

REFERENCES TO SLAVERY
IN THE PUBLIC RECORDS OF EARLY LOUISVILLE
AND JEFFERSON COUNTY, 1780-1812

J. Blaine Hudson

The lives of few African-Americans in frontier and early Kentucky can be documented beyond the bare essentials. However, while African-Americans themselves left few, if any, records of their lives as people, whites created a significant body of records that document the existence of African-Americans as property. In specific terms as property, enslaved African-Americans could be bought, owned, sold, judged, punished, bequeathed, inherited, and taxed; thus copious references to African-Americans can be found in deeds of manumission, wills, court records, estate inventories, and tax assessments. These transactions produced a paper trail that can, under favorable circumstances, be located, reconstructed, and analyzed in the larger context of trans-Appalachian and early American slavery—the result of which is a much richer and finely textured understanding of slavery, slaveholding, and race relations in early Louisville and Jefferson County then has been reflected in standard historical accounts.

REFERENCES TO ENSLAVED AFRICAN-AMERICANS
IN JEFFERSON COUNTY WILLS

Although typically ignored in some published calendars of such records, several of the earliest wills and estate inventories recorded in Jefferson County that concern slave property offer valuable insights

J. BLAINE HUDSON, Ed.D., is chairperson of the Department of Pan-African Studies at the University of Louisville. He is the author of "Slavery in Early Louisville and Jefferson County, Kentucky, 1780-1812" which appeared in the July 1999 issue of *The Filson Club History Quarterly*.

into the lives of both enslaved African-Americans and slaveholders.¹ With respect to slaveholders who died intestate or made wills that bequeathed the entirety of their slave property to one person, one might know only that they owned slaves and, by consulting tax records or estate inventories, discover how many slaves they owned. On the other hand, if the slaves were to be sold to different people, manumitted, or receive some special consideration or gift, they would probably be mentioned by name and sex, often with a rough indication of their age. These documents in some cases also provide insight into the "occupations," naming practices, family relationships, and other relationships with each other and with whites. Of course, these records are "about" African-Americans and reflect little or nothing of their personalities and interior lives. Still, in the absence of better information, they add substantial depth and breadth to the slowly emerging picture of slaveholding and the conditions under which African-Americans lived during this historical period.

The length and complexity of a will was not highly correlated with the size of an estate. For some early Kentuckians, enslaved African-Americans were their most valuable property. For others, slave property was only one element of a much larger and extremely valuable estate—embracing, as with the Bullitt (Oxmoor) and Croghan (Locust Grove) families, landholdings in several counties and even in territories north of the Ohio River. If the number of heirs was small and the provisions of the will were simple and direct, even a large estate might produce a very simple and concise will or no will at all. Moreover, while the wills of many slaveholders mentioned "slaves" as a kind of property, even if slaves were not identified or

1 William J. Gammon, "Abstracts of the First 131 Wills of Jefferson County, Kentucky, Part 1," *National Genealogical Society Quarterly* VI (October 1917): 49-55 and "Abstracts of the First 131 Wills of Jefferson County, Kentucky, Part 2," VI (January 1918): 65-74; Katharine G. Healy, "Calendar of Early Jefferson County, Kentucky, Wills," in *Early Kentucky Settlers: The Records of Jefferson County, Kentucky* (Baltimore: Genealogical Publishing Company, 1988): 214-353; Alvin L. Pritchard, "Minute Book A, Jefferson County, Kentucky," *ibid.*, 1-87. Healy's compilation first appeared in *The Filson Club History Quarterly* 6 (1932): 1-37, 149-204, 294-340; Pritchard's compilation first appeared in the *Quarterly*, 3 (1929): 55-83, 121-54, 171-94.

listed by name, they were subsumed under and hidden by the umbrella categories of "estate" or "property" in other wills. In other words, a will that does not mention slave property specifically is not necessarily the will of a nonslaveholder.

Despite such crucial limitations, these records are nonetheless instructive. Table 1 lists the wills of Jefferson County residents that made reference to slave property as recorded in early Jefferson County Court records.² Since this listing is based on the date on which a will was completed and signed and since this date did not always bear any direct relation to when a will was entered in county records, there is no strict chronological sequence.

Table 1
References to Slave Property in Jefferson County
Minute Book A (1781-1783) and Will Book 1 (1784-1813)

| <u>Testator/Testatrix</u> | <u>Date of Will</u> | <u>Page Reference</u> |
|---------------------------|---------------------|-----------------------|
| Copage, John | 7 March 1781 | 4 (MB A) |
| Floyd, John | 4 February 1783 | 65 |
| Grundy, George | 6 April 1784 | 90 |
| Christian, William | 13 March 1786 | 6 (WB 1) |
| Hite, Jacob | 8 February 1794 | 51 |
| Gatewood, John | 10 February 1796 | 61 |
| Harding, Henry | 12 October 1796 | 70 |
| Lacassagne, Michael | 9 July 1795 | 74 |
| Clark, John | 24 July 1799 | 86 |
| Christian, John | 9 April 1801 | 103 |
| Blankenbaker, Jacob | 2 January 1801 | 111 |
| Meriwether, Patty | 14 October 1801 | 117 |
| Thruston, John | 15 January 1802 | 120 |
| Beard, Sarah | 13 October 1796 | 130 |
| Hume, John | 2 May 1798 | 132 |
| Marders, Roley | 15 April 1803 | 141 |
| Bryan, Joseph | 20 November 1804 | 158 |
| McMannis, John | 28 July 1805 | 177 |
| Steward, John | 25 September 1805 | 180 |
| Bates, Susanna | 6 November 1806 | 200 |
| Harriman, Charles | 15 June 1798 | 206 |
| Taylor, James | 6 September 1807 | 216 |

2 Jefferson County Court Order Minute Book A and Jefferson County Wills, Book 1, Jefferson County Historic Preservation and Archives, Louisville, Kentucky.

| | | |
|---------------------|------------------|-----|
| Prince, Silvanus | 26 April 1808 | 218 |
| Denny, James | 1 April 1806 | 220 |
| Osborn, William | 20 August 1795 | 221 |
| Quartermus, James | 20 April 1803 | 223 |
| Moore, James | 18 July 1897 | 223 |
| Liter, Hanes | 8 January 1810 | 236 |
| Coverton, Priscilla | 4 December 1811 | 238 |
| Branham, David | 15 March 1810 | 242 |
| Wright, Samuel | 30 December 1814 | 245 |
| Geiger, George | 22 January 1812 | 249 |
| Mason, Thomas | 20 May 1812 | 250 |
| Cloe?, Penn | 22 July 1812 | 255 |
| Whemmison?, Stephen | 11 May 1813 | 257 |

A more detailed examination of the actual wills is illuminating. For the sake of both historical accuracy and authenticity, the original spelling and punctuation will be used in any direct quotations from these documents.

John Copage (8 October 1780) bequeathed three slaves, Bob, Jude, and Luce, to his wife and two other unnamed slaves to his father-in-law.³ A 8 March 1782 appraisal of Abraham Van Metre's estate mentioned a "Negro Man named General" worth one hundred pounds.⁴ On 26 February 1782, a challenge to the will of William Linn included mention of "a negro winch namd Margaret."⁵ A continuation of this particular matter produced an appraisal of Linn's remaining estate on 24 May 1783, which included "a Negro Man Tom, a Boy Moses . . . and a Boy Jack."⁶ Similarly, a 2 April 1782 appraisal of the estate of Samuel Wells reported that, in addition to other property, he had owned: "1 Negro fellow Jacob, 75 pounds; 1 Wench Cate, 80 pounds; 1 gal Sarah, 30 pounds; 1 gal Cis, 27 pounds; 1 gal Nan, 20 pounds."⁷ Values were listed in pounds under the British monetary system until the use of American dollars was adopted generally. One Kentucky pound was the equivalent of \$3.33 at this time.

3 Minute Book A: 4.

4 *Ibid.*, 22.

5 *Ibid.*, 24-25.

6 *Ibid.*, 70.

7 *Ibid.*, 35-36.

James Robertson served under George Rogers Clark in several campaigns in the northwest. A slave belonging to Robertson, "a Negro Man nam'd Caesar," accompanied Robertson and was the only known African-American involved in these historic military campaigns. When Robertson died, Caesar was valued (6 June 1782) at 160 pounds.⁸ However, the value of Caesar's pay for fourteen months as an "Artificer" and another "two hundred and four days Services in like capacity" was added to this appraisal, so the pay for Caesar's military service accrued, not to Caesar himself but to the estate of his owner and thence to Robertson's heirs and creditors. Ironically, although the unique role of Caesar in the American Revolution has only recently been discovered in letters of one of the veterans of Clark's campaigns, this corroborative documentation in Jefferson County public records has existed for more than two centuries.⁹

William Preston was the surveyor of Fincastle County and the benefactor and employer of Colonel John Floyd. Preston, a firmly ensconced member of the Virginia gentry, was an avid land speculator and, through the efforts of "advance men" such as Floyd, laid claim to thousands of acres of the best land in early Kentucky. This explains why his name is associated with numerous places that he himself never visited. On 14 February 1781, Preston completed his will, with a codicil dated 11 February of the same year. Probably because Preston was a non-resident, absentee, Kentucky landowner, his will was not entered in Minute Book A at the time, but it was eventually entered in Will Book 2. Although most of the will deals with the division of his lands between his wife and children, he also stated his intention to:

give and bequeath to Susannah my dearly beloved and very affectionate wife the use and profits of all my plantation slaves and stock of every kind, except such stock may be sold as above directed for the decent and comfortable support of her self and my children.

8 Ibid., 53.

9 Wade Hall, "Caesar in the American Revolution," *Louisville Courier-Journal*, 29 February 1996.

Only one African-American is mentioned by name, a negro boy named London which Preston's mother gave him to be given to whichever of Preston's surviving siblings "may be in lowest circumstances." Preston stipulated further that his wife should "continue single and superintend the raising and the education of the children particularly her daughter."¹⁰

Because a woman's property passed into the hands of her husband, Preston was attempting to prevent the possible subversion of his intentions as a result of his widow's remarriage. Such stipulations were common in the wills of wealthy men of this time; there were efforts to control the behavior of their wives, women, and children from beyond the grave.

John Floyd (1750-1783) lived during a time of great turmoil in pioneer Kentucky, and he died before he could realize his potential and ambitions.¹¹ Census and tax records did not yet exist and consequently the extent of his slaveholding at the time of his death cannot be established with any precision. However, in his will (4 February 1783), Floyd divided his most valuable landholdings in Jefferson and Fayette counties among his wife and children, including one child born posthumously, and provided that four hundred acres "adjoining the land I live on . . . I leave to be sold by my Executors when they shall adjudge it necessary or exchanged for Slaves." Likewise, he provided that all other lands to which he held title, with a few specific exceptions, were:

to go and descend to my wife and all my Children, to be equally divided amongst them according to quantity and quality, except so much thereof as may be thought by my Executors should be sold for the purpose of purchasing Slaves for the benefit of my family for paying for building or finishing a house . . . and all slaves which are owing to me or that may be purchased for my estate, are to be divided among my wife and all Children.¹²

10 Jefferson County Wills, Book 2: 209.

11 Hambleton Tapp, "Colonel John Floyd, Kentucky Pioneer," *Filson Club History Quarterly* 15(1941): 1-24.

12 Minute Book A: 65-67.

An examination of copies of the original wills recorded in Will Book 1 (April 1784 to June 1813) illuminates how the institution of slavery evolved through the end of the frontier period and beyond statehood to the time of the War of 1812. Momentous changes occurred during these decades. Patterns of slaveholding, the legal structure of slavery, and the legal status of free people of color changed subtly but, in general, tended to stabilize as did conditions in the region. State and county populations, white and black, continued to grow, and the Bluegrass became an increasingly productive center for agriculture using slave labor. However, since navigation, long-distance travel, and trade on the Ohio River remained problematic until the Louisiana Purchase (1803) gave the United States control of the Mississippi River and the first steamboats appeared in the west in 1811, Louisville remained a small town through the remainder of the period under examination.¹³ Even after 1811, although the volume of river trade would expand, its growth and Louisville's growth would be a function of the development of large-scale cotton cultivation in the Gulf States and the use of the Mississippi and Ohio rivers to transport goods to and from these states. The entries in Will Book 1 to around 1800 belong to this earlier period before Louisville became a major commercial center.

Roughly one of four wills recorded in Jefferson County Will Book 1 contains references to slave property. In a will dated 13 March 1786, William Christian—the father-in-law of Alexander Bullitt—bequeathed his substantial land (including Oxmoor) and slave property to his wife and children, thus helping lay the foundation for the Bullitt family fortune.¹⁴ Jacob Hite divided his slaves between his wife, children, and a friend or partner.¹⁵ John Gatewood on 10 February 1795 bequeathed his estate to his children, including an unspecified number of slaves. Gatewood also left some

13 Thomas D. Clark, *A History of Kentucky* (Ashland, Kentucky: Jesse Stuart Foundation, 1988; originally published in 1937): 174-80; George H. Yater, *Two Hundred Years at the Falls of the Ohio: A History of Louisville and Jefferson County* (Louisville: Filson Club Historical Society, 1987): 34-37.

14 Jefferson County Wills, Book 1: 6.

15 *Ibid.*, 8 February 1794, p. 51.

money to two slaves identified by name, "Sabra, Six Pounds" and "Tally, Twelve Pounds."¹⁶ His reason for these small gifts was not revealed, but monetary bequests to slaves or slaves emancipated by a will were rare.

In a will entered on 12 October 1796, Henry Harding directs that a "Negro Gal" become the property of his wife but that this young African-American woman be freed upon his wife's death. Elsewhere in this will, Harding referred to his five children, John, Wilmoth, Sarah, Henry, and Caty, followed with a reference to the "Negro Gal," leaving the implication that she was also his child or a relation of some kind.¹⁷

Slaves could not free themselves legally. Only slaveholders or governmental authorities—through constitutional amendment, legislation, or executive acts—could free them. Thus, in cases where a slave was freed by a will, the family or executors of the deceased were responsible for the actual manumission, which they might or might not carry out. If they chose not to proceed with manumission, the slaves in question could not act to secure the promise of freedom since they had no legal standing. However, if the wishes of the deceased were honored, the next step would entail the preparation of some sort of certificate of freedom or "deed of manumission." The use of the term "deed" perpetuated the legal fiction that people could be property and, in essence, conveyed ownership of former slaves to the executors. A wise executor and a wise free person of color would ensure that the act of manumission was entered in the official records of the county since free people of color were vulnerable to kidnappers who would sell them into slavery. Having a record that attested to one's freedom and carrying a copy on one's person was a valuable safeguard. There is no record that the manumission of the young woman mentioned by Henry Harding was ever carried out or, if so, ever recorded. Ironically, only one deed of emancipation appears in the records of early Louisville and Jefferson County—a "deed" from

16 *Ibid.*, 61.

17 *Ibid.*, 70.

John Pope to a "Negro Woman named Phebe."¹⁸

The ongoing saga of William Linn's will continued into the 1790s. The will itself, written as noted on 18 July 1780, underwent at least one challenge. In what appears to be its final disposition, Linn bequeathed a "negro wench" to one daughter and another "negro wench" to his remaining daughter, a "negro boy" to one son, and a "mulatto boy" to another son and he also directed that "a negro man Jack" and "a mulatto boy Tom," presumably the same persons left to his sons, be freed four years after his death.¹⁹ Why two enslaved African-Americans were to be freed and the others were not was never explained.

Michael Lacassagne was a member of a small but influential French minority of early Jefferson County residents—many of whom served in the American Revolution; others remained in the Old Northwest, living or trading with the Native Americans, after the French and Indian War or were simply emigrés following the French Revolution in 1789. Lacassagne owned Lot No. 1 in Louisville's lot numbering system, which included the old Native-American mound at modern-day Fifth and Main. He was Louisville's first postmaster, and his home overlooking the Ohio River became famous for its terraced gardens.²⁰ Lacassagne was also a slaveholder, and when he died in 1797, his will implied something of the special nature of his relationship with some of his slaves. Lacassagne's will (9 July 1795) declared that, upon his death, his "mulatto children" shall be freed when they become twenty-five years old and that "the negro woman Peggy, mother to Lucy and Charles, my mulatto children, become emancipated." He directed that his "Negro Harry" should be freed immediately. The will also stated that Peggy should have the use of his lands for her upkeep and implies that Lucy and Charles would receive land or money with their emancipation.²¹

18 Jefferson County Court Order Minutes, Book 5, 1 October 1799, p. 18.

19 Will Book 1: 74.

20 Reuben T. Durrett, *The Centenary of Louisville* (first publication series, no. 8; Louisville: Filson Club Historical Society, 1893), 111.

21 Will Book 1: 76.

Sexual relations between whites and enslaved African-Americans were common, given the power of white slaveholders to do with their property (enslaved African-American women) as they wished. The mere existence of such power gave white men a type of license that some would abuse. This freedom and its abuse created standards of sexual behavior in slaveholding regions that were fundamentally different from those in nonslaveholding regions where recourse to prostitutes was more typical.²² As Thomas Jefferson observed: "The man must be a prodigy who can retain his manners and morals undepraved by such circumstances."²³ Jefferson may well have known "whereof he spoke" since there is compelling although highly controversial evidence that he himself carried on a decades-long relationship with Sally Hemings, the black half-sister of his dead wife, that produced at least four children—all of whom Jefferson emancipated.²⁴

Much as Louisville, Jefferson County, and Kentucky were far from exceptional in other respects regarding slavery and race, they were not exceptions to these rather barbaric standards. Many white men simply did not believe that the rules and norms that governed their treatment of white women, which were regressive enough in their own right, applied to black women. Consequently, a degree of sexual licentiousness and irresponsibility permeated day-to-day life in slave societies. Furthermore, since children of mixed race were usually considered "negroes" or "mulattoes" (the same laws applied to both) and these children were born with the status of their black or mulatto mothers, their white "fathers" seldom thought of or acted toward them as fathers. These children simply increased their owners' "stock."

Ironically, both the degraded status of enslaved African-American men who, as property, could not play any legitimate role as husbands

22 John D'Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* (New York: Harper and Row, 1988), 85-108.

23 Thomas Jefferson, *Notes on Virginia* (Paris, 1794), 162.

24 Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville: University Press of Virginia, 1997); Pearl M. Graham, "Thomas Jefferson and Sally Hemings," *Journal of Negro History* 46(1961): 89-103.

or fathers and the simple fact that white fathers of many African-American children were "unavailable" for the discharge of parenting duties—led inevitably to the predominance of "female-headed" families (which had nothing to do with matriarchal family structures), "extended families," and "other mothers" (surrogate mothers) during the slave period and beyond.²⁵

Lacassagne represents that small but important minority of slaveholders who seemed to have had some degree of genuine concern for their mulatto children and may have had a long-term and affectionate relationship with their mother. He acknowledged his paternity in his will and sought to provide for his progeny. Although the fate of these children cannot be determined as yet, other African-Americans manumitted with a small amount of money or a parcel of land often had the resources needed to establish themselves securely. Some of these persons would become the founders and leaders of African-American communities and institutions; some of these were in Louisville and Jefferson County.

The role of George Rogers Clark in the founding of Louisville (1778) and the conquest of the Northwest is well known, as are the financial problems and intemperateness to which he fell victim in later life.²⁶ However, when his parents John and Ann Clark moved to Jefferson County, they moved with their slaves and in 1784 built a home near modern-day Poplar Level Road.²⁷ According to county tax records, John Clark became one of the major slaveholders in Jefferson County and owned twenty enslaved African-Americans in 1797.²⁸

When the elder Clark died in 1799, he bequeathed land in Jefferson County and elsewhere to his sons, Jonathan, William, and

25 Patricia Hill-Collins, *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment* (New York: Routledge, 1991), 43-66.

26 Lowell H. Harrison, *George Rogers Clark and the War in the West* (Lexington: University Press of Kentucky, 1976); Hambelton Tapp, "George Rogers Clark, A Biographical Sketch," *Quarterly* 15(1941): 133-51.

27 Ludie J. Kinhead, "How the Parents of George Rogers Clark Came to Kentucky in 1784-1785," *Quarterly* 3 (1928): 1-4.

28 Jefferson County Tax Lists, 1789-1797, Jefferson County Historic Preservation and Archives.

Edmund and divided "his Negroes" among his sons and sons-in-law. William Clark inherited from his father a "Negro man named York," along with York's parents and sister Juba. York would accompany Clark on the Lewis and Clark Expedition; each would find a unique place in the historical record.²⁹

Jacob Blankenbaker (2 January 1801) provided that "Negro Ned" and "a Negress Dinah" should become the property of his wife upon his death. His other slaves were also bequeathed to his wife but were to pass to his children upon her death.³⁰ With clearly different intentions, John Christian stipulated on 9 April 1801 that:

It is my wish and desire that all the negroe slaves to which I am entitled shall be free immediately upon the event of my death and I do hereby manumit them and publish it as my Will

Christian also left two horses to one of his soon-to-be-freed African-Americans named Thomas.³¹

Patty (or Patsy) Meriwether was one of the larger slaveholders in early Jefferson County; she had twenty-one slaves in 1797 and twenty-three in 1800 on her several hundred acres along Beargrass Creek.³² When she made her will on 14 October 1801, she bequeathed an unnamed "one negroe man" to her daughter and an African-American boy to her son. The remainder of "her Negroes" were to be divided among her other children.³³

John Thruston was also one of the larger slaveholders in the county, with 850 acres along Beargrass Creek and twenty-two slaves in 1791, thirty-four in 1792, thirty-one in 1793, twenty-three in 1795, thirty in 1797 and 1800.³⁴ In his will, Thruston bequeathed all of "his negroes" to his wife for her use until his children came of age. The

29 Stephen E. Ambrose, *Undaunted Courage: Meriwether Lewis, Thomas Jefferson, and the Opening of the American West* (New York: Simon and Schuster, 1996); Robert B. Betts, *In Search of York: The Slave Who Went to the Pacific with Lewis and Clark* (Boulder, Colorado: Colorado Associated University Press, 1985).

30 Will Book 1: 102.

31 *Ibid.*, 1: 103.

32 Jefferson County Tax Lists, 1797, 1800.

33 Will Book 1: 117.

34 Jefferson County Tax Lists, 1791-1800.

enslaved African-Americans were to be hired out to produce income needed to educate his children. Thruston also specified that, should his widow remarry, she could retain half of "his" slave property but the other half would go immediately to his children or, if some were still minors, to his executors. Interestingly, Thruston made two small but specific bequests to African-Americans. He stated his wish that five dollars be given to a "Negro man" and ten dollars "to my mulatto woman Kate . . . for her honesty and fidelity towards me."³⁵

On 15 April 1803, Roley Marders expressed his wishes regarding the distribution of his small slaveholding among his children. He bequeathed "a Negro girl named Kesiah" to one daughter, "a Negro woman named Betty" and "a Negro woman named Netty" to one son, "a Negro boy named Charles" to another son, "a Negro woman called Penelope" to another daughter, "a Negro woman called Hilley" to yet another daughter, and "a Negro girl called Hinney" (twelve years of age) and "a Negro child called Clary" to still another daughter.³⁶

By 1800 James Francis Moore owned more than one thousand acres and eleven slaves in the vicinity of the Fishpools.³⁷ When he wrote his will on 18 July 1807, his first order of business was to acknowledge the legality of his marriage to Elizabeth Moore. Apparently, there was some question regarding this issue and her right to inherit any of his property that required resolution. He then bequeathed "a family of Negroes" (held at the Fishpools Plantation) to his daughter and the remainder of his slaves to his other children.³⁸

John McMannis was another Jefferson County slaveholder who provided that at least one of his slaves be freed eventually. In his will dated 28 July 1805, McMannis directed that all of his slaves, except one, and other property be sold upon his death to settle his debts. If his creditors could be satisfied, a "Negro man Moses" would pass to McMannis's wife; he was to be hired out until her death and then to be freed.³⁹ Of course, Moses' freedom depended on his living long

35 Will Book 1: 120.

36 *Ibid.*, 141.

37 Jefferson County Tax Lists, 1800.

38 Will Book 1: 228.

39 *Ibid.*, 177.

enough and on the willingness or ability of McMannis's heir or those of his wife to honor his wishes.

Several other wills provided for the immediate manumission or gradual emancipation of one or more enslaved African-Americans. For example, Charles Harriman directed that two enslaved African-Americans be freed when they became twenty-one years of age.⁴⁰ Priscilla Coverton provided for "a negro man Daniel" to be freed at her death, although her other slave property was bequeathed to various family members.⁴¹ In a rare display of solicitude, Cloe Penn emancipated "her faithful servant woman Nell," directed that the proceeds from the sale of her estate be used to support Nell and, in essence, emancipated Nell's daughter Nann on the condition that she care for her mother.⁴²

As master of Locust Grove, William Croghan figured prominently in the early history of Louisville and Jefferson County. His will, not written until 27 August 1822, concerns itself at length with the distribution of his substantial landholdings. However, Croghan owned slaves as early as 1789; he owned forty-one in 1820.⁴³ Thus Croghan stipulated:

that my negroes continue under the direction of my wife & Executors until my children are of age, are married or may require them, in which case I wish an equal distribution to take place, except Malinda and her children . . . I give to Mrs. Emilia Clarke Malinda a Mullatto Woman and her child or children who have been living with her several years.⁴⁴

Similarly, although Alexander Scott Bullitt's will was also written a few years after the period under scrutiny, it is fitting, given his prominence and that of his descendants, to include a brief discussion of both Bullitt and his method of disposing of his land and human property. Bullitt came to Kentucky in 1784 and became the owner of nearly a thousand acres of prime land (Oxmoor) along Beargrass

40 *Ibid.*, 15 June 1798, p. 177.

41 *Ibid.*, 4 December 1811, p. 238.

42 *Ibid.*, 22 July 1812, p. 255.

43 Jefferson County Tax Lists, 1789-1820; U. S. Census, 1820.

44 Will Book 2: 229.

Creek after the death of his father-in-law William Christian.⁴⁵ Along with being a major landowner, according to Jefferson County tax records, Alexander Bullitt owned twenty-three slaves in 1789 and forty slaves in 1790. By 1792, there were 824 enslaved African-Americans in Jefferson County, and Bullitt owned fifty-three of them. From 1795 to 1814, the size of Bullitt's slaveholding fluctuated between sixty-five and eighty, quite a large holding for this period.⁴⁶

When Bullitt died in 1816, his property, including his slaves, was divided between his second wife Mary Churchill Bullitt (1770-1817) and the surviving children of his first marriage, Ann, Cuthbert, William, and Thomas. His other surviving daughter, Helen, who was married to Henry Massie at the time of Bullitt's death, had already obtained her share of the estate. Such a complex division of human property resulted in ninety-eight slaves being mentioned by name in Bullitt's will. Mary Bullitt inherited five African-American women, Jenny, Rose, Abbey, Priss, and "Big Rachel" along with Jenny's four children, Bobb, Molly, Stafford, and Matthew, and one African-American man Phil who was a gardener. Her slaves probably remained at Oxmoor with those of her brother William. William Christian Bullitt (1793-1877), who would succeed his father as "master of Oxmoor" and as a local and state leader, inherited four African-American men, Abraham, Big Bill Cope, Little Bill, Frank, and Frank's son "Big Jack." He also inherited three African-American women and their children: Celia and her children, Betsy, Titus, Abraham, and Dolly; Rachel and her children, Sallie and Alex; and Dinah and her children, Louisa, Ike, and Annie. Ann Bullitt inherited eighteen slaves, among whom were two "married" couples and their six children. Cuthbert Bullitt inherited seventeen slaves, including three "married" couples.⁴⁷ These records and other Bullitt family documents indicate that Alexander Bullitt was extremely active in farming (eventually, Oxmoor would produce a large hemp crop), and

45 Kathleen Jennings, *Louisville's First Families: A Series of Genealogical Sketches* (Louisville, 1920), 19-20.

46 Jefferson County Tax Lists, 1789-1814.

47 Will Book 2: 37-40.

in the buying, hiring, and, presumably, the selling of enslaved African-Americans.

In the early 1800s a seemingly innocuous but telling phrase begins appearing with great regularity in Louisville and Jefferson County wills—"and her/their increase." This phrase applied to African-American girls or women and any children they might have in the future. The insertion of this additional wording does not seem related to the need to close any particular loopholes in the laws of slavery. Rather, this language embodies the subtle but unambiguous recognition of two interrelated realities of American slavery: the anticipated end of the international slave trade in 1808 and the renewed demand for slave labor in the cotton-growing states and territories. Slave reproduction, natural or coerced, became critical to meeting this demand. The demand would grow; in states where climate militated against cotton cultivation, such as Kentucky, promoting the natural increase of the slave population and selling surplus slaves at a tidy profit to the lower south became central to the economics of slavery. Because slave children became a commodity that could be "cashed in," some slaveholders specialized in raising "crops" of slaves instead of, or along with, their other food or commodity crops.⁴⁸

By the insertion of this phrase, slaveholders sought to settle any conceivable questions regarding future ownership of both the living and those as yet unborn. Among the later wills, those written by John Stewart, Susanna Bates, James Taylor, William Osborn, and David Branham contained such language.⁴⁹

Clearly, very few of the Louisville and Jefferson County slaveholders who made wills during this era had any qualms of conscience or other moral reservations regarding slavery. Slaves were valuable property, and slaveholders who could afford such

48 Frederic Bancroft, *Slave-trading in the Old South* (Baltimore, 1931), 1-16; John Hope Franklin and Alfred A. Moss, Jr., *From Slavery to Freedom: A History of African-Americans* (New York: McGraw-Hill, 1994), 113-20; Peter Kolchin, *American Slavery: 1619-1877* (New York: Hill and Wang, 1993), 96-98.

49 Will Book 1, 25 September 1805, p. 180; 6 November 1806, p. 200; 6 September 1807, p. 216; 20 August 1795, p. 221; 15 March 1810, p. 242.

property often had very definite ideas regarding its disposition after their deaths. Even most of the wills that provided for emancipation freed only one or two enslaved African-Americans—for any number of possible motivations—and kept their fellow bondspersons in slavery. Only a few wills freed entire slaveholdings. In some of these cases, it is reasonable to suppose that a biological relationship existed; in at least one case (Michael Lacassagne), the relationship was acknowledged. Of course, slaveholders who wished to emancipate slaves could do so at any time and may have preferred doing so before their deaths rather than depending on others, who may have had very different attitudes, to carry out their wishes. Moreover, the defeat of the anti-slavery forces in the 1792 and 1799 Kentucky constitutional conventions led to the migration of some slaveholders with reservations concerning slavery to free territory—where they emancipated their slaves.⁵⁰ Nevertheless, for most slaveholders, there were neither moral reservations nor bonds of personal affection, and they treated enslaved African-Americans only as a kind of property.

Finally, through ongoing miscegenation, a growing “mulatto minority” of the African-American population was becoming evident throughout the United States. Mulattoes were not the result of virgin births but were the visible evidence of sexual relations between blacks and whites under slavery—evidence by which whites were surrounded and the implications of which whites worked mightily to deny. Since, under a system as unnatural as slavery, natural relationships between African-Americans and whites could scarcely exist, these sexual relations proceeded, as noted previously, from the simple fact that white males “owned” the bodies of African-American women and girls. This is not to deny the evidence that occasional relationships of genuine affection existed between African-Americans and whites, and some notable examples can be found in Kentucky history, such as the one provided by Richard Johnson, vice president

50 Stephen Aron, *How the West was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay* (Baltimore: Johns Hopkins University Press, 1996), 99-100.

Louisville November 5th 1805. Rec^d of Robt. Osborne
 B. Beall by the hands of Richard H. Callaghan
 the sum of seventy pounds current money of
 Kentucky. being in full for a Negro Man
 Ben which said Negro Man Ben I have
 this day bargained sold and delivered to
 the said Beall & do by these presents bind
 myself, my heirs, execs, admors &c to defend
 and warrant the title of said Negro Ben against
 the claim or claims of any person or persons
 whatever. — as witness my hand & seal the
 day & year above mentioned. *Ruben Taylor*
Clk. Butts

Bill of Sale of a "Negro Man Ben,"
 Jefferson County, 5 November 1805

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of the United States.⁵¹ Such relationships were rare, but miscegenation was not—and even where the fact of miscegenation did not exist, the right to use slave property in this way was protected by law.

REFERENCES TO ENSLAVED AFRICAN-AMERICANS
 IN JEFFERSON COUNTY PUBLIC RECORDS:
 COURT CASES, 1780-1812

Before entries related to legal documents and actions were maintained separately, Jefferson County Court Order Minutes were a veritable catch-all for diverse types of records. For example, apart from wills, Minute Book A contains references to a "ngroe" [sic] in a

51 Robert Bolt, "Vice President Richard M. Johnson of Kentucky: Hero of the Thames—or the Great Amalgamator?" *Register of the Kentucky Historical Society* 75 (1977): 191-203.

Louisville November 5th 1805. Recd. of Horburn
 B. Beall by the hands of Richard A. Maupin
 the sum of seventy pounds current money of
 Kentucky. being in full for a Negro Man
 Ben which said Negro Man Ben, I have
 this day bargained sold and delivered to
 the said Beall & do by these presents bind
 myself, my heirs, Exors, admors &c to defend
 And warrant the title of said Negro Ben against
 the claim or claims of any person or persons
 whatever. — as witness my hand & seal the
 day & year above mentioned. Reuben Taylor
 J. C. B. B. B.

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power-of-attorney case involving Pleasant Locket; a legal action initiated by John Carr to reclaim "one negroe man. . . . or the value of sa'd Negroe" from Andrew Link of Pennsylvania; directives to appraise the value "of Chattels and Slaves" of George Grundy, Adam McCleintick, and others and an entry regarding the "bargain and sale of a Negro Wench" between Moses Henry and James Sullivan.⁵²

These records also include mention of an occasional criminal prosecution and its disposition, at times involving African-Americans. Although presented below in chronological order, these records were not always entered in chronological sequence—and no such records exist in Minute Book 4, which was devoted to land claims and boundary disputes.

On 12 January 1785, "Negro Peter," the "property of Captain Watts," was brought to trial on a charge of theft from Trent and Company. "Negro Peter" had been incarcerated for some time; when interrogated, he professed his innocence. Because no credible witnesses testified against him, he was found not guilty and released.⁵³

A more serious case was tried on 10 August 1785. This case involved a "Negro Peter" as well, who was the property of Francis Vigo; he had been jailed on suspicion of stealing from Robert Watson and Company. Whether this and the first "Negro Peter" were the same person, accused of the same crime after a transfer of ownership, cannot be ascertained, although Peter was a fairly common name and there is no reason to believe that this case did not involve a different person. In any event, "Negro Peter" protested his innocence, but white witnesses testified that he was guilty. Based on this testimony, the court convicted him and sentenced him to be executed by hanging on 24 August 1785. The value of this loss to his owner was eighty pounds.⁵⁴ The severity of this sentence relative to the theft of stealing a few trinkets speaks volumes with respect to the position of

52 Minute Book A, 3 June 1783, p. 75; 3 September 1783, p. 83; 6 April 1784, p. 90; 7 April 1784, p. 94; 7 July 1784, p. 124.

53 Jefferson County Court Order Minutes, Book 1: 86.

54 *Ibid.*, 121.

African-Americans in early Jefferson County and with respect to the lengths to which whites would go to intimidate and control the slaves.

An even greater irony surrounds another early criminal case involving an enslaved African-American, the legendary Cato Watts whose fiddling at the first Christmas celebration at the Falls of the Ohio in 1778 was remembered so fondly by the early settlers.⁵⁵ The realities of life for Cato Watts were apparently less pleasant than the legend would indicate, for on 26 July 1786 Watts was brought to trial for the murder of his owner John Donne. The court record reads:

The above named Cato Watts was led to the Bar, and upon Examination says that he knocked the said Donne down but that it was not with the intention to kill him. Whereupon. . . Witnesses were sworn and examined, upon the premises, upon Consideration whereof and of the Circumstances relating thereto. It is the opinion of the Court that the said prisoner ought to be tried. . . at the Court . . . for the District of Kentucky at Danville . . . on the first Monday in September next⁵⁶

Watts was found guilty of murder and in 1787 the man considered the first black resident of Louisville became the first man reputed to have been executed in Louisville when he was hanged from a large oak tree on Lot Number 275 on Jefferson Street.⁵⁷ The execution of Cato Watts and the belief that it was the first in Louisville raise two questions. Was the execution of "Negro Peter" actually carried out? What prompted Cato Watts to strike his "master"? Somehow, it is rather difficult to reconcile the caricature of Cato Watts, the smiling fiddler, with the image of Cato Watts the murderer who stood before a court composed of white male slaveholders and stated for the record, perhaps defiantly, that he did in fact "knock the said Donne down," although he did not mean to kill him.

Murder was admittedly a capital offense regardless of the race of the accused—at least, if the victim was white. However, on 21 October

55 Alfred Pirtle, *James Chenoweth: The Story of One of the Earliest Boys of Louisville and Where Louisville Started* (Louisville, 1921), 19-20.

56 Minute Book 1: 20.

57 Durrett, *Centenary*, 32-33.

1786, "Negro Tom, a Slave the property of Robt. Daniel" was tried for theft. According to the court record:

The Prisoner being set to the Bar and it being demanded of him whether he is guilty of the Offenses wherewith he stands charged or not guilty, he says, he is in no wise guilty thereof. Whereupon Henry Reid and Mary Patton, were sworn and examined and Negro Netty was charged, upon the premises, upon Consideration of whose Testimony and the Circumstances attending the Same. The Court are of the Opinion that he is guilty of feloniously stealing Sundry Goods, viz. 2 3/4 yds. of Cambrick, and some ribbon, and thread, the property of James Patton and they do sentence the said Negro Tom, by reason thereof, to be taken back to the joal of sd. County, and from thence to the place of Execution and there to be hung by the neck, until he be dead, dead, dead and that the said Execution be made on the first Wednesday in March. . . The Court do value the said Negro Tom at sixty pounds.⁵⁸

Unlike Cato Watts and, probably, "Negro Peter," "Negro Tom" escaped execution. Although the circumstances cannot be established, "Negro Tom" was pardoned by the governor of Virginia and released from jail; the notation was entered on 5 June 1787.⁵⁹

An atypical case was heard on 13 December 1791, when "Adam Thompson," identified as a "free person," was charged with passing a counterfeit coin. Although Thompson was not described as a free person of color, the use of the term "free person"—which was not applied to whites (white apprentices bound to service were usually identified as apprentices)—makes it probable that he was an African-American. Thompson pleaded not guilty, but based on the testimony of witnesses George Kees and Joseph Giffard the court decided that he should be tried in Danville before the Supreme Court of the District of Kentucky. Thompson was then returned to jail, and no further mention of his case appears in Jefferson County records.⁶⁰

While Kentucky was still a county or district of Virginia, the institution of slavery and the regulation of slaves were governed by

58 Minute Book 2: 31.

59 Ibid., 45.

60 Minute Book 3: 72.

Virginia law. As Kentucky moved toward statehood, Virginia stipulated that the institution of slavery should not be disturbed and, despite strong opposition led by the Reverend David Rice, article IX of the 1792 Kentucky Constitution, which protected the institution of slavery, was passed by the Kentucky Constitutional Convention.⁶¹ However, a comprehensive slave code was not devised by the state legislature until 1798. Under this code, which would remain virtually unchanged through the antebellum period, offenses and punishments were listed—some of which applied not only to African-Americans but also to free people of color, “mulattoes,” and “Indians” as well. Consistent with the 1792 and 1799 state constitutions, the slave code limited the number of crimes for which African-Americans could be executed and provided for their trial and, at times, representation in court.⁶² The implicit goal of these laws and legal procedures was to guarantee justice and protection to whites. African-Americans might receive “some justice” only as a by-product or an unintended consequence. Criminal cases involving African-Americans brought to Jefferson County Court after the enactment of the 1798 slave code were adjudicated within this legal framework.

On 25 April 1804, “Billy a Negro man slave the property of May Eareckson” was tried for burglary and grand larceny. The jury found Billy not guilty of these charges but proceeded to charge him “with feloniously stealing & carrying away a certain Sorrel gelding the property of Fortunatus Cosby.” A second trial followed immediately and:

The prisoner being brought to the bar in the Custody of the Sheriff was arraigned. . . and thereto pleaded guilty. It is therefore considered by the Court that the said prisoner receive Thirty nine lashes on his bare back well laid on and that the sheriff execute this Order immediately which being done the prisoner is discharged.⁶³

61 Ivan E. McDougale, “Slavery in Kentucky,” *Journal of Negro History* 3 (1918): 240-43.

62 *Ibid.*, 240-54; Joan W. Coward, *Kentucky in the New Republic: The Process of Constitution Making* (Lexington: University Press of Kentucky, 1979), 36-45.

63 Minute Book 6: 176-78.

Although not mentioned in the records, this criminal case could well have resulted from a failed escape attempt. Clearly, there would have been little purpose (and certainly little sense) in stealing a horse and then remaining in Louisville or Jefferson County.

Also, on 25 April 1804, "Jeffrey, a negro man Slave the property of James Earickson" was charged with burglary and grand larceny. Jeffrey pleaded not guilty and, after examination of the evidence, the court concurred and ordered him released.⁶⁴ A few days later, "Dinah a negro woman slave the property of William White" was charged "with having on the 31st day of March 1805 feloniously wounded a certain negro woman deborah," who subsequently died of her wounds. Dinah pleaded not guilty, but the jury, after hearing evidence, convicted her of manslaughter. She was sentenced to "receive Thirty nine lashes at the whipping post." The court added, "That Joe a negro man Slave the property of W. White now in jail as an accessory to the said offense be released from Custody."⁶⁵

No mention was made of what motivated this intraracial crime. However, the lives of enslaved African-Americans were far from idyllic. Tensions developed, and violence erupted between slaves for several reasons, including overcrowding, jealousy, and other personal conflicts. Because African-Americans enslaved in towns and cities were housed differently and were far more likely to have contact with slaves belonging to other slaveholders than were slaves in rural areas, such tensions were also more likely.⁶⁶ As the disposition of such court cases suggests, African-Americans could vent and displace their anger and frustrations more easily and with far less risk on other African-Americans than on whites.

On 6 and 7 May 1805, "Nathan a negro man Slave the property of Mark Lampton" was tried on a charge of burglary. Nathan pleaded innocent and, based on a written accusation, the court found him not guilty of burglary but guilty instead of larceny, and it ordered that he receive "39 lashes on his bare back well laid on, at the public

64 *Ibid.*, 178-79.

65 *Ibid.*, 27 April 1805, pp. 255-56.

66 Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1964), 55-79.

whipping post." Interestingly, Alexander Pope and James Ferguson were assigned by the court to serve as the prisoner's counsel in this case, the first record of an African-American having the benefit of representation in a Jefferson County court.⁶⁷

On 7 and 8 July 1806, a trial was held "for the examination of Negro Lewis, the property of Lawrence Gibbon, charged with feloniously stealing a silver Watch, and eighteen dollars cash, the property of Temple Gwathmey." The prisoner protested his innocence but was found guilty by a jury which ordered "that the said Lewis receive Thirty Lashes on his bare back at the Whipping post well laid on."⁶⁸

Another probable "first" occurred in the case of "Nancy a woman of color" charged with "having on or about the 20th day of May last feloniously stolen, taken and carried away . . . one piece of Nankin [Chinese porcelain] of the value of \$2.50 the property of Thomas Prather." Nancy pleaded not guilty, and after the examination of "sundry witnesses" the court ordered that she be held for trial. However, because of her status as a free woman of color and the nature of the offense itself, the court allowed her to post bail in the amount of fifty dollars.⁶⁹

As suggested by some of the murder cases cited above, intraracial violence was neither viewed nor punished as being as reprehensible as the threat or reality of interracial violence. Another example of this double standard occurred on 8 December 1807, when "James a Negro Man slave the property of Martin Brinkman," a tavern-keeper, was tried for the murder of "Jerry a Negro Man Slave, the property of John Thompson." The charge read:

that the said Slave James . . . on the Thirtieth day of November Last and the hour of one of the Clock in the Morning in the Town of Louisville. . . feloniously, wilfully and of his malice aforethought make an assault in and upon a Certain negro man slave named Jerry. . . and did then and there with a certain knife which he the said James then and there held in his right hand feloniously, wilfully and of his malice aforethought Strike Thrust Stab and

67 Minute Book 7: 1-3.

68 Minute Book 5: 89-90.

69 Minute Book 8, 2 June 1807, pp. 15-16.

penetrate in and upon the left Side of the body of the said Jerry. . .
giving. . . the said Jerry one mortal wound.

James pleaded innocent but was found guilty. As was "Dinah" in the previous murder case, James was sentenced to receive thirty-nine lashes and then be discharged to the service of his owner.⁷⁰ Crimes against African-Americans were treated, in essence, as crimes against property, not as crimes against people.

In a community in which the vast majority of people were free and white or black and enslaved, the position of free people of color was ambiguous and difficult. Apart from legal restrictions on their civil rights and economic opportunities, free people of color were often vulnerable to physical assault by local whites. Such an assault was the core issue in the trial of two white men, James Swain and Solomon Strutton, for the attempted murder of George Jinks, a free man of color, "by stabbing the said Jinks with a knife." After examining "sundry witnesses" (presumably not including Jinks), both were found not guilty and released from custody.⁷¹ However, the exoneration of Swain and Strutton does not suggest that there was no crime, only that another person or persons were guilty of its commission.

Another intraracial murder case was tried on 24 September 1808. "Guy a negro man slave the property of Edmund Rice" was charged with having "feloniously killed and murdered a negro man slave named Dick, the property of said Rice" on 14 August 1808. At the trial:

The prisoner was led to the Bar in custody of Sheriff, and Alexander Pope esquire Attorney for the Commonwealth, attended and filed a written accusation against the prisoner, upon which he was arraigned and to which he pleaded not guilty and for his trial put himself upon God and his country and the Attorney for the Commonwealth likewise, and thereupon came also a Jury. . . who being elected tried and sworn the truth to speak of and upon the premisses [sic] returned into the Court, the following Verdict to wit "We of the Jury do find the prisoner Guy not guilty . . . of murder but we find the prisoner guilty of the crime of manslaughter, and do say

70 Ibid., 59-62.

71 Ibid., 23 January 1808, pp. 78-79.

that he shall receive twenty-five stripes on bare back well laid on, at the public whipping-Post”

Edmund Rice was also ordered to pay ten dollars to James Breckenridge, Guy's court-appointed defense counsel, since "the defense was neither intricate or troublesome."⁷²

Another example of how the penalties meted out for the destruction of tangible property by African-Americans were more severe than those for the destruction of "human" property (other African-Americans) occurred in 1811. In this case:

James, a Negro Slave, the property of John Gwathmey esquire being in the Jail of this County on a charge of arson, in setting fire to and burning the Bagging Factory of Anderson and Gwathmey, in Louisville. . . on the seventh day of December 1810.

James pleaded not guilty of the charge of arson and, while the jury concurred, he was nonetheless deemed guilty of "trespass and misdemeanor." As a consequence, the court ordered that he receive thirty lashes immediately and then be discharged.⁷³

The specter of slave revolt haunted the residents of slaveholding societies, both slaveholders and nonslaveholders alike. Although the factors associated most often with large and frequent slave revolts, such as a black majority, with a high percentage of African-born slaves and little realistic hope of escape, did not exist in the United States, there were still several significant insurrections and conspiracies through the early nineteenth century. Even in Kentucky, where the African-American population was both proportionately smaller and more likely to be American-born with free territory nearby, there were occasions on which rumors and conspiracy hysteria ran rampant. For example, in 1810 a slave conspiracy was discovered in Lexington, prompting the arrest and imprisonment of several enslaved

72 *Ibid.*, 130-31.

73 *Minute Book 9*, 14 January 1811, pp. 170-71.

African-Americans.⁷⁴

A similar conspiracy occurred in Louisville two years later in the early months of the War of 1812. On 15 September 1812, "Reubin a negro man slave the property of William Pope Jr." was "arrested and committed to the Jail of this County upon a charge of having conspired to rebel and make insurrection in this County." Reubin declared his innocence, but the jury after reviewing the written evidence convicted him. When court reconvened the following morning, Richard C. Anderson, counsel employed for Reubin "by his master," argued that the verdict should be set aside on the basis of procedural errors related to how and by whom the jury was summoned. Anderson argued further that:

Because the charge of conspiracy to rebel and make insurrection is not laid to have been feloniously done which said word is entirely omitted in the information for which reasons he prays that the Judgment be arrested and that he be discharged

The court was unimpressed and ordered that Reubin be hanged in the public square on 24 October 1812 between 12:00 noon and 4:00 p.m. In conclusion the court declared that Reubin's execution would represent a financial loss of two hundred dollars to his owner.⁷⁵

This case leaves several tantalizing questions unanswered and, perhaps, unanswerable. On one hand, the evidence on which the charge and Reubin's conviction were based is unknown but was sufficiently persuasive to bring a guilty verdict without any corroborating testimony from witnesses during the trial. On the other hand, Reubin's owner may have been convinced of Reubin's innocence since he employed counsel for a slave who was not particularly valuable; with a cash value of two hundred dollars, Reubin was probably an older or less skilled bondsman. Yet, in the end, there is no record that Reubin's counsel presented evidence or

⁷⁴ Herbert Aptheker, *American Negro Slave Revolts* (New York: Columbia University Press, 1943), 248; Herbert S. Klein, *African Slavery in Latin America and the Caribbean* (New York: Oxford University Press, 1986), 189-215; Marlon B. Lucas, *From Slavery to Segregation*, vol. 1 of *A History of Blacks in Kentucky* (Frankfort: Kentucky Historical Society, 1992), 59.

⁷⁵ Minute Book 10: 167-71.

witnesses to counter the charge, only that he limited his final arguments to rather weak technical objections.

There is no evidence that other African-Americans, enslaved or free, were involved in this conspiracy or that the conspiracy produced an actual revolt. However, it is difficult to imagine a one-person revolt or a conspiracy that did not, of necessity, seek to recruit additional participants. The need to reach out and involve others made conspiracies vulnerable to betrayal and discovery. Whether this was true of the "Reubin conspiracy" remains unknown.

On 15 and 16 December 1812, against the backdrop of recent conspiracy scares and the perception of widespread restiveness among slaves during the War of 1812, another criminal case was heard. According to the court record:

Jacob a negro man slave the property of James Hicks (Farmer) of the County of Mercer. . . having feloniously and Burgulariously [sic] broken and entered into the Dwelling House of One John A. Honorl Merchant in the Town of Louisville . . . and did theft and there feloniously and burgulariously [sic] steal, take and carry away a part of deep purple grounded Callico of the value of four dollars—a remnant of Corduroy of the Value of three dollars—two pieces of red grounded black spotted shawls of the Value of ten dollars—a remnant of about five yards and three quarters of Dark grounded Callico of the Value of three dollars—four India handkerchiefs of the Value of one dollar & fifty Cents, one black handkerchief of the Value of one dollar and two yards and three quarters of Irish linen of the Value of one dollar & fifty Cents all of the goods & chattels of the said John A. Honorl . . .

Jacob pleaded not guilty but was convicted by the jury. James W. Denny, appointed by the court to defend the accused, then filed a motion for a new trial. This motion was overruled, and although its grounds were not stated Denny felt strongly enough that he "filed a bill of Exception. . . which was signed sealed & made part of the record of this Cause." Without further delay, the court sentenced Jacob to:

be hanged by the neck until he shall be dead on Saturday the twenty-third day of January next . . . on the public road leading from Louisville to Bardstown on the Hill on the westwardly side of Bear

Grass & being dead that the body of said Jacob be delivered over to
Doctor James C. Johnston⁷⁶

Jacob was valued at four hundred dollars but was convicted and executed for stealing twenty-four dollars worth of yard goods and handkerchiefs, a crime customarily punished with the whip. However, Jacob was probably a fugitive slave (i.e., it is unlikely that he would have been hired out so far from "home") hoping to reach free territory across the Ohio River. Seeking to escape from slavery constituted another and more serious type of theft, the theft of slave property by the slave himself. Moreover, this particular slave had escaped and then committed a crime in another section of the state. Thus, the severity of the sentence suggests that Jacob was being executed for more than one "crime" and, quite possibly, to send a message and set an example for others contemplating escape—or worse.

Although these cases are interesting and informative, it is important to remember that established legal authorities dealt with only a very small fraction of the "transgressions" committed by African-Americans before or after the enactment of Kentucky's 1798 slave code. In other words, cases such as these were uncommon in that slaveholders by law did not need to rely on the judicial system to address acts deemed criminal if committed by enslaved African-Americans. Slaveholders themselves had this power and could exercise it with impunity. Only when slaves were accused of crimes against the person or property of a white person other than their "owner" or a member of their "owner's" family—or when the "owner" was killed or incapacitated and could not judge or punish the offender—would such special cases come to the attention of the court.

CONCLUSION

Taken together, the many fragments of historical fact gleaned from early Louisville and Jefferson County records convey a wealth of information regarding the institution of slavery and the lives of

76 *Ibid.*, 194-98.

African-Americans. These records were not created for this purpose and consequently each represents a small piece of an enormous puzzle. In all probability, so much has been lost that this puzzle cannot be reconstructed in its entirety. Nevertheless, as this brief examination of the primary sources demonstrates, what can be reconstructed is much richer and more multi-dimensional than what has been presented before.