The Court Archive:
Edward Coles and Illinois Slavery

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According to the first Illinois constitution in 1818, slavery was prohibited. Exceptions included slaves of former French residents and the de facto slavery of indentured servitude. While the area that became Illinois was a part of the Northwest Territory, which also forbade slavery, many early Illinois residents moved from Kentucky and Tennessee, where slavery was legal. In the early 1820s, there was a strong movement to make Illinois a slave state. Edward Coles, who had his own legal problems with slavery in Illinois, fought the pro-slavery movement to ensure Illinois would develop as a free state.

Edward Coles was born in 1786 into a wealthy plantation family in Virginia—neighbors to Thomas Jefferson and James Monroe. In 1808, Coles's father died, and he inherited 12 slaves and an 800-acre plantation. Strongly anti-slavery, Coles immediately wanted to emancipate his slaves, but Virginia laws made that difficult. Coles considered moving to the Northwest, where slavery was prohibited, but he was called into public service as the private secretary for President James Madison.

After President Madison's term ended, Coles sold his plantation in Virginia to his brother, purchased land in Edwardsville, Illinois, and secured an appointment as register of the land office. On the flatboat trip to Illinois, Coles brought 10 of his slaves (two elderly slaves remained in Virginia, and Coles left instructions for their care) and told them he would free them and provide 160 acres of land in Illinois for each head of household.

Establishing himself in Illinois politics, Coles ran for governor as the only anti-slavery candidate in 1822. He defeated three pro-slavery candidates, including two Illinois Supreme Court justices: Chief Justice Joseph Philips and Justice Thomas Browne. Slavery supporters advocated for a new constitutional convention that promised the expansion of slavery into Illinois. Coles led the opposition effort, voters defeated the call for a convention in 1824, and Illinois maintained its status as a free state.

Also in 1824, the county commissioners of Madison County sued Governor Coles in a debt case to obtain a $2,000 penalty because Coles failed to give bond for the freed slaves he brought to Illinois, as required by an 1819 statute. Coles pleaded the statute of limitations, but the court

ruled for Madison County. In January 1825, the Illinois legislature passed a law "releasing all penalties incurred under the act of 1819, upon which Coles was prosecuted." Based on this new law, Coles motioned for a new trial, but the court overruled the motion and rendered judgment for Madison County.

Coles appealed the case to the Illinois Supreme Court in *Coles v. County of Madison*, 1 Ill. 154 (1826). During arguments, Madison County argued that the 1825 act was an *ex post facto* law and therefore unconstitutional. In Chief Justice William Wilson's opinion reversing the judgment, he used Blackstone, the Federalist Papers, and the U.S. Supreme Court case of *Calder v. Bull* to show that *ex post facto* laws only related to crimes and the punishment of those crimes. Wilson concluded that every "view I have been able to take of this interesting and important subject leads to the conclusion that the legislature have the constitutional power to pass the act of 1825, releasing Coles" from paying the $2,000 penalty.

After Coles's term as governor ended, he returned to farming and other business pursuits. In 1831, he ran for U.S. Congress, but came in a distant third among eight candidates. Stung by the defeat, Coles moved to Philadelphia, partly because there was less ambiguity about slavery in Philadelphia than in Illinois. Coles never returned to politics but remained strongly anti-slavery and proud of the fact that he encouraged, albeit unsuccessfully, Thomas Jefferson and James Madison to free their slaves.

Coles was honored to meet Abraham Lincoln in February 1861 during the president-elect's journey to Washington and lived to see both the Emancipation Proclamation and the 13th Amendment. Coles died in 1868 and was buried in Philadelphia.