

The Indistinct Status of Kentucky Slaves in 1863-64

When Emancipation Proclamation became effective on January 1, 1863, it placed the focus of the war on ending slavery and that made the exempt status of loyal Border States problematic. On January 27, the Senate of the Kentucky General Assembly declared that African Americans “are not citizens” and that arming them to fight against the South would destroy the nation. That March the Kentucky House declared that free blacks who could not prove that standing would be treated as runaway slaves that would be sold at public auction if their owner did claim them.¹

At that same time Congress passed the Enrollment Act (a/k/a Civil War Military Draft Act) in which white conscripts could avoid service by furnishing a substitute or paying \$300.00 (equal to about \$50,000 in 2018). The following week, Bracken County, Kentucky, Judge William Marshall signed an order at Brooksville that concerned “a negro man calling himself Henry [who] says he is the property of Alexander Morgan of Knoxville.” This runaway slave “is about 38 years of age, 5 feet 5 inches high, copper color, and will weigh about 150 pounds. The owners can come forward, prove [he is their] property, and pay charges, or he will be dealt with as the law requires.”²

¹ Emancipation Proclamation, <http://www.scv-camp130.org/docs/precedence/Emancipation%20Proclamation.pdf> ; Kentucky General Assembly, Senate, *Journal of the Senate of the Commonwealth of Kentucky*, (Frankfort, Ky.; William E. Hughes, 1863), 789 (“not citizens”); Kentucky General Assembly, House of Representatives, *Journal of the House of Representatives of the Commonwealth of Kentucky 1861-62-63*, (Frankfort, Ky.; William E. Hughes, 1863), 362 part 4, 366.

² Wikipedia contributors, “Enrollment Act,” *Wikipedia, The Free Encyclopedia*, https://en.wikipedia.org/w/index.php?title=Enrollment_Act&oldid=831896263; Northern Kentucky Views, www.nkyviews.com/Bracken.

The final disposition of the case is not known, but a similar order signed on April 8, 1864 by Judge F. P. Craig in nearby Falmouth, Pendleton County, Kentucky suggests a possible connection to “a runaway slave, who calls himself Henry; aged about 30 years, height 5 feet 8 inches, color black, strongly made and weighs about 150 pounds . . . claims first one and then another as his master — all residents of different places. The owner (whoever he be) . . . is notified to apply for, prove his property, pay the fees and expenses, and take him away.”³

Kentucky governor Thomas E. Bramlette sought to prevent the enrollment of African Americans having whites fulfill assigned quotas. A substantial increase on March 10, 1864 made it impossible to meet those requirements with whites. This opened the way for Brig. Gen. Stephen G. Burbridge enlist blacks who were coming to Camp Nelson and organize them into squads who would momentarily be trained outside the state. Training African Americans in Kentucky was no longer an issue when the June 1864 draft was held. Like many other whites, Thomas Cummings of Bracken County avoided service by providing his slave Henry as a substitute. It cannot be said that Henry was the same person as the other two, but it is certain that their muddled journey to freedom was becoming clearer.⁴

³ Northern Kentucky Views, http://www.nkyviews.com/pendleton/Pendleton_links.htm.

⁴ Richard D. Sears. *Camp Nelson, Kentucky: A Civil War History* (Lexington, Ky.; University Press of Kentucky, 2002), xxxviii; Cincinnati *Daily Enquirer*, June 7, 1864.