

## INTRODUCTION

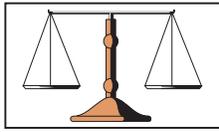
### **VIRGINIA MINOR TRIAL**

This “Virginia Minor Trial Packet” includes a copy of the Virginia Minor Trial script which your group will be presenting, as well as some information about the Minor case. Before your visit to the Old Courthouse, please make copies of this script for each student. Also, please assign students a role from the trial and have them read through the script to familiarize themselves with their parts.

The trial in your packet is based on an actual case brought to court in 1873 at the Old Courthouse. Virginia Minor and her husband Francis sued for her right to vote. They stated that since she was a United States citizen, she should be able to vote, even though she was a woman. Although the actual case was decided by a judge, without witnesses or a jury, this script is based on actual facts and is a representation of what may have happened had it been tried as a jury trial. Each group taking part in the reenactment will be allowed to reach their own verdict. The decision is yours. At the end of the program, the ranger assigned to your group will discuss your trial and the significance of the Minor Case.

Any questions or comments on this Trial Packet are welcome. Contact the Director of Education at:

Jefferson National Expansion Memorial  
11 North Fourth Street  
St. Louis, MO 63102  
(314) 655-1600



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**List of Characters**  
*(In Order of Appearance)*

Narrator

Virginia Minor (Plaintiff)

Francis Minor (Husband of the Plaintiff)

Reese Happersett (Registrar and Defendant)

Bailiff

Judge Horatio M. Jones

Clerk

John B. Henderson (Lawyer for the Plaintiff, Virginia Minor)

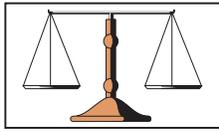
Smith P. Galt (Lawyer for the Defendant, Reese Happersett)

John M. Krum (Henderson's Assistant)

Members of the Jury

Jury Foreperson

Chief Justice Morrison Waite



## SCENE I

*(Narrator, Virginia Minor, Francis Minor, and Reese Happersett stand in front of audience.)*

**Narrator:** We are about to reenact one of the most important trials in the history of St. Louis' Old Courthouse. In 1873, in a room on the second floor of this building, Virginia Louisa Minor and her husband Francis sued to win the right to vote. The case began here in the Old Courthouse and finally was decided by the highest court in the land, the Supreme Court of the United States, in Washington, D.C. The people who were part of this trial will tell us what happened.

**Virginia Minor:** My name is Virginia Louisa Minor. I was born in the state of Virginia in the year 1824, and moved to St. Louis many years ago. I am 49 years old now. Several lawyers have been in my family, including my husband. A few years ago during the Civil War, I helped wounded soldiers by canning and bringing food to them. I should have something to say about how Missouri is run.

**Francis Minor:** My name is Francis Minor, and Virginia Minor and I have been married for 30 years. Our son died in a shooting accident several years ago. I have owned a farm, and have practiced law in St. Louis for a long time. I have joined my wife Virginia as plaintiff in this lawsuit because as a married woman, she is not allowed by the State of Missouri to bring this case herself. I believe very much in what she is doing—that women should have the right to vote.

**Narrator:** In the fall of 1872, there was to be an election in Missouri and throughout the United States. Ulysses S. Grant, with his wife Julia, had a house in St. Louis and was running for a second term as President of the United States against Horace Greeley. On October 15<sup>th</sup>, Virginia Minor went to the Election Office in St. Louis and demanded to be put on the list of registered voters.



Reese Happersett: My name is Reese Happersett, and my job is to register people so that they can vote in the elections. I could not allow Virginia Minor to register to vote because the law of the State of Missouri clearly says that only male citizens of the state have the right to vote. I have only been doing my job.

Narrator: Virginia and Francis Minor filed a lawsuit in the Circuit Court of St. Louis County. In 1873, the case was heard at the Old Courthouse in a room that is now the park library. The Judge hearing the case is believed to have been Horatio M. Jones. The lawyers made their cases by using written statements by the witnesses and legal arguments, or briefs. A written decision, or judgment, was made by the Court. The script we are using is based upon the issues that were discussed in the trial at the Old Courthouse and in the later appeals that were made to the Supreme Court of Missouri and the Supreme Court of the United States.

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## SCENE II

*(All take their places in the Courtroom, awaiting beginning of trial.)*

Bailiff: *(Stand.)* All rise!

Everybody: *(Stand.)*

Bailiff: The Circuit Court of St. Louis County is now in session. The honorable Judge Horatio M. Jones presiding.

Judge: *(Enter and sit at the bench.)* You may be seated. The clerk will call the next case.

Clerk: Case number 23934, Virginia Minor and Francis Minor, Plaintiffs, versus Reese Happersett, Defendant.

Judge: Are the attorneys in this case ready?



Henderson: (*Stand.*) Yes, Your Honor. John Krum and myself, John Henderson, on behalf of the Plaintiffs, Virginia Louisa Minor and Francis Minor. (*Sit.*)

Galt: (*Stand.*) Smith P. Galt, on behalf of the Defendant, Reese Happersett. I am ready for trial, Your Honor.

Judge: Very well. The clerk will swear in the jury.

Clerk: (*Stand.*) The members of the jury will rise, and raise their right hands.

Jury Members: (*Stand.*)

Clerk: Do you swear as citizens of St. Louis County that you will reach a verdict based only on what you have heard in this Court today?

Jury: I do.

Clerk: You may be seated. (*All sit.*)

Judge: Are there any opening statements in this case?

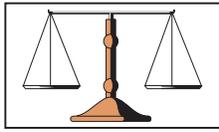
Henderson: (*Stand.*) Yes, Your Honor. (*Stand before jury.*) Virginia Louisa Minor and her husband Francis Minor are bringing this case because the defendant (*points to Happersett*) did not allow her to register to vote in the State of Missouri. We will prove that the Fourteenth Amendment of the United States Constitution grants women the right to vote, and that the State of Missouri cannot take that right away. We ask that the defendant be ordered to register Virginia Minor to vote and that damages of \$10,000 be awarded to Mrs. Minor and her husband due to Mr. Happersett's actions. (*Sit.*)

Galt: (*Stand before jury.*) Mr. Happersett was simply doing his job. The law of the State of Missouri clearly says that only male

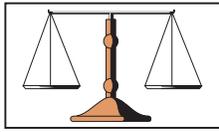


citizens have the right to vote. I will show you, the Jury, that the Fourteenth Amendment was intended to make sure that Negroes are citizens of the United States, and does not apply to this case. Even if it did, voting does not have to be a part of being a citizen. Since women do not have the right to vote, Virginia Minor has no right to register. No damages should be awarded at all in this case.

- Judge: The plaintiffs will begin by calling their first witness.
- Krum: (*Stand.*) Yes, Your Honor. We call Virginia Louisa Minor to the stand.
- Bailiff: Virginia Louisa Minor to the stand.
- Virginia Minor: (*Stand before clerk and raise right hand.*)
- Clerk: (*Stand.*) Raise your right hand. Do you swear that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?
- Minor: I do.
- Clerk: Please be seated. (*Sit.*)
- Minor: (*Sit in witness chair.*)
- Krum: (*Stand before witness.*) What is your name?
- Minor: Virginia Louisa Minor.
- Krum: Where do you live?
- Virginia Minor: I was born in Virginia, but have lived here in St. Louis, Missouri for more than 20 years; long enough to be a citizen of the State of Missouri.



- Krum: Please tell the court why you are bringing this case.
- Minor: On October 15, 1872, I went to the Election Office and tried to register to vote. Mr. Happersett would not allow me to register. I am a citizen of the United States and of the State of Missouri, and I believe that I have the right to vote. I believe that the 14<sup>th</sup> Amendment to the United States Constitution gives women the right to vote.
- Krum: Thank you, Mrs. Minor. (*Sit.*)
- Judge: Does the defendant wish to cross-examine the witness?
- Galt: (*Stand.*) Yes, your honor. (*Stand before witness.*) Mrs. Minor, did the defendant say why he refused to register you to vote?
- Minor: Mr. Happersett said that he could not register me because the state law of Missouri said that only male citizens had the right to vote.
- Galt: And you, Mrs. Minor, are a *female* citizen of Missouri, are you not?
- Minor: Of course. But....
- Galt: (*Interrupts.*) That will be all, Mrs. Minor. (*Sit.*)
- Judge: You may step down from the stand.
- Minor: (*Return to seat.*)
- Judge: Do the plaintiffs wish to call any more witnesses?
- Henderson: (*Stand.*) Yes, Your Honor. We call Mr. Francis Minor to the stand.
- Bailiff: Will Francis Minor please come to the stand?



Francis Minor: (*Stand before clerk and raise right hand.*)

Clerk: (*Stand.*) Please raise your right hand. Do you swear that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

Francis Minor: I do.

Clerk: You may be seated. (*Sit.*)

Minor: (*Sit in witness chair.*)

Henderson: (*Stand before witness.*) What is your name, sir?

Minor: Francis Minor. I am the husband of Virginia Minor.

Henderson: Why are you involved in this case?

Minor: Since Virginia is a married woman, I have to join her as plaintiff in order for her to bring this case to court. I believe in my wife and what she is doing.

Henderson: What is your occupation?

Minor: I am an attorney. I practice law here in St. Louis.

Henderson: Why do you think that your wife has the right to vote?

Minor: The state laws of Missouri may only give men the right to vote, but the Fourteenth Amendment to the United States Constitution outweighs Missouri Law. It says that anyone who is born in this country is a citizen, and that no state can take away any part of being a citizen.

Henderson: Thank you. (*Sit.*)

Judge: Does the defendant wish to cross-examine the witness?



Galt: (Stand.) Yes, Your Honor. (Stand before witness.) Now Mr. Minor, as an attorney yourself, wouldn't you say that the Supreme Court decided in the Dred Scott case that a Negro could not be a citizen of the United States?

Minor: Yes, that was part of the Opinion of the Court in that case.

Galt: Now sir, the Fourteenth Amendment came right after the Civil War and the ending of slavery, did it not?

Minor: Yes, it did.

Galt: So wasn't the purpose of the Amendment to make sure that Negroes would be citizens of the United States, and to stop the States from taking any parts of citizenship away from them?

Minor: That was *part* of the purpose. There is nothing in the Amendment that says it is only for Negroes. It says that all *persons* born in this country are citizens.

Galt: Does the 14th Amendment say anything about voting being part of being a citizen?

Minor: No sir, it does not.

Galt: Thank you. I have no more questions. (Sit.)

Judge: The witness may step down from the stand.

Minor: (Return to seat.)

Judge: Do the plaintiffs have any more witnesses?

Henderson: (Stand.) No, Your Honor. We rest our case. (Sit.)

Judge: Very well. Does the defense have any witnesses to testify in this case?



Galt: (Stand.) Yes, your honor. We call the defendant.

Bailiff: Will Reese Happersett please come to the stand?

Reese Happersett: (Stand before clerk and raise right hand.)

Clerk: (Stand.) Please raise your right hand. Do you swear that the testimony that you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

Happersett: I do.

Clerk: You may be seated.

Happersett: (Sit in witness chair)

Galt: (Stand before witness.) What is your name and occupation, sir?

Happersett: My name is Reese Happersett. I register people to vote in St. Louis.

Galt: And what happened at your office on October 15, 1872?

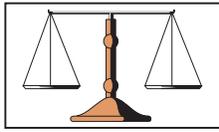
Happersett: Mrs. Virginia Louisa Minor came up to me and asked that her name be added to the list of registered voters.

Galt: What did you do about her request?

Happersett: My job is to decide whether or not someone has the right to vote according to the laws of the State of Missouri. Since the state laws say that only male citizens have the right to vote, I could not allow Mrs. Minor to register.

Galt: I have no more questions, Your Honor. (Sit.)

Judge: Do the plaintiffs wish to cross-examine the witness?



- Henderson:           (*Stand.*) Yes, Your Honor. (*Stand before witness.*) Tell me sir, do you pay any taxes or vote in the State of Missouri?
- Happersett:           Of course.
- Henderson:           Don't you think that it's not fair that you have the right to vote and that Virginia Minor over there (*points to her*) does not?
- Happersett:           That's how it has always been, and that is how Missouri has decided it should be.
- Henderson:           I have no more questions. (*Sit.*)
- Judge:                The witness may step down.
- Happersett:           (*Return to seat.*)
- Judge:                Does the defendant have any more witnesses?
- Galt:                 (*Stand.*) No, Your Honor. We rest our case. (*Sit.*)
- Judge:                Are there any closing arguments?
- Krum:                 (*Stand.*) Yes, Your Honor. (*Stand before jury.*) Ladies and gentlemen of the jury, a few years ago, the late President, Abraham Lincoln, said that the United States had a government "of the people, by the people, and for the people." Voting is the most important part of "government by the people." The Fourteenth Amendment to the United States Constitution says that all PERSONS, not just men, born in this country or naturalized, are citizens. It also says that no state can take away any of the rights of citizenship. Since we all agree that Mrs. Minor is a citizen, she must have the right to vote. You must order Mr. Happersett to add her name to the list of voters. Since Mr. Happersett did not allow her to exercise her right to vote in the election last year, you



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also should award the plaintiffs, Virginia and Francis Minor, the sum of ten thousand dollars in damages. (*Sit.*)

Galt: (*Stand.*) We do agree that Mrs. Minor is a citizen of Missouri and of the United States. But that has nothing to do with voting. Ever since, and even before the United States became a country, each state has decided who has the right to vote inside it. States have decided how old someone should be before they can vote, and how long they have to live there. At times, they have also decided that people need to know how to read and write or own property before they can vote. The 14<sup>th</sup> Amendment does NOT give Virginia Minor the right to vote because voting has never been a part of being a citizen. Also, the 14<sup>th</sup> Amendment was written right after the Civil War and clearly was talking about the Negroes, recently freed from slavery. Since Missouri has decided to limit the right to vote to its MALE citizens, Mr. Happersett is NOT liable for any damages. You must find a verdict for the defendant, Reese Happersett. Thank you. (*Sit.*)

Judge: Members of the jury, it is time for you to make your decision. If you believe that Mr. Happersett broke the laws of the State of Missouri or the 14<sup>th</sup> Amendment, you should find the defendant liable for damages in the amount of ten thousand dollars. If you do not believe that Mr. Happersett broke any law, then you should find the defendant not liable.

Ranger: We have now heard both sides make their case, and the judge has given instructions to help the jury make its decision, or verdict. It is now the jury's turn to discuss the case, or deliberate. If this were a real trial, the bailiff would lead the jury out of this courtroom into a private room where they would deliberate in secret. The bailiff would stand outside the jury room door until they decided, and then lead the jury back to the courtroom. However, we want every student to observe the jury's deliberation, so our jury today will stay here. **IT IS IMPORTANT TO LISTEN QUIETLY, SO WE DO NOT DISTRACT THEIR DELIBERATION.** In a real



trial, someone who tries to influence a jury member's decision can be charged with the crime of jury tampering.

Jury: *(Discuss and decide on one verdict, either "liable" or "not liable.")*

Judge: Has the jury reached a verdict?

Jury  
Foreperson: *(Stand.)* Yes, Your Honor.

Judge: Will the defendant, Reese Happersett, please stand and face the jury?

Happersett: *(Stand and face the jury.)*

Jury *(Based on the jury's decision, read only one of the following verdicts, "Liable" or "Not Liable.")*

Foreperson:



**LIABLE** *(Skip if "not liable.")*

Jury  
Foreperson: We, the Jury, find the defendant, Reese Happersett, liable for depriving Mrs. Virginia Minor of her right to vote. Damages are awarded to Virginia and Francis Minor in the amount of ten thousand dollars. *(Sit.)*

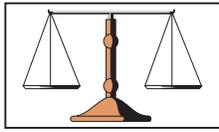
Judge: Judgment is entered for the plaintiffs in the amount of ten thousand dollars. This court is adjourned. *(Strike gavel twice and exit room.)*

Bailiff: All rise. *(Judge exits)* You are dismissed.



**NOT LIABLE**

Jury  
Foreperson: We, the Jury, find in favor of the defendant, Reese Happersett. *(Sit.)*



Judge: Judgment is entered for the defendant, and no damages will be awarded. This court is adjourned. (*Strike gavel twice and exit the room.*)

Bailiff: (*Stand.*) All rise.



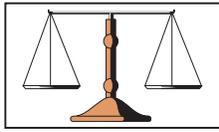
### SCENE III

(*Narrator, Virginia Minor, Francis Minor, and Chief Justice Morrison Waite stand in front of audience*)

Narrator: In the real 1873 trial before the Circuit Court of St. Louis County, which this script is based upon, Virginia Minor lost. She and Francis Minor appealed to the Supreme Court of the State of Missouri. This means asking a higher court to review a decision made by a lower court. The Missouri Supreme Court, also meeting at the Old Courthouse, affirmed, or agreed with, the decision made by the Circuit Court. The Minors made a final appeal to the Supreme Court of the United States, in Washington D.C. Chief Justice Morrison Waite announced the Opinion of the Court on March 29, 1875.

Chief Justice Morrison Waite: “The question presented in this case is whether, since the adoption of the Fourteenth Amendment, a woman, who is a citizen of the United States and of the State of Missouri, is a voter in that state.... Certainly, if the courts can consider any question settled, this is one.... Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone... we affirm the judgment.”

Narrator: By a vote of 9 to 0, the United States Supreme Court agreed that the United States Constitution, including the Fourteenth Amendment, did not necessarily give women the right to vote. Each state had to make its own decision.



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- Virginia Minor: Although I lost the case, I wanted to keep up the fight. In the year 1879, I was elected President of the Missouri branch of the National Woman Suffrage Association. Within each state, women and men who agreed with us wrote books and pamphlets, gave speeches, and organized parades and marches—all saying that women should have the right to vote.
- Francis Minor: Virginia and I also felt that the United States Constitution should be changed so that women everywhere in this country should have the right to vote. With our lawyers, we helped write a new amendment that would give women this right.
- Narrator: Virginia Louisa Minor died in 1894, never having voted in the State of Missouri. Nevertheless, thanks to her and the efforts of people like her, people slowly began to change their minds. One by one, the states, beginning with Wyoming, gave women the vote. Finally, in 1920, the Nineteenth Amendment was added to the United States Constitution. It gave women the right to vote throughout the country.

## **APPENDIX**

### **THE SIGNIFICANCE OF THE VIRGINIA MINOR TRIAL**

When discussing nationally significant trials held in St. Louis' Old Courthouse, Virginia Minor's case is second only to that of Dred Scott. Virginia Minor was an officer in the National Woman Suffrage Association, which challenged restrictions against women voting in the United States. This nation-wide movement originated with Virginia and her husband Francis Minor.

In 1866, Virginia Minor launched the woman suffrage movement in Missouri, and helped to found the Woman Suffrage Association of Missouri (WSAM) in 1867. The WSAM was the first organization in the world to make its exclusive aim that of enfranchising women. Minor was elected the first president of WSAM at its first meeting on May 8, 1867, in St. Louis. This meeting predated the National Woman Suffrage Association, founded by Susan B. Anthony and Elizabeth Cady Stanton, and the American Woman Suffrage Association founded by Lucy Stone in 1869.

At a WSAM convention in 1869, Minor made an impassioned speech urging women to no longer submit to inferior treatment. Her husband, attorney Francis Minor, drafted a set of resolutions asserting the right of woman suffrage under the U.S. Constitution, based on the wording of the Fourteenth Amendment. When printed in pamphlet form, this message was sent around the country. Minor stated that under the terms of the Fourteenth Amendment to the U.S. Constitution, ratified July 9, 1868, women were citizens of the United States and entitled to all the benefits and immunities of citizenship. Thus, women already, by law, had the right to vote. All they had to do was exercise this right.

The Minors used the first section of the Fourteenth Amendment to make their case; "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Although the Minors strongly supported the Fourteenth Amendment, they opposed ratification of the Fifteenth Amendment, which stated, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." The Minors, with the National Woman Suffrage Association, opposed the amendment because it extended voting rights to African-American

## **APPENDIX**

### **THE SIGNIFICANCE OF THE VIRGINIA MINOR TRIAL, CONT.**

men, but not to women.

On October 15, 1872, Virginia Minor tried to register to vote in an upcoming election. Sixth-district registrar, Reese Happersett, refused to register her because she was female, thus provoking a civil suit brought by the Minors. Minor's lawsuit was part of a nation-wide strategy of civil disobedience suffragists. Hundreds of women across the U.S. attempted to vote. Susan B. Anthony led a small delegation of women to the polls in Rochester, New York. She successfully cast her vote for Ulysses S. Grant. However, three weeks later, on Thanksgiving Day, Anthony was arrested on the charge of voting fraud. Anthony was a celebrity who was used by the judicial system as an example and a warning to all women in the United States. When Anthony's case came to trial early in 1873, the judge had written his opinion before the trial started, and directed the jury to find a guilty verdict. Anthony was ordered to pay a fine of \$100, which she refused to do.

Virginia Minor's case was different; she was not criminally prosecuted. Instead, she turned the tables by bringing suit against Happersett. (through her husband; married women could not sue in Missouri courts until after the passage of the Married Women's Act of 1889) in a civil action against the registrar because he would not allow her to register to vote. Minor contended that women were U.S. citizens under the Fourteenth Amendment to the Constitution, which "nowhere gives [states] the power to prevent" a citizen from voting.

The Minors' petition was presented to the court as a written statement on January 2, 1873. Reese Happersett's lawyer, Smith P. Galt, objected to the Minors' version of the events, and filed a demurrer (an objection to the petition) and appealed to have the case heard during the General Term of the Circuit Court. This hearing took place on February 3, 1873 in Circuit Court #5, which is today the park library. By agreement, both sides submitted their arguments in writing. **There was no trial or jury in the Virginia Minor case.** The Minors were represented by John B. Henderson, John M. Krum and Francis Minor. Henderson was the author of the Thirteenth Amendment and an agitator for the Fifteenth Amendment to the U.S. Constitution. The Minors quickly lost their case in the lower court, but appealed to the Missouri Supreme Court.

On May 7, 1873, the Missouri Supreme Court heard Minors' case in their chambers on the second floor, west side of the south wing of the Old Courthouse (where the park's administrative offices are today). The state supreme court

## **APPENDIX**

### **THE SIGNIFICANCE OF THE VIRGINIA MINOR TRIAL, CONT.**

found for Minor, interpreting the purpose of the Fourteenth Amendment to mean, “There could have been no intention [in the amendment] to abridge the power of the States to limit the right of suffrage to the male inhabitants.”

The case was then appealed to the U.S. Supreme Court. There Francis Minor claimed that denial of suffrage in the states was a matter of practice rather than law, that women had voted in New Jersey between 1787 and 1807 when a new state constitution made no mention of suffrage for women. He also said that the United States could not truly be a democratic republic if over half of the population had no voice in government.

In October 1874, the U.S. Supreme Court ruled, in a unanimous decision handed down by Chief Justice Morrison R. Waite, that “the Constitution of the United States does not confer the right of suffrage upon anyone,” because suffrage was not coexistent with citizenship. The courts ducked the issue of defining a woman’s place in society, and refrained from discussing the fact that, although women were full citizens under the law, they did not enjoy the same rights and privileges of citizenship as men did. The courts merely upheld the right of individual states to decide which citizens could vote within their borders.

With the court’s decision, hopes for a judicial solution to the woman suffrage question were dashed. Suffragists turned their efforts toward state-by-state campaigns to change state constitutions to allow women to vote. These efforts were particularly successful in the West. The territories of Wyoming and Utah had allowed women to vote since 1869 and 1870 respectively, and Wyoming came into the union as a state in 1890 with no voting restrictions. In 1893, Colorado allowed women the vote; in 1896, Idaho and Utah became states with no voting restrictions. Disorganization in the women’s movement led to a gap of over a decade before the next state, Washington, allowed women to vote in 1910. The very next year, California followed suit, as did Oregon, Arizona, and Kansas in 1912. These nine states were the only states to allow woman suffrage before the ratification of the 19th amendment in 1920.

Virginia Minor appeared before the Senate committee on woman suffrage in 1889 to once more state her case. She served as honorary vice president of the Interstate Woman Suffrage Convention, held in Kansas City in 1892. She died in 1894. She is buried in Bellefontaine Cemetery in St. Louis. Since she regarded the clergy as hostile to her goal of equal rights for women, her funeral was conducted without a clergyman. Virginia Minor left \$1,000 in her will to Susan

## **APPENDIX**

### **THE SIGNIFICANCE OF THE VIRGINIA MINOR TRIAL, CONT.**

B. Anthony for “the thousands she has expended for women,” and \$500 to each of two nieces, provided they did not marry; if one married, her share would go to the unmarried niece!

Like the Dred Scott case, the Virginia Minor case dealt with definitions of who is a citizen, and what privileges and immunities citizenship entails. The women’s movement of the 1870s began as a national movement for citizenship rights. It was only after the hopes of the movement were dashed with the Minor decision that it became a single-issue, women’s suffrage movement. Unfortunately, the animosities which resulted pitted one social group against another, with white women, African-American women, and African-American men all in separate camps and rarely cooperating toward a goal of mutual interest. As a direct result of the denial of the right to vote to women, the courts found ways in which to limit voting and citizenship rights for these other groups as well. Individual human rights, rarely considered by the court during this period, were secondary to the preservation of the rights of individual states to regulate voting and other matters within their borders. It was much later, in the 1950s, that the court began to exercise a fundamental philosophy of human rights, hearkening back to Thomas Jefferson’s idealistic “all men are created equal” phrase in the Declaration of Independence. The courts then said the nation should not only preach ideals and human rights, but as the foremost democracy on earth, it should also practice fair and equal treatment for **all** its citizens, in whichever state they reside.

Although the grand architecture of St. Louis’ Old Courthouse provides an atmosphere which portrays the seriousness of law and the importance of justice, these ideals were not always upheld within its walls. In both the Virginia Minor case, as well as in the appeals of the Dred Scott case, the judicial system failed to protect the rights of ordinary citizens. Thus, the building’s architecture forms an ironic counterpoint to the events which sometimes unfolded within its courtrooms. Recently, naturalization ceremonies have been held in the rotunda, during which visitors have witnessed the inspiring sight of hundreds of immigrants, from countries all over the world, being given the opportunity to enjoy the full privileges and immunities of citizenship. These people would never have had this opportunity if the rights had not been fought for, and won, due to the sacrifice and perseverance of people like Dred Scott and Virginia Minor. The example they set in small, seemingly unimportant cases in St. Louis, led to momentous events which changed our country forever.

## APPENDIX VIRGINIA MINOR



The above picture is of Mrs. Virginia Minor. She was an important figure in the women's suffrage movement. In 1873, she and her husband sued for her right to vote. She felt that as a citizen of the United States, it was her right. Her original case was petitioned and decided at the Old Courthouse. However, there was no trial by jury, and the judge decided against her. Her case was appealed and reached the United States Supreme Court, but she never did win the right to vote. Even so, Virginia Minor played a pioneering role in the fight for women's citizenship and voting rights.

**APPENDIX**  
**NEWSPAPER ARTICLES RELATED TO THE**  
**VIRGINIA MINOR CASE**

**DETERMINED TO VOTE**

**The Woman-Suffragists, Again  
Moving on the Ballot-  
Box**

**A Rejected Applicant for Registra-  
tion Falls Back Upon the  
Courts,**

Mrs. Francis Minor, a lady prominently identified with the woman suffrage movement in St. Louis, appeared before the registering officer in the west end of the Sixth ward yesterday and demanded that her name be entered upon the lists as a voter.

Mr. Happersett, the registrar, was then thrown into an awkward dilemma, and scarcely knew what to do or say. He was gallant enough to have acquiesced, but the law of the State authorized him to register only males.

Mrs. Minor, who was accompanied by her husband, claimed the right to vote under the provisions of the Fourteenth amendment, but Registrar Happersett firmly but politely declined. The disappointed applicant then withdrew, declaring her intention to contest the matter, even though she should be compelled to carry the matter to the highest courts of the land.

Mrs. Minor is a lady of the highest respectability, and belongs to a class of reformers who would not stoop to any such action for the sake of creating a sensation. It is very evident that a good deal more is intended than at first appears. It will be remembered that two years ago the leaders in the movement here, were just at the point of making a test case and carrying it up to the highest courts, but were unable to decide who should be made the victim in the test. At that time, Hon. Albert Todd, Judge Drum and other prominent lawyers were convinced of the legality of woman suffrage, and were prepared to conduct the case.

In brief, the argument is that women are citizens under the constitution, and that the Fourteenth amendment confers upon them as citizens the right of suffrage. It is probable that the action of Mrs. Francis Minor is intended as the preliminary step toward a test case in the courts.

*St. Louis Times*, Nov. 1, 1872

**MRS. MINOR'S CASE.**

**The Woman Suffrage Question to  
be Tested in the United States  
Supreme Court.**

Mr. and Mrs. Francis Minor will enter a suit for damages in the Circuit court on Saturday, the 9th instant, against the registrar of the Western precinct of the Sixth ward, who refused to register Mrs. Minor a few days ago. The papers have been prepared with great care, and the case will be pushed through the Circuit court at its next term. It is expected that a decision adverse to the plaintiffs will be rendered, and in that case it will go before the State Supreme court at the March term, and thence up to the Supreme court of the United States. The case for the prosecution will be argued by Judge Krum and Mr. Francis Minor. The Hon. Albert Todd is in full sympathy with the prosecution, and will probably add his legal experience as counselor and adviser, but, in accordance with a resolution formed some time ago, he will not go into the courts with the attorneys for the prosecution.

*- St. Louis Times*, Nov. 6, 1872

**ELECTION INCIDENTS.**

**FEMALE VOTERS.**

ROCHESTER, N. Y., November 5.—This morning, at an early hour, Susan B. Anthony and eight other females went in a body to the polls, and presented their votes. The inspectors received their votes and deposited them in the boxes. There were eighteen women registered in the same district.

Fifteen of the women voted for Grant and one for Greeley.

**ARRESTS.**

NEW YORK, November 5.—Numerous arrests were made up to 10:30 at the polls, most of them upon warrants issued by a commissioner on charges of false registration; the rest were for various causes.

*- St. Louis Times*, Oct. 16, 1872

**APPENDIX  
PRIMARY SOURCE DOCUMENT  
SUMMONS OF THE DEFENDANT**

The State of Missouri,

To the Sheriff of St. Louis County--Greeting:

We command you to SUMMON

*Russ Hafferseth*

to appear before the Judges of our Circuit Court on the first day of the next term thereof to be held in the City of St. Louis, within and for the County of St. Louis, on the first Monday of *December* next, then and there to answer the complaint of

*Virginia L. Moore*  
and *Francis Moore her husband*

as set forth in the annexed petition; and have you then and there this writ.

**Witness**, JOHN LEWIS, Clerk of our said Court, with the seal thereof here affixed, at office, in the City of St. Louis, this *9<sup>th</sup>* day of *Nov<sup>r</sup>* in the year of our Lord *Eighteen Hundred and Seventy-two*.

*John Lewis* Clerk.

I acknowledge myself bound for all costs that may accrue in the case of  
..... against .....

Witness my hand and seal at St. Louis, this day of .....



## APPENDIX BIBLIOGRAPHY OF SOURCES

### Primary Sources:

#### *St. Louis Times:*

October 15, 1872, p. 1  
November 1, 1872, p. 5  
November 6, 1872, p. 4  
November 13, 1872, p. 4  
November 22, 1872, p. 4  
January 3, 1873, p. 8  
January 22, 1873, p. 6  
January 25, 1873, p. 1  
February 23, 1873, p. 12  
February 25, 1873, p. 4  
March 6, 1873, p. 4  
May 1, 1873, p. 4  
May 8, 1873, p. 2

#### *St. Louis Globe:*

October 2, 1872, p. 4  
October 15, 1872, p. 4  
October 16, 1872, p. 2

*Statement, Brief and Petition in the Case of Virginia L. Minor vs. Reese Happersett*,  
St. Louis: Industrial Age Printing Company, 1873.

Post, Truman A., editor, *Reports of Cases Argued and Determined in the Supreme  
Court of the State of Missouri*, vol. LIII. St. Louis: Gilbert Book Company.

Wallace, John William, editor, *Cases Argued and Adjudged in the Supreme Court  
of the United States, October Term, 1874*, vol. XXI. Washington, D.C.:  
W. H. & O. H. Morrison, 1875.

*Laws of Missouri Passed at the Session of the 35th General Assembly* Jefferson  
City, Missouri: Tribune Printing Company, 1889.

**APPENDIX**  
**BIBLIOGRAPHY OF SOURCES, CONT.**

**Secondary Sources:**

Davis, Julia. "Victorians Thought Her a Downright Scandal—As She Was" [About Victoria Woodhull] *Smithsonian*, October 1977.

DuBois, Ellen. "Taking the Law into Our Own Hands: Bradwell, Minor, and the Suffrage Militance in the 1870s" in *Visible Women: New Essays on American Activism*, edited by Nancy A. Hewitt and Suzanne Lebsack, Urbana and Chicago: University of Illinois Press, 1993.

Jensen, Oliver. "Letter from the Editor" [About the election of 1872] *American Heritage*, June 1972.

Koetting, Annora Kelledy. *Four St. Louis Women: Precursors of Reform*, Master's Thesis, St. Louis University, 1973.

Lehman, Godfrey D. "Susan B. Anthony Cast Her Ballot for Ulysses S. Grant", *American Heritage*, December 1985.

Lunardini, Christine. *What Every American Should Know About Women's History*. Holbrook, Massachusetts: Bob Adams, Inc. 1994.

Staley, Laura. "Virginia Minor and the Suffrage Movement" in *Gateway Heritage, Magazine of the Missouri Historical Society*, Spring 1983.

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