



# St. Louis Freedom Suits Lesson Plan

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## Objectives

- Students will describe how African Americans who were held in slavery in St. Louis during the 19th century used the civil courts to seek freedom.
- Students will evaluate the extent to which the efforts of the freedom seekers were successful.
- Students will analyze how local freedom suits in St. Louis shaped the context of the Dred and Harriet Scott decision which led to the Civil War and reshaped the legal and constitutional definitions of freedom and citizenship in the United States.

## Relevant Standards

- **D2.His.3.9-12** (NCSS *C3 Framework*): Use questions generated about individuals and groups to assess how the significance of their actions changes over time and is shaped by the historical context.
- **Understanding Impact** (NCHE *History Habits of Mind*): How do local actions have broader impact? How did historical actions lead to change?

## Materials

- Copies of 5 Freedom Suit summaries (double-sided with the facts of the case on the front and the results of the case on the back)
- Copies of student worksheet

## Plan of Instruction

1. Prior to class, set up the carousel lesson by creating 5 stations in the classroom. Each station should have copies of one of the case summaries.
2. Introduce the activity by activating prior knowledge. How did enslaved people resist slavery and seek their freedom? Do you think suing in local courts would be a good strategy for obtaining freedom? What were the specific challenges or risks they may have faced?
3. Explain that in the 19th century more than 200 plaintiffs demanded their freedom in the St. Louis circuit court. These cases are collectively known as freedom suits.
4. Distribute the student worksheet and give instructions for the carousel activity. At each station small groups should read the summary of the case,



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- predict the outcome, and then read the outcome from the back of the summary. They should record the information on the worksheet.
5. Divide the class into 5 small groups. Have each group start at a different station. After 5 minutes, have groups rotate to the next station.
  6. Debrief the activity
    - a. Were you surprised by any of the cases? If so, what was surprising?
    - b. What legal arguments did freedom seekers use to challenge enslavement?
    - c. What legal arguments did enslavers use to defend slavery?
    - d. What more would you like to learn about these cases?
    - e. Why are these cases important in understanding the causes of the Civil War?
  7. Students may ask what percentage of cases resulted in enslaved people gaining their freedom. Dr. Anne Twitty, author of *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857*, states that 40.2% of plaintiffs ultimately won their freedom, 46.5% were not freed, and the status of the other 13.3% remains unknown.
  8. Conclude the lesson by linking these cases to the more well-known case of Dred and Harriet Scott. The Scotts initially brought suit in the St. Louis circuit court in 1846. Based on the experience of other plaintiffs, they had every reason to assume that they would win their case. While they won their original case, the Missouri Supreme Court reversed decades of precedent by ruling against the Scotts. The federal Supreme Court decision in 1857 which ruled against the Scotts is one of the important causes leading to the Civil War. In what ways was the agency of multiple freedom seekers in St. Louis responsible for redefining the constitutional and legal notions of freedom and citizenship in the United States?

### Extension Activity

- Students can research another case available on the Freedom Suits Memorial Foundation Website: <https://stlfreesuits.org/the-plaintiffs/>

### For Further Reading

Anne Twitty. *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857*. New York: Cambridge University Press, 2016.



## Mary Davis (1855)

Mary Davis was born about 1816. She was almost certainly held as a slave since birth, but the circumstances of her early life, including where she may have lived, are unknown. By March 2, 1855, however, when she filed her freedom suit in the St. Louis circuit court, she was enslaved by a man named Samuel B. Bellis, even though she claimed that she had been emancipated by deed three years before.

Davis asserted that she had been freed by a man named John T. Moore in 1852, a couple of years after Moore had purchased her at an auction. In preparation for filing her suit, Davis provided a copy of her deed of emancipation to the court, which authenticated it. The document described Davis as approximately thirty-six years old, five feet five inches tall and “of very dark complexion.”

Bellis disputed the claims Davis had made. He argued that Moore had never claimed Davis nor freed her. Indeed, he declared the deed of emancipation that Davis had presented to be a forgery. He had a right to hold Davis as a slave, he argued, because he had purchased her as such from a man named William H. Heath in 1854. Although he did not present a bill of sale when he made this claim, he asserted that he could procure the original if necessary.

### Vocabulary and Additional Information

- **Emancipate:** To free from enslavement.
- **Deed:** A legal document that transfers ownership of property from one person to another.
- **Defendant:** A person who is sued or accused in a court of law.



## **OUTCOME: FREED**

**Davis and Bellis settled out of court because both sides were unsure if they would win the case.**

**If the case had simply proceeded to trial, one side would have won and the other would have lost. This compromise enabled both parties to get at least part of what they wanted.**

**The compromise they settled on was that Bellis agreed to free Davis in 1856 but Davis would have to pay Bellis \$80 and court costs in weekly installments of \$3 until the total amount was paid.**



## James Haskins (1837)

The date and circumstances of James' birth are unclear, but about 1823 he was brought by his enslaver, Philemon Haskins, from Kentucky, a slave state, to Illinois, a free state. James remained in Illinois for about a year, after which Haskins brought him to Missouri and hired him out at the mines, where he most likely dug for lead ore. Haskins continued to hire James out in and around St. Louis until Haskins died about 1831.

James argued that it had been the "wish of old Mr. Haskins that [he] should go free" after Haskins' death, "a fact well known in the family." He also asserted that he had "a right to his freedom from having been detained in slavery in Illinois." When he demanded his freedom after Haskins' death, however, Haskins' son, Charles, suggested a compromise: James would continue to work for the Haskins family for another six years, and then he would be emancipated.

James "served out the six years with honesty and fidelity" while Charles Haskins reaped the rewards. Having completed the agreed upon term, however, James was still not freed, and on September 14, 1837, he finally sued for his freedom.

### Vocabulary and Additional Information

- **Emancipate:** To free from enslavement.
- **Fidelity:** Faithfulness to a person, cause, or belief, demonstrated by continuing loyalty and support.



## **OUTCOME: NOT FREED**

**On January 8, 1840, James B. Bowlin, James’s attorney, appeared in court to declare that the plaintiff would no longer prosecute the suit, and James’s case was dismissed.**

**James’ case file doesn’t provide any information about why he gave up his suit after two and a half years. It may be that he or a loved one was threatened with sale or violence if he kept at it. But it’s also possible that James’ desire to remain in St. Louis trumped his desire for freedom. Starting in 1835, free Black people in Missouri were required by state law to obtain a “freedom license” to remain there. If James had won his freedom suit he may not have been able to obtain the license to stay in the city.**



## Charles Endicott (1839)

Charles Endicott was born a free man in Brookville, Ontario about 1821. When he was about ten years old, he moved with his family to Sackets Harbor, New York, on Lake Ontario. In Sackets Harbor his father operated a barber shop and sometimes worked on the region's steamboats.

As he neared adulthood, Endicott was persuaded by a man named Samuel Gray to leave his family, likely with a promise of employment. But Gray kidnapped Endicott and sold him as a slave to Benjamin Clapp of St. Louis.

Fortunately, once Endicott reached St. Louis in the late spring of 1839, he was spotted by two white men he had known in Sackets Harbor, and together, they worked to find Endicott legal counsel so he could gain his freedom. The three men approached Gustavus A. Bird, the St. Louis attorney who represented more freedom suit plaintiffs than any other, and Bird promised to prepare Endicott's petition and affidavit.

The matter was particularly urgent because Endicott worried that Clapp was about to remove him from the city, and when Endicott failed to appear for a meeting with his attorney, Bird proceeded to initiate a freedom suit on Endicott's behalf alongside affidavits from Endicott's white friends from New York. His case would drag on for more than a year and a half. Finally, on January 26, 1841, Endicott's case went to trial.

### Vocabulary and Additional Information

- **Affidavit:** A written statement sworn that can be used in court. The witness swears to its truthfulness.
- **Petition:** A formal request for a court order or action from an official body.
- Charles Endicott's story is similar to the experience of **Solomon Northup**, who was kidnapped in New York and sent into slavery in Louisiana. He wrote the narrative *Twelve Years a Slave*.



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**OUTCOME: FREED**

**A jury ruled that Endicott was free.**



## Matilda (1828)

Matilda was born along the Mississippi River in Prairie du Rocher, Illinois Territory, roughly 50 miles south of St. Louis, about 1807 or 1808. Her mother was enslaved by Suzanne LeCompte, who subsequently held Matilda in slavery as well. The Northwest Ordinance, which was adopted by Congress in 1787, had supposedly made slavery illegal in Illinois. But white residents who had long lived in the region (many of whom were French) asserted that the law did not apply to them or the people they held in bondage.

In 1820 Matilda was given to LeCompte's daughter who had recently married Philip Rocheblave of St. Louis. On October 3, 1828, Matilda sued Philip Rocheblave and his mother for her freedom. Matilda asserted that her birth on free soil meant she could not legally be held as a slave.

In 1829 both parties waived their right to a jury, so their case was decided by a judge. This type of trial, called a bench trial, was unique among St. Louis Freedom Suits. Matilda and the Rocheblaves appeared to have agreed on the facts of the case. They differed only on what the law required. Matilda and her attorneys asserted that it was illegal to hold any slaves in Illinois. The Rocheblaves and their attorneys claimed that any person descended from a woman held as a slave before the adoption of the Northwest Ordinance could also be held as a slave.

### Vocabulary and Additional Information

- **Bench Trial:** A trial where a judge rather than a jury makes the decision about the case.
- **Northwest Ordinance:** A measure adopted by Congress in 1787 that decided the process for settling the western territories. Although written before the Constitution was ratified, it was adopted as law.



## **OUTCOME: FREED**

**The judge of the St. Louis circuit court, after seeking out legal guidance, sided with Matilda: slavery was illegal in Illinois due to the Northwest Ordinance, and anyone born to an enslaved woman after it was adopted was entitled to their freedom. She was declared free on January 25, 1830.**



## **Malinda and Nelly (1823)**

There is no information about when or where Malinda or her daughter Nelly were born, but in 1820 or 1821, their enslaver, Robert Wilburn, moved them to Illinois. Here, Malinda and Nelly continued to be held as slaves even though Illinois was a free state. Somehow, they eventually learned that they might be able to use the legal system to obtain their freedom. But Wilburn moved them to Missouri, a slave state, before they could bring suit in Illinois.

Once in Missouri, Wilburn hired Malinda and Nelly to Beriah Cleland of St. Louis. Wilburn then returned to Illinois. After two years, Wilburn returned and announced that he planned to immediately remove Malinda and Nelly to Howard County in central Missouri.

At this point, in June 1823, Malinda and Nelly petitioned for their freedom in the St. Louis circuit court. They were assisted in their efforts by Cleland, who acted as their guardian. Cleland obtained a writ of habeas corpus which forced Wilburn to bring Matilda and Nelly before the court and ensured that they remained in St. Louis while their cases were pending.

Wilburn's defense was that he had never established a true, permanent residence in Illinois with Malinda and Nelly, and he had not intentionally violated the state's ban on slavery. Malinda and Nelly's attorney, meanwhile, argued that Wilburn's intent did not matter if he had, in fact, remained in Illinois long enough to be considered a resident while holding Malinda and Nelly as slaves.

A year after they filed their freedom suits, in June 1824, Malinda and Nelly's cases were tried before a St. Louis jury.

### **Vocabulary and Additional Information**

- **Habeas Corpus:** A written command requiring a person to be brought before a judge or into court.



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## **OUTCOME: NOT FREED**

**On June 22, 1824, a St. Louis jury declared that Malinda and Nelly were not entitled to their freedom.**



### Directions

Your small group will move from station to station to read and discuss 5 cases that were filed in St. Louis by enslaved people seeking freedom. At each station you will identify the plaintiff's (the person seeking freedom) legal argument and you will predict if they became free or not. Then, you will turn over the sheet and see the outcome of the case. Answer the last two questions and move to the next case when the teacher tells you.

Case	What was the plaintiff's (freedom seeker) argument why they should be free?	Your Prediction (Freed or Not Freed)	Actual Result (Freed or Not Freed)	Why did this result occur (legal or personal reasons)?	What does this case tell you about slavery in St. Louis in the 1800s?
Mary Davis					
James Haskins					
Charles Endicott					
Matilda					
Malinda and Nelly					