

Old Courthouse Museum

National Park Service
U.S. Department of the Interior

Jefferson National
Expansion Memorial



The Dred Scott Decision



One of the most important cases ever tried in the United States began in St. Louis, Missouri in 1846. In two trials heard in 1847 and 1850, an illiterate slave named Dred Scott sued for his freedom based upon the fact that he had been held in bondage in a state and territory where slavery was not allowed by law. These trials were the beginning of a complicated series of events which culminated in a U.S. Supreme Court decision in 1857, and hastened the start of the Civil War.

Dred Scott



When Dred Scott sued for his freedom in 1846, he was nearly 50 years old. Scott was born in Virginia about 1799, and was the property, as his parents had been, of the Peter Blow family. Dred Scott was brought to St. Louis by the Blows in 1830, but was soon sold due to his master's financial problems. He was purchased by Dr. John Emerson, a military surgeon stationed at Jefferson Barracks (a post located a few miles south of St. Louis). Scott was taken by Emerson to forts in Illinois and the Wisconsin Territory, where slavery was prohibited

by the Missouri Compromise of 1820. While at Fort Snelling, Dred Scott met Harriet Robinson, also a slave. Dr. Emerson allowed Dred and Harriet to be married in a legal ceremony, and purchased Harriet so they could stay together. During a brief stay in Louisiana, John Emerson married a woman named Irene Sanford. In 1842, the Scotts returned with Dr. and Mrs. Emerson to St. Louis. John Emerson died the following year, and Mrs. Emerson hired out the Scotts to other masters.

Slavery in the Cities



Slave life in a city was very different from life on a farm or plantation. The huge influx of immigrant labor in the 1840s made slavery unprofitable in urban areas, since a master had to provide food, clothing and lodging for his or her slaves. A solution to this problem was to hire out a slave, usually for a period of up to a year. Under this system, a master no longer had to worry about the upkeep of a slave, yet received all the money for the slave's hire. This system put a terrible burden on a slave, who was shifted from job to job, never knowing who his or her master might be, or what work they would be expected to do.

Slave life in an urban area had some advantages. Some slaves were able to work for and keep their wages, eventually purchasing their freedom. Many slaves were able to work independently, without close supervision. Others developed trades or skills as artisans which made them important members of the community. Information about world events and even the debate over slavery within the United States would be known within the slave community, whose interactions with people on the streets of the city and in the African-American churches kept them well-informed.

The St. Louis Trials



On April 6, 1846, Dred and Harriet Scott filed suit against Irene Emerson for their freedom. Freedom suits were not unusual in St. Louis; over 200 slaves petitioned for their freedom in the city courts between 1804 and 1865, most on the same basis as Dred Scott: previous residence in a free territory. In the past, Missouri courts supported the doctrine of "once free, always free." It is not known why Dred Scott sued for his freedom in 1846, but historians have considered three possibilities: he may have been dissatisfied with being hired out; Mrs. Emerson might have been planning to sell him; or he may have offered to buy his own freedom and been refused. It is known that the suit was not brought for political reasons. The Blow family, Dred's original owners,

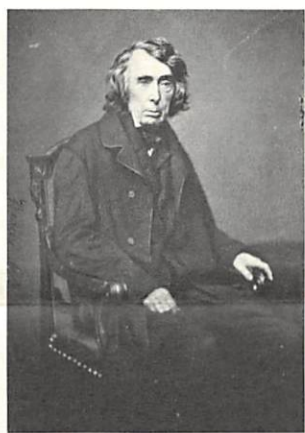
influenced him and provided financial backing. The case was brought to trial in 1847 in St. Louis' Courthouse, but due to a legal technicality, a new trial was ordered. In the second trial, held in the same courtroom in 1850, the jury decided the Scotts were entitled to their freedom under Missouri law. Mrs. Emerson, however, appealed her case to the Missouri State Supreme Court, which in 1852 reversed the ruling made in St. Louis, stating that "Times now are not as they were when the previous decisions on this subject were made." The slavery issue was becoming more divisive nationwide, and provided the court with political reasons to return Dred Scott to servitude.

The Federal Case

In 1854, Dred Scott filed suit in St. Louis Federal Court against John F.A. Sanford, Mrs. Emerson's brother and executor of the Emerson estate. Since Sanford resided in New York, the case was taken to the Federal courts on the basis of diversity of residence. This suit was

not heard in St. Louis' Courthouse, but in the Papin Building, near where the north leg of the Gateway Arch stands today. The case was decided in favor of John Sanford, but Dred Scott appealed to the U.S. Supreme Court.

The Supreme Court Decision



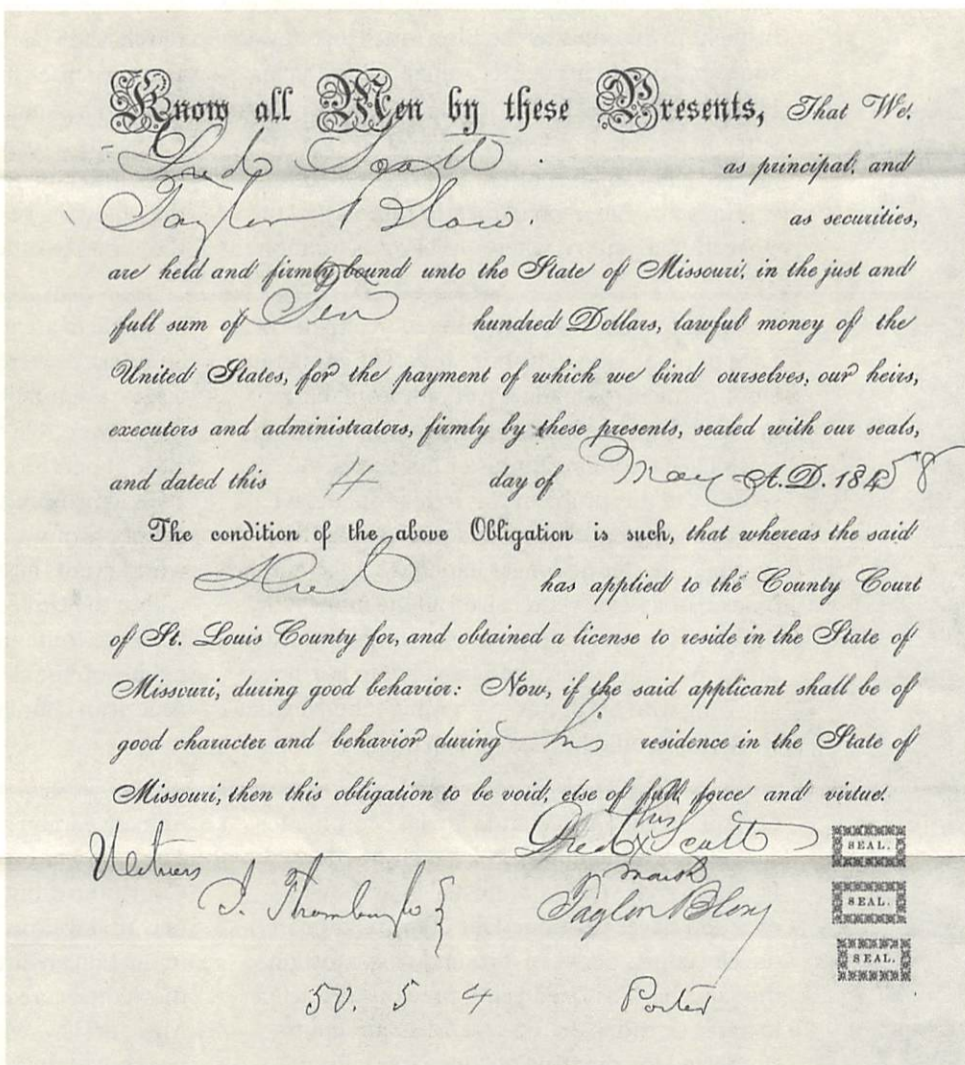
On March 6, 1857, Chief Justice Roger B. Taney delivered the majority opinion of the U.S. Supreme Court in the Dred Scott case. Seven of the nine justices agreed that Dred Scott should remain a slave, but Taney did not stop there. He also ruled that as a slave, Dred Scott was not a citizen of the United States, and therefore had no right to bring suit in the federal courts on any matter. In addition, he declared that Scott had never been free, due to the fact that slaves were personal property; thus the Missouri Compromise of 1820 was unconstitutional, and the Federal Government had no right to prohibit slavery in the new territories. The court appeared to be sanctioning

slavery under the terms of the Constitution itself. The American public reacted very strongly to the Dred Scott Decision. Antislavery groups feared that slavery would now spread unchecked. The new Republican Party, founded in 1854 to prohibit the spread of slavery, renewed their fight to gain control of the government and the courts. Their well-planned campaign of 1860, coupled with divisive issues which split the Democratic Party, led to the election of Abraham Lincoln and South Carolina's secession from the Union. The Dred Scott Decision helped move the country toward the brink of Civil War.

Freedom

Ironically, Irene Emerson was remarried in 1850 to Calvin C. Chaffee, a northern congressman opposed to slavery. After the Supreme Court decision, Chaffee turned Dred Scott over to his old friends, the Blows, who gave Dred, Harriet and their two daughters their freedom in May of 1857. On September 17, 1858 Dred Scott died of tuberculosis and was buried in St. Louis. His grave was moved in the 1860s to Calvary Cemetery in

northern St. Louis, and marked due to the efforts of the Reverend Edward Dowling in 1957. Dred Scott did not live to see the fratricidal war touched off at Fort Sumter in 1861, but did live to gain his freedom. The ultimate result of the war, the end of slavery throughout the United States, was not something Dred Scott could have foreseen in 1846, when he decided to sue for his freedom in St. Louis' Old Courthouse.



Educational Programs on the Dred Scott Case are available from Jefferson National Expansion Memorial's Museum Education Department. For more information call (314) 655-1700.

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