

GATEWAY TO FREEDOM  
NEW ALBANY-FLOYD COUNTY, INDIANA  
By Pam Peters

PREFACE

It has now been three years since my book, *The Underground Railroad in Floyd County, Indiana*, was published. That work was a culmination of the research I had been conducting in which I discovered that Floyd County, Indiana, and its river port, New Albany, served as a “gateway” for hundreds of slaves who had escaped from their owners in Kentucky and farther south. These fugitives went from metropolitan Louisville across the Ohio River into Southern Indiana at Floyd and Clark Counties. Many used the ferries, but other craft were also employed. Others swam, waded across on sandbars, or walked across on the ice when the Ohio River froze. Runaway slaves used this area as a springboard to freedom not only because of the ferries located at this juncture, but also because of the substantial free Black communities in Louisville (Kentucky), New Albany (Floyd County, Indiana), and Jeffersonville (Clark County, Indiana) that aided them in their escape.

Chapter 8 of my first book was entitled “Key Individuals.”<sup>1</sup> In it, I included a section on Henson McIntosh (alias Fremont). McIntosh, an African American, lived in New Albany and was arrested and sentenced to five years in the Frankfort, Kentucky prison for assisting slaves on July 3, 1859, to escape from Kentucky. As the section on McIntosh concluded, I stated:

His arrest for helping slaves leave Kentucky and cross the river into Indiana is also a signal for us that there were others in the immediate area who helped slaves escape and who may have been part of that system. Who were these people and where did the money come from to carry out this scheme?<sup>2</sup>

After my book was published, I continued studying the antebellum, African American community in Floyd County. I knew that this was the key to finding out more information about how slaves “entered the gate” onto Indiana soil. My intent with the present document is to communicate some of the information that has continued to surface since my first book. This piece works in conjunctions with *The Underground Railroad in*

*Floyd County, Indiana* and while crucial information may coincide between the two, a review of my previous work may serve to be beneficial. Slaves fought against bondage in other ways besides running away. They resisted by feigning illness, deliberately inflicting injury on themselves (and sometimes going as far as committing suicide), by rising up against owners, or by destroying property. Section four of this paper will deal with a legal means of fighting bondage and gaining freedom. "Entering the Gate Through the Court System," is about friends or family members of the enslaved purchasing a slave in order to set the person free.

I am indebted to Pen Bogert of the Filson Historical Society for his research. His discoveries indicate the involvement of members of the African American communities of the Jefferson County, Kentucky and Floyd County, Indiana, African American communities in assisting runaway slaves in their quest for freedom. I also thank the Department of Natural Resources, Division of Historic Preservation and Archaeology for their willingness to support this document.

## Introduction: Entry Through The Gate

If you were to take part in a game of word association, how would you respond to the words "Underground Railroad?" Would you think of tunnels, secret hiding places, or hidden staircases? Actually, none of the above explains the UGRR in the borderland region between Louisville, Kentucky, and New Albany, Floyd County, Indiana. After extensive research and a better understanding of the history in this area, some of the words or phrases that should come to my mind now are African American population concentration, urban slavery, blending in with existing Blacks, natural features of the river valley, river transportation, and political extremes. This area acted as a magnet for slaves attempting to run away from bondage. Because of its position along the border of a slave state and its geographical closeness to Louisville, Floyd County was often painted as a "southern community." The southern attitudes of New Albany were strengthened by the fact that during the antebellum years its major industry, that of ship-building, had business ties to the South. Pro-slavery and

anti-black attitudes were prevalent in this border region. Even though the Indiana state constitution prohibited slavery, there is evidence of some slave ownership in Floyd County:

Because Floyd County was situated on the border of a slave state, it was not unusual for this community to number slaves in the population .... A search of the Floyd County newspapers and court records shows several incidents of slavery in Floyd County. In 1811 John Oatman, whose family ran the ferry below New Albany from 1805 to 1811, paid a tax of \$1.00 on one slave. Even in 1860 it was reported by the local newspaper that the slave of Jacob L. Smyser of the State Street Mill in New Albany was killed by a slave of Mr. Tinsely. The last will and testament of George Wheeler of Floyd County, signed February 6, 1828, states that "Negro Harry" was to be passed down to George's wife, Mary, and that she was to give him his freedom. In her will, Mary Rice of Floyd County instructed her heirs to sell "her negroes" at public auction. Ann Kirkwood, a resident of Floyd County, left to her husband, William Kirkwood, "My negro boy Richard now hired to Dr. Miller of Oldham County, Kentucky."<sup>3</sup>

Slave owners from Kentucky often moved across the river into Southern Indiana, and retained their slaves. Ann Kirkwood, of Floyd County stated in her will that her slave, Richard, was hired out to Dr. Miller of Oldham County, Kentucky. The hiding of slaves back and forth from free state to slave state, as in the aforementioned case, was not an uncommon practice. Not only did Indiana slave owners "hire out" their slaves to residents of Kentucky, but Louisville owners were also in the habit of sending their slaves across the river into New Albany on business. In this way, some slaves were able to effect their freedom by running away.<sup>4</sup> Louisville's active slave market was situated downtown and fairly close to the river. Because it was an active river port, it was convenient to access the slave markets in the deep-south where the cotton market was demanding more and more slave labor. Additionally, in 1849 the Louisville slave trade was increased because of the repealing of a Kentucky state law that had previously prohibited additional slaves being brought into the state. Therefore, by the time the federal Fugitive Slave Law was passed in 1850, the slave trade in Kentucky flourished.<sup>5</sup>

Slave-holding and the slave trade continued in Kentucky until late in 1865. Because Kentucky was a Union state, the Emancipation Proclamation of January, 1863, did not abolish slavery there. The Emancipation Proclamation only affected slaves in the states that had rebelled against the Union. Slavery in Kentucky was not abolished until December 18, 1865 when twenty-seven of the thirty-six states ratified the 13th Amendment.

The Underground Railroad, therefore, continued to operate in the Floyd County area after the Civil War ended in April, 1865. The state-sanctioned Exclusion Act in Indiana, which was in effect until 1866, also meant that those willing to risk giving assistance had to do so quietly.<sup>6</sup> One could even say that for all practical purposes, work on the UGRR spilled over into the years following the Civil War.

Slavery in an urban setting such as that of Louisville, was different from slavery as it was found in a rural setting. For example, slaves in Louisville were not confined to their owner's house, yard or place of business. They were able to move about and, as has already been mentioned, were often hired out to labor for others. This ability of slaves to move around from place to place was a cause for concern to owners who were not always able to monitor their activities. This lack of control allowed runaway slaves and free African Americans who came into Louisville to make contact with the enslaved. White owners lived in fear that their slaves would be “enticed” to runaway, and therefore, resented the presence of free Blacks in Louisville.

Life for free Blacks on both sides of the Ohio River was difficult. It was generally assumed that all those with black skin were slaves, unless already known and recognized as a part of the local community. Free Blacks in Kentucky and Indiana were subject to being kidnapped and sold into slavery. It was necessary for them to carry their “free papers” at all times to avoid being picked up as runaways. For example, the *New Albany Daily Ledger* published the following warning:

Kidnapping. We learn that recently a pretty extensive business is being done by certain parties in Kentucky and Indiana, in the way of kidnapping free negroes and contrabands and carrying them into Kentucky for sale. Two or three free negroes have lately been thus kidnapped from this vicinity [New Albany-Floyd County], and, we are informed, taken into Kentucky and sold into slavery. We hear, also, that a large number of contrabands, gathered up at Cairo and other points, have been transported through this state, contrary to all law under pretext that they were property of loyal Missouri owners who feared an emancipation law in that state and were taken into Kentucky and sold again into slavery. It is bad enough to steal a negro slave; but it is infinitely more outrageous to kidnap men born free, and those who [sic] by due process of law, and sell them into slavery. The authorities of Indiana should at once look into this matter, and see that laws of the state are no longer violated by the outrageous proceedings of these kidnapers. Some of the gang are said to be residents of this city, others reside at Louisville, Owensboro, and other towns in Kentucky and Indiana. The matter demands immediate investigation.<sup>7</sup>

Additionally, the anti-Black bias found expression in both state and federal laws. The Federal Fugitive Slave Law and the Indiana State Exclusion Act have already been mentioned.<sup>8</sup> In addition, Indiana State laws required free Blacks to register with county authorities and pay a \$500.00 bond to assure they would not become a ward of the court. Additional state laws allowed only certain occupations to be open to people of color; local restrictions forced individuals to live in designated areas of town. Despite these difficulties, African Americans on both sides of the Ohio River continued giving assistance to slaves seeking freedom.

It was not until 1795 that slaves from the upper south and the Louisville, Kentucky, area had a place to run outside the United States. In that year, Canada formally prohibited slavery. A record of slaves running away from owners and crossing the at the Falls of the Ohio began to emerge as Southern Indiana was being settled in the early 1800s. With the settlement of this area came Blacks--both slave and free. John Brown of Louisville mentioned in his March 4, 1822 diary entry that a tavern keeper in Portland, Kentucky (now a part of Louisville), complained of the existing discord between Indiana and Kentucky "on account of slaves who had escaped to the former and were protected by them."<sup>9</sup> This "crossing over" the Ohio River was very risky for runaway slaves. If caught, they were faced with certain punishment -- perhaps even death -- for daring to deny their owners of property rights. If runaway slaves reached Floyd County, they quickly discovered that the border region was not safe, and they would need to continue to journey farther north.

A major piece of the UGRR workings in the Louisville/New Albany region was the relationship of the Black communities living on either side of the Ohio River. They worked together, forming alliances, in order to assist the enslaved in their escape to freedom. Though they were separated by state boundaries as well as the river, they were, for all practical purposes, neighbors. For example, Indiana farmers, many of them African American, carried produce to market in downtown Louisville and returned with other commodities. The various ferries carried hundreds of people back and forth between Louisville and the Indiana towns of Jeffersonville, Clarksville and New Albany on a daily basis. Free African Americans and slaves from both communities were drawn to each other because they were often related. Advertisements for runaway slaves

sometimes mentioned, in fact, the owner's suspicion that the runaway would attempt to reach family living north of the Ohio River.<sup>10</sup>

Henson McIntosh (alias Fremont), who was arrested and sentenced to the Frankfort Penitentiary for assisting slaves to escape from Kentucky,<sup>11</sup> signaled that there were others in the Floyd County area who helped slaves escape. In the book *The Underground Railroad in Floyd County, Indiana* I posed the following question, “Who were these people and where did the money come from to carry out this scheme?” Sections two and three below tell of three additional African American residents of New Albany who attempted to assist slaves to obtain freedom and who were arrested for their actions. These stories are valuable because, through the arrest records, we are given additional information about how the UGRR functioned. The written record also gives us further indication of how much the Black community was actively involved in helping slaves seek freedom.

## Section Two Sarah Ann Lucas, Amanda – A Slave, And Mr. and Mrs. Israel

It has become increasingly clear that the free Black community in Louisville and New Albany assisted slaves who wanted to cross the Ohio River in search of freedom. African Americans, as a whole, helped runaway slaves in a passive way by “looking the other way.” By not turning them in and by helping them to blend in until a safe way was found for them to move further north. For example, during the Civil War, the local newspaper chided, but did not name, a homeowner in West Union<sup>12</sup> for harboring runaway slaves and free Blacks who were breaking the State Exclusion Act. “The keeper of the house should be taught a lesson which would make him more careful in the future how he violates the laws.”<sup>13</sup> However, arrest records, police reports, and court documents give names and considerable details to help us understand the greater workings of the UGRR. Sarah Ann Lucas is a case in point.

Sarah, born a free woman of color in Ohio, moved to Floyd County, Indiana in the 1830s or early 1840s. Evidence shows that Sarah kept two addresses--one in New Albany and also one in Louisville.<sup>14</sup> On October 8, 1851, Sarah stood before justice of the Peace Jared C. Jocelyn and Samuel H. Owen, the Floyd County Recorder, to apply for her "Proof of Freedom." Owen described her as being of light complexion and rather short and stout with two upper front teeth next to her eyeteeth missing.<sup>15</sup> A Unitarian named Andrew Israel and Benjamin Conner from a well-known Presbyterian family stood up with her and testified on her behalf. Both men swore they had known Sarah for ten years and that "she had been generally reputed to be, and as they verily believe is a free person of colour and a citizen of the State of Indiana."<sup>16</sup> The Israels employed Blacks as well as Irish and German immigrants as servants at the boarding house, so Sarah may have worked for them.<sup>17</sup>

In August 1853, Sarah again went before the Floyd County Clerk as required by the State law that obligated all Black residents to be registered. Now she had gone through both processes--approaching the authorities to get her Proof of Freedom paper as well as registering as a Floyd County resident. This meant that Judge Jocelyn, as well as the county clerk, knew her. More importantly, she knew them, "the ropes," and how to use the system.<sup>18</sup>

Toward the end of 1853, Sarah assisted Amanda, a "yellow" woman who was a slave of Benjamin J. Adams, to cross the Ohio River into New Albany. How they crossed the river remains a mystery. If they used the ferry, Sarah could have shown her "free papers" to the ferry operator. She may have convinced him that Amanda was free as well. Because Sarah could read and write, she may have been capable of falsifying free papers for Amanda whose light complexion was also in her favor. After they arrived in New Albany, Sarah continued to give Amanda assistance by helping her through the bureaucracy of the Floyd County court system. In an attempt to cover up the fact that she was a runaway slave, Amanda appeared before the Floyd County clerk on December 2, 1853, and registered as a "free person" using the false name of "Mary (Missy) Jackson." She claimed to have been born in Ohio. Mr. Isaac N. Akin, Clerk of the Floyd Circuit Court, testified on her behalf. The two women may have thought they were safely "through the gate." However, that was not the case.

During the first week of January, 1854, the Louisville police arrested Sarah. On Saturday, January 7, 1854 she appeared in the Louisville Police Court before the honorable Judge John Joyes, and was arraigned on the charge under the Kentucky State law “enticing slaves.” For unknown reasons, not stated in the court records, rather than committing Sarah Lucas to jail, Judge Joyes waived the felony charge and held Sarah to bail in the sum of \$600.00, contingent upon good behavior for a year.<sup>19</sup> It is not known what happened to Amanda. Usually when caught, a runaway slave was sent to jail to await their owner. If the owner did not retrieve the property in a timely fashion, the slave was often sold in Louisville, generally to the southern cotton slave market. No evidence reveals Amanda as being sold.

As was mentioned above, Andrew F. Israel was one of two people who testified on Sarah’s behalf when she applied for her Freedom Paper. It is helpful in understanding the series of events to know who Mr. Israel was. Andrew F. and Mary Israel arrived in New Albany from Ohio in the early 1830s. Andrew, born in Kentucky, was a shoemaker. Mary, a Virginian by birth, assisted him by binding and lining the boots and shoes he made. She also ran the New Albany boarding house and hotel at 142 West Main Street, which the Israels operated over a period of forty years.<sup>20</sup> The business grew so rapidly that ever after Andrew’s death on November 4, 1855, Mary was able to build an addition to her house to accommodate more travelers.

The six years after Sarah’s arrest, settling upon the eve of the Civil War, were tumultuous times in Floyd County. Several race riots occurred in the early 1860s. “Racial tension continued to mount during the Civil War as Union troops moved through the South, liberating slaves, more and more of them crossing state lines to reach the north side of the Ohio River.”<sup>21</sup> On July 22, 1862, the *New Albany Daily Ledger* reported that two white men had been shot at the hands of “Negroes.” The newspaper went on to say:

The number of colored persons whose lawful home is in this city is not large, and we do not believe, as a general thing, they are vicious. There are a number of negroes here, however,--who do not belong here; who are in the State in violation of law. These can be removed peaceably and effectually, without a resort to violence, and this should be done. The man who killed Locke and shot at Lansford, we doubt not, will be arrested and punished. But, even in a moment of just resentment, and when the whole community is justly incensed at the atrocious murder, let us sincerely hope the innocent will not be punished for the deeds of the guilty.<sup>22</sup>



The newspaper's warning went unheeded and crowds of men and young boys began to move through New Albany in search of Blacks. They captured and beat two African American men on Market Street. Two more men were attacked with stones and clubs near Lower Second, one of them beaten to death. A Black gentleman, who resided with the Israels, was attacked by the mob, escaping from them and taking refuge in the Israel House. The mob pursued him to the door but Mary Israel barricaded the doors and refused to admit the crowd.<sup>23</sup> Later, during the Civil War, an arsonist, who unsuccessfully attempted to burn it down, singled out the Israel House. During the war rebels or southern sympathizers for political retaliation often set certain buildings on fire.<sup>24</sup> Mary Israel died on September 5, 1871. Both Andrew and Mary Israel are buried in Fairview Cemetery in New Albany.

One is tempted to speculate that Sarah Ann Lucas helped other slaves besides Amanda to cross the Ohio River from Louisville. It is also speculative to think that the Israels were involved in assisting runaway slaves. However, those possibilities are potential pieces to the UGRR puzzle that should not be lost. When Sarah went before Judge Jared Jocelyn on October 8, 1851, to receive her freedom papers, she may have had an ulterior motive. If her efforts with the UGRR were taking her across the river to Louisville on a regular basis, she needed that paper to show the ferry operator that she was free. We may never know why Sarah kept an address in Louisville as well as New Albany, but we do know for certain, however, that both Sarah and Amanda acted out of a strong conviction in the face of grave consequences. There were others from New Albany who acted on their convictions and were arrested for assisting slaves to cross the Ohio River. We turn now to consider Moses Bard, (alias Hurst), Shadrach Henderson and James Cunningham.

## Section Two

### Shadrach Henderson, Moses Bard (alias Hurst) And James Cunningham

The arrest of Shadrach Henderson and Moses Bard (alias Hurst) offers additional proof of the connection in UGRR activity between the free Blacks in New Albany and those in Louisville. At the present time we know of the following people who were involved in this conspiracy to help slaves reach freedom: James Cunningham, a musician and leader in the Black community in Louisville;<sup>25</sup> Moses Bard, a New Albany barber who lived with barber George Washington Carter;<sup>26</sup> and Shadrach Henderson, a boatman from New Albany who was implicated by James Cunningham as a third person involved in their plot.

The story unfolds in the following manner. Shadrach Henderson and Moses Bard had both arrived in New Albany before 1850. Henderson lived in the West Union area of New Albany, where most African Americans lived at that time. In his neighborhood were other boatmen (including a riverboat steward, William Harding, to whom the work will refer to later) lived nearby. Hurst was a barber who lived on Eighth Street, north of Sycamore Street (now known as Culbertson Avenue) and just below the Northern Cemetery (now called Fairview Cemetery). Because he lived in the home of George Washington Carter, he probably worked in Carter's barbershop. It is also possible that he worked as a barber on the riverboats.

Late in December of 1853, Hurst and Henderson conspired to help two slaves from Louisville escape across the Ohio River into New Albany. One of the slaves was Jim Armstrong, who belonged to a James Rudd. The other slave, known only as Edward, belonged to a Christopher Beeler. Hurst was responsible for taking them to Portland, Kentucky where they made their crossing. Because the ferry from Louisville to New Albany left from Portland, it is possible that the three men used the ferry to cross the river.<sup>27</sup> Yet, Henderson, with his knowledge of the Ohio River, could have crossed with them at night in a skiff. From New Albany, Hurst took the runaways as far as Salem, Indiana, in Washington County. From various other accounts, it is evident that runaway slaves often used the route from New Albany to Salem.<sup>28</sup> In the early years of the development of Washington County, there were groups of free African Americans living in various parts of the county. Some

lived in the Becks Mill area to the south of Salem, others lived in Salem itself, or in “Little Africa” north of town. In the 1820 census, there were 50 African Americans living in Washington County. The population continued to grow, and ten years later had risen to 205 individuals. In addition, there were a number of Blacks who lived scattered about in the county with White families.<sup>29</sup>

Another Black barber, Sampson Christy, also lived in Salem, Indiana. Christy was also an excellent and well-known musician who performed throughout Southern Indiana. Because of their common occupations and mobility, Hurst may have known Sampson Christy and may have maintained contact with him. Christy owned two barber shops that served White customers only. By 1859, however, Christy had moved to Chatham, Kent County, Ontario, Canada a well-known destination for fugitive slaves.<sup>30</sup>

After Hurst, Anderson and Edward arrived in Salem, there was a surprising twist of events. For some reason, the three doubled back and returned to New Albany. They may have thought they were being followed, or possibly their Salem contact did not materialize. Once back in New Albany, Hurst concealed the slaves with an African American couple in the basement of the Presbyterian Theological Seminary, located at the northwest corner of 7<sup>th</sup> and Elm Streets. The Presbyterian Seminary had been a hotbed of controversy because of the slavery issue. Two of the professors, Thomas E. Thomas and Erasmus Darwin MacMaster, were both strong anti-slavery proponents and had been accused of influencing their students and making abolitionists out of them.<sup>31</sup> This incident must have fanned the flames of suspicion and distrust towards the seminary.

Hurst had offered to take Anderson and Edward to Canada for \$16.00 each. They planned to leave the following Tuesday, on December 27, 1853. Because it was during the Christmas holiday season, they may have thought the police would not be as vigilant and the chance of being followed would be minimized. However, before the trek ever began, the New Albany Town Constable, Jerry Warner, arrested the two slaves on December 18, 1853; he received a reward of \$250 for their apprehension.<sup>32</sup> After Anderson and Edward were discovered and arrested, Hurst and Henderson were also arrested as the two people who had helped them escape. Bail for Hurst was set at \$1,500, which he was unable to pay. Henderson’s case was continued.<sup>33</sup> When Henderson appeared in court, he implicated James Cunningham as being his Kentucky contact.

Henderson must have known him through their common occupation of working on the river. The Louisville Police had always suspected Cunningham of helping slaves escape but had never been able to charge him.<sup>34</sup> On April 5, 1855, Louisville Officer Kirkpatrick arrested Cunningham on suspicion of running off slaves. Cunningham paid his \$500 bail and was released with the stipulation that he be on good behavior for one year.<sup>35</sup> We do not know what happened to Hurst and Henderson after their arrest. Their names do not appear in the 1860 Floyd County census records. The strongest possibility is that after being released, they left Southern Indiana.

There are several other New Albany African Americans who had connections with Moses Bard, Shadrach Henderson and James Cunningham. An important relationship to Hurst is that of George Washington Carter, who researchers strongly suspect of giving assistance to runaway slaves.<sup>36</sup> During the antebellum years, Carter owned a barber and tobacco shop on West Main Street in New Albany, as well as his own home and vineyard on Upper Eighth Street. Several of his sons and other relatives worked for him. Because Black barbers came into regular contact with both Blacks and Whites, it would have been easy for them to exchange UGRR information on a regular basis.<sup>37</sup> Because he had established himself in business early in New Albany, he was well-known and had built up a large clientele. His clients included White citizens such as the Nunemacher family, a group of active Presbyterians in town.<sup>38</sup> It is also worth noting that Carter educated some of his children in Canada while maintaining his residence in New Albany. Two of his children were born in Chatham, Ontario. This afforded him opportunities to travel back and forth between Floyd County and Canada. On August 4, 1860, the New Albany Daily Ledger published a letter Carter had written to the editor in which he and his friends denounced a group of Blacks who had gathered in the Hedden Woods near the New Albany fairgrounds. In the speech, celebrating the anniversary of West India's emancipation, the preacher openly talked about having knowledge of the UGRR. He told the group he knew of sixteen passengers who had started on "the route" the previous week. Carter and his friends felt the need to distance themselves from this preacher and did so with the following published letter, which reads in part:

... I wish it distinctly understood that myself and many others in our city do not endorse

but repudiate the remarks that were made. I do not know this man, never saw him in my life, nor do I ever care to see him.<sup>39</sup>

Carter and six African Americans -- John Fowles, Henry Clay, John Sanders, Edward Carter, John Hill and William Harding -- all of whom were neighbors of Carter, signed the letter. Two of these were riverboat stewards, two of them were barbers (Edward Carter and John Hill were related to G. W. Carter), and one of them was a blacksmith who worked for the New Albany-Salem Railroad. The letter likely reveals that Carter needed to cover his and his friends' activities.

Yet another piece to the UGRR mystery comes together in Carter's letter. One of the signers, William Harding, was a friend of James Cunningham. Harding, Henderson and Cunningham knew each other because of their common occupation and work on the riverboats. Cunningham, who lived in Louisville, had subscribed to *The Frederick Douglass' Paper*.<sup>40</sup> Because it was considered subversive material, he was not able to receive the paper at his home. Harding, therefore, had it mailed to his own home in New Albany. He would hide it on the riverboat under sheet music, which lay on top of the piano so Cunningham could find it. After Cunningham had finished reading it, Harding would secretly take it back to New Albany.<sup>41</sup>

Along with an Underground Railroad web made up of people like Cunningham, Harding, Carter, Hurst and Henderson, there were other means of escaping slavery through the New Albany-Floyd County "gateway." One of those escape routes was through legal means. Free African Americans would purchase a slave from the owner, usually a family member, and then set him or her free. Some of those transactions were found in the Floyd County Recorder's office in a book entitled "Book of Indentures," and the focus of the next section.

## Section Four Entering the Gate Through the Court System

Though not normally thought of as part of the UGRR in the conventional sense, reaching freedom through legal means--rather than illegal--was indeed another way of getting through the "gate." The Floyd

County “Book of Indentures” contains over forty-eight records of “Proof of Freedom” and thirty-seven “Deeds of Manumission.”<sup>42</sup> It is evident that in this way, too, New Albany, as the county seat of Floyd County, was used by many Blacks as a “gateway” into free territory. The 1850 Federal Census shows that New Albany was, in fact, the largest city in the state of Indiana, and after Cincinnati, Ohio, the largest community bordering Kentucky along the Ohio River considered to be in “free” territory. A number of the Deeds of Manumission<sup>43</sup> found in the Floyd County records are of free African Americans who purchased family members for the sole purpose of setting them free. They bear a powerful testimony:

Though on the page itself each document appears to be flat and unemotional, the depth of each recorded document, whether it be a freedom paper, a manumission paper or a bill of sale showing the transaction of a free person purchasing family members out of slavery, is indeed deep and filled with emotion.<sup>44</sup>

Elizabeth Buford's act of setting her husband Richard free gives us an example of the depth of feeling that is involved in such a transaction. Elizabeth was a free woman who purchased her husband in order to give him his freedom. The manumission paper reads as follows:

Richard Buford, Manumission

Know all men by these presents that I Elizabeth Cozzens alias Buford a free woman of colour of the County of Jefferson and State of Kentucky for divers[sic] good causes and considerations me thereunto moving have manumitted set free and discharged from all manner of servitude my husband Richard Buford whom I purchased of James P. Rucker of Shelby County, Kentucky the said Richard Buford is 37 years of age dark brown complexion 5'11" high, large size and has a [unclear] on his forehead between his eyebrows and weighs about 210. And I do hereby declare the said Richard to be free and clear from all claims of all persons whomever as fully and completely as he could be made free by the laws of the land.

Witness my hand and seal this 22 day of October, 1853.

“X” Elizabeth Buford

Attest: Jared C. Jocelyn  
Augustus Jocelyn

State of Indiana County of Floyd: On the 22 October 1853 before me justice of the Peace in and for said County personally appeared Elizabeth Buford a free woman of colour and acknowledged the foregoing instrument of writing to be her

act and deed for the purposes therein contained. In testimony whereof I have hereunto set my hand and seal.

Jared C. Jocelyn

Filed in Floyd County, Indiana by Sam H. Owen, Recorder.<sup>45</sup>

Another example is that of John Carter. Carter was a free “man of color” who resided in Louisville. On November 1, 1853, he purchased his wife, Betsy, along with their youngest child, Betty, from Robert Montgomery for the sum of \$500. Over a period of time, he purchased their other children. As it was stated on the manumission documents “it was the wish and desire of the said John Carter to release his said wife and four aforesaid children from all obligation or bonds of slavery ... and to manumit and emancipate and set free...” his family.<sup>46</sup> Carter was to make payments for his wife and the youngest child over a twelve-month period. The second “Bill of Sale” stipulated that he was pay \$500 for Sarah, age fifteen, before January 1, 1855; \$350 for Sally, age twelve, before January 1, 1856; and \$350 for Carey, age eight years, before January 1, 1857. It was agreed that John would not “take possession” of the three older children until January 1, 1855. On the day he signed the Bills of Sale, he also filed a “Deed of Emancipation” setting them free.

The strategy of purchasing slaves and setting them free through the Indiana courts was risky to say the least. Many freedom papers issued in Floyd County were granted to people moving into or through the State of Indiana even *after* the State passed the Exclusion Act in 1851, which meant it was no longer legal for Blacks to enter the state as new residents. The examples given above testify to that. The process of going through the court system made them vulnerable to entanglement with the law as well as to the bias held against them by the community at large. In part, it was this very thing which the *New Albany Daily Ledger* spoke out against when it said, “If the colored residents of this community who are lawfully so, were to discourage the immigration of negroes unlawfully, we believe they would get along peaceably and without trouble.”<sup>47</sup>

The passage of the Fugitive Slave Act in 1850, with its retroactive nature, made it imperative for the free as well as runaway slaves to secure freedom papers for their protection. Remaining along the border of a slave state was not safe. The presence of informers and slave catchers, as well as the nearby Louisville slave market

made it an uncomfortable place to live. Many of them, therefore, traveled further north through unknown territory and among strangers. If they had secured a freedom or manumission paper it gave them some means of identification and, hopefully, protection.

## Conclusion

In the introduction to this chapter it was stated that thinking of the UGRR in terms of tunnels, hidden staircases and secret hiding places does not fit with the way it functioned along the border between Louisville, Kentucky, and Southern Indiana. It is far more revealing to investigate the lives of the people involved than to focus on sites and buildings. This involves looking at the political climate, religious and moral attitudes, the economy and sociological issues. It is the people who thought and felt and acted. Through this approach, one is able to uncover information such as the fact that during the 1850s and 1860s, a good quarter of the African American population in the New Albany-Floyd County region on the river. That single piece of information turns out to be a big and important piece of the Underground Railroad puzzle.

For those of us who take freedom for granted, it is difficult to fathom the risk made by individuals who assisted slaves in their attempt to find freedom. Lucas, Hurst, Henderson, and Cunningham were willing to jeopardize their own freedom for the sake of others. For their sacrifice and the cause of freedom for which they worked, we owe them the utmost honor and respect.



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<sup>1</sup>Whereas many Underground Railroad researchers focus on buildings and sites, I have directed my attention to uncovering stories about specific people who reveal how the Underground Railroad functioned.

<sup>2</sup> Pamela R. Peters, *The Underground Railroad in Floyd County, Indiana*, (Jefferson, NC: McFarland & Co., Inc., 2001), 122.

<sup>3</sup> *Ibid.*, 3-4.

<sup>4</sup> *Ibid.*

<sup>5</sup> The federal Fugitive Slave Act of February 12, 1793, authorized slave owners to arrest fugitive slaves in any state or territory. The 1850 Fugitive Slave Act strengthened the earlier statute by allowing the U.S. Commissioners, as well as the courts, could issue warrants for the arrest of runaway slaves. The provision now included slaves who had run away in the past and had since established themselves in free territories or states. If a runaway were arrested, he or she had no voice with the court.

<sup>6</sup> The Indiana Exclusion Act of 1851 was adopted to prevent further settlement of Blacks in the state. After October 31, 1851, Blacks who had not previously established residency were not legally allowed to come into Indiana, but the law was difficult to enforce. While nullified in 1866, the language itself was not removed from the books until March of 1881. John Norman, editor of the *The New Albany Daily Ledger*, constantly protested the issue, stating that new Blacks coming into Floyd County would take away jobs from the White population. The paper berated Floyd County Black citizens for harboring those who were not legally in the county.

<sup>7</sup> *New Albany Daily Ledger*. 16 March 1821, p2, c1; 16 March 1863, p2, c.1. As late as March 1863 two or three "negroes" were kidnapped in New Albany, taken to Kentucky and sold into slavery.

<sup>8</sup> For more information on the Fugitive Slave Law or the State Exclusion Act see the section of this book covering court cases.

<sup>9</sup> John Brown, *Diary of John Brown*,. 4 March 1822, as presented in Peters, *Floyd County*, 9.

<sup>10</sup> *Louisville Weekly Journal*, 2 March 1842.

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<sup>11</sup> Details of this story are contained in Peters, *The Underground Railroad*.

<sup>12</sup> West Union was the area north of downtown New Albany where the majority of African Americans lived.

<sup>13</sup> *New Albany Daily Ledger*, 25 July 1862.

<sup>14</sup> The fact that Sarah kept an address in Louisville would be discovered in her arrest record. Kentucky adopted a law, which for practical purposes was referred to as “The Free Negro Law of Kentucky,” which restricted free “Negroes or mulattoes” from coming into the State with the intention of remaining. Upon conviction, the punishment was confinement in the penitentiary for a period of not less than six years. When Henson McIntosh was arrested for aiding slaves to escape in 1861, he was additionally charged with “migrating into the state of Kentucky illegally.” Peters, *Floyd County*, 120-123.

<sup>15</sup> *Miscellaneous Court Records of Floyd County, Indiana, Book of Indentures*, 45-46.

<sup>16</sup> The name of “Sarah Ann Lucas” does not appear in the 1850 Floyd County census records. If, as the court records stated, she was sometimes a resident of Jefferson County, Kentucky, she may not have been counted in the Indiana Census. It is also possible that she changed her name through marriage or used an alias when speaking with the census taker. “Sarah Ann Lucas, Proof of Freedom”, *Miscellaneous Court Records of Floyd County, Indiana, Book of Indentures*, 45-46.

<sup>17</sup> *1860 U.S. Census Record, Floyd County, Indiana*.

<sup>18</sup> In Sarah’s 1851 Freedom Paper, the clerk described her as being of light mulatto complexion. When she registered two years later in 1853, the clerk described Sarah as being dark brown.

<sup>19</sup> “City Court Record,” *Louisville Daily Courier*, 9 January 1854.

<sup>20</sup> “Obituary of Mary Israel,” *New Albany Daily Ledger*, 4 September 1871.

<sup>21</sup> Peters, *Floyd County*, 23.

<sup>22</sup> “Arrival of Contrabands,” *New Albany Daily Ledger*, 22 July 1862. p. 1 c. 5; “Aggravated Murder Last Night – One Man Killed and Other Badly Wounded by a Negro,” *New Albany Daily Ledger*, 22 July 1862. p. 2 c. 1; “Negro Shot, Negroes Badly Beaten,” *New Albany Daily Ledger*, 22 July 1862. p. 2 c. 1.

<sup>23</sup> *New Albany Daily Ledger*, 23 July 1862, p1, col. 3.

<sup>24</sup> *New Albany Daily Ledger*, 20 June 1864.

<sup>25</sup> For additional information about James Cunningham, see Peters, *Floyd County*, 23 and 91.

<sup>26</sup> *U.S. Census Record for Floyd County, 1850*.

<sup>27</sup> City Court Records, *Louisville Daily Journal*, 24 December 1853.

<sup>28</sup> For additional accounts of use of this route, see Peters, *Floyd County*.

<sup>29</sup> Coy D. Robbins, *Reclaiming African Heritage at Salem, Indiana*, (Bowie, Maryland: Heritage Books, Inc, 1995), 27. Robbins lists White families in 1830 that had African Americans counted by the census takers living in their household. Robbins says, “A more plausible explanation than slave must be devised to account for the sizeable number of African Americans enumerated in these White households.” In researching the names of these White heads of households, I determined that one-half of the men were leaders in a group referred to as “Peace Movement.” More research needs to be conducted on the mission of this group and why these White households included so many Black families. See also, Warder W. Stevens, *Centennial History of Washington County*, (Indianapolis: B.F. Bowen & Co.), 1916.

<sup>30</sup> Robbins, *Reclaiming African American History*, 124.

<sup>31</sup> For more detailed information about the Presbyterian Seminary in New Albany, see Peters, *Floyd County*, 50-53.

<sup>32</sup> Jerry Warner lived close to the Presbyterian Seminary. He lived on the north side of Elm Street, between Upper 3<sup>rd</sup> and 4<sup>th</sup> Streets.

<sup>33</sup> “City Court Record,” *Louisville Daily Journal*, 23 December 1853.

<sup>34</sup> “City Court Record,” *Louisville Daily Courier*, 6 April 1855.

<sup>35</sup> “Police Court Docket,” *Louisville Daily Courier*, April 6, 1855.

<sup>36</sup> Peters, *Floyd County*.

<sup>37</sup> Blaine Hudson, “Crossing the ‘Dark Line’: Fugitive Slaves and the Underground Railroad in Louisville and North-Central Kentucky,” *The Filson History Quarterly*, volume 75 (Winter 2001): 44.

<sup>38</sup> Bill/receipt for shaving and hair cutting from February 16, 1862 to February 1, 1864 to A. H. Nunemacher from George Washington Carter.

<sup>39</sup> *New Albany Daily Ledger*, 4 August 1860.

<sup>40</sup> Frederick Douglass published a variety of antislavery papers including the *Frederick Douglass' Paper* (1851-1860) to bring news of the anti-slavery movement to thousands.

<sup>41</sup> Peters, *Floyd County*, 126-127.

<sup>42</sup> The Floyd County Freedom Papers are summarized in Appendix E of Peters, *Floyd County*, 151-170. They are also on microfilm in the New Albany-Floyd County Library, Stuart B. Wrege Indiana History Room.

<sup>43</sup> To “manumit” means to set free. Sometimes the terms “manumission” and “emancipation” are used interchangeably.

<sup>44</sup> Peters, *Floyd County*, 135.

<sup>45</sup> *Miscellaneous Court Records of Floyd County, Indiana, Book of Indentures*, 70.

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<sup>46</sup> *Ibid.*, 72-74.

<sup>47</sup> *New Albany Daily Ledger*, 12 January 1856.

New Albany Township is one of five townships in Floyd County, Indiana. As of the 2010 census, its population was 49,252 and it contained 22,226 housing units.[3].<sup>^</sup> For faster navigation, this Iframe is preloading the Wikiwand page for New Albany Township, Floyd County, Indiana. Home. News. Random Article. Install Wikiwand. Send a suggestion. Uninstall Wikiwand. Where is New Albany, Indiana? If you are planning on traveling to New Albany, use this interactive map to help you locate everything from food to hotels to tourist destinations. The street map of New Albany is the most basic version which provides you with a comprehensive outline of the city's essentials.<sup>^</sup> Where is New Albany located on the Floyd county map. You can also expand it to fill the entire screen rather than just working with the map on one part of the screen. Navigate your way through foreign places with the help of more personalized maps.<sup>^</sup> Feel free to download the PDF version of the New Albany, IN map so that you can easily access it while you travel without any means to the Internet. Directions. Best Neighborhoods In Floyd County, Indiana: Download the BestPlaces App. QUICK FACTS. Real Estate: Country: United States State: Indiana County: Floyd County Metro Area: No Metro Area Political Ideology: Leaning conservative. City: New Albany township, New Albany, 9 total Zip Codes: 47150 47119 47122 47124 Time zone: Eastern Standard Time (EST) Elevation: 488 ft above sea level. Highlights. ECONOMY. The unemployment rate in Floyd County is 3.3% (U.S. avg. is 3.7%). Recent job growth is Positive. Floyd County jobs have increased by 1.2%. More Economy. Cost of living. Compared to the rest of th New Albany /É'ÉlbÉ™ni/ is a city in Floyd County, Indiana, United States, situated along the Ohio River, opposite Louisville, Kentucky. The population was 36,372 at the 2010 census. The city is the county seat of Floyd County. It is bounded by I-265 to the north and the Ohio River to the south, and is considered part of the Louisville, Kentucky Metropolitan Statistical Area. The mayor of New Albany is Jeff Gahan, a Democrat; he was re-elected in 2019. Floyd is one of the 92 counties in the state of Indiana. It was created in 1819 from parts of Clark and Harrison counties. As of the 2010 census, the population was 75,283. The county seat is New Albany. The county has 148.96 square miles in area. Categories : Indiana. Community content is available under CC-BY-SA unless otherwise noted.