

Freedom Licenses in St. Louis City and County  
1835-1865

By Ebony Jenkins

The plight of African Americans in United States history is one that is filled with obstacle after obstacle. The State of Missouri, after the Missouri Compromise of 1820, was a slave state. However, it was also considered a "border state," for it was bordered to the east and the north by states in which slavery was illegal. The slave-owning power elite of Missouri wanted very badly to prevent free people of color from neighboring states from moving in and influencing the slaves living in the area. The slave owners believed that if free persons of color came to the area they would encourage the slaves to rebel against their owners or use tactics to encourage slaves to pressure their owners to emancipate them.

### **The Law**

On March 14, 1835 the General Assembly of the State of Missouri passed "An act concerning free negroes and mulattoes". The act stated that all free persons of color had to apply for a freedom license. The courts could, if they chose, grant a license to "any free negro or mulatto, possessing the qualifications required by this act to reside within the state".<sup>1</sup> The act was another hurdle that African Americans living in Missouri had to overcome. Not only did they have to go to the court and possess the qualifications to apply for a freedom license, but the applicant also had to be either born in Missouri or prove that they "were residents of this state on the seventh day of January, in the year eighteen hundred and twenty-five, and continue to be such residents at the taking effect of this act"<sup>2</sup> and "produce satisfactory evidence that he is of the class of persons who may obtain such license, that he is of good character and behavior, and capable of supporting himself by lawful employment, [that] the court may grant him a license to reside with the state"<sup>3</sup>.

### **Parameters of the Research**

The research into those persons of color who sought and were granted a freedom license between the passage of the law in 1835 and the end of slavery in Missouri in 1865 covered only St. Louis County, which then included the City of St. Louis and what is now St. Louis County, and utilized the St. Louis County Court Record Books located at the Missouri Historical Society in St. Louis. These original handwritten records were used in preference to the WPA typewritten transcriptions made during the 1930s, in which many of the names had been left out or misspelled. Research involved searching for all persons who applied for and were granted freedom licenses. Freedom licenses were issued to those free persons of color who resided in the state in 1835, and to those who subsequently were emancipated or freed through court action in a freedom suit. One interesting sidelight involves an enumeration of how many former slaves, either emancipated or freed in a freedom suit, who continued to reside in Missouri, and applied for and received freedom licenses.

The records kept when a person of color applied for a freedom license included information including name, age, height or size, and a physical description with complexion, scars, and any

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<sup>1</sup> General Assembly of the State of Missouri "Negroes and Mulattoes: An act concerning free negroes and mulattoes." Section 8. Approved March 14th, 1835. pg. 414. Missouri State Archives

<sup>2</sup> General Assembly of the State of Missouri "Negroes and Mulattoes: An act concerning free negroes and mulattoes." Section 9. Approves March 14th, 1835. pg. 414. Missouri State Archives

<sup>3</sup> General Assembly of the State of Missouri "Negroes and Mulattoes: An act concerning free negroes and mulattoes." Section 10. Approved March 14th, 1835. pg. 415. Missouri State Archives

physical deformities detailed. The physical descriptions were very thorough, including the smallest of scars, even ones that would be considered as being in hidden places, such as the back of the ear, or on the ankle. This was done so that the person receiving the freedom license could have documentation proving that the license was theirs, and so that the license could not be given to or used by another. Sometimes the license record also included information about children, parents, and spouses.

Although the act was approved on March 14, 1835, it was not enforced by St. Louis County until the County Court met in December of 1835. This session marked the beginning of freedom licensing in St. Louis, and the initial application for and granting of freedom licenses went on for five days, from December 14, 1835 to December 19, 1835. This represented the largest number of free persons of color to receive freedom licenses in a single month, 142, all probably long-term residents of the city who complied with the new law so they could continue to reside in the state of Missouri.

All told, the licensing of free African Americans encompassed the period from December 1835 to May 1863. During that period 1,492 people were approved to receive a freedom license by the St. Louis County Court. A larger number of freedom license recipients were men, possibly heads of households; there were 806 male applicants and 686 female applicants. (See **figure 3, Freedom Licenses chart**).

### Occupations

There were 63 various occupations listed for the individuals who received freedom bonds. Slavery in urban areas was quite different from slavery in rural areas and on plantations. Slaves in rural areas often performed various jobs, such as a female slave who might be a cook, a laundress and a chambermaid. In the cities the slaves had specialized jobs. There were only about 39 individuals who had multiple jobs listed in the court record on their freedom license. Everyone else had one job, which ranged from washerwomen to preachers to peddlers of rat poison. There were some who had trade jobs such as blacksmiths, whitewashers, plasterers, carpenters, butchers, engineers, and nurses. Interestingly enough there was even a doctor, a lawyer, and a pilot, all highly skilled professions, listed among the careers of freedom license applicants. The most popular jobs among the women were washerwomen, chambermaids, and seamstresses. The most popular jobs among the men were boat hands, stewards, and barbers. Others had jobs working alongside white co-workers in factories, and as firemen. (See **figure 1, occupation chart**).

### Age Groups

The age groups of applicants were also highly interesting, and were broken down by the researcher into five-year increments. The largest age group to apply for and receive freedom licenses was the 20 through 25 age group. The reason for this was because the law stated that the license was for the "authorized person therein named and described, and his or her children under the age of twenty-one years, to reside within this state,"<sup>4</sup> so this category included those children of free persons of color who came of age and had to obtain a license to remain in the state. There were 28 people whose ages were not listed in the County Court Record Book. The numbers in other age groups continued to fall as the ages rose. This was probably due to mobility, ability to raise the money, and ability to procure the testimony and evidence needed to prove freedom. There were

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<sup>4</sup> Section 13, pg. 415. Missouri State Archives

those under 21, including 16-19 year olds who went to the court and applied for a freedom license. Many of these teens were probably freed separately from their parents or who were not living with or did not know who their parents were due to the ramifications of slavery. (See figure 2, age chart).

### Requirement of Bonds

In 1843, the State of Missouri, amidst a flurry of ever more restrictive laws aimed at free blacks, made obtaining a freedom license more difficult by adding another challenge. The General Assembly of the State of Missouri enacted a law that was entitled "An Act more effectually to prevent free persons of color from entering into the State, and for other purposes". The law stated:

The county courts of this State shall grant a license to any free negro or person of color, who may be a native of this State, or who may have continued to reside in this State since the first day of January eighteen hundred forty; *provided*, such free person of color shall enter into a bond to the State, with one or more securities, for his or her good behavior, in a penalty not exceeding one thousand dollars, conditioned that such free negro or person of color shall be of good behavior.<sup>5</sup>

The bonds required by this law were written documents stating that the person applying for the freedom license promised to be of good and moral character and uphold the laws of the state. If the person was convicted of any crime they had to pay the amount on the bond, would have their license forfeited, and had to depart from the state. The courts began to require that individuals follow these laws beginning in March 1843. However, the court did not require all individuals in 1843 to put up a bond. Throughout 1843, immediately following the enactment of the law, there were individuals who did not place a bond. There was no clear distinction between the people who were required to put up a bond and the people who were not required to do so. The bonds varied in amounts, from \$100 all the way up to \$1,000. There did not seem to be a pattern for the varying amounts, and the amounts did not correspond with age, sex, or occupation.

The "securities" mentioned in the law were individuals who could attest to the good behavior of the person applying for the license. If the person on the license were convicted of any crime, the securities also risked their money and reputations; they would be charged with having to pay the amount of the bond. If the bond was not paid, some individuals lost their property due to it being sold to pay the debt to the state. Some of the persons who acted as securities did so multiple times for many different individuals. The securities did not have to meet any special qualifications; for instance, they did not have to be white or lawyers. There were securities with many different occupations. Securities could be co-workers, family members, a former owner, friends, or employers. However, there were some persons who stood as securities multiple times who were lawyers. Wilson Primm, John F. Darby, and Hugh Garland, for example, were listed many times as securities and the 1850 United States Census Report lists them as "lawyers" and "attorneys at law".<sup>6</sup> Some of the other securities were former owners of the slaves they stood for and often times these individuals continued to own other slaves.

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<sup>5</sup> General Assembly of the State of Missouri. "Free Negroes: An act more effectually to prevent free persons of color from entering into the State, and for other purposes." Section 12. Approved February 23, 1843. Missouri State Archives.

<sup>6</sup> United States 1850 Census report. St. Louis County Library. Primm served in the city government and was later a criminal court judge; Darby was Mayor of the City of St. Louis from 1835-1841 and a U.S. Congressman from 1851 to 1853; Garland served as counsel for Mrs. Irene Emerson in the Dred Scott case.

An interesting story connected with securities for freedom licenses was discovered in the records for David O. Combs and his wife, Anna Combs; they received their licenses on April 22, 1861. In the freedom license record David's occupation was listed as being a worker in a mustard factory. The bond for David was \$500 and for his wife another \$500. The man who stood as the security for David and his wife was listed as E.W. Holloway. The 1860 U.S. Census showed that E.W. Holloway was a white man from Ohio. It also listed him as being a worker in a mustard factory.<sup>7</sup> This was interesting for two reasons: 1) a black and a white man were working together in a mustard factory during this time period, 2) there had to be a great amount of trust and respect on the part of this white man to stand as security for a black man and his wife, in a slave state, just as the Civil War was beginning.

### **Cross-Comparisons of Data**

When making the comparison between lists which detail individuals who obtained freedom licenses, were emancipated, and who won freedom suits, there were some correlations that could be made. There were about 179 persons identifiable from these other lists who, after being emancipated, went to the courthouse, applied for, and received a freedom license. There were many others who were quite possibly the same individuals as those listed elsewhere, but this could not be proven with any certainty because either only a first name and no surname was listed, or the names of the individuals may have changed between the time of their emancipation and obtaining their license. The time gap between individuals being emancipated and receiving their freedom licenses ranged anywhere from the same day to 19 years later. Some obtained licenses immediately after receiving their emancipation and the same person who emancipated them stood as their security when placing the bond.

The explanations for the various time gaps are endless. One that kept recurring was the issue of not being able to find someone who would stand as a security for the individual. The securities, especially the ones that were used multiple times, may have wanted some type of down payment or deposit before they would agree to stand as the security on the bond. Getting some of the money may have taken time for the newly freed person. There were only nine identifiable people who won their freedom through freedom suits who applied for and received a freedom license, two of them being Dred and Harriet Scott. As in the case with the emancipations, many of the names were listed as first names only, or were very common names. The names Mary or John were very common and would often be used with no surnames. The time lapse between winning their freedom through a freedom suit and applying for a freedom license, ranged from 1 year to 19 years. Freedom suits were taking place during the 1820s, but freedom licenses were not required until 1835.

The next comparison made was between the number of free persons of color living in St. Louis according to the census and the number of free persons who possessed a freedom license at the same time. During the 1830s there were about 220 free blacks in the city. Between 1835 and 1840 there were 171 freedom licenses issued to free persons of color. The 1840 U.S. Census reported that 531 free persons of color lived in St. Louis, and by 1850 there were 1,398, yet by 1850 only 789 freedom licenses had been issued by the County Court. The 1860 U.S. Census reported that 1,755 free persons of color were living in St. Louis, while only 1,048 were holders of freedom

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<sup>7</sup> United States 1860 Census report. St. Louis County Library.

licenses. Consequently, as the number of free persons of color grew freedom licenses also grew, but the number of licenses issued never matched the reported free black population in the city.<sup>8</sup>

### **Those Who Were Not Granted a License**

The St. Louis County Court did not approve all the applicants who came before it seeking a freedom license. Missouri laws did not allow free persons of color from other states to come to Missouri to live, and on this basis the St. Louis court denied some licenses. In the case of James Robinson, a free man from Illinois who attempted to apply for a freedom license in 1842:

September 8, 1842: Upon the application of James Robinson for a license to remain in this state as a free negro and it appearing by the documentary evidence produced by the said James Robinson under the seal of a court of Record that he is a free person and claims to have been heretofore a citizen of the state of Illinois. The court refuses the application for a license upon the ground that it does not come within the cases provided for by the statutes in which licenses are to be granted<sup>9</sup>

There were six others who also attempted to apply for a freedom license who were not born in Missouri or grandfathered into the Missouri system by long-term residence in the State. In the case of James Robinson and others, they did not receive any type of punishment, but their applications were denied by the court. Two men were caught in St. Louis with information proving that they were free persons of color from Ohio. On November 18, 1861, the court found that Edward Jackson and George Waters were not entitled to reside in Missouri, and ordered that they receive ten lashes each and immediately depart the state.<sup>10</sup>

### **Married Persons Granted Licenses**

However, the court allowed people from other states who were marrying a resident of Missouri to live in the state, and granted them a freedom license. These applicants had to have the proper paper work and testimonies stating that they were free persons of color in another state. If the spouse did not have that information, the court often granted extended deadlines to people who needed more time to gather it. Along with the extended deadline came immunity from being picked up by the County Marshal for not having a freedom license.

### **Revoked Licenses**

There were seven individuals who were granted their freedom license, but because of improper behavior had it revoked. Two licenses were revoked because individuals had illegally kept a dram shop (like a present day bar or liquor store). In order to keep a dram shop, the owners

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<sup>8</sup> Sources: Primm, James Neal *Lion of the Valley* pp. 23, 86, 107, 136, 137, 153, 186; Greene, Lorenzo P. *Missouri's Black Heritage*, p. 14; Wade, Richard *Slavery in the Cities* p. 327, Scharf, J. Thomas *History of St. Louis City and County*, p. 309. Between 1850 and 1860, the white population doubled in St. Louis city. Free blacks only increased by 357 persons. The number of slaves was reduced by over 1,000. Forty nine slaves were emancipated in 1860; see Primm, p. 187.

<sup>9</sup> St. Louis County Court Record, Book 3, pg 192. September 8, 1842. Missouri History Museum, St. Louis, Missouri.

<sup>10</sup> St. Louis County Commissioners Records, Book 11, pg. 40. November 18, 1861. Missouri History Museum, St. Louis, Missouri.

had to be licensed by the same County Court which granted freedom licenses. The other licenses were revoked due to the persons being keepers of rowdy and disorderly houses, most likely a reference to a house of prostitution. These individuals had to be indebted to the court, pay the amount of the bond, receive the punishment for the crime, and depart the state.

July 18, 1861: It appearing to the satisfaction of the Board that George Hopkins, a free negro has been tried and convicted of keeping a disorderly house, it is therefore ordered that the license to remain in this state granted to said George Hopkins April 26, 1861 be revoked and made void. And the Circuit Attorney is requested to proceed against said Hopkins as directed by law.<sup>11</sup>

### **Persons of Color Caught Without a License**

Individuals caught by the County Marshal without a freedom license could have several punishments imposed after being confined to jail for being in the state without a license. They could be discharged back into the city, discharged to procure the proper testimony stating that they were free people of color, “pay a fine not less than ten dollars, and not exceeding one hundred dollars”, ordered “to receive not less than ten nor more than twenty lashes, and immediately depart the state, or may order the sheriff to hire out such persons for such time as shall be sufficient to raise from the hire, the fine and costs and the expenses of imprisonment”.<sup>12</sup> In St. Louis 457 people were caught without having a freedom license; 132 of these individuals were caught multiple times, some up to 5 times, receiving lashes as punishment for each. With the lashes these individuals were ordered to depart the state, however, many of them never left. A total of 259 people were caught in single incidents, and 66 individuals had common names or the surname was listed with just an initial, making it hard to determine how many people actually left or stayed in the state. There are endless possibilities as to where these individuals may have lived or been hidden in order to remain in Missouri. They were probably very cautious about the way they traveled about the city, being careful not to be caught again. Many of these persons were not listed on the 1840, 1850, or 1860 Census.

### **Errors by the Court**

The court in at least ten cases arrested individuals who were not supposed to be arrested. Five individuals were arrested who later proved that they were free persons of color and had freedom licenses. The other 5 individuals were workers on steamboats that docked on the river and were not attempting to be residents or remain in Missouri. They were most likely on leave from or running errands from their boat when the Marshal caught them and took them into custody. All of these people were later released.

### **Special Cases**

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<sup>11</sup> St. Louis County Commissioners Records. Book 10, pg. 371. July 18, 1861. Missouri History Museum, St. Louis, Missouri.

<sup>12</sup> General Assembly of the State of Missouri "Negroes and Mulattoes: An act concerning free negroes and mulattoes." Sections 21 & 22. pg. 416. Approved March 14th, 1835. pg. 414. Missouri State Archives.

There were special cases in the court, including some individuals who were residents of the region before it became the State of Missouri. These individuals were persons of color who in each case apparently did not have to have a freedom license in order to remain in the state. There were only two instances when this was an issue:

January 2, 1847: James Moberry a free person of color, is proven to the satisfaction of the court to be the descendant of a free man of color who was a resident of this state, then a territory before the change of government and he has continued to reside in this state even since he was born, and that he is there entitled to stay in the state of Missouri without a license from the court.<sup>13</sup>

August 12, 1850: William Linn comes and produces to the court satisfactory evidence that he is a descendant of free parents of color who were born free under the French or Spanish Government, that he has continued to reside in this state ever since his birth. Therefore ordered that his name be published and registered as free from agitation for being in this state without a license, as per order of this court made on the 24th day of December 1846.<sup>14</sup>

The judges who sat on the board determined that these people were an exception to the laws passed by the General Assembly.

### **Conclusions**

Although the State of Missouri tried in many ways to discourage free persons of color from coming into the state or remaining in the state after they obtained their freedom, they did not succeed. They simply made the process more difficult for these individuals. Those who championed the law of 1835 in the State of Missouri did not seem to expect that free persons of color would have the support and resources required to obtain licenses. Once again a state government underestimated the African American population in the 19<sup>th</sup> century. After Missouri's Emancipation Proclamation of January 1865, freedom licenses were no longer needed and were void. Since there seem to be no extant copies of the actual licenses or papers from the court carried by free persons between 1835 and 1865, it could be assumed that many holders of these licenses had a party in the street, burning such documents. The bonds and court records are the only surviving evidence regarding Missouri's antebellum freedom licenses.

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<sup>13</sup> St. Louis County Court Records. Book 4, pg 406. January 2, 1847. Missouri History Museum, St. Louis, Missouri.

<sup>14</sup> St. Louis County Court Records. Book 6, pg 140. August 12, 1850. Missouri History Museum, St. Louis, Missouri.



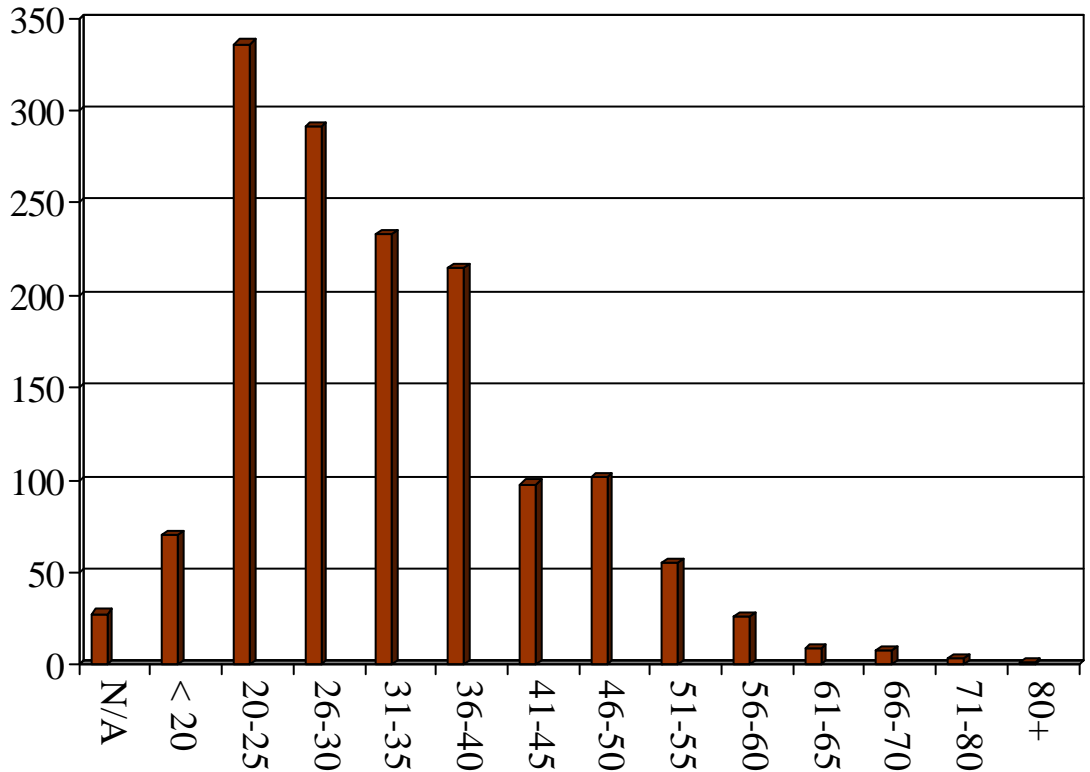
404	washerwomen
100	boat hands
91	stewards
80	barbers
79	cooks
75	draymen/ teamsters
72	servants
61	laborers
61	chambermaids
55	porters
50	seamstress
46	unknown
39	multiple jobs
33	farmers
28	house keepers
25	minors
22	whitewashers
21	waiters
16	firemem
13	cleaners
9	preachers/ ministers

9	carpenters
8	nurses
7	engineers
7	clothes makers
5	butchers
5	blacksmith
5	coopers
5	milk maids
4	wood sawers
4	cabin boys
3	tobacconist
3	traders
2	shoemakers
2	painters
2	hack drivers
2	factory workers
2	brickmakers
2	carriers
2	keepers of stores
2	gardeners
2	mechanics

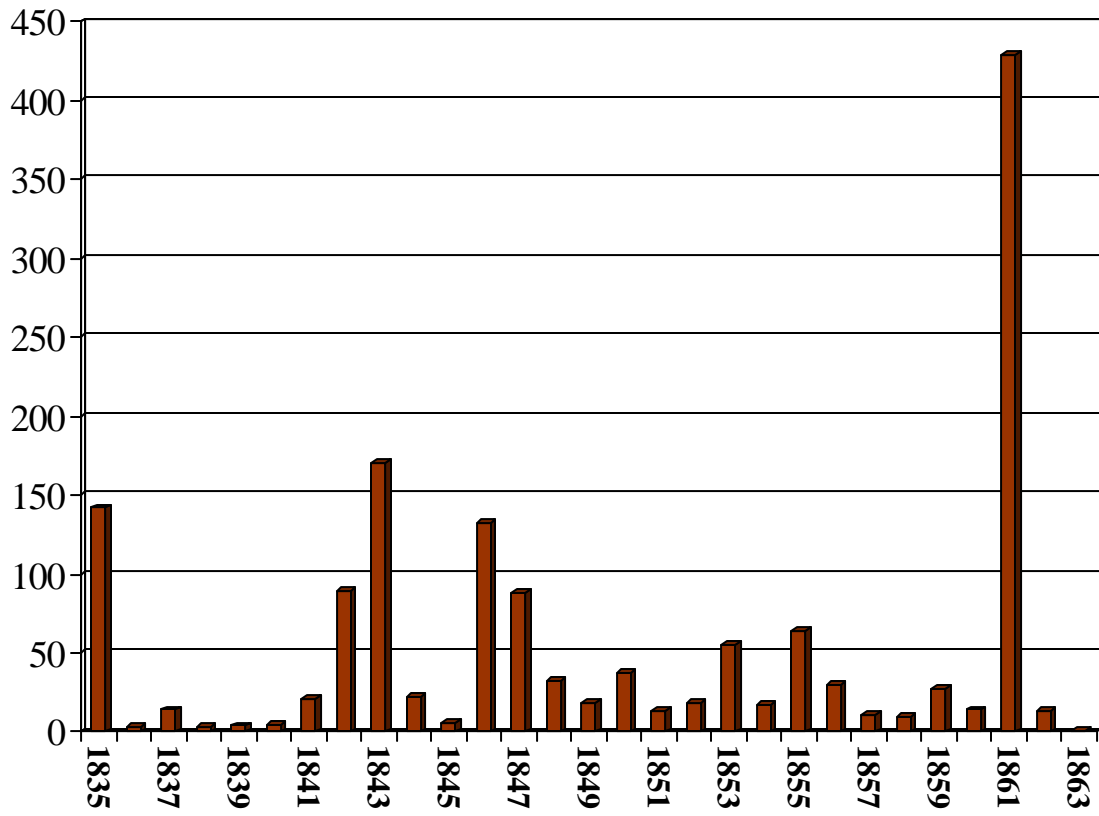
2	musicians
1	cattler
1	miner
1	rectifier
1	lawyer
1	stone mason
1	horse doctor
1	mountaineer
1	turner
1	saddler
1	soldier
1	city bell ringer
1	well digger
1	peddler of rat poison
1	pilot
1	vegetable dealer
1	physician
1	dairy man
1	railroad hand
1	state keeper
1	hostler

**Figure 1**  
Occupation Chart – December 1835 to May 1863

Unknown	28
< 20	71
20 - 25	336
26 - 30	291
31 - 35	233
36 - 40	215
41 - 45	98
46 - 50	102
51 - 55	55
56 - 60	26
61 - 65	9
66 - 70	8
71 - 80	4
80 +	2



**Figure 2**  
Age Group Chart



**Figure 3**  
**Number of Freedom Licenses issued by year**