

John Craig Hammond, "The Centrality of Slavery: Settlement, Enslavement, and Middle Class Slaveholders in Missouri, 1770 – 1820," chapter to appear in Pasley and Hammond eds., "A Fire Bell in the Past: The Missouri Crisis at 200," University of Missouri Press as part of its Studies in Constitutional Democracy Series, expected publication, 2021

White Missourians demonstrated their strong commitment to enslaving others long before the Missouri Crisis. Indeed, slavery and European settlement were inextricably tied to one another in Missouri during the half-century stretching between initial European colonization in the 1770s and the Missouri Crisis of 1820. In the late 1770s, permanent European settlements on the west bank of the Mississippi River had been in place for only a short time. The mostly French-descended inhabitants deemed the enslavement of Africans as a precondition for establishing permanent settlements that would be integrated into the larger political economy of the lower Mississippi Valley, imperial North America, and the Atlantic World. Sensing an opportunity to use the resources of the Spanish state to acquire enslaved Africans far away from the main routes of the Atlantic slave trade, in 1777 the European inhabitants of Missouri petitioned the Spanish Crown for assistance. The settlers asked, "that the compassion of the King should deign to provide them with negro slaves on credit, for whom they may pay with the crops." Spanish officials obliged in assisting the mostly French and French-descended colonists in obtaining enslaved Africans from markets downriver in New Orleans. From the 1770s through the 1790s, the population of enslaved Africans grew rapidly in Missouri, while white Missourians reclassified Native American slaves as "negroes."¹

By 1804, when American officials arrived to claim sovereignty over Missouri per the terms of the Louisiana Purchase, perhaps twenty percent of Missouri's non-Native American population was enslaved and classified as "negro," and the European-

American settlements in Missouri straddled the line that separated societies with slaves from slave societies.² Regardless of where exactly Missouri fell on the spectrum that distinguished slave societies from societies with slaves, the most vocal and prominent white Missourians insisted that the United States commit itself to keeping enslaved Africans in slavery. The “Committee of the Town of St. Louis,” for example, demanded that the United States implement laws to “keep the slaves in their duty according to their class; in the respect they owe generally to all whites, and more expressly their masters.” American officials obliged, and over the next fifteen years, the population of enslaved Africans in Missouri grew: slowly at first, rapidly after 1815. By 1819, perhaps 10,000 of the 60,000 non-Native Americans in Missouri were black and enslaved, and Missouri still straddled the ill-defined line between a society with slaves and a slave society. James Tallmadge understandably sensed that conditions in Missouri welcomed some kind of gradual abolition plan. The conditions in Missouri is why we have a Missouri Crisis, but no Mississippi or Alabama Crisis. But the majority of politically active white Missourians rejected the Tallmadge Amendments out of hand; they rejected every proposal for some kind of gradual abolition program at the state level; they threatened disunion should Congress insist on restrictions; they then elected strictly proslavery candidates to the Missouri Constitutional Convention. During the Missouri Crisis, white Missourians insisted that they would “never become a member of the Union under the restriction relative to slavery.” They meant it.³

The Missouri Crisis has rightfully come to occupy a central place in the historiography of slavery and politics in the early republic. Since 2006, seven monographs and numerous articles and book chapters have afforded the Missouri Crisis a

central place in their narrative and analysis. Some have used the Missouri Crisis as the conclusion to an early epoch of the politics of slavery that began with the American Revolution and closed with the Missouri Compromise.⁴ Others have found in the Missouri Crisis the genesis of a new form of national political parties committed to protecting slavery.⁵ Others still have used the Crisis as an inflection point to examine why southern whites adopted a proslavery ideology, or why white northerners retreated from antislavery politics.⁶ The chapters in this volume analyze the Missouri Crisis from all of those perspectives while developing several new ones.

Yet for all of the insights produced by this scholarship, historians have written far less about slaves, enslavement, and slaveholders in pre-statehood Missouri and the broader Confluence region.⁷ The works examining the Missouri Crisis have focused far more on white people in the East arguing about Missouri slavery in the abstract, than on white Missourians' efforts to create a slave society, or African Americans' challenges to their enslavement. The *New History of Slavery and Capitalism* should provide some redress to this oversight. Indeed, those works have been invaluable in uncovering the processes by which whites created plantation societies in the Deep South while examining how whites fended off the seemingly never-ending series of challenges to slavery, both internal and external. Yet because Missouri falls outside the model of a plantation society employed by the *New Historians of Slavery and Capitalism*, these works overlook the processes by which a slave society was created in Missouri, even though both slave societies were created at roughly the same time.⁸ Collectively, the new history of capitalism and slavery along with the robust literature on the Missouri Crisis overlooks entirely the lives of free and enslaved African Americans in pre-statehood

Missouri and the processes by which whites created and maintained various systems of slavery. Likewise, the meanings and significance of slavery and racial subordination to the white inhabitants of Missouri is almost entirely overlooked in the historiography of slavery and politics in the early republic and the New History of Slavery and Capitalism.⁹ How and why was a slave society constructed in Missouri? The best literature on the Missouri Crisis and the New History of Capitalism has no good answer to that question.

Between 1770 and 1820, in what would become the state of Missouri, slavery and enslavement were central to processes of European settlement and development, conquest and colonialism, and governance and incorporation into the contested imperial worlds of the North American continent and the Atlantic world.¹⁰ (Slavery was less important to these processes in places such as Ohio and Indiana, and in later periods such as the 1830s; that's why we have a Missouri Crisis, but no Ohio, Indiana, or Iowa Crisis. Slavery was more important in Illinois. That's why in 1818 and 1824 there were almost Illinois Crises.) European settlement and claims of sovereignty became inextricably tied to state support for slavery in Missouri between the 1770s and the Louisiana Purchase of 1803, and again between 1803 and 1819. White commitment to enslaving others ran so deep— whether in the 1770s, 1804, or 1819 – that it is difficult to envision a feasible path to gradual abolition in Missouri short of war or rebellion. Slaveholders and would-be slaveholders in Missouri proved to be as defensive about slavery as their counterparts in Virginia, Mississippi, and Alabama. Whether in the 1770s, 1804, or 1819, for white Missourians, imperial state power was ideally deployed to keep slaves in slavery, not to facilitate their emancipation.

And while white Missourians commitment to slavery makes it difficult to envision a peaceful path to emancipation in Missouri, enslaved Native and African Americans challenged their bondage in numerous ways. Shifting jurisdictional and legal regimes combined with the diverse origins of enslaved Missourians to permit some African Americans to challenge the legality of their enslavement. Likewise, the unsettled, indeterminate structures of social, political, and economic life in the Missouri borderlands created spaces that slaves exploited to claim and exercise freedoms within slavery, even when they found themselves unable to flee or to challenge the legality of their own personal enslavement. From the 1770s through the 1820s, Missouri straddled the line between a slave society and society with slaves. Missouri's borderland location and the absence of a full-scale social, economic, and institutional commitment to keeping slaves in slavery afforded enslaved men and women continuous opportunities to blur if not challenge the lines between slavery and freedom, emancipation and enslavement. At the same time, because Missouri never underwent the plantation revolutions that transformed places like Louisiana, and because Missouri never fully crossed the threshold that separated societies with slaves from slave societies, on three occasions between 1770 and 1820, lawmakers in Washington or Madrid tried to force white Missourians to adopt some kind of gradual abolition plan. Missouri's powerful slaveholding minority fought off all external efforts to move the state towards gradual emancipation.

I

Slavery's great, initial expansion and then growth in Missouri occurred in the four decades between the Seven Years' War and the Louisiana Purchase. Beginning in the 1760s, imperial conflicts led to the expansion of the Caribbean plantation complex into

the lower Mississippi Valley as Spain and Britain used state support for slavery as an important tool of empire building. The successful establishment of plantation economies in the lower Mississippi Valley led, in turn, to the transformation and growth of slavery upriver in the Missouri and Ohio Valleys, where farmers and planters increasingly used enslaved Africans to produce food and stores for plantations downriver. In the process, Native American slavery ended – on paper at least – as Native American slaves were transformed into African American slaves. In the forty years between the Seven Years’ War and the Louisiana Purchase, African American slavery became central to economic, social, and political life in the imperial Ohio, Missouri, and Mississippi Valleys. By the time of the Louisiana Purchase, these regions were joined in a distinct Mississippi Valley plantation complex that was itself part of a broader Atlantic world of empires, commerce, and slavery.¹¹

In the early-1700s, the banks of the Mississippi in present-day Missouri was something of a middle ground between competing Native American nations. European settlers from the French Illinois Country - *habitants* - began migrating across the Mississippi River to mine lead and to trade for furs and salt with Osages from the Missouri and Arkansas Valleys in the 1720s. In the 1750s the trading and mining camps began to take the form of more permanent agricultural, fur-trading, and diplomatic settlements. The outcome of the Seven Years’ War divided European claims along the Mississippi River, ceding the Ohio Valley to Britain and the Mississippi and Missouri Valleys to Spain. Spanish officials, seeking to integrate the region into Spain’s new Mississippi Valley empire, used state support for slavery to encourage *habitants* to settle in Spanish Missouri and to cultivate *habitant* loyalties to the Spanish crown. In the 1750s,

the French Illinois country – which encompassed the settlements on the west bank of the Mississippi – was oriented as much toward French Canada as it was toward Louisiana. Likewise, economic life in the scattered French villages comingled Native American slavery and the fur trade towards Canada, with African American slavery and the production of staples and stores for Louisiana. In the 1770s, Spanish officials used their shared Catholicism to lure across the River *habitants* now living under Protestant British rule. To incorporate those *habitants* into their new Mississippi Valley empire, they also worked to shift the economic and geopolitical orientation of the Missouri country from fur trading and the Great Lakes to agricultural production for Louisiana. Finally, Spanish officials sought to maintain peace with the numerous and powerful Indian nations who inhabited the Mississippi Valley and its many tributaries. Combined, these imperial imperatives would shape the development of slavery in Missouri from initial European settlement through the Louisiana Purchase.¹²

Bondage, captivity, and slavery of various kinds was more or less ubiquitous among the diverse peoples and polities of the North American continent in the eighteenth century. Unsurprisingly, Spanish officials learned - as would their successors - that European-Americans in the Middle Mississippi Valley saw the enslavement of others as inseparable from settlement. Spanish officials first census of the Missouri settlements counted twenty-nine Native American slaves at the agricultural-oriented village at Ste. Genevieve, and sixty-nine Native American slaves at the fur-trade oriented village of St. Louis.¹³ Fearful that the trade in Native American captives might incite new raids and wars, Spanish officials initially banned the enslavement of Native Americans.¹⁴ They soon recognized that an outright prohibition on Native American enslavement so deeply

clashed with the customs of the Illinois Country that any enforcement of the decree would undermine whatever authority Spain might be able to exercise over the *habitants*. Spanish officials instead opted to ban the further enslavement of Native Americans and to prohibit the trade in Native American captives. Such measures were of little effect. *Habitants* immediately defied the ban, as Spanish officials reported that “the inhabitants of St. Louis had engaged to buy Indians and had even advanced money. As a result, they had acquired fourteen.” This would not be the last time that Spanish officials decreed that settlers were “not to buy any Indians henceforth nor subject them to slavery.”¹⁵

Spanish officials seeking to promote agriculture and to curb Native American enslavement determined that the chief obstacle to both was *habitant* insistence that they would engage in commercial agriculture only if they had access to African American slaves. As one official noted, “Everyone wants to be a merchant on account of the profits he could make in trading, while none can be expected from farming without” enslaved African Americans.¹⁶ Spanish officials quickly determined to use slavery as a tool of empire building. Officials “proposed to the King that he furnish them negro slaves in order to develop more quickly the crops.” Knowing that the settlers would stall until the enslaved Africans arrived in Missouri, the official recommended “that pending receipt of the Royal decision, they should make a start with these crops, in order to have sufficient seed.”¹⁷ But the promise of slaves was not good enough for the settlers. Six months later, the *habitants* were “all waiting for this aid before beginning” to produce flour, hemp, and other food and stores.¹⁸ While it’s unclear exactly what “aid” Spanish officials provided to the *habitants*, slavery and settlement in Missouri received a boost as *habitants* from

Illinois crossed the Mississippi to flee British Protestantism and to cash in on Spanish promises of land, tools, seed, and slaves.

By the 1780s, enslaved Native and African Americans accounted for anywhere between twenty and thirty percent of the population of the main European-American settlements in Missouri. Whether or not the settlements could properly be classified as part of a slave society, settlers and Spanish officials found themselves confronting the central problem of all slave societies; keeping in slavery people who do not want to be slaves. Several factors allowed enslaved Missourians to claim for themselves considerable freedoms within slavery, and sometimes to dash for freedom. Spain and the *habitants* might have claimed Missouri as their own, but the reality of the Spanish and *habitant* presence consisted of St. Louis and a few, scattered villages along the Mississippi and Missouri Rivers. The nonexistent borders between *habitant* villages and Native American settlements created spaces for flight, whether temporary or permanent. The frontier exchange economy that prevailed in the French Illinois Country allowed enslaved Africans and Indians to claim numerous customary rights in the 1700s, including the right to travel between Native American and *habitant* settlements. As slavery crossed the river, as imperial regimes changed, as economic life remained varied and required considerable mobility, slaves continuously claimed and exercised a host of customary privileges and freedoms within slavery, while others managed to flee.¹⁹

Enslaved Native American man Louis Mahas took advantage of all of these circumstances to free himself from slavery. Originally “a slave of Monsieur Darpentigny” in Illinois Mahas was sold to “an English merchant” after the transfer of sovereignty from France to Spain. Mahas “killed the said English merchant” with a “fatal blow.” He then

“fled into the nations of this continent” on the other side of the Mississippi River. After “being chased” away by those unnamed Indian nations, Louis made his way to St. Louis, where *habitant* Noel Langlois was seeking to have Lois reenslaved. For Langlois, the purposes of imperial state power was not so much to punish a murderer as much as it was to enforce boundaries between European and Native American sovereignties, and to keep free people of color in a state of slavery and subordination. For Louis, conflicts between competing imperial powers and rival Native American nations created opportunities for freedom. Native Americans took an opportunistic view towards individuals like Louis. He was welcomed when it was advantageous for them; expelled when he became a liability.²⁰

The ordinances seeking to govern the behavior of enslaved African and Native Americans suggest that both groups claimed, exercised, and secured a considerable range of privileges. Ordinances issued in St. Louis in 1781 prohibited slaves from “hold[ing] any assembly at night,” from “leave[ing] their cabins at night,” or from “reciev[ing] in their cabin other slaves.” Slaves were likewise not “allowed to dance, either by day or night, in the village or elsewhere.” If Spanish Missouri was like most slave regimes, the regulations governing slave behavior sought to clamp down on slave actions that were already widespread. In either case, within days enslaved African and Native Americans found a way around these new regulations. An Ordinance issued three days after the above noted that enslaved Native and African Americans had begun “to dress themselves in a barbarous fashion, adorning themselves with vermilion [red paint] and many feathers which render them unrecognizable, especially in the woods.” Enslaved African and Native Americans now took to the woods where they passed themselves off as free

Native Americans.²¹ Other enslaved Native and African Americans took to the woods to escape slavery altogether. In November of 1785, seven Native American men, one Native American woman, and several African American slaves fled to the woods. On the way out of St. Louis, they appropriated supplies and lit several fires. Placing the resources of the Spanish state at the disposal of slaveholders, Spanish troops and officers were used to capture the runaways.²²

In the 1790s, African American enslavement grew, overtaking and absorbing Native American slavery. The United States' Northwest Ordinance of 1787 banned slavery in Illinois, if only on paper. While American officials indicated that the Ordinance did not apply to slaves present in 1787, the Ordinance left uncertain the status of any slaves forced to migrate to Illinois after adoption of the Ordinance. Rather than negotiating with a far-off government that seemed utterly unconcerned about upholding *habitant* titles to land and slaves, *habitants* fled across the river to "the Spanish side of the Mississippi."²³ Between 1787 and 1789, Spanish officials recorded thirty-three families and 293 individuals migrating from Illinois to Missouri. Fourteen of the thirty-three families owned slaves; 106 of the 293 individuals recorded were slaves.²⁴

A growing cadre of expatriated Americans joined them, readily pledging loyalty to the Spanish crown for outsized land grants and commercial access to the Mississippi River. The most famous expatriated American, Daniel Boone, entered Missouri with his wife, six children and ten slaves.²⁵ The expansion of plantation slavery downriver in New Orleans and the Natchez Country spurred the growth of slavery in Missouri. As New Orleans planters devoted increased resources to the production of crops such as cotton and sugar, they and their slaves gave less attention to the production of staples, opening

new markets for farmers, traders, and slaveholders in Missouri. Fleeing or bypassing uncertain land titles in Kentucky and prohibitions on slavery in Ohio, expatriated Americans continued to migrate to Spanish Missouri in the decade preceding the Louisiana Purchase.²⁶ Meanwhile, the enslaved African American population of Missouri continued to grow as slaveholders and would-be slaveholders acquired slaves through small scale exchanges with American merchants operating in the Ohio and Mississippi Valleys, through cross-river sales from Illinois into Missouri, and through natural increase.²⁷

The growth of Missouri's enslaved African American population, the expansion of commercial agriculture, and Spanish prohibitions on Native American enslavement transformed the racial dimensions of slavery by the 1790s. As early as 1770, *habitants* had recorded the children of Native American mothers and African American fathers as "negro." The 1770 census of Ste. Genevieve thus lists "Louis," son of "Rose of the Pawnee nation," as a "negro."²⁸ The imperative for slaveholders to re-racialize their slaves grew in the 1780s. A 1787 Spanish ordinance "strictly forbid any subject, of whatever rank or condition he may be, to make any Indian a slave, or to hold one as such, under any pretext whatsoever." The ordinance extended to fur traders and other "travelers who chanced to be in this province." The same ordinance also "ordained that the present owners of the said savage slaves shall not be allowed to get rid of those whom they have, in any manner whatsoever, except it be by giving them their freedom." As slaves gave birth, and as slaves were counted, purchased, sold, and traded, slaveholders increasingly recorded Native American slaves and slaves of mixed African and Native American descent as "negroes." In the 1770s and 1780s, Spanish officials had sought to

abolish Native American enslavement. *Habitant* slaveholders defied Spanish regulations – likely with the connivance of Spanish officials – by simply transforming the mixed forms of Native American slavery that had developed in the Illinois country into African American slavery. Thus, of the 29 “mulatto slaves” recorded by Spanish officials between 1787 and 1789 as having migrated from Illinois to Missouri, many were likely of partial Native American descent. Native American slavery did not disappear so much as *habitant* slaveholders and imperial officials absorbed Native American slaves and slavery into African American slavery.²⁹

By the early 1790s, merchants, farmers, and officials had successfully reoriented the Missouri Valley toward the production of stores and food for plantations downriver, predicated on the enslavement of persons defined as “negro.” By 1804, African American slaves accounted for a fifth of Missouri’s non-Indian population, and nearly one-third of the population around the main settlements of St. Louis and St. Genevieve. Forty years of Spanish rule and support for slavery had transformed Missouri from a fur-trading outpost oriented toward the Great Lakes into a society with slaves that was thoroughly integrated into the transnational Mississippi Valley plantation complex and frontier.

On the eve of the Louisiana Purchase, the European-descended residents of Missouri had created a mostly self-governing, multi-ethnic community within the larger Spanish empire. While cultural differences and clashing interests could sometimes divide the francophone and anglophone populations, they shared much in common. Both groups readily exchanged nominal professions of allegiance to the Spanish empire for nominal protection of their interests. Both groups main concerns centered on maintaining peaceful and prosperous relations with Native Americans, in keeping enslaved African Americans

in slavery, securing land grants, and in maintaining access to markets via the Mississippi River. Spanish officials readily supported all four, solidifying further the loyalties of the European-descended population of Missouri. The Louisiana Purchase threatened to upset the precarious balance forged by settlers and Spanish officials, while enslaved African Americans stood ready to use the disruptions created by the transfer for their own purposes.

II

Upon receiving word of the cession of Louisiana to the United States, white Missourians expressed apprehension about the future of slavery under American rule. One American official in the region advised Thomas Jefferson that most whites in Missouri remained “averse” to American rule if it was accompanied by “the liberation of their slaves (of which they have great numbers.)” Other Americans familiar with Missouri sent similar letters eastward. Louisianans were “very much interested in obtaining an unlimited slavery” wrote one American official from the West. That interest left them “very much divided on the score of becoming American citizens . . . lest their slaves should be liberated.” The “sooner their minds can be quieted on that subject the better,” he added. Meriwether Lewis wrote of a more menacing situation. Upon arriving in Missouri, Lewis found circulating “a report that the Americans would emancipate their slaves immediately on taking possession of the country.” These concerns extended beyond a small slaveholding class, encompassing Missouri’s many would-be slaveholders. “There appears to be a general objection not only among the French, but even among the Americans not slaveholders,” continued Lewis, “to relinquish the right which they claim relative to slavery in its present unqualified form.”³⁰

In 1803 – 1804, the United States seemed dangerously abolitionist to white Missourians. With good reason. As of 1803, the United States reigned as the only imperial power in the Atlantic World or on the North American Continent to successfully abolish slavery or to prohibit its expansion. Massachusetts and New Hampshire had abolished slavery completely in the 1780s. By 1784 six northern states had taken legislative action providing for the gradual abolition of slavery. In 1799 and 1804, gradual abolition laws were adopted in New York and New Jersey, the Northern states with the largest enslaved populations. In the trans-Appalachian West, the United States had twice passed the Northwest Ordinance along with its Article VI prohibition on slavery. While *habitants* in Illinois gained an exception to Article VI, slaveholders proved unable to overturn the ban in Ohio in 1799 and 1804, as would slaveholders in Indiana and Illinois over the next decade. Meanwhile, over the previous decade, *habitants* had fled across the river to escape the uncertainties of Article VI on slavery. White Missourians understandably expressed concern that American rule would threaten slavery.³¹

The actions of enslaved Native and African Americans added to the uncertainties surrounding slavery under American rule. A long-running family dispute over three enslaved sisters of mixed African and Native American descent gained new life with the arrival of American law. Born in the 1740s, Marie Scypion was likely the daughter of an enslaved Native American mother and an enslaved African American father. Since the 1790s, her three daughters, Celeste, Catiche, and Marguerite, had been seeking to block their sale based on their maternal, Native American ancestry. When their enslaver tried to sell them again in the spring of 1804, Celeste and Catiche filed claims for freedom. White

Missourians must have been mortified at the prospect of slaves of Indian ancestry filing for freedom in U.S. courts. Amos Stoddard, the chief American official in the territory, blocked the sale until the matter could be heard by a U.S. court, but refused to emancipate the plaintiffs.³²

The territorial ordinance Congress framed for Missouri heightened white Missourians concerns that the United States would implement some kind of gradual emancipation program in Missouri. For administrative purposes, the 1804 territorial act for Upper Louisiana appointed officials from the Indiana Territory to Missouri. Though the bill maintained that the two territories were separate and distinct, white Missourians suspected that this was a prelude to either an eventual merger of the two territories, or the extension of the Northwest Ordinance and Article VI across the River. They may have been correct. While debating the territorial ordinance for Missouri, Maryland Senator Samuel Smith supported joining the two territories because “I know that it will estop slavery there, and to that I agree.”³³ In addition, while the territorial ordinance for Missouri did not free any slaves, it did prohibit the further importation of slaves. Once the terms of the territorial ordinance reached Missouri in the summer of 1804, the “people” of Missouri became “very much agitated” in “regard to this district’s being annexed to the Indiana Territory & the regulations which Congress might adopt relative to slavery.”³⁴ American William Carr found nearly all white Missourians “apprehensive that slavery” would soon “be prohibited” under American rule. The greatest concerns came from small slaveholders who “were fearful lest those already in their possession would also be manumitted.”³⁵ By mid-summer, rumors swirled that Missouri’s slaves “will be free before long.”³⁶

As anxiety about the status of slavery under American rule grew, Captain Amos Stoddard (the leading American official in Missouri) and Auguste Chouteau (Missouri's most prominent resident) intervened. In August 1804, Stoddard and Chouteau staged a very public exchange to address the uncertainties surrounding slavery under American rule. The Connecticut-born Stoddard was a harsh critic of slavery, but as the top American official in Missouri his primary concern was to oversee a peaceful transfer and to reconcile white Missourians to American rule. To that end, the exchange seemed designed to quell white concerns about the future of slavery and to warn enslaved African Americans that the United States would not support emancipation.³⁷

Demonstrating the degree to which white Missourians had become accustomed to local self-government within a larger imperial structure, Chouteau organized "The Committee of the Town of St. Lewis," which operated as an informal government for St. Louis and its surrounding villages. Under the auspices of the "The Committee," Chouteau drew up a petition. The petitioners expressed commitment to American rule but also voiced concerns about the recent "conduct of their slaves." As slaves acted on the uncertainty surrounding the transfer and rumors of abolition, the white "inhabitants" of Missouri had become "uneasy and alarmed." "There exist amongst the Blacks a fermentation," White Missourians warned, a fermentation exacerbated "by the report spread by some Whites, that they will be free before long." Alluding to the slave rebellion that created Haiti, the petitioners pleaded that the United States "preserve the New territory" of Missouri "from the horrors which different American colonies have lately experienced." Continuing, they reminded Stoddard that "in all countries where slavery exists there is a Code that establishes in a positively manner the Rights of the

Masters, and the Duties of the slaves. There is also a Watchful policy, which prevents their nocturnal assemblies, that subject them to their labor.” Under “the old French government and Spanish, the Black Code was our guide,” they explained, asking Stoddard “to have it put in force” under American rule. Only a strong slave code could “keep the slaves in their duty according to their class; in the respect they owe generally to all whites, and more expressly their masters.” American commitment to slavery would place slaves “again under the subordination which they were heretofore,” and “insure the tranquility of a people who depends entirely on your vigilancy.” Without strict slave codes, slaves would surely rebel, and Missouri would be reduced to “nothing but ruins.”³⁸

Stoddard acknowledged White Missourians’ concerns and asked that they “suggest such rules and regulations as appear necessary to restrain the licentiousness of slaves, and to keep them more steadily to their duty.” He assured them “that I will add my sanction to whatever may contribute” to Missouri’s “peace and security,” and concluded by admonishing “those Whites who have propagated among the slaves the hope of a speedy emancipation.”³⁹ The following week, the Town Committee presented to Stoddard “the regulations of police concerning the slaves,” regulations that would “ensure the rights of the masters.” Like his predecessors, Stoddard used slavery as a tool of empire building. In the contested borderlands of imperial North America, support for slavery was a necessary precondition for establishing sovereignty.⁴⁰

Having secured Stoddard’s support for slavery, white Missourians now turned towards convincing the United States government to draft a new territorial ordinance for Missouri. Shortly after Chouteau’s exchange with Stoddard, Chouteau created another representative body, likely with Stoddard’s endorsement. Again demonstrating white

Missourians' expectations of local self-government within larger imperial structures, Chouteau and the St. Louis Committee put out a call for the settlements in Missouri to send representatives to St. Louis, where they would draft a petition to be sent to Washington. "The Representatives Elected by the Freemen of their Respective Districts" drafted a strongly worded "remonstrance and petition" that hinted at disunion while expressing four, related concerns reflecting their experiences during forty years of Spanish sovereignty. White Missourians requested that officials be chosen from among their ranks, and that they be fluent in both French and English. The petitioners also defended the often fraudulent land claims that many settlers had acquired over the previous decade, and insisted that the United States' military presence be sufficient to ward off raids by Native Americans. Finally, the petitioners warned that the 1804 territorial ordinance seemed "calculated ... to create the presumption of a disposition in Congress to abolish slavery altogether" in Missouri. The petitioners demanded that the United States recognize their right "to the free possession of our slaves" along with "the right of importing" more.⁴¹ Under Spanish rule, white Missourians had received a large degree of self-government and autonomy within a larger imperial structure that protected their interests, provided them advantages over Native Americans, and supported subordination of enslaved African Americans. They expected the same from the United States.⁴²

Imperial lawmakers in Washington obliged the demands of white Missourians. Sort of. Until the Civil War, most territorial ordinances either extended the Northwest Ordinance's Article VI prohibition on slavery to a new territory, or recognized slavery indirectly by exempting a territory from Article VI. But the 1805 territorial ordinance for

Missouri is odd in that it makes no reference to slavery or Article VI, either directly or indirectly. A proposed version of the ordinance would have acknowledged slavery indirectly, by creating “a government in all respects similar to that now exercised in the Mississippi Territory.” This proposed ordinance would have recognized slavery in Missouri by twice removing it from the Northwest Ordinance’s Article VI. The final version of the 1805 territorial ordinance omitted all references to slavery. Under the 1805 ordinance, slavery existed legally in Missouri by force of local law and territorial statute, rather than by territorial ordinance which operated as fundamental law, as was the case in other territories where slavery was permitted.⁴³ It remains unclear if Congress purposely omitted any reference to slavery or Article VI in the 1805 territorial ordinance. Nonetheless, over the next fifteen years, some restrictionists – including Amos Stoddard - claimed that this omission was deliberate, intended to allow the United States government to prohibit slavery in Missouri if circumstances proved more favorable in the future.⁴⁴

What were the U.S. Congress’s intentions in 1804 and 1805 when it came to slavery in Missouri? Imperial lawmakers in Washington initially underestimated the extent of the white population in Missouri, as well as their commitment to slavery. Thomas Jefferson, for example, thought the United States could easily swap out Missouri’s European-descended population and replace them with Native Americans from east of the Mississippi. Operating on the same level of ignorance of white Missourians, northerners in Congress expected that the United States could extend some version of the Northwest Ordinance across the river with little controversy. Beyond that, Congress seemed to have no definite plans for slavery in Missouri outside an expectation

that an Article VI for Missouri would operate in much the same way that it had in Illinois, Ohio, and Indiana since 1787. Slavery would be prohibited from new areas of settlement in Missouri; the sale of slaves into Missouri would be prohibited; slaveholders in Missouri would be permitted to keep slaves already in their possession. At some far-off date in the future, slavery would somehow, somehow, wither away in Missouri.

But whatever Congress's intentions in 1804 and 1805, it remains difficult to envision a process by which the United States – or any other imperial power – could have implemented and enforced these kinds of restrictions on slavery in Missouri. It is even more difficult to envision how any imperial power could have enforced some kind of gradual abolition plan in Missouri in the first decade of the 1800s while retaining any claims of sovereignty or dominion over European-descended peoples in Missouri. Any attempt to halt slavery's growth in Missouri had to contend with the colonial realities, imperial rivalries, and Atlantic markets that had shaped the place of slavery, settlement, and territoriality in the Missouri, Ohio, and Mississippi Valleys since the 1760s. The four decades preceding the Louisiana Purchase had made slavery inseparable from European settlement, sovereignty, and territoriality. Slavery had also become central to processes of development and incorporation into the contested imperial worlds of the North American continent and the Atlantic world. American officials—like their Spanish predecessors—believed that imperial rivalries, the weaknesses of imperial states in the Mississippi Valley, and the loose loyalties of white settler groups meant that they could govern settlers and local elites only by accommodating local interests.

In Missouri, slavery (and land claims) bound together the disparate and diverse settler populations, and the necessity of state support for slavery (and recognizing land

claims) was a policy that those same settler groups could agree on. Stoddard estimated that “more than four-fifths” of the white inhabitants agreed with the “remonstrances” main concerns surrounding land grants and slavery.⁴⁵ Indeed, even before the United States began formally governing Missouri, the white inhabitants there demanded that protections for slavery accompany the extension of American sovereignty. As for the authors of the “remonstrance,” despite their hints at disunion, they did not intend to leave the United States and return to French or Spanish sovereignty. Rather, they hoped to frighten imperial lawmakers in Washington into rescinding the restrictions on slavery, into recognizing land claims, and to jettisoning plans to swap out Native American and European-American populations across the Mississippi. From the 1760s through the 1810s, Native American and European American settler groups in the greater Mississippi Valley used threats of rebellion and secession – or promises of loyalty and fealty – to gain favorable treatment from imperial lawmakers in Philadelphia, London, Paris, and Madrid. “The Representatives Elected by the Freemen of their Respective Districts” were simply doing what a multitude of groups in imperial North America had done for decades in order to maintain autonomy for themselves and supremacy over conquered peoples as imperial sovereignty shifted.⁴⁶

The authors of the “remonstrance” all but admitted to Stoddard that drafting the “remonstrance” and then presenting it in Washington was an unpleasant but necessary part of imperial politics between the core and the periphery. Before departing for Washington with their “remonstrance and petition,” the “representatives of the several districts” of Missouri issued a public letter of gratitude to Stoddard. Referring to the whole remonstrance and petition process as a “painful task,” they thanked Stoddard for

his “judicious, attentive & exemplary dispensation of Justice within this territory during your administration, and the readiness which you have always shown to contribute to the public good.” They then asked that “genuine philanthropy - solid parts & unblemished Disinterestedness continue to characterize the governors” of Missouri appointed by Washington.⁴⁷ All they wished from Washington was the same kind of regards for their interests that Stoddard and his Spanish predecessors had shown them. The United States ultimately supported white Missourians demands for slavery – not because the United States was an inherently proslavery empire – but because like every other imperial power in the Americas, lawmakers in the imperial center and officials on the ground believed that they had to yield to the demands of settlers and elites, especially on questions of slavery.⁴⁸

III

From 1805 through 1819, American acquisition changed little in Missouri regarding empire, governance, and slavery. Between the 1770s and the Louisiana Purchase, the European-descended residents of Missouri had created a mostly self-governing, multi-ethnic community within the larger Spanish empire. While differences and competing interests could divide the francophone and anglophone populations, much united them. Both swapped token professions of allegiance to the Spanish empire for protection of their interests. Both groups main concerns centered on keeping enslaved African Americans in slavery and in maintaining access to Native Americans in the interior and markets downriver, all while maintaining a large degree of self-government within the Spanish empire. Spanish officials readily supported these interests and permitted local

officials to issue lavish land grants to any person of European decent willing to act the part of a loyal subject of the Spanish crown. From 1805 through 1819, the United States would govern Missouri in much the same way. Prominent locals were appointed to offices and received government contracts. Town and village councils governed their particular locale as they saw fit. Land remained cheap and accessible due to the circulation of floating grants and warrants issued first by the Spanish and later by the United States. Native American nations in Missouri interacted with the United States government and merchants in ways that seemed best calculated to protect their interests. Local and territorial officials worked to keep slaves in slavery, and slavery continued its slow but steady growth and expansion. Enslaved African Americans continued to seek freedom from slavery when possible, and greater freedoms within slavery when flight or freedom suits seemed unobtainable.

Between 1805 and 1819, the political geography of slavery in the United States attracted or repelled certain groups of free migrants, shaping the peculiar characteristics of settler colonialism in Missouri. Wealthy slaveholders preferred settlement in the South Carolina Piedmont and the Georgia upcountry, where cotton produced an increase in the enslaved population by over 200,000 people, the greatest expansion of any slave regime on the North American continent between 1800 and 1820. Antislavery migrants from the northern and southern states, on the other hand, preferred settlement in the Northwest territories covered by Article VI, especially Ohio and Indiana.⁴⁹ These circumstances kept small and would-be slaveholders out of Ohio, Indiana, and Illinois, but Kentucky and Tennessee had their own set of drawbacks. Land-titles in both were tied up in a morass of lawsuits stemming from the haphazard and often fraudulent surveys and sales

of land in the 1790s. Middling and would-be slaveholders bypassed Kentucky, while ambitious Kentuckians who could not make it there headed off to Missouri. Just like their predecessors, the European-Americans who made their way to Missouri after 1803 tied slavery to settlement, territoriality, and incorporation into the United States empire along with the burgeoning Mississippi Valley plantation complex. Those ties would only strengthen in the fifteen years separating the Louisiana Purchase and statehood.⁵⁰

Between the Louisiana Purchase and statehood, then, Missouri attracted ambitious, middling slaveholders and would-be slaveholders from the Atlantic slave states and Kentucky. Virginia lawyer Joseph Pollard, Jr., was one of the larger slaveholder to migrate to Missouri. In 1811, he made plans to head to Missouri with “5 members” of his “white” family, and “my black one of not more than 12 or 15 slaves.” Pollard sought a residence in the town of St. Louis, along with “a little farm in the neighborhood.” The farm was to be “sufficiently large to work 6 or 8” slaves. The remaining enslaved African Americans would be used at his residence in St. Louis, where he would run his “practice of law,” while his son would practice “that of medicine.”⁵¹ Other migrants were less well-off. Benjamin Reeves had moved from Virginia to Kentucky as a teenager. By 1812, his ambitions had carried him to the Kentucky statehouse, but wealth still evaded him. The following year, he and his brother were seeking to rent slaves, “either publicly” from an annual slave-rental auction, or “privately” for somewhere between \$65 and \$80 for the year. In 1818, Reeves and his growing family moved to Missouri. Two years later, the voters of Howard County sent him to the state constitutional convention. In 1824, he was elected Missouri’s Lieutenant

Governor. Ambitious middling and would-be slaveholders could rise quickly in Missouri.⁵²

Virginian native William C. Carr demonstrated the importance of chattel slavery to ambitious, middling southern white men such as himself. Arriving in St. Louis in 1804, Carr became an attorney involved in all kinds of sales and lawsuits involving slaves and land. In 1807, Carr became engaged to “a little Yankee girl at Ste. Geneveive,” Ann Maria Elliot, daughter of Dr. Aron Elliot and brother-in-law to Moses Austin. Befitting his rising status, Carr wrote to his brother in Kentucky asking him to procure “a negro woman suitable for the kitchen.”⁵³ Carr’s brother was unable to obtain the desired slave, so he purchased a husband and wife accustomed to field work instead, hoping that William could convert them into house servants. Carr accepted his brother’s offer, but lamented that “If they do not answer, upon experiment” as house servants, “they must be sold; notwithstanding my abhorrence to that kind of traffic.” If the husband and wife could not advance Carr’s social status, they would improve his economic status.⁵⁴

Though a lawyer, slaves were central to Carr’s growing fortune. Carr speculated in land and slaves, using both as a form of liquid capital. In 1809, Carr purchased “two negro fellows” in the spring, and “another” in the summer for “\$333 1/3 part on credit for 12 months.” Carr then “sold again” this slave “for one of those land warrants” valued at \$640. He decided to keep the other slaves because he found them “very likely,” expecting their value to increase.⁵⁵ The following summer, Carr acted as a slave-purchasing agent for John B.C. Lucas while visited his brother in Lexington, Kentucky. Carr “made every inquiry in my power on the subject of purchasing negroes in this country since my arrival,” but had determined that he could not “purchase any tolerably good negro man

for less than \$500.” Carr instead suggested that Lucas purchase an enslaved man “with his wife and two small children,” which Carr believed “might be purchased much below their value.” Slaves that failed to enhance Lucas’s social status could more than make up for it by improving his economic fortunes - as well as Carr’s.⁵⁶

Ambitious, middling migrants from the North quickly jettisoned whatever antislavery scruples they carried with them. Vermont native Justus Post graduated Middlebury college and then West Point in 1806. After serving in the U.S. Army during the War of 1812, Post moved to Missouri in 1815. By January of 1816, he had purchased his first slave, a “negro woman, named Ellen, aged 23 years, a slave during the period of her natural life.”⁵⁷ John Post intended to join his brother in Missouri, which prompted a warning from Justus that “there is one thing you must reconcile your mind to when you get in this region, that is the owning of slaves.” Post had already purchased “two negro women and three girls.” He had “no negro men yet but will have so soon as I can get them. I shall try hard to get two this winter and as many next spring as I can.”⁵⁸ The following month, Post purchased Peter, “a slave for and during the period of his natural life”⁵⁹ Post promised his brother that his slaves could “be sure of three things - victuals, clothes & work in abundance.”⁶⁰

As Post promised, the lives of enslaved men and women such as Peter and Ellen were filled with unrelenting physical labor; their lives were also filled with violence, forced separation from loved ones, and general uncertainty. Betty, a mother and enslaved woman, “had two children” around 1799. Betty’s children were sold away from her when they were very young, to a “M. Cabanne,” who then “swapped” the children with James McDaniel. A decade later, Betty’s children became involved in a lawsuit after they

developed small pox. Betty's life must have been difficult enough when she lost her two young children; it must have become unimaginably more so a decade later when she was asked to determine if two enslaved children who had just survived smallpox were her own. Whether due to time or the scars of small pox, Betty "could not identify" whether the children were her own.⁶¹ Separation, movement, and uncertainty seemed endemic in the lives of many of Missouri's slaves. U.S. Indian Agent George Sibley had purchased Betty, a "black servant girl," when he "was last in Georgetown." This Betty left all that she knew behind her when she was forced to move from Washington to St. Louis with Sibley. After meeting Sibley's slave George in St. Louis, the party traveled on to Fort Osage, near present-day Kansas City. Along the way, she and George developed a relationship, and "entered into partnership soon after they got to Fort Osage." Betty's newfound family was short-lived. Betty's pregnancy required her return to St. Louis while George continued on as "cook and man servant" for Sibley at Fort Osage.⁶²

Travel and work sometimes prove deadly for enslaved men and women. Because slaves were often the most valuable and mobile pieces of property to be found in borderlands like Missouri, banditti, Native Americans, and rival white groups kidnapped slaves. In 1816, two enslaved men living around the Boon's Lick settlements were kidnapped by a band of Sauk and Winnebago warriors who resented growing U.S. encroachment on their lands. By all accounts, the Native American warriors intended to sell or ransom the twice-captives. But when the Boon's Lick militia made "pursuit," the warriors "killed the two negro men with a tomahawk."⁶³ Travel and work proved especially tragic for Phill. In 1811, Phill was rented by his owners in Tennessee to mine operators in Missouri for a term of six months. Hoping to squeeze as much labor as

possible out of the rented slaves, the renter worked the slaves at the mines until only “a few days before the time was out.” Having to move quickly from the mines to Nashville before the six months was up, the slaves had to cover considerable distances, even though it was “especially cold & snowing hard.” But as the three slaves approached Ste. Genevieve, “an overseer digging another mine, heard of their going” back to Nashville. The overseer “pursued them, overtook them at night after they had walked the whole day thro the snow.” Phill “had already given out” due to his arduous walk, “but the overseer made him drink a good deal” to recover. The overseer then “swore” that Phill “should go back” to the mine “or die.” Under threat of death, Phill began walking on the dark, cold, snowy night. He never made it: “He failed and was found dead.”⁶⁴

The exchange between Phil’s owner and renter demonstrates the callowness and calculations of profit that structured the lives of so many enslaved men and women in Missouri. Phill’s owner expressed no concern about the fact of Phill’s death, though he seemed relieved that Phill died “just before 6mo. expired.” Phill’s renter would thus be responsible for Phill’s full value. But the renter would only offer 1/3 of Phill’s value. The renter agreed that the overseer’s actions were “censurable,” but he denied that he could “be charged with wantonly playing with life or designedly taking it away.” The renter instead alleged that Phill “had by his inebriation hastened his death,” which in any case, was caused by the snow and cold. In sum, the renter alleged that “the death of Phill can only be considered an act of God.” All that remained was to determine the financial value of chattel.⁶⁵

Work, profits, and mobility could kill; it also provided opportunities. The enslaved man York was determined to live his life on his own terms; his owner William

Clark was nearly as determined to maintain York's subordination. Clark split up York's family, with York living in Missouri while his wife and children lived in Louisville. York repeatedly expressed his desire to move to Louisville and "hire himself" out, with his wages going to Clark. Clark refused, partially because York was "serviceable to me at this place," but mostly because Clark was "determined not" "to "gratify" York's determination to establish the terms of his enslavement.⁶⁶ Clark gave his brother directions to have York "sent to New Orleans and Sold, or hired out to some severe master," if he shirked his duties because he missed his wife and children.⁶⁷ Clark did not sell York, even after York extended his one-month stay in Louisville into five. But after York returned from Louisville, he became "insulate and sulky" because he missed his family. Clark "gave him a severe trouncing."⁶⁸ Later that year, Clark "confined York" to the "Caleboos." Clark's efforts broke York: as Clark reported to his brother, York "has for two or three weeks been the finest negro I ever had." York's breaking was only temporary. Barely a month later York had gotten Clark to yield.⁶⁹ York would work "as a hand" on "a boat to Wheeling," and on his return he could stay in Louisville, provided York could find someone to purchase or hire him. Sometime after 1815, Clark finally freed York.⁷⁰ Like York, other slaves contested their enslavement. In 1813, Billy Tarlton filed one of Missouri's first freedom suits. Claiming that he "was born free," Tarlton alleged that he "was taken by force from the state of Virginia and sold as a slave in the state of Kentucky and then sold there to Jacob Horine who has brought me into the county of Saint Louis where he now holds me a slave."⁷¹

For slaves with no legal recourse for freedom, flight remained an option if desperation and opportunity met to produce circumstances advantageous to flight.

Enslaved man Sam had spent “several months” evading capture by living in the woods around “turkey Hill and Rich Law.” Sam was somehow returned to his owner, but two years later he once again fled. Fluent in “English” and “French also,” this time Sam had presumably “procured a forged pass as a free Negro.”⁷² Passing himself as a free man might have been a more sound strategy to secure his freedom. Missouri law recognized that “many times slaves run away and lie hid and lurking in swamps woods and other obscure places killing hogs and committing other injuries.” Missouri law “empowered and required” officials to search out and apprehend “such out lying slave or slaves.” As the extensive slave code published in 1818 demonstrates, on the eve of statehood Missouri had all of the workings of a slave society.⁷³

IV

What it lacked was enough slaves and slaveholders. As such, Missouri continued to straddle the line between a society with slaves (where gradual emancipation remained a distinct possibility) and a slave society (where gradual emancipation seemed unlikely). Sensing as much, James Tallmadge proposed that Missouri adopt the kind of gradual emancipation program that had nearly eradicated slavery from the northern states over the previous fifty years. What Tallmadge did not know, however, was that white Missourians had long tied slavery to sovereignty, settlement, and incorporation into a burgeoning Mississippi Valley plantation complex, and whatever larger, imperial state it would be a part of. In the end, the material conditions between slavery in Mississippi, Alabama, and Missouri might have been vast. But white Missourians shared with their counterparts in the deep south an ideological commitment to creating and maintaining a slave society. For white Missourians the purpose of an imperial state was to preserve self-government

for citizens (European-American males) while using the coercive violence of the imperial state against subjects and conquered peoples (Native and African Americans). In practice, in a place like Missouri that meant keeping slaves in slavery, acquiring Native American territory through violence or the threat of violence, and protecting invading settlers from Native American attacks. For the better part of a half century, white Missourians used imperial state power to establish territorial borders, control land and labor, define the meanings and practices of race, direct voluntary and involuntary migration, and to uphold white autonomy and sovereignty.

In 1820, northern whites overwhelmingly agreed with their counterparts in Missouri that the purpose of imperial state power was to establish territorial borders, control land and labor, define the meanings and practices of race, direct voluntary and involuntary migration, and to uphold white autonomy and sovereignty. In this case, however, state power would be used to halt slavery's growth and to facilitate emancipation. Just as their predecessors had done in the 1780s and in 1804, white Missourians would use a mix of threats and pleas to fight off efforts to interfere with slavery. But the outcome of this conflict would be different. By refusing to accept any restrictions on slavery, they forced Congress to take up the enormous and divisive question of slavery's place in an expanding continental empire. Northern and southern whites would now fight with each other over the uses of state power to resolve issues centering on the division of territory, the practices of race, the direction of voluntary and involuntary migration, and the meanings of autonomy and sovereignty in an expanding union with continental ambitions.

¹ Bernardo Galvez to Joseph Galvez, January 27, 1778, in Louis Houck, ed., *The Spanish Regime in Missouri; A Collection of ...* vol. 1, 158-159. Missouri had any different names from the 1760s through 1819. For simplicity's sake, I use the name "Missouri" throughout, even though this region was not named Missouri until 1812.

² For the distinctions between slave societies and societies with slaves, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America*, (Cambridge, MA, 1998).

³ Committee of the Town of St. Lewis to Amos Stoddard, True Translation from the original, by authority, J. Rankin, August 4, 1804; Amos Stoddard Papers, Missouri Historical Society, St. Louis; (Franklin) *Missouri Intelligencer*, June 4, 1819. For the distinction between slave societies and societies with slaves, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America*, (Cambridge, MA, 1998).

⁴ John Craig Hammond, "Race, Slavery, Sectional Conflict, and National Politics, 1770 – 1820," in Jonathan Daniel Wells ed., *The Routledge History of Nineteenth Century America* (New York, 2017), 11 – 32; Padraig Riley, *Slavery and the Democratic Conscience: Political Life in Jeffersonian America* (Philadelphia: University of Pennsylvania Press, 2015); George William Van Cleve, *A Slaveholders' Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago, 2010); John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville, 2007); Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill, 2006).

⁵ Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill, 2007).

⁶ Nicholas P. Wood, "The Missouri Crisis and the 'Changed Object' of the American Colonization Society," in *New Directions in the Study of African American Recolonization* eds., Beverly C. Tomek and Matthew J. Hetrick (Gainesville, 2017), 146 – 165; Manisha Sinha, *The Slave's Cause: A History of Abolition* (New Haven, 2016); John R. Van Atta, *Wolf by the Ears: The Missouri Crisis, 1819 – 1821* (Baltimore, 2015); Matthew W. Hall, *Dividing the Union: Jesse Burgess Thomas and the Making of the Missouri Compromise* (Carbondale, Ill., 2015); Michael J. McManus, "President James Monroe's Domestic Policies, 1817 – 1825: 'To Advance the Best Interests of Our Union,'" in *A Companion to James Madison and James Monroe* ed., Stuart Leibiger (New York, 2013), 438 – 455; Matthew Mason, "The Maine and Missouri Crisis: Competing Priorities and Northern Slavery Politics in the Early Republic," *Journal of the Early Republic* 33 (Winter 2013), 675-700; John Craig Hammond and Mathew Mason, eds., *Contesting Slavery: The Politics of Freedom and Bondage in the New American Nation*, (Charlottesville, 2011); Elizabeth R. Varon, *Disunion! The Coming of the American Civil War, 1789-1859* (Chapel Hill, 2010); Lacy K. Ford, "Deliver Us from Evil": *The Slavery Question in the Old South* (New York, 2009); Daniel Walker Howe, *What Hath God Wrought?: The Transformation of America, 1815-1848* (New York, 2007).

⁷ For exceptions, which examine slavery in middle Mississippi Valley or the Confluence Region, see M. Scott Heerman, *The Alchemy of Slavery: Human Bondage and Emancipation in the Illinois Country, 1730 – 1865* (Philadelphia, 2018); John Craig Hammond, "Slavery, Settlement, and Empire: The Expansion and Growth of Slavery in the Interior of the North American Continent, 1770-1820," *Journal of the Early Republic*, 32 (Summer 2012), 175-206; Stephen Aron, *American Confluence: The Missouri Frontier from Borderland to Border State* (Bloomington, IN, 2006); Hammond, *Slavery, Freedom, and Expansion*, 55 – 75.

⁸ Calvin Schermerhorn, *Unrequited Toil: A History of United States Slavery* (New York, 2018); Calvin Schermerhorn, *The Business of Slavery and the Rise of American Capitalism, 1815-1860* (New Haven,

2015); Edward Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York, 2014); Sven Beckert, *Empire of Cotton: A Global History* (New York, 2014); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA, 2013).

⁹ For three recent works which focus on freedom suits filed by African Americans that focus mainly on the period after 1820, see Kelly M. Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America*, (Athens, GA, 2017); Anne Twitty, *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787–1857* (New York, 2016); Lea VanderVelde, *Redemption Songs: Singing for Freedom before Dred Scott* (New York, 2014).

¹⁰ For the broader relationship between slavery, sovereignty, and empire in imperial North America, see “Slavery, Sovereignty, and Empires: North American Borderlands and the American Civil War, 1660 – 1860,” *Journal of the Civil War Era* 4 (June 2014), 264–298.

¹¹ John Reda, *From Furs to Farms: The Transformation of the Mississippi Valley, 1762 – 1825* (DeKalb, 2016); Hammond, “Slavery, Settlement, and Empire.”

¹² For the systems of Native American bondage formed by French settlers, Native American nations, and Native American captives, see Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic Slavery in New France* (Chapel Hill, 2013). For Native American slavery more generally, see Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge, MA, 2010). For the co-existence and transformation of Native American and African American slavery in Illinois and Missouri, and the relationship of each to commercial agriculture and the fur trade, see Robert Michael Morrissey, “Le Pays Des Illinois Finds Its Context: The Early History of Illinois in a Continental Perspective,” *Journal of the Illinois State Historical Society* (Spring/Summer 2018), 9 – 30; Carl J. Ekberg and Sharon K. Person, *St. Louis Rising: The French Regime of Louis St. Ange de Bellerive* (Urbana IL, 2015); Peter K. Johnson, “Ésclavage Rouge: The Nature and Influence of Indian Slavery in Colonial St. Louis,” *Missouri Historical Review* 105 (Oct. 2010), 14–30; Jay Gitlin, *The Bourgeois Frontier: French Towns, French Traders, and American Expansion* (New Haven, CT, 2010); Carl J. Ekberg, *Stealing Indian Women: Native Slavery in the Illinois Country* (Urbana: University of Illinois Press, 2007); Ekberg, *French Roots in the Illinois Country: The Mississippi Frontier in Colonial Times* (Urbana, IL, 1998), 145–61; Aron, *American Confluence*, 39–68; Heerman, *Alchemy of Slavery*, 17 – 81; Reda, *From Furs to Farms*, 14 – 41; In theory, *habitants* and officials associated Native American slavery with the fur trade and African American slavery with agriculture. In practice, the two often mixed and proved indistinguishable.

¹³ “Indian Slaves at Ste. Genevieve, May 28, 1770” and “Declarations . . . Concerning Indian Slaves at St. Louis, July 12, 1770,” in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 2, Part I, 167 – 171, 172 – 179. For enslavement of African and Native Americans prior to 1770, Carl J. Ekberg, *Francois Valle and His World: Upper Louisiana Before Lewis and Clark* (Columbia, MO, 2002), 158 – 174. A 1766 Spanish census of Ste. Genevieve counted 228 enslaved African Americans, approximately forty percent of the town’s population.

¹⁴ “Proclamation of O’Reilly,” in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), December 7, 1769, Vol. 2, Part I, 126.

¹⁵ Luis de Unzanga to Piernas, undated letter from 1770 or 1771, in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 2, Part I, 190–191. The *habitants* were permitted to keep but not sell the Native American slaves.

¹⁶ Fernando Leyba to Bernardo Galvez, January 13, 1779, in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 2, Part I, 314.

¹⁷ Bernardo de Galvez, “Special Instructions to Leyba,” March 9, 1778, in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 2, Part I, 259. For the way in which imperial European powers used state support for slavery as a way of enhancing their claims of

sovereignty, see “Slavery, Sovereignty, and Empires: North American Borderlands and the American Civil War, 1660–1860,” *Journal of the Civil War Era* 4 (June 2014), 264-298.

¹⁸ Fernando Leyba to Bernardo Galvez, Nov. 16, 1778, in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 2, Part I, 313. For the efforts of French settlers and Spanish officials to procure enslaved Africans to expand agricultural production in Missouri, see also Franco Cruzat to Bernardo Galvez, Nov. 23, 1777; Bernardo Galvez to Joseph Galvez, January 27, 1778; Joseph Galvez to Franc Cruzet, April 8, 1778, in Louis Houck, ed., *The Spanish Regime in Missouri; A Collection of Papers and Documents ... during the Dominion of Spain, from the Archives of the Indies at Seville, etc., Translated from the Original Spanish into English ...* (2 vols., Chicago, 1909), 1: 158 – 160.

¹⁹ Daniel H. Usner, Jr., *Indians, Settlers, and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley Before 1783* (Chapel Hill, NC, 1992); Heerman, *Alchemy of Slavery*, 17 – 37; Aron, *American Confluence*.

²⁰ Statement of Noel Langlois, January 1, 1779, Litigation Collection, 1773 – 1901, MoHS, St. Louis. For the various ways in which Native Americans interacted with enslaved African Americans, see Snyder, *Slavery in Indian Country*.

²¹ Local Ordinances for St. Louis and General Ordinance Published by Lieutenant Governor Don Francisco Cruzat, August 12 and 15, 1781, Louis Houck, Papers from Spain, Transcripts, Missouri Historical Society, St. Louis.

²² Patricia Cleary, *The World, the Flesh, and the Devil: A History of Colonial St. Louis* (Columbia, MO, 2011), 254 – 259; Cruzat to Miro, December 4 1785, *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 3, Part II, 157.

²³ “Memorial of Barthelemi Tardiveau, July 8, 1788,” in Clarence W. Alvord ed., *Kaskaskia Records, 1778-1790*, (Springfield, Ill., 1909), 488.

²⁴ “Immigrants from the United States, into Missouri, December 1, 1787 through December 31, 1789,” in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 3, Part II, 290.

²⁵ Daniel Boone Petition to the Spanish Crown, November 9, 1799, Confirmed, March 1, 1806, Box 1, Boone Family Papers, 1777 – 1930, MoHS, St. Louis.

²⁶ For the migration of American slaveholders and would-be slaveholders to Spanish Missouri, see Meriwether Lewis to Thomas Jefferson, Dec. 28, 1803, in Donald Jackson ed., *Letters of the Lewis and Clark Expedition with Related Documents, 1783-1854*, (Urbana, IL, 1962), 148 – 153; Thomas Jefferson, “Queries on Louisiana, 1803,” TJP, LOC; Benjamin Stoddert, Notes on Louisiana, June 3, 1803, TJP, LOC; “Description of Louisiana,” *Annals*, 8th Cong., Appendix, 1576. For Spanish efforts to lure settlers from the American side of the Mississippi into Spanish Upper Louisiana, see Aron, *American Confluence*, 97 – 99.

²⁷ Abyal Hunt to John Wesley Hunt, Nov. 9, 1798, John Wesley Hunt Papers, Special Collections, Transylvania University, Lexington, KY; Francisco Cruzat, Sale of a Slave, 1786 (Typescript Copy), Slaves and Slavery Collection, box 1, folder 1, MoHS, St Louis. Hammond, “Slavery, Settlement, and Empire.”

²⁸ “Indian Slaves at Ste. Genevieve,” May 28, 1770, in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 2, Part I, 169.

²⁹ Local Ordinances for St. Louis and General Ordinance, Published by Lieutenant Governor Don Francisco Cruzat, November 24, 1787, Louis Houck, Papers from Spain, Transcripts, Missouri Historical Society, St. Louis. “Immigrants from the United States, into Missouri, December 1, 1787 through December 31, 1789,”

in in *Spain in the Mississippi Valley, 1765–1794*, ed. Lawrence Kinnaird (3 vols., Washington, DC, 1949), Vol. 3, Part II, 290. Claims of Native American ancestry would serve as the basis for several freedom suits in the early 1800s. See William E. Foley, “Slave Freedom Suits Before Dred Scott: The Case of Marie Jean Scypion’s Descendents,” *Missouri Historical Review*, 79 (October 1984), 1 – 23; Kennington, *In the Shadow of Dred Scott*; Twitty, *Before Dred Scott*; VanderVelde, *Redemption Songs*. For the processes by which slaveholders transformed slaves of mixed Native and African American ancestry into “negroes” in Illinois, see Heerman, *Alchemy of Slavery*, 17 – 37.

³⁰ Thomas T. Davis to Thomas Jefferson, Nov. 5, 1803, in in Clarence E. Carter, ed., *The Territorial Papers of the United States*, 28 vols. (Washington, D.C., 1934-1975), 13:7 – 8; John Edgar to [Kentucky representative] John Fowler, Sept. 25, 1803, *Terr. Papers*, 13: 5 - 7; Thomas T. Davis to [Kentucky Senator] John Breckinridge, Oct. 17, 1803, *Terr. Papers.*, 7:124; Lewis to Jefferson, Dec. 28, 1803, in Donald Jackson ed., *Letters of the Lewis and Clark Expedition with Related Documents, 1783-1854*, (Urbana, IL, 1962), 153. For additional concerns that the United States might force some kind of abolitionist plan on Missouri, see Benjamin Stoddert, Notes on Louisiana, June 3, 1803, TJP, LOC.

³¹ Hammond, *Slavery, Freedom, and Expansion*; Hammond, “Race, Slavery, Sectional Conflict, and National Politics, 1770 – 1820.

³² Foley, “Slave Freedom Suits Before Dred Scott.” VanderVelde, *Redemption Songs*, 39 – 56. The Scypion family freedom suit would drag on into the 1820s.

³³ Everett S. Brown, ed., “The Senate Debate on the Breckinridge Bill for the Government of Louisiana, 1804,” *American Historical Review*, 22 (1917), 340-64, quote at 360. It remains unclear whether Congress intended to apply Article VI to Missouri in some fashion. The main primary source for the congressional debates have little to say about slavery in Missouri, excepting Maryland Senator Samuel Smith’s comment that he favored joining the two territories to stop slavery. In general, Congress devoted far more attention to Louisiana than Missouri when framing territorial ordinances in 1803 and 1804, and the congressional record has little to say about slavery.

³⁴ “Remonstrance of the Representatives elected by the Freemen of their Respective Districts in the District of Louisiana,” *Amer. State Papers, Misc.*, 1:401 – 404.

³⁵ William Carr to John Breckinridge, July 4, 1804, *Terr. Papers*, 13:29-30.

³⁶ Committee of the Town of St. Lewis to Amos Stoddard, True Translation from the original, by authority, J. Rankin, August 4, 1804, Amos Stoddard Papers, Missouri Historical Society, St. Louis, MO.

³⁷ For Stoddard’s criticisms of slavery and his hope that the United States could somehow abolish it in Missouri, see Amos Stoddard, *Sketches, Historical and Descriptive, of Louisiana* (Philadelphia, 1812).

³⁸ Committee of the Town of St. Lewis to Amos Stoddard, True Translation from the original, by authority, J. Rankin, August 4, 1804, Amos Stoddard Papers, Missouri Historical Society, St. Louis, MO.

³⁹ Amos Stoddard to Auguste Chouteau, Aug. 6, 1804, Amos Stoddard Papers, Missouri Historical Society, St. Louis, MO.

⁴⁰ Committee of the Town of St. Lewis to Amos Stoddard, True Translation P. Provenchere, August 11, 1804, Amos Stoddard Papers, Missouri Historical Society, St. Louis.

⁴¹ “The remonstrance and petition of the representatives elected by the freemen of their respective districts in the District of Louisiana,” *American State Papers, Class X, Miscellaneous*, 1:401 – 404.

⁴² For the broader relationship between slavery, sovereignty, and empire in imperial North America, see Hammond, “Slavery, Sovereignty, and Empires.”

⁴³ “An Act for the Government of Louisiana Territory,” Mar. 3, 1805, *Terr. Papers*, 13:92-95. .” “A Bill for the Government of the Territory of Louisiana,” Feb. 7, 1805, *Terr. Papers*, 13:87-89.

⁴⁴ Amos Stoddard, *Sketches, Historical and Descriptive, of Louisiana*, (Philadelphia, 1812); A Citizen of Ohio [Alexander Mitchell], *An Address to the Inhabitants of the Indiana Territory, on the Subject of Slavery* (Hamilton, OH, 1816); [Robert Walsh], *Free Remarks on the Spirit of the Federal Constitution, the Practice of the Federal Government, and the Obligations of the union, Respecting the Exclusion of Slavery from the Territories and New States*, (Philadelphia, 1819).

⁴⁵ Amos Stoddard to William C.C. Claiborne, May 19, 1804, Amos Stoddard Papers, Missouri Historical Society, St. Louis, MO.

⁴⁶ For the ways in which imperial rivalries in borderlands required that imperial officials yield to the demands of settlers and elites, see Peter J. Kastor, *The Nation’s Crucible: The Louisiana Purchase and the Creation of America*, (New Haven, 2004); Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation–States, and the Peoples in Between in North American History,” *American Historical Review* 104 (June 1999), 814–41. For the persistence of settlers groups’ institutions, practices, and cultures after the transfer of sovereignty from one imperial power to another, see Jack P. Greene, “The Cultural Dimensions of Political Transfers: An Aspect of the European Occupation of the Americas,” *Early American Studies* 6 (Spring 2008), 1–26.

⁴⁷ Committee of the Town of St. Lewis to Amos Stoddard, September 30, 1804, Amos Stoddard Papers, Missouri Historical Society, St. Louis.

⁴⁸ For U.S. officials and Missouri elites accommodating their interests and concerns in the period surrounding the Louisiana Purchase, See Aron, *American Confluence*, 115 – 127.

⁴⁹ While few northern migrants headed to Illinois between 1800 and 1818, enough did to allow Illinois voters to reject efforts to repeal Article VI in 1818 and 1824. So few northern migrants went to Missouri, and slavery was so central to settlement and development, that the internal debate over slavery in 1820 and 1821 was overwhelmingly in favor of slavery. For Illinois, see Suzanne Cooper Guasco, *Confronting Slavery: Edward Coles and the Rise of Antislavery Politics in Nineteenth-Century America*, (DeKalb, Ill., 2013). For the internal debates over slavery in the Missouri state constitution, see Hammond, *Slavery, Freedom, and Expansion*, 71 – 75.

⁵⁰ Hammond, *Slavery Freedom, and Expansion*; Hammond, “Slavery, Settlement, and Empire.”

⁵¹ Joseph Pollard, Jr. (Spotsylvania, Virginia) to William Clark, October 25, 1810, Clark Family Collection: Box 11. William Clark Papers, 1789-1810, MoHS, St. Louis.

⁵² H[enry] G. Ewin [Nashville] To Benjamin H. Reeves [Frankfort, KY], January 3 1813, C1013, Abiel Leonard Papers, 1782-1932, Correspondence Series, f. 22, SHS-MO, Columbia

⁵³ William C. Carr, StL, to Charles Carr. Lexington, KY, July 3, 1807, William C. Carr Papers, Missouri Historical Society, St. Louis.

⁵⁴ William C. Carr, StL, to Charles Carr, Lexington, Ky. September 8, 1807, William C. Carr Papers, Missouri Historical Society, St. Louis.

⁵⁵ William C. Carr, StL, to Charles Carr, Lexington, KY, August 25, 1809, William C. Carr Papers, Missouri Historical Society, St. Louis.

⁵⁶ William C. Carr to John B.C. Lucas, July 7, 1810, Lucas Collection, Missouri Historical Society, St. Louis.

-
- ⁵⁷ Bill of Sale, Ellen, January 9, 1816, Justus Post Papers, 1807-1821, MoHS
- ⁵⁸ Justus Post to John Post, October 7, 1817, Justus Post Papers, 1807-1821, MoHS
- ⁵⁹ Bill of Sale, Peter, November 17, 1817, Justus Post Papers, 1807-1821, MoHS
- ⁶⁰ Justus Post to John Post, October 7, 1817, Justus Post Papers, 1807-1821, MoHS
- ⁶¹ James McDaniel vs. Juan P. Cabanne, Court Papers Concerning Swapping of Negroes, 1807, Lucas Collection, Missouri Historical Society
- ⁶² George Sibley to Samuel H Sibley, September 25, 1813, Sibley Papers, Missouri Historical Society, St Louis.
- ⁶³ Deposition of Martin Dorion, Oct. 14, 1817, Indians Collection, Missouri Historical Society, St. Louis; Deposition of Maurice Blondeau, Oct. 14, 1817, Indians Collection, Missouri Historical Society, St. Louis; William Clark to George C. Sibley, August 6, 1816, Sibley Papers, Missouri Historical Society, St Louis.
- ⁶⁴ N. Wilson (Ste. Genevieve) to William B. Robertson, (Near Nashville, Tennessee), July 27, 1811, Slaves and Slavery Collection, MoHS.
- ⁶⁵ N. Wilson (Ste. Genevieve) to William B. Robertson, (Near Nashville, Tennessee), July 27, 1811, Slaves and Slavery Collection, MoHS.
- ⁶⁶ William Clark to Jonathan Clark, November 9, 1808 [St. Louis] *Dear Brother: Letters of William Clark to Jonathan Clark*, Ed., James J. Holmberg, (New Haven: Yale University Pres, 2002), 160.
- ⁶⁷ William Clark to Jonathan Clark, November 24, 1808 [St. Louis] *Dear Brother: Letters of William Clark to Jonathan Clark*, Ed., James J. Holmberg, (New Haven: Yale University Pres, 2002), 172.
- ⁶⁸ William Clark to Jonathan Clark, May 28, 1809 [St. Louis] *Dear Brother: Letters of William Clark to Jonathan Clark*, Ed., James J. Holmberg, (New Haven: Yale University Pres, 2002), 201.
- ⁶⁹ William Clark to Jonathan Clark, July 22, 1809 [St. Louis] *Dear Brother: Letters of William Clark to Jonathan Clark*, Ed., James J. Holmberg, (New Haven: Yale University Pres, 2002), 204.
- ⁷⁰ William Clark to Jonathan Clark, August 26, 1809 [St. Louis] *Dear Brother: Letters of William Clark to Jonathan Clark*, Ed., James J. Holmberg, (New Haven: Yale University Pres, 2002), 210.
- ⁷¹ Petition of Billy Tarlton for Freedom, September 22, 1813, folder 1, Slaves and Slavery Collection, Missouri Historical Society. The result of Tarlton's suit remains unknown.
- ⁷² Rough Draft, Runaway Slave Poster for Sam, Dec. 29, 1815, Lucas Collection, Missouri Historical Society.
- ⁷³ Henry S. Geyer, *A Digest of the Laws of Missouri Territory . . .* (St. Louis, 1818), 376. In 1809, St. Louis implemented its own ordinances regulating slaves. See "Police Regulations," "An Ordinance regulating Patroles in the town of St. Louis," "An Ordinance concerning Slaves in the town of St. Louis," (St. Louis) *Louisiana Gazette*, December 28, 1809. The Ordinances were published in both English and French.