ABSTRACT

Title of Thesis:	"FOR HIS OWN LUCRE AND GAIN": ARMISTEAD LAWLESS'S BAWDYHOUSE AND THE MEANINGS OF BLACK FREEDOM IN ANTEBELLUM ST. LOUIS
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This thesis explores the complex life of Armistead Lawless, an enterprising free African American and bawdyhouse owner in antebellum St. Louis. Lawless was also a slaveowner, frequently broke the law, and cheated his friends out of money. His white neighbors rioted and forced him to flee to Illinois in 1832, where he was tricked into signing away control of his property. He sued for his property in the St. Louis Circuit Court, igniting an eight-year legal battle, but he never returned to St. Louis. Lawless fails to conform to conventions about Black freedom. Instead, he illuminates the possibilities of freedom and expands the boundaries of what one Black man could do in the antebellum United States. His story adds an intimate portrait to current interpretations of freedom, violence, formal law, and property ownership, complicating historical narratives about Black freedom and the people who lived it.

“FOR HIS OWN LUCRE AND GAIN”: ARMISTEAD LAWLESS’S BAWDYHOUSE AND THE MEANINGS OF BLACK FREEDOM IN ANTEBELLUM ST. LOUIS

by

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Thesis submitted to the Faculty of the Graduate School of the
University of Maryland, College Park, in partial fulfillment
of the requirements for the degree of
Master of Arts, History
2021

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Acknowledgements

Exploring Armistead Lawless's life for the past five years has been one of the most exciting and challenging experiences of my life. This project could not have come together without a stellar, kind group of people who cheered me on throughout this process. This is for all of you.

This thesis would certainly not exist without the guidance of Dr. Anna-Lisa Cox, a mentor and friend, who introduced me to this history five years ago. She kindly guided me after I stumbled on Lawless's record in the 1850 United States Federal Census. Working with her changed my life and reignited my love for history.

A handful of scholars guided and challenged me as I crafted this project. Some read drafts, provided feedback, and challenged my arguments. Others steered me in the right direction for sources. Many thanks to Dr. Jeanne Petit, Dr. Holly Brewer, Dr. Quincy Mills, Dr. Anne Twitty, Lawrence Celani, Greg Beaman, and Matt Goetz. I am thankful to my committee members, Dr. Michael Ross and Dr. Leslie Rowland, for their thoughtful comments and mentorship. Finally, I am deeply grateful to my advisor, Dr. Christopher Bonner, for believing in the importance of Lawless's story from the beginning, challenging me over these last three years, and helping me to grow as a person, a scholar, and a writer.

No one predicted difficult conditions of the COVID-19 pandemic and its impacts on research. I am endlessly appreciative of Michael Everman at the Missouri State Archives who helped me obtain records five years ago, which formed most of my source base. When I reconnected with him while writing this draft, Mike was in his final three weeks before retirement but still enthusiastically chased down every lead and court

record. I am thankful to the rest of the staff at the Missouri State Archives, the Missouri Historical Society, and the Missouri History Museum who assisted with research, scanning, and sending court records to me.

Thank you to my friends and colleagues at the Smithsonian's National Museum of American History for always expressing interest in my work, listening, offering thoughts and comments, and being the best support system. It is an honor to bring history to the public (in person and virtually!) with all of you. I am especially grateful to Christopher Wilson for giving me a chance in Washington, D.C., first as an intern and then as a colleague. Our many conversations about Black history shaped my path and this project.

In a difficult year, my friends have kept me afloat. To Fiona Meagher, Caroline Morales, Justine Thomas, James Santos, Emmanuel Mehr, Hannah Nolan, Nick Misukanis, Carly Nylander, and Sean Pengelly: thank you for your kind and encouraging words, for reading drafts and always listening to me talk about this, and for your friendship.

My family has been a constant source of unconditional love and support. My parents, brothers, sister, grandparents, aunts, uncles, and cousins (especially Andy and Marlon) grounded and championed me in the moments when I needed it most.

Finally, this project would not be finished without Sara Ludewig. We bonded in the first week of graduate school and, upon realizing we had the same brain, have been inseparable. She talked me through the challenges and shared my excitement for new discoveries. She helped me be brave as we faced hurdles this past year and in graduate school, and she relished in my successes with me. It has been a honor, Sara.

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Introduction: Armistead Lawless's Story

This is the story of one formerly enslaved African American in the antebellum United States. Upon manumission from his owner in 1825, he acquired property in St. Louis, shrewdly opening what would become an infamous bawdyhouse called the Goosehorn. On the corner of Second and Prune Streets, men and women convened in the brick building to engage in illicit behaviors: drinking, boisterous dancing, gambling, and sex. He was a slaveowner and a calculated entrepreneur, buying an enslaved woman and her children perhaps to force her to work in his sex establishment. He broke the law, cheated his friends out of money, and alienated his neighbors and community. Aghast at a murder in the Goosehorn and exasperated by his repeated transgressions, his white neighbors eventually rioted against him in 1832, destroyed his property, brutally tarred and feathered him, and forced him to flee across the Mississippi River to Illinois. He then placed his trust in a white man who claimed to help him, but who actually tricked him into signing away control of what was left of his property in St. Louis. In a dramatic and telling penultimate act, he sued for his property in the St. Louis Circuit Court, igniting an eight-year legal battle, including cases heard before the Missouri Supreme Court. He never returned to St. Louis, dying in Macoupin County, Illinois, in 1858. He left his farm equipment and animals to his only daughter.

His name was Armistead Lawless.[1] Until now, the details of his life have been relatively untouched and untold by historians.[2] He has been in front of historians for

[1] Lawless's first name appears in the historical record as "Armistead," "Armsted," and "Armstead." I have chosen Armistead for this narrative.

[2] There is one exception. In her sweeping work about the Clamorgans, a notorious mixed-race family in St. Louis, Julie Winch tells two stories of Armistead Lawless and his legal interactions with the family. Lawless appears as a peripheral character, described by Winch as a "Kentucky native who more than lived up to his last name" and a "wily ex-slave" who was "frequently hauled into court to answer for his

years, with fragments of his life appearing in newspaper articles, court and census records, recollections of well-known men, and St. Louis histories. Eleven pages into *Prose Writings*, the romantic poet William Cullen Bryant unknowingly wrote about Armistead Lawless in the aftermath of the violent 1832 riot that destroyed the Goosehorn and fueled hysteria throughout the city. Bryant documented the rumors about Lawless and the riot, misnaming him as "a black man called Abraham" and falsely describing him as the owner of fourteen bawdyhouses in St. Louis.[3] The rumors highlighting his race, wealth, and property hinted at the fears and fury about Lawless's status in the city. Despite leaving no known record of his own words, thoughts, or motivations, Armistead Lawless's existence hovers around familiar historical events and historiographical debates, lurking in the shadows of what we do not know, or perhaps where we choose not to look.

Based on existing scholarship, Armistead Lawless was not typical. There are few microhistorical works highlighting free African Americans in the antebellum period who were illiterate, eschewed Black respectability, engaged in a relentless and ruthless pursuit of wealth and power, broke the law, owned a bawdyhouse and enslaved people, and doggedly fought to protect it all.[4] His story is intriguing because it fails to conform to

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wrongdoings, real and alleged." Winch compiles this portrait of Lawless based on his two interactions with the family and the many entries related to him in St. Louis Circuit Court Record Books, but she does not explore him further. My project adds depth to this portrait of Armistead Lawless beyond this portrayal of him as "wily." Julie Winch, *The Clamorgans: One Family's History of Race in America* (New York: Hill and Wang, 2011), 97, 106, 354n75.

[3] William Cullen Bryant, *Prose Writings of William Cullen Bryant: Travels, Addresses, and Comments*, ed. Parke Godwin (New York: D. Appleton and Co., 1884), 11.

[4] I capitalize the "B" in Black in line with recent scholarship and the journalistic response to the Black Lives Matter movement and George Floyd protests in the summer of 2020. The capitalization indicates a longer history of the Black experience, part of which I hope to highlight with Lawless's story. I do not capitalize "white." In the introduction to his edited collection, Ibram Kendi states, "*African* speaks to a people of African descent. *Black* speaks to a people racialized as Black. Black America can be defined as individuals of African descent in solidarity, whether involuntarily or voluntarily, whether politically or culturally, whether for survival or resistance." Keisha N. Blain and Ibram X. Kendi, eds., *Four Hundred*

conventions about antebellum Black freedom. Armistead Lawless shows us the possibilities of freedom, expanding the boundaries of what one Black man could and did do in the antebellum United States. His dedication to property ownership and wealth illuminates the gains, losses, and experiences of Black freedom.

Lawless's story is about the possibilities and meanings of freedom for all Black people. More importantly, it is about what freedom meant to Armistead Lawless himself, and his story advances the growing scholarship about Black freedom. Historians have debated the definition and contours of "freedom" in antebellum America. As Eric Foner argues, "Since freedom embodies not a single idea but a complex of values, the struggle to define its meaning is simultaneously an intellectual, social, economic, and political contest."[5] Americans defined and redefined "freedom" in the context of changing understandings of liberty and identity. "No idea is more fundamental to Americans' sense of themselves as individuals and as a nation than freedom," Foner writes.[6] In the antebellum years, "freedom" took on a special meaning linked to changing opinions about the institution of slavery, the rapidly growing market economy and the new forms of labor it created, and an emergent public sphere with new voices, including those of women and African Americans.[7]

Souls: A Community History of African America, 1619-2019 (New York: One World, 2021), xiv (emphasis author's); Kwame Anthony Appiah, "The Case for Capitalizing the 'B' in Black," *The Atlantic,* June 18, 2020, https://www.theatlantic.com/ideas/archive/2020/06/time-to-capitalize-blackand-white/613159/; L.D. Burnett, "To 'B' or Not to 'B': On Capitalizing the Word 'Black,'" *Society for US Intellectual History* (blog), accessed February 15, 2021, https://s-usih.org/2016/04/to-b-or-not-to-b-on-capitalizing-the-word-black/; Nancy Coleman, "Why We're Capitalizing Black," *The New York Times*, July 5, 2020, sec. Times Insider, https://www.nytimes.com/2020/07/05/insider/capitalized-black.html

[5] Eric Foner, *The Story of American Freedom* (New York: W.W. Norton & Co., 1998), xv-xvi.

[6] Foner, *Story of American Freedom*, xiii.

[7] See Foner, *Story of American Freedom,* 3-94.

"Freedom" has been particularly difficult for historians to define as it pertained to African Americans. What was Black freedom? Did freedom emerge at a singular moment or through a process? Scholars approach the meaning of freedom in two main ways. Historians first explore freedom through the lens of the "unfreedom" of free Black people in a world that "straddled one of hell's elusive boundaries."[8] They were "slaves without masters" and their "nominally free" status prevented them from obtaining a truly free status.[9] Within this framework, the survival of free African Americans constituted an achievement. In the second thread, scholars have focused on the ways free African Americans carved out space for themselves, the possibilities of their endeavors, and how they influenced contests about the law, citizenship, politics, and the changing market economy. African Americans seized freedom. In their communities and cities, they assisted fugitive slaves, demanded access to public schools, founded churches and mutual aid societies, and owned successful businesses.[10]

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[8] Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Press, 1974), xiv.

[9] For examples of historians who use the term "nominally free" see Elizabeth Stordeur Pryor, *Colored Travelers: Mobility and the Fight for Citizenship before the Civil War* (Chapel Hill: University of North Carolina Press, 2016); Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2002). Julie Winch also uses "in between status" to describe the lives of free African Americans, see Julie Winch, *Between Slavery and Freedom: Free People of Color in America from Settlement to the Civil War* (Lanham: Rowman & Littlefield, 2014), xiv.

[10] Some examples include Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge, MA: Belknap Press of Harvard University Press, 2003); Christopher Bonner, *Remaking the Republic: Black Politics and the Creation of American Citizenship* (Philadelphia: University of Pennsylvania Press, 2020); Leonard Curry, *The Free Black in Urban America, 1800-1850: The Shadow of the Dream* (Chicago: The University of Chicago Press, 1981); Leslie M. Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003); Pryor, *Colored Travelers*; Rael, *Black Identity and Black Protest*; Nikki M. Taylor, *Frontiers of Freedom: Cincinnati's Black Community, 1802-1868* (Athens: Ohio University Press, 2005); Juliet E. K. Walker, *The History of Black Business: Capitalism, Race, Entrepreneurship*, 2nd ed., vol. 1 (Chapel Hill: University of North Carolina Press, 2009); Juliet E. K. Walker, *Free Frank: A Black Pioneer on the Antebellum Frontier* (Lexington: University Press of Kentucky, 1983); Shane White, *Prince of Darkness: The Untold Story of Jeremiah G. Hamilton, Wall Street's First Black Millionaire* (New York: St. Martin's Press, 2015); Winch, *The Clamorgans*; Julie Winch, *Philadelphia's Black Elite: Activism, Accommodation, and the Struggle for Autonomy, 1787-1848* (Philadelphia: Temple University Press, 1988).

Place influenced how African Americans experienced freedom. As historian Nikki Taylor eloquently asserts, "[F]reedom does not have a fixed definition because its meaning changes with its context...[Its context] determines how African Americans imagine, define, articulate, and pursue freedom."[11] Place could determine the relationship between the anti-Black ideology of American society and the day-to-day enforcement of laws, which sometimes provided flexibility and windows of opportunity for free African Americans to claim.[12] Fluidity and ambiguity defined both slavery and freedom in Missouri.[13] Authorities did not strictly enforce the laws banning slavery in the bordering Northwest Territory. Slaveowners continued to settle with their enslaved people in free states when the government proved hesitant to enforce the Northwest Ordinance prohibiting slavery in the region. In the larger American Confluence, the area where the Ohio, Mississippi, and Missouri rivers converge, the borders between the free states and the slave states of Missouri and Kentucky functioned as "corridors." As slaveowners**,** indentured servants, enslaved people, and free African Americans interacted and worked alongside each other, the lines of slavery and freedom blurred.[14]

The possibilities of Armistead Lawless's freedom were grounded in property ownership and a pursuit of wealth in the midst of the Market Revolution. St. Louis

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[11] Taylor, *Frontiers of Freedom*, 3.
[12] Examples include Anna-Lisa Cox, *The Bone and Sinew of the Land: America's Forgotten Black Pioneers and the Struggle for Equality* (New York: PublicAffairs, Hachette Book Group, 2018); Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s through the Civil War* (New York: A. Knopf, 2005); Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018); Harris, *In the Shadow of Slavery*; Taylor, *Frontiers of Freedom*; White, *Prince of Darkness;* Winch, *The Clamorgans.*
[13] Stephen Aron, *American Confluence: The Missouri Frontier from Borderland to Border State* (Bloomington: Indiana University Press, 2006); Anne Twitty, *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857* (New York: Cambridge University Press, 2016).
[14] Twitty, *Before Dred Scott;* M. Scott Heerman, *The Alchemy of Slavery: Human Bondage and Emancipation in the Illinois Country, 1730-1865* (Philadelphia: University of Pennsylvania Press, 2018).

experienced the national trends of the Market Revolution, transitioning from a small, fur trading town on the frontier to a bustling gateway city in a border state. The economic changes following the American Revolution and the War of 1812 transformed markets and production, ushering in a new era of capitalism in an increasingly commercialized nation. Over the first three decades of the nineteenth century, a cash and credit market eliminated the barter system that had previously defined the frontier farm economy, and relationships became defined by a cash nexus.[15] The population boomed, and increased demand for food and goods in a domestic marketplace led to more manufacturing. Producers sold their goods in distant markets linked together through new technological and infrastructure changes.[16] In St. Louis, the introduction of steamboats, the diversifying economy, and an increased population created new opportunities for enterprising individuals like Lawless and shifted the economic and social order.[17]

Lawless capitalized on the opportunities of the Market Revolution, and his property held meanings for him as a free Black man. He acquired property almost immediately after manumission, choosing to open a bawdyhouse and buy enslaved people. At every turn, he fiercely protected and fought for his property. Property ownership was central to conceptions of antebellum power, privilege, governance, and citizenship, and free African Americans like Lawless seized those opportunities. Many free African Americans, formerly property themselves, also understood property

[15] Mary P. Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865* (New York: Cambridge University Press, 1981).
[16] John Lauritz Larson, *The Market Revolution in America: Liberty, Ambition, and the Eclipse of the Common Good* (New York: Cambridge University Press, 2010).
[17] For more on the relationship between the Market Revolution, slavery, and empire, see Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: Belknap Press of Harvard University Press, 2013); and Walter Johnson, *Soul by Soul: Life inside the Antebellum Slave Market* (Cambridge, MA: Harvard University Press, 1999).

ownership as a marker of freedom. As historian Ira Berlin states, "Property ownership was the most important symbol of the free Negroes' success in a society which allowed them few such symbols."[18] Demonstrating a fierce determination to acquire property and secure an economic stake, many free African Americans in both free and slave states "exerted every effort" to become property owners.[19] Property ownership constituted a material way to survive, but it also held more complex meanings.

Some historians have fixated on free and enslaved African Americans as victims of the market economy, people locked into an oppressive system meant to exploit their bodies for property and labor.[20] Others, looking beyond free Black property ownership as a means of survival or a way to establish an economic stake, have explored African Americans' capitalistic desire for wealth. These works focus on how free African Americans "played multifunctional roles in the antebellum southern economy: as commodities, certainly, but as owners, managers, investors, and creditors."[21] Scholarship on Black property ownership in St. Louis often focuses on the "Upper South" in general

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[18] The term "success" warrants caution because it implies a definitive end: either free African Americans were successful, or they were not. It imposes a generalized status or goal upon people who may not have viewed "success" in the same way we do today. Instead, the reality was more complicated and fluid. Free African Americans like Armistead Lawless sought property for many reasons, including economic security, necessity, power, wealth, respectability, or freedom. However, the quotation does convey the general idea that property ownership was important to free African Americans. Berlin, *Slaves Without Masters,* 247.

[19] Loren Schweninger, *Black Property Owners in the South, 1790-1915* (Urbana: University of Illinois Press, 1990), 69.

[20] For the relationship between slavery and capitalism, see Edward Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014); Sven Beckert and Seth Rockman, eds., *Slavery's Capitalism: A New History of American Economic Development* (Philadelphia: University of Pennsylvania Press, 2016); Steven. Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (New York: Oxford University Press, 2005); Johnson, *River of Dark Dreams;* Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, MA: Harvard University Press, 2005); Calvin Schermerhorn, *The Business of Slavery and the Rise of American Capitalism, 1815-1860* (New Haven: Yale University Press, 2015).

[21] Kimberly Welch, "Arteries of Capital: William Johnson and the Practice of Black Moneylending in the Antebellum U.S. South," Slavery & Abolition, 41, no. 2 (2020): 305. My argument emphasizing Lawless as an agent of capitalism builds on Welch's work on William Johnson as a moneylender. Other relevant works include Walker, *Free Frank*; Walker, *History of Black Business*; White, *Prince of Darkness*; Winch, *The Clamorgans.*

or free African Americans as "unskilled laborers" in "menial capacities" such as, laborers, dockhands, and domestic servants.[22] Other historians have concentrated on labor disputes between white and Black workers and on the rise of a white working class in the mid-1830s.[23] While valuable for understanding the labor and economic tensions inherent in freedom or the ways free African Americans struggled to survive, missing from these analyses is a comprehensive portrait of what property ownership meant for free African Americans and the choices they made as agents in the market economy, especially in St. Louis.

One of the most intriguing aspects of Lawless's life was his decision to operate the Goosehorn, an illicit brothel. Brothels, also known as bawdyhouses, were common in antebellum America. Bawdyhouses and sex work frequently thrived in commercial areas, and authorities struggled to contain them, passing increasingly restrictive laws throughout the nineteenth century. Bawdyhouses could be lucrative property and bestowed sexual and economic power upon their owners.[24] In St. Louis, bawdyhouses and other enterprises known as "disorderly houses" were prosecuted by the state of Missouri beginning with statehood in 1821.[25] As bawdyhouses became an issue in the city,

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[22] Donnie D. Bellamy, "Free Blacks in Antebellum Missouri, 1820-1860," *Missouri Historical Review* 67, no. 2 (1973); Schweninger, *Black Property Owners in the South*; Winch, *Between Slavery and Freedom.*

[23] Daniel A. Graff, "Forging An American St. Louis: Labor, Race, and Citizenship from the Louisiana Purchase to Dred Scott" (PhD diss., University of Wisconsin-Madison, 2004).

[24] I follow historian Katie Hemphill when referring to women engaging in sex work as "sex workers," not prostitutes. One of my main goals in this project is to demonstrate that Armistead Lawless was an agent of capitalism himself, recognizing profit, managing a business, and shaping commerce in the city of St. Louis. Using the term "sex workers" engages with this framework of people making rational economic decisions and recognizing their personhood and choices amidst oppressive conditions. There is also the distinction of "forced sex work," which Lawless may have engaged in when he purchased an enslaved woman, Charlotte, and forced her to work in his bawdyhouse. This term highlights the "work" component of slavery and the labor Charlotte was doing, while emphasizing Lawless's power and Charlotte's lack of choice. Katie M. Hemphill, *Bawdy City: Commercial Sex and Regulation in Baltimore, 1790-1915* (Cambridge, UK: Cambridge University Press, 2020), 19-20.

[25] Historians have not yet explored sex work and bawdyhouses in St. Louis before the Civil War. They have either focused on the policing of sex workers on the eve of the Civil War or the contested and controversial

authorities passed an 1830 ordinance forbidding them and prosecuting their owners.[26] Lawless thus opened and operated the Goosehorn fully aware that it was illicit. His choice was indicative of his desire for wealth, power, and independence, as well as his rejection of Black respectability. In further defiance of community norms, he employed white women as sex workers. A free Black man with such economic and sexual power was a threat to St. Louis's social, racial, and economic order.

Despite the possibilities of wealth and property ownership in St. Louis, Lawless faced hostility and violence as a free African American, and that was exacerbated by his illicit property choices and behavior. Consistent with national sentiment towards free African Americans, authorities in Missouri passed increasingly restrictive laws against the state's African American population. By 1835, free African Americans needed licenses to live in the city. In 1836, white St. Louisans brutally lynched a free Black sailor, Francis McIntosh, a moment historians mark as the beginning of collective racial violence in the city. By the 1850s, free Black people faced restrictive bans on education, curfews, and policing.[27] Some historians paint the attitude towards free African Americans in Missouri and St. Louis as ambivalent, at times confusing, flexible, or fluid. As Julie Winch mildly stated it, free African Americans were not "welcomed" in the

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medical inspection system attempting to regulate the health and habits of sex workers in the 1870s, missing opportunities to examine the intricacies of sex work in the 1820s and 1830s. See Jeffrey S. Adler, "Streetwalkers, Degraded Outcasts, and Good-for-Nothing Huzzies: Women and the Dangerous Class in Antebellum St. Louis," *Journal of Social History* 25, no. 4 (Summer 1992): 737-55; Jennifer Marie Schulle, "Fashion and Fallen Women: The Apparel Industry, the Retail Trade, Fashion, and Prostitution in the Late 19th Century St. Louis," (PhD diss., Iowa State University, 2005); James Wunsch, "Protecting St. Louis Neighborhoods from the Encroachment of Brothels, 1870-1920," *Missouri Historical Review* 104, no. 4 (July 2010).

[26] St. Louis, City Ordinance 161, November 9, 1830, quoted in Maximilian Ivan Reichard, "The Origins of Urban Police: Freedom and Order in Antebellum St. Louis" (PhD diss., Washington University, 1975), 58.

[27] Bellamy, "Free Blacks in Antebellum Missouri."

border state of Missouri.[28] More recent historians have categorized this attitude more harshly, emphasizing the fundamentally anti-Black nature of Missouri's laws regarding free African Americans. Walter Johnson depicts the human geography of St. Louis as a story of "Black removal" in the name of white supremacy.[29] Eschewing simple categorization of St. Louis as a gateway city, Johnson instead pointedly claims that St. Louis lies at the "juncture of empire and anti-Blackness" marked by the genocide and removal of native populations and African Americans, the control and expansion of land and property, and labor exploitation.[30] Few studies have examined racial violence in St. Louis between statehood and the restrictive 1835 laws that preceded the murder of

[28] I agree this attitude was at times confusing or flexible, partly due to the fluidity of the region, the interaction between enslaved and free African Americans and indentured servants, and Missouri's recent acquisition of statehood, which led to a lack of enforcement of the laws. I am more concerned, however, with the language used to describe this attitude and its implications. Julie Winch's term "welcomed" implies a detached, mild attitude. Similarly, James Neal Primm attributes racism towards African Americans to the "growing pains" of the city and labels the McIntosh murder as "racially connected," which understates the violent racism African Americans faced. Quotation from Winch, *Between Slavery and Freedom*, 50; See James Neal Primm, *Lion of the Valley: St. Louis, Missouri, 1764-1980*, 3rd ed. (St. Louis: Missouri Historical Society Press, 1998), 149-187. For more on the fluidity of the region, see Twitty, *Before Dred Scott.*

[29] Walter Johnson, *The Broken Heart of America: St. Louis and the Violent History of the United States* (New York: Basic Books, 2020). Johnson's argument about St. Louis being a center of racial violence and exploitative capitalism is a stark departure from previous literature on the city. While historians have recently fixated on St. Louis's legal system and the prevalence of freedom suits filed by enslaved people in the city, documenting the complexities and conditions of the city as it related to slavery, previous literature on antebellum St. Louis focused on its burgeoning status as a frontier gateway city, helping America expand westward. Striking a neutral tone, these narratives have often privileged a progressive and positive arc at the expense of the marginalized and silenced people who faced violence and brutality in the city. Johnson's work is part of a newer trend of scholarship that attempts to unearth these stories and portray the actual, and often brutal and uncomfortable, realities of St. Louis and its role in racism, slavery, and exploitative economic expansion in the nineteenth-century. My work follows this trend by examining the violent reality free African Americans like Armistead Lawless experienced when living and owning property in St. Louis. On St. Louis as a center for freedom suits, see Kelly M. Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America* (Athens: University of Georgia Press, 2017); Twitty, *Before Dred Scott*; Lea VanderVelde, *Redemption Songs: Suing for Freedom Before Dred Scott* (New York: Oxford University Press, 2014). For examples of works focusing on St. Louis as a burgeoning gateway city, see Primm, *Lion of the Valley*; Charles Van Ravenswaay, *St. Louis: An Informal History of the City and Its People, 1764-1865* (St. Louis: Missouri Historical Society Press, 1991).

[30] Johnson, *Broken Heart of America*, 5.

McIntosh.[31] Lawless's experience demonstrates that there was room for opportunity and agency through property ownership, but he was also victim to targeted racial attacks and laws, culminating in the 1832 riot that destroyed his property and drove him from the city.

Lawless's relationship with the law further defined his free experience in St. Louis, and his use of the legal system was one of the many possibilities of freedom. Scholarship on African Americans and the law, especially the proliferation of freedom suits in St. Louis, has grown significantly in the last twenty years. African Americans' interactions with the law reveal how they navigated and survived the systems and statuses designed to suppress them. This historiography marks an ongoing struggle to pinpoint and express the lived experiences of people who often endured heartbreaking realities, yet left traces of their voices and motivations through the law. Historians initially described antebellum law as a formal, hegemonic system successfully designed to subordinate people of color and bolster the system of slavery.[32] Recent scholarship challenges the rigidity of this portrayal, instead asserting that African Americans played a central role in shaping law in their local communities.[33]

Laura Edwards defines law as the "body of ideas, customs, and practices that guided the determination of justice, broadly defined, according to the multiple,

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[31] Exemptions include Johnson, *Broken Heart of America,* and Winch, *The Clamorgans*. However, Johnson marks the lynching of McIntosh in 1836 as the beginning of collective racial violence in St. Louis, with exploration of violence against free African Americans before that point. I explore this point below in chapter II. Julie Winch's work on the Clamorgans illuminates a free Black experience before the 1835 restrictions, but she does not explore violence as a central theme. Additionally, the Clamorgan family was literate, mixed-race, and well-connected in the city, which may have protected them.

[32] Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage Books, 1976).

[33] Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton, NJ: Princeton University Press, 2000).

conflicting, and manifestly inequitable standards of the time."[34] Edwards and other historians explore the ways in which African Americans, both free and enslaved, fashioned alternative legal cultures and engaged in extralegal economies governed by their own customs and social ties.[35] Some historians have explored the realm of "formal law" focusing on the ways African Americans embraced and manipulated formal law as it existed, especially when filing freedom suits.[36] African Americans also recognized when formal law would not protect them and at times strategically broke the law with the goal of effecting legal change.[37] Taken together, these threads of scholarship illuminate a complex, multi-faceted relationship between African Americans and antebellum law: African Americans understood the law strategically, whether or not they directly engaged with formal law.

Armistead Lawless joined thousands of free and enslaved African Americans across the antebellum United States who used the courts in pursuit of freedom, wealth, rights, or redress. Historians disagree about how to frame Black litigants' motives and goals when filing suits. Some contend that enslaved people filing freedom suits turned to

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[34] Edwards, *The People and Their Peace,* 3.

[35] Edwards, *The People and Their Peace*. Dylan Penningroth explores the construction of property outside the limits of formal law, highlighting that property ownership was defined by social relationships. After the Civil War, he argues notions of property became more deeply intertwined with formal law. One of the key parts of Penningroth's work that shapes this project is his assertation that understanding property solely in a legal sense ignores how African Americans understood it on their own terms. While much of this project explores the relationship between property ownership and formal law, Penningroth's framework undergirds my analysis of how Lawless may have understood property ownership. Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003).

[36] A few works that emphasize engagement with formal law include Jones, *Birthright Citizens;* Kennington, *In the Shadow of Dred Scott*, Loren Schweninger, *Appealing for Liberty: Freedom Suits in the South* (New York: Oxford University Press, 2018); Twitty, *Before Dred Scott*; VanderVelde, *Redemption Songs*; Kimberly M. Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018); Kimberly Welch, "William Johnson's Hypothesis: A Free Black Man and the Problem of Legal Knowledge in the Antebellum United States South," *Law and History Review* 37, no. 1 (February 2019): 89–124.

[37] See Bonner, *Remaking the Republic,* 94-125.

the courts for justice, put their faith in the legal system, and "sought an objective that is universal and transcendently human."[38] Others argue against this approach, taking into account African Americans' complicated understandings of the legal system and their various aims in turning to the law. Using the legal system was one way to achieve freedom or wealth, but the law alone did not define these goals.[39] African Americans often turned to the courts as one step in longer processes, making calculated decisions about how the law might benefit them. They were informed litigators, not people blindly searching for justice and putting their faith in a benevolent legal system.[40] Armistead Lawless's story highlights struggle and the process of freedom, wealth, and property through the law. Lawless did not blindly turn to the legal system to get his property back; he made calculated decisions about when and how the legal system might benefit him. Crucially, his experience with the legal system was only one part of his story, an experience defined not by generalized terms such as "faith," but rather by his motivation to own property.

Lawless's story better fits Kimberly Welch's process-based framework of Black advocacy, a contrast to historians' sweeping claims about benevolence, faith, or resistance. "The emphasis is not on grading black people's relationship to slavery or

[38] VanderVelde, *Redemption Songs*, xi; Lea VanderVelde, "The Dred Scott Case in Context," *Journal of Supreme Court History* 40, no. 3 (November 2015): 277.
[39] Twitty, *Before Dred Scott*, 55.
[40] Kimberly Welch reminds us of another issue when focusing on obtaining "justice" as a motive for claims-making. Thinking about current events and the justice system, she writes, "Reimagining both free blacks and slaves as litigators – wielders of law who successfully sued in court to protect their interests – is particularly important in today's world where black Americans' relationship to the justice system is fraught, such that 'black justice' is a contradiction." Welch highlights the dialectic between the legal system as a medium of justice and liberation and as an agent of violence. I do not make any large claims about the nature of the legal system in this project, as I am primarily focused on the process of Lawless's claims-making. However, this dialectic is important to consider before issuing sweeping claims about benevolence or justice. Welch, *Black Litigants,* 10.

racism or violence, on *whether* they succeeded or not in challenging or undermining it, but rather on *how* it was that, given its existence, they crafted a space for themselves," Welch contends.[41] The spatial element of Welch's argument does not denote physical space, but instead conveys "the ways people of color expanded the boundaries of the possible...Black claims-making, moreover, had at least two parts: first, the assertion that the plaintiff was deserving; and second, that the person listening to the plaintiff was bound to hear them and then to act." She poses a framework of accountability.[42] The end result of Lawless's legal endeavors or even his primary goals in using the legal system are not the most important parts of his story, nor do the outcomes challenge recent legal historiography. Armistead Lawless instead adds a new dimension to the process of Black claims-making, highlighting how one free African American might combine his desire for wealth and property with his legal experience to hold others accountable for their wrongdoing. Through this process, we better understand the losses, successes, constraints, and motivations inherent in making legal claims, and also glean a better understanding of Lawless's life and freed experience.

The known sources about Armistead Lawless simultaneously provide rich detail about his life and leave much to be desired. The goal of this project is to reconstruct Lawless's choices and motivations, and to place them in broader historical context in order to extract their meanings. Lawless did not leave any known personal records, and since he was illiterate it is doubtful he ever recorded his thoughts or feelings. He remains an enigmatic historical subject. His life was a series of tantalizing events and choices, with his motives and feelings shrouded in mystery. Historical memory often encourages

[41] Welch, *Black Litigants,* 19. Emphasis author's.
[42] Welch, *Black Litigants,* 19.

over-simplification and reflects a desire to judge people and events in absolute terms, moralizing them as good or bad. It would be easy to make sweeping generalizations about Lawless, but he should not be categorized in absolutes. Instead, Armistead Lawless was a complex human being and this project seeks to convey that complexity. Without his own words, only a partial portrait is possible. Nevertheless, I attempt here to get as close as possible by centering him and his voice.

Legal records from the St. Louis Circuit Court and Missouri Supreme Court, newspapers, census records, county histories, and recollections form the source base for this project.[43] Together, they contextualize Lawless's life and provide insight into how others viewed him. Because he spent so much of his time in the legal system, the court records provide the clearest portrait. These records are not without challenges, however. First, as a Black man, Lawless legally could not testify against white people, a circumstance that silence his own voice in the legal suits he initiated. Second, the handwritten court proceedings are difficult to decipher and often lack crucial documents, verdicts, and other valuable information. Third, court records are notorious for telling a "distinctly legal story," as Anne Twitty puts it.[44] They were mediated by court recorders and lawyers. The unvarnished truth of people's lives or cases are distorted by legal strategy, which I highlight in the third chapter of this thesis. To compensate for these challenges, I corroborate details using other primary and secondary sources, and I

[43] The COVID-19 pandemic and closure of archives greatly affected my ability to obtain all of the records for this project. For source gaps, I use secondary sources to provide context. The many avenues of this thesis will benefit in the future from access to all of the records, and there are many possibilities to understand Lawless's life more fully. See the Appendix for more on this point.
[44] Twitty, *Before Dred Scott*, 19.

indicate where sources or witnesses disagreed. I have mined the legal records for Armistead Lawless's experience and motivations, attempting to extract his implicit voice.

This project is structured to follow Lawless's life thematically and chronologically. In her exploration of St. Louis freedom suits, Kelly Kennington outlines an "anatomy of a freedom suit" to trace the stages, perspectives, and distinct experiences of the legal system.[45] With similar goals, I adapt her approach for this project to construct an "anatomy of property ownership." The three chapters represent three stages of property ownership: how one free African American gained, lost, and fought for his property. This step-by-step framework offers rich insight into the complexity and meanings of Black freedom, while adding a human dimension to the transactional nature of property ownership. It also mirrors a way Lawless may have understood his own experiences. Property was of central importance to Lawless, and he undoubtedly recognized the gains, losses, and battles inherent in that ownership.

The first chapter investigates how Lawless acquired his property. I explore his choice to open a bawdyhouse and purchase enslaved people, uncovering the meanings of those decisions for Lawless's freedom and relationships. The chapter centers Lawless's desire to accumulate wealth. The second chapter examines the previously unexplored 1832 riot that destroyed Lawless's property and forced him to flee St. Louis. The riot was a targeted effort to destroy an immoral symbol of free Black economic success, amid tides of reactionary class struggle and moral reform in the changing market economy. Building upon recent scholarship about Black removal in St. Louis and violence against African Americans across the country, the chapter emphasizes tensions regarding

[45] Kennington, *In the Shadow of Dred Scott.*

Lawless's race. The third chapter focuses on Lawless's legal battle for his property, highlighting his use of formal law to seek redress and to perform and legitimize his identity as a property owner. Together, the chapters illuminate what it meant to be a free Black property owner in the antebellum United States.

Chapter I: "Certain persons...of evil name and fame"

On Saturday, April 9, 1825, Alexander Stuart, a court recorder in the St. Louis Circuit Court, hauled open the daily record book and in hurried, scrawling handwriting recorded a legal case regarding the execution of a deed of emancipation for an enslaved "mulatto" man named Armistead by his owner, Benjamin Lawless.[1] Stuart's action surely felt mundane to him, as the deed of emancipation was one of thousands of actions written in the Circuit Court record books. Yet Stuart's record denoted a powerful and complicated transformation for the emancipated enslaved man, Armistead. What did freedom mean for this thirty-four-year-old formerly enslaved African American?[2]

Like many freed African Americans in the antebellum United States, Armistead Lawless faced a new and certainly harsh reality. Freedom for African Americans did not mean safety from the realities of living in a country built on the backs of enslaved people or from an omnipresent system of slavery that was rapidly expanding. While those harsh truths existed and shaped the free African American experience, freedom also brought opportunities. Freedom presented the opportunity to remake oneself, and formerly enslaved people often seized it with force. They moved, crafted new names, created communities and societies, owned property, and advanced their cause of freedom.[3] Black

[1] St. Louis Circuit Court Record Book (hereafter CCRB) No. 4, April 9, 1825, 106.
[2] As with many enslaved people, it is unclear as to when Lawless was born. The 1850 census record lists him as fifty-nine years old, meaning he was born around 1791. The probate records for his former owner, Benjamin Lawless, indicate that Armistead was twenty-eight years old in December 1826, placing his birth year around 1798. 1850 United States Federal Census, Macoupin County, Illinois, p. 249A, Family 3, Dwelling 3, National Archives Microfilm M-432, Roll 118, Ancestry.com; St. Louis City Probate Court, Record of Wills, St. Louis, Missouri, Vol. A1, *Missouri, U.S., Wills and Probate Records, 1766-1988,* Ancestry.com.
[3] For a few works exploring these points, see Berlin, *Generations of Captivity;* Pryor, *Colored Traveler*; Cox, *The Bone and Sinew of the Land*; Harris, *In the Shadow of Slavery*; Schweninger, *Black Property Owners in the South*.

freedom in the antebellum United States created new experiences for formerly enslaved people to claim their own space.

Armistead Lawless seized those opportunities and remade himself into a defiant entrepreneur. After Benjamin Lawless freed him in 1825, Armistead Lawless immediately built and operated a bawdyhouse in the center of St. Louis, an establishment where men and women gathered to engage in illicit behavior such as sex, drinking, dancing, and gambling. He began to expand his property holdings, acquiring other buildings and enslaved people and integrating himself into networks of commerce and wealth. He eschewed orthodox sexual norms and the conventions of Black respectability. Lawless was often at odds with those around him, especially other African Americans, but like many other free Black property owners, he relied on his connections with white men to accumulate and protect his wealth. These economic and social choices reveal the complex ways Lawless experienced freedom and defined it for himself.

Lawless understood Black freedom primarily as a state of material independence and a way to accumulate wealth. He grounded his freedom in property ownership. Through this property ownership, Lawless claimed economic space in St. Louis and advanced his own interests in ways often unexplored in studies of antebellum free African Americans. His story shifts our understandings of the possibilities of Black freedom, the ways in which free African Americans engaged with property, and the implications of that ownership. Armistead Lawless's choices provide a glimpse into how one free African American acquired property and what freedom meant to him. By centering his choices and experiences, this chapter highlights the first stage in the anatomy of property ownership: how one free African American acquired property and

the meanings of those choices, emphasizing what a free African American could do in antebellum America.

Armistead Lawless's engagement with property and his experience of freedom expands our understandings of the free Black experience in the antebellum United States. His rejection of respectability and lack of connections to other free African Americans add a new dimension to the possibilities of the antebellum free Black experience, particularly when considering his choice of property. Lawless's engagement with property enriches historical interpretations of free Black property owners. Recent scholarship on race and capitalism has emphasized slavery, but Lawless's ownership of a bawdyhouse and enslaved people further illuminates the possibilities of nineteenth-century capitalism and the active role of free African Americans in it. His story allows for a better understanding of property ownership in St. Louis, in general, and the types of property and work in which free African Americans engaged in the antebellum period. These interventions help to paint a more complex portrait of the possibilities of free Black life.

From the moment he entered the Circuit Court record books as a legally freed man in 1825 until the eve of the violent riot destroying his property in 1832, Armistead Lawless worked hard to accumulate property and wealth, often at the expense of other people. Shortly after obtaining his freedom, Armistead Lawless acquired two types of property: a bawdyhouse and enslaved people. His property choices reflect his capitalistic desire for wealth and power, eschewing the moral norms of Black respectability in favor of independence and money. Owning a notorious bawdyhouse and engaging in unlawful behavior threatened Lawless's reputation, and he paid dearly for it.

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Freedom in Missouri was different than it was in other states, due to the state's fluidity, legal legacies, and small population. The fluidity of the region and Missouri's precarious position as a border state between the North and the South pushed lawmakers to craft increasingly restrictive laws against African Americans, which repudiated the French and Spanish legacies of the territory. Switching between Spanish, French, and American control, the Missouri region contained a complicated mix of people and legal codes. The French implemented a series of Black Codes, called the *Code Noir*, in 1724, that among other provisions, allowed enslaved people to marry with the permission of their enslavers. After the Spanish took over the Louisiana Territory, they infused the legal code with the Spanish legal tradition *coartación.* These laws allowed enslaved men and women to own property and purchase freedom and restricted the buying and selling of enslaved Native Americans. Contributing to the legal fluidity of the region, the majority-French population often refused to enforce the Spanish laws.[4]

After the Louisiana Purchase in 1803, the United States government put the Missouri Territory under the jurisdiction of the Indiana Territory.[5] In October 1804, when Governor William Henry Harrison and the United States government arrived in the newly acquired Missouri, they kept the existing laws. They also implemented new, more stringent laws regarding slavery that reflected the slave codes of Virginia and Kentucky.[6] These new laws defined enslaved people as personal property and a "mulattoe" as a person with at least "one-fourth negro blood." They restricted the movement and

[4] Kennington, *In the Shadow of Dred Scott*, 23.
[5] Winch, *Between Slavery and Freedom*, 50.
[6] Kennington, *In the Shadow of Dred Scott*, 24; Primm, *Lion of the Valley*, 74.

assembly of African Americans, and they prohibited any "negro or mulattoe" from testifying in court against a white person.[7] The new laws reflected the increasing anxiety of American officials about slavery and African Americans, especially as the nation acquired additional territory.

Following the territory's application for statehood, the Missouri Compromise over slavery in 1820, and Missouri's statehood in 1821, anxieties and hostility toward free Black people increased. The new state constitution required the general assembly to enact "such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in this state, under any pretext whatsoever."[8] While this provision was not strictly enforced until the 1830s, white Missourians tolerated, but remained hostile towards free African Americans. Both St. Louis and the state as a whole had a smaller free Black population than other antebellum cities and territories. In 1820, St. Louis had only 196 free African Americans compared to New York's 10,368, Philadelphia's 10,710, and New Orleans's 6,237.[9] The overall population of St. Louis was smaller than most antebellum cities, at only around 3,000 people in 1820.[10] Free African Americans therefore lived and worked closely with hostile white St. Louisans in the city. The legal legacies of Missouri regarding slavery and free African Americans created a unique environment for freedom, defined by ambiguity, hostility, and a small population.

The legal ambiguity of the region and hostility towards free African Americans shaped Lawless's life and freedom, possibly influencing his journey to legal freedom. It

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[7] *Laws of a Public and General Nature, of the District of Louisiana, of the Territory of Louisiana, of the Territory of Missouri, and of the State of Missouri up to the Year 1824* (Jefferson City, MO: W. Lusk and Son, 1842), 28-29.
[8] *Laws of a Public and General Nature, of the District of Louisiana,* 29.
[9] Most of the state's free Black population lived in St. Louis. In 1820, Missouri's population included 347 free African Americans and 196 of whom lived in St. Louis. Winch, *Between Slavery and Freedom,* 85.
[10] Primm, *Lion of the Valley*, 119.

appears Lawless's owner, Benjamin Lawless, exercised manumission power, filing a deed to emancipate Armistead.[11] The Circuit Court record book entry on April 9, 1825 states that a witness proved the execution of the deed, indicating Benjamin Lawless was deceased by that date. One year later in 1826, however, probate records for Benjamin Lawless still listed Armistead as enslaved when the administrator tried to sell the estate's enslaved people to pay off debts. "Armstead" first appears on a list of thirteen enslaved people, ages six to forty-five. He was described as twenty-eight years old with an appraised value of $475; the others were valued between $50 and $500. He appears multiple times throughout the probate file, marked with different appraisal values around $500.[12] When was Armistead Lawless legally free? Perhaps he was not legally free in 1825 but instead operated between the fluid boundaries of slavery and freedom, obtaining a modicum of freedom while still being hired out by his former owner's estate. Perhaps the confusion was a clerical error or a miscommunication between the deed in the Circuit Court and the administrator of Benjamin Lawless's estate. Regardless, it underscores the fluid nature of freedom in the region. Most importantly, it emphasizes the need to turn to Armistead Lawless himself to learn what Black freedom meant.

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[11] It appears Lawless either took the name of his owner, Benjamin Lawless, or was commonly known by it. Historians have explored the ways enslaved people remade themselves with their names after achieving freedom. Ira Berlin explores how they often assumed common Anglo-American names, marking a "final exit" from slavery. In the Upper South, free Blacks often took the names of their former masters, but this practice varied. Julie Winch asserts that "Few took their owners' surname unless that owner had been exceptionally generous or unless they thought it might help them claim a link to an influential white family." Berlin, *Generations of Captivity*, 121; Winch, *Between Slavery and Freedom*, 51. It is possible that an enterprising Lawless followed this same logic, hoping to capitalize on the connections of his former owner's family since the family remained in St. Louis.

[12] St. Louis City Probate Court, Record of Wills, St. Louis, Missouri, Vol. A1, *Missouri, U.S., Wills and Probate Records, 1766-1988,* Ancestry.com; *John Kelly v. Armstead Lawless,* July 1827, Case No. 54, St. Louis Circuit Court Case Files (hereafter SLCCF). For more on manumission laws see Berlin, *Slaves Without Masters*, 138.

Like many free African Americans, Lawless grounded his freedom in property ownership. In May of 1826, eight months after his manumission, Lawless acquired a lot and house from Stephen and Samuel Wiggins on the northeast corner of Second and Prune Streets for $700 to be paid in six years.[13] Within two months, Lawless set out to improve the lot. Mechanics lien cases from July 1826 reveal Lawless indebted $233 to a white man by the name of Beriah Cleland and $180 to St. Louis's first architectural firm, Morton and Laveille.[14] Liens were the legal right of a creditor in another's property until the debt had been paid, meaning that Cleland, Morton, and Laveille had supplied materials, lumber, work, and labor to renovate Lawless's new four-story building in the center of St. Louis.

It is unclear how Armistead Lawless came to own his property, but it appears he earned enough money and made enough connections to mortgage the lots. Like other free African Americans and enslaved people, it is likely Lawless worked for wages to earn money and capital to become a business owner. A receipt in the probate record of his former owner, Benjamin Lawless, indicates the Lawless family hired Lawless for wage labor. In 1826, Benjamin Lawless's estate paid Armistead Lawless $25 for labor, including the digging of graves and Lawless boarding one of the estate's enslaved women, Betsy.[15] One court document listed Lawless as a "labourer."[16] While the evidence is scarce for when and how Lawless worked for wages and the records are silent

[13] *Hugh Lackey, Armstead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, Missouri Supreme Court Database (hereafter MOSCD).
[14] *Beriah Cleland v. Armistead Lawless*, August 1826, SLCCF; *Joseph C. Laveille and George Morton v. Armistead Lawless,* August 1826, SLCCF.
[15] Betsy also appears to be Lawless's wife, as listed in a file in the record. She was thirty-six years old in 1826 and was appraised at $62 in the records. St. Louis City Probate Court, Record of Wills, St. Louis, Missouri, Vol. A1, *Missouri, U.S., Wills and Probate Records, 1766-1988,* Ancestry.com.; *John Kelly v. Armstead Lawless,* July 1827, Case No. 54, SLCCF.
[16] *State of Missouri v. Armstead Lawless*, July 1826, SLCCF.

about his possible skill set, Armistead Lawless must have done some manual labor for his former owner's family or worked for wages throughout the city. This capital accumulation probably contributed to his ability to buy and improve his property.

Many free African Americans, in St. Louis and beyond, sought to own property. Free and enslaved people acquired property in numerous ways, including inheriting it. Networks of family and community passed property down formally and informally.[17] There are few studies of Black property ownership in St. Louis, but the story of the Clamorgan family indicates contests over property ownership existed in the city. The family inherited and fought for their wealth and property. The patriarch, Jacques Clamorgan, willed a series of both valid and invalid land claims in the Louisiana Territory to his heirs. Throughout the nineteenth century, the Clamorgan children worked to validate those claims and demand what they believed was rightfully theirs. When the Clamorgan siblings passed away, parts of their inheritance went to their other surviving siblings or children. This thread of wealth helped create a wealthy, mixed-race family.[18] Jacques's grandson, Cyprian, went on to own a successful barbershop in the heart of commercial St. Louis after coming into his inheritance at age twenty-one.[19] Inherited wealth prepared some free African Americans for a chance of success and allowed them to obtain the power of property.

However, in a time when enslaved people and free African Americans were torn from families, communities, and networks, and living under oppressive conditions, few could inherit property and wealth. Some bought their real and personal property. This

[17] Curry, *The Free Black in Urban America;* Penningroth, *The Claims of Kinfolk;* Schweninger, *Black Property Owners in the South*; Welch, *Black Litigants;* Welch, "Arteries of Capital."
[18] Winch, *The Clamorgans*.
[19] See Winch, *The Clamorgans,* 120-146.

occurred in a variety of ways. Some free African Americans used skills from enslavement to work for wages or own businesses. In the Natchez district, as historian Kimberly Welch explores, free African Americans worked for wages as barbers, carpenters, masons, and kettlemakers. Like Cyprian Clamorgan in St. Louis, many in Natchez went on to own businesses like barbers shops and grocery stores. Free women of color sold goods at markets and worked as seamstresses, cooks, and laundresses.[20] In the American Confluence the practice of hiring out allowed enslaved and free people to work for wages and provided them with money to purchase property.[21] Lawless fit this pattern.

Property ownership in the antebellum period, for both whites and African Americans, held broad meaning and power. During the nineteenth century, legal theorists, lawyers, and property owners came to understand property as not just a "thing," such as land or animals, but instead an assemblage of rights a person had over a "thing." As historian Stuart Banner writes, "Strictly speaking, land was not property. Property was the right to use land, the right to exclude others from using land, and so on."[22] This assemblage of rights, termed a "bundle of rights" by theorists, represents property as a medium conveying social and legal rights, power, and ownership.[23]

In antebellum society, this bundle of rights also conferred political authority and economic power. The "ownership of things formed part of a narrative about autonomy and supported a set of claims about one's eligibility for self-governance and one's

[20] Welch, *Black Litigants*, 138.
[21] See Twitty, *Before Dred Scott,* 27-70..
[22] Stuart Banner, *American Property: A History of How, Why, and What We Own* (Cambridge, MA: Harvard University Press, 2011), 57.
[23] Banner, *American Property.* See also Gregory Alexander, *Commodity and Propriety: Competing Visions of Property in American Legal Thought, 1776-1970* (Chicago: University of Chicago Press, 1999); Jane B. Baron, "Rescuing the Bundle-of-Rights Metaphor in Property Law," *University of Cincinnati Law Review*, 82, no. 1 (2013): 57-101.

participation in a regime of common governance."[24] Voting, for example, was a privilege enjoyed by those with power, often white men who owned property.[25] Property ownership bestowed a certain degree of power and status upon its holder and allowed him a certain degree of control over his own life. Lawless's property acquisition is significant because property gave him power that could define his freedom.

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Armistead Lawless's becoming free in St. Louis in 1825 meant a new world of opportunities. It was certainly limited by anti-Black legislation and racial oppression, but there were possibilities lurking for an enterprising free African American determined to find them. Both of Lawless's properties, a bawdyhouse and an enslaved woman and her children, indicate that Lawless eschewed conventions of Black respectability in a relentless pursuit of wealth and profit.

Lawless's actions are important for understanding the possibilities of Black freedom: Lawless could and did reject respectability in favor of wealth. Free African Americans were especially attuned to respectability and moral uplift in the decades preceding the Civil War. Faced with white supremacist charges that enslaved people were unfit for freedom and that free Black people were unfit for citizenship, elite free Blacks sought to uplift their communities to prove their worthiness and protest white supremacy.[26] Elite Black writers and moral reform societies admonished other free African Americans to be virtuous and moral, avoid vicious behaviors like alcoholism,

[24] Welch, *Black Litigants,* 134.
[25] Kate Masur, *An Example for All the Land: Emancipation and the Struggle Over Equality in Washington, D.C* (Chapel Hill: University of North Carolina Press, 2010), 5.
[26] Rael, *Black Identity and Black Protest*.

public drunkenness, and vice, and act as respectable citizens.[27] Norms about respectability encouraged free African Americans to act morally on behalf of their race in a time when they sought to define and claim citizenship.

Ideas about respectability also extended into property ownership, dictating what types of property were considered moral and virtuous. Nineteenth-century Americans, both white and Black, saw farming as a respectable, moral form of property ownership. In an ideal Jeffersonian agrarian society, farmers were seen as virtuous. Samuel Cornish, a free Black abolitionist and minister, echoed these ideals in his vision for free Black people owning property, specifically in the North. In the context of Black respectability and the desire to prove that African Americans were worthy of citizenship status, Cornish argued for free African Americans to pursue an "agrarian lifestyle" as a way to embody respectability.[28] Black agrarianism was linked with the ideal of virtuous property ownership in a time when free African Americans felt pressure to be respectable.

Lawless did not embrace respectability.[29] Almost immediately upon purchasing and fixing up his new lot, Lawless opened the Goosehorn.[30] In a later court case, R. P.

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[27] Rael, *Black Identity and Black Protest;* See Taylor, *Frontiers of Freedom,* 80-105.
[28] Bonner, *Remaking the Republic*, 18.
[29] There are not many studies of free African Americans who outrightly rejected respectability in pursuit of wealth or profit. Lawless's closest (and published) counterpart would be Jeremiah Hamilton, a Black Wall Street broker in New York City in the nineteenth century. They are remarkably similar in their defiant, ruthless, and often illicit pursuit of profit and wealth. However, Hamilton was a literate, elite Black man in a northern city with a larger free Black community. Despite his illicit activities, there is no indication that Hamilton rejected respectability in the same way, especially since his profession probably demanded a degree of respectability. Lawless was illiterate, and his rejection of community and choice to own a bawdyhouse cast him as an outsider. Both of these case studies provide a useful look into the realm of possibilities for wealth for free African American men. On Hamilton, see White, *Prince of Darkness*.
[30] Lawless did not attempt to hide the kind of establishment he was opening. It is unclear as to how he came to the name "The Goosehorn" and if that indicated the specific title of the establishment or was a commonly used term in the legal records to refer to the bawdyhouse. Various legal dictionaries from the early twentieth century refer to "goose-horn" as "sometimes used as referring to a bawdyhouse or house of ill fame." See James John Lewis, *The College Law Dictionary: A Dictionary of Technical Terms of the Law and of Words and Phrases Which Have Been Judicially Defined* (New York: American Law Book Company, 1925), 156; W. Mack et al., *Cyclopedia of Law and Procedure* (New York: American Law Book Company, 1913), 787. The citation in a law book for the term "goose-horn" is a court case from St. Louis,

Farris, a district attorney, colorfully illustrated what happened in the Goosehorn, his own irritation and disapproval seeping through every word of the statement:

> In his said house...a certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together...at unlawful times, as well in the night as in the day...there to be and remain drinking, tipling, whoring, and misbehaving themselves...to the real damage and common nuisance of all the good people there being, and passing to the evil example of all others, in like case offending, and against the peace and dignity of the state."[31]

Lawless chose immoral property. There were usually other options for an enterprising free African American; many free Blacks in the antebellum period engaged with frontier and urban real estate speculation, buying farms on the frontier or real estate in cities, joining the craft trades or manufacturing, working as merchants or in extractive enterprises like mining, or laboring in water transportation on the region's rivers. Some of these occupations were deemed "high-status," like barbering, catering, or tailoring, but most could yield profits.[32] It is unclear how many of these occupations existed for a free Black man like Lawless. Perhaps African Americans in St. Louis faced limited occupational choices and were forced to turn to illicit, immoral property like bawdyhouses.

Due to St. Louis's connections to slavery and the harsh laws against free African Americans, free African Americans in the city never formed the social and moral reform

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Dyer v. Morris, where Rebecca Dyer sued William Morris for slander when he implied her daughter was a sex worker in the early 1830s and the court debated the term "goose-horn." There are tantalizing connections to Lawless from this case and the term. What was the origin of this word? Did Lawless coin it for his bawdyhouse? Did authorities and neighbors call it "the Goosehorn" because that was a common term at the time? Did Lawless's bawdyhouse combined with *Dyer v. Morris* contribute to the legal definition of "goosehorn?" See below chapter II, no. 64 on *Dyer v. Morris*. The citation for the legal term "goose-horn" comes from W. Mack, W. B. Hale, and D. J. Kiser, eds., *Corpus Juris: Being a Complete and Systematic Statement of the Whole Body of the Law as Embodied in and Developed by All Reported Decisions*, vol. 28 (New York: American Law Book Company, 1922), 749.

[31] *State of Missouri v. Armstead Lawless*, July 1826, SLCCF.

[32] Walker, *The History of Black Business,* 108-163.

organizations comparable to those free Blacks established in other cities.[33] That did not mean, however, that free African Americans in St. Louis did not participate in defining and encouraging respectability. In 1858, Cyprian Clamorgan, a barber and member of the wealthy free Black family, published *The Colored Aristocracy*, a series of portraits of free African Americans he knew in the city.[34] His definition of "colored aristocracy" included "those who move in a certain circle; who, by means of wealth, education, or natural ability, form a peculiar class – the elite of the colored race."[35] Clamorgan's aristocracy included men and women of all occupations, enterprising free Blacks and "mulattoes" who built businesses and invested their money in the 1850s. Although Clamorgan's publication came years after Lawless lived in the city, its existence suggests ongoing pressure to be respectable in St. Louis. Did Lawless care that he was not part of the respectable elite? His choices indicate that he scoffed at that group. At the end of *The Colored Aristocracy*, Clamorgan promised a true account of the "second class" of colored people that would "startle our white friends," but he never delivered on that promise.[36] Perhaps Lawless was part of that second class, startling the people of St. Louis with his choices and behavior.

Why did Lawless, despite the pressure for Black respectability and the other options for respectable and profitable businesses and occupations, choose a bawdyhouse? It seems like a reckless decision for a free Black man in tenuous circumstances and perhaps he did not have a choice. Answering this question, however, requires framing

[33] Winch, *The Clamorgans*, 152.
[34] Cyprian Clamorgan, *The Colored Aristocracy of St. Louis*, ed. Julie Winch (Columbia: University of Missouri Press, 1999), 8-9.
[35] Clamorgan, *The Colored Aristocracy*, 46.
[36] Clamorgan, *The Colored Aristocracy*, 63.

Lawless's decisions as rational and calculated, linked to the growing market economy. Lawless was not alone in making rational economic decisions. Black moneylenders like William Johnson in Natchez, Mississippi and Jeremiah Hamilton, a Black Wall Street broker and nineteenth-century millionaire, respectively, were also men with ruthless devotion to making money in the expanding market economy.[37] Jeremiah Hamilton, "a black man whose very existence flies in the face of our understanding of the way things were," was "far from being some novice feeling his way around the economy's periphery." Instead, he "was a Wall Street adept, a skilled and innovative financial manipulator," even taking on a predatory financial role.[38] Framing free African Americans as agents in a market economy enriches understandings of property ownership by foregrounding their choices as rational and calculated. This framework avoids understandings of what free African Americans should have pursued based on morality or respectability, and instead reframes their actions in the context of what they could and did do.

Armistead Lawless could and did own a bawdyhouse, a property choice stemming from the Market Revolution. Like many antebellum cities, St. Louis grappled with a diversifying economy. As a gateway city on the Mississippi River, St. Louis served travelers heading West, participating in the fur trade, or settling the Northwest territory, especially after the 1817 arrival of steamboats on the Mississippi River. By 1819 steamboats were commonplace, bringing travelers, merchants, slaveowners, and enslaved people up and down the river and into the city. The 1821 *St. Louis Directory* highlights the diversification of the city's economy. In addition to the extensive fur trade

[37] Welch, "Arteries of Capital."; White, *Prince of Darkness*.
[38] White, *Prince of Darkness*, 3.

dating back to the city's founding, the burgeoning 1821 frontier city included a variety of shops for skilled laborers including jewelers, boatmakers, hatters, coopers, bakers, and watchmakers. Fifty-seven groceries, primarily saloons, dotted the city landscape along with billiard halls, inns, boarding houses, drugstores, auctioneers, livery stables, newspapers, hairdressers, and perfumers. Light industries included a brewery, a tannery, a nail factor, candle and soap factories, and a comb factory.[39] The directory's snapshot demonstrates that St. Louis's economy was expanding in the 1820s, opening opportunities for successful businesses serving the needs of travelers.

Missing from the directory was any mention of bawdyhouses, but they certainly existed. In the eighteenth and early nineteenth centuries, sexual commerce was loosely organized and operated on the streets. By the mid-nineteenth century, many cities had developed "brothel prostitution," in which sex work took a commercialized form, occurring in specialized sex establishments like bawdyhouses.[40] Bawdyhouses were intertwined with the rise of the market economy, and sex commerce was a product of and adapted to the changing political, social, economic, and cultural factors of antebellum cities like Baltimore, New York City, and New Orleans.[41] While potentially profitable and in demand, bawdyhouses were also contested property, and their owners and workers often faced violence, legal action, and jail. Lawless's bawdyhouse, the Goosehorn, did

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[39] John A. Paxton, *The St. Louis Directory and Register: Containing the Names, Professions, and Residence of All the Heads of Families and Persons in Business; Together with Descriptive Notes on St. Louis* (St. Louis: Printed for the Publisher, 1821), 20-47.
[40] Hemphill, *Bawdy City*; Clare A. Lyons, *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730-1830* (Chapel Hill: University of North Carolina Press, 2006).
[41] Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton, 1994); Hemphill, *Bawdy City*; Judith Kelleher Schafer, *Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans* (Baton Rouge: Louisiana State University Press, 2009).

not appear on Second and Prune Streets until 1826, five years after the publication of the 1821 city directory, but there are a few telling signs of other bawdyhouses in the city. The 1821 St. Louis City Directory listed the presence of four "madams" who could have owned and operated bawdyhouses.[42] It is possible that at least some of the "taverns" and "boarding houses" listed in the directory were also bawdyhouses.

Legal documents also provide an insight into the existence of bawdyhouses in St. Louis. Missouri law dictated that keeping a tavern or a public house of entertainment was legal with the procurement of a license, but that "disorderly houses" were illegal and tavern licenses could be revoked if a person was found to be operating one.[43] St. Louis followed Missouri law regarding disorderly houses, but the city's mayor and board of aldermen also had the power to regulate bawdyhouses as they deemed necessary. The Revised Statues of Missouri from 1825 stated that the city could "Prevent and remove nuisances...restrain and prohibit tippling houses, gaming, gaming houses, bawdy houses, and other disorderly houses," which the city authorities did in an 1830 ordinance.[44] From 1805 to 1821, before Missouri became a state, the United States prosecuted at least twenty-six cases against men and women keeping disorderly houses.[45] These houses likely offered a variety of illicit activities including drinking, gambling, and sex. Filed in the records of the St. Louis Circuit Court, the majority of these cases began in 1819 and

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[42] Paxton, *St. Louis Directory and Register,* 20-47.
[43] *Laws of a Public and General Nature of the State of Missouri, Passed between the Years 1824 & 1836, Not Published in the Digest of 1825, nor in the Digest of 1835* (Jefferson City, MO: W. Lusk and Son, 1842), 84-187.
[44] *Laws of the State of Missouri; Revised and Digested by Authority of the General Assembly. With an Appendix. Published According to an Act of the General Assembly, Passed 21st February, 1825* (St. Louis, MO: Printed by E. Charless, for the State, 1825), 109.
[45] When referencing legal cases in this project, I defer to the qualifier "at least" to account for the possibility of additional cases not listed in the online Missouri Digital Heritage Judicial Records database. See the Appendix for more context.

1820, coinciding with the application for statehood, the rise of steamboats, and diversification of the economy.[46] By 1830, the new state had prosecuted at least forty-seven cases against owners of disorderly houses.[47] A few of these cases were repeat offenders, highlighting the desire of some bawdyhouse owners to continue to operate illicit but potentially profitable businesses despite the threat of legal action.[48]

In the context of St. Louis's growing economy and the presence—and possible success—of other bawdyhouses, Lawless's property choice seems less unusual and more

[46] People could be charged for keeping a disorderly house once, like throwing a loud party with illicit behavior. The term "disorderly house" does not necessarily denote a sex establishment, although undoubtedly some were commercialized establishments. The United States was the ruling legal body before Missouri statehood. *United States v. Frederick Connor*, Quarter Sessions of the Peace December 1805, SLCCF; *United States v. James Standeford*, Quarterly Sessions of the Peace September 1806, SLCCF; *United States v. Christian Smith*, May 1817, SLCCF, *United States v. Anne Vaillant,* June 1818, Case No. 128, SLCCF; *United States v. William Stewart*, August 1819, SLCCF; *United States v. James Shannon,* August 1819, SLCCF; *United States v. Francis Withington,* December 1819, SLCCF; *United States v. John McGuire*, December 1819, SLCCF; *United States v. Hiriam Smith,* December 1819, SLCCF; *United States v. Paul Premo,* December 1819, SLCCF; *United States v. John Adams,* December 1819, SLCCF; *United States v. William Stewart*, December 1819, SLCCF; *United States v. Michael F. Fitzgerald,* December 1819, SLCCF; *United States v. Dick, a man of color,* April 1820, SLCCF; *United States v. Nathaniel D. Payne*, August 1820, SLCCF; *United States v. Jacob Varner,* August 1820, SLCCF; *United States v. James McGowen,* August 1820, SLCCF; *United States v. Michael F. Fitzgerald,* August 1820, SLCCF; *United States v. Joshua Wright*, August 1820, SLCCF; *United States v. Baptiste, Lateur, and Baltasur Godair,* August 1820, SLCCF; *United States v. Jesse Lambert*, August 1820, SLCCF; *United States v. Francois Derouin*, August 1820, SLCCF; *United States v. Joseph Laberge*, August 1820, SLCCF; *State of Missouri v. Genevieve Duchoquette,* August 1821, SLCCF; *State of Missouri v. Ambrose, Celeste and Harker, Mary,* August 1821, SLCCF.

[47] In addition to the cases cited above in no. 46, there were at least twenty-one cases between 1822-1830: *State of Missouri v. Joseph Leblond,* October 1823, SLCCF; *State of Missouri v. William Cornelius, a free man of color*, October 1824, SLCCF; *State of Missouri v. Joseph Leblond,* October 1824, SLCCF; *State of Missouri v. Alexander Craig*, March 1825, SLCCF; *State of Missouri v. Shephard Barrett,* March 1825*,* SLCCF; *State of Missouri v. Baptiste and Wood, Louis,* July 1825, SLCCF; *State of Missouri v. Armistead Lawless, a free man of color*, July 1826, SLCCF; *State of Missouri v. John Wyland,* July 1826, SLCCF; *State of Missouri v. John Merry,* November 1827, SLCCF; *State of Missouri v. Abraham F. Granjean,* March 1828, SLCCF; *State of Missouri v. John Graham,* November 1828, SLCCF; *State of Missouri v. James Johnston,* July 1829, SLCCF; *State of Missouri v. Polly Kerr, a free woman of color, and James Newman*, March 1829, SLCCF; *State of Missouri v. Mary Bennett*, March 1829, SLCCF; *State of Missouri v. John Carson,* March 1829, SLCCF; *State of Missouri v. George,* March 1829, SLCCF; *State of Missouri v. Antoine Vaillant*, March 1829, SLCCF; *State of Missouri v. James Holmes,* July 1829, SLCCF; *State of Missouri v. Joseph Laberge*, July 1829, SLCCF; *State of Missouri v. James Fanning,* November 1829, SLCCF; *State of Missouri v. David Dutton*, March 1830, SLCCF. Due to COVID-19 restrictions, I was not able to obtain all of these cases to discern important analytical factors such as race, gender, location, verdict, or execution. See the Appendix for more information on these cases and my methodology.

[48] Unfortunately, without more research on this topic and access to the court cases, it is difficult to determine just how profitable or successful these establishments were.

like the calculated business decision. "Armstead Lawless, a free man of colour...doth keep and maintain a certain common, ill governed, and disorderly house...*for his own lucre and gain*," a lawyer later scoffed at Lawless's motives.[49] Armistead Lawless was not only trying to survive but was also using his property to acquire wealth and to live unconstrained by prevailing moral standards. He was independent. Lawless's property choices, for his own gain and economic benefit, broadens the scope of the antebellum economy and the Market Revolution. He was an active participant in the tide of economic change in St. Louis. Operating a bawdyhouse certainly contravened notions of respectability for both white and Black owners, but Lawless valued wealth over the type of respectability northern Black elites encouraged in the mid-nineteenth century.[50]

The growing economy and the existence of other bawdyhouses reveal how free African Americans like Armistead Lawless may have learned and made choices about property. Lawless entered the city as an enslaved man before or around 1823 and became free in 1825 in the middle of at least five legal prosecutions against disorderly houses.[51] Even more intriguing and telling, however, were the number of bawdyhouses owned by other free people of color before Lawless opened the Goosehorn. Between 1820 and 1829, the State of Missouri prosecuted at least three cases against free African Americans owning bawdyhouses. While these cases do not reveal details about location, clientele, or reputation, all three were found guilty.[52] Lawless lived in St. Louis in 1824 during at least

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[49] *State of Missouri v. Armstead Lawless*, July 1826, SLCCF. Emphasis added.
[50] For more about the respectability of owning a bawdyhouse, see Hemphill, *Bawdy City,* 77-107.
[51] *State of Missouri v. William Cornelius, a man of color*, October 1824, SLCCF; *State of Missouri v. Joseph Leblond,* 1824, SLCCF; *State of Missouri v. Alexander Craig*, 1825, SLCCF; *State of Missouri v. Shephard Brett, 1825,* SLCCF; *State of Missouri v. Baptiste and Wood, Louis,* 1825, SLCCF.
[52] *United States v. Dick, a man of color*, April 1820, SLCCF; *State of Missouri v. William Cornelius, a man of color*, October 1824, SLCCF; *State of Missouri v. Polly Kerr, a free woman of color, and James Newman*, 1829, SLCCF. Lea VanderVelde highlights a case against John Merry, a formerly enslaved man owned by Clayton Tiffin, who was charged for keeping a disorderly house. VanderVelde contends Merry

one of the cases, and he owned the Goosehorn in 1829 when the third case was prosecuted. Did he know of these establishments? Did he know their owners, other African Americans in the city? The African American population was small at this time and enslaved and free African Americans often interacted with one another, so it is possible Lawless knew these other bawdyhouse owners. Perhaps he had illegally visited one of these establishments as an enslaved man and found it appealing, both for its profit potential and its rejection of respectability. If he did know about the bawdyhouses, he may also have known about the charges against their owners. Legal information traveled through communication networks of enslaved and free African Americans in St. Louis, meaning Lawless may have decided to open the Goosehorn in 1826 fully aware that he could be prosecuted by city authorities for his decision.[53] These possibilities bolster an image of Lawless in pursuit of wealth and power at the expense of respectability or legality. Lawless's property ownership allowed him to remake himself into a free man and entrepreneur, independent of respectable norms. He made a rational choice to capitalize on his freedom, transforming capital, money, and buildings into modes of power.

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The Goosehorn was not the only property Lawless owned and managed. He also purchased enslaved people and profited from their bodies and labor. Lawless's experience as a slaveowner reveals how he may have operated his bawdyhouse and his

held a large party upon victory in the courts for his freedom. It is unclear if it was just once or if Merry ran a larger establishment. Regardless, he would be considered a fourth case of the state prosecuting a person of color for operating a disorderly house. VanderVelde, *Redemption Songs*, 85. Since I could not obtain all of the case files, it is possible there were more cases against free people of color not listed in the archival notes of the database.

[53] See Twitty, *Before Dred Scott,* 27-70.

own pursuit of wealth and power. It was not uncommon for free African Americans to own enslaved people. They often had benevolent intentions; a majority of free Black slaveowners owned family members or loved ones, hoping to protect them or assist their pathway to freedom. In St. Louis, John Berry Meachum bought enslaved people to free them, eventually freeing more than twenty. Some free Black slaveowners provided their enslaved people with an education, despite oppressive laws, and granted them special privileges.[54]

Other Black slaveowners sought to extract wealth from their human property. Some were harsh, "purchasing, mortgaging, and selling bondsmen and women away from their families, demanding long hours...[and] harshly disciplining workers."[55] Some urban free Black entrepreneurs resorted to slave labor as a form of economic investment. In his study of Black barbers, historian Quincy Mills argues, "The prosperity of black artisans allowed them to invest in human chattel, train them in the skills of their trade, and further increase the profits of their businesses."[56] Labor shortages coupled with the desire to accumulate wealth and own property often induced free Black people to turn to enslaved labor in order to capitalize on freedom.

Like other entrepreneurs, Armistead Lawless turned to enslaved labor, but the exact role of his enslaved people remains a mystery. On August 28, 1830, after four years of operating a bawdyhouse, Lawless purchased an enslaved woman and her four children from Samuel Perry. He mortgaged them for $850 plus twelve months interest. Charlotte, aged twenty-six, Hampton aged eight, Sarah aged six, Charles, aged five, and Thomas,

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[54] Schweninger, *Black Property Owners*, 111-23.
[55] Schweninger, *Black Property Owners*, 110.
[56] Quincy Mills, *Cutting Along the Color Line: Black Barbers and Barber Shops in America* (Philadelphia: University of Pennsylvania Press, 2013), 32.

aged two, presumably went to live in one of Lawless's buildings.[57] It is unclear exactly why he purchased them. The probate record of Lawless's owner, Benjamin Lawless, reveals that the administrator conducted multiple appraisals of all the estate's enslaved people throughout the 1820s. Neither Charlotte nor her children appear as part of the estate, so Armistead probably did not know them through slavery.[58] It is possible that Charlotte was a family member or loved one owned by someone else in the city. She was likely not his wife, since other records indicate that Lawless was married to one of Benjamin Lawless's enslaved women, Betsy, in the 1820s. Since the population of St. Louis was still small in the 1820s, he may have become acquainted with her while living as a free Black man. At a time when merchants and slaveowners frequently separated families in pursuit of profit, it is notable that Lawless purchased Charlotte with her children. These circumstances suggest that he knew Charlotte or had benevolent intentions in purchasing her.[59]

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[57] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[58] St. Louis City Probate Court, Record of Wills, St. Louis, Missouri, Vol. A1, *Missouri, U.S., Wills and Probate Records, 1766-1988,* Ancestry.com*; John Kelly v. Armstead Lawless,* July 1827, Case No. 54, SLCCF.

[59] In addition to Charlotte and her four children, it appears that Lawless owned other enslaved people. The 1830 Federal Census, while unclear, indicates that Lawless's household contained twenty people, including ten African Americans, one free man of color and nine enslaved people. Five of these enslaved people match the ages of Charlotte and her children: one enslaved female 24 through 54, one enslaved female under 10, and three enslaved boys under 10. The other four remain a mystery. Two of the four, particularly the young, enslaved men, (one enslaved male 10-23 and one enslaved male 24-35) could be the two enslaved men Lawless hired out from his former owner's estate to do labor for him in 1830. The roles of remaining two enslaved females (aged 36-54) are a mystery. One possibility is that one of these enslaved women was Lawless's wife, Betsy. Benjamin Lawless's estate administrator paid Armistead $25 for boarding Betsy in 1826 or 1827 when she was thirty-six years old, meaning he could have continued boarding her in 1830, matching the census record. Perhaps he had purchased her by that point. Not much else is known about her aside from one witness who testified in a later case that Lawless had a wife and that she died sometime before 1832 or 1833; for more on this point, see below chapter III. *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26,

Other evidence suggests that Lawless had calculated business interests, other than benevolence, when he purchased Charlotte and her children. In a later legal case, Lawless fought for the profits he had made in the sale of his remaining enslaved people, but he had only legal claims on Charlotte, Sarah, and Thomas.[60] The documents' silence about Hampton and Charles, the two older boys, suggests that Lawless had already sold them before the riot in 1832. No documentation or bills of sale appear in any of Lawless's legal cases, so there is no definitive answer as to what happened to them. Based on the patterns and nature of slave sales in the 1800s, there are a few possibilities about what transpired. Lawless probably sold Hampton and Charles between 1830, when he bought them, and 1832, when he lost his property in a riot. Hampton would have been between the ages of eight and ten and Charles would have been between five and seven when Lawless sold them. With the expansion and explosion of slavery and the need for young men and boys to work cotton plantations in the Deep South, it is possible that Lawless sold them for the profits he could claim.[61] Charlotte, Sarah, and Thomas remained in St. Louis with Lawless at the time of the riot, as is evident in their later appearance in the court documents. Even though Lawless kept Charlotte and her children together when he bought them, he may have welcomed the opportunity to profit from the subsequent sale

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MOSCD; 1830 United States Federal Census, St. Louis Upper Ward, St. Louis, Missouri, p. 364, National Archives Microfilm M19, Roll 72, Ancestry.com.

[60] *Armistead Lawless v. Auguste Guelbreth*, July 1841, Case No. 46, SLCCF; *Armistead Lawless, Hugh Lackey, and John W. Paulding v. Augustus Guelbreth*, November 1842, Case No. 46, MOSCD. For more on these legal cases, see below, chapter III.

[61] I am speculating on the possible reasons for Hampton's and Charles's departures. Ira Berlin highlights the need for cotton planters to have young men and women who were strong enough to transform the American frontier into profitable plantations between 1810 and 1861. He quotes one man as advising, "It is better to buy *none in families*, but to *select only first choice, first rate, young hands from 14 to 25 years of age,* (buying no children or aged negroes)." While Charles would have been a child and may not have fit into this desired labor force, Hampton was near the preferred age. See Berlin, *Generations of Captivity*, 169.

of the older boys later. In the context of Lawless's pursuit of wealth, such speculation seems warranted.[62] While we cannot definitively state what happened to Hampton and Charles, we can say with certainty that Charlotte faced the heartbreaking reality of slavery ripping her young children away from her, a system in which Lawless played a role and from which he benefitted.

In the light of Lawless's ability to understand the market and his other business decisions, Lawless's purchase of Charlotte raises further questions about his intentions and business practices with women. Unfortunately, no documents exist to clearly illuminate the operations of Lawless's bawdyhouse, his management of sex workers, or whom he employed in the Goosehorn. The reality for working-class free women in antebellum America, both Black and white, was the need to survive by laboring for a wage. Many turned to sex work. Working in bawdyhouses provided women with housing, the opportunity to survive, and a degree of independence over their labor, depending on the formal or informal nature of the work.[63] It is important to understand that for these women, sex work could be both a choice and a necessity.

As the property owner, Lawless would have had considerable power over the women he employed and their sexual labor. Lawless's situation further reflects the complicated racial and sexual dynamics of the power property ownership conferred for free African Americans. Depending on the scale and atmosphere of the establishment, owners and madams had flexibility in disciplining sex workers and enforcing standards of

[62] There are other possibilities for the disappearance of Hampton and Charles. It is possible the original sale was faulty, so Lawless never actually owned them. It is also sadly possible Hampton and Charles both died, especially considering the violent and traumatic effects of slavery on children. For more on the domestic slave trade and slave markets, see Baptist, *The Half Has Never Been Told*; Deyle, *Carry Me Back*; Johnson, *Soul by Soul*.
[63] See Hemphill, *Bawdy City,* 48-76.

cleanliness and genteel behavior.[64] It is likely that Lawless enacted such power in his establishment with the help of a madam. A white woman, Margaret, resided in his boardinghouse as a "housekeeper." She later appears in court documents as a witness, and several witnesses described her as his "wife."[65] In 1828, Mahala Smith, another white woman, accused Lawless of stealing a trunk of bonnets and headdresses worth $300 that she had brought into the Goosehorn. Lawless fought the case all the way to the Missouri Supreme Court on the foundation of technicalities, but he claimed that the trunk and its contents belonged to Margaret.[66] This situation further affirms Margaret's connections and importance in the Goosehorn. Her prominent appearance in the court cases because of her connections with Lawless, makes it likely that they worked together in some capacity.

In addition to Margaret's prominent role in the bawdyhouse, it is also probable that Lawless employed white women as sex workers. In a later court case, a witness testified that "[t]here were females in the house called the Goose Horn, principally white."[67] Nineteenth-century court documents make it difficult to discern in what context

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[64] Hemphill, *Bawdy City*, 66-67.

[65] Margaret is elusive because of discrepancies of her surname. Various spellings include "Huay," "Hughe," and "Hugy." Her ability to testify in the St. Louis Circuit Court indicates that she was white. For more on Margaret, see below, chapter III. *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[66] *Mahala Smith v. Armstead Lawless v. Armstead Lawless*, July 1828, Case No. 43, SLCCF; *Mahala Smith v. Armstead Lawless,* September 1829, Case No. 23, MOSCD.

[67] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD. According to the barely discernable 1830 Federal Census, Lawless's household contained ten African Americans and ten white people. Two of these ten white people were young white men, but eight of them were young white women and children. It is unclear who these white women were and what they were doing in Lawless's household, but evidence indicates at least some of them could have been sex workers. They also could have been Lawless's children. One court official

the witness was discussing the Goosehorn's inhabitants, but his statement was charged with sexual and racial power dynamics. The same witness asserted Lawless was "a negro."[68] Lawless, a Black man, resided with or controlled white women in some capacity. While no documents exist to illuminate how Lawless managed his bawdyhouse, this type of property ownership allowed him to wield power over white women in ways uncomfortable and horrifying to many whites.[69]

Black women, free and enslaved, faced more challenges as sex workers. In early nineteenth-century Baltimore, Black sex workers and interracial sex were common in bawdyhouses. When the establishments became commercialized and formalized, taking the form of parlor houses and brothels, Black women were often excluded because of their perceived hypersexuality in "houses that catered to male fantasies of deflowering innocence."[70] Enslaved women also worked in bawdyhouses as forced sex workers or housekeepers. Judith Schafer found evidence of enslaved women working in bawdyhouses that served white men in New Orleans, which she links to increased tolerance of interracial sexual relations in the city.[71] Some of these enslaved women were forced into sex work in brothels, with owners in New Orleans even filing advertisements

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delivering a notice to Lawless's residence in 1831 reported he left a copy of the order with a "free white member of his family over the age of fifteen years." It is unclear who this person was. See *Cornelius M. Campbell and John Woolfolk v. Armstead Lawless,* July 1832, Case No. 131, SLCCF; 1830 United States Federal Census, St. Louis Upper Ward, St. Louis, Missouri, p. 364, National Archives Microfilm M19, Roll 72, Ancestry.com.

[68] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[69] Martha Elizabeth Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997); Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003).

[70] Hemphill, *Bawdy City,* 65-66.

[71] Schafer, *Brothels, Depravity, and Abandoned Women*, 35.

for runaway enslaved women who were "supposed to board in one of the prostitute houses in this city."[72] This coercion highlights the sexual vulnerability of enslaved women, whether on plantations, in the slave trade, or in bawdyhouses.

The unexplored dynamics of St. Louis's bawdyhouses make it difficult to fully discern the sexual economy, but the presence of enslaved people in bawdyhouses in other cities provides a foundation for speculation. While it is likely that Lawless employed white women as sex workers, a common practice, it is also probable that Charlotte was an enslaved sex worker, forced into prostitution by Lawless. If she was a sex worker and he also employed white women, Lawless's bawdyhouse was interracial.[73] No details exist about Charlotte prior to her sale to Lawless, so the record is unclear as to what kind of enslaved labor she was doing before she arrived at the Goosehorn. What was clear, however, was that she became unattractive in the slave market because of her poor reputation as a resident in an infamous bawdyhouse. In depositions about the aftermath of the riot that destroyed Lawless's property, witnesses described the difficulty of selling Charlotte. "The negro woman having been an inmate of the 'Goose horn' her character had also become infamous," one witness testified, "and she was owing to this fact of much less value than she otherwise would have been." Charlotte eventually sold for

[72] Quoted in Schafer, *Brothels, Depravity, and Abandoned Women*, 42.
[73] Katie Hemphill asserts that sex between Black sex workers and white men was common in Baltimore's sex trade because of the fluid nature of the city. Free Black brothel owners often employed Black women in their establishments but employing both white and Black women in the same establishment was rare. Judith Schafer hints at this possibility in New Orleans in one example that highlights violence against racially integrated bawdyhouses: "The police arrested the inhabitants of the brothel – three white men, one white woman, three slave woman, and two free women of color – as being implicated in the stabbing." It is unclear who operated the bawdyhouse or who worked a sex workers, but the mix of women and men indicates the possibility of both white and Black sex workers. See Hemphill, *Bawdy City,* 37, and Schafer, *Brothels, Depravity, and Abandoned Women*, 44-45.

$300.[74] Other witnesses expressed similar sentiments about Charlotte's reputation from having lived on the "Goosehorn lot" as well as her inability to "live as well as other negro women."[75]

It is unclear if Charlotte was a "fancy girl," an enslaved woman sold specifically for sexual exploitation, often to become a slaveowner's "concubine." The "fancy trade" and the fetishization and commodification of Black women's bodies were central economic components of slavery.[76] The fancy trade was lucrative, and "fancy girls" often sold for as much as "three hundred percent of the median prices in a given year."[77] In a market where "fancy" enslaved women usually sold for high prices, it is surprising that Charlotte's reputation and economic value suffered because of her connection to sex work and bawdyhouses. Perhaps Charlotte was not considered part of the fancy trade, where women were more valuable if they possessed attributes, like lighter skin or exposure to high culture.[78] If Charlotte was sold in St. Louis, local knowledge may have

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[74] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD. These witnesses also indicate that, in addition to selling Charlotte for $300, they sold her remaining two young children, Sarah and Thomas, for $100. It is also worth noting the psychological and emotional impact losing her last two children would have had on Charlotte, especially after the probable sale of Hampton and Charles. I would be remiss if I did not include these heart wrenching casualties of slavery, one of many, in this story.

[75] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD. This witness states that the "Goosehorn lot were notorious as bawdyhouses" indicating in the presence of other bawdyhouses and a deeper sexual economy. For more on the notoriety of the "Goosehorn lot," see below, chapter II.

[76] Edward E. Baptist, "'Cuffy,' 'Fancy Maids,' and 'One-Eyed Men': Rape, Commodification, and the Domestic Slave Trade in the United States," *The American Historical Review* 106, no. 5 (2001): 1619–59; Baptist, *The Half Has Never Been Told;* Sharony Green, "'Mr Ballard, I Am Compelled to Write Again': Beyond Bedrooms and Brothels, a Fancy Girl Speaks," *Black Women, Gender, and Families* 5, no. 1 (Spring 2011): 17–40.

[77] Johnson, *Soul by Soul*, 113.

[78] Green, "'Mr Ballard, I Am Compelled to Write Again,'" 19-20.

played a part in the construction of her negative reputation, as opposed to how the fancy trade operated in the Deep South. For example, since the population of St. Louis was still relatively small in the 1830s, rumor and knowledge of the notorious Goosehorn may have spread quickly and affected her sale. Charlotte's situation illuminates the intricacies of slavery and sexual exploitation on a local and national level, as well as the horrific unpredictability of life in bondage. What is clear is that Charlotte's presence in Lawless's bawdyhouse affected her sale, her reputation, her family, and her life.[79]

No witness stated what type of work Charlotte did in the Goosehorn, so she may have been a housekeeper or worked in other domestic capacities. However, with numerous witnesses commenting on her reputation and the difficulty of her sale, it seems likely that she was a forced sex worker. Even more crucial to this analysis, however, is the degree of coercion and power between Lawless and Charlotte. In a world where Black women were already sexually vulnerable and exploited, buying an enslaved woman and forcing her into sex work portrays Lawless as a free African American ruthless in his pursuit of wealth and power. If Charlotte was a "fancy" girl, Lawless's purchase and display of her gave him power. Referring to the men who participated in the "fancy trade," Walter Johnson writes that "[t]hese slaveholders showed that they had the power to purchase what was forbidden and the audacity to show it off. To buy a 'fancy' was to flirt publicly with the boundaries of acceptable sociability."[80] Combined with his likely sale of her children, which forcibly separated her from those she loved, these

[79] If Charlotte was an enslaved sex worker, that fact gives weight to the possibility that the other two enslaved women in Lawless's household in 1830, both between the ages of 36 and 54, were also enslaved sex workers or did some type of domestic work. It is unclear what happened to them or if they also could not sell because of their reputation and place of residence. 1830 United States Federal Census, St. Louis Upper Ward, St. Louis, Missouri, p. 364, National Archives Microfilm M19, Roll 72, Ancestry.com.
[80] Johnson, *Soul by Soul,* 114.

dynamics reveal the extent to which Lawless went to build his property. Lawless as a Black slaveowner provides a lens into a free Black experience that rejects sweeping generalizations about respectability and survival, and instead paints a world of calculated, shrewd business decisions affecting and upending the lives of enslaved women like Charlotte.

Lawless's capitalistic choices, from the property he purchased to the way he managed it, reveal a free Black experience that contrasts dramatically with the portrayal of free Blacks in most historical scholarship. By owning a bawdyhouse, retailing liquor, and gambling, Lawless eschewed respectability.[81] Lawless appears less as a "slave without a master" or a free African American devoted to respectability and morality than as a man immersed in the workings of the market economy, seeking every opportunity for wealth and power.[82] Lawless's bawdyhouse and his interactions with Charlotte and her children reveal a free Black man determined not just to survive but to succeed economically – a success, and in actuality a freedom, defined by the power and wealth conferred by property ownership.

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Despite the power and sometimes the wealth, inherent in property ownership, free African Americans encountered significant obstacles in protecting and managing their property. Violence, legal action, and fraud threatened their hold. Free African Americans formed relationships with whites and other free people of color to help sustain control

[81] *State of Missouri v. Armstead Lawless,* November 1828, SLCCF; *State of Missouri v. Armstead Lawless,* November 1829, SLCCF; *State of Missouri v. Armstead Lawless*, July 1830, SLCCF; *State of Missouri v. Armstead Lawless*, July 1830, SLCCF; *State of Missouri v. Armstead Lawless*, July 1830, SLCCF; *State of Missouri v. Armstead Lawless*, July 1830, SLCCF.
[82] Berlin, *Slaves Without Masters*, 35.

over their property, as no one could do it completely alone. For Lawless, these relationships, primarily with white men, took the form of security in legal cases and on loans. These connections did not always yield positive outcomes, however, and Lawless faced a slew of lawsuits by his neighbors in St. Louis, including other free African Americans. Lawless fought hard to protect his property and the legal cases illustrate the centrality of property in his free experience. These cases re-emphasize his disregard for respectability and his rejection of the African American community, revealing tensions in the free Black experience. Taken together, the legal cases illuminate Lawless's experience of freedom and property ownership in St. Louis.

Lawless was no stranger to the law. From 1823, when he was an enslaved man, until the eve of the riot that destroyed his property in 1832, Lawless was hauled into court for over twenty-two charges, including larceny, retailing of liquor, owning a bawdyhouse, betting at faro, and theft.[83] As a repeat defendant, Lawless had consistent contact with both civil and criminal law, the court commissioners and the justices of the peace, his lawyers, and the plaintiffs who filed charges against him. A prominent feature of Lawless's early free experience was his interaction with the law.[84]

Real and alleged, the charges against Lawless reveal striking details about the ways he interacted with those around him, mainly other free people of color. Lawless's property was a central piece of his relationships with other St. Louisans, as property ownership was social and informal, as well as formal.[85] Like respectability, community

[83] For a full list of the legal cases against Lawless, see Appendix, Table 1.
[84] For more on Lawless's relationship with the law in St. Louis's legal culture, see below, chapter III.
[85] As Kimberly Welch explains, "Property is not just 'stuff'...property is also relational; it embodies the ways people construct relationships *through* things rather than a person's relationship *to* things." Welch, *Black Litigants*, 20, emphasis author's. For enslaved people who owned property, their experience included a dense extralegal economy that governed informal understandings and negotiations of property, defined by family and community. See Penningroth, *The Claims of Kinfolk.*

was central to the free Black experience.[86] These communities, often centered on a Black church and benevolent societies, provided free people of color a sense of security and improvement in an unsafe society.[87] People turned to each other for support, creating networks of religion, family, culture, and communication. Free African Americans valued these community institutions and connections as a "reservoir of strength for the free Negro community."[88]

While there is no definitive study of the free African American community in early nineteenth-century St. Louis, Lawless's experiences with other free people of color in the city demonstrates that he struggled with and rejected any kind of community. Historian Julie Winch brings alive two incidents involving Lawless and various members of the Clamorgan family that illustrate this point.

> In the spring of 1826 [Cyprian Clamorgan and Lawless] bought a bunch of lottery tickets and drew as a prize a considerable quantity of silverware. Lawless picked up the silverware and seemed inclined to hang on to all of it. Cyprian sent him a terse note telling him to turn over a half share to a white friend of his, Charles Collins...Lawless neglected to do so, and the matter ended up in court.[89]

The second incident occurred with Apoline Clamorgan, a "shrewd businesswoman," who understood the law and the banking system. Apoline frequently extended loans and had a notorious reputation of hauling debtors to court when they did not pay her back. Lawless was one of these debtors: "[Apoline alleged] that [Lawless] had talked her into lending him one hundred dollars and then neglected to pay her back. She wanted her money, plus damages for nonpayment, and she insisted the magistrate make Lawless post a substantial

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[86] See Harris, *In the Shadow of Slavery*; Taylor, *Frontiers of Freedom*; and Winch, *Philadelphia's Black Elite*.
[87] See Berlin, *Slaves Without Masters,* 284-315.
[88] Berlin, *Slaves Without Masters*, 314.
[89] Winch, *The Clamorgans,* 97; CCRB No. 5, April 14, 1828, 133. This Cyprian Clamorgan was an ancestor of the Cyprian Clamorgan who wrote *The Colored Aristocracy* and owned the barbershop.

bond, since she had doubts about whether he would turn up for his trial."[90] Clearly, their relationship was negative and Apoline had preconceived notions about Lawless's reliability. Perhaps Lawless's illiterate status or his modes of property, a bawdyhouse and other enslaved people, turned the Clamorgan family against him.[91] Given the social standing and power of the Clamorgan family, Lawless's poor relationship with them suggests the status of his reputation and standing with other free people of color in St. Louis.[92]

Excluded from networks or the support of other free African Americans, Lawless relied on transactional connections with white men in the city to act as security in his legal cases, loan him money, and defend him in court. George Strother, a well-known lawyer in St. Louis, represented Lawless frequently, along with other lawyers.[93] Prominent men such as Clayton Tiffin, Beriah Cleland, and Benjamin Ames acted as security for hundreds of dollars in Circuit Court cases with various charges against Lawless.[94] Numerous debt cases in the St. Louis Circuit Court reveal the extent to which

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[90] Winch, *The Clamorgans*, 106. Emphasis added.

[91] This negative relationship is interesting because historian Juliet E. K. Walker reports instances where free Black bawdyhouse owners actually earned the respect of the Black community. Men like Richard Taylor and Clinton James ran enterprises for alcohol, gambling, and sex work. She states, "As profitable and successful operators of these enterprises, James, Taylor, and others like them gained the respect of the black community and often emerged as their leaders." Walker, *The History of Black Business*, 137.

[92] My purpose is to highlight Lawless's rejection of community as significant for his own life. It is clear that to some degree he was an outcast, especially among the Clamorgan family and their associates in St. Louis. Lawless is an example of the human tensions inherent in the free Black experience.

[93] *City of St. Louis v. Armstead Lawless*, March 1832, Case No. 91, SLCCF. Anne Twitty explores the motives of white lawyers in St. Louis to defend enslaved people in freedom suits. In other regions of the United States, lawyers who prosecuted freedom suits or defended people of color were staunch abolitionists or motivated by some degree of antislavery feeling. In St. Louis, Twitty finds that while some may have been motivated by antislavery opinions, most white lawyers took on cases to make a living or out of a dedication to legal formalism. See Twitty, *Before Dred Scott,* 96-125.

[94] Many white men acted as security for Lawless in court cases. Joseph Branson: *State of Missouri v. Armstead Lawless*, July 1826, SLCCF; CCRB No. 4, July 27, 1826, 372-373; Willis M. Green: CCRB No. 4, January 9, 1827, 471; Benjamin Ames: *State of Missouri v. Armstead Lawless,* November 1829, SLCCF; CCRB No. 5, January 15, 1829, 221; Wilson A Bell: *State of Missouri v. Armstead Lawless,* November 1829, SLCCF; CCRB No. 5, January 9, 1930, 407-488; CCRB No. 5, January 9, 1830, 510; Samuel Phillips and John Bent: *State of Missouri v. Armstead Lawless*, July 1826, SLCCF; CCRB No. 5, March 23,

white men in the city loaned Lawless money, which he often refused to repay.[95] In some cases, the men accused Lawless of defrauding them. Francis Dion sued Lawless in 1829 for the trover and conversion of firewood, in which Lawless either stole the wood or refused to pay Dion for it. Dion sued for damages, which he later won, angrily describing Lawless as attempting to "deceive and defraud him."[96] It even appears that Lawless maintained an economic relationship with his former owner's family, owing them money for hiring out two enslaved men from their estate and Lawless himself working for wages by digging graves.[97]

Like property ownership, debt and security networks could be transactional. They represented capital and credit moving between the hands of men as the market economy expanded. It is unclear how these connections came to be, but the resulting relationships rested on a degree of mutual trust and obligation. Clearly, men like Beriah Cleland recognized a potential benefit in supporting Lawless and employed a degree of trust when forming credit relationships with him. Perhaps Lawless recognized that he had a better chance of surviving and protecting his property if he connected with white men instead of

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1830, 494; Beriah Cleland: *Francois Dion v. Armstead Lawless*, March 1830, Case No. 80, SLCCF; CCRB No. 6, August 19, 1830, 56; *John LaTresse v. Armistead Lawless*, July 1832, Case No. 140, SLCCF; CCRB, No. 6, August 22, 1832, 391; *Cornelius M. Campbell and John Woolfolk v. Armstead Lawless,* July 1832, Case No. 131, SLCCF; CCRB No. 6, May 1, 1833, 479-480; and Clayton Tiffin: *City of St. Louis v. Armstead Lawless*, March 1832, Case No. 91, SLCCF; CCRB No. 6, May 7, 1832, 321.

[95] *Beriah Cleland v. Armistead Lawless*, August 1826, SLCCF; *Joseph C. Laveille and George Morton v. Armistead Lawless,* August 1826, SLCCF; *John Kelly v. Armstead Lawless,* July 1827, Case No. 54, SLCCF; *Ames Hill v. Armstead Lawless,* November 1828, Case No. 47, SLCCF; *Francois Dion v. Armstead Lawless*, March 1830, Case No. 80, SLCCF; *Burwell Lawless v. Armistead Lawless*, July 1832, Case No. 67, SLCCF; *Cornelius M. Campbell and John Woolfolk v. Armstead Lawless,* July 1832, Case No. 131, SLCCF; *John LaTresse v. Armistead Lawless*, July 1832, Case No. 140, SLCCF; *Samuel T. and James G.A. McKenney v. Armstead Lawless*, July 1832, Case No. 76, SLCCF; *Jeremiah Millington v. Armstead Lawless*, November 1832, Case No. 138, SLCCF (for assumpsit or breach of contract); *Julius Vairin and John W. Reel v. Armstead Lawless*, March 1832, Case No. 54, SLCCF.

[96] *Francois Dion v. Armstead Lawless*, March 1830, Case No. 80, SLCCF; CCRB No. 6, August 19, 1830, 56.

[97] St. Louis City Probate Court, Record of Wills, St. Louis, Missouri, Vol. A1, *Missouri, U.S., Wills and Probate Records, 1766-1988,* Ancestry.com; *John Kelly v. Armstead Lawless,* July 1827, Case No. 54, SLCCF; *Burwell Lawless v. Armistead Lawless*, July 1832, Case No. 67, SLCCF

other free African Americans. It is also possible that these relationships afforded him some social and economic power in the city, allowing him to endure multiple, expensive legal proceedings, operate his bawdyhouse, expand his property, and work toward one of his obvious goals: accumulating wealth.[98] Whatever his motivations, some of these transactional relationships and their social implications present a contrast to Lawless's experiences with the Clamorgan family, and probably with other free people of color.[99]

While these relationships were founded on mutual obligation and trust and possibly afforded Lawless some protection and power, he often did not uphold his side of the bargain. The sheer number of debt cases involving Lawless as defendant suggests his intentions. Between 1826 and 1832, claimants hauled Lawless into court at least twelve times for unpaid debts.[100] In one instance, the plaintiffs Cornelius Campbell and John Woolfolk, doing business as Campbell and Woolfolk, sued Lawless for unpaid debts for medical services they had rendered to his family or members of his household. Lawless refused to settle the account and remarked it would not be "convenient" for him to pay the account at the time and there was confusion over whether or not some of the medical

[98] Ira Berlin argues that the alliances necessary for property ownership and becoming successful increased free African Americans' reliance on whites. Elite free African Americans frequently had help from white parents or benefactors when climbing the economic ladder. Berlin, *Slaves Without Masters*, 247.
[99] Lawless himself acted as security on one case for Samuel Urie, another bawdyhouse owner in St. Louis. It appears that Urie failed to appear in court and Lawless had to forfeit his $300 security bond. *State of Missouri v. Samuel Urie*, 1832, SLCCF; *State of Missouri v. Armistead Lawless*, July 1832, Case No. 110, SLCCF; *State of Missouri v. Armstead Lawless*, November 1832, Case No. 88, SLCCF.
[100] *Beriah Cleland v. Armistead Lawless*, August 1826, SLCCF; *Joseph C. Laveille and George Morton v. Armistead Lawless,* August 1826, SLCCF; *Apoline Clamorgan v. Armistead Lawless*, November 1826, Case No. 12, SLCCF; *John Kelly v. Armstead Lawless,* July 1827, Case No. 54, SLCCF; *Ames Hill v. Armstead Lawless,* November 1828, Case No. 47, SLCCF; *Francois Dion v. Armstead Lawless*, March 1830, Case No. 80, SLCCF; *Julius Vairin and John W. Reel v. Armstead Lawless*, March 1832, Case No. 54, SLCCF; *Burwell Lawless v. Armistead Lawless*, July 1832, Case No. 67, SLCCF; *Cornelius M. Campbell and John Woolfolk v. Armstead Lawless,* July 1832, Case No. 131, SLCCF; *John LaTresse v. Armistead Lawless*, July 1832, Case No. 140, SLCCF; *Samuel T. and James G.A. McKenney v. Armstead Lawless*, July 1832, Case No. 76, SLCCF; *Jeremiah Millington v. Armstead Lawless*, November 1832, Case No. 138, SLCCF; CCRB No. 5, April 14, 1828, 133.

services were "charity." In the end, the court required Lawless to pay $50.50 on the account, $4.84 for damages, and court costs.[101] This case is fairly representative of the other eleven, which followed the same pattern of Lawless operating on credit, refusing to pay, and then being taken to court. Some were successful and others were not. It is easy to hypothesize as to what these debt cases would have done for Lawless's relationships and his reputation in St. Louis, but perhaps building relationships and community were not his primary goals or desires. Borrowing money, building up lucrative property, absorbing the power and status of property ownership, and refusing to repay debts to the detriment of relationships and trust still yielded wealth. As his choices have illustrated, wealth and property were Lawless's goals.

By 1832 a series of legal cases and illicit behavior had likely taken a toll on Lawless's reputation and connections. Based on his interactions with the Clamorgan family and his other creditors, it does not appear Lawless had many friends or connections. In a deposition taken in a later court case, Lawless's trustee, Clayton Tiffin, pointedly remarked, "Lawless had but few friends who were disposed to help him" at the time of the 1832 riot.[102] It also appears that Lawless recognized the implications of his behavior and how his property drove a wedge between him and the inhabitants of St. Louis. Following an appeal for a venue change in one of Lawless's bawdyhouse cases in 1827, the court recorder wrote, "Upon the affidavit of the defendant that the people of this county are so prejudiced against him that he cannot obtain a fair trial it is ordered that

[101] *Cornelius M. Campbell and John Woolfolk v. Armstead Lawless,* July 1832, Case No. 131, SLCCF.
[102] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

the venue be changed to the county of Jefferson."[103] Lawless's plea for a new venue suggests that he understood his place in St. Louis and his frayed relationships with those around him.

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As St. Louis Circuit Court recorder Alexander Stuart finished his entries and closed the heavy record book on that Saturday in 1825, a new world opened up for the freshly manumitted Armistead Lawless. He seized the opportunity to capitalize on his freedom, turning it into wealth, property, and power. Lawless's early experiences with freedom and property in St. Louis reveal how one free Black man moved through an antebellum world constructed to oppress and limit his opportunities. Lawless's capitalistic devotion to wealth, at the expense of community, friendship, and respectability illuminates how he defined and experienced his freedom. Property was central to his understanding of freedom, evident in his acquisition of lots, a bawdyhouse, and enslaved people. On the eve of the 1832 riot, Lawless had accumulated significant holdings, operated a notorious illicit establishment, moved in and out of the legal system, quarreled with his neighbors, and relied on white neighbors to protect the property and wealth he valued most. But freedom for free African Americans was never secure, even in property ownership, and Lawless soon lost it all.

[103] CCRB, No. 4, January 9, 1827, 471.

Chapter II: "If I could raise 20 citizens I would tear the house down"

On the morning of May 18, 1832, neighbors found a murdered man covered in blood on Second Street, just outside of the Goosehorn. Enraged at the incident, they quickly assembled a mob of angry white men. More than twenty angry white men swarmed the property, which consisted of three brick buildings: the bawdyhouse, Lawless's residence, and an unfinished tavern. They descended on the bawdyhouse, gutting it, tearing down the walls, ripping the beds to pieces, and throwing the furniture out the windows. In their rage, they pulled down the dance room, smashed the windows, and tore down the doors, utterly destroying the bawdyhouse. The other buildings on the lot sustained less, but still significant, amount of damage. Lawless looked on, watching the mob annihilate the center of his livelihood and the symbol of his freedom. The men then turned their attention to Lawless, who refused to abandon his property. Seizing the free Black man, they assaulted him, dumping a keg of tar on him, covering him in Spanish moss, and feathering him with the feathers from a bed. A leader of the mob, John Calvert, later recalled the mob's delirious rage at Lawless, going so far to dump an extra keg of tar while a group of physicians attempted to treat him. He described Lawless as "suffering much."[1]

For Armistead Lawless, the riot marked a drastic turning point in his life and in his aspirations as a property owner. In his early years as a freed man, Lawless proved himself to be a calculated business owner, willing to go to extreme lengths to accumulate

[1] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

and protect wealth. He crafted a free Black experience grounded in property ownership. As the riot demonstrates, Black freedom and property ownership were tenuous. This chapter highlights the ways in which Black property ownership was vulnerable to both targeted legal action and extralegal violence, marking the second stage in the anatomy of property ownership and revealing the catalytic dynamics of antebellum St. Louis the led to the burst of violence in 1832.

The riot against Armistead Lawless's bawdyhouse was a targeted effort to destroy a symbol of free Black economic success in St. Louis, amid tides of class struggle and moral reform in a nation ensnared in the Market Revolution. It enhances our understandings of the precariousness of Black property and freedom. The riot was fundamentally a racial riot, and Lawless joins the thousands of free African Americans who experienced racial violence in the antebellum period. At the time of the disturbance, St. Louis was undergoing dramatic shifts linked to the Panic of 1819, the Market Revolution, and the expansion of the city, shifts that created economic conflicts among white and Black workers, and in this case, against a successful property owner. The dramatic economic changes also transformed perceptions of morality and vice in St. Louis. These economic and moral anxieties were fundamentally intertwined with conceptions of race, a desired and perceived racial hierarchy, and growing anti-Black sentiment, leading the mob to destroy Lawless's property and drive him from the city. To escape the destruction of the mob, a badly injured Lawless crossed the Mississippi River into Illinois. Notwithstanding the relief of reaching safety, one can imagine the devastation Lawless felt as he looked back on the property and livelihood he had lost at the hands of a violent mob.

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On the night of Thursday, May 17, 1832, a fight broke out at Armistead Lawless's bawdyhouse, the Goosehorn, ending with a brutal murder. A sex worker, a girl nicknamed "Indian Margaret," stabbed one of the customers, a young, white tailor, in the thigh with a knife.[2] He stumbled into the street and bled to death, leaving a trail of blood down the steps of the Goosehorn. When Lawless's neighbors awoke on the morning of May 18, they were outraged at the murder, the final incident in a long list of offenses Lawless had committed while living in St. Louis. John Calvert, the owner of the livery stable across the street, assembled a mob of white men, vowing to tear down the bawdyhouse and drive Lawless from the city or kill him. Around eleven o'clock, the mob moved to confront Lawless on the edge of his bloodied front steps. Using his body to

[2] Just as I attempted to reconstruct the life and tragedy of the enslaved woman, Charlotte above in chapter I, I hope to highlight "Indian Margaret's" experience here. Unfortunately, the sources are largely silent about her. The poet William Cullen Bryant heard a rumor of the riot while he was on a steamboat on the Mississippi River and wrote in his recollections that Margaret went to prison immediately after the crime. Bryant, *Prose Writings*, 11. It appears that Margaret was sentenced for the murder a year later. When Daniel Roberts, an aspiring lawyer, wandered into the St. Louis courthouse in the spring of 1833, he was captivated by an emotional situation unfolding there: "He was charmed by the eloquence of Edward Bates (afterwards a United States attorney-general and member of President Lincoln's cabinet) in defense of a half-breed Indian girl who had stabbed and killed her lover. The jury wept and, having under Missouri law the right of determining the punishment, they gave her, 'poor Indian Margaret!' three months in the county jail." W.S. Rann, *History of Chittenden County, Vermont: With Illustrations and Biographical Sketches of Some of Its Prominent Men and Pioneers* (D. Mason & Company, 1886), 768.

Unfortunately, Margaret's story ends at her imprisonment and it is unclear what happened to her. The sources describe her as a "girl," indicating her young age. In New Orleans, there were numerous incidents of young women and girls becoming sex workers for a variety of reasons, some by their own volition and others forced by older men and women. Perhaps Margaret, like Charlotte, was enslaved by Lawless, or maybe she was incentivized by economic need to pursue sex work. Her young age and fate in jail remain one of the saddest parts of this story.

Regarding the murder of the young tailor, Antoine Lafave, it is impossible to determine Margaret's motives without having her own words. Violence was extremely common in antebellum bawdyhouses, especially when fueled by alcohol and honor. It was sadly common for women engaging in sex work to be victims of violence at the hands of customers or brothel owners, and sometimes they engaged in violent acts with each other. Given Margaret's young age and racial status, the notorious status of the bawdyhouse, and Lawless's history of enslaving women of color, I speculate that Margaret's act was self-defense against the tailor, but we do not know the precise reasons for the murder.

For more on the age of sex workers and violence in brothels, see Schafer, *Brothels, Depravity, and Abandoned Women,* chapters 3, 6, and 7.

shield his property, Lawless forbade the mob from descending on the house. Despite Calvert's warnings to step aside if he wished to survive, Lawless refused to move. The mob proceeded to demolish his property and assault him.

The "respectable inhabitants" heading the morning mob intended only to tear down the Goosehorn, but by the afternoon, other men joined the spectacle, drinking freely from an open barrel of whiskey. In a drunken furor, they "acted as *General Lynch*, gave the war whoop, and proceeded to tear down several houses," ones of a "private nature," destroying furniture as they moved through the city blocks. The mob took possession of fire hooks, commonly used to pull down buildings, to demolish houses from their foundations, burning some of them down as they went. People fled in all directions as the riot continued. One newspaper editor felt unable to adequately describe the chaotic scene.[3] A heavy rain in the evening eventually forced the men to retreat, dampening their drunken actions and limiting the extent of the property damage. By the end of the day, at least fourteen buildings had been destroyed and at least two other "respectable families were left houseless and in abject poverty." "No doubt, if a finger had been pointed at the Bank, it would have been plundered," one newspaper wryly reported. The original mob, headed by John Calvert, "intended nothing more than to demolish the house in which the murder had been committed. They did not foresee the consequences of collecting a drunken and desperate rabble," another newspaper stated. By nightfall, Armistead Lawless was left propertyless and "in almost a dying state."[4]

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[3] "Extract of a Letter Dated St. Louis, May 19, 1832," *Columbian Centinel* (Boston, MA), June 6, 1832.
[4] This narrative is compiled from various sources reporting on the riot. Bryant, *Prose Writings*, 11; Rann, *History of Chittenden County*, 768; *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD; "Extract of a Letter dated St.

The mob targeted Lawless's bawdyhouse because his status as a free Black property owner disrupted their perceived racial, moral, and economic understanding of societal order. His dedication to owning a bawdyhouse on the outskirts of the law ignited tensions among his neighbors and the ruling officials of the city. A series of lawsuits had failed to shut down the bawdyhouse, and on the eve of the 1832 riot Lawless had made more enemies than friends. In St. Louis and across the nation, reform and colonization movements, race riots against African Americans and abolitionists, and labor struggles between white and Black workers defined the 1820s and 1830s. The riot against Lawless and his bawdyhouse exemplified these tensions.

The 1832 riot against Lawless and his property is significant for what it reveals about the nature of violence in St. Louis and the ways it advances historians' conclusions about antebellum riots.[5] Historians studying rioting in the antebellum period have

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Louis, May 19, 1832, *Columbian Centinel* (Boston, MA), June 6, 1832; "At St. Louis, Missouri 18th," *Haverhill Gazette* (Haverhill, MA), June 16, 1832; "May 19th Mob," *New York Spectator*, June 8, 1832.

The extent of Lawless's injuries is unclear, although it is clear that they were severe. Tarring and feathering had become a popular practice in mid-eighteenth-century New England, often drawing a spectacle. By the 1770s, it took place "as a kind of folk ritual," with set stages and laden with symbolic meaning and humiliation. Historian Benjamin Irvin describes the ritualistic practice Lawless probably experienced: "Some victims were fortunate enough to be tarred over their clothes or protected by a frock or sheet. Others were stripped, and the tar was brushed, poured, or 'bedawbed' over their bare skin. When heated, tar would blister the skin, but there is little evidence to suggest that it regularly was...Yet even when tar was applied cool, it made for a painful experience. Once dry, tar clung tenaciously to the skin and could be removed only with a tremendous amount of scrubbing, possibly with the aid of turpentine or other chemical solvents that would further irritate the skin. Presumably, most victims lost a good deal of body hair; others may have developed tar acne, a skin condition." They were then feathered with feathers from beds, pillows, and cushions. Finally, they were often paraded through streets in an act meant to humiliate the victim. Tarring and feathering was often combined with beatings, as in Lawless's case. Benjamin H. Irvin, "Tar, Feathers, and the Enemies of American Liberties, 1768-1776," *The New England Quarterly* 76, no. 2 (June 2003): 204-6. For more on tarring and feathering in the nineteenth century and against Black people, see Hilary J. Moss, "The Tarring and Feathering of Thomas Paul Smith: Common Schools, Revolutionary Memory, and the Crisis of Black Citizenship in Antebellum Boston," *New England Quarterly* 80, no. 2 (June 2007): 218–41.

[5] In his sweeping work on 1,218 riots in the antebellum period, David Grimsted defines a riot as "Incidents where six or more people band together to enforce their will publicly by threatening or perpetrating physical injury to persons or property extralegally, ostensibly to correct problems or injustices within their society without challenging its basic structures." Grimsted argues that riots were not aberrational or rare but "a piece of the ongoing process of democratic accommodation, compromise, and uncompromisable tension between groups with different interests." Describing riots as "social exclamation points," Grimsted

categorized violence along regional divides, such as North, South, and West.[6] David Grimsted analyzes how mobbing contributed to the sectional tensions of the Civil War, arguing that violence in the North primarily occurred against white abolitionists or in favor of fugitive enslaved people, while extralegal violence, tolerated and sanctioned in the South, simplified moral ambiguities about slavery and took the form of insurrection scare riots and mobs against alleged criminals or abolitionists.[7] When constructing a timeline of antebellum mob violence, Grimsted and other historians mark 1835 as the "crest of rioting," a year with 147 riots rooted in sectional and abolitionist tensions.[8] As the United States moved toward Civil War, political and economic issues around the future and survival of slavery ignited this violence. [9]

St. Louis's status as a gateway and border city, along with its tenuous relationship to slavery and regional ambiguity, defies clear divisions between "North" and "South." When analyzing anti-Black violence in St. Louis, many historians, including Grimsted, mark the brutal lynching of the free Black sailor Francis McIntosh in 1836 as the beginning of collective racial violence in the city.[10] Born out of fears of free Black

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constructs a framework of riots as conversations and social dialogues. This framework provides insight into antebellum politics and violence. I follow both Grimsted's definition and his framework when thinking about riots as social dialogues. David Grimsted, *American Mobbing, 1828-1861: Toward Civil War* (New York: Oxford University Press, 1998), vii-xii.

[6] Grimsted, *American Mobbing*; Leonard L. Richards, *"Gentlemen of Property and Standing": Anti-Abolition Mobs in Jacksonian America* (New York: Oxford University Press, 1970); Winch, *Between Slavery and Freedom.*

[7] Grimsted, *American Mobbing*, x-xi.

[8] Grimsted, *American Mobbing*, 4; Richards, *"Gentlemen of Property and Standing."*

[9] Despite attempting to hear "those [voices] that are often historically faintest of all, those of the victims," Grimsted often excludes violence against free African Americans in the North or border states, instead focusing on riots linked to sectional tensions over slavery or violence against white abolitionists. Grimsted admits a need for a second volume detailing economic, racial, ethnic, religious, and youth tensions. Grimsted, *American Mobbing*, viii-ix. My work builds on Grimsted's, while attempting to expand our understanding of racial violence against free African Americans in a fluid, ambiguous region.

[10] Francis McIntosh was a steward and sailor on a steamboat on the Mississippi River who was involved in a scuffle with police on the levee in St. Louis. Two other sailors passed him, running from police, but the authorities instead decided to take McIntosh into custody. McIntosh injured the constable and killed the deputy sheriff out of self-protection, and the city reacted with brutal violence. Pulling him from the jail,

mobility and an "assertion of white rule over and against the rule of law...moved by the...spirit of white rage" the lynching of McIntosh violently and explicitly marked a longer tradition of racial removal in the city.[11]

Scholars have traced Missouri's relationship with free and enslaved African Americans, with recent scholarship stressing the link between violence and Black exclusion. At the Missouri State Convention in 1820, the white delegates drafted and approved a state constitution requiring the general assembly to enact "such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in this state, under any pretext whatsoever."[12] Having failed to pass a section forcing emancipated enslaved people to leave Missouri after freedom, the convention enshrined an ambivalent, but foundationally anti-Black, attitude in the state constitution and left it up to future lawmakers to decide.[13] As the early part of Lawless's life demonstrates, there

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they chained him to a tree, burned him alive, and ignored his pleas for mercy. The entire situation, from beginning to end, occurred in less than one hour.

David Grimsted uses the McIntosh lynching as an example of a particular brand of Southern sadism with no dissent, except from Northerners like the abolitionist Elijah Lovejoy. Walter Johnson describes it as "arguably the first lynching in the history of the United States" and marks the event as an example of white supremacy and white rage in St. Louis. Daniel Graff's dissertation marks the McIntosh lynching as the emergence of racialized, organized class conflict in St. Louis, alongside a strike of white journeymen tailors. James Primm highlights McIntosh's murder as the main reason for St. Louis's violent reputation.

The emphasis on McIntosh's lynching provides a useful, explicit example of racial violence and the plight of free African Americans in the antebellum period. However, in the case of St. Louis, this emphasis has often obscured the complexities of earlier racial violence, born out of economic and moral tensions. I seek to enhance the historical record on this issue. I also note that McIntosh was a visitor to St. Louis, not living there like Lawless, which may have pushed the mobs to react differently. See Grimsted, *American Mobbing,* 114-134; Johnson, *Broken Heart of America,* 73-105; Primm, *Lion of the Valley*, 175-180; Graff, "Forging an American St. Louis," 120-215.

[11] Johnson, *Broken Heart of America,* 77-79.

[12] *Laws of a Public and General Nature, of the District of Louisiana,* 29.

[13] Bellamy, "Free Blacks in Antebellum Missouri," 188-189.

was a lack of enforcement of laws against free African Americans in the 1820s, allowing them to capitalize on possibilities for freedom and property ownership.[14]

Defying traditional regional categorizations, the mob rioted against Lawless and his property because he was a successful free Black business owner that contradicted St. Louisans' constructions of moral behavior. The riot was not just about slavery; it encompassed the racial tensions of the 1820s and 1830s against free African Americans. The riot against Lawless and his property, unknown by many historians, also shifts the timeline of anti-Black violence in St. Louis from years earlier than the 1836 lynching of Francis McIntosh. Although Lawless was not murdered, the mob violently tarred, feathered, and beat him, explicitly demanding that he leave the city or die. In the end, he made it out alive.[15] The violent racial dynamics of mob violence in the city appeared earlier than 1836 in the riot against Lawless and his property, indicating a longer history of violence against African Americans.

In many ways, the violence that occurred against Lawless was not unusual. Racial violence against African Americans increased from isolated, sporadic acts of violence into larger riots and mob violence. Riots against African Americans occurred in Providence, Rhode Island, in 1824, Boston in 1826, and Cincinnati in 1829. Over the

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[14] A few historians attempt to explain why authorities did not enforce or pass more anti-Black legislation in the 1820s. Daniel Graff argues that authorities may have recognized the importance of free Black labor to the local economy, especially as it was expanding in the 1820s. James Neal Primm and Charles Van Ravenswaay document the significant municipal and political challenges facing the city in those years, so perhaps enforcing or passing laws at that time was too difficult. Graff, "Forging An American St. Louis," 1-168; Primm, *Lion of the Valley,* 72-187*;* Van Ravenswaay, *St. Louis,* 146-275.

[15] In his exploration of Southern mob violence, he describes tarring and feathering and other humiliating or less violent, not fatal acts as "mild mob humiliations" that were "reserved for white victims only," as his sample of riots demonstrates. However, tarring and feathering could be extremely violent and traumatic, and in the case of Armistead Lawless, it was paired with a physical beating. The St. Louis mob did not intend to just mildly humiliate him, it intended to hurt or kill him. Additionally, of course, Lawless was not a white victim but a free person of color, thus challenging Grimsted's conclusions about that particular form of violence. Grimsted, *American Mobbing*, 104-105.

course of fifteen years, four riots took place in Philadelphia.[16] White hostility to African American freedom, mobility, economic success, and vice ignited these riots. The mob violence against Lawless in 1832 fits into this larger trend of race riots across the United States in the 1820s and 1830s. While economic success and entrepreneurship defined Armistead Lawless's early experience with freedom, violence determined if and for how long he would survive in St. Louis.

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The violence unleashed by the mob on the morning of May 18, 1832, resulted from economic changes that were part of the Market Revolution sweeping the nation. Economic life changed considerably for St. Louisans, both white and Black, as they attempted to adjust to a new capitalist system. A white working class emerged in the city, joined by white men from the Missouri countryside and other slave states who had failed to achieve slaveholding status. White workers were defined by rage and resentment towards those they viewed as the cause of their economic woes: African Americans, especially free African Americans, who seemed to be successful or who competed with them for wage labor. Armistead Lawless was caught in this sentiment.

Economic insecurity, panics, and conflicts existed in the shadow of the economic and infrastructural changes of the Market Revolution. In 1819, unstable lending practices not backed by a central currency led to a crisis of inflation, debt, and bankruptcy, known as the Panic of 1819. Americans began to experience the insecurity of the new economic system as involuntary unemployment spiked, a fall in agricultural prices made it impossible for farmers to repay their loans, and people in rural areas turned back to

[16] Winch, *Between Slavery and Freedom*, 73.

subsistence production.[17] Economic panics and depressions followed years of prosperity, launching Americans into a cycle of economic insecurity. Seeking explanations in the face of new economic anxieties, Americans turned to scapegoating men and women who were tempted by "easy money and high living," people who seemed to have rejected perceived sensible and traditional values. Even worse were the "heartless enforcers of contracts," or modern bankers and creditors, who ensnared innocent people into an insecure capitalistic machine.[18] While the Market Revolution dramatically transformed the country in positive and progressive ways, it also introduced and exacerbated tensions.

Anxieties about economic status and class tensions defined the economic growth of the antebellum period. The breakdown of the family farm economy also led to a breakdown of the artisan craft economy and of artisan republicanism, disconnecting individuals from land or landownership and defining a labor relationship through wages. These journeymen, tied to wages, bonded against their masters and formed "the working class."[19] This new capitalist working class had its own politics, rhetoric, and tensions, grounded in an identity as white wage laborers.[20]

Forced to live in an uneven, volatile wage labor system without traditional possibilities of independent landownership and straining to compete for jobs and wages

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[17] I use John Lauritz Larson's term "involuntary unemployment," to emphasize a shift in Americans' thinking about vagrancy. "For the first time since Independence, on such a massive scale, Americans experienced widespread distress through *involuntary* unemployment – that is, those who *would* work could not find paying work to do," he writes. There was a clear tension about unemployment, which would dominate discourse well into the nineteenth century. Larson, *The Market Revolution in America,* 39-45 (emphasis author's). For more on how antebellum St. Louis managed unemployment and vagrancy, see Reichard, "Origins of Urban Police."

[18] Larson, *The Market Revolution in America*, 42-43.

[19] Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 2004).

[20] Wilentz, *Chants Democratic*; David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991).

with free and enslaved African Americans, white workers often expressed their rage against Black people.[21] This was especially the case in St. Louis. Many of the white men who settled in the burgeoning gateway city hoped for better land and economic opportunities. They fled slaveholding states like Virginia where non-slaveholding working-class white men were a minority, subjected to the political domination of slaveholders who increased their based on the number of people they owned.[22] These non-slaveholding and working-class men may have aspired to slaveholding status but struggled to achieve it and missed out on the power slaveholding status conferred.[23] In the city of St. Louis, where only 14 percent of white households owned an enslaved person, they hoped for better economic and political opportunities without powerful slaveholders in their way. The provision of Missouri's 1820 Constitution dictating that no free African Americans could settle in the state, while not yet strictly enforced, boosted non-slaveholding and working-class white men's goals of economic success and superiority based on skin color.[24] Like their white working-class counterparts nationally, workers in St. Louis responded to the Panic of 1819 with sensitivity to the influx of free African Americans seeking economic opportunity, often working competitively for wages as low paid domestic servants, laundry workers, and unskilled laborers.[25]

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[21] Graff, "Forging An American St. Louis"; Roediger, *The Wages of Whiteness*.
[22] Johnson, *Broken Heart of America*, 84.
[23] Walter Johnson argues that non-slaveholders had a unique and often frustrating experience, especially in the Deep South: "As long as they did not go so far as to diminish the value held by actual slaveholders, non-slaveholding white men were baited by a hope that they might one day accede to a full share in slavery...Yet the very identification of these men by the term '*non*slaveholders' marked them as somehow incomplete—men defined by what they were not, rather than what they were. They were certainly not slaveholders, and perhaps not properly Southerners...or proper men*."* Johnson*, River of Dark Dreams*, 343; For more on non-slaveholders and power, see Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995); Johnson, *Soul by Soul*.
[24] Johnson, *Broken Heart of America*, 84-85.
[25] Graff, "Forging An American St. Louis," 126.

In the wake of economic competition and rage against free African Americans, Lawless's status as a free Black property owner may have disrupted a sense of class and racial order. When the mob assembled on the morning of May 18, 1832, they specifically sought to tear down Lawless's property and, in their rage, saw his property as part of their discontent. They arrived to "pull down the house," warning him to get out of the way.[26] When a rumor of the riot reached famed poet William Cullen Bryant, traveling on a steamboat on the Mississippi River, he wrote that Lawless "was the owner of fourteen of the [bawdyhouses destroyed], having made a fortune in this way."[27] While rumor probably exaggerated the magnitude of Lawless's property ownership, its representation of a large fortune suggests deeper anxieties about his economic status in the city. In the context of these economic anxieties, Lawless was a threat.

Perhaps these deeper anxieties motivated the mob to act against Lawless's bawdyhouse and contributed to the riot spiraling out of control in the afternoon. The original mob from the morning planned only on targeting Lawless's bawdyhouse. His neighbor across Second Street and owner of the city's livery stable, John Calvert, later reflected on his goals when forming the mob. "I then said if I could raise 20 citizens," he

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[26] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[27] Receiving his information from a rumor, Bryant made few mistakes when describing the riot. In addition to describing Lawless as the owner of fourteen bawdyhouses, he also mistakenly names him as "Abraham." The two historians who have written about the riot use Bryant's interpretation, furthering Lawless's obscurity. Writing about the struggle between St. Louis's "frontier character and the civilized qualities it so eagerly wished to acquire," Kerry Trask recounts the riot using Bryant's information. The other scholar who describes the riot, Maximillian Reichard, also uses Bryant's recollection. Curiously, Reichard certainly had access to newspaper and city records about Lawless's bawdyhouse, but he never refers to him by name (except once as Abraham in a footnote). Bryant, *Prose Writings*, 11; Reichard, "Origins of Urban Police"; Kerry A. Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt and Co., 2006), 53-54.

remarked, "I would tear the house down."[28] They targeted Lawless's property, the symbol of his economic success. Later, the mob had grown as more men joined and "having a barrel of whiskey, with one head out, a number of them drank freely," while Calvert's mob looked on with horror as the destruction continued.[29] Mobs, especially Northern anti-abolition ones, that developed without prior planning or organization were more likely to spiral out of control, more likely to include "lower-class citizens," and were likely to be increasingly violent if free African Americans were the primary targets.[30] While the sources are silent as to who made up the mob that attacked Lawless, it appears that working-class men were part of the mob that played a role in the destruction of Lawless's bawdyhouse and other properties in the city.

The murder of the young tailor, Antoine Lafave, exacerbated tensions.[31] When the neighbors awoke on May 18, they found a young, presumably white, tailor dead in the street with "blood all around him" and "marks of blood from the place where he lay to the doorsteps of the Goosehorn."[32] Deemed "respectable looking" by newspaper

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[28] Quotation from *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[29] "May 19th Mob," *New York Spectator*, June 8, 1832; For more on the public drinking habits of journeymen and the backlash against that behavior, see Roediger, *The Wages of Whiteness* and Wilentz, *Chants Democratic*.

[30] Richards, *"Gentlemen of Property and Standing,"* 84-85.

[31] No account of the riot mentions Lafave by name, only referring to him as a respectable young tailor. A coroner's inquest file in the St. Louis Circuit Court reveals a man by the name of "Lafave" died from a knife wound on May 18, with the inquest filed on May 19, 1832. I could not obtain access to the full record, so I only have the archival notes. The 1830 United States Federal Census recorded an "Antoine Lafave," between the ages of 30 and 39 as living in St. Louis' Middle Ward with a white woman between the ages of 20 and 29 and a child between the ages of 10 and 14, presumably his wife and daughter. *Lafave*, 1832, SLCCF; 1830 United States Census, St. Louis Middle Ward, St. Louis, Missouri, p. 356, National Archives Microfilm M19, Roll 72, Ancestry.com.

[32] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38,

coverage of the event, Lafave died from a knife stab wound to his thigh following a quarrel in the bawdyhouse.[33] John Calvert, along with other members of the morning mob, declared the Lafave's death to be a secondary catalyst for tearing down Lawless's property. "The infamy which attached to the property was one of the causes no doubt of its destruction by the mob but the immediate cause second to be the murder of a man about the premises on the night previous," a witness to the riot later claimed.[34]

The tailor's murder raises some deeper questions about the riot. Did John Calvert and the mob simply react to the murder as an assault on the racial and economic order of the city or did they react to the slaying because Lafave was a tailor? What were the larger economic and racial dynamics at play in Lafave's murder? Tailors appear to have held a special position in antebellum St. Louis because of the erosion of the artisan craft industry and an 1835 strike against their merchants and masters. The 1835 strike represented a culmination of years of efforts by tailors regarding issues of profits, organization of labor, and production.[35] In response to the strike, master tailors declared their employees as "a set of roving, dissipated, unsettled men, having no fixed residence, and no character to lose."[36] The master tailors were disdainful of how the tailors acted outside of work, disrupting the community and converting their workshops into "scenes

MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[33] "May 19th Mob," *New York Spectator*, June 8, 1832.

[34] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[35] Graff, "Forging An American St. Louis," 143-145.

[36] *St. Louis Commercial Bulletin,* December 18, 1835, quoted in Graff, "Forging An American St. Louis," 146.

of riot and debauchery, at night, and on the Sabbath."[37] The harsh language of the master tailors regarding the journeymen marked a departure from how they had praised them shortly before the strike as "competent workmen."[38] Fears of workingmen's laziness and behavior in a dramatically expanding capitalist economy were prominent in the tailors' strike, eroding their relationship with their masters.

While the strike and the master tailors' response occurred more than three years after the riot against Lawless, the shifting understandings of journeymen's economic and social place in St. Louis society provides context for the rage against the Goosehorn. The possible significance is twofold. First, the fact that the murdered young man was a tailor may indicate that anxieties about white workingmen's behavior in 1835 had begun earlier, in 1832, when one tailor was found murdered outside a house of ill-fame, a property known for debauchery. If the Goosehorn was a place for journeymen tailors to convene and misbehave, the mob may have been reacting to anxieties about workingmen's behavior by destroying it.

Second, Armistead Lawless's status as a free Black man exacerbated existing working-class tensions. As the white working class competed with free and enslaved African Americans for wages, Lawless's success as a property owner may have ignited rage in contrast to the perils of the working class. The image of a hardworking tailor, already trapped in the throes of an uneven capitalist system, murdered in the yard of a Black man's successful bawdyhouse probably made Lawless's white neighbors extremely uncomfortable. Armistead Lawless paid dearly for his desire for wealth.

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[37] *St. Louis Commercial Bulletin,* December 18, 1835, quoted in Graff, "Forging An American St. Louis," 147.
[38] *St. Louis Commercial Bulletin,* July 6, 1835, quoted in Graff, "Forging An American St. Louis," 147.

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Lawless's position and property in the city not only exacerbated economic anxieties of the Market Revolution, but they also stirred fears about community order and morality. Part of a larger, nation-wide tide of religious and moral reform, the riot against Lawless's bawdyhouse reflected an angry reaction to the loosening of social ties that had resulted from economic changes in St. Louis. The city's officials attempted to instill order into a violent, chaotic city by shutting down bawdyhouses, curbing vagrancy and vice, and cleaning a disease-riddled St. Louis. These anxieties were racial too, building on fears about free African Americans. White St. Louisans' legal and extralegal methods of Black removal dovetailed in a frantic attempt to create an orderly society reflective of a racist imagination.

In addition to the great economic changes of the Market Revolution, the social relations of antebellum society themselves shifted. Capitalism made transactions depersonalized and routinized, creating an experience of "heartless markets and heartless men."[39] As the economy expanded and diversified, it broke up the traditional family farm economy and structure, and a new middle class emerged. As land availability diminished and new generations began to move to cities, anxieties about authority and hierarchy emerged.[40] Patriarchal families and churches were no longer the dominant forms of authority and control, and the social anonymity of cities bred identity crises and fears of confidence men with immoral intentions who corrupted innocent men and women.[41] The

[39] Larson, *The Market Revolution in America,* 98.
[40] Ryan, *Cradle of the Middle Class*.
[41] Karen Halttunen, *Confidence Men and Painted Women: A Study of Middle-Class Culture in America, 1830-1870* (New Haven, CT: Yale University Press, 1982); Ryan, *Cradle of the Middle Class.*

new urban middle class sought to maintain a dominant position in the new social hierarchy and control the working class and younger populations.

Religious revival and reform societies provided a key outlet, especially for women, to exercise this control. Alarmed at the loosening of familial ties, religious leaders in the Second Great Awakening like Charles Finney spread evangelical revivalism across the landscape in the 1820s and 1830s. These religious experiences provided new coping mechanisms for young men and women anxiously heading into factories and cities. In addition, the evangelical revivals provided an outlet for middle-class women, also struggling to adapt to a new family structure, to form religious reform associations and societies. White female reformers sought to control the immoral behaviors fostered by a market society, attempting to regulate sex, drinking, prostitution, and family relationships.[42] As historian Mary Ryan writes, these women "mounted a righteous, indeed a militant, crusade against the seducers of their sex, the predators of the bodies and souls of their sons and daughters."[43] On the foundation of evangelical revival, women and religious reformers sought to mitigate the effects of a changing society.

The changes in St. Louis in the 1820s and 1830s mimicked what was happening throughout the country. By the 1830s, the city was a growing outpost to the West, a crucial location for steamboat travel and trade, and it housed an active and large Army base at Jefferson Barracks. The influx of "hot-tempered, hard-drinking" soldiers, travelers, traders, and immigrants gave the city an immoral and violent reputation.[44] Duels on Bloody Island, a sandbar in the Mississippi River right off the edge of St. Louis,

[42] See Ryan, *Cradle of the Middle Class,* 60-144.
[43] Ryan, *Cradle of the Middle Class*, 118.
[44] Primm, *Lion of the Valley*, 84. For more on duels and violence in St. Louis, see Van Ravenswaay, *St. Louis,* 188-275.

were commonplace and deadly, and heavy drinking ignited brawls between men throughout the city.[45] A Pittsburgh newspaper reported that families moving west were "afraid to go to lawless St. Louis, where murders were commonplace and every man carried weapons."[46] One year after the lynching of Francis McIntosh in 1836, the editor of the *St. Louis Observer*, Elijah Lovejoy, pleaded with St. Louisans to cease their violent ways. Beginning with the riot against Lawless, Lovejoy referred to several instances of violence in the 1830s.

> It is not yet five years since the first mob, within the memory of man...was organized in St. Louis. They commenced operations, by tearing down the brothels of the city; and the good citizens of the place...rather sanctioned the proceeding, at least they did not condemn it. The next thing was to burn our Governor in effigy...The next achievement was to tear down a gambling-house.[47]

The tension about St. Louis's violent reputation that rippled throughout the city was a major catalyst in the rage against Lawless's bawdyhouse and part of a longer history of violence in the city.

The city worked hard to overcome these violent struggles and, as in the rest of the country, religion and reform associations played a key role. Religion was slow to take root in St. Louis because of its diverse populations and its history under French and

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[45] See Primm, *Lion of the Valley,* 72-109.
[46] Van Ravenswaay, *St. Louis*, 188.
[47] Joseph C. Lovejoy, John Quincy Adams, and Owen Lovejoy, *Memoir of the Rev. Elijah P. Lovejoy: Who Was Murdered in Defence of the Liberty of the Press*, *At Alton, Illinois, Nov. 7. 1837* (New York: Taylor, 1838), 172-173; An anti-abolitionist mob tragically murdered Lovejoy in 1837 in Alton, Illinois. After he wrote an editorial against Judge Luke E. Lawless's decision on the McIntosh murder (no relation to Armistead, see below, chapter III, for more details), angry St. Louisan's broke into Lovejoy's *Observer* office and broke his equipment. He decided to move his press to Alton, where a proslavery mob again ruined his press by throwing it into the Mississippi. He continued to publish for the *Alton Observer* for eleven months before the mob descended on him again. He was murdered on November 7, 1837 while defending his press. Lovejoy's mention of the riot against the brothels is another example of how Lawless's story rests beneath the surface of many familiar historical events and historiographical debates. Primm, *Lion of the Valley*, 176-177. For more on the racial and abolitionist dynamics of Illinois, see Cox*, The Bone and Sinew of the Land*.

Spanish rule.[48] As it became clear St. Louis would become the gateway to the West and could therefore determine the spiritual character of westward migration, both Protestant and Catholic churches rushed to in St. Louis.[49] By the 1830s, religious fervor had set in. As the 1832 cholera epidemic spread across the city, it induced panic about the immorality and uncleanliness of cities. To alleviate the panic, religious groups began their "Great Work in this wicked city" in early 1832 and converted nearly 140 people to the Methodist and Presbyterian churches.[50]

In addition to the religious influence of revivals and associations, the city itself attempted to create an orderly society. These efforts began in 1823 with the mayoral election of the physician William Carr Lane, a man determined to institute a strong city government, a clean and vibrant city, and higher taxes.[51] Working with a board of nine aldermen, usually lawyers or merchants, Lane introduced measures to straighten, clean, pave, and rename the streets, expand trade and the economy, and create a new garbage disposal system to limit the spread of disease.[52] Aghast at the vagrancy and poor health of immigrants, soldiers, and other St. Louisans in poverty, Lane also implored the city to open a hospital to help alleviate some of these issues. The board of aldermen declined, but in 1828 John Mullanphy, an Irish immigrant, persuaded a local Catholic diocese to find Sisters of Charity to run the hospital, and he provided the land, buildings, and furnishings.[53] Lane's and Mullanphy's actions suggest a city dedicated to a specific

[48] Primm, *Lion of the Valley*; Van Ravenswaay, *St. Louis*.
[49] Van Ravenswaay, *St. Louis*, 172.
[50] Sheriff John K. Walker to Thomas Walker, March 7, 1832, Walker MSS, quoted in Reichard, "Origins of Urban Police," 67-68.
[51] Primm, *Lion of the Valley*, 120.
[52] Primm, *Lion of the Valley*, 119-122. For more on disease, poverty, and city management in St. Louis, see Reichard, "Origins of Urban Police," 120-168.
[53] Reichard, "Origins of Urban Police," 56.

understanding of improvement that was in line with the national tide of religious and reform movements.

Like many of the women in national reform societies, Lane was particularly concerned with lawlessness, especially sexual impropriety. Bawdyhouses like Lawless's Goosehorn fell squarely into these concerns. As sex work became more commercialized, visible, and embedded in the economy, reformers and residents saw sex workers and brothels as an embodiment of disorder and vice. Bawdyhouses also promoted other illicit and dishonorable activities, like gambling and drinking, at a time when Americans were anxious about morality and productive labor.[54] "Brothel riots" against these establishments were common, as the annoyance of a disruptive bawdyhouse, full of drunk men and sexually active women provoked neighbors to destroy them.[55] Cities found other means to curb bawdyhouses, and vice formed a central tenet of reformers' platforms. Lane's views on bawdyhouses mirrored those of reformers across the country.[56] An exasperated Lane once exclaimed, "Every man, woman, and child in this town can readily point a finger to at least one abominable place of this kind."[57] Lane and the board of aldermen set out to get rid of them. A committee of the aldermen created a report of every bawdyhouse in the city, and an 1830 ordinance prohibited bawdyhouses, setting fines at $90 for the first offense and an astronomical $500 for every subsequent offense.[58]

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[54] Joshua D. Rothman, "The Hazards of the Flush Times: Gambling, Mob Violence, and the Anxieties of America's Market Revolution," *The Journal of American History* 95, no. 3 (December 2008): 651–77.
[55] Schafer, *Brothels, Depravity, and Abandoned Women*, 64-65; Gilfoyle, *City of Eros*, 77-79.
[56] See Hemphill, *Bawdy City,* 111-145.
[57] Lane quoted in Van Ravenswaay, *St. Louis*, 207.
[58] Unfortunately, this report was never published, resulting in a tantalizing silence about what the aldermen found regarding bawdyhouses in the city. What was the sexual economy of antebellum St. Louis? Where were the bawdyhouses located? What did they discover and report about Lawless's bawdyhouse? Was Lawless's bawdyhouse the most successful or notorious? We will probably never know, but clearly there was enough of an issue for them to issue the ordinance in 1830 against bawdyhouses.

This policing of prostitution was another example of how the people of St. Louis sought to improve their city physically and morally in the wake of the Market Revolution.

As a bawdyhouse owner, Armistead Lawless was caught in the battle to improve the city, and he was actively uncooperative. From 1826 until his exile in 1832, Lawless faced two major charges against his bawdyhouse, one by the state and one by the city, with numerous appeals and retrials in between the cases.[59] Lawless faced repeated court cases for retailing liquor without a license and for betting at faro, a popular gambling card game.[60] These were expensive and exhausting legal efforts, requiring Lawless to pay at least $100 in recognizance for each case, lawyer fees, and damages, fines, and court costs if he lost, which he frequently did. Lawless appears to be the only person prosecuted under the 1830 ordinance prohibiting bawdyhouses. Between 1820 and 1830, the state of Missouri prosecuted at least thirty-three cases against men and women in St. Louis operating disorderly houses, but the number of cases declined drastically after the city

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The board of aldermen also passed an 1831 ordinance to set aside fees from liquor licenses and arrests for vice to operate the city hospital. When the Missouri Legislature authorized the city to operate a public hospital, it allowed that fines from gambling and bawdyhouses could be redirected for that purpose. In an ironic twist, the private, Catholic hospital run by the Sisters of Charity benefitted the most from this revenue stream. Essentially, the fines from Lawless's bawdyhouse went straight to funding a Catholic hospital in the city.
Reports and ordinances from St. Louis, Aldermen, June 26, 1826, July 1, 1826, May 5, 1828 and St. Louis, City Ordinance 161, November 9, 1830, both quoted in Reichard, "Origins of Urban Police," 58-59.

[59] *State of Missouri v. Armstead Lawless*, July 1826, SLCCF; *City of St. Louis v. Armstead Lawless*, November 1831, Case No. 130, SLCCF; *City of St. Louis v. Armstead Lawless*, November 1831, Case No. 131, SLCCF; CCRB, No. 4, July 27, 1826, 372-373; CCRB No. 4, August 5, 1826, 386; CCRB No. 4, August 24, 1826, 394; CCRB No. 4, January 1, 1827, 471; CCRB No. 5, January 30, 1839, 488; CCRB No. 5, March 30, 1830, 510; CCRB No. 5, March 31, 1830, 510; CCRB No. 6, May 7, 1832, 320-321; No. 6, May 7, 1832, 321; CCRB No. 6, May 10, 1832, 330; CCRB No. 6, May 10, 1832, 330; CCRB No. 6, August 17, 1833, 473; CCRB No. 7, January 2, 1834, 90.

[60] Cases with guilty verdicts of retailing liquor without a license: *State of Missouri v. Armstead Lawless,* November 1828, SLCCF*; State Missouri v. Armstead Lawless,* November 1829, SLCCF; Cases with guilty verdicts of betting at faro: *State of Missouri v. Armstead Lawless*, July 1830, SLCCF; *State of Missouri v. Armstead Lawless*, July 1830, SLCCF; *State of Missouri v. Armstead Lawless*, July 1830, SLCCF; *State of Missouri v. Armstead Lawless*, July 1830, SLCCF.

passed the 1830 ordinance.[61] It appears that Lawless was the only person prosecuted as the city enforced the new ordinance between 1830 and 1835.[62] Repeatedly found guilty of a breach of ordinance by a jury and slapped with the $90 and $500 fines, Lawless appealed the decisions multiple times, describing himself as "aggrieved" at the outcomes.[63] It was clear that Lawless's property, a bawdyhouse, ignited fury throughout the city. In a broader attempt to return order to the St. Louis, city authorities had a

[61] The state prosecuted one case against disorderly houses in 1830 but ceased after that point: *State of Missouri v. David Dutton*, March 1830, SLCCF. They continued to prosecute cases against gambling and retailing liquor without a license.

[62] Although newspaper accounts of the riot make it clear that other brothels existed, Lawless was the only one prosecuted by the city in 1831 and 1832. As the city became more established and authorities passed ordinances, they prosecuted a variety of cases against disorderly behavior in the late 1820s, with most cases occurring in 1829. It did not prosecute any cases in 1830, before filing against Lawless for a breach of ordinance for keeping a bawdyhouse. The next bawdyhouse case the city prosecuted was in 1835 against two men, although their personal details and racial statuses are unclear. The case was against John Gant and Joseph Christy for "keeping a bawdy house in St. Louis" called the "Marine Exchange."

For cases prosecuted by the city between 1828 and 1829, see: Breach of ordinance for "keeping open grocery on Sunday": *City of St. Louis v. Hugh M. Stephenson,* November 1828, Case No. 42 SLCCF; Selling liquor on a Sunday, *City of St. Louis v. Hugh M. Stephenson*, November 1828, Case No. 48, SLCCF; Doing business without a license: *City of St. Louis v. Thomas Norwood,* March 1829, Case No. 73, SLCCF; Retailing liquor without a license: *City of St. Louis v. Daniel D. Page*, March 1829, Case No. 74, SLCCF; *City of St. Louis v. Calvin Day*, March 1829, Case No. 72, SLCCF; *City of St. Louis v. James Sterrett*, March 1829, Case No. 80, SLCCF; *City of St. Louis v. Thomas Norwood*, March 1829, Case No. 75, SLCCF; *City of St. Louis v. John C. Smith*, March 1829, Case No. 76, SLCCF; For sabbath breaking but keeping a shop open and vending liquor at a prohibited time: *City of St. Louis v. Thomas Wilbanks,* March 1829, Case No. 68, SLCCF; Retailing wine or liquor: *City of St. Louis v. Benjamin Ames*, July 1829, Case No. 84, SLCCF; Breach of ordinance for bottling and selling wine in his house: *City of St. Louis v. Phillip Cassilly*, July 1829, Case No. 104, SLCCF; Breach of ordinance for collecting taxes: *City of St. Louis v. Benjamin Ames*, July 1829, Case No. 100, SLCCF; Breach of ordinance for not purchasing a billiard table license: *City of St. Louis v. Phillip Cassilly*, July 1829, Case No. 103, SLCCF; Breach of ordinance for not purchasing a liquor license: *City of St. Louis v. Benjamin Ames*, July 1829, Case No. 102, SLCCF; Breach of ordinance for not purchasing a liquor license for tavern known as "The Missouri Hotel": *City of St. Louis v. Moses O. Bledsoe*, July 1829, Case No. 105, SLCCF; Sabbath breaking by keeping a "store, shop, grocery, and potter cellar open and retail ale, porter therein after the hour of nine o'clock AM,": *City of St. Louis v. Benjamin Ames*, July 1829, Case No. 101, SLCCF; Sabbath breaking by keeping Mechanic's Coffee House Grocery Store or Tipling open after 9:00 AM Sunday" and "there did sell or retail wines and spirituous liquors,": *City of St. Louis v. Richard J. Wilkinson,* July 1829, Case No. 99, SLCCF; Selling without a license: *City of St. Louis v. Benjamin Ames*, July 1829, Case No. 83, SLCCF; For the bawdyhouse case in 1835, see *Mayor, Aldermen & Citizens of St. Louis v. Joseph Christy and John Gant*, July 1835, Case No. 114, SLCCF.

[63] *City of St. Louis v. Armstead Lawless*, November 1831, Case No. 130, SLCCF; *City of St. Louis v. Armstead Lawless*, November 1831, Case No. 131, SLCCF; *City of St. Louis v. Armstead Lawless*, March 1832, Case No. 91, SLCCF.

difficult time shutting down the embodiment of Americans' anxieties about morality: the Goosehorn.

There are a few possibilities for why Lawless was the only one prosecuted under the ordinance. First, as demonstrated by the riot and described by newspapers in its aftermath, Lawless's bawdyhouse was one of the most visible and prominent in the city, since the mob moved to destroy bawdyhouses of a more private nature.[64] Second, Lawless faced repeated charges for owning a bawdyhouse and other offenses, beginning in 1826. Perhaps he was targeted by authorities because previous attempts had failed to control him. One newspaper described Lawless as having "several times escaped the law" before the riot, suggesting exasperation at his unruliness and willingness to keep operating his bawdyhouse in the face of legal charges.[65] Apparently the aldermen were also particularly "concerned" about the Goosehorn.[66] While the source is silent about exactly why, the possibilities illuminate the stakes of Lawless's choice of property, highlighting his experience as a free Black bawdyhouse owner in antebellum St. Louis.

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[64] It is possible Lawless's bawdyhouse was so notorious that it sparked a slander case in 1835, three years after it was destroyed. Rebecca Dyer sued William Morris for slander when he implied her daughter was a sex worker. Morris allegedly said Dyer's daughter went down by the river in St. Louis with two strange women, who he described as belonging to "the goose-horn," implying they were sex workers. A different witness stated Morris said Dyer's daughter was with two women and "a negro or mulatto man." The court debated the meaning and innuendo of "goose-horn" meaning "bawdyhouse," but it is possible that Morris was referring to a specific place, Lawless's Goosehorn. The Missouri Supreme Court heard the case in 1835, so it is possible they were not referencing Lawless's bawdyhouse specifically. It is intriguing, however, that the case included clear elements linked to Lawless. First, they used the term "the goose-horn," not "a goose-horn." Second, the location of it being down by the river in St. Louis, where Lawless's bawdyhouse was located. Third, part of the slander included the connection with a "negro or mulatto man." Perhaps Lawless and his bawdyhouse were notorious enough to spark rumor and fear. Regardless, this case hints at a deeper, unexplored sexual economy in antebellum St. Louis. *Rebecca Dyer v. William Morris,* August 1835, MOSCD.

[65] "At St. Louis, Missouri 18th," *Haverhill Gazette* (Haverhill, MA), June 16, 1832.

[66] Unfortunately, I could not obtain this report, so it is unclear about exactly what they were concerned about. Notedly, however, they were concerned enough to report it. Maximillian Reichard's work explores the complicated dynamics of social order in St. Louis, and this is the only time he mentions the aldermen being concerned about a very specific bawdyhouse. Clearly, the aldermen were concerned about the issue in general, but there seems to be something specific about Lawless's Goosehorn that sparked fury and fear. St. Louis, Aldermen, May 22, 1832, quoted in Reichard, "Origins of Urban Police," 58-59.

The city likely targeted Lawless because of his race. When Lawless remarked that he was "aggrieved" by the guilty verdict and exorbitant fines, he indicated his belief that he had been targeted by the city and authorities.[67] St. Louis was reacting to the effects of the Market Revolution on morality and order, but perceptions of morality were entangled with perceptions of race and racial order, and free and enslaved African Americans were often identified as sources of disorder. Through a series of ordinances and laws, the citizens of St. Louis sought to control the African American population. These measures were rooted in fears of interracial sex and socialization and anxieties about the decline of slavery. An aggrieved Armistead Lawless knew he was being targeted by the law and, subsequently, by a violent mob.

As part of improving the city, officials and citizens in St. Louis passed increasingly restrictive laws and ordinances to police free and enslaved African Americans. A main goal of these laws was to establish patrols to control the movement and behavior of African Americans. After the passage of the 1804 territorial code restricting the movement of all enslaved and free people of color, officials pushed forward with new slave codes and patrols when Missouri became a state. In 1811, the city passed a more comprehensive code, creating a slave patrol to enforce it. While aimed at all people who caused disorder, the patrols targeted the small populations of enslaved and free African Americans.[68] While day-to-day implementation of the early slave patrols was weak, the city continued to codify and strengthen their existence. The state legislature revised laws in the winter of 1824-1825, forbidding free Black people from possessing firearms, barring the formal education of free and enslaved people, restricting

[67] *City of St. Louis v. Armstead Lawless*, March 1832, Case No. 91, SLCCF.
[68] Reichard, "Origins of Urban Police," 92-94.

the mobility of enslaved people without written instructions from masters, and preventing free African Americans from settling in Missouri. In 1826, St. Louis passed another ordinance regulating the patrol to enforce these new laws.[69]

Controlling the social behavior of enslaved and free African Americans was central to the creation of the patrols. In addition to patrolling the movement of Black people, the city also hoped the patrols would regulate places where free and enslaved people congregated because they feared interracial socialization. The 1826 ordinance instructed the patrol to keep "an especial eye upon negro houses, and other places of rendezvous for slaves and colored people."[70] One historian has described the fears grounding the creation of these patrols.

> A county grand jury convened in 1832 to consider the problem of "negro assemblages" and black "balls" that continued to attract slaves, as well as whites of "low character" and "vicious habits." The grand jury concluded that such gatherings inevitably led to "bacchanalian scenes" of excessive drinking and interracial liaisons, because they tended to "familiarize the blacks with a practical equality with the white person which is destructive of the subordination and submissiveness that must be preserved." Increasingly, St. Louis leaders concluded, the preservation of the necessary "subordination and submissiveness" required not only the tightening of restrictions on free black-initiated gatherings, but also the total destruction of the free black community.[71]

Armistead Lawless's Goosehorn encouraged the behavior white people feared. As a known location for "drinking, whoring, and misbehavior" like dancing and gambling "for men and women of evil name and fame," the Goosehorn also featured women of color and white women as sex workers.[72] The murder of Antoine Lafave by a girl nicknamed

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[69] Reichard, "Origins of Urban Police," 101.
[70] St. Louis, Ordinances, February 9, 1826, quoted in Reichard, "Origins of Urban Police," 102.
[71] Graff, "Forging An American St. Louis," 141-142. Graff's quotations are from St. Louis County Grand Jury Presentment," *Missouri Republican*, January 31, 1832.
[72] I explored the employment or enslavement of Black women as sex workers in the Goosehorn in chapter I. To add to this exploration, "Indian Margaret," presumably a Native American girl, was the one who committed the murder that ignited the riot. This indicates that Lawless also employed or enslaved Native

"Indian Margaret" indicates the presence of Native American sex workers and white men in the bawdyhouse, adding fire to the fear of interracial socialization and sex. At the center of these anxieties was the scapegoating of free Black people as the creators of this disorder, and Lawless certainly fit these fears. St. Louis authorities drafted reports and passed laws aimed at removing people like Lawless and places like the Goosehorn.

In addition to anti-Black laws, white people found other ways to mitigate their fears of Black people, especially free Black people. Particularly popular in the Upper South and North, the regions with the largest free Black populations, colonization societies across the nation called for the deportation of free people of color to other countries. The foundation of their claims was that the existence of free African Americans was incompatible with white America.[73] White St. Louisans echoed these sentiments when they formed the St. Louis Colonization Society in 1831. The society boasted some of the city's most elite white men, including the mayor William Carr Lane, Hamilton R. Gamble, the Missouri Secretary of State in the 1820s, and Edward Bates, the former United States congressman and future United States Attorney General.[74] Urging colonization as an "opportunity for enterprising blacks," the St. Louis Colonization Society embodied the anti-Black sentiment and anxiety sweeping through the city.[75] In 1827, one editor of the *Missouri Herald* deemed free African Americans "dangerous" and declared that the "white man will never suffer him to rise to the same, civil, political, or

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American women too. Quotation about the nature of the behavior in the Goosehorn from *State of Missouri v. Armstead Lawless*, July 1826, SLCCF.

[73] Berlin, *Slaves Without Masters*, 103-104.

[74] Reichard, "Origins of Urban Police," 104.

[75] *Missouri Republican*, October 11, 1831, quoted in Reichard, "Origins of Urban Police," 107.

social level in which he himself moves and lives.[76] White St. Louisans thought free African Americans needed to be controlled or removed from the city.

In addition to the economic concerns following the Panic of 1819 and St. Louis's growing economic status, moral anxieties about vice, racist anxieties about social mixing and the movement of African Americans, and a growing push for the removal and colonization of free Black people contributed to the riot against Armistead Lawless's bawdyhouse. Newspaper accounts and legal records reveal how these anxieties shaped the mob's behavior. First, members of the mob claimed that Lawless's long history of "bad conduct and outrages upon the community had become extremely obnoxious to the citizens of St. Louis," leading to a determination to drive him from the city or kill him.[77] They were likely referring to Lawless's repeated clashes with the law and his fight to operate his noisy bawdyhouse when the authorities tried to shut it down. It is also hard to imagine that racial tension did not play a role, as Lawless's status a free Black man shaped their understanding of his misdeeds.

The fears of vice and bawdyhouses incited the mob to violence. While the original mob in the morning intended to target only Lawless's bawdyhouse, the larger mob in the afternoon grew to tear down "several houses of a similar character with the first, but of a more private nature...[T]he houses were sacked and burnt to the ground, and about nine others destroyed."[78] The mob's rage against these "other houses of doubtful character," more private and less notorious than the Goosehorn, resulted from the larger-scale

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[76] *Missouri Herald*, February 21, 1827, quoted in Graff, "Forging An American St. Louis*,"* 140-141.
[77] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.
[78] "May 19th Mob," *New York Spectator,* June 8, 1832.

anxieties about moral failure and vice in the city. The women employed as sex workers in the bawdyhouses understood anxieties about prostitution as a motive for the violence, as the "poor girls were seen flying all directions, expecting it would be their turn next."[79]

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In many ways, the riot against Armistead Lawless and his bawdyhouse was not distinctive. As historians have demonstrated, riots were common as a social expression of economic and moral tensions in the antebellum period. In 1835 alone, nearly 147 riots occurred across the nation.[80] The actions of the St. Louis mob perfectly fits these established historical phenomena. Plainly, the infamy of the Goosehorn, combined with the murder of the tailor, ignited the mob.

The economic and moral contexts of the riot are important for determining why the mob acted in specific ways, but legal records, newspapers, and the testimony of witnesses leave unspoken a crucial element of the story: Armistead Lawless was a free Black property owner. The dynamics of race and property ownership contributed greatly to the mob's perceptions and actions on May 18, 1832. The infamy of the Goosehorn and its disruptive character, alongside a brutal murder, was an affront to the neighbors. Those causes intensify when we more deeply consider that the central figure was a free Black man who owned a highly successful, albeit illegal, business and fought repeated attempts to shut it down. Armistead Lawless's very existence was an affront to his neighbors in city where white people were actively trying to remove free African Americans.

The city targeted African Americans, and it also targeted Lawless. Embodying a spirit of Black removal and a desire to instill a specific kind of order in St. Louis, city

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[79] "Extract of a Letter Dated St. Louis, May 19, 1832," *Columbian Centinel* (Boston, MA), June 6, 1832.
[80] Grimsted, *American Mobbing;* Winch, *Between Slavery and Freedom.*

officials instituted a series of laws and ordinances that restricted the movement and lives of free African Americans. It appears officials that were particularly uncomfortable about the Goosehorn, more than other bawdyhouses in the city. In addition to being the only bawdyhouse owner prosecuted under the 1830 ordinance between 1830 and 1832, Lawless sparked fear throughout the city. Through legal action, city authorities tried to shutter the Goosehorn. Lawless's neighbors turned to extralegal violence, determined to destroy him and his property.

Property was central to the riot and to Lawless's life. The Market Revolution altered economic and social dynamics in St. Louis and across the nation, introducing new anxieties about class, race, and morality. This is the story of how changing understandings of property played a central role in the reactions to economic and social change during the Market Revolution. In Lawless's case, and for African Americans across the nation, Black property ownership exacerbated existing tensions. Lawless's status as a free Black property owner in a time of dramatic economic change and uncertainty irritated white workers and neighbors. After the riot, frantic rumors swirled about how many bawdyhouses Lawless owned, with people claiming that he owned all fourteen of the destroyed establishments.[81] His mode of property, a bawdyhouse, inflamed fears about vice and morality which dovetailed with his status as a Black man encouraging interracial socialization in the Goosehorn. It is significant that the mob attacked both the Goosehorn and Lawless himself. Fears about and understandings of property were at the center, shaping how white people reacted to economic and social

[81] Bryant, *Prose Writings*, 11.

transformations and making Lawless a target because of his status as a free Black property owner.

The riot highlights the precariousness of antebellum Black property ownership while illuminating the centrality of violence in shaping property ownership and Black freedom. Lawless spent his early years of freedom crafting a freed experience rooted in successful property ownership, going to great lengths to make money. In the end, it did not matter. Extralegal violence wielded by enraged white people played the most significant role. The paradox of Lawless's efforts and aspirations and the uncontrollable, violent demise of his property highlight the heartbreaking realities of Black freedom and insecure nature of property and wealth. Lawless's illiteracy and rejection of respectability made him particularly vulnerable to this violence, since he was without a community or friends to protect him. Lawless's story is not just the story of how one free Black man gained property; it is also the story of how he lost it. That loss is just as important to understand as the gain.

The May 18, 1832, riot against Armistead Lawless and his property is a crucial addition to the historiography. The riot marked an instance of racial violence in a longer tradition of Black removal in St. Louis that preceded the violent lynching of Francis McIntosh. It demonstrated that while moral and economic anxieties about the Market Revolution pervaded antebellum society, they were also deeply entwined with race. The riot was fundamentally a racial riot, with the mob targeting Lawless because of his race. In addition, the riot centers property as a crucial lens in understanding extralegal violence. Finally, the telling and acknowledgment of the 1832 riot amplifies the "faintest

of voices," the voices of the victims.[82] Armistead Lawless's violent experience is not just a number in a mountain of antebellum riots; his is the voice straining to be heard, the human side of the statistics. Armistead Lawless allows us to more deeply understand and interrogate the often-tragic realities of Black freedom.

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Two days after the riot, a badly injured and terrified Lawless fled to Illinois by way of the Mississippi River. He had nearly died after being beaten, tarred, and feathered, and survived only with the help of a few white men. One can imagine how Lawless must have felt as he crossed the Mississippi River, watching the city he knew fade behind him. For many African Americans, the river was a symbolic boundary between slavery and freedom. Crossing the river was a strategic ploy for liberty, one step closer to claiming the legal freedom of Illinois.[83] The experience was different for Lawless. His river crossing represented profound loss: a traumatic loss of his property, his wealth, his connections, and his economic opportunity. As Lawless traced the river route of numerous enslaved and free men and women before him, the images of the mob remained fresh in his mind and the violence fresh on his body. The feeling of mourning for the loss of his property, the symbol of his freedom, surely held heavy in the air. But also like the numerous enslaved and free people before him, Lawless would find ways to fight back.

[82] Grimsted, *American Mobbing*.
[83] Anna K. Roberts, "Crossing Jordan: The Mississippi River in the Black Experience in Greater St. Louis, 1815-1860," *Missouri Historical Review* 113, no. 1 (October 2018): 23–40.

Chapter III: "He has never abandoned or lost sight of his rights"

Following the 1832 riot, Armistead Lawless was desperate to protect himself and his property. Two white acquaintances, Clayton Tiffin and George Strother, helped the terrified Lawless to safety in Illinois. Tiffin offered to protect what was left of Lawless's property in St. Louis, convincing him to put his mark on a power of attorney. A few days later, Tiffin returned to Lawless, claiming that the power of attorney was insufficient to protect his property and settle his debts. Illiterate and still in distress, Lawless signed another unexplained document granting Tiffin more power over his property. Tiffin returned to St. Louis to settle Lawless's debts, repair the damaged lots, and sell the property and enslaved people. With the unexplained document in hand, probably a power of conveyance, Tiffin kept all the profits. Never again having any contact with Tiffin nor receiving the profits from the properties, Lawless filed suits in the St. Louis Circuit Court in 1841 on the grounds of fraud. Embarking on a long legal journey, Armistead Lawless demonstrated legal acumen and a profound determination to fight for his property.[1]

Historians generally understood the relationship between African Americans and formal law as passive, with free and enslaved African Americans outside the bounds of active participation or influence.[2] Recent scholars have done phenomenal work overturning these assumptions and discovering the influential and participatory role African Americans played in shaping the law in their own localities and communities.[3]

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[1] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.
[2] Genovese, *Roll, Jordan, Roll*.
[3] Edwards, *The People and Their Peace.*

Through freedom suits, property suits, and other civil litigation, free and enslaved African Americans made strategic legal choices and claimed rights. They understood the law and they used it to their advantage when possible. Armistead Lawless was no exception.

For Lawless, engaging with the law was a way to protect his property and validate his claims as a Black property owner. Just as Lawless rejected Black respectability and community, the law was another way to carve out autonomy for himself.[4] His understanding of formal law was intimately intertwined with property in two ways. Fundamentally and materially, the law provided an avenue of redress, a way to right the wrongs of Clayton Tiffin. Lawless sought wealth and profit. Second, the legal suits and the courtroom offered Lawless a space of performance, a place where he could perform and validate his identity as a rightful property owner. Lawless and his lawyers crafted him as an innocent, illiterate victim defrauded of his property illegally by Clayton Tiffin and other white men. There was a certain degree of truth in this image of Lawless, but at times Lawless was also calculating and shrewd with the law and the protection of his property. By centralizing property in his claims, Lawless exploited a legal dedication to protecting private property and, despite his race, he claimed himself to be a person

[4] Dylan Penningroth cautions against using "autonomy" to describe enslaved people's motives or "resistance." His approach draws heavily on understandings of kinship in Africa, "For one thing, [resistance] implicitly presumes that autonomy is what oppressed people want, but as observers of both continents have indicated, autonomy is not a universal goal, nor is it universally defined in terms of the embodied individual," he writes. Penningroth, *The Claims of Kinfolk*; Dylan C. Penningroth, "The Claims of Slaves and Ex-Slaves to Family and Property: A Transatlantic Comparison," *American Historical Review* 112, no. 4 (2007): 1074. As Penningroth argues, autonomy should not be applied universally. Lawless's story confirms this. Most concepts and frameworks for Black freedom should not be applied universally. In Lawless's case, however, I disagree with Penningroth about "autonomy." Lawless long sought independence and autonomy, and I advocate examining what those concepts meant to him. His behavior and his use of the legal system demonstrate that autonomy was in fact part of his larger goal

deserving of rights.[5] Lawless achieved only a partial victory in his suit against Tiffin, with the courts striking a middle ground between the two actors. Although the end result was not a complete victory, it does not diminish the importance of the process by which Lawless engaged with the legal system. Knowing Armistead Lawless's life and motivations, especially his dedication to his property, before he initiated legal suits illuminates what it meant to him to use the law and the stakes of those endeavors.

My argument that Armistead Lawless not only understood the law as an avenue of redress but as a way to perform and legitimize his status as a property owner is significant in multiple ways. First, it reaffirms a growing body of scholarship about the active role free and enslaved African Americans played in formal law. Second, it draws on legal scholarship from disparate localities to advance our understanding of the law. For example, Kimberly Welch highlights the number of free African Americans filing civil suits, especially property suits, in the antebellum Natchez district.[6] Other scholars, including Anne Twitty, Kelly Kennington, and Lea VanderVelde, explore the large number of freedom suits filed by enslaved people in antebellum St. Louis.[7] My work illuminates how one free African American navigated the St. Louis Circuit Court to file a civil suit. This chapter advances existing scholarship by advancing and fostering a deeper understanding of the historiography on African Americans and formal law both broadly and in St. Louis.

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[5] I adopt this argument from Kimberly Welch. Welch explores Black litigants in the Natchez district, contending that free and enslaved African Americans exploited a particularly Southern dedication to private property and in this way claimed rights before the law. I advance this argument by exploring this concept on a micro-historical level in a different geographical location, the border city of St. Louis. Welch's arguments extend beyond the locale she studies, opening intriguing possibilities for other studies of Black litigants in other places who filed property claims. Welch, *Black Litigants.*

[6] Welch, *Black Litigants.*

[7] Kennington, *In the Shadow of Dred Scott*; Twitty, *Before Dred Scott;* VanderVelde, *Redemption Songs*.

What follows is an exploration of the third and final stage in the anatomy of property ownership: how one free African American might attempt to protect or reclaim property and the significance of his endeavor. Within the unique legal culture of St. Louis, Lawless came to know the law through his many interactions in the court system and with those around him. He used this legal knowledge when filing court cases in pursuit of wealth, taking various legal actions to regain his property and profits. In his case against Clayton Tiffin, Lawless and his lawyer crafted an identity as a rightful property owner and a victim of fraud, a meaningful identity in a legal system and culture devoted to the protection of private property. The identity was also meaningful to Lawless himself, and his claims-making is significant in a larger context of Black citizenship and rights. Building on existing historiography, the story of Armistead Lawless moving through the legal system shows how one propertied free African American with specific motivations used the law, broadly revealing the goals and stakes of free African Americans' legal endeavors.

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When Armistead Lawless filed his suits in the St. Louis Circuit Court in 1841, he was no stranger to the law. His suits built on his legal experience and his place in the legal culture of St. Louis. Before the riot in 1832, Lawless had acted as a defendant in numerous criminal cases, accused of various charges including assault with the intent to kill, theft, and gambling. He was also part of several civil suits. It was through these cases, and his interactions with others in St. Louis, that Lawless learned the law and built a foundation to file later suits.[8] Significant to this endeavor was St. Louis itself, a city

[8] I am cautious here about the phrase "learned the law," indicating an end point of "knowing the law," a term scholar Kimberly Welch flagged as a creating a complicated set of problems for historians, since "the

with a legal legacy allowing for enslaved and free African Americans to use the courts. It was within this legal culture that Lawless developed his own legal consciousness, one that would shape how he approached the courts later on.

African Americans regularly used the courts in St. Louis to contest the contours of slavery and freedom. Freedom suits, the act of an enslaved person suing for legal freedom in formal court, permeated the St. Louis Circuit Court. Dred Scott filed the most famous of these St. Louis freedom suits, later becoming the subject at the center of the infamous 1857 Supreme Court ruling in *Scott v. Sandford* that African Americans bore no rights or privileges granted to American citizens in the Constitution. Before Scott, however, hundreds of enslaved people sued for their freedom in St. Louis.[9] Holding a sophisticated understanding of the law, enslaved people navigated the legal system to win their legal freedom, found attorneys to represent their cases, and sought witnesses to bolster their credibility.[10] Freedom suits were legally based on three grounds: residence in a free state or territory, having been born free, or having been previously emancipated. Of the 241 Black litigants who filed freedom suits in St. Louis, 40.2 percent won their freedom, 46.5 did not win, and the outcome of 13.3 percent is unknown. Many of them filed or appealed

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meaning of the verb 'to know' is hardly self-evident [and] definitions of the 'law' are famously intractable." Welch uses the life and diary of William Johnson, a Black barber in antebellum Natchez to argue that legal knowledge was "not a binary or a yes or no proposition." Instead, it "involved an individual's assumptions, performances, and hunches," and African Americans formed their own hypotheses about the law on their own terms. I follow this argument and framework here, indicating that Lawless learned and identified key pieces of the law and legal system to construct a hypothesis about how the law functioned or would benefit him. This shaped his motives when filing later suits. Welch's methodology adds to a need for historians to examine formal law and generalized legal concepts on a microhistorical level, as she does with William Johnson and I attempt to do with Armistead Lawless. Welch, "William Johnson's Hypothesis," 91-92.

[9] Freedom suits have been a prominent topic in the historiography recently, especially with a focus on St. Louis. See Kennington, *In the Shadow of Dred Scott*; Schweninger, *Appealing for Liberty*; Twitty, *Before Dred Scott*, VanderVelde, *Redemption Songs*.

[10] Twitty, *Before Dred Scott*.

multiple times.[11] The proliferation of freedom suits in St. Louis highlights the regular use of the law in determining and contesting slavery and freedom in the city.

Free African Americans also utilized the courts in St. Louis for matters beyond freedom. For example, members of the prominent Clamorgan family were well-versed in the law and knew how to use it to their advantage. Using their literacy, business experience, ability to speak both English and French, and their mixed-race status, they used the courts to settle civil matters with neighbors, friends, and rivals.[12] In addition to once suing Armistead Lawless for failing to repay back a loan, the litigious Apoline Clamorgan sued the executor of her late half-brother's estate, Charles Collins, for selling the estate without her consent. They eventually negotiated out of court, but Apoline Clamorgan made it clear she would drag Collins back to court if he tried to defraud her again.[13] Free African Americans also used the St. Louis courts to protect their freedom, file claims for redress, and hold others accountable under the law.

St. Louis's legal heritage and the unique construction of its laws relating to slavery contributed to African Americans' ability to use the courts. Missouri's system of slave law was rooted in French and Spanish legal traditions that provided enslaved African Americans with the ability to own property, purchase their freedom, and marry others with their enslavers' permission. When the United States legislature passed a new set of laws in Missouri, they prohibited any enslaved and free person from testifying in court against white people. The introduction of English common law in the region

[11] Twitty, *Before Dred Scott*, 13-16.
[12] Winch, *The Clamorgans*.
[13] See above, chapter I, for the full story of the legal dispute between Apoline Clamorgan and Armistead Lawless. Winch, *The Clamorgans*, 108-110.

"Americanized" and restricted some of the fluidity of the French and Spanish legal codes. Missouri, however, did retain its freedom suit statute.[14]

The prevalence of legal precedents and attorneys made St. Louis an appealing location to file a freedom suit.[15] As free and enslaved people traveled between the borders of slavery and freedom, they learned from others who had successfully filed suits in the St. Louis Circuit Court. They shared legal knowledge, learned legal strategies for how to sue in the courts, and overheard conversations about legal precedents.[16] As they battled over the meanings of slavery and freedom in St. Louis, their conversations and actions created a legal culture specific to the city and region. This legal culture, defined by Kelly Kennington as "the constellation of attitudes and experiences concerning law in a particular time and place...[as it] emerged through the day-to-day workings of local communities," shaped how enslaved and free African Americans engaged with the law. These active participants shaped the legal culture in return.[17] Enslaved and free African Americans were aware of this specific legal culture and sought out strategies to survive within it.

Armistead Lawless operated in this legal culture long before he filed his suit against Clayton Tiffin in 1841. Filing a suit in the St. Louis Circuit Court required a degree of legal knowledge and an understanding of how to navigate the lengthy, expensive process. Lawless gained legal knowledge in informal settings. As a bawdyhouse owner in a city with a relatively small population, Lawless likely came in contact with people from throughout the city who engaged with the law. He also

[14] Kennington, *In the Shadow of Dred Scott*, 23-24.
[15] Twitty, *Before Dred Scott*, 5-6.
[16] Twitty, *Before Dred Scott*.
[17] Kennington, *In the Shadow of Dred Scott*, 4-5.

frequently interacted with the litigious Clamorgan family and he likely, in some way, connected with enslaved people filing freedom suits. As a free man, Lawless worked for wages for his former owner's family, perhaps connecting with indentured servants or white people with knowledge of the law.[18] The legal culture of St. Louis and Lawless's previous interactions with the law shaped his knowledge of formal law long before he filed the suit against Tiffin.

Armistead Lawless also gained legal knowledge through his interactions with formal law in the courts. Luckily or unluckily for Lawless, he had a wealth of formal legal experience that stemmed from various criminal and civil charges before the 1832 riot. He was frequently in and out of court, winning and losing cases, filing appeals, paying securities and fees, and finding attorneys.[19] One civil suit highlights the process by which Lawless engaged with and learned the law before the riot. In 1828 a white woman, Mahala Smith, brought a "valuable" trunk of women's bonnets and headdresses, worth $300, into the Goosehorn.[20] According to Smith, Lawless stole the trunk and claimed it as his mistress's property, refusing to give it back. Smith filed suit for replevin, or a claim to allow Smith to recover the property taken unlawfully while obtaining compensation. The court seized the trunk and its contents, and then ordered Lawless to

[18] St. Louis City Probate Court, Record of Wills, St. Louis, Missouri, Vol. A1, *Missouri, U.S., Wills and Probate Records, 1766-1988,* Ancestry.com.
[19] See Appendix, Table 1, for a full list of Lawless's cases.
[20] The court documents never explicitly mention Mahala Smith's or Lawless's race. Cursory research suggests Smith was a white woman. It is unclear as to why she brought a trunk of women's clothing into a brothel owned by a free Black man, but it adds evidence to the interracial nature of the Goosehorn. She was involved in only one other legal case to partition the property of her deceased husband, Thompson Smith, in Cape Girardeau, Missouri in 1854. The 1830 United States Federal Census indicates that Thompson Smith lived with four other free white people in Cape Girardeau, Missouri, and did not own enslaved people. See *Mahala Smith* v. *Thompson Smith, deceased,* 1854, *Cape Girardeau Circuit Court 1854;* and 1830 United States Federal Census, Cape Girardeau County, Missouri, p. 462, National Archives Microfilm M19, Roll 72.

pay damages of $300. Lawless challenged the specificity of the charge, based on the types of clothing, claiming there was not enough evidence to level all of the charges against him. The court agreed, taking the matter to the Missouri Supreme Court. The court ordered a new trial and Lawless recovered his costs and the trunk.[21]

This incident highlights several points about Lawless's legal knowledge. First, whether or not he actually stole the trunk of clothing, the court validated Lawless's countersuit against Smith, setting the foundation for the trust he later placed in the law to protect his property. Second, the length of the process, in this case lasting roughly three years, introduced Lawless to the technicalities and costs of the legal process. Like many free and enslaved people in the St. Louis courts, it is likely Lawless took note of legal technicalities, arguments, and appeals, all of which he later used against Tiffin. For African Americans, filing suits in the St. Louis Circuit Court was a strategic endeavor built on layers of legal knowledge, practice, and experience.

The legal culture and heritage of St. Louis made it possible for Armistead Lawless to engage with and learn the law. Through his economic activities, informal connections with people in the city, and formal involvement in lawsuits, Lawless grasped parts of the law. It is hard to overstate the degree to which his early experiences in freedom prepared him for the suits he would later file to protect his property. His experiences shaped his legal consciousness, which Kelly Kennington defines as "individuals' motivations and concerns and their conceptions about the role of law in their lives."[22] Through these early

[21] *Mahala Smith v. Armstead Lawless*, July 1828, Case No. 43, SLCCF; *Mahala Smith v. Armstead Lawless,* September 1829, Case No. 23, MOSCD; CCRB No. 5, April 14, 1829, 282; CCRB No. 5, July 31, 1829, 335; CCRB No. 5, August 10, 1829, 352; CCRB No. 6, April 11, 1831, 99; CCRB No. 6, August 24, 1831, 197.
[22] Kennington, *In the Shadow of Dred Scott*, 4.

interactions, Lawless began to construct how he understood and viewed the law. He saw when the law was successful and when it was not, learned which strategies might work best to win a suit, and experienced the lengthy and expensive process firsthand. His early experiences as a defendant may indicate a passive relationship with the law, but in reality these experiences were shaping his own legal consciousness.[23] When it came time to fight for his property, Lawless could draw on years of legal knowledge and experience to regain what he lost.

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By the time of the riot in 1832, Armistead Lawless had acquired a wealth of legal experience and knowledge. When he lost his property and entrepreneurial freedom in St. Louis, he was desperate to regain the wealth he had earned in his early years of freedom. In the immediate aftermath of the riot, Lawless trusted Tiffin and the law to protect what he had left behind. When he realized he had been defrauded, the law became the avenue by which he could reclaim his property. He employed a series of legal strategies aimed at protecting and regaining his wealth.

Armistead Lawless used the courts for the pursuit of profit and wealth, in line with the motives that defined his early freed experience. Lawless's journey through the legal process and his attempts to regain his wealth were messy and complicated, and he did not always succeed. Most importantly, Lawless demonstrated legal savvy in his calculated ventures. He likely did not view the courts as legally benevolent but as a

[23] It is imperative to note that the construction of Lawless's "legal consciousness" was also greatly affected by violence, illiteracy, and race. I rely on legal consciousness and the possibilities of Lawless's legal knowledge to highlight his path toward filing the suits in 1841. Parallel to this knowledge building were harsh realities in Lawless's life. As noted in chapter II, Lawless frequently felt aggrieved by the law and city officials. He was also illiterate, which hampered his abilities in the courts. Finally, extralegal and racial violence significantly constrained his relationship with the legal system.

mechanism toward material wealth. This approach eschews lofty understandings of the courts in favor of exploring how one ordinary African American viewed the legal system from the ground up.

When two white acquaintances, Clayton Tiffin and George Strother, offered to help him across the Mississippi River after the riot, Lawless accepted. Tiffin was a well-known physician in St. Louis who had settled in the city after serving as a surgeon in the War of 1812.[24] Although the extent of their relationship is unclear, Tiffin and Lawless had known each other prior to the riot, with one witness reporting that they had "considerable dealings."[25] George Strother was a renowned attorney in St. Louis, having represented Lawless in a few cases before 1832.[26] When they arrived in Illinois, Tiffin and Strother directed a terrified and injured Lawless into a stable or out-house of Joseph

[24] Clayton Edward Tiffin was a native of Chillicothe, Ohio and the nephew of the governor of Ohio, Edward Tiffin. He served in the Seventeenth Regiment Infantry as a Surgeon in the War of 1812 and was stationed at Jefferson Barracks in St. Louis. After the war, he settled in St. Louis as a well-liked and revered physician, practicing both in the city and across the river, and he seems to have a legacy from his medical practice. Writer J. T. Scharf recounted, "He had great energy, and was an eminently practical man. During his residence in St. Louis, he carried on a more extensive practice than any other man who lived here, becoming quite wealthy through is profession. He was of a restless disposition, and after some years of prosperous practice went over the plains to Utah and then to California, finally moving in 1846 to New Orleans where he again entered practice. Here he soon built up a large business, especially among the river men, many of whom had been his friends and patrons while he was practicing in St. Louis. He was a skillful surgeon and is believed to have made the first successful Caesarian operation in the Mississippi valley." In 1815, he married Louise Jarrot, daughter of the prominent fur trader Nicholas Jarrot. Tiffin was a slaveowner and involved in a freedom suit in the city, holding enslaved people inherited from his late father-in-law. He was later sued by the enslaved man John Merry, who won the suit. In 1818 and 1820, Tiffin owned three enslaved people in St. Clair County, Illinois and had one free person of color residing with him in Madison County in 1820. J. T. Scharf, *History of Saint Louis City and County: From the Earliest Periods to the Present Day: Including Biographical Sketches of Representative Men*, History of Saint Louis City and County, from the Earliest Periods to the Present Day (Philadelphia: L. H. Everts, 1883); *National Intelligencer* (Washington, D.C.), May 24, 1814, Washington, DC; VanderVelde, *Redemption Songs.*

[25] It appears that Clayton Tiffin acted as security in one of Lawless's cases in 1832, but it is unclear how they came to know each other. They most likely were intertwined in a relationship of debt and credit. *City of St. Louis v. Armstead Lawless*, March 1832, Case No. 91, SLCCF; CCRB No. 6, May 7, 1832, 321

[26] George Strother was an attorney in St. Louis known for prosecuting twenty-eight freedom suits. Anne Twitty describes him as, at best, "embracing a conservative brand of antislavery." Twitty, *Before Dred Scott,* 111. According to witnesses, Strother represented Lawless in a few cases before 1832. He died before Lawless filed the suits against Tiffin and Guelbreth, so we do not have testimony from him about what happened between Lawless and Tiffin.

Smith, a Justice of the Peace. Tiffin and Strother consulted Smith and then brought Lawless into Smith's office. Strother drew up a power of attorney authorizing Clayton Tiffin to take charge of Lawless's estate in St. Louis, including his enslaved people. Lawless put his mark on the paper in front of Tiffin, Strother, and Smith.[27] It is unclear whose idea the power of attorney was, whether it was Tiffin or Lawless who suggested legal action for the protection of Lawless's property. Regardless of whose idea it was, Lawless's act of putting his mark on the document suggests his belief in the law as a tool to protect his property. Intertwined with Lawless's trust of the law was his trust in Tiffin, created by his need for support. Free African Americans often relied on the support and protection of white people.[28] Since his manumission in St. Louis, Lawless had frequently relied on white men like Tiffin as part of his economic activities. His dependence on such men was exacerbated by his rejection of Black respectability and community in the city. He trusted Tiffin and Strother to protect him and his estate and recognized the power of attorney could help him.[29]

On May 20, 1832, two days after the riot, Tiffin returned to St. Louis with the power of attorney and took control of Lawless's estate. Tiffin and Strother had left Lawless alone in a dark, wet cellar "in order the more effectually to save him, as he made said Armistead believe, from an armed band in pursuit of him from St. Louis." Lawless

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[27] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.
[28] Berlin, *Slaves Without Masters*; Schweninger, *Black Property Owners in the South.*
[29] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

suffered in the flooding cellar for a few days until Tiffin returned with his servant, Blondeau.[30] Tiffin claimed that the power of attorney was insufficient to protect Lawless's property and that they should execute another instrument to enable Tiffin to act as his agent in Missouri and "take due care of his property and interest." The illiterate Lawless allegedly put his mark on yet another document, one giving Tiffin full power to sell Lawless's property, in the presence of Tiffin, Blondeau, Henry Brugiere, the owner of the house and cellar in which Lawless was residing in, and possibly Garnier, the Justice of the Peace.[31] Lawless again trusted Tiffin and the law to protect him and his property.[32]

After Lawless allegedly put his mark on the unexplained document, Clayton Tiffin offered his carriage, horses, pistols, and the servant, Blondeau, to help Lawless to escape Illinois to save him from the armed mob supposedly still after him. Tiffin then returned to St. Louis, where he approached Lawless's partner, wife, or housekeeper, Margaret, and urged her to flee with Lawless. Tiffin also told Margaret she was in danger and provided his carriage for her to join Lawless in Illinois. Margaret, driven by Blondeau in Tiffin's carriage, discovered Lawless hiding in brush a mile out from

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[30] Blondeau's alias was Alexis Amelin. It was also spelled "Blondo" in records.

[31] The series of events here are unclear. Lawless contended he put his mark on a second piece of paper, but that evidence did not adequately show what the second document was. Brugiere was illiterate and did not know what he put his own mark on. Blondeau, dead at the time of the court cases, had an infamous character and "total unworthiness of credit," so Lawless argued that whatever Blondeau signed could not be trusted as valid. It was possible Blondeau signed a piece of paper at the instigation of Strother and Tiffin in St. Louis, and the one he signed in the presence of Brugiere was destroyed or suppressed. The other issue was the role of Joseph Garnier. Witnesses argued whether or not he was present or certified the document. Brugiere said he was never in the presence of Garnier. There was also an issue of whether or not Garnier had power in a different state; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD

[32] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.).

Illinoistown. Allegedly at the suggestion of Tiffin, Lawless set out to settle further east, either Detroit, Cincinnati, or Canada. Twelve miles into the journey, Margaret convinced him to turn back, advising him that it would be "inexpedient" to abandon his property back in St. Louis.[33] Lawless ordered Blondeau to turn around and sent the carriage, horses, and pistols back to Tiffin. He and Margaret settled on a farm in Macoupin County, Illinois, about six or eight miles from St. Louis.

Meanwhile, Clayton Tiffin took possession of Lawless's real and personal property, including the two lots and three enslaved people. He sold the two enslaved children, Sarah and Thomas, to Auguste Guelbreth. He had a difficult time selling Charlotte because of her reputation of working in the Goosehorn, but he eventually sold her for $300. Months later, in March of 1833, Tiffin conveyed the lots to his business associate, Samuel Merry, for $5,500. Merry attempted to rent them out for full price but failed because of the property's infamous reputation as a brothel.[34] Years of notorious illicit activity devalued the lots. Merry moved in with his family, and Tiffin made him another trustee of Lawless's estate. Tiffin then paid off the rest of Lawless's many debts and unpaid mortgages and kept the remainder for himself. Whether or not Tiffin, acting as an agent based on the power of attorney, had the legal authority to convey the property to Merry and sell the enslaved people to Guelbreth was later disputed based on disparate arguments about the validity of the second document granting Tiffin full title of the

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[33] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[34] "Negroes or Cash," *Farmers' and Mechanics' Advocate* (St. Louis, MO), November 14, 1833; "Negroes or Cash," *Farmers' and Mechanics' Advocate* (St. Louis, MO), January 30, 1834; "Negroes or Cash," *Farmers' and Mechanics' Advocate* (St. Louis, MO), March 20, 1834; "Negroes or Cash," *Farmers' and Mechanics' Advocate* (St. Louis, MO), April 17, 1834.

property with power to sell. Furthermore, Tiffin never visited or communicated with Lawless again, despite frequently going to Illinois. Lawless never received an account of Tiffin's agency for him, including the profits from the sale of the lots and enslaved people. In 1841, roughly nine years after the riot, Lawless initiated multiple suits and appeals in the St. Louis Circuit Court. The suits represented both Lawless's legal experience and his desire to recover his wealth through the legal system.[35]

The many legal actions in which Lawless was involved highlight both his savvy about the law and his central goal, regaining his wealth. Before initiating suits against Tiffin and others in the St. Louis Circuit Court, Lawless conveyed his property to other white men. Hugh Lackey, a collector, and John W. Paulding, a hatmaker, received two-thirds of the lots, the new buildings and improvements, the enslaved woman and children, and the rents and profits.[36] This action was important both strategically and symbolically. First, it demonstrated that Lawless was operating under the assumption that only the first signed document, the power of attorney, was legal, making Tiffin only an agent of Lawless. Conveying the property to Lackey and Paulding reaffirmed that Lawless was its rightful owner. Second, it is possible that dividing ownership of the property with white men would boost his credit in the courtroom. He filed suit with Lackey and Paulding as co-plaintiffs, asserting their claim to the property as well. Third, he may have recognized the legal constraints on free African Americans to re-enter Missouri. By 1835, lawmakers had begun to enforce the 1825 statute restricting movement of free African Americans

[35] Lawless waited nearly nine years to file his suits against Tiffin and Guelbreth, which could have been a strategic decision on his part. Enslaved African Americans filing for freedom often waited to protect themselves or their families, gather evidence and witnesses, or find attorneys. It is possible Lawless was surveying his options, waiting for Tiffin to approach him with profits, or building his case. It is also possible Lawless did not know how to proceed. See Twitty, *Before Dred Scott.*
[36] "Hat Manufactory," *St. Louis Beacon*, October 21, 1830.

into the state.[37] In conveying his property, Lawless may have known he would not be able to easily return to the city but could still earn the profits if his legal suits succeeded. Since Lawless could not legally testify against a white man in court, he may have approached Lackey and Paulding strategically to testify in his suit. Finally, the conveyances were symbolic because, despite Tiffin's and Merry's possession of the property, the act of Lawless's conveyance of it to Lackey and Paulding asserted his standing as its rightful owner. Whatever their intent, these conveyances illuminate Lawless's legal acumen and desire to use the law to fight for property he believed Tiffin had wrongfully taken from him.[38]

The suits Lawless filed in the St. Louis Circuit Court also illustrate Lawless's legal acumen and desire to use the law. In 1841, Lawless, along with co-plaintiffs Lackey and Paulding, filed two suits in the Circuit Court. The first was against Clayton Tiffin and Samuel Merry for fraud. Lawless retained the infamous judge Luke E. Lawless as his lawyer, but their connection to one another is unclear despite their shared surname.[39]

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[37] Graff, "Forging An American St. Louis," 135.

[38] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[39] Armistead Lawless's choice of attorney, Luke Lawless, is intriguing. Luke Lawless was an well-known judge in St. Louis, who had presided over the Francis McIntosh lynching case. On May 16, 1836, Luke Lawless had instructed a grand jury investigating McIntosh's lynching and provided biased guidance, stating "It would be impossible to punish, and absurd to attempt it" if the cause of the murder was by "congregated thousands" in a "mysterious, metaphysical, and almost electric Phrenzy." He denounced abolitionists as the "exciting cause of McIntosh's crime." The grand jury found the lynching to be an "act of the populace," basically unpunishable, despite everyone's knowing who had perpetrated it. Given this context, it is intriguing how Armistead Lawless came to know Luke Lawless. It is possible that Luke Lawless had connections to Armistead's owner, Benjamin Lawless, or the larger Lawless family, but that will need further research. Luke Lawless was also a witness in Armistead's first bawdyhouse case, but no transcript of testimony exists, which suggests lawyers did not often have personal investment when representing enslaved plaintiffs, but instead they were committed to legal formalism and took cases for economic security. Perhaps Luke Lawless was devoted to the protection of private property and sought to represent Armistead Lawless as representative of his commitment. It could be possible they had a personal connection, but there is no evidence to support that claim, except Luke Lawless's testimony in an earlier

Armistead Lawless alleged that Tiffin had obtained the deeds to his property illegally. Lawless was illiterate and the documents were not explained to him; the testimony of subscribing witnesses was fraudulent; and he was not a free agent of sound mind when he put his mark on the second document. He claimed that Samuel Merry had colluded with Tiffin and knew that Tiffin was supposed to only act to Lawless's benefit. Tiffin's sale of the lots to Merry and his retainment of the profits and rents violated benefit.[40] Central to the suit was Lawless's pursuit of lost rents and of profits from the sale of the lots and the enslaved people.

Armistead Lawless, Lackey, and Paulding also filed a suit against Auguste Guelbreth, the watchmaker and jeweler who purchased Sarah and Thomas, Charlotte's enslaved children, from Tiffin.[41] In this case, as in the case against Tiffin and Merry, Lawless alleged that Tiffin had no right to sell his enslaved people. The suit asked the court to find that Guelbreth had illegally obtained the enslaved people, since Tiffin had no legal power to sell them.[42]

The suits Lawless filed indicate that he understood the legal system as a way to regain his property and wealth. He was pragmatic in the way he approached that goal, first trusting Tiffin and the signed power of attorney to protect him. Then, for strategic

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bawdyhouse case against Armistead. Luke Lawless quoted in Primm, *Lion of the Valley*, 176-177. For more on lawyers in St. Louis, see Twitty, *Before Dred Scott,* 96-125.

[40] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[41] Newspaper and census records indicate Guelbreth, also listed as "Guelberth" and "Gilbert," was a white property owner. "Advertisement," *Daily Missouri Republican* (St. Louis), December 18, 1841; 1850 United States Federal Census, St. Louis (independent city), St. Louis Ward 3, p. 333B, National Archives Microfilm M432, Roll 416.

[42] *Armistead Lawless v. Auguste Guelbreth*, July 1841, Case No. 46, SLCCF; *Armistead Lawless, Hugh Lackey, and John W. Paulding v. Augustus Guelbreth*, November 1842, Case No. 46, MOSCD.

and symbolic reasons, he conveyed his property to two white men, Lackey and Paulding. Later, he filed two suits with Lackey and Paulding against Tiffin, Merry, and Guelbreth in order to reclaim his wealth. Not only did this pragmatic and strategic approach build upon Lawless's years of legal experience, but it was also the product of Lawless's business experience. Lawless approached the law in the same way he approached his bawdyhouse and other property: calculating and shrewd.

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In addition to using the courts to reclaim his wealth, Lawless also used the law to validate and perform his identity as a property owner. Throughout the legal cases and appeals, Lawless presented himself as an innocent, aggrieved victim of Tiffin's fraudulent machinations. In crafting this story, Lawless exploited the law's dedication to the protection of private property.[43] Although Lawless's illiteracy and race hindered his ability to participate in certain legal processes, such as testifying, his influence in his own cases should not be underestimated. Given the localized legal culture in which free African Americans regularly participated, Lawless's history with formal law, and his own shrewdness, it is very likely that he played a central role in shaping his own legal image even if he was not directly drafting legal documents or examining witnesses.

Lawless's construction contradicted the story Tiffin put forth in the courts: an image where Tiffin was an innocent, helpful friend, who fell prey to Lawless's lies and

[43] I am not making a definitive claim about Lawless's actions or motives in the courtroom, but instead am speculating about his legal strategy or highlighting themes in his court cases that fit existing historiography about Black litigants. My evidence shows that Lawless had experience with the legal system, and he was filing with two white men and an attorney, so it is not out of the realm of belief that he helped to craft an image to persuade the court to rule in his favor. Crafting this image may not have been an entirely conscious effort. It may have been a response to the legal culture. We will never know exactly what Lawless was thinking or how much he understood, but those limitations do not diminish the significance of his legal endeavors or detract from the analysis.

ruthless pursuit of profit. Race played a key role in these stories, and the defendants repeatedly questioned witnesses as to whether or not Lawless was Black in attempts to diminish Lawless's claims to be a rightful property owner. Although Armistead Lawless received only a partial victory against Clayton Tiffin and lost his suit against Auguste Guelbreth, the process by which he engaged the legal system in order to validate himself as a rightful property owner illuminates the tensions of race, property, and the law in antebellum St. Louis.

Enslaved and free African Americans frequently used understandings of honor, property, or status to create narratives of themselves in court as worthy of freedom or protection. Localized law in the antebellum period valued social networks and a person's relationships or reputation. A localized legal system heavily rooted in the rhetoric of reputation and credit allowed everyone in a community to participate, since social networks and legal culture were a community endeavor.[44] To boost the chances of their claims succeeding, free and enslaved African Americans activated their social networks in local courts to prove their good standing, emphasize the truth of their words and claims, and assure white people that they subscribed to their set place in the racial hierarchy.[45] As Kimberly Welch has shown, for example, free African Americans who filed petitions to remain in Mississippi "were careful to demonstrate that they were well behaved, peaceable, sober, obedient, and could offer something of worth to the larger community."[46] Enslaved people who filed freedom suits in St. Louis cultivated reputations as people worthy of freedom by purposefully settling on free soil and forming

[44] Edwards, *The People and Their Peace.*
[45] See Welch, *Black Litigants,* 60-81.
[46] Welch, *Black Litigants*, 66.

connections with neighbors who could later testify to their good behavior and their worthiness of freedom.[47] African Americans understood the importance of reputation and credit to their claims.

Free and enslaved African Americans not only understood the mechanisms of the legal system and white people's fears about any disturbance of racial hierarchy, they also actively manipulated them in court. They told stories about themselves to boost their claims and express their desire for how society should be. Since law was reflective of local communities, free African Americans experienced and learned the language of law through everyday experiences.[48] Kimberly Welch writes, "As an attempt to interpret and organize the world in which the teller – and his or her adversary – lived, storytelling in the courtroom involved imagining and then signaling the narrator's *own* interpretation of how the world should function and how the parties involved should repair a break in normal relations."[49] Storytelling was a legal strategy that reflected Americans' ability to negotiate and navigate the law and their wider worlds.[50]

Free African Americans crafted stories using the language of property and thereby exploited an American, and especially a Southern, dedication to private property. Property ownership was the foundation of Southern society, which was based upon a hierarchy devoted to keeping other humans as property and protecting the right to do so. Property ownership indicated more than wealth; the property holder also represented the ideal citizen. "A master's right to his property was inviolable; it was the essence of his

[47] See Kennington, *In the Shadow of Dred Scott,* 116-141; Twitty, *Before Dred Scott*, 81-82.
[48] Welch, *Black Litigants*, 30; See also Edwards*, The People and Their Peace*.
[49] Welch, *Black Litigants*, 63. Emphasis added.
[50] Welch suggests that storytelling had larger implications for our understandings of resistance and domination. Storytelling, she argues, was a way for African Americans to construct and negotiate a more tolerable world. See Welch, *Black Litigants,* 27-81.

freedom. It was the source of his political authority," writes Welch.[51] Slaveholders depended on the legal system to protect private property and alleviate deep-seated anxieties about the instability of slavery or the demise of a society rooted in slavery. The sanctity of property shaped the outcome of many legal claims.[52]

Free African Americans like Lawless who filed claims about property recognized the law's dedication to private property. Black litigants leveraged a "language of property" in their suits, a language that made their claims "recognizable and persuasive."[53] By referring to their right to possess real and personal property, free African Americans recognized that white Southerners would be fearful of the implications of denying private property to rightful owners. By setting such a precedent, they themselves might also lose their treasured property, enslaved people, and disrupt the social hierarchy. In these moments, free African Americans forced white Southerners to choose between two conflicting ideals. On the one hand, white Southerners deeply valued private property because it protected their rights as slaveholders. On the other hand, they also operated in a racial hierarchy that increasingly connected Blackness with slavery and whiteness with freedom.[54] Free African Americans who filed suits for the protection of their property rights disrupted these two understandings, and, as Kimberly Welch shows, white Southerners chose to protect private property over the protection of the racial hierarchy.[55] Free African Americans therefore crafted a story in which they were rightful

[51] Welch, *Black Litigants*, 134-135.
[52] Welch, *Black Litigants*.
[53] Welch, *Black Litigants*, 140.
[54] See Ariela J. Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Cambridge: Harvard University Press, 2008), 16-48; Welch, *Black Litigants,* 3-23.
[55] I adapt Kimberly Welch's arguments directly to Lawless's experience in St. Louis. My evidence shows that Lawless constructed many of the same arguments presented by Black litigants in Natchez, indicating there are regional similarities in this regard. Welch, *Black Litigants.*

property owners protected by the law, despite their race, and indicated their interpretation of how society should function.

In many ways, Armistead Lawless was no different from hundreds of other Black litigants who filed suits to protect their property. Like them, Lawless crafted a story with the intention of persuading the court of his rightful claim to the property he had lost. He conjured images of an innocent man unfairly stripped of his property by the designs of wicked men. In Lawless's retelling of the "wretched situation," he had "peaceably occupied and enjoyed" his building and lots, purposefully omitting the nature of his property, a bawdyhouse. He had been "violently and cruelly maltreated by said armed mob," with the "entirety of said home and premises totally plundered, lost and destroyed." While he was "suffering unto the bodily injuries he had received and in extreme terror and agitation of mind," Tiffin and Strother had "conducted him" across the river. It was Tiffin who bad suggested drafting legal documents to assume control of the property in order to pay Lawless's debts. Lawless emphasized his own illiteracy, his "state of great bodily and mental suffering," and the "confidence" he put in Tiffin. "Your orator said Armistead not suspecting at that moment any sinister or unfair design on the part of said Tiffin," Lawless declared. Tiffin had convinced him that his life was in danger from a pursuing mob, and it was Tiffin who then persuaded him to flee to Canada. Finally, according to Lawless, Tiffin never once visited Lawless or furnished him with an account of the profits. Instead of returning to St. Louis, Lawless resided on a farm in Illinois.[56] Armistead Lawless had been tricked out of his rightful property.

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[56] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*,

By composing a story of his victimhood, Lawless played on fears about the loss of private property. In addition to Lawless not knowing what he had signed with his mark, the witnesses who testified about the documents expressed hesitancy about their contents. Confusion about the documents was compounded by the bad reputation of one of the witnesses.[57] A key piece of Lawless's argument was that Joseph Garnier, a St. Louis Justice of the Peace who certified the documents, did not have the legal authority to execute deeds in another state. "If this sort of proof were admitted, there would be no safety to any man's property," warned Lawless's attorney.[58] Moreover, the power of attorney was made for the "purpose of paying Lawless' debts and for Lawless' benefit," and that Tiffin's sale of the property to Merry was "*not beneficial"* to Lawless.[59] These legal arguments highlighted how easily Lawless had lost his property to deceitful men. The intention was to persuade the court to recognize the validity of Lawless's property claims and exploit anxieties about the loss of property.

In this context, Lawless's claims about his enslaved people held particular significance. The fear of losing private property was strong among slaveowners. Losing their enslaved people, who were the foundation of economic, political, social, and sexual power, was the central element of those fears. When Armistead Lawless claimed

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October 1849, Case No. 26, MOSCD. The image of Lawless as a farmer strikes a stark contrast to Lawless as a bawdyhouse owner, especially considering the efforts of Black activists to encourage African Americans to take up moral and respectable property ownership, like farming. See above, chapter I.

[57] This situation comes up repeatedly in the court documents. Blondeau, alias Alexis Amelin, was reported by other witnesses to have a bad character, therefore his testimony about what happened in the cellar and the various documents could not be trusted.

[58] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[59] *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD. Emphasis author's.

ownership of Charlotte and her two children, he invoked his right and authority as a slaveowner. Part of the suit explored whether or not the unexplained document was a bill of sale that authorized Tiffin to sell Charlotte and her children,. If not, Tiffin had no such right and Lawless was entitled to proceeds from the sale.[60] Lawless also invoked the image of himself as a slaveowner when he sued Auguste Guelbreth. In both cases, Lawless's status as a slaveowner allowed him to play on fears about the loss of enslaved people.

Clayton Tiffin countered Lawless's portrayal with his own story of innocence, calculation, and helpfulness. Tiffin first emphasized Lawless's scandalous reputation in the city and his need for Tiffin's help. "[Tiffin] states that said Lawless owing to his previous bad conduct and outrages upon the community had become extremely obnoxious to the citizens of St. Louis...[and] that the said Lawless had but few friends who were disposed to assist him." Tiffin then flipped the liability onto Lawless, asserting that it was Lawless who repeatedly solicited and "strongly urged" Tiffin to assist him to Illinois. It was Lawless, not Tiffin, who had said the St. Louis mob was after him and who initiated the planned escape to Cincinnati, requesting a carriage, horses, and driver from Tiffin. Tiffin twisted Lawless's shrewd legal knowledge, the skills that helped him file the suits in the first place, by arguing that it was actually Lawless who proposed the power of attorney because he recognized that he was indebted to Tiffin and also needed to pay other debts and satisfy other court judgments in St. Louis. All of the documents

[60] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

had been read to Lawless who expressed he was "satisfied with [the] arrangement," which was to pay Lawless any profit remaining from the sale of his property after the debts were paid. Maintaining his innocence, Tiffin claimed that he was unaware of Lawless's debts, mortgages, and liens in St. Louis, and the power of attorney was not sufficient authorization for Tiffin to pay them. He had repeatedly tried to see Lawless in Illinois to settle the account, but Lawless refused to see him. In the end, Tiffin maintained, "Lawless makes false claims and demands," that were part of a larger scheme to extract money from Tiffin despite his helpfulness in managing Lawless's estate.[61]

The significance of Tiffin's portrayal rested in his ability to craft an image of himself as an upstanding white citizen and a protector of the racial hierarchy. While Armistead Lawless employed the language of property to exploit fears about the loss of private property, Tiffin exploited fears about slavery, mastery, and race. In legal cases, slaveowners often strategically attempted to prove their benevolent treatment of enslaved people in order to solidify their images as good masters and relieve themselves of any responsibility for the unruly actions of their enslaved people.[62] By insisting upon their kindness and care for enslaved people, white slaveowners constructed their "good character" in contrast to their enslaved people's "bad character."[63] This benevolent image was a legal and economic strategy that protected white slaveowners' wealth by clearing them of any wrongdoing, and it fed into larger fears about racial hierarchy.

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[61] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.
[62] See Gross, *Double Character,* 98-121.
[63] Gross, *Double Character*, 120.

Although the cases between Tiffin and Lawless involve a white man and a free Black man rather than an enslaved person and a slaveowner, Tiffin employed the same strategy. Tensions about racial hierarchy and white people's discomfort about the place of free African Americans meant that Tiffin could exploit fears about Lawless's character. By emphasizing Lawless's relentless effort to extract money from Tiffin, his previous bad conduct that had led to a violent riot and a lack of friends or community, and the ill-reputation and disruptiveness of his bawdyhouse, Tiffin placed the blame on Lawless and played on fears that Lawless had overstepped his place in the racial hierarchy. In contrast, Tiffin positioned himself as a benevolent white man trying to help a Black man when he needed assistance, only to have Lawless take advantage of him. This approach was also economically strategic for Tiffin because if he could clear himself of wrongdoing, he could protect the wealth he had extracted from Lawless's property.

It appears that Lawless's race played a part in the trial. While Tiffin himself did not explicitly mention Lawless's race, the question came up repeatedly in the cross-examination of by Tiffin's lawyer. Questions of racial identity were central components to antebellum legal cases involving free and enslaved African Americans. In response to increasing attacks on slavery in the 1830s by abolitionists and by enslaved people themselves, white Southerners put forward a more explicitly racial justification for slavery and promoted the institution as a positive good. They intertwined Blackness with slavery, contending that African Americans were unfit for freedom.[64] White Southerners were apprehensive about the growing population of free African Americans, especially

[64] Gross, *Double Character*, 4.

those with lighter skin who challenged the equation of Blackness with slavery and whiteness with freedom. They were especially fearful that free African Americans were concealing their true racial identities. To mitigate these fears, white Southerners used racial identity trials to judge race through assumptions about bodies, demeanor, and character, convincing themselves that they could easily identify race.[65]

In addition to portraying himself as a benevolent white man, part of Tiffin's strategy was to highlight Lawless's Blackness, an identity that held complex meanings in St. Louis and in antebellum society more generally. If Blackness was tied to slavery and whiteness to freedom, whiteness was also tied to property ownership.[66] By emphasizing Lawless's race, Tiffin attempted to detract from Lawless's contention that he was a rightful property owner. The testimony of witnesses highlights this strategy.[67] While the court documents do not reveal the precise questions Tiffin's lawyer asked in the cross-examination of witnesses, they do reveal a consistent pattern of testimony regarding Lawless's race. One witness, John Calvert, the leader of the riot against the Goosehorn, commented on Lawless's physical characteristics. "Lawless was black and had a curly head and was a negro of the first grade. I think that no one who resided with him for 3 years in the same room could fail to discover he was a negro...Lawless is not the blackest of negroes perhaps he might be called a mulatto but if I was engaged in the trade I should call him a negro," he testified. Beriah Cleland, another witness and a former business partner of Lawless, stated, "I know him well, never suspected him to be a white man. He

[65] See Gross, *What Blood Won't Tell,* 48-72.
[66] Welch, *Black Litigants*, 134-140.
[67] As Laura Edwards shows, a localized legal culture made it possible for legal cases to rely on testimonies based on reputation and social networks. Considering Lawless's business dealings and the small population of St. Louis, it is likely (and tantalizing) that Lawless knew all of these witnesses personally. Edwards, *The People and Their Peace*.

belonged to the African race – I should call him a mulatto...I called him in the circuit court a big dog n----."[68] Tiffin's questioning of Lawless's race attempted to destabilize his claims as a free Black property owner and remind the court of where Lawless stood in the antebellum racial order.

The trial also focused on Lawless's former status as an enslaved man. William Munday, a witness called by the defendants, testified about his connection with Lawless when he was enslaved. "Lawless was born in the kitchen of the same house on the same night that I was. I have seen his mother," Munday testified, "She was a slave. She was the property of Benjamin Lawless. She was a very black negro. I have seen her here since Armistead resided in Kentucky, until he came here. He was held as slave there. I never heard that he was not a slave until I came here."[69] While the nature of the court records makes it impossible to determine why these witnesses were testifying about Lawless's race, I contend that this emphasis on his race and his previous status as an enslaved man fit into a larger antebellum context about property ownership, the racial hierarchy, and the correct place for African Americans within it. In order for Tiffin to successfully portray himself as a benevolent man, he had to construct Lawless in contrast to that

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[68] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD. I have chosen to refrain from reprinting the N-word in full because in its original context it was used as an epithet by a white man against a Black man, and I will not perpetuate that trauma here. I hope this project conveys the challenges and trauma Lawless faced as a Black man without reprinting what Beriah Cleland called him. I use the colloquial phrase, N-word, as a substitute with the understanding that there is not an agreed-upon history and understanding of the word. As Elizabeth Pryor contends, we do not "know exactly what this word means." For a phenomenal etymology on the N-word, also explaining why white people should not use it, see Pryor, *Colored Travelers,* 1-43.

[69] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

image and destabilize Lawless's claim of property ownership. By emphasizing Lawless's race and his formerly enslaved status, Tiffin linked the case to larger contests about slavery and race. White Southerners justified slavery as a positive good, as an institution that benefitted Black people who were unfit for freedom. Tiffin replicated such arguments. He maintained his innocence by leaning on his benevolence, a claim with larger meanings in antebellum society.

While Tiffin wielded considerable influence because of his race and his ability to testify in court, Lawless also tried to stake his own place in these contests about his race. Not only did he craft his own image of rightful property ownership, an image with racial meanings, witness testimony reveals that he also attempted to conceal his race. John Calvert recalled that "[Lawless's] hair was curly, but he took considerable pains with it."[70] While there is no definitive explanation as to if and why Lawless took "considerable pains" with his hair, the implication was he attempted to hide or change his curly hair, which many white people saw as a physical marker of Blackness.[71] Margaret, his wife or

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[70] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[71] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD. This part of Lawless's trial bears a striking resemblance to the 1843 trial of Jeremiah Hamilton in New York City, in which a witness referenced Hamilton's wig, which covered his "curly hair." Historian Shane White describes how humiliating and excruciating the focus on Hamilton's appearance must have been for him, and the same was probably true for Lawless. These questions of hair linked to racial identity were a reaction to the need to positively identify race. Harvard sociologist Orlando Patterson has asserted that differences in hair type became "critical as a mark of servility in the Americas...hair type rapidly became the real symbolic badge of slavery." White, while quoting Patterson, asserts that while scholars may not have paid attention to Patterson's arguments at the time, the Hamilton case proves that hair was used to identify race in the antebellum northern city of New York. It is clear it was used in the same way during Lawless's trial. The story of Hamilton's trial and Patterson are quoted in White, *Prince of Darkness*, 204-205.

partner, tried to protect him.[72] Despite living on his lot for many years and traveling with him to Illinois, she testified, "I do not know whether Lawless is white or colored. There

[72] The role of Margaret in Lawless's life is one of mystery Her surname is uncertain, with records referring to her surname as "Hauy," "Hung," "Hughe," or "Hughey." She is difficult to track down in early census records or city directories, especially because she would not show up as a head of household in any record before the 1850 census if she boarded with someone or was previously married. It appears that she was a white woman, as commented on by a few witnesses and bolstered by the fact that she was allowed to testify against Merry and Tiffin.

Second, her relationship with Lawless is unclear and her account in the court records is defensive and guarded. In her testimony she stated that she lived with her daughter in Lawless's house, renting a room from him for five to six years and referring to the status of their relationship as acquaintances. She says she boarded with Lawless's wife, who appears to be an enslaved woman, Betsy. Under cross-examination, Margaret indicated that she was in New Orleans when Mrs. Lawless died, and somewhat defensively states that she did not go to the French Village in Illinois until his wife had died and that when Tiffin urged her to go to Lawless in Illinois she "did not like to go away and leave my furniture." A later writ of error referred to Margaret as a "former housekeeper of A. Lawless." When asked about the nature of Lawless's property, Margaret claimed that she did not really know. "There were 4 or 5 rooms. The occupiers of those rooms were ladies and some gentlemen. I could not tell whether the gentlemen were permanent or occasional lodgers."

Other witnesses scoffed at her contention that she did not know Lawless's race, and it appears that her relationship with Lawless was an issue throughout the trial. John Calvert stated that he knew her, seeing her "almost daily for a year as my stable was opposite the houses. I do not think I ever saw her riding in a carriage with Lawless. Saw them riding on horseback frequently in company...Margaret Hung and not to my knowledge passes as Lawless wife at that time." In a seemingly direct response to Margaret's ignorance about Lawless's race, Calvert asserted, "I think no one who resided with him for 3 years in the same room could fail to discover he was a negro." Beriah Cleland testified, "Margaret Hung lived with Lawless as man and wife she told me so," although it is unclear if he was referring to a conversation in St. Louis before the riot or one after Margaret and Armistead went to Illinois.

What is the truth of Margaret's relationship with Lawless? The clearest evidence is from the 1850 census record in Illinois, where she is listed as "Margaret Lawless," a "mulatto" woman of forty-eight years, born in Pennsylvania and literate. It appears that if they were not married in St. Louis, Armistead and Margaret eventually married in Illinois and had a daughter, Millie, in 1833 (In the 1850 census record, she was listed as "Millie Hilt," aged seventeen and married to David Hilt, a farmer, with a daughter, Eliza, aged eleven months, in the same household with Margaret and Armistead).

Perhaps Margaret's defensive tone in her testimony was born out of fear of retribution for her interracial marriage with Lawless and a strategic move to protect herself and her family (which might also be why she was marked as "mulatto" in the 1850 census). Since it appears that her neighbors in St. Louis knew her as residing with Lawless, Margaret was not ignorant of Lawless's bawdyhouse venture and may have played a role in it, especially if she was his "housekeeper." Bawdyhouses often provided a financial opportunity for white women to enter the market economy as madams. She was clearly educated, as indicated by her "literate" status in the 1850 census record and the writ of error's contention that it was Margaret herself who had advised Lawless that it would be "inexpedient" to abandon his property when they fled Illinois, an indication that she also had some economic or legal savvy (she denied this in her testimony, stating that she did not "know why Lawless relinquished his intention of going to Canada"). Since Lawless was illiterate, perhaps Margaret was a driving force behind his business and legal decisions.

While there is no definitive evidence, it is tantalizing to think of the possible roles she played in Lawless's life. In a project with a larger scope and fewer restrictions on research, I hope to explore Margaret's life more fully. Like the enslaved woman Charlotte above in chapter I and the sex worker "Indian Margaret" in chapter II, Margaret Lawless seems to be another woman at the heart of this story, one who deserves a story. *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January

are a good many men no whiter than he is."[73] Lawless may have tried to conceal his race in an effort to protect himself in a hostile environment or bolster his image as someone deserving of property and rights.

What was the truth behind Armistead Lawless's and Clayton Tiffin's conflicting stories? Was Lawless an innocent victim, prey to Tiffin's machinations to steal his property and wealth, or did Lawless scheme to protect his property by using Tiffin and then make false claims to get his wealth back? Witnesses supported both men's stories. On the one hand, Lawless had been traumatized and nearly killed by a violent mob, had few friends in St. Louis and was therefore mostly isolated from help, and had a demonstrated history of trying to protect his property, so it makes sense that Lawless would defer to Tiffin if he offered assistance. Lawless was illiterate and African American in a racist society determined to get rid of him. It would have been easy to take advantage of him, and in many ways Tiffin's actions represented a parallel form of anti-Blackness to that of the mob that also tried to remove Lawless.

On the other hand, there was truth to elements of Tiffin's story. Given Lawless's legal experience and his desire to protect his property and wealth, it is likely that he suggested a power of attorney or at least agreed that Tiffin needed to manage his estate. Lawless had an established history of criminal behavior and had swindled other people out of money, so it is not unthinkable that he was self-interested and calculated at this

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1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD; 1850 United States Federal Census, Macoupin County, Illinois, p. 249A, Family 3, Dwelling 3, National Archives Microfilm M-432, Roll 118, Ancestry.com; For more on madams in antebellum bawdyhouses, see Katie M. Hemphill, *Bawdy City.*

[73] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

moment too. Tiffin's claims that Lawless was deeply in debt and that the power of attorney was inadequate were probably true. Lawless had multiple mortgages, liens, and unpaid legal fees from multiple court cases, and in this way Tiffin did assist him by managing and setting his estate.[74] However, even if elements of Tiffin's story were true, Lawless was still vulnerable because of his race and illiteracy.

The court validated both Lawless and Tiffin. The Circuit Court dismissed the claims of the other plaintiffs, Lackey and Paulding, and against Samuel Merry. The court referred Lawless and Tiffin to a commissioner to determine an exact account against Tiffin, allowing only amounts without interest from the time Lawless signed the documents until Tiffin conveyed the lots to Merry. Once Lawless and Tiffin accounted for all debts and business dealings, the commissioner concluded that Tiffin owed Lawless $11,363.59 and Lawless owed Tiffin $5,772.86 for outstanding debts. Thus, Tiffin owed Lawless $5,590.78. With this determination, the law validated Lawless as a rightful property owner despite his race. Receiving a partial victory was not enough for Lawless,

[74] At the time of the riot in 1832, Lawless was involved in several civil suits for unpaid debts, racking up legal fees and costs owed to the court and the plaintiffs. Due to the power of attorney, Tiffin acted as garnishee of Lawless in cases for unpaid debts, many of which Lawless was found guilty, bolstering his assertion that he did not realize the extent of Lawless's debts and that he did help Lawless out by taking on that responsibility. The cases that continued in July after Lawless fled the city. *Burwell Lawless v. Armistead Lawless*, July 1832, Case No. 67, SLCCF; *Samuel T. and James G.A. McKenney v. Armstead Lawless*, July 1832, Case No. 76, SLCCF. In August, the case by Campbell and Woolfolk continued, ending in May of 1833 with a verdict against Lawless required him to pay $55.34 and court costs. *Cornelius M. Campbell and John Woolfolk v. Armstead Lawless,* July 1832, Case No. 131, SLCCF; CCRB No. 6, May 1, 1833, 479-480. John LaTresse filed a debt case against Lawless in July 1832, with a verdict against Lawless requiring him to pay $60.10. *John LaTresse v. Armistead Lawless*, July 1832, Case No. 140, SLCCF; CCRB No. 6, August 22, 1832, 391. The bawdyhouse cases by the city of St. Louis against Lawless continued in August 1832, eventually ending in Lawless's favor. CCRB No. 6, April 25, 1833, 473; In January of 1834, a case by the State of Missouri against Lawless continued with the issuing of a "scire facias," although it is unclear for what case it was issued. Lawless was required to pay $300 plus court costs. CCRB No. 7, January 2, 1834, 90. Lawless not present for any of these cases, as he never returned to Missouri after the riot in May of 1832. I assume that Tiffin stepped in after Lawless absconded and included these costs and debts as part of what he settled for Lawless. Tiffin acted as garnishee in one case by Jeremiah Millington, a physician who had rendered unpaid services to Lawless. *Jeremiah Millington v. Armstead Lawless*, November 1832, Case No. 138, SLCCF. *Jeremiah Millington v. Armstead Lawless and Clayton Tiffin*, June 1834, Case No. 32, MOSCD; CCRB No. 7, January 8, 1834, 107.

however, and he appealed to the Circuit Court and the Missouri Supreme Court. In a writ of error to the courts, Lawless's lawyer remarked, "[Armistead Lawless] has never abandoned or lost sight of his rights or his claims on the defendants."[75] The Missouri Supreme Court upheld the decisions of the Circuit Court.

The truth of this case is less important than the process by which Lawless claimed standing in the courts and the ways he understood the law. Lawless did not just use the legal system to validate his claims, he also engaged in a longer process to craft a persuasive story linked to property rights that he hoped would increase his chances of success. Lawless portraying himself as an innocent victim defrauded out of his rightful property was a performance, a tool to win. However, it is crucial not to look at his performance as a rightful property owner as only a tool or as an identity in which he himself did not believe. It was a performance in the sense that he knew it might work as a legal strategy, but Lawless also firmly believed himself to be a rightful property owner. His determination to claim that status and to use the language of property in court twisted the assumption that property ownership was a marker and privilege of whiteness, a claim validated by the court's verdicts.[76] As a free African American who had long sought wealth and economic success, the law became a mechanism to both regain wealth and validate his identity, and it held great significance in larger contests of about race and rights in the United States.

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[75] *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38, MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD

[76] Kimberly Welch argues it would have been "unsettling" for white southerners to see a Black litigant claiming an identity as a property owner and using the language property. Welch, *Black Litigants*, 140.

When Armistead Lawless demanded property rights under formal law, he claimed civil rights. He joined thousands of African Americans who also claimed civil rights and citizenship in the decades before the Fourteenth Amendment ratified in 1868. Free African Americans conducted themselves as citizens in public, in the courtroom, on public transportation, and in everyday interactions.[77] They pushed lawmakers to consider who was a citizen, shaping the contested and fluid definition of citizenship. African Americans were active participants in this process.

One way that African Americans claimed civil rights was by centering their legal claims in the language of property rights, as Lawless did in his suit against Tiffin. Just as property ownership conferred certain types of power and shaped Lawless's experience of freedom, claiming the protection of property rights meant more than simply protecting their ownership. "In the absence of other rights," Kimberly Welch writes, "free people of color used property rights to claim and wield a host of rights linked to possession, rights that tied them to a narrative of inclusion within the polity (membership they were otherwise denied)."[78] Black litigants who leveraged their status as property owners and sought legal protection of their property rights also claimed a right to civic inclusion, independence, and human dignity.[79]

As Lawless's lawyer wrote, "[Armistead Lawless] never abandoned or lost sight of his rights."[80] He claimed a right to own his property, a right to protection from fraud, a

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[77] Bonner, *Remaking the Republic*; Jones, *Birthright Citizens;* Stephen Kantrowitz, *More Than Freedom: Fighting for Black Citizenship in a White Republic* (New York: Penguin Books, 2013); Pryor, *Colored Travelers*.
[78] Welch, *Black Litigants*, 146.
[79] Welch, *Black Litigants*, 135.
[80] *Hugh Lackey, John W. Paulding, Armistead Lawless* v. *Samuel Merry and Clayton Tiffin*, July 1841, Case No. 634, SLCCF; *Armistead Lawless v. Clayton Tiffin, et. al.,* November 1845, Case No. 355, SLCCF; *Armstead Lawless, Hugh Lackey v. Samuel Merry and Clayton Tiffin*, January 1845, Case No. 38,

right to the profits and wealth derived from his property, a right to sue when he lost the property, and a right to be included in a body politic, that was traditionally understood to consist of white property owners. While Lawless did not explicitly call himself a citizen or ask for citizenship, he claimed markers of that status. For Lawless, property and property rights were the centerpieces of his life and freedom, and he vigorously used the law to protect them. Lawless joined the chorus of other free African Americans who made transformative claims regarding rights and citizenship long before the Fourteenth Amendment. The claims-making of African Americans had wide implications for citizenship, but the most important implication for Lawless himself was the protection of his property, which was an important marker in his freedom. In effect, Lawless was fighting for his freedom.

Armistead Lawless never returned to Missouri. He died in 1858, leaving his "livestock, horses, cattle, hogs," and other effects to his married daughter, Millie Hilt, and making no mention of his St. Louis property in his will.[81] It was a stark end to Lawless's turbulent life.[82] Once a bawdyhouse owner in a bustling city, Lawless's life ended quietly on a farm in Macoupin, Illinois, with only a will recorded in the county deeds book to mark it. Lawless's end was strikingly different from that of Clayton Tiffin's. He died in New Orleans one year later in 1859, and newspapers across the

MOSCD; *Hugh Lackey, Armistead Lawless, and John W. Paulding v. Samuel Merry and Clayton Tiffin*, October 1849, Case No. 26, MOSCD.

[81] Will Records, A-C, 1835-1890, Macoupin County Court, Probate Records, Macoupin, Illinois, *Illinois, U.S., Wills and Probate Records, 1772-1999*, Ancestry.com

[82] Due to time and COVID-19 restrictions, a detailed exploration of Lawless's life in Illinois was out of the scope of this project. Lawless joined hundreds of other free Black pioneers settling in Illinois, Indiana, Wisconsin, Michigan, and Ohio, where they fought for equality. For context on what Lawless may have experienced in Illinois between 1832 and 1858, see Cox, *Bone and Sinew of the Land*.

country joined in chorus and recorded inspiring and heartfelt eulogies about the man whom Armistead Lawless had accused of fraud.

> He became widely known and esteemed, not only for his personal worth as a citizen, a gentleman and a friend. He was one of those who, in the calls of professional duty, was never found wanting, even when there was no prospect of a fee or reward; and many, now prosperous, will sigh upon hearing of the death of the good old doctor; a man long forgotten in the turmoil of years, but the mention of whose death will recall the days when he was in his prime, and when, as ever since, his heart and hand were open as the sun to the needs of his follow-men. Throughout his long and eventful life, his name was the synonym of integrity and benevolence...He passed through a long life honorably to himself and with benefit to his fellow-men, and in the dreaded ordeal of the hereafter he will face the Great Maker with a pure heart and an untarnished conscience.[83]

Another newspaper account of Tiffin's death described him as a "noble and generous-hearted fellow, who never said an unkind word, or did an unkind thing to a mortal man...He never turned a deaf ear to the cry of distress...and was always ready to relieve the wants of the needy."[84] The reverence for Tiffin contrasted sharply with Lawless's quiet end, and the reverence highlighted their inequality and the power Tiffin held over Lawless in antebellum society.

However, if we look back eight years before Lawless's death at a different record, one marking not the end of his life but its meaning, we find another story. An 1850 Macoupin, Illinois, census record reveals that Lawless claimed $25,000 of real estate.[85] The number is suspicious, as no other Black farmer in the states carved out of the Northwest Territory matched it.[86] Moreover, most census figures were conservative, as Black farmers typically did not want the notoriety or identification of owning land in the

[83] *Daily Missouri Republican* (St. Louis), October 24, 1859.
[84] *Daily Missouri Republican* (St. Louis), October 24, 1859.
[85] 1850 United States Federal Census, Macoupin County, Illinois, p. 249A, Family 3, Dwelling 3, National Archives Microfilm M-432, Roll 118, Ancestry.com.
[86] Cox, *Bone and Sinew of the Land*, xi-xvi.

eyes of an unfriendly society.[87] The agricultural census record listing "A. Lawless" as a farmer in Macoupin County, Illinois, in 1850 adds to the suspicion. In the agricultural census, Lawless listed his farm as being worth only $2,000, and the recorded values of the crops, equipment, animals, and produce do not come close to reaching $25,000.[88]

Yet the $25,000 figure appears clearly and crisply next to Lawless's name, along with the denotation of his race as "mulatto" and his illiterate status. What was Lawless claiming as worth $25,000? He no longer held his St. Louis property, either the bawdyhouse or the enslaved people, and his farm in Illinois was not worth that amount. The census was recorded one year after the Missouri Supreme Court case against Tiffin in which the court upheld the verdict of the Circuit Court. Maybe Lawless included the $5,000 the courts required Tiffin to pay Lawless, although the $25,000 specifically referred to real estate. Maybe it was a personal valuation of his property in St. Louis, an ambitious estimate of what it probably would have been worth in 1850, eighteen years after the violent riot. Maybe Lawless included the value of the enslaved women and children Tiffin had sold and Lawless fought to get back.[89] Supposition aside, the meaning and possibility of Lawless's freedom lies in the neatly inscribed $25,000. Every number inked on the census record holds the meaning and memory of his use of the law and the precariousness of those endeavors. We can picture a fifty-nine-year-old Lawless, the man

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[87] Cox, *The Bone and Sinew of the Land*, xviii; See also Schweninger, *Black Property Owners in the South*;
[88] 1850 Federal Non-Population Schedule, Agriculture, Macoupin County, Illinois, p. 531, Line 24, Number T1133, Roll 3, *U.S., Selected Federal Census Non-Population Schedules, 1850-1880,* Ancestry.com.
[89] The COVID-19 pandemic and project constraints have made it difficult to determine what this $25,000 represented. I base my assumptions about Lawless claiming the value as a symbolic gesture to represent the meaning of his freedom and claims-making on two facts. First, $25,000 is an exorbitant amount for a Black farmer in 1850 in Illinois, so the number itself is suspicious. Second, as this project has demonstrated, Lawless went to great ends to own and protect property. Cox, *Bone and Sinew of the Land*; Schweninger, *Black Property Owners in the South*.

who once stood determined in the face of an enraged, violent white mob, towering over a census taker and telling him to record $25,000 as the value of his property while also marking himself as unable to read and write. How did he feel about those indicators? What was Lawless thinking as he interacted with the census taker? This final act left a meaningful archive of what Lawless wanted others to know about him: that he was a rightful and successful property owner.

Conclusion: The Meanings of Black Freedom

On July 14, 1964, Percy Green and Richard Daly, leaders of the Action Council to Improve Opportunities for Negroes (ACTION), a non-violent direct action civil rights group, climbed the Gateway Arch which was under construction in St. Louis. They were protesting the exclusion of Black construction workers by the project's federal contractor, the Millstone Construction Company, and their actions were part of a longer thread of activism against the racial and economic inequalities in St. Louis and the systematic removal of Black Americans from the city.[1] Twenty-five years before Green and Daly's protest, the city razed nearly four hundred buildings on thirty-seven blocks of historic riverfront to build the Gateway Arch National Park. Nearly two hundred of those buildings were Black-occupied houses and apartments, which were destroyed in the name of "rehabilitation."[2]

Gateway Arch National Park started as a project of the Jefferson National Expansion Memorial Association and the Federal Memorial Commission in 1933 to honor "the men who made possible the territorial expansion of the United States...Thomas Jefferson and his aides...who negotiated the Louisiana Purchase, and the hardy hunters, trappers, frontiersmen, and pioneers...who contributed to the territorial expansion and development of the United States of America."[3] The central focus of the park, the breathtaking and towering Arch, signified St. Louis as the "Gateway to the West" and the city's contribution to American freedom and expansion. Who experienced freedom and "progress" in St. Louis? What did "rehabilitation" destroy? At whose

[1] Johnson, *Broken Heart of America*, 345.
[2] Primm, *Lion of the Valley*, 452.
[3] Quoted in Primm, *Lion of the Valley*, 452.

expense did St. Louis contribute to the larger project of American expansion and freedom? We are just beginning to understand the countless, often unnamed African Americans who struggled and fought for freedom in the city: the recorded and unrecorded enslaved people who filed freedom suits in the St. Louis Circuit Court, the free African Americans bound by the state's restrictive policies, the Black volunteers in the U.S. Army who fought for freedom during the Civil War, and the African Americans who experienced the East St. Louis Massacre at the hands of enraged white people in 1921, numerous labor strikes for fair working conditions and wages, civil rights protests like that of Percy Green and Richard Daly, and other struggles continuing through the present.[4]

If you walk to the far northwest corner of Gateway Arch National Park, just across the Eads Bridge, an unassuming parking lot stands atop a different, long-forgotten symbol of freedom. If you halt on the northeast corner of that city block where Second Street and Lucas Avenue meet, you stand on the site of Armistead Lawless's bawdyhouse.[5] It is an unmarked location of freedom, wealth, defiance, and violence that was destroyed nearly two hundred years ago. From the corner vantage point, the top of the stunning Arch dedicated to expansion and freedom peaks over the bridge, the structure itself standing on top of the riverfront city blocks where a newly freed Armistead Lawless walked in 1825. The Eads Bridge cuts right through the view of the Arch, taking people across the very Mississippi River Lawless hurriedly crossed to

[4] Johnson, *Broken Heart of America*.
[5] Lawless's bawdyhouse was on the northeast corner of Second and Prune streets, which became Second and Greene streets in 1835, and then Second and Lucas streets in the 1850s. In Lawless's time, city block 66 was bound by Laurel Street which became Washington Avenue in 1835. Parts of Washington Avenue exist today, feeding into the Eads Bridge. Glen Holt and Tom Pearson, "St. Louis Street Index," (St. Louis Public Library: 1994), 75, 129.

escape a violent mob, glancing over his shoulder at all he had lost in St. Louis. The bridge feeds into Illinois, the land where an injured Lawless set foot in 1832, reluctantly committing to a life of farming until he died in 1858. The ordinary parking lot may hold the memory of heavy loss, but it also marks Armistead Lawless's shrewdness, his desires, and his opportunities. It holds a profound legacy of the human complexity of one free Black man.

Until now, Armistead Lawless was one of those unnamed African Americans who struggled for freedom in St. Louis. He was a complicated figure. He cared about his property, money, wealth, and power, often at the expense of other people. He had few friends and rejected Black respectability. His actions were usually "for his own lucre and gain."[6] At times, he was ruthless and lawless. He also suffered immensely at the hands of white rage and violence. These pieces of Lawless's life, the events and his motivations and choices, made up the landscape of his freedom. Armistead Lawless's story adds an intimate and complex portrait to our understanding of Black freedom, violence, formal law, and property ownership in the antebellum United States. The singular lens of his life reveals the possibilities, motivations, and limitations of Black freedom.

Lawless's story has always been there. Historians speak of hidden stories, of people who are not in the historical record because historical and archival forces silenced and buried them. Lawless's story was never hidden. His name is splashed across hundreds of pages of court records and his story is hinted at in newspapers, county histories, and recollections. The existence of Lawless is obvious, while his motivations, choices, and lived experience pulse quietly and less conspicuously beneath the surface. I

[6] *State of Missouri v. Armstead Lawless*, July 1826, SLCCF.

did not discover Armistead Lawless; I merely chose to tell the story of what and who always existed. Armistead Lawless's story is an uncomfortable and complicated addition to narratives of Black freedom, which is perhaps a reason historians have overlooked him. It is tantalizing to think of all the stories left to be told, stories of enterprising and ruthless African Americans who forcefully carved out space for themselves in a larger project of Black freedom. Armistead Lawless's story encourages us to seek others who might deepen our understanding of African American life, complicating historical narratives about Black freedom and the people who lived it.

Appendix

A Note on Sources: Researching Armistead Lawless

Tracing Armistead Lawless's life proved to be a challenging and rewarding task. I first encountered him in the 1850 United States Federal Census record. My curiosity about his supposed $25,000 of property drove me to look deeper. I stumbled upon the Missouri Supreme Court case between Lawless and Tiffin in the Race and Slavery Petitions Project from the University of North Carolina at Greensboro, my first indication that Lawless's story was a complex, and exciting. My curiosity never waned. Over the course of five years, I gathered Lawless's many St. Louis Circuit Court civil and criminal cases, using the online Missouri Digital Heritage Judicial Records Database, the St. Louis Circuit Court Record books, and conversations with the brilliant archivists at the Missouri State Archives. I attempted to transcribe and take detailed notes on every case file, cross-referencing confusing details with other sources. I methodically examined every page of the St. Louis Circuit Court Record books, scanning for his name. I compiled my findings into a database, ordered chronologically to trace Lawless's legal journey and detailed important elements such as action, charge, verdict, and court costs. I also organized the database by case type to examine the patterns of different legal cases. The richness of Lawless's life leaves ample opportunity for historians to mine legal records for new perspectives and evidence.

One of the most crucial and intriguing parts of Lawless's story was his relationship with other people. For the main characters of the story, such as Clayton Tiffin, Samuel Merry, George Strother, or Luke Lawless, to name a few, I compiled databases to track their appearances in the court records and searched census records,

county histories, newspapers, and secondary sources to contextualize their lives. I used a similar method for the women of this story, Charlotte, "Indian Margaret," and Margaret Lawless, although details of their lives were harder to track down and much remains to be told about them. Tracing these people through the historical record illuminated the social and economic networks of antebellum St. Louis and hinted at their lived experience.

Without much secondary literature on the sexual economy of antebellum St. Louis, it was challenging to contextualize to Lawless's bawdyhouse and the 1832 riot. I used secondary sources about sex work in other antebellum cities to imagine what St. Louis's sexual economy may have looked like when Lawless operated in it. In the Missouri Digital Heritage Judicial Records database, I searched every case type and mention of vice, disorderly houses, bawdyhouses, breach of ordinance, and disturbing the peace to collate the legal cases related to sex work. I did not examine all of these files – only the ones directly related to Lawless or other free African Americans. I also did not search the record books for entries related to bawdyhouses or sex work. Further study of the record books and other sources housed in Missouri will no doubt yield rich analysis of vice and the relatively unexplored sexual economy.

There is undoubtedly much left to be uncovered about Lawless, the people he interacted with, and the place and time in which he lived. Unfortunately, the final research and the writing of this project occurred during the COVID-19 pandemic, limiting my ability to obtain access to non-digitized records. I could not travel to Missouri, so I relied on online databases, digitized records, and a small number of scanned records, with gratitude to the generous staff at the Missouri State Archives. These limitations indicate the need for research to continue, as much remains to be told.

Table 1: St. Louis Circuit Court and Missouri Supreme Court Case Files Involving Armistead Lawless

YEAR	PLAINTIFF	DEFENDANT	CAUSE/NOTES	TYPE	COURT	TERM	CASE NO.
1823	State of Missouri	Armstead, a slave	Buying stolen goods, Defendant, also known as Armstead Lawless, a slave of Benjamin Lawless; victim: Jacob Frye; pistol	Criminal	St. Louis Circuit	October	
1825	State of Missouri	Armstead, a free man of color	Larceny, victim: James Lakeman	Criminal	St. Louis Circuit	March	
1826	State of Missouri	Armstead Lawless	Assault and battery, A free man of color; recognizance bond	Criminal	St. Louis Circuit	March	
	State of Missouri	Armstead Lawless	Keeping a disorderly house, Defendant found guilty, returned a true bill 7/26/1826	Criminal	St. Louis Circuit	July	
	George Morton, Joseph C. Laveille	Armstead Lawless	Lien, Property located 2nd and Prune, northeast corner. Lien Amount: $180.000. Building was a 4-story house; expenses were for lumber supplied	Civil	St. Louis Circuit	August	
	Beriah Cleland	Armstead Lawless	Lien, Property located 2nd and Prune, northeast corner. Lien Amount: $233.00. Building was a 4-story house; expenses were for materials furnished and labor completed	Civil	St. Louis Circuit	August	
	Apoline Clamorgan	Armstead Lawless	Assumpsit	Civil	St. Louis Circuit	November	No. 12
1827	John Kelly, Administrator	Armstead Lawless	Appeal, Debt, estate of Benjamin Lawless; for hire of mulatto woman;	Civil	St. Louis Circuit	July	No. 54

			from Justice of the Peace Court; mulatto woman's name was Betsy				
1828	Mahala Smith	Armstead Lawless	Replevin, trunk of female clothing	Civil	St. Louis Circuit	July	No. 43
	State of Missouri	Armstead Lawless	Retailing liquor without a license, sold to William Johnston	Criminal	St. Louis Circuit	November	
	Ames Hill	Armstead Lawless	Appeal, debt, account for lumber, from Justice of the Peace	Civil	St. Louis Circuit	November	No. 47
1829	State of Missouri	Armstead Lawless	Assault with the intent to kill, victim: James Burwell	Criminal	St. Louis Circuit	July	
	Mahala Smith (appellant)	Armstead Lawless (respondent)	Disposition: reversed, Smith sued to recover a trunk of women's clothes worth $300. Lawless challenged the specificity of the claim for a trunk of women's clothes. Court found adequate cause and ordered a trial.	Civil	Missouri Supreme Court	September	No. 23
	State of Missouri	Armstead Lawless	Retailing liquor without a license	Criminal	St. Louis Circuit	November	
1830	Francois Dion	Armstead Lawless	Appeal, Trover and conversion; 5 cord of firewood; from Justice of the Peace Court	Civil	St. Louis Circuit	March	No. 80
	State of Missouri	Armstead Lawless	Betting at faro	Criminal	St. Louis Circuit	July	
	State of Missouri	Armstead Lawless	Betting at faro	Criminal	St. Louis Circuit	July	
	State of Missouri	Armstead Lawless	Betting at faro	Criminal	St. Louis Circuit	July	
	State of Missouri	Armstead Lawless	Betting at faro	Criminal	St. Louis Circuit	July	

1831	City of St. Louis	Armstead Lawless	Appeal, Breach of ordinance for keeping a bawdyhouse	Criminal	St. Louis Circuit	November	No. 130
	City of St. Louis, John Newman (attorney)	Armstead Lawless, John Bent (attorney)	Appeal, Breach of ordinance, Lawless, keeper of bawdyhouse	Criminal	St. Louis Circuit	November	No. 131
1832	John W. Reel, Julius Vairin, John F. Darby (Plaintiff attorney)	Armstead Lawless	Debt, notes, Plaintiffs doing business as Vairin and Reel	Civil	St. Louis Circuit	March	No. 54
	City of St. Louis	Armstead Lawless	Appeal, "An ordinance to prevent bawdy house"; bawdy house in house commonly called "Goose Horne" on lot in block 66 bounded by Prune, Third, Laurel and Second Streets Note: George Strother, attorney	Criminal	St. Louis Circuit	March	No. 91
	John Latresse	Armistead Lawless	Appeal, Debt, account; for painting house & stairs; defendant also spelled Armistead Lawless	Civil	St. Louis Circuit	July	No. 140
	Burwell Lawless, Henry Geyer (attorney)	Armstead Lawless	Debt, For hire of two slave men, Robert and Charles, for 12 months; attached 2 large black horses and a light 2-horse carriage pointed out by plaintiff as property of defendant	Civil	St. Louis Circuit	July	No. 67
	James G.A. McKenney, Samuel T. McKenney, John Newman (Attorney)	Armstead Lawless	Debt, Attached property in hands of Clayton Tiffin, Samuel Merry, William Munday, garnishees and lot of ground with houses and improvements, another "lot of ground with a new brick	Civil	St. Louis Circuit	July	No. 76

			house…commonly called the goosehorn."				
	State of Missouri	Armstead Lawless	Forfeited recognizance, Samuel Urie posted bond	Criminal	St. Louis Circuit	July	No. 110
	Cornelius M. Campbell, John Woolfolk	Armstead Lawless	Appeal, Debt; plaintiffs doing business as Campbell & Woolfolk; deposition of Luther H. Read	Civil	St. Louis Circuit	July	No. 131
	State of Missouri	Armstead Lawless	Debt, Bond. For Samuel Urie; forfeiture $300; non-appearance; Urie indicted for keeping disorderly house	Criminal	St. Louis Circuit	November	No. 88
	Jeremiah Millington	Armstead Lawless	Appeal, Assumpsit; defendant also spelled Armistead Lawless	Civil	St. Louis Circuit	November	No. 138
1834	Armstead Lawless, Clayton Tiffin (appellants)	Jeremiah Millington (respondent)	Disposition: Affirmed. Lawless absconded (escaped); Tiffin liable to Dr. Millington for services on a "negro"	Civil	Missouri Supreme Court	June	No. 32
1841	Hugh Lackey, John W. Paulding, Armistead Lawless	Samuel Merry, Clayton Tiffin	Lot on Church street, plaintiff Lawless free black from Illinois, deeds; depositions; slave hire. Plaintiff attorney: Lawless, Luke Defendant attorney: Hudson, Thomas B.; Geyer, Henry S.	Civil – in chancery	St. Louis Circuit Court	July	No. 634
	Armistead Lawless	Auguste Guelbreth		Civil	St. Louis Circuit Court	July	No. 46
1842	Hugh Lackey, Armstead Lawless, and John W.,	Auguste Guelbreth (respondent)	Trover and conversion of Sarah (14) and Thomas (12)	Civil	Missouri Supreme Court	November	No. 46

	Paulding (appellants)						
1845	Hugh Lackey, Armstead Lawless (appellants)	Samuel Merry, Clayton Tiffin (respondents)	Disposition: dismissed, Part of the record only; circuit transcript withdrawn at the request of the appellant	Civil	Missouri Supreme Court	January	No. 38
	Armistead Lawless	Henry Powers, S.M. Sill, Franklin Raborg, Samuel Willis, administrator of Robert Duncan, Benjamin Ellenwood, garnishees of Clayton Tiffin	Garnishment on execution	Civil	St. Louis Circuit Court	November	No. 355
1849	Hugh Lackey, Armstead Lawless, John W. Paulding (appellants)	Samuel Merry, Clayton Tiffin (respondents)	Lawless, free black, sued to recover property he sold after riot; Lawless was assaulted, fled to Illinois, forced to give his land away	Civil	Missouri Supreme Court	October	No. 26

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