

SLAVE TO FREEWOMAN AND BACK AGAIN:  
KITTY PAYNE AND ANTEBELLUM KIDNAPPING

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*To Catharine Payne Brian,  
a woman whom I will never meet,  
but who has given me so much.*

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## A NOTE ON NAMES AND TERMINOLOGY

Part of the mystery of Kitty Payne’s story is her identity. This mystery is reflected in her name itself and, like many enslaved men and women, she used different names at different times. Throughout the section describing Kitty Payne’s childhood, I refer to her as “Kitty.” This is not meant as a mark of disrespect, but as a reflection of the mystery of her identity. If she used any surname prior to her marriage, it is unknown. Common practice suggests she might have used “Maddox,” as it was the surname of her first master. Her brother James, however, called himself “James Green;” “Green” may well have been the surname of their father. Equally as likely, James Green and Kitty Payne may have been half-siblings born only to the same mother. Ultimately, the only name we can be certain she herself used during this period is “Kitty.”

Referring to her as “Payne” prior to the time she assumed that name as Robert Payne’s wife seems anachronistic. Her second marriage to Abraham Brian adds another possibility; to refer to her as “Payne Brian” while describing her childhood is simply incongruent. Certainly there is no record that she herself ever used the name “Payne Brian.”

In referring to her as “Kitty” during her youth and “Payne” during her adulthood, I follow the pattern of other biographers of nineteenth-century African-American women, including Nell Irvin Painter, Jean Fagan Yellin, and Daniel Schafer. Each of these scholars refers to their subjects by the names the women themselves would have used at that time.<sup>1</sup> Their subjects—Sojourner Truth, Harriet Jacobs, and Anna Madgigine Jai

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<sup>1</sup> See Nell Irvin Painter, *Sojourner Truth: A Life, A Symbol* (New York: W.W. Norton and Company, 1996), 11-76; Jean Fagan Yellin, *Harriet Jacobs: A Life* (New York: Basic Civitas Books, 2004), 16-65; and Daniel L. Schafer, *Anna Madgigine Jai Kingsley: African Princess, Florida Slave, Plantation Slaveowner* (Gainesville: University of Florida Press, 2003), 4-19.

Kingsley—assumed several names over the course of their lives. Although the changing of names can be problematic for biographers, it can also be an analytical tool. Yellin, Painter, and Schafer organize their works around the names and the events associated with their changes, which also reflect changes in identity and how the women perceived themselves. To some extent, I follow their pattern in this area as well.

Terminology also presents a challenge in this work. Although there is currently very little literature on the antebellum kidnapping of free African Americans, there is the potential for controversy around the definition of the word “kidnap.” In *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865*, the only book-length study of the subject currently, Carol Wilson limits her focus to “efforts to force into slavery black people who were legally free, either by enslaving the freeborn or by reenslaving those who had been manumitted or purchased their freedom.”<sup>2</sup>

African Americans of the nineteenth century, however, used the term much more liberally. They, as well as white abolitionists, often defined “kidnapping” as encompassing all forms of forcibly removing a person somewhere he or she did not wish to go. In 1854, the *New York Times* printed an article using the word “slave catcher” interchangeably with “kidnapper.”<sup>3</sup> Frederick Douglass used similar language in the *North Star* in 1849.<sup>4</sup> Even more broadly, one might argue that all enslaved peoples were kidnapped and dispossessed of their natural rights. Many of those enslaved in America were originally kidnapped from their homes in Africa.

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<sup>2</sup> Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington, KY: University Press of Kentucky, 1994), 6.

<sup>3</sup> “Gleanings from the Mails,” *New York Times*, 5 June 1854.

<sup>4</sup> “Kidnapping in Illinois,” *North Star*, 1 June 1849.

Wilson's more legalist definition is useful for scholarly analysis, yet she and other historians often have difficulty staying within its boundaries. The differences in state laws, national laws, and the decisions of individual judges made the legal definition of "kidnapping" somewhat difficult to determine. A person who was legally free in one state might legally become a slave by crossing a border; someone legally free in the 1840s might find himself legally sold in the 1850s. Even those who had been legally emancipated could be reenslaved under the law.<sup>5</sup> Free African-American sailors, for example, often fell into these categories. Some southern states made it illegal for free blacks to enter their borders; when ships docked at their ports, free black sailors were imprisoned until their ships sailed. They would be released when the captains paid their jail fees. Some captains never paid, however, and the free black men would be sold to recover the costs of their imprisonment.<sup>6</sup>

In this thesis, I use a slightly broader version of Wilson's definition that also incorporates the nineteenth-century African-American use of the term. Legally, Kitty Payne was not kidnapped. Although she lived in a northern state as a free woman for two years, when Judge Richard Henry Field ruled on her case in 1845, he decided she had never been legally free.<sup>7</sup> In the strictest legal sense of the word, then, she was not kidnapped, but merely recovered as a fugitive slave.

Throughout my thesis, however, I refer to Kitty Payne and her children as having been "kidnapped" and to Thomas Finnegan as a "kidnapper." In doing so, I follow the nineteenth-century terminology. Douglass and other nineteenth-century African

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<sup>5</sup> C. Wilson, 40.

<sup>6</sup> C. Wilson, 58-59.

<sup>7</sup> Opinion, *Kitty v. Maddox*, loose papers, Clerk's Office, Rappahannock County Court, Virginia.

Americans would have used the word “kidnap” to describe Kitty Payne’s removal from Pennsylvania; the white editors of the nineteenth-century newspapers that covered the case repeatedly referred to Payne as having been “kidnapped.”<sup>8</sup> Thus, in the context of social history, it is entirely appropriate to state that Kitty Payne was abducted.

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<sup>8</sup> “The True Remedy for the Fugitive Slave Bill,” *Frederick Douglass’ Paper*, 9 June 1854. “Gross Outrage,” *Adams Sentinel*, 11 August 1845. “Kidnapping,” *Gettysburg Compiler*, 18 August 1845. “Communicated,” *Pennsylvania Freeman*, 20 November 1845.

## INTRODUCTION

We of the north know not what it is to live in  
the lion's mouth; we live within reach of his paws.

Lydia Shotwell Wierman, abolitionist

Moonlight glinted off the rifle barrels of five men who climbed the slope of Bear Mountain in the early hours of the morning on 24 July 1845. Reaching a modest log cabin, they swung into action, pounding on the door and demanding entrance. Once inside, they roughly seized three sleeping children and their young mother. After loading the woman and her children into a carriage, the men clattered down the rough terrain of the mountain and began a race for the state border, some twenty miles south.<sup>9</sup>

In the gray hours of the dawn, a Quaker farmwife out to do the morning milking looked up as the carriage rattled past and recognized the frightened faces peeking out. She alerted her husband who saddled his horse and gave chase. On reaching the border, however, he was forced to abandon the trail. The kidnappers had outrun him, and the odds were decidedly in their favor if he had overtaken them; one peaceful Quaker against five armed men had little chance of victory.<sup>10</sup>

Thus began a series of court cases and period of waiting. There was no guarantee of a just outcome. The woman and children were black; the men were white. The border for which they raced was the Mason-Dixon Line, marking the boundary between Pennsylvania and Maryland, between freedom and slavery. The victims were not fugitive slaves, however, but free African Americans. Manumitted by their mistress Mary Maddox two years earlier, Kitty Payne and her three children had a right to freedom.

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<sup>9</sup> For more details on the weather and conditions of 24 July 1845, see the detailed notes of Albert Cook Myers. Albert Cook Myers Collection, Chester County Historical Society, West Chester, Pennsylvania.

<sup>10</sup> Eliza Jane Payne to Louisa Wright Russell, 21 October 1888, Myers Collection.

The story of Kitty Payne and her children echoed and replayed itself thousands of times in the years before the end of the Civil War. America's system of race-based slavery gave ample opportunity for individuals who wanted to make easy cash to snatch a free African American, skip over a border, and sell him or her into slavery at a tidy profit illegally. As the price of slaves rose through the first half of the nineteenth century, so did the profit of kidnapping and the temptation to commit the crime.<sup>11</sup> In 1808, the year the Atlantic slave trade ended, the Philadelphia diarist Thomas P. Cope observed, "Not a day passes but free blacks are stolen by force or decoyed away by the most wicked artifices from the northern and Middle States and sold for slaves in the southern."<sup>12</sup> *Freedom's Journal* of New York remarked on a similar situation twenty years later in 1828. Kidnapping, the article asserted, "is daily taking place in this city, and appears to be followed so systematically that we do not know when an end will be put to it."<sup>13</sup>

These incidents in Philadelphia and New York were not isolated events. Kidnapping was particularly common in the border regions where slave states bounded free states, just north of the Mason-Dixon Line in Pennsylvania and the Ohio River in Ohio, Indiana, and Illinois. In 1907 William Cockrum published his *Pioneer History of Indiana*. Along with chapters on the battle of Tippecanoe and statehood, Cockrum devoted an entire chapter to "The Kidnapping of Free Negroes" in which he recorded

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<sup>11</sup> Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington, KY: University Press of Kentucky, 1994), 17.

<sup>12</sup> Eliza Cope Harrison, ed., *Philadelphia Merchant: The Diary of Thomas P. Cope, 1800-1851* (South Bend, IN: Gateway Editions, 1978), 137.

<sup>13</sup> "Self-Interest," *Freedom's Journal (New York)*, November 14, 1828.

numerous incidents of abduction in the region just north of the Ohio River.<sup>14</sup> To Cockrum, writing nearly half a century after the end of slavery, the problem of kidnapping was as important in his state's development as a major military event.

Records of the kidnapping of free blacks and the threat of it existed throughout the United States—both North and South—and occurred as far north as Canada and as far south as Trinidad.<sup>15</sup> Prior to the abolition of slavery in the northern states, kidnapping and enslavement occurred there as well, including places as remote as upstate New York.<sup>16</sup> Socially, kidnapers often targeted poverty-stricken African Americans, who enjoyed little social protection. Yet well-to-do, respected free blacks also found themselves threatened by kidnapers.<sup>17</sup>

Both children and adults were abducted. By the 1850s, at least two popular slave narratives told the stories of free people who had suffered kidnapping and enslavement; Solomon Northup's *Twelve Years a Slave* recorded the experiences of an educated and literate free man enslaved in the Deep South, and *The Kidnapped and the Ransomed* publicized the kidnapping of Peter and Levin Still, two free African-American children.<sup>18</sup>

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<sup>14</sup> William Monroe Cockrum, *Pioneer History of Indiana* (Oakland City, IN: Press of Oakland City Journal, 1907), 562-597.

<sup>15</sup> "A Plan to Kidnap Fugitives," *Provincial Freeman (Canada West)*, January 20, 1854. Earl W. Fornell, "The Abduction of Free Negroes and Slaves in Texas," *Southwestern Historical Quarterly* 60 (1957): 372.

<sup>16</sup> William L. Andrews, ed. *Sisters of the Spirit: Three Black Women's Autobiographies of the Nineteenth Century* (Bloomington: Indiana University Press, 1986), 166.

<sup>17</sup> Two well-off free blacks whose freedom was threatened by kidnapping were Richard Allen, the founder of the African Methodist Episcopal Church, and David Ruggles, founder and leader of the New York Vigilance Committee. See Leon Litwack and August Meier, eds., *Black Leaders of the Nineteenth Century* (Urbana: University of Illinois Press, 1988), 16; C. Wilson, 112.

<sup>18</sup> Solomon Northup, *Twelve Years a Slave* (Auburn: Derby and Miller, 1853; reprint, Baton Rouge: Louisiana State University Press, 1968). Kate E. R. Pickard, *The Kidnapped and the Ransomed* (Syracuse: William T. Hamilton, 1856; reprint, Lincoln: University of Nebraska Press, 1995), vii-viii. In reality, according to Peter Still's brother William, the children were not kidnapped but abandoned in slavery by

“Whiteness” was not a guarantee against kidnapping, either; there is some evidence that darker-skinned people of European decent may also have been kidnapped and sold as slaves.<sup>19</sup> Ultimately, as scholar Carol Wilson notes, no free black—and not all whites—could consider himself or herself safe from the threat of abduction prior to 1865.<sup>20</sup>

Legislation on slavery generated a rise in kidnapping during the nineteenth century. In 1808, Congress ended the Atlantic slave trade, resulting in a rise in the abduction of free blacks in the 1810s.<sup>21</sup> The Fugitive Slave Law of 1850 also worsened the situation.<sup>22</sup> William Cockrum’s account in his *History of the Underground Railroad* summarized the resulting state of affairs.

The fugitive slave law of 1850 was so sweeping in its many provisions that every negro found in a free state was likely to be kidnapped, taken out of his neighborhood, and before a commissioner friendly to slavery, put on trial as a fugitive slave, some man in a slave state being named as his owner.<sup>23</sup>

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their mother. See William Still, *The Underground Railroad* (Philadelphia: Porter and Coates, 1872; reprint, New York: Arno Press, 1968), 37-38.

<sup>19</sup> One interesting case involved Sally Miller, who was held as a slave in New Orleans. Some argued she was in fact a German immigrant kidnapped and sold as an infant. Paul Finkelman, ed., *Free Blacks, Slaves, and Slaveowners in Civil and Criminal Courts: The Pamphlet Literature*, vol. 2, *Slavery, Race, and the American Legal System, 1700-1872* (New York: Garland Publishing, 1988), 123-192.

<sup>20</sup> C. Wilson, 117.

<sup>21</sup> Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002), 62.

<sup>22</sup> C. Wilson, 55.

<sup>23</sup> William Cockrum, *History of the Underground Railroad* (Oakland City, IN: J.W. Cockrum Printing Company, 1915), 60.

An African American's protestation and claim of free status were generally useless in these cases; the law explicitly stated that "in no trial or hearing . . . shall the testimony of such alleged fugitive be admitted in evidence."<sup>24</sup>

Despite the prevalence of the antebellum kidnapping of free African Americans, very little scholarly literature exists on the subject. Carol Wilson's *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* is currently the only book-length study of the topic. One reason for this gap in the literature, as Carol Wilson suggests, may be that although historians and other scholars have long studied slavery, they have given less attention to nineteenth-century free African Americans.<sup>25</sup> Published in 1994, *Freedom at Risk* gives an overview of the problem throughout the United States. Wilson argues that due to its prevalence, the majority of free blacks would have been aware of the threat of kidnapping and that "this constant dread of losing their freedom fundamentally distinguished the experience of free blacks from that of whites."<sup>26</sup> Ultimately, Wilson compares antebellum kidnapping to post-bellum lynching, suggesting that both constituted a form of social control.<sup>27</sup> Her argument is analogous to Herbert Gutman's discussion of whipping and punishment in *Slavery and the Numbers Game: A Critique of Time on the Cross*. Gutman argues that numbers of whippings and slaves not whipped "[do] not measure the utility of the whip as an instrument of social control and economic discipline;" rather, the "social visibility" of whipping served as a means of

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<sup>24</sup> *Fugitive Slave Law of 1850*, sec. 6.

<sup>25</sup> C. Wilson, 1.

<sup>26</sup> C. Wilson, 117.

<sup>27</sup> C. Wilson, 120.

controlling not only the person being punished, but also those who saw or heard of the punishment.<sup>28</sup> Similarly, Wilson concludes that

not every free black was kidnapped, nor did every free black know someone who had been. But . . . most free blacks must have known about the dreaded possibility of abduction into slavery. The fact that kidnapping could occur . . . was enough to make the free black population, especially those making their homes near slave states, live in perpetual fear.<sup>29</sup>

In addition to Wilson's book, a handful of scholars have published articles on kidnapping over the last half-century. These articles include work by scholars Paul Finkelman, Julie Winch, Benjamin Wilson, and Earl W. Fornell. Published in 1990, Finkelman's article, "The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law of 1793," remains one of the most recent studies of free blacks and kidnapping. His article explores the origins and legislative history of the act, and outlines the problem of John Davis's 1791 forcible removal from Pennsylvania to Virginia. In response to Davis' abduction, abolitionists petitioned the Pennsylvania governor and Congress to pass a law that would protect free blacks. Their efforts resulted in the passage of the 1793 federal fugitive slave law that was in effect when Kitty Payne found herself a victim of kidnapping.

Ultimately, Finkelman concludes, "the law of 1793 worked poorly."<sup>30</sup> It neither aided John Davis, whose plight initiated the legislation, nor effectively discouraged other kidnapers. Finkelman argues that despite its well-intentioned advocates—including the

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<sup>28</sup> Herbert Gutman, *Slavery and the Numbers Game: A Critique of Time on the Cross* (Urbana: University of Illinois Press, 1975), 19.

<sup>29</sup> C. Wilson, 117.

<sup>30</sup> Paul Finkelman, "The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law of 1793," *Journal of Southern History* 56 (1990): 422.

Pennsylvania Abolition Society—the law actually threatened African-American liberty by providing an avenue through which kidnappers might legally remove blacks from a free state. The Pennsylvania Abolition Society ultimately opposed the law it had requested. Finkelman points out the irony of this situation, adding that the law did not please southerners, either. Although the law aided slaveholders, they were not satisfied with the measures of 1793 and demanded stricter rulings that ultimately resulted in the Compromise of 1850 and a harsher fugitive slave law.<sup>31</sup>

As Finkelman notes, antebellum kidnapping created a series of ironies. Julie Winch examines one of these ironies in her article entitled “Philadelphia and the Other Underground Railroad.” Because of the central role borders played in kidnapping, Philadelphia proved a favorite hunting ground for kidnappers. Located just inside the border of a free state, the city harbored many fugitives and free African Americans. Their presence, combined with Philadelphia’s proximity to two slave states, Maryland and Delaware, made the city a rich subject for Winch’s study of kidnapping.

Winch suggests that there were in fact two “underground railroads:” one running north, bringing people to freedom, and the other running south, stealing freedom from its unwilling “passengers.”<sup>32</sup> Philadelphia demonstrates the irony of the two railroads, working side by side in the same city for opposite causes. The presence of the reverse underground railroad and the continuous threat it posed to the safety of free blacks in the

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<sup>31</sup> Finkelman, “John Davis,” 421-422.

<sup>32</sup> Julie Winch, “Philadelphia and the Other Underground Railroad,” *Pennsylvania Magazine of History and Biography* 111 (January 1987): 3.

city severely limited their freedom. Because of this threat, Winch argues that for the black residents of Philadelphia, “‘freedom’ was a relative term.”<sup>33</sup>

Benjamin C. Wilson’s article “Kentucky Kidnappers, Fugitives, and Abolitionists in Antebellum Cass County, Michigan” examines the kidnapping threats to a free black community in southern Michigan. Although it appears likely the men who made these threats were genuinely searching for fugitive slaves, rather than abducting legally free people, the African-American community, as well as many of their white neighbors, viewed them as kidnappers.<sup>34</sup> Wilson’s article illustrates the widespread nature of kidnapping; even individuals in Michigan, far north of the Mason-Dixon Line and the Ohio River, were in danger of abduction.

Earl W. Fornell’s 1957 article examines kidnapping in another location. “The Abduction of Free Negroes and Slaves in Texas” raises several interesting issues. Fornell focuses on kidnappings in Galveston, Texas, including cases within the state, such as slave stealing and kidnappings by gangs, and the international abduction of free British mulattos who sailed into the port of Galveston. His examination of the economic aspects of slavery and kidnapping supports his claim that the increased value of slaves in the 1850s drove slave stealing and the kidnapping of free blacks. He also briefly investigates the role of African Americans in kidnapping fellow blacks.<sup>35</sup>

These few articles, published over the course of the last half-century, provide glimpses into antebellum kidnapping in specific locations—Philadelphia; Cass County,

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<sup>33</sup> Winch, 25.

<sup>34</sup> Benjamin Wilson, “Kentucky Kidnappers, Fugitives, and Abolitionists in Antebellum Cass County, Michigan,” *Michigan History* 60 (Winter 1976): 347.

<sup>35</sup> Fornell, 369-380.

Michigan; and Galveston. Detailed views of local kidnapping, they rarely connect abduction at the sites studied to its broader context on a regional or national scale. The life story of Kitty Payne provides an opportunity to closely examine one representative case of kidnapping while linking it to the larger contexts of slavery and the antebellum kidnapping of free African Americans across the United States.

The kidnapping of free blacks was such a widespread phenomenon that Carol Wilson argues no free black could consider himself or herself safe from the threat of abduction prior to 1865.<sup>36</sup> Nevertheless, patterns of abduction, of which Kitty Payne is representative, emerge. Women and children found themselves at a higher risk for kidnapping.<sup>37</sup> Economic status was another factor; poor adults might be lured by a kidnapper's offer of "work," as Solomon Northup discovered in 1841.<sup>38</sup> The poor also tended to have less social protection.

Location played a major role in abduction patterns. Kidnappers tended to prowl large cities with high numbers of free African Americans and easy access to transportation by ship or rail, such as Philadelphia and New York. Cities also offered anonymity that made it easier for both criminals and victims to disappear. In particular, kidnappers preyed on the border lands just north of slavery; "the vast majority of kidnappings," including Kitty Payne's, took place "in the border states of Pennsylvania, Delaware, and Maryland."<sup>39</sup> In his *Reminiscences*, Levi Coffin, the unofficial but legendary Quaker "president of the Underground Railroad," noted that "free negroes in

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<sup>36</sup> C. Wilson, 117.

<sup>37</sup> C. Wilson, 9.

<sup>38</sup> C. Wilson, 9. Northup, 12-20. Kidnappers lured Solomon Northup from New York with an offer of work.

<sup>39</sup> C. Wilson, 10.

Pennsylvania were frequently kidnapped or decoyed into [Virginia and Maryland], then hurried away to Georgia, Alabama, or Louisiana, and sold.”<sup>40</sup>

Cases of kidnapping produced other patterns. Among abducted free blacks who were granted court hearings or regained their freedom, aid from white men and women was customary. Southern society and southern legal systems were both racially biased; few people of African descent were able to appeal to the law without the aid of a “sympathetic white ear.”<sup>41</sup> Quaker assistance was another common feature. Many Quakers, in addition to working for the cause of abolition, were deeply involved in helping those who had a legal right to freedom to regain their liberty.<sup>42</sup>

Legal patterns also emerged from the cases of kidnapped free blacks. Typically, kidnapping cases involved nullified wills, obscure laws, and technicalities that placed freedom in the balance and allowed kidnappers to operate within the law, legally reducing a free person to bondage.<sup>43</sup> The treatment of kidnappers also tended to be fairly uniform. Most people who abducted free blacks received little punishment for their crimes. Racism in society, combined with legal racism that prevented blacks from

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<sup>40</sup> Levi Coffin, *Reminiscences of Levi Coffin* (Cincinnati: Western Tract Society, 1876; reprint, Richmond, IN: Friends United Press, 1991), ix, 1.

<sup>41</sup> C. Wilson, 6.

<sup>42</sup> C. Wilson, 86. While many nineteenth-century Quakers were opposed to slavery and some of the best-known conductors on the underground railroad, including Levi Coffin, were Quakers, not all members of the Religious Society of Friends agreed on the subject. Slavery was a matter of intense debate among the Quakers during the eighteenth century and resulted in splits within the Quaker church. For more information on the controversy over slavery within the Quaker community, see Jean R. Soderlund, *Quakers and Slavery: A Divided Spirit* (Princeton: Princeton University Press, 1985) and Walter Edgerton, *History of the Separation in Indiana Yearly Meeting of Friends* (Cincinnati: Achilles Pugh, 1856).

<sup>43</sup> For examples and more information, see “Kidnappers Who Operated within the Law,” C. Wilson, 40-66.

testifying in court, protected most kidnappers from conviction.<sup>44</sup> Of those who were convicted, most served minimal sentences.<sup>45</sup>

Kidnappers also often fit a profile. Usually they were male, like Payne's abductors, although one of the most notorious kidnappers of the antebellum period was female. Lucretia "Patty" Cannon headed her own kidnapping gang before being arrested for murder.<sup>46</sup> Gang abductions were another pattern. For practical reasons, kidnappers found strength in numbers.<sup>47</sup>

Because this study examines kidnapping through the life story of one woman and her experiences, biographies have served as models for this project. As biographers of nineteenth-century African-American women know, the lives of their subjects are not easy to document. The sources historians traditionally use—census records, letters, diaries, and the like—often are not available for nineteenth-century African-American women, enslaved or free. Before 1850, federal census takers recorded the names of heads of households only. Therefore, the names of women rarely appeared in census records during the first half of the nineteenth century; the names of enslaved people never did. Most nineteenth-century African-American women had little or no education, and by definition, the illiterate do not create the written sources historians use. Those creating the sources—usually white men—rarely considered black women worthy of

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<sup>44</sup> C. Wilson, 18.

<sup>45</sup> One example is George F. Alberti, one of the most "infamous" kidnappers. The court fined him one thousand dollars and sentenced him to ten years in prison, but Pennsylvania's Democratic governor, William Bigler, pardoned him. C. Wilson, 50-51.

<sup>46</sup> *Narrative and Confessions of Lucretia P. Cannon* (New York: n.p., 1841).

<sup>47</sup> C. Wilson, 18. For more information on the Cannon gang, see C. Wilson, 19-37.

mention, and when they did, they recorded history from their point of view. As Anna Julia Cooper, a black female lecturer, social reformer, and author, noted in 1892,

One important witness has not yet been heard from. . . .  
The “otherside” has not been represented by one who “lives there.” And not many can more sensibly realize and more accurately tell the weight and the fret of the “long dull pain” than the open-eyed but hitherto voiceless Black Woman of America.<sup>48</sup>

Josephine Carson echoed Cooper in the twentieth century. The black woman, she wrote, “silent, almost invisible in America, has been speaking for three hundred years in pantomime or at best a borrowed voice.”<sup>49</sup>

Thus one of the main challenges of documenting Kitty Payne’s life is that of locating sufficient sources. Although Payne may have been literate, she left no letters, no diaries, no scrap of writing. No record describing her experiences in her own words exists. As a result, telling Payne’s life story requires alternative sources and methods.

Daniel L. Schafer faced the same difficulty when he began the research that culminated in *Anna Madgigine Jai Kingsley: African Princess, Florida Slave, Plantation Slaveowner*. Kingsley, who was born in the late eighteenth century, obtained some education, but like Kitty Payne, left no letters or diaries.<sup>50</sup> As a substitute for the non-existent traditional sources, Schafer used secondary literature, oral histories, and accounts of documented parallel lives.<sup>51</sup> Some women in circumstances similar to Kingsley’s left

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<sup>48</sup> Anna Julia Cooper, *A Voice from the South* (Xenia, OH: Aldine Printing House, 1892; reprint, New York: Oxford University Press, 1988), ii.

<sup>49</sup> Josephine Carson, *Silent Voices: The Southern Negro Woman Today* (New York: Delacorte Press, 1969), 1.

<sup>50</sup> Daniel L. Schafer, *Anna Madgigine Jai Kingsley: African Princess, Florida Slave, Plantation Slaveowner* (Gainesville: University of Florida Press, 2003), xii.

<sup>51</sup> Schafer, xii, 16.

letters and diaries; using the records of these women whose lives paralleled Kingsley's helped Schafer reconstruct Kingsley's life story. In other instances, he used the available evidence to draw informed inferences; in this way, Schafer identified likely possibilities for Anna Kingsley's African name and family, and substantiated the "African princess" legend connected with her, while disproving other myths.<sup>52</sup> His methodology of using the parallel lives of women in similar circumstances as sources and drawing informed inferences are particularly helpful in telling Kitty Payne's life story.

Fortunately, some nineteenth-century African-American women were able to record their stories. As Frances Foster Smith notes, they used the written word as a "tool." With it, they documented their lives, providing a counterpart with which to compare and to tell others' stories.<sup>53</sup> The documented life of Harriet Jacobs offers a story that in many ways parallels Kitty Payne's. Born within three years of each other, both Kitty Payne and Harriet Jacobs achieved freedom in the early 1840s. Both feared losing their children through sale, and both faced the threat of kidnapping once they reached the North. In addition, both Payne and Jacobs were fortunate enough to have caring mistresses during their early years, making their childhoods somewhat privileged compared to many slave children, and providing a contrast when passed into the hands of abusive masters.

Harriet Jacobs was born in Edenton, North Carolina in 1813. Although different masters owned her father and mother, they permitted the Jacobs family to live together until her mother's death. Later, Harriet lived with her grandmother, who, although a

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<sup>52</sup> Schafer, xii.

<sup>53</sup> Frances Smith Foster, *Written by Herself: Literary Production by African American Women, 1746-1892* (Bloomington: Indiana University Press, 1993), 2.

slave, occupied a respected position in both the black and white communities. Her grandmother's social status assured Harriet a reasonably comfortable existence. In addition to these advantages, her mistress taught her to read and write.

Such advantages did not protect Harriet Jacobs for long. Her sheltered childhood ended abruptly in her twelfth year when her mistress died, leaving Harriet to a three-year-old niece, and, for all practical purposes, to the niece's father, James Norcom. Norcom, a fifty-year-old controlling sexual predator, demanded Harriet's complete submission. To escape his attentions, she sought a relationship with another white man. Her teenage liaison with Major Samuel Sawyer produced two children, and in an attempt to protect herself and her children from Norcom, Harriet ran. Rather than head north, however, she remained in hiding in Edenton to stay near her son and daughter. For seven years, she lay hidden in a secret attic room in her grandmother's house.

In 1842, one year before Kitty Payne received her freedom, Harriet Jacobs escaped to the northern states. There she published an autobiography under the pen name Linda Brent. Although Lydia Maria Child provided an introduction and editing, Child assured readers that as the editor she had not "added any thing to the incidents, or changed the import of [the author's] pertinent remarks. With trifling exceptions, both the ideas and the language are her own. . . . I had no reason for changing her lively and dramatic way of telling her own story."<sup>54</sup>

Despite the written evidence of Jacobs' life story, for most of the twentieth century respected scholars such as John Blassingame considered *Incidents in the Life of a Slave Girl* "either dictated to L. Maria Child or written by her, rather than a book

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<sup>54</sup> Harriet Jacobs, *Incidents in the Life of a Slave Girl*, ed. Jean Fagan Yellin (Cambridge: Harvard University Press, 1987; originally published, 1861), 3.

unmediated from the pen of Harriet Jacobs.”<sup>55</sup> When Jean Fagan Yellin began documenting Jacobs’ life in the 1980s, she faced many of the same challenges that Daniel Schafer and other biographers of nineteenth-century African-American women still confront. In an annotated edition of Jacobs’ *Incidents in the Life of a Slave Girl*, published in 1987 by Harvard University, she proved the existence of Jacobs and documented the authenticity of Jacobs’ autobiography.

Because of her previous research, Yellin had the advantage of traditional sources for the first half of Jacobs’ life when she began Jacobs’ biography. Where *Incidents in the Life of a Slave Girl* ends, however, Yellin’s use of alternative sources began. Yellin’s alternative sources included material culture, such as three cloth dolls Jacobs sewed, and photographs, as well as contextual events and newspapers from the cities where Jacobs lived to identify what Jacobs would have been likely to hear, talk about, or do.<sup>56</sup> Yellin also included literary sketches of others closely associated with Jacobs to help complete the picture of Jacobs’ life, friendships, and associations.

Alain Corbin’s methodology in *Life of an Unknown* is similar. In documenting and describing the life story of Louis-François Pinagot, an illiterate nineteenth-century French clog maker, Corbin spent a great deal of time describing Pinagot’s village, family, and neighbors, as well as events that would have affected his subject.<sup>57</sup> In other words, when there is little documentation on the subject, biographers can paint the context of the

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<sup>55</sup> Robanna S. Knott, “Harriet Jacobs: The Edenton Biography” (Ph.D. diss., University of North Carolina at Chapel Hill, 1994), 3.

<sup>56</sup> Yellin, 92, 106.

<sup>57</sup> Alain Corbin, *The Life of an Unknown*, trans. Arthur Goldhammer (New York: Columbia University Press, 2001).

subject's life—friends, family, locations, events—to reach a deeper insight into the life of someone about whom very little is known.

Like the lives of Anna Madgigine Jai Kingsley, Harriet Jacobs, and Louis-François Pinagot, the life story of Kitty Payne is not easy to document. Without letters, diaries, or any records in Payne's own words, her character, personality, feelings—all important aspects of a biography—are difficult to identify. Instead of these personal sources, there are court and census records. Although for the most part they reveal only the dry facts associated with Payne, reading between the lines allows one to glean insight into the complex relationships and events of her life. Newspapers are a valuable source as well, since Pennsylvania papers, including the local *Gettysburg Compiler*, *Adams Sentinel*, and *Star and Banner*, covered not only the kidnapping, but the court cases that followed and other related incidents. Local papers also reveal the community's attitude and relationship with Payne, her family, and her kidnappers.

Fortunately, Kitty Payne's life story is not completely devoid of personal sources. Two of the most valuable documents on Payne and the kidnapping help give her story an intimate touch. The first is a letter from Eliza Jane Payne, Kitty's daughter, to her Quaker friend Louisa Wright Russell. Dated 21 October 1888, the letter records the story of the Payne family's manumission, kidnapping, and legal struggle—albeit from the memories of a seven-year-old and at a distance of forty years. Nevertheless, it is a first-person account of the events that took place the summer of 1845 from someone who experienced them and knew Kitty Payne personally. The second source is a letter dated 9 January 1945. One hundred years after the kidnapping, Kitty Payne's granddaughter, Mary Jackson Goins, set down the family's oral history of the story. Although it contains

the errors of memory common in stories passed from one generation to the next, the letter illustrates how the Payne family preserved the narrative as part of their heritage and also provides a glimpse into their understanding and interpretation of Payne's life.

Both of these letters reside in the Albert Cook Myers Collection of the Chester County Historical Society in West Chester, Pennsylvania, along with photographs, records of interviews, and twentieth-century letters relating to the Payne family. Albert Cook Myers, a descendant of Jesse Cook, one of the Quakers who aided Payne in her struggle for freedom, grew up hearing her story. As an adult, Myers decided to research and publish Payne's biography. He never wrote the book, but his research, the majority



**Albert Cook Myers interviewing Mary Stewart in the 1940s. In her youth, she was enslaved by Richard Henry Field, the judge in Kitty Payne's Virginia trial. Chester County Historical Society, West Chester, Pennsylvania.**

of which was done in the 1940s, has preserved many of the details of Payne's story that would otherwise now be lost. He began his research early enough that people remained who personally knew Payne's children, and even a few—such as the hundred-and-three-year-old former slave Mary Stewart—who could recall those of Payne's generation.

As Daniel Schafer aptly observed, “recreating a life story as complicated as the one lived by Anna Kingsley without benefit of extensive documentation is methodologically

challenging.”<sup>58</sup> Kitty Payne’s life story, as complicated as Anna Kingsley’s and as undocumented as the stories of most nineteenth-century African-American women, rises from the mist with many questions still unanswered. To tell her story, as to tell Anna Kingsley’s, “it [becomes] necessary . . . to borrow from accounts of documented parallel lives and from the extensive secondary literature . . . while drawing informed inferences from a limited body of specific factual evidence.”<sup>59</sup> Ultimately, as Schafer asserts, “historians must on occasion depend on reasonable and informed conjecture and be willing to tolerate a degree of uncertainty.”<sup>60</sup> Thus it is with the life story of Kitty Payne and others whose lives are largely undocumented. Payne’s life and experiences contain many of the patterns of antebellum kidnapping, making her representative of the mass of kidnapped free blacks whose stories are lost forever. For those whose voices were stolen by kidnapping and slavery, Payne and her story speak.

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<sup>58</sup> Schafer, xii.

<sup>59</sup> Schafer, xii.

<sup>60</sup> Schafer, xii.

## CHAPTER ONE

### KITTY

Kitty Payne was born in Rappahannock County, Virginia in about 1816, probably on the farm of Samuel and Mary Maddox.<sup>61</sup> Nestled against the Blue Ridge Mountains, Rappahannock County was part of the Piedmont region. Virginia's slavery, as well as its culture and economy, was shaped by geography.<sup>62</sup> The Tidewater region, home to the Washingtons, Lees, and Randolphs, was defined by plantation agriculture. Here slavery was most firmly entrenched. Beyond this lay the Piedmont region, and beyond that, the Shenandoah Valley and the Southwest. As scholar William Link notes, the "great divide" in Virginia "was the Blue Ridge Mountains; in counties east of it slavery dominated, while west of the mountains, it existed sporadically."<sup>63</sup>

The Virginia Piedmont shared tobacco, wheat, and cash-crop agriculture with the Tidewater.<sup>64</sup> Toward the middle of the nineteenth century, however, Rappahannock and other western Piedmont counties that bordered the Valley sometimes demonstrated closer ideological ties to Virginia's western regions. Loudon County, just north of Rappahannock, petitioned the state government for gradual emancipation in 1831.<sup>65</sup> In

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<sup>61</sup> The deed of manumission granting Kitty freedom gives her age as twenty-seven in 1843. Deed of Manumission, 25 February 1843, Deed Book E, page 176, Clerk's Office, Rappahannock County Court, Virginia. Although not corroborated by nineteenth-century records, Payne family oral tradition asserts Kitty Payne was born on the Maddox farm. Minnie E. Goins to Albert Cook Myers, 9 January 1945. Myers Collection.

<sup>62</sup> William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003), 13.

<sup>63</sup> Link, 13.

<sup>64</sup> Link, 3. Marie Jenkins Schwartz, "Born in Bondage: Slave Childhood in the Virginia Piedmont and the Alabama Black Belt, 1820-1860" (Ph.D. diss., University of Maryland at College Park, 1994), 17.

<sup>65</sup> Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion* (Baton Rouge: Louisiana State University Press, 2006), 242.

1850-1851, a state constitutional convention found itself sharply divided between the slave-dependent, plantation east and the small farm west. After reaching a stalemate, eight eastern members broke the deadlock by joining forces with the westerners. Of the eight, six resided in the western Piedmont.<sup>66</sup> Although generally considered one region, differences existed within Piedmont Virginia.<sup>67</sup>

Often treated as one “monolithic” phenomenon, American slavery nevertheless included a great amount of diversity and complexity.<sup>68</sup> Ira Berlin makes a distinction between “societies with slaves” and “slave societies;” the Shenandoah Valley and Appalachian regions, just west of Rappahannock, were the former.<sup>69</sup> Their influence over the northwestern Piedmont region manifested itself in politics when the northern Piedmont became a “Whig stronghold.”<sup>70</sup> During the secession crisis, Unionist sentiment dominated in the Shenandoah Valley, just west of Rappahannock County.<sup>71</sup>

Demographics, culture, climate, geography, and change over time all contributed to different types of slavery, and thus different experiences for each individual.<sup>72</sup>

Between the early nineteenth-century northwestern Piedmont, where Kitty Payne was

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<sup>66</sup> Link, 23.

<sup>67</sup> Schwartz, 21 n 10. In addition to differences between the eastern and western Piedmont, differences also existed between the northern and southern counties of the region.

<sup>68</sup> Karen Byrne, “‘We Have a Claim on This Estate:’ Remembering Slavery at Arlington House,” *Cultural Resource Management* (2002): 29.

<sup>69</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Belknap Press of Harvard University Press, 1998), 8.

<sup>70</sup> Link, 79.

<sup>71</sup> Link, 242.

<sup>72</sup> Paul Finkelman, ed., *Southern Slavery at the State and Local Level*, *Articles on American Slavery* (New York: Garland Publishing, 1989), ix-x; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: New Press, 1974), xv.

born, and the Tidewater region, differences included a lower population of both blacks and whites and a preponderance of small farms with few slaves. In the western Piedmont, less than 1 percent of slaveowners held fifty or more people enslaved.<sup>73</sup> Small farms with few to no slaves were by far the most common economic unit in early nineteenth-century agriculture. The Maddox farm, consisting of one hundred and eleven acres with two slaves in 1810, was one of these.<sup>74</sup>

In spite of the more personal nature of slavery in the northwestern Piedmont, few slaves lived in nuclear families. Small farms, slave exports, and westward migration all contributed to the breakup of slave families in the region where Kitty grew to adulthood. In areas where the majority of slaveholders were smaller farmers who held low numbers of people in bondage, slave families were extremely likely to have members owned by another master or sold away. “Marriages between adults living on separate estates were common” in the Piedmont.<sup>75</sup>

Slave exports also destroyed families. During the 1820s and 1830s, while Kitty was growing up, Virginia’s economy stagnated badly. As a result, slaves became one of the state’s main exports. Many slave masters in the Old Dominion sold their surplus labor south during this time.<sup>76</sup> Virginia’s economy did not begin to recover until the 1850s.<sup>77</sup>

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<sup>73</sup> Schwartz, 20.

<sup>74</sup> United States Census Office, *Census of the United States, Manuscript Census, Culpeper County, Virginia, 1810* (Microcopy 252, Roll 68).

<sup>75</sup> Schwartz, 382.

<sup>76</sup> Schwartz, 345.

<sup>77</sup> Schwartz, 366.

Western migration also contributed to the separation of slave families. The nation was rapidly expanding during this period and many white Virginians moved to Kentucky, Missouri, and other western states, bringing their human property.<sup>78</sup> The Corder family of Virginia was part of this trend; the four brothers Vincent, Martin, John, and Nathan Corder sold their Piedmont land in 1836 and traveled west through the Cumberland Gap to Missouri, taking fifty slaves with them.<sup>79</sup>

Due to small farms, slave exports, and migration, few slaves lived in nuclear families in which both parents were present. According to historian Marie Jenkins Schwartz, families in the upper South were especially likely to be broken apart by sales and migration.<sup>80</sup> As a result, “about one-third of children in the upper South were separated from one or both parents before they reached age fifteen.”<sup>81</sup>

Kitty, growing up without her own father and mother, had personal experience with this aspect of Piedmont slavery. Regional songs, like the one below, recorded blacks’ fear of sale and slave traders.

See wives and husbands sold apart,  
Their children’s screams will break my heart.  
There’s a better day a coming.  
Will you go along with me?  
There’s a better day a coming.  
Go sound the jubilee!<sup>82</sup>

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<sup>78</sup> Schwartz, 22.

<sup>79</sup> Virginia Corder Pettit to Albert Cook Myers, 24 September 1943, Myers Collection. These four brothers were the sons of the Revolutionary War veteran John Corder, who later became Mary Maddox’s second husband.

<sup>80</sup> Schwartz, 351.

<sup>81</sup> Schwartz, 351.

<sup>82</sup> Wilma A. Dunaway, *Slavery in the American Mountain South* (Cambridge: Cambridge University Press, 2003), 219.

Despite families split between different masters or torn apart by sale or migration, slaves worked hard to keep kinship networks intact. Family oral histories in the African griot tradition helped preserve the stories of family members who were gone and created links to the past and extended family, despite broken family networks.<sup>83</sup> Kitty Payne's children and grandchildren would continue this tradition by preserving her story orally into the twentieth century.

Like many nineteenth-century African-American women, Kitty Payne was born into a slave culture that negated her existence as a human being and made a mystery of her name and her identity itself. Kitty's family was one of those fractured by different masters, sale, migration, or possibly death, and although kinship networks and oral family histories gave her some connections during her lifetime, they are lost today. Thus, Kitty appears out of the mist at age twenty-seven, with no parentage, no identity, and no surname. In the manumission that set her free, the first document specifically to attest to her existence, she is only "Kitty."<sup>84</sup>

Kitty's parentage, like that of many enslaved African-Americans of the time, is a mystery. According to twentieth-century Payne family tradition, her master, Samuel Maddox, Sr., was her father.<sup>85</sup> Aside from that family oral tradition, which was set down on paper in 1945, about one hundred and thirty years after her birth and containing errors

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<sup>83</sup> Dunaway, 198-207. For more information on kinship and identity, see Mieko Nishida, *Slavery and Identity: Ethnicity, Gender, and Race in Salvador, Brazil, 1808-1888* (Bloomington: Indiana University Press, 2003), 123-141. Although Nishida's work focuses on slavery in South America, nineteenth-century Brazilian slavery had many similarities to slavery in the American South.

<sup>84</sup> Deed of Manumission, 25 February 1843, Deed Book E, page 176, Clerk's Office—Rappahannock.

<sup>85</sup> Mary Goins Gandy, *Guide My Feet, Hold My Hand* (Canton, MO: privately printed, 1987), 5. The 1850 federal census described Kitty Payne as "mulatto," which indicates white ancestry. This could be interpreted as evidence of a white father, whether Samuel Maddox or another man, or another white ancestor such as a grandfather. United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743).

of memory, there is no record of who her father might have been. In light of Kitty's good relationship with Mary Maddox, it seems unlikely that Samuel was her father; southern wives did not make a habit of emancipating and kindly treating their husbands' illegitimate offspring, nor is there any nineteenth-century record of husband/wife tensions over Kitty.<sup>86</sup> Recording Kitty's story in 1888, her daughter Eliza Jane made no mention of Kitty's father. Perhaps Eliza Jane did not know his identity; perhaps Kitty herself did not know. This would not have been uncommon; after Emancipation, "a sizable number of former slaves reported knowing little or nothing about their fathers."<sup>87</sup>

Who Kitty's mother was or what became of her also is a mystery.<sup>88</sup> The federal census of 1810 lists Samuel Maddox as the head of a household comprising one white male over the age of forty-five—Samuel Maddox himself—one white female between the ages of twenty-six and forty-five—his wife Mary—and two slaves whose genders and ages are not specified.<sup>89</sup> One of these, perhaps, was Kitty's mother. Was the other her

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<sup>86</sup> Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York: Pantheon Books, 1982), 214.

<sup>87</sup> Schwartz, 392.

<sup>88</sup> Goins to Myers, 9 January 1945, Myers Collection.

<sup>89</sup> United States Census Office, *Census of the United States, Manuscript Census, Culpeper County, Virginia, 1810* (Microcopy 252, Roll 68). Samuel Maddox does not appear in the 1820 federal census records, the first in which Kitty Payne would have been counted.

At the time of the 1830 federal census, the Maddox household included one white male between 60 and 70 years of age—Samuel Maddox—and one white female between 50 and 60—Mary Maddox. Also listed were four slaves. Two were men, one aged 24-36—probably Benjamin Roberts—and the other 10-24, probably James Green, Kitty's brother. The final two members of the household in 1830 were female slaves. One was 10-24 years old—Kitty would have been about 17 in 1830—and the other was a child under 10. United States Census Office, *Census of the United States, Manuscript Census, Culpeper County, Virginia, 1830* (Microcopy 19, Roll 197).

By 1840, Samuel Maddox, Sr. had died and Samuel Maddox, Jr. had joined the household. The 1840 census records two white men aged 20-30 living on the farm, one of whom was Samuel Maddox, Jr. It also counts Mary Maddox, listed as a white female aged 60-70, and two free colored people. The census counted two male slaves, one aged 36-55—Benjamin Roberts—and one 24-36—James Green. Three

father? More likely, the second person was James Green, Kitty's brother ten years her senior.<sup>90</sup> Whoever her parents were, they do not enter the historical record, even briefly enough to grant their daughter an identity. A surname, the only record of who they might have been, did not exist.

Kitty's childhood is visible only through the dusky shadows of her surroundings and the parallel experiences of others in similar circumstances. Growing up on the 111-acre farm of Samuel and Mary Maddox in Piedmont Virginia, she did not experience life on the stereotypical southern plantation with hundreds of acres and slaves, menacing overseers, and fields of cotton. Instead, the small farm in Rappahannock County proved a far different environment. Kitty would have worked side by side with Samuel and Mary Maddox during her days.

As a child, Kitty would have assisted Mary Maddox in the home. Both owners and slaves viewed the years of life between toddler-hood and about age ten as a period to "learn useful skills and work habits."<sup>91</sup> Typical chores for enslaved children included tasks such as carrying water, weeding, sweeping, tending infants, milking, gathering eggs, and churning butter.<sup>92</sup> Kitty would have spent much of her time working at Mary's side, learning the domestic skills such as laundry and cooking necessary for all working-class women of the nineteenth century. Kitty's mastery of the household skills learned in

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female slaves were listed, one aged 24-36, and two children under 10—Kitty Payne and her two oldest daughters, Eliza Jane and Mary. United States Census Office, *Census of the United States, Manuscript Census, Rappahannock County, Virginia, 1840* (Microcopy 704, Roll 575).

<sup>90</sup> Mary Maddox's manumission of her slaves gives James' age as thirty-seven and Kitty's as twenty-seven. Deed of Manumission, 25 February 1843, Deed Book E, page 176, Clerk's Office—Rappahannock. An newspaper article referred to Kitty Payne as James Green's sister in 1852. "Murder Trial," *Adams Sentinel*, 29 November 1852.

<sup>91</sup> Schwartz, 8.

<sup>92</sup> Wilma King, *Stolen Childhood: Slave Youth in Nineteenth-Century America* (Bloomington: Indiana University Press, 1995), 24-29.

girlhood later gave her the ability to support herself and her children. As an adult in Pennsylvania, she earned a living by doing washing for Quaker families.<sup>93</sup> Kitty later passed on to her own daughters the culinary skills she began learning on Mary Maddox's hearth. Multiple people would attest to Eliza Payne's legendary abilities in the kitchen; Kitty's daughter made "the most delicious bread *any body ever ate*" and was "an excellent cook."<sup>94</sup>

Households with few slaves, like the Maddox home, may have contributed to closer relationships between masters and slaves than would be common on large plantations. Historian John C. Inscoe argues that slaves and masters on small farms, living and working in close proximity to one another, sometimes shared genuine affection, and notes instances in which masters spoke of slaves as valued members of the family.

George Swain, for example, reported that "the family are all well with the exception of Ben and Elias," both of whom were slaves. He wrote of Elias' recovery, "I have real cause for thankfulness to our kind preserver for peculiarly distinguishing mercy in this and ten thousand other instances," a sentiment that could just as easily have been applied to his wife or son.<sup>95</sup>

As unusual as Inscoe's findings might sound, Kitty Payne's life story provides an example of the close relationship that did exist on occasion between slave and mistress in households with few slaves. Middle-aged and with no children of her own when Kitty was born, Mary Maddox seems to have viewed Kitty as a surrogate daughter. In fact,

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<sup>93</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>94</sup> Emphasis in original. Martha Jones Reed to Sarah Green, 28 February 1945, Albert Cook Myers, Myers Collection; T.R. White to Albert Cook Myers, 2 March 1945, Myers Collection.

<sup>95</sup> John C. Inscoe, *Mountain Masters, Slavery, and the Sectional Crisis in Western North Carolina* (Knoxville: University of Tennessee Press, 1989), 96.

Mary's own mother was Catharine Russell Roberts, and it is possible that Kitty—later called Catharine—was named for her, giving Kitty a close bond with Mary Maddox. The story of the relationship between Mary Maddox and Kitty Payne lived on in Payne family oral tradition, and over one hundred years later, Kitty's granddaughter wrote that Mary “tho't a great deal of Kitty and was good to her.”<sup>96</sup>

While the relationship between Kitty Payne and Mary Maddox supports Inscoc's claim that small-scale slavery sometimes contributed to close owner/slave relationships, Inscoc also recognizes the many examples of tension and conflict between blacks and whites.<sup>97</sup> Slavery was loathsome in all its forms, and although Mary Maddox may have protected Kitty to some extent and although her life story demonstrates the more positive mistress/slave relationship in which gender united women across racial lines, it also offers an example of the controlling, violent owner. Samuel Maddox's nephew, Samuel Maddox, Jr., would prove himself to be the stereotypical abusive slave master.<sup>98</sup>

Academic education would not have been part of Kitty's routine during her childhood. In the 1830s, just prior to the Nat Turner Rebellion in Southampton County, Virginia, the state legislature passed a law forbidding whites to teach African Americans to read and write.<sup>99</sup> Illiteracy did not necessarily set Kitty apart from others of her acquaintance, however, or even from her master and mistress. Both Samuel and Mary

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<sup>96</sup> Goins to Myers, 9 January 1945, Myers Collection.

<sup>97</sup> Inscoc, 98-102.

<sup>98</sup> Samuel and Mary Maddox did not have children. The son of Samuel's brother, also named Samuel Maddox, was his namesake and heir, and regularly referred to as “Samuel Maddox, Jr.”

<sup>99</sup> William Goodell, *The American Slave Code in Theory and Practice* (New York: American and Foreign Anti-Slavery Society, 1853), 322.

Maddox appear to have been illiterate; Samuel's will and Mary's manumission of her slaves are both signed with an X.<sup>100</sup>

Yet Kitty herself may well have achieved literacy at some point in her life. In contrast to Samuel and Mary Maddox's legal papers, Kitty Payne's petition to the Circuit Court of Rappahannock County has no X—only her own name and those of her children.<sup>101</sup> About fifteen years old when Virginia's anti-literacy law went into effect, Kitty might have learned to read and write by that time. If not, it is possible that her northern Quaker neighbors taught her after her emancipation.<sup>102</sup> Payne family tradition affirms Kitty's literacy, and interestingly asserts that “[Samuel] Maddox seemed to think a great deal of Kitty, and taught her to read and write.”<sup>103</sup> Although it is hardly likely that Samuel Maddox taught Kitty to read and write since evidence points to his own illiteracy, the Payne family tradition that Kitty could read and write may well have its basis in fact.

Whether or not Kitty Payne was literate, and whether or not Samuel Maddox thought “a great deal of her,” as her descendants believed, he did not consider her future when he composed his will in 1837. Samuel Maddox's health rapidly declined that year. A childless small farmer, Maddox had little property to bequeath and few heirs. His will

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<sup>100</sup> Will of Samuel Maddox, 25 July 1837, Will Book A, p. 208, Clerk's Office—Rappahannock. Deed of Manumission, 25 February 1843, Deed Book E, page 176, Clerk's Office—Rappahannock.

<sup>101</sup> Petition to Richard H. Field, Judge of the Rappahannock County Circuit Court, 23 September 1845, Clerk's Office—Rappahannock. Of course, someone may also have signed for Kitty Payne's petition for her; her children—then about ages five, six, and seven—certainly did not sign the document themselves. In a letter written in 1888, Eliza Jane hinted that Mary Maddox kept up a correspondence with Kitty, noting, “my mother heard from her as long as she Lived.” Did both women use others to transcribe and read their letters? Perhaps. Kitty Payne's literacy, like her parentage and identity, remains one of the mysteries of her story.

<sup>102</sup> There are records of Kitty Payne's neighbors William and Phoebe Wright teaching illiterate African Americans to read and write. James W.C. Pennington, *The Fugitive Blacksmith* (London: Charles Gilpin, 1849), 42-43.

<sup>103</sup> Goins to Myers, 9 January 1945, Myers Collection.

disposed of his property in vague terms that ultimately became the script for Kitty's future. Lumping his slaves Kitty Payne, Benjamin Roberts, and James Green together with his 111 acres, tables, chairs, and farming implements, Maddox bequeathed his "whole estate, real, personal, and mixed" to his wife Mary "to do and use as she may see proper during her natural life." At her death, the property would pass to his nephew, Samuel Maddox, Jr.

In the name of God Amen I Samuel Maddox of the county of Rappahannock in the state of Virginia being sound of mind and disposing memory and knowing the uncertain ties of life do make this my last will and testament hereby revoking all others heretofore made by me.

First, I wish all my just debts and funeral expenses paid[.]

Second, I give and bequeath into my beloved wife Mary Maddox my whole estate, real, personal, and mixed to do and use as she may see proper during her natural life

Third, If there should be any thing left at the death of my wife Mary Maddox it is then my wish and desire that my nephew Samuel Maddox (son of Bennet Maddox) shall have the remainder of my whole estate at the death of my wife aforesaid Mary Maddox, and if he should die without an heir then it is my wish and desire that my nephew William Maddox (son of Bennet Maddox) shall have the remainder of my whole estate at the death of the aforesaid Samuel Maddox

Fourth, It is further my wish and desire that the court may not require security of my executrix herein after named and I do hereby constitute and appoint my beloved wife Mary Maddox my executrix to this my last will and testament. In testimony whereof I have hereunto subscribed my name and affixed my seal this 25<sup>th</sup> day of July Eighteen hundred and thirty seven. Signed Sealed and delivered in the presence of

Franklin Turner  
Bushrod W. Myers

John Myers

X  
Samuel Maddox  
his mark<sup>104</sup>

When Samuel Maddox recorded his dying wishes in 1837, Virginia’s slave laws would have allowed him to emancipate Kitty Payne through his will, had he chosen to do so. This was not the case earlier in Virginia’s history. A law passed in 1723 forbid masters to manumit enslaved men and women unless the person in question had performed a “meritorious service,” and even in that instance it required an act of the legislature.<sup>105</sup> In 1782, in “the most liberal antislavery bill in its history,” Virginia’s governing body legalized private emancipation, including emancipation through a “last will or deed.”<sup>106</sup> The legislature later amended the statute in 1806 to require all newly emancipated men and women to leave the state within twelve months.<sup>107</sup>

Southern masters, including the founding fathers, often excused their failure to emancipate the men and women they held enslaved, claiming it was “difficult” and “impractical.”<sup>108</sup> Certainly Virginia’s laws did not make manumission easy. Yet as scholar Andrew Levy demonstrates in *The First Emancipator: The Forgotten Story of Robert Carter, the Founding Father who Freed his Slaves*, these were merely excuses. In 1791, Robert Carter of Northumberland County, Virginia, signed the “Deed of Gift” that

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<sup>104</sup> Will of Samuel Maddox, 25 July 1837, Will Book A, p. 208, Clerk’s Office—Rappahannock.

<sup>105</sup> See George M. Stroud, *A Sketch of the Laws Relating to Slavery in the Several States of the United States of America* (Philadelphia: n.p., 1856), 99.

<sup>106</sup> Andrew Levy, *The First Emancipator* (New York: Random House, 2005), 101; Stroud, 99. This law nevertheless carried restrictions on who might be emancipated. Masters could free only female slaves over eighteen years of age and males over twenty-one. See Wolf, 28-35, for a detailed description of the 1782 law.

<sup>107</sup> Wolf, 125.

<sup>108</sup> Levy, 191.

provided for the emancipation of over 450 slaves, the largest single emancipation in America's history.<sup>109</sup>

In addition to not granting Kitty her freedom, Maddox's vague will created problems for his white heirs. It could be interpreted as granting Mary Maddox merely a life estate in her husband's property, which would have to be turned over intact to the other heirs at her death, or, as the phrase "if there should be any thing left at the death of my wife" indicates, it may have meant absolute ownership in fee simple. His seemingly benign request that the court not require security from his executrix would ultimately become one of the linchpins in the fight for Kitty's freedom.

Perhaps Samuel Maddox did indeed think "a great deal of Kitty" and intend for her to be free. Her marriage to a free African American of the community at about the time of Maddox's death could imply that he gave some consideration to her future; in fact, Payne descendants believed Maddox arranged for her marriage to Robert Payne.<sup>110</sup> It is possible that Maddox might have made private arrangements with his wife, asking her to free Kitty before her death, although he himself made no legal arrangements to do so. Or perhaps, like many masters, Maddox simply did not take a slave's future into consideration when he wrote his will.

By 13 November 1837, less than four months later, Samuel Maddox lay dead. As his will suggests, little changed on the Maddox farm. Mary became the owner of her husband's property, and her nephew Samuel Maddox, Jr. joined the household, assuming responsibility for the farm. Kitty continued to live and work on the Maddox farm, where her husband Robert Payne apparently visited frequently.

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<sup>109</sup> Levy, xi.

<sup>110</sup> Goins to Myers, 9 January 1945, Myers Collection.

Robert Payne, a free African-American man from the community, was a wagoner and shoemaker.<sup>111</sup> Whether Robert Payne was born free or was emancipated, the origins of his surname, and his parentage are all unknown.<sup>112</sup> His marriage to Kitty produced four children over the next five years: Eliza Jane, Mary, Arthur James, and George. Kitty Payne's choice of names for her children is intriguing. As Elizabeth Fox-Genovese writes,

Names held great symbolic significance for slaves . . . Especially under conditions in which families could all too easily be fractured by sales, the choice of a name could provide an important link in the delineation of kin . . . To this day, Afro-American women in the deep South make up names for their children that symbolically confirm the bearer's unique identity.<sup>113</sup>

Robert and Kitty's son Arthur James was likely named for James Green, Kitty's older brother and another of those enslaved by the Maddoxes. Green's name also plays into the identity question. What are the origins of James' use of "Green" as his surname? Could Green's and Kitty's father have been the same man? Or were James and Kitty only half-siblings?

Robert's and Kitty's daughter Mary may have been named for Mary Maddox. Although it might seem odd that Payne would choose to name her daughter after her mistress, Mary Maddox proved her affection for Kitty Payne and her family repeatedly. It was Mary Maddox who would grant the Paynes their freedom, relinquishing her own

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<sup>111</sup> Goins to Myers, 9 January 1945, Myers Collection.

<sup>112</sup> Although this study focuses on Kitty Payne, Robert Payne's story as a free black artisan in Virginia is also intriguing. For more information on the lives of free blacks in the region, see T.O. Madden, Jr., *We Were Always Free: The Maddens of Culpeper County, Virginia* (New York: Vintage Books, 1993) and Paul Finkelman, ed. *Free Blacks in a Slave Society*, *Articles on American Slavery* (New York: Garland Publishing, 1989).

<sup>113</sup> Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988), 325.

real estate and other property to do so, and, despite her advanced age of about seventy years, accompany the Paynes on their journey north to ensure their safety and help establish their new home in a free state. Eliza Jane Payne viewed Mary Maddox less as a mistress than as an ally. She later wrote of Mary Maddox in affectionate terms and referred to her as “a dear friend.”<sup>114</sup>

Another piece of evidence linking Mary Payne’s name with Mary Maddox comes from a letter written over one hundred years later. In 1945, Kitty’s granddaughter, Mary Elizabeth Jackson Goins—nicknamed Minnie—set down the family’s oral version of the Payne family history. In it she recounts the kindness of Mrs. Maddox—and misnames her “Minnie,” obviously associating the former mistress’s name with her own.<sup>115</sup>

There is little evidence to suggest for whom, if anyone, Robert and Kitty Payne named Eliza Jane and George. Likely the Paynes named them for family members on Robert’s side, or others whose identity is unknown, such as Kitty’s own father and mother; enslaved people frequently “named children for kin, and especially fathers and lateral kin, those relations most likely to be lost in the course of slave sales and transfers.”<sup>116</sup> In 1846, Kitty Payne located one of her mother’s brothers in Virginia; certainly there were other friends and relatives whom she and Robert might have chosen as namesakes for their children.<sup>117</sup> It is worth noting that although Payne named her daughter Mary, she named neither of her sons Samuel.

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<sup>114</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>115</sup> Goins to Myers, 9 January 1945, Myers Collection.

<sup>116</sup> Susan Benson, “Injurious Names: Naming, Disavowal, and Recuperation in Contexts of Slavery and Emancipation,” in *The Anthropology of Names and Naming*, ed. Gabriele vom Bruck and Barbara Bodenhorn (Cambridge: Cambridge University Press, 2006), 193.

<sup>117</sup> Payne to Russell, 21 October 1888, Myers Collection.

The federal census of 1840 lists Samuel Maddox, Jr. as the head of the household at the Maddox farm. Although living under the same roof, Samuel, Jr. and his aunt had a strained relationship. A selfish, inconsiderate man, Samuel Maddox was irresponsible with money. It slipped through his fingers like sand through a sieve, a problem that would plague him his whole life. Despite running and living on the farm that had provided quite comfortably for his aunt and late uncle, Samuel Maddox repeatedly found himself in debt. Mary Maddox, knowing her nephew's habits and financial difficulties, likely feared for the futures of the Paynes, James Green, and Benjamin Roberts, whom she intended to free.<sup>118</sup>

Mary Maddox considered her options. If she freed her slaves, they could not stay in Virginia. Free African Americans tended to make whites nervous; the Haitian Revolution of the 1790s, followed by the revolt Gabriel Prosser planned to carry out in Richmond itself in 1800, prompted Virginia's lawmakers to require all newly emancipated slaves to leave the state within one year.<sup>119</sup> Mary Maddox did not consider freeing her slaves and allowing them to live in Virginia during the one-year grace period as a viable option; she knew her nephew too well, and had no doubt that Samuel, Jr.

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<sup>118</sup> James Green, ten years Kitty Payne's senior, was either her brother or half-brother. A friend later referred to Benjamin Roberts as another relation of Payne's. At approximately twenty-five years older than Payne, Roberts may have been her uncle. Although no nineteenth-century source records Benjamin's use of "Roberts" as his surname, Albert Cook Myers' research in the 1940s refers to him as "Ben Roberts." This makes sense: slaves frequently used the surname of their first owners. Likely, he was enslaved by Mary Maddox's parents, George and Catherine Roberts, and became the property of Samuel and Mary on their deaths. The 1850 federal census of Adams County Pennsylvania includes an African-American man named Benjamin Roberts of the correct age who was born in Virginia. United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743).

<sup>119</sup> For more information on Virginia's laws limiting emancipation and regulating emancipated African Americans, see Stroud, 96-104. Likely Robert Payne, Kitty's free husband, was born free and thus not subject to the provisions of this law, like the T.O. Madden family. See T.O. Madden, Jr., *We Were Always Free: The Maddens of Culpeper County, Virginia* (New York: Vintage Books, 1993).

would do everything in his power to prevent an emancipation that would mean a considerable reduction in his inheritance. Instead, when she freed them, they would have to leave immediately, before Maddox had time to act.

Maddox's financial situation worsened, and Mary's fear that her nephew would sell James Green, Benjamin Roberts, and the Paynes increased in the autumn of 1842. It was an inopportune time. Traveling at the onset of winter would be difficult—not so hard for James Green or Benjamin Roberts, perhaps—but hard for an elderly woman of about seventy years and three young children. And Kitty Payne, heavily pregnant with her fourth child, would find the winter journey challenging.

In late December of 1842 or early January of 1843, Kitty Payne gave birth to another son, whom she and Robert named George. The tension and financial situation on the Maddox farm worsened, and Mary devised a new plan to free her slaves. On 25 February 1843, despite the fact that they could not travel in winter, particularly with a two-month-old infant, Mary Maddox made her way to the county seat where she placed her X on the document that granted Kitty Payne, her children, James Green, and Benjamin Roberts their freedom.

Whether Mary Maddox did this of her own accord or whether she acted on the wishes of her late husband is a matter of speculation. Unlike Samuel Maddox, Sr.'s will, Mary's manumission left no room for doubt or legal loopholes.

Know all men by these presents that I Mary Maddox of the County of Rappahannock and state of Virginia for diverse good causes have this day emancipated and forever set free, and by these presents do emancipate and forever set free restore to perfect freedom free from the control claim and demand of any and all person or persons whatsoever the following slaves. Benjamin aged fifty three, James aged thirty seven, Kitty aged twenty seven, Eliza Jane aged five

years, Mary aged four years, Arthur aged two years and George aged two months, the said slaves being the same that was bequeathed to me by my deceased Husband Saml Maddox by his last will and testament and by virtue of the right vested in [me] by the said last will and testament of my said husband, I do hereby emancipate the slaves aforesaid to perfect freedom free from the control claim and demand of myself and of all and every other person or persons whatsoever. In testimony whereof I Mary Maddox have herewith set my hand and seal this 25<sup>th</sup> day of February 1843.

X  
Mary Maddox  
her mark

Signed sealed and delivered in the presence of  
A Turner  
Franklin Turner<sup>120</sup>

Because leaving the state in the middle of winter with a two-month-old infant was not an option, Mary Maddox, Kitty Payne, Benjamin Roberts, and James Green kept Samuel, Jr. ignorant of the manumission. Life at the Maddox farm continued without change for another two months while Mary and her former slaves waited for spring and the opportunity to leave Virginia.

Samuel, Jr. validated Mary's fears on 14 March 1843. The same day the emancipation was finalized and proven in court, Samuel Maddox repaired to the courthouse and placed his X on an indenture. It granted a certain Samuel Chancellor of Rappahannock County Maddox's "interest in the land willed to him by Samuel Maddox, deceased, and interest in the slaves—Ben, James, Kitty, Bob, Martha, and George, willed

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<sup>120</sup> Deed of Manumission, 25 February 1843, Deed Book E, page 176, Clerk's Office—Rappahannock.

to him by Samuel Maddox, dec.” in exchange for the repayment of Maddox’s debts, which totaled \$1,738.26.<sup>121</sup>

Samuel, Jr.’s indenture speaks to the tension in the Maddox household. Ignorant of the manumission, he used the African Americans, now free, as collateral. Mary’s carefully concealed manumission had been finalized with little time to spare. Samuel’s references to the former slaves themselves reveal the lack of communication within the household, as well as his lack of attention to details of the farm and to people other than himself. Although he correctly named Benjamin, James, and Kitty, the children he bargained away to pay his debts were strangers to him, worth nothing more than the price he might get for them—certainly not worth the time it would take to learn their names. Amazingly, Samuel Maddox correctly named baby George—no doubt pleased with the recent increase of his property—but called Mary “Martha,” and somehow inexplicably referred to Arthur James as “Bob.” Eliza Jane he overlooked entirely. Whether Mary Maddox knew of the indenture is a mystery.

Mary Maddox, Kitty Payne, James Green, and Benjamin Roberts planned to begin their journey to Pennsylvania on 2 May 1843 when the warmer weather would make travel somewhat more comfortable and the baby, then four months old, would be better able to handle the journey. Knowing that their packing and preparations could not be entirely hidden, Mary waited as long as possible to tell her nephew, hoping that at the last minute Maddox would be able to do nothing.

On 1 May, she informed her nephew that she planned to leave the state with her former slaves the following day. Seeing a large portion of his inheritance about to quite

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<sup>121</sup> Manumission, Deed Book E, page 176, 14 March 1843, and Indenture, Deed Book E, page 181, 14 March 1843, Clerk’s Office—Rappahannock.

literally walk off, not to mention the property he had already used as collateral in his indenture to Samuel Chancellor, Maddox raced for the county courthouse. There he filed a bill of complaint with Judge Richard Henry Field, grumbling that “Mary Maddox intends to carry the said slaves”—he did not accept their manumission and free status as legitimate—“out of the Commonwealth of Virginia for the purpose of denying your orator of the interest in the said slaves.”<sup>122</sup> Mary had previously, he asserted, “[claimed] only a life estate therein and [recognized] and [acknowledged] the rights and title of your orator to the said estate at and after her death and that within a short time she has . . . set up claim to an absolute fee simple title to and rights of said slaves.” This she did, he said, “being no doubt advised thereto by some designing person.”<sup>123</sup> On 2 May, a court official granted an injunction forbidding Mary Maddox, Kitty Payne, James Green, and Benjamin Roberts to leave the state.<sup>124</sup>

The Maddox family tension had finally boiled out of the domestic circle and into the legal arena, but Mary bargained with her nephew to reach a compromise. On 3 May 1843, Mary signed over to Samuel Maddox, Jr. the 111-acre farm, along with “all and singular appurtenances thereto appertaining or belonging as part or parcel of the same” for one dollar.<sup>125</sup> In exchange, Samuel “surrendered all claims he held on the personal estate” of his late uncle, which included his late uncle’s slaves.<sup>126</sup> In his desperate need for cash, Samuel consented to the bargain. The deed recording the transfer of real estate

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<sup>122</sup> Bill of Complaint, 1 May 1843, *Maddox v. Maddox*, loose papers. Clerk’s Office—Rappahannock.

<sup>123</sup> Bill of Complaint, 1 May 1843, *Maddox v. Maddox*, loose papers. Clerk’s Office—Rappahannock.

<sup>124</sup> Injunction, 2 May 1843, *Maddox v. Maddox*, loose papers. Clerk’s Office—Rappahannock.

<sup>125</sup> Deed, Maddox to Maddox, 3 May 1843, Deed Book E, page 209, Clerk’s Office—Rappahannock.

<sup>126</sup> Report of Counsel, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

was witnessed and recorded in court. Whether by design or accident, however, the deed in which Samuel relinquished his claim to the Payne family, Green, and Roberts was not recorded in court. The sole copy of the deed lay in Mary Maddox's hands.

Forebodingly, by the fall of 1845, the deed had mysteriously disappeared.<sup>127</sup>

The tension and conflict within the Maddox family surrounding Kitty Payne's manumission is a common theme in the stories of kidnapped free blacks. Like Mary Maddox, slaveowners who chose to free their slaves often angered and alienated their heirs. And like Samuel Maddox, Jr., those heirs sometimes took legal action to prevent their loss of anticipated property. John Nixon, John Poindexter, and Benjamin Chelsom provide three examples of this in the 1840s and 1850s in the upper South where Kitty Payne was enslaved. Their situations correspond closely to the circumstances of the Maddoxes and Paynes.

The conflicted relationship of John Nixon of Virginia and his heirs parallels that of Mary Maddox and her nephew. Nixon felt some moral "uneasiness on account of holding slaves" and intended to free them. His heirs, however, quite aware of what his decision would mean to them, used "every artifice" and influence to dissuade him from his purpose. The rift between Nixon and his heirs continued to create animosity past the grave. When Nixon died in the 1840s, his will granted freedom to his twenty-two slaves and appropriated six hundred dollars of the estate for their use to travel to a free state and to purchase land. The loss of twenty-two slaves, not to mention the six hundred dollars, only embittered Nixon's heirs against his memory.<sup>128</sup>

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<sup>127</sup> Report of Counsel, *Kitty v. Maddox*, loose papers, Clerk's Office—Rappahannock.

<sup>128</sup> "Communicated," *Pennsylvania Freeman*, 20 November 1845.

The heirs of John L. Poindexter, another Virginian, had a similar experience and were sufficiently embittered against their dead relative to take legal action in the late 1850s. Although Poindexter's will specified that his slaves be given the choice of being freed or sold, his heirs challenged the will and the Virginia Supreme Court of Appeals sided with them, ruling that the slaves had "no legal capacity" to choose freedom.<sup>129</sup> The black men and women belonging to Poindexter were sold, rather than being offered the opportunity of freedom as their master's will had specified.<sup>130</sup>

Benjamin Chelsom is another example. Freed by the 1840 will of his former master in Kentucky, Chelsom moved to Ohio. After Chelsom left Kentucky, however, the heirs contested the will and the courts set it aside, changing Chelsom's legal status from free black to fugitive slave, despite the lapse of time.<sup>131</sup> The heirs arranged to have Chelsom captured and returned to slavery, much as Samuel Maddox would orchestrate Payne's kidnapping. In 1857, ten years after Chelsom received his freedom, the *Cincinnati Gazette* reported Chelsom's abduction.<sup>132</sup>

Mary Maddox, together with the Payne family, Benjamin Roberts, and James Green, started north soon after she had struck the bargain with Samuel. Traveling in a covered wagon and camping by night, they reached Pennsylvania in about two weeks. Eliza Jane, recalling the events of her childhood forty-five years later, wrote, "I well remember the Wagon . . . I enjoyed it was novel to me especially when we stop for the

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<sup>129</sup> C. Wilson, 57.

<sup>130</sup> C. Wilson, 56-57.

<sup>131</sup> C. Wilson, 56.

<sup>132</sup> *Cincinnati Gazette*, 26, 27 October 1857.

night to see the Lights in the Windows and crossing the Rivers we Crossed the Potomac and the Rappahanock.”<sup>133</sup>

“Our first stoping place,” Eliza continued, “was at Gettsburg I dont remember how long we stade there I think but a few days our nex place of stop was Maria Furnace.”<sup>134</sup> The choice of Maria Furnace for the Paynes’ new home was hardly coincidence. Thaddeus Stevens, a lawyer and politician who “was an abolitionist before there was such a party name,” owned the Maria Furnace iron foundry, near present-day Fairfield, Pennsylvania, in Adams County.<sup>135</sup> In 1833 Stevens had been elected to the Pennsylvania House of Representatives; in 1848, five years after the Payne family arrived in Pennsylvania, he entered the United States Congress. Mary Maddox and the Paynes would have viewed the location as a safe haven under the protection of a powerful abolitionist.

Possibly because Robert Payne had not yet arrived in Pennsylvania—he remained in Virginia temporarily, likely to finish an employment contract—Mary Maddox did not return home to Virginia immediately.<sup>136</sup> Instead, she remained at Maria Furnace for the better part of a year, living with the Payne family. James Green and Benjamin Roberts struck out on their own, moving to the northern part of Adams County where an African-American community already existed. Both soon married and established themselves as part of the community.

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<sup>133</sup> Payne to Russell, 21 October 1888, Myers Collection. All quotations from Eliza Payne’s account are unedited and contain their original spelling and punctuation unless otherwise noted.

<sup>134</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>135</sup> *Memorial Addresses on the Life and Character of Thaddeus Stevens* (Washington: Government Printing Office, 1869), 8.

<sup>136</sup> Payne to Russell, 21 October 1888, Myers Collection.

Perhaps Samuel Maddox, Jr.'s behavior made Mary nervous, or perhaps she acted on the advice of local abolitionists, such as Thaddeus Stevens. Whatever the case, Mary Maddox visited the Adams County Courthouse in Gettysburg and manumitted her former slaves a second time on 26 January 1844.<sup>137</sup> Sometime in the spring of 1844, Mary Maddox returned to Virginia, to the farm and her financially unstable nephew.

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<sup>137</sup> Manumission, 26 January 1844, Deed Book O, page 265, Clerk's Office—Adams County Court, Pennsylvania.

## CHAPTER TWO

### THE LION'S PAWS

The move to northern soil did not guarantee Kitty Payne's safety. Running east-west, the Mason-Dixon Line formed both the southern boundary of Pennsylvania and the border between slavery and freedom. At Pennsylvania's western border, the Ohio River continued the line between North and South, marking the southern boundaries of Ohio, Indiana, and Illinois. The region just north of the Mason-Dixon and the Ohio River constituted a hunting ground for kidnappers who could easily seize free blacks in a free state, skip over the border to the South, and sell their victims at a tidy profit. The Mason-Dixon Line formed the southern border of Adams County, Pennsylvania where Kitty Payne and her children settled, not far from northern Virginia. Payne and her children, already at an increased risk for kidnapping due to their gender and ages, now settled into a location that put them at further risk.<sup>138</sup>

Lydia Shotwell Wierman, a Quaker abolitionist from Adams County whom Kitty Payne might easily have met during her time in Pennsylvania, well understood the danger and symbolism of the Mason-Dixon Line. One of the "itinerant" proponents of the antislavery cause, she made multiple trips to Virginia as an abolitionist missionary hoping to convince slaveowners to free the people they held in bondage.<sup>139</sup> On 20 November 1845, the *Pennsylvania Freeman* published one of her letters. "We of the north know not what it is to live in the lion's mouth," she wrote. "We live in reach of his

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<sup>138</sup> According to Carol Wilson, "Children, presumably because they were easier to abduct than adults, were a favorite target of kidnappers." C. Wilson, 9. Kidnappers targeted women, as well, often finding them physically easier to subdue and intimidate.

<sup>139</sup> Newman, 17. *Pennsylvania Freeman*, 20 November 1845.

paws, and all our strong cords and cables of law have not been found sufficient to bind him.”<sup>140</sup>

Lydia Wierman was not speaking of kidnapping, but slavery itself, and the “we” she used referred to her audience—the white abolitionist community. For the Quakers of southern Pennsylvania, the lion of slavery invaded their borders daily with its influence and pain, its victims—fugitive slaves and free blacks—and its perpetrators—slaveowners and hunters pursuing escaped “property.”<sup>141</sup> As Wierman and her audience would have readily asserted, the kidnapping of free blacks was one more way in which slavery trespassed upon free soil. When Kitty Payne first touched the ground north of the Mason-Dixon Line, she likely assumed she had left the lion of slavery behind her forever. Instead, she, like so many other free blacks, would discover that she and her children were well within reach of the lion’s paws of which Wierman wrote.

Freedom should have brought joy to the Paynes. Instead, a series of misfortunes befell the family. Little George, only four months old on the journey from Virginia to Pennsylvania, died soon after they reached their new home. The loss of a child could not have been easy for Kitty Payne, whose husband remained in Virginia. Robert Payne’s eventual arrival in Pennsylvania brought only temporary happiness. A wagoner and shoemaker, he began seeking work in the neighborhood to support his family. “Soon after that our Father began to fail,” Eliza later recorded. “He had the Seeds of Consumption.” Tuberculosis, one of the major killers of the nineteenth century, brought a second grief to the Payne family. Robert Payne died some time in 1844, and both he

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<sup>140</sup> *Pennsylvania Freeman*, 20 November 1845.

<sup>141</sup> For more information on the fugitive slave issue in this area, including an examination of the Payne case as it relates to fugitive slave laws, see David G. Smith, “On the Edge of Freedom: The Fugitive Slave Issue in South Central Pennsylvania, 1820-1870” (Ph.D. diss., Pennsylvania State University, 2006).

and baby George were buried near Fairfield, Pennsylvania. “We were left all a lone,” Eliza recalled.<sup>142</sup>

Kitty Payne had much in common with her contemporary Harriet Jacobs. Jacobs, too, had lost the man she loved.<sup>143</sup> Seemingly alone in the world for many years, Jacobs longed for a home of her own with her son and daughter. When she published her autobiography in 1861, she ended with her hope for the future: “The dream of my life is not yet realized. I do not sit with my children in a home of my own. I still long for a hearthstone of my own, however humble. I wish it for my children’s sakes far more than my own.”<sup>144</sup> With the similarities between their lives, it is easy to suppose Payne shared Jacobs’ dream. If so, the few months before Robert Payne’s death would be the only time in Kitty’s life when she might have felt the happiness of having her wish fulfilled.

The Paynes did not remain at Maria Furnace long after Robert’s death. Eliza Jane later explained the situation, noting, “It was soon evident that some of the virginia folks were looking a round.”<sup>145</sup> Whether the threat of kidnapping made Payne nervous or she simply desired to leave behind the place where she had lost a child and a husband, the Paynes moved to the northern end of Adams County. Kitty Payne had several reasons to choose this area. One motive likely included the presence of both Quaker and African-American communities, which made the location hospitable to her and her children. In addition, Payne had family there. Her brother, James Green, and her relative, Benjamin Roberts, had both settled in northern Adams County. Green had married a widow and

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<sup>142</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>143</sup> As a teenager, Jacobs fell in love with a free African-American man from her community. Her master forbid her to see him and successfully parted the two. Jacobs, 37-42.

<sup>144</sup> Jacobs, 201.

<sup>145</sup> Payne to Russell, 21 October 1888, Myers Collection.

had step-children; Benjamin Roberts and his new wife Jane eventually had at least five children of their own.<sup>146</sup>

The Paynes went first to the home of Mr. and Mrs. Bostick, then boarded with Amon and Rachel Jones, an African-American couple on Bear Mountain, near Bendersville, Pennsylvania.<sup>147</sup> The Jones family were very kind to the Paynes, as were their Quaker neighbors.<sup>148</sup> Northern Adams County had a significant Quaker community that routinely assisted African Americans, both free and fugitive: William Still, chairman of the Pennsylvania Abolition Society and author of *The Underground Railroad* credits William and Phoebe Wright of Adams County with assisting nearly one thousand people on the Underground Railroad.<sup>149</sup> The Wrights understood the risk of abduction in their region through personal experience; slavehunters and would-be kidnappers visited their farm on multiple occasions. In 1828, they had assisted the young man who became Dr. James W.C. Pennington. Pennington's autobiography recounts the Wrights' kindness, but also his reluctance to remain in a home located so near the Mason-Dixon Line. "How often have I regretted that the six months I spent in the family of W. W., could not have been six years," he later wrote. But "danger . . . rendered it utterly imprudent that I should remain longer."<sup>150</sup> Kidnapping in southern Pennsylvania was so common "that

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<sup>146</sup> United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743). United States Census Office, *Census of the United States, Manuscript Census, York County, Pennsylvania, 1860* (Microcopy 653, Roll 1199).

<sup>147</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>148</sup> Payne to Russell, 21 October 1888, Myers Collection. For more information on the Quaker and free black communities in the Bendersville and Upper Adams area, see Debra Sandoe McCauslin, *Reconstructing the Past: Puzzle of a Lost Community* (Gettysburg, PA: For the Cause Productions, 2005). McCauslin includes a reference to Kitty Payne.

<sup>149</sup> Still, 695.

<sup>150</sup> Pennington, 44.

blacks there lived in continual fear.”<sup>151</sup> The risk of kidnapping drove Pennington farther north. Before he left, however, William and Phoebe taught him to read and write.<sup>152</sup> The Wrights knew the Paynes personally and took an interest in their well-being; if Kitty Payne was not yet literate when she arrived in northern Adams County, the Wrights or another of the Friends may have instructed her.<sup>153</sup> Unlike Pennington, however, Payne remained near the Mason-Dixon Line.

Payne worked as a laundress for several of the local Friends to pay the room and board for herself, Eliza Jane, and Arthur. “Aunt Rachel,” as Eliza Jane called her, took a liking to little Mary and “tuck [her] for her Girl.”<sup>154</sup> This informal adoption saved Payne the cost of boarding one child while still allowing them to live together as a family. The presence of the Quaker community near the Jones’ home in northern Adams County provided some additional security, but—as the Paynes discovered two years after their emancipation—not enough.

Kitty Payne’s life changed forever on 24 July 1845. In the early hours before dawn, a gang of white men burst into the Jones’ house. Forty-five years later, the memory was still fresh in Eliza Jane’s mind.

When I open my Eyes to my horror I beheld Six Men all  
Armed what a site it can neve[r] be defaiced from my  
Mind Amon Jones stud by the Door ponting to his old Shut  
Guen the men put us Children [into] the Carrage . . . we al

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<sup>151</sup> C. Wilson, 114.

<sup>152</sup> For a complete account of Pennington’s stay with the Wrights, see Pennington, 40-48.

<sup>153</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>154</sup> Payne to Russell, 21 October 1888, Myers Collection.

sat on the back seat two Men on the frount seate then they  
drove off four men rode behind<sup>155</sup>

The carriage with Payne and her children and the men on horseback clattered down Bear Mountain and through Bendersville. Despite the early hour and the kidnapers' precautions, at least two people saw them. Quaker Mary Wright, out to do the morning milking, saw the carriage and men rush by, and John Wright jumped on his horse, pursuing the kidnapers to the Mason-Dixon Line.<sup>156</sup>

Although Eliza did not record the full horror of it, Kitty Payne later testified to the violence of the abduction. The men used considerable force, suggesting Payne probably offered resistance. They “hurt and injured” Payne, “beat, bruised, and ill-treated her,” and did “other wrongs” to her.<sup>157</sup> Eliza’s description of the kidnapping, together with Payne’s later testimony, suggests that the gang directed most of the violence at Payne, rather than her children, sparing them to some extent.<sup>158</sup>



**Artist’s rendition of the Jones cabin on Bear Mountain from which Kitty Payne and her children were kidnapped. Pen and ink drawing by Ada Williamson, c. 1945. Chester County Historical Society, West Chester, Pennsylvania.**

<sup>155</sup> Payne to Russell, 21 October 1888, Myers Collection. Although Eliza claims to remember six men, only five were ever charged with the kidnapping: Samuel Maddox, Jr., Thomas Finnegan, Peter Glasscock, John Smith, and Charles McGuire.

<sup>156</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>157</sup> Declaration, 1846, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

<sup>158</sup> Declaration, 1846, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

Samuel Maddox, Jr. himself led the gang of kidnappers. Thomas Finnegan of Maryland, ostensibly a wagoner who ran a “public house,” but who seems to have made an occupation of abducting free blacks, was another.<sup>159</sup> The others were Peter Glasscock, John Smith, and Charles McGuire. Finnegan, and likely the others, left the group somewhere in Maryland when there was no longer a need for violence or the threat of a rescue party.<sup>160</sup>

The reason Amon Jones, himself an African American, stood by the door during the kidnapping “ponting to his old Shut Guen”—an image that made a deep enough impression on the mind of a sleepy eight-year-old child to be recounted forty years later—remains a mystery. Mary Cook, the young Quaker daughter of Jesse Cook, told her nephew that Jones “played the role of spy informer.”<sup>161</sup> According to a family history authored by Kitty Payne’s great-granddaughter, Jones was working with Finnegan, but cooperated with the kidnappers only due to intimidation.<sup>162</sup>

Another possible explanation is that Jones seized his gun when the gang forced their way into the house, hoping to protect his wife and the Paynes, but found himself outnumbered by five heavily armed men. It seems unlikely that Amon Jones was deeply involved in Finnegan’s plot considering Eliza Jane’s continued affection for Rachel, as

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<sup>159</sup> When admitted to the Eastern State Penitentiary, Finnegan gave his occupation as “wagoner.” The 1850 federal census, however, indicates that he ran a public house. Thomas Finnegan, prisoner number 2162, Eastern State Penitentiary General Register (copy in Albert Cook Myers Collection); United States Census Office, *Census of the United States, Manuscript Census, Washington County, Maryland, 1850* (Microcopy 432, Roll 298).

<sup>160</sup> Request for new trial by defense attorney, undated, *Commonwealth v. Thomas Finegan*, August session 1846, microfilm. Clerk’s Office—Adams.

<sup>161</sup> Albert Cook Myers, “Kidnapped Kitty,” p. 4, Myers Collection.

<sup>162</sup> Gandy, 17-18.

well as Rachel's attachment to little Mary. When Finnegan was arrested one year later, both Amon and Rachel Jones testified at the trial.<sup>163</sup>

If in fact Amon Jones did assist Maddox and Finnegan in kidnapping the Paynes, he mirrors the larger context of antebellum kidnapping. Most of those who kidnapped free African Americans were white, yet blacks occasionally acted as kidnappers as well. Some of them acted alone; in other instances whites intimidated or bribed them to assist with abductions.<sup>164</sup> The Cannon-Johnson gang, probably "the most nefarious and successful kidnapping ring of the pre-Civil War era," employed an African-American man named Ransom as a decoy.<sup>165</sup>

Gang kidnappings, such as that of the Paynes led by Maddox and Finnegan, were another pattern in the abduction of free African Americans. For practical reasons, kidnappers found strength in numbers; when criminals attempted to victimize a free black man, they could usually anticipate a violent struggle. It took a gang to subdue Benjamin Chelsom, the man freed by his master's will which was later set aside. Chelsom "fought with the desperation of a man who had once tasted the sweets of liberty."<sup>166</sup>

Even when the victims were women and children, kidnappers often found it more effective to work in gangs. The Cannon-Johnson gang operated on the Delaware-Maryland border and routinely made excursions into Pennsylvania, and particularly

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<sup>163</sup> James Green also testified, as did Benjamin Robert's wife, Jane. List of witnesses, *Commonwealth v. Thomas Finegan*, August session 1846, microfilm. Clerk's Office—Adams.

<sup>164</sup> Both Carol Wilson and Earl Fornell discuss the role of blacks in antebellum kidnapping. See C. Wilson, 12-13, 29; Fornell, 369-380. For a primary account of blacks involved in kidnappings, see Jesse Torrey, *American Slave Trade* (London: J.M. Cobbett, 1822).

<sup>165</sup> C. Wilson, 20. *Narrative of Lucretia P. Cannon*, 15.

<sup>166</sup> *Cincinnati Gazette*, 26, 27 October 1857.

Philadelphia, to enslave free African Americans.<sup>167</sup> Many of their victims, like the Paynes, were women and children, such as young Sarah Hagerman, whom the Cannon-Johnson gang kidnapped from her Pennsylvania home in 1819.<sup>168</sup> Young Mary Whitting found herself the victim of yet another gang. Kidnapped from her home in Chambersburg, Pennsylvania, less than thirty miles from Bendersville and the site of Payne's abduction, Mary Whitting lost her freedom to George Schwartz and Edward Miller, who sold her for five hundred dollars.<sup>169</sup> Although they were only abducting young girls in these instances, the kidnappers found it advantageous to work in groups.

Back in Rappahannock County, Virginia with Kitty Payne and her children, Samuel Maddox, Jr. stopped first at the home of his neighbor Katie Withers. The single daughters of a wealthy farmer, Katie and Frances—nicknamed Fannie—Withers were the heiresses of a large amount of land and almost twenty slaves. Although Fannie, the elder daughter, strongly disliked Samuel Maddox, Jr., Katie found him quite attractive—she “was a Lover of the Man that Kidnaped us,” according to Eliza.<sup>170</sup> Maddox's actions in bringing the Paynes first to the Withers house imply that Katie may have already known the purpose of his trip to Pennsylvania, and more than likely approved of it. Katie's forty-year-old sister Fannie, however, had no such approval for Maddox or his actions. Whether this stemmed from her rejection of him as her sister's lover or personal dislike for his irresponsible and underhanded character is conjecture. At any rate, Fannie and

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<sup>167</sup> C. Wilson, 20.

<sup>168</sup> C. Wilson, 19.

<sup>169</sup> “Baltimore Correspondence,” *The National Era*, 26 August 1847.

<sup>170</sup> Payne to Russell, 21 October 1888, Myers Collection.

Katie Withers were at odds over more than Samuel Maddox. “They were very bad friends,” Eliza Jane observed.<sup>171</sup>

Inside the Withers’ house, the Paynes found Mary Maddox crying. Too young to understand the situation that brought their mother and Mary Maddox to tears, the Payne children found it “novel” to be so near the old home they still remembered.<sup>172</sup> The scene that passed between Mary Maddox and her nephew when she confronted him about the kidnapping has evaporated into the past, like so much of Kitty Payne’s story. Mary’s response, however, still speaks. Refusing to live under the same roof as Samuel Maddox, Jr., she left the Maddox farm and in early August 1845 married John Corder, a blind Revolutionary War veteran. On 15 August 1845, the *Richmond Whig and Public Advertiser* announced

Married, in Rappahannock County, on Wednesday last, by  
Elder Walter McCoy, John Corder, age 83, to Miss [sic]  
Mary Mattox, age 73, all of that County.<sup>173</sup>

In remarrying, Mary followed the pattern of other Virginia widows.<sup>174</sup> A wealthy slaveowner and “haughty, overbearing aristocrat” with an “austere manner,” John Corder gave Mary Maddox the two things she needed most: a home away from her nephew and financial stability.<sup>175</sup> Corder, in return, received a housekeeper, companion, and nurse.

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<sup>171</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>172</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>173</sup> “Married,” *Richmond Whig and Public Advertiser* (Richmond, Virginia), 15 August 1845.

<sup>174</sup> Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York: W.W. Norton and Company, 1984), 27.

<sup>175</sup> Record from family letters and history, in the *Atlas of Lafayette County, Missouri* (Missouri Publishing Co., 1877), 7.

In addition to blindness, Corder had a “sore” on his face that may have been cancer.<sup>176</sup>

Perhaps the relationship involved love; more likely, theirs was a marriage of convenience.

Fannie Withers was not an abolitionist by any means. The 1850 federal census and slave schedule recorded her as the head of her own household, owning fifty thousand dollars worth of property and nineteen slaves. Samuel Maddox’s kidnapping of the Payne family roused her ire, however, and her loyalty to her sex over her race. An example of women uniting across racial lines in opposition to men, Withers chose to assist Payne in her fight for freedom. On 15 August, Withers sent one of her servants to the Maddox farm to summon Payne. Payne and her children arrived at the Withers house to find a number of white men, including the Rappahannock County sheriff, William Walden. With the Payne family present, Withers and the sheriff proceeded to discuss the kidnapping and current situation.

As a single woman of considerable property, Fannie Withers had the sheriff’s respect. Walden shared her concerns over Maddox’s right to the Payne family and they agreed Kitty and the children would stay on the Withers farm for the present. Just before dark that evening, Maddox, who had discovered the Paynes’ absence, arrived at the Withers’ residence. Fannie met Samuel and informed him that the Paynes were indeed inside her house and would stay there until the law decided whether or not he had legal right to them.<sup>177</sup> Eliza Payne did not record Maddox’s reaction to this news, but one can imagine it must have been quite colorful.

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<sup>176</sup> *Atlas of Lafayette County, Missouri*, 7.

<sup>177</sup> Payne to Russell, 21 October 1888, Myers Collection.

About midnight, in what must have seemed a frightening repeat of the kidnapping, the Withers household discovered someone trying to break into the house. Waking the children, Fannie's servants took them, along with Payne, to a more secure room upstairs and locked them inside. Fannie Withers herself faced the intruder—Samuel Maddox—and managed to reach a compromise. He could have the Paynes back, she told him, but not until morning; it was ridiculous to wake them in the middle of the night. Maddox grudgingly agreed and left. Withers, who had no intention of placing the Paynes in Maddox's hands, immediately sent a servant for the sheriff.<sup>178</sup>

After discussing the situation, both Withers and Sheriff Walden agreed the county jail would be the safest place for the Payne family. Payne herself believed Maddox intended to sell her and the children at the earliest opportunity.<sup>179</sup> Likely Maddox, still strapped for cash, did not intend to keep such insecure property in his possession long. By planning to sell the people he kidnapped, Maddox followed the pattern of other antebellum kidnapers. Other kidnapped free blacks, such as Solomon Northup, found themselves sold quickly after their abductions to reap the benefit—easy money—and get rid of the evidence.<sup>180</sup> Maddox's intended sale also followed a larger historical trend. Virginia's economy had not yet improved, and many masters exported unneeded slaves

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<sup>178</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>179</sup> Petition, Kitty Payne to Judge Richard H. Field, 23 September 1845, *Kitty v. Maddox*, Clerk's Office—Rappahannock.

<sup>180</sup> Northup, 33-50.

farther south to Alabama or Louisiana.<sup>181</sup> “Deteriorating financial positions,” such as Maddox’s, repeatedly put slave families at risk for sale.<sup>182</sup>

Early in the morning, before Samuel Maddox returned to the Withers house, Walden and his men brought the Paynes to Washington, Rappahannock’s county seat, and placed them in the county jail. The Paynes were not prisoners, however; they were “there for Safe keeping” to protect them from Maddox.<sup>183</sup> One wishes to know Maddox’s reaction when he returned to the Withers house in the morning to find Fannie Withers and Kitty Payne had once again bested him.

Fannie Withers, Kitty Payne, and Mary Maddox are representative of the nineteenth-century women who were able to reach across racial lines to form alliances and friendships. The evils of slavery too often pitted women against each other; scholar Patricia Morton notes that “one of slavery’s greatest tragedies is that these . . . struggles have so often been expressed as conflicts of woman against woman.”<sup>184</sup> Some women of the nineteenth century were able to rise above their culture and, rather than focusing on color, found womanhood a stronger bond and united along gender lines. Elizabeth Fox-Genovese provides several examples of this in *Within the Plantation Household: Black and White Women of the Old South*, showing how a master’s harshness sometimes “threw slave woman and mistress into each other’s arms.”<sup>185</sup> Like the women in Fox-

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<sup>181</sup> Virginia’s economy finally began to recover in the 1850s. Schwartz, 366.

<sup>182</sup> Schwartz, 343.

<sup>183</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>184</sup> Patricia Morton, ed., *Discovering the Women in Slavery* (Athens: University of Georgia Press, 1996), 22.

<sup>185</sup> Fox-Genevise, 313.

Genovese's cases, Kitty Payne and Mary Maddox found themselves imposed upon by a man, and sought sympathy and aid in each other.

Scholar Catherine Clinton notes one factor that may have contributed to these biracial alliances when she highlights the economic correspondence between white women and slaves in the Old South; both were “an economic commodity.”<sup>186</sup> Just as slaves were worth a price, women brought dowries of money, land, and slaves to their husbands. When in 1843 Mary Maddox and Kitty Payne worked together to keep Samuel Maddox, Jr. ignorant of the manumission and Mary bargained for the compromise that allowed them to leave the state together, Maddox treated both women as mere economic assets. They were valuable to him only for the assets they might bring, Kitty Payne as a slave and Mary Maddox for her property.

Fannie Withers and Kitty Payne also found gender a stronger bond than race. Withers, although a propertied white woman, could identify with Payne as an “economic commodity;” men could—and did—court her and her sister solely for their money.<sup>187</sup> On another level, Withers and Payne recognized their common womanhood and common adversary—an irresponsible, dissipated man—much as the black and white women of the Women's Christian Temperance Union would in the late nineteenth and early twentieth centuries. Although many historians have labeled the Women's Christian Temperance Union a “racist” organization, Glenda Gilmore argues that black women “saw the WTCU as their best hope for building strong communities and securing interracial

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<sup>186</sup> Clinton, 3.

<sup>187</sup> Notes of Albert Cook Myers, Myers Collection.

cooperation.”<sup>188</sup> In *Gender and Jim Crow*, Gilmore documents the biracial cooperation the WTCU achieved and shows how women were willing to look past race to achieve victory over the opposite sex. Similarly, Payne and Withers united against Samuel Maddox, Jr.

The bond that gender and womanhood created in opposition to men crossed racial lines many times during the nineteenth century. Like Kitty Payne, Harriet Jacobs found empathy and aid in a white woman. After the kidnapping, Fannie Withers brought Payne into her home and hid her there. Similarly, when Jacobs first escaped from her master, her grandmother confided in Martha Blount, her white, slaveholding neighbor. When Blount heard of Norcom’s unwelcome sexual advances and his assault on womanhood, her loyalty to her own sex prevailed over both race and class, and she offered Jacobs sanctuary in an upstairs chamber.<sup>189</sup> Like Harriet Jacobs and Martha Blount, Payne and Withers provide an example of women uniting across racial lines in opposition to men.

Safe in Washington under the protection of the local sheriff, Payne filed charges of trespass, assault and battery, and false imprisonment against Samuel Maddox. She requested one thousand dollars in damages. Her children, ages eight and under, were listed with her as plaintiffs.<sup>190</sup> Although accused of illegally holding Payne and her children in slavery, Maddox could, under the law, keep them as his alleged slaves until the trial. Because of the threat of sale, however, Justice of the Peace Franklin Turner summoned Maddox and informed him he could only maintain custody of the Paynes

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<sup>188</sup> Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996), 32.

<sup>189</sup> Yellin, 45.

<sup>190</sup> Order, 23 October 1845, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

provided he post a five-hundred-dollar bond to guarantee he would produce them in court when summoned. Predictably, Maddox did not have that amount of cash on hand. Payne and her children remained in jail.

Thus began a period of waiting. The county appointed an attorney for Payne—Zephaniah Turner, Jr., later Speaker of the Virginia House of Delegates—and the case *Kitty v. Maddox* began its slow grind through the legal process.<sup>191</sup> For eleven months, the Paynes lived in the Rappahannock County prison with the jailor, Absolom Lillard, and his family. From Eliza’s recollection of it later, the jail seems to have been more pleasant than the alternative—living with Samuel Maddox, Jr. Given the debtor’s room, Eliza Jane remembered it as “a nice room up Stairs finished as any room.”<sup>192</sup> The Lillards treated the Paynes with “greate kindness” and “in the evening when the jailor was not busy he would take [the children] out in the backyard and watch them while they played.”<sup>193</sup>

Despite the fairly comfortable living arrangements with the jailor and his family, the Payne children, perhaps previously too young and sheltered by Mary Maddox to know much of the harsh realities of slavery, now found themselves exposed to its brutality. “While at the Jale,” Eliza remembered, “there were many things transpired seen Slaves sold and sent off in drovs.”<sup>194</sup> In small southern towns like Washington, Virginia, alleged fugitives and the slave coffles of traders were often housed in jails until

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<sup>191</sup> Justice of the Peace Franklin Turner and A. (Addison) Turner who witnessed Mary Maddox’s manumission of her slaves were twin brothers; they do not appear to be related to the attorney Zephaniah Turner, Jr. Turner Family File, Rappahannock County Historical Society, Virginia.

<sup>192</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>193</sup> Payne to Russell, 21 October 1888; Goins to Myers, 9 January 1945, Myers Collection.

<sup>194</sup> Payne to Russell, 21 October 1888, Myers Collection.

a master claimed them or the trader moved on to the next district. As Marie Jenkins Schwartz notes, “coffles of slaves that included children of all ages commonly traveled through parts of Piedmont Virginia.” The Payne children likely witnessed events such as these during their eleven months at the jail.<sup>195</sup>

In addition, the Payne children probably witnessed the humiliating auctions that would have taken place at the courthouse. In an ironic twist of justice, a large percentage of southern slave auctions occurred on courthouse steps, sometimes including those who had been kidnapped. In South Carolina, for example, over one-half of the state’s slave auctions took place at the courthouse.<sup>196</sup> The Rappahannock County Courthouse, next door to the jail, would have been the scene of many auctions over the years and well within eyesight and earshot of Kitty Payne and her children during their eleven-month stay in Washington.

Despite their confinement in the jail, Payne and her children were fortunate. Most kidnapped free blacks were never able to bring charges against their assailants. Edward Needles described their predicament in 1848 when he discussed the founding of the Pennsylvania Abolition Society. Because free blacks were often unacquainted with the legal system and unable

to prosecute their claim to freedom, unable to plead for themselves, and, perhaps, none to plead for them, their chances of redress were very uncertain. Funds were also requisite, of which they were destitute; legal characters in general were not over forward in pleading for them before magistrates. “They were only Negroes”—poor and despised—their cause unpopular, and nothing to be gained

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<sup>195</sup> Schwartz, 360.

<sup>196</sup> Thomas D. Russell, “Slave Auctions on the Courthouse Steps: Court Sales of Slaves in Antebellum South Carolina” in *Slavery and the Law*, Paul Finkelman, ed. (Madison, WI: Madison House, 1997), 329.

by advocating their rights, but the ill-will and malice of their surrounding enemies.<sup>197</sup>

Of the free blacks who were able to bring charges against their attackers, few found southern courts sympathetic to their cause. The southern legal systems shunned people of African descent, and as Wilson notes, in order to regain freedom, a kidnapped free African American found herself “dependant upon a sympathetic white ear.”<sup>198</sup> In general, white men and women were reluctant to aid an enslaved person who claimed free status.<sup>199</sup> In the South, few whites would choose to believe such a claim, especially if it meant financial loss, possible legal trouble, or ostracism from the white community.<sup>200</sup> Solomon Northup, kidnapped from his home in New York, repeatedly insisted he was free and for his efforts received a brutal beating.<sup>201</sup> Thus, most kidnapped free blacks found their only entrance into the legal system—a sympathetic white person—firmly barred.

The few kidnapped free African Americans who were fortunate enough to obtain legal representation faced another series of hurdles. Blacks were often forbidden to testify against whites in court, often making it difficult to obtain witnesses.<sup>202</sup> If they were lucky enough to win the case, court costs could be staggering. Free blacks kidnapped or lodged in jail on the suspicion of being fugitives might be declared free and

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<sup>197</sup> Edward Needles, *An Historical Memoir of the Pennsylvania Society for Promoting the Abolition of Slavery* (Philadelphia: Merrihew and Thompson, 1848; reprint, New York: Arno Press, 1969), 14.

<sup>198</sup> C. Wilson, 6.

<sup>199</sup> C. Wilson, 6.

<sup>200</sup> C. Wilson, 6-7.

<sup>201</sup> Northup, 44-46.

<sup>202</sup> Stroud, 44.

then immediately sold to cover their court fees. Such was the case with Polly Seiper and her infant son. Jailed as fugitive, Seiper claimed free status and told officials her Virginian master John Campbell had manumitted her in 1828. Although a newspaper subsequently advertised them as runaways, no one came forward to claim Seiper and her child. Rather than freeing them, however, officials sold her, together with her infant son, to pay their jail fees.<sup>203</sup>

In these respects Kitty Payne was very fortunate and thus uncharacteristic of the majority of kidnapped free blacks. Of the small minority who did successfully seek legal redress, however, she is representative. Her path to court and through the legal system was typical of this fortunate group—the kidnapped free blacks who received legal aid. Under Virginia’s racist court system, Kitty Payne found the door to the court system closed. Her neighbor Fannie Withers, however, was white, rich, and respected. Withers provided the aid Payne needed to begin her legal battle. Fannie Withers’ summon of the sheriff, timely aid, and protection opened the door of the court system for Kitty Payne.

Access to the legal system, the first step on the road back to freedom, brought with it a second challenge: money. Kitty Payne was virtually penniless. As a widow in Pennsylvania, she boarded in the Jones’ home and worked as a laundress. The small cache she might conceivably have been able to set aside would have vanished quickly under the mountain of court costs. Jail fees multiplied: the county charged twenty cents per day room and board for Payne and fifteen cents per day for each of her three children. Fortunately for her, because Samuel Maddox did not have five hundred dollars ready cash for the bail, Payne and her children stayed in the Rappahannock County jail and the jailor presented the bill for their room and board not to Payne, but to Maddox. On 16

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<sup>203</sup> C. Wilson, 45.

March 1846, two-thirds of the way through their stay, the jailor billed Samuel Maddox \$138.45 for boarding the Paynes.<sup>204</sup> Maddox's payment reveals his own lack of cash. He paid part of the bill in goods: two hundred and forty-six pounds of pork, one barrel of flour, nine bushels of bran, and six bushels of shorts.<sup>205</sup> Had she won the case and been charged with the jail fees, she and her children, like Polly Seiper and her infant, might well have been sold to cover the fees she would have been unable to pay.

Fortunately for Payne, she had access to legal aid free of charge through a Virginia law passed in 1795. The law allowed enslaved persons who claimed legal free status to sue *in forma pauperis* with a judge assigning them counsel and without cost. The law required the masters of such slaves to allow them to come and go freely on their court business, and specifically stated that if these slaves were taken into custody by the law for their own safety, they were kept at the master's expense.<sup>206</sup> For Payne and her children, this meant they were guaranteed free legal counsel and a hearing, something of which most kidnapped free blacks could only dream. Without this particular law, Payne and her children would have been hard pressed to obtain legal recognition and counsel, and had they won their freedom in court, they would have found it even more difficult to pay their legal fees.

Judge Richard Henry Field, to whom Payne addressed her petition and ironically the judge who had forbidden her to leave the state when Maddox brought his bill of complaint, appointed Zephaniah Turner, Jr. as her legal counsel. Turner, while no abolitionist, never owned slaves himself. His wealthy father, Zephaniah Turner, Sr.,

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<sup>204</sup> *Kitty v. Maddox*, loose papers, Clerk's Office—Rappahannock.

<sup>205</sup> Shorts were coarse meal, a byproduct of milling grain.

<sup>206</sup> James Curtis Ballaugh, *A History of Slavery in Virginia* (Baltimore: Johns Hopkins Press, 1902), 123.

owned fifty-two slaves in 1840.<sup>207</sup> Although Turner, Sr.'s will did not provide for their manumission, he left instructions that "in selling my slaves I direct that in no case when husband and wife belong to me, they be parted, and when husband or wife belong to others a moderate sacrifice be made to avoid parting them."<sup>208</sup>

Perhaps Turner, Jr. shared some of his father's measured kindness towards his slaves. At any rate, Zephaniah Turner, Jr., a successful attorney in two counties and Speaker of the Virginia House of Delegates from 1869 to 1871, did not own slaves. Certainly he could have afforded them had he wished it; his property, sold at his death, was referred to as "one of the most valuable farms in the county of Rappahannock."<sup>209</sup> Instead, Turner lived with his artist brother Henry at Eldon, the family estate, and employed paid labor.<sup>210</sup>

The case *Kitty v. Maddox* came to court in March 1846. The presiding judge, Richard Henry Field, owned Walnut Plantation and a large number of slaves. As such, he might have been expected to side with Samuel Maddox. Field's beliefs, however, were less biased than one might suppose. The Piedmont as a region did not adamantly defend its slavery and its slave culture as did the Tidewater. In 1860, during Abraham Lincoln's first campaign for the presidency and the heated debates about secession, Field published an article in the *Culpeper Observer* advocating a more temperate approach. He encouraged southerners to tolerate Lincoln as "long as he support[ed] the Constitution of

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<sup>207</sup> United States Census Office, *Census of the United States, Manuscript Census, Rappahannock County, Virginia, 1840* (Microcopy 704, Roll 575).

<sup>208</sup> Will of Zephaniah Turner, Sr., Will Book B, pages 449-451, Clerk's Office—Rappahannock.

<sup>209</sup> "Public Sale of Real Estate" placard, 1876, Turner Family File, Rappahannock County Historical Society.

<sup>210</sup> Zephaniah Turner, Jr.'s estate is alternately referred to as "Eldon" and "Elim." Helen Montague Turner to Albert Cook Myers, 8 December 1940, Myers Collection.

the United States and execute[d] in good faith the laws of the Union.”<sup>211</sup> For this display of loyalty to the federal government, the *Richmond Enquirer* censured Field and provoked a written debate that spread to the *Richmond Dispatch* and solicited comment from the *New York Tribune*. Field’s opinions on the brink of the Civil War corresponds with his ruling at Payne’s trial, which was less partial to his own race than a ruling in Tidewater Virginia or another area deeply devoted to slavery.

The jury at Payne’s trial, as might be expected, was a jury of slaveholders. Unlike the affluent, powerful Field, however, the majority of jurors were small farmers owning less than a dozen slaves—like Samuel Maddox.<sup>212</sup> Predictably, they identified more closely with Maddox and his position than either with the wealthy Field or the African-American Payne. Despite depositions taken from witnesses in Pennsylvania, the jurors sided with Maddox. After citing the facts of the case, the jury concluded

whether or not upon the whole matter aforesaid the issue joined, be for the plaintiffs or for the defendant the Jury do not know. And therefore they pray the advice of the court, and if upon the whole matter it shall turn to the court that the issue is for the plaintiffs then the Jury find for the plaintiffs upon the said issue and in that case they assess the damages to one cent. But if upon the whole matter aforesaid it shall turn to the court that the issue is for the defendant than the jury find for the defendant upon the said issue.<sup>213</sup>

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<sup>211</sup> “Union Sentiment in Virginia,” *New York Tribune*, 12 November 1860.

<sup>212</sup> Of the twelve men on the jury, at least nine owned slaves between 1840 and 1850. According to the 1840 federal census, Simeon Suddoth owned one slave, John Hopper owned six, and Alexander Burgess owned ten. United States Census Office, *Census of the United States, Manuscript Census, Rappahannock County, Virginia, 1840* (Microcopy 704, Roll 575).

According to the 1850 federal census, Thomas Martin owned four slaves, John J. Browning owned five, George Eastham owned fifteen, John J. Settle owned two, William J. Dudley owned eight, and James O’Bannon, the foreman, owned twenty-one. At least ten of the men, like Maddox, were farmers. United States Census Office, *Census of the United States, Slave Schedules, Manuscript Census, Rappahannock County, Virginia, 1850* (Microcopy 432).

<sup>213</sup> Verdict, 28 July 1846, *Kitty v. Maddox*, Order Book B, page 139, Clerk’s Office—Rappahannock.

The jury offered no verdict. Instead, they reduced Kitty's damages from one thousand dollars to one cent, and then handed the matter to Judge Field.<sup>214</sup>

Payne's case, like those of so many other kidnapped free blacks, may have seemed open and shut on a moral level—at least to abolitionists and African Americans—but on a legal level the freedom of Payne and her children hinged upon the exact meaning of Samuel Maddox, Sr.'s will. Did it grant his wife an absolute estate in his property, allowing her to buy, sell, and do with it as she chose? Or did it grant her merely a life estate, at the end of which the property passed to her nephew intact?

The wording of the will was not entirely clear. Samuel Maddox, Sr. left his wife his “whole estate, real, personal, and mixed to do and use as she may see proper during her natural life.” The inclusion of the phrase “during her natural life” seemed to indicate only a life estate, yet the next sentence challenged that assumption: “if there should be any thing left at the death of my wife Mary Maddox it is then my wish and desire that my nephew Samuel Maddox (son of Bennet Maddox) shall have the remainder of my whole estate at the death of my wife.”<sup>215</sup>

Construing the will as granting Mary Maddox an absolute estate in her husband's property, Payne and her children would have had a legal claim to freedom. Interpreting it as only providing a life estate, however, meant that Mary had never had full legal title to her husband's slaves and therefore never had the right to free them. The deed in which Samuel surrendered all claim to his late uncle's slaves was irrelevant in a court of law

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<sup>214</sup> Verdict, 28 July 1846, *Kitty v. Maddox*, Order Book B, page 139, Clerk's Office—Rappahannock.

<sup>215</sup> Will of Samuel Maddox, 25 July 1837, Will Book A, p. 208, Clerk's Office—Rappahannock.

since no copy of the document remained.<sup>216</sup> Neither Mary Maddox nor Kitty Payne could prove it had ever existed.

In an opinion that at first glance seemed a defeat for Payne but in reality offered her hope, Field charged that the plaintiffs needed to “show good subsisting legal title to freedom.” They had not done so, in his opinion, and consequently had no legal capacity to sue in a court of law; yet, he added, Payne could likely bring a successful suit in a court of equity. The most debated part of the case—whether Mary Maddox had an absolute title to or only a life estate in her husband’s property—Field dismissed with little discussion. Maddox, Sr.’s will gave his wife “a legal right to emancipate her slaves, or to make any valid disposition which she might chose to make of the whole estate real and personal,” Field wrote.<sup>217</sup> However, he continued, Mary Maddox had never qualified as executrix of the estate. Thus Payne and her children had never legally been Mary’s property and she could not have freed them. In essence, the Paynes’ journey to Pennsylvania had been “substantially an escape by the plaintiffs from their legal owner in Virginia,” thus making them fugitive slaves and Samuel Maddox, Jr. a legitimate slave catcher.<sup>218</sup>

Despite finding in Maddox’s favor, Field dashed his hopes by adding that “the objection taken to the plaintiffs’ right of recovery is, as the court thinks, a mere technical objection” and would not hold up in a court of equity.<sup>219</sup> Field clearly offered Payne another legal alternative in the event that Maddox should press his claim. Maddox,

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<sup>216</sup> Report of Counsel, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

<sup>217</sup> Opinion, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

<sup>218</sup> Opinion, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

<sup>219</sup> Opinion, *Kitty v. Maddox*, loose papers, Clerk’s Office—Rappahannock.

however, finally resigned to the futility of his suit, “rose in open court, and renounced all title to the Slaves.”<sup>220</sup>

Although Field ruled against her, in reality it was the best ruling Payne could have received. Field decided in her favor on the most debated issue—whether or not the will granted Mary Maddox an absolute estate in her husband’s property—and based his ruling against Payne on a mere technicality so easily rectified that Maddox renounced all claim to the Payne family. Legally, Maddox had won the case and was saddled with the costs of the Paynes’ room and board at the jail; on a practical level, he had won nothing.

Payne recovered her freedom quite easily. Mary Maddox Corder returned to the courthouse in Washington, Virginia and on 14 September 1846 posted a five-hundred-dollar bond to qualify as the executrix of her late husband’s estate.<sup>221</sup> As his duly qualified executrix and heir, she now had the right, according to Judge Field, to free her slaves.

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<sup>220</sup> “Court Doings,” *Star and Republican Banner* (Gettysburg, Pennsylvania), 28 August 1846. The Virginia newspapers may have reported on the Payne case, but Rappahannock County had no local paper in the 1840s. The author has searched diligently among other Virginia papers and found no references either to Kitty Payne or Samuel Maddox. Although the *Richmond Whig and Public Advertiser* announced the marriage of John Corder and Mary Maddox (15 August 1845), it does not seem to have reported on *Kitty v. Maddox*.

<sup>221</sup> Bond, 14 September 1846, Clerk’s Office—Rappahannock.

## CHAPTER THREE

### “AN INDIGNANT FEELING FROM OUR COMMUNITY”

In August of 1845, the local newspapers of Adams County, Pennsylvania published articles regaling their audiences with dramatic accounts of Kitty Payne’s kidnapping. In an article entitled “Gross Outrage,” the *Adams Sentinel* reported, with great emotional appeal, how a gang of men kidnapped a woman and her children “in the dead of the night.” Published a few weeks after the event, before any of the kidnappers had been apprehended, the article began with a brief history of Payne’s circumstances and concludes with an impassioned plea that “justice and morality” be served.<sup>222</sup>

Our county has lately been the theatre of a most daring infraction of law and justice, by some citizens of a neighboring State . . . Mrs. Maddocks, about two years since, removed to this county from Maryland, having in her possession a Negro woman and her children who had been bequeathed to her by her deceased husband. Shortly after her removal here, she executed a deed of manumission, giving liberty to the whole family. . . the individual to whom the property of her deceased husband reverted, it appears, laid a claim to the slaves whom she manumitted; and, taking advantage of their present supposed defenseless condition, he, aided by a party of bad and reckless citizens . . . two or three weeks since, in the dead of night, approached the house where dwelt the unsuspecting victims, seized the mother and two children, gagged them, placed them in a covered wagon, and made their escape into Maryland, before any measures could be used to arrest their progress. The poor helpless victims, no doubt, ere this have been hopelessly merged in the mass of human slavery scattered over the South. We need scarcely remark that this gross outrage has occasioned a general expression of that indignant feeling from our community, which so high-handed a proceeding is well calculated to draw forth among a people accustomed to a proper administration of right and law.

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<sup>222</sup> “Gross Outrage,” *Adams Sentinel* (Gettysburg, Pennsylvania), 11 August 1845.

We understand that proceedings have been commenced against these daring violators of law and justice; and we hope the most energetic measures may be used to bring them to condign punishment. . . . Those in Maryland and Virginia should be demanded by the governor of Pennsylvania—and, if found guilty, all the penalties of the broken law inflicted upon them. It is a course of procedure which every principle of justice and morality demands; and we hope that those engaged in it may persevere in sustaining the integrity of Pennsylvania soil, and the majesty of her laws.<sup>223</sup>

This emotion-laden reporting offered the opinions of the newspaper’s editor and a portion of the local populace. It supplied few concrete facts such as dates and names, instead replying on generalities and sensational descriptions—which may be factually accurate or simply romantic inventions—and made errors with regard to other facts, such as the number of children and the confusion of Maryland and Virginia. Perhaps, however, those questions of fact are less important than the questions of how the nineteenth-century author and audience perceived and reacted to the facts.

The unknown author of “Gross Outrage” would likely have been a middle- or upper-class white man.<sup>224</sup> His biases were very clear, both in the title and in more subtle details. The author was no friend to slavery; he strongly opposed Kitty Payne’s return to bondage. While his article was remarkably free of the facts a twenty-first-century newspaper would consider essential, such as the date of the incident, his detailed picture of the actual kidnapping of the “defenseless” and “unsuspecting victims” being “seized”

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<sup>223</sup> “Gross Outrage,” *Adams Sentinel* (Gettysburg, Pennsylvania), 11 August 1845.

<sup>224</sup> The author of “Gross Outrage” and the newspaper’s editor, Robert G. Harper, were likely the same man. In 1850, Harper, a fifty-year-old white man, owned \$3,500 worth of property. United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743). Harper’s paper, the *Adams Sentinel*, was one of two “free papers” in the county. Politically, both the *Sentinel* and the *Star and Banner* were Whig; the *Gettysburg Compiler* was Democratic. Smith, 95.

and “gagged” in the “dead of the night” by “bad and reckless” men was obviously designed to elicit the sympathy of the reader in favor of the African Americans.<sup>225</sup>

Despite the author’s clear antislavery stance, he was not entirely free of prejudice. He reported the background of the case, stating that “Mrs. Maddocks” brought “a negro woman and her children” into Adams County. Exactly who the “negro woman and her children” were did not concern him.<sup>226</sup> While he included the white mistress’s name and place of origin, the author never named those around whom the article centered or gave any other personal information about them.

The author may also have revealed a racial bias in his expectations. He emphasized bringing the white criminals “to condign punishment,” rather than rescuing the black victims. In fact, he had no anticipation of their rescue: they had already “been hopelessly merged in the mass of human slavery scattered over the South” and rescue attempts would be futile.<sup>227</sup> This may have been merely a realistic attitude toward kidnapping rather than racism, however; as Solomon Northup noted in 1853, “hundreds of free citizens have been kidnapped and sold into slavery, and are at this moment wearing out their lives on plantations.”<sup>228</sup> Victims of abduction had little hope of returning to free soil. The punishment the author urged would also have helped protect the African-American community; ideally, it would deter other kidnapers.

The author urged no specific action on the part of his audience and the general populace. Perhaps this was because they could have done very little. However, he twice

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<sup>225</sup> “Gross Outrage,” *Adams Sentinel* (Gettysburg, Pennsylvania), 11 August 1845.

<sup>226</sup> “Gross Outrage,” *Adams Sentinel* (Gettysburg, Pennsylvania), 11 August 1845.

<sup>227</sup> “Gross Outrage,” *Adams Sentinel* (Gettysburg, Pennsylvania), 11 August 1845.

<sup>228</sup> Northup, 252.

insisted that the governor of Pennsylvania “demand” the kidnappers who had fled to Maryland and Virginia be returned to Adams County for trial. He also expressed his desire that those engaged in the apprehension and prosecution of the criminals would “persevere in sustaining the integrity of Pennsylvania soil, and the majesty of her laws.” In short, he was more concerned with keeping Pennsylvania and her laws untarnished than with aiding the African Americans about whom he wrote so passionately.

This attitude was common in the antebellum North. As Leon Litwack documented in *North of Slavery*, many free states instituted laws that forbid African-Americans to migrate from state to state, settle within their borders unless they paid a fee, or enjoy the rights of citizens.<sup>229</sup> South central Pennsylvania, like other northern regions, contained its own racism.<sup>230</sup> Nevertheless, racism in Adams County, Pennsylvania was less pronounced than it might have been. Several documented stations on the Underground Railroad existed in the region, and abolition had many supporters there.<sup>231</sup> When Thaddeus Stevens died in 1868, for example, his will instructed that he be buried in a private cemetery. “Finding other cemeteries limited by charter rules as to race,” Stevens wrote, “I have chosen [Shreiner’s Cemetery] that I might be enabled to illustrate in death the principles which I have advocated through a long life—equality of man before his Creator.”<sup>232</sup> In fact, the author of “Gross Outrage” may have been less biased than he seems at first glance. His plea for prosecution of the kidnappers aided the

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<sup>229</sup> See Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961).

<sup>230</sup> Smith, 359.

<sup>231</sup> For information on Underground Railroad sites in south central Pennsylvania, see Still, 691-695; McCauslin, 6-13; and Smith, 17-63.

<sup>232</sup> *Memorial Addresses*, 9.

African-American community; the punishment of kidnappers served as a warning and deterrent to other prospective abductors.

While the predominant white view of the kidnapping in Adams County as expressed in the *Sentinel* was outrage and concern with bringing the kidnappers to justice—rather than rescuing the re-enslaved African Americans—the Quaker community actively aided the victims. The response of the Menallen Township Quakers was, in fact, representative of the national Quaker response to kidnappings. Abolition societies were frequently formed for the purpose of aiding the victims of kidnapping. The original name of the first of abolition society—founded by Quakers seventy years earlier—expresses this mission: the Society for the Relief of Free Negroes Unlawfully Held in Bondage.<sup>233</sup>

Levi Coffin, one of the most legendary Quaker conductors on the Underground Railroad, began his career in abolition by aiding a victim of kidnapping.<sup>234</sup> In his *Reminiscences*, Coffin recounted an incident from his teenage years in North Carolina. There he met a man named Stephen who “was free born, but had been kidnapped and sold into slavery.” Stephen, originally from Pennsylvania, “had been seized one night as he was asleep in the Negro house of a tavern, gagged and bound, then placed in a close carriage, and driven rapidly across the line into Virginia.”<sup>235</sup> Coffin, disturbed by Stephen’s narrative, reported it to his father and the Quaker community eventually succeeded in freeing Stephen.

The similarities between Stephen’s story and that of Kitty Payne illustrate not only the commonality of the tactics that kidnappers so often employed, but also the

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<sup>233</sup> Needles, 29.

<sup>234</sup> Coffin, ix.

<sup>235</sup> Coffin, 3-4.

important pattern of aid from Quakers such as Coffin. The Menallen Quakers in Adams County, Pennsylvania had been actively trying to restore the Paynes to freedom from the morning of the kidnapping when John Wright pursued Maddox to the Maryland border. Although Wright returned unsuccessful, the Quaker community continued to aid the Paynes. They contacted fellow Quakers in Virginia, among them Yardley Taylor and William and Priscilla Tate of the Goose Creek Monthly Meeting, who assisted the Paynes. On 2 October 1845, Taylor reported the developments of Payne's case to Cyrus Griest in Pennsylvania. "Dear Friend," he wrote, "Thinking that you would like to be made acquainted with circumstances as they transpire, in the case in Rappahannock, I have been desired by friends here to inform you as far as known." Taylor gave the encouraging news that "the Judge of the court had considered the case of sufficient importance to justify a full investigation, and accordingly had assigned counsel" who was reported "to be one of the best at that area." This praise for Zephaniah Turner, Jr. was encouraging, but Turner's abilities came at a cost: "The counsel has expressed his opinion that if a pretty liberal fee was offered him to justify his devoting his time to the case he could clear them."<sup>236</sup>

The monetary cost shouldered by abolitionists and abolition societies to aid kidnapping victims such as Payne mounted as the nineteenth century progressed.<sup>237</sup> They frequently paid for legal counsel, travel expenses, and jail fees. The Pennsylvania Abolition Society, the oldest abolition society in the United States, devoted much of its

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<sup>236</sup> Yardley Taylor to Cyrus Griest, 2 October 1845, Myers Collection.

<sup>237</sup> C. Wilson, 94.

income to assisting those who, like Kitty Payne, had been kidnapped into slavery.<sup>238</sup> In Payne's case, fortunately, at least some of the travel expenses for witnesses were mitigated. Yardley Taylor reported that a legal representative from Virginia would collect testimony in Pennsylvania and "it is believed now that no longer need be apprehended by any of you going into [Rappahannock] again on this business."<sup>239</sup> His statement implied the Menallen Quakers had already made at least one journey south on Payne's behalf. Like the Menallen Friends, many Pennsylvania abolitionists commonly traveled to obtain testimony and evidence on behalf of kidnapped free blacks.<sup>240</sup>

Depositions taken in Gettysburg on 8 April 1846 precluded additional travel expenses for witnesses from Pennsylvania. Two justices of the peace, along with attorney James Cooper, assembled in the Gettysburg office of D.M. Snyder to take the depositions of three witnesses for the Virginia trial. Among those who testified were James Wilson, the justice of the peace who witnessed Mary Maddox's second manumission of the Paynes on 26 January 1844, and Charles Myers, at whose tavern the gang had stopped the night of the kidnapping.<sup>241</sup>

While the Quakers attempted to return Payne and her children to freedom, Pennsylvania's secular officials, like the author and editor of "Gross Outrage," were more involved in the prosecution of the men who broke the laws of a free state. Because the gang had brashly made no secret of their errand during their stop at Charles Myers'

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<sup>238</sup> C. Wilson, 93-94. See also Newman, 60-64, for details on time, money, and numbers of cases the Pennsylvania Abolition Society and its members contributed to the cause.

<sup>239</sup> Yardley Taylor to Cyrus Griest, 2 October 1845, Myers Collection.

<sup>240</sup> Newman, 31.

<sup>241</sup> Depositions, sealed and filed 12 April 1846, *Kitty v. Maddox*, loose papers, Clerk's Office—Rappahannock.

tavern in Bendersville before the kidnapping, authorities found identifying the men relatively easy. They issued arrest warrants for Samuel Maddox, Thomas Finnegan, John Smith, Peter Glasscock, and Charles McGuire.<sup>242</sup>

Like most antebellum kidnapers of free blacks, however, the men who abducted Kitty Payne received little or no punishment for their misdeeds. The capture, trial, and conviction of people accused of kidnapping free blacks and selling them into slavery became increasingly difficult as the nineteenth century progressed.<sup>243</sup> After the United States Supreme Court ruled in *Prigg v. Pennsylvania* in 1842, kidnapers could no longer be convicted under personal liberty laws. In addition, African Americans could not testify against whites in court, which often ruled out key witnesses. White witnesses sometimes failed to testify due to racism or fear of rejection and reprisal from the white community.<sup>244</sup> Even if white witnesses were willing to testify, producing them in court could be a challenge; attending trials required time, travel, and finances.

As a result, many kidnapers were never brought to justice. Some remained at large; others were caught and tried, but released or given minimal sentences. Of the five men accused of kidnapping Kitty Payne—Samuel Maddox, Thomas Finnegan, John Smith, Peter Glasscock, and Charles McGuire—only one was tried for the crime. Maddox, Smith, Glasscock, and McGuire wisely kept their distance from Gettysburg.

On 24 April 1846, the *Star and Banner* of Gettysburg reported that in Emmitsburg, Maryland, just south of the Mason-Dixon Line, an African American “was

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<sup>242</sup> Warrant, to the Sheriff of Adams County, 20 May 1846. Clerk’s Office—Adams.

<sup>243</sup> C. Wilson, 18.

<sup>244</sup> C. Wilson, 18.

knocked down, seized and tied up by a man by the name of Thomas Finnegan.”

Fortunately for the victim,

while Finnegan was dragging him along, a group of people collected; feeling indignant at the boy’s treatment, they interfered and rescued him . . . Finnegan is the same individual who acquired notoriety in this area last fall when he kidnapped and carried back into slavery a family of freed, colored persons. The *Emmitsburg Star* states that the citizens of the place contemplated removing Finnegan to Gettysburg, but the notorious villain decamped in double-quick time.<sup>245</sup>

Although he escaped the crowd in Emmitsburg, Finnegan made the mistake of returning to Gettysburg. When he entered the town in May of 1846, he wore a disguise as a precaution, but someone, possibly the Quaker Jesse Cook, recognized him and informed Sheriff Benjamin Schriver.<sup>246</sup> The *Adams Sentinel* reported the ensuing chase with great excitement:

Whilst arrangements were being made to pursue [Finnegan], he returned through town on his way to Maryland; and he had scarcely reached the outskirts of the town, when Sheriff Schriver, accompanied by Ex-Sheriff M’Clellan and Mr. W.B. Seylar, and followed by others, was in rapid pursuit, and after a chase of two miles overtook him. When overhauled, Finnegan leaped from the carriage and attempted to make his escape—but was soon safe in the custody of our fearless and energetic Sheriff. Great interest was excited in our village, during the chase, and a very large crowd assembled to witness the return of the captors and the captured.<sup>247</sup>

Maddox, Glasscock, Smith, and McGuire had escaped; the full force of Adams County’s wrath fell on Thomas Finnegan.

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<sup>245</sup> “Attempt at Kidnapping,” *Star and Republican Banner*, 24 April 1846.

<sup>246</sup> Notes of Albert Cook Myers, 5 September 1928, Myers Collection.

<sup>247</sup> “Finnegan Arrested,” *Adams Sentinel*, 25 May 1846.

Finnegan's trial commenced in the August term of 1846 before a judge and jury who, if not abolitionists, at least felt the sting of Pennsylvania's violated laws and free status as had the author of "Gross Outrage." Perhaps due to public opinion, perhaps due to private conviction, the state could not find a Pennsylvania attorney to defend Finnegan. Instead, Thomas McKaig of Maryland became Finnegan's primary attorney.

McKaig, well aware that the subject of the case combined with his and Finnegan's southern citizenship might easily decide the case against him, began his defense of Finnegan with a defense of himself. Calculating to align himself with the local populace and prove himself not a southerner, but a native of the North, indeed almost a native of Gettysburg, McKaig spoke of Adams County, Pennsylvania as "the scene of his youthful days . . . endeared to him as his early home" and the setting of his "fondest associations." Indeed, McKaig told the jury, he could "join cordially in the prayer . . . that [slavery] might be banished" from the United States, for although "he himself was the owner of five slaves . . . if any practicable and philanthropic movement could be devised for the emancipation and elevation of the colored population, he would heartily embrace it."<sup>248</sup> McKaig's assurances did not buy him as much support as he had hoped.

After attempting to allay the jury's "prejudices against the system of slavery" in a speech dripping with smooth talk and flattery, McKaig entered upon the business of defending his client. He made no effort to deny Finnegan had been part of the gang who kidnapped the Paynes; there were too many witnesses to the contrary. Instead, McKaig tried to minimize Finnegan's role, suggesting his client "had only acted in the capacity of

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<sup>248</sup> "Court Doings," *Star and Republican Banner*, 28 August 1846.

driver of the hack in which the woman and her children were carried away.”<sup>249</sup> The *Star and Banner*’s reporter completely discounted this: Finnegan’s “participation in the transaction had been much more active than this. He had hunted them up; was the aide of the party who seized them; and the first to invade their home and force them from it.”<sup>250</sup> Given Finnegan’s repeated visits to Gettysburg and hostile behavior towards free blacks, as well as his reputation, the *Star and Banner*’s account seems slightly more believable.

When it became apparent Finnegan could not be defended by minimizing his role in the kidnapping, McKaig based his main argument on the same question at issue in Payne’s Virginia court case: did Mary Maddox have legal title to the Paynes and thus have the right to free them? Judge Field had decided that she did indeed have that right; under her husband’s will she was entitled to an absolute estate in his property. McKaig argued that Field’s decision was “erroneous and in the face of all law and justice.”<sup>251</sup> Mary Maddox, he claimed, had only a life estate.

John Reed, Finnegan’s other defense attorney, spent a good deal of time on a Virginia statute decreeing “that any legatee to whom any slave had been bequeathed for life or years, removing from the State should forfeit all right in such slave to the remainder-man.” Thus, Reed argued, if Mary Maddox had had only a life estate, “the moment [she] crossed the ideal line between the States of Virginia and Maryland, before she ever reached [Pennsylvania] soil, her title to the slaves was forfeited, and when she brought them into [Pennsylvania] she brought them as the slaves of Samuel Maddox, Jr.

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<sup>249</sup> “Court Doings,” *Star and Republican Banner*, 28 August 1846.

<sup>250</sup> “Court Doings,” *Star and Republican Banner*, 28 August 1846.

<sup>251</sup> “Court Doings,” *Star and Republican Banner*, 28 August 1846.

[sic].”<sup>252</sup> It is worth noting that neither McKaig nor Reed attempted to defend the institution of slavery itself. They had the discretion to realize such an argument, presented in a northern court and in a county with an established Underground Railroad network, would have doomed their case.<sup>253</sup>

The prosecuting attorneys who countered McKaig’s and Reed’s arguments were well-qualified. Daniel Durkee had studied law under Thaddeus Stevens, while James Cooper was a former United States Congressman.<sup>254</sup> Factually, Cooper agreed with much of what the defense had said; indeed “there were no material facts upon which counsel differed.” The technicality upon which the case rested, Cooper agreed, was the will of Samuel Maddox, Sr., and whether it granted Mary Maddox a life or absolute estate in her late husband’s property. Cooper dissected the will in “an able and lengthy argument, to prove that under the will of her husband, Mrs. Maddox acquired an absolute property in the slaves.”<sup>255</sup> He strengthened his argument by adding that even if the will gave Mary Maddox only a life estate, under Pennsylvania’s gradual abolition act of 1780, the Paynes became free the moment they crossed the Mason-Dixon Line.<sup>256</sup>

Cooper ignored Pennsylvania’s act of 1826 that required slaveowners to acquire a certificate from an official before removing fugitive slaves from the state. Only four years earlier, in *Prigg v. Pennsylvania*, the United States Supreme Court ruled that

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<sup>252</sup> “Court Doings,” *Star and Republican Banner*, 28 August 1846.

<sup>253</sup> For examples of proslavery arguments typically used, see Paul Finkelman, ed., *Defending Slavery: Proslavery Thought in the Old South* (Boston: Bedford/St. Martins, 2003), 17.

<sup>254</sup> Smith, 167.

<sup>255</sup> “Court Doings,” *Star and Republican Banner*, 28 August 1846.

<sup>256</sup> Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991), 102.

Pennsylvania's law was unconstitutional. In 1837, four men had traveled to Pennsylvania and removed a black woman named Margaret Morgan, along with her children, at least one of whom was born in Pennsylvania, without complying with the 1826 law.<sup>257</sup>

According to Justice Joseph Story, that law, and all other northern personal liberty laws which were designed to protect black residents from kidnappers, infringed on the power of the federal government.<sup>258</sup> Under this decision, Samuel Maddox and Thomas Finnegan were merely exercising the "right of reception" and "self-help" when they forcibly removed Kitty Payne and her children from Pennsylvania, and broke no laws.<sup>259</sup>

The witnesses at Finnegan's trial included a number of people who had had close association with Kitty Payne and her children. Among them were Amon and Rachel Jones, Cyrus Griest, William Wright, and Jesse Cook. Payne's brother James Green testified, as did Jane Roberts, Benjamin Roberts' wife. Charles Myers, the proprietor of the tavern where Finnegan's gang stopped the night of the kidnapping, testified as well.<sup>260</sup>

Finnegan's attorney, McKaig, probably sensing that popular opinion was against him despite his earlier attempts to neutralize antislavery sentiments, closed the arguments by warning the jury "not to believe the rumors that were afloat in regard to the prisoner—they might be true or not." He appealed to their mercy; he refused to believe "the Court

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<sup>257</sup> C. Wilson, 71-72.

<sup>258</sup> Paul Finkelman, "Story Telling on the Supreme Court: *Prigg v. Pennsylvania* and Justice Joseph Story's Judicial Nationalism," *Supreme Court Review* (1994): 252-253.

<sup>259</sup> Finkelman, "Story Telling on the Supreme Court," 252.

<sup>260</sup> List of witnesses, *Commonwealth v. Thomas Finnegan*, August session 1846, microfilm, Clerk's Office—Adams.

would cut off this man from all intercourse with his fellow men—from his children, and from his wife, who sits inconsolable at the cottage door.”<sup>261</sup>

McKaig’s sentimental appeals did little good. Judge Irvine “charged the jury that Mary Maddox took an absolute estate under the will of her husband; and that if the fact of taking and carrying away the negroes had been proved, the defendant was guilty.”<sup>262</sup>

Because that point had never been in dispute at the trial, Irvine destroyed the defense’s case.<sup>263</sup> The verdict came back “guilty” and on 17 November 1846 Thomas Finnegan was sentenced to five years at labor in the Eastern State Penitentiary in Philadelphia.<sup>264</sup>

Like most kidnapers, however, Finnegan got off easily. Pennsylvania’s Democratic Governors Francis Rawn Shunk and William Bigler habitually pardoned the kidnapers of free blacks, including the notorious George Alberti who had been convicted of kidnapping a baby.<sup>265</sup> On 29 June 1848, Shunk signed a pardon for Thomas Finnegan, due to “sickness.”<sup>266</sup> Finnegan served less than two years of his sentence.

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<sup>261</sup> “Court Doings,” *Star and Republican Banner*, 28 August 1846.

<sup>262</sup> “Court Doings,” *Star and Republican Banner*, 28 August 1846.

<sup>263</sup> Smith, 172.

<sup>264</sup> True Bill, 17 November 1846, Docket F, page 207, Clerk’s Office—Adams.

<sup>265</sup> Pennsylvania Society for Promoting the Abolition of Slavery, the Relief of Free Negroes Unlawfully Held in Bondage, and for Improving the Condition of the African Race, *Five Years’ Abstract* (Philadelphia: Merrihew and Thompson, 1853), 7-8.

<sup>266</sup> Executive Minute Book 1845-1848, 29 July 1848, Pennsylvania State Archives, Harrisburg, Pennsylvania; Index to Clemency File, vol. 1, number 345, Pennsylvania State Archives, Harrisburg, Pennsylvania.

## CHAPTER FOUR

### CATHARINE: THE RETURN TO FREEDOM

Despite the unhappiness Payne must have felt in Pennsylvania—the death of her husband and child, the violence of the kidnapping—she had known freedom there and wished to return. Certainly Eliza Jane remembered pleasant experiences in Pennsylvania. “The folks of Maria Furnac were very kind to us,” she wrote, and she remembered living with Samuel and Jane Bostick and the woman she affectionately called “Aunt Rachel.”<sup>267</sup>

The Paynes remained in Rappahannock County some months after the case closed. Eliza Jane worked for the jailer’s family while Kitty took the two younger children and found a job as a domestic in another home. Late in the fall of 1846, the Paynes prepared for the northward journey back to Pennsylvania. “When we left our old Counte,” Eliza Jane wrote, “we had to Bid our Mrstus and Friend Farewell wich was very Sad to us she stood by us as a dear friend all the time and to the last she tuck me in to her House when I was but Six Months old and was a Mother to me.” Even little Eliza Jane understood this was the last goodbye; “we never expected to see her in the World.”<sup>268</sup> Mary Maddox Corder, now in her seventies, had few years left and would not be able to accompany the Paynes north a second time.

Equipped with the names and locations of friends and relatives with whom they might find a night’s lodging between Rappahannock County and Pennsylvania, as well as her experiences of the world and freedom, Kitty Payne took her children and began the trek northward. The Virginia Quakers who assisted her during the ordeal of the

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<sup>267</sup> Payne to Russell, 21 October 1888, Myers Collection. Aunt Rachel was Rachel Jones, from whose home they had been kidnapped.

<sup>268</sup> Payne to Russell, 21 October 1888, Myers Collection.

kidnapping and trial also provided the names of other Friends who would offer shelter and aid along the way.<sup>269</sup>

Eliza Jane remembered this journey very differently from their first expedition to Pennsylvania. On that trip, accompanied by Mary Maddox, as well as Benjamin Roberts and James Green, they traveled in a “big covered Wagon” and the three small children found the journey “novel” and exciting. “I injoyed it,” Eliza wrote. The second journey was very different. Of the first, Eliza wrote, “We started for Pa;” of the second, “We tuck up our March”—a phrase she used repeatedly to describe their journey. They “went on foot and a lone,” without the protection of the two men and white woman they had enjoyed on the first journey. Instead, for protection, “my Mother had her free papers.”<sup>270</sup>

During the first journey, riding high in the wagon, Eliza liked to “stop for the Night to see the Lights in the Windows.” On the second journey, however, lights in windows meant far more than a pretty gleam in the darkness; they meant the possibility of warmth and lodging. During cool autumn evenings, four snug walls and a warm hearth were crucial to the single mother who had just set out on a journey of about one hundred miles on foot with three young children.

After bidding goodbye to Mary Maddox Corder, they “walked all that day till late in the Eving then Stoped at a House of Colored people” who were distantly related to the Paynes. Recalling her tired feet, Eliza wrote, “We were very glad and thankful we found them we got a good Night lodging wich was very refreshing to us for we littel folks were

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<sup>269</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>270</sup> Payne to Russell, 21 October 1888, Myers Collection.

very tired . . . we Slep for we had walked a long way I dont know how far I would presume all of 12 miles.”<sup>271</sup>

For Payne, traveling on foot with three small children must have been a challenge in itself. Little feet tired quickly and forced her to make frequent stops. On one of these stops, they “sat down to rest near a littel House” while Payne went in to request a drink. Eliza later recalled the scene:

She came back and told us she had found a Brouther of our Grand Mothers so we were very eger to see him we made a rush as Cheldren all way do there was a old Man Hoeing in his Garden he was very old looked as if he had ent seen not less than 80 Summersers that is what I can remember of him<sup>272</sup>

“The next [stop] was our landing at William Tates,” Eliza recalled, comparing their long journey on foot to a vessel coming into port after a lengthy sea voyage. “He and his good wife receved us very kindly it was late in the afternoon they got us up a good Supper wich was very exceptable to us after so long a Journey on Foot.”<sup>273</sup> Kitty Payne had chosen the home of William and Priscilla Tate in northern Virginia as the destination of the first segment of their journey. The Tates, members of the Goose Creek Monthly Meeting in Loudoun County, were antislavery Quakers active on the Underground Railroad. William Tate, “a large white-haired man,” had “ways and opinions of his own.”<sup>274</sup> He helped escaping slaves cross the Potomac River and once

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<sup>271</sup> Payne to Russell, 21 October 1888, Myers Collection.

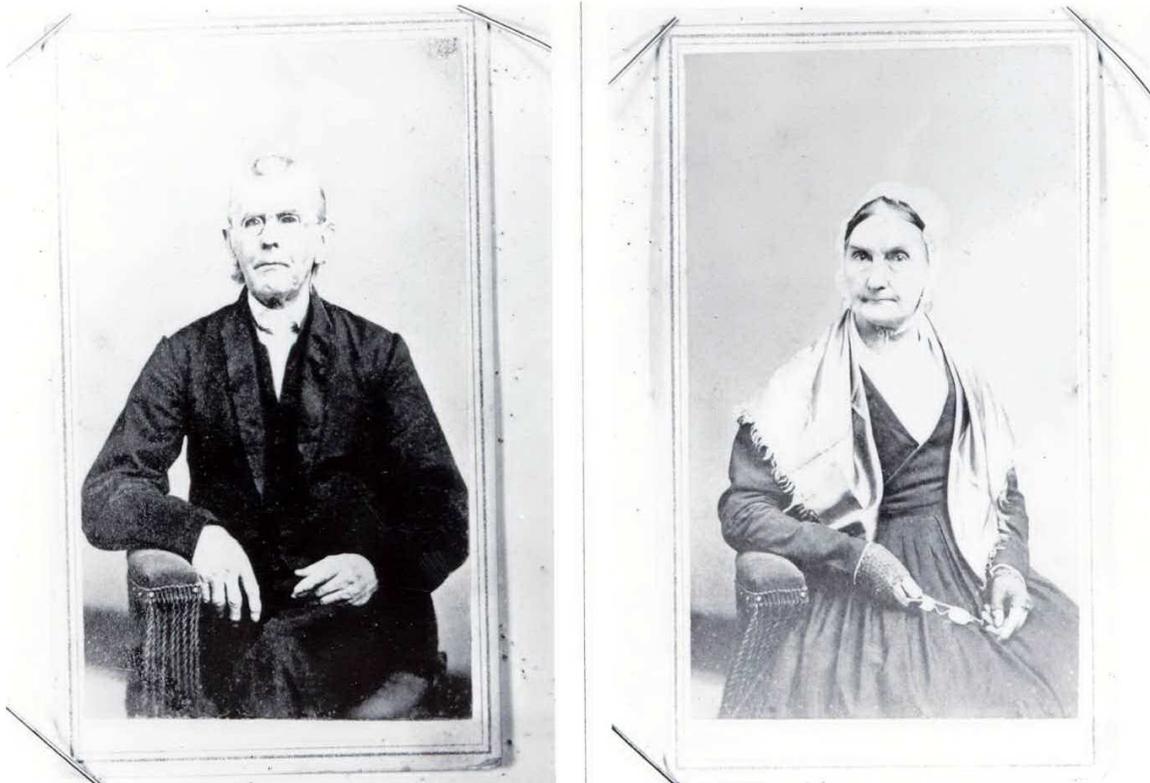
<sup>272</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>273</sup> Payne to Russell, 21 October 1888, Myers Collection. Eliza Payne apparently did not recall each of their stops. The journey from Washington, Virginia to Loudon County would have been about fifty miles, and it is unlikely they could have made the journey in less than four or five days on foot.

<sup>274</sup> Caroline Taylor (great niece of William Tate) to Albert Cook Myers, 5 March 1945; J. Russell Smith to Albert Cook Myers, 12 March 1945, Myers Collection.

drove a fugitive in his carriage “dressed in his wife’s Quaker dress and bonnet.”<sup>275</sup> The Tates and Paynes also had a personal connection; William was part of the Quaker network that worked to restore the Payne family to freedom while the case in Virginia ground its way through the court system.<sup>276</sup>

By late fall the weather was already cold and not conducive to traveling, especially with small children, and the Paynes remained with William and Priscilla Tate through the winter. Eliza Jane reckoned the time at about six months; “when we went there it was Butchering time when we left it was Garding making time.” It was long enough for the children to become fond of the hospitable Tates and their home. “When we left we felt real sorry,” Eliza recalled.



**William and Louisa Steere. *Chester County Historical Society, West Chester, Pennsylvania.***

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<sup>275</sup> Caroline Taylor to Albert Cook Myers, 5 March 1945.

<sup>276</sup> Yardley Taylor to Cyrus Griest, 2 October 1845.

One Sunday in the early spring of 1847, Kitty Payne and her children packed their belongings and accompanied the Tates to the Goose Creek Monthly Meeting. After the meeting, they returned home with William and Louisa Steere, who lived north of the Tates, near the Potomac River. The following day, Steere led them on horseback—a welcome change for tired feet—to the Potomac, where they crossed at Point of Rocks, Maryland. At Point of Rocks, Steere helped them buy train tickets and accompanied Payne and three wide-eyed children on their first train ride to New Market, Maryland. After a few days' stay in New Market, two members of the Menallen Friends' Meeting arrived from Pennsylvania in a sleigh and brought the Paynes to “Plainfield,” William Wright's home in Quaker Valley, Adams County.<sup>277</sup>

Payne's first trip to Pennsylvania took two weeks; her second lasted six months. She began the first as an inexperienced young mother with four small children, including an infant, and traveled in the relative ease of a covered wagon. Two black men and a white woman protected her; the assurance of her husband's joining her in freedom promised security even in an unfamiliar place. That image of Payne contrasts sharply with the figure she cut during her second journey to Pennsylvania. Three years later, Payne was an independent single woman who had earned her own living, faced violence and kidnapping, and battled a white man in a southern court. Her challenging sixth-month journey back to freedom symbolized her hard-won and hard-kept independence, as well as her courage in facing those challenges.

Kitty Payne had ample time to reflect during her sixth-month journey to Pennsylvania. Beginning a new life reborn in freedom gave her courage and

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<sup>277</sup> Payne to Russell, 21 October 1888, Myers Collection. Although Eliza claims to have left the Tates' home at “Garding making time,” her reference to the “sleigh” reveals that her memories of her childhood were probably somewhat confused.

independence, and perhaps that is what prompted her to take on a new name as well. Many formerly enslaved people changed their names after they achieved liberty, and often the names they adopted reflected their familial and personal identities. Harriet Jacobs and her brother John, for example, chose their surname to honor their father.<sup>278</sup> When Frederick Douglass arrived in New England, he allowed his friend Nathan Johnson the privilege of choosing his new name. His only stipulation was that Johnson “not take from me the name of ‘Frederick.’ I must hold on to that,” Douglass said, “to preserve a sense of my identity.”<sup>279</sup> Isabella Van Wagenen, born in the late 1790s and enslaved in New York State before its statewide abolition, recreated her own identity as well: she became Sojourner Truth, a name that spoke as much of symbolism as of her new character.<sup>280</sup>

After her arrival in Pennsylvania, Kitty Payne, always called by the informal nickname “Kitty,” began using the more formal name Catharine. When the federal census-taker arrived at her home in 1850, he recorded her as Catharine, age 39, mulatto in color.<sup>281</sup> Two years later, Jesse Cook referred to her in a court of law as “Catharine Paine.”<sup>282</sup>

Perhaps, like Harriet Jacobs, Catharine Payne once again hoped that freedom might bring a home of her own with her children by her side. It was not to be. Payne had

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<sup>278</sup> Yellin, 40.

<sup>279</sup> Frederick Douglass, *Narrative of the Life of Frederick Douglass*, ed. John W. Blassingame, John R. McKivigan, and Peter P. Kinks (New Haven: Yale University Press, 2001; originally published, 1845), 77.

<sup>280</sup> See Painter, 3-10.

<sup>281</sup> United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743).

<sup>282</sup> “Trial of James Green,” *Republican Compiler* (Gettysburg, Pennsylvania), 22 November 1852.

neither a home nor the money with which to buy one. A few days after returning to Adams County, Payne began working for several local families, presumably as a cook and laundress. The Payne family needed money and in the days before child-labor laws, childhood was not synonymous with play, particularly for the poor. Mary, about eight years old, began working for John Wright's family and Eliza Jane, about nine, went to Gettysburg. Although Eliza had to earn a living at a young age, her work in Gettysburg brought the opportunity for some education. She lived with the family of Dr. Charles August Hay, a language and literature professor at the Lutheran Theological Seminary, caring for their new baby. Arthur Payne, at least for a time, remained with his mother.<sup>283</sup>

Although Catharine Payne and her children never saw Mary Maddox Corder again, Eliza Jane recalled that "my mother heard from her as long as she Lived."<sup>284</sup> Because of her illiteracy, any letters from Mary Maddox would have been transcribed, although it is possible that Catharine could read them herself. On 4 October 1847, when the *Republican Compiler* published a list of letters waiting at the Gettysburg post office, among them was one for "Mrs. Kitty Payne."<sup>285</sup> Perhaps this was the correspondence of which Eliza Jane wrote.

Sometime in 1847, Catharine Payne remarried. She chose an African-American widower named Abraham Brian who lived in Gettysburg. His first wife Harriet had died earlier that year, possibly as a result of childbirth, and Brian had four children of his own, including an infant. A hardworking man, he owned two hundred dollars worth of real

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<sup>283</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>284</sup> Payne to Russell, 21 October 1888, Myers Collection; *Richmond Whig and Public Advertiser*, 13 February 1849.

<sup>285</sup> "List of Letters," *Republican Compiler*, 4 October 1847.

estate in 1850; ten years later, he owned a farm worth \$1,400.<sup>286</sup> As the wife of a propertied man, Catharine no longer had to board in others' homes working for others' families. The desire for a home of her own and financial stability may well have been part of her motivation to marry again. Whether love played any role in her decision remains one of the mysteries of Catharine Payne's life.

She moved into Brian's house in Gettysburg, caring for his four children. A home of her own with her children by her side never materialized; Eliza Jane and Mary remained in other households, while Arthur James joined the Quaker family of Isaac Tudor in northern Adams County. Perhaps Abraham Brian did not have the space or means to support the rapid expansion of three additional children to his household. According to family oral tradition, however, Brian "was not kind to Kitty and did not want her children to come to the home," a source of grief for Kitty.<sup>287</sup>

On 15 August 1848, exactly three years after Fannie Withers hid Payne in her home and summoned the Rappahannock County sheriff, Catharine Payne Brian gave birth to a daughter. She called her Frances. The names of two of Catharine's daughters—Mary and Frances—served as memorials to the women who had befriended and aided her, and to the friendships that reached across racial lines and found a common bond in womanhood.

Two years later, Catharine's sixth and last child was born. Either stillborn or dying young, the child did not survive. Neither did its mother. Women of the mid-

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<sup>286</sup> United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743). United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 653, Roll 1057).

<sup>287</sup> Goins to Myers, 9 January 1945, Myers Collection.

nineteenth century had a short life expectancy, and the hardships of Kitty Payne's life had taken their toll. By 1851, Catharine Payne Brian was dead.<sup>288</sup>

Kitty Payne's story is the story of kidnapped free blacks. Her kidnappers, like so many others, preyed on poor women and children in the border region where North and South converged. Like most kidnapped free blacks, she depended on sympathetic aid from Quakers and other whites, in her case Fannie Withers and Mary Maddox, to regain her freedom. Samuel Maddox, Jr., Thomas Finnegan, and their gang of kidnappers received typical treatment. Despite Payne's suit for assault and battery, she received no



compensation and Maddox received no punishment. Finnegan, who felt the brunt of the community's outrage against the gang, spent less than two years in prison.

**Gravestone of Catharine Payne Brian in the Lincoln Cemetery, Gettysburg, Pennsylvania. Photograph taken in 2006 by the author.**

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<sup>288</sup> There is some confusion as to Catharine Payne Brian's date of death. Her gravestone in the Lincoln Cemetery in Gettysburg, Pennsylvania reads "Catharine, wife of Abraham Brian. Died Aug. 12, 1850. Aged 38 years." When the federal census taker arrived at the Brian home on 25 August 1850, however, he recorded Catharine as a resident of the household. United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743).

Eliza Jane, in her 1888 letter to Louisa Wright Russell, gave her mother's date of death as 1851. Payne to Russell, 21 October 1888, Myers Collection.

Unlike most kidnapped free blacks, however, Catharine Payne Brian achieved her freedom. She was among the few and the fortunate, and in this sense her story is not representative. The majority of kidnapping victims were, as the *Adams Sentinel* feared had happened to the Paynes, “hopelessly merged in the mass of human slavery scattered over the South.”<sup>289</sup> These are the faceless, nameless people whose freedom, lives, and identity kidnapping stole. Yet in a sense, Kitty Payne remains representative of kidnapped free blacks. Her story becomes their story; ultimately, she too remains a faceless, nameless individual whose motives, personality, character, feelings, and passions remain a mystery.

In the 1940s, the historian Albert Cook Myers began researching Kitty Payne and her story. Although he never finished the manuscript—in fact, only a draft of the introduction remains—he asked local artist Ada C. Williamson to



**Sketch of Kitty Payne and her children by Ada C. Williamson, c. 1945. Chester County Historical Society, West Chester, Pennsylvania.**

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<sup>289</sup> “Gross Outrage,” *Adams Sentinel*, 11 August 1845.

complete pen-and-ink drawings for his proposed book. One of Williamson's preliminary sketches shows a group of four figures: a woman stands at the center holding an infant while two children nestle against her skirts. Only the outline of the woman's face is distinct; her features are indiscernible. The sketch's anonymity represents the story of kidnapped free blacks. It is Kitty Payne—and it is the thousands of other nameless, faceless individuals whose identity was erased by antebellum kidnapping.

## EPILOGUE

For the crime of kidnapping Kitty Payne and her three children, Thomas Finnegan served one year and eight months in the Eastern State Penitentiary in Philadelphia. Presumably he then returned to his legal occupation of wagoner and public house-owner in Maryland. If he did return to Maryland, it was not for long. Finnegan's wife, Agnes, who according to the picture painted by the defense attorney at his trial, sat "inconsolable at the cottage door" waiting for her beloved husband, divorced him for abandonment in March 1856.<sup>290</sup> In October 1852, Finnegan had informed her "he was going to Calefornia" and she had "not seen or heard from him since."<sup>291</sup>

Samuel Maddox, Jr. remained a ne'er-do-well. Living on the 111-acre farm bequeathed him by his uncle, Maddox scraped out a living. He married a young woman called Margaret Tobin and together they had at least five children. Never able to stay fully solvent, Maddox lost the land in 1885 as the result of another financial failure. The farm was sold at auction in March 1885.<sup>292</sup>

Judge Richard Henry Field became, by 1860, the eldest superior judge in Virginia. Having already proven himself more closely aligned with the Piedmont attitudes towards slavery than with the Tidewater region in his decision in *Kitty v. Maddox*, Field showed his unionist beliefs again during the secession controversy, when he wrote a public letter urging Virginians to remain loyal to the Union.<sup>293</sup> Nevertheless, his sons' first allegiances belonged to the Old Dominion. Nineteen-year-old Philip

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<sup>290</sup> "Court Doings," *Star and Republican Banner*, 28 August 1846.

<sup>291</sup> *Hagerstown (Maryland) Mail*, 18 December 1855. Notes of Albert Cook Myers, Myers Collection.

<sup>292</sup> "Public Sale of Real Estate," undated public notice, Maddox family file, Rappahannock County Historical Society.

<sup>293</sup> "Union Sentiment in Virginia," *New York Times*, 12 November 1860.

Barbour Field was killed in a charge at Cedarville, Virginia, near Front Royal, on 23 May 1862.<sup>294</sup> Less than two months later, William Field died under the Confederate flag at Malvern Hill.<sup>295</sup>

After emancipating the Payne family for the third time in September of 1846, Mary Maddox Corder returned to her invalid husband John Corder. She remained with him at his Rappahannock County home near Flint Hill, Virginia until his death on 24 January 1849 at age ninety.<sup>296</sup> Corder's will, written in 1835 and never altered, makes no reference to his third wife Mary Roberts Maddox. His children and grandchildren inherited his property—including twelve slaves—and Mary Maddox disappeared from the records.<sup>297</sup>

Four of Catharine Payne Brian's six children survived to adulthood. The 1850 federal census recorded young Arthur Payne living with the Isaac Tudor family in Adams County, Pennsylvania.<sup>298</sup> Twenty-one years old when Congress passed the acts that allowed African Americans to enlist during the Civil War, Arthur joined the Union Army. He served three years, then joined the Navy for three and a half more. Possessed by wanderlust, Arthur James Payne never stayed in one location long. In the Navy he had the opportunity to explore the globe, sailing to Brazil and Japan—where he bought

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<sup>294</sup> Norvell Family Bible Records, Virginia Historical Society, Richmond, Virginia.

<sup>295</sup> From gravestone of William Gibson Field, Walnut Plantation, Culpeper County, Virginia. Gravestone copied by Albert Cook Myers, Myers Collection.

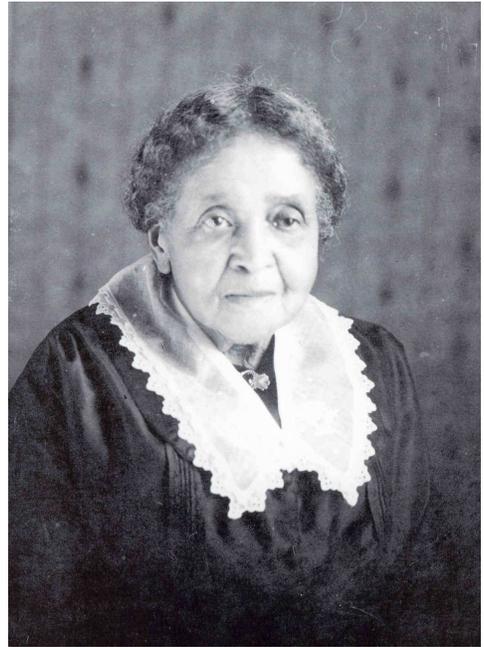
<sup>296</sup> *Richmond Whig and Public Advertiser*, 13 February 1849.

<sup>297</sup> Will of John Corder, Will and Codicil 398, Clerk's Office—Rappahannock. Mary Maddox Corder does not appear in any of Rappahannock County's census or cemetery records after 1849; she is absent from the 1850 federal census as well.

<sup>298</sup> United States Census Office, *Census of the United States, Manuscript Census, Adams County, Pennsylvania, 1850* (Microcopy 432, Roll 743).

Eliza Jane a “crystal”—among other places.<sup>299</sup> Although he lived with his sisters for a time in Ohio and Michigan, by 1888 Eliza Payne could only remark, “We presume he is Ded or lost track of us.”<sup>300</sup>

Mary Payne, raised in the Quaker home of the John Wright family and the Menallen Meeting community until age eighteen, joined the Quaker church. She moved to Detroit, Michigan where she worked as a domestic in private homes, and where she met and married William H.H. Jackson, a courageous African American who fought his way north on the Underground Railroad.<sup>301</sup> Of her five children, only one, Mary Elizabeth, nicknamed Minnie, survived to adulthood.<sup>302</sup>



**Mary Payne Jackson. Chester County Historical Society, West Chester, Pennsylvania.**

Eliza Jane remained in Gettysburg longer than her siblings. After Professor Hay’s family left Gettysburg, Eliza boarded with and worked for the family of Alexander Campbell for over twenty-one years.<sup>303</sup> She remained with Campbell’s invalid daughter Rebecca, caring for her until Rebecca’s death. During the battle of Gettysburg, the two women sought shelter from the stray shells and bullets that threatened the town with Rebecca Campbell’s relatives, the

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<sup>299</sup> Goins to Myers, 9 January 1945, Myers Collection.

<sup>300</sup> Payne to Russell, 21 October 1888, Myers Collection.

<sup>301</sup> Goins to Myers, 9 January 1945, Myers Collection.

<sup>302</sup> Gandy, 65.

<sup>303</sup> Payne to Russell, 21 October 1888, Myers Collection.



**Eliza Jane Payne.** *Chester County Historical Society, West Chester, Pennsylvania.*

Mary and William Jackson in Ohio. She remained close to Mary's family the rest of her life, moving with them to Raisin Valley, Michigan, and from there to Detroit, Kansas. In Michigan, Eliza worked as a cook at Raisin Valley Seminary, a coeducational school run by Quakers, where her skills in the kitchen became legendary among the boys and girls fortunate enough to sample her cooking.<sup>306</sup>

Dickson family. When the presence of Confederate soldiers threatened Eliza's safety—southerners kidnapped many of Gettysburg's free black community during the battle—she hid with the Dicksons' young son under a large four-poster bed.<sup>304</sup> Rebecca Campbell died in 1869. Her will directed that Eliza should inherit two hundred dollars, "one Bed and Bedding, Six chairs, one Stove, her choice, a carpet, a Trunk or Bureau, cooking utensils, and what I have heretofore given her if Still in the House."<sup>305</sup>

After Rebecca's death, Eliza joined



**Rebecca Campbell.** *Chester County Historical Society, West Chester, Pennsylvania.*

<sup>304</sup> Elsie Singmaster Lewars, interview by Albert Cook Myers, 5 March 1940, Myers Collection.

<sup>305</sup> Will of Rebecca Campbell, 25 November 1867, Will Book G, page 307, Clerk's Office—Adams.

James Green, Catharine Payne Brian's brother, felt the legacy of the kidnapping as keenly as his sister and her children. Having witnessed the precarious freedom free blacks held, and never quite certain that Maddox would not come for him next, Green took seriously the advice of Frederick Douglass. "The true remedy for the Fugitive Slave Bill," Douglass wrote after the passage of the 1850 federal law, is "a good revolver, a steady hand, and a determination to shoot down any man attempting to kidnap."<sup>307</sup> Jesse Cook later testified,

I have known James Green seven or eight years. . . . I think he has carried a pistol ever since he came into our neighborhood. . . . I have frequently seen it. He carried it mostly in his pants pocket. . . . I think he carried the pistol all the time he worked for me. He told me eight years ago, and since, that he carried it to protect himself against kidnapers. Catharine Paine was considered his sister. Catharine Paine was carried to Virginia by Tom Finnegan—kidnapped.<sup>308</sup>

Green's pistol remained in his pocket until 1 April 1852. The Woods, another African-American family in the community, were moving to a new home, and Green came to help, together with other men from the neighborhood. Someone procured a gallon jug of whiskey from Charles Myers' tavern—the same tavern where Maddox's gang of kidnapers had stopped—and some of the men, including Green and a neighbor called Samuel Mars, began drinking. Charles Myers later testified, "A step daughter of his [Green's] was hired at Sam's mother's, and he [Green] did not want her to stay there,

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<sup>306</sup> Martha Jones Reed to Sarah Green, 28 February 1945, Albert Cook Myers, Myers Collection; T.R. White to Albert Cook Myers, 2 March 1945, Myers Collection.

<sup>307</sup> "The True Remedy for the Fugitive Slave Bill," *Frederick Douglass' Paper*, 9 June 1854.

<sup>308</sup> "Murder Trial," *Adams Sentinel*, 29 November 1852.

for he thought Sam wanted her for his own accommodation.”<sup>309</sup> Before the morning was over, a fight erupted. Green pulled out the pistol, and the shot he had originally intended for kidnappers killed Samuel Mars. Convicted of murder, James Green was executed on 15 April 1853.

After Catharine’s death, Abraham Brian married a third time. In 1857, he sold his house in town and

purchased a farm worth \$1,400 on the southern outskirts of Gettysburg where Catharine’s daughter Frances grew to adulthood. When the Union and Confederate armies converged at Gettysburg in 1863, the Brians, like many other

African-American families in the area,

hastily retreated. Those who remained behind risked kidnapping and enslavement by the advancing Confederate army.



**The Brian House in 1863 after the Battle of Gettysburg. Photograph by Mathew Brady. *Library of Congress.***

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<sup>309</sup> “Murder Trial,” *Adams Sentinel*, 29 November 1852.

Despite the Brians' evacuation, their home did not remain empty during the three-day battle. Union General George Meade chose the home of widow Lydia Leister, only a few hundred yards from the Brian house, as his headquarters, and other Union troops occupied the Brian home. On the third day of the battle, the Brian farm found itself located in the center of the Union line. Pickett's Charge



**Abraham Brian House.** The Brian House where Catharine Payne's daughter Frances grew up stands at the center of Pickett's Charge on the Gettysburg Battlefield and has been preserved by the National Park Service. *Photograph taken in 2006 by the author.*

converged on the center, and when Abraham Brian and his family returned after the battle, they found the house scarred with bullet and shell holes, the crops trampled, the orchard ruined, and their furniture dragged into the yard. The pasture near the barn had become a cemetery. Brian later filed for damages amounting to \$1,028. He died intestate on 30 May 1879.<sup>310</sup>



**Brian Barn on the Gettysburg Battlefield.** *Photograph taken in 2006 by the author.*

Despite the fear, violence, and destruction of war, the Brian children were proud of their home's role in the battle. In later years, family oral history confused the widow Leister's house with the Brian home, and a descendant recalled that

“Grandmother [Matilda Brian, one of Kitty

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<sup>310</sup> Bond, Will Book F, page 122, Clerk's Office—Adams.

Payne's stepdaughters] told us how her home in Gettysburg during the Civil War was used as General George Gordon Meade's Headquarters. As children, we were all taken from Harrisburg to Gettysburg to see it."<sup>311</sup>

When the Confederate army withdrew from Gettysburg, it left more than destruction and death behind. William Henry Henson, a slave from Georgia brought north as the servant of a Confederate doctor, slipped away in the confusion of the battle.<sup>312</sup> In June 1868, he married Catharine Payne Brian's daughter Frances. William and Frances Henson, like Catharine's other children, moved west. They settled in Ohio, raising a family of ten children. On 31 January 1898, Frances Brian Henson, Catharine Payne Brian's youngest child, died in Dayton.<sup>313</sup>

Although Kitty Payne died about 1850 and each of her four surviving children eventually left Gettysburg, the story of the kidnapping lived on in local memory. Elderly people recalled it and recited it to their grandchildren. In the summer of 1897, young Albert Cook Myers came to visit his aged aunt Mary Cook Hardy in Bendersville, Pennsylvania. Sitting in her rocking chair on the porch, she fascinated him with stories from her childhood when her father Jesse Cook operated a station on the Underground Railroad and Thomas Finnegan kidnapped Kitty Payne.<sup>314</sup> Mary Hardy's narrative helped preserve Kitty Payne's story and spark the interest of a younger generation.

Mary Cook Hardy was not the only person who remembered Kitty Payne and her children. J.R. Dickson, the ten-year-old boy with whom Eliza Jane had hidden when the

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<sup>311</sup> Dorothy Davis Thompson to Albert Cook Myers, 18 September 1945, Myers Collection.

<sup>312</sup> Written interview with Margaret Hanson Morris, December 1945, Myers Collection.

<sup>313</sup> Margaret Hanson Morris to Albert Cook Myers, 5 October 1945, Myers Collection.

<sup>314</sup> Albert Cook Myers, "Kidnapped Kitty," pp. 3-4, Myers Collection.

Confederates invaded Gettysburg, never forgot Eliza Payne or her stories. One evening in 1910, Elsie Singmaster, a young author who had begun publishing children's historical fiction one year earlier, visited Dickson, now a doctor. He recounted to her the story of Kitty Payne's kidnapping and Singmaster filed the tale away in her memory.<sup>315</sup> In 1933, when Elsie Singmaster wrote the children's book *Swords of Steel*, she incorporated Payne's story. The following year, *Swords of Steel* won the Newberry Honor Award and the story of Catharine Payne Brian reached a new generation.

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<sup>315</sup> Elsie Singmaster Lewars, interview by Albert Cook Myers, 5 March 1940, Myers Collection.

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*Pennsylvania Freeman*  
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## CURRICULUM VITAE

Meghan Linsley Bishop

### EDUCATION

- July 2007      **M.A. in Public History**  
Indiana University-Purdue University at Indianapolis, IN
- Academic focus on nineteenth-century American history
  - Thesis: “Slave to Freewoman and Back Again: Kitty Payne and Antebellum Kidnapping”
- May 2004      **B.A. in History with Honors**  
Western Kentucky University, Bowling Green, KY
- Honors Thesis: “Sir Thomas More’s *Richard III*: An Educational Exercise”
  - Minor in music
  - GPA 3.92

### EXPERIENCE

- 2006-2007      **Paid Graduate Intern**  
Morris-Butler House Museum, Indianapolis, IN
- Provided guided tours for visitors of all ages
  - Conducted children’s educational programs
  - Assisted with special events and fundraisers
  - Developed children’s educational program on nineteenth-century toys and games
  - Curated *Victorian Secret: An Exhibit of Nineteenth-Century Underwear*
  - Negotiated artifact loans from the Indiana State Museum, Indiana Historical Society, Conner Prairie, Children’s Museum of Indianapolis, Benjamin Harrison Home, and private collector
  - Researched and designed exhibit text panels and artifact labels
  - Assisted with research for Frank Lloyd Wright exhibit
  - Designed text panels for Frank Lloyd Wright exhibit
  - Developed two exhibit tour scripts
  - Trained staff and volunteers to give guided tours

## **EXPERIENCE, CONT.**

- 2005-2006     **Paid Graduate Intern**  
Education Dept., Indiana Historical Society, Indianapolis, IN
- Assisted with traveling exhibit *The Faces of Lincoln*
  - Developed three Junior Historical Society educational programs
  - Assisted with children's educational programs
  - Helped develop and implement Girl Scout programming
  - Designed educational activities for *Faces of the Civil War* traveling exhibit
  - Planned and implemented opening ceremony for *Hoosiers in Hollywood* exhibit
  - Developed guided tour of *Hoosiers in Hollywood* for ceremony
  - Researched and wrote gallery guide for *Hoosiers in Hollywood*
  - Coordinated and hosted weekly Cole Porter Film Series program
- 2004-2005     **Graduate Intern**  
Collections Dept., Conner Prairie Living History Museum, Fishers, IN
- Processed accession and documentation of artifacts
  - Assisted with conservation of artifacts and reproductions
  - Managed deaccessioning project
  - Researched numerous artifacts
  - Assisted in Costuming and Textiles Studio
  - Assisted with *Follow the North Star* Underground Railroad program
  - Assisted with children's Native American program
- Summers  
2003-2004     **Docent**  
Shriver House Museum, Gettysburg, PA
- Provided guided tours of restored Civil War-era house
  - Worked with elementary to high school students on school tours
  - Facilitated historical discussions among both student and adult visitors
  - Assisted in cleaning and displaying artifacts
- 2003-2004     **History Tutor**  
History Dept., Western Kentucky University, Bowling Green, KY
- Worked with two professors to establish a tutoring program specifically designed for history students
  - Successfully tutored seven students over two semesters
- 2002-2004     **Student Assistant**  
Helm Library, Western Kentucky University, Bowling Green, KY
- Assisted patrons with research

## **EXPERIENCE, CONT.**

- Summers      **Sales Clerk and Seamstress**  
2001-2003      Servant & Co. Centennial General Store, Gettysburg, PA
- Assisted and advised customers on Civil War women's fashions
  - Created period garments
  - Expanded computer database of club-member customers
- 2001-2002      **Student Assistant**  
Chatlos Library, Florida College, Temple Terrace, FL
- Assisted patrons with research
  - Assisted with shelving and shelf-reading

## **PROFESSIONAL VOLUNTEER SERVICE**

- 2007              President Benjamin Harrison Home
- Assisted curator and accessioned artifacts
- 2006              Indiana State Museum
- Assisted with Underground Railroad workshop for teachers
  - Assisted conservator with textiles conservation and mounting
- 2006              Midwest Conference on British Studies
- Assisted with registration and information services
- 2006              National History Day in Indiana State Judge
- 2006              National History Day in Indiana District Judge
- 2005              Huddleston Farmhouse Inn Museum
- Assisted with hearthside dinner program
- 2005              Association of Indiana Museums 2004 Compensation Survey
- Survey team member
- 2004-2005      Morris-Butler House Museum
- Assisted with Civil War school programs
  - Assisted with period baking and food preparation
- 2004              Indiana History Train, *Faces of Lincoln* Exhibit
- Greeted and directed guests
- 2001-2002      Writing Lab, Florida College
- Advised students on research and writing techniques

## **PRESENTATIONS, WORKSHOPS, AND ADDITIONAL RESEARCH**

- 2007 Historic Site Interpretation Course
- Developed educational program based on National Park Service’s “Teaching with Historic Places” program entitled “Fun and Games: The Industrial Revolution and Victorian Play at the Morris-Butler House”
- 2005 Grant Writing Workshop
- 2005 Indiana Association of Historians Annual Meeting
- Presentation: “Macaroni: Using Material Culture to Teach History”
- 2004 Palaeography Workshop
- 2003 London Program, Cooperative Center for Study Abroad
- Conducted research at the British Library using seventeenth-century texts
  - Completed honors class on the history of English law
- 2002 Study Abroad in British Isles
- Completed travel class on British Isles
  - Traveled and participated in home-stay in England, Ireland, Scotland, and Wales

## **AWARDS AND HONORS**

- 2006 IUPUI Women’s Studies Program Graduate Essay Contest Winner: “Literacy, Sources, and Biography: The Life Stories of Nineteenth-Century African-American Women”
- 2005 IUPUI Women’s Studies Program Graduate Essay Contest Winner: “Margaret More Roper: Female Humanist”
- 2005 Association of Indiana Museums scholarship to attend conference
- 2004-2005 Indiana University Fellowship
- 2004-2005 Phi Kappa Phi Graduate Fellowship
- 2004 O’Brien Historic Preservation scholarship to attend conference
- 2004 President of local chapter of Phi Alpha Theta History Honors Society
- 2003-2004 A.M. Stickles Award Scholarship, WKU History Department
- 2003 Honors Program Research Grant, WKU
- 2003 CCSA Study Abroad Scholarship
- 2003 Phi Kappa Phi Study Abroad Scholarship
- 2001-2002 Secretary of local chapter of Phi Theta Kappa Honor Society
- 2000-2002 Florida College Academic Scholarship
- 2000-2002 Florida College Music Scholarship