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## Kentucky Slavery: The Historiography of Human Property Records

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Andrew Johnson and Isabelle Martin won the first place (tie) in the Humanities: Critical Research category.

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Kentucky Slavery: The Historiography of Human Property Records

Andrew Johnson

University of Kentucky Oswald Research and Creativity Award Submission

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The institution of slavery in Kentucky is certainly peculiar. It has perplexed historians since reconstruction. Early historians have tended to look at Kentucky slavery as a milder form of southern slavery. This narrative draws from Harriet Beecher Stowe's *Uncle Tom's Cabin*, and was engrained into Kentucky historiography by J. Winston Coleman Jr. Coleman created one of the most recognized study of Kentucky slavery, a publication called *Slavery Times in Kentucky*. This has served as a staple of Kentucky's slave history. This narrative, however, has been subject to criticism as new research emerges. Historian Ellen Eslinger has been a venerable critic of Coleman's depiction. As historians move to evolve the understanding of this complex institution, new methods and sources are incorporated. One source that has been seldom used for this resource is property deeds, specifically, human property records, also referred to as slave deeds. Outside of a strictly economic perspective, the use of these deeds to study slavery is rare. Slave deeds provide cunning insight into the experience of those affected by slavery, while also explain a great deal about Kentucky's cultural and political dynamic; academic research into slave deeds provides a new addition to the historiography of Kentucky slavery.<sup>1</sup>

A key example of the historical importance of slave deeds is a Deed of Gift from Robert Wickliffe to his son, Charles Wickliffe. Robert Wickliffe was a prominent Lexingtonian in the antebellum period; he played an active role in local politics, serving as a state senator, and was the first president of the Kentucky Colonization Society. In addition to his stature in the state, he was also known for his wealth, which is evident in his property holdings. Wickliffe was "reputed to be of the largest owners of slaves in the early 1850's," owning roughly 200 slaves. Given his status and wealth, along with his large stake in the industry of slavery, there are remnants of his

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<sup>1</sup> J. Winston Coleman, *Slavery Times in Kentucky* (Chapel Hill: University of North Carolina Press, 1940), 54; Ellen Eslinger, "The Shape of Slavery on the Kentucky Frontier, 1775-1800," *The Register of the Kentucky Historical Society* 92, no. 1 (1994): 1-23, <http://www.jstor.org.ezproxy.uky.edu/stable/23383130>.

chattel transactions throughout municipal and personal records. However, the Deed of Gift to his son provides an understanding the experience of slaves owned and traded by Robert Wickliffe.<sup>2</sup>

In this deed, Robert Wickliffe gives land and property holdings to his son, Charles, in order to help him to provide for himself. This property was one of Wickliffe's farms, known as *Stockland*. In addition to parcels of land and livestock, Wickliffe gives his son a few slaves. Wickliffe conveys many slaves to his son. The first is "a negro boy named Bob," who with him has all the "geer and farming utensils of every kind." The deed continues to note other aspects of the land given, and then names more slaves that he gave to Charles. Wickliffe records the slaves as "Negros Lydia and her son Jack and daughter Viney and two younger children now on the farm names not remembered also Negro. Phil Negro Jacob and a negro girl now in possession of Mr. William Breck."<sup>3</sup>

Besides the sheer volume of slaves conveyed in this deed, this deed provides shocking details about Robert Wickliffe as a slaveholder; particularly how he treated slaves. The wording of the deed is the most shocking element. To put into a modern context, this deed is a legally binding document; it is essentially the same as a vehicle title transfer. The main difference between the two legal documents is that in a modern title transfer, the information is listed as accurately as possible, meaning a person filling out the transfer agreement is not likely to exclude the make or model. Wickliffe, however, did not include the names, or any identification descriptions, in this deed for two girls. Moreover, he *included* the statement, "names not remembered." This is perhaps the most significant aspect of the deed. Not only is Robert

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<sup>2</sup> Robert M. Ireland, *The County Courts in Antebellum Kentucky*. (Lexington, KY: The University Press of Kentucky, 1972), 47; Harold D. Tallant, *Evil Necessity, Slavery and Political Culture in Antebellum Kentucky*. (Lexington, KY: The University Press of Kentucky, 2003), 43; Lowell H. Harrison, *The Antislavery Movement in Kentucky*. (Lexington, KY: The University Press of Kentucky, 1978), 3.

<sup>3</sup> Deed of Gift from Robert Wickliffe to Charles Wickliffe, 6 August 1829, Fayette County, Kentucky, Deed Book 5, page 321. County Clerk office, Lexington, Kentucky.

Wickliffe failing to include names/descriptive identifiers in this legal document, he chooses to note on record that he did not remember the names of the young people he was giving away as a gift.

This deed helps to understand the experience of slaves involved in the domestic slave trade by revealing the dehumanizing role inflicted upon those traded. Through the language and descriptive factors, included or excluded, on record with the local officials the horrible experience felt by those deemed “property” could be inferred. The local records help to display the true nature of those who dealt in the trade of human lives, whereas the personal records and history framed by said dealers regarded them to a much higher standard than truly deserved. Robert Wickliffe considered himself “familial” with his slaves; this is evident in the correspondence with his children. Notions such as this found within the personal writings of Wickliffe have created a historical consensus that he was indeed familial, and indeed, “patriarchal” in his relationships with his slaves as members of his family. When placed into consideration with his deeds, this historical concept of him becomes questionable. Primary sources such as slave deeds help to provide a fuller, more accurate depiction of the history surrounding the institution of slavery and the domestic slave trade. It is difficult to continue to acknowledge a man as “familial” with his slaves when he cannot remember the names of those he sells.<sup>4</sup>

Life as a slave was difficult, as demonstrated through the lack of humanity in the local trade; however, it was not much easier for those emancipated. Even after manumission, the

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<sup>4</sup> James A. Ramage and Andrea S. Watkins. *Kentucky Rising: Democracy, Slavery, and Culture from the Early Republic to the Civil War*. (Lexington, KY: The University Press of Kentucky, 2011), 242; Andrea S. Watkins, “Patriarchal Politics: Robert Wickliffe and His Family in Antebellum Kentucky.” Ph.D. diss., University of Kentucky, 1999), 170-171; William W. Freehling, *The Reintegration of American History: Slavery and the Civil War*. (New York: Oxford University Press, 1996), 35-36.

institution of slavery still maintained a strong hold on the individual. Racial prejudice, which was the foundation of slavery in the United States, affected those under the chain of slavery and those freed. Northern states as well as southern felt this prejudice. Regardless of where a Freedman traveled, he/she would experience the position of a second-class citizen. Even more, the institution of slavery controlled the remaining loved ones of manumitted persons. It is typical to see Freedmen stay nearby enslaved family members/partners. Especially in southern urban areas, free slaves tended to concentrate and establish communities. Here, the Freedmen would seek employment while establishing and maintaining familial bonds, sometimes this involved persons still enslaved. An example of this comes from Lexington, Kentucky, where a freed African-American has a romantic relationship with an enslaved woman, resulting in a child born in slavery. The father, Baron Steuben, ensured the emancipation of his son, and sought to reunite his family.<sup>5</sup>

Barron Steuben (commonly referred to as “Baron”) was an enslaved individual in Jessamine County, Kentucky, and he obtained his freedom in 1823. Barron was a barber by trade, and established a barbershop in Lexington shortly after his emancipation. Throughout the records he and the municipality has left, one sticks out and displays his experience, and motives, as a free man of color remaining in a slave state. The particular source is a deed of emancipation, but not his own. Rather, it is the deed where he manumits his infant son. This deed provides a heartwarming example demonstrating one reason Freedmen remained in a slave state.<sup>6</sup>

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<sup>5</sup> Harriet Ann Jacobs, *Incidents in The Life of a Slave Girl: Written by Herself*, ed. Maria Child (Cambridge, MA: Belknap Press of Harvard University Press, 2009), 47, 209; J. Blaine Hudson, “‘Upon This Rock’—The Free African American Community of Antebellum Louisville, Kentucky.” *The Register of the Kentucky Historical Society* 109, no. 3 and 4 (Summer/Autumn 2011): 297.

<sup>6</sup> Deed of Emancipation from Charles Alexander to Baron Steuben, 30 April 1823, Fayette County, Kentucky, Deed Book X, page 32. County Clerk office, Lexington, Kentucky; Julius P. Bolivar MacCabe, *Directory of the City of Lexington and County of Fayette for 1838 & 1839* (Lexington, KY: J.C. Noble, Hunt’s Row, 1838), Accessed October 2, 2017, RootsWeb (Ancestry.com), [http://www.rootsweb.ancestry.com/~kyfayett/free\\_persons\\_1838.htm](http://www.rootsweb.ancestry.com/~kyfayett/free_persons_1838.htm); Deed

The uniqueness of this deed is beyond compare. In antebellum Kentucky, there were two ways to manumit a slave: through Deed of Emancipation and Will, both options require the grantor to conduct this business officially through the county court. This entails a very legalistic and politically bias approach to act of manumission. This being noted, typically deeds are specific in their technical aspects regarding property, and extremely vague when describing human traits. Nonetheless, Baron Steuben records the emancipation of his infant son as, “in consideration of natural love and affection, set free [and] emancipated my son William.”<sup>7</sup>

Very rarely do slave deeds depict any righteous, humanistic qualities. When they do, it is typically a deed with a prominent white figure, such as Cassius Clay, as a party involved. In addition to the racial and class difference between the two, literacy plays a role as well. Steuben did not sign his name, indicating he cannot write and the recording clerk recorded accurately his words. Here, the court recorded the specific qualities to which observers can see into the heart of a Freedman through his paternal love and drive to unite his family.<sup>8</sup>

This deed is an effective display of the experience of a manumitted slave remaining in the South. Moreover, it helps to demonstrate how the everyday life of a Freedman functioned. Here, it is evident that a major reason for the manumitted to remain in the state is romantic/family ties. Baron demonstrates a clear paternal responsibility by purchasing and manumitting his son while in infancy. The undeterminable relationship with William’s mother hints at a romantic reason for remaining in Lexington, while also peaking at how a Freedman functioned in everyday society.

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of Emancipation from Baron Steuben to William Steuben, 9 September 1833, Fayette County, Kentucky, Deed Book 9, page 165. County Clerk office, Lexington, Kentucky.

<sup>7</sup> Robert M. Ireland, *The County Courts in Antebellum Kentucky*. (Lexington, KY: The University Press of Kentucky, 1972), 47 Robert M. Ireland, *The County Courts in Antebellum Kentucky*. (Lexington, KY: The University Press of Kentucky, 1972), 31-32; Deed of Emancipation from Baron Steuben to William Steuben.

<sup>8</sup> Deed of Emancipation from Cassius M. Clay to His Slaves, 8 June 1845, Fayette County, Kentucky, Deed Book 23, page 99. County Clerk office, Lexington, Kentucky.

Furthermore, the affection felt towards his enslaved son, and his ultimate desire to raise him in his own residence as a Freedman, shows how an everyday desire felt by persons free or enslaved. These persons had an instinctive desire to raise a family, and faced with the obstacle of slavery holding back his family, he utilized funds he earned from free labor to slowly break the shackles from his family.

Fayette County slave deeds also portray a great deal of information to the political dynamic involved with slavery. Cassius M. Clay, for example, was an exuberant figure in the Abolitionist movement in central Kentucky. There are deeds in which he is the person of trust for family slaves, often selling them or giving them to other family members as required by the will. Notably, Clay confesses his love for republican government and condemns the institution of slavery in a Deed of Emancipation. Slave deeds, just as land records, are not typically mediums for political statements. Yet, some use these deeds to document their ideals as they put them to action. Such deeds provide an insight to the lives of notable Kentuckians. While Clay was known for his boisterous ideals, this deed demonstrates an incorporation of his values into his deeds.<sup>9</sup>

Human property deeds can also present more questions about an individual's ideals and characteristics. Robert J. Breckinridge, for example, was a prominent Kentucky politician and Presbyterian pastor. Born into a wealthy, slaveholding family, Breckinridge was accustomed to the practice of slavery. Breckinridge, however, claimed slavery to be wrong based on his religious perspective. Although he did not support the institution, he was not an abolitionist. Rather, he was a *gradual emancipationist*, entailing he denounced the institution of slavery, but

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<sup>9</sup> Deed of Emancipation from Cassius M. Clay to His Slaves, 8 June 1845, Fayette County, Kentucky, Deed Book 23, page 99. County Clerk office, Lexington, Kentucky; Bill of Sale from Cassius M. Clay to Brutus S. Clay, 2 March 1842, Fayette County, Kentucky, Deed Book 20, page 18, County Clerk office, Lexington, Kentucky; Bill of Sale from Cassius M. Clay to B.J. Clay, 2 March 1843, Fayette County, Kentucky, Deed Book 21, page 133, County Clerk office, Lexington, Kentucky.



recognized the detrimental effects that would follow a sharp abolition. As a result, he promoted colonization to Africa, which was a way to gradually free slaves and remove them from the nation. This is evident in two of Breckinridge's deeds. In these deeds, Breckinridge emancipates slaves and acknowledges their positive relationship to God, and states, "I am not acquainted with any rule of justice, any law of nature, or any preaches of Christianity, that permits me to hold such a person, any longer a slave, against his consent." In both deeds, he acknowledges his religious impositions to the institution, but stipulates that the slave cannot enjoy freedom in the United States, so he has secured them transportation to Africa.<sup>10</sup>

While Breckinridge's emancipation deeds demonstrate his colonization/anti-slavery ideology, future deeds provide an outstanding contradiction. In 1859, Breckinridge provides fifteen slaves as gifts to his children. In this deed, he states that these slaves are all of equal value, and the reason for this gift, among other things, is to ease the division of his property amongst his children in his will. This deed demonstrates that Breckinridge maintained a sizable estate of slaves throughout the antebellum period. Furthermore, many of those given away were related and separated in this transfer; this practice is contradictory to the statement made in 1835 claiming his religious understanding does not permit him to hold a person in bondage against his will. Later in this same year, Breckinridge went into an agreement with his son-in-law William Warfield, and two slaves, one "about" 32 years of age and the other 14. Again, this action does not line up to the values presented in his previous deeds and other writings. His property deeds present a more complex figure, which correlates with the complex nature of Kentucky slavery.<sup>11</sup>

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<sup>10</sup> Tallant, *Evil Necessity*, 41-42; Deed of Emancipation from Robert J. Breckinridge to His Slaves, 13 January 1835, Fayette County, Kentucky, Deed Book 10, page 473. County Clerk office, Lexington, Kentucky; Deed of Emancipation from Robert J. Breckinridge to His Slaves, 27 December 1839, Fayette County, Kentucky, Deed Book 17, page 370. County Clerk office, Lexington, Kentucky.

<sup>11</sup> Deed of Gift from Robert J. Breckinridge to His Children, 1 January 1859, Fayette County, Kentucky, Deed Book 35, page 25. County Clerk office, Lexington, Kentucky; Deed of Mortgage from Robert J. Breckinridge to William

Finally, these deeds help to demonstrate the extent Kentucky held onto its peculiar institution. Leonard Taylor depict this when he sold his slave, Jefferson, his own freedom a month before ratification of the Thirteenth Amendment. The Thirteenth Amendment passed the House of Representatives on January 31, 1865. The next day, President Abraham Lincoln signed a Joint Resolution, thereby submitting the proposed amendment to the states for ratification. On December 18, 1865, the Secretary of State issued a statement acknowledging the ratification of the amendment. Kentucky was one of few states that rejected ratification, displaying the state's everlasting grip on the institution. Although the slave population in Kentucky, and Lexington, substantially declined during the Civil War, the state and slaveholders still sought to maintain their property.<sup>12</sup>

Jefferson Taylor was one of the last slave deeds recorded in Fayette County. Nearly a month before national emancipation, Jefferson purchased his freedom for 500 dollars. The details and reasoning are unknown, but there are two likely reasons for Jefferson's self-purchase this close to abolition. First, it is possible that Jefferson was completely unaware of the coming freedom. In this scenario, the agent of the state (County Clerk) aided the slaveholder in managing to receive a refund for his property that was soon to be constitutionally free. Another possibility is that Jefferson was aware of his coming freedom, but decided that it was worth 500 dollars to immediately obtain freedom. Both these options demonstrate the heart-breaking foundation of slavery in Kentucky. Whether it be the selfishness of the white property owners, or

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Warfield, 4 October 1859, Fayette County, Kentucky, Deed Book 36, page 448. County Clerk office, Lexington, Kentucky.

<sup>12</sup> "Primary Documents in American History: 13th Amendment to the U.S. Constitution," Library of Congress Virtual Services Digital Reference Section, last modified October 26, 2017, accessed October 29, 2017.

<https://www.loc.gov/rr/program/bib/ourdocs/13thamendment.html>; "Ratification of the 13th, 14th, and 15th Amendments (Kentucky)," *Notable Kentucky African Americans Database*, accessed October 23, 2017, <https://nkaa.uky.edu/nkaa/items/show/3003>

the slave's desire for freedom at any cost, this deed presents an outlook on the hold the state had on the institution, and those chained within.

Slavery in Kentucky was certainly a unique institution. Broad characterizations, such as the "mildness" of the institution cannot be maintained. The institution of slavery, and those figures associated, is complex. Unfortunately, outdated narratives are still largely used in education. In the summer of 2017, Lexington Public Library for Kentucky History featured J. Winston Coleman's *Slavery Times in Kentucky*. Although this book does have historical value, modern research "seriously challenges J. Winston Coleman's classic statement that slavery during Kentucky's frontier period was 'the mildest that existed anywhere in the world.'" Slave deeds provide an untapped perspective in the severity of Kentucky slavery as a controlling institution. Moreover, the use of these deeds in an academic application contradicts other historical narratives, such as the notion that Robert Wickliffe was "familial" to his slaves. Finally, the deeds provide an insight into the lives of those involved; some of which, like Baron Steuben, are unknown. For more well-known figures, research into slave deeds establishes a broader understanding of their ideological complexity. Overall, academic research into slave deeds provides a new addition to the historiography of Kentucky slavery.<sup>13</sup>

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<sup>13</sup> Eslinger, "The Shape of Slavery on the Kentucky Frontier," 23.

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