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CARVING CANAAN FROM EGYPT'S LAND: FREE PEOPLE OF COLOR IN KENTUCKY'S OHIO RIVER VALLEY, 1795-1860

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CARVING CANAAN FROM EGYPT'S LAND:
FREE PEOPLE OF COLOR IN KENTUCKY'S OHIO RIVER VALLEY, 1795-1860

THESIS

A thesis submitted in partial fulfillment of the
requirements for the degree of Master of Arts in the
College of Arts and Science
at the University of Kentucky

By

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Lexington, Kentucky

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2014

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ABSTRACT OF THESIS

CARVING CANAAN FROM EGYPT'S LAND: FREE PEOPLE OF COLOR IN KENTUCKY'S OHIO RIVER VALLEY, 1795-1860

Over the course of the nineteenth century, Southerners of color flocked to northern free soil by the droves. Seeking refuge from a slaveholding society intent on subordinating those of African descent, many established new homes in Ohio, Indiana, Michigan and places north. Many others, however, carved their own lands of freedom within the slaveholding South. This study explores the free Southerners of color who maintained communities in Kentucky's borderland, occupying a purgatorial position between freedom and slavery. Maneuvering the anti-black laws and sentiments of their society, the individuals in this study remained rooted in a slaveholding society, despite relative proximity to northern free soil, and made their own freedom in an unfree region. The freedom that they made for themselves was in fact freer than anything the North had to offer. They conscientiously determined that the freedom provided by their own local community and social capital was more valuable than any freedom law could provide elsewhere. In effect, free Kentuckians of color in the Ohio River Valley forged their own free soil from the very land of their bondage.

KEYWORDS: Free Kentuckians of Color, Ohio River Valley, Freedom, Slavery

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To my Family

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For many, particularly in Northern Kentucky, the history of the Ohio River Valley during the antebellum era is one that is very much alive. Historians and society at large are indebted to those who have held on to the stories of their forefathers, and have been gracious enough to share their history with the world.

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TABLE OF CONTENTS

Acknowledgments.....	iii
Chapter One: Introduction	1
Contemporary Scholarly Interpretations.....	1
Existence of Free Communities of Color in Northern Kentucky	2
Implications.....	3
Position within current historiography.....	5
Sources	8
Chapters Explained	10
Chapter Two: Reward! Eighteen Negro Slaves!.....	14
Blurring the Line Between North and South	14
Dangers of North to Free People of Color	17
Threats to Freedom in the South.....	19
Underground Railroad and Abolitionist Efforts	23
Runaways, and Those Who Ran North.....	25
Chapter Three: Carving Canaan.....	31
Persisting Presence of People of Color	31
Changing Motivations Over Time	33
The Lynam's	36
Importance of Social Capital	38
Freedom Defined	39
Preservation of Freedom.....	44
Monday Hollow	47
Chapter Four: Southern Charity, A Free Woman's Fight for Freedom.....	53
Born Free	53
Law and Order	60
Charity's Sale.....	62
Relationships and Social Capital	68
Charity's Fight in Court.....	70
Remaining in Kentucky	81
Chapter Five: A Historical Relevance	86
Conclusions.....	86
Societal Implications.....	89
References	92
Bibliography	96
Vita.....	99

CARVING CANAAN FROM EGYPT'S LAND:
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Chapter One: Introduction

Moses stretched out his arm, and at daybreak the water rushed toward the Egyptians...But the sea had made a wall of water on each side of the Israelites; so they walked through on dry land.

---Exodus 14:26, 29

In their songs and in their folk-tales, people of color of the nineteenth century identified themselves with the biblical Israelites, fleeing the bite of Pharaoh's whip for freedom over "Jordan." Enslaved Americans read and heard the tales of Moses and Joshua, parting the Red Sea and wading the Jordan River with the divine grace of an empathetic God who lead His people to freedom. This freedom narrative – a story of people crossing borders in search of refuge – has come to define the way historians understand the plight of America's enslaved and free black people.¹ Indeed, the popularly studied Underground Railroad lead countless black Americans across the Ohio River and Mason-Dixon Line to places as far as Ontario; and timely tales from *Huckleberry Finn* to *Uncle Tom's Cabin* demonstrate the way black Americans fled across rivers and borders to find a promised land of liberty. These borders, more imagined than real, exist to divide two dissenting forces – Egypt and Canaan; South and

¹ Genovese's "Roll, Jordan, Roll," whose title itself echoes the spiritual framework of the enslaved, also exhibits the academic paradigm under which Genovese and other historians are operating. After all, though the enslaved wrote the song, they certainly did not title Genovese's book. Perhaps it is an inadvertent tendency, but historians often approach the rivers, borders and biblical meanings that enslaved people encountered with their own set of assumptions. The way Genovese interprets the song, "Roll, Jordan, Roll," may not be the way enslaved people understood it. And the way Genovese interprets the river Jordan itself, and the biblical Israelites to which the song is ultimately alluding, may be somewhat divorced from the way enslaved people interpreted such borders and such biblical allusions.

North; slavery and freedom. But with careful investigation of the nineteenth century South, it can be noted that borders were rarely the bulwarks they popularly represent. Freedom and slavery were fully integrated into life on either side of the Ohio River. Profits from slave labor fed both the Ohio and Kentucky economies as people of color straddled the border, organizing themselves in ways best suited to establish and protect their free status. The freedom that people of color found in both Ohio and Kentucky was a complex, dynamic concept, not always lending itself to the notion of self-emancipation as modeled in the book of Exodus. People of color in the antebellum world often remained where they were, in the South – their land of bondage – rather than fleeing over the river to ostensibly free soil. In many cases, particularly in the Ohio River Valley, people of color forged their own versions of freedom without ever parting the sea. They forged their freedom in Kentucky – a slave state – and built their own free black communities just miles from the free soil of Ohio and Indiana.

Census data reports this free black populace in the hundreds.² These individuals lived, worked and worshiped amidst white slaveholders. However, unknown to many census takers and slaveholders, the free black population of Northern Kentucky was far larger, and far more threatening to slavery than ever imagined. For one, free black communities themselves held slaves. These “slaves” were typically relatives who were, for all intents and purposes, free people, ironically grasping their own freedom by legally enslaving themselves to their freer kin. Many other Northern Kentuckians were runaways, blending inconspicuously into the households and communities that harbored

² United States Federal Census 1860, Nelson, Campbell, Mason, Pendleton, Bracken Counties Kentucky.

them. And while their numbers never neared those of Free states, their significance and relevance to the study of antebellum America holds fast because of what they reveal about race and freedom in the nineteenth century.

Racism was deadly to the unknown black traveler, threatening their lives and freedom; but to the residents of color in Northern Kentucky, known and remembered, social capital could sometimes trump the racist, murderous tendencies of that society. A person's social connections at least partially determined the bounds of freedom and mobility, which in turn altered one's decision to leave the South for an unfamiliar place and people. Social capital – one's reputation and familiarity within a certain social setting – altered the consequences of race and the meanings of freedom for nineteenth century Kentuckians of color.

This study of communities of color in antebellum Kentucky fundamentally demonstrates that in the face of social familiarity, emigration was not the necessary response to persecution, even when emigration was a readily available possibility. Rather, emigration to the free North was one of a multitude of calculated routes of resistance. The historiography of American slavery insists upon this claim. In his seminal work on slave community, *Roll Jordan Roll*, Eugene Genovese argues that enslaved people resisted their captivity through religion, insurrection, and “day-to-day resistance to slavery.”³ By his estimation, fleeing the South was not a viable option for vast numbers of black Southerners. Instead, they resisted oppression in a number of other ways. Genovese further writes, “Those who fled to freedom made an inestimable

³ Eugene Genovese, *Roll, Jordan, Roll: the World the Slaves Made*, New York: Pantheon Press, 1974, pp. 659

contribution to the people they left behind, which must be weighed against their participation in a safety-valve effect.”⁴ The *safety-valve effect* to which Genovese refers harkens to the foundational writings of W.E.B. Du Bois, who like Genovese, grappled with the effect of runaways on the broader insurrectionary climate of the Southern black community. Genovese speculates that “it is not certain that the great majority of those who so courageously risked their lives to reach the Free states would have participated in, much less led, insurrections.”⁵ Indeed, Genovese’s speculations still hold weight. In his 2005 book, *A Nation under Our Feet*, Steven Hahn also articulates the way black Southern politics was far more than insurrection (or the lack thereof). Politics was in the religious gatherings, music, and social relationships.⁶ Furthermore, politics was in the very act of *not* fleeing the South. In their choice to remain in a slave-holding region hostile to their freedom, people of color, slave and free, marked the land of tobacco and cotton with a presence that would transform the South for decades, if not centuries to come.

As impactful as previous studies have been on the daily politics of the antebellum South, they are perhaps under-concerned about the free people of color who deemed the South as the best place to resist their nation’s persecution – those free people of color who escaped slavery’s shackles but remained in the slave-holding South nonetheless. Where did these free people make their permanent homes? With whom did they find refuge? In Northern Kentucky, free blacks and runaway slaves posted themselves and

⁴ Eugene Genovese, *Roll, Jordan, Roll*, pp. 657

⁵ Eugene Genovese, *Roll, Jordan, Roll*, pp. 657

⁶ Steven Hahn, *A Nation under Our Feet: Black Political Struggles in the Rural South from*

Slavery to the Great Migration, Cambridge: Harvard University Press, 2003.

their communities all along routes to freedom, acting as more than “safety valves”, but as catalysts for the radical liberation of thousands of black Southerners. Oral histories and archival material reveal that these free Southerners of color organized Underground Railroad escapes, liberated their kin through courts, established churches and fraternal organizations that preached racial equality, and worked collectively to carve from the Southern geography a liberty for themselves.

Where Genovese searches for an insurrectionary spirit in the black communities of the antebellum South, and Hahn explores the radical nature of that “day-to-day resistance” to which Genovese refers, both seem to operate under the biblical assumption of emigration to which I previously refer: the oppressed of the American South would flee slavery like the Israelites if only the opportunity presented itself. Under this presumption, a person of color who remained in the South is only explained by his/her inability to leave. Was their only option to resist slavery until escape north was possible? Recent contributions to the historiography of American slavery have helped to complicate this Moses-esque narrative, demonstrating that people of color did not always flee, but established their own freedoms within the slaveholding South. Calvin Schermerhorne’s *Money over Mastery, Family over Freedom*, for example, demonstrates the way in which people of color made deliberate and conscious decisions between their liberty and the kinship ties they maintained in the Chesapeake Bay region. He argues that “slaves consistently chose to muster resources to protect family rather than to flee toward individual freedom.”⁷ The community was central to survival and resistance in the Upper South, often outweighing the temptation to leave the region for liberty elsewhere.

⁷ Cathy Matson in Calvin Schermerhorne’s *Money over Mastery, Family over Freedom*:

Schermerhorne explains the individual's incentive to find freedom within slavery's borders, but what of entire black communities that remained in the antebellum South? What of the thousands of free people of color, with their sons and daughters and sisters and brothers sharing in their ostensible liberty, who collectively remained in slaveholding regions hostile to their social mobility and prosperity? Melvin Patrick Ely explores this phenomenon of autonomous communities of color in his 2004 monograph, *Israel on the Appomattox*, where he investigates the free, black landowners of Appomattox Virginia. He finds that the former slaves' access to land – the fundamental source of capital in nineteenth century America – rooted this community of former slaves in Northern Virginia where they could sustain themselves with relative autonomy from white power-holders.⁸ In many ways, however, the black landowners of Appomattox, Virginia were an exception to the overwhelmingly landless and impoverished free black population of the antebellum South. Ely's study speaks to the significance of land and place to free people of color, as well as the reaction of surrounding whites to free black prosperity, but his work hardly explains the lives and motivations of those thousands of free Southerners of color who lived their lives without any significant capital whatever.

Both landholding and landless communities of color existed in the South, with land ownership just one of a variety of incentives for black Southerners to remain in the Land of Cotton. Few scholars have successfully explained the multifarious motivations

Slavery in the Antebellum Upper South, Baltimore: Johns Hopkins University Press, 2011, pp. viii

⁸ Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s to the Civil War*, New York: Knopf, 2004.

of these free Southerners – what they lived for, for whom they shared loyalties, and why they remained in the slaveholding South. Even fewer use such an explanation to illuminate the way these Southerners of color defined their own liberty, their own loyalties, and their own role within a broader community of anti-slavery Americans.

In an effort to understand liberty and identity from the perspective of black Southerners, it is perhaps illuminating to consider a certain hypothetical – one that complicates Ely’s “Israelites,” and Schermerhorne’s freedmen of the tidewater. Unlike Ely’s subjects, this hypothetical community has little land or capital. Unlike Schermerhorne’s subjects, this hypothetical community was entirely capable of collective emigration. Unlike many of Genovese’s subjects, and the subjects of countless other historians, this hypothetical community does not flee the South. This hypothetical community, with close proximity to free soil, with little wealth to their names, and with a hostile white majority encompassing them, remains in the South to define freedom on its own terms. This hypothetical community existed as the free black population of Northern Kentucky, and its participants reveal a great deal about the nature of freedom in the nineteenth century United States.

To survive the often hostile, anti-black atmosphere that proliferated in antebellum Kentucky, free communities of color often lived an inconspicuous existence. They were composed of those who had illegally run from their owners, and others who acquired a new wealth and a status that threatened white supremacy. Thus, in many cases, their records are among the most elusive. Their census data, church memberships and marriage records are few and far between, perhaps explaining the lack of historical research on the subject. Their access to capital, and to land that might produce capital,

was limited, often driving them to live together in large groups – as many as fifteen people in a single household. So deed records and wills can only sparsely illuminate their stories. To access the lives of free Northern Kentuckians of color, and to understand the complexity and meanings of their existence as *they* understood it, engaging the oral histories of their descendants has been essential. This history, for those who inherited it from their preceding generations, remains alive and relevant, and has been told with a lucidity matched only by the written archival records that I have found.

In a unique way, oral histories were incorporated into this study not as a primary source per se, but as a lens through which primary sources could be understood. The oral histories have directed my aim, and launched me toward a plethora of archives, newspapers, and deed books. The third chapter in this piece, a case study regarding a free woman of color who fights in court for her freedom, is rooted in an oral history that detailed one family's memories of their antebellum experience. Their stories are my stories, for I too am a descendent of those free Northern Kentuckians of the antebellum era. My unique relation to my sources provided a trust and openness between myself and those contemporaries who maintained their oral histories in the region. This ultimately bettered my proximity to my nineteenth century subjects. I maintained no less an objective interpretation of the history, despite my unique relation to it, holding a truthful, minimally biased analysis in the highest regard.

The sources revealed far more than an interesting micro-history of the Northern Kentucky region. Indeed, the research is regionally grounded, but the implications extend far beyond the Ohio River Valley, and perhaps beyond the borders of the United States as well. It is the story of an oppressed people with the freedom to choose where

and how they would live out their lives, yet, almost inexplicably, they remained in the racist, slaveholding region that was largely, if not entirely responsible for their troubling circumstances. The free people of color in Northern Kentucky could have emigrated north to Ohio, Indiana, Michigan or Canada. Free(er) regions existed within traveling distance for these residents of the Upper South. But they remained, demonstrating to historians that the Moses-modeled cycle of oppression and emigration is not the necessary framework by which the oppressed must operate. Even when the opportunity for out-migration presents itself to an oppressed people, there are a number of other opportunities for resistance and self-empowerment, which the Northern Kentuckians of the nineteenth century found more opportune than the Underground Railroad itself. This all implies that free people of color, while significantly and ubiquitously oppressed, maintained a level of precise deliberation and control over their own lives.

This paper shall begin with a foundation – a foundation to be shaken and stirred until a new framework can be built on top. This foundation correlates to the popular conceptions surrounding the Underground Railroad and the presumed flight of free and desperate people of color escaping from antebellum Kentucky. To begin this discussion, the North will be illuminated in a way that most closely resembled the way enslaved people conceived it. The oral histories of their descendants, which I used to guide me through the archives and records, best make this possible. How did free people of color view the North? For many, the North was no land of liberty, necessarily. The Fugitive Slave Law, and the general anti-black sentiment that pervaded North and South, made it obvious to people of color, particularly in the borderland, that freedom would not be easy on either side of Jordan's divide. Runaway slaves and free people alike, whose capture,

abuse, enslavement and murders made headlines in newspapers across the Ohio Valley, demonstrated just how violent the border North could be.

People of color in Kentucky's borderland continuously educated themselves and each other about broader national politics, law, and the contentious debate over slavery's morality. They used these understandings to deliberate their own life choices, however limited by their racial subjugation. Consequentially, they well knew the tide of abolitionism that flowed vigorously just across the Ohio River in Cincinnati.

Newspapers, such as the *Cincinnati Weekly and Abolitionist* sprung from the minds of notorious men like James G. Birney. *The Cincinnati Daily Gazette* published articles debating the morality of slavery, to be disseminated on either side of the city's riverine divide. In the North, there was some protection from slavery, and Kentuckians of color well knew that fact. But heroic abolitionists and intuitive runaways could only do so much to fend off the masses of pro-slavery and/or anti-black Ohioans who wanted all people of color out of their society. In 1836, pro-slavery rioters overtook James Birney's newspaper press in Cincinnati Ohio, moving on to attack the city's residents of color and the reviled abolitionists who supported them. Events like this, in conjunction with Ohio laws often hostile to its residents of color, were undoubtedly a part of the black Kentuckians decision to stay or leave the state.

If violence hampered black freedom in the North, so too did it pollute the lives of free black Southerners. The second portion of this study delves into the communities of color that remained in the antebellum South and situated themselves amidst the region's slaveholders. This second section underscores the rational and deliberate nature of black Southerners' decision to remain in Kentucky. It seems that their decision to remain, as

with many of their conscious decisions, was a deliberate calculation of risk and reward, and not simply a reflex to white violence and slavery. What about these communities made life in Kentucky possible, or even preferable, for free people of color faced with the choice to flee north? There were, in fact, a variety of motivations that kept many people of color within Kentucky, perhaps the most prominent being their long established social ties with their fellow Kentuckians. White and black Kentuckians alike comprised a social network invaluable to many free people of color. Without such ties, people of color were easy prey – subject to re-enslavement at any moment. Social ties allowed people of color to be known. It allowed their freedom to be known. And in a world where freedom was a tenuous status for people of color, the more known their freedom was, the freer they effectively were.

Indeed, many white Kentuckians were hostile and often violent toward the free residents of color in their midst. The presence of communities of color in the Kentucky borderland in no way implies an amiable nature to the racism and slavery that pervaded the nineteenth century United States. Rather than speak to the relative potency of Northern Kentucky's racism, this study aims to reveal the very conscious, very difficult nature of free Kentuckians' decisions to remain in the state, or flee north to Ohio. It aims to show that in the very face of oppression and violence, free people of color conceived of their lives, their futures, and their liberties on their own terms, and were not passively exiled by the violence and slavery persisting within their native state. Like few others, this study accesses the very conscience of free people of color in Northern Kentucky's Ohio River Valley, revealing the motives and rationality that moved them. In

understanding the minds of these people, far more shall be revealed about the interactions between oppressed minorities and their surrounding society.

The final section of this piece is closely connected to the second. It is the story of a woman of color, born to a white woman, and thus free by Kentucky law. However, lived freedom often differed from legal status. Because white power holders denied this woman's right to liberty, she remained in bondage for decades until, at last, the county circuit court awarded her freedom if she served several more years to her master. This woman, who fought in court for her freedom, remained in the slaveholding state of Kentucky for the entirety of her life. Her choice to remain in the state, as will be investigated, demonstrates the profoundly rational choice people made in deciding where and how they would exercise their limited freedom.

The topic of black freedom in the antebellum South has been well researched by countless historians over the past half-century.⁹ But an explanation for the very existence of free black Southerners has seldom been articulated from the perspective of black Southerners themselves. Why, by their reasoning, did they remain in the American South in the first place, and what challenges did they face in their effort to remain rooted in slaveholding states? This study of free people of color living along the Ohio River will shed light on these very questions. Their location at the border between free and slave states made emigration north a seemingly practical possibility. But their permanent residence south of the Ohio River suggests that geographic distance was just one of a variety of factors in the black Southerner's decision to remain or leave the slaveholding south. While many fled the state of Kentucky for Ohio, Indiana, Michigan and places

⁹ See Eugene Genovese; John Hope Franklin.

north, many others remained rooted in a land dedicated to white supremacy and black slavery. Staring across the “River Jordan” at a presumed Promised Land of freedom, many free people of color refused to cross. To arrive at their Promised Land – to achieve freedom for themselves and their kin – they would carve out their own liberty amidst the oppression around them.

Chapter Two: Reward! Eighteen Negro Slaves!

For much of the nineteenth century, scores of enslaved people fled the South to find freedom in a land beyond Jordan – beyond that winding Ohio River which ostensibly marked the divide between free and slave states. But the divide between northern and southern politics and economy had no proverbial river between them. Rather, the two political spheres were part of the same river, flowing toward the same ocean of economic gain through the exploitation of slave labor.

Academicians have long divided the antebellum world into these two geographically separate regions.¹⁰ As some scholars continue to define and redefine differences between North and South, be they cultural or economic, others have grown increasingly post-modern, seeking to blur the lines between free soil and slave states.¹¹ Perhaps the only agreeable North-South divide is of course a geographical one – the Ohio River. For contemporary historians, and perhaps for people of the nineteenth century as well, this waterway between Kentucky and Ohio has concretely defined a fugitive's status as a slave or a free person.¹² However, freedom, and conversely slavery, was far more complex than the territory on which one stood. Perhaps the regional bounds of slavery and freedom were more precarious and variable than some scholars have yet acknowledged.

¹⁰ This includes many scholars of the early antebellum period: U.B. Philips, Stanley Elkins, Eugene Genovese. George Fredrickson was perhaps among the first to argue that slavery did not inherently set the South apart from the North economically or politically.

¹¹ Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Belknap Press of Harvard University Press, 2013)

¹² Henrietta Buckmaster, *Let My People Go: The Story of the Underground Railroad and the Growth of the Abolition Movement* Charleston: University of South Carolina Press, 1992

The differences between Northern and Southern states are, of course, not entirely imagined. Or at least, not entirely imagined by modern historians alone. Indeed, people of the nineteenth century sometimes found the Ohio River as wide as the Atlantic, dividing two regions seemingly worlds apart. Northern abolitionists, who wrote and lobbied on behalf of many enslaved/formerly enslaved people, promoted Cincinnati and the Ohio borderland as a safe-haven for fugitive slaves. In their publishing, these abolitionists invented an imagined North that was divorced from Southern slavery. As they recorded and reported the stories of former slaves, abolitionists used literary form to convey their own antislavery rhetoric while in turn, altering, skewing and often silencing the voices of enslaved people, and blurring the real relationship between Southern slavery and Northern freedom. Their motives were clear, often explicit: “We can promise the lovers of exciting adventure...to gratify their taste; and all those who really desire to fathom the heights and depths of that Iniquity which is threatening the destruction of our Republic, may turn to these pages.”¹³ Abolitionist writers wanted to entertain their readers enough to disseminate their condemnation of slavery to the masses of potential Northern sympathizers.

In order to differentiate their own political and cultural ideologies, which they often found antithetical to those of the South, abolitionists and anti-slavery advocates often exaggerated the difference between Northern and Southern states – differences that perhaps did not exist in the borderland region. One abolitionist and author, Kate E. R. Pickard, is representative of this self-differentiation taking place between Northern

¹³ Kate E.R.: *Recollections of Peter Still and His Wife Vina after Forty Years of Slavery*, Documenting the American South, <docsouth.unc.edu> accessed October 10, 2013, pp. xxi

abolitionists and Southern slaveholders. She preceded her narrative, “The Kidnapped and the Ransomed,” by underscoring the iniquitous consequences of slavery upon Peter Still, whose “severe toil” was attributed to “the requirements of his Jew master.”¹⁴

Abolitionism, particularly for Pickard, was more than a political debate. It was a didactic point of religious ardor. According to her own account, Pickard “was a highly, esteemed teacher in the Female Seminary of Tuscomb, Alabama,” where she met Peter Still. Her publication of Still’s story conveyed her own religious purity and her adherence to the pious effort against slavery. Therefore, she was liable to omit aspects of Still’s account that subverted her own religiosity. Furthermore, she would likely omit portions of Still’s story that in any way pit him against Christian ideology. It is understandable, then, for Pickard to have included Still’s master’s religious deviance as a non-Christian. She struggled to mend the quixotic religious fervor of the antebellum South, which she fervently supported, with the institution of slavery, which she fervently reviled. In the narrative, as Still seeks help from a benevolent, Northern, Christian man on his journey to Cincinnati, Pickard voices the character’s following line: “*Now, Peter, said Dr. W--, as he shook hands with him upon the sidewalk, mind what I tell you; if those Jews go to sell you, just telegraph to me.*”¹⁵ “The Jew” was Pickard’s scapegoat for the mistreatment of the enslaved, for it was too problematic to entangle Christian masters with an institution she considered fundamentally non-Christian. The two – Christianity and slavery – were of course welded into one, but in the mind of Kate Pickard, they were necessarily separate. It is important to understand Pickard’s deliberate molding of the fugitive

¹⁴ Pickard, *The Kidnapped and the Ransomed*, Documenting the American South, <docsouth.unc.edu> accessed October 10, 2013, pp. xxi.

¹⁵ Pickard, *The Kidnapped and the Ransomed*, pp. 237

experience to shed light on the Promised Land myth that surrounded Cincinnati and the free North.

Throughout Pickard's account, she tells of the harrowing experiences of Peter Still, a fugitive slave escaping the South to find freedom in Ohio. Pickard uses Still's story, or her rendition of it, to insistently underscore Cincinnati's protection of free people of color from Southern slaveholders. In an unnerving scene on the bow of a steamboat, Peter Still is interrogated about his status as a free person.

"But you are a slave, persisted the gentleman, or at least have been one. I knew it as soon as I saw you. Where are you going?"

"I am gwine to Pittsburg, and then to Philadelphia; and I am a free man. Who said I had a master?" [said Still]

"Where are you coming from?" [the interrogator asked.]

"Cincinnati." [Still replied]¹⁶

Upon hearing Still's alleged venture from Cincinnati, the interrogator reluctantly left Still alone. According to Pickard's account, Cincinnati sufficiently deferred suspicion away from the fugitive because, after all, it was a part of free territory. Because Cincinnati, (at least from Pickard's point of view), indubitably lay on free soil – and perhaps because it was a hub for abolitionist journalism and literature – Pickard simplistically ends the conflict there. What was the true nature of this encounter from Still's perspective – if such an encounter did even occur? If Cincinnati was such a hub for abolitionism, could the mere mention of the city have actually aroused suspicions for Southerners pursuing runaways?

¹⁶ Pickard, *The Kidnapped and the Ransomed*, pp. 240

Pickard was not the only abolitionist writer to depict Cincinnati as an indisputably free locale. One John H. Aughey wrote his own abolitionist-lensed narrative, *Tupelo*, about life in the American South prior to the Civil War. Though his book was not published until the end of the nineteenth century, his account of slave life and runaways gives us a glimpse into the ostensible obsession that abolitionists, and consequently Southerners in general, had with the city of Cincinnati.

Much like Kate Pickard, John Aughey was a Southerner writing amidst a contentious, violent, and overwhelmingly pro-slavery environment. He, however, did not publish his work until decades after the Civil War. Perhaps this was to his benefit, for John Aughey's work was boldly anti-slavery in its sentiments, so much so that Horace Greeley himself wrote, "the author's...[book]...is one of the most thrilling and touching ever written."¹⁷ *Thrilling and touching* were the precise intentions of many abolitionist writers. Their written accounts, furnished with fanciful language, were often disparate from the true experiences of their enslaved subjects.

Of course, many abolitionists were former fugitives themselves. Perhaps the staunchest abolitionists were the very souls risking their lives to escape their own bondage, thereby challenging the slaveholding regime in the most radical way possible. Thus, their motives cannot be wholly separated from the broader abolitionist movement. It can be noted, however, that the perspectives of fugitive slaves were naturally distinct from those who had never experienced slavery or the runaway experience. The self-written narratives of enslaved people escaping North demonstrate how precarious and

¹⁷ John H. Aughey (John Hill), *Tupelo*, Documenting the American South, <docsouth.unc.edu> accessed October 10, 2013, pp. 15

complex the slave/free status was for the fugitive. Where authors such as Pickard depict the enslaved person's arrival to free soil as instantaneously transformative, freedom was often a far more precarious, unending pursuit.¹⁸ For fugitive slaves running north, the bifurcation between slave and free oil was often unclear.

The kidnapping of fugitives and free people of color was not unprecedented north of the Ohio River. Henry Bibb, a well-known African American abolitionist, escaped slavery in 1833. In his self-written narrative, he noted both the attractions and dangers associated with fugitive slaves in the Queen City.¹⁹ Regarding his first attempted escape to Cincinnati, he writes, "In vain did I look to the infamous laws of the Commonwealth of Ohio, for that protection against violence and outrage that even the vilest criminal with a white skin might enjoy. But oh! the dreadful thought that after all my sacrifice and struggling to rescue my family from the hands of the oppressor; that I should be dragged back into cruel bondage."²⁰ As Bibb points out, the laws of Ohio – free soil – were not designed to protect the freedom of fugitive slaves. In fact, the courts of Cincinnati were liable to have him *dragged back into cruel bondage*. Indeed Bibb himself was soon captured by slave-catchers in Cincinnati and sold back into slavery in Louisville. Where the aforementioned abolitionist writers detail a Cincinnati that protected and assisted

¹⁸ Pickard depicts Still celebrating the moment his feet landed upon free soil: "Springing from the boat, he clapped his hands in ecstasy, shouting, "I'm free! *I'm free!* This is free ground! The water runs free! The wind blows free! I am a slave no more!" (pp. 238)

¹⁹The introduction to Bibb's work was written by Lucius C. Matlack, a white abolitionist. It must also be remembered that the overwhelming majority of book publishers in the 19th century were white. Bibb and others' work, though self-written, were likely influenced by their white publishers and editors in one respect or another.

²⁰Henry Bibb, *Narrative of the Life and Adventures of Henry Bibb, An American Slave, Written by Himself*. Documenting the American South, <docsouth.unc.edu> accessed October 10, 13, pp. 62

fugitives as they escaped their Southern bondage, Henry Bibb shows this dissonance between abolitionists' ideals and the real experiences of enslaved people.

Where many abolitionists illustrated the Ohio borderland as a refuge of liberty, the border of freedom was not so assuredly drawn for the free person of color who found Cincinnati and the Ohio borderland to be a haven for slave catchers and patrolmen. Further complicating the bifurcation between free and slave soil, Henry Bibb notes that he was “betrayed at Cincinnati by a colored man.”²¹ That a “colored man” was the cause of his capture demonstrates the tremendous uncertainty that fugitive slaves faced in their pursuit of freedom. Freedom was a precarious, uncertain reality. Neither the people whom fugitives encountered, (regardless of race), nor the free ground upon which they stood could be entirely trusted to secure their free status.²²

Direct narratives like that of Henry Bibb add a layer of complexity to the study of antebellum fugitive slaves. When juxtaposed with indirect fugitive narratives – those written not by the former slaves but by white, abolitionist authors – one can see the dissonance between the two perspectives. Abolitionist authors like Kate Pickard and John Aughey celebrate Cincinnati as a haven for fugitive slaves without exploring the precarious nature of free status upon free soil within a slaveholding nation. As Henry Bibb alludes, the Fugitive Slave Law, and other presiding laws in the northern state of Ohio, worked against the fugitive's efforts toward freedom. It was a free state, indeed, but its allegiance ostensibly leaned more to its Southern neighbors than to its own residents of color. Such observations can give historians a new lens with which to view

²¹ Bibb, *Narrative of the Life and Adventures of Henry Bibb*, pp. iii

²² Leon Litwack, *North of Slavery: The Negro in the Free States*, Chicago: University of Chicago Press, 1961.

the antebellum world. The prevailing historical narrative lists enslaved people fleeing north to pursue freedom and refuge from Southern oppression. This is not aside from the truth, as floods of Southern slaves ran north over the course of the 19th century. But others, including free blacks, chose to remain in the South.²³ Why might people of color have remained amidst the slaveholding South? Narratives like Henry Bibb demonstrate that the reality of freedom in Cincinnati differed from the sanguinary abolitionist ideals. Perhaps this goes toward explaining why some did, and others did not, flee slavery for the Queen City. Perhaps the Queen City was wedded to King Cotton in a way that only a runaway slave could fully comprehend.

The story of Margaret and Robert Garner most famously illustrates the precarious nature of freedom, and the inextricable connection over between Ohio and the Southern states over slavery. During the mid-nineteenth century, Margaret and Robert Garner, together with their kin, were among the thousands of enslaved people inhabiting Kentucky's Ohio River valley. They labored as slaves just miles from Cincinnati Ohio – the supposed hub of abolitionism west of the Appalachians. In the winter of 1856, Margaret, Robert, their four children, and numerous other enslaved people of Boone County, Kentucky, escaped their bondage and made their way northward to Cincinnati. With the help of local abolitionists and former slaves now residing in Ohio, they all managed to gain freedom for a matter of days, standing upon ostensibly free soil. But a few days would be all the freedom that Margaret and her children would experience. According to one Northern Kentucky Newspaper, “A glance into the apartment revealed

²³ Calvin Schermerhorne, *Money Over Master, Family Over Freedom: Slavery in the Antebellum Upper South*, Baltimore: Johns Hopkins University Press, 2011.

a Negro woman holding in her hand a knife literally dripping with gore over the heads of to little Negro children.”²⁴ Dramatically, she murdered her own child to prevent him from living a life as a slave in Kentucky, and attempted to murder the others as well.

Margaret was charged for the murder of her child in an Ohio court, during which case, abolitionists flocked to her aid.²⁵ Anti-slavery rhetoric was used by her lawyer, and also appeared in the testimony of Lucy Stone, a Cincinnati abolitionist. And as Margaret defended her own right to freedom in the court against her accusers, the state of Ohio was pitted against the pursuing Kentucky slaveholders who argued that their rights to ownership over Margaret’s body superseded the state’s right to prosecute murder charges. In an event whose significance cannot be overstated, the court ruled against Margaret’s murder trial and released her to her owner, demonstrating that the Fugitive Slave Act took priority over the state’s right to protect its colored citizens. Although the state of Ohio sought to prosecute Margaret, a woman of color, their intention to punish her for the murder of a black child actually exemplifies the state’s attempted protection of black persons – an attempt lost to the interests of Kentucky slaveholders.

Whether freedom lasted for days, weeks, years, or a lifetime, free people of color were never secure in their liberty. Cincinnati was indeed a hub for abolitionists who

²⁴ “ESCAPE OF SLAVES: MURDER OF A SLAVE CHILD BY ITS MOTHER”
Covington Journal,

Feb 2, 1856 (Covington, KY: 1856). Northern Kentucky Newspaper Index.
[http://genealogy.kentonlibrary.org/archives/news/cj/1856/02_02.pdf] (accessed January 19, 2014).

²⁵ Margaret Garner was assisted by abolitionist Lucy Stone, who, along with the support of a number of other abolitionist advocates, defended Margaret’s innocence in court. This is an important detail, demonstrating that Cincinnati abolitionism was indeed an influential factor in maintaining the freedom of Ohio’s population of color. Nonetheless, pro-slavery advocates and Kentucky slaveholders were often just as influential in stripping free people’s liberty.

lobbied as best they could alongside free people of color for protection from slavery. But the presence of abolitionists only made the region all the more complex, and the freedom of black Ohioans became no more certain amidst their white abolitionist allies. People of color living in the Ohio-Kentucky borderland learned the tragic way that liberty and bondage bridged the two mutually dependent regions together.

The bridge of interdependency between Ohio and Kentucky was most heavily fortified in 1850, when Congress passed the Fugitive Slave Act. This congressional act changed the landscape of slavery in the nineteenth century United States, allowing Southerners the right to prosecute and return and even kidnap free Northerners of color, and withhold them as slaves in the South. Consequentially, people of color noticed the slaveholding South and the free North seem to merge into a single, un-free territory that had not been seen for half a century. For people of color, the Fugitive Slave Act eroded the last ostensibly free soil in the nineteenth century U.S.

The 1856 capture of Margaret Garner in the Cincinnati region is just one of many instances in which free people of color were stripped of their freedom under the guise of the Fugitive Slave Act. On March 18th of 1854, the following advertisement was published in the *Covington Journal*:

NOTICE

TAKEN UP as a runaway slave, on the 30th of November, 1853, a negro man calling himself Stephen Short, about 20 or 21 years of age, five feet eight inches high, of a sooty black. When arrested, said he belonged to Capt. Hughes, and that he had fled from the steamboat Cape May about eleven months since, but now says he is a free man.

*Said Negro was arrested on the Ohio River, on board the J. Pl Tweed...and committed to the jailer of Kenton County...to be dealt with according to the law.*²⁶

Steamboats like the one Stephen Short boarded in 1853 were popular modes of transportation, escape, and refuge for free people of color in the antebellum world.²⁷ They were known by runaways, free people, and slave patrollers alike to harbor fugitives because their paid labor was in demand, and because the conglomeration of people from all over the hemisphere within a single riverine vessel made the detection of fugitives all the more difficult. It is then unclear whether Stephen Short was indeed a free man, or the legal property of an unknown Kentuckian who cleverly stowed himself aboard the boat. Regardless, what surrounding white citizens *believed* with regards to a black person's freedom was of more significance than a black person's own identity as a free man/woman. Largely a consequence of the Fugitive Slave Act, which obligated and empowered white citizens to question and prosecute against black freedom, freedom only existed to the extent that it could not be questioned. Caught and jailed, Stephen Short's presumed legal freedom would have been entirely irrelevant to the freedom he would realistically experience.

Stephen Short's escape and subsequent capture aboard a steam ship tells a great deal about the precarious nature of freedom for people of color in the Ohio River Valley. Where many abolitionists and fugitive slaves determined Free states as the beacon of

²⁶ "NOTICE: TAKEN UP AS A RUNAWAY" *Covington Journal*, MARCH 18, 1854 (Covington, KY: 1854). Northern Kentucky Newspaper Index. [http://genealogy.kentonlibrary.org/archives/news/cj/1854/03_18.pdf] (accessed January 19, 2014).

²⁷ Louis C. Hunter, *Steamboats on the Western Rivers: An Economic and Technological History*, Cambridge: Harvard University Press, 1949.

freedom, Short defined freedom on his own terms. His conception of freedom was dependent upon his lived experience, less determined by the law of his respective territory and more by his ability to negotiate freedom's uncertainties. Short chose against fleeing to the North, finding freedom more accessible on the river where he could blend in anonymously. Unfortunately for him, his anonymity played against him in the end. Accused of being a runaway, there was apparently no one to substantiate his claims at freedom, and in the mid nineteenth century, Short's accusers needed little evidence to drag the man into slavery in Kentucky.

Aside from the ever-looming threat of bondage, free Ohioans of color were forced to confront codified racism from a society that generally resented its black population. Regular interracial interactions proved quarrelsome, as Cincinnati's white population often refused services to anyone with African ancestry. In 1855, a school teacher by the name of Elizabeth Newall was "removed by the school board for refusing to give instructions to a boy 'tinged' with negro blood."²⁸ Sources limit our understanding of the circumstances – whether Elizabeth Newall's firing was the consequence of a well-connected family of color, or if an 1855 Cincinnati school board, struggling to handle the ballooning black population, required its hired teachers to accommodate students of color, cannot be fully known. It is clear, though, that white Ohioans took stands, at the expense of their employment, against the presence of people of color in their communities. The *Covington Journal* concluded its report on Newall's

²⁸ "MISS ELIZABETH NEWHALL FIRED TEACHER IN CINCINNATI - NOT TEACHING A CHILD TINGED WITH NEGRO BLOOD" *Covington Journal*, February 10, 1855 (Covington, KY: 1855). Northern Kentucky Newspaper Index. [http://genealogy.kentonlibrary.org/archives/news/cj/1856/02_02.pdf] (accessed January 19, 2014).

firing, stating, “we hope the school trustees will offer Miss Elizabeth the best situation at their disposal,” thus articulating the general sympathy, if not support for the anti-black sentiments that pervaded the region. People of color in antebellum Cincinnati dealt with such affronts to their liberties as Ohio’s white citizens protested the very existence of black people among them.

Despite the violence and threat of captivity that awaited them in the North, people of color fled Kentucky for Ohio in significant numbers. They fled not simply for freedom, but for a certain conception of freedom that could only be exercised in a non-slaveholding state. This conception of freedom varied from person to person, and stemmed as much from Kentucky’s abhorrent treatment of free people as it did from Ohio’s abolition of slavery within its borders.²⁹ Many witnessed and experienced the cruelties propagated by slaveholding society, and were determined to root themselves on the free soil of Ohio.

In 1856, a Northern Kentucky newspaper reported, “HORRIBLE AT MAYSVILLE! Two rich scions set fire to Negro servant.”³⁰ The man who was murdered was a free person of color, working as a barkeeper’s assistant in the town of Maysville, just across the Ohio River from free territory. When two inebriated customers found this particular man of color sleeping, “They procured camphene and poured it over his head and set fire to it. The poor man was horribly burnt, and after lingering fortnight in

²⁹ Stephen Short, for example, did not share in the concept of freedom defined by a particular territory or border, spending his free days on boats along the Ohio River.

³⁰ “HORRIBLE AT MAYSVILLE! Two rich scions set fire to Negro servant” *Covington Journal*, Jan 5 1856 (Covington, KY: 1856). Northern Kentucky Newspaper Index. [http://genealogy.kentonlibrary.org/archives/news/cj/1856/01_05.pdf]

intense agony, expired.”³¹ The culprits were never prosecuted for their crime. This instance of violence against a free black resident of Northern Kentucky demonstrates the hostile, anti-black environment that incentivized many people of color to flee north to Ohio, and it is among a slew of other violent acts on record.



In Boone County, Kentucky, 1858, a young “Negro boy [was] executed” by the district court for his alleged involvement in the murder of a white man.³² People of color faced an unfair legal system primarily endorsed by a white society that resented their presence and their inadvertent challenge to racialized slavery and the white monopoly of freedom.

White resentment of Kentucky’s free black population profoundly affected a person’s choice to leave the state for free territory, or remain to endure the hostilities. The *Free South*, Kentucky’s only antislavery newspaper, published an article on November 12,

³¹ “HORRIBLE AT MAYSVILLE! Two rich scions set fire to Negro servant” *Covington Journal*. March 27, 1858 (Covington, KY: 1858). Northern Kentucky Newspaper Index. [<http://genealogy.kentonlibrary.org/archives/news>]

³² “NEGRO BOY IS EXECUTED IN BOONE COUNTY” *Covington Journal*, March 27, 1858 (Covington, KY: 1858). Northern Kentucky Newspaper Index. [<http://genealogy.kentonlibrary.org/archives/news>]

1858, addressing Kentucky's free black readers. The headline read, "KENTUCKY SLAVE CODE – SELLING FREE NEGROES INTO SLAVERY," with the subsequent report highlighting the tremendous risk of enslavement faced by the state's free population.³³ Laws of Kentucky were deliberately designed to not only discourage the help of runaways, but also obligate and incentivize its citizens to return alleged runaways to slavery. As in Ohio, Kentucky people of color constantly faced the possibility of capture and enslavement – a possibility they were very well aware of. As a consequence, many deemed Ohio and the far North a safer soil to root their freedom.

In 1848, Northern Kentucky resident Patrick Doyle was arrested and tried for "Negro stealing" when a group of alleged slaves (free people of color) were accused by Northern Kentucky authorities of being fugitives.³⁴ The instance itself was of no peculiar significance. After all, Northern Kentucky was situated along major routes of the Underground Railroad, so the frequency at which free people of color were caught and returned to slavery had been relatively high for decades. Black and white residents of the area covertly participated in smuggling fugitive slaves north across the Ohio River. What Patrick Doyle's arrest most profoundly demonstrates is the feared popularity of Kentucky's mysterious routes to freedom. "The *route* is considered a great runaway

³³ "KENTUCKY SLAVE CODE – SELLING FREE NEGROES INTO SLAVERY" *Covington Journal*, November 12, 1858 (Covington, KY: 1858). Northern Kentucky Newspaper Index. [<http://genealogy.kentonlibrary.org/archives/news>]

Picture compliments of the University of North Carolina, Documenting the American South. docsouth.unc.edu> accessed October 10, 2013

³⁴ "COMMONWEALTH VS. E.J. DOYLE" *Covington Journal*, September 1, 1848 (Covington, KY: 1848). Northern Kentucky Newspaper Index. [<http://genealogy.kentonlibrary.org/archives/news/cj/1848/09-01.pdf>]

negro trail,” reported a major Covington, Kentucky newspaper.³⁵ These runaways, these newly freed people, using the “great runaway trail” to access free soil in Ohio, posed a threat to Kentucky’s slaveholding regime. When white men like Doyle were accused of assisting in the efforts of fugitives, the entire slaveholding society seemed to take notice.

Doyle’s case was brought to court where he was charged with “Negro stealing and other offenses.”³⁶ In detailed measures, the *Covington Journal* reported the case for almost an entire page, presenting transcripts of witnesses and descriptions of everything from the defendant’s demeanor to the change in his pocket.

Such detail demonstrates more than the ins and outs of an apparently high profile court case. In fact, the newspaper’s coverage of the incident demonstrates more about the newspaper’s consumers than anything else. Northern Kentuckians were concerned about the loss of their slaves; they were concerned about unfamiliar, covert abolitionists assisting their slaves to freedom. Most notably, the newspaper’s coverage demonstrates that these consumer fears were not entirely unfounded. Kentuckians of color were fleeing the state in significant numbers.

Despite the masses of fugitive people fleeing Kentucky for places north, the state retained a significant population of color – free and enslaved. This population that remained did so largely in response to the systemic oppression that existed for Northerners of color. Additionally, though, these permanent residents of the slaveholding state of Kentucky did so because the state indeed posed certain relative advantages for

³⁵ *Ibid.*

³⁶ “COMMONWEALTH VS. E.J. DOYLE” *Covington Journal*, September 1, 1848 (Covington, KY: 1848). Northern Kentucky Newspaper Index. [<http://genealogy.kentonlibrary.org/archives/news/cj/1848/09-01.pdf>]. The “other offenses” referred to a charge of robbery.

free people of color. These advantages allowed free black Kentuckians to resist the nation's ubiquitous oppression in a more effective, meaningful way.

Chapter Three: Carving Canaan

Antebellum Kentucky was a dangerous place for people of color. Many were murdered, imprisoned, executed or sold into slavery with enough frequency to send hundreds, if not thousands, seeking refuge across the Ohio River into free territory. Yet, significant numbers of free people of color remained in the slaveholding South. This persisting existence of black freedom amidst slaveholding society has posed a challenge to modern historians as a seemingly inexplicable point of contradiction. Despite the racialized slavery and white supremacy that purveyed the regional culture, black Southerners experienced varying levels of freedom. This seeming contradiction – this conflict between free black anomalies and widespread black suppression – reveals to us a new conception of nineteenth century freedom, and the way it was defined by free Southerners of color. To what extent, by *their* own conceptions of liberty, were black Southerners free?

John Hope Franklin, whose research coincided with momentous racial violence in Detroit, published his foundational work *The Free Negro in North Carolina* in 1943. In it, Franklin contends there was dissonance between law and custom – a gap between the passage of anti-black legal rhetoric and the law’s practical enactment.³⁷ He writes that the “seeming harsh and illiberal laws of North Carolina were often softened by those who interpreted and administered them.”³⁸ In 1974, Ira Berlin effectually responded to Franklin’s position in his comprehensive monograph, *Slaves without Masters*. Berlin’s argument is essentially articulated in his three-word book-title. Free people of the

³⁷ John Hope Franklin, *The Free Negro in North Carolina, 1790-1860*. New York: Russell & Russell, 1969.

³⁸ *Ibid.*

American South were not slaves, but neither were they entirely free. A hostile white populace and a pro-slavery government truncated the freedoms of Southern black people.³⁹ These two viewpoints – the differing ideas on black freedom espoused by Franklin and Berlin – came to inspire a slew of macro and micro-histories that unpack the very complex and often contradictory existence of free people of color in the South.

Historians have long explored the relationships between free Southerners of color and their white cohorts. Few have explored the perspective of these black residents in adequate detail. In her seminal work, *Forging Freedom*, historian Amrita Myers writes, “The Old South was a continually contested site of power.”⁴⁰ Indeed, the Old South was a racially contentious place, particularly between its white population and the free people of color in their midst. White Southerners feared the implications of an established and independent black population, which complicated their conceptions of racial supremacy and posed a threat to the institution of racialized slavery. However, such points of contention were only possible by the very presence of these free people of color. That free people of color chose to remain in the South, that freedom as they defined it was possible amidst a slaveholding state, is what most challenged anti-black Southerners’ hegemony over their society.

To understand the motivations of free Kentuckians’ will to remain in the South, one must acknowledge the tendency of such motivations to change over time. At the turn of the nineteenth century, one hundred fifty-four free people of color were documented in

³⁹ Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South*. Oxford: University Press, 1974.

⁴⁰ Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston*, (Chapel Hill: University of North Carolina Press, 2011), pp. 18

census records for Northern Kentucky.⁴¹ Many of these people had gained their freedom during the Revolutionary War, choosing to live out their lives west of the Appalachians on the American frontier. The total population of the Kentucky was roughly 220,000 people – four times less than Virginia, and half the population of North Carolina. People of color who first decided to live in the slaveholding state of Kentucky operated under unique circumstances that would change drastically over the following decades. In 1800, the sparsely populated frontier state made for a different social atmosphere – one in which free people of color could more easily live out their lives without conflict with hostile white Kentuckians and slaveholders. The growing slave population of the state only amounted to only 30,000 people, with the number of slaveholders amounting to a small minority of the state’s population. In its years as the frontier of the United States, Kentucky housed small numbers of free people of color who did not exist in the face of America’s slaveholding regime, but rather, on the nation’s unsettled outskirts west of the Appalachians. In this way, free Kentuckians of color perhaps defined freedom as a separation from slaveholding society. They had left Virginia, the state most populated with slaves and slaveholders, and made it west. In the eyes of the laws, Kentucky was a slave state, but to the people of color forced to define and exercise their own freedom, the Kentucky frontier was perhaps their best option.

Although Kentucky was not legally free soil, to the state’s early black settlers, it was indeed the freest soil they could find. It was no more a slave state at the turn of the century than Ohio or the Indiana Territory, both of whom protected the institution until

⁴¹ United States Federal Census 1800, Nelson, Campbell, Mason, Pendleton, Bracken, Kenton, Grant Counties Kentucky. [socialexplorer.com] Accessed February 10, 2014.

1802 and 1816 respectively. If the nation's earliest people of color were to protect their liberty, Kentucky was perhaps as good a place as any with regards to the law.

In 1792, a free man of color, listed "mulatto", appears in the Bourbon County, Kentucky tax lists. Because this was the first census taken in the state (Kentucky was incorporated as a state in 1792), Joseph Lynam and his kin likely lived on the frontier for decades prior to their documentation as free people. The Lynam family embodies the resolve, and perhaps advantage, that Kentuckians of color possessed within the state, as opposed to elsewhere. Joseph and his wife (also a free person of color) begot three documented children, all of whom remained free and remained in the slaveholding state for the entirety of their lives.⁴² Joseph Lynam's grandchildren, too, remained in Bourbon County Kentucky. For the entirety of Kentucky's antebellum period, Lynam and his descendants carved out their own freedom from the state's un-free soil.

Like many people of color in the antebellum era, the Lynam's were not without their share of conflict with the surrounding society. In 1804, the *Kentucky Gazette* reported that Dennis Lynam, a son of Joseph Lynam and "a free Negro of Fleming County, was fatally stabbed by James Flanagan of Clark County."⁴³ James Flanagan's murder of a free black Kentuckian demonstrates the incredible vulnerability that people of color faced below the Ohio River. A number of similar events occurred throughout the Ohio River Valley. In Maysville, two white men set torched a free black man to death.

⁴² United States Federal Census 1860, Pendleton County, Kentucky. Joseph Lynam, [socialexplorer.com] Accessed March 1, 2014.

⁴³ "Murder of Joseph Lynam *Kentucky Gazette*, 1804 (Lexington, KY: 1856). Northern Kentucky Newspaper Index. [http://genealogy.kentonlibrary.org/archives/news/cj/1856/02_02.pdf] (accessed January 19, 2014).

And in Lewis County, an entire family was massacred.⁴⁴ White violence against free black people was an endemic issue, but it was an issue that did not necessarily discourage their residence in the state of Kentucky. Despite the endemic, anti-black violence that surrounded them, Northern Kentucky's people of color remained in the state in large numbers. For families like the Lynams, residence in the state often spanned centuries and multiple generations.

The Lynams were not alone in their resolve to remain Kentuckians. In 1818, Leander Ayers, a free man of color from Harrison County, Kentucky, married a member of the Lynam family – Susanna.⁴⁵ That two free people of color from different Northern Kentucky counties married suggests an intra-racial social network that extend across the river valley. Furthermore, that their marriage was documented by a Kentucky court suggests that their social network extended across the state's racial divide. During the first half of the nineteenth century, it was seldom that people of color had their marriages recorded by the state, given Kentucky's prejudice atmosphere. For Leander Ayers and Susanna Lynam to have their marriage recorded implies a certain acknowledgment and acceptance of their permanent residence in the community. This is not to say that interracial tensions were more amiable for Leander and Susanna. However, their family's long presence in the area complicated local laws and customs toward people of color.

⁴⁴ "HORRIBLE AT MAYSVILLE-TWO RICH SCIONS SET FIRE TO NEGRO SERVANT" *Covington Journal*, January 5, 1856 (Covington, KY: 1856). Northern Kentucky Newspaper Index. [http://genealogy.kentonlibrary.org/archives/news/cj/1868/09_05.pdf] (accessed January 24 2014).

⁴⁵ United States Federal Census 1820, Harrison County, Kentucky. [socialexplorer.com] Accessed February 1, 2014.

That Leander and Susanna were able to secure a marriage record in 1818 is unique, but is no surprise. At the local level, exceptions were the norm because racism and slavery were inherently contradictory ideologies. Historian Laura Edwards studies such local variations in law and custom in her recent work, *People and Their Peace*. She finds that broader laws and customs were highly variable at the local level, as people attempted to apply racialized rules on an intimate level to individuals who did not necessarily fit pre-fabricated racial molds. Edwards writes, “Even as state law acquired institutional mass over time in the form of statutes and appellate rulings, the people who tended localized law kept their own paths absorbed by what they encountered there and largely oblivious to events at the state law, despite efforts to attract their attention.”⁴⁶ If we think of “law” as an institutionalized custom, then we can think of statewide, customary racism to have the same regional complexity as did state laws. Edwards suggests this very point, writing, “Here the term ‘law’ refers to the body of ideas, customs, and practices that guided the determination of justice, broadly defined, according to the multiple, conflicting and manifestly inequitable standards of the time.”⁴⁷ People of color like Leander and Susanna, whose family had been familiar to Northern Kentucky for decades, were able to navigate the conflicting tides of racism to carve out their own freedom to marry, and to have that marriage documented by a largely anti-black county government. This was all made possible by their local familiarity and reputation within Harrison County, Kentucky. While racism pervaded every aspect of

⁴⁶ Laura F. Edwards, *People and their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*, University of North Carolina Press: Chapel Hill, 2009. pp. 4

⁴⁷ Laura F. Edwards, *People and their Peace*, pp. 3

their lives, it was manifested in new, seemingly contradictory ways. They were known, assumed non-threatening to the white supremacist social order. But most importantly, *they were known*. This social capital acquired over generations allowed for new bounds to the limited freedom experienced by Kentuckians of color.

Certain communities of color, though not all, were a part of the broader social structure of the region. Leander Ayers, for example, worked as a shoemaker in the early nineteenth century. Two of his sons, John and Willis, became shoemakers as well. Leander's son, Leander II became a blacksmith, while his son Daniel worked as a tobacconist. They were all free people of color, residing in Northern Kentucky, and fully involved in the local economy and culture. Though social events, church services, and even burial grounds were entirely separated from those of white Kentuckians, in many ways, free black people like the Leander and his kin were not a separate community at all. In fact, this particular free black community was deeply intertwined with everything about Northern Kentucky society, including slavery.

On December 31, 1857, Kentucky's only abolitionist newspaper, the *Free South*, published an article reading, "FREE NEGRO BUYS BROTHER AND KEEPS HIM AS A SLAVE."⁴⁸ Free people of color throughout the Commonwealth were connected with slavery on a deeply intimate level. For many, their brothers, sisters, mothers, fathers, daughters, cousins and friends remained in bondage. Consequentially, many free people felt obligation to their enslaved kin, reluctant to sever such deep social connections. They lived close to their enslaved kin, socialized with them whenever possible, shared

⁴⁸ "PECULIAR LAWSUIT IN KENTUCKY – FREE NEGRO BUYS BROTHER AND KEEPS HIM AS A SLAVE" *The Free South*, December 31, 1858. (Covington, KY: 1858). Northern Kentucky Newspaper Index.

church services if allowed, all the while saving money to purchase their relatives' freedom.

The desire to remain in the South, maintaining social ties with their enslaved kin, amounted to more than familial affiliation. It is true that people of color were bonded by familial affections, and likely felt a certain anxiety upon separation, but the choice of free people of color to remain tied to their enslaved kin was also a highly rational, deliberate act. These social bonds, be they with the most powerless members of society, allowed them a network that insured them against the poverty and persecution that accompanied their status as free people of color in the South. The "FREE NEGRO" described by the *Free South* as having purchased his brother demonstrates familial bond between free people and their enslaved kin, a bond that inspired him, and many others, to remain in the South, spending what limited resources they possessed to free those still in bondage. What's more, the free people who purchased their relatives often never freed them in courts. Though these people lived lives as free men and women of color, Kentucky law still considered them slaves.

That free black Kentuckians often did not free their enslaved kin speaks to their rational and highly practical conceptions of freedom – conceptions that often differed than those of the state or the surrounding society. For many, freedom was not a status that a court could provide. Rather, freedom was a lived experience that must be practically protected. By retaining their enslaved status to their family, these ostensibly free black people could live lives of liberty without the potential accusations and sale into slavery. Quite strategically, free black people used the very institution so ravenously protected by Southerners to protect their own freedom. White society could label a free

person a slave, particularly those without longstanding reputations in the region. But if that same “free” person was enslaved to someone else, no court in the state of Kentucky would restrict that slaveholder’s right to his/her “property”. In this way, free people of color enslaved to their kin were among the freest people of color in the South, their freedom documented and secured by the bill of sale for their bodies.

Residents of color in the Ohio River Valley defined freedom in their own rational and practical way. Freedom, for them, was not entirely considerate of legal status. Free people of color who were enslaved to their kin identified as free people, though the state defined freedom quite differently. In this way, freedom in the slaveholding South was also a rational and practical decision because it was a dynamic, lived experience not entirely dependent upon governmental endorsement. Though the free soil of Ohio stood just miles away, residents of Northern Kentucky defined freedom independent of Ohio’s *legal* freedom. Freedom, for many free black Kentuckians, was far more than legal.

A number of historians concurred on the malleability of black freedom in the South. In *Almost Free: A Story about Family and Race in Antebellum Virginia*, historian Eva Wolf finds free Southerners of color, particularly in the border South, varied in their experience of liberty. She most notably denotes the ways anti-black laws and custom were morphed and molded on a daily basis, writing, “Virginia had lots of rules, many of them inscribed in law, about how people ought to behave and with whom they should associate...[but] white and black Virginians violated them all the time. It turns out to be much easier to make up such rules than to follow them, because human beings recognize one another even across lines of hatred or hierarchy that they draw.”⁴⁹ Wolf noticed

⁴⁹ Eva Sheppard Wolf, *Almost Free: A Story about Family and Race in Antebellum*

something quite profound that perhaps many historians miss: hatred and oppression coexisted with cooperation and mutual dependence, and that the complexity of the human psyche was at least as influential as the law itself. Thus, while the law might have considered many people of color enslaved to their kin, actual lived experiences and interpretations of the law were highly complex. Similarly, while Ohio law considered its black population “free”, the endemic violence and threat of re-enslavement altered that legal freedom. As free people of color widely understood, “freedom” changed shape to fit the local geography.

Melvin Patrick Ely, whose monograph *Israel on the Appomattox* preceded Wolf’s, added his voice to the historiographical discourse, claiming, “The liberties one could secure as a free African American, though circumscribed, were substantial.”⁵⁰ Ely theorizes that ties of labor and religion brought free black and white people of Fauquier County, Virginia came together on a regular basis on surprisingly civil terms. Exemplifying ex-slaves on “Israel Hill” who were freed by their master in the early 19th century, Ely demonstrates how these free black Southerners dealt with a slaveholding white population and a pro-slavery legislature that passed a variety of laws restricting the liberty of black Virginians. Much like Wolf and Franklin, Ely concludes that free black people exercised a remarkable maneuverability on the local level. The subjects whom he studies, for example, were manumitted years after the 1806 Virginia law that required all newly freed slaves to leave the state. Nonetheless, they were all able to remain in

Virginia (Athens: University of Georgia Press, 2012), pp. 117.

⁵⁰ Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s to the Civil War*, (New York: Knopf, 2004), pp.14

Fauquier County because “the county court cooperated.”⁵¹ State law aimed at controlling Virginia’s large black population was highly complicated and malleable at the local level. Local courts knew of Richard Randolph, the religious emancipationist who freed the slaves on Israel Hill, and were not systematically threatened, (in 1811), by the manumission of a small group of black people.⁵²

Ely’s observed variations in the freedom experience speaks directly to the free black experience of the Ohio River Valley. They recognized that law and custom were molded by the immediate culture, thus using both law and culture to carve out a freedom for themselves. Where the law and culture ubiquitously supported slavery and limited black liberty, free people of color took advantage, purchasing their relatives in order to secure their freedom. In this way, law applied at the local level became highly complicated and variable.

Of course, the purchase of kin depended upon more than the social and legal ability to do so. The very practical, economic limitations faced by many free people of color made the purchase of family members near impossible. For some, like the Ayers of Harrison County, Kentucky who boasted a successful shoe shop, money was less of an issue. However, poverty was rampant among free black communities. One Charity Southgate, the topic of a subsequent chapter, attempted to secure her own freedom, but was “poor, and unable to prosecute her suit.”⁵³ Economic independence was intertwined

⁵¹ *Ibid*, 46

⁵² Laura Edwards’ *People and Their Peace* deals more directly with the dissonance between state and local law. Her work, while not directly relevant to the historiography of free people in the South, can help to conceptualize the local variations in the legal treatment of free people.

⁵³ Pendleton County Court Order Books F, G, H, I. (March 5, 1847), 119-122. Kentucky State Archives, Frankfort.

with the free experience. Ownership of capital, be it through the purchase of a shoe shop or a farm, often determined the free experience, and the security of that free experience. According to Melvin Ely, “A family’s freedom and their land, from the moment they felled trees and built a house on it, gave them a new level of self-determination.”⁵⁴ For Leander Ayers, the shoemaker of Harrison County, a similar self-determination was achieved. Maintaining freedom in the South meant maintaining a certain independence from a society based upon racial slavery, but such autonomy was hard to achieve. In Harrison County, Kentucky, a free woman of color with limited means worked in the household of John Smith, a wealthy holder of seventeen enslaved people.⁵⁵ The woman was elderly, and with her limited money, she had few options except work in the household of a slaveholder. Though she was legally free according to the U.S. census, the woman was likely susceptible to the same violence that the enslaved people around her experienced. As both a woman and a person of color, her dependence upon a white, male slaveholder for economic sustenance altered her free experience.

While the names and relations between enslaved people was not documented, it is quite likely that the aforementioned free woman shared a kinship network with those enslaved people serving beside her in John Smith’s household. In addition to the economic limitations that forced her to work and live with a slaveholder’s family, this woman of color was also bound by a set of social relationships that made life in antebellum Kentucky a worthy option. After all, as a free woman of color, she could have emigrated to the nearby state of Ohio. However, with the possibility of capture and

⁵⁴ Melvin Patrick Ely, *Israel on the Appomattox*, 68.

⁵⁵ United States Federal Census 1830, Western Division Harrison County, Kentucky. John Smith [socialexplorer.com] Accessed February 1, 2014

re-enslavement a looming threat, her residence within a slaveholding household posed certain advantages. She could associate with people of color who shared her experiences, allowing for collective resistance through the exchange of rumor, social exchanges and religious ceremony. To her fellow enslaved people, and more importantly to the wealthy white family with whom she lived, she was a familiar face. Her reputation was established, and all knew of her legal freedom. For the free person of color in antebellum Kentucky, where freedom was a precarious, unending pursuit, social relationships such as these were necessary in maintaining freedom. Without familiarity and white endorsement of one's claim to freedom, capture and enslavement was all the more possible.

Historian Ira Berlin writes, "Just as it is impossible to understand students without teachers and workers without bosses, so it impossible to understand free Negroes without whites."⁵⁶ This relationship between free people of color and their white neighbors often constituted social instability. In Melvin Ely's take on the free black people of "Israel Hill," violence, or the threat of violence, was a consistent theme in the lives of his subjects. Ely cites that after Nat Turners revolt in 1831, "Militia offers in county after county gathered their men."⁵⁷ He further found, "Eight years after the settlement of the Hill, a white individual went so far as to question outright the free status of a black Israelite."⁵⁸ The white accuser's charges were eventually dropped, but social violence in the form of restrictions on black freedom is no less pervasive. Throughout Ely's work, and the work of most scholars involved in the study of free black Southerners, "freedom"

⁵⁶ Ira Berlin, *Slaves Without Masters*, pp. xiv.

⁵⁷ Melvin Patrick Ely, *Israel on the Appomattox*, pp. 177.

⁵⁸ Melvin Patrick Ely, *Israel on the Appomattox*, pp. 74

was a constant back-and-forth between black socioeconomic progress and the greater anti-black sentiment that pervaded the era.

The back-and-forth of preserving one's own freedom was no more apparent than in 1851. In that year, shortly after the Fugitive Slave Law was passed nationally, the Kentucky state government resolved, "Free Negroes must show proof of freedom annually to county assessor."⁵⁹ The bill further required that, "the Clerk is to receive a fee from negroes or mulattoes – and if the free negro fail to appear, or fail to pay the fee...the 'convict' is to be hired out to any one who will pay the amount for the shortest period of service."⁶⁰ In effect, the bill stripped the liberty of many free people of color who lived in poverty, unable to pay the fees imposed by county clerks. Whether they could pay the fine or not, their legal free status was retained. However, their lived experience would see aggressive restrictions by state law.

As historian Eva Wolf has pointed out, state law varied at the local level. Wolf is joined by scholar Laura Edwards, who substantiates the idea that Kentucky's 1851 law varied in its enforcement and interpretation from county to county. In the state's northern counties within the Ohio River Valley, the new law hardly affected free black populations. In the years surrounding the Fugitive Slave Law and Kentucky's law on free blacks, the free populations of color remained relatively constant across the board. In Pendleton, Harrison, Grant and Mason counties, free black populations experienced slight increases. In Bracken County, which immediately bordered the Ohio River, black

⁵⁹ "THE KENTUCKY NEGRO BILL" *Covington Journal*, February 15, 1851 (Covington, KY: 1851). Northern Kentucky Newspaper Index.

⁶⁰ "THE KENTUCKY NEGRO BILL" *Covington Journal*, February 15, 1851 (Covington, KY: 1851). Northern Kentucky Newspaper Index.

populations significantly declined, falling from 114 free people of color in 1850 to a mere 83 by 1860. It is quite likely that many free Bracken County residents migrated across the river to Clermont and Brown County, Ohio, both of which almost doubled their populations of free people of color during this time period. Whether the reason for Bracken County's decline is explained by the 1851 law, or by a variety of legal and economic factors, it is clear that local variability significantly influenced the lives of free people. Bracken County's law and local economy was consistent with its neighboring Kentucky districts. Nonetheless, local culture and interpretation of the law was variable, possibly discouraging free black settlement there.

Bracken County, and the other Northern Kentucky counties, significantly underestimated the number of free people of color residing within the region. This, too, perhaps explains Bracken County's sudden decline in free people of color during the 1850s. The Kentucky law that required free people of color to report themselves annually did more than discourage free black residence in Bracken County, it shifted the way free people of color interacted with the society around them. Many avoided the census altogether, resulting in seemingly diminished numbers of free people of color.

Throughout Northern Kentucky, small groups of free people operated almost entirely independent of the region's slaveholding society. These communities occupied remote hollows throughout the Ohio Valley's rolling topography. Steep hills, thick woods, and abundant wild food sources allowed groups of black Northern Kentuckians to operate covertly and without widespread knowledge of the presence. These people seldom reported themselves to the annual census, and rarely exposed themselves to the local court systems. Many of their marriages, births and deaths went entirely

undocumented by the state, making it significantly difficult for modern historians to detect this profoundly impactful population of free people. However, their covert existence has left its mark upon the region, and with careful investigation, their relevance to the free black occupation of Northern Kentucky can at last be exposed.

In 1860, the U.S. census reported 508 people of color resided in Pendleton County, Kentucky, 42 of whom were free.⁶¹ In this highly rural district, there were few major industries to attract in-migration. In fact, the total population of all people of color in the county, slave or free, had been in decline since the 1840s according to the census. It is then surprising that in the years immediately following emancipation, the number of black residents reporting to census takers jumped by almost 150 individuals.⁶² The same holds true for a number of other rural Northern Kentucky counties, particularly those with smaller antebellum slave populations. Campbell County, for example, noted 50 more people of color immediately after emancipation. And Kenton County saw hundreds more appearing in their data.⁶³ Such data alone implies little about the existence of covert black communities in Northern Kentucky, but in conjunction with a variety of other sources, including oral histories, the presence of these free people of color becomes entirely clear.

⁶¹ United States Federal Census 1860, Pendleton County, Kentucky. [socialexplorer.com] Accessed February 1, 2014

⁶² United States Federal Census 1870, Pendleton County, Kentucky. [socialexplorer.com] Accessed February 1, 2014

⁶³ United States Federal Census 1860, Kenton County, Kentucky. [socialexplorer.com] Accessed February 1, 2014.

Note that the Kenton County of 1870 was highly rural, but did immediately border Cincinnati. Thus, the data quite possibly reflects more of its proximity to a burgeoning industrial center rather than an increase in reporting for a native free black population alone.

Monday Hollow, amidst the spiny hills of Northern Kentucky, still sits as quiet and remote as ever. Large walnut trees tower all around the sparsely inhabited region where a small group of free people of color once called home. There are neither roads nor walkways to access the site, and even from the region's highest of ridges, the site cannot be seen. This particular topography, unique to Kentucky's Ohio River Valley, made covert communities of color particularly possible. Amidst the county's many hollows sits the Monday Hollow settlement. Decrepit stone fences, scattered tools half buried under sediment, and a several unmarked headstones protruding from the soil are all that remains of their existence. But in the 1850s, the settlement was a pillar of free black autonomy in the Northern Kentucky region. Monday Hollow, and settlement like it, spaced in remote regions across the county's rolling hills, existed as monuments to the area's free black presence. Daniel Monday, for whom "Monday Hollow" is named, was born a free person of color circa 1795 in Bourbon County, Kentucky. This mysterious character last appears on the Bourbon County census rolls in 1830, disappears from record for two decades, and then reappears as a farmer in Pendleton County's census of 1850.

Monday's choice to remain in Pendleton County throughout the nineteenth century was largely determined by his very rational conception of freedom. For one, William Monday's lifetime residence in the area made his freedom well known to those around him. Though he settled in one of the county's remote hollows, his freedom was still partially dependent upon surrounding white landowners who might have happened across his presence, or traded with him for certain necessities. Slave patrollers roamed the region, searching for fugitives on their way to Kentucky. If Daniel Monday ever

encountered them, he would need a significant backing by neighboring whites knowledgeable about his legal right to freedom.

Monday's covert existence in Northern Kentucky also shielded him from much of the violence that plagued free people of color on either side of the Ohio River. The towering walnut trees and spiny ridges served as a bulwark against much of the anti-black sentiment that many others surely encountered. It was therefore highly rational that he should remain in the slaveholding South despite his proximity to Ohio's free soil. In essence, Monday Hollow was the freest place available to him.

Daniel Monday, and his wife, Harriet, reported themselves each decade to the U.S. census, each time with another several children occupying their household. In all, the Monday's raised eleven children, all free.⁶⁴ But we know that Monday Hollow boasted a population beyond the Monday's biological children. Like many free people of color, the Monday's social network was intertwined with the enslaved and other free people of color. This is evidenced by their marriages with people not previously listed in census data. James Monday, the eldest of Daniel's sons, married a Mary, who like many previously enslaved people, had no last name prior to her marriage and is not listed in the antebellum census. Others, like John Monday, marries an Ellen Monday, a free woman of color. Together they had a daughter also named Ellen. The daughter, however, was reported as the four year old daughter of the 70 year old Daniel Monday, likely to shelter the daughter from any question over her free status.⁶⁵ Such cohabitation between

⁶⁴ United States Federal Census 1860, Pendleton County, Kentucky. Daniel Monday. [socialexplorer.com] Accessed February 1, 2014

⁶⁵ United States Federal Census 1860, Pendleton County, Kentucky. Daniel Monday. [socialexplorer.com] Accessed February 1, 2014

extended families reflected the limited resources at each individual's disposal, allowing them to pool their efforts together to sustain themselves independent of white slaveholders. Additionally, though, extended kinship networks within the same household or farm allowed for close-knit social network that empowered them socially. They were able to share social connections outside of the Hollow, and could substantiate one another's reputations to outsiders. People of color required this empowerment to remain free on either side of the Ohio River. With little money, and little political power, the people of the Ohio River Valley depended upon an extended social network and close-knit connections to protect their freedom. Given the option to abandon such social connections – to emigrate north to unknown people amidst an unknown land – people like those of Monday Hollow chose to remain where they, and their free status, were best known.

Residents of Monday Hollow, and other covert communities of color throughout the Ohio Valley, were often composed of legally free Kentuckians like Daniel Monday. But the region's topography and proximity to free soil attracted many fugitive slaves. These people, often traveling north toward Cincinnati and beyond, ran from plantations across Northern Kentucky, the Bluegrass, and beyond. Communities like Monday Hollow provided refuge for fugitives, while other, more visible communities of color did likewise. The town of Maysville, Cynthiana and Falmouth Kentucky were integral in providing fugitive slaves refuge, organizing their efforts into an Underground Railroad that flooded hundreds of enslaved people to freedom.

The freedom that fugitives experienced did not always lie North of the Ohio River. Runaways tactically adapted their strategies to counter the efforts of slave-

catchers. In December of 1855, “[seven] negroes made their escape...They hitched a pair of horses to a splendid family carriage recently purchased by Mr. McMiller, and, with a white man to drive them, rode off toward the Ohio river in style.”⁶⁶ What is particularly significant about this story, published in the Covington Journal, is that the fugitive slaves ran from their masters in Kenton County, Kentucky, which immediately borders Cincinnati and Ohio’s free soil. But rather than flee north to Ohio, they turned South toward Maysville, Kentucky, now known as a primary stop on Kentucky’s Underground Railroad.⁶⁷ The journey from Kenton County directly to Cincinnati would have amounted to no more than fifteen miles. However, these fugitive slaves adapted their runaway strategy to counter the efforts of their masters and to better fit their own conceptions of freedom. A life in Cincinnati immediately after running away would have left them vulnerable to re-enslavement, and likely would have left them without the social network to stave off violence and accusations of fugitive status. Instead, the seven fugitives traveled fifty miles southeast to the town of Washington, Kentucky. “They left the carriage near Washington and made their way on foot to the river just above East Maysville.”⁶⁸ Even for fugitive slaves intent on leaving the state, an established network of free people of color within the state was pivotal in their liberation. They relied on an established community with whom they could blend, and who would shelter them from their pursuers. Maysville was an ideal midpoint for runaway slaves because it boasted a

⁶⁶ “NEGRO STAMPEDE” *Covington Journal*, December 29, 1855. (Covington, KY: 1855). Northern Kentucky Newspaper Index.

⁶⁷ Randolph Paul Runyon, *Delia Webster and the Underground Railroad*, Lexington: University Press of Kentucky, 1999.

⁶⁸ “NEGRO STAMPEDE” *Covington Journal*, December 29, 1855. (Covington, KY: 1855). Northern Kentucky Newspaper Index.

free population of color amounting to hundreds of individuals, many of whom lived along the Ohio River and could assist fugitives in their journeys toward freedom.⁶⁹ This is evidenced by the fugitives' deliberate journey to "East Maysville," the portion of Maysville settled by free people of color. Black communities in Cynthiana and Falmouth Kentucky were miles from the Ohio River, but boasted their own route to freedom that brought free people of color in contact with fugitives on a regular basis. Except for small portions of the Kentucky River, the Licking is the only waterway in Kentucky flowing northward to free territory. This river cut its way through Northern Kentucky's rolling hills and through the towns of Falmouth and Cynthiana. It is no wonder, then, that Falmouth's free population of color increased by two thousand percent over the course of the nineteenth century. Cynthiana's population of color increased by 780 percent. As more fugitives flooded northward from Kentucky's slave-dense Bluegrass, they found refuge south of the Ohio River, many apparently settling in the region, carving their own freedom amidst Kentucky's slaveholding society.

Traveling northward by night along the Licking River, fugitive people from across the state of Kentucky would have quietly wound their way past towering bluffs and spiny ridges, to find the flickering lamp of those sympathetic people of color housed along the way. One such person, Charity Southgate, was heavily involved in this effort. In the 1850s, suspicion over her involvement with fugitives heightened, and the town constable moved his residents directly next to hers to better keep watch. Charity's experience as a free person of color, living along a major Kentucky route to freedom, is

⁶⁹ United States Federal Census 1860, Mason County, Kentucky. [socialexplorer.com] Accessed February 1, 2014

explained in a subsequent chapter. It is immediately relevant, however, that her permanent residence in the Northern Kentucky region was significant in liberating many fugitives from throughout the state. People such as Charity Southgate, Daniel Monday, and others, served as the foundational blocks upon a vast and complex social network would be built. For the free people of color residing in nineteenth century Northern Kentucky, this social network would make life in the antebellum South possible, if not preferable to life elsewhere.

Chapter Four: Southern Charity, A Free Woman's Fight for Freedom

“AN OUTRAGE! FREE NEGRO ALMOST KIDNAPPED AND PLACED IN SERVITUDE!” read the headline to the *Licking Valley Register* in August of 1842.⁷⁰ As was all too common in the Ohio River Valley, free people of color, indicted as runaways and discreetly smuggled away, found themselves stripped of their free status and suddenly bound to the damnatory institution that was American slavery. For free people of color in the antebellum South, freedom was always a tenuous and unfixed status.⁷¹ Prone to capture and sale, they were figures of contradiction – potential challenges to the very statutes of white supremacy and black subjugation that defined nineteenth century American society. However anomalous, however contradictory, however prone to capture and sale, these people remained. They established communities, forged their own political organizations, and in the case of one Charity Southgate, used the courts to better cement their precarious free status for themselves and their families.

Born a free person of color in Loudoun County, Virginia, Charity Southgate found herself perpetually defending her freeborn status throughout her life. By 1808, when she was no more than two years of age, Charity was kidnapped and sold hundreds of miles away in Kentucky. For years Charity insisted upon her free status, eventually

⁷⁰ “An Outrage: Free Negro Almost Kidnapped and Placed in Servitude in Covington.” *Licking Valley Register*, August 17, 1842. Northern Kentucky Newspaper Index.

⁷¹ Melvin Patrick Ely, in his 2004 monograph, *Israel on the Appomattox*, examines how free Southerners of African descent were complications to the white supremacist, pro-slavery ideology that branded the era. This anomaly – this contradictory juxtaposition of white supremacy, slavery, and free black prosperity – went toward inspiring an entire historiography of free people of color in the antebellum U.S. Works by the field's leading historians, from Ira Berlin and John Hope Franklin to Eva Wolf and Barbara Jean Fields, have heavily informed this study. I intend to contribute to the still lingering question among antebellum historians: what did “freedom” entail for black Southerners in the antebellum world?

suing for her freedom in 1824, beginning a decade-long battle to re-establish herself as a free born citizen. She eventually won her freedom, but her victory aroused more challenges still. What was to become of her children, some of whom had remained enslaved? What was to become of her husband, who remained enslaved as well? Most profoundly, where would she go? Charity had achieved her freedom through Kentucky courts, but her status remained precarious amidst a slaveholding populace. She was, after all, a woman of color.

Like hundreds of free people of color in Northern Kentucky, Charity chose to remain in the state for the entirety of her life, even after the Civil War. The question of this chapter is *why*. Why would a free woman of color remain in the slaveholding South just miles from the Ohio River? Did Charity's ties to her enslaved kin bind her to the slaveholding region? Did her ties to home, the land, the community or the general familiarity hold her to the South?⁷² As profound as these questions might be, perhaps there are deeper phenomena at play. Just a stone's throw from Ohio's free territory, perhaps Charity in fact found a more advantageous residence in the slaveholding South. Perhaps, for Charity, the slaveholding region of Pendleton County, Kentucky was the freest territory she could find.

⁷² In *Slaves without Masters*, Ira Berlin concludes, "Most slaves, like peasantries the world over, lived in a small world... Uneducated, blinded by the narrow alternatives of plantation life, and fearful of being isolated in a hostile white world, they found it painful to leave the only homes they had ever known." This might well have been true for some people of color in the antebellum South. But as Melvin Ely critiques, much of Berlin's assessment is highly general, inhibiting him from looking close at complex cases like that of Charity Southgate. Though Charity likely held deep affinity for her regional family, friends and land, sources uncovered in this study reveal another, more deliberate, more conscience incentive at play.

In 1806, an infant Charity was born to Martha “Patsy” Palmer in Loudoun County, Virginia. The Palmer family was a prominent one, genteel and decorous, with three generations of upstanding reputation in one of the state’s wealthiest regions.⁷³ Free people of color in Loudoun County were a rarity, but that was of little relevance to the Palmers, for every member of the Palmer family until Charity’s birth was white.⁷⁴ Patsy Palmer was white. And her husband, Philip L. Palmer, was white as well.⁷⁵ The Palmer family had immigrated to the American colonies in the mid-eighteenth century from Scotland and the Northerly regions of the British Isles.⁷⁶ Their skin was naturally fair, their hair blonde and brown. So when Charity emerged from Patsy Palmer’s womb, with her dark, curly hair, and her sandy brown skin, the entire family was flabbergasted. Patsy Palmer had undermined the norms of gentility and femininity of antebellum Virginia. She had been impregnated by a local man of color.

Sexual liaisons between black and white people were regular occurrences. White, male masters commonly and unabashedly raped and assaulted their slaves, and though it was not often discussed explicitly, few were ignorant of the place of rape in Southern life.⁷⁷ But Patsy’s affair with a black slave was different. It emasculated the

⁷³ James William Head, *History and Comprehensive Discription of Loudoun County Virginia*, (Washington D.C.: Park View Press, 1908); United States Federal Census: 1800, 1810, 1820, Loudoun County, Virginia.

⁷⁴ United States Federal Census 1810, Loudoun County, Virginia; United States Federal Census 1810, Philip Palmer, Loudoun County Virginia; United States Federal Census 1810, Palmer, Loudoun County, Virginia.

⁷⁵ United States Federal Census 1810, Philip Palmer, Loudoun County Virginia.

⁷⁶ United States Federal Census 1810, Abel Palmer, Catherine Palmer, Daniel Palmer, William Palmer, Loudoun County Virginia.

⁷⁷ Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861*, Chapel Hill: University of North Carolina Press, 2003.

master, not the slave; and it embodied the woman's agency, not the man's. To the Palmer family, and to the society that enveloped them, this was unconscionable, and bore significant implications for the Palmer's social standing. Patsy's infant baby, with both African and European blood coursing through her veins, was the ultimate threat to the Palmers' way of life, and a danger to the Southern social order. The infant raised the possibility that a wealthy white woman would willingly have sex with an enslaved black man. Furthermore, the racial dogma of slavery – that institution which upheld the Palmer's wealth and reputation – was based upon the very stereotypes of race and gender that forbade such an event. Black men were the presumed property of their white masters who bolstered their own masculinity by controlling and mastering the household, women, and slaves. By engaging sexually with a white woman – the wife of a slaveholder no less – the enslaved man radically reversed the gendered implications of slavery. The sexual act exposed the limitations of the master's presumed control over both his slave and his wife, contravening his patriarchal authority over women and black people. Patsy's apparent choice to engage in sex with a man of color was also subversive to the racial and gender norms of Virginian society. Patsy was expected to within the gendered bounds set by the nineteenth century South. This region's social doctrines dictated that she was to be gentle, placid, lavish in dress, submissive to her husband, and most of all, sexually restrained.⁷⁸ In birthing a black child, Patsy had fatally subverted gender norms and her husband's authority over her and the black man with whom she engaged.

⁷⁸ Two scholars contribute significantly to my conception of 19th century gendered ideals for elite, white women. Drew Giplin Faust, *Mothers of Invention: Women of the Slaveholding South in the American Civil War*, (Chapel Hill: University of North Carolina Press, 2004); Bruce Levine, *The Fall of the House of Dixie*, (New York: Random House Publishing, 2013).

While nineteenth century stereotypes might have painted Patsy's black sexual partner as a rapist, we know that a black man's rape of a wealthy and powerful white woman was particularly unusual. White women were idolized by a white, patriarchal elite, not necessarily by their enslaved black men. Furthermore, rape, in its purest of senses, is an exploitation of power. It is the use of one's own social, physical and economic advantages to sexually abuse the vulnerable. By this basic conception of rape we can begin to understand the nature of power and the role of sex between masters and their enslaved people. In her relationship with a man of color, Patsy Palmer held the power. Patsy never claimed that her paramour raped her. She was wealthy; she was well connected; through her own use of violence and with the support of the white male collective, she held a physical advantage over enslaved people as well. Most powerfully, Patsy Palmer was white. The nature of Patsy's sexual encounter is in no way provable, but to objectively investigate this historical encounter – that is, the encounter between white female masters and their enslaved – we must give attention to the possibility that Patsy Palmer raped her male slave. To entertain this possibility brings a better understanding of nineteenth century power dynamics between the enslaved – the most vulnerable in society – and their white masters and mistresses. It seems that modern assumptions about sex and gender do not accurately apply to the nineteenth century South, where the nature of slaveholding society often left white women with the power and authority to abuse and manipulate the enslaved for their own benefit. That gentle figure revered and romanticized by antebellum Southerners is even today seen as aloof from the racial violence that plagued the era. But to give credence to the role of some white women in the abuse, and perhaps rape of enslaved people, is to objectively

understand where and how violence and sexual exploitation was enacted in the slaveholding South.⁷⁹

Young Charity embodied the capability of sexual deviance by society's paragon of purity – white womanhood. The white womanhood of the Palmer family had been ostensibly corrupted by an unknown black man of a nearby plantation – a man whose clandestine identity would be his only protection from the lynch mob of Palmers incited by Charity's birth. For now, the Palmer's irascibility toward the black male culprit would have to wait. They first had to decide what to do with the child.

The Palmer family, including Patsy herself, likely expected a white child. It is the only plausible explanation for why Patsy permitted her inchoate pregnancy to come to term. Early in the eighteenth century, women of the American colonies readily accessed birth control and contraceptive methods despite the rather procreative expectations of early American society.⁸⁰ If Patsy had known that it was her black paramour who had impregnated her, and not her husband, she would have acted to avert the racist and misogynist repercussions that coupled the birth of a black baby to a white mother. Folk remedies like cotton root used to abort pregnancy were common knowledge around slaveholding households. With such resources at her disposal, Patsy would not have allowed her family to anxiously crowd outside her bedroom awaiting the birth. She

⁷⁹ It is also possible that Patsy and the enslaved man with whom she associated was a so called "mutual relationship." However, when this relationship is contextualized within the context of slavery, it seems that no relationship between master and slave was ever entirely consensual. The repercussions for refusal could be harsh, and the significant imbalance of power between white masters and black slaves made sex in the antebellum world a dangerous demonstration of power at the most intimate level.

⁸⁰ Marie Jenkins Schwartz, *Birth of a Slave: Motherhood and Medicine in the Antebellum South*, Cambridge: Harvard University Press, 2010.

would not have allowed her husband the shock, the humiliation, the fear of another man's child – a black child, no less – nursing from his white wife's breast.

By Virginia law, Charity was born a free person. In 1662, the Virginia legislature had proclaimed “that all children borne in this country shalbe held bond or free only according to the condition of the mother, And that if any Christian shall commit ffornication with a negro man or woman, hee or shee soe offending shall pay double ffines imposed by the former act.”⁸¹ The law was explicit. By Charity's white maternal parentage, she was to be free. And as a free person in nineteenth century Virginia, she was to be legally entitled to certain unalienable rights.⁸² But Charity was also a person of color, and Virginia was deliberate about delineating the bounds of her liberty. “Be it enacted by the General Assembly,” read the 1785 statute, “that every person of whose grandfathers or grandmothers any one is, or shall have been a negro, although all his other progenitors, except that descending from the negro, shall have been white persons, shall be deemed a mulatto; and so every person who shall have one-fourth part or more of negro blood, shall, in like manner, be deemed mullatto.”⁸³ With an enslaved father who was at least part African, Charity was considered “mulatto.” And with her mulatto status

⁸¹ Hening, William W. comp. 1809-1823. *The Statutes at Large: Being A Collection of All the Laws of Virginia.* (1619-1792). Vol 2: 170. Richmond, Virginia: Published by Act of the General Assembly of Virginia and printed by and for Samuel Pleasants Jr., printer to the commonwealth.

⁸² Although her rights as a citizen would have been truncated by her race, free people of color did experience certain liberties relative to the enslaved. Melvin Patrick Ely demonstrates the complexity of freedom and oppression experienced by the free people of Israel Hill, Prince Edward County, Virginia. *Israel on the Appomattox: A Southern Experience in Black Freedom from the 1790s through the Civil War*, New York: Knopf, 2004.

⁸³ Virginia Statutes, Act LXXVIII, October 1785. Geography of Slavery. <<http://www2.vcdh.virginia.edu/gos/>> Accessed October 13, 2013.

came the limited freedom and citizenship that accompanied all nineteenth century Americans of African descent.

Between the seventeenth and nineteenth centuries, Virginia enacted a number of laws concerning Charity's very situation. The people of the state were well familiar with the complexity of race in their society; and the pending paranoia of slave insurrection, or non-white social ascendancy, pervaded the consciousness of virtually every Virginian planter. Racial mixing and intermingling – mixed ancestries and ambiguous phenotypes – obfuscated who would and would not be considered a slave, and who could and could not be considered a master. Political power holders of the state needed laws to ensure, as best they could, the perpetuation of their social order. They needed to prevent black people like Charity, born free to a white woman of considerable means, from ascending to positions of power.

The Virginia Hereditary Slavery Statute had its provisions for women like Patsy Palmer as well. The “double fines imposed” by the law threatened harsh punishment for white women who birthed “bastard” babies of color. Banishment from the state could even be imposed upon Patsy, and the proverbial scarlet letter from the scandal would only heighten the repercussions for associating with a man of color.

To protect Patsy Palmer and the family name, Philip Palmer rid his household of the issue entirely. Almost immediately after Charity's birth, Philip clandestinely smuggled the crying infant to Nelson County, Kentucky. It was a safe distance from the Palmer's friends and family, and the law of Virginia. Miles from anyone who might have known of her lineage, Charity would grow up with no claim to freedom. No one in Nelson County knew of her freedom, no one knew of her parentage, no one knew the

Palmer. In removing Charity's access to social capital, however young she might have been, Philip Palmer removed her claim to free status. Consequentially, being so far from Loudoun County, Charity could not depend on white endorsement of her freedom, virtually the only sort of endorsement that mattered in antebellum America. For the time being, the Palmer family and the social order of Loudoun County were safe from Charity's complicated existence.

The efficacy of Philip Palmer's disposal of the young child was dependent upon his own social connections. He could kill the girl, but Charity was not worthless to the Palmers, despite the danger she posed to their reputation. Enslaved girls of a certain age could be sold for over \$1000, a substantial sum that Philip Palmer would not have ignored.⁸⁴ Patsy may have found value in the young child as well. The racism that pervaded the era was ubiquitous but not rigid, taking new forms with new contradictions manifesting at the very personal level. Patsy may well have coerced her black paramour into sexual relations, but her encounter with her newborn infant likely aroused a slew of complex emotion, nonetheless.

Patsy Palmer's affection for the newborn, along with the probable high price of slave girls, may have saved Charity's life; but such was the exception, not the rule. Throughout the American South, the lives of enslaved people were deemed expendable by their master's avaricious relationship with the global free market. Indeed, the cost of a single slave was nothing to overlook. The price of the average male slave peaked at over \$1,200 by the middle of the century, if he survived to his twenties.⁸⁵ But slave owners

⁸⁴ Walter Johnson, *Soul by Soul: Life inside the Antebellum Slave Market*, Cambridge: Harvard University Press, 1999.

⁸⁵ Walter Johnson, *Soul by Soul: Life inside the Antebellum Slave Market*, Cambridge:

answered to money far beyond their own pockets. Large sums of credit, borrowed from lending firms as far as New York City, kept planters tied to strict regimens and rigid bottom lines. Revenue was supreme. For example, if a \$1,200 slave was killed in pursuit of a \$12,000 profit, it was, to many planters, a necessary means to an end – the nature of the nineteenth century global economy manifested in the American South.⁸⁶

Particular circumstances surrounded Charity's survival and extirpation from the state of Virginia. If the Palmers were to let her live, she could not be sold like the rest. In fact, she could not be sold at all. The attention warranted by a slave sale could have exposed the Palmer family secret. Rumor or uncertainty about the infant slave could have attracted unwarranted attention. Instead of sale amidst curious neighbors, the Palmers sent Charity far away to someone who knew them well but were not amidst their social circle; someone who they could trust but could not be traced to; someone who could buy the Palmers some time until Patsy's entire pregnancy was forgotten.

Esher Pullen, a wealthy and established planter in Nelson County, Kentucky, was the man the Palmers chose to take Charity into his household. There is no evidence that either Palmer or Pullen identified Charity as a slave in writing, because such a record might well have incriminated Pullen or Palmer at a later date. As defined by state law and custom, Charity was a mulatto, intended and assumed to be powerless, but Palmer's endeavor to smuggle her away was still unlawful and risked certain social and legal ramifications. Documentation of Pullen's acquisition of the child was not simply

Harvard University Press, 1999.

⁸⁶ The inextricable link between Southern slaveholders and the transatlantic economy in: Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom*, Cambridge: Belknap Press of Harvard University, 2013.

overlooked, it was deliberately discounted. Pullen already owned seven slaves prior to Charity's arrival in 1810.⁸⁷ No more than ten years old, young Charity could do little meaningful work on Pullen's large acreage. She was of no reproductive use to the increase of Pullen's human property, as she was not yet of age. And while sexual exploitation and assault were not limited to enslaved girls of a pubescent age, we know that Charity's purpose on Esher Pullen's plantation was neither for sex nor for labor. She was there to protect the Palmers from her own existence.

Though Charity did not undergo the horrors of the Middle Passage, she certainly underwent a sort of social death in the move to Nelson County. With two living parents, she was orphaned and extirpated by the problematic context of her birth. But in Nelson County, Kentucky, where she was relocated as an infant, Charity would form new kinship networks. Though the Palmers intent was to remove Charity's social ties thereby removing her claims to freedom and the Palmer lineage, enslaved people always found ways to network and establish community. For the enslaved person, social relationships were survival.⁸⁸

When Charity arrived in Nelson County, she found the company of roughly three thousand other enslaved people – over 20% of the county's total population.⁸⁹ It did not quite amount to the sprawling populations of black slaves in eastern Virginia, but the numbers in Nelson County were substantial. On the Pullen plantation, Esher's seven slaves would be introduced to young Charity, and would play a pivotal role in her

⁸⁷ United States Federal Census 1810, Esher Pullen, Nelson County Kentucky.

⁸⁸ Orlando Patterson *Slavery and Social Death: A Comparative Study*, Harvard University Press: Cambridge, 1985.

⁸⁹ United States Federal Census 1810, Census Nelson County.

upbringing. The young baby needed to be nursed and raised, and no proper white woman would be liable for such work. Though Esher had agreed to take possession of the girl, the aristocratic planter would not likely humble himself for the care of a “negro” child. On the antebellum plantation, it was the black women who raised the infants, whether the infant was black, white, free or slave, or in Charity’s case, a combination of them all.⁹⁰ For ten years, Charity would be raised by the other slaves. It was they who would teach her to walk and to talk. They would teach her the manners and methods of the violent society in which they lived. They would include Charity into their community of disenfranchised enslaved people. Together, Charity and the other Pullen slaves would rely upon each other to resist the brutality of their circumstances.

Where Charity started with no social ties whatever, she would grow up amidst an extended kinship network that spanned beyond plantation borders. Spouses, children, parents and friends maintained familial ties not restricted to their own immediate location. These inter-plantation social connections forged by enslaved people provided a means of agency and sometimes a route to freedom. In Lexington, one “Negro woman named Sal” ran away from her master in February of 1820, joining her husband on a different plantation “in the neighborhood of a Mr. Wm. Dunlap’s.”⁹¹ Sal’s kinship ties to family on a neighboring plantation provided her a means of resistance and a temporary refuge from slavery. In a similar way, Charity recognized the empowerment that social capital could provide.

⁹⁰ Stephanie M.H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation*, University of North Carolina Press: Chapel Hill, 2004.

⁹¹ “RUN AWAY” *Kentucky Gazette*, May 7, 1809 (Lexington, KY: 1809). Kentucky Digital Library. [http://kdl.kyvl.org/catalog/xt7j9k45r50t_3] (accessed October 22, 2013).

Of course, it was precisely the lack of social capital, or the desire to regain social capital once lost, that drove man enslaved people to run away. Runaway enslaved men far outnumbered their female counterparts, precisely because of their relative lack of social ties in many cases. Men neither birthed nor nursed children, granting them statistically far more time and opportunity for escape. Because masters deemed enslaved men unnecessary to the early years of nursing young babies, their kinship ties with young children were more often strained by geographical distance and sale. This familial separation helped to incentivize escape, both from the lack of social ties grounding them to the plantation and their determination to rejoin families far off. Community networks were so powerful in the lives of enslaved people that the very decision to run or remain in brutal captivity depended upon their own interpersonal relationships.⁹²

Community networking was often subversive but seldom manifested in physical resistance or escape. More often, subversion was subtle, mundane, and singular.⁹³ While Charity was likely connected socially with the Pullen's other seven slaves, never did she resist in a way that attracted public attention. She did not run away. She did not exert violence toward Esher. In her ten years on Esher Pullen's plantation, not once did this free woman escape her illegal captivity. Brought to Nelson County as an infant, perhaps Charity was unaware of her white lineage and her legal entitlement to freedom.

⁹² The term "familiarity network" best applies to the nature of Charity's relationships. These connections were neither sexual nor bound by kinship, necessarily. Rather, they included both white and black people; people who found her a friend, and those who found her a foe. It was a matrix of people with whom Charity was familiar, and could use to substantiate her claims to freedom.

⁹³ Stephanie M.H. Camp, *Closer to Freedom*

If Charity was unaware of her freedom as a child, it mattered little. Freedom for nineteenth century people of color was a dubious prospect, fully dependent upon the consensus of the surrounding white population.⁹⁴ Though Charity maintained a vast familiarity network among area slaves, her connection to Nelson County whites was nonexistent. Just as the Palmers had planned, no one in Nelson County, aside from Esher Pullen and his sealed lips, knew of the Palmers or the scandal that enveloped their family. With her familiarity network primarily composed of enslaved people of color, Charity had the agency to resist her captivity, but not overthrow it. To do that, she had only one option – to undergo a second social death by cutting away her familiarity network and running away from the Pullen plantation.

The thought to runaway likely crossed a young Charity's mind, but the decision to flee the Pullen plantation was made on her behalf. Charity was stripped from her familiarity network once again when a mysterious Virginian by the name of Jonathan Reed arrived in 1820 to Nelson County. What Charity did not know, but would soon discover, is that Philip Palmer sent Jonathan Reed with explicit instructions for Charity's retrieval. Charity was almost fourteen years old, maturing physically and approaching pubescent age. After a decade, Loudoun County had long forgotten Patsy Palmer's pregnancy. Patsy's reputation had been salvaged, and the Palmer name and fortune safe from devolution into negritude. If Patsy or anyone in the Palmer family now longed for the return of her long lost daughter, they had a peculiar way of showing it, for Jonathan

⁹⁴ Laura F. Edwards, *People and their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*, University of North Carolina Press: Chapel Hill, 2009.

Reed was given strict orders to dispose of the young girl, not to return her to Loudoun County, Virginia. He was asked to dispose of her, not with murder, but with sale.

Charity's life, a set of ostensibly unique circumstances amidst rural Virginia and Kentucky, was inextricably linked to global politics and economy. Between 1812 and 1815, as the Napoleonic Wars raged on in continental Europe, the American economy steadily recovered from its recent war with Britain. And when the Napoleonic wars ended in 1815, post-war continental Europe found its supply of agricultural products depressed by years of war and the consequential over-emphasis on industrial production. The southern U.S., highly agricultural with a surplus of unpaid laborers (slaves) like Charity, could fill Europe's void and profit from the inflated demand. Such demand for Southern agricultural products, particularly cotton, inflated prices and instigated frivolous, speculative investments in agricultural industry. The Palmers, with a surplus of capital idling in local banks, were likely among the masses of American capitalists who invested their money in the cotton bubble, only to have it burst and their money lost in the Panic of 1819. By 1820, the American economy was in a trough, and wealthy elites like the Palmers, whose agricultural profits were largely based on credit, required some sort of income – anything at all – to balance their accounts and pay off their debts. To stabilize their finances, many Southern planters turned to the sale of their slaves; the Palmers turned to Charity.⁹⁵

In 1820, Palmer sent for Charity, but Esher Pullen had grown accustomed to Charity's presence on his plantation, and to the monetary value she added to his estate.

⁹⁵ Murray N. Rothbard, *The Panic of 1819: Reactions and Policy*, (New York: Columbia University Press, 1962), 1-36.

Despite the recent collapse of the American economy, Charity was valued at over \$500 – a price that was ever increasing as Charity matured in age. So Pullen’s “reluctance” to give up Charity comes as no surprise.⁹⁶ Pullen and Jonathan Reed argued for a time, requiring Reed to produce documentation of Power of Attorney signed by Palmer himself. As the heated debate between Pullen and Reed raged on, a young, and brilliantly observant Charity, can be imagined overhearing it all.

Enslaved people were a part of the household – a complex kinship network, maintained by violence and spanning across racial lines on the antebellum plantation.⁹⁷ Reduced to subservience though they were, their daily lives were interlinked with those of their white owners. Only thirteen years old, Charity likely spent much of her time in the household, and was thus perfectly situated to overhear the rumors and family secrets that floated around every plantation household in the South. So when Jonathan Reed arrived to the Pullen plantation, insisting upon his right to “obtain [Charity], & take her from the possession of the sd Pullen...to the Town of Falmouth,” Charity grew fully aware of her own legal “claim to freedom.”⁹⁸ Somewhere in Reed’s vociferous demands to confiscate Charity, either he or Pullen mentioned her lineage, her history, and her potential right to freedom, because by 1824, Charity was fully aware of her legal status as a free person, and fully aware of her scandalous connection to Patsy Palmer.

⁹⁶ Charity (by her next friend) vs. Palmer &al, Filed October 21st 1824. Att. W. C. Kennett. Oct.Term 1825. Pendleton County Circuit Court. Kentucky State Archives, Frankfort.

⁹⁷ John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South*, Oxford: Oxford University Press, 1979.

⁹⁸ Charity (by her next friend) vs. Palmer &al, Filed October 21st 1824. Att. W. C. Kennett. Oct.Term 1825. Pendleton County Circuit Court. Kentucky State Archives, Frankfort,

Because of her unique history, Charity could claim her right to freedom in a realm acknowledged by nineteenth century white supremacists. That recognizable realm, where the complexities and contradictions of racial slavery could be seemingly simplified, was the American court. With knowledge of her lineage and legal right to freedom, and with the white familiarity network that could substantiate her claims, Charity would take her case to the Pendleton County Circuit Court in 1825.

In 1820, when Jonathan Reed would confiscate Charity and take her to the town of Falmouth, Kentucky, a Samuel Wilson would also join Charity's network of white, elite men. According to court records, Jonathan Reed left Charity at Wilson's household for safe keeping, perhaps with the intention of returning her to Loudoun County, perhaps intending to sell her further south.⁹⁹ In either case, Charity spent four years amidst one of Falmouth's most influential families. Samuel Wilson was a wealthy, prominent citizen of Falmouth. He lived in town and owned various, high valued properties. His brother, James Wilson, was a prominent doctor in Falmouth and owned a large estate just outside the town's bustling business district.¹⁰⁰ Charity was to remain with the Wilson's until Philip Palmer found the opportunity to sell her further south.

If Philip Palmer's intentions were to sell Charity downriver, Charity was prepared to use every resource at her disposal to prevent it. On October 21st, 1824, after several years in Pendleton County developing an extended interracial community network,

⁹⁹ Charity (by her next friend) vs. Palmer &al, Filed October 21st 1824. Att. W. C. Kennett. Oct.Term 1825. Pendleton County Circuit Court. Kentucky State Archives, Frankfort,

¹⁰⁰ United States Federal Census 1810, Samuel Wilson. Pendleton County Kentucky; Samuel Wilson, Pendleton County Circuit Court Deedbook, March Court, 1816, pp. 63-65.

Charity took the Palmer family, and all involved in her illegal captivity, to civil court.

Boldly, and perhaps desperately, Charity Southgate sued Philip Palmer for her freedom.

In the Pendleton County Courtroom, Charity would call upon her developed, interracial community network. She acquired the assistance of one Joshua Purnell, a wealthy, white resident of Covington, Kentucky, where abolitionists of Cincinnati often proselytized for their cause, and where the Underground Railroad smuggled hundreds of enslaved people across the Ohio River.¹⁰¹ Covington was no hub for abolitionism. In fact, it was a center for slave auctions and sales. But it was perhaps the region's abolitionist subculture that most influenced Purnell's decision to assist Charity. Or perhaps it was Charity's persuasion. Historians Laura Edwards and Melton McLaurin perform extensive studies on white perceptions on the law as it related to "justice" for enslaved people. That Joshua Purnell chose to represent Charity in court, and that the court decided to recognize Charity's plea, did not necessarily reflect abolitionist sentiments. Pendleton County, despite its proximity to the North, was steeped in slavery. Its rural, tobacco producing economy depended on it. Charity's ability to maneuver the courts of Pendleton County is in part due to the nature of local justice systems in the American South. *Local* justice is not to imply a removal or disconnect from state or federal law. Rather, as recent scholars make lucid, state and federal law manifested in unique, adaptable ways within individual towns and communities. Exceptions and exclusions were made based upon the consensus of local political participants. Thus, local courts would sometimes rule in ways ostensibly contradictory to national or state

¹⁰¹ Charity (by her next friend) vs. Palmer &al, Filed October 21st 1824. Att. W. C. Kennett. Oct.Term 1825. Pendleton County Circuit Court. Kentucky State Archives, Frankfort.

law and customs regarding slavery and people of color.¹⁰² As Melton McLaurin's study implies, the legal system could be used as a justification of slavery itself. In "fairly" trying one singular enslaved person, the captivity of millions could be rationalized. Charity's defense of her white, maternal lineage was not a challenge to the Hereditary Slave Law itself, and was thus not a threat to the slave society of the American South. It is for this reason that Charity's voice would be heard in Pendleton County.

Charity's extensive community network, along with the nature of Southern local law, was a contributing factor in her admittance into Pendleton County Courts. Of course, just as the court itself was not anti-slavery simply for its hearing of Charity's case, Charity's extensive familiarity network did not imply white affinity for Charity. Her own use of social connections was not dependent upon friendly or familial encounters with white elites. Such relationships between them and the enslaved Charity did not likely exist. The prominent whites included in Charity's network were riddled with the same patriarchy and racism that purveyed the era, but this did not limit Charity's ability to manipulate such relationships to her own advantage. Charity's likeability was not the lynch pin to her networking abilities. Charity's social capital was a form of resistance – her own capacity to act on and utilize the people she encountered. That Charity knew Philip Palmer, Patsy Palmer, Esher Pullen, Joshua Purnell and Samuel Wilson all personally, and that they likewise knew her, allowed her to organize a cogent argument to persuade a white, Kenton County lawyer, and a white, Pendleton County

¹⁰²Laura F. Edwards, *People and their Peace*; Melton A. McLaurin, *Celia, A Slave: A True Story*, Harper Collins Publishers: New York, 1999.

judge to entertain her case. It was this mutual familiarity that gave Charity's social capital its efficacy.

By the time Charity brought her case to court, her familiarity network was entirely developed, emboldening her against her own captivity in a way only comparable to the most revolutionary slave rebellions. In the Pendleton County Courts, Charity aimed to secure her freedom by any means necessary, indicting everyone involved in her captivity. In her appeal to the presiding Pendleton County Judge, Charity's lawyer claimed,

“[If it should] turn out that your oratrix is, and always ought to have been free, then your oratrix prays a decree over against Pullen, Ried, Palmer & Wilson for a just & reasonable compensation made during the progress of this cause. Your oratrix is poor, and unable to prosecute her suit (If proper, she hopes her cause will be permitted to progress without charge of costs).¹⁰³

In her request for monetary compensation, Charity sought more than freedom – she sought justice. By her lawyer's advice, Charity found Pullen, Reed, Palmer and Wilson justifiably responsible for the costs of her own freedom. Thus, Charity was doing more than requesting that the courts grant her freedom, she was directly challenging those white elites responsible for her captivity. In her own right, Charity was involved in a singular, non-violent, and deeply personal slave rebellion. Her case would challenge the defendants' very right to hold her as a slave.

It is significant that Charity *knew* everyone involved in her captivity, enabling her to file this case effectively. Over four pages of recorded testimony, Charity enumerates the process by which she arrived to Pendleton County in 1820, and the avaricious

¹⁰³ Charity (by her next friend) vs. Palmer & al, Filed October 21st 1824. Att. W. C. Kennett. Oct. Term 1825. Pendleton County Circuit Court. Kentucky State Archives, Frankfort.

intentions that underscored her unlawful captivity. Through her close associations with those involved in her captivity, Charity well knew that Palmer had sent Reed to claim her. She knew of her entitlement to freedom by the Hereditary Slave Law. She knew of the complex social relationships between the elite white men involved in her captivity. On October 21st, Charity's lawyer stated:

The said Ried and Palmer have, given out, in speeches that they are at this Time not on good Terms but have differed, and Reed has Lately Taken into his association one Minor Winn, who has obtained an order from said Ried directing Wilson to deliver your oratrix over to said Minor Winn, who has in various conversations declared that it was his intention to run and remove your Compt to New Orleans & sell her and thereby maker her a Slave for Life.

According to Charity, there was a conspiracy to keep her a slave indefinitely – a conspiracy complicated by the tenuous social relationships of all those involved. Reed and Palmer quarreled over compensation, as Palmer had apparently promised to pay Reed \$50 for his transportation of Charity from Nelson to Pendleton County. Without payment, Jonathan Reed would hold Charity (through Minor Winn's assistance) until Palmer produced the fifty dollars owed. At least, this was Reed's claim. In actuality, and as the observant young Charity well knew, Philip Palmer worked in concert with Reed and Minor Winn to remove Charity from Pendleton County, "all of which shifting and rapid removals of [Charity], your oratrix does believe were intended & effected for the sole purpose of hiding and Secreting your oratrix, so as entirely to prevent [her] from obtaining the proper information in relation to her parentage, and her claims to Liberty."¹⁰⁴ As Charity saw it, the four defendants intended to remove her from the

¹⁰⁴ Charity (by her next friend) vs. Palmer &al, Filed October 21st 1824. Att. W. C. Kennett. Oct.Term 1825. Pendleton County Circuit Court. Kentucky State

Wilson household, again stripping her of her community network. They ultimately intended to “run [her] out of this state to New Orleans or Natchez,” where, again, she would know no one, and have little ability to claim her Palmer family lineage.

However plausible Charity’s testimony, however detailed and concrete her knowledge of the defendants, Charity was still “a woman of Colour” within a slaveholding society. Those who she prosecuted, whose reputation as prominent white men granted them power and advantage over Charity, would get their turn to testify. On July 4th, 1825, Jonathan Reed would defend his innocence to the Pendleton County Court. Reed admitted to the judge that Palmer had granted him power of attorney, “authorizing him to...take possession of a girl named Charity,” just as Charity had known.¹⁰⁵ However, Reed denied his intention to keep Charity as a slave. He explained that Charity was to be brought from Nelson County back to the Palmers in Loudoun County, and that on the journey to Virginia, Charity grew fatigued. According to his testimony, Reed had no choice but to leave Charity with Samuel Wilson until he could send for her at another time. Furthermore, Reed claimed he was “entirely ignorant of the lineage of the Complainant or her claims to freedom.”¹⁰⁶

Deny, deny, deny, was Jonathan Reed’s rhetoric, and as a white elite in the antebellum South, such testimony carried strength. Reed denied “all unlawful combination and confederacy in the bill of charges.”¹⁰⁷ He was not working in cohort

Archives, Frankfort.

¹⁰⁵ Charity (by her next friend) vs. Palmer &al, Filed October 21st 1824. Att. W. C. Kennett. Oct.Term 1825. Pendleton County Circuit Court. Kentucky State Archives, Frankfort.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

with Palmer, or Minor Winn. He never intended to sell Charity as a slave, or profit from her captivity. He was not knowledgeable of Charity's free status or her white maternal lineage. Jonathan Reed's whiteness made his testimony fact, making Charity's contradicting indictments, however cogent, far less convincing to the Pendleton County Court.

The familiarity network that Charity maintained was fully knowledgeable of her free status, a necessary requirement for black freedom in the antebellum world. However, that very familiarity network was vested in her captivity. Jonathan Reed, despite his testimony, was fully aware of Charity's lineage. The Palmers well knew of Charity's maternal ancestry, as did Esher Pullen and Samuel Wilson. But these elite whites included in Charity's invaluable familiarity network testified against her. It was her word against theirs – the word of an enslaved young woman against the established, white elites that ostensibly owned her. It was indeed her familiarity network that bound her to slavery. To break from her captivity, Charity would use her familiarity network – the very people holding her in bondage – to forge her own freedom. If the words of her white defendants were hailed supreme to her own, then it was their words that she would use to win her case.

When Jonathan Reed first arrived in Nelson County, at the house of Esher Pullen, Charity witnessed the two gentlemen quarrel over her rightful ownership. Reed claimed to represent Philip Palmer, but Esher Pullen needed proof. That is when Reed produced a letter, signed by Philip Palmer, “purporting...power of attorney.”¹⁰⁸ In this letter, which

¹⁰⁸ Charity (by her next friend) vs. Palmer & al, Filed October 21st 1824. Att. W. C. Kennett. Oct. Term 1825. Pendleton County Circuit Court. Kentucky State Archives, Frankfort.

Charity witnessed herself, Philip Palmer acknowledged that she was indeed “entitled to freedom.” These were the words Charity would use to secure her freedom, perhaps convincing the Pendleton County Court to grant her freedom and compensation from her captors.

Still Charity was a woman of color, susceptible to the empowered consensus of the white people around her. In October of 1825, “by consent of parties this suit in chancery was...dismissed without prejudice to Charity’s right to prosecute one in future.”¹⁰⁹ Charity’s case was to be heard no further. In Charity’s sporadic movement from owner to owner, as the Palmers tried their best to unsettle her developing community networks, a stipulation had been imposed upon her freedom, “that Charity was to...serve until she was 28 [years of age].”¹¹⁰ On these grounds, Charity would be bound in captivity until 1834 when, at last, she would be set free.

With the free territory of Ohio less than 50 miles from Pendleton County, one might expect Charity, and any free person of color in Northern Kentucky, to flee north across the Ohio River. Free status was precarious for people of color in antebellum society. The escalating price of slaves over the nineteenth century was like a bounty on all people of color in the United States. It therefore seems logical for a newly free person of color to flee north to escape the slave society that could potentially re-enslave them. On the contrary, flight north was precisely illogical for Charity Southgate. The familial ties and familiarity network that Charity had acquired in Falmouth were not worth leaving behind.

¹⁰⁹ Pendleton County Court Order Books F, G, H, I. (March 5, 1847), 119-122. Kentucky State Archives, Frankfort.

¹¹⁰ *Ibid.*

By the 1840s, Charity had been free for almost a decade, but her children were not. Over her 28 years in captivity, Charity had birthed at least five children: Lucy, Elzy, Rebecca, Charlotte, and Minerva. By law, despite Charity's free status, her children were to be enslaved until they too turned 28 years old. This was particularly odious given Charity's own slave experience, sporadically moved from master to master, and almost permanently sold into oblivion in the lower South. Charity was unwilling to allow her children the same fate.

Immediately upon her freedom in 1834, Charity returned to court to prosecute a new case on behalf of her five enslaved children. "The suit was instituted on the 16th of May 1836, And the children claim their freedom because their mother was born free in Loudoun County, Va."¹¹¹ By the 1840s, when Charity's defense of her children's liberty was fully under way, Charity's free status was well known in Pendleton County. "Charity who is a woman of color...but [is] entitled to freedom as all the parties admit," wrote the county judge in 1847.¹¹² Because of her established social capital in Pendleton County, Charity was not required to re-prove her entitlement to freedom. The people of Pendleton County recognized her as a free person. This gave her social and legal leverage as the litigation to free her children was under way. Charity already maintained the local familiarity that allowed for her own freedom and perhaps the freedom of her children as well.

Charity's battle to free her children was thorough to say the least. The case

¹¹¹ Pendleton County Court Order Books F, G, H, I. (March 5, 1847), 119-122. Kentucky State Archives, Frankfort.

¹¹² *Ibid.*

spanned twelve years, beginning in October of 1835, and not ending until March of 1847. In this twelve year span, the court judiciously looked over all evidence and testimony. Witnesses from both Virginia and Kentucky, and varying counties within, were all summoned to assure the prudence of court proceedings. A deliberate standard of rationality was applied to how a ruling would be procured. In 1847, the presiding judge wrote, “[It is] my duty to ascertain if I can whether the mother of all [children] was not born free.” A clear and ostensibly sensible solution had to be produced.

By law, Charity’s freedom was contingent upon her maternal ancestry. This level of legal rationalization was vital to the institution of slavery. Kentucky law provided a place where the fundamentally irrational custom of racial classification and racial slavery could be rationalized and thus justified. In this way, the court’s hearing of Charity’s case for her children’s freedom in 1847, just as it had done in 1824, went toward rationalizing slavery as a whole. For twelve years the Pendleton County Court consumed itself in providing their version of justice for Charity and her children, in no way challenging the institution of slavery, but rather assuring the wrong people could not be held in bondage. Charity was indeed a woman of color, but with a claim to white maternal lineage, she would serve as a proverbial line in the sand – a bulwark to prevent the enslavement of whites.

The complexity of race, and the American courts’ struggle to define such an amorphous concept, threatened to strip whites of their free status. Mark Twain’s famed *Puddin’ Head Wilson* comically demonstrates the opacity of race and the threat of such a confounded concept to free white people. In his fictional tale, Twain writes of a fair-skinned woman of color who swaps her own baby with that of her white mistress.

Consequentially, the white baby grew up enslaved as the baby of color was raised free. Until finger print analysis was performed on each child, no one knew the difference.¹¹³ Law, simplified and rationalized, would solve such complexities for Southerners in antebellum America. White babies were seemingly protected from captivity by their white maternal lineage. If the protection of white liberty meant the freedom of anomalies like Charity Southgate and her children, it was, to the American courts, a worthy concession.

It is no surprise, then, that Charity's maternal ancestry was so central to the court's ruling. "Another question of more importance presents itself for consideration viz whether the mother of these children was born of a white woman," wrote the Pendleton County Court judge presiding over the case.¹¹⁴ The freedom of Charity and her children depended upon her racial status, and perhaps more importantly, local knowledge of said racial status. Charity's testimony was not sufficient to prove her own racial status. The judge required white testimony to substantiate Charity's claim, but "Jacob Swigert, Samuel Dean, Saml. Wilson, August Robbins and Richard Johnston [were] the only witnesses sworn in the case [but] none of them positively prove that Charity's mother was a white woman."¹¹⁵ Charity's available familiarity network was necessary to the believability of her testimony, but failed to "prove" her white lineage.

¹¹³ Mark Twain, *The Tragedy of Pudd'nhead Wilson*, Mineola: Dover Publications, Inc., 1999.

¹¹⁴ Pendleton County Court Order Books F, G, H, I. (March 5, 1847), 119-122. Kentucky State Archives, Frankfort.

¹¹⁵ Pendleton County Court Order Books F, G, H, I. (March 5, 1847), 119-122. Kentucky State Archives, Frankfort.

If Charity's inability to prove her maternal lineage prevented her freedom in 1824, history would not repeat itself in 1847. In the thirteen years since her emancipation, Charity's freedom and suspected lineage was well known in the local community and court. By the middle of the century, she could deploy her own social capital in order to defend her own claim to freedom. Charity's previous court case was on record and well known by the presiding judge who asserted, "Yet the prove a chain of circumstances when united with other facts, which produce a belief in my mind of the fact, that she was the daughter of a white woman and sent to Nelson County Ky, many years ago to hide her mother's shame."¹¹⁶ For the first time, in 1847 as he made his ruling on the case, a judge of the Pendleton County Court fully recognized Charity Southgate's white maternal lineage. It was believed because, at last, Charity had established a network among whites willing to corroborate her testimony. After two decades of residence in Pendleton County, and twelve years of freedom, it was widely accepted, even by area whites, that Charity was of white lineage. Though none could entirely prove it, (in part from the Palmer's efforts to conceal the scandal), respected local whites like Richard Johnston, Nancy Fisher, Jacob Swigert and August Robbins substantiated Charity's claim to white parentage. With the logic that welded the stories together in a rational way, white corroboration was all the judge required to accept Charity's testimony.

¹¹⁶ Pendleton County Court Order Books F, G, H, I. (March 5, 1847), 119-122. Kentucky State Archives, Frankfort.

On March 26th, 1847, the Pendleton County judge announced his ruling, which was premised on the same rational, practical logic that had characterized the entire case that had preceded it.

[Charity] served out her time of 28 years & was set free according to the humanity mentioned in the deed from Hughes to Willett. And her children may suit out the same number of years and so may Elsey...And not only so but their children and Children's children may be made to serve being born while their mothers were slaves. To prevent all this injustice, application is made under this last named suit for freedom on account of being born of a free mother who was the child of a white woman. And upon the most serious consideration I cannot doubt this right and hereby order and decree them free and independent from all service to any person or persons...Thereby absolving them from this day hence forth and forever from any claim or claims that any of all the defendants may set up."¹¹⁷

The Pendleton County Court judge made its ruling, and the people of Pendleton County would honor it. At last, Charity had achieved her lifelong fight for freedom. She and all of her children, and any child she might have had henceforth, would be free from the odious burden of slavery.

By the ruling of the Pendleton County judge, the illegal enslavement of an otherwise free person was an "injustice," conversely implying that the enslavement of all other people of color was both rational and justified. In this way, the judgment to emancipate Charity's children went toward justifying the institution of slavery. The law was structured to protect the free and the white, and where Charity's case blurred the

¹¹⁷ Pendleton County Court Order Books F, G, H, I. (March 5, 1847), 119-122. Kentucky State Archives, Frankfort.

lines between free and slave, white and black, the court would err on the side of caution, assuring that the laws that bounded slavery were ultimately upheld.

The spring of 1847 brought new life for Charity and her children. For the first time in their lives, they were indisputably free people. But their indisputable freedom was circumscribed by their social circle. They were free, but only as far as surrounding whites would acknowledge their free status. Pendleton County was among the only places in Kentucky, and perhaps the entire country, that recognized their legal free status so fully.

People of color throughout the Ohio Valley borderland could be stripped of their freedom, indicted as runaways, and sold into slavery. In 1849, a runaway slave named Henry Bibb wrote, “In vain did I look to the infamous laws of the Commonwealth of Ohio, for that protection against violence and outrage, that even the vilest criminal with a white skin might enjoy. But oh! The dreadful thought that after all my sacrifice and struggling to rescue my family from the hands of the oppressor; that I should be dragged back into cruel bondage.”¹¹⁸ Bibb had escaped slavery in Kentucky, but found that the free territory of Ohio did not guarantee security or protection for him or his family. Freedom for people of color, even in Ohio’s free territory, was uncertain at best. While escape from Kentucky’s slave territory meant an escape from those who *knew* one as a slave, it did not guarantee that northerners would not *suspect* one as a slave. For a free person like Charity Southgate, whose freedom was substantiated by the local white consensus, flight north was a risky venture.

¹¹⁸ Henry Bibb, *Narrative of the Live and Adventures of Henry Bibb, An American Slave, Written by Himself*. Documenting the American South, 62

In 1850, three years into the family's freedom, the Fugitive Slave Law was passed by congress to incentivize the return of ex-slaves to their respective masters. Almost sixty years earlier, the Fugitive Slave Act was passed to do the same. The laws applied to states on either side of the Mason-Dixon, deeply threatening the free status of people of color in northern territory. Such laws had profound implications to the free status of free people, fundamentally changing the meaning of Charity's newfound freedom. The Fugitive Slave Act of 1793 and the Fugitive Slave Law of 1850 stripped freedom of its geographic bounds. Freedom for Charity and her family, and that of all free people in the U.S., was contingent upon their familiarity to surrounding white power holders. The law enabled the slightest suspicion of fugitive history to result in a black person's sale into slavery. Thus, free people of color were safest where they were familiar.

Charity Southgate and her family remained in Kentucky long after their emancipation, never leaving the county that had granted them freedom. Their familiarity network was too powerful to abandon. After decades of litigation, and decades of developing familiarity among the county's white populace, the Southgates' freedom was more ensured in the slaveholding town of Falmouth Kentucky than in the nearby free territory of Ohio. In Pendleton County, society was familiar with Charity and her family. They knew of the decade-long court case. They knew of her white lineage. They knew of her entitlement to freedom. Her familiarity network insured her freedom so that any inquisition into her free status could be stifled by her corroborating white neighbors.

On March 17th, 1865, prior to the end of the Civil War and prior to the end of slavery in Kentucky, Charity bought a house on lot 93 in the town of Falmouth.¹¹⁹ The

¹¹⁹ Pendleton County Circuit Court, Deed book Q page 244, Coleman Deed to Charity

purchase represented her permanent stake in her Southern born freedom. Nowhere else would Charity make her home because nowhere else was Charity's freedom so widely known and so deeply established. With her house situated beside the Falmouth Colored Baptist Church, Charity would join the dozens of other free people of color in Pendleton County whose freedom was predicated on their established community network. There, beside the Licking River, just a stone's throw from free territory, Charity Southgate forged her own freedom amidst the slaveholding society of Northern Kentucky. There, if nowhere else, Charity was free.

In the 1850s, the town constable moved in beside her, to keep watch as Charity Southgate assisted dozens of fugitive slaves along the Licking River to freedom. Her house, deliberately situated on the banks of Kentucky's only entirely northward flowing river, was an ideal stopping point as people of color made their way up the waterway toward Cincinnati. Charity recognized that her own conception of freedom was not necessarily applicable to the fugitive slaves she encountered. Freedom, she found, was dependent upon a variety of factors that varied between individual circumstances. And so as she carved her own freedom amidst the slaveholding South, she assisted many others toward Ohio's free soil. Beside Charity's house, an African Methodist Episcopal Church existed

Southgate, Delivered May 2nd, 1865.

as a gathering place, but also a monument to the permanency of black residence of Pendleton County. The church centralized Charity's household amidst a burgeoning free black community – a black community that by no coincidence sprung up beside the Licking River, a major route to freedom for Kentucky fugitives.¹²⁰

After the Civil War and the subsequent end to slavery in Kentucky, Charity Southgate lived at her home beside the Licking River. No longer bound by the threat of capture and sale, Charity and other post-bellum free blacks in Northern Kentucky chose to remain, nonetheless. Charity would remain there until she died in the late 1860s. We see, then, the threat that racial slavery imposed on free people was not the only factor that welded these people to each other and to the land beneath the Ohio River. Charity and her children and her children's children would remain in Falmouth and the surrounding rural countryside for decades after emancipation. The social capital that they developed retained its value and relevance even after the end of slavery.

¹²⁰ See Falmouth Map (next page). "Kentucky State Maps, 1880." University of Kentucky Special Collections.

Chapter Five: A Historical Relevance

The violent, dramatic narrative of free people of color in the American South seems almost biblical at times. Fugitive slaves, fighting for their freedom, scrambled through woods and thickets, over rivers and up and down rolling hills. They followed celestial signs, using the “drinking gourd” as their guide and an often deep religious zeal as their spiritual motivation through it all. It is no wonder that Southerners of color found parallels between their own struggles and those entailed within the Abrahamic texts of Exodus and Deuteronomy. Through the few songs still on record, and through the few tales still told, it would seem to historians that free people of color found the story of Moses to most closely parallel their own struggle for freedom. Popular scholar Henry Louis Gates titled his most recent documentary, “The African Americans: Many Rivers to Cross,” as if the ultimate ambition for the African American experience, particularly in the antebellum years, was to cross over – to find exodus from their current situation, and to find a promised land on the opposite shore. This popular assumption about the black struggle for freedom ignores the very conscious, deliberate, and often uncertain decision of free and fugitive people of color to remain in the South, or flee north to free soil.

Free people of color often did use the biblical exodus from Egypt as inspiration for their own resistance of slavery, but the decision was not automatic. Enslaved people and runaways popularized the sentimental spiritual, “Go Down Moses,” in which they express their identification with the Jewish people’s mass exodus from bondage.

*When Israel was in Egypt’s land, Let my people go!
Oppressed so hard they couldn’t stand, Let my people go!
Go down, Moses, Way down in Egypt’s land,
Tell old Pharaoh, Let my people go!*

People of color sang this song in fields and churches, and so it cannot be denied that the Moses narrative was highly relevant to the struggle of black Americans in the antebellum South. However, their identification with the Israelite struggle for freedom did not trump their rational understanding of their immediate situation. Freedom, for them, was not necessarily over Jordan. Freedom, for them, was not necessarily a location at all, but rather, a lived experience to be rigorously defended and maintained.

We know that the Moses narrative was not a perfect model for black resistance, and is thus cannot be a model for our contemporary understanding of the antebellum era, because there was no “promised land” beyond the black Southerner’s place of bondage. The North maintained its own set of laws restricting black freedom and socioeconomic mobility. Freedom in the North was indubitably preferable to the murderous institution of Southern slavery, but there was no milk and honey to accompany this land of supposed freedom. Many enslaved people struggled to meet their financial needs in a world hostile to their success, while many others were accused as runaways, and transported south for sale in the slave market. The stories of free people of color captured in free territory and returned to the South are seemingly endless. Henry Bibb, Margaret Garner and Stephen Short are but a few examples of people of color detained on free soil, their freedom stripped and their bodies sold.

Historian Leon Litwack best articulates the profound racism present in the antebellum North, and the consequential limitations to Northern black freedom. In *North of Slavery*, Litwack writes, “Despite the absence of slavery in the North, one observer remarked, ‘chains of a stronger kind still manacled their limbs, from which no legislative act could free them; a mental and moral subordination and inferiority to which tyrant

custom has here subjected all the sons and daughters of Africa.”¹²¹ In a society controlled by a prejudiced white population hostile to people of color in their midst, free blacks of the nineteenth century struggled to find freedom in free territory.

People of color in the antebellum South well knew the precarious nature of freedom in the North. Many in Northern Kentucky read the stories published by the *Covington Journal*, and knew of the countless free people captured and sold into captivity. No logical argument or evidence of freedom could trump the opinion of a single white person’s accusation of fugitive status. Perhaps nothing could bolster a free person of color’s testimony against a white accuser except the testimony of another white individual. In the North, many people of color found themselves unfamiliar with the numerous white faces around them. Thus, with their social network spread thin, many lacked the proper connections to defend their status as free people. It is this lack of social capital that many free Southerners most feared.

The case of Charity Southgate best exemplifies the value that many free people of color placed in their social networks. Sold from person to person across Virginia and Kentucky, Charity knew well the vulnerability that accompanied a lack of community and mutual familiarity. Each time she was moved, Charity was forced to make new social connections with those around her in order to better resist the violence, hunger, and desperation that accompanied enslavement. When free, Charity remains in the place of her bondage. And when her kin were free, she still maintained her residence in Pendleton County, Kentucky. In Pendleton County, she was known, and her freedom was known.

¹²¹ Leon Litwack, *North of Slavery: The Negro in the Free States*, Chicago: University of Chicago Press, 1961.

Her claim to freedom could be bolstered by her white neighbors, and by the court that was familiar with her free status. For this reason, among others, Charity Southgate remained in the slaveholding state of Kentucky. Though she likely identified her own journey as a part of the broader black experience, and as somehow identifiable with the plight of the Israelites, Charity used her own model of freedom and her own rational awareness of the choices before her to decide how to live out her life as a legally free individual. At the same time, she understood that her own model of freedom was not applicable to all free people of color. While she maintained her residence in Pendleton County, she use her home beside the Licking River to assist dozens of fugitive slaves northward to free soil.

Beyond their advantageous associations with neighboring white Kentuckians, free people of color found other rational benefits to remaining south of the legal land of freedom. Free people of color understood the variability of law and custom across space. Just as historian Laura Edwards points out, laws pertaining to free people of color were highly variable at the local level. Even as laws remained constant from district to district, local interpretations of the law were highly malleable. As people of color knew it, freedom in the North depended as much on local white acceptance as it did on their legally defined status. Thus, free black Kentuckians defined their freedom by more than the law itself, but by their lived experiences. Though the state government defined Kentucky as slave soil, free people of color defined it differently. To some, Kentucky was free soil because it allowed them autonomy and protection from a slaveholding society that might otherwise return them to captivity. They experienced freedom upon Northern Kentucky ground, and so, to them, it was indeed free soil.

The experiences of free people of color in Northern Kentucky perhaps better resemble the Israelite's captivity to the Babylonians than to the Egyptians. There was no promised land across the river. The Promised Land, for them, was occupied by a slaveholding oppressor intent on maintaining ubiquitous power over the region. Their decision to remain amidst slaveholders was a highly rational decision that took in to account their limited options for freedom.

For free people of color in the American South, liberty never set in stone, but something that varied with circumstances. It could be achieved and lost, and required attentive protection to uphold it for one's self and kin. Regardless of state law's award or repeal of black freedoms, liberty was achieved at the local, personal level, determined as much by the law as white Kentuckians' approach to those black residents in their midst. This conclusion speaks volumes about the nature of "freedom" in the United States, and holds potentially groundbreaking conclusions about post-Emancipation freedom for the nation's millions of former slaves. Northern Kentuckians of color reveal to us that freedom is far more than a legal nomination. Freedom is a lived experience often controlled by varying legal interpretations and dependent upon acceptance by the region's power holders. Many people of color were in fact freer in a land that endorsed racial slavery because they were less likely to have their limited freedom stripped of them. Unfair legal processes, unbalanced economic conditions, and racially motivated violence left many Northern people of color experiencing a legal freedom that lacked much of the lived experience expected to come with it.

If lived freedom was more significant to Kentuckians of color than legal freedom, then what might this tell us about the limited legal freedoms experienced by African

Americans after Emancipation? From the free black Kentuckian's point of view, the unfair legal processes, unbalanced economic conditions, and racially motivated violence that still pervades American society is perhaps limiting the American liberty that many assume universal. Though the law applies freedom universally, the lived experiences of millions, indeed the very descendants of those oppressed people of color within this paper, reflects a freedom that has only been partially realized. Free people of color of the nineteenth century chose to remain in the South largely because Northern freedom could only be partially realized by people of color. If given the opportunity to emigrate to the American society of this century, would these free Kentuckians of color of the nineteenth century choose to remain in the South they knew? How much more secure is freedom in the twenty-first century?

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