

ANYTHING BUT MINOR: THE SUFFRAGE, EQUALITY,
AND WOMEN'S RIGHTS ACTIVISM OF
VIRGINIA L. MINOR, 1867-1894

by

Donna M. Monnig

An Abstract

of a thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts
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August, 2018

ABSTRACT

by

Donna M. Monnig

This study reassesses the women's rights activism of St. Louis suffragist Virginia L. Minor. It challenges the traditional historical interpretation of her work that relegates her legacy to the failure of the landmark Supreme Court case *Minor v. Happersett* in 1875. Minor's activism extended beyond her suffrage case and encompassed a wide range of women's rights issues. Nineteenth century newspapers from across the nation between 1867 and 1894 reflect the popular awareness of her activism and provide new perspectives on her previously unrecognized work for women's rights. Her work included tax revolts in protest of women's disenfranchisement, public lectures across Missouri and the Midwest on behalf of suffrage, and protest against the unfair legal principle of *femme covert*. Minor's activism consistently demonstrated a commitment not only to the woman's suffrage movement, but also to women's right of equality with men.

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CHAPTER 1 INTRODUCTION

On an ordinary October day in 1872 forty-eight year old Virginia Louisa Minor made her way to the imposing, Greek revival style, St. Louis County Courthouse near downtown St. Louis. Her destination was the office of the sixth ward voter registrar, Reese Happersett. Despite the

lack of female enfranchisement in the state, Minor's purpose was to register to vote for the upcoming presidential election between Ulysses S. Grant and Horace Greely. This would constitute a direct challenge to the Missouri State Constitution which only allowed "male" citizens the right to vote. Virginia Minor fully believed that she too, as a citizen,



Figure 1. *St. Louis Court House, St. Louis, Mo., ca. 1903.*
Library of Congress. <https://www.loc.gov/item/2003669790/>.

possessed the right to vote, hence her trip to the registrar's office. Happersett refused to allow Minor to register, however, as it violated existing Missouri law. Minor, with the support of her husband Francis, proceeded to sue Happersett in a case that would ultimately reach the U.S. Supreme Court and become a landmark in legal and suffrage history. October 15, 1872 turned out not to be such an ordinary day after all.

The result of creative legal interpretation, Virginia and Francis Minor's case, *Minor v. Happersett*, rested on a suffrage strategy they first articulated in 1868. Known as "New Departure," the strategy rested on the premise that women were citizens and as such they too possessed the right to vote under the recently ratified Fourteenth Amendment. The language of

the amendment expressly stated that all people who were “born or naturalized in the United States ... are citizens of the United States” and that no state could “make or enforce any law” that infringed on a citizen’s rights.¹ The U. S. Supreme Court denied the Minors claim, and stated that the amendment did not expressly stipulate voting as one of the rights of citizenship. The Court’s negative ruling on *Minor v. Happersett* served as a setback for the suffrage movement, and caused the movement to change tactics, switching to a state by state approach and abandoning a federal amendment, at least for a time.² Since then, the interpretation of Virginia Minor’s influence on and association with suffrage, especially at the national level, has mostly been tied to her failed court case.³

This research began by questioning whether *Minor v. Happersett* made headlines in nineteenth century newspapers and how far across the nation those headlines reached. It quickly spiraled into a much broader and deeper investigation of Minor and her activism as unexpected articles were uncovered detailing her previously unexplored tax revolts, her work with the Nebraska campaign, and more. This study challenges the myopic view of Virginia Minor’s activism that defines her role as a negative or singular action tied to *Minor v. Happersett*. It re-envisions Minor’s role in woman’s suffrage and expands her influence on women’s rights

¹ *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 - 1875* Statutes at Large, 39th Congress, 1st Session. p. 358, accessed March 14, 2018, <https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=014/llsl014.db&recNum=389>.

² See Lisa Tetrault. *The Myth of Seneca Falls: Memory and the Women's Suffrage Movement, 1848-1898*. (Chapel Hill: The University of North Carolina Press, 2014) and Bonnie Stepenoff’s “Disfranchised and Degraded Virginia L. Minor and the Constitutional Case for Women’s Suffrage,” in *Missouri Law and the American Conscience: Historical Rights and Wrongs*, ed. Kenneth H. Winn. (Columbia, MO: University of Missouri Press, 2016), 105 - 128.

³ Not only is this true in much of the historiography, but also in textbooks devoted to women’s history. For some examples see Nancy Woloch. *Women and the American Experience*. (New York: McGraw-Hill, 2011); Mari Jo Buhle, Teresa Murphy, and Jane Gerhard. *Women and the Making of America*. (Upper Saddle River, NJ.: Pearson, 2009); Ellen Carol DuBois and Lynn Dumenil. *Through Women’s Eyes: An American History with Documents*. (Boston: Bedford/St. Martins, 2016). Also, Minor nor her case are referenced in June Hannam, Mitzi Auchterlonie, and Katherine Holden, ed. *International Encyclopedia of Woman’s Suffrage* (Santa Barbara, CA.: ABC-CLIO, 2000).

activism and belief in equality by broadening the context from which she and her actions are evaluated. The methodology employed required first uncovering how historians have typically depicted Minor's activism, and whether or not Minor's activism differed from or was broader than those interpretations. Use of newspapers as a primary source has provided a fresh perspective into some of Minor's previously unrecognized work on behalf of women's rights. As one of the most valuable communication tools of the nineteenth century, newspapers shine a light on Minor's activities, they showcase the popular awareness of her work, and expand on the different kinds of work she did. Minor left little in the way of personal writings; therefore, newspapers also provide us with details of Minor's activities that would otherwise be lost. Scouring through dozens of newspapers from across 17 states revealed that Minor played a pioneering, positive, and diverse role in the woman's suffrage movement at both the state and national level and demonstrates that she fought for more than suffrage and sought full equality for women.⁴

Virginia Minor's suffrage and women's rights activism demonstrates a type of respectable radicalism. This research will demonstrate that Minor performed radical acts on behalf of radical beliefs concerning women's rights and equality. She addressed public audiences, attempted to register to vote, fearlessly took her suffrage case to the U.S. Supreme Court, campaigned for women's rights, wrote letters, petitions, and memorials to men in positions of power, and refused to pay taxes. Despite these radical actions and inclinations, this research has found that Minor maintained a reputation of respectability and newspapers frequently described her as a respectable lady. A respectable radical, Minor walked a fine line

⁴ In looking through more than 2,700 pages of newspapers from across the country between the years 1867 to 1895 approximately 200 articles referencing Minor were found. A number of these 200 articles are duplicates or near duplicates to each other, but that makes the findings no less significant.

between her own beliefs and nineteenth century societal norms. It is hard to say if this respectable radicalism is a byproduct of the Midwestern suffrage movement or if it is unique to individuals like Minor. Further study of the region and individuals within it, particularly Minor's contemporaries, would be necessary to ascertain a conclusion. As for region, Minor's location also comes into question. On one hand Missouri, particularly St. Louis, during the late nineteenth century held a diverse population and political climate that could have helped provide Minor with the impetus necessary for her actions. At the same time, it is hard to tell how much impact the state had on her, or if it is Minor who made a more significant impact on the state. For example, one of the first woman's suffrage associations in the nation was founded in Missouri, but at the same time, Minor was a driving force behind the founding of that organization. The role of person versus place is an important consideration in any historical event, but conclusions often remain speculative.

Minor served as a driving force in founding Missouri's state suffrage association in 1867 (one of the first in the nation), and she led by example when she advocated for women to resist taxation for so long as the government denied them representation. She communicated with Susan B. Anthony, Elizabeth Cady Stanton, and other national and regional leaders, and repeatedly petitioned legislatures on behalf of women's rights. Virginia and Francis's "New Departure" plan arguing that women were citizens whose voting rights were also protected under the Fourteenth amendment, received repeated attention in the National Woman Suffrage Association's newspaper *The Revolution*. Additionally, Stanton and Victoria Woodhull presented it to Congress and the House of Representatives. Virginia Minor became and remained the leader in Missouri's woman's suffrage movement until her death in 1894, and her activism extended far beyond the state or a single Supreme Court case. She collaborated with her husband Francis for

women's rights in many of her efforts and together they represented an alternative model for the companionate ideal of nineteenth century marriage.⁵ Her story fits into a broader narrative of the movement and provides an interesting and important case study in late nineteenth century feminist activism in the Midwest and helps place Missouri in its rightful place on the national suffrage stage.⁶

Historiography and Virginia Minor

The woman's suffrage movement is often dated to the 1848 convention at Seneca Falls, New York, organized in part by Elizabeth Cady Stanton and Lucretia Mott.⁷ This became a popular view in 1881 when Stanton, along with Susan B. Anthony and Matilda Joslyn Gage, published the first volume of *History of Woman's Suffrage*. In it they claimed the Seneca Falls convention and the "Declaration of Rights and Sentiments" presented there began the suffrage movement. The "Declaration of Rights and Sentiments" issued the call for woman's suffrage, pointed out the natural rights of women, and stated that women were forced to submit to laws despite the fact that they had no say in their formulation. However, the 1848 convention, while important, did not have the groundbreaking impact Stanton and Anthony claimed. Historians like

⁵ See Chapter Two for discussion on companionate marriages in the nineteenth century.

⁶ Now is the perfect time to explore new topics and research in women's suffrage history as the centennial of women gaining the right to vote is coming up in the year 2020. Some important revisionist works have already been published, most notably Tetrault's *The Myth of Seneca Falls*; Carol Faulkner's *Lucretia Mott's Heresy: Abolition and Women's Rights in Nineteenth-Century America*. (Philadelphia: University of Pennsylvania Press, 2011); and Nancy A. Hewitt Ed. *No Permanent Waves: Recasting Histories of U.S. Feminism*. (New Brunswick, NJ.: Rutgers University Press, 2010).

⁷ Technically the origins of women's rights activism can be traced back to Mary Wollstonecraft's book *A Vindication of the Rights of Woman: with Strictures on Political and Moral Subjects* (New York: W. W. Norton & Company, 2001), which was first published in London in 1792. Even further back, the medieval French woman Christine de Pizan (the first woman to ever make her living as an author), wrote the famous work, *The Book of the City of Ladies* (London: Penguin Books, 1999) which was first published in France in 1405. Her work attempts to show the prominence of women throughout history and refute negative and derogatory claims about women's inferiority.

Lisa Tetrault have proved their claim false.⁸ Tetrault does not deny the importance of the document or convention, but she makes a strong case that Stanton and Anthony wanted to control and consolidate the woman's suffrage movement and so crafted the story of its beginning in 1848 at Seneca Falls 25 years after the convention took place. According to Tetrault, memory culture became a national trend in America following the Civil War as abolitionists, white supremacists, and African Americans argued over how to *remember* the controversial war. Forgetting the role women played in abolition and during the war is the only thing the three factions agreed on. In a culture where collective memory making took on more and more importance, Stanton and Anthony saw men consistently forgetting women and writing them out of history. They were not the first to try to tell the story of women's struggle for enfranchisement, but they were the first to do it on a massive scale.⁹

Virginia Minor is a case and point of the ease with which women can be forgotten, overshadowed, or misrepresented in history. To her credit, the *History of Woman Suffrage* does feature her prominently, primarily in regards to her and Francis's "New Departure" strategy and the outcome of *Minor v. Happersett*.¹⁰ Tetrault also gives due credit to Virginia Minor, but for the same reasons. Eleanor Flexner's landmark book on suffrage history *Century of Struggle*, published in 1959, includes information on "New Departure," and estimates 150 women like Minor attempted to vote between 1871 and 1872. Flexner holds that ultimately Minor's case closed a door for women to gain the vote through constitutional amendment because the

⁸ An article by Jacob Katz Cogan and Lori D. Ginzberg, "1846 petition for woman's suffrage, New York state constitutional convention." *Signs: Journal of Women in Culture & Society* 22, no. 2: (1997): 427 – 439., shows that women in New York petitioned for the right to vote two years before the Seneca Falls Convention. Nancy A. Hewitt's *Women's Activism and Social Change: Rochester, New York, 1822–1872*. (Ithaca, NY.: Cornell University Press, 1988), further supports women's activism prior to 1848.

⁹ Tetrault, 38 - 74.

¹⁰ Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage. Ed. *History of Woman Suffrage*. 6 vols. (New York: Susan B. Anthony, 1881-1922).

Supreme Court upheld that a citizen's right to vote was determined by the states, not the federal government. Nevertheless, Flexner adds that other doors remained open for suffragists to pursue the cause, such as shifting to a state by state instead of federal approach.¹¹ Minor and her case are only mentioned in a footnote of Aileen S. Kraditor's landmark suffrage work *The Ideas of the Woman's Suffrage Movement, 1890-1920* published in 1965.¹² In *Feminism and Suffrage* (1978), Ellen Carol DuBois mentions Missouri twice (very briefly), but makes no mention of Minor. In a later essay, titled "Taking the Law into Our Own Hands," she closely analyzed Minor's case and called Virginia and Francis's suffrage arguments in *Minor v. Happersett* "militant and activist." She also concluded that the most successful suffrage activists usually performed their activism in groups believing that the rights of individuals would best be achieved collectively. DuBois claims that Susan B. Anthony, who also attempted to vote in 1872 under "New Departure," went to the polls with a collection of 50 friends, and that Minor too went with friends when she attempted to register to vote. DuBois does not say who or how many.¹³

Angela G. Ray and Cindy Koenig Richards also provide a rich analysis of the Minors arguments in the context of "New Departure" and *Minor v. Happersett*. They break down the Minors arguments and show how the couple used the nation's own democratic texts and existing laws to argue for a gender-neutral and race neutral citizenship. The key to their argument insisted that citizenship automatically included the right to vote, which is where the Court struck the mortal blow in *Minor* when they ruled the opposite, and upheld that states, not the federal

¹¹ Eleanor Flexner and Ellen Fitzpatrick. *Century of Struggle: The Woman's Rights Movement in the United States, Enlarged Edition*. (Cambridge, MA: Belknap Press, 1996), 157 – 165.

¹² Aileen S. Kraditor. *The Ideas of the Woman Suffrage Movement, 1890-1920*. (New York, W. W. Norton & Company, 1981), 177. First published 1965 by Columbia University Press (New York).

¹³ Ellen Carol DuBois's "Taking the Law into Our Own Hands: Bardwell, Minor, and Suffrage Militancy in the 1870s," in *Visible Women: New Essays on American Activism*, ed. Nancy A. Hewitt and Suzanne Lebock, (Chicago: University of Illinois Press, 1993), 19-40.

government possessed regulatory power over voting. While Ray and Richards agree that the failure of the case did set a negative legal precedent for exclusionary voting practices in the states, they also argue that the Minors arguments and actions “posited a key rhetorical element – the symbolic citizen – that was the basis for a new attitude, a new rhetorical style, and new performative strategies.”¹⁴

There are numerous suffrage histories that reference Virginia Minor’s case, but most all of them are either brief or say essentially the same things about *Minor v. Happersett*. One of the few historians to break this mold is Lee Ann Whites whose research takes an in-depth look at Virginia and Francis’s marriage, move to Missouri from Virginia (where they were both born), and unique property arrangement. Whites unveiled the depths of the companionate nature of their marriage by bringing to light that Francis put all of his property (married women were not allowed to own property in Missouri in the mid-1800s) into a trust he specially crafted and put in Virginia’s name. While not completely unusual in companionate marriages in the nineteenth century, Francis gave Virginia more rights and power over their property than most.¹⁵

Bonnie Stepenoff’s essay “Disfranchised and Degraded Virginia L. Minor and the Constitutional Case for Women’s Suffrage” does attempt to incorporate a broader picture of Minor and includes information about her companionate marriage from Whites’ research, as well

¹⁴ Angela G. Ray and Cindy Koenig Richards. "Inventing Citizens, Imagining Gender Justice: The Suffrage Rhetoric of Virginia and Francis Minor." *Quarterly Journal of Speech* 93, no. 4 (November 2007): 375-402, accessed May 8, 2017, DOI: 10.1080/00335630701449340. Ray also has another article “The Rhetorical Ritual of Citizenship: Women’s Voting as Public Performance, 1868 – 1875,” *Quarterly Journal of Speech*, 93:1, 1-26, accessed July 13, 2018, DOI: 10.1080/00335630701326845, that goes into more detail about the importance of the public performance that women activists engaged in when attempting to vote at the polls.

¹⁵ Lee Ann Whites. “The Tale of Two Minors: Women’s Rights on the Border,” in *Women in Missouri History: In Search of Power and Influence*, ed. Lee Ann Whites, Mary C. Neth, and Gary R. Kremer. (Columbia, MO: University of Missouri Press. 2004), 101 - 118. For more on the companionate marriage ideal, see Anya Jabour’s *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal* (Baltimore: Johns Hopkins University Press, 2002).

as Minor's membership in the St. Louis Ladies Union Aid Society. She also places her in context with other leading suffragists like Victoria Woodhull and St. Louis suffragist Phoebe Couzins, but the overall focus remains the failure of Minor's case.¹⁶

DuBois called Minor's challenge to the court's "militant and activist" which is an important distinction in suffrage because not all women's rights advocates pursued the same goals nor believed in the same ideals. Minor's arguments rested on the fundamental belief that women were equal to men, were citizens like men, and held the same rights as men. Many women did not embrace such a radical (for that time period) rhetoric, and still held onto certain traits of "True Womanhood" as they pursued their activism. "True Womanhood" saw women's ideal place in the home which suited the *true woman's* pious, pure, and submissive nature. Women's rights advocates who held these ideals of the *true woman* often sought a co-equal suffrage with men, hoping they would be able to bring their differences (moral, pious nature) into political life and bring about moral reform to create a benevolent society.¹⁷

K. David Hanzlick found this to be true in Kansas City, another Midwestern town in Missouri. Many women in Kansas City favored these benevolent and moral reform ideas over arguments for equality. The Women's Christian Association of Kansas City, founded in late 1870 by female activists, was one of the city's larger women's organizations (Kansas City never had their own suffrage organization). The members made up representatives for benevolence, moral reform, and equality, but the leadership soon catered to and "accepted gender roles of the

¹⁶ Stepenoff, 105 – 128.

¹⁷ See Hewitt's *Women's Activism and Social Change*; Nancy F. Cott's *The Grounding of Modern Feminism*. (New Haven, Connecticut: Yale University Press, 1987); Nancy Isenberg's *Sex and Citizenship in Antebellum America*. (Chapel Hill, NC.: The University of North Carolina Press, 1998).

elite benevolent women at the expense of the desires of advocates for equality”¹⁸ This suggests that Virginia Minor, and possibly the City of St. Louis, may have been more liberal on women’s rights issues than other Midwestern activists. However, many Midwestern women, despite expectations to follow prescribed gender roles, “focused more on community building, networking, and eventually on social and political action” and ultimately “negotiated a new meaning for domesticity in the process.”¹⁹

Women created, maintained, and were members of numerous women’s organizations in their St. Louis communities before and after the Civil War. Established in 1824, prominent Catholic and Protestant women of the city formed the Female Charitable Society of St. Louis, with the goal of “reliev[ing] distressed females and children” and helping the poor.²⁰ The St. Louis Association of Ladies for the Relief of Orphans was established in 1834 by sixteen women – 190 more women joined within a year. This association discovered firsthand how women’s lack of legal rights could make the running of such an organization difficult under Missouri law. The bylaws of the association stipulated that only women could be members, but until 1841 when the association incorporated, a husband of one of the members had to serve as the legal guardian for all of the children under the association’s care. However, because Missouri law gave a married woman’s husband control of her money, the articles of incorporation for the association stipulated that only a single woman could serve as treasurer, and in order for any married woman to hold any of the corporation’s assets she would have to first get consent from

¹⁸ K. David Hanzlick. *Benevolence, Moral Reform, Equality: Women’s Activism in Kansas City, 1870-1940*. (Columbia, MO.: University of Missouri Press, 2018), 9.

¹⁹ Yvonne J. Johnson. Ed. *Feminist Frontiers: Women Who Shaped the Midwest*. (Kirksville, MO: Truman State University Press, 2010), xiii; For more on the cult of domesticity, see Isenberg’s *Sex and Citizenship in Antebellum America*.

²⁰ Katherine T. Corbett. *In Her Place: A Guide to St. Louis Women’s History*. (St. Louis: Missouri Historical Society Press. 1999), 35.

her husband.²¹ St. Louis housed numerous women's associations and organizations, including several Catholic charities. During the Civil War women formed the St. Louis Ladies Union Aid Society, and became a principal auxiliary of the Western Sanitary Commission. Following the Civil War, St. Louis women, led by Virginia Minor, established the state's first suffrage association. Some St. Louis women also joined the Women's Christian Temperance Union as well as local women's clubs.²²

Taking this spirit of activism, relief, and reform into consideration, it should come as no surprise that St. Louis women actively pursued their own political rights, specifically suffrage, after the Civil War ended. That is not to say that, like Kansas City, some women in St. Louis did not favor equality over benevolence and moral reform. Some went even further and opposed women's equality and suffrage entirely, though it is unclear if any anti-suffragists ever organized in St. Louis.²³ Not all women sought political equality or suffrage in any form, fearing that it would upset the natural boundaries or balance between men and women. Anti-suffragists hailed from all regions of the nation, but have frequently been associated most strongly with southern women. Elna C. Green's *Southern Strategies* provides a southern account of the suffrage movement and illustrates how the deep seated patriarchal culture in the slaveholding south led Southern women to join the movement later than other regions. She also explains why the anti-suffragist movement in the south grew so strong as suffrage rhetoric threatened longstanding values of Southern culture and society. Green's research and others like it make for interesting comparisons of the role that region and race played in the suffrage movement.²⁴ According to

²¹ Corbett, 43.

²² Ibid., 106.

²³ Ibid., 107.

²⁴ Elna C. Green. *Southern Strategies: Southern Women and the Woman Suffrage Question* (Chapel Hill: University of North Carolina Press, 1997).

Steven M. Buechler “our knowledge is skewed too far toward the Northeast ... [t]his one-dimensional and reductionist view of the suffrage movement has made us inattentive to the ... variations between different regional branches of the movement.”²⁵

The Midwest, called “the crucible for reform” because of its reform struggles involving slavery, temperance, and suffrage provides an interesting arena of study for those interested in expanding and diversifying our understanding of early woman’s suffragists.²⁶ Following the Civil War, woman’s suffrage associations and organizations grew in number, size, and influence. The Midwest became a region full of activism for the cause and women in St. Louis, Missouri formed one of the first post-war suffrage societies in 1867. Susan B. Anthony remarked in 1895 that a St. Louis couple devised the first ever resolution written in favor of woman’s suffrage and it passed in the State’s suffrage convention in 1869.²⁷ This same couple would go on to lead and help shape the woman’s suffrage movement in Missouri for nearly 30 years: Virginia and Francis Minor.

Remembered for *Minor v. Happersett*, Virginia Minor’s activism extended into all facets of her life and expanded well beyond her court case as well as beyond Missouri’s borders. The following chapters examine various aspects of Minor’s life and feminist activism. Chapter two details her somewhat unusual marital arrangement, move to Missouri, her husband’s early law career, and the establishment of the Woman’s Suffrage Association of Missouri following the Civil War. Chapter three looks at *Minor v. Happersett* and how newspapers portrayed both the case and Virginia, as well as the ramifications of the case over the following years. Chapter four

²⁵ Steven M. Buechler. *The Transformation of the Woman Suffrage Movement: The Case of Illinois 1850 – 1920*. (New Brunswick, New Jersey, 1986), 200.

²⁶ Johnson, x.

²⁷ “TRIBUTES TO MRS. MINOR.” *St. Louis Post Dispatch* (St. Louis, MO.) May 4, 1895.

uncovers two tax revolts that Virginia Minor led in 1873 and 1879 in protest of women's lack of political and legal rights. Chapter five investigates various forms of Minor's activism on behalf of women's rights including petitions, a request of pardon for a female convict, her work for the Nebraska suffrage campaign in 1882, and the provisions of her will upon her death. The conclusion finds that Minor, with support from her husband, utilized numerous tools and strategies throughout her life as she devoted herself to suffrage and women's full equality with men while arguing that she and Missouri helped lead the region in the nineteenth century woman's suffrage movement. Virginia L. Minor has long been recognized for her Supreme Court case, now it is time to recognize her for the full range of her women's rights and feminist activism. This is her story.

CHAPTER 2 A MINOR MARRIAGE AND MOVE TO MISSOURI

Virginia Louisa Minor's early life, especially her marriage, are critical to understanding the later political activism both she and her husband engaged in on behalf of women's rights.

Born March 27, 1824 in Caroline County, Virginia, Minor grew up in Charlottesville, where her



Figure 2. *Virginia Louisa Minor, head-and-shoulders portrait, facing right / photo by J.A. Scholten; engd. by J.C. Buttre.* [Between 1850 and 1893] Library of Congress. <https://www.loc.gov/item/92500061/>.

father, Warner, a southern landowner, also worked as a “hotel-keeper” for the University of Virginia. His responsibilities included providing board and furniture in the dormitories as well as moral guidance to the students. Their relations included several other prominent Minors in Virginia, including wealthy landowners and professors of law at the University of Virginia.²⁸ On August 31, 1843 Virginia married her distant cousin Francis Minor of Orange County. Four years her senior, Francis graduated from Princeton and the University of

Virginia Law School and worked as a practicing attorney.²⁹ Following a similar path as other westward moving southerners, the couple moved to Mississippi shortly after their marriage and lived there for a year before moving to St. Louis, Missouri in 1845, where they remained for the

²⁸ Edward T. James, Janet Wilson James, and Paul S. Boyer. *Notable American Women 1607-1950: A Biographical Dictionary, Volume II.* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1982), 550. First published 1971 by Radcliffe College (Massachusetts).

²⁹ Records do not indicate that Virginia Minor received formal schooling at the university level. However, it is clear that she grew up and lived in a rich academic culture which could provide some background for her progressive ideas and intelligent arguments and strategies that she employed for women's rights. However, there were many southerners who would have shared a similar background who would not have embraced such progressive ideas.

rest of their lives.³⁰ Why the Minors chose to move to the “Gateway to the West” is uncertain. The burgeoning city held many attractions and it could have provided a good opportunity for Francis to set up his law career. What is more curious is that, despite both growing up in southern plantation society, neither Virginia or Francis ever owned or purchased slaves – not when they lived in the south, nor when they moved to St. Louis.³¹

Even more notable, coming from such a strict patriarchal social order, is the companionability and equality within their marriage itself. The desire for companionate marriages grew in early nineteenth century America. For some, a desire for new affectionate relationships built on intimacy and companionship overruled the traditional domestic patriarchy in which husbands possessed sole authority. English common law gave men the sole authority and control over property and inheritance. Women still possessed influence, but primarily through the control of goods and services through their work in the home, or what came to be known as woman’s sphere. A truly companionate marriage promised a relationship of mutual love and respect between equals, but the unequal power relations between men and women made such an ideal very difficult to attain.³²

Not the first to seek a companionate marriage, Virginia and Francis Minor came closer to achieving the goal than most. Historian Lee Ann Whites calls the Minors marriage “the politics

³⁰ James, 550; John B. Minor. *The Minor Family of Virginia*. (Lynchburg, VA.: J. P. Bell Company, 1923), 43.

³¹ As a border state, slavery in Missouri was different than the plantation style slavery in the south. The City of St. Louis had a sizable free black population in the years before the Civil War. This may be another reason why the Minor’s chose St. Louis when they moved to Missouri, as they did not own slaves themselves and sided with the Union during the Civil War. See Diane Mutti Burke’s *On Slavery’s Border: Missouri’s Small-Slaveholding Households, 1815-1865*. (Athens, GA.: The University of Georgia Press, 2010).

³² For more on the companionate marriage ideal, see Jabour’s *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal*. The Wirt’s came from the South much like the Minors, so Jabour’s work offers some insight into Southern culture and ideals of marriage. However, in many cases companionate marriage did not drastically alter marriages, more often it applied to practical things like managing property, etc. See Isenberg’s *Sex and Citizenship* for more on woman’s sphere.

of companionability,” and essentially argues that the Minors qualify as very early women’s rights activists in their own home. When restrictive Missouri laws infringed unfairly upon the Minors, Francis did what he could to subvert them. He and Virginia first defied the Missouri legal system in 1846 by making it possible, through a trust, for her to own property (despite the fact that women possessed no such rights in Missouri during this time). This quiet activism started long before any organized women’s rights or suffrage movement developed in the state. Whites hints that even though Missouri lacked a formal women’s rights movement in the 1840s, Francis Minor’s creative legal expertise contributed a small scale effort of furthering women’s rights in the State.³³ Not every couple who engaged in such property arrangements is likely to have done so on behalf of women’s rights as other practical reasons existed for keeping separate estates, including business, debt, and security safeguards. But for those inclined to suffrage and women’s equality such arrangements provided one way in which women with supportive husbands could act on their beliefs inside the home and may have helped them to reconcile their home life with their political views.

Francis put his legal skills to use for women’s rights, starting with his wife when he wrote a creative trust that allowed Virginia legal control over his and her property and possessions, present and future: “She was the one who could buy, sell, rent, or give away their property, as it suited her – not him.”³⁴ This shows the level of progressive support that Francis gave his wife early in, as this trust shows that he essentially reversed their marital roles essentially making himself the pseudo wife under common law. Even in Louisiana, where civil

³³ Whites, 105; For more on companionate marriage see Jabour.

³⁴ Whites, 109. It’s important to note that married women could have separate estates during this time period, but it required legal action to make it possible. For more on common law and separate estates see Marylynn Salmon’s *Women and the Law of Property in Early America*, (Chapel Hill, NC.: University of North Carolina Press, 1986), 6 – 38 and 120 – 140.

law allowed married women to own separate property and keep their legal identities, husbands still held administrative power over the property.³⁵ Others in the city followed the Minors marital model. According to Whites, Francis wrote similar trusts for some other couples in the St. Louis area, but none gave women the same level of equality and control as he gave his own wife. Francis “made possible the sale of property *between* married women” allowing them to participate in land deals and conduct business through trusts that essentially made wives, especially his own, into a kind of “pseudo husband.”³⁶

Through the trust he devised in 1846, Francis even went so far as to give Virginia the right to will their property to *her* descendants, but not necessarily to *his*. As Whites points out, the power to own let alone sell property greatly empowered women, but the power to leave property to one’s descendants, especially at the exclusion of one’s husband, extended that power to nearly unprecedented levels. Francis and Virginia’s commitment to extinguishing patriarchal power in their marriage, along with the intense women’s rights activism they devoted themselves to later in life, indicates a high level of companionship and respect in their marriage. The only tragedy of their marriage struck when their only child, Francis Gilmer Minor, born February 8, 1852 was “accidentally shot and killed May 15, 1866.”³⁷

The Minors marriage serves as an example, not only of what a companionable and democratic marriage should be, but on a smaller scale, what a democratic state could look like. An exceptional individual, the evidence indicates that Virginia Minor embodied all the virtues of

³⁵ Sara Brooks Sundberg. "Women and Property in Early Louisiana: Legal Systems at Odds." *Journal of the Early Republic* 32, no. 4 (Winter, 2012): 633-665, accessed June 20, 2018, <https://login.cyrano.ucmo.edu/login?url=https://search-proquest-com.cyrano.ucmo.edu/docview/1112911288?accountid=6143>.

³⁶ Whites, 101 – 112. Emphasis in original.

³⁷ Minor, *The Minor Family of Virginia*, 43. Further information on this tragic accident is not readily available, if it exists at all.

a respectable lady, capable wife, loving mother, and political activist. The same cannot be said of all suffrage leaders, particularly Elizabeth Cady Stanton's own marriage and motherhood.

Stanton's husband did support her activities, but not to the same extent as Francis supported Virginia, intellectually nor legally.³⁸ Susan B.

Anthony never married in the first place, nor did Minor's St. Louis contemporary Phoebe Couzins.³⁹

The Minors are fairly unique, even among suffragists. It is also clear that they did not advertise their unusual property arrangement and disregard for common law or patriarchal traditions. This is likely why Virginia has rarely been portrayed as anything other than a respectable woman despite her suffragist activities. If the public knew the full extent of the Minors radicalism it might have proved more of a hindrance than help. The fact that they successfully walked the narrow line between respectable and radical is a further testament to the



strength of their character and resolve for the cause of women's rights (this kind of respectable radicalism weaves its way throughout the Minors suffrage strategies). It is not certain why the Minors refrained from flaunting their unique property arrangement. Perhaps it was foresight. Similar marital property arrangements were not unheard of, but they were not commonplace, thus public scrutiny could have brought unwelcome criticism to the Minors and their cause, thus reinforcing their need to remain respectable while pursuing radical causes. Many suffragists and historians would agree that some of the more extreme suffragists who publicly shared their most radical views and feminist beliefs, like Victoria Woodhull who was depicted as *Mrs. Satan* in the 1870s, and Stanton in her later years, at times did more harm than good for woman's suffrage.⁴⁰

Beyond their companionate marriage and choice not to own slaves, there is another interesting facet about the Minors lives in St. Louis that presented itself when the Civil War broke out. At the start of the war, Robert E. Lee left the Union because he could not bring himself to go against his home state of Virginia. The Minors it seems, held no such compunctions. They ardently supported the Union for the duration of the war. Virginia joined the St. Louis Ladies Union Aid Society (LUAS), which organized in 1861 and soon became a principal auxiliary of the Western Sanitary Commission.⁴¹

Women in St. Louis received a lot of firsthand experience in dealing with crises, management, and politics during the war, most notably by participation in LUAS. Anna Clapp, a prominent St. Louis lady, became president of LUAS as well as its later offshoot, the Ladies Union Aid Relief Society (LUARS), through which she and other St. Louis women helped make

⁴⁰ Woodhull's advocating for free love (for which some called her *Mrs. Satan*) and Stanton's criticism of religion and her publishing the controversial *Woman's Bible*, caused a lot of backlash, among men and women. Free love especially gave suffrage a bad name for some time due to Woodhull's actions. See Tetrault's *Myth of Seneca Falls*, 63 – 67, and Dubois's "Taking the Law into Our Own Hands," 25 – 29.

⁴¹ James, 550.

sure that more than 3,000 people received medical aid, education (for white and black children), as well as food and shelter.⁴² Clapp gained more firsthand negotiation and political experience in 1862 when she traveled to Washington to ensure that a governmental contract for LUAS to make hospital garments and bedding would continue until the war's end.⁴³ In response to women's work increasing during the war, one St. Louis newspaper wrote that "the multitude of women who have taken places formerly occupied by men" provided both a wonder and a problem to society. It continued that "everyday girls and young ladies are taking up some branch of work new to the breadearners of their sex."⁴⁴

Virginia Minor's participation in LUAS is further evidence of her activist nature, desire to solve problems, and commitment to the Union. While such benevolent work was typical of many nineteenth century women, it was less so for a woman from the south. Her association with the organization would certainly not be typical of someone with her background: southern born with limited formal education.⁴⁵ Historian Kathryn Bloomberg conducted a study of the LUAS membership and found Minor to be an "anomaly" among the members. Minor hailed from the south while many LUAS members actually came from the north or northeast before settling in St. Louis. Bloomberg also notes that most women in LUAS possessed more formal education, whereas Minor, so far as is known, received little to no formal education beyond the home.⁴⁶ Francis is also an anomaly during this time and supported the Union during the war. He signed a loyalty oath to the United States and the Provisional Government of the State of Missouri on

⁴² Corbett, 85-88.

⁴³ *Ibid.*, 86.

⁴⁴ Waal, 110.

⁴⁵ Though as previously noted Minor did grow up in an academic culture.

⁴⁶ Kathryn Elizabeth Bloomberg. "Charitable Women: Volunteerism in the St. Louis Ladies Union Aid Society." (master's thesis, UMSL, 2009), 65, accessed February 18, 2018, <http://irl.umsl.edu/thesis/167>.

October 26, 1863. In the oath he swore “I have not, during the present rebellion, willfully taken up arms, or levied war, against ...” the Union, and that he would continue to defend the Constitution, the country, and the state of Missouri.⁴⁷ On January 1, 1864 the Western Sanitary Commission in St. Louis appointed Francis their claims agent to present the war claims of widows and soldiers to the government. A few months later, due to an act of the Missouri Legislature, he received an additional appointment as St. Louis County’s war claims agent.⁴⁸

Francis Minor’s Law Career

Francis’s law career has not been well studied, yet his training in law and his work as a lawyer provided critical experience necessary for his later work with Virginia to try and secure female suffrage through the courts. While none of the following cases are in and of themselves critical to understanding the Minors later work on suffrage, studying more of Francis’s law career helps provide a better overall picture of their lives together – the better part of which they devoted to women’s rights. During the war, Francis maintained a steady law practice in addition to his work for the Western Sanitary Commission and war claims agent. From 1861 to 1864 he is listed as an attorney on 20 court cases, and as a witness on another case involving a jurisdictional dispute. He is the attorney for the plaintiff on 17 cases, and the defendant’s attorney on the other three. Almost all of the actions in the cases involved some kind of debt dispute, though a few involved contracts, appointments of trustees, and a garnishment. Francis represented the City of St. Louis in four of the cases, each having to do with debt’s involving a special tax. Among all

⁴⁷ Loyalty Oath of Francis Minor of Missouri, County of St. Louis, Missouri History Museum, accessed March 24, 2018, <http://cdm16795.contentdm.oclc.org/cdm/ref/collection/CivilWar/id/40982>.

⁴⁸ Francis Minor Record Books of Civil War Claims, 1864-1877, Missouri History Museum Archives, St. Louis.

the cases, the amounts involved in debts ranged from \$125.78 to the sum of \$5,000.00 – a substantial amount of money in the nineteenth century.⁴⁹

In four of the 20 cases Francis handled between 1861 and 1864, he represented women, and in one case a female minor. In 1861 Francis represented Emma S. Duncan (later Mrs. Emma Wood) against defendants Noah M. Ludlow and Francis M. Ludlow doing business as Ludlow and Company. Duncan claimed the Ludlow's owed her \$5,000.00 from a debt or loan from eight years prior. On May 3, 1861 the "judgement confessed" saw the defendants admit they owed her the debt and promised to pay the amount of \$5,000.00 plus 10% interest.⁵⁰ In another 1861 case, also against Noah M. Ludlow and Francis M. Ludlow, Francis represented a young lady named Mary Ludlow from Mobile, Alabama. This case is interesting because Francis is listed, not only as the plaintiff's attorney, but also *with* Mary as her "next friend" likely meaning her parents died and she must have still been a minor. The debt in the case amounted to \$1,060.00 and implicated her trustee as well, further displaying the need for Francis to be listed as her "next friend." Mary Ludlow died before the case concluded, the judgement assigned at her death in 1863, saw the money owed to her transferred to an Edward Harris.⁵¹ Francis willingly co-signed his wife's petition to the Court for her case *Minor v. Happersett*, but this shows that he also acted on other women's behalf as both an attorney and "next friend" when necessary to help these women pursue their own justice prior to his wife's case.

Francis represented a man named Joseph Gartside in three separate cases between 1861 and 1864, twice as the plaintiff and once as a defendant. Gartside sued the Steamboat

⁴⁹ St. Louis Circuit Court Historical Records, Missouri State Archives, St. Louis.

⁵⁰ *Emma S. Duncan v. Noah M. Ludlow and Francis M. Ludlow*. Case 709, (1861), St. Louis Circuit Court Historical Records. Missouri State Archives, St. Louis. Hereafter cited MSA.

⁵¹ *Mary Ludlow and next friend Francis Minor v. Noah M. Ludlow and Francis M. Ludlow*. Case 712, (1861), St. Louis Circuit Court Historical Records. MSA.

“Wisconsin No. 2” once in 1861 and again in 1863 for debt’s owed at sums of \$496.23 and \$405.87 respectively. Francis appears to have won both cases.⁵² In 1861 Francis also represented Gartside as a defendant in a business dispute involving a former partner, and involved a debt note of \$2,200.00.⁵³ Gartside became a repeat client and hired Francis for two more cases in 1866. Other repeat clients during the Civil War years, besides the City of St. Louis and Joseph Gartside, include Martin B. Boyse, a plaintiff who hired Francis for three separate cases between 1861 and 1862, for debts ranging from \$200.00 to over \$1,000.00. Another plaintiff, Giles Bradford, hired Francis twice during 1861 for debts of \$200.00 to \$400.00. Francis worked on at least 12 separate cases during 1861. This is evidence that Francis maintained a steady law practice amid the difficulties of the Civil War, as well as the fact that he did not fear to represent clients against larger, more powerful entities, as in the case of Gartside against the Steamboat *Wisconsin No. 2*. Also, several of the cases Francis handled involved large sums of money by nineteenth century standards, further suggesting his prominent standing in St. Louis society.

One last case of interest from 1861 saw Francis as the plaintiff’s attorney for a John R. Richards against the defendants Ludlum S. Bassett and William K. Wilson. This case is not of interest because of who the defendants are, but for who they hired as their attorneys: John M. Krum and Chester Harding – two heavy hitters in nineteenth century St. Louis. Francis won the case; however, according to the judgement, neither of the actual defendants showed up for their day in court, and so essentially lost by default.⁵⁴ This case piques one’s interest because later, in

⁵² *Joseph Gartside v. Steamboat “Wisconsin No. 2.”* Case 84, (1861); *Joseph Gartside v. Steamboat “Wisconsin No. 2.”* Case 29, (1863), St. Louis Circuit Court Historical Records. MSA.

⁵³ *Louis Heninger v. Joseph Gartside.* Case 200, (1861), St. Louis Circuit Court Historical Records. MSA.

⁵⁴ *John R. Richards v. Ludlum S. Bassett and William K. Wilson.* Case 224, (1861), St. Louis Circuit Court Historical Records. MSA.

1872, John M. Krum is one of the attorneys for the plaintiff, along with Francis, on Virginia Minor's petition to sue the registrar in her famous case *Minor v. Happersett*.⁵⁵ Thus Francis and Krum knew or knew of each other for at least ten years prior to Virginia's petition. These cases, while not directly related to Francis or Virginia's suffrage activism, are important to help establish a better picture of where the Minors stood in St. Louis society and their relationship to the St. Louis legal system.

Francis's law career continued after the Civil War. From 1865 to 1868 he worked an additional 12 cases that there is known record of. Many of these are also debt related cases very similar to ones he worked during the war, though there is one divorce, a partition, and an appeal. It appears Francis handled all civil cases. The most famous case of his career took place in 1872 where he served as attorney as well as plaintiff alongside his wife, in *Minor v. Happersett*. The case records for nineteenth century St. Louis have not been processed past 1872, so at this time it is impossible to say how many more cases he worked after that year. All of the cases illustrated in this research also serve to contrast the leap Francis made from arguing cases in the St. Louis Circuit Court to representing his wife in the U.S. Supreme Court little more than a decade later. The controversial nature of *Minor v. Happersett* is also a leap in comparison to his previous cases. The fact that he willingly put his reputation and practice on the line further reinforces his commitment to his wife and the cause of women's rights.

Francis worked as more than just an attorney in St. Louis. Among other things, he served as a provisional judge in 1869. According to an article in the *Missouri Republican*, a Judge Knight appointed "Mr. Francis Minor Provisional Judge of the Court of Criminal Correction during the disability of Judge Wolff." The article lists 19 people, men and women, who would

⁵⁵ See Chapter Three.

appear before the new provisional judge for everything from larceny, assault and battery, “open and notorious adultery,” and includes three madams for “keeping common bawdy house[s].”⁵⁶ Exactly how long Francis remained the provisional judge for the Court of Criminal Correction is unclear. Most likely just until Judge Wolff recovered from the unnamed illness mentioned in the article. What this article does illustrate is the level to which St. Louis society respected and regarded Francis Minor.

Francis’s brief time as a judge is not the last job he held in the Missouri courts. According to St. Louis Directories, Francis Minor became the clerk for the Missouri Supreme Court in St. Louis at least as early as 1871, and remained into 1873. His office could be found, according to the directories, in the southwest of the court house in St. Louis.⁵⁷ The reason for his early departure is because in 1873, Francis would have recused himself from the position of court clerk, so he could go before the Missouri Supreme Court with his wife in her suffrage case, *Minor v. Happersett*. His role as Missouri’s Supreme Court clerk could have also provided him with additional experience and confidence that may have later proved useful to him when *Minor* reached the nation’s highest court. Francis did not retake the position after the conclusion of the case in the state. Whether that is because he and his wife lost the case, or for some other reason, is hard to tell. Francis most likely did not have the time or inclination to reassume the position of clerk, as he and Virginia immediately began working to get their case on the docket of the U.S. Supreme Court, following the negative verdict in Missouri.

⁵⁶ “Court of Criminal Correction: Appointment of Provisional Judge.” *Missouri Republican*. (St. Louis, MO.) Aug. 30, 1869.

⁵⁷ Richard Edwards. *Edwards’ Thirteenth Annual Director to the Inhabitants, Institutions, Incorporated Companies, Business, Business Firms, Manufacturing Establishments, Etc., in the City of Saint Louis, for 1871*. (St. Louis: Southern Publishing Company, 1871), 463, 613, accessed February 25, 2018, <http://cdm16795.contentdm.oclc.org/cdm/ref/collection/p16795coll7/id/1029>.

Francis continued as a lawyer after 1873, though as previously noted, it is not yet possible to ascertain how many or what cases he worked. Starting in 1874, *Gould's St. Louis Directory* lists "Minor, Francis" as a lawyer for every year up to 1892, the year he died. According to the directory, his practice is listed at 414 Olive Street until 1879. After 1879 the directory no longer designated locations for his practice. Francis's residence in the directory is listed at 2652 Olive Street from 1871 until 1884. His address then changed to 3311 Lucas Avenue where he and Virginia lived for the rest of their lives.⁵⁸ Both Olive Street and Lucas Avenue were located in part of the nicer section of St. Louis during the nineteenth century. Clearly the Minors coexisted with the upper echelons of society, which may have provided them with important connections and resources to pursue the suffrage and women's rights discourse they advocated. It may also have further reinforced the respectable radical strategy that Virginia successfully maintained throughout her activism.

The Minors Early Suffrage Activism in Missouri

As noted previously, Francis's creative use of standing laws to subvert Missouri's property laws in relation to women through the creation of trusts can be interpreted as an early type of women's rights activism. It is Virginia, however, who took one of the first public stands for women's rights, specifically suffrage, in the state of Missouri. She wasted little time after the Civil War and rallied others to her cause. There is some question in her timing, as these events take place less than a year after the death of her only child in 1866. Whether her son's death provided extra impetus for her activism at this time is impossible to ascertain without any personal writings of her own on the matter. It could be that she turned to more public activism to

⁵⁸ *Gould's St. Louis Directory*. (St. Louis: David B. Gould, 1874), 610, accessed February 25, 2018, <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/p16795coll7/id/2974/rec/6>. Accessed digital copies of the directories for each year from 1874 through 1892 from Missouri Digital Heritage.

help fill the void left by the death of her child. On the other hand, we cannot discount the influence of outside events such as the end of the Civil War and the beginning of Reconstruction, etc. It is entirely possible that Minor would have pursued the same or similar public activism if her son had lived. We can but speculate on her timing and her reasons for it, but in March of 1867, Minor organized Missouri's first women's rights petition, signed by 355 women in St. Louis, and sent it to the state legislature:

We believe that all persons who are subject to the law, and taxed to support the government have a voice in the selection of those who are to govern and legislate for them ... We therefore pray that an amendment may be proposed striking out the word 'male' and extending to women the right of suffrage.⁵⁹

The petition aroused a lot of commentary, but the House of Representatives ultimately rejected it in a vote, 89 to 5.⁶⁰ Missouri found itself in a difficult situation following the upheaval of the Civil War and did not yet know how far the State should go in giving freedmen the right to vote during Reconstruction, let alone whether or not the rights of women should be extended.⁶¹

The following May, Minor along with other prominent women of St. Louis, including previous LUAS members Anna Clapp, Rebecca Hazard, and Lucretia Hall, conducted a meeting in the director's room of the Mercantile Library.⁶² Together, they established the Woman Suffrage Association of Missouri (WSA), with Minor as president.⁶³ Their constitution, decided upon at their second meeting, stated: "The sole object of this association shall be to secure the

⁵⁹ James, 550; Monia Cook Morris. "The History of Woman Suffrage in Missouri, 1867-1901." *Missouri Historical Review*. (October 10, 1930), 61 - 87, 68; Corbett, 130.

⁶⁰ Morris, 69.

⁶¹ For more information on Missouri and St. Louis during reconstruction see Adam Arenson. *The Great Heart of the Republic: St. Louis and the Cultural Civil War*. (Columbia, MO.: University of Missouri Press, 2011) and James Neal Primm. *Lion of the Valley: St. Louis, Missouri*. (Boulder, Colorado: Pruett Publishing Company, 1981).

⁶² Corbett, 86; James, 550.

⁶³ Christine Orrick Fordyce. "Early Beginnings." From "History of the Woman Suffrage Movement in Missouri." in Mary Semple Scott, Ed. *The Missouri Historical Review*. (Volume XIV, Nos. 3-4., April-July, 1920, 288 - 299), 289.

ballot for women upon terms of equality of men.”⁶⁴ The WSA is claimed to be the “*first organization in the world having for its sole object the political enfranchisement of women.*”⁶⁵ It is important to remember that the foundation of the WSA predates both the National Woman Suffrage Association established by Susan B. Anthony and Elizabeth Cady Stanton, as well as Lucy Stone’s American Woman Suffrage Association by *two years*.⁶⁶

What contributing factors led the ladies of St. Louis, Missouri to start their state organization solely dedicated to woman’s enfranchisement so early? The impact of the Civil War upon women’s lives must be considered. Wars are watershed periods, and women made many sacrifices and contributions during the War Between the States. Women in St. Louis gained much experience during the war working for LUAS and the Western Sanitary Commission. It is no surprise that they, like other women after the war, turned their newfound organizational and crises management skills to securing their own well-deserved rights. Rights and freedom rhetoric long pervaded nineteenth century America – most prominently by male and female abolitionists before, during, and after the Civil War. Many women recognized their subservient place in society long before 1861, but the post-war period provided a glaring reminder of it as they watched newly freed black men acquiring more political rights than they themselves possessed despite their own contributions during the war. While many of these women fully supported and acknowledged black men gaining/deserving the right to vote, they felt that black and white women should also have the right to vote.⁶⁷

⁶⁴ Corbett, 130.

⁶⁵ Fordyce, 289. Emphasis in original.

⁶⁶ The National Woman Suffrage Association was founded May 15, 1869 and the American Woman Suffrage Association was founded in competition that November. See Tetrault, 31-34.

⁶⁷ That is not to say that there were not a number of suffragists, including Stanton and Anthony, who let racism cloud their judgement and opposed universal suffrage. They advocated instead for educated suffrage which would require a citizen to have certain knowledge or pass some kind of test in order to be allowed to vote. This would have

Another contributing factor to the WSA's establishment in 1867, is that it is the same year when the legislature in Kansas considered a suffrage amendment for their state. St. Louis, a significant city and the "Gateway to the West," provided a natural way station between the eastern and western states. The city "by virtue of its geographical location ... its families of wealth and influence [and] educational facilities, became the birthplace of the woman suffrage movement in Missouri."⁶⁸ St. Louis developed strong connections to the eastern suffragists leading the early, as yet unorganized, national movement. Many prominent suffragist leaders traveled through the city on their way to Kansas to give speeches and help promote the Kansas amendment.⁶⁹ Anthony, in particular, made several visits to St. Louis on her way to and from the Kansas campaign, and late in 1867 after the establishment of the WSA, she addressed a significant audience at the Mercantile Library.⁷⁰

One of the most important factors in the forward momentum of the Missouri Suffrage Movement is undeniably Virginia Minor's leadership. The ladies of WSA elected Minor as their first president, and reelected her consecutively each year thereafter. Minor sent Missouri's first women's petition to the legislature independently. After the WSA's establishment she coordinated the women of St. Louis in sending a second petition to the State Legislature in 1868. Petitioning became and remained an important aspect of the woman's suffrage campaign in Missouri in the years that followed.⁷¹ An 1869 article in the *Missouri Republican* reported on a St. Louis Suffrage convention held by the WSA. The article quoted Anthony who commended the association and encouraged Missouri women to continue petitioning: "Let her then petition –

barred most former slaves from voting because slaves had not been allowed education. See Tetrault, 19-45, and Faulkner, 188-195.

⁶⁸ Morris, 68.

⁶⁹ Corbett, 130.

⁷⁰ *Ibid.*, 130.

⁷¹ Morris, 68-69.

petition constantly. Let her petition Washington, Jefferson City, every state capital, persistently and unremittingly, for this great right to the ballot.”⁷² Yet Minor’s frequent petition campaigns have mostly gone unnoticed among woman’s suffrage historians. Janet Wilson James is one of few historians to recognize Minor early on as a leader in the Missouri suffrage movement who “spoke frequently before legislative and Congressional committees, where her intelligence and charm made her an effective advocate” for the cause.⁷³

When the two national suffrage organizations formed in 1869, the WSA agreed to remain separate from both in order to avoid division within their society. They agreed that individual members of the WSA could be part of the state organization, while becoming an individual member of the national association of their choice.⁷⁴ Recall that the National Association under Stanton and Anthony sought a federal amendment to the U.S. Constitution enfranchising women, while the American Association under Stone advocated for a state by state approach. Stone’s supporters believed that the right of suffrage rested with the states, not with the federal government. Minor, through her petitions, consistently requested Missouri to amend its Constitution in regards to woman’s suffrage, but she strongly supported a federal amendment as well. When the WSA decided to forego neutrality in 1871 and became auxiliary to the American Association, Minor resigned her post as president in protest and left the organization, as did others.⁷⁵

Withdrawing her membership from the state organization did not diminish Minor’s commitment to suffrage. Indeed, most of Minor’s greatest contributions to the cause occurred

⁷² “Woman Suffrage, Convention at Mercantile Library Hall Yesterday.” *Missouri Republican* (St. Louis, MO.) Oct. 7, 1869.

⁷³ James, 551.

⁷⁴ Morris, 72.

⁷⁵ *Ibid.*, 72; Stepenoff, 119.

while working independent of the WSA. The WSA, on the other hand, appears much less active in the years that followed Minor's departure: Between the years 1872 to 1878 the WSA recorded few activities.⁷⁶ Minor's activities, in contrast, proceeded to stir the nation on the question of woman's suffrage and women's rights.

⁷⁶ Morris, 72.

CHAPTER 3
*MINOR V. HAPPERSETT: A MAJOR
SUFFRAGE LEGACY*

In most histories of woman's suffrage, Virginia Minor's place, even that of the state of Missouri, is often relegated to a brief account about the case of *Minor v. Happersett*, the only woman's suffrage case to ever reach the U.S. Supreme Court. Many accounts only give the basic details of the case, but it is imperative to understand that the case came about thanks to a new strategy developed by Minor and her husband Francis.⁷⁷ Even though Section II of the Fourteenth Amendment (ratified in 1868) introduced the word "male" into the Constitution for the first time as a characteristic of those who could vote, the Minors argued that the Amendment actually secured the right to vote for women, instead of prohibiting it. Their rationale came from Section I of the Amendment, which guaranteed, "no state shall abridge the privileges or immunities of citizens of the United States."⁷⁸ Their argument, known as the "New Departure," inverted the historic picture of the government as the enemy of people's rights and painted the federal government instead as the protector of an individual's rights. Their premise rested on federal over state power, as well as the idea that popular sovereignty underpinned constitutional authority.⁷⁹

Historian Ellen Carol Dubois describes the Minors interpretation as "militant and activist" resting on the belief that women already possessed the right necessary to vote, all that

⁷⁷ Some important literature on the Minors strategy includes DuBois's "Taking the Law into Our Own Hands"; Ray and Richard's "Inventing Citizens, Imagining Gender Justice"; Stepenoff's "Disenfranchised and Degraded ..."; Morris's "The History of Woman Suffrage in Missouri, 1867-1901"; Scott's "History of Woman Suffrage in Missouri"; Laura Staley, "Suffrage Movement in St. Louis during the 1870s," *Gateway Heritage* 3, no. 4 (spring 1983): 34 -41; and Loretta Mae Walter, "Woman Suffrage in Missouri, 1886 - 1880" (master's thesis, Washington University, 1963).

⁷⁸ *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 - 1875*.

⁷⁹ Dubois, "Taking the Law into Our Own Hands," 22.

was left would be to go out to the polls and prove it.⁸⁰ Francis and Virginia introduced their “New Departure” strategy at a National Woman Suffrage Convention held by the WSA in St. Louis in October 1869.⁸¹ The convention adopted a set of resolutions set forth by Francis, the most important of which stated:

Resolved ... 3. That, as the Constitution of the United States expressly declares that no state shall abridge the privileges or immunities of citizens of the United States, those provisions of the several State Constitutions that exclude women from the franchise on account of sex, are violative alike of the spirit and letter of the Federal Constitution.

4 ... States clearly would have no right to deprive of the franchise naturalized citizens, among whom women are expressly included ...⁸²

The Minors embraced the law as patriots and community members, using the nation’s own legal parlance to argue their case as reformers, not as rebels. It also provided activists willing to go the militant route with a means to enact direct, public action as they pursued the cause through the legal arena.⁸³ Following the convention Francis sent a copy of the resolutions along with a letter to *The Revolution*, the newspaper for the National Association, asking Stanton and Anthony to encourage others to adopt the resolutions and put them to the test in the upcoming election. His letter called for action:

... I write now to ask, if a case can not be made at your coming election. If this were done, in no other way could our cause be more widely, and at the same time definitely brought before the public. Every newspaper in the land would tell the story, every fireside would hear the news. The question would be thoroughly discussed by thousands, who now give it no thought – and by the time it reached

⁸⁰ Ibid., 23.

⁸¹ Tetrault prominently refers to the plan being called New Departure in her book *Myth of Seneca Falls*, 59 (Stanton and Anthony appear to have been the first to refer to it as such in their *History of Woman Suffrage: Volume III, 1876 – 1885* edited by Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage (New York: Susan B. Anthony, 1881)); Introduction of it at the convention comes from Morris, 70.

⁸² Francis Minor. “The St. Louis Resolutions.” Reprinted in *History of Woman Suffrage: Volume II, 1861 – 1876* edited by Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage. (New York: Susan B. Anthony, 1881), 408.

⁸³ Ray and Richards, “Inventing Citizens, Imagining Gender Justice,” 377.

the court of final resort, the popular verdict would be in accord with the judgment that is sure to be rendered.⁸⁴

The Minors firmly believed that taking this through the courts would generate public sympathy for woman's suffrage in the newspapers, and that ultimately the court would rule in women's favor. It would also serve as an inspiration for other like-minded suffrage advocates to take similar aggressive actions. Well-known women's rights activists Susan B. Anthony, Elizabeth Cady Stanton, and Victoria Woodhull all promoted "New Departure" publically in the years following its introduction by the Minors at the WSA convention. Some historians have even misattributed the creation of "New Departure" to Woodhull.⁸⁵ However, it was Virginia Minor's own attempt to register to vote on October 15, 1872 at the St. Louis County Courthouse that brought about the test case the Minors and their adherents hoped would change history. Ultimately, the case failed win over the courts and left a negative legacy for the Minors, but it did successfully gain the attention of newspapers nationwide.

At the time, "New Departure" seemed like a fool proof plan to get women the vote and the National Association promoted it well, incorporating it into their speeches, newspaper, and hearings, along with encouraging women to head to the polls to cast their vote.⁸⁶ In response to the new plan, one woman noted at the St. Louis convention, "The fact that the word 'woman' or 'female' does not appear in [the Constitution], is no proof of the intention of its framers; for the word 'male' is also wanting."⁸⁷ Historian Rosalyn Terborg-Penn has revealed that several African American women also supported "New Departure" and at least three, including

⁸⁴ Letter to *The Revolution*, from Francis Minor. St. Louis, Oct. 14, 1869. Reprinted in Stanton's *History of Woman Suffrage: Volume II*, 407.

⁸⁵ Mary Jo Buhle, Teresa Murphy, and Jane Gerhard. *A Concise Women's History*. (Upper Saddle River, NJ.: Pearson, 2015), 252.

⁸⁶ Stanton, *History of Woman Suffrage: Volume II*, 407.

⁸⁷ Mrs. Dysart. Also from the article "Woman Suffrage, Convention at Mercantile Library Hall Yesterday." *Missouri Republican* (St. Louis, MO.) Oct. 7, 1869.

Sojourner Truth, attempted to vote.⁸⁸ The most famous test case was arguably Susan B. Anthony's attempt to vote one month after Virginia Minor's own failed attempt to register. She managed to intimidate the registrar in her county to let her vote – Anthony was later arrested for voting illegally. She used her trial as a way to gain a lot of publicity for the cause, but ultimately she was fined for her crime and her case never made it out of the lower courts.⁸⁹ Not as many women answered the call to cast their vote under the “New Departure” interpretation of the Fourteenth Amendment as its promoters hoped, despite widespread enthusiasm for the plan, but it was likely in the hundreds.⁹⁰ It is not surprising that many suffragists declined to participate in “New Departure,” as it took a bold woman to participate in such public, and traditionally male acts. Such actions not only challenged the law, but had to be carried out amid imposing environments surrounded by men (see Figure 1). This also helps explain why many women chose to go in groups, or with their husbands, when they attempted to vote. Those who did attempt to vote made an impact, even though they lacked the victory they envisioned. Not everyone who made history did so willingly. Reese Happersett, the registrar who refused to register Virginia Minor because Missouri's Constitution stipulated that only “male citizens” were qualified to vote, has also been reluctantly immortalized.⁹¹ In order to put their theory to the test, the Minors next course of action, according to the “New Departure” plan, required that Virginia sue Happersett. On November 9, 1872, she filed the petition that would forever put her and Happersett's names in the history books.

Minor's Petition

⁸⁸ Rosalyn Terborg-Penn. *African American Women in the Struggle for the Vote, 1850–1920*. (Bloomington, IN.: Indiana University Press, 1998), 40. It is unclear whether this took place before or after Minor's own attempt to vote.

⁸⁹ Tetrault, 67.

⁹⁰ Ray and Richards, “Inventing Citizens, Imagining Gender Justice,” 380. See also Tetrault.

⁹¹ Corbett, 133.

Minor's petition to the Circuit Court of St. Louis County stated that, "wishing to exercise her privilege as a citizen" to vote at the "General Election" she offered to take the necessary oaths as required by the state to register. The defendant (Happersett) denied her because the Constitution of Missouri, Article II, Section 18 only allowed for male citizens to vote.⁹² The key section of the petition argued:

[T]he plaintiff protests against such decision, and she declares and maintains that said provisions of the Constitution and registration law of Missouri aforesaid, are in conflict with, and repugnant to the Constitution of the United States, which is paramount to State authority; and that they are especially in conflict with the following articles and clauses of said Constitution of the United States ...⁹³

John M. Krum, Francis Minor, and John B. Henderson, attorneys for the plaintiff, all signed the petition which called for \$10,000 in damages.⁹⁴

Francis co-filed the petition with Virginia because a married woman in Missouri fell under *femme covert* – the standard nineteenth century American law that viewed married women as legally dead and nonexistent.⁹⁵ Virginia would not have been able to file the suit at all without her husband's support. Few of the women who attempted to vote took their cases to court. Of the cases that did make it before judges, Minor's case and Susan B. Anthony's trial by far made the

⁹² Virginia Minor. "Virginia Minor's Petition, Submitted to the Circuit Court of St. Louis County, Missouri (1872)." *Women in America*, Primary Source Media, 1999. American Journey. *U.S. History in Context*, accessed November 7, 2016, GALE|EJ2161000162.

⁹³ Minor, "Virginia Minor's Petition ..."; The Articles listed were: I. Section 9 & 10; IV. Section 2 & 4; VI.; Amendments: Articles V, IX, and XIV. Section 1.

⁹⁴ Recall from Chapter Two that John M. Krum was a heavy hitting attorney in St. Louis during this time. He was also a staunch supporter of suffrage who once stated at a suffrage meeting "How has it that only one-half of our adult population have the privilege of the ballot? ... I shall not stop to refute what is implied against our countrywomen by the restricted and unjust ballot system now in practice. This restriction, in my humble judgement, is fundamentally wrong." in Fordyce, 291.

⁹⁵ Whites, 104, 107; *Femme covert* meant that women were legally covered by their father, husband, or nearest male relative, and therefore not recognized under the law themselves, meaning they were literally dead or nonexistent in the eyes of the law. Also referred to as *coverture*.

biggest headlines.⁹⁶ Minor's case in particular not only made news, but also made a lasting impact on the suffrage movement.

Minor in the News

The *Missouri Republican* ran one of the first stories on Minor's lawsuit. It ran two articles on November 10, 1872, one detailed the petition itself, published under the headlines, "INTERESTING SUFFRAGE CASE," "Suit by Mrs. Minor and Husband," "\$10,000 Damages for Being Refused Registration," and "A Tangled Legal Document'."⁹⁷ The article informs readers that the Minors filed the petition the previous day (November 9), and then provides a reprint of the document itself. The paper printed a second article, titled "Mrs. Minor not Allowed to Vote," on the same page, but this article provided more exposition on Minor's petition than the first. It started off by letting readers know that the petition they refer to can be found elsewhere in the paper. The article quotes the opening portion of the petition, that Minor is "joined" with her husband as required by Missouri law, to which the author(s) adds, "We actually did not know that the law of this state had made such a requirement of Mr. Minor, although we never had any doubt that the two were joined according to law."⁹⁸ This statement sets the tone for the rest of the article, which mostly makes light of and criticizes the Minors legal argument. The article uses her name to make a pun about her age, they mock the idea of women being willing to tell their ages in order to register to vote, alludes to women's timid nature, and insinuates that Virginia controls her husband.

⁹⁶ Anthony succeeded in voting by intimidating the Registrar in her district and was later taken to court for the crime of voting. While she used her trial as a public stage to argue for suffrage and certainly got news coverage for her exploits, her case never made it out of the lower courts. See Tetrault, 63-69, and DuBois "Taking the Law into Our Own Hands," 19-40.

⁹⁷ "INTERESTING SUFFRAGE CASE." *Missouri Republican* (St. Louis, MO.) Nov. 10, 1872. p. 4

⁹⁸ "Mrs. Minor not Allowed to Vote." *Missouri Republican*. (St. Louis, MO.) Nov. 10, 1872. p. 4

The article breaks down several of the petitions claims, namely that Minor is a native born, free, white citizen over the age of twenty-one. It points out that men do not have to be native born in order to vote, but adds that it would be an “interesting question” what impact a ruling in favor of Minor’s case would have on “our foreign-born female population” and what amendments would need to be made to “naturalization laws.” It further points out “while our fair plaintiff claims the voter’s right under the constitution of the United States, naturalization is regulated by state laws.” Referring to Minor as the “fair” plaintiff further illustrates the sexist language used in this article. However, the author(s) do accurately acknowledge that Minor’s case entered into some complicated waters concerning naturalization laws and legal issues involved with citizenship. As to the second claim, that she is free, the paper mockingly states that “no objection even coming from the other plaintiff [Francis Minor], who, being ‘required by the law of Missouri’ to join in the petition can hardly be said to make the same claim.” Additionally, this statement aimed at Francis’s masculinity, insinuating that Francis let his wife control him. The paper deliberately misunderstood the point the petition tried to make in that the law did not *allow* Minor to file a lawsuit unless her husband *willingly* filed it with her. Thus married women remained helpless at the legal will of their husbands. Francis could *freely* refuse to support his wife’s petition. He *chose* not to. The article also argues that the U. S. was the “land of the free,” therefore Minor’s argument pointing out her own freedom was “superfluous.”⁹⁹

The third claim, that Minor is white, warranted its own substantial paragraph to overtly call the Minors racist.¹⁰⁰ The article quotes the portion of the Fourteenth Amendment which

⁹⁹ “Mrs. Minor not Allowed to Vote.”

¹⁰⁰ It is important to note that the Minors, both having come from plantation families in Virginia, never owned or purchased slaves themselves. See Whites, 101 – 118. Also, during the Civil War, the Minors supported the Union, and Virginia participated in the St. Louis Ladies Union Aid Society See Corbett, 85-88. There is no evidence to suggest either of them to have ever been racist.

states that no one can be denied the right to vote based on “race, color or previous condition of servitude,” in order to argue that Minor’s skin color has nothing to do with the case. It goes on to say:

[T]he plaintiff by the obtrusion of the hateful word “white,” strikes a sad and mortifying blow at our colored native born free citizens of the United States over the age of twenty-one years. Is Dinah to be left shivering in the cold without *her* rights – valued at \$10,000 – being protected? Perish the idea!¹⁰¹

This statement condemns Minor as racist, but Ray and Richards argue that the Minors main reason for including the passage “native-born, free *white* citizen” in their petition was so that it would “resonate with Missouri law.”¹⁰² Overall, the Minors arguments aimed toward universal suffrage.

The newspaper further toyed with Minor’s claim to be over the age of twenty-one. First, the author(s) of the article stated they would forgo inquiring how she could be a Minor if her age exceeded 21 years because “it would be undignified to introduce a pun into a learned legal disquisition, such as this article purports to be.”¹⁰³ The author(s) further stated they would forgo any mention of “ladies telling their ages.” Except the author(s) did just that:

[I]t might be difficult at elections to bring out the full feminine vote if it were necessary for applicants for registration to acknowledge that they had arrived at manhood’s age. Indeed it is almost certain that many women (and women of refinement, too), would sooner remain disenfranchised than undergo the cross examination of some ill-tempered REESE HAPPERSETT ...¹⁰⁴

Here the article reminds readers of woman’s delicate constitution when it comes to legal and political matters, while at the same time it hints that Minor herself is perhaps not such a *refined*

¹⁰¹ “Mrs. Minor not Allowed to Vote.” Emphasis in original.

¹⁰² Ray and Richards, “Inventing Citizens, Imagining Gender Justice,” 388. Emphasis added.

¹⁰³ “Mrs. Minor not Allowed to Vote.”

¹⁰⁴ Ibid. Capitalization in original.

lady if she wanted suffrage so badly as to admit her age and risk a public spectacle. Perish the thought that she would stand up for herself in front of an ill-tempered man!

The article goes on to defend Happersett by pointing out that while the petition implied the absurdity of his denial to Minor on account of her gender, to do otherwise would have been in violation of Missouri law.¹⁰⁵ Next, it points out that Minor “has chosen a queer time to assert her right to the ballot.” It claims that “thousands” of men held so much disgust with politics of late that they, despite their enfranchisement, did not bother going to the polls. The author(s) feel so strongly about this “queer” timing that they reiterate it a second time: “We repeat, it is a strange time for a woman to be declaring she has been damaged \$10,000 because she can’t go to the polls and indulge in ‘scratching’ – tickets – man-fashion.” However, women worked for and sought the vote for years before the Civil War, therefore timing, “queer” or otherwise, held little bearing on the matter. The article reads as though Minor’s decision to go to the polls happened in the spur of the moment instead of her actions resulting from the culmination of a long, carefully thought out strategic plan. Furthermore, men’s decisions to vote or not to vote mattered little because at the end of the day men could choose whether to stay home or head to the polls. Women did not possess such luxuries.

Not until the end does the article admit that Minor filed the lawsuit for reasons other than money. Despite evidence to the contrary, the paper claims they wrote the article “by no means with the view of criticizing her course unkindly,” going on to admit, in the last sentence of the uncommonly long article, that:

¹⁰⁵ Ibid.; Article II, Section 18 of the Missouri Constitution expressly gave suffrage to “male” citizens.

She is a woman of culture, of strong convictions, and has doubtless entered this suit, not for the purpose of making money, but for testing a knotty and very interesting question, in which Mrs. MINOR *may* prove a major.¹⁰⁶

And *prove a major* she did, even though her case yielded a negative outcome. Francis and Virginia Minor's legal and political maneuvering failed them when their 1872 petition against Happersett went to court. Happersett's defense countered the case with the argument that he merely did his job and upheld the law of Missouri when he denied the plaintiff's request to register to vote.¹⁰⁷ As anticipated, the circuit court dismissed the case. Next the Minors plead their case with the Missouri Supreme Court, followed by similar results. The Court's opinion read, in part, that the amendment in question:

[O]nly intended to give the freedmen the same rights that were secured to all other classes of citizens in the State, and that if the other male inhabitants of the State over the age of twenty-one years enjoyed the right of suffrage, so should the males among the freedman over the age of twenty-one years enjoy the same right; it was not intended that females, or persons under the age of twenty-one years, should have the right of suffrage conferred on them.¹⁰⁸

From its inception, Minor's case garnered attention. Newspapers throughout the nation reprinted short articles summarizing the case as it went through the courts. Dealing with the verdicts of the Missouri and U.S. Supreme Courts, many articles primarily gave the facts of the case along with the most recent verdicts:

... [t]he court holds that women are not voters, either under the constitution of Missouri or the fourteenth amendment of the United States. The case has been appealed to the supreme court of the United States.¹⁰⁹

¹⁰⁶ "Mrs. Minor not Allowed to Vote." Capitalization and emphasis in original.

¹⁰⁷ Corbett, 133.

¹⁰⁸ Stanton, 739.

¹⁰⁹ *Memphis Daily Appeal*. (Memphis, TN.) May. 16, 1873. Approximately 7/17 articles referenced were similar in that they gave only the general facts and recent verdicts of the case, while some of the others were more detailed.

Other articles, like one published by the *American Citizen*, in Mississippi regarded Minor's case less favorably:

Mrs. Virginia Minor ... must unquestionably be nonsuited; for, however ambiguous the word "citizen" may be under the fifteenth amendment, the law is very explicit in withholding the right of suffrage from *minors*.¹¹⁰

This is a classic reminder that nineteenth-century law regarded women as having no more rights or mental capacity than children.

After failing at the state level, the Minors appealed to the United States Supreme Court.¹¹¹ By the time their case reached the Supreme Court in 1874, historian Joan Hoff has argued that the Minors harbored little hope of winning their case, especially considering some of the decisions recently handed down.¹¹² She adds that, "[p]robably sensing their case was lost, the Minors ... hop[ed] to goad [the court] into a landmark decision even if it were negative."¹¹³ Hoff states that the Minors planned their campaign to "broaden the discursive meaning and constitutional interpretation" of the Fourteenth Amendment, but "their brief was personally calculated to serve their own needs."¹¹⁴ According to Ray and Richards, Hoff's interpretation rests on the belief that the Minors "focus on constitutional rights *enervated the radical potential* of the early woman's rights movement."¹¹⁵ Contrary to these claims, the evidence suggests the Minors still held much hope that their case would be ruled upon favorably by the Court.

In an 1874 letter to Susan B. Anthony, reprinted in *The Brookfield Gazette* and other newspapers, Virginia enthusiastically wrote about her suit making it to the Supreme Court's

¹¹⁰ *The American Citizen*. (Canton, MS.) Jan. 11, 1873. Emphasis added.

¹¹¹ Corbett, 133.

¹¹² Joan Hoff. *Law, Gender, and Injustice: A Legal History of U.S. Women*. (New York: New York University Press, 1991), 171.

¹¹³ *Ibid.*, 171.

¹¹⁴ *Ibid.*, 171.

¹¹⁵ Ray and Richards, "Inventing Citizens, Imagining Gender Justice," 392. Emphasis added.

docket at last. She also said that her “expectations of success have been confirmed by a recent decision of the Supreme Court itself.” From that decision she quoted: “The Negro having by the Fourteenth amendment been declared a citizen to be a citizen of the United States, *is thus made a voter in every State in the Union.*” She ended her letter with a confident statement:

I, therefore, make my appeal to this tribunal in all confidence, with this decision in my hand, wherein they declare that citizenship carries with it the right to vote and ask if I, a native born American citizen, am not equally entitled to that ballot?¹¹⁶

While her own case did not yield the desired verdict, it is inaccurate to say that she and her husband expected failure or pursued the case for their needs alone.

Unfortunately, her case did not yield the desired verdict suffragists counted on. Bonnie Stepenoff provides some of the most complete research on the legal aspects of the case. A key moment in the trial came when Justice Stephen Johnson Field asked Francis Minor, who served as his wife’s council, questions about how he defined citizenship. Specifically he asked Minor if children should be considered citizens, to which Minor answered in the affirmative.¹¹⁷ The judge further questioned whether citizenship conferred the right to vote, to which Minor again answered that it did. Last he asked if children would have the right to vote, to which Minor again answered yes, even though it hindered his argument: It would be absurd for toddlers and children to have the right to vote.¹¹⁸ The judge’s purpose sought to establish that it made sense for states

¹¹⁶ Virginia Minor. “Mrs. Minor’s Letter to the National Association – Her Test Case in the United States Supreme Court.” *The Brookfield Gazette*. (Brookfield, MO.) Jan. 13, 1874. Emphasis in original. Minor is referring to the Slaughter-House cases of 1873.

¹¹⁷ Stepenoff, 115. This part of the trial between the judge and Minor was reprinted in an article in the February 13, 1875 edition of the *Missouri Republican*.

¹¹⁸ Stepenoff, 116.

to regulate voting, disqualifying certain citizens from doing so, such as children, and in turn women.¹¹⁹

The final ruling on the *Minors* appeal came down on March 29, 1875. The Supreme Court, under Chief Justice Morrison Waite, unanimously ruled against them in *Minor v.*

Happersett:

For nearly ninety years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage ... Our province is to decide what the law is, not to declare what it should be ... Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon any one, and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void, we affirm the judgement.¹²⁰

Saying that the federal government did not have the right to regulate voting, but rather individual states held the right to determine the eligibility of voters delivered a severe blow to the women's suffrage campaign, especially to the National Association. Anthony and Stanton campaigned for a federal amendment to enfranchise women from the start of their suffrage activities. This ruling essentially nullified everything they had been working for and forced them to take up the tactics, temporarily at least, of their longtime rivals in the American Association headed by Lucy Stone. The American Association favored a state by state suffrage campaign from the beginning.

Ramifications of *Minor's* Case

The ramifications of *Minor v. Happersett* led to far reaching consequences that affected more than just woman suffragists. The decision reaffirmed that citizens and voters did not always mean one and the same. It also dealt a blow to Reconstruction ideals of making a unified nation

¹¹⁹ *Ibid.*, 116.

¹²⁰ Ellen Skinner. *Women and the National Experience: Sources in Women's History. Volume 2, Since 1860.* (New Jersey: Prentice Hall, 2011), 181; *Minor v. Happersett*, Supreme Court of the United States, 1875, 21 Wall (88 U.S.) 162.

as it undermined the power of the federal government and placed its power second to that of the states in regards to voting. Senator Henry Blair went so far to say, in an address to the 21st Annual NWSA Convention in 1889, that the ruling showed “the old doctrine of State sovereignty is true and there is no nation.”¹²¹ In many ways *Minor* is as significant as the *Dred Scott* decision even though it has taken historians a long time to recognize the jurisprudential significance of the case, and it has yet to receive full recognition by scholars outside of women’s history.¹²²

Minor set a precedent that influenced future court decisions while paving the way for Jim Crow laws in the south to restrict the voting rights of freedmen. For example, the Supreme Court ruled in favor of the rights of states to use poll taxes in 1876 – a direct attempt to limit black citizen’s ability to vote.¹²³ In two cases following soon after the ruling in *Minor*, the Supreme Court cited the decision when they ruled that federal courts had no jurisdiction to protect the freedmen’s rights just as the Constitution did not automatically grant suffrage to all citizens.¹²⁴ It has been argued, particularly by Joan Hoff, that judges used harsh court rulings against woman’s suffrage in an attempt to keep the rights of freedmen as few and as narrow as possible.¹²⁵ As Hoff states, once the court established the legality of women as second-class citizens, “the white, male-dominated judiciary could then use this as a legal precedent to build a rationalization for Jim Crow laws.”¹²⁶

¹²¹ Allison Sneider. “Woman Suffrage in Congress: American Expansion and the Politics of Federalism, 1870-1890,” in *Votes for Women: The Struggle for Suffrage Revisited*. ed. Jean H. Baker, Ed (New York: Oxford University Press. 2002), 77 - 89, 80, 88. See also Ellen Carol DuBois’s article “Outgrowing the Compact of the Fathers: Equal Rights, Woman’s Suffrage, and the United States Constitution, 1820-1878.” *Journal of American History* 74, no. 3: (1987): 836-862, accessed October 22, 2017, <http://www.avalon.searchmobius.org/login.aspx?direct=true&db=hlh&AN=15559140&site=eds-live>.

¹²² Hoff, 170-174. Hoff’s interpretation further substantiates the significance of this comparison.

¹²³ Stepenoff, 117.

¹²⁴ Dubois, “Taking the Law into Our Own Hands,” 33.

¹²⁵ Stepenoff, 117.

¹²⁶ Hoff, 175. See also Stepenoff, 105 – 125.

There are other factors that have to be considered in regards to the Supreme Court's ruling in *Minor*. When the case went through the State court, Missouri remained undecided about how far the State should go in giving freedmen the right to vote during Reconstruction, let alone whether or not the rights of women should be extended as well. As the case progressed through the Supreme Court the nation itself faced political uncertainty. The question of states' rights versus federal authority played out alongside the battle for power between the Northern Republicans and Southern Democrats. As Joan Hoff points out, it fell to the Supreme Court to take on the role of "referee" in the struggle.¹²⁷ Paul Kens, author of *The Supreme Court Under Morrison R. Waite 1874 – 1888*, defends the position of the Court and its decision regarding *Minor*. According to Kens, the Waite court believed in the judiciary's "important but limited role" as it "rested on an understanding that popularly elected legislatures could be every bit as much the guardian of individual liberty and rights of the community as the courts."¹²⁸

Despite the lack of acknowledgement in many suffrage histories about the long-term impact and importance of the case, *Minor v. Happersett* has served many purposes over the years. Matilda Joslyn Gage, who worked prominently with Anthony and Stanton and helped compile the *History of Woman Suffrage*, drew inspiration from the case. Gage crafted an argument, based off of *Minor v. Happersett*, that the U.S. possessed eight classes of citizens and that the issue of states' rights reopened with *Minor*. Anthony considered this to be one of Gage's "most brilliant" arguments. Gage further developed this argument in 1877 on behalf of the voting

¹²⁷ Hoff, 168.

¹²⁸ Paul Kens. *The Supreme Court under Morrison R. Waite 1874 – 1888*. (Columbia: University of South Carolina, 2010), 13, 14. For a deeper analysis of the Minors arguments and the courts reactions, see Dubois's "Taking the Law into Our Own Hands" and Ray and Richards' "Inventing Citizens, Imagining Gender Justice."

rights of convicted criminals (who she previously categorized as one of the eight classes of citizens in response to the *Minor* decision).¹²⁹

Though *Minor* herself merits only a footnote in *The Ideas of the Woman Suffrage Movement*, Kraditor acknowledges how the prominent Southern suffragist Kate M. Gordon attempted to use the *Minor* decision in 1901. Rather than trying to reverse the decision as many suffragists sought, Gordon saw it as a tool to be used by *white* woman suffragists. As she saw it, the states could use the logic of the *Minor* decision to enfranchise white women without going against the Constitution when denying the vote to black women. Gordon felt that once white men realized they could legally enfranchise white women without black women gaining the vote, the battle would be won.¹³⁰ Despite the fact that *Minor v. Happersett* aimed for full enfranchisement of all women under the Constitution, Gordon did not want a national amendment and attempted to use *Minor* to obtain white woman suffrage only.

Allison L. Sneider in her book, *Suffragists in an Imperial Age*, illustrates the later importance of *Minor v. Happersett*. Though few suffragists paid close attention to the complicated dealings of the United States and their colonial subjects, the year 1901 saw the *Minor* decision used in another way. The Supreme Court case of *Downes v. Bidwell* provided one of the earliest rulings that detailed the legal status inherent between the U.S. and its colonies. The ruling “cited *Minor* as precedent for the principle that political rights were incidental to national belonging.”¹³¹ Sneider also shows that Puerto Rican women in the 1920s mimicked the “New Departure” plan of Virginia and Francis Minor when they attempted to vote under the

¹²⁹ Leila R. Brammer. *Excluded from Suffrage History: Matilda Joselyn Gage, Nineteenth-Century American Feminist*. Westport, CT.: Greenwood Press, 2000), 8-11.

¹³⁰ Kraditor, 175-177.

¹³¹ Allison L. Sneider. *Suffragists in an Imperial Age: U.S. Expansion and the Woman Question, 1870-1929*. (New York: Oxford University Press, 2008), 115.

claim that the Nineteenth Amendment, which included women in Hawaii but not the Philippines or Puerto Rico, should enfranchise them as well. The plan, much like its predecessor, failed.¹³²

In 1924, Sneider shows another Puerto Rican suffragist attempted to register to vote under the same logic and, much like the Minors, appealed her case to the Puerto Rican Supreme Court. In the case of *Morales et al. v. Board of Registration*, the court cited *Minor v. Happersett* as one of the U.S. legal precedents “peculiar to Anglo-Saxon jurisprudence” which denied voting to be a natural right. The decision concluded that the Nineteenth Amendment did not apply to Puerto Rico, just as the fundamental rights of U.S. citizenship did not include suffrage.¹³³

Another surprising use of *Minor v. Happersett* took place 91 years after the case closed. A Senate Committee report used the decision to argue in opposition of the Voting Rights Act of 1965.¹³⁴ The Voting Rights Act incorporated an adapted version of the “freezing principle,” an idea previously adopted by Judge John Minor Wisdom in the U.S. Fifth Circuit Court of Appeals. The freezing principle invalidated voting practices that discriminated against voting rights of African Americans. John Minor Wisdom, happened to be the great-great-grandson of one of Virginia Minor’s cousins.¹³⁵ It is ironic that a long distant relative, who also fought for equality, came up against the same arguments applied in the Minor case so many years later. It seems that issues of citizenship and the rights of citizenship have remained a contested topic.

Misattributions of Minor’s Importance

The importance of “New Departure” and *Minor v. Happersett* cannot be denied. The case, the Minors, and Missouri all deserve much more attention in suffrage histories than they

¹³² Sneider, *Suffragists in an Imperial Age*, 122 and 129.

¹³³ *Ibid.*, 130-131.

¹³⁴ Joel William Friedman. *Champion of Civil Rights: Judge John Minor Wisdom*. (Baton Rouge: Louisiana State University Press. 2009), 285n45.

¹³⁵ Friedman, 283.

are typically granted. For instance, many histories of the movement emphasize Anthony’s trial when she was arrested for voting in the 1872 election, however, her case never made it out of the lower courts, limiting its significance. Minor’s trial on the other hand, while frequently overlooked or given minimal recognition, remains the only test case to make it to the Supreme Court and have immediate and long-lasting significance.

Even Carol Faulkner, the prominent Lucretia Mott and women’s historian, made the mistake of crediting Victoria Woodhull’s “political genius” with coming up with the “legal argument” that women possessed the right to vote under the Fourteenth Amendment.¹³⁶ She mistakenly implies that Woodhull inspired Anthony to cast her vote in 1872. Worse still, the book, *A Concise Woman’s History*, fully credits Woodhull with creating the “New Departure” strategy adding that “[she] invited women to act on their citizenship and join her in



Figure 4. Victoria Woodhull presented “New Departure” to the House of Representatives, but she did not develop the strategy. (*Washington, D.C. The Judiciary Committee of the House of Representatives receiving a deputation of female suffragists, January 11th - a lady delegate reading her argument in favor of woman's voting, on the basis of the Fourteenth and Fifteenth Constitutional Amendments. United States, 1871. Library of Congress. [https://www.loc.gov/item/2004670399/.](https://www.loc.gov/item/2004670399/)*)

testing the provisions practice.”¹³⁷ In contrast, the Minors get one single paragraph that implies Virginia followed Woodhull’s example when “[s]he, too, decided to test the provisions.”¹³⁸ However, the Minors first articulated the plan in 1869 and spread it to Anthony and the National

¹³⁶ Faulkner, 206 – 207.

¹³⁷ Buhle, 252.

¹³⁸ *Ibid.*, 252.

Association through Francis's letter to the *Revolution*, where Woodhull likely first heard about it. Woodhull presented the plan to the House Judiciary Committee in 1871, *after* Stanton based a speech on it in 1870, but neither of them gave birth to the new strategy. This is another example of how badly the Minors, and by extension, Missouri's involvement in the women's suffrage movement has been neglected.

At the same time, to believe that the case is Minor's only legacy, or is her main contribution to suffrage would also be incorrect. Her case remains an integral part of her fight for women's rights, but it is certainly not the only weapon or strategy she employed on behalf of the suffrage cause.

CHAPTER 4
“FIRE AWAY:” VIRGINIA MINOR
TAKES ON TAXES

The Supreme Court’s decision in *Minor v. Happersett* separated citizenship from the right to vote and essentially identified voting citizens as male. Women were citizens, but not voters. This did not mean the government excluded women from everything, officials were still perfectly happy to recognize women as taxpayers. In recent years, the scholarship on woman’s suffrage has revealed the movement to be much more diverse in their tactics to win the vote than earlier accounts.¹³⁹ Virginia Minor’s actions repeatedly demonstrate the vitality of the Midwest women’s movement as well as the varied ways in which women could participate. Yet, she is rarely recognized for the numerous methods and strategies she used to protest women’s disenfranchisement, including her refusal to pay taxes. The Minors arguments focused on a gender-neutral citizenship, as evidenced in *Minor v. Happersett*, and brought about sophisticated discourse dealing with gender identity, fundamental rights, and woman’s place in society. Even the public versus private spheres, which argued that men and women belonged in separate spheres of influence (men in the public/political and women in the private/home), came under attack as new questions and tactics arose. One of those tactics included the time honored political tool of tax revolts.¹⁴⁰ Tax revolts became most popular in the woman’s suffrage movement during 1873 because of the centennial of the 1773 Boston Tea Party, though they have been

¹³⁹ Karen J. Blair. *Clubwoman as Feminist: True Womanhood Redefined, 1868-1914* (New York: Holmes & Meier Publishing, 1980); Hewitt’s *Women’s Activism and Social Change*; and Spruill’s *One Woman, One Vote*, among other works referenced in this paper, all provide a broader context for women’s activism.

¹⁴⁰ Interestingly, women’s tax revolts on behalf of suffrage have yet to be fully studied, especially outside of women’s history. For example, David F. Burg’s 502 page book *A World History of Tax Rebellions: An Encyclopedia of Tax Rebels, Revolts, and Riots from Antiquity to the Present* (New York: Routledge, 2004), has no entry on tax revolts used for women’s equality/suffrage. Linda K. Kerber in *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship*. (New York: Hill and Wang, 1998), and Tetrault both cover the subject to some degree in their respective works.

traced back to the 1850s.¹⁴¹ Women refused to pay taxes proclaiming the famous adage “no taxation without representation” demanding that they should not be forced to pay taxes that they had no right to vote against.

There are several examples of women’s tax protests, the most famous is that of Abby and Julia Smith. The elderly sisters from Connecticut led one of the most well-known women’s tax protests in October of 1873. The Smith sisters’ protest gained publicity when officials unjustly confiscated and sold Abby Smith’s cows after she and her sister refused to pay their taxes on the basis of “no taxation without representation.”¹⁴² The National Association took up the tax revolt gauntlet at their annual conventions in 1874 and 1875 as they sought new ways to gain congressional attention, going so far as to submit a petition to exempt women from taxation for so long as they remained unrepresented.¹⁴³

Few historians credit Virginia and Francis with employing taxation rhetoric in their suffrage arguments, a tactic they used as early as 1868.¹⁴⁴ Although Stanton and Anthony’s influential *History of Woman’s Suffrage* acknowledges the Minors taxation argument, the extent of Virginia Minor’s tax revolts remains unexplored. In 1869, Minor wrote the St. Louis assessor to ask how much tax money the county collected from women. The reluctant response: more than two thousand women with combined property valued in the millions.¹⁴⁵ The same year, at the October woman’s suffrage convention in St. Louis, she gave an impassioned speech about the rights and privileges of citizenship at the end of which she stated that if the government

¹⁴¹ Tetrault, 82.

¹⁴² Tetrault, 83. For additional information see Kerber.

¹⁴³ Tetrault, 84.

¹⁴⁴ Kerber, 103.

¹⁴⁵ Stepenoff, 108.

would not provide women with their full rights and privileges of citizenship, then they should “exempt us from the burden of taxation to support so unjust a Government.”¹⁴⁶

Minor waited until 1873, after the Missouri Supreme Court ruled against her case, to lead her first true tax revolt. She wrote a letter to the St. Louis Board of Assessors explaining she could not/would not pay her taxes. Newspapers across the nation carried the story. The *New York Herald*, with the headline “TAXATION WITHOUT REPRESENTATION” reprinted a St. Louis article:

Mrs. Virginia L. Minor ... a leading spirit in the woman’s movement ... refuses to make them a return of her property subject to taxation, on the ground that under the decision of the Supreme Court of this State she, being femme covert, cannot own the money wherein to pay taxes thereon, and further, because she thinks that taxation without representation the sum of all tyranny.¹⁴⁷

With few variations, this article can be found reprinted in numerous newspapers across the nation, including but not limited to Virginia, Illinois, South Carolina, Pennsylvania, Vermont, and Ohio.¹⁴⁸

Minor expanded her tax revolt in 1874 when she organized and presented an anti-tax, pro-suffrage memorial to the Missouri Legislature. The memorial argued that “[it is] manifestly unjust to deprive one-half the adult citizens of the State of the franchise, and at the same time require them to pay a full half of the expenses of the government ...”¹⁴⁹ It further claimed women to be taxed on more than \$20,000,000 worth of property in one county of Missouri alone. The memorial concluded that “if ‘taxation without representation was tyranny’ in 1774, we are

¹⁴⁶ Stanton, *History of Woman Suffrage: Volume II*, 410.

¹⁴⁷ *The New York Herald*. (New York, NY.), 15 Oct. 1873.

¹⁴⁸ *Alexandria Gazette and Virginia Advertiser*. (Alexandria, VA.) 15 Oct. 1873. *The Chicago Daily Tribune*. (Chicago, IL.) 15 Oct. 1873. *The Anderson Intelligencer*. (Anderson Court House, S.C.) 23 Oct. 1873. *The Elk County Advocate*. (Ridgeway, PA.) 6 Nov. 1873. *Essex County Harold*. (Guildhall, VT.) 8 Nov. 1873. *The Findlay Jeffersonian*. (Findlay, OH.) 17 Oct. 1873.

¹⁴⁹ *The Andrew County Republican*. (Savannah, MO.) 6 Mar. 1874.

utterly unable to see why it is not equally so in 1874.”¹⁵⁰ This further shows that Minor used a multifaceted approach to broadening women’s rights – never settling for only one method – and consistently rallied others in the state to join the cause. She never gave up her anti-tax campaign, but Minor did turn her attention back to her court case during 1874 after it made it onto the docket of the Supreme Court. However, in 1879, her name begins to appear prominently in newspapers across the nation once more in relation to her refusal to pay taxes, causing an even bigger stir than in 1873.

In a letter to David Powers, President of the Board of Assessors, she reiterated her position:

... [t]he principle on which this Government rests is representation before taxation. My property is denied representation, and therefore cannot be taxable. The law which you quote as applicable to me in your notice to make my tax return is in direct conflict with the thirtieth section of the bill of rights of the Constitution of the State, which declares, “No person shall be deprived of life, liberty, or property without due process of law” ... a condition of “involuntary slavery” so clearly prohibited in the thirty-first section of the same article, as well as in the Constitution of the United States, that no legislation or judicial prejudice can ignore it.¹⁵¹

Her letter, with its rational and well-reasoned argument along with its polite tone and legal awareness, reveals Minor to be an intelligent woman with a politically astute mind. She possessed a marked talent for blending respect with reproach, but her strategy reflected a much deeper meaning. The Minors advocated their arguments for woman’s citizenship from a legal, constitutional interpretation that women were already citizens. Instead of shunning the law, they embraced it.

¹⁵⁰ Ibid.

¹⁵¹ *The New Northwest*. (Portland, OR.), Sept. 18, 1879.

According to historians Angela G. Ray and Cindy Koenig Richards, the Minors “favored a strong textualism, seeking legal meaning within the law’s language itself.” They further illustrate that the Minors used the nation’s own “sacred democratic texts” to develop “a complex portrayal of citizenship as a gender-neutral, race-neutral role that encompassed the right to full participation, expressed via the public ritual of voting.”¹⁵² On the subject of rituals and performance, Ray has pointed out in two separate articles the importance of women’s roles as actors performing the customary rituals of men in the public to showcase their arguments, particularly the Minors arguments, that women already possessed the same rights as men, so they needed to act like they had those rights. When women performed the same acts and rituals as men, it forced the public and the legal officials to confront long held gender and legal assumptions, in addition to inspiring other women to take up the gauntlet.¹⁵³ Ray’s research refers to the Minors arguments regarding *Minor v. Happersett*, but they can easily be applied to Virginia Minor’s tax revolts as well. Ray acknowledged that numerous suffragists used taxes as one of their arguments of citizenship, but she does not acknowledge Minor’s tax revolts, further illustrating the lack of research conducted on Minor’s other women’s rights activism.

Virginia Minor’s arguments center on equality with logical, legal justification and remain reasonable more so than radical. While she worked towards woman’s suffrage tirelessly until her death, few considered her to be as radical as more well-known activists such as Elizabeth Cady Stanton, Susan B. Anthony, or Victoria Woodhull.¹⁵⁴ Respectability seems to have been part of her strategy: most often Minor is described as a respected wife, mother, lady, and a “leading

¹⁵² Ray and Richards, “Inventing Citizens, Imagining Gender Justice,” 381.

¹⁵³ See both Ray and Richards, “Invention Citizens, Imagining Gender Justice,” and Ray’s “The Rhetorical Ritual of Citizenship.”

¹⁵⁴ Stanton and Anthony were both considered to be quite radical in their suffrage tactics and feminist beliefs and Woodhull was considered an extreme radical because she mixed free-love with women’s rights advocacy. See Tetrault, 20-144, and DuBois “Taking the Law into Our Own Hands,” 26-34.

spirit” in the woman’s suffrage movement. For instance, Minor chose not to engage in any kind of activism involving women’s clothing styles. Several articles mention her at social gatherings wearing beautiful dresses. One article describes a reception that she and a Mrs. Merriwether held in which Minor wore “black velvet, en traine, with draperies of black thread lace,” along with the yellow badge of the suffrage association – which the ladies handed out to all of their guests.¹⁵⁵

Another article remarks on an unnamed event at which Minor “was down in a remarkably pretty gown, and looked as if she never thought of woman suffrage.”¹⁵⁶ In one article, when she spoke about the National Convention in 1882, Minor stated the audiences expressed “[c]onsiderable

surprise” because “the Woman Suffrage delegates dressed handsomely and in taste, a great many had expected to see a collection of Bloomer suits instead.”¹⁵⁷ Elizabeth Smith Miller and Amelia

Bloomer advocated Freedom, or Bloomer suits as they came to be called (unconventional pant suits), to free women from the oppressive skirts and fashion expected of nineteenth century women – several prominent suffragists, including Elizabeth Cady Stanton wore them.¹⁵⁸

It is not surprising that Minor chose to retain more customary forms of dress. A key piece of her and



Figure 5. *The Bloomer Costume.*, 1851. [New York: N. Currier] Library of Congress. <https://www.loc.gov/item/90711963/>.

¹⁵⁵ *St. Louis Post-Dispatch* (St. Louis, MO.) Jan. 11, 1889. p. 5.

¹⁵⁶ *St. Louis Post-Dispatch* (St. Louis, MO.) Sept. 23, 1890. p. 8.

¹⁵⁷ “MRS. MINOR’S MISSION”

¹⁵⁸ Amy Kesselman. “The “Freedom Suit”: Feminism and Dress Reform in the United States, 1848-1875.” *Gender and Society* 5, no. 4 (1991): 495-510, accessed April 15, 2017, <http://www.jstor.org.cyrano.ucmo.edu:2048/stable/190097>.

Francis's arguments over women's voting rights and citizenship retained that women already possessed the right to vote. Showing up in public "dressed handsomely" could well have been part of Virginia's strategy, to shock the public with a traditionally dressed, well respected lady attempting to vote, or go on a tax revolt. Dressing as a traditional woman thus helped her argument by showing people first hand that she, a perfect lady, was just as capable of conducting public, political affairs the same as any man.

Like other suffragists, Minor suffered some criticism for her failure to accept her subordinate role in marriage and place in society. In Ray County, Missouri, the *Richmond Democrat* published a scathing response to Minor's 1879 letter to David Powers. Rather than acknowledge any rational reasoning on her part, the article claimed that Minor sought exemption from taxation "because she is not allowed by the laws to vote and wear pantaloons, and society don't sanction her chewing tobacco and swearing around like a man." The article continues, (arguing) that Minor "forgets" that the government protects her and her property, and that should someone threaten or steal from her, she would call upon the authorities "just as quick as if she was allowed a half dozen votes." The last portion of the article sums up a common sentiment and criticism used by many opponents of woman's suffrage of the time:

The fact is, Mrs. Minor has a husband to do the voting for the family, and if she cannot get him to vote as she wishes, she had better give up the representation business and attend strictly to her domestic affairs. The world will think more of her if she will remain in her own legitimate sphere. The husband is the legitimate head and protector of the family, and a woman unsexes herself when she attempts to assume his duties.¹⁵⁹

This is a classic example of the popular *separate spheres* argument prevalent in the nineteenth century. The idea was that women belonged in the *private sphere* and men belonged

¹⁵⁹ *Richmond Democrat*. (Richmond, MO.) Sept. 11, 1879. p. 1.

in the *public sphere*: the private sphere meaning the home taking care of the family while the husband was out in the public sphere of politics and business. The cult of domesticity and of “True Womanhood” was a direct challenge to female activism, so many women’s advocates decided to work within the structure instead of outside of it. If women’s purity, piousness, and morality were so highly regarded in the home, as the tenets of domesticity claimed, then women could bring those same qualities to the public sphere to help make a more benevolent society (this is a co-equality argument that recognized women were different than men but should have co-equal rights).¹⁶⁰ Virginia Minor did not embrace these ideas and argued adamantly that women were fully equal with men. In reality, Minor held all the rights to and ownership of her and Francis’ property, current and future, as well as the ability to buy and sell their estates thanks to a trust Francis devised to give her such rights.¹⁶¹

On the opposite end of the spectrum, *The New Northwest*, a paper published in Portland, Oregon, highly praised Minor’s letter and her crusade against taxes. The paper reprinted her letter to the assessor, stating that “[i]t is impossible for men to be so blind as not to see the justice and sound sense of” Minor’s letter. It reminded readers of the famous anti-tax ordeal of the Smith sisters of Connecticut, and encouraged women to continue to oppose such one-sided laws as “the Smith sisters and Virginia L. Minor are doing.” The article urged that people continue to resist because their resistance would cause discussion, and “discussion can only result in the triumph of political equality.”¹⁶² By keeping the struggle in the public eye, local and regional

¹⁶⁰ Hewitt, *Women’s Activism and Social Change*, 30 - 39.

¹⁶¹ Francis Minor, early on in his and Virginia’s marriage, drew up a trust that gave her the rights and ownership of all of his and their possessions, both present and future. See Whites, 101 – 118.

¹⁶² *The New Northwest* (Portland, OR.), Sept. 18, 1879. p. 1.

leaders like Minor, constantly challenged and eroded traditional patriarchal power structures and made people consciously question societal norms.

Numerous other newspapers across the nation reprinted short articles about Minor's second tax revolt. Most remained somewhat neutral, if not positive. The following article printed in *The New Bloomfield Pennsylvania Times* is representative:

Virginia L. Minor ... makes oath that she has not a dollar's worth of property subject to taxation, because the principle on which this government rests is representation before taxation, and her property is denied representation.¹⁶³

At one point, the tax collector threatened to sue Minor over her refusal to pay taxes. Undaunted, the papers report that she "plant[ed] her feet firmly on the Constitution of the United States and [told] him to fire away."¹⁶⁴

Ray argues that women's voting efforts "illuminated" assumptions about gender and citizenship in the mid-to-late nineteenth century:

It was one thing to articulate legal arguments for the neutral characteristics of the universalist category of the citizen. It was another thing entirely for a woman to appear bodily as a citizen and perform a ritual of civic participation.¹⁶⁵

Such performances could promote public discourse while at the same time disproving the idea that women were too timid or incapable of entering into the public realm of men. Just as Virginia Minor's attempt to vote was a performance that brought about a public discourse and weakened long held assumptions about her gender, so too were her tax revolts. Refusing to pay taxes until or unless women were enfranchised Minor again performed a ritual action usually attributed to men, particularly revolutionary patriots. She used the same militant women's rights activism that

¹⁶³ *The New Bloomfield Pennsylvania Times* (New Bloomfield, PA.) Sept. 9, 1879. Approximately 17 articles dealing with Minor's two tax revolts were found during the course of this research.

¹⁶⁴ *The Cincinnati Daily Star* (Cincinnati, OH.) Sept. 1, 1879.

¹⁶⁵ Ray, "The Rhetorical Ritual of Citizenship," 14.

got her to the Supreme Court to again attack the unfair legal principles that shackled women as the subordinate servants helpless to the wills of men. Minor put her and Francis's arguments and beliefs to the test time and again. She led by example and provided other women with actionable steps they too could perform in the name of women's rights. After all, actions speak louder than words.

Minor's tax revolts brought notice to the cause, in the Midwest and throughout the country. These articles, printed across the nation, attest to the importance and popularity of Minor's revolts. There is no hope for any mass movement if it does not stay in the public eye and provide cause for discussion and discourse among the masses. It is through the continued acts of resistance to legal norms and protests against the status quo that ultimately lead to lasting social change. The difficulty in achieving true and lasting change lies in how hard it is for the leaders of a social movement to keep people motivated over the many years, necessary to reach their goals (as with the suffrage movement). Success thus largely depends on a leader's ability to come up with new ways to invigorate their audience, keep the public eye on their cause, and convert the masses to their point of view. As numerous social movements, including the Civil Rights, have illustrated over the years, such actions typically require the courage to face public ridicule and the creativity to keep finding new ways to bring the fight back into the forefront after each new idea's failure to create legal change. Minor continuously performed creative and controversial public actions, such as her court case, her tax revolts, constant memorials and petitions, attending conventions, speaking at public events, and more to keep people engaged with suffrage and women's rights. Minor did not live to see her hard work come to fruition, but she never gave up the cause nor did she lack for ingenious strategies to keep people talking about and working for women's rights.

CHAPTER 5
CONVICTS, CONVERTS, AND CONSTANT:
MORE OF MINOR'S CONTRIBUTIONS

Virginia Minor's contributions to suffrage and women's rights continued during and after her court cases and tax revolts. Newspapers consistently listed her in attendance and as a speaker at suffrage conventions in Missouri and across the nation forgoing the comforts of home on numerous occasions. She sent petitions, prepared memorials, hosted gatherings, and kept herself and others informed of important matters and events. Minor never ceased to promote the cause of suffrage, but it is also clear that she fought more fundamentally for women's rights in general. She believed women deserved all the same rights and privileges of citizenship that men enjoyed, and especially disdained the legal principle *femme covert*. Minor worked behind the scenes and on the frontlines of women's activism in the nineteenth century. It does not appear that she tried to grab the spotlight at every opportunity, but nor did she shun it when its light inevitably fell upon her. Minor fought for her convictions in numerous ways and never ceased to try and bring attention to the plight of women's lack of legal standing. This is best illustrated by three examples: A letter she wrote to the Governor on behalf of a convicted woman, her arduous work for the Nebraska campaign, and in her last will and testament upon her death.

Fighting *Femme Covert*: Letter on Behalf of Anna Hallenscheid

Commitment is a word that describes Minor and her desire for women's rights. She readily took it upon herself to advocate for other women when necessary. December 3, 1875, shortly after the crushing verdict of her Supreme Court case, found Minor already continuing the fight for women's rights. This time in the form of a letter to the Missouri Governor Charles H. Hardin on behalf of Anna Hallenscheid, a woman scheduled for execution on December 17th, along with her husband for the crime of murder. An older German couple from Gasconade

County, the Hallenscheid's were accused and convicted of murdering their son-in-law. Not an acquaintance of the Hallenscheid's, Minor still took it upon herself to write the Governor on the unfortunate woman's behalf. She asked him to pardon the wife and commute her sentence, and take into consideration the "condition" and "circumstances" that surrounded Mrs. Hallenscheid. She reminded the Governor that "[b]eing a married woman" Mrs. Hallenscheid's legal status put her under *femme covert*, or *coverture* of her husband and therefore "under obligation of obedience to him" and the "constraint of his will." Minor further reminded Hardin that under *coverture* a woman who commits a criminal act in the presence of her husband "[is] presumed to be compelled by him" so much so that she shall be excused by the law with the exception of murder and other select offences. But how, she asked, "are ignorant women to know of the four legal exceptions" or "distinguish the technicalities of the law?"¹⁶⁶

Minor's letter quickly turned into a *polite* attack on women's place in society, as she pointed out that society, the law, and the church "unite in teaching" married women that they owed their "absolute obedience" to their husbands. Minor argued that the husband, having been present and committed the crime, should have to take responsibility for any actions that his wife committed because it could be assumed she acted on his direction. Minor, never one to miss an opportunity to attack the designation of married women as *femme covert* argued, "a *femme covert* is legally an infant [and] under such circumstances, the extent of moral responsibility becomes a question of grave consideration when we recollect she is not a free agent in all things." Minor pointed out to the Governor that Mrs. Hallenscheid' moral nature could be

¹⁶⁶ Letter, from Mrs. Francis Minor, St. Louis to Charles Henry Hardin, (December 3, 1875). Charles Henry Hardin, 1875-1877; Office of Governor, Record Group 3.22; Missouri State Archives, Jefferson City.

confused or compromised, having been legally bound to be obedient to her husband and that he should therefore take the woman's *femme covert* status into account:

It is impossible to estimate the influence which this dual condition may have over her actions; and while this constitutes no legal justification of the crime, it forms the basis upon which I appeal to you to commute her punishment to imprisonment for life, and spare the State the disgrace of what would be, if she is hanged, a legal murder. This is no question of "woman's rights," it is simply a question of human rights.¹⁶⁷

Taken by itself, Minor's letter reveals her continued and determined commitment to gaining equality for women. Anna Hallenscheid's ethnicity did not matter to Minor, nor did her social class, or Hallenscheid's criminal conviction. Minor only saw a woman convicted with her husband for a crime in which she may or may not have been willingly complicit. Minor, incensed at the fact that women did not exist or have rights under the law, could not see the fairness in trying and convicting a woman under that same law. Another thing this reinforces about Minor's activism is she argued for women's equality on the basis of equality with men, not co-equality as many suffragists did.¹⁶⁸ Minor wanted women to have the same basic human rights that men possessed. She did not see women as fragile creatures in need of man's protection, if anything she may well have believed that women needed their equal rights of citizenship in order to protect themselves *from* men.¹⁶⁹ This sets Minor apart as a feminist, not just a suffragist. Which is atypical among many female activists who sought the vote as a way to achieve moral reform

¹⁶⁷ Letter, from Mrs. Francis Minor, ...

¹⁶⁸ Co-Equality defined women as different from men and therefore in need of different rights or the same rights for different reasons. An example of this would be the argument that women should be enfranchised because they would bring their unique moral standards and perspectives into politics. For more information on co-equality see the works of Cott, Hewitt, Faulkner, and Isenberg.

¹⁶⁹ This is illustrated throughout her actions, but is especially clear in the next section of this chapter when she tells a woman that she should embrace suffrage because not all women had husband's as nice as hers.

and to create a benevolent society. Minor's concerns and motivations were geared toward creating a more equal society.

How much Minor actually knew about Hallenscheid's case itself is hard to tell. In her letter, Minor stated that she learned of Mrs. Hallenscheid's situation from the daily papers. The full circumstances of the case were actually rather complicated, and may not have been public knowledge. While the full case may not have been known to Minor, and therefore may not have impacted her actions on Mrs. Hallenscheid's behalf, it is worth examining further. After all, the murder appears to have been precipitated by an unhappy marriage and a wife abused by her husband.

The Governor received at least two other requests for pardons for the Hallenscheid's aside from Minor's.¹⁷⁰ One came from a group of citizens in Gasconade County, on November 30, 1875. The other came from T. S. Smith, a lawyer present at the trial, and who volunteered his services to the defendants. Both petitions argued that the Hallenscheid's should be pardoned and their sentences commuted, essentially because the trial had been less than adequate and swayed by public opinion. Smith, who reviewed much of the evidence first hand, claimed that Mr. Hallenscheid and his son-in-law Christian Alband argued over how poorly Alband treated Hallenscheid's daughter. The argument turned violent, both men's wives became involved, and in the heat of the moment Mr. Hallenscheid bludgeoned Alband, accidentally killing him. Smith argued that public opinion was so strong against Mr. and Mrs. Hallenscheid, neither of whom spoke English, that it proved impossible for them to receive a fair trial.¹⁷¹

¹⁷⁰ The other two pardons were for both husband and wife, not just the wife as Minor's was.

¹⁷¹ Petition, Gasconade County, citizens of Hermann to Charles Henry Hardin, (November 30, 1875) and Letter, from T. S. Smith, Jefferson City, Cole County to Charles Henry Hardin, (December 8, 1875); Charles Henry Hardin, 1875-1877; Office of Governor, Record Group 3.22; Missouri State Archives, Jefferson City.

When the day of execution dawned, Mrs. Hallenscheid received a pardon from the Governor commuting her sentence to imprisonment for the rest of her natural life. Mr. Hallenscheid's fate proved less fortunate. Approximately 4000 people came out to watch him hang.¹⁷² There is no way to know how much Minor influenced Governor Hardin's decision to pardon Anna Hallenscheid. Just as important, Minor's letter seized the opportunity to remind state officials how dangerous the unequal distribution of power between husband and wife could be. A microcosm of the greater problem, that of the unequal distribution of legal and political power between man and woman.

Minor's Dedication to the Cause: The Nebraska Campaign

By 1882, American women had gained the right to vote in Wyoming, Colorado, Utah, and Idaho. The next great campaign aimed at Nebraska and passing a state amendment in the November 7th state election that would allow women to vote there as well. To help with this, women in the National Woman Suffrage Association offered their support and even held their fourteenth annual woman's suffrage convention in Omaha on September 26th of that year. Susan B. Anthony passed through St. Louis on her way to the National Convention and she intended to remain in Nebraska to help with the campaign. According to one article, she planned to promote suffrage and "stump the State up to the day of election." Minor, at that time a Vice-President at large for the National Association, also attended the convention as a speaker, with fellow St. Louis suffragist Phoebe Couzins, and remained in Nebraska, like Anthony, to help campaign for the cause.¹⁷³

¹⁷² "Henry Hallenscheid's End" *The Advertiser-Courier* (Hermann, MO.). Dec 17, 1875. p. 4.

¹⁷³ "The Woman Suffragists" *St. Louis Post-Dispatch* (St. Louis, MO.) Sept. 23, 1882. p. 8.

Ever newsworthy, the *St. Louis Post-Dispatch* updated the city's citizens on Minor's intentions to remain in Nebraska until the state voted on the suffrage amendment. The article quoted from one of Minor's private letters:

The movement here I hope will succeed. The audiences have been magnificent. At one meeting in Lincoln 500 women came forward and pledged themselves to go out and work for the cause.¹⁷⁴

Despite Minor's optimism, she possessed reservations about the National Association's overconfidence. The *Post-Dispatch* printed another of Minor's letters in an article only three days later in which she warned "things are by no means sure. The organization is too confident of success to succeed."¹⁷⁵ A prescient statement on her part as the amendment did not pass. This is only a small portion of the letter. Interestingly the rest of the letter, which the *Post-Dispatch* appears to have printed in its entirety, deals mostly with a visit Minor and Anthony made to a women's insane asylum.

The headline read "ADDRESSING LUNATICS, The Woman Suffrage Campaign in Nebraska, Interesting Letter from Mrs. Virginia L. Minor." Minor's letter describes the visit that she and Anthony made to the asylum upon the invitation of a Dr. Mattison to have lunch there. The purpose of and motivation for the invitation and visit is unclear. In her letter, Minor details numerous aspects of their visit, including the beautiful landscape surrounding the building. She stated that she "felt very much like the Queen of Sheba when she saw the magnificence of Solomon." She further marvels at the cleanliness inside the institution, from the double hair mattresses to the floors "as polished as mirrors." Minor speaks highly of the superintendent's

¹⁷⁴ "Mrs. Virginia Minor" *St. Louis Post-Dispatch* (St. Louis, MO.) Oct. 6, 1882. p. 2.

¹⁷⁵ "ADDRESSING LUNATICS" *St. Louis Post-Dispatch* (St. Louis, MO.) 9 Oct., 1882. p. 4. It should be noted that we do not know when she wrote the first letter in the previous article, as all it says that the quote is from one of Minor's private letters. Therefore her statement of confidence in the campaign could have been written a bit earlier.

wife, describing her as a “refined and highly cultured woman” whom the inmates adored and flocked to as though “she were their mother.” After lunch they gathered in the chapel where some of the patients sang for the guests.¹⁷⁶

Following the slightly “out of tune” singing, Dr. Mattison offered Anthony and Minor to speak before the women. “Miss Anthony declared it utterly impossible to think of such a thing, but I . . . took the floor and did my very best.” When Minor came to the subject of woman’s suffrage, the inmates “absolutely laughed and some of the girls giggled just as naturally as those outside would have done.” After Minor finished her speech, Anthony “declared she had not one thing to say, but finally she began one of her stories.” When they held a mock vote at the end of their speeches, on whether or not women should have the right to vote, not one woman voted no.¹⁷⁷

When offered the opportunity to share their own thoughts on the subject, one woman rose quietly, and with “considerable dignity” affirmed that she “always did believe women should vote.” She further argued that the neighboring penitentiary provided “one of the best arguments for woman suffrage” as it held 200 men and just one woman. Minor does not elaborate on the woman’s statements, but her letter conveys a sense of surprise at this woman’s dignity and accuracy as she later discovered the woman’s statements about the penitentiary held true. In contrast, earlier in her letter Minor describes the patients or “inmates” of the asylum as “these poor insane creatures . . . rough and homely, many of them daughters of toil and bearing on their faces the scars of life.”¹⁷⁸

¹⁷⁶ “ADDRESSING LUNATICS”

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

The article correctly described the whole affair as “A Curious Asylum Scene” and it can be interpreted a couple of ways. In one way it is a great example of how some women could combine their efforts and activism with benevolence and moral reform, both of which were key aspects of early women’s activism. It is curious because Minor and Anthony have never been associated with the benevolent and moral reform aspects of the women’s movement. On the other hand, asylums were frequently used against women as tools of oppression in the nineteenth century. More than a few women’s rights advocates found themselves institutionalized for daring to step out of their place and voice their opinions. Women’s lack of rights made it easy for husbands or family members to have them committed against their will. Examples include Elizabeth Packard and Clarissa Caldwell Lathrop, though even Alice Paul received threats of institutionalization in the twentieth century for her radical suffrage activism.¹⁷⁹ Why Anthony and Minor visited the Nebraska asylum is not entirely clear, but not entirely surprising either. However, based on Anthony’s reaction to Dr. Mattison’s suggestion they speak to the inmates, it is clear they did not plan to lecture while there. What this scene does reinforce is Minor’s good humor, open-mindedness, and her willingness to do anything for the cause.

Minor’s willingness to face trials and tribulations for the cause of women’s rights is even more apparent in an extensive article the *St. Louis Post-Dispatch* published October 24, after she returned from Nebraska. The article, aptly titled “MRS. MINOR’S MISSION,” is an interview with Minor. During the interview Minor discusses numerous topics including St. Louis enterprise (or lack of it) in comparison with Chicago, she provides some general thoughts on education and

¹⁷⁹ See Linda V. Carlisle. *Elizabeth Packard: A Noble Fight*. (Urbana: University of Illinois Press, 2010), and Madaline Reeder Walter. "Insanity, Rhetoric, and Women: Nineteenth-Century Women's Asylum Narratives." Order No. 3473441, University of Missouri - Kansas City, 2011, accessed March 2, 2018, <https://login.cyrano.ucmo.edu/login?url=https://search-proquest-com.cyrano.ucmo.edu/docview/895100542?accountid=6143>.

intelligence, and lastly she paints a picture of the hazards involved with traveling through rural Nebraska in search of an audience for suffrage. The article reveals several things about Minor, including her willingness to take the road less traveled – literally. Committees selected and assigned the suffrage speakers to whichever “stump” or area they would be responsible for in the Nebraska campaign. Given the choice to remain in Omaha or travel out into the rural, prairie precincts, Minor chose the latter. She wanted to “see the people in their homes and learn by personal acquaintance what they thought of vital subjects.”¹⁸⁰

One subject that appears to have been vital to Minor, based on the interview, is that she perceived a lack of enterprise on behalf of St. Louis merchants. Her disappointment is clear as she told the *Post-Dispatch* that “I found even here that Chicago was away ahead of St. Louis.” Everywhere she went she discovered pamphlets, catalogs, placards, newspapers, and advertisements all heralding Chicago firms and Chicago wares. These pamphlets and advertisements also made up much of a child’s early reading material to which Minor, dismayed, stated “the boy and girl just learning to read receive as one of their earliest impressions the belief that Chicago supplied the world – particularly Nebraska.” Minor declared these facts to be “a reproach to [St. Louis] enterprise.” She felt St. Louis merchants should be doing more to promote themselves and their goods in Nebraska and did not like that Chicago upstaged her home city. Clearly Minor possessed some business sense and took interest in matters other than suffrage and women’s rights.¹⁸¹

Minor’s fixation on what she perceived as a lack of St. Louis enterprise in comparison with Chicago is at first surprising, as one might expect her to keep the interview focused solely

¹⁸⁰ “MRS. MINOR’S MISSION” *St. Louis Post-Dispatch* (St. Louis, MO.) Oct. 24, 1882. p. 8.

¹⁸¹ “MRS. MINOR’S MISSION”

on suffrage. However, the long contention between the two rival cities would have made it hard for any St. Louisan not to take notice of the overabundant presence of Chicago in Nebraska. After all, residents of St. Louis remained bitter for decades that Chicago's railroads beat them to the terminus in Omaha, making Chicago the direct route for the transcontinental line when the railroad reached Promontory Point, Utah in 1869.¹⁸² St. Louis had already lost a substantial portion of its Upper Mississippi Valley trade to Chicago during the Civil War, and following the war investments in southwest markets, while still successful, kept St. Louis tied too close to the Confederacy's damaged economy to fully prosper. To add insult to injury, Minor's time in Nebraska took place in 1882, only two short years after the 1880 Census in St. Louis revealed that the 1870 Census numbers had been padded, most likely making St. Louis the seventh largest city in the nation in 1870, not the fourth as its residents had long celebrated.¹⁸³ Certainly St. Louis remained an important distribution and manufacturing center and still wielded considerable influence, but it is easy to see why Minor may have found them lacking after her visit to Nebraska.

Minor's varied interests are also illustrated by a passage in the interview where she spoke on education and intelligence. She estimated the population of Nebraska to be approximately 450,000 and not much larger than St. Louis itself. Despite the sparsely populated state, she stated that, based on reading and writing qualifications, Nebraska's education and intelligence outranked every state in the union. However, given some of Minor's tongue-in-cheek comments, she may or may not have meant this literally, after all Massachusetts and New England both had exceptionally high literacy rates in the nineteenth century. Perhaps more important is Minor's

¹⁸² Arenson, 180.

¹⁸³ Arenson, 191-214. See also Primm's *Lion of the Valley: St. Louis, Missouri*. (Boulder, Colorado: Pruett Publishing Company, 1981).

argument over how to gauge intelligence. She aptly argued that to gauge intelligence on one's ability to read and write did not provide a fair or accurate measure. After all, she said, "some of the greatest fools I ever knew could write a copper-plate hand and read with the finish of a trained elocutionist."¹⁸⁴ Minor, it seems, did not mince words nor did she refrain from speaking her mind. It is also a sound observation on intelligence, as many people even in the modern day might well agree that an ability to read and write is not the only means by which intelligence can be judged. A woman before her time on more topics than just women's rights and suffrage, it is apparent that Minor possessed a keen, forward-thinking mind.

Much of the interview deals with Minor's account of her travels across Nebraska as she attempted to traverse the muddy and unforgiving prairie to reach her speaking engagements. She traveled with a Nebraskan native, Mrs. Yates, in a two-horse buggy averaging 14 to 18 miles per day through mud or "black paste" nearly a foot deep. The prairie districts did not yet have the luxury of railroads nor a reliable communication system. More than once Minor and Yates arrived to find that no one knew they were coming, and so the task of gathering an audience proved challenging at times, but successful nonetheless.

Minor possessed a gift for crafting her arguments to fit her audience. At one stop she and Mrs. Yates were to stay with a kind farmer and his wife. The farmer warned the ladies it would be best not to broach the subject of suffrage with his wife, for she was against the idea. Not to be deterred, Minor told the farmer's wife "that as all women had not such kind husbands as her's was she should assist in [woman's] enfranchisement, though she herself cared nothing for it." Minor's own opinions ran far deeper, she believed in the fundamental rights that women held as citizens and their right to be treated equally to men by the law, and the need to eliminate the

¹⁸⁴ "MRS. MINOR'S MISSION"

hated *femme covert*. The farmer's wife, blessed with a kind husband, saw no need for suffrage. Indeed, she opposed it, but Minor brought her argument home by pointing out that not all husbands treated their wives with such kindness, therefore women in general should be enfranchised. By the time Minor left the farmer's home she said she thought his wife might prove a "promising convert."¹⁸⁵

One of the most difficult trials during Minor's journey proved to be the weather. At times the wind blew so strongly they could not risk traveling in buggies for fear they would be turned over. At one schoolhouse Minor only spoke for a few minutes before they adjourned due to a black cloud threatening terrible weather. The storm darkened the sky so quickly that the lightning provided the only light by which to find the farmer's mule-drawn wagon they rode in on. The wind blew like a cyclone forcing them to sit closely together in the straw of the wagon and forgo the seats, as the farmer said they would likely be blown off the wagon otherwise. They rode approximately a mile and a half in this weather to get back to the farmer's home where they would spend the night. Thunder provided a constant fear for the ladies, as the farmer told them the mules would likely bolt upon hearing it. Thankfully that did not happen, though the rain came down in torrents by the time they reached the farmhouse. Upon exiting the wagon, Minor took a bad fall, though she retold the story with good humor:

I put my foot on the brake to climb out, but something turned and I found myself taking a direct route to China – flat on my back on the ground, and very near the heels of those peculiarly constituted mules.¹⁸⁶

¹⁸⁵ "MRS. MINOR'S MISSION"

¹⁸⁶ "MRS. MINOR'S MISSION"

The fall winded Minor, and though she still suffered some ill effects even after returning to St. Louis, it did not stop her from getting up the next morning, donning her still damp clothing, and continuing on her journey.

Minor originally intended to remain in Nebraska until the election in November, though clearly she returned early. Why she returned early is not explicitly stated, but the fall, as well as the storms and difficult journey she endured, seemed to have taken its toll on her. The *Post-Dispatch* published a brief update on the Nebraska campaign the following day, October 25, in which it stated that "Mrs. Virginia Minor has been requested to reenter the lecture field, but declines ... on account of her health."¹⁸⁷ Ultimately, the Nebraska suffrage amendment did not pass and the campaign failed. Anthony, on her return trip in November, stopped in St. Louis to visit Minor where she too gave an interview to the press. Despite the negative results, Anthony denied any disappointment, saying the campaign indicated the strength and growth of the suffrage organization. She also argued that it proved the "right" way to go about suffrage required following the "original" plan and adopting it as an amendment to the U.S. Constitution. Anthony promised they would push for the amendment with "renewed vigor ... now that we know that we can never obtain our rights by appeal to the popular vote."¹⁸⁸

The Nebraska campaign tells us more about Minor than historians have previously known. It puts her even more prominently on the national suffrage stage, and further illustrates her close personal ties to Anthony and the National Association. It also reveals much about her character and dedication to the cause. Minor braved frequent rains, constant mud, infrequent meals, damp clothes, poorly lit school houses, and dangerous storms to address small audiences

¹⁸⁷ *St. Louis Post-Dispatch* (St. Louis, MO.) Oct. 25, 1882. p. 7.

¹⁸⁸ "Susan B. Anthony" *St. Louis Post-Dispatch*. (St. Louis, MO.) Nov. 24, 1882. p. 1.

spread across the prairie. Certainly, Minor was not the only suffragist to embrace such hardships for the cause, indeed, Anthony traveled much more than Minor did throughout her suffrage career. However, Minor has never been recognized by historians for her work with the Nebraska campaign, unlike Anthony. Minor faced difficult hardships and serious physical danger all to try and help get a suffrage amendment passed in a state not her own. Minor would not receive any direct benefit from the Nebraska amendment if it passed, and yet time and again at age 58, she forewent the comforts of home, the luxury of train travel and nice hotels, and risked her safety for the cause she believed in. It is one thing to stand for something, it is quite another to actively and consistently fight for it. Certainly her Supreme Court case proved her willingness to fight for the cause, and her tax revolts further testify to her conviction for women's rights, but success to either action would have directly benefited Minor. The same cannot be said for the Nebraska campaign. That is not to say that other suffragists did not act for the benefit of the collective, indeed most did, but it is further testament of Minor's contributions and commitment to the cause for all women's rights, and continues to reinforce her activism beyond *Minor v. Happersett*.

Enforcing Her Will: Minor's Obituaries

Virginia Louisa Minor, Missouri's most ardent agitator for women's rights in the 1800s, died August 14, 1894 at the age of 70. United in death as in life, they laid her to rest with her husband Francis in Bellefontaine Cemetery.¹⁸⁹ The end of her life did not lead to the end of her story or even her suffrage career. A woman of great foresight, Minor continued the fight for both suffrage and women's rights even in death. Minor used her will as one last tool in her arsenal for the cause.

¹⁸⁹ Stepenoff, 119. Francis passed away two years prior, in 1892.

Printed in newspapers across the nation, Minor's obituaries made headlines and provided some provocative reading. Among other things, Minor bequeathed \$1,000 to her longtime colleague Susan B. Anthony.¹⁹⁰ Even in death, the eastern suffrage leader overshadowed the Midwestern suffragist. Newspapers mention Susan B. Anthony in 14 out of 18 obituaries from across the country. Minor left Anthony \$1,000 in her will to be used for suffrage. Five of these articles, incorrectly printed that Anthony received \$100,000 dollars.¹⁹¹ Two of the five, included *Anthony's* name in the headline of *Minor's* obituary. *The Washington Times* headline read "Susan B. Anthony Gets a Fortune," while the *Topeka State Journal* wrote "SUSAN ANTHONY IN LUCK: A Missouri Woman Suffragist Dies and Bequeaths Her \$100,000."¹⁹² While it is somewhat surprising to see someone else's name in the headline of Minor's obituary, it is not overly so, considering Anthony's highly visible national reputation. One has to wonder if leaving Anthony \$1,000 in her will was not a stroke of brilliance on Minor's part. Even in her lifetime it would have been easy to see that the eyes of the news always pointed to the northeast. Including Anthony in her will ensured that Minor's mission would continue to cause a stir, while also ensuring her money would continue to work for the cause. Minor's own explanation stated simply "[it is] in gratitude for the many thousands she [Anthony] has expended for women."¹⁹³

Virginia Minor's bequest to her nieces also reflects her commitment to women's rights. She left much of her estate to three nieces, but with some very stringent feminist conditions. Several newspapers found this clause to be rather peculiar and worth mentioning. Minor

¹⁹⁰ *Ibid.*, 119.

¹⁹¹ "Susan B. Anthony Gets a Fortune." *The Washington Times* (Washington, D. C.) Aug. 18, 1894. p. 1; "SUSAN ANTHONY IN LUCK." *The Topeka State Journal*. (Topeka, KS.) Aug. 21, 1894. p. 2; *Butler Citizen* (Butler, PA.), Aug. 30, 1894. p. 4; "A Woman Suffragists' Will." *The Evening Herald* (Shenandoah, PA.) Aug. 18, 1894. p. 4; "A Woman Suffragists' Will." *The Wilmington Daily Republican* (Wilmington, DE.) Aug. 18, 1894. p.1.

¹⁹² "Susan B. Anthony Gets a Fortune."; and "SUSAN ANTHONY IN LUCK."

¹⁹³ Whites, 117.

stipulated in her will that her three nieces receive a “large portion” of her estate, on the one condition that they *not* marry. The following reprint of a St. Louis article is a fairly common representation:

[She] was firm to the last in her belief in the cause as shown by two clauses, one of them very peculiar, in her will ... [s]he bequeaths \$1,000 to Susan B. Anthony. A large portion of her estate is then directed to be divided among her three nieces upon condition, however, that they do not marry.¹⁹⁴

It seems Minor set her will up to reward independence and possibly saw it as one last opportunity to oppose *femme covert*. The irony lies in the fact that, despite her own companionate marriage, she levied a heavy cost upon her nieces should they choose marriage over their inheritance. The coercive nature of her will is surprising, especially considering how much Minor hated how coercive *femme covert* was to women. This is perhaps the most radical action Minor took on behalf of suffrage, and could be reflective of a similar single-minded determination to that of Anthony and Elizabeth Cady Stanton towards the cause. That she saved one of her most radical and controversial acts until her death also attests to the deliberate nature of her actions and the amount of planning that she put into everything she did.

Five of Minor’s obituaries mentioned Minor descended “in two lines from the grandfather of George Washington.”¹⁹⁵ One of the articles, published in Pennsylvania went so far as to say that “the Washington blood” showed “in her face,” and that she “[was] a beauty” in her youth, but that “even at seventy her face retained a delicacy and refinement which years could not obliterate.”¹⁹⁶ This is another interesting aspect of Minor’s paradoxical life as a suffragist. The nineteenth century vilified many woman suffragists and often portrayed them as ugly, old,

¹⁹⁴ “A Woman Suffragist’s Will.” *The Indianapolis Journal*. (Indianapolis, IN.) Aug. 19, 1894. p. 12.

¹⁹⁵ *New-York Tribune*. (New York, N.Y.) Aug. 25, 1894.

¹⁹⁶ *The Star*. (Reynoldsville, PA.) Oct. 3, 1894. p. 6.

stern, or hideously masculine. Minor appears to have primarily been portrayed as a cultured, refined, and respectable lady.

Minor's ability to walk the line between respectable and radical is impressive, but also part of her strategy. She pulled no punches when it came time to stand up for and fight for what she believed, but at the same time neither she or her husband broadcast the full extent of their own radical leanings. For instance, it seems unlikely that many people knew exactly how far Francis went in granting his wife the rights to all his property, present and future. It is also hard to ascertain just where Virginia stood on religious topics. One article expressed surprise in her obituary, stating that:

Mrs. Virginia L. Minor, one of the oldest and best known of the earlier woman suffrage agitators, died here to-day ... [h]er funeral this afternoon was without religious exercises, the deceased, while not of infidel tendencies at all, being opposed to modern church forms.¹⁹⁷

Based on this, one might assume Minor to have been much like Elizabeth Cady Stanton and other suffragists who opposed the patriarchal structures and teachings in churches and religion. Stanton, who decreed that religious and biblical justifications for woman's subordination to man came not from the divine, but from man, went so far as to write her own Bible in 1895, the *Woman's Bible*.¹⁹⁸ Unlike Stanton, however, at the National Suffrage Convention in 1889 held in Washington, Minor "defended the Catholic Church from the charge of opposition to woman suffrage."¹⁹⁹ If Minor herself was Catholic is unclear, though unlikely given her Virginia

¹⁹⁷ "Obituary." *The Indianapolis Journal*. (Indianapolis, IN.) Aug. 16, 1894. p. 5. Reprinted from an unknown St. Louis newspaper.

¹⁹⁸ Tetrault, 171-173. Publishing the *Woman's Bible* is one of the most radical things that Stanton did in the later years of her life, and she was ostracized from her own movement and the National Association.

¹⁹⁹ "The Suffrage Convention" *The Indianapolis Journal* (Indianapolis, IN.) Jan. 23 1889. p. 2. The article says nothing else about it. There are several other reprints of this article in other papers but they provide no further details either.

heritage.²⁰⁰ It is also unclear why she would defend the church at a national convention, only to refuse any kind of “religious exercises” at her funeral five years later.²⁰¹ Perhaps it merely provided her with one more opportunity to bring about discourse on the topic of women’s rights and their place in society.

Minor fought for suffrage all her life and from beyond the grave. Her determination to bring about legal change for women shines through again and again in more than just her supreme court case. She willingly stood up for those who possessed no voice of their own, like the German speaking Mrs. Hallenscheid, and she consciously chose to brave rough, unforgiving terrain in order to advocate for women’s enfranchisement across the country. Minor faced her numerous trials, tribulations, and obstacles with good humor and a quick wit, always giving to the cause and expecting nothing in return. She refused no audience, big, small, black, white, young, old, criminal, nor even the institutionally insane.²⁰² This further suggests that not only did Minor believe in equality for women, but essentially, equality for all.

²⁰⁰ St. Louis had a strong Catholic community so it may be that Minor worked closely with some Catholic women in her activism. See Corbett.

²⁰¹ No definitive proof of Minor’s religious denomination has been found during the course of this research.

²⁰² In several of the articles detailing her travels during the Nebraska campaign she mentions some of the different audiences she addressed including big, small, mixed race, etc. In all cases she stated that she attempted to speak and present at her best. See “ADDRESSING LUNATICS” and “MRS. MINOR’S MISSION”.

CHAPTER 6 CONCLUSION

In her own day, Virginia L. Minor earned a reputation as “a leading spirit” in the woman’s suffrage movement.²⁰³ She fought for far more than suffrage and attributed more to the movement than the failed Supreme Court case for which she is most remembered. Minor sought to broaden women’s rights into full equality with men. Her arguments always rested on women’s innate equality with men and their right to vote as citizens, never embracing the idea of female difference and that women should be allowed to vote because they would bring about moral reform and create a benevolent society.²⁰⁴ Minor represented one of the nineteenth century minority of women activists who embraced the idea that women were human beings who were born with the same need and right of equality as men, yet she managed to maintain a respectable reputation throughout her radical actions. She devoted her life to suffrage, but also to the abolishment of unfair legal standards like *femme covert*. Minor practiced what she preached and her own life served as evidence that women could do all the things men could. Legally, *femme covert* decreed that women could not own or sell property, that women could not file lawsuits, and that they did not exist under the law. Socially, “True Womanhood” and the cult of domesticity further endorsed these laws. Minor and her husband contested such restrictions, allowing Virginia to own and control their marital property, she bought and sold it at her discretion, and she filed a lawsuit that went to the U.S. Supreme Court. It became case law thus forever ensuring that she did in fact exist under the law. Minor did all of this with the support of her pro-suffrage, lawyer husband, but *she* did it nonetheless.

²⁰³ *The New York Herald*. (New York, NY.), 15 Oct. 1873.

²⁰⁴ For more on benevolent moral reform see Cott, and Hewitt.

When the Court ruled against *Minor v. Happersett* and upheld the unfair law prohibiting women voters, Minor did not simply give up. She went on a campaign against taxation without representation. She attended conventions and served as an officer in state and national suffrage organizations. She lectured publically on women's rights and suffrage. Fear of ridicule, public spectacle, and losing one's property (by refusing to pay the tax collector), discouraged some women from such participatory activism. Working tirelessly for the cause, Minor backed down from no one, not even a hall full of Republicans who "hissed and howled" her out of the room for even daring to ask for ten minutes of their time at the Republican Convention in 1888.²⁰⁵ Time and again she went before audiences, receptive and otherwise, to plead the case of women's rights. She did not shy from letting her opinion be known, as an article in the *St. Louis Post-Dispatch* showcases. The article claimed the public should expect "the speedy annihilation of the Bar Association" because Minor "is up and in arms over the ungallant reception" of a recent suffrage memorial sent to them. The short article ends with a dire warning to the association's members, that they "might as well prepare themselves for a terrible extinguishment."²⁰⁶ While this article chided Minor and the local suffragists, it is clear the public did not expect Minor to simply let the matter drop.²⁰⁷ This illustrates that Minor's opinions and reactions were deemed newsworthy.

Minor fundamentally believed that women deserved the same rights and privileges as men. She lived her life for the cause of equal rights for women, not for herself, but for the future generations of women who would benefit from enfranchisement. She said it best herself in a brief article published in *The New Northwest*:

²⁰⁵ *The Emporia Democrat* (Emporia, KS.) June 27, 1888. p. 2.

²⁰⁶ *St. Louis Post-Dispatch* (St. Louis, MO.) Mar. 12, 1880. p. 4.

²⁰⁷ If she pursued this, and/or how she did so are still unclear.

Thousands of women all over the land, while ignorantly sneering at ‘woman’s rights’ women, are filling their mouths with bread provided by their hands. They struck off the shackles of caste, and opened to them occupations remunerative and honorable, and though the shafts of ridicule and calumny may fall around them now, generations yet unborn will pay the just tribute to their work.²⁰⁸

Minor wanted to free women from the “shackles” of their gender and allow them to provide for themselves with honorable occupations and not have to rely solely on men for their circumstances. Even though anti-suffragists did not see the benefit of what she and others like her were trying to accomplish, Minor clearly saw the future generations of women as the beneficiaries of their work. A bronze bust of Minor sits in the Hall of Famous Missourians in Jefferson City today, a tribute to her contributions to women’s suffrage. Inducted September 10, 2014, Minor’s bust is currently one of eight women honored in the hall, making her one of only 17 percent of the 46 total honorees.²⁰⁹

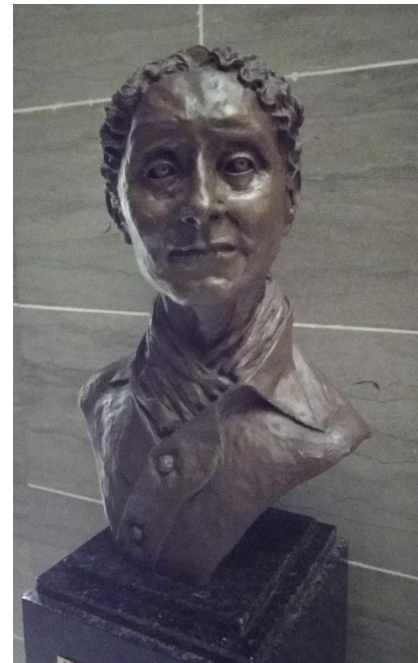


Figure 6. Bronze bust of Virginia Minor, in the Hall of Famous Missourians, Jefferson City, MO. March 2018. Photograph by Author.

Minor pursued numerous, highly visible strategies for reform including her court case, tax revolts, public lectures, and convention attendance. Not everything she did brought broad public notice. It is unlikely, for example that many knew Virginia wrote a letter to the Governor on behalf of the convicted Anna Hollenscheid. It is also unlikely that many people knew of Minor’s unusual marital property arrangement with her husband, which is another testament to

²⁰⁸ *The New Northwest*. (Portland, OR.) Sept. 26, 1878.

²⁰⁹ “Virginia L. Minor (1824-1894).” *Hall of Famous Missourians* – Missouri House of Representatives, accessed November 30, 2016, from <http://www.house.mo.gov/famous.aspx?fm=2069>. And *Hall of Famous Missourians* – Missouri House of Representatives, accessed August 18, 2018, from <https://house.mo.gov/famous.aspx>.

her strategic blend of respectable radicalism. Another interesting facet of the Minors marriage involves how their names are listed in *Gould's St. Louis Directory* and *Gould's Blue Book for the City of St. Louis*. Most of the listings are men's names in the *Directory*, while in the *Blue Book* most husbands and wives are listed as Mr. and Mrs. followed by the husband's name. However, Francis and Virginia's names never appear together. Francis's is the only name listed until about 1884, when Virginia's name started to appear independently to that of her husband. In the *Directory* her name appears as "Minor, Virginia L." while in the *Blue Book* it appears as "Minor, Mrs. Virginia L." or in some editions as "Mrs. Virginia L. Minor." Most women's names, if not appearing under their husband's names are listed as a widow, or if they are single, simply listed as "Miss."²¹⁰ Not until after Francis's death in 1892 do their names appear listed together, with Virginia as the widow of Francis. Who made the decision to list Virginia's name in this way is unknown, but the fact that her name appeared separate from her husband until after his death is intriguing.

By many accounts, Minor is atypical of a lot of suffragists, women's rights activists, or even a southern born lady for that matter. She worked ardently to secure the vote so women could enjoy full equality with men, not so women could bring their supposed moral superiority to politics and create a benevolent society. Like Stanton, Minor extended her women's activism to include attacking unfair legal principles such as *femme covert* and *coverture*. Unlike Stanton, she defended religion, but like Stanton she also rejected it, just more quietly. She held radical

²¹⁰ *Gould's St. Louis Directory, for 1884: Being a Complete Index to the Residents of the Entire City, and a Classified Business Directory*. (St. Louis, MO.: Gould's Directory Company, 1884), 773, accessed February 25, 2018, <http://cdm16795.contentdm.oclc.org/cdm/ref/collection/p16795coll7/id/13722>. Accessed digital copies of the *Directory* from 1884 through 1888, and 1893 and 1894 from Missouri Digital Heritage Collection; *Blue Book for the City of St. Louis, 1887 Volume V: Ten Thousand Names of Householders, Alphabetically Arranged and Classified by Streets*. (St. Louis, MO.: Gould's Directory Company, 1887), 298, accessed February 25, 2018, <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/p16795coll7/id/28340/rec/1>. Accessed digital copies of the *Blue Book* from 1888 through 1893 from the Missouri Digital Heritage Collection.

notions, but for the most part never lost the public's respect. She hailed from the south, but sided with the north, and never owned slaves. Highly intelligent, Minor held informed opinions on business, enterprise, education, intelligence, religion, and the law, yet, does not appear to have obtained much in the way of formal education.²¹¹ Like many suffragists, Minor, though fiercely independent, also relied heavily on the support of her husband and worked closely with him throughout the course of her activism. While in some ways Minor is a contradiction, she is no less an inspiration, as well as an integral figure in woman's suffrage and Missouri history.

Newspapers of the time from across the nation have consistently revealed Minor's determination and commitment to women's rights through articles about her trial, petitions, memorials, tax revolts, and campaigns.²¹² She let neither the Supreme Court nor threats of lawsuits by the tax collector deter her from the cause of woman's suffrage and equality. Despite losing her case in court, threats of lawsuit, and lackluster responses from the Missouri Legislature in response to numerous petitions and memorials, Minor kept moving forward. When Anthony established a St. Louis Branch of the National Association in 1879, Minor, unsurprisingly, was elected president.²¹³ In 1890 when the two national associations united into the National American Woman's Suffrage Association (NAWSA), the Missouri society became the Missouri Branch of NAWSA, making Minor the president of three separate suffrage associations in Missouri.²¹⁴ She only resigned from the presidency in 1892 due to Francis taking

²¹¹ Though as noted in previous chapters, Minor did live and grow up in a strong academic family and culture.

²¹² The focus on newspapers during the course of this research has primarily been limited to how many articles were found and how far across the nation news of Minor spanned. The particular inclinations and political associations of the newspapers cited in this paper have not been taken into consideration, but would provide an interesting topic for further research in the future.

²¹³ Morris, 73.

²¹⁴ Ibid., 74.

ill – he died that same year.²¹⁵ Minor still attended the 1893 National convention, in Washington, D.C., a year before her own death.

Despite the fact that Minor has often been overshadowed in woman’s suffrage history and largely remembered only, and often negatively, for her Supreme Court case, nineteenth century newspapers demonstrate that for nearly 30 years Minor led a nationally recognized campaign not only for women’s suffrage, but women’s equality. Minor’s feminist activism also provides an example of how the actions and organization of women at the state and local level provided the foundation for the national movement overall. In 1895, approximately a year after Minor’s death, an article stated that “[s]ince the death of Mrs. Virginia Minor, President of the Missouri branch of [NAWSA], *the organization has lagged.*”²¹⁶ Whether in conjunction with conventions, women’s rights, tax revolts, petitions to the state legislature, or tributes after her death, Minor appears to have been far more recognized in her own day for her contributions to suffrage than she is now.²¹⁷

While Minor’s impact on the suffrage movement is recognized in the literature, her story is still elusive or underexplored in many suffrage histories. Even textbooks on Missouri history seldom mention Minor or the Show-Me State’s role in the suffrage movement. Numerous books have been dedicated to Stanton, Anthony, Woodhull, Mott, and other nineteenth century suffragists. The trend is moving towards a more inclusive narrative of strong female leaders at the state level, in regions beyond the northeast, but there are still a number of them who, like Minor, largely go unrecognized, or are recognized for only a small part of their activism. Minor

²¹⁵ Ibid., 76.

²¹⁶ “THE NEW WOMAN” *St. Louis Post-Dispatch* (St. Louis, MO.) Mar. 28, 1895. p. 7. Emphasis added.

²¹⁷ This research has found two kinds of petitions associated with Minor’s activities: The first, and most prominent, were petitions seeking to have the word “male” removed from the Missouri Constitution. The second type sought for women to be relieved of paying taxes for so long as they were denied suffrage.

and Missouri, while widely known for *Minor v. Happersett*, often remain on the outskirts of mainstream suffrage history.²¹⁸ Still, interestingly enough, Minor shows up in some strange places. Margaret H. McFadden's book, *Golden Gables of Sympathy: The Transatlantic Sources of Nineteenth-Century Feminism* has no mention of Minor, yet her name appears on page 176 in the caption for a picture of women attending the 1888 International Council of Women.²¹⁹ Minor is simultaneously nowhere and everywhere in suffrage/women's history.

In conclusion, the Midwest remains a region full of women's activism that is slowly working its way into the broader narrative of the suffrage movement.²²⁰ Missouri helped lead the way in the region, most notably through Virginia and Francis Minor.²²¹ Virginia Minor made significant contributions to the woman's suffrage movement in the nineteenth century, through her companionate marriage with Francis, petitions and presentations to the State Legislature, leadership of state organizations, tax revolts, her Supreme Court case, and tireless campaigning and attendance at conventions/meetings. Her actions constantly urged people to question societal norms while simultaneously helping to slowly erode the patriarchal power structures of the nineteenth century. Without the bold, and often militant actions, of women like Minor to help keep the movement alive and inspire people at the local and regional level, the woman's suffrage movement might have taken even longer to achieve its goal. Unfortunately, much of the literature on Minor still focuses on her case *Minor v. Happersett*, as though that remains her only contribution to the woman's suffrage movement. What this research reveals is that Minor's story

²¹⁸ Even George Lipsitz's *The Sidewalks of St. Louis: Places, People, and Politics in an American City*. (Columbia, MO.: University of Missouri Press. 1991.) a book on the history of St. Louis, has less than 4 pages devoted to the Minors, and the word "suffrage" does not appear by itself in the index.

²¹⁹ Margaret H. McFadden. *Golden Cables of Sympathy: The Transatlantic Sources of Nineteenth-Century Feminism*. (Lexington, KY.: University Press of Kentucky, 2009), 176.

²²⁰ See Buechler, and Johnson.

²²¹ There are several other notable Missouri women who made contributions to the movement, including Phoebe Couzins, but that is beyond the scope of this research.

extends far beyond her case, and that her activism extends far beyond suffrage. But without a doubt, her role on the woman's suffrage movement, both in Missouri and on the national stage, was anything but *minor*.

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