 1861, *OR*, 1, 3, 665.

²⁰ M. Jeff Thompson, Brigadier-General, New Madrid, Missouri, to Brig. Gen. Gideon J. Pillow, CSA, 16 Nov. 1861, *OR*, 1, 3, 714.

Union anger was particularly provoked by guerrilla actions that destroyed the state's infrastructure. Major-General Halleck had to put down "an insurrection of some 12,000 or 15,000 armed men . . . organized north of the Missouri River." In these northern Missouri counties, Halleck found the greatest burden to be the "burning of the railroad bridges and destruction of the telegraph lines" by Confederate insurgents.²¹ He ordered "the commanding officer of the nearest post" to impress "the slaves of all secessionists in the vicinity" for the purpose of "repairing damages" done by the guerillas to "railroads or telegraph lines."²²

"We have got to fight the devil with fire," wrote General Samuel Curtis, lamenting the fact that "We are not likely to use one negro where the rebels have used a thousand."²³ As the war progressed, and Confederate activity escalated in Missouri, Union officers were more likely to confiscate enslaved people, and less likely to ask questions about the legalities of the situation.²⁴ "Impress all the negroes you can find," wrote General Halleck from St. Louis headquarters to his commander in southern Missouri.²⁵

Union officers occasionally confiscated enslaved women. Cathay Williams recalled that when "United States soldiers came to Jefferson city they took me and other colored folks with them . . ." in September 1861. While traveling with the army,

²¹ Major-General H.W. Halleck in the Correspondence, *OR*, 1, 8, *i*, 463.

²² "General Orders No. 32," Correspondence, 22 Dec. 1861, *OR*, 1, 8, *i*, 464.

²³ Major-General Saml. R. Curtis, St. Louis, Missouri, to General Loan, Jefferson City, Missouri, 29 Sept. 1862, *OR*, 1, 13, 688.

²⁴ Major-General Saml. R. Curtis, Headquarters Department of Missouri, St. Louis, Missouri, to Brig. Gen. John M. Schofield, 1 October 1862, *OR*, 1, 13, 695; Major-General H. W. Halleck, Headquarters Department of Missouri, St. Louis, Missouri, to General Samuel R. Curtis, St. Louis, 23 March 1862, *OR*, 1, 8, 636-637.

²⁵ H.W. Halleck, Major-General, St. Louis, to Major Gen. John Pope, New Madrid, Missouri, 21 March 1862, *OR*, 1, 8, 629.

Williams cooked and washed laundry for the troops. The 8th Indiana Volunteer Infantry that impressed Cathay Williams ignored the legalities of the First Confiscation Act.²⁶ In their confiscations, Union officers did not always conform to the letter of the law in their application of the First Confiscation Act. Confused about legalities, and short on labor, some officers applied a flexible interpretation to the law. Technically, Cathay Williams did not qualify as a legal contraband under the Act as she had not been put to work on the Confederate war effort. In the very early stages of the war, wartime confusion and military necessity aided women who ran to Union lines.

Union officers in Missouri enthusiastically confiscated slave men in their war effort, but enslaved women had to overcome the common assumption that women were unfit for military labor. Major Henry S. Eggleston, of the First Wisconsin Cavalry, ordered that “no more women or children under fifteen years of age should be admitted within our lines,” because he believed that they “could be of no use to us whatever.”²⁷ Entire slave families fled to Union lines, but officers tended to view women, children, and the elderly as potential drains on camp rations.²⁸ The young, fit, and childless were more likely to be able to successfully attach themselves to a Union regiment and keep up with the speed of military travel. Mothers with children and elderly individuals were much less likely to be successful in these early escapes to Union lines.

Yet women and children continued to seek refuge with Union troops. Captain J. W. Towner asked his commander, “What shall be done in such a case” after an enslaved

²⁶ “Cathy William’s Story,” *St. Louis Daily Times*, January 2, 1876 published in Phillips Thomas Tucker, *Cathy Williams: From Slave to Female Buffalo Soldier* (Mechanicsburg, PA: Stackpole Books, 2002), 222; see also Tucker, *Cathy Williams*, 33-35.

²⁷ Report of Major Henry S. Eggleston, First Wisconsin Cavalry, Wittsburg, Arkansas, 9 Aug. 1862, *OR*, 1, 13, 203.

²⁸ Thavolia Glymph, “‘This Species of Property’: Female Slave Contrabands in the Civil War,” in *A Woman’s War: Southern Women, Civil War, and the Confederate Legacy*, eds. Edward Campbell and Kym Rice (Charlottesville: Univ. Press of Virginia, 1997), 58.

man, woman, and “three small children” came into his Franklin County encampment in November 1861.²⁹ General Henry Halleck attempted to stop the deluge of questions from military officers about “what to do” with the many formerly enslaved refugees who ran to Union camps and followed regiments around the Missouri countryside. Halleck desired to “be freed from these vexatious questions” and ordered the expulsion of all fugitive slaves from federal camps, posts, and regiments on the march in November 1861.³⁰ The many questions Halleck had received from his officers about the fugitive men and women could be resolved, he felt, by a complete separation of the military from the slave issue.

Halleck’s orders made it more difficult for enslaved Missouri women to successfully gain employment and refuge with the Union military. His orders specified that “Unauthorized persons, black or white, free or slave, must be kept out of our camps.”³¹ Young children clearly fell into the category of “unauthorized persons,” thus mothers with children were excluded from Union camps and forts. Halleck’s Exclusion

²⁹ Captain J. W. Towner, Company F, 9th Iowa Volunteers, Calvey, Franklin County, MO to Lt. Col. H. J. Herron, Pacific, Franklin County, Missouri, 20 Dec. 1861 and Enclosed Petition to Slave Property of Langston F. Goode to Major General Halleck, Commanding the Department of Missouri, St. Louis, 16 Dec. 1861, H-140, Pacific, Missouri, 23 Dec. 1861, F-1329 in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-107, RG 109, NARA, Washington, D.C.

³⁰ General Henry Halleck assumed general command of the Department of the West in November 1861. Halleck ordered that all fugitive slaves should be expelled from Union regiments in his General Orders, Number 3, issued 20 Nov. 1861. Major Genl. H.W. Halleck to Col. Carlin, the commander at Ironton, Missouri, 9 Jan. 1862, Unentered Letters Received, ser. 2594, Dept. of the MO, RG 393 Pt. 1, NARA, Washington D.C., in Berlin, et al., *Destruction of Slavery*, 424. Halleck issued General Orders No. 3, for the Department of the Missouri, 20 Nov. 1861, *OR*, 1, 8, 370; Gerteis, *Civil War St. Louis*, 172. The Department of the West would be reformulated into the Department of the Missouri. By March 1862, Halleck’s command would include Missouri, Minnesota, Wisconsin, Illinois, Arkansas, and the portion of Kentucky west of the Cumberland River. Parrish, *Turbulent Partnership*, 82.

³¹ This description and explanation of Halleck’s Exclusion Orders (General Orders, No. 3) was written by Colonel Blair and published in the *Missouri Democrat*, 16 Nov./Dec. 1861. This description of the exclusion orders was quoted by Major Geo. E. Waring, Jr., Major Commanding Fremont Hussars and writing from Camp Halleck near Rolla, Missouri on 19 Dec. 1861 to Acting Major-General Asboth, Commanding the Fourth Division. See *OR*, 1, 8, 451-452.

Orders of November 1861 codified a contraband policy that did not assist fugitive women in their pursuit of freedom. A Union officer, stationed in central Missouri, defended the presence of African Americans in his camp on the grounds that they were all employed “in accordance with the Army Regulations” except for “one little child.” This officer knew that “one little child” was not, according to the orders, permitted in camp, but he hoped that this “little” exception could be made.³²

Halleck wanted to “keep clear of all such questions.” But he would find that the military would not so easily “be freed from [the] vexation questions” surrounding the conundrum of the wartime collapse of slavery.³³ Fugitive men and women continued to arrive at military camps desperate, hungry, and willing to perform the labor that Union soldiers would prefer to avoid.³⁴ In December 1861 slave owners complained to Governor Hamilton R. Gamble that their slaves were living at the military post at Rolla, Missouri.³⁵ Colonel Grenville Dodge, the commander of the post, sent out orders to all of his “subordinate officers” that they “immediately deliver to these Head Quarters, All Fugitive Slaves” and not to allow any new escapees to “enter and remain within the Lines.”³⁶

³² Major Geo. E. Waring, Jr. to Acting Maj. Gen. Asboth, 19 Dec. 1861, enclosed in Actg. Maj. Gen. Asboth to Colonel W. Scott Ketchum, 23 Dec. 1861, A-68 1861, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, Washington, D.C., in Berlin, et al., *Destruction of Slavery*, 421-422.

³³ Major Genl. H.W. Halleck to Col. Carlin, 9 Jan. 1862, in Berlin, et al., *Destruction of Slavery*, 424.

³⁴ This pattern of behavior was not restricted to Missouri. Throughout the South, the enslaved population ran to Union lines and offered their labor to that army. Ira Berlin, “Who Freed the Slaves,” in David W. Blight and Brooks D. Simpson, eds., *Union and Emancipation: Essays on Politics and Race in the Civil War Era* (Kent, OH: Kent State University Press, 1997), 111-113.

³⁵ H. R. Gamble to Majr. Genl. Halleck, 10 Dec. 1861, M-79 1861, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C. in Berlin, et al., *Destruction of Slavery*, 419.

³⁶ Genl. Order No. 6, Head Quarters Post Rolla Mo., 29 Nov. 1861, vol. 446/1135 DMO, General & Special Orders & Post Orders, ser. 1100, Post of Rolla MO, RG 393, Pt. 4, NARA, Washington, D.C., in Berlin, et al., *Destruction of Slavery*, 419.

Halleck had to resolve problems when officers did not obey his orders to disentangle themselves from the institution of slavery. A fugitive woman named Viney was recaptured by Missouri citizens and brought to Lt. Col. John S. Phelps in the fall of 1861. Viney had escaped her slave home in Green County when Union regiments marched through Southwest Missouri. Phelps, who was “personally acquainted with all of the owners,” planned to return Viney and three other fugitives to slave holders.³⁷ Halleck had hoped that his exclusion orders would prohibit this sort of involvement with rendering fugitives.

It was not uncommon for officers to be confused about contraband policy and their ability to employ formerly enslaved people. Despite his reluctance, Major Waring returned a fugitive woman employed as his mess cook back to slavery.³⁸ As the Commander of the Frémont Hussars, stationed in central Missouri, Major Waring had received a military circular reiterating Halleck’s exclusion orders; the circular noted that “a number of fugitive slaves” still resided with Union camps and regiments and required that commanders banish “all fugitive slaves . . . either male or female” from their camps, regiments, and batteries.³⁹ After receiving these orders Waring reluctantly turned over the fugitive woman to a Captain Holland, who claimed she was owned by his father-in-law.⁴⁰ It was a common mistake for Union officers to make during the Civil War—they

³⁷ Lt. Col. John S. Phelps, Rolla, Missouri, to Col. G.W. Dodge, 2 December 1861, Unentered Letters Received, ser. 2594, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C., in Berlin, et al., *Destruction of Slavery*, 418.

³⁸ Major Geo. E. Waring, Jr. to Acting Maj. Gen. Asboth, 19 Dec. 1861, enclosed in Actg. Maj. Gen. Asboth to Colonel W. Scott Ketchum, 23 Dec. 1861, A-68 1861, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, Washington, D.C., in Berlin, et al., *Destruction of Slavery*, 421-422.

³⁹ Ac. M. Gl. Asboth, Circular No. 2, Headqrs. 4th Division, 18 Dec. 1861, enclosed in Acting Major Genl. Asboth to Col. W. Scott Ketchum, 18 Dec. 1861, A-69 1861, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1 in Berlin, et al., *Destruction of Slavery*, 420-421.

⁴⁰ Major Geo. E. Waring, Jr. to Acting Maj. Gen. Asboth, 19 Dec. 1861, in Berlin, et al., *Destruction of Slavery*, 421-422.

easily confused Halleck's order to exclude fugitives from camp with the need to "restrain" and "render" escapees back to slave owners.

Major Waring returned his mess cook to slavery, yet he wrote that his "private feelings revolt" at the idea of excluding African Americans from his camp, "as they would be homeless and helpless."⁴¹ Halleck, alarmed about confusion over his orders, wrote a letter specifically addressing this incident. Concerned that military employees not act as "negro catchers," he wrote that this action was "contrary to the intent of General Orders No. 3."⁴² It was not the "duty" of the military, declared Halleck, to "decide upon the rights of master & slave."⁴³

The formerly enslaved women performed valuable work as cooks, laundresses, and general laborers. "Negro women are needed in the Hospital located here," wrote J. G. Porter, the medical director at Springfield, Missouri in September 1862.⁴⁴ Some

⁴¹ Ibid., 422.

⁴² Major-General H.W. Halleck, St. Louis, Missouri, to General Asboth, Rolla, Missouri, 26 Dec. 1861, *OR*, 1, 8, 465; see also Major Genl. H. W. Halleck to General Asboth, 26 Dec. 1861, vol. 10 DMO, pp. 109-10, Letters Sent by Maj. Gen. Henry W. Halleck, ser. 2576, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C., in Berlin, et al., *Destruction of Slavery*, 423. Halleck proclaimed that the rights of slave owners ought to be decided in the civil courts of Missouri. He advocated this policy as a way to make sure his troops were not inadvertently re-enslaving people that fell under the legalities of the First Confiscation Act. See Major Genl. H. W. Halleck to Col. B. G. Farrar, 18 Dec. 1861, vol. 10 DMO, pp.77-79, Letters Sent by Maj. Gen. Henry W. Halleck, ser. 2576, Dept. of the MO, RG 393, Pt. 1, NARA, Washington, D.C., in Berlin, *The Destruction of Slavery*, 419-420. Halleck's caution, which disallowed his military employees from assisting slave-catchers, would later be inscribed into federal policy when on 13 Mar. 1862 the United States Congress would pass an Article of War that prohibited "All officers or persons in the military or naval service" from returning fugitive slaves to slave owners. U.S., *Statutes at Large, Treaties, and Proclamations of the United States of America*, vol. 12 (Boston, 1863), 354.

⁴³ Major Genl. H.W. Halleck to Col. Carlin, 9 Jan. 1862, Unentered Letters Received ser. 2594, Dept. of the MO, RG 393, Pt 1, NARA, Washington, D.C., in Berlin, et al., *Destruction of Slavery*, 424.

⁴⁴ J. G. Porter, Medical Director, Southwest Division, Springfield, Missouri to Brigadier General J. G. Totten, Commanding Southwest Division, 6 Sept. 1862, F-1185 in "Union Provost Marshals' File of Papers Relating to Individual civilians," M345-44, RG 109, NARA, Washington, D.C.

officers attempted to “work around” Halleck’s exclusion orders, by arguing that they had no positive proof that the African Americans working in their camps were actually enslaved people.

“These negroes all claim and insist that they are *free*,” reported Major Waring. He wrote to his superiors that he “caused all negroes in my camp to be examined, and it was reported to me that they all stoutly asserted that they were free.”⁴⁵ Army regulations required that camp residents must be free people and employed as “servants, teamsters, and hospital attendants” or in other official jobs.⁴⁶ Fugitive people claimed free status to gain employment and entrance into camp life. The success of this tactic depended on the attitudes of the commander and his interpretation of military policy.

“A great many negroes are leaving thare masters and following off the army” observed Confederate sympathizer Willard Hall Mendenhall in his Civil War diary.⁴⁷ As the federals marched through Missouri in 1861, enslaved women, men and children attached themselves to regiments. Women and children were mostly likely to be welcomed by regiments that were mustered from populations with fierce abolitionist sentiments, such as the Frémont Hussars or the Kansas troops. Chaplain H. D. Fisher wrote that it seemed as if the “whole negro population of Missouri” had followed Frémont’s federal troops to Springfield. Union troops clashed with Confederates near Springfield, Missouri in the August 1861 Battle of Wilson’s Creek. Not only had

⁴⁵ Major Geo. Waring, Jr., Camp Halleck, near Rolla, Missouri, to acting Maj. Gen. Asboth, 19 Dec. 1861, enclosed in Actg. Maj. Gen. Asboth to Colonel W. Scott Ketchum, 23 Dec. 1861, A-68 1861, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C., in Berlin, et al., *Destruction of Slavery*, 421.

⁴⁶ See *OR*, 1, 8, 370. The Exclusion Orders, otherwise known as General Orders No. 3, were issued on 20 Nov. 1861. No fugitive slaves would be “permitted to enter the lines of any camp or of any forces on the march, and that any now within such lines be immediately excluded therefrom.”

⁴⁷ Willard Hall Mendenhall, *Missouri Ordeal, 1862-1864: Diaries of Willard Hall Mendenhall* (Newhall, Calif: Carl Boyer, 3rd, 1985), 67.

enslaved people joined the march to Springfield, but while stationed near the city, Chaplain Fisher observed that “our camp was the center of attraction to multitudes of ‘contrabands’ and refugees”⁴⁸ The Confederates won the Battle of Wilson’s Creek, and the loyalist population evacuated the town. Joining the retreating forces, the enslaved population struggled to escape the Confederate advance and sought refuge with the retreating army.⁴⁹

Many attached themselves to Kansas troops who had arrived in southwestern Missouri to join the fight. The Kansas troops, under the command of abolitionist General James H. Lane, led hundreds of former slaves out of Missouri to the dismay of conservative Unionists. General Lane retreated towards Kansas with 4,000 Union men and five to six hundred fugitive men, women, and children fleeing both secessionist and loyal masters.⁵⁰

Lane’s men allowed women and children to travel with them, which was not true of many Union regiments.⁵¹ As the troops traveled out of Missouri, officers armed thirty

⁴⁸ H. D. Fisher, *The Gun and the Gospel: Early Kansas and Chaplain Fisher* (Chicago: Medical Century Company, 1897), 42, 166. Parrish, *Turbulent Partnership*, 33, 34, 52-54.

⁴⁹ Brigadier-general Ben McCulloch, Springfield, Missouri, to General S. Cooper, C.S. Army, 19 Nov. 1861, *OR*, 1, 3, 742-743.

⁵⁰ Ira Berlin, Barbara J. Fields, Thavolia Glymph, Joseph P. Reidy and Leslie S. Rowland, editors., *Freedom: A Documentary History of Emancipation*, ser. I, vol. II: *The Wartime Genesis of Free Labor: The Upper South* (New York: Cambridge University Press, 1993), 564; see also *OR*, 1, 3, 742-743. Confederate Reports claimed that the former slaves belonged to both “Union men as well as secessionists.” Brigadier-General Ben McCulloch, Springfield, Missouri, to, General S. Cooper, Adj. and Insp. Gen., C.S. Army, 19 Nov. 1861. *OR*, 1, 3, 742-743. “The federals left eight days since with their [thousand] men . . . taking negroes belonging to Union men,” Ben McCulloch, Brigadier General, C.S. to J B Benjamin Secretary of War, 19 Nov. 1861, *OR*, 1, 8, 686.

⁵¹ General H. W. Halleck wrote of his frustration with “The Kansas Jayhawkers” to Secretary of War E. M. Stanton on 25 Mar. 1862, *OR*, 1, 8, 641-642. For an instance of a Missouri State Militia that forced a Kansas Regiment to turn 40 former slaves out of their lines see *OR*, 1, 22, *i*, 39-40. In November 1862, Brigadier General Richard Vaughan chased down and confronted the officers of the Twelfth Kansas Volunteers commanding them to turn “the negroes taken from citizens of Jackson and La Fayette Counties” out of their lines. The officers preferred to be court-martialed rather than voluntarily expel the former slaves. This regiment had allowed women and children to travel with them, as Thomas H. Kennedy of the Twelfth Regiment reported. When

African American men to protect the fugitives against Confederate insurgents and safely transport the refugees to “Kansas and freedom.”⁵² Once the refugees reached the Kansas border, Chaplain Fisher halted the group of men, women, and children to pronounce that “they were ‘forever free.’” In response the crowd “jumped, cried, sang and laughed for joy.” An eighty-year old woman announced that the year of jubilee had come.⁵³

“It was very aggravating to see it driving up to the door and to see negroes jump into it and drive off,” wrote Margaret Hays to her mother, regarding her carriage. It was appropriated by Kansas soldiers in order to assist the enslaved population near Westport, Missouri to freedom. Kansas soldiers used carriages and wagons to help women and children, who may have had difficulty keeping up with troops while escaping on foot. Margaret’s uncle, Judge James Brunfield Yeager, lost “upwards of ten thousand dollars” in slave property, and Margaret herself lost eleven people along when Kansas irregulars came to her house in November 1861.⁵⁴ Kansas officers, influenced by the violence of the border wars with Missouri, were more likely to disregard the legalities of the First Confiscation Act, often assisting entire families of African Americans to escape bondage.

Kansas would continue to be a site of refuge for the Missouri enslaved population throughout the Civil War. Once in Kansas, formerly enslaved Missouri men enlisted into Kansas regiments. Within the first six months of the war Kansas troops enrolled an estimated 2,000 formerly enslaved Missouri men. There were enough Missouri men in

confronted by General Vaughan’s artillery: “A detachment advancing possessed themselves of the colored women and children, with their effects, the men making a flank movement ‘for the brush.’” See *OR*, 1, 22, *i*, 843. In reference to this confrontation, see also *OR*, 1, 22, *i*, 799-800, 822, 842-850.

⁵² Fisher, *The Gun and the Gospel*, 42, 167.

⁵³ *Ibid.*, 167-168.

⁵⁴ Margaret J. Hays to Mother, Westport, Missouri, 12 Nov. 1861, published in “Extracts from War-Time letters, 1861-1864,” ed. by Albert N. Doerschuk, *Missouri Historical Review* 23, no. 1 (October 1928): 100-101.

Kansas by the end of 1861 to “fill two colored regiments,” and the First Kansas Colored Infantry was commissioned in January of 1862.⁵⁵ These men would play a significant role in assisting the enslaved population to freedom in western Missouri.

Several African American and white Kansas soldiers came to the household of James M. Hunter, a slaveholder in western Missouri, and informed his daughter Elizabeth that “they had come after the negroes.” Although Elizabeth had been sewing a Union flag, and despite her protestations that her father was not a secessionist, the Kansas soldiers liberated the two enslaved parents Frank and Jane, and their young children, Eliza and Jack. “They put them in the wagon and drove away off from the house” reported Hunters’ daughter. James Hunter complained to General Lane about the theft of his slave property, and Lane sent for a Captain Stewart, who took Hunter to the family, living in a “little cabin” near camp. Hunter asked Jane, in front of several Kansas soldiers, if she wished to return home. She replied, “. . . if these men will do as they have promised by me, I think not.” Frank, Jane, and their two children remained with the Kansas troops.⁵⁶

In March 1862, Union reports accused Kansas jayhawkers “organized under the auspices of Senator Lane” of “stealing” Missouri “negroes.”⁵⁷ Eleven-year-old Andrew Williams and his mother, along with his five siblings, escaped slavery with the assistance of the 6th Kansas Regiment in September 1862. Kansas soldiers, foraging for supplies at a rebel slaveholder’s house, approached William’s mother: “. . . one of the officers Said to my mothr don’t you want to go to Kans and Be free.” William’s mother answered

⁵⁵ Fellman, *Inside War*, 66.

⁵⁶ “Proceedings in the Case of the Taking of the Slaves of Jas. M. Hunter,” 7 Oct. 1861, F-1345 in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-137, RG 109, NARA, Washington D.C.

⁵⁷ Major-General H.W. Halleck, St. Louis Department of the Mississippi Headquarters to Hon. E.M. Stanton, Secretary of War, Washington, 25 Mar. 1862, *OR*, 1, 8, 641-642.

“yess Sir” and the soldier told her to “get your childern in this wagon.” The 6th Kansas Regiment escorted them to their camp in southwest Missouri. Williams recalled that after the Battle of Newtonia, Missouri, on September 30, 1862, Kansas soldiers “Sent an escort with all of the colored people” to Fort Scott in Kansas.⁵⁸ “A considerable number of contrabands accompany us to Kansas,” reported John Burris, a Lieutenant-Colonel of the 10th Kansas Infantry.⁵⁹ Burris, like other Kansas soldiers, identified the Union sentiments of the enslaved people: “About 80 loyal colored persons accompanied and followed my command out of Missouri.”⁶⁰ In a separate report, he claimed “Upward of 60 loyal colored persons, tired of the rule of rebel masters, furnished their own transportation and subsistence and accompanied my command to Kansas.”⁶¹

The confusion of war and the ad hoc treatment of enslaved people assisted women in their pursuit of freedom. Despite the official concern about harboring fugitive escapees, regiments allowed enslaved women and men to live and travel with them; but these informal arrangements left escapees in vulnerable positions. Three enslaved people managed to travel from Palmyra, Missouri, to the arsenal at St. Louis with an Illinois regiment. In August of 1861, their master, S. R. Glover, attempted to recapture these fugitives from the arsenal, but the escapees had reportedly left St. Louis with another

⁵⁸ “Narrative of Andrew Williams”, Kansas Collection, Spencer Research Library, University of Kansas, published in “Civil War on the Kansas-Missouri Border: The Narrative of Former Slave Andrew Williams,” ed. by William A. Dobak, *Kansas History*: 6, No. 4 (Winter 1983/84): 238-239.

⁵⁹ John T. Burris, Lieutenant-Colonel, Commanding to Maj. T.J. Weed, Camp Curtis, Jackson County, Missouri, 4 Nov. 1862. *OR*, 1, 13, 779

⁶⁰ Report of Lieut. Col. John T. Burris, Tenth Kansas Infantry, on the 23 Aug. 1862 skirmish at Hickory Grove, Missouri, 27 Aug. 1862, *OR*, 1, 13, 253-255.

⁶¹ John T. Burris, Lieutenant-Colonel Tenth Kansas Vol., Report of Burris, Sept 8-23, 1862 “Expedition from Fort Leavenworth, Kansas, through Jackson, Cass, Johnson, and La Fayette Counties, Missouri,” *OR*, 1, 13, 267-268.

regiment.⁶² This same regiment also allowed an enslaved person to travel with them from Cape Girardeau County to Washington, D.C.⁶³ Although these particular individuals managed to leverage their informal attachments to Union regiments into successful escapes, many fugitives were vulnerable to re-capture, as we can see by the way Glover gained military support to pursue his property.

Officers stationed in St. Louis were displeased with the city police who were “in the habit of arresting negroes” they found on the street as suspected “runaways.”⁶⁴ These officers were understandably disturbed when their “servants” were taken away from them and returned to slavery. But the legal practices long instituted to defend slavery as an institution hindered the military’s use of runaways as a labor pool. The removal of servants from army officers “[was] exceedingly annoying to officers under marching orders.”⁶⁵ After Halleck issued his exclusion orders, fugitive women found their best chance of “joining the army” occurred when the Union army’s labor needs overcame officers’ scruples about the precise legal classification of their new military employees.

“On the mere statement of slaves”:
Fugitive Women, Slave Testimony,
and the Enforcement of the Second Confiscation Act

The passage of the Second Confiscation Act in July 1862 would bring new opportunities for enslaved Missouri women to achieve official recognition as

⁶² Unionist H.S. Lipscomb to Maj. Genl. Fremont, 9 Aug. 1861, L-9 1861, Letters Received, ser. 5502, Headquarters in the Field, Western Dept., RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 414-415. Lipscomb’s note further says that there is no reference to actual action taken: “Mr. S.T. Glover informs me that under an authority given by you he aided in making a search in the arsenal here for said slaves. And he became satisfied that they left the arsenal with Turchins regiment. It is almost certain they are not at Norfolk.”

⁶³ Ibid.

⁶⁴ Bernard G. Farrar, Provost-Marshal-General to the Police Commissioners of Saint Louis, MO, 3 Mar. 1862, *OR*, 1, 8, 584.

⁶⁵ Ibid.

contrabands.⁶⁶ This act was a transformative point in the relationship between the military and Missouri fugitive women because it liberalized the concept of “disloyalty.” After the passage of the Second Confiscation Act, if an enslaved woman could demonstrate her master’s disloyalty she could, theoretically, claim contraband status.

The Second Confiscation Act particularly benefited enslaved women. Under the First Confiscation Act, women were less likely to be confiscated by the Union military; officers viewed enslaved men as better suited for military labor. The Second Confiscation Act provided a method of escape that was friendly to the needs of enslaved women. By providing valuable intelligence to the provost marshals, mothers caring for young children would not have to convince Union officers that they could keep pace with regiments on the march.

But the Union military needed to enforce the Second Confiscation Act for enslaved women to actually reap its benefits in any large measure. General John Schofield, administrator of the District of the Missouri from June through September 1862, was sympathetic to the interests of slaveholders and promoted a narrow interpretation of the Second Confiscation Act.⁶⁷ Schofield’s Provost Marshal General refused to enforce the Act, declaring that military officers could not confiscate enslaved

⁶⁶ Samuel Glover to Lincoln, 13 Apr. 1863, Lincoln Papers quoted in William E. Parrish, *Frank Blair: Lincoln’s Conservative* (Columbia: University of Missouri Press, 1998), 178; Gerteis, *Civil War St. Louis*, 272. For a discussion on the debate and passage of the Second Confiscation Act in the United States Congress please see Siddali, *From Property to Person*, 227-250. For a discussion of the enforcement of the Second Confiscation Act in Missouri, see Gerteis, *Civil War St. Louis*, 270-293. The Federal Government also passed the “Militia Act” on 17 July 1862, which freed the families of any men employed by the Union army, as long as masters were disloyal. The Militia Act of 1862, *Statutes at Large*, vol. 12, 597-600, cited in Ira Berlin, Joseph P. Reidy, Leslie S. Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. 2, vol. III: *The Black Military Experience* (New York, 1982), 5 and in Berlin, et al., *The Wartime Genesis of Free Labor*, 272.

⁶⁷ Gerteis, *Civil War St. Louis*, 271. Schofield held this position from June through September of 1862.

people without a federal court order.⁶⁸ Furthermore, the Provost Marshal General asserted that the federal court must issue a ruling for each individual case.

General Schofield's conservative contraband policy would soon change. Lincoln's preliminary announcement of the Emancipation Proclamation in September 1862, while not legally relevant to the loyal state of Missouri, did indicate a change of attitude at the highest levels of the federal government.⁶⁹ Lincoln removed Schofield and appointed General Samuel R. Curtis to command the Department of the Missouri. General Curtis was more liberal in his interpretation of the Second Confiscation Act, and he issued orders with the clear goal of enforcing the act.

African American women acquired a powerful tool in their pursuit of freedom when General Curtis distributed Order Number 35 on December 24, 1862.⁷⁰ Order 35 permitted the marshals to accept the testimony of enslaved people. This order stated that "whenever slaves seek protection . . . it shall be the duty of all Provost Marshals to take evidence as to the facts."⁷¹ Provost marshals were military police who patrolled the

⁶⁸ Schofield's Provost Marshal General was Col. Thomas T. Gantt, who believed that only a federal court could free slaves under the Second Confiscation Act. R. J. Howard to Maj. Genl. Curtis, St. Louis Custom House Official to the Commander of the Department of the Missouri, St. Louis, 10 Oct. 1862, and endorsement by Col. Thos. T. Gantt, 20 Sept. 1862, both in Berlin, et al., *Destruction of Slavery*, 437-438, cited in Gerteis, *Civil War St. Louis*, 270; On the attitude of the Provost Marshal General, Thomas Gantt, see the letter of Col. John F. Tylor, to Capt. Griffing, 20 Sept. 1862, and endorsement by Col. Thos. T. Gantt, 20 Sept. 1862, RG 393, Part 2, National Archives, Washington, DC, cited in Berlin, et al., *Destruction of Slavery*, 438..

⁶⁹ Gerteis, *Civil War St. Louis*, 273.

⁷⁰ Lincoln appointed General Curtis to command the Department of the Missouri in September 1862. Berlin, et al., *Destruction of Slavery*, 403; Berlin, et al., *Wartime Genesis of Free Labor*, 402; Gerteis, *Civil War St. Louis*, 27, 471.

⁷¹ Except from General Orders, No. 35, Head Quarters, Department of the Missouri, 24 Dec. 1862, Orders & Circulars, series 44, RG 94, in Berlin, et al., *Destruction of Slavery*, 441-444. For quote, see Berlin, et al., *Destruction of Slavery*, 442.

civilian population in Missouri. As the administrators of the lowest courts of military justice, these marshals had the power to arrest civilians and take testimony.⁷²

Curtis ordered local provost marshals to hold impromptu courts, collect testimony from enslaved people, and judge their rights to emancipation under the Second Confiscation Act. The provost marshals determined which fugitives fell under the classification of “contraband.” Curtis instructed the local provost marshals to issue these formerly enslaved people emancipation certificates. The fact that the provost marshals would accept the testimony of these fugitives was a significant departure from the routine treatment African Americans received in Missouri civil courts.⁷³ The Missouri slave code barred people of African descent from testifying against white people.⁷⁴ Under Curtis, the Union military, an arm of the state, provided enslaved people with the legal tools necessary to achieve recognition of their contraband status.

⁷² President Lincoln appointed Samuel Curtis to command the Department of the Missouri in September 1862. Gerteis, *Civil War St. Louis*, 271; Berlin, et al., *Destruction of Slavery*, 403; Louis S. Gerteis, “‘A Friend of the Enemy’: Federal Efforts to Suppress Disloyalty in St. Louis During the Civil War,” *Missouri Historical Review* 96, no. 3 (April 2002): 166-8; Louis S. Gerteis, “‘An Outrage on Humanity’: Martial Law and Military Prisons in St. Louis During the Civil War,” *Missouri Historical Review* 96 no. 4 (July 2002): 302-22.

⁷³ The apparent exception to this rule, when enslaved people could sue for their freedom, is distinct from testifying as a sworn witness. Under Missouri law, enslaved people were given standing to sue for freedom within proscribed circumstances. They could petition the court to sue for their freedom, file charges for “trespass and false imprisonment,” and give an affidavit to the court, but they could not give sworn witness testimony. Enslaved people who sued under this law held the burden of proof but could not speak in court. Instead, they had to solicit witness testimony to prove their case. The applicable law, most recently updated in *Revised Statutes of the State of Missouri* (St. Louis: 1845), relied heavily on “An act to enable persons held in slavery, to sue for their freedom,” Chapter 35, “Freedom” from the *Laws of the Territory of Louisiana* (27 June 1807). Lea VanderVelde, *Mrs. Dred Scott: A Life on Slavery’s Frontier* (New York: Oxford University Press, 2009), 234; Walter Ehrlich, *They Have No Rights: Dred Scott’s Struggle for Freedom* (Westport, Conn.: Greenwood Press, 1979), 42-43; Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978), 251.

⁷⁴ The prohibitions barring African American testimony are located in *Revised Statutes of the State of Missouri*, Chapter 168, Section 6 (Jefferson City: Printed for the State, by James Lusk, Public Printer, 1856), 1577, 1579. The statute states, “The following persons shall be incompetent to testify . . . A negro or mulatto, bond or free, except in pleas of the State against a negro or mulatto, bond or free, or in civil cases in which negroes or mulattoes alone are parties.”

Curtis's Order Number 35 had the practical outcome of granting every fugitive woman a hearing with local provost marshals. To the horror of Missouri slave owners, provost marshals stationed throughout the state could declare fugitive slaves forever free. Even loyal slave owners were subject to examination by the provost marshals. A friend of the contrabands, Curtis further ordered the military to "protect the freedom" of "emancipated slaves." Furthermore, Curtis also took this opportunity to re-emphasize that military personnel were forbidden to help slave owners recapture their runaway slaves.⁷⁵ In March 1862, Congress had passed an Article of War that forbade soldiers to act as slave-catchers.⁷⁶

Through his orders, General Curtis brought enslaved women under the purview of military authority. As long as fugitive women could reach a place where a provost marshal was stationed, they had a chance to gain emancipation certificates and, as a result, "colonies of runaway slaves formed near army posts, railway depots, and the larger towns."⁷⁷ Women and men ran to these sites; once they arrived they promptly accused their masters of treason.⁷⁸

By early February 1863 almost 1,000 enslaved people had obtained emancipation certificates from the provost marshal stationed in Chillicothe, in Linn County,

⁷⁵ General Orders, No. 35, in Berlin, et al., *Destruction of Slavery*, 442, 444.

⁷⁶ The Article of War states: "All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands, for the purpose of returning fugitives from service or labor, who may have escaped from any persons to whom such service or labor is claimed to be due." The Article of War was approved 13 Mar 1862. *Statutes at Large*, vol. 12, 354; General Henry W. Halleck used this congressional act, passed by Radical Republicans, to justify the severance of the military from all affairs of slavery. Berlin, et al., *Destruction of Slavery*, 22, 402. General Samuel Curtis refers to this additional article of war when he issued his General Orders No. 35 on 24 Dec. 1862. Berlin, et al., *Destruction of Slavery*, 443-444.

⁷⁷ Berlin, et al., *Destruction of Slavery*, 404.

⁷⁸ Berlin, et al., *Wartime Genesis of Free Labor*, 578; also see General Orders, No. 35, in Berlin, et al., *Destruction of Slavery*, 441-444.

Missouri.⁷⁹ The physical ability to reach a marshal played a critical role in women's ability to pursue freedom under the Second Confiscation Act. Hulda and her six children, residents of Franklin County, made "nightly journeys to neighboring towns and military stations in search of imaginary Pro Marshals," wrote a sympathetic Union neighbor.⁸⁰ Unless Hulda was able to locate a provost marshal, she would not be able to attain freedom for herself or her children.

Betsy escaped in the night riding her master's horse with her two children, a "suckling child" and a girl named Clarisa, to a nearby Union encampment stationed at the town of Washington, Missouri.⁸¹ Because Curtis's orders allowed local provost marshals to issue emancipation certificates, women with children could travel shorter distances in their bid for freedom. The shorter distances reduced the chances of women and children being caught in transit to Union lines. If recaptured, fugitive women and men encountered violent reactions from pro-slavery white residents. One concerned citizen reported that "Henry Hibbard . . . hung a woman in St. Clair a few days ago to make her tell who she belongs to."⁸²

Edy, an enslaved woman who traveled to Hannibal, Missouri, "claimed a hearing of her case" before the local provost marshal. Asserting that the "family who claimed her labor" were "all rebels," Edy told the marshal that "owing to cruel treatment," she left her

⁷⁹ Stephen H. Smith to George H. Smith, Linn County, 2 Feb. 1863, F-1263 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M343-251, RG 109, NARA, Washington, D.C.

⁸⁰ "Testimony of T. C. Williams," 9 Jan. 1864, and "T. C. Williams, Franklin County to Col. Marsh, Provost Marshal General," n.d. Feb. 1864, F-1232 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M343-30, RG 109, NARA, Washington D.C.

⁸¹ C. S. Jeffries, Union, Franklin County, Missouri to Col. and Provost Marshall, H. C. Eitzen, Washington, Franklin County, Missouri, 4 May 1863, F-1347 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-143, RG 109, NARA, Washington, D.C.

⁸² T. C. Williams, [Assistant Provost Marshal?] to [illegible], St. Clair, Franklin County, 2[4] Apr. 1863, F-1192 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-127, RG 109, NARA, Washington, D.C.

slave owners. The provost marshal gave her a pass to live freely in Hannibal.⁸³ In another instance, Harriet Meyer reported to the provost marshal that her master James Wood had ordered her to cook for Confederate rebels.⁸⁴ Lucinda Turner of Ralls County swore before a provost marshal that her master “hoped Jeff Davis would kill all the abolitionists and that the federals would be driven out of Missouri.” Turner received a pass after giving her report.⁸⁵ Enslaved women were aware of the powers of the provost marshals and showed great facility in using this knowledge to gain freedom.

“On the mere statement of the slaves,” Missouri slave owners found themselves accused of disloyalty and stripped of their property rights as that former property petitioned for freedom and enlisted the protection and support of the Union military.⁸⁶ Masters were appalled that slave testimony was accepted by the provost marshals. Their chattel now had the right to petition military authorities, and, even more alarming, to give testimony against their former owners. Missouri slave master Samuel Glover complained “the negroes say that they belong to secessionists, and the officers believe them.”⁸⁷

⁸³ T. D. Price, Assistant Provost Marshal of Marion County, Missouri to Lt. Col. and Provost Marshal General James Broadhead, 27 Jul. 1863, F-1245, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-65, RG 109, NARA.

⁸⁴ “Sworn Statement of Harriet Meyers, Slave of James Woods,” 16 May 1864, F-1156 in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-190, RG 109, NARA, Washington D.C.; Other examples of enslaved women reporting slave owners to provost marshals include the following: “Sworn Statement of Rachel Meyer,” 16 May 1864, F-1156, M345-190; “Sworn Statement of Louisa Jane Florence,” 16 May 1864, F-1280, M345-296; “Sworn Statement of Mary Ann Griffith,” 16 May 1864, F-1280, M345-296, all in “Union Provost Marshals’ File of Papers Relating to Individual Civilians, RG 109, NARA, Washington D.C.

⁸⁵ Sworn Statement of Lucinda Turner,” 2 June 1864, F-1408, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-271, RG 109, NARA, Washington D.C.

⁸⁶ Samuel Glover to Lincoln, 13 Apr. 1863, Lincoln Papers quoted in Parrish, *Frank Blair*, 178; Gerteis, *Civil War St. Louis*, 272.

⁸⁷ John F. Ryland et al., to His Excellency Governor Gamble, 4 June 1863, R-44 1863, Letters Received, series 2786, Provost Marshal General, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 457.

Loyal slave owners in Missouri were particularly upset about Curtis's Order Number 35, and offended that "little subordinate Provost Marshals" were acting to "gravely confiscate the best Union man's servant"88 For the slave owners, their continued loyalty to the Union reinforced their sense of domestic entitlement over their dependent slave property, and they were infuriated at their inability to re-capture their escaped slaves, even though "[their] loyalty is unquestioned."89

Curtis's enforcement of the Second Confiscation Act and his contraband-friendly administration encouraged women, men, and children to escape *en masse* as entire families fled to military posts. The provost marshal at Jefferson City reported that in May 1863, "hundreds" of fugitives had congregated in the state capitol.90 Questions about "what to do" with the refugees plagued headquarters. Reports from Sedalia, Missouri described 270 fugitives arriving in the night: "Mostly women and children suffering of some thing to eat what shall I do with them."91

"Hundreds," complained a slave owner, "have escaped and sought protection" at the Cape Girardeau military post.92 The town of Cape Girardeau, located south of St. Louis, on the Missouri river, served as an initial refuge for escapees from the surrounding counties. By February 1863, the town and impromptu refugee camp became a gathering

88 Ibid.

89 Glover to Lincoln, 13 Apr. 1863, in Parrish, *Frank Blair*, 178. See also Gerteis, *Civil War St. Louis*, 272.

90 Lucien Eaton to Major Genl. Schofield, 30 May 1863, E-101 183, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 571-573.

91 [Egbert B. Brown], Commander of the District of Central Missouri, Jefferson City, to Major General J. M. Schofield, Commander of the Department of the Missouri, 14 July 1863, vol. 225/525 DMO, 184-185, Letters Sent, series 3372, District of Central Missouri, RG 393 Pt. 2 No. 217, in Berlin, et al., *Wartime Genesis of Free Labor*, 576.

92 Greer W. Davis, Missouri Slaveholder, Jackson, Missouri, to Major General Curtis, Commander of the Department of the Missouri, 24 Feb. 1863, D-83 1863, Letters Received, series 2593, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 449-450.

space for fugitives to exchange information, outfit themselves, and venture back out to rescue family and friends. The slaveholder Greer W. Davis noted that “Whenever they wish to release a relative from bondage, they issue out from that place, as I understand, armed, and by menace take property” Davis described how his home was “visited by two negroes” who “demanded” the “delivery up of a small girl.” He further complained that this girl was “the only one I have.” Davis recounted a similar rescue excursion, in which “six negroes, four armed, about 12 o'clock rescued some three or four” enslaved Missourians from his neighbor. Davis complained to General Samuel Curtis about this behavior, exclaiming that “Surely, the Act of Congress never contemplated or intended to sanction the abstracting of property in this way.”⁹³

“The Women & Children are preparing to go also: Indeed, it is expected that in a short time there will be an extensive stampede among them,” a slave owner from Farmington, Missouri, wrote in July 1863.⁹⁴ By September 1863, it was reported from various posts around the state that the fugitive population was “composed of women of all ages, children of all ages and sexes.”⁹⁵

A Colonel C. W. Parker of the Missouri militia declared the “absolute necessity of some immediate action on the part of the Military authorities in Missouri to stop the running away of negroes from their owners.”⁹⁶ Men like Parker, who enlisted in the

⁹³ Ibid.

⁹⁴ M. P. Cayce, Delegate in the Missouri State Convention, Farmington, Missouri, to Maj. Gen. Schofield, Commander of the Department of the Missouri, 31 July 1863, C-655 1863, Letters Received, series 2593, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 460.

⁹⁵ Col. George H. Hall, Commander of the 4th Subdistrict of the District of Central Missouri, Marshall, Missouri, to Major James Rainsford, Headquarters of the District, 18 Sept. 1863, Unentered Letters Received, series 2594, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 579.

⁹⁶ Col. C.W. Parker, Troy, Missouri, to Brigadier General T. J. McKean, 26 Mar. 1863, Unentered Letters Received, series 2594, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 454-455. Col. C.W. Parker previously wrote to the District of Northeast Missouri on 23 Feb. and 14 Mar. 1863, reporting that slaves were at the Warrenton

Missouri Militia, were sympathetic to slave holder interests. “If steps are not taken very soon to exclude negroes from the lines of military camps,” Parker asserted that Missouri “will be deprived of slave labor in a great measure”⁹⁷ Colonel Parker had reason to be worried about the destruction of slavery in Missouri. In May 1863, a slave owner complained that “negroes are going off by scores to Marshall & other places.”⁹⁸ There were reports of “hundreds” gathered at Jefferson City, the state capital.⁹⁹ Counties in the southeast of Missouri experienced mass flights through the summer of 1863: Cook’s Settlement (St. Francois County) and Fredericktown (Madison County) were “stripped” of negroes and slave owners complained that crops were “rotting in the Fields for want of Harvest hands.”¹⁰⁰

Eleven mule teams pulled “wagons filled with Negro women & children” into the town of Miami in north central Missouri on August 31, 1863. Over two hundred men, women and children marched behind, some “playing the fiddle.” Union soldiers accompanied these former bondspeople. Elvira Scott, a slaveholder, observed the joy surrounding these marches to freedom, recording in her diary the “dancing about the

military camp. See also Major John Y. Clopper to Major Geo. Merrill, 21 Mar. 1863, filed with Col. C.W. Parker to Brig. Genl. Thos. J. McKean, 23 Feb. 1863, P-95 1863, Letters Received, series 2593, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 455-456.

⁹⁷ Col. C.W. Parker to Brigadier General T. J. McKean, 26 Mar. 1863, in Berlin, et al., *Destruction of Slavery*, 455

⁹⁸ John H. Estill to Genl. Vaughan, 30 May 1863, enclosed in John F. Ryland et al., to His Excellency Governor Gamble, 4 June 1863, R-44 1863, Letters Received, series 2786, Provost Marshal General, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 458.

⁹⁹ Lucien Eaton to Major Genl. Schofield, 30 May 1863, E-101 1863, Letters Received, ser. 2593, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 571-573.

¹⁰⁰ It appears the 3rd MO Cavalry assisted in this escape. E. P. Cayce, Missouri Farmer, Farmington, Missouri, to Mr. M. P. Cayce, 19 June 1863, C-17 1863, Letters Received, ser. 2593, Department of the Missouri, RG 393 Pt. 1, in Berlin, *The Black Military Experience*, 227.

street as though they were possessed.” Late into the night, Scott watched the newly freed people “thronging the yard . . . cooking, preaching, praying, & dancing.”¹⁰¹

Slave owners complained to Governor Gamble about the mass escapes: “Our servants have been induced to run away and come to the Post at Lexington . . . We suppose that there are now or were on yesterday at least 150 negroes at the College and around it at Lexington.”¹⁰² At the Lexington post, escapees were given tents and food. Masters were turned away by the post commander, and slave owners found their former property essentially guarded by military authority, and protected from recapture.¹⁰³ By August 1863 there were an estimated 250 to 300 “men women & children” in camp; about a third had successfully achieved emancipation certificates as directed under Curtis’s orders.¹⁰⁴

Many of the fugitives “gathered at the various posts on railroad lines in the State”¹⁰⁵ Transportation via railroad or steamship was quite difficult for the refugees in the absence of military directives, as the state laws of Missouri held common carriers, such as railroads and steamships, legally responsible for the successful escape of fugitive slaves. In 1862, Malinda, an enslaved woman from Pettis County, Missouri, escaped bondage by traveling on Pacific Rail Road from Sedalia to St. Louis. Malinda’s

¹⁰¹ Diary of Elvira Ascenith Weir Scott (1860-1887), 31 Aug. 1863, Folklore Collection, Western Historical Manuscript Collection-Columbia, University of Missouri, Columbia, Missouri, 220.

¹⁰² John F. Ryland et al., to His Excellency Governor Gamble, 4 June 1863, R-44 1863, Letters Received, series 2786, Provost Marshal General, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 457.

¹⁰³ Ibid.

¹⁰⁴ Capt. H. B. Johnson, Provost Marshal at Lexington, Missouri, to the Commander of the District of the Border, 14 Aug. 1863, vol. 186 DMo, Letters Received, series 3107, District of the Border, RG 393 Pt. 2 No. 200, in Berlin, et al., *Wartime Genesis of Free Labor*, 577.

¹⁰⁵ Lucien Eaton to Major Genl. Schofield, 30 May 1863, E-101 1863, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 573.

legal slave owner, George W. McClure, filed a suit in the Pettis county court, suing the railroad for six hundred dollars in compensation.¹⁰⁶ Pacific Railroad reported it had been taken to court ten times by August 1863.¹⁰⁷ The president of the North Missouri Railroad complained that he had received letters “daily,” threatening suit from slave owners upset that the company had given enslaved people illegal passage.¹⁰⁸ Consequently, common carriers were reluctant to transport the refugees without a direct military order.¹⁰⁹

In response to the gathering of fugitives at transportation centers throughout the state, General Curtis instructed Colonel Bernard G. Farrar, an assistant to the provost marshal general, to arrange transportation for the stranded African Americans. Many

¹⁰⁶ The Pacific R.R. Company was charged with the “illegal transportation of slave.” *George W. McClure v. Pacific Rail Road Company*, 35 Mo. 189 (1864), was filed in the Circuit Court of Pettis County on 3 Oct. 1862. The case was decided by the Missouri State Supreme Court during its July 1864 Term. The Missouri State Supreme Court records for the case are housed in the Supreme Court Case Files, Missouri State Archives, Jefferson City, MO.

¹⁰⁷ G. R. Taylor to Major General Schofield, 10 June 1863, T-110 1863, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I; G. R. Taylor to Major General Schofield, 5 Aug. 1863, enclosing W. N. Grover to Geo. R. Taylor, Esq., 3 Aug. 1863, T-163 1863, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, and letters previously cited in Berlin, et al., *Destruction of Slavery*, 466.

¹⁰⁸ I. H. Sturgeon to Maj. Genl. Schofield, 9 Sept. 1863, and the enclosed Washington Graves, et al. to I. H. Sturgeon, 31 Aug. 1863, S-706 1863, Letters Received, ser. 2593, Dept. of the MO, RG 393, Pt. 1, in Berlin, et al., *Destruction of Slavery*, 465. Common carriers found themselves vulnerable to legal suits until the state legislature eradicated Missouri’s slave code on 31 Jan. 1865, nullifying any legal cases that derived from the antebellum crime the “illegal transportation of slaves.” *Laws of the State of Missouri Passed at the Adjourned Session of the Twenty-Third General Assembly . . .* [Jefferson City, 1866], 128-29, cited in Berlin, et al., *Destruction of Slavery*, 466.

¹⁰⁹ General William S. Rosecrans, Commander of the Department of the Missouri from January to December 1864, did not determine a policy until April 1864, when he clarified that railroad companies had military authorization to carry “colored persons having free papers, good under the laws of the State, or issued by competent Military authorities.” For primary sources referring to Rosecrans’s April 1864 order, see Major H. M. Dunn to Major General Rosecrans, 13 Apr. 1864; Maj. Genl. Rosecrans, 19 Apr. 1864, endorsement on Isaac H. Sturgeon to Maj. O.D. Greene, 7 Apr. 1864, S-793 1864, Letters Received, ser. 2786, Provost Marshal General, Dept. of the MO, RG 393 Pt. 1, cited and quoted from Berlin, et al., *Destruction of Slavery*, 466.

refugees were sent out of state, to employment in Iowa, Wisconsin and Illinois.¹¹⁰ This was not the first time that General Curtis antagonized slaveholders with his contraband-friendly policies.

General Curtis, formerly an Iowa politician with anti-slavery instincts, had entered the Civil War much more predisposed to support emancipation than many Missouri officers.¹¹¹ Prior to his appointment, Curtis had freed hundreds of enslaved women during a campaign against Confederates who had wintered in southwest Missouri. In February 1862, Curtis moved against the Confederate army led by General Sterling Price. As Curtis marched through southwestern Missouri and down into northern Arkansas, hundreds of enslaved people followed his army.

Officers observed that “immense numbers . . . were flocking into our camp daily” and of that number “quite a proportion were women and children.”¹¹² In March 1862, Samuel Curtis won the Battle at Pea Ridge and proceeded to march his army to the banks of the Mississippi River, where he set up camp at Helena, Arkansas. The fugitive men, women and children who had followed Curtis’s army set up an impromptu camp on the outskirts of Helena. Curtis confiscated and then emancipated this enslaved population under the First Confiscation Act, and he assigned them certificates of freedom, which attracted even more enslaved people to Helena, creating “a general stampede in this region of cotton and contempt for Yankees.”¹¹³

¹¹⁰ Maj. Genl. Samuel R. Curtis to Col. Farrar, 14 May 1863, vol. 13, DMO, 457, Letters Sent, ser. 2571, Dept. of the MO, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 574.

¹¹¹ Berlin, et al., *Destruction of Slavery*, 403; and Gerteis, *Civil War St. Louis*, 271-272.

¹¹² Report of Henry S. Eggleston, Major Second Battalion, First Wisconsin Cavalry, of skirmishes at Jonesborough and L’Anguille Ferry, Arkansas, 9 Aug. 1862, *OR*, 1, 13, 203.

¹¹³ Major-General Saml. R. Curtis, Headquarters Army of the Southwest, Helena, Arkansas, to Maj. Gen. H. W. Halleck, Washington, D.C., 31 July 1862, *OR*, 1, 13, 525. Curtis’s “free papers,” were actually certificates with printed orders to confiscate enslaved individuals and granted them a pass into free territory. The certificates read as follows: “. . . permitted to pass the pickets of this command northward, and are forever emancipated from a master who permitted them to assist in an attempt to break up the Government and Laws of our Country.” Special

Curtis's distribution of emancipation certificates placed the fugitives in a secure legal position compared to the enslaved people who informally followed the army. The best legal situation for a former slave was to receive official documentation from the military acknowledging that individual as an emancipated person under the Confiscation Act. Curtis assigned the certificates to men, women and children. And, unlike some other Union officers, Curtis admitted women, children and elderly people into camp, many of whom were considered "unsuitable for military labor."¹¹⁴

At least "[a] thousand contrabands" of "old men, women and children" dominated camp life.¹¹⁵ Conditions in camp were unfortunate—paid labor was scarce, overcrowding rampant, and sickness spread easily.¹¹⁶ Seeking to reduce the size of the camp, General Benjamin Prentiss, the Commander of the Eastern Arkansas Military District, developed a plan to improve conditions. In March 1863, Prentiss approved the travel of five hundred contrabands up the Mississippi river to St. Louis. But Prentiss neglected to inform General Curtis of his plan. By this time, Curtis was serving as Commander of the Department of the Missouri and was headquartered in St. Louis.

"Five hundred contrabands! What in the world shall I do with them?" General Curtis exclaimed when he first heard of the steamboat's arrival.¹¹⁷ He asserted that

Orders, No. 1250, Head Quarters Army of the South West, 15 Aug. 1862, General J. R. Chalmers Papers, series 117, Collections of Officers' Papers, Records of Military Commands, RG 109, in Berlin, et al., *Destruction of Slavery*, 292. General Curtis and his reliance on the First Confiscation Act is discussed in Berlin, et al., *Destruction of Slavery*, 25.

¹¹⁴ Berlin, et al., *Destruction of Slavery*, 259.

¹¹⁵ Colonel N.P. Chipman, Helena to General Curtis, Steamer Sunshine, 30 Dec. 1862, *OR*, 1, 22, *i*, 886.

¹¹⁶ Berlin, et al., *Wartime Genesis of Free Labor*, 574. On conditions at the Helena contraband camp, see Gerteis, *Civil War St. Louis*, 218-219; and Emily Parsons, *Memoir of Emily Elizabeth Parsons*, ed. by Theophilus Parsons (Boston: Little, Brown, and Co., 1880), 54-55, 61.

¹¹⁷ Samuel Sawyer, Superintendent of Contrabands at Helena, Arkansas, to General Benjamin M. Prentiss, the Commander of the District of Eastern Arkansas, St. Louis, 16 Mar. 1863, S-239 1863, Letters Received, series 2593, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 565; Maria R. Mann to "Elisa" 10 Feb. 1863, and Mann to

“Missouri must not be made the depot for the paupers of Arkansas.”¹¹⁸ Curtis quickly recovered his equilibrium and resolved to assist the contraband women, children and elderly men who arrived in St. Louis. He assigned the formerly abandoned Old Missouri Hotel to the new arrivals, and decided to demonstrate to the people of St. Louis “a precedent of shipping & unloading contrabands” into a city that had long protected the institution of slavery. Curtis assigned “an armed force to prevent disturbance” and he decided to make a show of disembarking the contrabands.¹¹⁹ As the new residents walked off the wharf to their new home at the Missouri Hotel in downtown St. Louis, the officer who accompanied them through the streets noted that “the whole city” came to watch this parade of former slaves.¹²⁰

Hundreds of formerly enslaved women came to live in downtown St. Louis, protected and provided for by the Union military. The Missouri Hotel became a center of contraband life in St. Louis. The impromptu refugee home meant that a sizeable population of contraband women and children occupied a visible spot in the downtown cityscape. Curtis assigned men from the 37th Iowa Volunteers to protect these new residents, and the American Missionary Association opened a school in the kitchen of the

unknown, fragment of letter, n.d., Maria R. Mann Papers, Library of Congress, Washington D.C., quoted in Gerteis, *Civil War St. Louis*, 274.

¹¹⁸ Saml. R. Curtis to Brig. Gen. B.M. Prentiss, 9 Mar. 1863, *OR*, 1, 22, *ii*, 146, quoted in Gerteis, *Civil War St. Louis*, 274.

¹¹⁹ Quoted in Gerteis, *Civil War St. Louis*, 274, see note 34.

¹²⁰ Samuel Sawyer, Superintendent of Contrabands at Helena, Arkansas, St. Louis, Missouri, to Brig. Gen. Prentiss, Commander of the District of Eastern Arkansas, 16 Mar. 1863, S-239 1863, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, in Berlin, et al., *Wartime Genesis of Free Labor*, 565-67; Gerteis, *Civil War St. Louis*, 274. The Old Missouri Hotel was located on Main Street and Morgan in downtown St. Louis. Samuel Sawyer, the local Superintendent of Contrabands, asserted that “the contrabands are rather pleased with the idea of the negroes running a big Hotel in St. Louis.” Samuel Sawyer to Maj. Gen. Curtis, 18 April 1863, *OR*, 1, 22, *ii*, 293; Gerteis, *Civil War St. Louis*, 276.

hotel.¹²¹ To the chagrin of politically powerful slaveholders in Missouri, General Curtis encouraged the process of emancipation through his recognition of the Union's obligations to the contraband population.

Slaveholders' complaints about General Curtis spiked in the spring of 1863 as they petitioned Governor Gamble and President Lincoln for his replacement. Lincoln removed Curtis as head of the Department that May, and he was replaced with his predecessor, General Schofield, who had a history of supporting slave owner interests. Formerly attached to the Missouri State Militia, Schofield held a protective attitude towards the Missouri slave code and sympathized with loyal slave owners.¹²² As late as July 1863, Schofield had questioned Secretary of War Stanton, inquiring if it was "the duty of the Military authorities" to provide emancipation certificates to those former slaves who qualified as contrabands under the First and Second Confiscation Acts.¹²³

By July 1863, General Schofield had overturned Curtis's Order 35. Schofield ordered the district provost marshals to turn over "each incidence of slaves claiming freedom" and send names of witnesses to headquarters "so that the matter may be turned over to the civil authorities."¹²⁴ Under Schofield's policy, enslaved women did not have the right to a military hearing before a provost marshal. Slave masters had been

¹²¹ Gerteis, *Civil War St. Louis*, 275-276; See also Lucien Eaton on 30 May 1863, who wrote about the 1500 contrabands housed in the Missouri Hotel with "a quartermasters, -a surgeon- & some clerks." Lucien Eaton, St. Louis, Missouri, to Major General Schofield, 30 May 1863, E-101 1863, Letters Received, series 2593, Department of the Missouri, RG 393 Pt. 1, in Berlin, et al., *Wartime Genesis of Free Labor*, 572.

¹²² Although Lincoln attempted to replace Curtis as early as March 1863, Schofield did not officially take command from General Curtis until May of 1863. See Gerteis, *Civil War St. Louis*, 272, 276, 279-282.

¹²³ Major General J. M. Schofield, Commander of the Department of the Missouri, St. Louis, to Honorable E. M. Stanton, Secretary of War, 17 July 1863, M-1499, Letters Received, series 12, RG 94, in Berlin, et al., *Destruction of Slavery*, 461-63, quoted in Gerteis, *Civil War St. Louis*, 280.

¹²⁴ Department of the Missouri, General Order No. 64, 8 July 1863, *OR*, 1, 22, ii, 359-60, quoted in Gerteis, *Civil War St. Louis*, 279-280.

clamoring for Curtis's replacement, and when that replacement came in the form of General Schofield, the ability of enslaved people to achieve free status through the Second Confiscation Act was badly weakened.¹²⁵

"I had had already trouble enough with her":¹²⁶
Fugitive Women and Loyal Slaveholders

Lucy Mack, a 35-year-old woman, "went off in the night" with her husband, George Mack, and their two children, Harriet and Zeno, in October 1862. Her master found her living at a military camp in St. Francois County but he "did not try to get her" because he thought it "useless."¹²⁷ But Lucy Mack, like many other fugitive women, remained in a precarious position, vulnerable to re-capture. After discovering Lucy living in St. Louis, her former owner visited a justice of the peace to request a warrant for her arrest. Lucy and her children were captured and imprisoned in the St. Louis jail, where their owner reclaimed them. In August 1863, her husband arrived at their St. Louis home to find that his wife and children had been sold into the Kentucky slave market. The sale of enslaved people into Kentucky increased in 1863 as other slave trade routes were closed to Union masters.¹²⁸ Fugitives like Lucy and George Mack were

¹²⁵ In March 1863, Lincoln originally ordered Major General Edwin V. Sumner to replace General Curtis as Commander of the Department because of all the complaints from Conservative Unionists. But Sumner died and Curtis remained in command until Lincoln replaced Curtis with John Schofield. Parrish, *Turbulent Partnership*, 119-21.

¹²⁶ "Testimony of Thomas North," 5 Aug. 1863 in Court Martial Records, "Proceedings of a General Court Martial Convened at St. Louis Missouri, August 5, 1863, for the trial of Col. W. P. Robinson, 23rd Reg. Missouri Volunteer Infantry", 19, NN-222, Box 1527, RG 153, Court Martial Index II-00 Series, 1859-1868, NARA, Washington D.C., 19. Hereafter, this will be referred to as *Court Martial of Col. W.P. Robinson*.

¹²⁷ "Deposition of Thomas Hill," 14 Sept. 1863, in file of "William A. Eads, St. Louis, Missouri," 15 Apr. 1864, F-1309, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-82, RG 109, NARA, Washington D.C.

¹²⁸ File of "William A. Eads, St. Louis, Missouri," 15 Apr. 1864, F-1309, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-82, RG 109, NARA, Washington D.C. Sale to Kentucky increased as a threat in the year 1863, as Missouri slave owners became alarmed at the destruction of slavery and began to search for strategies to recoup their capitol investments. Military officers estimated that over 1,000 enslaved people were sold in the Louisville slave market "within two months" of November 1863. Testimony of Major D.

continuously endangered by the Missouri slave code and the federal government's need to placate loyal slaveholders. George Mack noted that they "never had any free papers."¹²⁹

Official military policy allowed loyal masters to retrieve their slaves from the army through a civil process written into the slave code of Missouri. Once a slave owner determined the county in which his slave was "at large," he visited the local justice of the peace. The justice then issued the master a legal warrant, otherwise known as a writ, for retrieval of his slave. The master could then enlist the assistance of a local constable or sheriff to re-capture his property. These episodes were often violent as women and men who had escaped slavery struggled to elude the slave catchers.

Loyal slave owners like Charles Jones were infuriated when soldiers blocked slave catchers from retrieving fugitives, particularly after they had completed all of the requisite legal procedures. Jones seethed that the military had instituted "Evil by Civil Process" and was appalled that all of his "house servants down to the nurse of [his] little children" ran away to the army regiment. He chased his escapees to Washington, a town in Franklin County, where "they showed me what they call their free papers." Jones

C. Fitch and Captain M. H. Jewett, Members of the Louisville Contraband Commission to the American Freedmen's Inquire Commission, Louisville, Kentucky, [November 1863], filed with O-328, Letters Received, series 12, RG 94, in Berlin, et al., *Destruction of Slavery*, 592. It was not until 1 Mar. 1864, that General Rosecrans banned the out-of-state sale of enslaved Missourians. General Orders, No. 35, Headquarters, Department of the Missouri, 1 Mar. 1864, Orders & Circulars, series 44, RG 94, in Berlin, et al., *Destruction of Slavery*, 411-412. Previously, General Schofield instituted a similar ban on 10 Nov. 1863, and then loosened it to allow the sale of women and militarily ineligible men. Schofield also required the "consent" of the sold, an entirely unenforceable provision. Excerpt from Special Orders No. 307, Headquarters, Department of the Missouri, 10 Nov. 1863, filed with J-445 1864, Letters Received, RG 107; Major General J. M. Schofield to Lieutenant Colonel J. O. Broadhead, 9 Dec. 1863, M-927 1864, Letters Received, series 2786, Provost Marshal General, Department of the Missouri, RG 393 Pt. 1, cited in Berlin, et al., *Black Military Experience*, 189-90.

¹²⁹ "Statement of George Mack (colored)," 28 Aug. 1863, in file of "William A. Eads, St. Louis, Missouri," 15 Apr. 1864, F-1309, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-82, RG 109, NARA, Washington D.C.

insisted that he was a Union man, and he continued to complain to military officials and even in a letter to Abraham Lincoln: “*I am a Loyal American Citizen.*”¹³⁰

Troops from the 23rd Missouri Regiment Volunteer Infantry had set up camp outside of Washington.¹³¹ Union officers attached to this regiment liberally interpreted the congressional acts regarding contraband policy, in particular, the March 1862 article of war which forbade military personnel to assist slaveholders in their search for fugitives.¹³² As a consequence, the enslaved population of Franklin County began to escape *en masse* to the camp. Susan Roberts and Julia Jones, formerly enslaved in Franklin County, recalled that “we had all run away from and left our masters, and . . . we were living in a state of freedom.” Samuel and Edith Jane Perkins recalled that, during the war, they took their young son and ran away to Washington, “where there was a camp of Federal Troops.”¹³³

“Nearly all the slaves of Franklin County are now congregated at Washington” complained Charles Jones. Jones lost all of his enslaved property when twelve people, including a twelve-year-old girl, fled his farm to the camp at Washington, “taking with them whatever they saw proper . . .” The local officers refused to render any of these enslaved people to Jones, with the further assertion that the encampment “would resist

¹³⁰ Charles Jones to His Excellency Abraham Lincoln, 24 Mar. 1863, in Berlin, et al., *Destruction of Slavery*, 452. Jones also wrote to the Army District commander at St. Louis that all his house slaves had run away to Washington, Franklin County. See Charles Jones to Gen. Davidson, 24 Mar. 1863, Unentered Letters Received, ser. 2594, Department of the Missouri, RG 393 Pt. 1, cited in Berlin, et al., *Destruction of Slavery*, 453.

¹³¹ “Testimony of Jasper A. Guthridge, Private and Clerk for Col. Robinson, 23rd Reg MO Vol. Inf.,” 8 Aug. 1863, in *Court Martial of Col. W. P. Robinson*, 49, 50; and “Testimony of 1st Lt. Benj. F. Wyatt, Co. C, 23rd Reg, MO Vol Inf.,” 8 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 37. Captain Crandall was a member of Company G in the 23rd MO Reg. Vol.

¹³² U.S., *Statutes at Large*, vol. 12, p. 354

¹³³ “Testimony of Susan Roberts and Julia Jones” 8 Oct. 1878 and “Testimony of William Coleman,” both in the pension file of Samuel Perkins, Co. K, Reg. 56, United States Colored Infantry, Widows Application Number 172.706, Civil War Pension Files, RG 15, NARA, Washington D.C.

any & every effort to retake them.” Jones lamented that “We were all getting along prosperously & unitedly until a few months ago, when by some construction of some order, the officers assigned us in our County came to the conclusion that all negroes who came into the camp then, & ever afterwards were free.”¹³⁴

Charles Jones had lost a fortune in human property. He persisted in his attempts to recapture his former slaves and succeeded in apprehending a man named Sam, a woman named Polly, and her five children, Alice, Evaline, Sarah, Martha and Benjamin.¹³⁵ The evidence does not reveal if Jones used a legal writ to recapture the seven escapees. We do know that Charles Jones apprehended the fugitives and immediately took actions to liquidate his investment in human property before they might succeed in their escape attempts.¹³⁶ Jones promptly sold these seven people to a St. Louis slave trader, who wasted no time selling them into the thriving Kentucky slave trade. The sale of Missouri slaves into the Kentucky market boomed in the latter months of 1863 when slave owners like Jones rushed to salvage capital before their property escaped or was declared contraband by the US military.

Military officials investigated the out-of-state sale of Charles Jones’s former bondspeople. The Provost Marshal in St. Louis reported that Charles Jones was known as a loyal man, and the sale was declared legal.¹³⁷ The experience of these seven people,

¹³⁴ Charles Jones, Missouri Slaveholder, St. Louis, Missouri, to His Excellency Abraham Lincoln, 24 Mar. 1863, J-198 1863, Letters Received, RG 107, in Berlin, et al., *Destruction of Slavery*, 451-452.

¹³⁵ Captain Stephen E. Jones, Headquarters of District of Western Kentucky, Louisville, to Colonel Dick, Provost Marshal General of the Department of the Missouri, 15 Apr. 1863, B-128 1863, Letters Received, ser. 3514, Department of the Ohio, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 453-454.

¹³⁶ Ibid.

¹³⁷ James Huey and John “Newcum” bought Polly, her five children and Sam from A. Wiseman who had purchased them from Charles Jones of Franklin County. Military authorities arrested James Huey and John Newcum in Kentucky. Capt. Stephen E. Jones, Headquarters of District of Western Kentucky, Louisville, to Col. Dick, 15 Apr. 1863, and the attached endorsements, in Berlin, et al., *Destruction of Slavery*, 453-454. Provost Marshall General F.A. Dick uses the

who were sold into Kentucky slavery, reveals the risky and tenuous nature of the freedom achieved by fugitives, particularly fugitives who had “loyal” masters.

Charles Jones was not the only Franklin County master to lose his enslaved property to the troops stationed in the town of Washington. Lethe, an 18-year old woman, lived as a slave on a farm in Franklin County.¹³⁸ She had successfully escaped bondage by running to the camp in Washington. Her master, William North, was a Unionist and he enlisted the assistance of a business colleague, John B. Gray, who was the Adjutant General of Missouri in 1863.¹³⁹ Rather excitedly, Gray wrote a letter to Major General Curtis detailing the conflict between William North and the commander of the camp: “. . . the sheriff is fearful from threats which have been made by this same Captain Crandall that if he attempts to execute a civil writ, violence will be offered him.”¹⁴⁰ In response, Samuel Curtis emphasized that according to official military policy, officers should “especially avoid any interference with the negroes of Mr. North, who is a loyal man.”¹⁴¹

By July 1863, the soldiers encamped near the town of Washington marched to St. Louis and set up at Camp Edwards, about a mile from the Headquarters of the

endorsement on 21 Apr. 1863 to attest to the loyalty of Charles Jones. Capt. Stephen E. Jones forwarded the correspondence to Lt. Col. Richmond, A.A.G., on 24 Apr. 1863, to report that he had released the Huey, “Newcome”, and the slaves from military custody on Col. Dick’s information.

¹³⁸ “Testimony of Thomas North,” 5 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 15. See also *General Orders*, Supplement, No. 87, in *Court Martial of Col. W.P. Robinson*, 52-55.

¹³⁹ Letter from John B. Gray, Adjutant General of Missouri, St. Louis, to Major General Curtis, Commander, Department of the Missouri, 10 Apr. 1863, transcribed in the “Testimony of John B. Gray, Adjutant General of Missouri,” 5 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 8-9.

¹⁴⁰ “Testimony of John B. Gray, Adjutant General of Missouri,” 5 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 8.

¹⁴¹ *Ibid.*, 11.

Department of the Missouri.¹⁴² Thomas North, William's adult son and the manager of the Franklin County farm, pursued Lethe to St. Louis and hunted her down at Camp Edwards.¹⁴³ Once North arrived in St. Louis he visited a local justice of the peace. To retrieve his legal writ he described Lethe, the young woman he hoped to kidnap as "about 18 years old, Mulatto Color" who was "lurking about in the County of St. Louis."¹⁴⁴

Early the next morning, on July 11, 1863, Thomas North and a local constable arrived at Camp Edwards with the warrant in hand to recapture Lethe. After reading the warrant the Constable handed Colonel Robinson, the commander of Camp Edwards, a copy of the local newspaper, the *Missouri Republican*, which had published General Order No. 63. This order reiterated the command that military not interfere with the civil process of the state.¹⁴⁵ Despite being shown both the writ and the newspaper article, W. P. Robinson refused to turn over Lethe to Thomas North "on the ground that it interfered with a part of the order or act of Congress or the Presidents Proclamation."¹⁴⁶ Col. Robinson denied Thomas North access to his slave, despite the prominent North family's recognition as loyal citizens. Robinson told his clerk that he did not think that General Order No. 63 applied to Lethe's case because of the "existing orders from the War Department."¹⁴⁷ Lethe had narrowly avoided re-capture.

¹⁴² "Testimony of Benj. F. Wyatt, Lt. Co. C, 23rd Regiment, Missouri Vol. Infantry," 8 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 44. Camp Edwards was later renamed Camp Gamble.

¹⁴³ "Testimony of Thomas North," 5 Aug. 1863, in *Court Martial of Col. W.P. Robinson*.

¹⁴⁴ *Ibid.*, 15. North swore his testimony before John C. Cunningham, Justice of the Peace, on 10 July 1863.

¹⁴⁵ *Ibid.*, 17-22. The *Missouri Republican* published General Order No. 63 on 11 July 1863.

¹⁴⁶ "Testimony of John L. McBride, Constable for the city and county of St. Louis," 5 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 25.

¹⁴⁷ "Testimony of Jasper A. Guthridge, Private and Clerk for Col. Robinson, 23rd Regiment, Missouri Volunteer Infantry," 8 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 50.

Military authorities responded inconsistently to the legal writs issued by local justices of the peace. Some military officers did not understand that military policy allowed loyal masters with legal writs to re-capture fugitive slaves. The federal act which forbade the military from “rendering” slaves confused many officers as to their legal and military obligations towards slave masters. Other officers deliberately disobeyed military policy and refused to admit masters into military camps. Commanders had to instruct military officers stationed in Missouri to admit masters with warrants into their camps. For example, a Colonel Lane in Wellsville, Missouri, was chastised for harboring “runaway negroes” and preventing civil authorities from executing warrants for their arrest in October 1862.¹⁴⁸

About a week following Thomas North’s visit to Camp Edwards, the 23rd Regiment left for Rolla, Missouri, presumably with Lethe still attached to the military unit. Shortly after the regiment reached Rolla, Col. Robinson was arrested and charged with disobeying General Order No. 63. He was court-martialed in St. Louis and suspended from rank and pay for one month.¹⁴⁹ We do not know what happened to Lethe in the latter part of 1863, but we can make some educated guesses. Lethe may have continued to travel with the 23rd Regiment, fled into the anonymity of St. Louis, or crossed the river to Illinois. We do know that when Thomas North testified at Robinson’s court-martial he had failed to capture Lethe. North claimed he did not know Lethe’s whereabouts and “had had already trouble enough with her. I have not seen or heard of the negro since.”¹⁵⁰

¹⁴⁸ Brigadier-General Lewis Merrill, Hudson, Missouri, to Colonel Lane, Wellsville, Missouri, 28 October 1862, *OR*, 1, 13, 767.

¹⁴⁹ Supplement to the *Official Records*, 3, Corr., 3, 95, 55.

¹⁵⁰ “Testimony of Thomas North,” 5 Aug. 1863, in *Court Martial of Col. W.P. Robinson*, 19.

The demotion of Samuel Curtis and the rise of Schofield to commander of the Department made it more difficult for Union officers to assist fugitives of slavery.¹⁵¹ The *Westliche Post*, an abolitionist St. Louis newspaper, criticized General Schofield who, they claimed, had transformed the Missouri jail into “a real ‘slave pen.’ Every day blacks and colored people of all shades—men, women and children—are thrown into it.” The *Post* castigated Schofield for his strict policies towards fugitive slaves: “in the past month hundreds of liberated slaves have been carried back into slavery,” and they lamented that fugitives who worked for Union regiments, like Lethe, had been recaptured by slave owners. Under Schofield’s administration, Missouri became “Lincoln’s slave hunting ground”¹⁵²

At the start of the Civil War, the women refugees who ran to camps and towns presented a quandary to military officials confronted with the “vexing” question of what to do with the numerous women who ran to their camps.¹⁵³ The Confiscation Acts provided officers a tool for handling the enslaved women who sought out military regiments with the aim of bringing about their own practical emancipation.¹⁵⁴

The enforcement of contraband policies marked a watershed moment in the destruction of slavery in Missouri. African American petitioned provost marshals for “free papers” which confirmed their contraband status under the Second Confiscation

¹⁵¹ See Gerteis, *Civil War St. Louis*, 276-281, for a discussion of General Schofield’s appointment to Commander of the Missouri. Schofield’s actions of July 1863 are detailed on p. 280.

¹⁵² The article in the St. Louis *Westliche Post* is quoted in “Spirit of the German Press,” *Missouri Republican*, 16 Aug. 1863, reprinted in the *OR*, 1, 22, *ii*, 548.

¹⁵³ Major Genl. H.W. Halleck to Col. Carlin, 9 Jan. 1862, Unentered Letters Received, ser. 2594, Dept. of the MO, RG 393 Pt. 1, in Berlin, et al., *Destruction of Slavery*, 424.

¹⁵⁴ Although the Union military had hoped to avoid the issue of fugitive slaves, the actions of the enslaved population demanded that the military address the issue of slavery during the Civil War. Berlin, “Who Freed the Slaves.”

Act. In this process, enslaved women testified against slave owners. This development, the acceptance of slave testimony against slave owners, was a critical point in the construction of enslaved women's civic existence. It encouraged slave women to bring complaints and petitions to the provost marshals stationed throughout Missouri. But if access to freedom through the Confiscation Acts depended on the treacherous speech and behavior of former masters, we shall see that women could also make a positive claim for emancipation on the basis of the activities of their own kin.

CHAPTER III
 “A SOLDIER’S WIFE IS FREE”:
 AFRICAN AMERICAN SOLDIERS,
 ENSLAVED KIN, AND MILITARY CITIZENSHIP

“Do the best you can and do not fret too much for me,” wrote Ann Valentine to her soldier husband, Andrew in January 1864. Andrew Valentine had labored as a slave until his enlistment in the second regiment of black soldiers to be created in Missouri during the Civil War. A new recruit in the United States Colored Troops, his regiment organized at Benton Barracks, the St. Louis training center for Missouri’s African American soldiers. But his wife, Ann, was still trapped in slavery in Monroe County, deep in the Missouri countryside. Although the chaos of the Civil War had disrupted Missouri slavery, the institution persisted, particularly in the region known as “Little Dixie,” in the fertile lands along the Missouri and Mississippi Rivers. As the Union army began to enlist the enslaved men of Missouri, their families used the military status of their male relatives to deliver significant blows to the institution of slavery.

In November 1863, General John M. Schofield, the commander of the Department of the Missouri, ordered the enlistment of slaves into the Union army. Thousands of enslaved men were emancipated in return for their military service.¹ Five Missouri regiments of 8,344 men organized and trained at Benton Barracks in St. Louis. Almost 40 percent of all of Missouri’s able bodied African American men of military age enlisted in Missouri’s African American regiments. This percentage does not include the thousands of Missouri men who escaped to Kansas, Illinois and Iowa to enlist in those

¹ General Schofield issued General Order No. 135 which authorized the enlistment of Missouri’s enslaved men. Enslaved men did not require permission from their masters to enlist, but loyal masters could apply for monetary compensation. Ira Berlin, Joseph P. Reidy, Leslie S. Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. II, *The Black Military Experience* (New York: Cambridge University Press, 1982), 88-189; Ira Berlin, Steven F. Miller, Joseph P. Reidy, and Leslie Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. I, vol. I: *The Destruction of Slavery* (New York: Cambridge University Press, 1985), 46; John W. Blassingame, “The Recruitment of Negro Troops in Missouri During the Civil War,” *Missouri Historical Review* 58, no. 3 (April 1964): 36-56.

states' regiments.² A great number of enslaved women in Missouri were attached through kinship to the thousands of enlisted men recruited to serve in the Union army.

"You know that a Soldiers wife is free," Sam Bowman sent in a May 1864 letter to his wife from Benton Barracks Hospital, as he urged her to escape her owner, contact military authorities, and join him in the city.³ But Bowman's wife was not free. In May 1864, she was owned by a loyal Union man, and still legally enslaved according to the laws of the state of Missouri. The enlistment of slave men, however, did not free the families of black soldiers in Missouri. Wives, mothers, sisters and children of these enlisted men had to find their own paths to freedom. The relatives of enlisted men remained legally enslaved until slavery was abolished by Missouri's Constitutional Convention in January 1865.⁴

The female kin of soldiers identified the enlistment of their male relatives as a revolutionary moment and an opportunity to gain their own freedom. Ann Valentine's parting message revealed the political goals and hopes of many soldier's wives when her letter concluded that "it wont be long before I will be free and then all we make will be ours."⁵

The choices made by these thousands of enlisted men did not occur in a vacuum. Political beliefs about the war were discussed by enslaved African Americans. Henry C.

² Blassingame, "The Recruitment of Negro Troops," 332, 338; Berlin, et al., *The Black Military Experience*, 12. For some states, like Kansas, the number of black enlistees credited to the state exceeded the entire population of free blacks living in the state in 1860. The number of black men who served in Civil War regiments attributed to Iowa, Illinois, and Kansas are as follows: Iowa 440; Illinois 1,811; Kansas 2,080. Berlin, et al., *The Destruction of Slavery*, 410.

³ Sam Bowman to Dear Wife, 10 May 1864, W-497 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 pt. 1, National Archives and Records Administration (hereafter NARA), Washington, D.C., in Berlin, et al., *The Destruction of Slavery*, 483-485.

⁴ Louis S. Gerteis, *Civil War St. Louis* (Lawrence: University Press of Kansas, 2001), 291-292.

⁵ Ann to My Dear Husband, 19 Jan. 1864, enclosed in Brig. Genl. Wm. A. Pile to Maj. O. D. Greene, 11 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 pt. 1, NARA, Washington, D.C., in Berlin, et al., *The Black Military Experience*, 686-687.

Bruce, who lived as a slave in Chariton County during the war, recalled that, “The Colored people could meet and talk over what they heard about the latest battle, and what Mr. Lincoln had said, and the chances of their freedom”⁶ Enlistment decisions were made within slave communities. Eliza and Edy Jimmerson, two former slave women from Calloway County, recalled the community experience of black enlistment. In January 1865, Eliza Jimmerson explained that when her husband left to enlist at Fulton, Missouri, “nearly all the Black men in this neighborhood joined the Union army.”⁷ Edy Jimmerson recalled the common sentiment in her neighborhood that enlisted men were fighting not just for their own freedom, but for the freedom of their wives and children. “I have often heard these men say they were free, and was going to join the army and fight to free their wives and children”⁸

The soldier Richard Morton sent a letter to his wife Martha proclaiming his political belief that “I must fight for my freedom & yours for I have as good a Right to do it as any person.”⁹ The enslaved population believed that the families of soldiers ought to be freed, that the families deserved freedom as a matter of justice. A slave-owning resident of St. Louis, Mrs. E. Stewart wrote to President Lincoln complaining, “I don’t know what to do in present troubles but apply to your excellency for assistance.” Mrs.

⁶ Henry C. Bruce, *The New Man: Twenty-Nine Years a Slave, Twenty-Nine Years a Free Man* (York, Pennsylvania: P. Anstadt & Sons, 1895; reprinted Miami, Florida: Mnemosyne Publishing, 1969), 99.

⁷ “Statement of Eliza Jimmerson,” in the file of James M. Martien, 23 Jan. 1865, “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-179, RG 109, NARA, Washington, D.C.

⁸ “Statement of Edy Jimmerson,” in the file of James M. Martien, 23 Jan. 1865, “Union Provost Marshals’ File of Papers Relating to Individual Civilians.”

⁹ Letter of Richard Morton to his Wife Martha Morton, 4 Nov. 1864 in the pension file of Richard Morton, Widow Application Number (hereafter WA) 137.651, Widow Certificate Number (hereafter WC) 1.998.621, Contested Widow Application Number (hereafter CWA) 538.641, Co. E, Reg. 65, United States Colored Infantry (hereafter USC Inf.), Civil War Pension Files, RG 15, NARA, Washington D.C.

Stewart had previously possessed seven enslaved people, but two men had “gone” with the soldiers, and Mrs. Stewart wrote that of her remaining slaves, “two women & girls have left & gone to Chicago because they say that as the husband of one was in the army a year waiting on officers they are entitled to their freedom.”¹⁰ Even if their husbands may have only been serving as impressed contrabands, these enslaved women asserted that “they are entitled to their freedom” because of the military service of their husband.

Slave enlistment would propel mass escapes of enslaved women and children. The former slave Claiborne Holiday of Howard County recalled that when Ozette Hughes’s husband Tom “went to the army, a whole host of colored people went to Boonville both women and men and Ozette went along with them.”¹¹ Charlotte Hicks, Tom’s sister, recalled that “When Tom went to the army Ozett went off, like a lot of other colored folks & she never came back to that neighborhood.”¹² This group of Howard County slaves traveled to Boonville because it was the nearest recruiting station in their area. Once the men successfully enlisted at the recruiting stations, they traveled back home to assist those community members left behind.

Men traveled, usually on foot, to local recruiting stations to enlist. Mothers, sisters, wives and children accompanied enlisting men to recruiting offices when it was possible to escape as a family.¹³ The president of Columbia University observed that,

¹⁰ Mrs. E. Stewart to the President of the U. States (care of Provost Marshal St Louis), [Dec. 1863], S-340 1863, Letters Received, ser. 360, Colored Troops Division, RG 94 published in Berlin, et. al., *Destruction of Slavery*, 476.

¹¹ Testimony of Claiborne Holiday, 14 Aug. 1894, in the pension file of Thomas Hughes, Co. G, Reg. 65, USC Inf, and Co G, Reg. 67, USC Inf, Invalid Application (hereafter IA) 487.723, Invalid Certificate (hereafter IC) 415.777, WA ?74.164, WC 249.568, Civil War Pension Files, RG 15, NARA, Washington, D.C.

¹² Testimony of Charlotte Hicks, 16 Aug. 1894 in the pension file of Thomas Hughes, Civil War Pension Files.

¹³ Berlin, et al., *Black Military Experience*, 188-190; Berlin, et al., *Destruction of Slavery*, 410-411.

with enlistment “opened to the Africans, . . . there was an exodus of the men of military age to the Missouri towns of Jefferson, Mexico, and other recruiting posts; and some women followed husbands and brothers.”¹⁴ In June 1864, slave owner G. W. Miller of Boonville, Missouri wrote General Brown, asking that the recruited men be restrained to quarters because the men “are back here every few days in our kitchen” encouraging the “girls & women to run off from their masters.”¹⁵

Some women attempted to escape and failed. Malvina lived in Pike County, and attempted to reach the recruiting station at Hannibal with three enslaved men, Alfred, Henry, and Aaron Mitchell, but four white men captured the group and forcibly returned them to their slave owners in Prairieville, Missouri. Henry, Alfred, and Aaron were whipped as a punishment, and Alfred was later shot.¹⁶ The evidence does not reveal Malvina’s fate. Confederate sympathizers, angry slave owners, and slave patrols made these escapes dangerous endeavors, especially considering the political implications of enslaved people enlisting in the Union army.

Some women found a de-facto freedom in Missouri’s cities and towns while other women “joined the army” and labored for their husband’s regiments as cooks, laundresses and nurses. These women participated in the war effort, performing service in support of their regiment. Sara Carter and her husband George enlisted at Columbia, Missouri, and she stayed with his regiment for six months in Baton Rouge, Louisiana.¹⁷

¹⁴ J. H. Lathrop, President of Columbia University, Columbia, Missouri, to Gen. Clinton B. Fisk, Commander of the District of North Missouri, 8 Mar. 1865, Unentered Letters Received, ser. 2594, Dept. of the MO, RG 393 Pt. 1, in Berlin, et al., *The Wartime Genesis of Free Labor*, 618.

¹⁵ Letter from G.W. Miller to General Brown, Boonville, Missouri, 6 Jan. 1864, “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-191, RG 109, NARA, Washington D.C.

¹⁶ Affidavit of Aaron Mitchell, 4 Jan. 1864, Unentered Letters Received, ser. 2594, Dept. of the MO, RG 393 Pt. 1, in Berlin, et al., *Black Military Experience*, 237-238.

¹⁷ General Affidavit of Sarah Carter, 14 Aug. 1915, General Affidavit of George Carter, 22 Aug. 1913, in pension file of George Carter, Reg. 65, IA 996.570, IC 984.918, WA 1.051.439, WC 796.541, Civil War Pension Files, RG 15, NARA, Washington, D.C. Likewise, Edith Jane

Frassie Watkins migrated from St. Charles County, Missouri with her husband Frank: “I went with my husband at the time he enlisted in the Army, to St. Louis MO, and staid with him at Benton Barracks”¹⁸

“I went with him to the army,” stated Sidney Castleman, about her twenty-year-old husband, who served in the 65th Regiment of the United States Colored Troops.¹⁹ Sidney Castleman perceived herself to be an active participant in the Union cause. She did not remain at her slave home; she did not perceive herself as remaining on the “home front” while her husband went to war. She did not travel to a military post and wave farewell to her husband. Instead she viewed herself as going with her husband “to the army” where she labored for the regiment, and traveled with the troops. A woman who “joined the army,” grew well acquainted with her husband’s comrades. The Civil War experience cemented these ties, and in 1896, Sidney Castleman would testify in the Civil War pension claims of one of the soldiers who served with her husband.²⁰

Enslaved women like Sidney Castleman not only freed themselves through their escapes, they directly contributed to the Union war effort. The memoirs of Susie King Taylor detail her active role in the activities of a military regiment. Taylor was the wife

Perkins followed her husband’s unit to Helena, Arkansas, and remained with them for five months. Edith Jane Perkins, Grey’s Summit, Missouri, to “Sirs”, 9 Sep. 1878, in pension file of Samuel Perkins, Co. K, Reg. 56, USC Inf., WA 172.706, Civil War Pension Files, RG 15, NARA, Washington, D.C.

¹⁸ Testimony of Frassie Watkins, St. Charles, MO, undated (before 20 Mar. 1883), in pension file of Francis Watkins, Co. H, Reg. 56, USC Inf., WA 281.533, Civil War Pension Files, RG 15, NARA, Washington, D.C.

¹⁹ James (alias) Madison Castleman was born in Washington, Missouri and enlisted at St. Louis. Declaration for Widow’s Pension, in the pension file of James Madison Castleman, Co. H, Reg. 65, USC Inf, WA 571.535, Civil War Pension Files, RG 15, NARA, Washington, D.C.; Testimony of Sidney Castleman, St. Louis, Missouri, 13 Jan. 1896, in the pension file of Peter Pitman, Co. A, Reg. 65, USC Inf, IA 143.861, IC 92.600, WA 890.407, CWA 1.075.338, Civil War Pension Files, RG 15, NARA, Washington, D.C.

²⁰ Testimony of Sidney Castleman, St. Louis, Missouri, 13 Jan. 1896, in the pension file of Peter Pitman, Civil War Pension Files, RG 15, NARA, Washington, D.C.

of a soldier who enlisted in a South Carolina black regiment; a formerly enslaved woman, the regiment employed her as a “laundress.” But Taylor’s tasks far exceeded this bureaucratic designation: “I assisted in cleaning the guns and used to fire them off, to see if the cartridges were dry, before cleaning and re-loading, each day. I thought this great fun.” Susie King Taylor associated herself with her fellow “comrades” and their joint military cause. Taylor not only worked at her official labor as laundress, she also taught “the comrades in Company E to read and write” and nursed the injured and ill soldiers. Taylor enthusiastically joined in the military mission, which she connected with the destruction of slavery.²¹

It was not uncommon for enslaved women to follow Union regiments as a form of employment. But the military labor itself was invested with political significance for the women who chose to work for Union soldiers. Martha Dickson, who had previously worked as a slave in Springfield, Missouri, had run away and “found refuge with some Illinois abolitionists, who managed to keep her out of harm’s way until the outbreak of the war, when she followed a regiment as far South as Memphis as cook and laundress.”²² Dickson had already freed herself from slavery prior to deciding to follow a regiment.

Traveling with the regiment represented a strategy of keeping the family together, a common and pressing goal for slave families. But Union commanders did not allow many families to continue to travel with the soldiers once they reached a Union occupied town. Jane Barker and her children were put off the troop transport boat at Cape

²¹ Susie King Taylor, *A Black Woman’s Civil War Memoirs: Reminiscences of my Life in Camp with the 33rd U.S. Colored Troops, Late 1st South Carolina Volunteers*, Patricia W. Romero, ed. (New York: Markus Wiener Publishers, 1995), 41, 51, 61.

²² Missouri former slaves, interviewed 1892, published in John W. Blassingame, *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge: Louisiana State University Press, 1977), 508.

Girardeau, Missouri, as Cain urged her to “keep [the children] close to her.”²³ John Poe recalled that Cain Barker kept his wife “with him in the army as long as he could keep her there.”²⁴

Not all women supported the enlistment of their husbands. Robert Robinson recalled that he traveled to Tipton, Missouri “intending to enlist but my wife being opposed to my going from home I did not Enroll.”²⁵ Female relatives who remained enslaved could suffer overwork, physical abuse, and even sale into the thriving Kentucky slave market.²⁶ Not all enslaved men wanted to enlist, choosing instead to remain with their families and loved ones at home. Henry Bruce hid from a recruiting party scouring the Chariton County countryside seeking African American enlistees for an Iowa regiment. A few months later, he escaped with his fiancée to Leavenworth, Kansas.²⁷ Women left behind in Missouri posted letters to their husbands concerning their opinions about military service. “I would not have you desert the Service dishonorably for any

²³ “Testimony of Jane Barker” February 10, 1868 in the Civil War Pension File of Cain Barker, Co A 68th USC Inf. Widow application number 155,596; Contested Widow Application Number 310,542, NARA.

²⁴ “Testimony of John Poe” February 10, 1868 in the Civil War Pension File of Cain Barker, Co A 68th Reg USC Inf, Widow AN: 155,596; Con. WAN: 310,542, NARA.

²⁵ “Testimony of Robert Robinson,” April 9, 1901 in the pension file of Albert Grimes, 56th Reg USC Inf, unassigned (Widow Application 143549; Widow Certificate 512614) NARA, Washington, D.C.

²⁶ The wartime sale of slaves to Kentucky is further discussed in Chapter Two. Berlin, *Destruction of Slavery*, 48, 411. See also Excerpt from Special Orders No. 307, Head Quarters, Department of the Missouri, 10 Nov. 1863, filed with J-445 1864, Letters Received, RG 107; Maj. Genl. J. M. Schofield to Lt. col. J. O. Broadhead, 9 Dec. 1863, M-927 1863, Letters Received, ser. 2786, Provost Marshal general, dept. of the MO, RG 393 Pt. I, cited in Berlin, *Destruction of Slavery*, 411; Documents 91-94, Berlin, *Black Military Experience*, 242-249; Documents 222 and 223A, Berlin, *Destruction of Slavery*, 587-593.

²⁷ Bruce, *The New Man*, 107-112.

thing in the world,” Sarah McBain sent in a letter from Columbia, Missouri to her husband serving in Texas.²⁸

Slave owners sold the families of recruited men both as a punishment and as a tactic to depress the enlistment of other enslaved men. Two months after her husband enlisted at the Warrenton, Missouri recruiting station, the slave Mary Jane Davis and her two children were “sent off to Kentucky with negro traders.”²⁹ Masters also sold their slave property out of fear that they would lose their capital investments to slave escapes; this created a spike in Missouri slave sales to Kentucky in the latter part of 1863. Mary T. Dyson recalled how Dr. Moore, a resident of St. Louis, sold both her husband and friend, Elizabeth Porter to Kentucky because “When the Civil War came up, and people saw they were going to lose the slaves they sold them South.”³⁰

In November 1863, the month in which Schofield began to enlist slaves in Missouri regiments, Union officers reported that about 1,000 enslaved Missourians had been sold into Kentucky.³¹ Enslaved men feared slave owners would sell their families out-of-state, and the enlisted men feared they would lose contact with their families, and be unable to track them down on furloughs or after their release from military service. In February 1864, a man named Herbert P. Fromein warned the soldier, Henry, of a plot to

²⁸ “My dear Husband,” letter from Sarah McBain, Columbia, Missouri to Richard McBain, Co. D, Reg. 62, USC Inf, 21 Oct. 1865, in the pension file of Richard McBaine (alias) Richard Roberson, Co. D, Reg. 62, USC Inf, IA 824.380, IC 677.152, WA 520.995, CWA 723.495, RG 15, NARA, Washington, D.C.

²⁹ “Testimony of Mary Jane Davis,” October 25, 1877 in the pension file of Isaac Davis, Co A, 65th Reg USC Inf (WA 184881; WC 179287) NARA, Washington, D.C.

³⁰ “Testimony of Mary T. Dyson” September 27, 1922 in the Civil War Pension File of Emmanuel Porter (alias) Bradford Pruett, Co. A, REg 62 USC Inf, Invalid A: 447,410; Invalid Certificate: 335,643; Widow Application: 1,175,845; Widow Certificate: 928,200, NARA, Washington D.C.

³¹ Testimony of Maj. D. C. Fitch & Capt. M. H. Jewett, Nov. 1863, “Testimony by Members of the Louisville Contraband Commission before the American Freedmen’s Inquiry Commission,” filed with O-328 1863, Letters Received, ser. 12, RG 94, in Berlin, *Destruction of Slavery*, 592.

capture a fugitive woman, Sallie, who was an acquaintance of the soldier. “Dear Henry!” wrote Fromein, “they will try to get Sallie to go to see her girl there and then they will take and chain her and sell her to Kentucky to She had better be on her guard before it is too late . . . better take my advise Sallie and leave the sooner the better.”³²

Women who were unable to escape slavery with their male relatives were vulnerable to abuse from slave owners. In May 1864, Unionist J. F. Benjamin wrote the provost marshal at Hannibal, Missouri, concerned about the abuse suffered by Louisa, an enslaved woman who had three children and a husband in the Federal Army. Jesse D. Gray of Selby County owned Louisa, and she had been “subjected to the most barbarous treatment . . .” at his hands. Louisa fled to Benjamin’s household. Benjamin reported her condition in a letter to the Provost Marshal:

Her condition was beyond description. Her clothing was nothing but a collection of rags not Sufficient to cover her body. She had been compelled to do the outdoor work during the whole winter and her feet had been frozen the toes and skin on them coming off. She had no shoes. Her feet were bound in rags. She has made two attempts to get off but each time apprehended and whipped most unmercifully. She is now kept locked nights up.³³

J. F. Benjamin most likely reported Louisa’s condition to the local provost marshal because in addition to serving as the military police, the provost marshal was probably the same man who had recruited Louisa’s husband. Provost marshals had an interest in the abuse of soldiers’ families, especially because their fear of maltreated family members threatened to slow the enlistment of African American men.

³² “Dear Henry!” Herbert P. Fromein, Warrenton, Missouri to “Henry,” Co. A, 2nd MO African Descent, 2 Feb. 1864, enclosed in Brig. Genl. Wm. A. Pile to Maj. O. D. Greene, 11 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Department of the MO, Part I, RG 393 Pt. I, NARA, Washington D.C.

³³ “Letter from J. F. Benjamin to Provost Marshal,” Hannibal, Missouri, May 17, 1864, “Union Provost Marshals’ File of Papers Relating to Individual Civilians, M345-109, RG 109, NARA, Washington, D.C.

Enslaved Women's Complaints
Travel Up the Chain of Command

Enslaved women managed to send reports of their abuse up through the military bureaucracy. Union officials listened to these abuse reports – and enslaved women made quite clear that the situation was not acceptable and slave enlistment would be retarded unless the abuse was stopped. Martha Glover sent a letter from Mexico, Missouri to her husband at Benton Barracks in December 1863:

I have had nothing but trouble since you left. You recollect what I told you how they would do after you was gone. they abuse me because you went & say they will not take care of our children . . . and beat me scandalously the day before yesterday.

Martha Glover chastised her husband, telling him that he “ought not to left me in the fix I am in” and informed him that, “You need not tell me to beg any more married men to go. I see too much trouble to try and get any more into trouble too.”³⁴

Martha Glover informed military officers that the abuse of soldier's families would depress recruitment efforts. Her complaint, like those of other women who sent word to their husbands of their abuse, was communicated up the line of command and caused much consternation at the highest level in the Department of the Missouri. General William A. Pile, the commander of black recruits in Missouri, received word about Martha Glover's treatment and directed his adjutant general to write a letter to George W. Cardwell, the owner of Martha Glover, condemning her treatment and threatening military interference unless it ceased.

Not long after this letter was sent, Cardwell attempted to sell Martha Glover and her six children into the Kentucky slave trade. General Pile received word that Cardwell had brought the family to St. Louis for the purpose of this sale. Pile reported that he “went in person” to their place of residence and “took possession of the woman and

³⁴ Martha to My Dear Husband [Richard Glover], 30 Dec. 1863, enclosed in Brig. Genl. Wm. A. Pile to Maj. O.D. Greene, 11 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Dept. of the MO, Rg 393 Pt. 1, published in Berlin, *Black Military Experience*, p. 244.

children,” rescuing the family of his soldier. Pile wrote to General Rosecrans, the Commander of the Department of the Missouri, that the Department ought to develop policies that would protect the “wives and children of colored Soldiers,” in particular, from sale into Kentucky.³⁵ General Pile also sent a letter to Congressman Henry T. Blow, asking him for help for the families of black soldiers and informing him that the abuse the “families of colored soldiers are receiving at the hands of their masters in this State” has “almost suspended” black enlistment.³⁶

Union officers heard about the abuse of enslaved family members from enlisted soldiers, who had received the information by letter or word of mouth from their enslaved families. Civilian media, in particular *The Daily Missouri Democrat*, a Republican paper that strongly supported the Union cause, proclaimed that this abuse “urgently demand attention from the military authorities.” A story published in the paper reported that the African American enlistees training at Benton Barracks in St. Louis “frequently receive intelligence that their wives and children, left behind, are subjected to severe maltreatment”³⁷

When Simon Williamson and Richard Beasley enlisted in the army, their slave owner retaliated by whipping both of their wives. Simon Williamson learned that his wife, Lorinda Williamson, was given “a severe whipping” after she recruited a sympathetic neighbor to send him a letter.³⁸ The two husbands reported the abuse to

³⁵ Brig. Genl. Wm. A. Pile to Maj. Genl. Rosecrans, 23 Feb. 1864, enclosed in Brig. Genl. Wm. A. Pile to Maj. O.D. Greene, 17 Mar. 1864, P-197 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, published in Berlin, *Black Military Experience*, p. 245-246,

³⁶ Brig. Genl. Wm. A. Pile to Hon. Henry T. Blow, 26 Feb. 1864, enclosed in Brig. Genl. Wm. A. Pile to Maj. O.D. Greene, 17 Mar. 1864, P-197 1864, Letters Received, ser. 2593, Dept of the MO, RG 393 Pt. I, published in Berlin, *Black Military Experience*, 248-249.

³⁷ “The Colored Recruits at Benton Barracks,” *The Daily Missouri Democrat*, 20 Jan. 1864.

³⁸ Deposition of Lorinda Williamson, 27 Sept. 1881, in Civil War Pension File of Simon Williamson, 65th Regiment, USC Inf., Civil War Pension Files, RG 15, NARA.

their captain, and the complaints traveled up to General Pile, the commander of African American Union troops in Missouri.³⁹

When Martin Patterson enlisted, his wife was compelled to chop wood and do “out door work” customarily assigned to enslaved men. Patterson complained to his Lieutenant, William P. Denning that not only was his wife forced to perform outdoor work, but that “one of his children has been suffered to freeze, and has sinc died.”⁴⁰ Lt. Denning reported that “Complaints are made to me by men in my company that their families are ill treated by their masters” and several reports came in regarding the sale of families to Kentucky.⁴¹ “Hundreds of able bodied men are deterred from enlistment by fears of their families being abused or sold to Kentucky.” General Pile reported that “wives and children of these enlisted colored men are being smuggled across to Kentucky and sold,—and many others are suffering most brutal and inhuman treatment.”⁴²

³⁹ Capt. A. J. Hubard to Brig. Genl. Pile, 6 Feb. 1864, enclosed in Brig. Genl. Wm. A. Pile t Maj. O. D. Greene, 11 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, in Berlin, et al., *Black Military Experience*, 687-688.

⁴⁰ 1st Lieut. William P. Deming to Brig. Genl. Pile, 1 Feb 1864, enclosed in Brig. Genl. Wm. A. Pile to Maj. O. D. Greene, 11 Feb. 1864 published in Berlin, *Black Military Experience*, p.242-243.

⁴¹ 1st Lieut. William P. Deming, Co. H, 2nd MO Vol of African descent (hereafter “AD”), Benton Barrack, MO, 1 Feb 1864, Col. G. H. Barrett, 1 MO and R.B. Foster 1st Lieut. Comdg, Co, I, 1st MO AD, Benton Barracks, MO, 9 Jan. 1863, reported that “the wives and children of Priv. Marshall Taylor of Co. “I” have been abducted away by foul means and taken to Ky.” And Herbert P. Frowein to Henry, Co. A, 2nd MO AD, from Warrenton, MO, 2 Feb. 1864, “wife of Henry wishes to get away masters are selling slaves to KY.” All in alphabetical order in Vol. 746/1911, 1912, 1913 DMO (Entry number 2890/2891/2892) in “Letters Sent” USC Troops, 1863-65, Series 2890, Dept. of the MO, RG 393, Part I, NARA, Washington D.C.

⁴² Brig. Genl. Wm. A. Pile to Maj. O. D. Greene, 11 Feb. 1864 published in Berlin, *Black Military Experience*, p.242.

African American Women Petition
the Provost Marshals in the Missouri Interior

In response to this abuse, and emboldened by the military emancipation of their male relatives, many women fled to Union lines.⁴³ Enslaved women surprised military officials by turning up en-mass at military posts and towns occupied by Union forces. General Egbert B. Brown estimated 2,000 women, children, and elderly men had gathered at posts and towns in the military District of Central Missouri.⁴⁴ Military correspondence describes these migrations to Union-occupied towns throughout Missouri. In the town of Sedalia, the Provost Marshal contacted General Pile about the conditions of the stranded families: “We have a large number, of Black women and Children, many of them are the wives of soldiers, that have been enlisted in my District . . . what can be done for their benefit . . .”⁴⁵ At Independence, 200-300 elderly men, women, and children had migrated to the town by March 1864.⁴⁶ These refugees

⁴³ For example, the Provost Marshal for Mexico, Missouri reported in March 1864 that some enslaved women fled to town after their owner made them perform the outdoor labor that their enlisted husbands used to complete. Lieutenant A. A. Rice, who did not “Know what course to pursue,” sought advice from the Provost Marshal General in St. Louis. Lt. A. A. Rice, Provost Marshal at Mexico, Missouri, to Col., Provost Marshal General of the Department of the Missouri, 31 Mar. 1864, Letters Received, ser 2786, Provost Marshal General, Dept. of the MO, RG 393 Pt. 1, NARA, in Berlin, et al., *Wartime Genesis of Free Labor*, 600.

⁴⁴ E B Brown, Commander of the District of Central Missouri to Major O. D. Greene, Headquarters of the Department of the Missouri, 19 Mar. 1864, filed with S-264 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, published in Berlin, *Wartime Genesis of Free Labor*, p. 593.

⁴⁵ Lt. Wm. Argo, Provost Marshal, Sedalia, Missouri to Brigadier General Wm. A. Pyle, Superintendent of the Organization of Missouri Black Troops, 21 Mar. 1864, A-111 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, NARA, in Berlin, et al., *Destruction of Slavery*, 481.

⁴⁶ Maj. J. Nelson Smith, Commander of the Station at Independence, Missouri to 1st Lt. E. L. Burthoud, Headquarters of the 4th Subdistrict of Central Missouri, 15 Mar. 1864, Letters Received, ser. 3379, Dist. Of Central MO, RG 393 Pt. 2 No. 217, NARA, in Berlin, et al., *The Wartime Genesis of Free Labor*, 589.

lived in crowded conditions; one officer in Warrensburg, Missouri, reported that in “the Negro quarters” around thirty families resided in ten houses.⁴⁷

“Several colored women have come to this Post” wrote Major A.C. March, the local provost marshal stationed at Troy in Lincoln County, Missouri in April of 1864. Migrating women, many of them wives and mothers of soldiers, explained to the military officers that slave masters “do not want them about and are not willing to *feed them.*” These reports alarmed the provost marshal, who asked for “some instructions on the subject” from his superiors in St. Louis. In his report March stated that, in his opinion, slave masters treated the families of soldiers harshly to discourage enlistment.⁴⁸

These refugees from slavery traveled to railroad towns and military posts “under the impression that they can go with [their male kin] to St Louis.”⁴⁹ However, soldiers’ families found themselves stranded in towns because Missouri’s slave code held steamboats and railroad companies liable for escaped slaves.⁵⁰ “These negroes are not received as passengers on the steamboats running on the Missouri,” explained General Ewing, “the owners of the boats fear the penalties of the state laws against those who

⁴⁷ Lt. J. H. Smith, Provost Marshal of the 3rd Subdistrict of the District of Central Missouri, Warrensburg, Missouri to General E. B. Brown, Commander of the District of Central Missouri, 14 Apr. 1864, Unentered Letters Received, ser. 2594, Dept. of the MO, RG 393 Pt. 1, NARA, in Berlin, et al., *The Wartime Genesis of Free Labor*, 602.

⁴⁸ Maj. A. C. Marsh to Col. J. P. Sanderson, 5 Apr. 1864, M-454 1864, Letters Received, ser. 2786, Provost Marshal General, Dept. of the MO, RG 393, Pt. 1 published in Berlin, *Destruction of Slavery*, p.482.

⁴⁹ Lt. Franklin Swamp to Brig. Genl. Wm A. Pile, 11 Mar. 1864, S-264 1984, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, excerpt quoted in Berlin, *Wartime Genesis of Free Labor*, 595.

⁵⁰ Missouri slave owners could and did sue steamboat and railroad companies if fugitives used those common carriers. See Berlin, *Destruction of Slavery*, p. 465-466, particularly I. H. Sturgeon, Railroad President to Maj. Genl. Schofield, 9 Sep. 1863, Letters Received, Ser. 2593, Dept. of the MO, RG 393 Pt. I. The obstacles to travel by common carrier for enslaved people are discussed in greater detail in Chapter II.

carry off slaves.”⁵¹ Consequently, train and steamboat conductors would not allow fugitive slaves on common carriers without a military pass or an order from a commanding officer.⁵² As a result, families needed military passes to travel with their male kin to the training grounds and contraband camp at Benton Barracks in St. Louis.

General Egbert B. Brown complained in January 1864 that the women and children who had gathered at Union posts and towns constituted “a great annoyance.”⁵³ As the Commander of the Central District, General Brown would not permit women and children to travel to St. Louis with their enlisted male relatives, thus denying the family ties of enslaved Missourians. Brown recognized that wives wished to “follow their husbands who have entered the service” but he discounted their family relations and the legitimacy of slave marriages. Not only did Brown disparage the marriage ties of slave couples, he further stigmatized the women and children as diseased. He warned military headquarters that transporting them to St. Louis would bring to the city “about two thousand decrepid men, women, and children among whom the small pox and venereal prevails to a frightful extent . . .”⁵⁴ The military command had not considered enslaved

⁵¹ Brig. Genl. Thomas Ewing Jr. to Lt. Col. C. W. Marsh, 3 Aug. 1863, B-604 1863, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt 1 published in Berlin, *Black Military Experience*, 228

⁵² Lt. Swamp, the provost marshal for Tipton, was unable to give passes to the enslaved kin of black soldiers because of his current orders. Swamp wrote to General Pile in response to Pile’s inquiries about the stranded family members. General Pile, as the commander of Missouri’s black recruits, was concerned about the stranded family members and he advocated the policy of sending family members to the contraband camp at Benton Barracks in St. Louis. Lt. Franklin Swamp to Brig. Genl. Wm A. Pile, 11 Mar. 1864, S-264 1984, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, excerpt quoted in Berlin, *Wartime Genesis of Free Labor*, p. 595.

⁵³ Brig. Gen. E. B. Brown to Major O. D. Greene, 22 Jan. 1864, filed as C-85 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, excerpted in Berlin, *Wartime Genesis of Free Labor*, p. 592.

⁵⁴ E. B. Brown, Commander of the District of Central Missouri to Major O. D. Greene, Headquarters of the Department of the Missouri, 19 Mar. 1864, filed with S-264 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I, published in Berlin, *Wartime Genesis of Free Labor*, 593.

families when formulating their plan to enlist slave men. Now they had to respond to a migrant population of women and children attempting to follow the new soldiers.

“What shall I do with the negro women who come to this post, when their masters come after them and they refuse to go home?” inquired the provost marshal at Wellsville, Missouri in his letter to the Acting Provost Marshal General in February 1864.⁵⁵ Another provost marshal stationed in Mexico, Missouri wrote department headquarters about the soldiers’ wives and children who had “ran off and sought refuge here” He asked, “What should be done with them?”⁵⁶ The Provost Marshal General was swamped with questions concerning ‘what to do’ with the families of soldiers: “The inquiry made in regard to negro women and children, how they are to be cared for, is but the repetition of such inquiry by every mail, and from all parts of the department.”⁵⁷

“Some twenty five or more of the wives of men who have enlisted came into Louisiana and called upon me to protect them” reported Lt. Jeff Mayhall, a provost marshal stationed in Pike County. Mayhall warned his superiors that the abuse of enslaved women and children would shut down slave enlistment. Mayhall urgently wrote, “I also wish to call your attention to the fact that the Soldiers (Colored) wives and families are being awfully abused, particularly those belonging to Rebels” Mayhall wrote General William Pile, begging for permission to shelter the wives of soldiers from their masters. The provost marshal concluded with his horror at watching this situation

⁵⁵ “A. Kempinsky, Wellsville, MO, to Acting Provost-Marshal-General Colonel Marsh (received by S.S. Burdett),” St. Louis, Missouri, February 7, 1864, *Official Records*, Ser I, Volume 34, Part II, p. 268.

⁵⁶ Lt. A. A. Rice, Provost Marshal at Mexico, Missouri, to Col., Provost Marshal General of the Department of the Missouri, 31 Mar. 1864, Letters Received, ser. 2786, Provost Marshal General, Dept. of the MO, RG 393 Pt. I, published in Berlin, *Wartime Genesis of Free Labor*, 600-601.

⁵⁷ “A. A. Rice, Lt. and Assistant Provost-Marshal at Mexico, MO to Col. J. P. Sanderson, P.M.G.”, March 31, 1864, *Official Records*, Ser I, Vol 34, Part II, p. 799 and “Col. J. P. Sanderson, Provost-Marshal-General, endorsing and forwarding Rice’s letter to the General Commander of the Missouri,” April 4, 1864, *Official Records*, Ser I, Vol 34, Part II, p. 799-800.

unfold as slave owners came into town to capture the women, “. . . you I am confident, never saw such a scene in your life. I hope I may never witness the like again.” Mayhall warned Pile that because he was not allowed to protect the families of soldiers from recapture, this had “completely put a stop to the recruiting business” and furthermore, if a solution could be found, he could “recruit 300 men in this country.”⁵⁸

In early February 1864, the acting Provost Marshal General S. S. Burdett was receiving “almost daily” communications from the local provost marshals about these appeals from soldiers’ families.⁵⁹ “The wife of a colored recruit came into my Office to night and says she has been severely beaten and driven from home by her master and owner. She has a child some two years old with her, and says she left two larger ones at home,” reported the provost marshal at Fulton to his commander. This wife sought assistance with transportation in order to join her husband: “She desires to be sent forward with her husband.”⁶⁰

Women approached local provost marshals for protection from slave masters. They made numerous complaints about abuse, overwork and fears that their owners would sell them into the Kentucky slave market. The provost marshal stationed at Mexico, Missouri reported to headquarters: “I am informed that there are many cases where the negro men enlist their wives are made to do the work formerly done by the

⁵⁸ Lieut. Jeff. A. Mayhall to Brig. Genl. Pile, 4 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1 enclosed in Brig. Genl Wm. A. Pile to Maj. O.D. Greene, 11 Feb. 1864, in Berlin, *Black Military Experience*, 243.

⁵⁹ S S Burdett Act’g Pro. Mar. Gen. [endorsement] Feb. 9, 1864, Headquarters Dept of the MO, Office Pro Mar Genl, St. Louis, endorsement on the letter of captain John Gould to Hon. E. M. Stanton, 21 Jan. 1864, G-71 1864, Letters Received, RG 107, NARA, Washington, D.C., published in Berlin, *Black Military Experience*, p. 247.

⁶⁰ Capt. Hiram Cornell to Col. J. P. Sanderson, 28 Mar. 1864, C-258 1864, Letters Received, ser. 2786, Provost Marshal General, Dept. of the MO, RG 393 Pt. I published in Berlin, *Black Military Experience*, p.688.

men.”⁶¹ Captain Gould, commissary officer in Lexington, Missouri, wrote Secretary of War Edwin M. Stanton to warn that the continued enslavement of soldier’s families would discourage slave men from enlisting. Gould noted that slave owners had recaptured the fugitive families of enlisted men. He urged Washington to intervene, predicting that if the families could not be protected from slave owners, the enlistments of family men would cease.⁶² Provost Marshal General Burdett similarly endorsed a letter to Secretary Stanton discussing these abuses. He noted that once the enslaved population understood that the military had little legal power to interfere with these sales, the “. . . enlistments of men having families will be entirely at an end.”⁶³ General W. S. Rosecrans, Commander of the Department of the Missouri, concluded it would be an act of justice if the War Department were to free the families of enlisted men.⁶⁴

Enslaved women persisted in their pursuit of freedom, protection, and assistance from the provost marshals, entering their offices, stating their situations, and petitioning the military to grant them free emancipation certificates or passes to leave the area. Wives, mothers and sisters of African American soldiers gave testimony and the provost marshals took sworn statements from these witnesses. This testimony often featured common elements: an accusation that the slave owners were rebels, and a claim that male

⁶¹ A. A. Rice, Lieutenant and Assistant Provost-Marshal at Mexico, Mo, March 31, 1864 to Col. J. P. Sanderson, Provost-Marshal-General, Official Records, Series 1, Volume 34, Part II, p.799; also published in Lt. A. A. Rice to Col., 31 Mar. 1864, Letters Received, ser. 2786, Provost Marshal general, dept. of the MO, Rg 393 Pt. I published in Berlin, *Wartime Labor*, p.600.

⁶² Captain John Gould to , Army Commissary Officer to Hon. E. M. Stanton, 21 Jan. 1864, G-71 1864, Letters Received, RG 107 in BME Berlin, 247.

⁶³ Endorsement of S. s. Burdett, Acting Provost Marshal General on letter of Captain John Gould to Hon. E. M. Stanton, 21 Jan. 1864, G-71 1864, Letters Received, RG 107, NARA, Washington D.C., in Berlin, et al., *Black Military Enlistment*, 247.

⁶⁴ Endorsement of W. S. Rosecrans, Major General Commanding the Department of the Missouri endorsement on the letter of captain John Gould to Hon. E. M. Stanton, 21 Jan. 1864, G-71 1864, Letters Received, RG 107, National Archives, Washington D.C., Berlin, et al., *Black Military Enlistment*, 247.

relatives were serving in Union forces.⁶⁵ Paulina Jones received a pass for herself and two children from the local provost marshal. The pass stated that “My husband Alfred Jones enlisted in the United States Army on the 22nd day of December 1863 at Hannibal MO. Ever since my masters family have treated me very badly & threatened to separate my children from me & that my husband should never come back to the house again & that if he did [her master] would shoot him on sight.” The provost marshal certified that her husband Alfred Jones had been “recruited by me” at Hannibal, Missouri in December 1863 and he gave Paulina Jones de-facto freedom when he issued her a military pass.⁶⁶

Complaints of abuse at the hands of masters featured prominently in the testimony. Maria Brown stated that Dr. Andy Brown had struck her with a stick to such a degree that she had “to take to my bed.”⁶⁷ Mary Franklin received a pass from the provost marshal in Hannibal, Missouri after swearing that her husband was enlisted in the Union army and that she was “hired out to one Warren Finley, who has a son in the rebel army, and that the said Warren Finley did strike her” The provost marshal also noted her husband’s current service and that Franklin “wishes to labor for herself.”⁶⁸ Notably, Franklin did not testify that her owner, Nancy Samuel of Marion County, was disloyal.

⁶⁵ “Statement of Eviline Cox,” Monroe County, Missouri, 6 Jun. 1864, “Union Provost Marshals’ File of Papers relating to Individual Civilians,” M345-60, NARA, Washington D.C.; Statement of Hannah Carey, Hannibal, Missouri, 5 May 1864, “Union Provost Marshals’ File of Papers relating to Individual Civilians,” M345-46, NARA, Washington D.C.

⁶⁶ “Statement of Paulina Jones and Pass,” Hannibal, Marion County, Missouri, 22 Febuary 1864, “Union Provost Marshals’ File of Papers relating to Individual Civilians,” M345-148 NARA, Washington D.C.

⁶⁷ “Statement of Maria Brown,” Hannibal, Missouri, 9 May 1864, “Union Provost Marshals’ File of Papers relating to Individual Civilians,” M345-38, NARA, Washington D.C.

⁶⁸ “Statement of Mary Franklin,” Hannibal, Missouri, 26 Apr. 1864, “Union Provost Marshals’ File of Papers relating to Individual Civilians,” M345-96, NARA, Washington D.C.

Women like Mary Franklin performed political work with their choice to include physical assaults in their complaints. Violence against slave women was not officially a military concern, yet she brought this assault to the marshal, presenting it as a fact relevant to her case. Her complaint collapsed the rhetorical boundaries between the private and the public realms and reclassified the physical attack of enslaved women as a military matter. Removing herself from the classification of “domestic dependents” who existed outside of the body politic, Franklin repositioned herself as an individual who had the right to complain about physical abuse. Franklin did not simply narrate her assault to a family member, a sympathetic white neighbor, or a local Unionist resident; she presented her complaint to a military representative, an agent of the state. Her accusation challenged the legal prerogatives of white people to physically assault slave women, and revealed one of the political priorities of enslaved woman—the right to physical protection.

Enslaved women sought out the provost marshals for assistance because these officers had enlisted their male relatives in the military. The provost marshals in Missouri operated as military police, but they were also responsible for the enlistment of slave men. General John Schofield forbade the practice of traveling recruiting parties, fearing that such a practice would greatly upset Missouri slave owners. Consequently, enslaved men had to travel to local provost marshal offices to enlist. Enslaved women were familiar with the location of these recruiting stations, and they knew that these men were responsible for enlisting their relatives into the military.⁶⁹

Provost marshals were reluctant to ignore the petitioners when they traveled to their offices and petitioned for the military to intervene with the abuse or threatened sale of a soldier’s wife or a soldier’s mother. As the wives and mothers of soldiers, enslaved

⁶⁹ Berlin, et al., *Black Military Experience*, 188-189; Gerteis, *Civil War St. Louis*, 283; Blassingame, *Slave Testimony*, 332; Berlin, et al., *Destruction of Slavery*, 409-410.

women had a moral claim on the men who had enlisted their husbands and sons. In February 1864, the provost marshal of Louisiana, Missouri, Jeff Mayhew, implored General Pile, “If the government calls on the negro to fight her battles—in Gods name protect their wives and children while they are in the army.”⁷⁰ Enslaved women were now the kin of soldiers, they had contributed to the cause of the Union military, and they sought their freedom as a matter of justice. In turn, some military officials recognized that they had an obligation to the families of soldiers. General William Pile, the Commander of Missouri’s United States Colored Troops, consistently advocated for the families of soldiers, urging the military to send their wives and children to the contraband camp at Benton Barracks in St. Louis where shelter, rations, and schooling would be provided.⁷¹

Despite Pile’s advocacy, soldiers’ families often had to find their own way to St. Louis. Almeda Patterson, an example of this migration, travelled to the city in search of paid labor. Martin Patterson, her soldier husband, appears in military records as one of the enlisted soldiers who reported the abuse of his wife and children. Patterson reported to his Lieutenant that, after his enlistment, his wife’s master forced her to work outdoors and perform heavy labor. The slave owner so abused their child that he “has been suffered to freeze, and has sinc died.”⁷²

⁷⁰ Lieut. Jeff A. Mayhall, Asst. Provost Marshal to Brig. Genl. Pile, 4 Feb. 1864, P-91, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I enclosed in Brig. Genl. Wm. A. Pile to Maj. O.D. Greene, 11 Feb. 1864, published in Berlin, *Black Military Experience*, p. 243.

⁷¹ Brig. Genl. Wm. A. Pile to Maj. O. D. Greene, 29 March 1864, filed with S-264 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. I published in Berlin, *Wartime Genesis of Free Labor*, p. 593.

⁷² 1st Lieut. William P. Deming to Brig. Genl. Pile, 1 Feb 1864, enclosed in Brig. Genl. Wm. A. Pile to Maj. O. D. Greene, 11 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C. published in Berlin, *Black Military Experience*, p.242-243. Martin Patterson sometimes used the last name of Young, and Almeda and his children, at times, went by the last name of Young. This name was passed down to Martin through his patrilineal line from his father. The Civil War pension files reveal that many enslaved soldiers possessed family names, although white owners often did not recognize these names. “Deposition of Laura Patterson,” Kansas City, Missouri, 18 Nov. 1918, “Deposition of

A few months after Martin Patterson enlisted in the army, Almeda left her slave home in Howard County with a young son, her half-sister, and would give birth to another child while en route to St. Louis. Her journey to the city was slow and would take more than a year. She left the Patterson place with her mother, her half-sister, her young son Will, and her travels were interrupted in the small Missouri town of Knobnaster where she gave birth to another child. Following the birth of her infant, she travelled to Warrensburg where she lived for several months. From there, Almeda made her way to St. Louis with a group of acquaintances: “We just said we was going to St. Louis and picked up and went, some women and a couple of men.”⁷³ After she arrived in St. Louis, Almeda found work cooking for a banker.

Occasionally the families of soldiers were lucky enough to receive military transport to St. Louis. In November 1864, a party of enlistees and several African American women, most likely family members, traveled by rail from the Missouri countryside to St. Louis with a military escort. Once in the city, this group, escorted by a white Lieutenant, transferred to a St. Louis streetcar to get to the Contraband Camp and training facility at Benton Barracks. The African American women sat inside the streetcar as a squad of enlisted men rode on the platform, occupying public space usually reserved for those individuals classified as “white ladies.” A white St. Louis resident would protest this challenge to the racial segregation of his cityscape, complaining to General Rosencranz in a letter that his wife “objected to ride in the same car with negroes

Myra Williams,” Kansas City, Missouri, 18 Jan. 1919, both in the pension file of Martin Patterson, Co. H, Reg. 65, USCT, IA 313.228, IC 570.242, WA 1.115.498, WA 872.495, Civil War Pension Files, RG 15, NARA, Washington, D.C.

⁷³ “Deposition of Almeda Patterson,” Kansas City, Missouri, 15 Nov. 1918, “Deposition of Almeda Patterson,” Kansas City, Missouri, 29 Jan. 1919, “Deposition of Mary Jane Jordan,” Missouri, 18 Jan. 1919, “Deposition of Harriet Estis,” Warrensburg, Missouri, 14 Jan. 1919, “Department of the Interior Questionnaire of Martin Patterson,” 4 May 1898, “Department of the Interior Questionnaire of Martin Patterson,” Kansas City, Missouri, 13 Apr. 1915, all in the pension file of Martin Patterson.

. . . .” These St. Louis white residents insisted that the African American women ought to stand outside on the platform with the soldiers, where African American residents customarily rode in accordance with the informal practices of the city’s streetcar lines. Lieutenant Albert Demar of the 27th Regiment objected, asserting that African American women “had as much right in the Car as white people” Ultimately, Lieutenant Demar backed down after further debate and directed the women to stand on the outside platform, at which time the white residents consented to board the streetcar.⁷⁴

Women and children who managed to travel to St. Louis could find refuge at Benton Barrack’s contraband camp. General Schofield created the contraband camp at Benton Barracks in 1863, removing the refugees out of the St. Louis Missouri Hotel to reside at this new complex. Thousands of people, including the family members who followed and arrived with soldiers received aid and shelter at the Barracks.⁷⁵ The camp also provided shelter, rations, and medical attention to the refugees. Military chaplains legally married couples at Benton Barracks, thus granting federal acknowledgement of marital ties.⁷⁶

The Superintendent of Contrabands at the camp, W. H. Corkhill, noted the “accumulation of Women and Children” arriving at the facility.⁷⁷ Women, children, and

⁷⁴ S. A. Douglas, Agent of St. Louis Transfer Co., St. Louis, Missouri to Gen’l Rosecrans, 17 Nov. 1864, Letters Received, A-516 1864, ser. 3285, St. Louis District, RG 393 Pt. 2, NARA, Washington, D.C.

⁷⁵ Berlin, *Wartime*, 558. Gerteis, *Civil War St. Louis*, 224, 287, 291. Hospital Chaplain W. H. Corkhill, Superintendent of Contrabands at the Benton Barracks Contraband Camp, Missouri, to A.A.A. Genl. J. H. Clendening, Headquarters of the Superintendent of the Organization of Missouri Black Troops, 28 Mar. 1864, Miscellaneous Letters & Reports Received, ser. 2595, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C., in Berlin, et al., *Wartime Genesis of Free Labor*, 597-598, cited in Berlin, *Civil War St. Louis*, 291.

⁷⁶ For information on Benton Barracks, see Berlin, *Wartime*, p.558;

⁷⁷ Hospital Chap. W. H. Corkhill to A.A. General O. D. Greene, 27 Apr. 1864, C-415 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D.C., in Berlin, et al., *Wartime Genesis of Free Labor*, 598.

sick soldiers attended the school taught by Superintendent Corkhill's daughter.⁷⁸ Mary A. Bell, the daughter of soldier Spottswood Rice, attended school with the enlisted men at Benton Barracks for several months. She relocated from Howard County, Missouri to join her family living near the Barracks in St. Louis.⁷⁹ Her mother and ten siblings had managed to travel to St. Louis to join her father, who was convalescing in the hospital at Benton Barracks. But his daughters, Mary and her sister Cora, were still held in slavery in the Missouri town of Glasgow, each owned respectively by a woman named Kitty Diggs and her brother F. W. Diggs. While convalescing, Spottswood Rice wrote to Kitty Diggs in September 1864 from Benton Barracks hospital, asserting his right as a father to custody of Mary, and threatened military vengeance if she did not allow his child to join the family in St. Louis:

. . . now I want you to understand that mary is my Child and she is a God given rite of my own and you may hold on to hear as long as you can but I want you to remember this one thing that the longor you keep my Child from me the longor you will have to burn in hell and the qwicer youll get their⁸⁰

Spottswood Rice used his connection to the military in an attempt to assert his parental rights, specifically his rights as a father. He did so in a gendered manner, threatening military force to free his daughter. Rice also sent a letter to Mary and her sister Cora, assuring them that the Union army would help him free his daughters: "Dont be uneasy my children I expect to have you. If Diggs don't give you up this government will and I

⁷⁸ "The Colored Recruits at Benton Barracks," *The Daily Missouri Democrat*, 20 Jan. 1864.

⁷⁹ Mary A. Bell, "She Loves Army Man," oral narrative in *The American Slave: A Composite Autobiography*, first edition, vol. 11, ed. George P. Rawick (Westport, Conn.: 1972), in "Ain't But a Place": *An Anthology of African American Writings about St. Louis*, ed. Gerald Early (St. Louis, Missouri: Missouri Historical Society Press, 1998), 57. Testimony of Arry Rice (wife), St. Louis, Missouri, 27 Sep. 1886, in pension file of Spottswood Rice, Co. A, Reg. 67, USC Inf, IA 487.999, IC 529.750, WA 880.044, WC 659.775, Civil War Pension Files, RG 15, NARA, Washington, D.C.

⁸⁰ Spottswood Rice to Kittey digs, [3 Sept. 1864], F. W. Diggs to Genl. Rosecrans, 10 Sept. 1864, D-296 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D. C., in Berlin, et al., *Black Military Experience*, 690.

feel confident that I will get you”⁸¹ The evidence does not reveal how Mary reached St. Louis, but we do know that she came to the city after Spotswood Rice sent these letters to Glasgow. Mary Rice Bell understood that her father, as a Union soldier, had struggled to free her from bondage. Bell would recall, years later when she was 85-year-old pensioner, “I love army men, my father, brother, husband and son were all army men. I love a man who will fight for his rights, and any person that wants to be something.”⁸²

African American Women Petition
the Provost Marshals in St. Louis

After migrating to St. Louis, women continued to petition the local provost marshals. As residents of the city, these women, mobilized by the Civil War crisis, and exposed to discussions of rights and freedom, pursued a myriad of complaints in the office of the provost marshal. As freedwomen, they wanted more than passes to St. Louis. The enlistment of slave men changed the grounds on which soldier’s wives could seek military assistance. Formerly enslaved women were now the kin of soldiers, and their families had contributed to the fight for the Union. Women used this moral claim as they sought to be included within the military justice system.

Many of the mothers, sisters and wives of African American soldiers found domestic labor positions in the city.⁸³ These African American women sought out the

⁸¹ Private Spotswood Rice, St. Louis, Missouri to My Children, [3 Sept. 1864], enclosed in F. W. Diggs to Genl. Rosecrans, 10 Sept. 1864, D-296 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, NARA, Washington, D. C., in Berlin, et al., *Black Military Experience*, 689-690.

⁸² Mary A. Bell, “She Loves Army Man,” oral narrative in *The American Slave: A Composite Autobiography*, first edition, vol. 11, ed. George P. Rawick (Westport, Conn.: 1972), in “*Ain’t But a Place*”: *An Anthology of African American Writings about St. Louis*, ed. Gerald Early (St. Louis, Missouri: Missouri Historical Society Press, 1998), 59.

⁸³ Endorsement of General William A. Pile on letter from Lt. Wm. Argo to Brigadier General Wm. A. Pyle, 21 Mar. 1864, A-111, Letters Received, ser. 2593, Dept. of the MO, RG 393, Pt. 1, in *The Destruction of Slavery*, p. 481-482; Brig. Genl. Wm. A. Pile to Maj. O. D. Greene, 29 March 1864, filed with S-264 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393, Pt. I published in *The Wartime Genesis of Free Labor: The Upper South*, ed. by Ira Berlin, Steven F.

provost marshals, who had in many cases recruited their male kin, and presented those officers with labor disputes, framing their complaints as the economic justice due to soldier's kin. An unnamed "wife of a U.S. soldier" identified her connection to the military when she lodged a complaint at the St. Louis district office for "Fourteen dollars & fifty cents" owed to her by St. Louis resident W. M. Marshall. The district provost marshal wrote to her employer, stating that he "will make immediate settlement of this claim or you will be required to appear at this office in reference to the matter."⁸⁴

Annie Link was a twenty-year-old soldier's wife who visited the St. Louis District provost marshal to inform him that she was "a soldier's wife" who made "her living by washing" and was owed five dollars and fifty-cents by one Mrs. Francis. Link accused her client of neglecting to pay for laundering services, and stated under oath that "Mrs. F. shook the money in her face and at the same time declared she would not pay her." As she stood in the marshal's office, Link used her status as soldier's wife to claim a national identity, contrasting her patriotism with her employer's Confederate sympathies: "Mrs. F. is a violent rebel. [She] has heard her say that "she wished the U.S. Soldiers were in Hell."⁸⁵

By the time legislative emancipation was enacted in January 1865, the formerly enslaved women of Missouri had become accustomed to bringing their claims for assistance to the provost marshal. In June 1865, the soldier's wife Lucinda Farris visited the office of the district provost marshal in St. Louis to enlist his help in regaining custody of her fourteen-year-old daughter Fannie, who was sold into the Kentucky slave

Miller, Joseph P. Reidy, and Leslie Rowland, *Freedom: Documentary History of Emancipation, 1861-1867*, Series 1, Volume 2: (New York: Cambridge University Press, 1993), 594-595.

⁸⁴ L. C. Matlack, Major and St. Louis District Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to W. M. Marshall, St. Louis, MO, March 20, 1865, in "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

⁸⁵ "Statement of Annie Link," March 25, 1864, F-1481 in "Union Provost Marshals' File of Papers Relating to Individual Civilians" M345-167, RG 109, NARA, Washington, D.C.

market a year earlier by her former owner. Farris, who had lived as a slave in Boonsville, Missouri, testified that her owner had kept all of her good clothes, and the “sugar and coffee her husband had bought before he left for the army” and “\$26 in silver” given to her by her old mistress “on her dying bed.” Despite all these thefts in her deposition, Lucinda “asks no return nor remuneration—but only asks as the wife of an American soldier—James Farris—who served nearly three years . . . that her only child may be restored to her.”⁸⁶ The provost marshal’s office responded to Lucinda Farris’s petition, and tracked down her former owner in an attempt to return Fannie to her mother.⁸⁷

African American women sought assistance from the provost marshals in settling disputes over Civil War enlistment bounties. Eliza Shirley, the wife of an African American soldier, was to have received 130 dollars from the United States paymaster in St. Louis for the enlistment of her husband, William Shirley, “a colored Substitute.” However, when Eliza Shirley visited the bank, she discovered that she was only given a check for 100 dollars. Shirley complained to the St. Louis district marshal’s office, prompting the provost marshal to send letters seeking corrective action to the paymaster’s office.⁸⁸

African American soldier’s wives brought their rental disputes with white landlords before the provost marshal, revealing the creative ways in which freedwomen

⁸⁶ “Statement of Lucinda Farris” June 14, 1865, “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-89, RG 109, NARA, Washington D.C.

⁸⁷ Letter from L.C. Matlack, Provost Marshal St. Louis District to Col. Baker, Provost Marshal General, St. Louis, Missouri, June 14, 1865, “Letters Sent,” Entry 1735, Provost Marshal, St. Louis District, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

⁸⁸ Lucius C. Matlack, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Capt. Donaldson, Draft Rendezvous, Benton Barracks, MO, April 18, 1865 and Lucius C. Matlack, Major 17th Illinois Cavalry & District Marshal, St. Louis, MO to Major Barker, Paymaster U.S.A., April 22, 1865, and Lucius C. Matlack, Major 17th Illinois Cavalry & District Provost Marshal, Headquarters St. Louis District, St. Louis, MO to Major Barker, Paymaster, April 24, 1865, all in “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

worked to make domestic and “civil” disputes military concerns. Once the military officers accepted these concerns as a legitimate area to regulate, the tendency of officers was to enlarge their scope of military authority. As we can see in the arena of rental disputes, military officers did not limit their adjudicating powers to disputes between black soldier’s wives and landlords. Claiming expansive powers, the St. Louis provost marshal office decided it had the power to regulate all the rental agreements struck between African American residents and white landlords. Military officers relied upon two rationales to justify the military oversight of rent disputes between landlords and African American families. First, officers believed they had an obligation to protect soldiers’ families. Second, officers applied the same rationale they used to monitor wage disputes between African American complainants and white civilians. The legal disabilities of African Americans in the civil court system justified the intervention of military power into civilian affairs.

In May 1864 Captain Hills had become alarmed by the number of complaints he had been hearing from soldiers’ wives who had been summoned before a Justice of the Peace for failing to meet their debts. A St. Louis provost marshal, Captain Hills wrote directly to the responsible city judge to warn him that, according to Missouri law, the women could not be ejected from their homes; soldiers’ wives could not be “prosecuted or distressed for non-payment” of rent to landlords.⁸⁹ A Missouri law was passed during the Civil War to protect soldiers’ wives from homelessness and civil claims for debt. Despite this law, justices of the peace in St. Louis continued to issue “writs of ejectment” against “wives for non-payment of rent.” Captain Charles S. Hills declared to his superiors that if he did not interfere with these cases, families would be thrown “upon the streets.” The provost marshal noted that these cases were “becoming common.”

⁸⁹ Chas. S. Hills, Staff and Assistant Provost Marshal, Headquarters 1st Sub District, St. Louis District, St. Louis, MO, to L. W. Heath, J. P., No. 54 Morgan Street, St. Louis, MO, May 25, 1864, in “Letters Sent,” Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

Consequently, Captain Hills directed that the St. Louis city justices “stop all proceedings” against indebted soldier’s wives.⁹⁰

Captain Charles S. Hills was specifically concerned about the “families of colored soldiers” who were not, technically, citizens of the State of Missouri. The Missouri law only protected state citizens from debt prosecutions. Thus, due to their lack of citizenship status, African American women depended “on the military authorities alone to save them from the streets.”⁹¹ In August 1864, Captain Hills issued a military order for the protection of “Angeline Nelson a colored woman” living on Seventh Street in St. Louis. He declared that Nelson “is not to be disturbed in the peaceable possession of her place of residence” and further that “Any further violation on the part of any one will be promptly punished.”⁹²

Provost marshals also interfered with rental agreements between white landlords and African American women who were not soldier’s wives. The legal disabilities of African Americans provided a rationale for this military intervention into rent disputes among residents unconnected with the military, and African American women took advantage of this to bring rental disputes to the provost marshal’s office. In one such

⁹⁰ Chas S. Hills, Capt. and Assistant Provost Marshal, Headquarters 1st Sub District, St. Louis District, St. Louis, MO, to Col. J. P. Sanderson, Provost Marshal General, Dept. of the Missouri, St. Louis, MO, May 27, 1864, in “Letters Sent,” Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

⁹¹ Ibid.

⁹² Chas S. Hills, Capt. and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to “Whom it May Concern,” August 18, 1864, in “Letters Sent,” Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.; Two other examples of this sort of military order issued to soldier’s wives who appeared in the St. Louis District Provost Marshal letter books. The color of the woman is not identified, but in some cases racial identity was not designated in such letters. See Chas S. Hills, Capt. and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to “Whom it May Concern,” August 6, 1864, “Letters Sent,” Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.; and H. H. Williams, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Thomas Scully, House Agent, 9th & Green Streets, St. Louis, MO, January 3, 1865, in “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

case in January 1865, the assistant examiner in the St. Louis district provost marshal's office collected testimony about a rental dispute. An African American woman had made a first payment of six dollars to rent rooms in a tenement, but the landlord had refused to give her the key to her rooms unless she made an additional four dollars payment.⁹³ In a second case in March 1865, Eliza Smith lodged a complaint at the St. Louis provost marshal's office against her landlord Isaac Walker. The marshal in this dispute did not issue a military directive, but advised "that her money be returned to her" less two dollars for the time she had lodged in the rental premises.⁹⁴

African American women who were relatives of Union troops claimed a military citizenship by leveraging their status as the wives, mothers and daughters of U.S. soldiers. They sought out local provost marshals to hear their claims for freedom. Having sacrificed for the Union war effort through their husband's absence and consequent abuse from slave owners, enslaved women contributed to the wartime struggle against the Confederacy. Furthermore, Missouri officers recognized that the abuse of enlistees' families could ruin recruitment efforts. Consequently, The Union army could not ignore enslaved women if officers wished to encourage the enlistment of slave men.

Enslaved women did not just escape slavery; they requested from military officials, as a matter of justice, freedom for themselves and for their children. Through their claims to the provost marshals, women asserted their right to establish a relationship with the state. Emancipation was more than just a moment that happened in January 1865 when the Missouri legislature eradicated the institution of slavery. Emancipation

⁹³ "Affidavit of Carroll Bergin in the Case of John Magner," January 20, 1865, F-1365, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-173, RG 109, NARA, Washington, D.C.

⁹⁴ L. C. Matlack, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Isaac Walker, March 31, 1865, in "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

for many enslaved women in Missouri was a process that began when women used military citizenship to seize freedom and attain juridical hearings before state officials.

CHAPTER IV
 “THE FIRST MORNING OF THEIR FREEDOM”:
 AFRICAN AMERICAN WOMEN, BLACK TESTIMONY AND
 MILITARY JUSTICE IN CIVIL WAR ST. LOUIS

In May 1864, a white man named Thomas Farrell assaulted Charlotte Ford outside of her St. Louis home. Ford, a free woman of color, had never seen Farrell before he ran up her street with the military police in pursuit. Farrell threatened to “knock [her] down” and then followed through by striking Ford on the back of her head with a brick. Charlotte Ford testified about the assault at Thomas Farrell’s military trial: “he struck me and said ‘That is the way that Jeff Davis does the business—I am a Jeff Davis man all over.’” The military examiner inquired if Farrell was drunk. Charlotte Ford wryly responded, “He was sober enough to strike me.”¹

Before the Civil War, Charlotte Ford did not possess the capacity to testify about her attack in any Missouri court. The slave code forbade any African American, slave or free, from testifying against a white person. In fact, African Americans would be prohibited from testifying against whites in civil court until the spring of 1865, when Radical Republicans rewrote the Missouri State Constitution. Charlotte Ford testified against Thomas Farrell in 1864 because Union officers permitted African Americans to act as witnesses in the military courts.²

Charlotte Ford’s act of testifying in a military court redefined her civil status. Unable to testify against whites in the civil courts, African American women went before

¹ “Testimony of Charlotte Ford,” 13 Sept. 1864, in the Court Martial Case File of Thomas Farrell, Court Martial Records, LL-2638, RG 153 (Court Martial Index II-00 Series, 1859-1868), National Archives and Records Administration (hereafter NARA), Washington D.C.

² William E. Parrish, *Missouri Under Radical Rule, 1865-1870* (Columbia, MO: University of Missouri Press, 1965), 115-116. The prohibitions barring African American testimony are located in Chapter 168, Section 6 of the *Revised Statutes of the State of Missouri*, (Jefferson City: Printed for the State, by James Lusk, Public Printer, 1856), 1577, 1579. The Statute states “The following persons shall be incompetent to testify . . . A negro or mulatto, bond or free, except in pleas of the State against a negro or mulatto, bond or free, or in civil cases in which negroes or mulattoes alone are parties.”

military courts to charge white residents with a variety of offenses.³ By 1864 and 1865, African American women in St. Louis, both slave and free, routinely sought justice through the military legal system, accusing white citizens of assault, rape, kidnapping, and unfair labor practices. “This office has been crowded with applications from Negroes for redress of grievances,” wrote Lucius Matlack, the St. Louis district provost marshal, in April 1865.⁴

Charlotte Ford shows how African American women in St. Louis used the military justice system to circumvent Missouri’s black code during the Civil War. Martial law provided new opportunities for African American women living in the city to claim citizenship rights. General John C. Frémont, commander of the Department of the West, first declared martial law in Missouri in August 1861. By September, Frémont implemented the trial of civilians in military commissions. This practice, first used in Missouri, spread to multiple states during the Civil War.⁵

³ The apparent exception to this rule, when enslaved people could sue for their freedom, is distinct from testifying as a sworn witness. Under Missouri law, enslaved people were given standing to sue for freedom within proscribed circumstances. They could petition the court to sue for their freedom, file charges for “trespass and false imprisonment,” and give an affidavit to the court. Freedom suit petitioners did not have the right to testify as a witness. Enslaved people who sued under this law held the burden of proof but could not speak in court. Instead, they had to solicit witness testimony to prove their case. The applicable law, most recently updated in *Revised Statutes of the State of Missouri* (St. Louis: 1845), relied heavily on “An act to enable persons held in slavery, to sue for their freedom,” Chapter 35, “Freedom” from the *Laws of the Territory of Louisiana* (27 June 1807). Lea VanderVelde, *Mrs. Dred Scott: A Life on Slavery’s Frontier* (New York: Oxford University Press, 2009), 234; Walter Ehrlich, *They Have No Rights: Dred Scott’s Struggle for Freedom* (Westport, Conn.: Greenwood Press, 1979), 42-43; Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978), 251.

⁴ Lucius C. Matlack, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO to the newspapers, *The Missouri Daily Democrat* and *The Missouri Daily Republican*, St. Louis, MO, April 17, 1865 in “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

⁵ Mark E. Neely, *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1991) 35; Louis S. Gerteis, *Civil War St. Louis* (Lawrence, KN: University Press of Kansas, 2001), 132.

More civilians experienced military arrest in Missouri than in any other loyal state, and the great majority of those held in military prisons were never formally tried in the military courts.⁶ Trials of civilians by the armed forces, when they occurred, were an unprecedented invasion of military authority into civil affairs. In 1864, the United States Supreme Court refused to hear *Ex parte Vallandigham*, a case in which a civilian had been convicted in a military commission. It was not until the 1866 case of *Ex parte Milligan* that the Supreme Court ruled that military could not try civilians if the charges had not occurred “in areas of military activity.”⁷ Prior to *Milligan*, the Union’s wide application of military law in Missouri allowed African American women to bring civil grievances before military officials.

African American women swore complaints and gave testimony before military commissions and informal courts run by provost marshals.⁸ The provost marshals were military police who patrolled the civilian population and ran the lowest level of military justice courts. These marshals had the power to arrest civilians, hold informal courts, and

⁶ Neely, *The Fate of Liberty*, 46; Gerteis, *Civil War St. Louis*, 128.

⁷ Neely, *The Fate of Liberty*, 35; Louis S. Gerteis, *Civil War St. Louis*, 132.

⁸ Evidence of claims that African American women made before the St. Louis provost marshals can be found in two record groups. The first includes three letter books (“Letters Sent”) generated by the St. Louis district provost marshal for the months May 1864 to June 1865, housed at the National Archives and Record Administration in Washington D.C. This first record group is divided into three different archival subgroups: “Letters Sent,” Entry 1733 (May – October 1864), “Letters Sent,” Entry 1734 (October 1864 – April 1865) and “Letters Sent,” Entry 1735 (April – June 1865), Provost Marshal Office, St. Louis District, Department of the Missouri (hereafter Dept. of the MO), RG 393, Part 4, NARA, Washington D.C. The second record group is the “The Union Provost Marshals’ File of Papers Relating to Individual Civilians” which is part of Record Group 109 and has been microfilmed onto 300 rolls of microfilm rolls (National Archives Microfilm Publication M345). These documents were sent to the War Department from Union Army provost marshals and placed in RG 109, the War Department Collection of Confederate Records. Much of the material deals with the patrol and punishment of Confederate sympathizers. The Missouri State Archives has created a searchable database of the Missouri materials available at <http://www.sos.mo.gov/archives/provost/> (last accessed 28 Mar. 2009).

take testimony.⁹ Black women entered the military justice system as complainants and witnesses at this local level.

Most grievances in St. Louis were resolved by the district provost marshal in the local office through correspondence, threats of military power, or even short confinements in military jails.¹⁰ The office of the provost marshal occasionally brought these disputes to formal military trials of white male citizens. In these military commissions, their accusers spoke as witnesses for the state.¹¹ The majority of the records documenting visits by African American women to the St. Louis District Provost Marshal's Office are dated between January 1864 and April 1865. The office closed its doors to African American applicants in the spring of 1865 when the Missouri legislature re-wrote state statutes to admit black testimony in civil courts.¹²

To make their claims, African American women occupied the physical space of military offices. These women stood alone before the military courts, and choose, in almost all cases, to initiate complaints and petition military officers unmediated by their

⁹ Louis S. Gerteis, "'A Friend of the Enemy': Federal Efforts to Suppress Disloyalty in St. Louis During the Civil War," *Missouri Historical Review* 96, no. 3 (April 2002): 166-8; Louis S. Gerteis, "'An Outrage on Humanity': Martial Law and Military Prisons in St. Louis During the Civil War," *Missouri Historical Review* 96, no. 4 (July 2002): 302-22.

¹⁰ The St. Louis District Provost Marshal operated as the lowest-level marshal in the city. The Military District of St. Louis encompasses a large swath of territory that included, but was not limited to, St. Louis City and St. Louis County. The city of St. Louis was designated as the first military sub-district. The letter books stored at NARA consists of copies of letters that the marshal, or his clerks, wrote and sent from the St. Louis District Office. "Letters Sent," Entry 1733 (May – October 1864), "Letters Sent," Entry 1734 (October 1864 – April 1865) and "Letters Sent," Entry 1735 (April – June 1865), Provost Marshal Office, St. Louis District, Dept. of the MO, RG 393, Part 4, NARA, Washington D.C.

¹¹ There is evidence of two military commissions in which African American women, residents of St. Louis, testified against a white man. See the "Testimony of Charlotte Ford," 13 Sept. 1864, in the Court Martial Case File of Thomas Farrell, Court Martial Records, LL-2638, RG 153, NARA, Washington, D.C. and the "Testimony of Mary Smith," 23 Jan. 1865 in the Court Martial Case File of Charles Frank, NN-3520, RG 153, NARA, Washington, D.C.

¹² "Miscellaneous: African Descent – Persons Of," Section 29, *Laws of the State of Missouri, Passed at the Regular Session of the Twenty-Third General Assembly* (Jefferson City: W. A. Curry, Public Printer, 1865), 66.

husbands, brothers, or fathers. The practice of coverture does not appear to have manifested in the St. Louis military justice system.¹³

Before the St. Louis provost marshals, African American women claimed several rights, including the right to custody of their children, the right to be paid for their labor, and the right to seek state protection from bodily assault. The claims made by enslaved, contraband, and free African American women to military officials throughout Missouri reveal the political work performed by black women as they attempted to reconfigure their civic existence during the Civil War. Provost marshal courts offered black residents, deprived of the right to witness in the civil system, the chance to be heard by a state official.

The complaints and petitions of African American women reflected gendered concerns. African American men appeared before the provost marshal in disputes involving military enlistment while African American women were more likely to pursue the custody of children, with the particular goal of reclaiming their sons and daughters from slave owners.¹⁴ Working as domestic servants, African American women pursued compensation when their employers refused to pay for services rendered. Men also brought labor complaints, although their place of employment and type of labor differed from those of African American women.

Enslaved African American men may have avoided bringing complaints to the provost marshal's office because men who reported traitorous masters were pressured to enlist in one of Missouri's African American regiments. In August 1864, a slave man

¹³ On the history of coverture in the United States, see Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (Hill and Wang: New York, 1998.)

¹⁴ For examples of African American women's efforts to use the St. Louis District Provost Marshal to reclaim enslaved children, see Lucius C. Matlack, Major and District Provost Marshal, Headquarters St. Louis District, St. Louis, MO to Col. J. H. Baker, Provost Marshal General, Department of the Missouri, 3 Apr. 1865 and Lucius C. Matlack, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO to Mr. *Winrod Snyder* [sic], 18 Apr. 1865, in "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

reported his master's disloyal actions. According to a St. Louis newspaper, the man "stated that his master was a rebel, and requested that the Captain give him free papers." In response, the provost marshal "filled up a certificate of enlistment" and "told him to go out to Benton Barracks, and he would be free."¹⁵ General Schofield designated the provost marshals as the enlistment agents, essentially turning them into recruitment officers for the United States Colored Troops in Missouri.¹⁶ Furthermore, Military enlistment would likely separate them from their families. African American men had family responsibilities; free and enslaved families relied upon the labor and income of family members. Many enslaved families lived independently, compensating their slave owners for the arrangement with a set payment each month. These families had to earn money for rent and food for their dependents. As a result, men may have been more cautious in approaching the provost marshal.

Men and women both reported physical assaults to the provost marshal. African American women reported rape and physical violence at the hands of both male and female employers. In contrast, African American men most often appeared as complainants in unpaid labor disputes, the forcible impressments of African American men as substitute soldiers, and physical confrontations in which white men—not necessarily employers—attacked African American men.¹⁷

¹⁵ "Captain Hills Emancipates a Slave," *Daily Missouri Democrat*, p. 4.

¹⁶ Ira Berlin, Joseph P. Reidy, Leslie S. Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. II, *The Black Military Experience* (New York: Cambridge University Press, 1982), 183, 187-90.

¹⁷ For examples of men's labor complaints see Chas S. Wills, St. Louis District Provost Marshal to Wm. H. Ayers, St. Louis Co., MO, 29 Nov. 1864, and H. H. Williams to Johnson, St. Louis Co., MO, 30 Jan. 1865, both in "Letters Sent," Entry 1737, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C; for examples of African American women's labor complaints see H. H. Williams, St. Louis District Provost Marshal to Mrs. Demas, 7 Feb. 1865, and H. H. Williams, St. Louis District Provost Marshal to Mr. Busha, 13 Feb. 1865, both in "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.; for examples of men reporting physical assaults see H. H. Williams, St. Louis District Provost Marshal to Col. J. H. Baker, Provost Marshal General, District of the MO, 15 Feb. 1865, and L. C. Matlack, St. Louis District Provost Marshal to Col. J. H. Baker, Provost Marshal General, 18 Mar. 1865, both in "Letters

But the provost marshal system was not instituted to improve black civil rights. The Union military had imposed martial law to hunt down traitors and Missouri commanders had to contend with a local insurgency in addition to incursions by the Confederate army from Arkansas. The provost marshals made rooting out Confederate sympathizers their main concern, even as African American women made their highest priority the pursuit of citizenship rights.¹⁸

Martial Law and Missouri Slavery

As Missouri commanders hunted down Confederate activity, it became expedient for provost marshals, reluctant to ignore valuable military intelligence, to accept the testimony of both free and enslaved African Americans. In September 1864, military officials solicited the testimony of Julia Hawkins, a free African American woman, to serve as a witness to the “disloyal conversation & practices” of Terry Kingsland, a “well known and rabid Secessionist of Saint Louis.”¹⁹

The military information offered by African American residents played a critical role in the pursuit, capture and prosecution of Confederate sympathizers in a state shaken

Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.; for examples of African American women reporting physical assaults see H. H. Williams, St. Louis District Provost Marshal to Col. J. H. Baker, Provost Marshal General, Department of the MO, 7 Jan. 1865, and L. C. Matlack, St. Louis District Provost Marshal to Col. J. H. Baker, Provost Marshal General, Department of the MO, 11 Mar. 1865, both in “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.; for examples of reports involving the forcible or fraudulent impressments of African American men as substitutes see H. H. Williams, St. Louis District Provost Marshal to Col. J. H. Baker, Provost Marshal General, 3 Jan. 1865, and L. C. Matlack, St. Louis District Provost Marshal to Brig. Genl. Thos. Ewing, Commanding St. Louis District, 8 Mar. 1865, both in “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

¹⁸ Neely, *The Fate of Liberty: Abraham Lincoln and Civil Liberties*, 46; Gerteis, “A Friend of the Enemy,” 171; William E. Parrish, *A History of Missouri*, vol. 3 (Columbia: University of Missouri Press, 1973, 2001), 64-67.

¹⁹ John McNeil, Brig. General, Rolla MO to Col. J. P. Sanderson, Provost Marshal General, Department of the Missouri, 3 Sept. 1864, F-1151, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-174, RG 109, NARA, Washington D.C.

by violent guerilla warfare and competing national loyalties. Often African American witnesses were the sole providers of information that military officials could use to hunt down and prosecute disloyal activity. For instance, a wartime telegraph urged military officials to interview “a negro woman who knows the facts.” This unnamed woman had information on a family that had hidden escaped Confederate prisoners. But, the military telegraph warned, “This is all negro information.”²⁰

Enslaved Missouri women reported their masters’ suspicious activities to Union officials in order to escape their slave status. Hulda, a 40-year-old enslaved woman from the Missouri countryside, lived with her six-month-old son, Abraham, a three-year-old named Cloe, and four other related children. The family was owned by Boyle Elliot, a known “Rebel” with four relatives enlisted in the Confederate army. The young age of Hulda’s children probably limited her ability to travel far as she searched for a provost marshal willing to hear her case. Nonetheless, Hulda went to great lengths to report the activities of her master. In February 1864, a Union sympathizer wrote in support of Hulda and her children to the provost marshal general: “. . . these poor people know that they have been held in violation of law for more than two years, They have made nightly journeys to neighboring towns and military stations in search of imaginary Pro Marshals.” The letter dramatically concludes, “The state of their minds is such that they cannot be reduced to slavery again in the first morning of their freedom without the use of the severest means.”²¹

²⁰ U.S. Military Telegraph, Henry & Lee Ashbrook, undated, F-1219, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-10, RG 109, NARA, Washington D.C.

²¹ “Testimony of T.C. Williams,” 9 Jan. 1864; and T. C. Williams, Franklin County to Col. Marsh, Provost Marshal General, February, undated, 1864; and “Inventory of Boyle Elliot’s Slaves,” F-1232, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-30, RG 109, NARA, Washington D.C.

In St. Louis, the location of the headquarters of the U.S. Army's Department of the Missouri, African American women could easily find military officials to whom they could report suspected disloyalty. The prevalence of military troops and officers in the city assured African American informants of their physical security from Confederate retribution. The provost marshals offices in St. Louis were an important part of this military presence.

African Americans had a strong incentive to report suspicious behavior. The Second Confiscation Act of 1862 allowed the military to confiscate enslaved people owned by disloyal owners. Lincoln's Emancipation Proclamation did not free any slaves in Missouri as it did not apply to the loyal slave states. But Missouri provost marshals issued certificates of freedom to slaves who fell under the province of the Second Confiscation Act.²²

Enslaved African Americans used the Union military's need for information about Confederate sympathizers as a strategy to earn a hearing before military officials. The goal of the enslaved informant was to gain freedom and strike a blow against slave owners. Virginia and Mary Catherine, enslaved women living in Marion County, reported to Union forces that their master, "Old Man Caldwell," had supplied Confederate irregulars with gunpowder. After Union forces confiscated the powder, Caldwell threatened to kill the enslaved women for "telling the Union men." Mary Catherine recalled that Caldwell said "he was going to put an end to me" and "blow my *damned* brains out." Mary Catherine and Virginia fled to the Union forces in Palmyra, where they testified that Caldwell had murdered a Union man.²³

²² The Second Confiscation Act was enforced by local provost marshals in Missouri after General Curtis issued Order Number 35. Gerteis, *Civil War St. Louis*, 270-272; *The Destruction of Slavery*, ed. by Ira Berlin, Steven F. Miller, Joseph P. Reidy, and Leslie Rowland, *Freedom: Documentary History of Emancipation, 1861-1867*, Series 1, Volume 1: (New York: Cambridge University Press, 1985), 30, 403-4; Gerteis, *Civil War St. Louis*, 270-272.

²³ "Testimony of Mary Catherine," undated, 1862, "Snell and Greens Testimony," 11 Apr. 1862; and "Testimony of the Caldwell Negroes," undated, 1862, F-1482, all in "Union Provost

Elite, pro-southern St. Louis families found that their human property eagerly reported disloyal activities to the occupying Union forces. These families discovered that their own households had been infiltrated by potential Union spies. Enslaved women occupied the domestic space of Confederate households, laboring as servants, and had unique opportunities to observe Confederate activity. African American women could hear and view disloyal activities hidden from white Union neighbors. “Miss Lucy, our ‘intelligent contraband’ watches everything so closely that we do nothing but lie,” wrote Zaidee Bagwell, a white teenage resident of St. Louis, in an 1863 letter to a Confederate soldier serving in General Price’s army, Lt. Frank Lockett.²⁴ Bagwell’s fears that the letter would be captured by those who “closely watched” her courier were prescient. The letter was captured that same month and turned over to the provost marshal general in St. Louis.²⁵

Zaidee Bagwell was subsequently arraigned and tried before a military commission at St. Louis for encouraging rebellion and offering aid to Confederate forces.²⁶ Bagwell had reason to be wary of her domestic servant. Military officials arrested and prosecuted the friends, mothers, and wives of Confederate soldiers, who, like Zaidee Bagwell, corresponded with acquaintances and male relatives by post.²⁷ Bagwell may have been investigated or arrested on the basis of her servant’s testimony.

Marshals’ File of Papers Relating to Individual Civilians,” M345-168, RG 109, NARA, Washington D.C.

²⁴ “Charges and Specifications,” Case of Zaidee J. Bagwell, Court Martial Case Files, LL-548, RG 153, NARA, Washington D.C.

²⁵ “Testimony of William K. Patrick,” 18 Apr. 1863, p. 18, Case of Zaidee J. Bagwell, Court Martial Case Files.

²⁶ “Ordered to be tried by Military Commission,” 31 Mar. 1863, F-1463 in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-[], RG 109, NARA, Washington D.C.

²⁷ Gerteis, “A Friend of the Enemy,” 171.

In fact, with the aid of martial law and sympathetic commanders, African American residents of St. Louis aggressively pursued freedom by reporting the disloyal acts of their current and former owners to the provost marshal. Julia Chamberlain, a slave of Jesse Underwood, swore in June 1864 that her master “is an avowed rebel.” As evidence, Chamberlain asserted that she had overheard him “express himself in favor of the rebellion” and that he “gave material aid and comfort to rebels in arms.”²⁸ Another slave, Eveline Mericks, testified that her master had left home to fight for the South and her mistress had “received letters from him off and on during the times he has been absent.” The St. Louis provost marshal reported that, for her trouble, “Eveline thinks she ought to have emancipation papers and be free.”²⁹ Similarly, Sarah Campbell, a contraband who worked as a laundress at a St. Louis military prison, reported to the prison commander that her former master had involved himself in the “Minute Men,” a club that organized in St. Louis with the goal of holding Missouri for the South. The prison commander noted in his correspondence with the provost marshal general that Campbell “would now like to obtain her free papers if possible.”³⁰

Members of the black community testified on behalf of one another in these proceedings; as new migrants to St. Louis who often knew one another prior to their arrival in the city, African Americans could verify the disloyal activity of the slave owners who had owned their acquaintances. In July 1864, Patrick Rogers and Mary Early visited the headquarters of the St. Louis district office. Rogers, an African

²⁸ “Affidavit of Julia Chamberlain,” 30 June 1864, F-1409, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-272, RG 109, NARA, Washington D.C.

²⁹ The evidence contains an alternative spelling, “Merritt”, of Eveline Merick’s last name. “Statement of Eveline Mericks,” 5 June 1863, F-1490, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-297, RG 109, NARA, Washington D.C.

³⁰ Office of the Gratiot Street Military Prison to Lt. Col. F.A. Dick, Provost Marshal General, Dept. of the Missouri, 29 Jan. 1863, F-1185, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-44, RG 109, NARA, Washington, D.C.

American man and a resident of St. Louis, swore before the assistant examiner of the St. Louis provost marshal's office that Mary Early was the former slave of an Arkansas rebel who was "an aider and abettor of rebels in arms against the Federal Government." Mary Early had been captured by Federal forces in Arkansas in the summer of 1863. On the basis of Rogers' testimony, Captain Charles S. Hills, the St. Louis district provost marshal, granted Early her "Free Papers" under the Second Confiscation Act.³¹

But enslaved women were not pressured to enlist in the military when they visited the provost marshal. In fact, Jane Ciss would leverage her visit to provost marshal Charles S. Hills into a bid to reclaim her enslaved children. In May 1864, Ciss asked for official recognition of her contraband status. James W. Ferguson, a private in the 68th United States Colored Troops, swore that he knew Jane Ciss for "about twelve years back in Warren and Montgomery Counties," about sixty miles west of St. Louis. Ferguson testified that Jane Ciss' "late owner," Benjamin Ciss, was a rebel and guerilla soldier who was "most of the time in the bush." Ferguson further testified that Benjamin Ciss's son had enlisted in the Confederate army. Jane Ciss's other companion, the soldier Robert Custer, swore that he knew Jane Ciss when he had lived as a slave on a Montgomery county farm about half a mile from her home. Before Robert Custer "left the neighborhood" in February 1864, he heard Benjamin Ciss "frequently uphold the rebel cause in conversation with his neighbors."³² On the basis of these two affidavits Charles S. Hills issued a declaration that Jane Ciss was entitled to contraband status and "the protection of all officers of the United States."³³

³¹ "Affidavit of Patrick Rogers," 26 July 1864, F-1309, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-82, RG 109, NARA, Washington D.C.

³² "Affidavit of James W. Ferguson," 27 May 1864; and "Affidavit of Robert Custer," 27 May 1864, Headquarters 1st Subdistrict, St. Louis District, F-1237, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-51, RG 109, NARA, Washington D.C.

³³ Chas. S. Hills, Capt. and Assistant Provost Marshal, Headquarters, 1st Subdistrict, St. Louis District, Office Asst. Provost Marshal, St. Louis, MO, 27 May 1864, F-1237, in "Union Provost

Jane Ciss traveled about sixty miles west to the provost marshal at Warrenton, Missouri, where she used her new contraband status to try to free her children who were still held by her former master. The provost marshal at Warrenton asked the St. Louis office to forward the affidavits of the two African American soldiers to verify her master's disloyal status. The Warrenton provost marshal wanted these affidavits to "establish the fact that her children are in the hands of a Disloyal person."³⁴

In a city long accustomed to slavery and its social practices, enslaved women now possessed the power to initiate the arrest and incarceration of slave owners. Freed and enslaved women challenged the patriarchal prerogatives claimed by slave masters. In April 1864, "two negro girls" swore out affidavits charging their former master, Thomas Gardiner of St. Louis, with disloyalty, and accusing him of hosting "Rebel soldiers." As a result, the provost marshal general ordered men from the United States police office to arrest Gardiner and subject him to military examination. Gardiner was held for a time in Myrtle Street Prison, a building, ironically, once used as a "slave pen" for a slave-trading business.³⁵ These two African American women worked to destroy the household

Marshals' File of Papers Relating to Individual Civilians," M345-51, RG 109, NARA, Washington D.C.

³⁴ P. H. Young, Capt. and Assistant Provost Marshal, Warrenton, MO, to Capt. Chas. S. Hills, Assistant Provost Marshal, 1st Subdistrict, St. Louis District, St. Louis, Missouri, 12 July 1864, with enclosed endorsement from J. M. Bassett, Lt. Col. and Provost Marshal, Headquarters District North MO, Office provost Marshal, St. Joseph, 16 June 1864, F-1237 in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-51, RG 109, NARA, Washington D.C. Captain Young, the assistant provost marshal at Warrenton, indicated in his letter that Jane Ciss was owned by a Benjamin Sisk. In the provost marshal material, Sisk is mostly spelled Ciss, except for the letter written by Young. Captain Young was more likely to know the people living in the neighborhood, as he was stationed at Warrenton and located near the neighborhood of Benjamin Sisk's home and the area which all three former slaves formerly resided.

³⁵ "Special Order No. 107," Col. J. P. Sanderson, Office of the Provost-Marshal-General, St. Louis, MO, 25 Apr. 1864; and Jep Arrot and E. N. Leeds to Col. Sanderson, Headquarters, Department of the Missouri, Office of Provost Marshal General, St. Louis, 25 Apr. 1864, F-1189 "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-100, RG 109, NARA, Washington D.C.

hierarchies that were a necessary component of the slave system. By reporting their former master to the provost marshal, these formerly enslaved women moved the politics of the household into the public space of a military court.

Thomas Gardiner suffered the social humiliation of losing control of his “girls.” The ideology of slavery was based on a gendered system, in which white men manufactured both political legitimacy and cultural capital through their display of mastery over their household dependents. Within antebellum pro-slavery ideology, the construction of the appropriate Republican citizen was dependent on the successful display of mastery. Those men who did not own enslaved people claimed the identity of “master” through the control of their “domestic dependents,” namely, white women and children.³⁶ Gardiner’s “girls” not only attacked the slave system, they attacked the right of Thomas Gardiner to claim the identity of the “citizen.” His formerly enslaved women refigured themselves as the true patriots, claiming for themselves the identity of citizens, while working to classify Gardiner as a “traitor” not worthy of national inclusion in the body politic.³⁷

³⁶ The historian Stephanie McCurry has identified how the pro-slavery republican culture of the slave south was defined by those groups excluded from the polity. White yeomen could share in the identity of master and citizen through their governance of wives and children. The construction of the appropriate republican citizen was dependent on the subordination of all household dependents, which included not just enslaved people, but white women and children. Within this context, antebellum feminist movements that attempted to move women outside of their classification of household dependents presented an affront to the construction of the “master,” and posed a threat to the cultural construction of pro-slavery ideology. Stephanie McCurry, “The Two Faces of Republicanism: Gender and Proslavery Politics in Antebellum South Carolina,” *Journal of American History* 78 (March 1992): 1245-64.

³⁷ This claim of loyalty carries with it historical connotations relevant to the gendered construction of citizenship in the early Republic. The concept of the *feme covert* implied that married women did not have the obligation to declare loyalty to the state, as she was a mere resident of the state, and her political relationships were mediated by her husband. In contrast, the obligation to assert political loyalty positions women as members, rather than mere residents, of the state. Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (Hill and Wang: New York, 1998), 3-34, especially 26-27; and Linda K. Kerber, “The Paradox of Women’s Citizenship in the Early Republic: The Case of *Martin vs. Massachusetts*, 1805,” *American Historical Review* 97, no. 2 (April 1992): 349-78.

The military's hunt for disloyalty turned the social structures of the city upside down. Fugitive slave women transformed themselves into patriots by informing on disloyal residents, and elite members of society were subject to military justice and imprisonment on the basis of black testimony. White citizens sat in Bernard Lynch's slave pen after it was confiscated by the Union military. Lynch, who had run a large slave-trading business out of downtown St. Louis, had escaped to the Confederacy after Union troops occupied the city early in the war.³⁸ Elite disgust at the toppling of racial hierarchies in St. Louis was reflected in the words of Anne Ewing Lane, the daughter of an eight-term St. Louis mayor, and a southern sympathizer, who wrote to her sister in May 1862, "The dutch & the darkeys are the only free people here now."³⁹

The African American women came into new and surprising freedoms with the occupation of Union troops. They could informally apply to troops for protection, and, with the imposition of martial law, free and slave women pursued and received a measure of justice previously unknown to them. The petitions and complaints of freedwomen articulated political priorities which were informed by their gendered experiences under slavery. Familiarized with the military justice system, African American women used the office of the provost marshals to press a multitude of claims impossible under the Missouri slave code.

The Complaints: Child Custody

From the earliest years of the Civil War, African American women petitioned the provost marshal for custody of their children. African American women who claimed custody of their children challenged the basis of the slave system. The institution of

³⁸ Galusha Anderson, *The Story of A Border City During the Civil War* (Boston: Little, Brown and Company, 1908), 186-187; Gerteis, "An Outrage on Humanity," 304-305.

³⁹ Quote excerpted from William G. B. Carson, "Secesh," *Missouri Historical Society Bulletin* 23 (January 1967): 123, published in Gerteis, "A Friend of the Enemy," 167, 175.

slavery violently appropriated the reproductive potential of African American women, legally classifying their children as slaves who were subject to forced labor, captivity, and slave sales. The nineteenth-century North American slave system sustained itself with the legal principle that the status of the child would follow the mother. Freedwomen sought to recover their children from captivity and white control, and they did so within the context of what it meant to bear children under the slave system.⁴⁰

In wartime Missouri, the unprecedented ability to use a governmental agency to gain custody of enslaved or indentured children marked a revolutionary change in the options available to African American women. As early as September 1861, a free black mother asked the provost marshal's office to adjudicate a dispute with St. Louis resident in an effort to free her son, Theodore, from slavery. Theodore's mother claimed that Dr. Burnett had agreed to give her Theodore if she paid him 800 dollars within six months. Dr. Burnett apparently wished to renege on his agreement, as he wanted Theodore to continue to nurse his sickly son.⁴¹ The evidence does not reveal if Theodore's mother managed to purchase her son's freedom.

⁴⁰ A new generation of scholarship has articulated the gendered experiences of women under slavery, and how the sale of their children informed enslaved women's moral judgment of the white slaveholding community. In her 1999 preface to *Ar'n't I a Woman?*, Deborah Gray White notes that recent literature has enabled scholars to better articulate theories of the gendered experiences within the institution of slavery. White underlines the importance of recognizing that the violation of African American women's bodies and the sale of their children were "simultaneous manifestations of racism and sexism . . ." Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South*, rev. ed. (New York: W.W. Norton & Company, 1999), 5-6. Jennifer L. Morgan has demonstrated how racial ideology targeted the bodies of African women to justify theories of racial inferiority and the subjugation of enslaved women. Furthermore, Morgan has shown through her analysis of wills in Barbados and South Carolina that the appropriation of the reproductive capacity of enslaved women was intertwined within legal and social assumptions, and played a constitutive role in the construction of slaveholder identity. Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004), 69-106, on the complicated experience of reproduction in the lives of enslaved women, see especially 114-115.

⁴¹ "Statement of Dr. J. B. Burnett regarding Negro named Theodore," St. Louis, 27 Sept. 1861, F-1289, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-41, RG 109, NARA, Washington D.C.

By January 1862, the provost marshal actively intervened to return African American children to their mothers' care. Georgiana Carnes, a contraband woman, proved to the St. Louis provost marshal general that she had been tricked out of the custody of her children, Isabella and Arthur; the marshal ordered that the children "be delivered into her possession forthwith."⁴² Though Carnes was successful, she, like other African American women, had to navigate a complex system of military law in order to gain custody of children.

In January 1865, a woman named Margaret reported to the St. Louis district provost office that she could not locate her child Betsy. In the spring of 1863, a Mrs. Haisley of St. Louis had possession of Betsy, a twelve-year-old indentured worker. Margaret reported to the St. Louis marshal that she had frequently visited Mrs. Haisley's home, but could not locate her child, or discover any information as to where her child had gone. The St. Louis district provost marshal demanded that Mrs. Haisley explain "what has become of the child and where it is at this time."⁴³

African American women who entered into the military legal structure astutely negotiated an intricate system of redress to find stolen and kidnapped children. One of these cases, initially brought before the St. Louis provost marshal by an African American woman named America Smith, was eventually tried before a military commission. In 1863, when Smith was living at the Helena, Arkansas contraband camp with her seven-year-old daughter Anna, Charles Frank visited the camp in search of a young domestic servant. He spotted the child and persuaded her mother to allow him to

⁴² "Special Order No. 153, by order of Brig. Gen. Carr, Gen. Leighton, Major and Provost Marshal General, St. Louis Division," 20 Jan. 1862, F-1583, in "Union Provost Marshals' File of Papers Relating to Two or More Civilians," M416-4, RG 109, NARA, Washington D.C.

⁴³ Due to the illegibility of the handwriting in the document, I am unsure of the correct spelling of the name *Haisley*. H. H. Williams, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Mrs. Haisley, No. 10 Sixth Street, St. Louis, MO, 9 Jan. 1865, "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

take Anna to his St. Louis home. Charles Frank promised America Smith that Anna would live “with his wife to keep her company . . . He said his wife would keep and learn her a great deal.” Although reluctant to give her child to Frank, the superintendent of the camp advised Smith that: “[She] had better let the man have her.”⁴⁴ Freedwomen who approached Union forces ran the risk of involuntary separation from their children through indentures. Superintendents at contraband camps occasionally facilitated the placement of child refugees in homes as indentured servants, separating them from adult relatives.⁴⁵

America Smith followed her child to St. Louis a few weeks later. For nearly two months she searched for her daughter. Desperate to find her child, Smith initiated proceedings against Charles Frank at the local provost marshal’s office. Smith, a relatively powerless migrant in the city, used the military justice system to initiate a complaint against a white man, resulting in the military arrest of Frank and a formal interrogation in the provost’s office. Unsatisfied with Frank’s answers, and suspecting that Frank had sold the child into the Kentucky slave market, military officials incarcerated Frank in one of the city’s military prisons.

Frank’s story was quite suspicious. He claimed that he had given Anna Smith to a man he met in his saloon. Frank also asserted that he forgot this man’s name, and consequently could not find Anna. The case was eventually forwarded to a military commission trial, where America Smith testified against Charles Frank. Ultimately, the commission found Frank innocent of kidnapping Anna Smith, revealing the limits of the

⁴⁴ “Testimony of Mary Smith,” 23 Jan. 1865 in the court martial file of Charles Frank, NN-3520, Court Martial Case Files, RG 153, NARA, Washington D.C.

⁴⁵ According to the evidence below, the contraband child, Betty, daughter of Tabitha Stauson, was separated from her mother after the two-year-old child made her mark on her indenture papers. “Affidavit of Fannie M. Duvall,” File of Betty Stauson, 18 Nov. 1863, F-1267, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-225, RG 109, NARA, Washington, D.C.

military justice system to serve the interests of African American complainants. Nevertheless, Charles Frank spent several months in jail due to America Smith's complaint and America Smith had used the military justice system to collect information about her lost child.⁴⁶

With the end of legal slavery in Missouri in January 1865, St. Louis mothers who had been separated from slave children continued to use the provost marshal's office to assert their new custody rights. Governor Thomas Fletchers' proclamation, declared in conjunction with the Missouri constitutional convention's vote to end slavery, immediately freed all of Missouri's slaves.⁴⁷ Women could now petition the provost marshal to regain custody of their formerly enslaved children from masters who would not release them. On April 18, 1865, Matilda Williams made a complaint to the St. Louis district provost marshal alleging that Winrod Snyder, the former master of her daughter, had refused to release her child. The district provost marshal, Lucius C. Matlack, summoned Snyder to his office to make his "explanation of the cause" as to why he was holding Emma M. Williams in his custody "against the consent of her mother."⁴⁸

Several African American women used the St. Louis provost marshal's office to reunite their families after the eradication of slavery in Missouri. In April 1865, a number of women applied to the St. Louis district provost marshal for assistance in regaining custody of their enslaved children who had been stranded in the Missouri

⁴⁶ "Testimony of Mary Smith"; "Letter from S.S. Burdett, Provost Marshal General" 24 Oct. 1863, F-1322, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-96, RG 109, NARA, Washington D.C.

⁴⁷ Legal slavery ended in Missouri on January 11, 1865, when the Missouri constitutional convention voted to ban the practice of slavery in the state. Parrish, *Missouri Under Radical Rule*, 17-19; William E. Parrish, *Turbulent Partnership: Missouri and the Union* (Columbia: University of Missouri Press, 1963), 200-201.

⁴⁸ Lucius C. Matlack, Major and Provost Marshal, Headquarters of St. Louis District, St. Louis, MO, to Mr. Winrod Snyder, 18 Apr. 1865, "Letters Sent," Entry 1734, Dept of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

countryside. Children were often hired out to different households or geographically separated from their parents to discourage escape attempts.⁴⁹ Ellen Carter, for example, hoped to gain custody of her seven-year-old daughter Elizabeth, who remained illegally enslaved near Columbia in Boone County, Missouri. The marshal forwarded Carter's case to his superiors in the provost marshal general's office because her child was held as a slave outside of his jurisdictional authority.⁵⁰

The Complaints: Assault

Recall Charlotte Ford and her assault at the hands of the brick wielding "Jeff Davis man." The assault occurred on May 29, 1864, when Farrell struck Ford on the head with the brick, shouting "That is the way that Jeff Davis does the business—I am a Jeff Davis man all over."⁵¹ United States policemen had been pursuing Farrell when he came upon Ford in the alley outside of her St. Louis home and attacked her. The military police most likely arrested Farrell, incarcerated him in a local military prison, and notified the local St. Louis provost marshal of these developments.⁵²

⁴⁹ Parrish, *Missouri Under Radical Rule*, 17-19.

⁵⁰ Lucius C. Matlack, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Col. J. H. Baker, Provost Marshal General, 3 Apr. 1865, "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA Washington D.C. Several women besides Ellen Carter applied to the St. Louis district provost marshal for assistance in freeing their children from slavery in April 1865. See, for example, Emma M. Williams (Lucius C. Matlack, St. Louis District Provost Marshal to Winrod Snyder, 18 Apr. 1865, Entry 1734), Sarah Kelaw (L. C. Matlack, St. Louis District Provost Marshal to Col. J. G. Baker, Provost Marshal General, 22 Apr. 1865, Entry 1734), and Leticia Meyers (Lucius C. Matlack, St. Louis District Provost Marshal to 26 Apr. 1865, Entry 1735), all in "Letters Sent," St. Louis District Provost Marshal, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

⁵¹ "Testimony of Charlotte Ford," 13 Sept. 1864, in the Court Martial Case File of Thomas Farrell, Court Martial Records, LL-2638, RG 153, NARA, Washington, D.C.

⁵² Chas S. Hills, Capt. and Assistant Provost Marshal, Headquarters 1st Sub District, St. Louis District, St. Louis, MO to Col. J. P. Sanderson, Provost Marshal General, Department of the MO, St. Louis, MO, 30 May 1864, "Letters Sent," Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

The local district marshal, Captain Charles S. Hills, promptly charged Farrell with “committing an assault on the person of a colored woman.” In his letter to headquarters, Captain Hills wrote that Farrell posed a threat to the city as “one of a number” of a group “calculated to bring serious trouble upon the city of St. Louis by their hostility to all persons of color.” The St. Louis marshal identified Farrell as “one of its most desperate leaders.”⁵³

As this incident illustrates, military officials patrolled, arrested, and imprisoned white citizens who assaulted black residents in St. Louis. The military arrested these white assailants despite the fact that the civil courts, along with the city’s police system, continued to operate throughout the Civil War. Lincoln’s suspension of *habeas corpus* had enabled military authorities to arrest civilian assailants like Thomas Farrell without the need for formal charges or a trial.⁵⁴

By the summer of 1864, African American residents of St. Louis were aware of their ability to report physical attacks to a sympathetic provost marshal’s office. In the majority of these assault cases, the military authorities in St. Louis did not formally try civilians before military commissions. In October 1864, Mary Ann Higgins “got on a spree” on the St. Louis levee, and, “filling her apron with rocks, amused herself by throwing stones at the head of every negro who passed.” Complaints were made to the provost guard, who, “hearing of Mrs. Higgins’ demonstration proceeded to the battle field and captured her in the act.”⁵⁵ Military guards arrested Higgins and brought her into the St. Louis district provost marshal’s office where she was charged with

⁵³ Capt. Chas S. Hills to Col. J. P. Sanderson, 30 May 1864, “Letters Sent,” Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA.

⁵⁴ Richard Franklin Bense, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (Cambridge: Cambridge University Press, 1990), 139-142.

⁵⁵ “A Woman Sent to Prison for Stoning Negroes,” *Daily Missouri Democrat*, 17 Oct. 1864, 4.

“committing an assault on an unoffending negro on the levy.” John B. Means, the clerk and assistant examiner, sent Higgins to the “Female Prison on St. Charles Street.”⁵⁶

Provost marshals issued a “charge” after arresting a prisoner, but this “charge” was only an initial classification of wrong-doing, and not a formal charge, such as those brought by a military commission. Local provost marshals then forwarded the evidence to superiors in the provost marshal general’s office in St. Louis. Military superiors often made one of three choices: officials could try the assailant before a military commission; they could turn over the collected affidavits and the prisoner to the civil court system; or they could release the prisoner on parole. The majority of these assailants were either turned over to the civil courts or released from the military prisons.⁵⁷

This new policy provided an opportunity for African American women to establish, through the military courts, their right to physical safety and protection from white violence. Recently exposed to the legally sanctioned violence of the slave system, African American women used the military justice system to assert their right to live without the constant fear of physical violation.

The assault on Charlotte Ford was both a performance of an ideology and an attack on her gender and her race. Ford’s ability to live free in the city of St. Louis offended Thomas Farrell’s sensibilities as a “Jeff Davis man.” Farrell may have targeted Charlotte Ford as a symbol of the wartime destruction of slavery. The migration of

⁵⁶ John B. Means, Clerk, St. Louis District Provost Marshal Headquarters to Mr. Dickson, In charge of Female Prison, St. Charles Street, St. Louis, MO, October 15, 1864, in “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

⁵⁷ For the case of a prisoner charged with the assault by the provost marshal see, for example, Capt. Chas S. Hills to Col. J. P. Sanderson, 31 May 1864. For an example of the provost marshal collecting an affidavit about the assault by John Welch, a St. Louis city policeman, made upon on the African American man, James Davis, see Capt. Chas. S. Hills, to Major J. E. D. Cozens, 3 June 1864. For a case in which the provost marshal general directed the assistant provost marshal to collect affidavits and then turn over the evidence, along with the prisoner suspected of murder, to the civil courts, see the case of Joseph Bathrick, in Capt. Chas. S. Hills to Col. J. P. Sanderson, 26 July and 17 Aug. 1864.

formerly enslaved people to St. Louis had already altered the demographics of the city by the time of the assault in May 1864. Yet Farrell's aggression was not directed towards a genderless freedperson—Farrell specifically attacked an African American woman. In the antebellum era, enslaved women labored in St. Louis as domestic workers. The mere presence of African American women in the city would not have bothered a “Jeff Davis man.” It was the disruption of racial hierarchies and the potential that Charlotte Ford might attain the privileges that accrued to white “ladies” that prompted his display of violence. His physical violation demonstrated his contempt for her gender, her race, and her potential freed status.

A military trial resolved the case of Thomas Farrell in September 1864, after it was forwarded up the chain of martial justice. Farrell weakened his own case by hurrahing for Jefferson Davis. The charge of disloyalty would propel this case beyond a short incarceration in military jail to trial before a commission. Farrell was charged with “assault and battery” and “Disloyalty to the United States Government” for the use of treasonable language.⁵⁸ The commission found Thomas Farrell guilty and sentenced him to hard labor for six months. But Major General Rosecrans, the commander of the Department of the Missouri, “disapproved of the proceedings,” and ordered Farrell released from custody on September 15, 1864.⁵⁹

Charlotte Ford's act of testifying against Farrell was an assertion of her right to live in St. Louis without the fear of white violence. Other women would join her in the effort to establish not just their right to be free from assault, but to assert their rights as women to both physical and verbal respect. In September 1864, an African American woman went before Provost Marshal Charles Hills to report a verbal assault made upon

⁵⁸ “Charges and Specifications” and “Testimony of Charlotte Ford,” 13 Sept. 1864, in the Court Martial Case File of Thomas Farrell, Court Martial Records, NARA.

⁵⁹ “General Orders, No. 172,” Headquarters, Department of the Missouri, St. Louis, Missouri, 21 Sept. 1864 in the Court Martial File of Thomas Farrell, Court Martial Records, NARA.

her by John Conner, a white civilian. Hills responded to her complaint by arresting Conner and charging him with “using grossly disloyal Language” and “insulting an Innocent & inoffensive colored lady woman.” In essence, this complainant attempted to claim the respect that accrued to white women, and the identity of a “lady,” within the context of living in a slaveholding state.

Captain Hills took affidavits in the case and forwarded the collected evidence, along with the prisoner, to his superiors. In his letter to headquarters, Provost Marshal Hills noted that the victim was an African American woman “who on account of having no white witnesses is by the laws of the state, debarred from redress in civil courts.” Captain Hills demonstrated an impulse to classify the African American woman who reported the verbal assault as a lady. Perhaps, Hills or his superior officers were not prepared to grant an African American woman the identity of a “lady,” which assumed all the attendant gender and class privileges associated with middle- or upper-class white womanhood.⁶⁰

Military authorities brought two charges against John Conner, verbal assault and disloyalty. John Conner’s use of “grossly disloyal Language,”—which was distinct from the charge of “insulting” language—probably justified this unusual military case.⁶¹ For the military authorities, the charge of disloyalty warranted their interference into civilian race relations in St. Louis.

The evidence does not reveal what happened to John Conner. But his case delineates the circumstances in which the provost marshal charged white civilians for race-based attacks or verbal insults. Like Thomas Farrell, John Connor was also accused

⁶⁰ Chas S. Hills, Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Col. Joseph Darr, 1st Asst. Provost Marshal General, Department of the MO., 5 Sept. 1864, St. Louis District, Provost Marshal, “Letters Sent,” Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

⁶¹ Ibid.

of disloyal behavior.⁶² In both cases, the marshal relied upon the charge of disloyalty to justify the military's expansion of juridical authority into civilian race-based affairs.

Military officials occasionally went beyond investigating white civilians who assaulted free or contraband African Americans. In one instance, the provost marshal interfered with the physical punishment a slave owner inflicted upon an enslaved woman. Mrs. Edwards was investigated for her "cruel beating of a negro woman," named Hannah in February 1864. A United States policeman reported to his Captain that Mrs. Edwards "has the reputation of being a violent rebel."⁶³ The evidence does not reveal what happened in this case, but depending on the inclination of the provost marshal, Mrs. Edwards's Confederate sympathies may have made Hannah subject to military appropriation under the Second Confiscation Act.

By 1864, the St. Louis provost marshal's office had developed the following three practices: the provost marshal's office was vigilant about the prosecution of white on black assaults, the office willingly collected sworn affidavits from African American residents about white violence, and, finally, the office arrested white civilians for making racial insults. The St. Louis provost marshal's office, and the African Americans who testified against white citizens, constituted a challenge to the privileges of whiteness found in the city's civil court system.

The civil courts continued to perform the political work of constructing racial difference during the Civil War. Missouri's legal culture sanctioned the physical abuse of white people on black bodies. Legal statutes imposed a variety of physical penalties

⁶² Capt. Chas S. Hills to Col. J. P. Sanderson, 30 May 1864, "Letters Sent," Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA.

⁶³ S.W. Collins, Lt. and Office Provost Guard to W. Minten, Captain Commanding, Provost Guard, City, St. Louis District, St. Louis, MO, 15 Feb. 1864, F-1310, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-83, RG 109, NARA, Washington, D.C.

on both enslaved and free black Missourians.⁶⁴ This state-sanctioned corporal punishment was based not simply on slave status, but on racial identity. It was routine work for local sheriffs or city marshals to lash free African Americans for criminal sentences. The state castrated African American men who were convicted of attempted rape.⁶⁵ These physical punishments attacked the masculine and feminine identities of African Americans.

In St. Louis, the civil courts punished free African American women with lashing through most of the Civil War. Petit larceny, defined by Missouri's laws as stealing up to ten dollars in goods or cash, was a common charge in the St. Louis courts in this time period, and one for which Missouri law treated white women and black women differently. In contrast, Missouri statutes penalized white residents with imprisonment of less than a year, or up to a hundred-dollar fine. Enslaved or free black men could be punished by up to thirty-nine lashes for the crime; enslaved or free black women, if not pregnant, were subject to twenty-one lashes. In June 1864, Emma Anderson, a slave, was charged before the St. Louis Recorder's court for the crime of petit larceny. The judge sentenced her to "four stripes at the hands of the City Marshal."⁶⁶ The St. Louis Recorder's court sentenced a free black woman to five "stripes" as late as February 1865 when Eliza Clay, a free African American woman, pled guilty to petit larceny.⁶⁷ Pregnant women escaped the lash, but were instead sentenced to no more than twenty-one days in prison.⁶⁸

⁶⁴ Article IX, Secs. 29 and 36, *Revised Statutes of the State of Missouri*, Volume I (1856), p. 643.

⁶⁵ On castration as a punishment, see Article II, Sec. 32, *Revised Statutes of the State of Missouri*, Volume I (1856), p. 565.

⁶⁶ "Recorder's Court," *Daily Missouri Democrat*, 18 June 1864, 4.

⁶⁷ "to Receive five Stripes" *Daily Missouri Republican*, 13 Feb. 1865.

⁶⁸ "Crimes and Punishments," Chapter 47, Article IX, Section 27, *Missouri Revised Statutes*, Volume I (St. Louis: Printed for the State, by J. W. Dougherty, 1845), p. 413; "Crimes and Punishments," Chap. 50, Article IX, Sec. 29, *Revised Statutes of the State of Missouri*, Volume I

The Civil War military courts provided an alternative legal venue to the African American population. It was in this legal culture that African American women accused white men of assault before the St. Louis district provost marshal. Three African American women swore affidavits attesting to John Ferguson's assault on Rebecca Seldona in January 1865.⁶⁹ Ferguson owned tenements in "Clabber Alley," a section of St. Louis occupied by low income white residents and members of the African American black community.⁷⁰ The evidence is unclear, but Ferguson may have sexually assaulted Rebecca Seldona. In a letter to his superior, the provost marshal asserted that Ferguson had "committed a great crime" and "he is deserving of some punishment."⁷¹ But the marshal noted that all the witnesses to the assault were "colored persons" and, therefore, the civil courts could not punish Ferguson. The marshal incarcerated John Ferguson Gratiot Street Prison, charging Ferguson with "assault with intent to commit a great bodily injury on the person of a colored person."⁷²

Approximately a week following Ferguson's incarceration, the provost marshal general of the department turned Ferguson and his case materials to the civil courts

(1856), p. 643; "Crimes and Punishments," Chapter 50, Article III, Section 30, *Revised Statutes of the State of Missouri*, Volume I (1856), p. 577; "Crimes and Punishments," Chapter 50, Article III, Section 31, *Revised Statutes of the State of Missouri*, Volume I (1856), p. 577.

⁶⁹ H. H. Williams, St. Louis District Provost Marshal to Col. J. H. Baker, Provost Marshal General, Department of the MO, 7 Jan. 1865, "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

⁷⁰ "City News," *Daily Missouri Democrat*, January 9, 1865, 4.

⁷¹ H. H. Williams to Col. J. H. Baker, 7 Jan. 1865, "Letters Sent," Entry 1734, Dept. of the MO, RG 393, NARA.

⁷² "Gratiot Prison Receipt for John Ferguson," 7 Jan. 1865; "Commitment of John Ferguson," 7 Jan. 1865; and "Received from guard," (signed by) J. H. Baker, Col. and Provost Marshal General, Department of the Missouri, F-1316, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-90, RG 109, NARA, Washington, D.C.

because Ferguson's offense was "one for the Civil Authorities to determine."⁷³ The evidence does not reveal what happened to John Ferguson in the civil courts.⁷⁴

The St. Louis district provost marshal recorded one report of attempted rape of an African American woman. In March 1865, the landlord William Quinn attempted to rape his tenant. Quinn was also accused of assaulting an African American man. The marshal forwarded the testimony, along with the prisoner, to his superiors at the headquarters of the provost marshal general.⁷⁵ Like Ferguson, William Quinn was turned over to the civil authorities for trial.⁷⁶

African American women reported to the St. Louis district provost marshal the physical violence they experienced at the hands of their employers. They frequently worked as domestic laborers, and it was not uncommon for women to live in the homes of white employers. This proximity exposed freedwomen to physical abuse. In one such case, Samuel Sommers attacked Margaret Carter in his kitchen. Carter later testified that during a verbal dispute: "Sommers then jumped up and took a rolling pin off the table" and struck her "twice in the stomach." Carter "took the rolling pin from him and laid it

⁷³ J. P. Vastine, Circuit Atty, St. Louis Co., MO to Col. J. H. Baker, Provost Marshal General, 18 Jan. 1865; and J. H. Baker, Col. and Provost Marshal General, Headquarters Dept. of the MO to J. P. Vastine, Esq., Circuit Attorney of St. Louis County, MO, 18 Jan. 1865, F-1316, "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-90, RG 109, NARA, Washington, D.C.; "Provost Items," *Daily Missouri Democrat*, 19 Jan. 1865, 4.

⁷⁴ J. P. Vastine to Col. J. H. Baker, 18 Jan. 1865; and J. H. Baker to J. P. Vastine, 18 Jan. 1865, "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-90, RG 109, NARA; "Provost Items," *Daily Missouri Democrat*, 19 Jan. 1865, 4; "Miscellaneous: African Descent – Persons Of," Section 29, *Laws of the State of Missouri, Passed at the Regular Session of the Twenty-Third General Assembly* (Jefferson City: W. A. Curry, Public Printer, 1865), p. 66.

⁷⁵ L. C. Matlack, St. Louis District Provost Marshal to Col. J. H. Baker, Provost Marshal General, Department of the MO, 11 Mar. 1865, "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington D.C.

⁷⁶ "Provost Items," *Daily Missouri Republican*, 17 Mar. 1865, 3.

on the table,” and accused him of stealing five dollars from her. In response, Sommers “took a knife off the table and said he would cut her damned throat for her.”⁷⁷

African American women understood freedom to mean that employers could not beat employees. Slave owners had routinely subjected enslaved women to domestic violence. Indeed, physical violence sustained the institution of slavery. It was within this context that black women like Margaret Carter worked to assert their own visions of freedom and citizenship. In a similar case, Jane Jones reported her employer’s physical violence to the provost marshal, although her initial goal was to acquire her back wages from the employer. Jones, a twenty-year-old free black woman, had lived and worked in the household of Mr. and Mrs. John Gordon in St. Louis for about a year and three months when she left after “John came into the room where I was and shook and kicked me for going into his room after some article.” She briefly left the Gordon household, but later returned to demand her wages. Jane Jones reported to the military authorities that she wanted to “obtain the balance due me.”⁷⁸ White allies in the community encouraged Jones to report her experiences in the Gordon household to the provost marshal’s office. Emily Partridge Eaton, in her capacity as president of the Freedman’s Relief Society in St. Louis, wrote a letter asking the military authorities for assistance in Jane Jones’s case.⁷⁹ In response to Eaton’s letter, the St. Louis district marshal arrested and examined Mrs. Gordon, but dismissed her case when he found “no cause of action

⁷⁷ “Affidavit of Margaret Carter,” 8 July. 1864, F-1265, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-253, RG 109, NARA, Washington, D.C.

⁷⁸ “Statement of Jane Jones,” 14 Dec. 1864, F-1351, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-147, RG 109, NARA, Washington D.C.

⁷⁹ Mrs. Lucien Eaton, President Freedman’s Relief Society, St. Louis to Provost Marshal, 14 Dec. 1864, F-1351, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-147, RG 109, NARA, Washington D.C.

against her.” Jane Jones testified that she received five dresses and five and a half dollars from Mrs. Gordon, which may have hurt her case.⁸⁰

The case of Jane Jones illustrates her unwillingness to labor in a household that threatened physical violence. As a free woman, Jones had an option unavailable to enslaved women—to leave a situation that subjected her to physical violence. Jane Jones reported that Mr. Gordon “was continually threatening to whip or strike me” and further testified that she left the employment of Mrs. Gordon “as I was afraid of Mr. Gordon abusing me.”⁸¹

In St. Louis, the military justice system expanded its authority into the regulation of employment situations. Enslaved women used the provost marshals to negotiate labor situations. The marshal ordered a slave mistress to allow Eliza Moore, a slave woman, to visit her sick mother in June 1864 “once each day.”⁸² In this case, the military involved itself in an issue unrelated to the conventional domain of martial law. Eliza Moore’s case has nothing to do with the issue of disloyalty and exemplifies how African American women used the military justice system to undermine the institution of slavery in Civil War St. Louis. Martial law gave military officials wide authority to interfere in the lives of St. Louis residents, and in this case, an enslaved woman relied upon military power to force a labor compromise with her slave owner.

⁸⁰ Edward P. Bigelow, Provost Marshal St. Louis District, St. Louis MO, to Provost Marshal General, Department of the Missouri, 16 Dec. 1864, F-1351, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-147, RG 109, NARA, Washington D.C; Lt. Col. and Acting Provost Marshal General, to Lieut E. P. Bigelow, Provost Marshal St. Louis District, 14 Dec. 1864, F-1351, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-147, RG 109, NARA, Washington D.C; “Statement of Jane Jones,” 14 Dec. 1864, F-1351, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-147, RG 109, NARA, Washington D.C.

⁸¹ “Statement of Jane Jones,” 14 Dec. 1864, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-147, RG 109, NARA.

⁸² Chas. S. Hills, Assistant Provost Marshal, Headquarters 1st Sub District, St. Louis District, St. Louis, MO, to Mrs. Robinson, Corner 9th & Wash Streets, St. Louis, MO, 7 June 1864, “Letters Sent,” Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

The Complaints: Labor Disputes

Freedwomen's distinctive experience as laborers in the city informed the complaints they made to provost marshals. Like other cities in slaveholding states, the enslaved population in St. Louis was skewed towards women, who tended to work as laundresses, cooks and domestic servants.⁸³ The demand for African American women workers was due to the numerous household jobs available in the city. The labor performed by freedwomen was quite similar to their work prior to emancipation. As enslaved women gained their freedom, they used the provost marshal's office to force formal wage arrangements with their employers. This power to insist on the regular payment of wages for labor was one way freedwomen they asserted their new status.

Provost Marshal Charles S. Hills wrote to one such employer in July 1864: "Madam, This colored woman has filed a complaint at this office that you are indebted to her for 5 months labor." Hills ordered the employer to pay the claimant six dollars, and threatened to "collect this claim by Military authority unless settled immediately."⁸⁴ In another instance, a marshal informed John Bennett that his black former servant, Sarah Gales, had complained about an "unsettled account of wages." "I desire that you call at this Office on Monday" wrote the marshal to Bennett in a letter on March 18, 1865.⁸⁵

Slave women struck labor bargains on their arrival in the city. The opportunities for escape were numerous in the city, which encouraged slave owners to pay wages rather than lose altogether the services provided by their former slave. Jennie Blanton

⁸³ Richmond, Virginia was an exception to this trend because of the number of enslaved men employed in tobacco and iron factories. Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1967), 23-25, 120-121.

⁸⁴ Chas S. Hills, Capt. and Asst. Provost Marshal, Headquarters 1st Sub District, St. Louis District, St. Louis, MO, to "Mrs. Leslie," St. Louis MO, 12 July 1864, "Letters Sent," Entry 1733, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

⁸⁵ L. C. Matlack, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to John Bennett, St. Louis, MO, St. Louis District, 18 Mar. 1865, "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

lived as the slave of Charles Tyler in Lafayette County, Missouri, until May 6, 1863, when Tyler gave her to Mary Cursley. For five months Blanton labored for Cursley, until the two women moved to St. Louis in the fall of 1864. Blanton testified that “Mrs. Cursley promised me wages if I would remain with her.”⁸⁶

Wage disputes were not the only complaints women brought before the St. Louis district provost marshal. Immediately following Missouri’s legal eradication of slavery African American freedwomen asserted their right to own property, enlisting the military authorities in their fight to force former masters to adhere to the new legal regime. In one instance, Charles Hunt stole the clothing of his former slave, Harriet Hampden. Hampden swore before the provost marshal that Hunt freed her in January 1865 but “refused to give me any of my clothing except what I had on my person at the time.” The provost marshal ordered Hunt to give Harriet Hampden her clothing, and to pay his former slave ten dollars compensation “for her time and trouble in getting her clothing from him.”⁸⁷

Military authorities were aware of the legal disabilities that prevented African Americans from seeking justice in civil cases in disputes with white employers. In one case that illustrates this military awareness, Helen Jackson “lodged a complaint” when a Mrs. Demas refused to pay her wages, claiming that Jackson had stolen one of her silver

⁸⁶ The legibility of the name “Cursley” is unclear. The correct spelling may be “Curley.” The clerk appears to have spelled the name differently within the same document. “Affidavit of Jennie Blanton in the Case of Mary Cursley,” 29 Dec. 1864, F-1247, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-65, RG 109, NARA, Washington D.C. For another primary source example of an enslaved women using the provost marshals to extract promised wages, see “Affidavit of Mary Wallace vs. Alex Busha,” 20 Feb. 1865, F-1290, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-42, RG 109, NARA, Washington D.C.; and H. H. Williams, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, MO to Mr. Busha, Carondelet, MO, 13 Feb. 1865, in “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

⁸⁷ “Affidavit of Harriet Hampden,” 28 Jan. 1865; and “Special Order No. 12,” 28 Jan. 1865, F-1345 in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-137, RG 109, NARA, Washington, D.C.

spoons. The marshal rejected Demas's abdication of her labor agreement, asserting in a letter that "if there is any proof she has stolen the spoon" Demas had the power to punish Jackson in the civil courts, whereas Jackson "cannot resort to civil law to collect the money due her."⁸⁸

The St. Louis provost marshals made no assumption of coverture in these wage complaints. In almost all of the cases, women made complaints against employers for unpaid wages in their own names, not in the names of their fathers or their husbands. In only one case did a woman make a joint wage complaint with her husband in the provost marshal's office. Anna Clark and her husband, Levi Clark, complained that their employer, Asa Gates, had cheated them out of their fair wages. Anna and Levi Clark made separate affidavits before the assistant examiner in the provost marshal's office. Levi Clark made a complaint against Asa Gates over wages for taking care of his horses. Anna Clark swore that Gates had employed her to cook for him for three months at sixteen dollars per month. Clark testified that, after a week, Gates insisted that she wash and iron, but she demanded a monthly wage increase of four dollars.⁸⁹ In total, these complaints demonstrate that African American women used the provost marshal's office to force wage compromises during the transition to free labor.

The End of Martial Law in Missouri

The end of martial law meant that African American women could no longer apply to the provost marshals for justice in the state of Missouri. In the spring of 1865, the General commanding the Department of the Missouri directed the orderly transfer of

⁸⁸ H. H. Williams, Major and Provost Marshal, Headquarters St. Louis District, St. Louis, Missouri to Mrs. Demas, 7 Feb. 1865, "Letters Sent," Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

⁸⁹ "Affidavits in the Case of Levi Clark and Wife vs. Asa D. Gates" 24 Jan. 1865; and "Balance Sheets in the Levi Clark Case," 23 Jan. and 3 Feb. 1865, F-1323, in "Union Provost Marshals' File of Papers Relating to Individual Civilians," M345-101, RG 109, NARA, Washington, D.C.

power from the military courts back to civil law.⁹⁰ Martial law officially ended in Missouri with a joint declaration of Commanding General John Pope and Governor Fletcher on March 7, 1865.⁹¹ But the military courts did not immediately abdicate the civil responsibilities they had adopted during the Civil War.

In January 1865 the state constitutional convention met in the St. Louis Mercantile Library to write the new Missouri constitution, which included the right of African American women to testify in the civil courts.⁹² Radical Republicans had gained power in Missouri during the November elections, capturing the governor's office and electing many members of this Radical contingent.⁹³ One of the first tasks of the constitutional convention was to abolish slavery in Missouri, and official celebrations of the eradication of slavery were held in St. Louis on Saturday, January 14, 1865.⁹⁴ But even the Radicals hotly debated the decision to grant the right to testify in court to African Americans.

The information that African American women and men gave before the provost marshals helped persuade the state legislators that the black population was entitled to testimonial rights in the civil courts. In January 1865, the convention debated the proposed amendment: "That no person can, on account of color, be disqualified as a witness." The ensuing discussion made clear that the military value of African American testimony held great sway with the delegates in their decision to allow African American testimony in the civil courts. Delegate Captain Gustavus St. Gemme spoke in defense of

⁹⁰ "Law and Order in this Military Department," February 20, 1865, *Daily Missouri Republican*, 3.

⁹¹ Gerteis, *Civil War St. Louis*, 313.

⁹² "Temporary Organization," *Daily Missouri Democrat*, 7 Jan. 1865, 4.

⁹³ Gerteis, *Civil War St. Louis*, 307-308.

⁹⁴ *Ibid.*, 310.

this amendment, arguing that “he had had opportunity of testing the capacity of negroes to testify” and if this testimony was “good in a military sense, there could be no objection to it civilly.”⁹⁵ These African American witnesses, argued St. Gemme, were “well qualified to give evidence” and delegates who opposed the amendment, he thought, were a “slur on the military.” Like St. Gemme, other representatives argued for the amendment, pointing specifically to the military value of African American testimony. A delegate Holland noted that, “Many negroes had been compelled to carry food to bushwhackers in the bush,” and it was only on the basis of their testimony that it was possible to convict certain “traitors, bushwhackers and rebels, who might be convicted on the testimony of negroes, but who could never be reached otherwise.”⁹⁶

The political discussion about the admission of African American testimony against white persons entered the city’s mass media. Prior to the convention, an anonymous letter signed by “Justinia” published in a St. Louis newspaper urged convention members to repeal the section in the Missouri legal code which prohibited African Americans from testifying against a white person. The editors placed this letter prominently on the first page of the *Democrat*, a paper published by Republicans who strongly sympathized with the Union and with the Republican Party.⁹⁷

Just two days later, on the second day of the constitutional convention, the *Democrat* noted the physical assault made by John Ferguson on Rebecca Seldona.⁹⁸ St.

⁹⁵ Captain Gustavus St. Gemme was the Assistant Provost Marshal for Ste. Genevieve and for the eighth military sub-district. “Military Sub-Districts in the Military District of St. Louis,” *Daily Missouri Democrat*, 18 July 1864, 4.

⁹⁶ “The Missouri Convention,” *Daily Missouri Democrat*, 19 and 20 Jan. 1865, 4; “Missouri State Convention,” *Daily Missouri Democrat*, 20 Jan. 1865, 4; Parrish, *Missouri Under Radical Rule*, 115-116.

⁹⁷ “Negro Witnesses,” *Daily Missouri Democrat*, 7 Jan. 1865, 1.

⁹⁸ H. H. Williams to Col. J. H. Baker, 7 Jan. 1865, “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, NARA; “Gratiot Prison Receipt for John Ferguson,” 7 Jan. 1865; “Commitment of John Ferguson,” 7 Jan. 1865; and “Received from guard,” (signed by) J. H. Baker, Col. and Provost

Louis newspapers noted that, in the civil courts Rebecca Seldona “could have no redress” but “the military officers are no respectors of colors, and in many cases have received the sworn statements of negroes against whites.”⁹⁹

After vigorous debates, convention delegates passed a “Declarations of Rights” that would remove the racial bars to witness testimony.¹⁰⁰ Missouri voters ratified the new constitution on June 6, 1865.¹⁰¹ Thus, the military could no longer cite legal restrictions against testimony to justify their adjudication of cases brought by African American complainants.

In the spring of 1865, the business of the St. Louis provost office was “gradually” adjusting “towards the proper functions of a military bureau only.”¹⁰² In April 1865, Lucius C. Matlack, the St. Louis district provost marshal, wrote the Secretary of State of Missouri, inquiring about a law passed in the state legislature which removed certain legal disabilities, “making people of color equal before the law in Civil Courts.”¹⁰³ He

Marshal General, Department of the Missouri, F-1316, in “Union Provost Marshals’ File of Papers Relating to Individual Civilians,” M345-90, RG 109, NARA, Washington, D.C.

⁹⁹ “City News,” *Daily Missouri Democrat*, 9 Jan. 1865, 4; *The Tri-Weekly Missouri Republican* also discussed this case. See “A Point of Difference,” *Tri-Weekly Missouri Republican*, 9 Jan. 1865, 3.

¹⁰⁰ “Declaration of Rights,” Article I, Section III, *Revised Statutes of the State of Missouri*, (City of Jefferson: Printed for the State, by Emory S. Foster, Public Printer, 1866), 21. Four months earlier, on February 20, 1865, the General Assembly of the State of Missouri had anticipated the ratification of the new constitution and passed an act repealing the racial restrictions on testimony. “Miscellaneous: African Descent – Persons Of,” Section 29, *Laws of the State of Missouri, Passed at the Regular Session of the Twenty-Third General Assembly* (Jefferson City: W. A. Curry, Public Printer, 1865), 66.

¹⁰¹ Gerteis, *Civil War St. Louis*, 313, 315.

¹⁰² Lucius C. Matlack, Major 17th Illinois Cavalry and District Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Col. J. H. Baker, Provost Marshal General, St. Louis, MO, 1 May 1865, “Letters Sent,” Entry 1735, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

¹⁰³ Lucius C. Matlack, Major 17th Illinois Cavalry and Provost Marshal, Headquarters St. Louis District, St. Louis, MO to Hon. Francis Rodman, Secretary of State, Jefferson City, MO, 7 Apr. 1865, “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

needed reassurance and advice on the “present standing before the law of Americans of African descent in Missouri.” These cases accounted for “much of the local business of the office” and caused “frequent collision with the civil rights of the Citizens.” In particular, Matlack hoped to discover if “the negro” could “be a party to suits in the Civil Courts against white persons” for assault, debt and the “restraint of personal liberty;” furthermore, Matlack wished to discover if African Americans could testify against “white persons” in the civil courts.¹⁰⁴

Reassured that African Americans were equal before the law, Provost Marshal Matlack published an official notice in two St. Louis newspapers describing the new law and the altered role of the provost marshal’s office. This notice informed the people of St. Louis that the St. Louis provost marshal would no longer be hearing “from Negroes for redress of grievances or collection of claims.”¹⁰⁵ All people of color could now testify in the civil courts against white people and were “subject to the same fines, penalties and punishment for offenses or crimes as white persons.” Consequently, Matlack’s article informed the residents of St. Louis that “No complaints nor claims of the negro will be entertained or prosecuted at this Office Nor at any other office in this District when the Civil Courts are in operation.”¹⁰⁶

“For Rent,” declared an article in the *Daily Missouri Republican* on April 14, 1865. The provost marshal offices, and their accompanying “necessary war evils,” had moved out of their headquarters on the corner of Fifth and St. Charles in downtown St. Louis. The prominently located building was closed up with “large handbills placed on

¹⁰⁴ Lucius C. Matlack, Major and District Provost Marshal, Headquarters St. Louis District, St. Louis, MO, to Major L. Eaton, Judge Advocate General, Headquarters Dept. of the MO, 10 Apr. 1865, “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

¹⁰⁵ Lucius C. Matlack, Headquarters St. Louis District, St. Louis, MO, to “the *Democrat, Republican* And District of St. Louis,” 17 Apr. 1865, “Letters Sent,” Entry 1734, Dept. of the MO, RG 393, Pt. 4, NARA, Washington, D.C.

¹⁰⁶ *Ibid.*

the window panes advertising the rooms for rent.”¹⁰⁷ With this closure, African American women lost access to the military courts.

But the military evidence left behind reveals the political goals of African American women as they made a space for themselves in the St. Louis military courts. African American women performed political work when they testified in military courts during the Civil War. Black women stood before the provost marshal, claimed a civil identity, and asserted their right to establish a relationship with the state. Before a military-legal official, a man who represented the federal state, enslaved and free women argued for their due wages, charged white men with assault, and asked for state assistance in reclaiming custody of their children. The assertion of such rights was one way in which freedwomen made citizenship claims on the state. Women like Harriet Hampden, Helen Jackson, and Charlotte Ford achieved a measure of justice denied to them by the civil courts. These formerly stateless women had claimed a nation.¹⁰⁸

¹⁰⁷ “For Rent,” *Daily Missouri Republican*, 14 Apr. 1865, 3.

¹⁰⁸ Linda K. Kerber, “Presidential Address: the Stateless as the Citizen’s Other: A View from the United States,” *American Historical Review* 112, no. 1 (Feb 2007): 16-17.

CHAPTER V
THE LEGACY OF SLAVE MARRIAGE:
FREEDWOMEN'S MARITAL CLAIMS
AND THE PROCESS OF EMANCIPATION

Nancy Richards testified that she married her soldier husband at Benton Barracks during the war because he told her that “he greatly feared he would not come out of the war alive, and in that case he wished her to be legally possessed of all that was, or might be his.” Until 1863, Richards had lived as a slave in the city of St. Louis and in the neighboring county of St. Charles. She had been engaged to her fiancé James Richards for two years before he decided to enlist. The promise of a bounty may have encouraged him to ensure that the couple was married by a military chaplain in a ceremony conducted and recorded by the United States Army. After the couple was married in November 1863, they lived together as “man & wife” at Benton Barracks and were “so regarded by the comrades” of James Richards. As he predicted, James Richards did not survive the war, but their military marriage guaranteed that Nancy Richards was legally entitled to her husband’s bounty and pension.¹

The assertion of marital rights was one way in which freedwomen like Nancy Richards experienced the process of emancipation. “Marriage,” both under slavery and in the post-war period, had more to do with who had the power to name it, and break up those marriages, than with the familial attachments of the two individuals involved in the relationship. African American women attempted to seize the power to name their own marriages. Claiming the ability to “name” a marriage was intimately bound up with the process of emancipation.

¹ “Pension Application of Nancy Richards,” 5 Mar. 1872, “Testimony of Fort Mason and John Crowson,” 9 Mar. 1872, and “Testimony of Nancy Richards,” 8 Jun. 1877, all in the pension file of James Richards, Co. E, Reg. 60, United States Colored Troops (hereafter USCT), Widow Application Number (hereafter WA) 202.213, Widow Certificate Number (hereafter WC) 162.287; Mother Application Number (hereafter MA) 408.145, Civil War Pension Files, Record Group 15 (hereafter RG 15), National Archives and Records Administration (hereafter NARA), Washington, D.C.

The marital claims of freedwomen were part of their project to construct a civic identity. Marriage was one way in which freedwomen exercised their citizenship rights through daily social practices. Citizenship forms its meaning through everyday experiences in which people test the boundaries of their rights and obligations.² The identity of citizen is not constructed through dealings with an abstract state entity. The gendered nature of citizenship is constructed, in part, by the rights and responsibilities assigned to “married women” by husbands, communities, and the legal system.³

Freedwomen constructed their identities as citizens, and realized their civil status, through interactions with these entities. Their marital claims were made in dialogue with the Union army, the federal pension bureau, divorce law, and the African American church and community. As freedwomen asserted their definitions of marriage within these arenas, they worked to emancipate themselves from slaveholders, patriarchal authority, church authority, and state authority.⁴

Prior to emancipation, slave owners played a coercive role in the formation and separation of families. For formerly enslaved women, the ability to choose their family, and then maintain those family ties, was critical to their definition of freedom. Formerly

² I am particularly influenced by Kathleen Canning and Sonya O. Rose’s discussion of how citizenship forms its meaning through social practices in which people test the boundaries of their rights and obligations. Kathleen Canning and Sonya O. Rose, “Gender, Citizenship and Subjectivity: Some Historical and Theoretical Considerations,” *Gender and History* 13, no. 3 (November 2001): 427-443.

³ Scholarship which has articulated the role of marriage in the gendered definition of citizenship includes Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (Hill and Wang: New York, 1998); and Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth-Century New York* (Ithaca, New York: Cornell University Press, 1982). On the gendered aspects of republican political theory, see Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988)

⁴ On claiming the right to marry as part of the process of emancipation, see Noralee Frankel, *Freedom’s Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: Indiana University Press, 1999), 79-122; Leslie A. Schwalm, *A Hard Fight For We: Women’s Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press, 1997), 234-248.

enslaved women had experienced the horror of the slave trade and the violent separation of enslaved families. Unlike the struggles of nineteenth-century white feminists who focused campaigns on the legal disabilities of marriage, nineteenth-century African American women fought to have marital legitimacy conferred on their relationships. But a point of commonality between the two groups was the fight for individual women to make their own choices in forming, or re-forming, their own definitions of family.⁵

Military Marriages, Romantic Decisions,
and the Meanings of Freedom

The commanders and chaplains associated with African American regiments advocated re-marriage for men and women who had been married as slaves. Not infrequently, these white officers were ordained protestant ministers, and held views of sexuality and marriage which they paternalistically applied to the formerly enslaved population.⁶ William A. Pile, the commander of black troops in Missouri, was typical in that he possessed anti-slavery sentiments and racially prejudicial assumptions about the sexual behavior of the enslaved population. General Pile ordered Union officers to bring the families of soldiers to the contraband camp at Benton Barracks, the training site for Missouri's black troops. A Methodist minister, and a former commander of radical Republican white troops from St. Louis, Pile recognized the military's obligation to support the families of African American enlistees.⁷

⁵ The struggle for the right to marriage was a central goal of African American women. This fight for marital recognition was a point of difference with white nineteenth-century feminists, who already had marital recognition and emphasized other goals such as the right to divorce. Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999). On feminist criticism of and the reformation of nineteenth-century marital property laws, see Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth-Century New York* (Ithaca, New York: Cornell University Press, 1982).

⁶ Both Union officers and Freedmen Bureau officials engaged in a paternalistic effort to "reform" the sexual and marital behavior of freedpeople. Frankel, *Freedom's Women*, 30, 39-44, 51-52.

⁷ Ira Berlin, Joseph P. Reidy, Leslie S. Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. II, *The Black Military Experience* (New York: Cambridge University Press, 1982) 187; Ira Berlin, Steven F. Miller, Joseph P. Reidy and Leslie S. Rowland, editors.,

In November 1863, Colonel Pile testified before the American Freedmen's Inquiry Commission that it was "uniformly true" that freedpeople wished to legally marry. While many formerly enslaved people wanted to take advantage of the option to marry, military officers like Pile attempted to impose their own morality and vision of marriage onto the freed population. "The first thing to be done," stated Pile to the Commission, ". . . and one of the most important things to be done . . . is to impress upon them the importance of the family relation" Colonel Pile wanted the military to encourage "domestic obligations" between husbands and wives.⁸ Pile displayed an attitude typical of Union officers, that the former bondspeople lacked a "proper" understanding of marriage and needed "help" to form families.⁹

Military "allies" like Pile imposed a particular conception of marriage onto the formerly enslaved population. On the other hand, men like Pile accepted the existence of black families. Pile worked to reunite the family members of black soldiers with their enlisted relatives, and he believed the government had a duty to protect the families of African American enlistees.¹⁰

Freedom: A Documentary History of Emancipation, ser. I, vol. II: *The Wartime Genesis of Free Labor: The Upper South* (New York: Cambridge University Press, 1993), 63.

⁸ "Testimony of Col. William A. Pile," [29 Nov.] 1863, in Testimony Taken in Kentucky, Tennessee and Missouri, November and December 1863, Final Reports, M-619, Roll 201, American Freedmen's Inquiry Commission, 1863-64, RG 94, Series 12, NARA, Washington, D.C., 123-125; Ira Berlin, Steven F. Miller, Joseph P. Reidy, and Leslie Rowland, editors, *Freedom: A Documentary History of Emancipation*, ser. I, vol. I: *The Destruction of Slavery* (New York: Cambridge University Press, 1985), 256; Ira Berlin, et al., *The Black Military Experience*, 187; Louis S. Gerteis, *Civil War St. Louis* (Lawrence: University Press of Kansas, 2001), 218.

⁹ Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Massachusetts: Harvard University Press, 2000), 83-87.

¹⁰ "Testimony of Col. William A. Pile," [29 Nov.] 1863, American Freedmen's Inquiry Commission, 1863-64, RG 94, Series 12, NARA, Washington, D.C., 126.

The families of soldiers accompanied their fathers, husbands, and brothers to Union military camps.¹¹ Throughout the border states, Union commanders refused to aid these refugees, many of whom had recently escaped from slavery or war-time violence. In recruitment centers for African American men, such as Camp Nelson in Central Kentucky, commanders drove the wives and children away, refusing to allow them sanctuary. During the summer and fall of 1864 hundreds of African American women and children were barred from Camp Nelson.¹²

The military recognition of slave marriage indicated a slight improvement from the wholesale rejection of women and children from military camps. In April 1863, John Eaton, the superintendent of camps in Tennessee and northern Mississippi, required that husbands and wives who wished to live together in contraband camps must legalize their slave marriages in formal ceremonies with military chaplains. This order would be formalized in a general policy throughout the Union military when Adjutant General Lorenzo Thomas issued Special Order Number 15, which authorized military chaplains “accredited by the General Superintendent of Freeman” to conduct marriages of freedpeople.¹³ The policy of marrying slave couples indicated a willingness among Union officers to at least recognize the possibility of familial relationships. Military marriages conferred an official recognition that the formerly enslaved population possessed families, and this acknowledgement opened the possibility that the Union military might have a wider obligation to the families of soldiers.

¹¹ Frankel, *Freedom's Women*, 31-38; Schwalm, *A Hard Fight For We*, 88-97.

¹² Ira Berlin, et al., *The Wartime Genesis of Free Labor*, 63.

¹³ John Eaton Jr. was the chaplain of an Ohio regiment assigned by Grant in November 1862 to operate as a superintendent of contrabands in Union-occupied western Tennessee, northern Mississippi, and eastern Arkansas. Berlin, et al., *Destruction of Slavery*, 256, 261; Noralee Frankel, *Freedom's Women*, 40-44; Katherine M. Franke, “Becoming a Citizen: Reconstruction Era Regulation of African American Marriage,” *Yale Journal of Law and the Humanities* 11 (1999): 279. Orders No. 15, 28 Mar. 1864, L. Thomas Letters & Orders, Generals' Papers & Books, ser. 159, RG 94, quoted in Berlin, et al., *Black Military Experience*, 712 (note I).

But these military marriages were not simple acts of Union benevolence towards freedpeople. Union officers used marital contracts to enforce wage labor agreements.¹⁴ Despite the recognition of slave marriages, military commanders continued their efforts to remove African American women from camps and even cities. Officers combined prejudices about sexual immorality, along with their concerns about vagrancy, to justify the forcible removal of women from Union-occupied cities such as Natchez, Mississippi.¹⁵ Commander William Pile was exceptional in that he encouraged the migration of women and children to the city of St. Louis.

The strategic goals of the Union army and freedwomen concerning marriage were typically distinct, and often at odds, but freedpeople were pleased to have the option of legal marriage. That said, having recently escaped the institution of slavery, the former bondspeople did not want the military to govern their familial or sexual choices. The enslaved population held a variety of familial goals, which did not necessarily conform to the vision of marriage promoted by Union officers and chaplains.¹⁶

“Weddings, just now, are very popular, and abundant among the Colored People,” reported a military chaplain stationed at Little Rock Arkansas to the Adjutant General of the Army on February 28, 1865. The community had “learned” of Lorenzo Thomas’s Special Order Number 15, and reacted with enthusiasm to the public

¹⁴ On the Freedmen’s Bureau’s use of legal marriage to enforce wage labor contracts during Reconstruction, see Schwalm, *A Hard Fight for We*, 234-248, 249-254, 257-260. On Union military officers and their use of marriage to enforce labor contracts during the war see Frankel, *Freedom’s Women*, 40-55; and see also Frankel’s discussion of the gendered organization of labor after the war, 56-78. On African American women’s use of military courts to intervene in family relationships see Schwalm, *A Hard Fight for We*, 260-268; and Nancy Bercaw, *Gendered Freedoms: Race, Rights, and the Politics of Household in the Delta, 1861-1875* (Gainesville: University Press of Florida, 2003), 145-157. On the use of marital and gendered relationships in contestations between freedpeople, the Freedman’s Bureau, and planters, see Bercaw, *Gendered Freedoms*, 118-134.

¹⁵ Frankel, *Freedom’s Women*, 44, 44-55.

¹⁶ *Ibid.*, 40-44, 79-82.

recognition of their marriages.¹⁷ The chaplain noted that he married twenty-five couples in the previous month, most of whom had been “living together for years.” But the military did not approve of all African American marriages. The chaplain at Little Rock discouraged soldiers from marrying women the men met at camp, preferring to conduct ceremonies for slave couples of long-standing. This military policy may have been a response to the sexual stereotypes imposed on freedwomen. Unattached and young women may have been particularly vulnerable to misogynistic attacks and slurs regarding sexual reputation.¹⁸

At Helena, Arkansas, Colonel John G. Hudson was so alarmed at marriages between soldiers and refugee women living in Helena that he issued a special order declaring “this must be stopped at once,” and revoked all the marriages conducted by the post chaplain, Rev. J. I. Herrick in February 1865. Colonel Hudson was particularly concerned that “the enlisted men of this command, are much in the habit of marrying Common place women of the town”¹⁹

Colonel Hudson carefully tracked his soldiers who were living with their wives while serving in his regiment. He directed all his company commanders to forward marriage certificates made at the Helena post for his “approval or disapproval,” and further ordered that those marriages “that are disapproved of, the Soldiers will not be

¹⁷ Orders No. 15, 28 Mar. 1864, L. Thomas Letters & Orders, Generals’ Papers & Books, ser. 159, RG 94, NARA, in Berlin, et al., *Black Military Experience*, 712 (note I). Herbert G. Gutman’s analysis of Freedmen’s Bureau marriage registers influenced the history of the family life of enslaved people, by performing a statistical analysis demonstrating that a large proportion of enslaved people lived in stable, two-parent households. Gutman may have de-emphasized the impact of the slave trade and the power of slaveholders to disrupt family relationships, particularly the marital and romantic choices of young people. Herbert G. Gutman, *The Black Family in Slavery and Freedom, 1750-1925* (New York: Vintage Books, 1976).

¹⁸ Chaplain A.B. Randall to Brig. Gen. L. Thomas, 28 Feb. 1865, R-189 1865, Letters Received, ser. 12, RG 94, in Berlin, et. al., *Black Military Experience*, 712.

¹⁹ Genl. Orders No. 41, Head Quarters 60th U.S. Cold. Inft., 3 Feb. 1865, Issuances, 60th USCI, Regimental Books & Papers USCT, RG 94, NARA, in Berlin, et. al., *Black Military Experience*, 709.

allowed to Stay out of Quarters nights.” In an attempt to control the migration of women and children traveling to his camp, Hudson did not want any soldier to “send for his wife” without military permission.²⁰

Relationships and marriage ceremonies between soldiers and contraband women living at Helena were quite popular despite the orders of Union commanders. Freed from the restrictions imposed by slave owners, African American women at contraband camps exercised new freedoms by choosing their own husbands. Hannah Johnson met and married her husband, Chatman Pryor, while his regiment was stationed at Helena and they “lived as man and wife, she outside of camp, until he died.” A fellow private remembered Hannah as “a ginger-cake, chunky woman,” who Chatman Pryor married about two years after arriving in Helena.²¹

Military recognition of slave marriages would legitimate, to some extent, the presence of soldier’s families living at or near military posts. Freedwomen underwent military marriages in order to live with their enlisted spouses. Jane Carter joined her enlisted husband in Baton Rouge, Louisiana. She left her former slave home in Pike County, Missouri, and “lived with the soldier for nearly a year, in a little cabin in close proximity to the company camp, and while the soldier was still in service.” Jane Carter recalled that the regimental officers would not allow her to live with her husband unless she participated in a marriage ceremony.²²

²⁰ Ibid.

²¹ “Deposition of Thomas H. Benton,” 13 June 1904, in pension file of Chatman Pryor, Co. A, Reg. 56, USC Inf., WA 141.199, WC 95.508, CWA 680.381, Father’s Application Number (Hereafter FA) 299.233, Civil War Pension Files, RG 15, NARA, Washington D.C.

²² “Letter from N. E. Ivers, Special Examiner, Galesburg, Illinois to Hon. Commissioner of Pensions, Washington, D.C.,” 13 July 1908, in pension file of Lilburn Jackson, alias Jackson Carter, Co. D, Reg. 65, United States Colored Infantry (hereafter USC Inf.), Invalid Application Number (hereafter IA) 602.794, Invalid Certificate Number (hereafter IC) 541.159, WA 864.645, WC 653.116, Contested Widow Application Number (hereafter CWA) 1.172.274, Civil War Pension Files, RG 15, NARA, Washington D.C.

Under the institution of slavery, enslaved people resisted the efforts of their owners to govern familial and sexual relationships. During the Civil War, enslaved women escaped their slave homes with men who were not the husbands assigned by slave owners. In Franklin County, Missouri, the owner of Simon and Lorenda Williamson whipped them both several times in an attempt to break up their relationship. As a soldier, Simon Williamson cast off his other slave wife, a woman named Silva, and claimed Lorenda as his spouse. During his service, he sent Lorenda and his daughter letters and money.²³

Jane Barker recalled that in slave times her Missouri mistress “did not want her to marry” and consequently “no white persons” were present at her marriage to Cain Barker, which was performed by an African American Methodist minister in Knox County. During the Civil War, Jane Barker escaped with her husband after he enlisted in the Union army. They traveled together with Union troops until she was put off at the port city of Cape Girardeau with the other women and children. Barker recalled that she “parted with him on the bow of the boat”, and her husband’s last words to her were a request to not hire out her two children, along with a promise to send money as soon as he drew his soldier wages. As a slave, Cain Barker had also married a woman named Charlotte.²⁴ Emancipation allowed many freedpeople the chance to make romantic choices unencumbered by the decisions of slave owners.

²³ “Deposition of John M. Crowder,” 1 Oct. 1881, “Letter from Simon Williamson to My Dear Wife [Lorenda Williamson],” Benton Barracks, St. Louis, 31 Mar. [year unknown], to Lorenda Williamson, both in the pension file of Simon Williamson, Reg. 65, USC Inf., WA 140.439, WC 113.001, CWA 177.826, Contested Widow Certificate Number (hereafter CWC) 193.493, Civil War Pension Files, RG 15, NARA, Washington D.C.

²⁴ “Deposition of Jane Barker,” 10 Feb. 1868, in the pension file of Cain Barker, Co. A, Reg. 68, USC Inf., WA 155.596, CWA 310.542, Civil War Pension Files, RG 15, NARA, Washington D.C.

Federal Pension Law and the Marital Claims of
African American Civil War Widows

Enslaved African American women who did not receive the privilege of legal marriage found themselves at a disadvantage if their husbands perished in the war. With the enlistment of African American men, the legal wives of black soldiers became eligible for Civil War pensions. After the massacre of African American soldiers at Fort Pillow in April 1864, Congress altered the laws to ease the burden of proof for freedwomen seeking pensions. The Pension Statute, amended in July 1864, granted African American widows of soldiers the right to a pension provided that two reliable witnesses swore the couple “habitually recognized each other as man and wife, and lived together as such for a definite period not less than two years.”²⁵

Military pensions entitled war widows to a monthly income that could make a substantial difference in their economic situation. Civil War pensions substituted for the economic support that wives lost when their husbands died in service to the state. The right to a widow’s pension was an extension of the privileges associated with legal marriage and dependent on the marriage contract. Even before the Confederacy surrendered, African American war widows initiated military pension claims on the basis of the service of their soldier husbands. Emancipated war widows claimed these government pensions as part of their Civil War struggle to construct a civic identity.²⁶

²⁵ *Congressional Globe*, 25 June 1864, 3233, quoted in Roy P. Basler, “And for His Widow and His Orphan,” *The Quarterly Journal of the Library of Congress* 27, no. 4 (October 1970): 293; Franke, “Becoming a Citizen,” 267-268.

²⁶ Scholarship on the creation and regulation of the Civil War widow’s pensions includes Amy E. Holmes, “‘Such Is the Price We Pay’: American Widows and the Civil War Pension System,” in *Toward a Social History of the American Civil War*, Maris A. Vinovskis, ed. (Cambridge: Cambridge University Press, 1990), 171-195; Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass.: Harvard University Press, 1992); and Basler, “And for His Widow and His Orphan,” 291-294. On the gendered construction of pension law, see Megan J. McClintock, “Civil War Pensions and the Reconstruction of Union Families,” *Journal of American History* 83, no. 2 (September 1996): 456-480. On the claims of African American pensioners as part of the construction of citizenship, see Katherine M. Franke, “Becoming a Citizen: Reconstruction Era Regulation of African American Marriages,” *Yale Journal of Law & the Humanities* 11 (1999): 251-309; and Elizabeth Regosin, *Freedom’s Promise: Ex-Slave Families and Citizenship in the Age of*

African American war widows did not have a direct economic claim upon the state; the economic entitlement only flowed through the marital bond. Emancipated widows had to rely on the Pension Bureau to legalize their slave marriages in order to enjoy the economic benefits of their marital rights. Although slave laws did not permit legal marriages, Congress decided in the Pension Statute of 1864 that the government could confer *post facto* legality onto slave marriages.

Through the allocation of pensions, the federal government defined which marital customs of its newest citizens—the emancipated slaves—would be accorded legal status after the Civil War. Special investigators from the Pension Bureau separated slave relationships into legal marriages and criminal cohabitation. As a consequence, the distribution of widow’s pensions depended on how the federal government and its agents defined legitimate slave marriages.²⁷

African American women who had their slave marriages ratified by military chaplains were likely to receive military pensions.²⁸ Pension bureaucrats gave great deference to the petitions of women who had undergone military marriages. In the case of Sallie and Champ Smith, their March 1864 military marriage removed all concerns that her former slave marriage was irregular, and the military ceremony would have trumped any competing petitioners, such as other “sweethearts”, who may have applied

Emancipation (Charlottesville: University Press of Virginia, 2002). For an analysis of the political work performed by Civil War widows who applied for federal pensions see Brandi Clay Brimmer, *All Her Rights and Privileges: African American Women and the Politics of Civil War Widow’s Pensions*, Dissertation, University of California-Los Angeles, 2006.

²⁷ See Regosin on the Pension Bureau’s interpretations of slave family formations, *Freedom’s Promise*, 101-108; See Skocpol on the state’s policy of legally restricting Civil War pensions to recipients classified as “morally worthy,” *Protecting Soldiers and Mothers*, 148-151.

²⁸ For an example of the utility of military marriages in establishing pension claims for formerly enslaved women, consider Sarah Adams, who married her husband, James Adams at Benton Barracks in St. Louis in a ceremony performed by Chaplain Corkhill. Sarah Adams successfully received her widow’s pension after the war. Pension file of Corporal James Adams, Co. A, Reg. 65, USC Inf., WA 76.716, WC 154.908, Civil War Pension Files, RG 15, NARA, Washington D.C.

for Champ Smith's pension.²⁹ Sallie and Champ Smith had married in December 1850 and lived as a married couple until Champ's enlistment in November 1863. By March 1864 both Sallie and Champ Smith were living at Benton Barracks contraband camp in St. Louis, where they were married by the military chaplain, Captain W. H. Corkhill.³⁰ Unfortunately, Champ Smith would die of disease in September 1864 while he was serving in the Union army at Morganzia, Louisiana.³¹

Two months after husband's death, Sallie Smith appeared before a clerk of the St. Louis county court to apply for a widow's pension. Now a resident of Almond Street in St. Louis, Sallie Smith demonstrated her ability to navigate the bureaucracy of the pension system. Smith retained a St. Louis legal firm to handle her pension application and gathered the witnesses necessary to testify in her behalf. Although Smith had recently been held as a slave in the Missouri countryside, she had the legal knowledge to successfully press her application for a widow's war pension.³²

The pension application of Cynthia Buford is another example of the power of a military ceremony to legitimate the pension claims of formerly enslaved African

²⁹ See Frankel on the definition and analysis of "sweethearting" and "took-up" intimate relationships among the formerly enslaved population. *Freedom's Women*, 90-104.

³⁰ "Statement of Adjutant General's Office," 7 Jan. 1865, Washington D.C., "Testimony of Ester Watkins and Francis Collins," 14 Mar. 1866, "Widows' Declaration for Army Pension," 23 Feb. 1867, "Testimony of Sallie Smith," 1 Jun. 1869, "Testimony of George Cole and Mollie Burgess," 4 Mar. 1869, "Testimony of Sallie Smith," 4 Mar. 1869, and "Statement of W. H. Corkhill," Hospital Chaplain U.S.A., 1 Nov. 1864, all in the pension file of Private Champ C. Smith, Civil War Pension Files, RG 15, NARA. W. H. Corkhill served as Hospital Chaplain at Benton Barracks and on 12 Jan. 1864 he began to operate as the superintendent of Contrabands at Benton Barracks contraband camp. Hospital Chaplain W. H. Corkhill to A.A.A. Genl. J. H. Clendering, 28 Mar. 1864, Miscellaneous Letters & Reports Received, ser. 2595, Dept. of the MO, RG 393, Pt. I, in Berlin, et al., *Wartime Genesis of Free Labor*, 597-598.

³¹ "Widow's Claim for Pension," 2 Nov. 1864, and "Statement of Adjutant General's Office," 7 Jan. 1865, Washington, D.C., all in the pension file of Private Champ C. Smith, Civil War Pension Files, RG 15, NARA.

³² "Retainer of Lawyer," 3 Mar. 1866, "Widow's Claim for Pension," 2 Nov. 1864, and "Statement of Adjutant General's Office," 7 Jan. 1865, Washington, D.C., all in the pension file of Private Champ C. Smith, Civil War Pension Files, RG 15, NARA.

American women. During the war, Nathaniel Buford met and married his second wife, Cynthia Colwell, in an 1864 ceremony conducted by a military chaplain. Nathaniel Buford died of malaria in September 1865, and Cynthia applied for a Civil War pension shortly thereafter in St. Louis. Her pension was easily approved in 1867.³³

Prior to the Civil War, Nathaniel Buford had married his enslaved wife, Mary, in Calloway County, Missouri, and the couple had two children, Bettie and Ellen, who were born in 1853 and 1857. Nathaniel Buford recognized these children as his own. Mary Buford passed away during the war, dying around 1862 or 1863 and Nathaniel never saw his children again after he left for the war. Minor children, through the age of 16 years, were entitled to Civil War pension funds, and this money could be paid in a lump sum even after the children had reached adulthood.³⁴ Years later, Bettie and Ellen would apply for minor's Civil War pensions, and were rejected. The pension bureaucracy determined that they had no rights to pensions, because the Pension Bureau determined that their mother, Mary, was not the legal wife of Nathaniel Buford. In effect, these children were declared to be illegitimate.³⁵ Cynthia Buford's short but documented legal marriage trumped the slave nuptials of Mary and Nathaniel Buford, despite the fact that the earlier marriage had greater longevity and had produced offspring.

³³ "Declaration of Cynthia Buford before Clerk of the St. Louis County Court," 14 May 1866, and "Deposition of John Crowser," 13 Feb. 1867, both in the pension file of Private Nathaniel Buford (alias) Craig, Co. K, Reg. 56, USC Inf., WA 128.075, WC 91.590, Minor's Application Number (hereafter CA) 741.153, Civil War Pension Files, RG 15, NARA, Washington D.C.

³⁴ The distribution of lump sum awards began in 1879. Act of 25 Jan. 1879, 20 Stat. 265 (1879), cited in McClintock, "Civil War Pensions and the Reconstruction of Union Families," 464. On the pension claims of children see *ibid.*, 462-463; and Regosin, *Freedom's Promise*, 123.

³⁵ "Declaration of Cynthia Buford before Clerk of the St. Louis County Court," 14 May 1866, "Deposition of John Crowser," 13 Feb. 1867, "Declaration for Pension of Children," 3 May 1901, "Claimant's Appeal to the Secretary of the Interior," 11 Oct. 1901, and "Claim Under the General Law, Department of the Interior," 7 Apr. 1903, all in the pension file of Private Nathaniel Buford (alias) Craig, Civil War Pension Files, RG 15, NARA.

The legal marriages conducted by army chaplains routinely outweighed other factors in the resolution of disputed pension claims. But many couples would not undergo military marriages. The chaos and dislocation of war contributed prevented enslaved people from formalizing their relationships. Not all enslaved couples had the option of escaping slavery together. Even if couples did reach Union troops, problems such as shelter, food, illness, and caring for children took priority over marriage ceremonies.

The United States Pension Bureau preferred that freedwomen produce a record of their legal marriages, but a legal ceremony was not necessary to receive a widow's pension. Couples who could prove their former slave marriages to the satisfaction of government bureaucrats received a pension. In effect, these women proved the existence of their own common law marriages. Eliza Perkins was one such woman. In October 1868, Eliza Perkins, a resident of St. Louis, applied for a widow's pension. Her soldier husband died less than a year later of typhoid at a military hospital in Fort Hudson, Louisiana.

Eliza and Thomas Perkins had married in Lincoln County, Missouri, in a slave ceremony conducted by an African American minister. Two former neighbors, Richard Bland and Helen Reach, formerly enslaved in Lincoln County, swore before the Clerk of the St. Louis County Court that they had witnessed the marriage, and testified that Eliza and Thomas Perkins were considered by "all their acquaintances" to be a married couple. Eliza Perkins was admitted onto the pension rolls in January 1869. Perkins is typical of African American women in St. Louis who applied and received their widow's pensions despite having no legal proof of marriage.³⁶

³⁶ "Application of Eliza Perkins for a Widow's Pension," 12 Oct. 1868, and "Application of Eliza Perkins for a Widow's Pension," 23 Apr. 1867, both in the pension file of Thomas Perkins, Co. B, Reg. 62, USCT, WA 166.721, WC 123.209, Civil War Pension Files, RG 15, NARA, Washington D.C. The pension application of Eliza Perkins is similar to other successful applications by African American war widows in St. Louis in which enslaved women had undergone a slave marriage but failed to re-marry in a military ceremony during the war. For

Formerly enslaved women revealed their skills in negotiating a complicated system of bureaucrats and courts. A resident of Seventh Street in St. Louis, Charlotte Washington lived in a neighborhood that was filled with members of the newly burgeoning black community. She was not a new migrant to the city, having undergone a marriage ceremony to her husband before a St. Louis African American minister in 1856. After Charlotte Washington's husband, Henry, died of cholera at Jefferson Barracks in St. Louis during August 1866, she applied for her pension less than two months later. Charlotte Washington collected several African American witnesses, including two soldiers from her husband's regiment, and they all arrived at the St. Louis County Court to testify before a notary public.³⁷

The Federal Pension Bureau, Sexual Respectability,
and the Definition of Legal Marriage

The primary determination of success for an African American widow attempting to receive a Civil War pension revolved around her ability to prove the "legality" of her marriage. The pension cases demonstrate instances where the establishment of a single wife wiped out the history of enslaved family life. In one such case, Ann Smith was certified and issued a widow's pension in December 1868. But Ann Smith was dropped

similar instances in which similarly situated women received Civil War widow's pensions, see the following files: "Widows' Declaration for Army Pension of Sharady Shelly," 14 May 1866, in the pension file of Isaac Shelly, Reg. 56, USCT, WA 126.823, WC 115.524, Civil War Pension files, RG 15, NARA, Washington D.C.; "Application of Louisa Maupin for Widow's Pension," 23 Apr. 1867, in the pension file of Samuel Maupin, Co. K, 56 USCT, WA 306.849, WC 231.068, CWA 146.317, CWC 120.973, Civil War Pension Files, RG 15, NARA, Washington D.C.; and "Widow's Application for Pension," 8 Jan. 1868, in the pension file of Private Joshua Brooks, Co. K, Reg. 56, USC Inf., WA 156.637, WC 155.265, Civil War Pension Files, RG 15, NARA, Washington D.C.

³⁷ "Widow's Application of Charlotte Washington," 11 Oct. 1866, "Statement of George Washington and Anderson Bowles," 11 Oct. 1866, "Statement of Gustavus Brown and Melinda Lucas," 11 Oct. 1866, "Statement from the Adjutant General's Office," Washington D.C., 7 Nov. 1866, and "Statement from the Surgeon General's Office, Record and Pension Bureau," Washington D.C., 17 Nov. 1866, in the pension file of Private Henry Washington, Co. C, Reg. 56, USCT, WA 135.611, WC 110.085, Civil War Pension Files, RG 15, NARA, Washington D.C.

from the pension rolls in 1874 after a pension investigator concluded that she had made a fraudulent claim.³⁸

Ann and Robert Smith began their relationship while enslaved in Montgomery County, Missouri. There was a general consensus in the African American community that Robert and Ann had two children together, Ann and Sophia. Millie Crockett, who attended the births of both children, testified that the children were the daughters of Robert Smith.³⁹ According to the report of the pension bureau investigator, this relationship was not considered to be a marriage by either the slave owners or by members of the local enslaved community.⁴⁰ Pension investigators determined that Ann Smith had not been “married” to the soldier, but that Robert Smith had “just took up with her.”⁴¹ Her children de-legitimized, and her self-identity as a wife invalidated by the government, Ann Smith failed in her struggle to successfully assert her definition of marriage. Ann Smith’s experience suggests that in the years following the Civil War, pension investigators, acting for the federal government, increasingly regulated the moral lives of war widows.⁴²

³⁸ “Widow’s Application for Army Pension,” 1 Mar. 1867, and “Letter from L. C. Black, Special Agent, Washington, D.C. to Honorable J. W. Baker, Commissioner of Pensions,” 6 Nov. 1874, both in the pension file of Private Robert Smith (alias) Poindexter (alias) Martin, Co. D, Reg. 56, USC Inf., WA 144.189, WC 122.668, CA 712.572, MA 254.954, Civil War Pension Files, RG 15, NARA, Washington D.C.

³⁹ “Testimony of Millie Crockett,” 23 Sep. 1868, in the pension file of Private Robert Smith (alias) Poindexter (alias) Martin, Civil War Pension Files, RG 15, NARA.

⁴⁰ “Letter from L. C. Black, Special Agent, Washington, D.C. to Honorable J. W. Baker, Commissioner of Pensions,” 6 Nov. 1874, in the pension file of Private Robert Smith (alias) Poindexter (alias) Martin, Civil War Pension Files, RG 15, NARA.

⁴¹ Pension file of Private Robert Smith (alias) Poindexter (alias) Martin, Civil War Pension Files, RG 15, NARA. See Frankel on the definition and analysis of “sweethearting” and “took-up” intimate relationships among the formerly enslaved population. *Freedom’s Women*, 90-104.

⁴² McClintock, “Civil War Pensions,” 466, 476-477.

In this particular case, Ann Smith was stripped of her pension because individuals from her old neighborhood, including slave owners, did not recognize Ann and Robert as married. African American communities recognized that not all romantic attachments resulted in marriage. Some couples engaged in relationships that were considered to be non-marital, and the community gave these behaviors specific labels, such as “taking up” or “sweethearting.” Brenda Stevenson has suggested that the practice of polygamy may have been more common than recognized by earlier scholars.⁴³ Freedpeople’s definition of legitimate intimate relationships did not necessarily conform to the legal definition of marriage.⁴⁴

Ann Smith’s removal from the pension rolls demonstrates the role a particular definition of sexual respectability played in the governmental allocation of pensions. Robert Smith’s former owner, Joseph Poindexter, asserted to pension investigators that Ann was not named Ann Smith, but Ann Best, after the name of her slave owner, John Best. Characterizing “Ann Best” as “a low character,” Poindexter used constructions of illicit sexual behavior to de-legitimate Ann Smith’s claim on the federal government.⁴⁵ White owners played a key role in “legalizing” slave marriages after the Civil War and their testimony was particularly significant if the couple had not been married by a Union chaplain. Enslaved people married despite the punishment inflicted on them by slave

⁴³ Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), 160-161, 234, 243, 326; Brenda E. Stevenson, “Black Family Structure in Colonial and Antebellum Virginia: Amending the Revisionist Perspective,” in *The Decline in Marriage Among African Americans: Causes, Consequences, and Policy Implications*, M. Belinda Tucker and Claudia Mitchell-Kernan, eds. (New York: Russell Sage Foundation, 1995), 52-53. See Frankel on the definition and analysis of “sweethearting” and “took-up” intimate relationships among the formerly enslaved population. *Freedom’s Women*, 90-104. Nancy Cott demonstrates that marital monogamy in the United States was challenged by other marital and sexual practices. Cott, *Public Vows*, 105-111.

⁴⁴ Schwalm, *A Hard Fight for We*, 245-247; Frankel, *Freedom’s Women*, 90-92, 97-105, 125.

⁴⁵ “Testimony of Jos. Poindexter,” 19 Oct. 1874, in the pension file of Private Robert Smith (alias) Poindexter (alias) Martin, Civil War Pension Files, RG 15, NARA.

owners. White permission or attendance at a slave marriage was not a reliable or objective determinant of family bonds from the perspective of enslaved people.

In the case of Ann Smith, Robert Smith's mother contested her right to a widow's pension. Umstead Smith, the brother of Robert, supported his mother's claims that Robert had never married Ann Smith. Umstead's wife, agreed with her husband that Ann Smith did not marry her brother-in-law.⁴⁶ Competing social and financial interests existed within enslaved communities. Even within families, rival interests clashed over cultural, social, and economic resources. Children may have married without the permission of parents. All of these factors reduced the likelihood of a neighborhood consensus.

Under slavery "marriage" was defined by those who could impose and destroy romantic and familial attachments. As part of the process of emancipation, African American women attempted to seize for themselves the power to define marriage. In the case of Ann Smith, the Federal Pension Bureau investigated and imposed its own definition onto her relationship with Robert Smith. Mary and Sophia, Robert Smith's children, were declared to be illegitimate, and, according to federal pension laws, were not the children of Robert Smith. Fluid understandings of marriage in the slave community placed freedwomen at a disadvantage in their struggle to get their marriage recognized by the federal government. Concepts such as "took up" could define anything from a casual relationship to an informal marriage.⁴⁷

⁴⁶ "Testimony of Rachel Jackson, George Massey, Umstead Smith, and Martha Smith," 10 May 1873, in the pension file of Private Robert Smith (alias) Poindexter (alias) Martin, Civil War Pension Files, RG 15, NARA.

⁴⁷ Noralee Frankel emphasizes the role of community standards in the determination of legitimate marriages in post-war Mississippi. Frankel, *Freedom's Women*, xii.

When more than one widow applied for a soldier's pension, the Pension Bureau had to resolve apparent bigamy.⁴⁸ In 1868 a former slave, Lorenda Williamson, collected a monthly Civil War pension because her husband Simon died in the service of the Union Army.⁴⁹ Lorenda, along with her youngest daughter Missouri Ann, lived in St. Louis with the assistance of a pension, which provided her ten dollars a month. The pension was a substantial monthly supplement for a woman who only a few years earlier had lived as a slave on a farm in Franklin County, Missouri.⁵⁰ But one year later, the federal government suspended the pension when a second woman, Silva Williamson, filed her own claim for the same soldier's pension. Silva claimed that she had married Simon Williamson in a slave ceremony when she lived on a neighboring farm back in Franklin County.⁵¹

Confronted with a second slave wife, the Pension Bureau assigned a special investigator to research the purported marriages of Lorenda, Silva, and Simon. From 1869 to 1881 the Bureau conducted three different investigations to resolve the marital status of the two widows. In the third and final investigation, the agent ruled that Silva was the "only true and legal wife" of Simon. From the perspective of the state, this

⁴⁸ For literature on the application process for emancipated widows, special investigators, and Civil War pension claims see Franke, "Becoming a Citizen," 267-274; McClintock, "Civil War Pensions," 474-476; and Regosin, *Freedom's Promise*, 82-96.

⁴⁹ "Pension application of Lorenda Williamson," 7 Jan. 1867; and "Affidavit of Lorenda Williamson," 18 Mar. 1868, both in the pension file of Simon Williamson, 65 USC Inf., WA 140.439, WC 113.001, CWA 177.826, CWC 193.493, Civil War Pension Files, RG 15, NARA, Washington, D.C.

⁵⁰ "Claim for Widow's Pension of Lorenda Williamson," passed 4 May 1868, and "Application for Widow's Pension," 7 Jan. 1867, both in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁵¹ "Original Pension Application of Silva Williamson," 23 Jul. 1869, Undated Report, "Deposition of John Standly," 28 Feb. 1874, "Deposition of David North," 28 Feb. 1874, "Deposition of David North," 28 Sep. 1881, and "Report by Special Examiner George W. McKean," 1 Oct. 1881, all in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

ruling transformed Lorenda's status from that of a legal wife into an immoral woman who had engaged in criminal cohabitation.⁵²

Pension Bureau agents nullified slave marriages based on state-imposed definitions of sexual respectability.⁵³ As a consequence, certain war widows were deprived of the economic benefits of marriage, including the widow's pension. The allocation of widow's pensions reveals an important aspect of how legal marital status and its converse—constructions of criminal sexual behavior—shaped the civil rights of emancipated women in post-Civil War America.⁵⁴

Shifting definitions of legal marriage played a crucial role in the long delayed resolution of the Williamson case. After the third and final investigation, the bureau struck Lorenda from the pension rolls. The special investigator concluded in his 1881 report that Lorenda was a “woman of bad reputation, who no doubt had frequent and criminal intercourse with the soldier.” He recognized that Lorenda had “several children” by Simon, but dismissed them as “illegitimate” and declared that Lorenda was viewed as no more than a “common prostitute” among the enslaved population.⁵⁵ Lorenda not only lost her pension, the state also stripped her of her marital identity.

⁵² “Report by Special Examiner George W. McKean,” 1 Oct. 1881, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁵³ I am indebted to the following scholars for their persuasive arguments about the political salience of laws governing marriage, female sexual activity and family formation. See, for example, Peter W. Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995); Victoria Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992); Cott, *Public Vows*; Laura F. Edwards, “‘The Marriage Covenant is at the Foundation of all Our Rights’: The Politics of Slave Marriages in North Carolina after Emancipation,” *Law and History Review* 14 (Spring 1996): 81-124; and Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997).

⁵⁴ For scholarship on the political and personal implications of legal marriage for emancipated slaves see Frankel, *Freedom's Women*; Edwards, “The Marriage Covenant,” 81-124; and Franke, “Becoming a Citizen”, 251-309.

⁵⁵ “Report by Special Examiner George W. McKean,” 1 Oct. 1881, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

In contrast, Silva's reputation for sexual respectability was a key factor in the government's decision to acknowledge her as the legitimate widow. As a slave, Lorenda had married a man and separated from him before her relationship began with Simon. She testified that her first husband left her for another woman.⁵⁶ Lorenda could not legally divorce her first husband, but this did not prevent the pension investigator from construing her relationship with Simon as an act of bigamy or adultery. Silva did not have any other husbands to explain away, whereas Lorenda had to convince the pension investigator that her first marriage had truly dissolved. The pension investigators failed to take into account that Lorenda, like other enslaved persons, could not legally marry or petition the court for a divorce. The circumstances of slave life blurred the distinctions between married couples and illicit relationships. Special investigators, however, ignored the diversity of familial relationships under slavery. They imposed firm distinctions between sexually virtuous slave women and those widows they identified as morally suspect.⁵⁷

In order to make these distinctions, agents researched the sexual histories of the contesting widows. The pension bureau erased the history of slavery, attributing to slave women an agency they never actually possessed. Investigators conducted extensive interviews with family members, the former slave owners, and others in the African American community in which a couple had lived during slavery.⁵⁸ It was through collection of such testimony that Silva won the pension. In 1850, Simon formally married Silva in a ceremony that was conducted in her master's home by a Methodist

⁵⁶ "Deposition of Lorenda Williamson," 27 Sep. 1881, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁵⁷ For scholarship on freedpeople's informal marriages, pension agents, and the Pension Bureau, see Frankel, *Freedom's Women*, 86-92.

⁵⁸ On the Pension Bureau's rules of collecting evidence for the pension claim see Regosin, *Freedom's Promise*, 36-53.

class leader. Several people who had grown up with Silva strengthened her claim by not only testifying that she was sexually monogamous during her marriage to Simon, but that Simon was the only man with whom she had ever had an intimate relationship.⁵⁹

Notably, these distinctions were the conclusions of the Pension Bureau officials and not always consistent with African American community views and values.

Lorenda, however, argued that Simon never accepted Silva as his true wife. According to Lorenda, Simon married Silva in 1850 because he had impregnated her, and Silva's father subsequently forced a wedding on Simon. She emphasized that Simon viewed Silva as a casual relationship, claiming that, "we all teased him a good deal about his running around among the girls."⁶⁰ Lorenda also claimed that despite marriage to Silva, Simon "was running backwards and forward between her and me." Throughout the first half of the 1850s, Simon apparently maintained sexual relationships with both Silva and Lorenda.

Notably, Simon's sexual behavior did not alter his own potential economic claims on the state. But, like other widows, Lorenda had to prove the legitimacy of her marriage to collect her pension. Lorenda testified that she was informally married to Simon in June of 1848, although the best evidence indicates Simon did not devote himself to Lorenda until the late 1850s. According to Lorenda, she bore Simon a child every year, and by 1858 she had given birth to thirteen of Simon's children.⁶¹

⁵⁹ "Deposition of John Standley," 28 Feb. 1874, "Deposition of Jacob Wood," 28 Feb. 1874, "Deposition of David North," 28 Sep. 1881, "Deposition of Louisa North," 29 Sep. 1881, "Deposition of Flavius J. North," 29 Sep. 1881, and "Deposition of Jas. G. North," 28 Sep. 1881, all in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁶⁰ "Deposition of Lorenda Williamson," 27 Sep. 1881, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁶¹ "Pension Application of Lorenda Williamson," 7 Jan. 1867, "Deposition of John Standley," 28 Feb. 1874, and "Deposition of Lorenda Williamson," 27 Sep. 1881, all in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

Lorenda and her witnesses also claimed that Simon permanently separated from Silva and devoted himself to Lorenda several years before the Civil War. A former slave testified that Simon and Lorenda attended a religious camp meeting together and were acknowledged as a married couple. But, in contrast to Silva, Lorenda and Simon did not participate in a formal marriage ceremony. Rather, Simon and Lorenda began married life by living together as a family.⁶² In the end, Silva's sexual respectability and her formal marriage ceremony convinced the special investigator that Lorenda was an interloper into the legitimate marriage of Simon and Silva.⁶³

Silva's challenge might not have been successful but for an 1873 change in the pension laws that narrowed the grounds for successful claims. Women like Lorenda, who qualified for a widow's pension in 1868, were much less likely to gain a pension after Congress rewrote the laws in 1873. Prior to this change, the state accepted slave marriages as legitimate if two witnesses testified that the soldier and his wife had recognized each other as married for a minimum of two years before the soldier's enlistment. In other words, Lorenda did not need a ceremony or community acknowledgement of her marriage; she only needed the two former neighbors who testified that Simon and Lorenda recognized each other as man and wife.⁶⁴

The 1873 law, however, shifted power away from the two central figures in the slave relationship to define their own marriage. Under the new law, the Pension Bureau required evidence that the couple had undergone a formal marriage ceremony or they

⁶² "Affidavits of Ella Walker and Gustavus Brown," 18 Mar. 1867, "Deposition of Lee Jeffries," 27 Sep. 1881, and "Deposition of Lorenda Williamson," 27 Sep. 1881, all in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁶³ "Report by Special Examiner George W. McKean," 1 Oct. 1881, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁶⁴ See Act of June 6, 1866, 14 Stat. 58 (1866) quoted in McClintock, "Civil War Pensions," 474; Regosin, *Freedom's Promise*, 83-84; and "Affidavits of Pricilla Law and Harriet Walker," 7 Jan. 1867, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

were habitually “recognized by their neighbors” as joined in marriage. The affidavits of two witnesses would no longer be sufficient for the legal recognition of slave marriages.⁶⁵ After 1873 the widow had to depend on the “habitual” recognition of her mother-in-law, her master, her neighbors, and her own kin to convince the pension investigator that she was a “legal” wife.⁶⁶ Any interested party could question the marital legitimacy of a couple.

The Williamson case exemplifies how this change in evidentiary procedure allowed the state to drop widows from the pension rolls even after they had been recognized as legal wives. Every person’s opinion from Lorenda’s old neighborhood was imbued with legal significance. Needless to say, residents of Franklin County disagreed whether or not Lorenda was the wife of Simon at the time of his death. Silva’s former master, and her friends and relatives all insisted that Silva was the only “real” wife of Simon up to his enlistment in the Union army.⁶⁷

The pension agents expected one community consensus of marital status to emerge from their investigations. But this expectation did not take the realities of slavery into account. The imposed diaspora of the internal slave trade separated couples and confused marital boundaries. In addition, community consensus was not a forgone conclusion. Neighbors and relatives could disagree about the legitimacy of slave unions.

Masters frequently attempted to impose their decisions on the personal lives of slaves. As mentioned earlier in the chapter, Lorenda’s master testified that he whipped

⁶⁵ Act of June 6, 1873, ch. 234 §11, 17 Stat. 566 (1873) (revising, consolidating and amending laws relating to pensions), quoted in Franke, “Becoming a Citizen,” 268; See also §4705 of the Revised Statutes of the U.S. (1873-74) quoted in Regosin, *Freedom’s Promise*, 84.

⁶⁶ Franke, “Becoming a Citizen,” 268; Regosin, *Freedom’s Promise*, 84.

⁶⁷ “Affidavits of Ella Walker and Gustavus Brown,” 18 Mar. 1867, “Deposition of Lee Jeffries,” 27 Sep. 1881, “Deposition of Jacob Wood,” 28 Feb. 1874, “Deposition of David North,” 28 Sep. 1881, and “Deposition of Louisa North,” 29 Sep. 1881, all in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

Lorenda and Simon several times to keep them apart.⁶⁸ Lorenda's marriage to Simon was subject to contestation before as well as after the Civil War.

Throughout all of the investigations, Lorenda continued to insist that she was the wife of Simon. Furthermore, the evidence in the pension file demonstrates that Simon himself recognized Lorenda as his wife. To substantiate her claim, Lorenda gave the pension investigator letters that Simon had sent to her during the Civil War.⁶⁹

While Simon was stationed in St. Louis, he wrote the following to Lorenda:

My Dear Wife

I am well at this time and I hope to find you and the children the same way. My Love to my Mother. Brother Paul is well. Wanting to see you all very bad . . . I want to hear from my other two children . . . From Your Husband Simon Williamson⁷⁰

In his letters Simon promised to send Lorenda his pay, thus demonstrating that his death deprived Lorenda of his economic support. He also concerned himself with the education of their youngest daughter, Missouri Ann, advising Lorenda to, "Try and give Missouri a little Schooling."⁷¹ The letters demonstrate that at the time of his death, he viewed Lorenda as his wife, and he acknowledged himself to be the father of Missouri Ann.

Lorenda also testified that after Simon ran away to join the army, her master "gave her a severe whipping, because Simon had gone." Missouri slave owners often

⁶⁸ "Deposition of John M. Crowder," 1 Oct. 1881, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁶⁹ "Deposition of Lorenda Williamson," 27 Sep. 1881, "Letters from Simon Williamson to My Dear Wife [Lorenda Williamson]," Benton Barracks, St. Louis, 21 Feb. and 31 Mar., year unknown, to Lorenda Williamson, all in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁷⁰ "Letter from Simon Williamson to My Dear Wife [Lorenda Williamson]," Benton Barracks, St. Louis, 21 Feb., year unknown, to Lorenda Williamson, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁷¹ "Letter from Simon Williamson to My Dear Wife [Lorenda Williamson]," Benton Barracks, St. Louis, 31 Mar., year unknown, to Lorenda Williamson, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

punished the wives of men who escaped to enlist in the Union Army.⁷² From this evidence, we can conclude that Lorenda's master targeted her as a significant woman in Simon's life. Simon may have heard about his former master abusing Lorenda, because he traveled back to the farm to help Lorenda escape from slavery.⁷³

Simon's wartime letters indicated that he planned to rejoin Lorenda after the war. In one letter, he worried that he would be unable to locate his family members: "Stay at that place as long as you can so that I will know where to find you when I come." Simon, however, died of sickness in December of 1864. He would not survive the war and would never return to the woman he thought of as his wife.⁷⁴

The creation of the widow's pensions implied that the state owed the wives of deceased soldiers a basic level of economic support. Lorenda believed that she was entitled to claim this support from the state. However, as a formerly enslaved African American woman—with a suspect sexual history in the eyes of the Pension Bureau—she found herself at a disadvantage in her ability to establish herself as a "legal wife." African American women who best fit the normative sexual behavior expected by the white pension investigators held an advantage in the determination of pension cases.

⁷² "Deposition of Lorenda Williamson," 27 Sep. 1881, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA. The following letters offer primary source evidence of the abuse of soldier's wives: Lieut. Jeff A. Mayhall to Brig. Genl. Pile, 4 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393 Pt. 1, p. 253; Martha to My Dear Husband [Richard Glover], 30 Dec. 1863, enclosed in Brig. Genl. Wm. A. Pile to Maj. O.D. Greene, 11 Feb. 1864, P-91 1864, Letters Received, ser. 2593, Dept. of the MO, RG 393, Pt. 1, NARA, both quoted in Berlin, et al., *Black Military Experience*, 243-244, cited in Gerteis, *Civil War St. Louis*, 284. For background on the formation of the United States Colored Troops in Missouri, see John W. Blassingame, "The Recruitment of Negro Troops in Missouri During the Civil War," *Missouri Historical Review* 58, no. 3 (April 1964): 326-338.

⁷³ "Testimony by Henry M. Post, Attorney," 11 May 1870, quoted in an undated report, in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

⁷⁴ "Letter from Simon Williamson to My Dear Wife [Lorenda Williamson]," Benton Barracks, St. Louis, to Lorenda Williamson, 31 Mar., year unknown, and "Pension Application of Lorenda Williamson," 7 Jan. 1867, both in the pension file of Simon Williamson, Civil War Pension Files, RG 15, NARA.

Lorenda had a much harder time claiming the mantle of respectability because she had engaged in a relationship against the wishes of her slave owner. Silva, in contrast, had a much easier time engaging in the politics of respectability because her relationship was sanctioned by slave owners and the elders in her community.

The federal government bestowed the civil right of marriage unevenly on emancipated women. Both Lorenda and Silva experienced a transformation in their legal status from slave to citizen. Both women advocated their right to a military pension, and they both pushed the state to recognize that, as the wives of a soldier, they were owed an economic obligation for their husband's military service. But, although each of these women had borne Simon's children and cohabited with him, the state decided to strip Lorenda of her pension and reassign it to Silva.

The Gibson Marriage: Same-Sex Marriage, Passing,
and the Performance of Gender

After Emancipation, freedpeople continued to engage in an array of family formations. The experience of Jane Gibson suggests how African American women employed fluid definitions of marriage both before and after Emancipation. A resident of St. Louis in 1898, Gibson applied for a pension after her husband's death. Gibson's life history is unusual, in that she married a woman passing as a man in an African American Methodist church not long after the end of the war. Yet Gibson's life is typical in that she ended up arguing for her preferred definition of marriage before a state representative. The details of her life preserved in the transcript shows us that what might seem extraordinary in fact reveals the negotiation of an expanding range of sexual and marital choices after the Civil War.⁷⁵

⁷⁵ "Declaration for Widow's Pension," 10 Nov. 1898, in the pension file of Henry Gibson alias Cordon, Co. A, Reg. 65, USC Inf., IA 824.111, IC 682.680, WA 686.255, Civil War Pension Files, RG 15, NARA.

Before the Civil War, Gibson lived as a slave of “old Tom Cordy” in the Missouri countryside near Warrenton, Missouri. In her pension claim, Jane Gibson would describe Spencer Camp, who belonged to a neighboring slave owner, as “The first man I ever had.” In her own words she “was not married to Camp” by ceremony, but “lived with him as his wife about a year and a half . . .” The couple had one child who died young. After Tom Cordy, her master, bought a man named Henry Gibson, Jane “quit Spencer Camp and took up with Henry . . .” with whom she had one child, Martha. She asserted that although they did not marry in a ceremony, they lived together as man and wife for a year and a half before he “ran away to go in the army” in 1863. Jane Gibson moved to Warrenton, a town located about six miles from the “Cordy place,” as the “War was breaking up.”⁷⁶

During the time in which she was enslaved, Jane bore two children fathered by her slave owner, Lucy and a son named Add.⁷⁷ Enslaved women had very little power to make their own sexual or marital choices. Held in bondage, they were subject to sexual abuse. Furthermore, slaveholders played a large role in controlling the formation of enslaved families.

When Jane Gibson applied for her pension, a special examiner who investigated her past found that Gibson had married another person soon after the Civil War. Jane Lewis, an African American woman, passing as a man, came to Warrenton with her two young daughters, Julia and Sadie. Jane Lewis was known in town as James, or “Jim” Lewis, and was married to Jane Gibson in the fall of 1866 by the Reverend Henry Jones

⁷⁶ The name of Jane Gibson’s former owner was recorded in one of her depositions as “Tom Cordy or Cordon.” “Deposition of Jane Gibson,” 2 Jul. 1900, “Deposition of Delpha Carrico,” 7 Nov. 1901, “Deposition of Louis Camp,” 7 Nov. 1901, and “Report from the Department of the Interior, Bureau of Pensions,” 12 Jul. 1900, all in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

⁷⁷ “Deposition of Lewis Camp,” 7 Nov. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

in a local African American Methodist church known as Wesley Chapel.⁷⁸ James/Jane Lewis wore a white suit for the marriage ceremony and afterwards the couple took a “bridal tour to Montgomery City” and “settled down to housekeeping” in Warrenton.⁷⁹ Benjamin Fields attended the marriage ceremony, and remembered that the couple married in the log church around “three years after ‘freedom.’” Fields asserted that James/Jane Lewis and Jane Gibson lived together for approximately five months before separating.⁸⁰

As exemplified in Jane Gibson’s life history, emancipation brought greater agency to African American women in their choices of marital partners. Women took advantage of their new found freedom to create their own definitions of family. Her pension application revealed a life filled with complicated conceptions of sexuality, respectability, and marriage. Lucy Edwards knew Jane Gibson from the time she was “set free” and moved to Warrenton. She recalled that the marriage of James/Jane Lewis to Jane Gibson was “a peculiar marriage” and estimated that the wedding had taken place in front of a full church audience. Edwards, an attendee at the wedding, remembered that James/Jane Lewis “looked like some kind of a man,” elaborating that, “they all said he

⁷⁸ Wesley Chapel was located in a log structure in Truesdale, Missouri, a town located approximately a mile from Warrenton, Missouri. “Deposition of Lucy Edwards,” 16 Dec. 1901, and “Deposition of Jane Cordon (Gibson),” 12 Nov. 1901, both in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA. After the Civil War, black Methodist congregations engaged in debates about the formal role of women in the church. In the 1870s, the African Methodist Episcopal and the Methodist Episcopal Zion churches inserted gender neutral language into their church by-laws. African American Methodist women began to advocate for increased church authority prior to the Civil War. As early as the 1850s, African American women in Methodist churches conducted campaigns to license women preachers. Martha S. Jones, *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007), 108, 155-156, 158-159.

⁷⁹ “Deposition of Samson Edwards,” 17 Dec. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

⁸⁰ “Deposition of Benjamin Fields,” 16 Dec. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

wasn't but he was dressed like a man." Lucy Edwards recalled how they had talked to her "about their troubles" with their children shortly before their separation. According to Edwards, after they separated James/Jane Lewis relocated to St. Louis, and Jane Gibson did not re-marry or take up with any other person.⁸¹

It is not clear how Jane Gibson or James/Jane Lewis defined their relationship. But years later, James/Jane Lewis' child Sadie defined her mother as a woman, while reporting that Jane Gibson said her mother "always wore breeches and that she was a woman and a man."⁸² Samson Edwards, who later married Julia, another daughter of James/Jane Lewis, recalled that his mother-in-law wore "men's clothes" in Warrenton, and was known as Jim Lewis until "she was examined by some men up there." Edwards also claimed that his mother-in-law was later prosecuted in St. Louis for wearing men's clothing.⁸³ In 1901, Jane Gibson asserted about her former husband that, "to tell the plain truth he was half man and half woman."⁸⁴ George Carrico, a resident of Warrenton, asserted that James/Jane Lewis "was said to sometimes wear a dress and call himself 'Jane' and sometimes pants and called himself "James" Lewis."⁸⁵

⁸¹ "Deposition of Lucy Edwards," 16 Dec. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

⁸² Jane Lewis (alias Jane Davis) gave birth to her daughter Sadie in 1863 at Brunswick, Missouri. Jane Lewis married her first husband, Pampon Lewis, while living as a slave and, in addition to Sadie, bore a daughter named Julia, a son named George, and two other children who died. Pampon Lewis died while serving in the Union army. "Deposition of Sadie Vandenburg," 18 Dec. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

⁸³ "Deposition of Samson Edwards," 17 Dec. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

⁸⁴ "Deposition of Jane Gibson," 18 Dec. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

⁸⁵ "Deposition of George Carrico," 7 Nov. 1901, in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

The marriage of two African American women in a black Methodist church underscores the greater agency that women had in their marital and sexual choices immediately following the Civil War. James/Jane Lewis, as a freedperson, had the opportunity to travel and create new gender identities for himself. As a freedwoman, Jane Gibson was no longer under the control of her slave owner, and she had much greater agency in her ability to choose her own marital and sexual relationships. But freedwomen's sexual and marital choices often conflicted with the definition of marriage promoted and enforced by the state through the pension bureau.

Jane Gibson found that both her experiences under slavery and her choices after freedom would be construed as immoral and disrespectful by the Pension Bureau. Around 1893, Gibson moved to St. Louis to find work, where she was reunited with her soldier husband, Henry Gibson. They lived together for a number of years before they legalized their marriage by undergoing a religious ceremony in 1897. After her husband's death, Jane Gibson applied for her pension, asserting that she had not married any other man.

The Pension Bureau researched Jane Gibson's marital history, to determine if she was eligible for a pension under the existing statutes. To qualify for a pension, Jane needed to have married Henry Gibson prior to 1890. Her assertion that she was married to Gibson before his enlistment was critical to the legality of her pension claim. Under the pension statutes, any marriage to a man other than her soldier husband would have invalidated her claim. The Special Examiner was confused by her relationship with James/Jane Lewis, but due to the fact that Lewis had been labeled as a woman in her death certificate, he determined that her marriage ceremony in the Warrenton Methodist church was not legal in the eyes of the law, and therefore could not interfere in her pension claim. Notably, the pension investigator found that her pre-Civil War relationship with Henry Gibson was not a "marriage" but was simply a "took-up"

relationship. Thus, Jane Gibson was labeled as disrespectful by government bureaucrats and denied a soldier's pension.⁸⁶

Divorce as Emancipation:
Sinai Johnson v. Demas Johnson

During the Civil War, a free woman of color named Sinai Johnson left her husband and initiated a divorce case four years later.⁸⁷ Sinai Johnson filed her divorce suit on the ground of cruel and inhuman treatment in the St. Louis Circuit Court against her husband, Demas Johnson, in March 1868. In her divorce petition Sinai asserted that her husband had assaulted her with a broomstick, choked her, and threatened to kill her.⁸⁸ Testifying in her divorce trial, Sinai Johnson described a violent household. She accused Demas of beating her and locking her out of her home. In her testimony, Sinai observed that if she wanted to “see a friend,” her husband would “fall out about it” and told her that she “should not go to see anyone without his permission.”⁸⁹ Sinai Johnson's marital separation and consequent divorce from her husband represented a series of emancipations from the patriarchal authority that she found in her marriage, her church, and her community.

The first time Sinai Johnson left her husband was in 1862, after an extended violent incident. Sinai described how she “got [Demas] his dinner,” after which she told

⁸⁶ “Letter from the Assistant Secretary to the Commissioner of Pensions,” [undated], and “Letter from J. A. Cuddy, Chief of Law Division, Department of the Interior, Bureau of Pensions, Washington, D.C., to Chief of the Southern Division,” 12 Jul. 1900, both in the pension file of Henry Gibson alias Cordon, Civil War Pension Files, RG 15, NARA.

⁸⁷ “Testimony of Sinai Johnson,” p. 10, *Johnson v. Johnson*, March Term 1870, Missouri State Supreme Court case files, Missouri State Historical Society, Jefferson City, Missouri; *Johnson v. Johnson*, 45 MO 597.

⁸⁸ “Petition of Sinai D. Johnson by her next friend Charlton H. Tandy, Plaintiff,” St. Louis Circuit Court, April Term 1868, filed in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

⁸⁹ “Testimony of Sinai Johnson,” p. 10, *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

him that she wanted to return some sewing work that she had finished. Demas Johnson forbade her to leave the house, and then “broke a broomstick” over her head and shoulder and “shoved” her out the door. Neighbors Rufus H. and Matilda Pettiford attempted to investigate and approached the Johnson household, but, as Sinai’s testified, “...they wanted to get in but he [Demas] kept me locked up and beat me to his own satisfaction.”⁹⁰

After returning from work the next day, Demas Johnson beat Sinai severely with a stick in the street, where the attack was witnessed by several neighbors. When her son-in-law, Charleton H. Tandy, was informed that his “mother in law was beat nearly to death,” he entered the Johnson home, giving Sinai the opportunity to run to her neighbor Cloe Jackson’s house. Jackson testified that Demas “chased her into my house with a piece of crate in his hand.”⁹¹ Sinai claimed that she sustained permanent injuries from this beating, stating in her testimony: “I am a cripple now in my shoulder.” Sinai Johnson left Demas after this 1862 attack, and moved in with her daughter and son-in-law. But that same year, she returned to her husband after Demas promised “to do better.”⁹²

Two years later, Sinai Johnson “left him for good” on May 11, 1864 after another violent incident. In her divorce trial, Sinai Johnson testified that Demas Johnson “took up a big hatchet & run me out of the house.” In response, Sinai fled up the stairs to her daughter’s and son-in-law’s room. She remained with the Tandys all night. In the

⁹⁰ “Testimony of Sinai Johnson,” p. 10-11, “Testimony of Demas Johnson,” p. 18, “Testimony of Rufus Pettiford,” p. 20, all in *Johnson v. Johnson*, Missouri State Supreme Court Case Files. The census listings of information in 1850 and 1860 on Matilda and Rufus Henry Pettiford can be found on the 1850 and 1860 federal census rolls of the United States. *Seventh Census of the United States, 1850* (Washington D.C.: NARA, 1850), Roll M432-417, p. 36, image 73.

⁹¹ “Testimony of Charlton H. Tandy,” p. 13, and “Testimony of Cloe Jackson,” p. 15, both in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

⁹² “Testimony of Sinai Johnson,” p. 11, and “Testimony of Charlton H. Tandy,” p. 13-14, both in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

morning Demas Johnson raised a chair, and, according to Sinai Johnson, threatened her life: “He said I could not stay there. If I did he would kill me.” Her daughter, Missouri Tandy confronted Demas Johnson, saying “father this is my mother & you shant hurt her.”⁹³

Both Sinai and Demos Johnson were well established residents of in the African American community of St. Louis. Sinai Johnson was a free woman of color who had lived in the city for 16 years when she married Demas in 1849.⁹⁴ Demas won his freedom in 1850, and over the years the couple worked and accumulated property. Sinai Johnson viewed herself as an active participant in this accumulation of capital, and asserted in her testimony, “When I married him he was not worth \$50.” Johnson recounted how she sold pies and whiskey at Jefferson Barracks. By 1868 Demas and Sinai Johnson owned two houses in St. Louis. One house rented for approximately 30 dollars a month, while the second house was worth about \$1,500.⁹⁵ At the time of their divorce, the couple had accumulated the social and financial capital necessary to place them in the upper stratum of the St. Louis African American community.

To further complicate the case, in 1868 Demas Johnson reunited with his first wife, Elizabeth Jackson. Johnson married Elizabeth Jackson while living as a young man in Virginia. Demas Johnson testified that a minister married him to Elizabeth, that he lived with her for approximately ten years, and that she bore him three children. Elizabeth Jackson and the three children were forcibly separated from Demas Johnson and sold to a new owner in Texas. He would not see his first wife again for 25 years and was happy to discover after the war that his wife and children were alive and living in

⁹³ “Testimony of Sinai Johnson,” p. 11, and “Testimony of Charlton H. Tandy,” p. 13, both in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

⁹⁴ “Testimony of Sinai Johnson,” p. 10, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

⁹⁵ *Ibid.*, p.11-12.

Kentucky. Johnson argued he had a duty to support his first wife after he “learned she was alive.” By the time of the divorce trial, Elizabeth and Demas were living together in St. Louis.⁹⁶

The case of *Johnson v. Johnson* raised a marital question faced by other formerly enslaved people living in the St. Louis black community. Former wives and husbands, who had been sold away during slavery, found each other after emancipation, and couples wished to leave their current spouse for their former partner. Within the African American community there was no clear consensus over the definition of marriage. Many freedpeople did not undergo a second ceremony after emancipation to legalize their slave marriages.⁹⁷ As we see in the Johnson divorce case, contestations about marital status became neighborhood and household conflicts.

Marital Rights, Obligations,
and the African American Church

Several of the African American residents of St. Louis who testified in the 1868 *Johnson v. Johnson* divorce trial belonged to one of the city’s African American churches, the Eighth Street Baptist Church. Demas and Sinai Johnson themselves were long-time members of the Eighth Street Church. The Reverend John R. Anderson, who served as the minister of Eighth Street, married Demas and Sinai Johnson in 1849.⁹⁸

⁹⁶ “Testimony of Demas Johnson” in *Johnson v. Johnson*, March Term 1870, Missouri State Supreme Court Case Files, Missouri State Historical Society, Jefferson City, Missouri, p.17; *Johnson v. Johnson*, 45 MO 597.

⁹⁷ This lack of formal ceremonies of existing slave marriages was not peculiar to Missouri. Across the South, many freedpeople did not legalize their slave marriage after emancipation. Frankel, *Freedom’s Women*, 80-82; Schwalm, *A Hard Fight for We*, 243-244; Ira Berlin, Steven F. Miller, and Leslie S. Rowlands, eds., “Afro-American Families in the Transition from Slavery to Freedom,” *Radical History Review* 42 (Sep. 1988): 92, 98; Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Alfred A. Knopf, 1979), 262-263.

⁹⁸ The Eighth Street Baptist Church has also gone by the names the Second Colored Baptist church and Central Baptist Church. Stevens, *History of Central Baptist Church*, 9-11, 29-31; *Johnson v. Johnson*, 45 MO 597; “Testimony of Sinai Johnson,” p. 10, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

Demas served as an assistant deacon for the church under Rev. Anderson. A future minister wrote of Demas Johnson that he “stood with Rev. Anderson from the first at 8th Street until [Anderson’s] death” in 1863.⁹⁹ Men who testified for Demas Johnson included Edmund Collins, a church deacon, and Rufus Pettiford, a trustee of the church; both men were colleagues of Rev. Anderson.¹⁰⁰

Reverend Anderson was a leader of the antebellum black community of St. Louis. As a young man, he worked as a type-setter for the abolitionist, Elijah P. Lovejoy, when Lovejoy’s office was attacked by rioters and his printing press thrown into the Mississippi river in 1837.¹⁰¹ On the night of January 1, 1863, to celebrate the Emancipation Proclamation, African Americans congregated at the Eighth Street Church and marched to Turner Hall in downtown St. Louis, where Rev. Anderson presided over the gathering.¹⁰²

The members of Eighth Street Baptist Church played a prominent role in the struggle for civil rights in St. Louis.¹⁰³ Harriett Scott, the wife of Dred Scott, and her daughters, Lizzie and Jane, were all members of the church.¹⁰⁴ In October 1865, a group

⁹⁹ Stevens, *History of Central Baptist Church*, 11.

¹⁰⁰ Stevens, *History of Central Baptist Church*, 11; “Testimony of Ed. Collins,” and “Testimony of Rufus Pettiford,” p. 21-22, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files, Missouri State Historical Society, p. 21-22.

¹⁰¹ Stevens, *History of Central Baptist Church*, 29-30.

¹⁰² *Ibid.*, 11.

¹⁰³ The gender politics of African American Baptist churches can be distinguished from both African Methodist Episcopal and AME Zion churches. Methodist women engaged in campaigns for formal recognition within church bodies. The Baptist churches were less hierarchical than Methodists in their organizational structure. Baptist women may have had influence at the local level, but did not make claims to formal power within the church. They did not seek ordination for women, nor did they seek access to power within the national church. Jones, *All Bound Up Together*, 163-165. On debates among the nineteenth-century Methodists on the role of women in the church, see 108, 151-171, 190-199.

¹⁰⁴ Stevens, *History of Central Baptist Church*, 10, 39.

of African American men and women met at the Eighth Street Church to form the Missouri Equal Rights League, and selected, G. P. Wells, a pastor of Eighth Street Church, as their president.¹⁰⁵ This League would lead the fight for African American male suffrage in Missouri.

Sinai Johnson's daughter, Missouri, married Charleton H. Tandy in 1859, who supported his mother-in-law in her marital struggles with Demos Johnson. "I have always given her shelter," Tandy claimed about the times Sinai Johnson was driven away from her own home. He would assist Sinai Johnson in her case for divorce and alimony.¹⁰⁶

A civil rights activist, Tandy fought to integrate the St. Louis streetcars by organizing a boycott against the racially segregated St. Louis streetcars in 1870.¹⁰⁷ Tandy belonged to a younger generation of members at the Eighth Street Church and advocated for black autonomy in the governance of the church. After the Civil War, Tandy worked to replace the white teachers working at the church's Sunday school with African American instructor; Tandy himself would serve as a Sunday school superintendent.¹⁰⁸ His civil rights work suggests a connection between the politics of marriage and struggles for civil rights.

¹⁰⁵ Gerteis, *Civil War St. Louis*, 322.

¹⁰⁶ "Testimony of Charlton H. Tandy," p. 12-13, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹⁰⁷ Biographical Description of Charlton H. Tandy, Charlton H. Tandy Papers, Western Historical Manuscript Collection, University of Missouri-St. Louis, St. Louis, Missouri; "Testimony of Charlton H. Tandy," p. 13, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files; John A. Wright, Sr., *No Crystal Stair: The Story of Thirteen Afro-Americans Who Once Called St. Louis Home* (Florissant, Missouri: Ferguson-Florissant School District, 1988), 36, 37-38; Lorenzo J. Greene, Gary R. Kremer, Antonio F. Holland, *Missouri's Black Heritage*, Revised Edition, revised by Gary R. Kremer and Antonio F. Holland (Columbia, Missouri: University of Missouri Press, 1993), 105; Bryan M. Jack, "Tandy, Charleton (1836-1919)," *BlackPast.org: Remembered & Reclaimed*, <http://www.blackpast.org/?q=aah/tandy-charleton-1836-1919>, accessed 17 May 2009. On Tandy's work in organizing aid to the exodusters, see Gary R. Kremer, *James Milton Turner and the Promise of America: The Public Life of a Post-Civil War Black Leader* (Columbia: University of Missouri Press, 1991), 106-7.

¹⁰⁸ George E. Stevens, *History of Central Baptist Church* (St. Louis, Missouri: King Publishing Co., 1927), 13.

The black Baptist church community shaped both Demas and Sinai Johnson's perception of their marital rights and obligations. Members of the local Baptist African American community became involved in Sinai and Demas Johnson's marital struggles.¹⁰⁹ The Reverend Edward L. Woodson took a pastoral role and visited at their house "frequently to talk with each of them as a minister." Rev. Woodson encouraged Sinai Johnson to return to Demas after this separation, but Sinai told him that she was "afraid he would kill her."¹¹⁰ In November 1863, Rev. Woodson was the prominent pastor of the Belleville Baptist Church in Illinois; he testified about the St. Louis black community before the American Freedmen's Inquiry Commission in December 1863.¹¹¹ Woodson, a leader of St. Louis's African American community, testified for Sinai Johnson during her 1868 divorce trial. But Demas found another minister to testify for him at his divorce trial.¹¹² Although African American churches established definitions of legitimate marriages, prescriptive standards of marital behavior, and gendered ideals within marriage, competing definitions existed within the same church community.

After the 1862 assault, the Eighth Street Baptist conducted a disciplinary trial against Demas Johnson for his physical abuse of Sinai Johnson. The church trial, directed by Reverend Anderson, the minister of Eighth Street Baptist, was witnessed by

¹⁰⁹ On the role of the black church in regulating marriage, see Schwalm, *A Hard Fight for We*, 242, 244; and Frankel, *Freedom's Women*, 84-86.

¹¹⁰ "Testimony of E. L. Woodson," p. 16, *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹¹¹ Stevens, *History of Central Baptist Church*, 32; Gerteis, *Civil War St. Louis*, 286; Testimony of Rev. Edward L. Woodson before the American Freedmen's Inquiry Commission, 1 Dec. 1863, filed with O-328 1863, Letters Received, ser. 12, RG 94, in Berlin, et al., *The Wartime Genesis of Free Labor*, 580-581; "Testimony of E. L. Woodson," p. 16, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹¹² "Testimony of Henry Thomas", p. 19, and "Testimony of E. L. Woodson," p. 16, *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

two to three hundred church members.¹¹³ Charlton Tandy, who attended the trial, asserted that Demas Johnson admitted that he had physically injured Sinai Johnson and “asked her forgiveness. . . .”¹¹⁴ This admission was contested by Demas’ witnesses, such as Edmund Collins, another attendee of the church trial. Edmond Collins admitted that he had “a piece of a crate in his hands but that he did not strike her with it.”¹¹⁵ Collins, as church deacon, would have worked closely with Demas Johnson, an assistant deacon.¹¹⁶

The divorce transcript reveals gender conflict within the St. Louis Baptist community. Several church members encouraged Sinai Johnson to return to her husband despite his threats. Sinai Johnson brought “her things” to store at the house of Rufus and Matilda Pettiford. Rufus Pettiford objected to this and “told my wife it was wrong to let them remain,” after which Sinai Johnson had to remove her property. Pettiford believed Demas was “a good provider for his family” and repeatedly “expostulated” with Sinai, asking her to return to Demas Johnson. Deacon Edmund Collins “tried to induce” Sinai Johnson to return to Demas Johnson after this final separation.¹¹⁷

None of Demas’ witnesses would state that his marriage to Sinai Johnson was illegitimate or void due to his slave status in 1849. Several witnesses for Demas Johnson pointedly asserted that Demas Johnson wanted Sinai Johnson to return after the second separation in 1864. These witnesses defended Demas Johnson, asserting that he was a

¹¹³ “Testimony of Sinai Johnson,” p. 24, and “Testimony of Ed. Collins,” p. 21, both in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹¹⁴ “Testimony of Charlton Tandy,” p. 13, 23, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files p. 13, 23.

¹¹⁵ “Testimony of Ed. Collins,” p. 21, in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹¹⁶ Stevens, *History of Central Baptist Church*, 11.

¹¹⁷ “Testimony of Ed. Collins,” p. 21, and “Testimony of Rufus Pettiford,” p. 20-21, both in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

good provider. They declared that it was Sinai Johnson who refused to return to Demas. His witnesses accused Sinai Johnson violating the proscriptions for proper wifely behavior for calling Demas a “black nohow”, “a black devil & a black dog”, and that he “was no man at all.” Eliza Davison claimed that she heard Sinai Johnson say, “she would as soon be in bed with a snake as be in bed with Demis.”¹¹⁸ Demos Johnson represented a specific gendered authority and power that promoted one definition of the proper behavior of wives. Sinai Johnson and her allies contested this definition of marriage.

Gender Conflict and
Sinai Johnson’s Claim of Legal Marriage

Sinai Johnson testified in the divorce trial: “I thought we might live together till he tried to disgrace me by saying we were never legally married.”¹¹⁹ Demas Johnson attempted to define his relationship with Sinai Johnson; he claimed that his marriage to Sinai Johnson was null and void. He, and his lawyers, classified Sinai Johnson as an individual who was not entitled to any of the cultural status or economic benefits that accrued to legal wives. His legal argument threatened Sinai’s economic rights and her social standing because as a legal wife, Sinai Johnson could make claims upon marital property and social respectability.

Demas Johnson declared in a public courtroom that he viewed his first marriage the legitimate union, and his second as false.¹²⁰ His lawyers asked the St. Louis Circuit Court to declare the marriage void due to his slave status at the 1849 marriage ceremony. The court refused to accept this rationale and the jury granted Sinai Johnson her divorce

¹¹⁸ “Testimony of Rufus Pettiford,” p. 20, “Testimony of Ed. Collins,” p. 21, “Testimony of Henry Thomas,” p. 19, “Testimony of Jack Davison,” p. 20, “Testimony of Fave Ubanks,” p. 22, “Testimony of Sinai Johnson,” p. 12, “Testimony of Eliza Davison,” p. 22, all in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹¹⁹ “Testimony of Sinai Johnson,” p. 11, *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹²⁰ “Testimony of Demas Johnson,” p. 19, *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

and alimony judgment.¹²¹ The court awarded Sinai Johnson \$1,500 of marital property out of a marital estate worth \$5,500.¹²² The lawyers for Demas Johnson contested the court's judgment, asserting that the marriage was legally void, and as a consequence, he owed Sinai Johnson no part of the marital property.

Johnson appealed the lower court's ruling, again asserting that the original marriage ceremony ought to be declared invalid based upon his slave status. If the Missouri State Supreme Court found in favor of Demas Johnson's argument, Sinai Johnson would have no claim on the marital property. Demas Johnson wished to leave his real estate to his first wife, Elizabeth Jackson and their children. His lawyer argued that "the misfortune of slavery should not be made a punishment on the old wife, whom he is compelled to support, by all the tender feelings that a man can have for the mother of his children and his first love."¹²³ But the high court, noting that Demas, "when he was emancipated, continued to live and cohabit with [Sinai] and constantly acknowledged her as his wife," recognized Sinai's claims to the legality of her marriage.¹²⁴

The Missouri State Supreme Court chose to grant *post-facto* legality to the marriage of Sinai and Demas Johnson. The *Johnson* ruling asserted that formerly enslaved people had the right to marry "from the moment of freedom." Demas Johnson had continued to live with Sinai for approximately thirteen years after he was freed in

¹²¹ "Defendant's Instructions Refused," p. 26, and "Judgment," p. 9, both in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹²² "Petition of Sinai D. Johnson by her next friend Charlton H. Tandy, Plaintiff," St. Louis Circuit Court, April Term 1868, filed in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹²³ "Motion Filed by Appellant's Attorneys," in *Johnson v. Johnson*, Missouri State Supreme Court Case Files.

¹²⁴ *Johnson v. Johnson*, 45 MO 595 (1870).

1850. The court argued that this cohabitation, along with the community recognition of the union, affirmed the legitimacy of the marriage.¹²⁵

The court's decision affirmed Sinai Johnson's status as a married woman before her community and her church. On a practical level, the state invested Sinai with economic rights, affirming her claim on marital property. For Sinai Johnson, her state-recognized marriage established her economic claim on marital property in her divorce case. Likewise, for African American war widows, collecting a pension demonstrated political currency, or at least the acknowledgment of an economic citizenship.¹²⁶

African American women attempted to redefine marriage according to their own needs and preferences during and immediately following the Civil War. As the power to delineate families moved from slave owners to the state, African American women found opportunities to assert their own definitions of marriage, within the confines of state-imposed conceptions of respectability and the arbitrary interests of the government. State institutions possessed the power to define legal marriage: they could allocate civil protections to some, while placing other people outside of family circles.

African American women advocated a variety of marital choices, challenging at times both state and community standards of marriage. State institutions repeatedly refused to recognize the marital complications caused by the legacy of slavery and the slave trade, while gender struggles within the African American church and community presented another area of contestation. The struggle for marriage choices signified a series of emancipatory challenges as freedwomen worked to enact their visions of freedom.

¹²⁵ *Johnson v. Johnson*, 45 MO 597-601 (1870).

¹²⁶ Elizabeth Regosin has argued that the Civil War pension claims of ex-slave families reveal the citizenship claims that freedpeople made upon the United States federal government. See Regosin, *Freedom's Promise*.

EPILOGUE

St. Louis resident Lucy Ann Davis narrowly escaped a return to slavery with the assistance of an unauthorized intervention by military forces in April 1863. Slave-catchers had apprehended and incarcerated her husband in the St. Louis city jail just days prior to her escape. Shortly after the capture of her husband, two slave-catchers found Lucy and attempted to capture her near a Union military post in St. Louis. Union soldiers saw her leaving the house with the kidnappers, physically attacked the two men, and rescued Lucy Ann Davis.¹

After the initial assault on her freedom, Lucy Ann Davis opted to remove herself from the reach of her would-be captors. Her master persisted in his attempts to recapture Davis, and he brought slave-catchers to the St. Louis house in which she had been hiding. A letter from a member of the household described how Lucy Ann Davis once again escaped her slave owner. The sympathetic author clearly articulated the aspirations for freedom held by Lucy Ann Davis: “Yesterday some men came with still another paper to arrest her . . . But the property was gone. The property wants to be safe.”²

Lucy Ann Davis disappeared from the historical record until six years later when she and her husband filed an anti-segregation lawsuit against the Missouri Rail Road Company, a St. Louis streetcar operator. Lucy Ann Davis had boarded a streetcar on Olive Street to ride to her residence in the western part of St. Louis. As she opened the

¹ Henry Almsteads, Col. 2d MO Arty Vols, Colonel commanding Post, Headquarters Post St. Louis to Major General S. R. Curtis, Comdg. Department of the MO, including enclosed letter from Unnamed Author, 21 Apr. 1863, St. Louis, Letter 98-A, “Letters Received”, Entry 2593, Department of the Missouri, Part One, RG 393, NARA, Washington D.C.

² Unnamed Author, 21 Apr. 1863, St. Louis, Letter enclosed inside Henry Almsteads to Major General S. R. Curtis, Letter 98-A, “Letters Received”, Entry 2593, Department of the Missouri, Part One, RG 393, NARA.

door to ride inside the car, the conductor “forced, crowded, pushed, ejected and threw” her from the vehicle, violently refusing her access to public transport.³

Lucy Ann Davis was a member of a population mobilized by the wartime destruction of slavery.⁴ In the years following the war, Davis was one of several African American women to use the civil courts to contest racial segregation on the St. Louis streetcars.⁵ As early as May 1866, Martha Turner pressed a suit for \$2,000 damages against the ironically-named People’s Railway Company after she was thrown “with great force and violence” from a moving streetcar.⁶ Over a period of three months in 1867, four women brought suit against streetcar operators. In what may have been an organized civil rights protest, Susan Taylor and Frances Watson attempted to sit inside a streetcar on the same day in May 1867. Attorneys for the Missouri Rail Road Company argued that Taylor and Watson had entered the car “without any intent of riding, well knowing at the time that the defendant had set apart the front platform for negroes to ride on.”⁷ In each case, the streetcar company agreed to pay one cent and costs.

³ On 15 Apr. 1869, Lucy Ann Davis was forcibly thrown from the car when she attempted to ride as a passenger in the interior of a streetcar belonging to the Missouri Railroad Company. Davis and her husband, Anderson Davis, were both plaintiffs in this case. It is not clear, however, if Anderson Davis was present at the time his wife was violently ejected from the car. Lucy Ann Davis is the only individual mentioned in the petition filed by the attorneys for the plaintiff. “Petition Filed For Plaintiff,” 29 Apr. 1869 in *Anderson Davis and Lucy Ann Davis v. the Missouri Rail Road Company*, June 1869, Case Number 12726, St. Louis Circuit Court Case Files, Office of the Circuit Clerk-St. Louis, Missouri State Archives-St. Louis, Office of the Secretary of State (hereafter MSA-SL).

⁴ On freedwomen’s efforts to expand the substance of emancipation beyond slavery, particularly in their efforts to reconstruct social relations, see Leslie A. Schwalm, *A Hard Fight for We: Women’s Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press, 1997), 187-233.

⁵ *Anderson Davis and Lucy Ann Davis v. The Missouri Rail Road Company*, June 1869, Case Number 12726, St. Louis Circuit Court Case Files, MSA-SL.

⁶ *Martha Turner v. The People’s Railway Company*, June 1866, Case Number 0-2218, St. Louis Circuit Court Case Files, MSA-SL.

⁷ “Answer to Amended Petition,” 13 Jan. 1868, in *Susan Taylor v. The Missouri Railroad Co*, October 1867, Case Number 6083, St. Louis Circuit Court Case Files, MSA-SL; “Answer to

Frances Watson's husband, Abraham Watson, boarded the car with his wife. Yet it was Frances who sat inside the streetcar, whereupon all but three white people left the car. This procession of St. Louis residents, enacting an ideology of white supremacy, walked along the car until it stopped at the company's stables, at which time the superintendent came aboard and ordered Frances and Abraham Watson to leave the car.⁸ The Watsons filed their case jointly in the St. Louis Circuit Court, yet Frances Watson performed an act that Abraham could not do; she claimed the status of a lady by entering the interior of the streetcar. Historian Barbara Welke has demonstrated that common carriers segregated space according to gender and class status.⁹ According to racial custom in St. Louis, white "ladies" possessed the privilege of sitting within the streetcars. By claiming this particular space in the cityscape, Frances Watson asserted her right to occupy the same space as a white woman; she claimed the respectability attached to the identity of a "lady." Seating herself in the interior of a streetcar held a particular meaning immediately after the Civil War. This act of occupying physical space within the streetcar was an assertion of her gender.

As the battle over the streetcars intensified in St. Louis, African American women experienced violence in response to the simple act of boarding a car. On June 4, 1867,

Amended Petition," 13 Jan. 1868, in *Abraham Watson and Frances Watson v. The Missouri Railroad Co*, October 1867, Case Number 6082, St. Louis Circuit Court Case Files, MSA-SL.

⁸ "Petition for Damages," 22 June 1867 in *Abraham Watson and Frances Watson v. The Missouri Railroad Company*, Case Number 6082, St. Louis Circuit Court Case Files, MSA-SL; "Colored People Not Allowed On Street Cars," *St. Louis Daily Missouri Democrat*, 5 June 1867.

⁹ Barbara Welke has recovered the role of African American women who pressed anti-segregation suits on common carriers by claiming a gender, and asserting their right to ride in the space set aside for "ladies." Nineteenth-century railroads, for example, divided their cars into a "lady's car" and the "smoker." Single men occupied the "smoker" while male family members had the option to ride in the lady's car with women and children. Barbara Y. Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge: Cambridge University Press, 2001), 280-322, 323-378; Barbara Y. Welke, "When All the Women Were White and All the Blacks Were Men: Gender, Class, Race, and the Road to Plessy, 1855-1914," *Law and History Review* 13, no. 2 (Fall 1995): 261-316.

Jane Reese, a “well dressed” dressmaker and seamstress, hailed a streetcar on the corner of Fourth and Olive streets. The conductor stopped the car for her, and as she took hold of the railing to board the back platform of the car, the conductor “rang the bell and dragged her along, at the same time trying to push her off.”¹⁰ Jane Reese was dragged for about 30 feet, and was severely injured; she pressed a suit about two weeks after her assault.¹¹ Possibly relevant to the incident was the publication in a prominent St. Louis newspaper, on the same day, of an announcement that the St. Louis streetcar companies had “rescinded the orders” which barred African Americans from sitting inside the cars.¹² African American women continued to experience violence on the streetcars, and they subsequently pressed additional lawsuits against streetcar companies. Pregnant and carrying a child, Caroline Williams was pushed off a streetcar in the weeks following Jane Reese’s attack.¹³ Both Jane Reese and Caroline Williams filed civil cases in the St. Louis Circuit Court.¹⁴ African American women challenged the racial hierarchies of the antebellum era when they asserted their gender and constructed their identities as “ladies” in the post-Civil War years.

¹⁰ “Colored People Not Allowed On Street Cars,” *St. Louis Daily Missouri Democrat*, 5 June 1867.

¹¹ Hartmann and Taylor, the attorneys representing Jane Reese, filed her suit in the St. Louis Circuit Court on 18 June 1867. *Jane Reese v. Missouri Horse Railroad Company*, October 1867, Case Number 6043, St. Louis Circuit Court Case Files, MSA-SL.

¹² “Railroad Equality,” *St. Louis Daily Missouri Democrat*, 4 Jun. 1867.

¹³ *Neptune M. and Caroline Williams v. Bellefontaine Railway Company*, October 1867, Case Number 6083, Circuit Court Docket Book, Case Missing from St. Louis Circuit Court Case Files, MSA-SL; “Street Cars and Colored People,” *St. Louis Missouri Republican*, 4 May 1868; “Lo, The Poor Negro,” *St. Louis Times*, 2 May 1868; William E. Parrish, *Missouri Under Radical Rule, 1865-1870* (Columbia: University of Missouri Press), 112.

¹⁴ *Jane Reese v. Missouri Horse Railroad Company*, October 1867, Case Number 6043, St. Louis Circuit Court Case Files, MSA-SL; *Neptune M. and Caroline Williams v. Bellefontaine Railway Company*, October 1867, Case Number 6083, Circuit Court Docket Book, Case Missing from St. Louis Circuit Court Case Files, MSA-SL.

African American women claimed a gender as part of the process of emancipation. Formerly enslaved women fought to be recognized as wives of soldiers, as sisters, mothers, and, most of all, as people, not property. Lucy Ann Davis was part of a community that carried on the struggle for freedom that they had begun during the war. As women like Davis worked to deconstruct a slaveholding nation, they promoted their own vision of American citizenship.

In the crisis of the Civil War, freedwomen developed a gendered conception of citizenship that was firmly rooted in their wartime struggle to destroy slavery. The actions of African American women reveal their political priorities, which included protection from physical violence, family re-unification, custody of children, and the freedom to choose marital, romantic, and sexual partners. After experiencing violence and captivity under the slave system, concerns about bodily liberty and protection from physical abuse were of the utmost importance to freedwomen.

Emancipation itself was a gendered process. Union officers were more likely to allow fugitive men into their camps, as they tended to view women as unfit for military work. Mothers with children were particularly unwanted in camps and regiments on the march throughout the state. After slave enlistment began in Missouri, men were freed in return for their military service but their female relatives had to find a separate path out of slavery.

Despite these barriers to freedom, freedwomen worked to construct a civil status through multiple and complementary claims. African American women claimed space in Union camps and military courts. They made social claims on a gendered identity when they asserted their status as soldiers' wives and mothers. They inserted themselves into the national imaginary by claiming the cultural identity of "patriot."

For enslaved women the personal was political as they worked to transform "domestic" disputes with slave owners into military matters. It was this creative effort to transform the politics of the household into military concerns that allowed women

entrance into Union camps and military courts. Freedwomen worked to construct a civil existence, asserting their own vision of citizenship as they sought inclusion into the body politic. The struggles of these women clarify the central role of the legacy of slavery, and the gendered process of slave emancipation, in the construction of American citizenship rights.

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