



**Strengthening Slavery's Border,
Undermining Slavery:
Fugitive Slaves and
the Legal Regulation
of Black Mississippi River Crossing,
1804-1860**

BY JESSE NASTA



In 1873, formerly enslaved St. Louisan James P. Thomas applied for a United States passport. After collecting the passport at his attorney's office, Thomas hurried home "to take a look at it" because he had "never expected to see" his name on such a document. He marveled that this government-issued passport gave him "the right to travel where he choose [*sic*] and under the protection of the American flag." As Thomas recalled in his 1903 autobiography, he spent "most of the night trying to realize the great change that time had wrought." As a free African American in 1850s St. Louis, he had been able to cross the Mississippi River to Illinois only when "known to the officers of the boat" or if "two or three reliable citizens made the ferry company feel they were taking no risk in carrying me into a free state."¹ Thomas wrote no more on this subject. To him, and to many subsequent historians, no further explanation was needed. St. Louis was in a slave state, Illinois was a free state, and the Mississippi River divided them.

Yet what Thomas experienced as a heavily policed river border by the eve of the Civil War had not emerged automatically. Rather, decades of confrontation, improvisation, and interplay between law and the everyday realities of African American border crossing gradually infused this geographic border with legal meaning. By crossing the river as fugitives from slavery, as self-hired slaves, and as free black workers of ambiguous legal status, mobile African Americans sparked the legal conflicts and legal changes that gradually constructed this border, giving rise to the legal "risk" that steamboat and ferry owners and crew assumed when carrying African Americans like Thomas across the Mississippi River.

The basic consistency in Missouri statute has masked the profound changes in how people experienced, and in turn shaped, the legal regulation of black border crossing during the six decades between the Louisiana Purchase and the Civil War.² As early as 1804, one year after the Louisiana Purchase, the territorial legislature laid down a central rule: no master of any vessel could transport any slave out of the Upper Louisiana Territory, which became the Missouri Territory in 1812, without his or her master's permission. Despite periodic revisions, this prohibition against carrying African Americans across the Mississippi River without proof of a

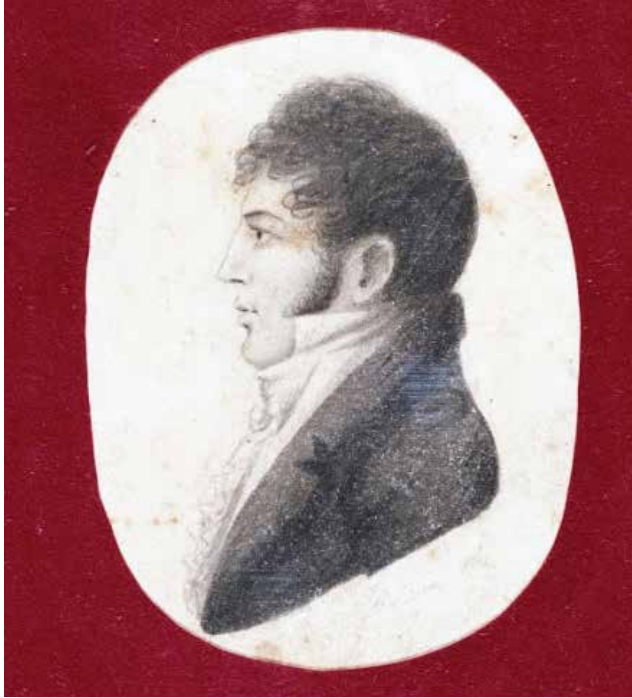
master's consent, or of the passenger's free status, persisted until the Civil War.³

Yet, while the text of the Missouri statute remained fairly constant, its meaning changed over the six tumultuous decades between the Louisiana Purchase and the Civil War because virtually everything else in this border region changed. The former Northwest Territory, particularly Illinois, was by no means an automatic destination for those escaping slavery. For at least four decades after the Northwest Ordinance of 1787 nominally banned slavery from this territory, the enslavement and trafficking of African Americans persisted there. Although some slaves risked escape to Illinois, enslaved African Americans also escaped from this "free" jurisdiction, at least until the 1830s, as a result. Others avoided Illinois entirely, seeking sanctuary in the emerging urban Mississippi and Ohio river ports south of the former Northwest Territory.

But then, during the 1820s and increasingly during the 1830s, the rise of steamboats and St. Louis' resulting transformation into a western river metropolis, a boom in the city's free and enslaved black population, the emergence of the underground railroad in Illinois, and the resulting rise in slave escapes to what was gradually becoming seen as free soil, all converged to change the cultural context within which people interpreted and experienced the black-letter laws. While Missouri statute had outlawed the transporting of "slaves" across the Mississippi River without a pass since 1804, it became increasingly difficult for steamboat owners and crew to differentiate among self-hired slaves, fugitive slaves, and free African Americans. In many cases, all of these groups carried documents purporting to authorize their mobility, whether passes from masters or free papers, some authentic and others forged. Increasingly during the 1830s and 1840s, Missouri judges responded by holding steamboat owners and crew strictly liable for slave escapes, even if they believed the escaped slave was free when they transported them or if the fugitive stowed away. In doing so, Missouri courts shifted the financial risk posed by slave escapes from masters to common carriers, incentivizing steamboat and ferry owners and operators to scrutinize all people of African descent as suspected fugitive slaves until proven otherwise. Although lawmakers and

Top left – Slaves being transported in groups were often chained together, as portrayed here in Henry Bibb's *Narrative*, published at mid-century. (*Image: Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself, New York, 1849*)

Bottom left – Steamboats transformed St. Louis into a thriving commercial center, with more than 200 steamboats arriving each year. This scene is the site of today's Gateway Arch. (*Image: Library of Congress*)



Amos Stoddard (1762–1813) was military commander at St. Louis between the cession of Louisiana to the United States and early October of 1804, and represented the United States at the “three flags ceremony” in St. Louis in March 1804. (Image: Thepublici.blogspot.com)

judges never managed to stop enslaved people from escaping, these legal transformations made the Mississippi River an increasingly sealed and scrutinized border between slavery and freedom.

Before, and Beyond, Sectionalism: The Multiple Paths of Fugitive Slaves, 1787–Early 1820s

Although the territorial legislature in what became Missouri moved to prevent slave escapes immediately after the Louisiana Purchase, the vagueness of the statute that they passed in 1804 suggests that lawmakers did not yet consider black movement between Missouri and the Northwest Territory to pose a legal crisis. Adopted just one year after the Louisiana Purchase, the law forbade masters of any vessel from transporting any “servant whatsoever, or any negro or mulatto, or other slave” out of the Upper Louisiana Territory without the master’s “consent or permission.” Although the statute reflected lawmakers’ desire for some type of regulation for transporting slaves across the Mississippi River, the text of the law provided only the barest guidelines for making this a reality. The statute provided no guidance as to what constituted



William Wells Brown (c. 1814–1884) was a former slave and the first African American novelist in the United States. While in St. Louis, Brown’s owners routinely rented him out to steamboat operators. Brown’s first escape attempt, portrayed here in his *Narrative of William W. Brown, A Fugitive Slave, Written by Himself*, was not successful, but his second escape in 1834—via steamboat to Cincinnati—was. (Image: Library of Congress)

“consent or permission.” More fundamentally, the text of this law used the terms “servant,” “negro or mulatto,” and “slave” interchangeably, leaving it up to those along slavery’s border to define and give substance to these categories.⁴

The small size of pre-statehood Missouri’s free black population is likely one reason lawmakers placed little emphasis on distinguishing fugitive slaves from “free negroes and mulattoes,” and policing them as such. In 1804, Amos Stoddard, governor of the Upper Louisiana Territory, estimated that a quarter of St. Louis’ three to four hundred African Americans were free, totaling only 75 to 100 persons.⁵ Yet St. Louis’ free black population only increased to 196 by 1820, compared to the city’s 1,810 slaves.⁶ Indeed, how small “the number of free blacks and mulattoes was in comparison to the whole population” particularly struck the Reverend John Mason Peck when he migrated to St. Louis in 1817.⁷ Throughout Missouri, the free black population also remained small, even relative to the still-low white and enslaved populations. In 1810, Missouri’s free black population reached only 605, compared with 2,875 slaves and 16,303 whites, or three percent of the population.⁸ During this early period, officials could therefore assume that the vast majority of African Americans in St. Louis and on the Mississippi River were slaves, a situation that would change drastically during the 1840s and 1850s, when St. Louis’s free black population came to outnumber the city’s slaves, making it increasingly difficult for officials to distinguish among the enslaved, the free, and fugitive slaves.⁹

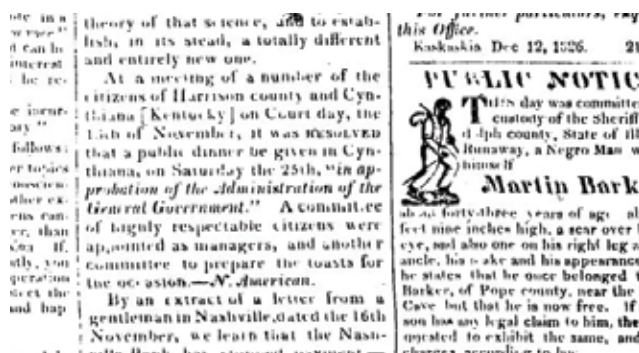
The fact that Missouri and the Northwest Territory initially shared a legal culture of slaveholding and fugitive slave recapture also explains why Missouri territorial lawmakers failed to promulgate strict legal regulation of black border crossing. The territorial statutes of the Indiana Territory (from which the Illinois Territory divided in 1809) created a presumption of servitude for all African Americans and restrained their mobility. The 1803 “Law Concerning Servants” prohibited “any person” to “harbor or entertain” a servant not having a certificate of freedom indicating that their period of servitude had expired. The statute deemed those without certificates of freedom “runaways,” codifying the presumption that all African Americans in the Indiana Territory were either bound “servants or slaves” or “runaways” unless they produced documentation that their term of servitude, which often exceeded their lifetime, had expired.¹⁰ After splitting from the Indiana Territory in 1809, and even after entering the Union as a “free state” in 1818, Illinois continued to treat all African Americans as possible fugitives, either from long-term indentured servitude in Illinois or from chattel slavery in nearby states.¹¹ In 1819, the new state’s legislature replaced “An Act Concerning Servants” with “An Act Respecting Free Negroes, Mulattoes, Servants and Slaves.” This statute, which remained in effect until the Civil War, deemed any “black or mulatto person” without a “certificate of freedom” a “runaway slave or servant” and authorized any inhabitant of Illinois to detain him or her as such.¹²

As a result of Illinois’s legal creation of African American bondage and the accompanying presumption of unfree status, the Northwest Territory remained a place of enslavement and trafficking of bound African Americans rather than a haven

for fugitives from nearby “slave states.” Missouri lawmakers could view those across the river as fellow slaveholders and fugitive slave catchers at least until the 1820s, and even through the 1840s in southern Illinois’s most proslavery counties.¹³ Revealingly, in April 1819, four months after Illinois entered the Union as a nominally free state, a Kaskaskia, Illinois, newspaper announced a one-hundred-dollar reward for “apprehending” the advertiser’s 22-year-old “negro man” Ezekiel. This young man had been held as a slave by, and escaped from, two consecutive masters within Illinois. His self-proclaimed master who placed the advertisement, Isaac D. Wilcox, stated that Ezekiel had “formerly belonged to” Field Bradshaw, near Edwardsville, Illinois, and that Ezekiel “has some pretensions to freedom which have been encouraged by a certain petty Lawyer by the name of Pugh, who resides at Edwardsville. Pugh encouraged him to leave Edwardsville and run to Kaskaskia, where he promised to follow and protect him, which he did until I purchased him.” Wilcox went on to state that, after buying Ezekiel, “I put him in the possession of three men to take him home, from whom he escaped, and I presume he will try to get to Edwardsville to his [lawyer] protector.”¹⁴ Underscoring the still widespread approval of such actions, these details were not forcibly evoked through a legal trial. Instead, Wilcox felt confident enough of his legal ability to purchase and hold Ezekiel as a slave in Illinois to advertise these facts in a newspaper.¹⁵

Tracing those who escaped slavery in this region, with a particular focus on the geographic paths of their escape, further illustrates how the Mississippi and Ohio river borders against slavery remained unsettled and fluid well into the nineteenth century. The escape routes of the region’s fugitive slaves demonstrate that Congress’s vision of ending slavery north of the Mississippi and Ohio rivers did not always correspond with lived reality. Fugitive slave advertisements in early Illinois newspapers reveal that the geography of slave escapes followed no clear northward, slave-to-free soil trajectory in the early national northwest. Because they show the choices that the enslaved made at the moment of escape, and the ways in which legal constraints on black freedom and geographic mobility in Illinois shaped those choices, these advertisements illuminate how African Americans in this border region actually experienced and engaged with federal and territorial law at the everyday level. In contrast to the more thoroughly studied eastern seaboard, however, fugitive slave ads from the early national and antebellum West have not been systematically studied.¹⁶ A recently published

Notices regarding escaped slaves were not unusual, but escapes across the Mississippi to Illinois were sometimes facilitated by both proximity to a slave state and the presence of common carriers. (Image: Missouri History Museum)



\$200 Reward.

RANAWAY from the subscriber, on the night of Thursday, the 30th of September.

FIVE NEGRO SLAVES,

To-wit: one Negro man, his wife, and three children.

The man is a black negro, full height, very erect, his face a little thin. He is about forty years of age, and calls himself *Washington Reed*, and is known by the name of Washington. He is probably well dressed, possibly takes with him an ivory headed cane, and is of good address. Several of his teeth are gone.

Mary, his wife, is about thirty years of age, a bright mulatto woman, and quite stout and strong.

The oldest of the children is a boy, of the name of *FIELDING*, twelve years of age, a dark mulatto, with heavy eyelids. He probably wore a new cloth cap.

MATILDA, the second child, is a girl, six years of age, rather a dark mulatto, but a bright and smart looking child.

MALCOLM, the youngest, is a boy, four years old, a lighter mulatto than the last, and about equally as bright. He probably also wore a cloth cap. If examined, he will be found to have a swelling at the navel.

Washington and *Mary* have lived at or near St. Louis, with the subscriber, for about 15 years.

It is supposed that they are making their way to Chicago, and that a white man accompanies them, that they will travel chiefly at night, and most probably in a covered wagon.

A reward of \$150 will be paid for their apprehension, so that I can get them, if taken within one hundred miles of St. Louis, and \$200 if taken beyond that, and secured so that I can get them, and other reasonable additional charges, if delivered to the subscriber, or to *THOMAS ALLEN, Esq.*, at St. Louis, Mo. The above negroes, for the last few years, have been in possession of *Thomas Allen, Esq.*, of St. Louis.

WM. RUSSELL.

ST. LOUIS, Oct. 1, 1847.

Slaves were valuable, as suggested by ads such as this one offering a substantial reward for the return of four escaped slaves from St. Louis. (Image: Missouri History Museum)

collection of such newspaper advertisements, printed in southern Illinois between 1816 and the eve of the Civil War by slaveholders, sheriffs, and jailers who detained fugitive and alleged fugitive slaves, suggests both the frequency with which African Americans escaped from bondage in Illinois, rather than to this “free” jurisdiction, as well as the extent to which some fugitives escaped southward rather than risk recapture in Illinois’s sometimes equally hostile legal climate.¹⁷

The advertisements reveal that, especially during the 1810s and 1820s, enslaved fugitives traveled not only up the Mississippi and Ohio rivers to the “free states” but also fled down these rivers, seeking anonymity in emerging western port cities rather than relying on the tenuous legal promise of the Northwest Ordinance. When a 22-year-old “bright mulatto” brick layer named Squire escaped from Hopkinsville, Kentucky, his master speculated that he “attempt[ed] to go down the river” to New Orleans, “as he has done before.” Although a more than six hundred mile journey, Squire evidently believed that New Orleans offered safer refuge than the “free” Illinois Territory, less than one hundred miles to the northwest.¹⁸ Although it is possible that lost kin drew

Squire to New Orleans, the runaway advertisement for him, unlike others, does not mention this motive for escape. It is therefore more likely that the city itself attracted him. Similarly, in 1820, John Forrester advertised that a young “Negro man, named Dick” escaped “down the river” to one of the “states or territories bordering on the Mississippi.”¹⁹ Other slaveholders admitted that they did not know whether a particular fugitive slave went north or south, suggesting that the “free” Northwest Territory was by no means an automatic or obvious destination for those fleeing bondage. One Tennessee slaveholder advertised in 1816 that Bob, a “young negro fellow,” would either head up the Ohio River to Pittsburgh or remain in Kentucky, his home before his most recent sale.²⁰ In the early 1820s, two slaveholders similarly advertised either Illinois or Kentucky as speculated destinations.²¹

To be sure, the Northwest Ordinance induced some slaves to flee northward during the first two decades of the nineteenth century. In 42 of the 200 collected fugitive slave advertisements, slaveholders either knew or speculated that those who escaped headed to states carved from the Northwest Territory.²² At the same time, references to the “free

states” appear most frequently in advertisements placed far south of Illinois, and often in vague rather than precise terms. One Alabama slaveholder, for instance, stated that he was “inclined to think” that those who escaped from his plantation “will push for those free states.”²³ Another Alabama slaveholder similarly “expected” that Peggy, a 22-year-old “negro woman,” will “endeavor to reach some of the states north of the Ohio.”²⁴ As these slaveholders’ speculations suggest, the western “free states,” particularly Illinois, appeared more “free” in deep southern slaveholders’ worried minds than in practice.

Indeed, zooming in on Illinois itself reveals that a sizable minority of those mentioned in the fugitive slave ads escaped bondage within Illinois, rather than fleeing to the state. Of the 200 collected fugitive slave ads, 17 sought the recapture of African Americans who had escaped from Illinois masters. One of these masters, John Choisser, specifically invoked Illinois’s long-term indenture laws when advertising for his “negro man,” Barney. He insisted that Barney was “regularly indentured and bound to serve me agreeably to the constitution and laws of the state,” and “I wish to treat him as a servant should be treated.”²⁵ The other Illinois slaveholders, however, simply advertised their property claims in persons, without any justification. Robert Collet of Wood River, Illinois, for instance, stated matter-of-factly that he had “purchased” Harry “3 months since at Harrisonville, [Illinois]” and offered a “liberal reward” for “apprehending said runaway and delivering him to the subscriber or confining him in the nearest jail.”²⁶ Similarly, Robert D. M’Lean offered a \$25 reward for the recapture of his “negro man,” John, “if taken within the state.”²⁷ That state was “free” Illinois, not a bordering slave state.

Well into the 1820s, Illinoisans worried about those they held as slaves escaping to cities in neighboring slave states. Tellingly, in 1828, Illinois Governor Ninian Edwards wrote a private letter to St. Louis Mayor William Carr Lane about ensuring “harmony between” Illinois and Missouri regarding fugitive slaves. Rather than highlight the issue of enslaved Missourians escaping to Illinois, Edwards decried the “encouragement that our negroes have received” from the city’s free African Americans to “run to St. Louis.” Writing not only as governor of Illinois but also as the self-proclaimed owner of a “French female slave” who escaped from his home in Belleville, Illinois, to St. Louis with the free black Paul Vallad, a “certain fellow who claims her as his wife,” Edwards threatened to repeal Illinois’s “very severe” law “against harbouring runaways” unless

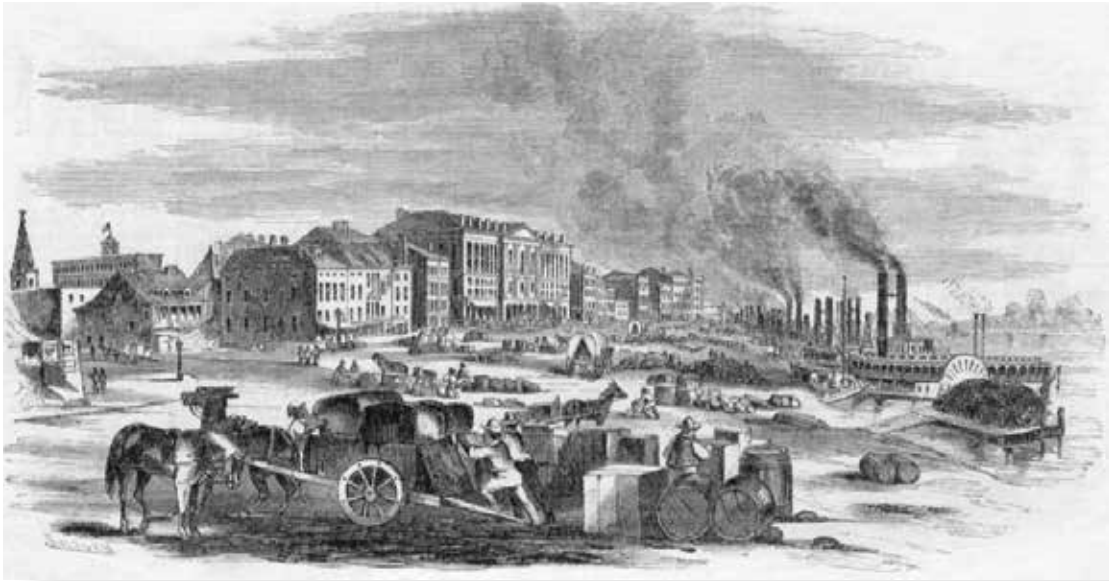
St. Louis officials did more to return fugitives slaves to Illinois.²⁸ He closed with the threat that “if our negroes are to find refuge in your state you ought not to complain if we should refuse to take up, or authorize our citizens to take up yours.” Although Illinois ultimately tightened rather than repealed its fugitive slave laws, the Illinois governor’s preoccupation with slaves escaping from Illinois rather than to his state, including his own “female slave,” interrupts any assumption that the Mississippi River served as an undisputed barrier between slave and free soil as long as four decades after Congress passed the Northwest Ordinance.²⁹

Finally, Illinois laws aside, technological limitations on upriver travel prior to the rise of the steamboat in the 1820s and 1830s posed a logistical barrier against slave escapes to Illinois. The fugitive slave ads reveal that most of those who did flee to Illinois headed down the Ohio and Cumberland Rivers, from Kentucky and a small section of northern Tennessee. In contrast, most slaves south of the Mason-Dixon Line had no hope of traveling upriver fast enough to avoid recapture. Some, such as 18-year-old Mason from St. Louis County, Missouri, and Clemmens and Lem from Obion, Tennessee, tried to escape upriver by canoe.³⁰ But the fugitive slave advertisement for Ben, a 40-year-old “negro man” whose ears had been cut off “close to his head for robbing a boat on the Ohio River,” presumably as part of an escape attempt, illustrates both the improbability of successfully escaping by non-steam powered boat as well as some slaveholders’ gruesome retaliations against those who tried.³¹

As we will see in the next section, however, the rise of immediate abolitionism throughout the U.S. North and West, Illinois’s increasingly anti-slavery legal and political culture, the rise of western river metropolises like St. Louis, and the steamboat revolution all converged to remake the borders between African American slavery and freedom along the western rivers. Moreover, by escaping slavery in greater numbers, the enslaved played an even larger role in shaping and reshaping these borders.

The Path of the Law: Creating Slavery’s Border

In most historiography, the Missouri Compromise of 1820 represented the federal government’s final act of border-making along the northwestern frontier, ending a century-long Mississippi River Valley rivalry between French, Spanish, British, Native American, and, finally,



Free blacks and slaves mingled in places like St. Louis along the riverfront, where both would have found work on steamboats, along the wharf, and in nearby warehouses. (Image: Ballou's Pictorial Drawing Room Companion, Boston, 1857)

U.S. forces. Stephen Aron argues that, with the achievement of statehood in 1821, Missouri “shifted from being a frontier to having a frontier.”³² While there is much truth in this, Missouri’s entrance into the Union also began a decades-long struggle to constrain and control African American crossing of the new state’s Mississippi River border. In the decades following the Missouri Compromise, those present along this border engaged in the contentious process of defining and giving meaning to the Mississippi River border in law, in everyday life, and, to use Walter Johnson’s term, in the “everyday life of the law.”³³

At the time of the Missouri Compromise, how Missouri’s river border would be monitored to prevent slave escapes remained largely undefined in law. In the early 1820s, at the same moment Congress supposedly demarcated and finalized slavery’s western borders, the rise of steamboat travel allowed all people, including enslaved and free African Americans, to traverse these borders quickly and sometimes undetectably. Yet Missouri’s fugitive slave laws still reflected a pre-steamboat world, and, therefore, remained drastically incomplete from the perspective of those charged with policing Missouri’s border against the emerging free states. Missouri’s 1822 “Act Concerning Slaves” made “any ferryman or other persons” convicted of crossing “any slave from the state across the Mississippi river” without a written pass “particularly directed to such ferryman, or other person” responsible for the full value of the slave, “to be recovered by action on the case.”³⁴ Yet

this statute did not mention steamboat owners or crew, only “any ferryman or other persons” convicted of transporting a slave across the Mississippi River without a written pass, a fact which suggests that lawmakers did not yet interpret steamboats as a major threat to slave property.³⁵

Yet the Missouri legislature was soon forced to recognize that, perhaps most importantly, the steamboat made escape up the Mississippi and Ohio rivers more feasible, gradually solidifying slaves’ escape routes in a northerly direction. Fugitive slave advertisements published in Illinois reflect the swift and far-reaching effects of steamboats on slave escapes. Two years after the first steamboat plied the western rivers in 1817, for example, Isham and Dick escaped from Tennessee on a steamboat as it “ascended the Mississippi.”³⁶ Steamboats even connected the St. Louis border region with the Deep South. As escaped slave William Anderson recounted in his narrative, in the late 1820s he planned to steal a skiff and float twenty miles downriver from his plantation to Vicksburg, Mississippi, or to “get on a steamboat going up the river.” Only a few years earlier, Anderson would have depended upon a southerly moving current to carry him to the nearest city. Now the steamboat extended his potential escape route hundreds of miles northward along the Mississippi River.³⁷ Indeed, by 1829, twelve years after the first one arrived in St. Louis, the steamboat shortened travel between New Orleans and Louisville from nine months to nine days.³⁸ By the 1840s, western river cities annually received several

thousand steamboats laden with passengers and cargo, with more than one hundred steamboats often docked on St. Louis's levee at a time.³⁹ Between 1840 and 1860, moreover, steamboat arrivals to St. Louis, the most important port in the Upper South, nearly doubled.⁴⁰ Responding to this new reality, in 1835 the Missouri legislature amended state law to prohibit explicitly "any master, commander, or owner of a steam boat" from transporting any slave across the Mississippi River without the master's consent.⁴¹

Indeed, the steamboat revolution, coupled with growing sectional division over slavery, created a boom in slave escapes and intensified legal regulation and legal conflict over black border crossing during the 1830s and 1840s.⁴² In the 1830s, the rise of abolitionism among some Illinoisans made slave escapes across the Mississippi River by steamboat more feasible. By the late 1830s, a small but determined group of abolitionists was active in Illinois. Although immediate abolitionism took root slowly in the state, with only one abolitionist society in Illinois until 1836, the presence of abolitionists in this border state bolstered the escape efforts of Missouri slaves and enraged Missouri slaveholders.⁴³ St. Louis newspapers began to report abolitionist resistance to fugitive slave recapture in Illinois in the late 1830s, a movement that increased throughout the 1840s. The *St. Louis Republican* reported that abolitionists in Will County, Illinois, "collected in strong force, and threatened violence" against Benjamin Fowler, a St. Louis slaveholder, "should he attempt to remove" his three slaves who had fled there one year earlier. As this newspaper lamented, Fowler returned to Missouri without his escaped slaves.⁴⁴ By 1845, the abolitionist *New York Emancipator* proclaimed that "upwards of thirty" slaves had escaped from the St. Louis "region" during the previous two weeks alone, and that "scarcely a day passes that some of these fleshy riches do not take themselves legs and run away."⁴⁵ Enough slaves escaped annually "through the State of Illinois and finally find a secure place of refuge in Canada" that the Missouri General Assembly petitioned Congress in 1847 to seek a treaty with Great Britain that would guarantee their return.⁴⁶

Even more than white abolitionists, the free black communities that coalesced in Illinois by the 1830s aided escaping slaves. As the *St. Louis Republican* stated with exasperation, the underground railroad's "conductors are white men," but the slaves' escape route is "laid with black rails."⁴⁷ Brooklyn, Illinois, which freed and fugitive slaves established across the Mississippi River from St. Louis in 1830 and is considered the United States' first all-black town

by a number of scholars, joined the more than 20 "organized Black communities" in antebellum Illinois in sheltering and otherwise aiding fugitive slaves.⁴⁸ Indeed, fugitive slaves' accounts of fleeing through this region underscore free African Americans' primary role in forging the underground railroad.⁴⁹ Upon reaching Illinois, for instance, fugitive slave John Brown remained "in safety" in a "settlement of colored people" for three weeks before continuing toward Canada.⁵⁰

Missouri legislators and judges responded by further restricting black movement across the Mississippi River. Because returning fugitive slaves from increasingly free Illinois became more difficult by the 1840s, lawmakers focused on preventing the enslaved from crossing into that state in the first place. Central to this process was the proliferation of civil suits against common-carrier owners and operators who transported fugitive slaves across the Mississippi River, whether intentionally or unwittingly.

Common Carriers, Case Law, and the Consolidation of the Mississippi River Border

On the Missouri side of the Mississippi River, the mid-1830s marked a drastic solidification of the river border between slavery and freedom, both politically and legally. The abolitionist mail campaign of 1835 gave slaveholders throughout the United States a growing sense of being under attack by an organized, radical movement.⁵¹ In response, St. Louis slaveholders held anti-abolitionist meetings that resolved to fortify restrictions on enslaved and free black movement, to guard against any abolitionist presence in St. Louis, and to tighten state slavery statutes. In turn, the events of 1835 resulted in a more explicit Missouri slave code, with statutes that removed the legal vagaries that had marked border policing during the two previous decades. The 1835 Missouri legislature particularly focused on preventing steamboat owners and crew from carrying slaves out of the state. As part of a revised, extensive legal code on "the introduction of slaves and police regulations concerning them," the legislature authorized common law suits for damages, in addition to a \$150 fine, against "any master, commander or owner of a steam boat or other vessel" who "shall transport or carry away any servant or slave, out of this state in such vessel" without the master's written permission.⁵² At the same time, the revised code kept in place the 1822 statute that made "any ferryman or other person"



A common method of selling slaves was at auction, including those in downtown St. Louis. This one was described by Henry Bibb in his *Narrative*. (Image: *Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself, New York, 1849*)

liable for the full value of any slave they transported out of state without the master's written permission. In doing so, the Missouri legislature reaffirmed the liability of anyone who carried a slave out of the state without permission while also targeting steamboat owners and crew as a new category of persons requiring strict legal surveillance, even if they unintentionally aided fugitive slaves by transporting them. Before 1835, Missouri's "Act to Provide for Apprehending and Securing Runaway Slaves" defined as a runaway any slave found more than 20 miles from the "plantation, lots, tenement, or other place where he or she is employed, or required to be" without a "token or written pass."⁵³ But, with the rise of steamboat travel, a short walk to the levee could allow an enslaved person to flee hundreds of miles in just a few days. A 20-mile radius could not demarcate their world. Missouri lawmakers recognized this heightened threat to slave property and targeted steamboats accordingly.

Russell v. Taylor (1837), the first fugitive slave suit against a common carrier to reach the Missouri Supreme Court, reflected and subsequently bolstered Missouri lawmakers' effort to scrutinize all black border crossing. The case began with what had become a routine act along the western rivers. On April 1, 1835, the first mate of the steamboat *Utility* hired an enslaved young man, Dave, as a "hand on board said boat." The steamboat then crossed into increasingly free Illinois, where it stopped 30 miles upriver from St. Louis in Alton, Illinois, where Elijah Lovejoy would be killed by an anti-abolitionist mob

two years later. There, Dave switched clothing with another enslaved young man who then escaped, aware that slaveholders described fugitive slaves' clothing in advertisements for their recapture. Hoping to be less recognizable in his new outfit, Dave remained on the steamboat when it returned to St. Louis and hired himself to travel upriver on its voyage the next day, presumably planning to make his final escape then. That is when Dave's master, James Russell, recaptured him. Like many slaveholders, Russell retaliated by selling Dave.

The steamboat's stop in Illinois transformed the first mate's action into the basis for a major Missouri Supreme Court case. On April 9, 1835, a few days after he recaptured and sold Dave, Russell sued James Taylor, captain of the *Utility*, because the steamboat's first mate had carried his slave "across the Mississippi River without showing a pass or other written form of permission," a plea that evoked the 1835 statute. Russell, who owned 14 slaves by 1840, was a prominent attorney who had sat on the St. Louis Grand Jury, the St. Louis County Court, and the Board of St. Louis Road Commissioners.⁵⁴ Clearly familiar with the newly revised statute and determined to test the law's benefits for slaveholders like himself, Russell sued the steamboat captain for Dave's full \$600 value plus "the value of the services of said slave" and the additional \$400 "costs of reclaiming him."⁵⁵

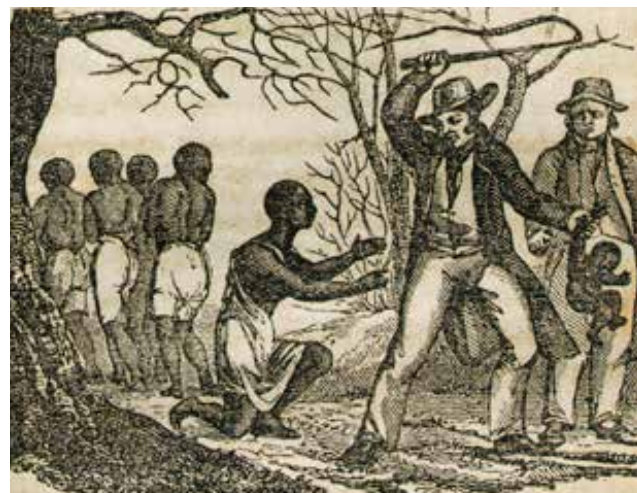
The St. Louis Circuit Court's opinion in *Russell v. Taylor* shows that, initially, at least some judges resisted legal efforts to hold common carriers liable for unintentionally helping slaves to escape. Although the plain meaning of the 1835 Missouri statute defined as a tort the very act of transporting any slave across the Mississippi River without his or her master's written permission, the jury and judge of the St. Louis Circuit Court focused on the defendant's intent in carrying Dave aboard his steamboat, not even considering the question of negligence. As Judge Luke Lawless insisted, the statute existed only to punish those whose "object" was to help slaves escape. Taylor, the judge reasoned, had hired Dave "bona fide, as a working hand aboard the steamboat." The testimony made no mention of the steamboat's captain seeing Dave before the first mate hired him, ruling out any intention on Taylor's part to help him escape.⁵⁶ Even during a second trial, Judge Lawless insisted on the steamboat captain's lack of liability. This time he stressed the ultimate outcome of Dave's attempted escape rather than the defendant's intent. Although Taylor had carried Dave to and from Illinois, his master soon recaptured and sold him. He had not permanently lost his slave or his

slave's value. "It seems to the court," Lawless wrote, "that it could not have been the intention of the legislature" to make a defendant like Taylor liable for the value of a transported slave "when that very slave was brought back to the state, and to the very county in which the plaintiff resides, and afterward actually sold by him."⁵⁷

Yet, upon a second hearing in 1838, the Missouri Supreme Court again reversed the Circuit Court's opinion and asserted a strict interpretation of the statutory prohibition against transporting any slave across the Mississippi River without a written pass.⁵⁸ Judge Mathias M'Girk stressed in his majority opinion that "the boy did not show any pass, nor did the defendant ask for any."⁵⁹ As M'Girk's reasoning suggests, the court found the steamboat captain liable because his employee not only took Dave aboard but, more importantly, also failed to perform the basic diligence of asking for a pass. As the Missouri Supreme Court insisted, it was this action by the defendant's employee, not whether Dave successfully escaped, that made the steamboat captain liable.

During the next two decades, St. Louis judges and juries grappled with the question of how much of the financial risk inherent in hiring and transporting slaves, who escaped whenever possible, should be assumed by slaveholders and how much to assign common carriers. As Jenny Bourne Wahl's analysis of appellate cases throughout the south reveals, at least until the deepening sectional crisis of the late 1840s, judges hesitated to hold common carriers strictly liable for slave escapes, a legal standard that could have limited masters' ability to hire and transport slaves. As Wahl argues, the law instead served to make slavery economically efficient, a goal that did not benefit individual masters in all circumstances but, as a whole, protected slaveholders' ability to adapt the institution to industrial modes of work and transportation, including the steamboat.⁶⁰

Consistent with Wahl's findings on the slaveholding states as a whole, Missouri courts initially hesitated to impose a strict liability standard on steamboat owners and officers. Although *Russell v. Taylor* sent a strong message that steamboat owners and crew should ask slaves to show a pass prior to hiring or otherwise transporting them, fugitive slaves' ingenuity and determination sparked related, hotly contested questions. Was a common carrier liable if a fugitive slave displayed a convincingly forged pass or forged free papers? Or if they stowed away undetected? During the 1840s, Missouri judges strove to distinguish fugitive slaves from free African Americans by assigning increasingly strict liability to common carrier owners and operators who mistook



Can a mother forget her suckling child?



The tender mercies of the wicked are cruel.

Corporal punishment of slaves, especially for escaping, was not uncommon, as described and portrayed here in *Henry Bibb's Narrative*. (Image: Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself, New York, 1849)

fugitive slaves for free persons.

Toward a Strict Liability Standard

Eaton v. Vaughan (1846), more than any other case, aligned Missouri with the strict liability standard emerging throughout the slaveholding states, especially in border states and those with interstate waterways conducive to slave escapes.⁶¹ In his majority opinion, Missouri Supreme Court judge William Scott upheld the Howard County Circuit Court ruling against steamboat Captain Nathaniel J. Eaton, who had taken the slave Charles aboard his steamboat two years earlier, believing

him to be free. As witnesses testified, on August 31, 1844, the steamboat *Wappillo* departed for St. Louis from Glasgow, a Missouri River port city in central Missouri's slavery-dependent hemp and tobacco region. That morning a "mulatto man about 20 or 25 years of age" approached this steamboat when it stopped at the wharf in Boonville and asked the captain if "he could get a passage to St. Louis." Initially, Captain Eaton "did not reply to the boy," the plaintiff's witness John F. Nicholds recalled. Perhaps he was unwilling to assume the legal risk of transporting an African American passenger, who could turn out to be a fugitive slave, and felt that he owed Charles neither an explanation nor the courtesy of a reply. But Charles also knew, and was therefore able to break, the rules of steamboat travel. "I supposed you would like to see my [free] papers," he said to Eaton, who sat with Nicholds in front of the boiler deck. Eaton "replied positively he would that very thing." Charles handed him "some papers" which Eaton "read and handed them" to Nicholds and asked him if the local officials' signatures on them were genuine. Nicholds recognized the signature of Nathaniel Ford, clerk of the Howard County Court, and told Eaton that "the signatures were genuine and that Ford was the clerk" of the court when this free paper was issued.⁶²

Charles' use of these free papers, which he took from a local free African American named Pompey Spence, demonstrates that at least some enslaved people always managed to outmaneuver the many restrictions lawmakers placed on black mobility. By acquiring a document bearing an official court signature, something that Captain Eaton and Nicholds assumed he could not have obtained on his own, Charles destabilized even this most respected legal "proof" of an African Americans' legal status. By the time word of Charles' escape reached Captain Eaton, Charles had successfully boarded another steamboat in St. Louis. Although Charles' master hired a Mr. Busan to travel to St. Louis "in search of the boy," where he managed to get the St. Louis police captain to assemble and read the advertisement for Charles to all the "St. Louis Police," they failed to recapture him.⁶³

At the same time, the Missouri Supreme Court's 1846 strict liability ruling in *Eaton v. Vaughan* deterred many steamboat escapes. In sharp contrast with *Russell v. Taylor* nine years earlier, which assigned no liability without intent to help a slave escape, Judge William Scott declared that having believed an African American passenger or hired worker was free provided no defense against liability if he or she proved to be a fugitive



Henry Bibb (1815–1854) was born into slavery, escaped to Canada, and became a noted abolitionist and author. He returned to Canada after passage of the Fugitive Slave Act of 1850 and began publishing *The Voice of the Fugitive*, the first African American newspaper in Canada. (Image: Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself, New York, 1849)

slave. Scott recognized that "slaves have volition" and "may impose themselves on others for free men." Missouri's location as a border state made it imperative that those common carrier owners and operators "who treat them as such should do it at their peril." Scott's opinion reflects the view that had emerged by this point that Illinois was a free state, at best Missouri's opposite and at worst its enemy, "inhabited by many who are anxious, and leaving no stone unturned to deprive us of our slaves." Separated only by "a navigable stream" from this hostile territory, Scott insisted that the law should hold common carrier owners and operators in Missouri and especially in St. Louis, "the city on our frontier" with Illinois, to the "strictest diligence" in ascertaining black passengers' status.⁶⁴

The legal repercussions of *Eaton v. Vaughan* were magnified by similar lawsuits. *Eaton v. Vaughan* emerged alongside at least thirteen cases in which slaveholders sued steamboat owners or operators in St. Louis for the escape of their slaves during the late 1830s and the 1840s. In addition to *Eaton v. Vaughan*, five of these thirteen St. Louis cases reached the Missouri Supreme Court.⁶⁵ Together with the legislature's periodic expansion of statutory regulations on black border crossing aboard common carriers, these cases sharpened the border by showing common carriers the potential danger in transporting any enslaved African American, whether or not the steamboat officer or crew member intended to aid the slave's escape and even if they believed that the African American passenger was free.

Rather than suggest that border policing remained weak, the relatively small number of cases that reached the St. Louis Circuit Court and Missouri Supreme Court suggests the case law's effectiveness in putting captains and crews on guard against

slaves trying to escape across the Mississippi River. In his 1849 *Narrative*, Henry Bibb recalled of his escape through St. Louis, “I knew that the captain of a steamboat could not take a colored passenger on boat from a slave state without first ascertaining whether such person was bond or free; I knew that this was more than he would dare to do by the laws of the slave states.”⁶⁶ As Bibb recognized, by penalizing those who transported slaves across the river, the law coerced perhaps indifferent or even antislavery steamboat captains, who otherwise might have “dared” to “take a colored passenger on boat from a slave state” without question, into policing the Mississippi River border. In some instances, fear of legal liability similarly deputized steamboat companies as agents of the state. As an abolitionist Wisconsin minister, S.W. Dwinnell recalled in 1866, two decades earlier a steamboat company’s agent pursued the “slave girl Caroline” to Milwaukee. Caroline had “walked boldly upon the deck of an up river steamer just as it was leaving” and, because her “light yellow complexion” helped her to pass as free, no steamboat officer asked her to show a pass or free papers. She then fled from Milwaukee to Canada, narrowly escaping the steamboat company’s agent.⁶⁷

Like Caroline, William J. Anderson escaped up the Mississippi River only through a combination of ingenuity, determination, and luck. He posed as a valet carrying luggage in order to board a steamboat, and, finally, jumped overboard, and swam to the Indiana shore after being detected as a fugitive slave. Illustrating how thoroughly the law encouraged steamboat officers and crew to scrutinize all African Americans seeking passage, Anderson posed as an enslaved valet rather than a free man because, as he recalled in his 1857 *Narrative*, “for a colored man to make an application up the [Mississippi] river on a boat without the voice of some white man, would be looked upon with astonishment, and a close examination would follow.”⁶⁸

As the Missouri Supreme Court’s denunciation of the “many who are anxious to deprive us of our slaves” in *Eaton v. Vaughan* suggests, strict legal liability for common carriers grew in tandem with Missouri lawmakers’ increasing surveillance and criminalization of abolitionist activity. In particular, the establishment of Missouri’s first state penitentiary, opened in 1834, gave the state a new weapon for ferreting out abolitionists and others who intentionally aided slaves in escaping. Indeed, as scholars such as Taja-Nia Henderson have found, the incarceration of fugitive slaves, and of slaves condemned to sale and forced transportation, served as central functions of colonial and antebellum local



This image of slaves being hunted down while escaping was one of many that appeared in Henry Bibb’s *Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself*, which first appeared in 1849. (Image: *Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself, New York, 1849*)

jails and state prisons, penal practices that protected the institution of slavery and fostered statemaking.⁶⁹

Mobilizing the newly built state penitentiary in an effort to prevent slave escapes, the 1835 Missouri legislature set a seven-year minimum penitentiary sentence for “stealing a slave.”⁷⁰ Trial courts subsequently interpreted “slave stealing” as intentionally helping slaves escape across Missouri’s borders. The St. Louis Circuit Court alone convicted and sentenced dozens to the penitentiary for “slave stealing.” Between 1837 and 1862, Missouri circuit courts convicted some forty-two people for this “crime.”⁷¹ In his 1894 memoir, the Reverend Jordan W. Early recalled his narrow evasion of a “slave stealing” charge by the St. Louis Grand Jury in 1846. As Early explained, “our [African Methodist Episcopal] Church wherever established was called an abolition church, which made the slaveholders suspicious of its proceedings.” Through dissimulation and feigned ignorance, the free black minister managed to be released almost instantly. When the foreman of the grand jury asked what he knew about the underground railroad, Early “asked him to explain what it was, for I never had seen a railroad underground.” When asked what he would do if he saw a slave running away, “I told him I would give him a dollar and tell him to run with all his might! The last answer seemed to amuse them, and finding they could elicit nothing from me I was released.”⁷²

Despite narrow escapes like Early’s, the legal threat of the penitentiary loomed over him and all who wished to help slaves escape. As Early recalled, despite his skillful interaction with the Grand Jury, he “knew that I was in a critical condition, for if it could be proven that any man assisted in the least one who was making his escape, the punishment would be very severe.”⁷³ Indeed, these “very severe”



The ironically named Judge Luke Lawless ruled against trying any members of the mob that lynched Francis MacIntosh in 1836. MacIntosh was a free black who had been taken into custody by sheriffs, escaped, and was burned to death. Seeing his charred remains the next day converted Elijah Lovejoy into an abolitionist. (Image: Missouri History Museum)

punishments, including long penitentiary sentences, imbued Missouri's river border with enormous legal danger and consequence for fugitive slaves and those who aided their escape.

As this article has shown, Missouri legislators and judges increased common carrier owners' and operators' liability for transporting slaves across the river, shifting the bulk of the financial risk of slave escapes from slaveowners to common carriers. At the same time, African Americans, of course, bore the greatest risk of all, the risk of losing their freedom. Lawmakers' efforts to tighten and police the Mississippi River border against slave escapes also put all African Americans at increased risk of arrest and enslavement as suspected fugitive slaves, whether enslaved or free. By the eve of the Civil War, Missouri judges and legislators had helped transform what had been a partially defined, porous Mississippi

River border during the two decades following the Louisiana Purchase into a highly fortified and perilous one for all African Americans, both fugitive and free.

It is difficult for us to imagine today, but public executions were something of an event for some. In 1841, the *Eagle* advertised a one-day excursion from Alton, Illinois, to St. Louis to see four African Americans executed. (Image: The Illinois Reporter, December 12, 1826)

FOR SAINT LOUIS!

**The Regular Steam Packet
EAGLE!**

THE undersigned, having chartered the above Steam-boat, for the purpose of accommodating all the citizens of ALTON, and the vicinity, who may wish to see the

Four Negroes Executed,

At St. Louis, on **FRIDAY NEXT**, would inform the public that the Boat will leave this place at **SEVEN o'clock, A. M.**, and St. Louis at about **FOUR, P. M.**, so as to reach home the same evening.

The Boat will be repaired and fitted up for the occasion and every attention will be paid to the comfort of Passengers.

**FARE FOR THE TRIP TO ST. LOUIS & BACK
ONLY \$1 50!!!**

The Negroes are to be hung on the point of *Duncan's Island*, just below St. Louis. The Boat will drop alongside, so that ALL CAN SEE WITHOUT DIFFICULTY.

For Passage, apply to
**W. A. Wentworth,
P. M. Pinckard.**

ALTON, JULY 7, 1841

Congratulations

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Jacqueline Tatom, an architect, urban designer, and teacher whose work explored the metropolitan landscapes of St. Louis and its environs.

The St. Louis Metropolitan Research Exchange, The Des Lee Collaborative Vision at the University of Missouri-St. Louis, Washington University in St. Louis, and Lindenwood University sponsor an award for the best student paper on a case, issue, or topic relating to the St. Louis metropolitan area. The Award commemorates Jacqueline Tatom who explored the metropolitan landscapes of St. Louis as an architect, urban designer, and teacher. The Award is presented biannually, and published in *The Confluence*. This year, Jesse Nasta is the Tatom Award recipient; the article appears in this issue of *The Confluence*.

ENDNOTES

- ¹ I would like to thank Dylan Penningroth and Kate Masur for their thorough, thoughtful critiques of early drafts of this piece. I am also very grateful to Mike Everman, Patricia Barge, and Diane Everman for their warm and enthusiastic support during several years of assistance in finding obscure St. Louis sources. I also wish to thank the American Historical Association for an Albert J. Beveridge Grant, the Missouri State Archives for a William E. Foley Research Fellowship, the Illinois State Historical Society for a King V. Hostick Scholarship, and the Elgin, Illinois, Genealogical Society for a Chester A. Bowser Scholarship, all of which provided support for my archival research.
- Loren Schweningen, ed., *From Tennessee Slave to St. Louis Entrepreneur: The Autobiography of James Thomas* (Columbia: University of Missouri Press, 1984), 180. For more on James P. Thomas and his family's experience in slavery and freedom, see John Hope Franklin and Loren Schweningen, *In Search of the Promised Land: A Slave Family in the Old South* (New York: Oxford University Press, 2006).
- ² I particularly draw upon Laura Edwards' *The People and Their Peace* here, about how the focus on state-level law, printed legal texts, and legal professionals masks the legal change that occurred during the first decades of the nineteenth century, especially local legal contestation. See especially Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 3–25. On the interaction between “legal rules” and contestation of those “rules,” see also Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999).
- ³ “A Law Respecting Slaves,” in *Laws of a Public and General Nature, of the District of Louisiana, of the Territory of Missouri, and of the State of Missouri, up to the Year 1824, In Two Volumes*, Vol. 1 (Jefferson City, Missouri: W. Lusk & Son, 1842), 27–33.
- ⁴ *Laws of a Public and General Nature, of the District of Louisiana, of the Territory of Louisiana*, Vol. 1, 33.
- ⁵ Maximilian Reichard, “Black and White on the Urban Frontier: The St. Louis Community in Transition, 1800–1830,” *Missouri Historical Society Bulletin* 33, No. 1 (Oct. 1976), 4.
- ⁶ For these population statistics, see Richard C. Wade, *Slavery in the Cities: The South, 1820–1860* (London, Oxford, New York: Oxford University Press, 1964), 327.
- ⁷ Rufus Babcock, *Forty Years of Pioneer Life: Memoir of John Mason Peck, D.D., Edited From His Journals and Correspondence* (Philadelphia: American Baptist Publication Society, 1864), 84, 90.
- ⁸ Diane Mutti Burke, *On Slavery's Border: Missouri's Small-Slaveholding Households, 1815–1865* (Athens: University of Georgia Press, 2010), 309.
- ⁹ According to the 1840 U.S. federal census, St. Louis' enslaved population still outnumbered free African Americans by a nearly 3:1 margin, with 1,531 slaves and 531 free African Americans enumerated in the city that year. By 1860, the city's 1,755 free African Americans outnumbered the 1,542 slaves. See Wade, *Slavery in the Cities*, 327.
- ¹⁰ For the text of this law, see Stephen Middleton, *The Black Laws of the Old North: A Documentary History* (Westport, Connecticut: The Greenwood Press, 1993), 185–88.
- ¹¹ The “Act Concerning the Introduction of Negroes and Mulattoes into this Territory,” passed by the Indiana Territory's legislature in 1805, permitted any master bringing slaves into Illinois to continue to hold them in servitude, provided that they appear before the Court of Common Pleas to “determine and agree to and with his or her negro or mulatto upon the terms of years which the said negro or mulatto will and shall serve his or her said owner or possessor.” This law, not repealed until Illinois entered the Union in 1818, introduced what Paul Finkelman has called “de facto slavery” to Indiana Territory and Illinois Territory. Faced with no choice but to “agree” to a “term” of servitude in Illinois or return to their place of origin as a slave for life, up to one thousand African Americans “agreed” to terms of servitude that often exceeded their expected lifetimes, or up to 99 years. For more on these indenture laws and their effects, see Finkelman, “Slavery and the Northwest Ordinance: A Study in Ambiguity,” *Journal of the Early Republic*, No. 4 (Winter, 1986), 343–70. For the text of this law, see Francis S. Philbrick, ed., *The Laws of Indiana Territory, 1801–1809* (Springfield: Illinois State Historical Library, 1930), 136–39.
- ¹² Middleton, *Black Laws of the Old Northwest*, 295–98. See especially section 5, section 6, and sections 21–25. A more concise full text of the 1819 statute is reprinted in Helen Cox Tregillis, compiler, *River Roads to Freedom: Fugitive Slave Notices and Sheriff Notices Found in Illinois Sources* (Bowie, Maryland: Heritage Books, Inc., 1988), 2–10.
- ¹³ Fugitive slave newspaper advertisements reveal that, well into the 1840s, southern Illinois sheriffs and jailers continued to presume all African Americans to be fugitive slaves unless proven free. For example, on January 1, 1842, the sheriff of White County, Illinois, committed to jail “a negro man who calls himself Willis Wilson Thomas” although he “says he is a free man.” See the Shawneetown, Illinois, *Republican*, January 15, 1842, as reprinted in Tregillis, comp., *River Roads*, 94.
- ¹⁴ The Kaskaskia, Illinois, *Western Intelligencer*, April 14, 1819, as reprinted in Tregillis, comp., *River Roads*, 54. A brief notice in the Edwardsville, Illinois, *Spectator* reveals that this so-called “petty Lawyer” was Jonathan H. Pugh, a state representative from Bond County, Illinois, and an opponent of the 1824 Illinois

- constitutional convention to legalize slavery in the state. See Edwardsville *Spectator*, March 15, 1823.
- ¹⁵ Here I draw upon Edwards, *The People and Their Peace*, to distinguish between legal “rights,” which Edwards is correct to critique because “rights” imply a legal uniformity, systematization, and accessibility that did not exist in the early nineteenth century, neither for masters like Wilcox nor, especially, for the enslaved. See Edwards, *The People and Their Peace*.
- ¹⁶ For analysis of fugitive slave newspaper advertisements as a source, and of the prominence of the eastern seaboard in studies of this source, see Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770–1810* (Athens: University of Georgia Press, 1991), 114–49. Edward Baptist’s forthcoming, national database of fugitive slave ads, however, should help to remedy this regional unevenness in analysis of fugitive slave advertisements.
- ¹⁷ Tregillis, comp., *River Roads to Freedom*. The twelve newspapers are: in Shawneetown, Illinois: *The Illinois Gazette*, *The Western Voice* (later *The Voice and Journal*), *The Republican*, *The Democrat*, *The Illinois Journal/Intelligencer*; in Kaskaskia: *The Western Intelligencer*; in Vandalia: *The Illinois Intelligencer*; in Sparta, Illinois: *The Randolph County Record* and *The Sparta Register*; in Edwardsville: *The Spectator*; in Belleville: *The Advocate*.
- ¹⁸ Kaskaskia, Illinois, *Western Intelligencer*, August 14, 1816, as reprinted in Tregillis, comp., *River Roads*, 51.
- ¹⁹ Shawneetown, Illinois, *Gazette*, February 24, 1820, as reprinted in Tregillis, comp., *River Roads*, 16.
- ²⁰ The Kaskaskia, Illinois *Western Intelligencer*, July 24, 1816, as reprinted in Tregillis, comp., *River Roads*, 50–51.
- ²¹ Shawneetown, Illinois *Gazette*, August 23, 1821, as reprinted in Tregillis, comp., *River Roads*, 26; Shawneetown, Illinois *Gazette*, March 1, 1823, as reprinted in Tregillis, comp., *River Roads*, 37.
- ²² This calculation is based on all fugitive slave advertisements reprinted in Tregillis, comp., *River Roads*.
- ²³ Shawneetown, Illinois *Gazette*, November 16, 1822, as reprinted in Tregillis, comp., *River Roads*, 36.
- ²⁴ *Ibid.*, February 23, 1822, reprinted in Tregillis, comp., *River Roads*, 29.
- ²⁵ *Ibid.*, November 7, 1829, reprinted in Tregillis, comp., *River Roads*, 89.
- ²⁶ Kaskaskia, Illinois *Western Intelligencer*, June 9, 1819, reprinted in Tregillis, comp., *River Roads*, 55.
- ²⁷ Shawneetown, Illinois *Gazette*, March 13, 1823, reprinted in Tregillis, comp., *River Roads*, 37–38.
- ²⁸ Illinois courts insisted that the Northwest Ordinance failed to apply to those held as slaves in Illinois during the French colonial period, prior to the Northwest Ordinance, and their descendants, some of whom remained enslaved in Illinois well into the nineteenth century. The last of these Illinois “French slaves,” as they were called, finally gained freedom in 1845, when the Illinois Supreme Court’s opinion in *Jarrot v. Jarrot* declared all slavery and involuntary servitude illegal in Illinois. For more on French colonial slavery in Illinois and the long road to *Jarrot v. Jarrot*, see Newton N. Newborn, “Judicial Decision Making and the End of Slavery in Illinois,” *Journal of the Illinois State Historical Society* 98, No. 1/2 (Spring-Summer 2005): 7–33.
- ²⁹ Letter from Governor Ninian Edwards to Mayor William Carr Lane, September 21, 1828, William Carr Lane Papers, Missouri History Museum, St. Louis.
- ³⁰ Tregillis, comp., *River Roads*, 43–44, 53.
- ³¹ The Springfield, Illinois *Sangamo Journal*, July 12, 1832, reprinted in Tregillis, comp., *River Roads*, 46–47.
- ³² Stephen Aron, *American Confluence: The Missouri Frontier from Borderland to Border State* (Bloomington: Indiana University Press, 2006), xx–xxi.
- ³³ Walter Johnson, “Inconsistency, Contradiction, and Complete Confusion: The Everyday Life of the Law of Slavery,” *Law & Social Inquiry* 22, No. 2 (Spring 1997): 405–33.
- ³⁴ *Laws of A Public and General Nature, of the District of Louisiana*, Vol. 1, 990–91.
- ³⁵ “An Act directing the county courts to appoint patrolers [*sic*] and concerning slaves,” approved December 14, 1822, in *Laws of A Public and General Nature, of the District of Louisiana*, Vol. 1, 990.
- ³⁶ The Shawneetown, Illinois, *Gazette*, August 12, 1820, reprinted in Tregillis, comp., *River Roads*, 18–19.
- ³⁷ William J. Anderson, *Life and Narrative of William J. Anderson, Twenty-Four Years a Slave* (Chicago: Daily Tribune and Job Printing Office, 1857), 17, 31–36.
- ³⁹ Thomas C. Buchanan, *Black Life on the Mississippi: Slaves, Free Blacks, and the Mississippi Steamboat World* (Chapel Hill: University of North Carolina Press, 2004), 9. Buchanan acknowledges that some fugitives in St. Louis had “fled enslavement thinly veiled as indentured servitude in southern Illinois,” but, otherwise, he examines how steamboats facilitated escape from the slave to free states, not how slaves’ hitherto multidirectional escape routes came to be consolidated in a northward direction. See Buchanan, *Black Life on the Mississippi*, especially chapter 4. For antebellum travel times from St. Louis by stage, wagon, and steamboat, see Timothy R. Mahoney, *River Towns in the Great West: The Structure of Provincial Urbanization in the American Midwest, 1820–1870* (Cambridge: Cambridge University Press, 1990), especially chapter 5.
- ³⁹ Buchanan, *Black Life on the Mississippi*, 9–11.
- ⁴⁰ Wade, *Slavery in the Cities*, 15–16.
- ⁴¹ *The Revised Statutes of the State of Missouri* (St. Louis: The Argus Office, 1835), 586.
- ⁴² See, for example, Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: University of North Carolina Press, 2010).
- ⁴³ Merton L. Dillon found no antislavery societies in the state outside of south central Illinois’s Putnam County, heavily populated by antislavery Presbyterians, until 1836. See Merton L. Dillon, “Abolitionism Comes to

- Illinois,” *Journal of the Illinois State Historical Society* 53, No. 4 (Winter 1960): 389–403.
- ⁴⁴ *St. Louis Republican*, “Abolitionist Movements,” as reprinted in *The Liberator*, December 14, 1849, 199.
- ⁴⁵ *The New York Emancipator*, October 22, 1845.
- ⁴⁶ “A Memorial to Congress Concerning Fugitive Slaves,” January 25, 1847, in *Laws of the State of Missouri, Passed at the First Session of the Fourteenth General Assembly, Begun and Held at the City of Jefferson, On Monday, the Sixteenth Day of November, Eighteen Hundred and Forty-Six, and Ended on Tuesday, the Sixteenth Day of February, Eighteen Hundred and Forty-Seven* (Jefferson City, Missouri: James Lusk-Public Printer, 1847), 360.
- ⁴⁷ The *St. Louis Republican*, as reprinted in *The Ohio Observer*, September 27, 1854.
- ⁴⁸ See Sundiata Keita Cha-Jua, *America’s First Black Town: Brooklyn, Illinois, 1830–1915* (Urbana: University of Illinois Press, 2000), especially chapters 1 and 2.
- ⁴⁹ Since at least the publication of Larry Gara’s classic 1961 study of the underground railroad, historians have stressed the central role that African Americans themselves played in aiding fugitive slaves. See Larry Gara, *The Liberty Line: The Legend of the Underground Railroad* (Lexington: University of Kentucky Press, 1961). More recently, Keith Griffler has shown that free African American communities along the Ohio River border did not merely play an important part in the underground railroad but in fact spearheaded this on-the-ground struggle against slavery. See P. Griffler, *Front Line of Freedom: African Americans and the Forging of the Underground Railroad in the Ohio Valley* (Lexington: University Press of Kentucky, 2004).
- ⁵⁰ John Brown, *Slave Life in Georgia: A Narrative of the Life, Sufferings, and Escape of John Brown, A Fugitive Slave, Now In England* (London, 1855), 151–52.
- ⁵¹ For more on this mail campaign, see Bertram Wyatt-Brown, “The Abolitionists’ Postal Campaign of 1835,” *Journal of Negro History*, 50, No. 4 (October 1965): 227–38.
- ⁵² *The Revised Statutes of the State of Missouri*, 586.
- ⁵³ *Laws of A Public and General Nature, of the District of Louisiana*, 748.
- ⁵⁴ This information on Russell is pieced together from the following sources: *Laws of the State of Missouri, Passed at the First Session of the Eleventh General Assembly* (Jefferson City, Missouri: Jeffersonian Office, 1841), 253; *Laws of the State of Missouri, Passed at the First Session of the Fourteenth General Assembly*, 206; *St. Louis County Court Record Book*, Vol. 1, 1824–1835, 287, 285, 297, 363; *St. Louis County Court Record Book*, Vol. 2, 1836–1841, 75, 97, 383; *St. Louis County Court Record Book*, Vol. 3, 1841–1844, 22, 43, 59, 66, 84, 85, 86. Russell reported owning fourteen slaves on the 1840 federal census, St. Louis.
- ⁵⁵ *Russell v. Taylor*, June Term 1837, Case Number 17, Missouri Supreme Court Case Files, Missouri State Archives-Jefferson City.
- ⁵⁶ *Ibid.*
- ⁵⁷ *Ibid.*
- ⁵⁸ *Ibid.*
- ⁵⁹ *Ibid.*
- ⁶⁰ Jenny Bourne Wahl, *The Bondsman’s Burden: An Economic Analysis of the Common Law of Southern Slavery* (Cambridge: Cambridge University Press, 1998).
- ⁶¹ Wahl, *The Bondsman’s Burden*, especially chapter 4.
- ⁶² *Eaton v. Vaughan*, January Term 1846, Case Number 18, Missouri Supreme Court Case Files, Missouri State Archives-Jefferson City.
- ⁶³ *Ibid.*
- ⁶⁴ *Ibid.*
- ⁶⁵ *Calvert v. Steamboat Timoleon*, St. Louis Circuit Court, November Term 1849, Case # 181; *Finney v. Kinder*, St. Louis Circuit Court, March Term 1842, Case # 113, Missouri State Archives-St. Louis; *Harper v. Steamboat Western Belle*, St. Louis Circuit Court, November Term 1844, Case # 81, Missouri State Archives-St. Louis; *Hudson v. Miller*, St. Louis Circuit Court, November Term 1849, Case # 127, Missouri State Archives-St. Louis; *Jones v. Steamboat Prairie Bird*, April Term 1847, Case # 141, Missouri State Archives-St. Louis; *Lee v. McCune, Deane, Randolph, Whitney, Hazard, Carson, and Voorhles, owners of the Steamboat Edward Bates*, November Term 1848, Case # 189 and 190, Missouri State Archives-St. Louis; *Walker and Hundley v. Von Phul, et.al.*, St. Louis Circuit Court, April Term 1844, Case # 146, Missouri State Archives-St. Louis; *Wilkinson v. Baldwin*, St. Louis Circuit Court, July Term 1840, Case # 195, Missouri State Archives-St. Louis; *Price v. Thornton*, St. Louis Circuit Court, July Term 1841, Case # 50, Missouri State Archives-St. Louis; *Price v. Tatum*, St. Louis Circuit Court, July Term 1841, Case # 50, Missouri State Archives-St. Louis; *Lepper v. Chilton*, St. Louis Circuit Court, September Term 1841, Missouri State Archives-St. Louis; *Chouteau v. Keizer and Hope*, St. Louis Circuit Court, Missouri Supreme Court-St. Louis; *Horrell v. Fithian, master of the Steamboat Boreas*, St. Louis Circuit Court, November Term 1843, Case # 23, Missouri State Archives-St. Louis; *Perry and Van Houten v. Beardslee*, St. Louis Circuit Court, April Term 1844, Case # 16, Missouri State Archives-St. Louis; *Sarade v. Steamboat Bowling Green*, St. Louis Circuit Court, November Term 1842, Case # 47, Missouri State Archives-St. Louis.
- ⁶⁶ Henry Bibb, *Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself* (New York: Published by the Author, 1849), 166.
- ⁶⁷ Rev. S.A. Dwinnell, *Wisconsin As It Was and As It Is. 1836 Compared With 1866. Its Material, Educational, and Religious History* (Milwaukee: Godfrey & Crandall’s Steam Printing House, 1866), 15–18.
- ⁶⁸ Anderson, *Life and Narrative of William J. Anderson*, 31–36.
- ⁶⁹ Taja-Nia Y. Henderson, “Crucibles of Discontent: Penal Practice in the Shadow of Slavery, Virginia, 1796–1865” (Ph.D. Diss., New York University, 2013).

⁷⁰ *The Revised Statutes of the State of Missouri*, 177–78.

⁷¹ Harriet C. Frazier, *Runaway and Freed Missouri Slaves and Those Who Helped Them, 1763–1865* (Jefferson, North Carolina: McFarland, 2010), 131.

⁷² Sarah J.W. Early, *Life and Labor of Rev. Jordan W.*

Early, one of the Pioneers of African Methodism in the West and South (orig. pub. 1894; reprint, Freeport, New York: Books for Libraries Press, 1971), 37–39.

⁷³ Early, *Life and Labor of Rev. Jordan W. Early*, 38.