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## The Work of Freedom: African American Child Exploitation in Reconstruction Kentucky

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THE WORK OF FREEDOM:  
AFRICAN AMERICAN CHILD LABOR EXPLOITATION IN RECONSTRUCTION  
KENTUCKY

A Thesis submitted in partial fulfillment of the  
requirements for the degree of  
Master of Arts

by

ASHLEA HOPE FISHBURN-MOORE  
B.A., Wright State University, 2019

2021

Wright State University

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I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION BY Ashlea Hope Fishburn-Moore ENTITLED The Work of Freedom: African American Child Labor Exploitation in Reconstruction Kentucky BE ACCEPTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF Master of Arts.

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## ABSTRACT

Fishburn-Moore, Ashlea Hope. M.A., Department of History, Wright State University, 2021.  
The Work of Freedom: African American Child Labor Exploitation in Reconstruction Kentucky.

On May 23, 1866, two African American children in Christian County, Kentucky, were taken from their parents and apprenticed to a white planter, Elijah Simmons. The two children, Fannie, age eight, and Robert, age four, were expected to serve Simmons for the next thirteen and fourteen years respectively. Fannie was disabled. Denoted in her apprenticeship paper as “deaf and dumb,” the Simmonsses did not have to provide for her the way they would a non-disabled child, meaning that they did not have to pay her or provide her with anything upon her release from servitude. Although her story seems in some ways unique, Fannie’s case is actually noteworthy because she was so typical. Thousands of children were placed in apprenticeships that served to enslave them. This thesis explores the often-forgotten subject of Reconstruction and Black labor in a border state. Fannie serves as a reminder that the work of freedom was far from over after the Civil War, and for many freedpeople was just beginning.

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## Introduction:

On May 23, 1866, two African American children in Christian County, Kentucky, were taken from their parents and apprenticed to a white planter, Elijah Simmons. The two children, Fannie, age eight, and Robert, age four, were expected to serve Simmons for the next thirteen and fourteen years respectively. Their basic needs were guaranteed by the contract that outlined the arrangement, and Robert was to receive one-hundred dollars upon his release at age eighteen, but young Fannie worked for thirteen years without any form of compensation. Fannie was disabled. Denoted in her apprenticeship paper as “deaf and dumb,” the Simmonses did not have to provide for her the way they would a non-disabled child, meaning that they did not have to pay her or provide her with anything upon her release from servitude. Although her story seems in some ways unique, Fannie’s case is actually noteworthy because she was so typical. Hundreds of children across the county and thousands across the former slaveholding states were placed in apprenticeships that served to enslave them. Fannie’s disability affected the way she moved through the world and made her easier to exploit, but her lived experience was the reality for many children of color. Fannie serves as a reminder that the work of freedom was far from over after the Civil War, and, in fact, for many formerly enslaved people was just beginning. She was exploited in a system designed with the goal of oppressing her. This system was intended to exploit her race, her gender, and her body, to take her labor and monetize it. It is this system that this thesis will illuminate. This work’s focal point is African American apprenticeships in Reconstruction Kentucky, and the mechanisms in place – and created – to enslave an entirely new generation.

Black laborers built America. The former slaveholding states and their agrarian economy benefitted from Black labor for much longer than did the North and created an economy which

was dependent upon forced labor. Until the end of the Civil War, this labor took the form of enslavement, with Black children living and working in bondage alongside their parents and kin, unless the system had separated them. Children of free Black parents were sometimes apprenticed out to white masters before the war.<sup>1</sup> In most counties in the former slaveholding states, and in Kentucky specifically, this was not always common, but in Christian County this regularly occurred. Frequently, these children were apprenticed out to learn a trade, like blacksmithing or gunsmithing, but on rarer occasions they would be apprenticed for farming or domestic work.<sup>2</sup>

In the Reconstruction Era, the apprenticeship practice and other forms of labor exploitation grew exponentially to fill the void left by chattel slavery. Across the former slaveholding states, white planters – typically former slaveholders– scrambled for ways to profitably retain labor, which meant the exploitation of Black labor on many occasions. While there were many different reasons and tactics for essentially re-enslaving African American labor, tobacco production was a driving force in many former slaveholding states – including Kentucky, Virginia, Tennessee, and North Carolina. In these states tenant farming was a common way to force African Americans to remain reliant on white planters and work for a meager wage.<sup>3</sup> Tenant farming was the practice of sectioning off large plantations into smaller

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<sup>1</sup> “Christian County, Kentucky, Indentured Bonds of Apprenticeship 1824-1867,” Hopkinsville Christian County Public Library Special Collection, Hopkinsville, Kentucky. Prepared for the McCarroll Room by members of the Christian County Genealogical Society Inc. and the Staff of Christian County Court Clerk, Michael Kem, 1999. I hesitate to utilize the word “master” in any context and typically opt for slaveholder, but in the case of apprenticeships, the overseer of the apprenticeship was referred to as the master. This was the case for Black and white apprenticeships alike; however, that does not excuse the language. I am only utilizing it because it was the language of the time and in the legal documents.

<sup>2</sup> “Indentured Bonds of Apprenticeship,” 1-189.

<sup>3</sup> Jeffrey R. Kerr-Ritchie, *Freedpeople in the Tobacco South: Virginia, 1860-1900* (Chapel Hill: University of North Carolina Press: Chapel Hill, 1999), 14-15.

plots of land that were rented to small farmers.<sup>4</sup> Rent was typically paid with a portion of the resulting crop, a practice known as sharecropping. In Kentucky and Virginia that meant that the sharecroppers may have given as much as 70 percent of the crop yield for a season to their landlord and kept only 30 percent to provide for themselves. Frequently, this remainder was not enough to sustain the sharecroppers and their families. They would become indebted to their landlords and so could not even move on to a “fairer” landlord until their debts were paid. This created a system of reliance and practical re-enslavement of a large portion of the Black population, which historians have labelled debt peonage.<sup>5</sup>

Another entrapping cycle for African American adults was an unfair wage system. Instead of each African American family being granted a plot of land to work, African Americans were often hired for task-based labor.<sup>6</sup> This labor was very similar to that in place during slavery, only now African Americans were paid a small wage for their work. Every farmer had a different way he or she calculated wages. Some relied on the quantity of tobacco a worker produced every day, others paid a flat monthly rate, and some just paid a yearly wage at the end of a harvest. Frequently, though, these wages were nowhere close to enough to live on, so African Americans were at the mercy of the planter elite during emergency situations. This system again perpetuated systematic economic inequality.<sup>7</sup> These economic arrangements left African American adults vulnerable, but children were stuck in even worse positions.<sup>8</sup>

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<sup>4</sup> Karen Cook Bell, *Claiming Freedom: Race, Kinship, and Land in Nineteenth-Century Georgia* (Columbia: University of South Carolina Press, 2018).

<sup>5</sup> Kerr-Ritchie, *Freedpeople in the Tobacco South*, 63.

<sup>6</sup> David E. Bernstein, *Only One Place of Redress: African Americans, Labor Regulations, and the Courts: from Reconstruction to the New Deal* (Durham, NC: Duke University Press, 2001).

<sup>7</sup> Kerr-Ritchie, *Freedpeople in the Tobacco South*, 63.

<sup>8</sup> J. Michael Rhyne, “‘Conduct . . . Inexcusable and Unjustifiable’: Bound Children and Battered Freedwomen, and the Limits of Emancipation in Kentucky’s Bluegrass Region,” *Journal of Social History* 42, no. 2 (2008), 320.

African American children had few people with power to protect them. Due to their status as minors under the law and the racism at play, they were more exploitable than already vulnerable adults. Apprenticeships ostensibly promised to provide economic security for children whose families were unable to support them, but parents and relatives understood them to be exploitative and racialized tools of control. Family members would frequently try to keep children from being taken as apprentices, or abused by white planters while working on farms, but African American adults in Kentucky were also at a disadvantage.<sup>9</sup> One historian of nineteenth-century Kentucky notes that many former slaveholding states – Kentucky included – constructed a society after the war in which white people were considered superior to Black people. White people thus imagined that the only way peace could be achieved in the post-war era was to continue the master and slave dichotomy even if slavery was now outlawed. As a result, the white elite constructed systems in which African Americans continued to be oppressed.<sup>10</sup> Often times the easiest targets of this control were Black children, and this resulted in them suffering abuse at the hands of white planters with the children’s families having few paths of recourse.

The abuse African American children endured at the hands of their white masters may be more expected in states that were part of the Confederate South, but in Kentucky African American children frequently faced many of the same issues as Black children in the former Confederate states. Beatings were commonplace for child laborers and apprentices alike.<sup>11</sup> Parents would try to combat this on numerous occasions in the commonwealth, but frequently the overburdened Freedmen’s Bureau, the federal agency charged with overseeing African

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<sup>9</sup> Rhyne, “Conduct... Inexcusable and Unjustifiable.”

<sup>10</sup> Rhyne, “Conduct... Inexcusable and Unjustifiable,” 322.

<sup>11</sup> Rhyne, “Conduct... Inexcusable and Unjustifiable,” 328.

Americans' transition from enslavement to freedom, did little to mitigate the problem.<sup>12</sup> As a result, the abuse often continued, and the economic reliance of Black children and their families on white Kentuckians frequently trapped African Americans in these situations.

Children were essentially held hostage by their white masters within these apprenticeships. Black children were captives in a war: a war against equality. In essence, the Civil War was still ongoing in former slave states.<sup>13</sup> White planters were scrambling to retain labor, and children were the most vulnerable targets. Children are also very malleable. They could be taken and taught outside of their culture, being forced to leave behind their heritage and family. Reconstruction was a war for labor, but also political and social dominance. White people did not want to lose their control, therefore taking children from their parents worked for two purposes. It served to provide them labor and also to maintain their control over a population. The apprenticeship system stole children from their families, isolating them from their culture, and allowed white people to teach them where they belonged within the nineteenth-century racial hierarchy.

This thesis will investigate the abuses African American children suffered under the legal apprenticeship system in Kentucky after the Civil War. It takes a four-chapter format, wherein the first chapter examines what caused Kentucky to align with the former Confederacy. What makes Kentucky so similar to the secessionist states? This is vital to investigate because it explains why Kentucky fell into the same trap of enslaving children during the Reconstruction

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<sup>12</sup> Rhyne, "Conduct... Inexcusable and Unjustifiable," 328.

<sup>13</sup> This "long war" concept is a common one. A few sources to reference on this idea are Douglas Egerton, *The Wars of Reconstruction: The Brief, Violent History of America's Most Progressive Era* (New York: Bloomsbury Press, 2015); Leanna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (Oxford: Oxford University Press, 2009); and Nicholas Lemann, *Redemption: The Last Battle of the Civil War* (New York: Farrar, Straus and Giroux, 2006).

period. The attitudes Kentuckians invested in were the same line of thinking that allowed similar oppression to thrive in former Confederate states. I will look at Kentucky's economy, labor practices, and political leanings both during and after the Civil War. The second chapter takes an overview of the apprenticeship practice throughout the former Confederate states, and explores how it transformed into the forced labor system it became during Reconstruction. After the Civil War, the apprenticeship system was linked almost solely to former slaveholding states. This was one of many ways former slaveholders sought to exploit and monetize Black labor. This was a form of slavery and that was exactly what the white elite wanted. Chapter three is a case study of Fannie. Here, I investigate the systems in place that allowed Fannie to be exploited, and the systems Kentuckians set up to further exploit Black child labor. Fannie's lived experience provides a window into how her African American girlhood and her disability were weaponized against her in a system designed to oppress her. In the final chapter, I look at the Kentucky courts and Freedmen's Bureau records to see how African Americans tried to combat their children's essential re-enslavement. Examining secondary legal histories and putting them in conversation with the primary documents of county apprenticeship papers highlights the legality of the apprenticeships system in Kentucky. These sources reveal how easy the justice system made exploiting Black children and shows what little power the Freedmen's Bureau held in actuality. All of these factors worked together to create a new kind of slavery under a different name. Children like Fannie were infantilized even into adulthood to hold them in a perpetually subservient and dependent status. All of this is with the end goal of providing a holistic narrative of Reconstruction Era apprenticeships in Kentucky.

## Chapter 1: Kentucky as a Confederate State

Towering above the trees in rural Fairview, Kentucky, stands the tallest poured concrete-cast monument in the world. A blip on an otherwise idyllic view, this replica of the Washington Monument exists not as a memorial to a war hero or Civil Rights activist, but instead as a shrine to the Lost Cause memory that still envelopes this southern Kentucky town. Dedicated to Jefferson Davis this 351-foot monument stands on his birth site in historic Christian County, though the land is now a part of Todd County. The Jefferson Davis State Historic Site was established on June 7, 1924.<sup>14</sup> At the time of the monument's conception, Lost Cause memory was at its height in the commonwealth, and the monument served to epitomize the attitudes that brought it into being and still prevail, as shown through its continued existence. It is important to interrogate how a monument to the President of the Confederacy came to exist in a Union state. When and how did Kentucky become part of Confederate memory?

Historian Anne E. Marshall, in her book *Creating a Confederate Kentucky: The Lost Cause and Civil War Memory in a Border State*, discusses how Kentucky went from being a state that sympathized with the Union to one that became deeply entrenched in Lost Cause culture. Before Lost Cause culture took root, though, Marshall discusses the shift in mentality that occurred during the war. Some Kentuckians went from supporting the Union cause to shifting to supporting the Confederate cause as the war continued to drag on. Many white Kentuckians viewed the Union tactics to keep them from seceding as heavy-handed and unnecessary, but what really pushed them over the edge was the Emancipation Proclamation, which officially made the war about slavery. Kentuckians had believed that by supporting the

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<sup>14</sup> Jefferson Davis State Historic Site, Fairview, Kentucky, <https://parks.ky.gov/fairview/parks/historic/jefferson-davis-state-historic-site>, accessed March 3, 2021.

Union cause they would actually be preserving the institution of slavery, a perception changed by the Proclamation. When the war officially ended, the 13<sup>th</sup> Amendment was passed and the slaves were freed, and many Kentuckians' loyalties shifted southward.<sup>15</sup>

Kentucky's loyalties and interests were all aligned with the former Confederate states because its landscape and people reflected theirs so closely. Both places had a largely agrarian economy and were demographically similar. In southern Kentucky this was especially accurate and in Christian County this rang even truer. Kentucky as a whole was not demographically similar to the states that would form the Confederacy--the state's population as a whole was 79.4 percent white, 19.75 percent enslaved, and .007 percent free people of color--but Christian County did reflect the broader trends of the Confederacy.<sup>16</sup> Christian County during the Civil War Era was especially dominated by tobacco production, but today leads the state in wheat production.<sup>17</sup> Regardless of this shift, the county has maintained its ties to its agrarian roots much like the former Confederate states. It was due to this agrarian economy that prior to the Civil War the county's population was 53.7 percent white, 46 percent enslaved, and .0026 percent free people of color.<sup>18</sup> To give this a frame of reference, the population statistics for Georgia in 1860 were 53.5 percent white, 46 percent enslaved, and .0029 percent free people of color.<sup>19</sup> Christian County practically perfectly mirrored the demographical composition of a cotton state.

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<sup>15</sup> Anne E. Marshall, *Creating a Confederate Kentucky: The Lost Cause and Civil War Memory in a Border State* (Chapel Hill: University of North Carolina Press, 2010).

<sup>16</sup> 1860 Census Record, accessed August 31, 2020.

<https://www2.census.gov/library/publications/decennial/1860/population/1860a-15.pdf>

<sup>17</sup> "Christian County Tops Kentucky Wheat Production," December 14, 2018,

<https://www.kysmallgrains.org/news/2018/12/14/christian-county-tops-kentucky-wheat-production>

<sup>18</sup> 1860 U.S. Census Record, accessed August 30, 2020.

<https://www2.census.gov/library/publications/decennial/1860/population/1860a-15.pdf>

<sup>19</sup> 1860 U.S. Census Record, access August 31, 2020.

<https://www2.census.gov/library/publications/decennial/1860/population/1860a-10.pdf>

It is due to this agrarian focus and consequent population structure that Christian County is the focal point for this thesis. Christian County is interesting and important in that it exists in a border state, and yet represents a microcosm of the former Confederacy. While the rest of the commonwealth could look elsewhere postwar, like to the North, and welcome industry, Christian County, along with the majority of southern Kentucky, still relied on a staple crop and the labor that accompanied it. As a result, the region's white landowners sought something to fill their labor void. Before we get to their solution, let us first discuss the events that turned Christian County's sentiment southward.

As a border state, Kentucky never seceded from the Union, but its landscape and people were crucial to both sides of the war effort. Within the span of eight months in the years 1808 and 1809, two future presidents were born in the state less than one hundred miles apart, and yet the aforementioned monument is not dedicated to the President who preserved the Union, but instead the one who fractured it. This reveals a deep divide in the region that still exists today.<sup>20</sup> Todd County, part of Christian County at the time of the monument's conception and where the monument stands today, was the birthplace of Jefferson Davis, and parts of the southern portion of Kentucky even attempted to secede from the Union during the Civil War. In Bowling Green – just sixty miles from Christian County – delegates declared the city the Confederate seat of Kentucky and operated as if it were a part of Confederate territory for a short time.<sup>21</sup> It was this

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<sup>20</sup> Tony Horwitz, *Confederates in the Attic: Dispatches from the Unfinished Civil War* (New York: Random House Publishing, 1998), 101.

<sup>21</sup> "The Civil War Driving Tour of Bowling Green and Warren County," <https://www.battlefields.org/visit/heritage-sites/civil-war-driving-tour-bowling-green-and-warren-county#:~:text=It%20declared%20Kentucky%20to%20be,the%20Confederate%20State%20of%20Kentucky.&text=The%20Confederate%20army%20evacuated%20the,the%20rest%20of%20the%20war.>

Confederate attitude that was preserved and memorialized long after the war ended. In fact, the Jefferson Davis State Historical Site is not the only Confederate monument in Christian or Todd Counties. It is simply the largest. The attitudes this highlights remain important in the narrative of the region's public history to this day.

The attitudes the Jefferson Davis State Historic Site celebrates are frequently summed up in the phrase the "Lost Cause." Lost Cause memory is the idea that the collective memory of the white South celebrates the antebellum era and revels in plantation culture, and characterizes the war as a tragic defeat at the hands of a more populous and industrial North, while it frequently omits the horrors of slavery. This Lost Cause ideology permeates much of the American South and has seeped into some border states, especially Kentucky. The memory and practice of the Lost Cause is harmful to many people, most notably African Americans, because it belittles their historic oppression and brushes off the inhumane treatment their ancestors suffered under slavery. The Lost Cause allows people to romanticize a past that largely did not exist in actuality; instead, it is a fictionalized past that celebrates something that never truly existed. The Lost Cause memory underpins much of the debate surrounding Confederate monuments. The power of the Lost Cause peaked in the early twentieth century, when the Jefferson Davis monument and many others across the former slaveholding states were funded and constructed. Though Lost Cause culture has somewhat dissipated, it still remains relevant and intact, as shown through the existence and upkeep of these Confederate monuments.<sup>22</sup>

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<sup>22</sup> Outside of Anne Marshall's book on the Lost Cause in Kentucky, there are several thorough histories of Lost Cause memory in the actual former Confederacy. Two general histories are: Gaines Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South, 1865-1913* (Oxford: Oxford University Press, 1998); Charles Reagan Wilson, *Baptized in Blood: The Religion of the Lost Cause, 1865-1920* (Athens, GA: University of Georgia Press, 2009).

To understand the attitudes of the present, we must first examine how they were formed. How did Kentucky become so enveloped in the Lost Cause culture as a Union state? At the start of the Civil War, Kentucky was rather firmly tied to the Union cause, but as the war progressed and it became increasingly a war about slavery in addition to preserving the Union, the commonwealth's allegiances began to shift. With the Emancipation Proclamation officially making the end of slavery a war aim, white Kentuckians began to identify more with the Confederacy. Kentucky was, and in many regions still is, an agrarian society. Civil War Kentuckians depended largely upon human labor to produce cash crops like tobacco, a work-intensive commodity that still today must be hand harvested and suckered. Hence, enslaved labor was important to Kentucky's economy, or so many landowners believed. Post-war, when enslaved people were freed and white Kentuckians were left to face the same problems as those in the former Confederacy, the Lost Cause memory took hold as a self-serving ideology.

This belief in the Lost Cause was largely perpetuated by women. Groups like the United Daughters of the Confederacy formed, and women "became the 'keepers of the past,' curators of public memory."<sup>23</sup> Women celebrating the Confederate past became some of the earliest public historians in the commonwealth. As teachers and mothers, they taught their children that the Civil War was an issue of state's rights and that the federal government trampled over the most basic rights of Kentuckians. Kentucky was coerced and deceived into remaining a Union state. United Daughters of the Confederacy chapters in Kentucky even sponsored essay contests that coincided with the birthdays of Robert E. Lee and Jefferson Davis. The essays covered such topics as Confederate military heroes, slavery, and plantation life.<sup>24</sup> Activities such as these

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<sup>23</sup> Marshall, *Creating a Confederate Kentucky*, 85.

<sup>24</sup> Karen L. Cox, *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (Gainesville: University of Florida Press, 2003), 129.

cemented the Lost Cause memory in the commonwealth to such an extent that celebrated Pulitzer-Prize-winning author and Kentuckian Robert Penn Warren remembered being shocked to find out that his own family fought for the preservation of the Union.<sup>25</sup> As activists, women began fundraising and lobbying for monuments to be built to the brave men who served—the only brave men being those who fought for the Confederacy, of course.

This mentality that the Confederates were the state's only brave soldiers carries through to modern day, but immediately after the war the impact this had meant that Union sympathizers faded into the background. When federal agents, most notably Freedmen's Bureau agents, began arriving in Kentucky, white people across the commonwealth resented them, citing their grievance as federal overreach. Those who supported the Freedmen's Bureau agents frequently do not make it into the historical narrative, because especially in a place like Christian County, they would have been few and far between and likely would have been shunned by their neighbors as Yankee sympathizers.

During Reconstruction, the Freedmen's Bureau (officially named the Bureau of Refugees, Freedmen, and Abandoned Lands) was created and implemented to help now-freedpeople integrate into southern society. It tried to accomplish this by providing food, clothing, hospitals, schools, courts of justice, and immediate housing for displaced former slaves and refugees, along with helping people find jobs and provide for orphans.<sup>26</sup> Unfortunately, some Freedmen's Bureau agents were more interested in lining their pockets than providing aid to African American families. Children were the easiest people to exploit when it came to free labor

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<sup>25</sup> Marshall, *Creating a Confederate Kentucky*, 183.

<sup>26</sup> Mary Farmer-Kaiser "With the Weight of Circumstances like Millstones About Their Necks," *Virginia Magazine of History & Biography* 115, no. 3, (2007): 413-442; George Bentley, *A History of the Freedmen's Bureau* (New York: Octagon, 1970).

for white men in the area.<sup>27</sup> This is likely what occurred to many Black children throughout Kentucky, but the practice was larger and more widespread than in Kentucky alone. Hundreds of thousands of children of color across the former slave holding states were manumitted only to find themselves back in the hands of the same masters only a few months, weeks, or days later, exchanging the label of slave for that of apprentice. Even honest Freedmen's Bureau agents faced a difficult task in the South of trying to represent an exploited group of people who white planters seemed determined to continue to oppress.

White people, especially landholding white men, were already in power in Kentucky. They had the rights of full citizenship in every sense. They could vote, own property, and had basic control over their lives, aside from a brief moment in early Reconstruction when former Confederates' privileges were in question. This citizenship and control is something Black people had to build from the ground up, all the while trying to navigate a world post-emancipation. Freedom meant a lot of different things to every person, but for African Americans across the former slaveholding states, true freedom was incredibly difficult to obtain. Freedpeople in Kentucky were left with few resources, a powerless Freedmen's Bureau, and few paths to upward mobility.

The Freedmen's Bureau had an especially hard task in Kentucky. Many Kentuckians resented the agency from the start, as they viewed the Bureau as a punishment. They believed that they did not secede like the rest of the South; therefore, there was no need for this federal overreach. Nonetheless, the commonwealth was divided into eleven districts, which contained only eighty of the state's one hundred and ten counties. There were three agents and a superintendent assigned to each district and they were in charge of overseeing the duties in that

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<sup>27</sup> Rhyne "Conduct . . . Inexcusable and Unjustifiable," 319-340.

district.<sup>28</sup> The Bureau's powers were limited, however. When Kentucky passed a law in 1866 that required masters teach their white apprentices to read but not their Black apprentices, the Bureau refused to acknowledge it, but the Freedmen's Bureau at this point had very little actual power in the state.<sup>29</sup> In an 1867 court case in Bourbon County, a judge even ruled that the Freedmen's Bureau did not legally exist in Kentucky, providing some legal ground for white Kentuckians to resist agency actions.<sup>30</sup> With these glaring issues, the Freedmen's Bureau was largely ineffective even when it did act.

Kentucky as a whole, and Christian County more specifically, faced many issues in the post-war years. Both experienced many of the same post-war troubles as the former Confederacy. Much of this was due to the history and populations of places like southern Kentucky. The imposition of federal agencies like the Freedmen's Bureau also played a role in the confederization of Kentucky. Prior to the beginnings of the official Reconstruction of Kentucky there were only small pockets of the state that felt closely tied to the South, but after the war and Reconstruction began, much of the rest of the state invested itself in a Confederate identity and the emergence of Lost Cause culture. As a result, when slavery was abolished and white Kentuckians sought a new labor source, they found similar solutions to those of the rest of the South: various forms of tenancy and apprenticeships.

Apprenticeships took hold in Kentucky and Christian County specifically because of how closely they relied on the same economic and social mechanisms present in the states that had been part of the Confederacy. Apprentices were most common in tobacco regions and in other

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<sup>28</sup> Senate Executive Documents, Thirty-Ninth Congress, First Session 27, 1865-1866, 3.

<sup>29</sup> Howard, *Black Liberation in Kentucky: Emancipation and Freedom, 1862-1884* (Lexington: University of Kentucky Press, 1983), 126.

<sup>30</sup> Howard, *Black Liberation in Kentucky*, 127.

agrarian regions of western and southern Kentucky. This was because the enslaved population had been so high there due to the white planters' need for labor to work the land. There were not as many enslaved people or, after the war, apprentices in urban centers like Lexington and Louisville because there was not the same agrarian drive. It is due to the frequency with which apprenticing occurred that I examine Christian County. The apprenticeship practice in Christian County also more closely mirrored that of the former Confederate states. Christian County serves as a case study for the horrors of child labor in a border state, and this can most clearly be seen in one case involving the white family of Elijah Simmons and a young Black girl named Fannie.

It is important to note that Kentucky's legal history of slavery, along with the rest of the former slaveholding states, formed the legal basis for the apprenticeship system. The apprenticeship system did not emerge like this in the North, in part because the region's farmers raised different crops, but also because slavery had been illegal for years. The North had its problems, but for many enslaved African Americans pre-war it was viewed as a haven for freedom. Nowhere in the former slaveholding states had that reputation because the very society was built upon the continued oppression of Black people. The legal structures in place were set up to perpetuate African Americans' oppression and so enacting an unjust apprenticeship system was simply the next logical step. The apprenticeship system was not an atrocity because it existed outside of the structure of the law, but rather because it operated well within legal parameters, trapping children for years to come.

What makes the apprenticeship system in Kentucky especially notable is the fact that so little has been written on it. In her book *Labor of Innocents: Forced Apprenticeship in North Carolina 1715-1919*, Karin L. Zipf explores the history of the legal apprenticeship system in North Carolina. While it is a valuable work in the historiography of child labor, its scope does

not expand to the border states, nor should it as that was not Zipf's purpose.<sup>31</sup> Zipf provides a basis of understanding for historians of apprenticeships and how the labor of children was exploited, but it does not take the place of a comprehensive study of the practice in a border state. There are some historians of Reconstruction Kentucky who mention apprenticeships, but do not delve deeply into the details. They often rely on Freedmen's Bureau papers instead of looking into county court house records.<sup>32</sup> Kentucky is frequently overlooked because it did not secede and yet it is its lack of secession that enabled Kentucky to act outside of the purview of the federal government and go unregulated for so long.

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<sup>31</sup> Karin L. Zipf, *Labor of Innocents: Forced Apprenticeship in North Carolina, 1715-1919* (Baton Rouge: Louisiana State University Press, 2005).

<sup>32</sup> Howard, *Black Liberation in Kentucky*; Marshall, *Creating a Confederate Kentucky*; Rhyne, "Conduct . . . Inexcusable and Unjustifiable."

## Chapter 2: The Enslavement of “Free” Black Children

The apprenticeship system ran rampant throughout the former Confederacy and it is the system’s roots in slavery and tie to the agrarian economy that led it to thrive in Kentucky. The mechanisms in place that allowed the apprenticeship system to thrive were already built into the pre-existing legal structure, a structure that will be explored in detail in chapter four. This chapter examines the historiography of child labor and, specifically, how it relates to Fannie’s lived experience. Child labor came in a variety of forms across the United States and the kinds of work children performed in the mid-nineteenth century were largely influenced by where they lived geographically. In northern urban centers, it was common for children to work in factories, while in southern rural places children of the working class often labored in the fields. This was frequently the case regardless of race. As resistance to child labor began to increase in the nineteenth century, proponents of regulating child labor oftentimes focused most of their energies on northern white children working in factories to provide for their families, while southern Black children labored in fields to be taught “free labor ideology” and learn the value of their labor outside of enslavement. This meant that Black children were largely left by the wayside as white women fought to put an end to child labor.<sup>33</sup>

The most recent book on child labor throughout the United States that also briefly focuses on apprenticeships is Betsy Wood’s *Upon the Altar of Work: Child Labor and the Rise of a New American Sectionalism*. Wood’s work explores the regional differences and justifications for child labor, and she also notes that the former slaveholding states were primed to integrate a new forced labor practice after the Civil War and children were the perfect targets. They did not

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<sup>33</sup> Betsy Wood, *Upon the Altar of Work: Child Labor and the Rise of a New American Sectionalism* (Urbana: The University of Illinois Press, 2020).

have the legal protection or status of adults.<sup>34</sup> Southern apprenticeships were viewed by many white people in the North as a way to teach African American children the value of their labor and how to function in a free society. Many people involved in social justice at the time viewed these apprenticeships as stepping stones to freedom when they were anything but.<sup>35</sup>

For this reason, it is important before we delve into Fannie's experience that we take a broader look at the apprenticeship system across the former slaveholding states, and the former Confederacy specifically. First, though, we must define an apprentice and apprenticeship. Every historian defines this somewhat differently, so for purposes of clarity there will be a brief review of what this thesis considers an apprentice and apprenticeship. The apprenticeship practice in America has its roots in the Colonial Era. The apprenticeship practice then most commonly occurred when white parents bound out their child to learn a trade like blacksmithing or leatherworking. The child – typically nondisabled and male – would work for the master for several years, until the age of eighteen or twenty-one depending on the colony, and then he would be released with a suit of clothes, money, and knowledge of a trade. A similar apprenticeship practice occurred with girls, in which they would learn a skill, like sewing, before being released under a similar set of conditions. Although not unusual, apprenticing girls was a less common practice than placing boys in these arrangements.<sup>36</sup>

During the Reconstruction Era, white, former slaveholding elites would take this apprenticeship practice and morph it into another racialized labor system. This system was created by design to retake control over the Black labor that they lost with emancipation. I refer

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<sup>34</sup> Wood, *Upon the Altar of Work*.

<sup>35</sup> Wood, *Upon the Altar of Work*, chapter 2.

<sup>36</sup> A good general source on colonial era apprenticeships is Kenneth Morgan, *Slavery and Servitude in Colonial North America: A Short History* (New York: New York University Press, 2001).

to the bound labor apprenticeships across the former slaveholding states as a system and not just a practice because it was an organized arrangement that was implemented intentionally and methodically across the region with one goal in mind: the re-enslavement of Black children.

The apprenticeship practice for white children during the colonial era is well known and documented. This documentation exists mainly because it was a practice involving white children and so came with a higher expectation of documentation. Like indentured servitude, apprenticeships were one of many legal arrangements that structured colonial labor and, participants hoped, offered an opportunity for economic advancement. As the practice with white children moved into the Antebellum period, in what would become the Confederacy it gradually became more exploitative and inflicted mostly upon poor white children and free Black children, and the documentation became a little spottier. In Christian County, Kentucky, for example, the race of apprentices was rarely delineated during the early Antebellum period, making it difficult to tell to what degree the practice was split between Black and white children.<sup>37</sup> As time wore on it became apparent that the burden of apprenticeship was one that was most heavily placed upon the most easily exploited – the impoverished and people of color. Parents frequently believed that if they struggled to care for their children the best thing they could do for them would be to apprentice them to be cared for and learn a trade so they could eventually care for themselves. However, even as early as the Antebellum period the abuse of this practice began to develop and it became an exploitative labor system.

Frequently in what would become the Confederacy, white elites would practice an exploitative system first on impoverished white children, as they were fairly easy to take from their parents because planters could claim to a judge the children were not being properly cared

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<sup>37</sup> Indentured Bonds of Apprenticeship.

for.<sup>38</sup> After the practice began to morph, the planters moved on to vulnerable Black free children. In the Antebellum period, to be a free Black person in any slaveholding state was dangerous and the white elite did everything they could to keep free people of color oppressed. This included taking their children and essentially enslaving them under this practice. The generations of taking the most vulnerable children and oppressing them allowed this practice from the Colonial and Antebellum periods to easily become racialized after the Civil War, into the exploitative labor practice in the Reconstruction Era that allowed planters to enslave the now freed people of color.

The richest historiography on a state that employed apprenticeships as a form of labor control explores the practice in Virginia. *Freedpeople in the Tobacco South: Virginia, 1860-1900*, by Jeffrey Kerr-Ritchie, focuses on the relationship between African Americans and tobacco production in Virginia. He does discuss apprentices, though. He states “some employers did attempt compulsion by apprenticing orphaned freedchildren. Freedpeople often resisted by assuming extrafamilial responsibilities.”<sup>39</sup> *Emancipation in Virginia’s Tobacco Belt 1850-1870* by Lynda J. Morgan likewise focuses on free labor in Virginia and the challenges that freedpeople faced. She argues that freedpeople did not initially have a full understanding of freedom, as it was a concept never presented to them before, which made true freedom nearly inconceivable. Morgan goes on to mention the different ways Freedmen’s Bureau agents policed freedom for African Americans in up-country Virginia.<sup>40</sup> Although apprentices are mentioned, they are more a side commentary and not the main focus of Morgan's book.

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<sup>38</sup> Indentured Bonds of Apprenticeship, 7,12,17.

<sup>39</sup> Kerr-Ritchie, *Freedpeople in the Tobacco South*, 266.

<sup>40</sup> Lynda J. Morgan, *Emancipation in Virginia’s Tobacco Belt 1850-1870* (Athens: University of Georgia Press, 1992), 139-140.

Other relevant studies from Virginia include *My Father's Name: A Black Virginia Family after the Civil War*, by Lawrence P. Jackson, which highlights the family history of the author's relatives after enslavement. Jackson also documents apprentices stating, "things were so bad in Pittsylvania, where 'a large number of freed children are bound or apprenticed to their former owner without the consent of the children's parents,' wrote a Freedmen's Bureau lieutenant to his commander, that by February 1867 one hundred black parents applied to the bureau for help in regaining their children."<sup>41</sup> Drew Swanson also cites Jackson in his book *A Golden Weed: Tobacco and Environment in the Piedmont South*. Swanson expands on the different labor forms that were prevalent in Virginia at the time, and also mentions the binding of orphans. "For the first several years of Reconstruction, Bureau agents bound a number of destitute black children and orphans to white farmers [...] In essence, the apprenticeship system as practiced in the three counties proved little different than slavery."<sup>42</sup>

Karin L. Zipf provides an in-depth study of the apprenticeship system in North Carolina. In her book *Labor of Innocents: Forced Apprenticeship in North Carolina, 1715-1919*, Zipf explores the apprenticeship system as it existed in North Carolina from the Colonial period through Jim Crow. She explains that the apprenticeship system was common until the 1800s, when it began to die off in the North as industrialization began to take root. In the South, however, the apprenticeship system began to morph. It "evolved in the shadow of slavery as another form of forced labor."<sup>43</sup> After the war, apprenticeships were used to essentially re-enslave freed African American children. As previously mentioned, like in other states, black

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<sup>41</sup> Lawrence P. Jackson, *My Father's Name: A Black Virginia Family after the Civil War* (Chicago: University of Chicago Press, 2012), 41.

<sup>42</sup> Drew Swanson, *A Golden Weed: Tobacco and Environment in the Piedmont South* (New Haven: Yale University Press, 2014), 166-167.

<sup>43</sup> Zipf, *Labor of Innocents*, 8.

North Carolina children were taken from their parents, frequently against their will, and forced to work for a white master all over again.

There has also been notable work done on apprenticeships in Maryland, a fellow border state. *Families and Freedom: A Documentary History of African American Kinship in the Civil War Era*, edited by Ira Berlin and Leslie S. Rowland, focuses on apprenticeships in Maryland. They include a contemporary account of apprenticing during the Civil War, describing that “in many instances, boys of 12 and 14 years are taken from their parents, under the pretense that they (the parents) are incapable of supporting them, while the younger children are left to be maintained by the parents. This is done without obtaining the parent’s consent, and in direct violation of the provisions of the Act of Assembly, and almost every instance by disloyal parties [...] In plain terms -- the Rebels here are showing an evident determination to still hold this people in bondage, and call upon the Orphan’s Court to give their proceeding the sanction of law.”<sup>44</sup> Also focused on Maryland, Barbara Jeanne Fields’s book *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* discusses slaves and freedpeople in Maryland. Fields explains that “Vagrant free blacks (that is to say, those refusing to hire their services to white employers) could be bound or sold for annually renewable terms at the direction of a magistrates’ or orphans’ court. The children (males under twenty-one and females under eighteen) of parents caught in the toils of this law could be bound out as apprentices by the orphans’ court, whereupon they became personal property liable to sale within the state. Any other free black child thought not to be receiving adequate regimentation into ‘habits of industry’

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<sup>44</sup> Captain Andrew Stafford to General H. H. Lockwood, 4 November 1864, in Ira Berlin and Leslie S. Rowland, *Families and Freedom: A Documentary History of African American Kinship in the Civil War Era* (New York: The New Press, 1997), 212-213.

could likewise be bound as an apprentice.”<sup>45</sup> She later elaborates, “county sheriffs could bind out for a year free black they deemed vagrants. Free black children could be bound as apprentices upon determination by the orphans’ court that their parents were unable or unwilling to support them and train them in habits of industry.”<sup>46</sup>

Such specific studies of apprenticeships can help contextualize what was occurring in Kentucky, but extrapolation should not replace a thorough history of the Kentucky apprenticeship system. As a border state, Kentucky was in a unique position. It did not secede from the Union, and yet it still fell into the same thought patterns as those of its southern neighbors, embracing first the Lost Cause and then Jim Crow. The apprenticeship practice exemplifies this. Through studying the apprenticeship practice, the attitudes of Kentuckians post-war and their larger political leanings come to light. Although Anne Marshall’s book *Creating a Confederate Kentucky: The Lost Cause and Civil War Memory in a Border State*, explains the Union actions that caused white Kentuckians to cement their larger sympathies to the South, her scope does not encompass the actions and systems Kentuckians put in place to continue the perpetuation of white supremacy.<sup>47</sup> The apprenticeship system bridged yet another gap between this border state and its southern counterparts and moved white Kentuckians even further from the northern cause and memory during Reconstruction.

Even with the Freedmen’s Bureau present in the former Confederate states and Kentucky, although a border state, documentation can remain rather difficult to track. It is easier in states that were actually a part of the former Confederacy because the Bureau stayed and remained

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<sup>45</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985), 35.

<sup>46</sup> Fields, *Slavery and Freedom*, 79.

<sup>47</sup> Marshall, *Creating a Confederate Kentucky*.

active in those states into the 1870s, but Kentucky is a different story. As a border state, Kentucky was not subject to all the official rules, laws, and practices implemented during Reconstruction like the states that actually seceded from the Union. While Kentucky's sentiments remained firmly with the Confederate cause, legally it did not ever leave the Union, making Reconstruction a difficult task to justify. As a result, the Freedmen's Bureau left the state in 1868.<sup>48</sup> At that point, records for apprenticeships in Christian County, at least, entirely disappear. This could be for many reasons, but the two most likely are either that the apprenticeship system ceased to exist upon the departure of the Freedmen's Bureau, or that the Freedmen's Bureau was no longer there to mandate its documentation. The second reason seems most likely, seeing as the white elites still needed labor and other forced labor practices like sharecropping and chain gangs continued to thrive in the commonwealth well into the twentieth century.

As previously mentioned, documentation of the lives of African Americans is notoriously difficult to track throughout American history, and while Reconstruction offered a brief period in time when documentation is more easily accessible, there is still a large swath of the period's history that remains unaccounted for in written records. African Americans' lives are often only documented in white people's writings, which come with their own sets of biases just like any historic record. Legal records offer slightly less biased insight, but with Black children these records are sparse. The Freedmen's Bureau did its best to keep legal records for African Americans throughout the commonwealth, but as will be discussed in chapter four, the power of the county courts made this a difficult task. Additional difficulties lie in the fact that children did

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<sup>48</sup> Tim Talbott, "The Trials of the Freedmen's Bureau in Kentucky," <http://history.ky.gov/landmark/the-tribulations-of-the-freedmens-bureau-in-kentucky/>, accessed March 10, 2021.

not have the legal rights of adults, and for a disabled child like Fannie, there was another set of prejudices to overcome because many disabled people were not viewed as whole persons.

Even in states where the Freedmen's Bureau remained present until the mid-1870s, tracking just how many children were targeted by this unjust apprenticeship system can be difficult. For example, in October of 1865, a Louisiana Freedmen's Bureau commissioner in New Orleans announced he would close two Black orphanages in the city and allow all of the children to be apprenticed out to their former slaveholders. After that was announced, white former slaveholders began arriving at the orphanages, but by that point in time half of the children had run away. "A newspaper noted, 'even the children of the freedmen would rather die than be bound again by any chains.'"<sup>49</sup> This occurred with regularity across the former Confederacy and even in border states where the Freedmen's Bureau was now present. Northern officials had a set ideology about free and unfree labor that they planned to implement across the former slaveholding states, one that sometimes resembled enslavement more closely than freedom. The authority both white northerners and southerners attempted to exercise over Black children resulted in their continued oppression and enslavement. The result was that across the former slaveholding states, "Former owners convinced state legislatures and judges to grant them legal status of mastery over freed children."<sup>50</sup> By taking legal avenues, former slaveholders ensured that the apprenticeship system and the basic practice of systematically enslaving Black children would not only survive but thrive for generations to come. Even if not always remaining in the form of an apprenticeship, systems were put in place during and after Reconstruction to legalize oppression well into the Jim Crow Era and beyond.

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<sup>49</sup> Wood, *Upon the Altar of Work*, 25.

<sup>50</sup> Wood, *Upon the Altar of Work*, 27.

Additionally, the legal routes former planters took enabled the dehumanization of Black children. Aside from legal records, there are very few documents left behind in order to track this system. Black children do not have their own voice in any of the historical records from this time period. They did not have legal agency, as they were not adults, so they did not sign the documents that bound them over to their white masters. Black testimony was inadmissible in court, so even on the rare occasions when the abuses of the apprenticeship system were seen as a bridge too far and the cases made it to court, the children rarely were given the opportunity to speak, especially in rural, southern Kentucky. Essentially, children were trapped and they had few people with power and influence to fight for them. Even when the Freedmen's Bureau intervened, the county courts struck them down. How it was possible for a county court to overrule a federal entity was a problem unique to Kentucky, and will be investigated in chapter four.

While the paper trail Fannie left behind is sparse and her disability made her path through life even more difficult, she serves to humanize a system that attempted to steal the voices away from so many African American children. Her case is not exceptional. Her experience was common and that makes her all the more important to investigate. Chapter three will interrogate what is known about Fannie's life and how that speaks to the larger apprenticeship system in Kentucky.

### Chapter 3: Fannie as a Case Study

It was entirely chance that brought me to the Simmons family and their farm in Christian County, Kentucky. Over one hundred years after the Civil War ended, in the fall of 1986, my grandparents bought at auction a portion of what was the Simmons family's farm, and they still live there to this day. The portion my grandparents purchased also happens to contain the Simmons family graveyard. As a child, I was curious about this tiny graveyard, tucked amidst a grove of trees, weathering away out in a field. In the summer of 2017, I came back from college to visit my grandparents and decided I was going to do some local history research and to see what I could discover about the history of the farm and who was buried there.

I first went to the Hopkinsville Christian County Public Library and went through records to see if I could uncover anything about the Simmons family. I found one name in the index of a ledger of Indentured Bonds of Apprenticeship from 1824-1866 for the county. This ledger contains the records from the county clerk of courts for every child who was apprenticed to a master.<sup>51</sup> Typically, in the Antebellum period Black and white children were apprenticed to learn trades like carpentry, leather working, and even occasionally farming or domestic work.<sup>52</sup> After the war, the practice was imposed entirely upon African American children, and all of them were bound out for farming or domestic work.<sup>53</sup> After the war this system became another racialized labor practice.<sup>54</sup> It became evident that the Simmons family was one of many families who chose to exploit an already prejudiced system.

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<sup>51</sup> "Indentured Bonds of Apprenticeship," 1-189.

<sup>52</sup> "Indentured Bonds of Apprenticeship," 1-189.

<sup>53</sup> "Indentured Bonds of Apprenticeship," 190-283.

<sup>54</sup> Zipf, *The Labor of Innocents*.

The ledger revealed that in 1866, Elijah Simmons apprenticed two African American children, eight-year old Fannie, as a housekeeper, and four-year-old, Robert, as a farm worker.<sup>55</sup> Prior to the war, the Simmonses had five enslaved people, ranging from ages six to twenty-four.<sup>56</sup> By 1866, however, the family no longer had enslaved people to work their land. They turned to freed African American youths to fill that labor void. The Simmons were not alone. There were 138 indentures of apprenticeship in Christian County in the year 1866 alone. Frequently the works on apprentices cover states that actually seceded from the Union, but rarely are they discussed in a border state, especially through the lens of the apprenticeship papers themselves rather than the Freedmen's Bureau records. Through examining Elijah Simmons's apprentices, Fannie and Robert, an institution that is frequently told only from the Freedmen's Bureau officials' perspective can be examined through a new lens, and a system that was set up to steal the humanity from so many children can be illuminated. Fannie humanizes an institution that is frequently discussed as an economic means to an end and gives it a personal history. Her exploitation was one that was made possible through utilizing the pre-existing legal structures and the apprenticeship system already in place pre-war, and that simply morphed rather than disappeared in the aftermath of the Thirteenth Amendment. She exemplifies the inhumanity of this system. However, before we delve into Fannie's experience, it is important to understand the drive behind this sudden increase in local apprenticeships.

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<sup>55</sup> "Indentured Bonds of Apprenticeship," 211-212.

<sup>56</sup> 1860 Census Slave Schedule, Christian County, Kentucky, accessed September 5, 2020, [https://search.ancestry.com/cgi-bin/sse.dll?indiv=1&dbid=7668&h=92826965&tid=&pid=&queryId=6cc9b788945527ccaa2c9291947f73b6&usePUB=true&\\_phsrc=MsN7&\\_phstart=successSource](https://search.ancestry.com/cgi-bin/sse.dll?indiv=1&dbid=7668&h=92826965&tid=&pid=&queryId=6cc9b788945527ccaa2c9291947f73b6&usePUB=true&_phsrc=MsN7&_phstart=successSource).

In Kentucky, former slaveholders had first preference when it came to apprenticing minors who they had previously held in enslavement.<sup>57</sup> In thirteen cases in Christian County in 1866 alone, Black children who were being apprenticed were listed as orphans and denoted as being bound to their former slaveholder. This was just the number of children who were specifically designated as such. Since such a designation was not noted until a change of the county Clerk of Courts occurred in September 1866 (with a corresponding change in the wording of indentures of apprenticeship), there is no way to determine how many of the apprenticeships recorded by the previous county Clerk of Courts were also orphans and/or being bound to their former enslaver. It is also possible that such questions were not a common part of the recording practice and so were only noted if the master willingly shared such information about his or her new apprentices. Thus, with the different documentation styles and county clerks, the regularity of slaveholders apprenticing formerly enslaved people on their plantations could actually have been more frequent than documented. As a result, children were often being forced back into an enslaver and enslaved person relationship instead of experiencing the freedom ostensibly granted to them with the passage of the Thirteenth Amendment.

In fact, the actual terms of their apprenticeships ensured that their time as an apprentice mirrored that of their time in enslavement. As part of the terms, nearly all apprentices – with very few exceptions – were promised a nice suit of clothes and either one hundred dollars for boys or fifty dollars for girls upon their release at the respective ages of twenty-one and eighteen. These specifications only began to appear in the apprenticeship documents after the Civil War, as did the following stipulation: the apprentices could opt to forfeit their payment to instead learn

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<sup>57</sup> Victor B. Howard, *Black Liberation in Kentucky: Emancipation and Freedom, 1862-1884* (Lexington: University of Kentucky Press, 1983), 126.

to read and write. In Kentucky, legislation stated that African American apprentices did not have the rights of earlier apprentices, most notably, the promise of literacy as part of their training.<sup>58</sup> With African Americans newly enfranchised, the idea of increasing Black literacy likely terrified most white planters, so they made it harder to learn to read and write. Children would have to make the extraordinarily difficult decision to give up the money they would need to start a new life, free from their former master. If they did opt to learn to read and write instead, they would not have that money and thus would be more likely to remain reliant upon their former master, thus perpetuating the enslaver and enslaved person relationship. If an apprentice was disabled, however, masters had no obligation to provide them with education, money, or clothes.

This occurred in the case of Elijah Simmons and his eight-year-old deaf and non-verbal apprentice, Fannie. Due to her disabilities, Elijah Simmons neither had to educate her nor provide her money or a suit of clothes upon her release.<sup>59</sup> This immediately placed Fannie at a disadvantage upon entering into the economy once her apprenticeship was over. She would not have the money to jump-start her entrance into the world post-bondage. Additionally, she was not required to be educated; therefore, she likely would have been illiterate as well, placing her at yet another disadvantage. Fannie was supposed to work for Simmons for thirteen years with room and board as the only recompense for her labor and with no designated age on her apprenticeship document for this arrangement to end. The indentureship paper specified that Elijah Simmons must follow standard apprenticeship laws with her four-year-old brother, Robert, and mentioned specifics as to what that meant while the apprenticeship was ongoing. Simmons must “furnish them all necessary medical attention and feed and clothe them well and

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<sup>58</sup> Rhyne, ““Conduct . . . Inexcusable and Unjustifiable,” 324.

<sup>59</sup> “Indentured Bonds of Apprenticeship,” 211-212.

treat them with humanity.”<sup>60</sup> What would happen to Robert upon his release was not mentioned, unlike every other apprenticeship record that lists the stipulations of the apprenticeship regardless of the presiding clerk. As a result, it can only be theorized based on the other apprenticeships in the ledger what the terms of his release were, namely, release at the age of twenty-one for male apprentices, with either payment of one-hundred dollars or the opportunity to learn to read and write.

The Simmons family took charge of Fannie and Robert as apprentices, and it can be assumed Robert was taught how to farm before going on to receive his allotted money and his freedom at the age of twenty-one. Fannie, however, is lost to the historic record after 1870. In the 1870 census, she was denoted as fourteen years old, a domestic servant, Black, and disabled, while Robert was listed as age seven, Black, and no disability was denoted.<sup>61</sup> In the same census, Fannie and Robert were listed with the last name Pernell, but so was a white, twenty-two-year-old woman, named Sarah. Sarah was listed as an employee of the Simmons, who resided in the house and did the work of “keeping house.”<sup>62</sup> It could be assumed that the work Sarah performed was the same as that of a domestic servant and thus similar to the work Fannie performed. What is interesting, though, is that Fannie is listed as a servant and Sarah is not. Furthermore, they have the same last name, but different races. This raises the questions of Sarah’s identity and relation to Fannie. Was she white or did she just pass? Were she, Fannie, and Robert siblings? What does this say about the long-term ramifications of the apprenticeship system if Sarah was twenty-two and still living with the Simmons as a housekeeper?

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<sup>60</sup> “Indentured Bonds of Apprenticeship,” 212.

<sup>61</sup> 1870 Census, accessed September 25, 2020.

<sup>62</sup> 1870 Census, accessed March 10, 2021.

A multitude of possibilities as to Sarah's status and relationship to Fannie and Robert exist, but I will sketch out the three most likely. The first is that the census taker got confused. The census record for 1870 has many cross-outs and fill ins on this page. It appears the census taker first attributed Fannie and Robert to the last name Simmons, drawing back to the time of enslavement when Fannie and Robert would have taken their slaveholder's last name. There is no firm indication Fannie and Robert were formerly enslaved by the Simmons according to the 1860 slave schedule, so they could have been given the last name Simmons upon their apprenticeship. This is the main reason I do not use a last name with Fannie and Robert. Their first names are known to the historical record, while their last names remain in flux. The 1870 census record indicates that after attributing Fannie and Robert to the last name Simmons, the census taker then went back and crossed that out, writing Pernell over it and making Robert, Fannie, and Sarah all Pernells. Sarah could very well be a Pernell, or she could be a Simmons, or she could have a different last name entirely and the census taker just had a long day. The second scenario ties closely to the first, making Sarah not a member of either Fannie and Robert's family or the Simmons's. She was just a domestic servant hired by the Simmonses and lived in the home, so was accounted for on the census. The third option that seems likely is that Sarah, Fannie, and Robert all have the last name Pernell because Fannie and Robert were formerly enslaved by the Pernell family, of which Sarah was a member. This would make Sarah their former slaveholder's daughter and not related to them at all. The mystery of Sarah on this census raises interesting questions as to the nature of Reconstruction labor and the relationship among former slaveholders and now freedpeople.

Apprenticeship documents and the census left the nature of the work Fannie and Sarah both performed intentionally vague. They were both domestic servants, even if technically

denoted as something different on the census. When discussing domestic work as it relates to the apprenticeship practice, it is important to remember that the label covered a wide variety of tasks. As a domestic worker, Fannie would have been expected to take care of household chores like cooking, cleaning, and laundry. She may have been expected to care for any children in the house as well. Such a designation could encompass many duties, which was largely the point. The Simmonses could assign her to do as they pleased, and it would fall within the parameters of her apprenticeship, continuing the forced drudgery that had so often been a part of enslavement.<sup>63</sup>

What made Fannie especially vulnerable to this exploitation compared to other children was her disability. At the courthouse on the day of her apprenticeship a doctor did not even have to sign the paper verifying Simmons's claim that Fannie was both "deaf and dumb."<sup>64</sup> Authentication of the condition was up to the county Clerk of Courts.<sup>65</sup> Unfortunately for Fannie and other children like her, that signature could destine them to a life of servitude with no medical examination required. Children in apprenticeships who were not denoted as "deaf and dumb" had few paths of recourse, and this was even truer for Fannie.<sup>66</sup> Fannie's disability shaped the way she moved through the world in a variety of ways, but for her white master, Elijah Simmons, it meant that he was freed from certain legal obligations, as previously mentioned. This is because Fannie and her labor were deemed less valuable than that of a nondisabled person. The exploitation and treatment of disabilities is most apparent in the United States pension files from the era.

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<sup>63</sup> For an exploration of Black domestic work, see Micki McElya, *Clinging to Mammy: The Faithful Slave in Twentieth-Century America* (Cambridge, MA: Harvard University Press, 2007).

<sup>64</sup> "Indentured Bonds of Apprenticeship," 211-212.

<sup>65</sup> "Indentured Bonds of Apprenticeship," 211-212.

<sup>66</sup> "Indentured Bonds of Apprenticeship," 211-212.

After the Civil War many former soldiers on both sides of the war were left physically disabled. Their pension files highlight the issues of being a disabled person and trying to move through the nineteenth-century world. This issue mainly came up in regards to monetizing labor. Labor was measured upon what the work of an average, “whole” man could do.<sup>67</sup> This was problematic for a number of reasons, mainly because even nondisabled men have vastly different physical abilities. The main problem for Fannie arose because she was disabled, female, and a child, so it was exceedingly easy to devalue her labor and claim that Elijah Simmons was a humanitarian by taking her as an apprentice. However, Fannie’s disability would not have impacted her ability to do housework. It may have required more effort to be able to communicate with her because she was deaf and nonverbal, but her physical ability to do work was probably the same as any other child. Her disability shaped the way she moved through and experienced the world, but it did not make her less able or less valuable as a worker. Unfortunately, Fannie had no one to advocate this for her.

Freedmen’s Bureau agents in place in Kentucky and other states were supposed to protect the children’s best interests, but in Fannie’s case and those of many others, no agent was documented as present at the time the apprenticeship paper was filed, and thus failed to intercede on behalf of the child. In fact, in Christian County during this period of time, the Freedmen’s Bureau does not appear to have been active at all. No federal agent oversaw the practice of apprenticeships in Christian County even though the Bureau had offices in both Bowling Green and Paducah, only a respective sixty and eighty miles away. Closer to Christian County was a smaller Bureau office in Russellville, where agent Nelson Lawrence documented some of what occurred with apprenticeships in Christian County, even though he does not appear on the court

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<sup>67</sup> Dr. Caroline Wood Newhall, interview by Ashlea Fishburn-Moore, March 9, 2021.

documents.<sup>68</sup> This lack of oversight opens the question of the Bureau's intent and overall effectiveness in the commonwealth.

The issue with the Freedmen's Bureau largely lay with the fact agents sought to impose white middle class ideologies regarding marriage, family, and work on free African Americans.<sup>69</sup> If Black families failed to meet the standards each agent imposed, they could very easily have their children taken from them with few paths of recourse. This, coupled with how overwhelmed the Bureau was with assault and battery cases, contributed to its overall ineffectiveness in the commonwealth.<sup>70</sup> In some instances, the assault and battery cases were against the master of an apprentice. As historian J. Michael Rhyne has noted, "White Kentuckians, like their peers in the former Confederate states, exhibited a fondness for using the switch, the stick, and the cowhide on their apprentices and hired help."<sup>71</sup> This served to be yet another issue with this legal system. The Bureau did its best to record the incidents, but the most they could do was charge fines to the white planters who enacted such violence, and often no action was taken at all, because Black testimony was inadmissible in Kentucky courts.<sup>72</sup> As a result, the Bureau did not have a crucial element in their case against the planters: testimony.<sup>73</sup>

As Reconstruction wore on and the Bureau crumbled, so did the hopes of many of these apprentices. It could be argued the state did its best to ensure that apprentices were treated well with words like "humane" being used to describe the treatment of the children in apprenticeship

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<sup>68</sup> Records of the Russellville Field Office of the Freedmen's Bureau may be found online through the National Museum of African American History and Culture, Smithsonian Online Virtual Archives, accessed March 26, 2021, <https://sova.si.edu/details/NMAAHC.FB.M1904#ref658>.

<sup>69</sup> Rhyne, "Conduct . . . Inexcusable and Unjustifiable," 324.

<sup>70</sup> Rhyne, "Conduct... Inexcusable and Unjustifiable," 324-328.

<sup>71</sup> Rhyne, "Conduct... Inexcusable and Unjustifiable," 328.

<sup>72</sup> Rhyne, "Conduct... Inexcusable and Unjustifiable," 319, 328.

<sup>73</sup> Rhyne, "Conduct... Inexcusable and Unjustifiable," 328.

documents, but without federal, or even state, agents in place to ensure quality of care, nothing was guaranteed. The law was one thing, its enforcement another. White planters frequently took children from their parents, and in one case, the Christian County court even opened on Christmas Day to allow a white planter to separate two children from their family.<sup>74</sup> The children, Austin and Charity, were only eleven and nine and were apprenticed for the next nine to ten years to Mrs. Sally B. Smith.<sup>75</sup> The mad rush to steal away Black children was overwhelming the Christian County court system to the point that they were open on Christmas Day of 1866 and New Year's Day of 1867. There was not a single day of the year children were safe from being taken.

The post-war spike in the number of apprenticeships may seem unremarkable given the tumult of the time, especially considering every apprentice was either learning the work of farming or housekeeping. After all, Christian County was an agrarian society, and farming and housework were necessary skills. However, the increase in the number of apprenticeships was exponential. In 1859, the year preceding the Civil War, there were only two indentures of apprenticeship in the entire county.<sup>76</sup> Only twenty-seven apprenticeships were covered in the five years of the Civil War. These apprenticeships promised to teach a variety of skills, including farming, domestic work, or other skills, like gunsmithing, but after the war all the apprentices were designated as either farm or domestic laborers. Furthermore, the apprenticeship ledger covers the span from 1824 through January 16, 1867, when apprenticeship records for Christian County end. During that time, there were an average of four pages of indentureship records per

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<sup>74</sup> “Indentured Bonds of Apprenticeship,” 258.

<sup>75</sup> “Indentured Bonds of Apprenticeship,” 258.

<sup>76</sup> “Indentured Bonds of Apprenticeship.”

year through 1865, but there were more than seven pages per month following the passage of the state's Black Codes.<sup>77</sup> This data indicates a rush for white planters to exploit young, Black labor.

Fannie's case was therefore not an unusual one. Even though she was the only apprentice in Christian County designated as having a disability, she was one of many exploited in a system designed to oppress Black children. Circumstances such as these resulted in a whole new generation of virtually enslaved labor in the commonwealth. African Americans across the South may have been manumitted, but former slaveholders were determined to deny them true freedom. Fannie's experience of unjust exploitation was one of many under a variety of circumstances in post-war southern states to continue the exploitation of the African American workforce. In many ways, children faced the greatest hardship after emancipation.<sup>78</sup> White people could be extremely violent and were often resistant to freeing their former slaves. Minors frequently ended up in racially-based and abusive apprenticeships that could be extremely hard to escape, even without the limitations of being "deaf" or "dumb" like those assigned to Fannie.<sup>79</sup>

Fannie's case helped expose a system of oppression seldom studied in a border state, and one that has rarely been covered in Kentucky. It was a system of oppression that continued to thrive and even expanded after the Civil War seemed to end bondage. Uncovering Fannie's purchase paper highlighted the postbellum treatment of African American children, a demographic that has been overlooked in Kentucky. Historians like J. Michael Rhyne have touched on the issue in Kentucky through examining Freedmen's Bureau records, but no one has

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<sup>77</sup> "Indentured Bonds of Apprenticeship."

<sup>78</sup> Rhyne, "'Conduct . . . Inexcusable and Unjustifiable,'" 320.

<sup>79</sup> "Indentured Bonds of Apprenticeship," 211-212.

yet to go to the apprenticeship records themselves to piece together the history from a different perspective.

This system was not just inflicted upon formerly enslaved children, but children born into freedom, who never should have known the chains of bondage according to the Thirteenth Amendment. The practice of taking children from their parents would not only keep these children from knowing freedom, but also their heritage. This was a move, at least in part, meant to make African Americans a part of white middle-class society. Much like the “Indian Schools” that were operating in the same time period, this apprenticeship system existed as a way to erase Black culture and replace it with the European-American ideal.<sup>80</sup> Similar to during enslavement, young, Black children were taken from their parents, many too young to even know their parents’ names in order to find them once their apprenticeship was over. These children were essentially raised by the white people who had apprenticed them and had no contact with their heritage or community prior to being taken from their families. The purpose this system served was twofold. Not only was it a way to force labor and enslave children, but it was also a way to erase Black culture.

Fannie’s lived experience is important. The small paper trail she left behind serves as a reminder that the traditional curriculum taught in history classes is incomplete. Fannie’s history speaks to an issue that affected the lives of thousands of children across the former slaveholding states as they, too, were trapped in inescapable apprenticeships or indentureships. She exemplifies the exploitation of Black labor continuing long after the Civil War ended in ways

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<sup>80</sup> Two good general sources on “Indian Schools” are David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: The University Press of Kansas, 1995); and Ward Churchill, *Kill the Indian, Save the Man* (San Francisco: City Lights Booksellers & Publishers, 2004).

many historians neglect to even mention. Fannie's story shows that the Thirteenth, Fourteenth, and Fifteenth Amendments did not bring true equality for African Americans or even free them from the chains of bondage white people had placed on them for generations. It simply allowed America to claim progress while enslaving an entirely new generation.

## Chapter 4: Kentucky's Courts of Injustice

Examining the institutions in place that allowed Fannie's oppression to not only occur but continue to thrive long after the Civil War is another important piece in understanding the apprenticeship system. The Freedmen's Bureau was perhaps the most important such federal institution. As previously mentioned, after the war the Freedmen's Bureau was implemented across the South. Its purpose was to help freedpeople integrate into society. Its agents were also required to provide food, clothing, and immediate housing to displaced former slaves and refugees along with helping people find jobs and providing for orphans. In addition to that, there were Freedmen's Bureau courts where now freedpeople could take their legal issues against white people or settle disputes amongst one another and supposedly be guaranteed a fair and unbiased trial. The issue with these courts was primarily the definition of fair and unbiased, and secondarily the fact that they soon became overwhelmed with cases in Kentucky. The third – and perhaps most pressing issue – was the fact that county governments in Kentucky took precedence.

Historian Robert Ireland argues that Kentucky's counties were set up to be like their own "little kingdoms." "Theoretically only an arm of state government, Kentucky's counties in reality took on characteristics of semi-sovereignties."<sup>81</sup> Once created the county governments were so strong that they could refuse to cede any power back to the state once it was given. This created issues when the Freedmen's Bureau and county governments would collide. As was stated in chapter three, Bourbon County even ruled that the Freedmen's Bureau had no legal rights to exist

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<sup>81</sup> Robert Ireland, *Little Kingdoms: The Counties of Kentucky, 1850-1891* (Lexington: University of Kentucky Press, 1977), 1.

in Kentucky. The little power the Freedmen's Bureau managed to hold predominately ended up being over African American children caught up in the apprenticeship system.

Although one of the most important functions of the Freedmen's Bureau was to look after and oversee the welfare of African American apprentices, the counties in Kentucky declared it their courts' prerogative to oversee the apprenticeship binding.<sup>82</sup> Soon after this in 1866, Kentucky passed a law giving former slaveholders preferential access to their formerly enslaved people's children. With this legislation the apprenticeship numbers across the state spiked and there was very little the Bureau could do, as most apprenticing went through the county Clerk of Courts.<sup>83</sup> This differs greatly from the states actually a part of the former Confederacy where the Freedmen's Bureau was predominately in charge of the apprenticing. In states like Virginia, historians who research apprentices can thus rely on Freedmen's Bureau documentation to provide insight into the system, but in Kentucky there are few actual apprenticeship contracts in many counties' Bureau files. Most apprenticeship records are held by the county courthouses.

There was concern about what was occurring with apprenticeships in Christian County on the part of the Freedmen's Bureau agent in Russellville, who was assigned to oversee the county, Nelson Lawrence. On more than one occasion, he was concerned with the treatment of children in Christian County. Often a relative would file a complaint and he would react to it. In some instances, this even resulted in the removal of the child from the apprenticeship. Unfortunately, the apprenticeship practice in Christian County was too widespread of an issue for one man stationed in another county to handle on his own. The Bureau faced pressing issues across the

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<sup>82</sup> Ireland, *Little Kingdom*, 64-65.

<sup>83</sup> Ireland, *Little Kingdoms*, 65.

commonwealth and was under immense pressure. There was only so much one agent, based in the small Russellville office, could do.<sup>84</sup>

This greatly differs from states in the former Confederacy and even other border states. Maryland, a border state like Kentucky, did not have the same issue with county courts because that was not the nature of their state government. The Freedmen's Bureau exercised more control over the Maryland apprenticeship system, but even with their tight control, the system was still rife with conflict. Former slaveholders would steal children from their parents and at times the Bureau over-ruled county governments that had ruled in favor of the parents.<sup>85</sup> This issue came from the fact that the Bureau was trying to perpetuate a free labor ideology and teach children the monetary value of their labor. They wanted to spread northern, white, middle-class ideology to the children, and in the view of some Freedmen's Bureau agents, that simply could not happen if the children remained a part of the African American community.

This issue also occurred in Kentucky; the Freedmen's Bureau simply held less control over the process. Due to the tight county control over the entire justice system, but especially apprenticeships, the Bureau turned its attention to urging the county governments to consider "good" homes for apprentices. Historian Robert Ireland takes a sample of ten counties for the year 1866-1868, and these ten of Kentucky's more than 110 counties made up 25 percent of the total freed population. The county courts apprenticed 553 Black children, most without parental consent, though Ireland does note some were orphans. Five counties denoted if the children went to their former slaveholder; that was the case for 200 of those 320 children. "Of the ten sample

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<sup>84</sup> For examples of contested cases, see Complaints, Aug.-Sept. 1866, Russellville (Subassistant Commissioner), Records of the Field Offices for the State of Kentucky, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872, Roll 133, Smithsonian Online Virtual Archives, accessed March 26, 2021.

<sup>85</sup> Wood, *Upon the Altar of Work*, 28.

counties, Christian County possessed the second most freedmen (9,812) and apprenticed more [B]lacks (205), [and] apprenticed more to former owners (159) [...] than any of the other nine counties.”<sup>86</sup> Christian County once again proved exceptional in its post-bellum treatment and make up in comparison to the commonwealth at large. Christian County’s agrarian drive led to this spike in apprenticeship numbers, but so did the fact that a judge did not have to be present for the binding out of an apprentice to take place.

Ireland states that in many counties it was judges who bound out apprentices to former slaveholders.<sup>87</sup> However, in Christian County the documentation for apprenticeship papers only have the county Clerk of Courts’ signature on them. There is no indication that a judge was ever present and there is not a law in the county or state that says one must be. Not needing a judge allowed the courts to apprentice a larger number of children faster, and on days like Christmas Day and New Year’s Day when a judge would not work regardless of the reason. The county Clerk of Courts could be paid to come in on any day to apprentice out a child and did not have the same rigorous schedule as a judge, who would still have to hear criminal hearings.

These details meant that parents who wanted their children back had to have a judge present at that hearing and frequently had to appeal through the county court system, rather than the Freedmen’s Bureau court system, because that was the court system that had apprenticed out their child. A judge having to be present set up a barrier for parents as the court systems became overrun and overburdened with complaints against the unfair labor system, in addition to their other duties. Parents were rightfully distrustful of the process. Most county courts did not consult them, and though they would petition the Bureau to intercede on their behalf, frequently little

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<sup>86</sup> Ireland, *Little Kingdoms*, 67.

<sup>87</sup> Ireland, *Little Kingdoms*, 64-66.

could be done.<sup>88</sup> Parents feared that their children were being essentially enslaved and the passage of another law in 1866 did little alleviate that fear.

The Apprenticeship Act of February 16, 1866, not only gave former enslavers preference in binding their former enslaved people as apprentices, it also forbade teaching, reading, and writing to Black apprentices.<sup>89</sup> This overruled the Freedmen's Bureau's previous requirement that there be no preferential treatment of apprentices based on race. It also officially said that this was a way for former enslavers to "reclaim" what they had "lost" in the war. In this quasi-slavery model, there were even cases of former slaveholders hiring out their apprentices for wage work and then claiming the wages the apprentice earned, just like they would have during slavery.<sup>90</sup> The parallels between enslavement and the apprenticeship system were striking and all of it was being set legally at the state and county levels.

Due to the power of the county, there was little the Freedmen's Bureau could do to fight these provisions. At every turn where they tried, they were quickly thwarted by county officials.<sup>91</sup> The most severe case is the one in Bourbon County, where the Freedmen's Bureau was ruled to have no legal right to exist in Kentucky.<sup>92</sup> While this was mostly a symbolic decision, it caused the Bureau to quickly lose its footing across the state. The county courts made a point to undercut the Freedmen's Bureau at every turn to ensure they lost power, the Bureau's agents vastly outnumbered by county officials. Even under the assumption that the Bureau was an entity that always acted in the best interest of the child, the county court systems frequently stood in the way of the Bureau trying to do its most basic job.

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<sup>88</sup> Howard, *Black Liberation in Kentucky*, 126.

<sup>89</sup> Howard, *Black Liberation in Kentucky*, 126.

<sup>90</sup> Howard, *Black Liberation in Kentucky*, 126.

<sup>91</sup> Ireland, *Little Kingdoms*, 65-67; Howard, *Black Liberation in Kentucky*, 127.

<sup>92</sup> Howard, *Black Liberation in Kentucky*, 127.

Problematically, the Freedmen's Bureau did not always act in the best interest of the child. The Bureau largely was made up of white, middle- and upper-class northern men, who wanted to spread their ideology to the former slaveholding states. This meant that frequently if Black families did not meet these white men's middle-class ideological standards of marriage, religion, family life, and so on then their children could be taken.<sup>93</sup> The Bureau would also apprentice the child of a Black parent to a white master if the parents were deemed too impoverished or morally incapable of caring for the child.<sup>94</sup> Again, these ideals were so subjective that they were hard things to define or distinguish. It was largely left up to each individual Freedmen's Bureau agent and how they defined morality and poverty. Additionally, part of the Bureau's job was to provide food, shelter, and clothing to the former slaves and refugees, but if the formerly enslaved people came to them for help, they could have their children taken. It was a vicious cycle.

If the Bureau would take freedpeople's children and the county court system would take their children and so would their former slaveholders, who could freedpeople turn to for help? The answer was largely no one. The parents had no path of recourse to keep their children safe from entering a system of enslavement. While it was parental complaints that frequently led to Freedmen's Bureau agents to look into the abuses of the apprenticeship system, the system was too pervasive and powerful across the former slaveholding states for parents to successfully battle on their own. Once children were caught up in that system, they were trapped in it until they were eighteen or twenty-one years old. Little could be done to help them. The Freedmen's Bureau was supposed to have its own court system to make trials fair and unbiased, but in

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<sup>93</sup> Rhyne, "Conduct.... Inexcusable and Unjustifiable," 324.

<sup>94</sup> Howard, *Black Liberation in Kentucky*, 127.

Kentucky counties held the power. Even if that were not the case, the Freedmen's Bureau officials still held biases of their own that worked to the freedpeople's detriment.

This can be seen time and time again across the former slaveholding states as the Freedmen's Bureau worked to assert white, middle-class dominance in the former Confederacy. Cases of apprenticeship abuse was the common thread still tying the former slaveholding states together. Freedmen's Bureau agents in Louisiana, Maryland, North Carolina, and other states ruled again and again in favor of apprenticing out freed children.<sup>95</sup> Much like slavery used to be the uniting force that held together the former Confederacy and led to sympathizers in the border states, the apprenticeship system was the new binding factor. With federal permission and sometimes assistance, former slaveholders stole children from capable parents and enslaved them on their plantations. Sometimes Kentucky freedpeople would try to sue in court to get their children back, but they legally did not have that ability, because Black testimony was inadmissible in court in the state of Kentucky until 1872.<sup>96</sup> As a result, even when white masters beat their apprentices, the apprentices had no path of recourse because in Kentucky's county courts, their testimony was not valid.

Unlike across the former Confederacy where the Freedmen's Bureau held actual power, because Kentucky was a border state, the Bureau's power was limited. Kentucky's counties managed to take control of the situation and keep the Bureau at bay. This was catastrophic for the freedpeople and their children. It resulted in overburdened courts that could not handle the complaints that parents had against the apprenticeship system. Additionally, it led to a biased

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<sup>95</sup> Wood, *Upon the Altar of Work*, chapter 2.

<sup>96</sup> Rhyne, "Conduct... Inexcusable and Unjustifiable," 319, 328.

practice that resulted in the re-enslavement of Black children across the commonwealth. The court system in Kentucky failed Black children and it failed their parents.

## Conclusion:

Fannie was one of many children throughout the commonwealth who were exploited under an unjust labor system. Reconstruction histories often center on adults and their treatment after emancipation. At the time, children were not considered to possess agency of their own, and so were frequently omitted from the larger historical narrative. Children rarely leave behind documents of their own, making them difficult historical actors to track. Where they appear, it is typically through the eyes and actions of others. Historians must therefore follow pieces of documents in order to parse together a narrative that is more inclusive and holistic. Thus, when this particular time period was documented and later, when taught, children remained largely forgotten. Children were not given agency in their own time, and historians have struggled to be able to give them agency since.

Fannie's history is important. The small paper trail she left behind serves as a reminder that the traditional curriculum taught in history classes was (and is) incomplete. Fannie's experience speaks to an issue that affected the lives of thousands of children across the South as they, too, were trapped in inescapable apprenticeships or indentureships. She exemplifies the exploitation of Black labor continuing long after the Civil War ended in ways many historians neglected to even mention. The legal and societal structures in place allowed for the perpetuation of this bondage, even if we remain uncertain exactly what happened to Fannie later in life. Children born into freedom were essentially sold into slavery just like they would have been before the war.

The historiography of the apprenticeship practice especially neglects to take into account these details in border states like Kentucky. Moreover, even when border states are discussed, they are typically discussed in the context of a less defiant border state, like Maryland.

Maryland's county courts did not hold the same power as those in Kentucky's counties, making for a weak comparison, and extrapolation should not replace a detailed history. Kentucky presented unique challenges and injustices for its freed-population to overcome. The people who were sent by the federal government to help them frequently failed to do so, either because of Kentucky's unconventional justice system, or because of their own prejudices.

Children are historical actors who are just now coming out of the shadows, but it is important to note that to their parents and family, children have always been at the forefront of their minds. A freedwoman post-war said, "We were delighted when we heard that the Constitution set us all free... , but God help us, our condition is bettered but little; free ourselves, but deprived of our children... It was on their account we desired to be freed."<sup>97</sup> Just like any modern parent, freedpeople sought better lives for their children in this post-emancipation world, and the federal government let them down. Federal officials condoned the forced labor of Black children and continued it well into the twentieth century.

It is important to note that in many cases across the Reconstructed states, even extended family came forward to try to reclaim their kin, challenging the system of oppression. One Bureau agent noted, "the binding out of children Seems to the freedmen like putting them back into Slavery – In every case where I have bound out children thus far Some Grandmother or fortieth cousin has come to have them released."<sup>98</sup> As vehemently as the white community believed that Black children were better off learning the way of white, middle-class America, the African American community fought to bring them home. To take African American children

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<sup>97</sup> Wood, *Upon the Altar of Work*, 28.

<sup>98</sup> Wood, *Upon the Altar of Work*, 28.

from their families was abhorrent, but it was also an attempt to erase Black culture. It was a move to colonize the minds of Black youth.

Children are the future and white America tried to drastically change the trajectory of thousands of children of color across the former slaveholding states. Perhaps the most important thing to note in this entire thesis is that white America did not succeed. African American youth found ways to exercise their individual rights and freedoms in a variety of ways. Their families never stopped fighting for them even when it seemed hopeless. Fannie personifies the systemic issues with this system, but even she was not with the Simmons family according to the 1880 census. The apprenticeship system in Kentucky has gone undiscussed for long enough. It served to perpetuate educational and economic inequalities for years to come, and yet children still found ways to resist even while people were attempting to deny them agency.

I hope to continue this work and perform a study of not just Christian County, but its surrounding agricultural counties of southern Kentucky. I want to examine the apprenticeship system beyond Fannie's lived experience and look into the experiences of hundreds of children in the state. They have gone unstudied for too long. Kentucky offers a unique backdrop in which these children were exploited and made them much more vulnerable than children in other Reconstructed states. I want to explore that further and look into the long-term ramifications of the apprenticeship system.

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