

The Peculiar Story of DANIEL (Bush)

During the warm weather travel season of 1810, one of the scions of the white, slave owning, Bush family of the Bush Settlement in Clark County made a trip on horseback to Virginia. Although his parents and aunts and uncles were from Virginia, twenty-one year old Jeremiah “Jerry” Bush, born in 1789 in Clark County, may not have previously journeyed out of Kentucky.¹

Jeremiah returned from this expedition with a young African-American woman, of childbearing age, that he had purchased. Her name, probably, was Hannah.²

The woman whom Jeremiah purchased became pregnant in mid-1810 and gave birth to a son in spring 1811.³ She named the boy Daniel. If this woman was indeed Hannah (Bush), as will hereafter be assumed, she was approximately seventeen when she became pregnant and eighteen when she gave birth to Daniel.⁴

As to why Jeremiah went all the way to Virginia to purchase Hannah, slaves were far more plentiful in Virginia in 1810 than in Kentucky. The purchase of a slave was an expensive proposition: only significant acreages of land were more valuable than slaves. Perhaps as important to him as the price advantage from purchasing in Virginia was the far greater selection of human beings for sale there.⁵

¹ The information in this story that pertains specifically to Daniel derives entirely from historical documents, principally court records. Some elements of the Bush or Comstock family information come from family materials. Although the term ‘peculiar institution’ might be used as a euphemism for slavery, the ‘peculiar’ part could be apt: Daniel’s story certainly merits the ‘peculiar’ label.

² The probable identification of this young woman as Hannah is based on the following. Six years later, in 1816, Jeremiah, still only 27 years old, was known to have owned a twenty-three year old woman named Hannah, born about 1793. She was apparently the only adult woman he owned at the time. He continued to own Hannah for the rest of his life, per his 1842 estate inventory which showed that he still owned Hannah at the time of his death in 1842. She was shown in the inventory as being born about 1794, which is consistent with the 1793 birth year indicated in 1816. She was also included in the Providence Baptist Church records in 1842. Hannah died in 1854. Oddly, in the 1820 census, Jeremiah is shown as owning four slave children but no adult woman. This is surely either a mistake or a circumstance where the woman was temporarily in another household at the time of the census. Hannah was definitely the mother of a girl born in 1816, Sidney, was probably the mother of Daniel, and quite possibly the mother of the other two children as well, including a boy Willis, since there is no indication that Jeremiah owned another adult woman at the time. Sidney did not continue to be owned by Jeremiah Bush. It’s entirely possible that she was the Sidney owned by Francis Bush before 1828 and that she was the Sidney Bush who was the mother of Jefferson Ragland. An African-American woman named Sidney Johnson, reportedly born about 1815 and apparently the wife of Anderson Johnson, was included in the 1870 Clark County census; this might also be the same Sidney.

³ Jeremiah Bush stated in a deposition given on April 8, 1831 in the Fort v. Estill case that Daniel was born in spring 1811 and that he, Jeremiah, had brought Daniel’s mother, whom he doesn’t name, from Virginia in 1810.

⁴ As the only known adult African-American female in the household of the young child Daniel, Hannah must have at least served as his adoptive mother and very likely was his birth mother. I don’t know whether either Hannah or Daniel personally adopted the surname Bush. Other whites would have called them Bush’s Hannah or Bush’s Daniel so they may have adopted that Bush surname since it was how they were already identified. Parentheses around a surname are used to indicate that the surname has been used for identification purposes but it’s unconfirmed whether the individual in question accepted it as their surname. African-Americans did use surnames among themselves, even though whites almost never credited those held as slaves with having a surname.

⁵ It was entirely typical for an early 19th century enslaved person in Kentucky to have come from Virginia, or for their parents to have done so. So far as can be determined, the great majority of enslaved people in Clark County had either

Whether Jeremiah paid for her with his own money, or got money from his father for the purchase, the episode does say something about the sexual mores of slavery.⁶ Jeremiah, a young single man living in his parents' household, traveled to another state to purchase a seventeen year old girl. That doesn't leave much room for questions about his intentions toward the young woman. Who could have been surprised when Hannah gave birth to a child approximately nine months after Jeremiah's buying expedition?

Daniel, was clearly of racially mixed ancestry. He was consistently described as light-skinned or in equivalent terms.⁷

That Jeremiah was probably the biological father of Daniel adds further emotional complexity to this story. All the more so since many of the people in Jeremiah's and Daniel's lives must have assumed he was Daniel's biological father.

In December 1811, a few months after Daniel's birth, Jeremiah married Nancy Gentry, from the aptly-named Gentry family of neighboring Madison County.⁸ Like the Bush family, the Gentry family had previously been part of the Boonesborough settlement, the best-known early pioneer colony in Kentucky, and had long owned slaves.⁹

In January 1812, the month after his marriage, as part of establishing a household with his new wife, Jeremiah bought 120 acres of his father's plantation in the Bush Settlement.¹⁰ Ambrose Bush was elderly and apparently not in the best of health—both Ambrose and his wife Lucy would be dead within three years—and they continued to live on the property until their deaths.

Jeremiah did not have the three hundred pound purchase price for the land as cash in hand and instead paid by barter.

Daniel's life began in an exceedingly difficult way. He was the son of a young woman held in bondage, and thus was himself a slave from birth. He was presumably the offspring of a non-consensual liaison—rape—by his mother's owner. His circumstances turned yet worse from there.

been personally brought there from Virginia or their parents or grandparents had been. This is unsurprising, Kentucky is directly west of Virginia, had once been part of Virginia, and Virginia was where a large percentage of the kidnapped Africans brought to this continent were taken. Indeed, the first sale of enslaved Africans in North America, in the early 1600s, was in Virginia.

⁶ Wherever the purchase money came from, Jeremiah certainly had title to Daniel's mother no later than 1814.

⁷ Daniel was sometimes described as "mulatto," meaning mixed-race, and sometimes not, but was consistently described as light-skinned or "yellow," which meant light-skinned. In a skin color caste system created by whites, this light skin was, of course, considered a higher status than dark skin.

⁸ Interestingly, when Jeremiah married later in the same year after Daniel was born, his bride, Nancy Gentry, didn't require the departure of Hannah and her son. Then again, Jeremiah's new wife had also grown up in a slave-owning household, and understood how the system worked.

⁹ The early pioneer settlements in Kentucky, dating to the 1770s, all or nearly all included enslaved people, as did Boonesborough. A 1777 census by John Cowan of Harrod's Fort, a bit further west in central Kentucky, enumerated 19 enslaved African-Americans within the total population of 198.

¹⁰ Ambrose Bush originally purchased his land from his older brother Billy. Captain Billy Bush was a close associate of Daniel Boone and one of the original participants in Boonesborough. In the 1780s, Captain Billy acquired a large quantity of land directly north of Boonesborough, on the opposite bank of the Kentucky River, and sold much of it to his relatives, thus starting the Bush Settlement in what would become Clark County. Ambrose owned at least 200 acres; he eventually sold eighty acres to his son John G. in addition to the 120 acres to Jeremiah.

As part of Jeremiah's transactions with his father Ambrose to pay for the land, Jeremiah sold the infant Daniel to Ambrose.¹¹ Daniel was between one and three years old when this took place. Daniel's mother was not sold; the ownership of Daniel and his mother were now in different hands.¹²

Casually selling an infant away from its mother seems unusually harsh even by the virtually non-existent moral standards of chattel slavery. The effects of the sale were temporarily constrained: for the moment, Daniel continued to live with his mother. But, soon enough, the sale would have an enormous impact on Daniel's life. The consequences for Daniel—looming separation from his mother and siblings—were readily predictable, since Ambrose was approaching the end of his life. As those held as slaves were keenly aware, it was commonplace for slave families to be broken apart upon an owner's death. Having the child owned separately from its mother prior to the owner's death would have made separation even more likely, as Hannah surely understood.

Jeremiah's indifference to separating Daniel from his mother formed a repeating pattern. Jeremiah continued to own Hannah for the remainder of his life. In contrast, he never evidenced any attraction to Daniel.¹³ Oddly, it was his sister Julia who seems to have been quite attached to Daniel. Jeremiah's continuing involvement with Daniel took place only because he was extremely close to his sister....and that association with Daniel soon ended after Julia's death.

Nancy Julia Bush. Of Jeremiah's six siblings, he was strongly connected to Julia (as she was called by her family), who was two years older than him. Julia's and Jeremiah's lives remained exceptionally intertwined even as adults. This may help to explain how Julia became, with the exception of Daniel's mother Hannah, the largest presence in Daniel's life, until her death in 1833.

In 1806, Julia had married a brash young man born in Rhode Island, Lyndon Comstock, whose star was then rising rapidly in the fast growing town of Lexington.¹⁴ He worked as a manager for the owner of one of Lexington's principal rope companies. Hemp, used for rope and other products, was the most important cash crop in Kentucky, surpassing even tobacco and corn for whiskey.¹⁵ Turning the hemp into rope and twine or bagging was Lexington's largest industry. Hemp may well have been how Lyndon met the Bush family, who grew hemp for sale. Or, to be more exact, their slaves grew the hemp, as well as drying it and preparing the fiber.¹⁶ (Slaves also provided the labor for the rope

¹¹ Presumably, Ambrose accepted partial payment in the form of slave children just to make it easier for Jeremiah to pay for the land. Jeremiah's sale of the infant Daniel to Ambrose confirms that Jeremiah already owned Daniel's mother.

¹² Jeremiah also sold another boy, Willis, to his father in the same time period, who was likely another son of Hannah and brother of Daniel. It's unknown what happened to Willis; he wasn't included in Ambrose's estate inventory and therefore was apparently sold prior to Ambrose's death. (Jeremiah's cousin Fielding Bush owned a Wallace or "Wallis" Bush prior to 1828, who was born no later than approximately 1812 and is included in the Providence Baptist records. This may or may not be the same person as Willis.) Ambrose Bush died in February 1815 so these transactions took place no later than 1814.

¹³ It appears that Jeremiah also sold Hannah's daughter Sidney and, as mentioned in the previous footnote, Willis, both of whom were probably Daniel's siblings.

¹⁴ The Lyndon Comstock who married Nancy Julia Bush was the brother of the author's great great great grandfather, Brown Comstock.

¹⁵ If any of the hemp was smoked, no one would have batted an eye in Kentucky, where even children drank whiskey, but the hemp for rope was apparently of low grade as an intoxicant.

¹⁶ By 1840, Kentucky produced more hemp than any other state. Two-thirds of the hemp in Kentucky was grown in the Bluegrass counties, including Clark, where much of the state's slave population was also concentrated. Hemp fiber sold for \$80-\$100 per ton. 700 pounds of hemp fiber could be produced per acre and a single enslaved person could reportedly cultivate 17 acres of hemp. (*Slavery Times in Kentucky*, p. 44; the \$80 per ton price was from earlier in the 19th century.) "Working in hemp fields was the hardest, dirtiest, most laborious agricultural task performed by Kentucky field hands.

walks, where the hemp fiber was turned into rope or twine or bagging. That type of manufacturing entity had a different owner than the plantation where the hemp was grown, but plantation owners sometimes rented their slaves to the owners of rope walks.)

However, during 1813-1814, at about the same time that the infant Daniel was sold to Ambrose Bush, Julia's life turned upside down. Although she and Lyndon had no children, which was clearly a major disappointment for both of them, their lives had previously gone well in Lexington. Her ambitious husband, in addition to his employment at the rope walk, was already, among other things, an elected trustee of the town, second-in-command of the prestigious Lexington Light Infantry, and an actor on the local stage.

All of that changed for Lyndon, and thus Julia, in 1813, in ways that would eventually affect Daniel.

When war was declared on England in 1812, enthusiastically supported by most Kentuckians, Lyndon marched north as one of the officers in the Kentucky militia, whose intention was to seize Canada. Instead, however, the Kentucky soldiers were routed at the Battle of the Raisin River in January 1813 by Native Americans and British troops. Almost all of the Kentuckians who weren't killed were taken prisoner, including Lyndon. By the time he finally made it back to Lexington, a half-year after his departure, his creditors were after him, his large house on Mulberry (Limestone) Street had to be sold, and he felt disgraced. He even had to ask his sister's husband, a local stonemason named Francis Walker, to post bond for him in one of the creditor lawsuits against him, by a James Kerns.¹⁷ Lyndon's response to his dramatic loss of status was to flee. In early 1814, he headed downriver to New Orleans to become, of all things, a pirate.¹⁸ He never saw Kentucky, his wife, or his family again.

The foregoing about the marriage of Julia and Lyndon provides the background for one of the strange elements of this story. Since husbands owned all of a couple's property at that time, once Julia eventually became the owner of Daniel, he was automatically owned by Lyndon. However, Lyndon was long gone by the time that Julia acquired Daniel and would never have known that he was Daniel's owner. For his part, Daniel would not have remembered a Bush in-law who had departed permanently when Daniel was only three. Nonetheless, this departed Bush in-law and his trail of debts would affect Daniel.

After her husband's departure from Lexington, Julia returned to Clark County, moving in with her brother Jeremiah and his wife in 1814. He supported her while she tried to fend off her husband's

Many antebellum Bluegrass farmers stated that the cultivation of hemp, a raw material used to make rope and a rough cloth, was the most profitable use of slave labor." (*A History of Blacks in Kentucky*, page 4. This author also notes, on page 8, that a large number of slaves toiled in the rope walks and hemp factories in Fayette or surrounding counties.)

¹⁷ The case is Kerns v. Comstock, filed January 13, 1813 in Fayette County Circuit Court. Lyndon borrowed \$125 from a John Hubbert in January 1812. Hubbert sold the promissory note, no doubt at a discount, to James Kerns. When it was not paid when due in January 1813, while Lyndon was off fighting at the Raisin River, Kerns promptly sued. Once Lyndon returned, he tried to have the suit dismissed on the inventive grounds that Kerns, as a British citizen, was an enemy alien (and apparently therefore didn't deserve payment.) The court didn't accept this defense. Lyndon didn't stick around for the eventual judgment against him in the case. Because even enslaved children were valuable property, all of this would eventually have a bearing on young Daniel's fate.

¹⁸ While the War of 1812 continued, Lyndon was a privateer—a legalized pirate—on a ship seeking English prizes. Because American privateers operating in wartime had the fig leaf of a letter of marque, it was regarded as a more or less respectable occupation. After the War of 1812 ended, Lyndon spent a number of years in "South America," meaning the old Spanish Main, probably engaged in something similar to the Lafitte operation. He was seen in New Orleans in 1820 and subsequently disappeared from view.

creditors. Particularly pesky was Lyndon's brother-in-law Francis Walker, who, as her husband's bondsman, was himself arrested when Lyndon failed to appear in the Kerns lawsuit.

Julia and Jeremiah's parents, Lucy and Ambrose—who had become the owner of Daniel—both died by 1815.

Daniel, meanwhile, continued living on the Jeremiah Bush plantation, together with his mother and siblings.

Ambrose Bush did not leave a will, resulting in a long probate process supervised by an administrator, John Holladay. In July 1816, an appraisal was made of Ambrose's estate. For six of the eight people that Ambrose owned as slaves at the time of his death, the family member holding the slave was recorded. The two others, Daniel, then five years old, and valued at \$200 and a man John, valued at \$325, were not so noted, no doubt because they were living on the same farm with Ambrose and Jeremiah and his family and also Julia.¹⁹

Childless herself, Julia bonded with Jeremiah's children, the first three of whom had already been born by 1816.²⁰ Her interest in children would carry over into an eventual work as a schoolteacher. She also seems to have followed the progress of the several African-American children on the Jeremiah Bush plantation; she certainly showed a strong interest in Daniel, probably compounded by an assumption that she was Daniel's biological aunt.

Eventually, in 1818, a meeting was held between Ambrose's administrator John Holladay and most of Ambrose's heirs to make a division of Ambrose's estate. Julia was not in attendance, having moved to Washington, D. C. in 1817 to live with her sister Polly Bush Hieronymus and Polly's children. At the 1818 meeting, the decision was made to give Daniel, by then seven, to Julia. This surely reflected the interest that Julia had already taken in Daniel, in contrast to her brother Jeremiah's indifference to Daniel. However, Jeremiah maintained possession of Daniel for the time being.²¹

Julia continued to live with Polly until 1820. Eventually, however, during the late summer of 1820, she asked for Jeremiah to come to Washington and bring her back to Kentucky.²² He did so, bringing an extra horse with him for Julia to ride on the return trip.

¹⁹ There are several formulas for translating the value of dollars from that era into current dollars; the simplest is to add two zeros, that is, multiply by one hundred. Daniel's \$200 value as a five year old boy in 1816 could be thought of as \$20,000 in current dollars. This value was not because he did any useful work at age five, but because, in a few years, he would become a grown man who might be worth five times as much.

²⁰ Well-liked within her family, Nancy Julia had three nieces named after her, none of whom were children of Jeremiah. Nonetheless, when the time came in 1829 to denote heirs of her slaves, including Daniel, she left them to specified children of Jeremiah.

²¹ : "...that after said division took place [in 1818] Holladay told the witness [Jeremiah] to take said slave Daniel home with him, and keep him until he called for him, that before said division said boy Daniel had been living at his house and after it he remained there until Holliday took him away to sell him...." (Testimony of Jeremiah Bush in Jackson's executor vs. Holladay's administrator as described in the Bill of Exceptions to the 1827 trial in *Gaines v. Hampton*)

²² Julia is surely the other adult woman living with her sister Polly (Mary Hieronymus) in the 1820 Washington census, conducted on August 7. This would be consistent with her returning to Kentucky in August or September 1820 and filing the *Gaines* lawsuit, described below, in October 1820. Polly moved to Virginia in August or September 1820 with her children; Julia did not join her for that move.

Daniel was already gone from the Jeremiah Bush plantation by the time of Julia's return; one of her first steps once she was in Kentucky again was the initiation of a lawsuit to try to get him back.

A tangled legal web. The background to Daniel no longer living on the Jeremiah Bush plantation by 1819, and having passed out of Julia's (or more precisely, her absent husband's) legal ownership, is complex.

The first trigger was the 1813 Kerns lawsuit against Lyndon Comstock, since Francis Walker wanted repayment from Julia for the money owed to him by her missing husband, once Lyndon jumped bail in the Kerns lawsuit and left Kentucky. Once Francis Walker learned that Julia had received an inheritance from her father, he would be after her to pay off her husband's debt.

Another element was the lawsuits pertaining to Ambrose's estate, mostly instituted by his executor, John Holladay. One of these suits was for a thousand dollars against Jeremiah.²³ The suit also alleges that Hannah and her daughter Sidney were actually owned by Ambrose, even though they don't appear on his estate inventory, and that Jeremiah only had them in his possession. The suit apparently took the opposite position with respect to Daniel. Julia was asked by Jeremiah to help prove that he had indeed sold Daniel and another boy, Willis, to Ambrose; that sale had provided partial payment for the land he bought from his father. A deposition was taken from Julia in August 1817 for this case,²⁴ supervised by the Mayor of Washington, Benjamin Orr, who was also a Justice of the Peace.²⁵ This suit against Jeremiah was eventually dismissed; apparently it was settled because Holladay did receive his court costs.²⁶

These lawsuits were only the beginning of what became more than twenty years' worth of legal wrangling pertaining to Daniel.

The next suit concerning Daniel stemmed from the realization that Julia, once she had any assets, would have her long-gone husband's creditors after her. In what surely must have been a contrived ploy by the two of them, rather than a genuine grievance against Julia, Jeremiah sued Julia (meaning, nominally, her vanished husband), along with Holladay in September 1816, jumping ahead in line in Clark County of other creditors who might try to go after her there once she received her inheritance.

²³ Holladay v. Bush, filed October 23, 1816 in Clark County Circuit Court (bundle 189), which also included a complaint by Holladay against Jeremiah's brother John G. Bush, the purchaser of the other portion of their father's land. Since Jeremiah had to provide testimony to prove that he sold Daniel to his father (to pay for the 120 acre land purchase), part of the purported \$1000 debt was apparently based on an allegation by Holladay that Jeremiah had never paid his father for the 120 acres.

²⁴ Jeremiah stated that he was planning to travel all the way to Washington to attend this deposition; it's not clear whether he actually did so. It's possible that he submitted questions in writing instead. In any event, Julia unflinchingly backed Jeremiah up on every question raised in the deposition.

²⁵ Interestingly, the 1817 deposition of Julia also includes an affidavit from the acting U.S. Secretary of State, Richard Rush, that Benjamin Orr was indeed a Justice of the Peace in Washington, D.C. Apparently, in that era, the U.S. Secretary of State had time for that type of trivia.

²⁶ Holladay instituted a similar suit against Lyndon Comstock, which really meant against Julia, in 1816 over her ownership of a girl named Huldah, born about 1808. The suit was subsequently dismissed. Julia later stated that she had inherited Huldah and Huldah's daughter Betsy (who wasn't born yet in 1816 but whose ownership would follow the mother) from her father jointly with one of her sisters and had eventually bought out her sister's share. Huldah and Betsy are not mentioned in Ambrose's estate inventory.

He asked for \$200 damages for supporting her, her slave girl Huldah, and a horse for the period 1814-1816.²⁷

Sure enough, the next lawsuit did show up soon after. Francis Walker, her husband's brother-in-law, sued Julia (again, nominally suing her husband) and John Holladay in Clark County in 1817.²⁸

In 1818, an interim decree was entered in favor of Jeremiah for the \$200 he sought in his suit against his sister (it's possible that they shared it, once he got the cash from Holladay in early 1819).

The upshot for young Daniel was this. He was the only property of consequence which Julia was inheriting at that time. Holladay apparently thought he ought to sell, and that Jeremiah and Julia wanted him to sell, the child Daniel and give the two hundred dollar amount of Jeremiah's decree to Jeremiah. So that's what he did.²⁹ (It's not clear what happened with the balance of the sale proceeds over \$200, except that Francis Walker never got any of it.)

The auction of a child. Even by the bizarre standards of what passed as normal in the world of slavery, one might think that something as breathtakingly cruel as the sale of a young child, separate from his mother and siblings, and at Christmas no less, would have been so shameful as to have been done in secret. Not so, in fact, quite to the contrary.

Will be sold to the highest bidder in the 28th Instant [December 28], being court day, before the door of John Dudley in Winchester, a likely Negro Boy seven years old the property of Julia Comstock, to satisfy several Executions, one half of the purchase money down, and the other half in three months, the purchaser giving bond with approved security. John Holladay
--advertisement placed Dec. 19, 1818 in the local Clark County newspaper³⁰

On December 28, 1818, seven year old Daniel was auctioned off by John Holladay to the highest bidder, with the auction taking place openly on the streets of Winchester, the county seat for Clark County.

There was a block in front of the Court house where the owners of slaves put up and sold them to the highest bidder, at public outcry.

²⁷ The case is *Bush v. Comstock and Holladay*, nominally filed October 3, 1816 but actually in September 1816, in Clark County Circuit Court (bundle 325). Jeremiah obtained an injunction against John Holladay in September 1816 preventing him from paying any of the Comstock creditors until this suit was decided. An interlocutory decree in favor of Jeremiah was granted in 1818, mentioned further below.

²⁸ *Walker v. Comstock and Holladay*, filed September 30, 1817 in Clark County Circuit Court (bundle 200). It was resolved in 1818 with a decree in favor of Francis Walker, which he was never able to collect. He filed three more lawsuits in the 1820s, each time trying to collect on the judgment, and never did get any money.

²⁹ The *Bush v. Comstock and Holladay* case continued until 1827, long after Holladay's death. This was extraordinary considering how quickly lawsuits were usually dealt with in those days. From the surviving records, it appears that, Jeremiah, having gotten the \$200 once, was trying to bamboozle Holladay's executor into giving it to him a second time. Holladay's administrator, Hampton, was finally absolved of any liability in a decree in 1827. One comes away from reading these cases with the impression that Jeremiah was always looking for an angle to make an extra buck, regardless of the specific facts. This personality trait seems to fit with his ongoing problem with alcoholism. His serious problems with excess drinking are mentioned multiple times in the Providence Baptist records and he was excluded from the church at least twice for it.

³⁰ I don't have a photo copy of this advertisement. The text was provided in testimony by Nimrod Finnell, who was the publisher of the paper—apparently, it was the *Kentucky Advertiser*, published in Winchester.

--Isaac N. Massie "Winchester in Olden Times"

The high bid for Daniel came from a resident of Clark County named Congrave Jackson. He paid \$450 for Daniel, which was a very substantial price for a seven year old. Another Clark County man, George Didlake, bid \$445 for Daniel but was outbid. A subsequent court witness, Thomas Berry, described Daniel as "a smart, active and valuable boy of his age," which helps account for the high bids.

Jackson made his payment arrangements and went off with Daniel, who must have been one extremely forlorn small boy.

Terminally ill at the time of the auction, perhaps Jackson already had in mind that he would soon pass Daniel on to his unmarried daughter, Nancy Jackson.³¹

Although there were white people in Clark County who opposed slavery, the auction of people held as slaves, even children, was simply business as usual in a slave state. None of the records pertaining to Daniel provide any indication of a European-American who thought his sale unusual or noteworthy, even though he was a young child.³²

There was one exception to the nonchalance about Daniel's sale, although even that exception was not on principle. The one person who objected to Daniels' sale, and she did so vehemently, was Julia. Still in Washington when Daniel was sold, she did not know about it ahead of time and was apparently furious once she found out. Affection for Daniel likely played a part, but her stated grounds for objecting were that he was her lawful property and she had not approved his sale. (So far as known, she never objected to the sale of human beings on principle.)

Trying to get Daniel back. Although the target of Julia's ire was John Holladay, who didn't have her permission to sell Daniel, she didn't legally pursue Holladay. Holladay didn't have possession of Daniel, whom she wanted back. And she could scarcely complain as to what Holladay did with the money from Daniel's sale.

Instead, in October 1820, soon after she had returned to Clark County from Washington, Julia sued Congrave Jackson. More precisely, since Jackson was now dead, she sued the executor of his estate, a man named John Gaines.³³ Her grounds was that the sale of Daniel was without her permission and thus Jackson never actually owned Daniel. Although she listed the very high value of \$600 for Daniel, what she wanted, and specifically asked for in the suit, was to get Daniel back: "that he render to her

³¹ Subsequent court records state that Nancy Jackson received Daniel as one of the heirs of Congrave Jackson following his death, however, it seems more likely that she received him as a gift prior to his death. His will, dated November 2, 1818 (Clark County will records vol. 4, p. 444) was written prior to this purchase of Daniel and makes no mention of any slaves. Whenever she received the gift, it came at the cost of unthinkable heartbreak for Daniel himself, and his mother. Coincidentally, Nancy Jackson's mother was a Bush and she was herself a distant cousin to Julia and Jeremiah.

³² The perspectives of African-Americans are never mentioned in any of the documents. Daniel, the subject of so much legal wrangling, is never heard from, either as a child or later as an adult.

³³ Coincidentally, a witness to Congrave Jackson's will, David Hampton, and Congrave's executor, John Gaines, would become principal protagonists in a series of court battles about Daniel (Bush).

a negro boy slave named Daniel...which from her he unjustly detains.”³⁴ (By implication, Gaines should then pursue Holladay for the money paid for Daniel.) In spring 1821, Julia lost this suit.³⁵

Not easily deterred, as soon as she lost the suit against Gaines, Julia then sued Nancy Jackson, the person who actually had Daniel.³⁶ She demanded that Nancy Jackson “render to her a negro boy slave named Daniel.” A number of witnesses were called by each side.³⁷ Among those called by Nancy Jackson’s lawyer was Julia’s in-law creditor, Francis Walker. Among those called by Julia’s lawyer were her brother Ambrose, Jr., and her cousin Fielding Bush (the same person who owned Willis, who may have been Daniel’s brother). She didn’t call her brother Jeremiah as a witness.

In mid-1821, Julia lost that suit for Daniel as well. That significant legal setback didn’t stymie her for long.

Kidnapping Daniel. Although Julia’s perspective was that she was the legal owner of Daniel, it was obvious, after the loss of her two lawsuits, that this opinion was not shared by the Clark County Court.

Even though her legal avenues for retrieving Daniel were apparently closed off, she forged ahead with her next plan, which was to ignore the court rulings. Proving that her interest in Daniel went well beyond that of the typical slave owner for their human property, she decided to kidnap him.

For one slave owner to abduct a slave from another slave owner was very unusual.³⁸ Most slave owners would have regarded it something akin to the notorious crime of horse stealing, except that owners regarded slaves as far more valuable, and easier to trace, than horses.

Julia did not personally snatch Daniel. Instead, she recruited her young nephew, Burrell Sandford, who was living in her brother Jeremiah’s household.³⁹

In late 1821 or early 1822, Burrell went to Nancy Jackson’s place on horseback and, no doubt selecting an opportune moment, directed eleven year old Daniel to jump up behind him on the back of the horse and ride off with him.⁴⁰ It was likely an easy job to persuade Daniel to willingly go along; all that Burrell would have to say is that he was part of the Bush family and he would take Daniel to see his mother and siblings.

³⁴ Comstock v. Gaines, filed October 24, 1820 in Clark County Circuit Court (bundle 241)

³⁵ Although the reasoning for the Comstock v. Gaines outcome isn’t included in the surviving documents, it may, in part, have been that Gaines, as the executor of the Jackson estate, didn’t have Daniel in his possession either; it was Nancy Jackson who had him.

³⁶ Comstock v. Jackson, filed April 12, 1821 in Clark County Circuit Court (bundle 241). The reasons for the outcome aren’t indicated in the surviving records.

³⁷ Only the subpoenas for the witnesses in the suit against Nancy Jackson are included in the surviving records, not their testimony.

³⁸ I haven’t heard of any other cases of a slave owner abducting a slave from another slave owner.

³⁹ Esther Bush was the sister of Julia and Jeremiah Bush. Esther’s first husband was Durrett Sandford, who died in 1801. Their child Burrell Sanford was born about 1799. According to the Gaines v. Hampton case, Burrell was Julia’s nephew and was living, as she was, in the Jeremiah Bush household in 1821.

⁴⁰ The surviving court records are usually quite abbreviated and also sometimes a bit sloppy. It’s sometimes stated in the records that Nancy Jackson had Daniel when he was abducted, as one would expect since she apparently owned him and has the person who sued to get him back, and sometimes stated that it was John Gaines, executor for Congrave Jackson, who had Daniel in his possession when he was abducted. It’s likely that this version crept into the record because it was Gaines who later sued about Daniel.

Burrell would have ridden back with Daniel to the Jeremiah Bush plantation.⁴¹

Short of attacking a white person, nothing was more forbidden to a slave than escape: the kidnapping/escape was high drama for young Daniel.⁴² Nor could anything be more emotionally charged than to re-unite with his mother, no matter how briefly.⁴³

Nancy Jackson correctly assumed who had taken Daniel. She also soon enough knew that Burrell was the man who carried out the abduction. Julia, for her part, must have anticipated that Nancy Jackson, probably with the sheriff in tow, might soon come looking for Daniel. He apparently wasn't kept at the Bush plantation for long.

Daniel was kept at Samuel Hodgkin's plantation in Clark County for a time after the kidnapping.⁴⁴

Daniel shifted over to the Gentry family. Julia and Jeremiah soon made use of his in-laws to help keep Nancy Jackson from getting Daniel back. Jeremiah's wife, Nancy Gentry Bush, was from Madison County, only a short way south but outside the jurisdiction of the Clark County sheriff. She still had many siblings living there. Custody of Daniel was passed along to one of those siblings, James Gentry. (Daniel apparently passed through the hands of another of Nancy's siblings, David Gentry, before ending up with James.) James would eventually take Daniel yet further south.

Nancy Jackson sues. Nancy Jackson promptly sued Julia and her nephew Burrell to get Daniel back, or at least to get his value. Surprisingly, she lost the trial in this suit in 1822, presumably on the grounds that Julia had never authorized Daniel's sale and that Nancy Jackson's complaint should therefore be against John Holladay, who had conducted the sale.

Tennessee. Meanwhile, Daniel, now eleven, was moved to Tennessee by James Gentry, where he was kept "in concealment" on the property of a Mr. Atkins, presumably because it put him yet further out of the reach of the Kentucky courts.⁴⁵

The Jackson family sues again. The Jackson family then took the logical next legal step. In 1823, Congrave Jackson's administrator, John Gaines, sued John Holladay for having sold Daniel to them. More precisely, since John Holladay was now dead, Gaines sued David Hampton, the executor of John Holladay's estate.⁴⁶ Remarkably, the Jackson side lost the jury verdict on this case as well,

⁴¹ Court records state that Daniel was seen riding behind Burrell on horseback and also that Burrell was living at Jeremiah Bush's, leaving the implication that Daniel was taken to Jeremiah Bush's plantation, which is what one would expect. Julia, the person who organized the kidnapping, would have seen him no matter where he was taken. The old Jeremiah Bush plantation site is east of Old Boonesborough Road, west of Two Mile Creek, and just south of Elkin Road in Clark County.

⁴² Even though Daniel wasn't escaping from slavery, only agreeing to run away from one slave owner into the custody of another, the episode could only have been intensely dramatic, especially for an eleven year old.

⁴³ No information is available about whether Daniel actually saw his mother but it's obvious that he would have seen her if he was taken to the Bush plantation and she was there.

⁴⁴ Samuel Hodgkin testified in *Estill v. Bush* in the mid-1830s that he had owned Daniel for a time (after this kidnapping). More likely, Hodgkin simply kept Daniel for a time (or if he did actually buy him, then Julia and Jeremiah bought him back). It's possible that Julia thought that Daniel could be quietly kept on the Hodgkin plantation before realizing that he would have to be spirited further away.

⁴⁵ Daniel's location in Tennessee was described in testimony by Thomas Lindsay in *Estill v. Bush* in the mid-1830s; the name of the town in Tennessee was illegible.

⁴⁶ *Gaines v. Hampton*, filed November 25, 1822 in Clark County Circuit Court (bundle 332)

apparently on the grounds that John Holladay thought that he was properly doing his job when he sold Daniel.

Unsurprisingly, the Jackson family was frustrated that they had lost possession of Daniel, had lost their suit against his kidnapper, and had now lost the suit against his seller as well.

A legal appeal. The stymied Jackson/Gaines side appealed the Gaines v. Hampton verdict to Kentucky's supreme court, then constituted as the Court of Appeals. In 1824, that court overturned, on a technicality, the Circuit Court verdict against Gaines' suit and remanded it for a retrial.

South Carolina. Meanwhile, in 1823 or early 1824, James Gentry took it upon himself to sell Daniel, without informing Julia. Daniel was taken from Tennessee to Charleston, site of one of the world's largest slave markets, where he was sold to a slave dealer, Colonel John W. Lee.⁴⁷

Julia did not know of or approve of this action and Jeremiah apparently didn't know about it either.⁴⁸ Most likely, James simply decided on his own to do it, and he presumably pocketed the money from his sale of Daniel. A considerable time may have elapsed before Julia even found out about it. (It's possible that James had to eventually turn over the money from the sale to her, because it would have created an intra-family ruckus if he refused to do so.)

On April 24, 1824, John W. Lee of Charleston sold Daniel, now thirteen, to Arthur Fort of Lexington, South Carolina for \$350.⁴⁹ Among the tasks assigned to Daniel over the next five years was work in a shoe store in Lexington owned by Arthur.

Another trial. In October 1825, Gaines won the retrial of his suit against Holladay/Hampton for the value of Daniel (Bush). It was a useless victory, however, since Hampton filed an appeal and refused to pay the judgment.

Also, in 1825, eleven years after her husband Lyndon Comstock had abandoned her, Julia filed a divorce suit. (Divorces were unusual in that era, and apparently also somewhat embarrassing.) She was required to publish the suit in the local newspaper. He didn't appear and she won by default.⁵⁰

In February 1826, Gaines filed another suit against Hampton, for refusing to pay the judgment from the 1825 verdict in the case regarding Daniel. The case never went to trial and was eventually superseded by the next appeals court ruling.

⁴⁷ Daniel was apparently sold by James Gentry to a John G. Witherspoon, who was the one who then sold him to John W. Lee in Charleston. Witherspoon may have been acting as an intermediary for James Gentry. Many of these details are covered in the Fort v. Estill lawsuit.

⁴⁸ Robert Miller later testified that he had gone once or twice with Julia to see James Gentry to try to find out what had become of Daniel, without gaining satisfaction. (He was the brother-in-law of Julia's second husband Benjamin Estill but she knew Robert Miller long before her marriage to Benjamin.)

⁴⁹ \$350 was a surprisingly low price for the thirteen year old Daniel. Perhaps buyers were suspicious that title to Daniel might be clouded...and there were plenty of other slaves for sale in Charleston.

⁵⁰ The divorce case is Comstock v. Comstock, filed January 26, 1865 in Clark County Circuit Court (bundle 296). Lyndon's family suspected that, sometime after his departure from Kentucky, he had taken a different wife elsewhere. This would presumably have been in Louisiana or Texas, or perhaps even further afield. No record of him has been found after 1820, probably because he changed his name.

Another appellate decision. For a teenager who wasn't even living in Kentucky, and whose whereabouts were unknown at that time by any of the Bushes, Jacksons, and their executors and lawyers, Daniel certainly was the subject of quite an extended set of legal battles.

In October 1826, Kentucky's Court of Appeals issued their judgment on Hampton's appeal of the 1825 verdict. The complex opinion largely upheld Gaines' position but, nonetheless, a new trial was ordered.⁵¹

Yet another trial. In the fall of 1827, Gaines won the third trial of his suit against Holladay/Hampton for the value of Daniel. Hampton appealed again but it appears that the appeal was dismissed. It's unclear whether Hampton ever paid the judgment—no record of his payment can be found.

1829. By 1829, Julia, who was working as a school teacher, had finally figured out where Daniel could be found. However, important developments in her personal life had arisen that she attended to first. Benjamin Estill, a middle-aged widower with a number of grown children, proposed marriage to her.⁵²

On October 10, 1829, Julia executed a deed of trust to her brother Jeremiah, granting to him her property, namely, three slaves that she owned, to be held in trust for her during her lifetime. Although the purpose of the deed of trust was unstated in the document, it's obvious that she was transferring her property out of her name prior to her new marriage so that it didn't become the property of her new husband.

Julia specifically included Daniel in this deed of trust even though she had not been in possession of Daniel for the previous five or more years. She indicated that she wanted Daniel to be given to Jeremiah's daughter Glorenna after her death.⁵³

Three weeks later, on October 31, 1829 Julia and her fiancé Benjamin executed a prenuptial agreement, again with the purpose of leaving her property in trust to her brother Jeremiah. However, this new prenuptial agreement had somewhat different terms from the October 10, 1829 deed of trust, notably, that it gave the economic benefit of her property to Benjamin during his lifetime. It also gave her the right to own property independently of her husband after their marriage. The conflict between this document and the October 10 version became a principal source of an eventual lawsuit between Benjamin and Jeremiah after Julia's death (*Estill v. Bush*, Madison County, 1835-1840).

The marriage between Julia and Benjamin took place on November 1, 1829.

⁵¹ This second, 1826, appellate decision was the first of the Daniel court cases that I learned about. Thanks are due to my fifth cousin, Kay Haden, an expert on Comstock family history, who passed on the information to me. Curiously, this seemingly obscure case is available via online legal reference services, which is all the more surprising since the original Court of Appeals records from that era were lost in a fire.

⁵² As a child, Benjamin Estill was another of the pioneers who had lived at Fort Boonesborough. His father, James Estill, was killed in the 1782 Battle of Little Mountain (Estill's Defeat) with the Wyandottes. Monk Estill, a slave owned by James Estill, was involved in this battle and conducted himself so bravely that he was promptly freed by the Estill family. Monk Estill, who lived until 1835, was the first free African-American in Kentucky. His son Jerry was the first African-American born at Fort Boonesborough; Monk Estill reportedly had another twenty-nine children by three wives. After moving to Shelbyville, he returned to Madison County in the latter part of his life, where he reportedly continued an association with the white Estill family. There's no way of knowing whether Daniel (Bush) ever met Monk Estill but he must have at least met some of Monk's numerous offspring.

⁵³ In addition to Daniel, the other two people owned by Julia at the time were a woman Huldah and her daughter Betsy, whom Julia bequeathed to Jeremiah's sons Richard G. and Ambrose G. respectively.

Daniel kidnapped again. As soon as the marriage was concluded, Julia had an assignment for her new husband: she wanted Daniel back. Benjamin soon set off for South Carolina on horseback to accomplish this mission.

On December 5, 1829, Benjamin kidnapped Daniel, now eighteen, from Arthur Fort in Lexington, South Carolina. Benjamin promptly set off on horseback to return to Kentucky with Daniel—a witness saw the two of them en route. Felix Bush, who was one of Jeremiah’s sons, accompanied them for at least a portion of the return journey.⁵⁴ Once again, Daniel was probably an entirely willing participant, since this journey would return him to see his mother and to the people and places that he knew as a child.

Arthur soon learned who was responsible for Daniel’s disappearance and where he had been taken, to Madison County, Kentucky, where Benjamin and Julia lived.⁵⁵

A new round of legal action. Although Arthur apparently regarded Daniel as a productive and valuable slave, referring to him by such terms as “smart,” “likely,” and “well made,” his focus was on getting paid for Daniel, more so than actually getting him back.

In August 1830, Arthur filed suit against Benjamin and Julia in Madison County Court for Daniel’s value.⁵⁶ While their attorney waged a series of delaying actions in court, the couple moved to Greenup County, where Julia owned two hundred acres, bringing Daniel with them.⁵⁷

Arthur eventually won a jury verdict in his suit in June 1832, awarding him damages against Benjamin and Julia for the value of Daniel. They promptly appealed the verdict and, rather surprisingly, won their appeal, granting them a new trial. Arthur appealed the grant of a new trial but lost.

On June 5, 1833, Arthur won a jury verdict in the retrial of his suit against Benjamin and Julia. Once again, they immediately appealed.

Julia’s death. In June 1833, probably because she was already seriously ill, Julia was apparently planning with Jeremiah that Daniel be sold. Daniel was sent from Greenup County to the home of Samuel Hodgkin in Clark County in June 1833, the same man who had kept Daniel for a time immediately after his kidnapping from Nancy Jackson. Hodgkin later testified that he was considering the purchase of Daniel but decided against it because of concerns over his ownership status.

At the time, a terrible cholera epidemic was raging through central Kentucky. Julia’s former brother-in-law, Francis Walker, and his wife were among the many victims. The following letter from Jeremiah to Julia and Benjamin, apparently carried by Daniel back to Greenup County, gives some sense of the

⁵⁴ Information about Daniel’s second kidnapping comes from depositions in the cases *Fort v. Estill* and *Estill v. Bush*.

⁵⁵ Benjamin Estill can be found in the 1830 census for the western division of Madison County, together with his wife (Julia) and four slaves. Benjamin owned no slaves in 1810 or 1820 and all four probably had been owned by Julia. Three of them are Daniel, Huldah (who was slightly older than Daniel), and Huldah’s daughter Betsy. The fourth was a young woman, identity unknown. Daniel had been gone for most of the 1820s; it’s unknown whether there was any relationship between Daniel and Huldah but Daniel was not Betsy’s father.

⁵⁶ *Fort v. Estill*, filed August 27, 1830 in Madison County Circuit Court (folder 14242, largely repeated in folder 15924).

⁵⁷ Jeremiah received a land grant for 50 acres on Tygerts Creek in Greenup County in December 1831, which was probably related to Julia’s move and may have been on her behalf.

terror caused by the cholera epidemic, and also provides an alternate explanation as to Samuel Hodgkin's decision not to purchase Daniel.⁵⁸

Bushes Settlement July the 5th 1833

Dear Brother & Sister,

The Cholera has raged mightily in our Section; our town [Winchester] [is] almost evacuated. The cholera has ceased there for today, but it is distressing in the country; it's less than [ten?] miles of us and all around us. Brother Ambrose lost [Len?] and Green, Joycy and Betsey are down, supposed to be [with] cholera. Jonathan Bush lost one negro man and [has] another down that I suppose you are not acquainted [with]. Our family [is in] tolerable health except Glenroy; it is supposed he has dyspepsia.

Daniel got here last week Friday and complained that he was not well. I waited until Monday before [sending him to] Hodgkin and then Dan told him he [would] not Live with him. He said he would not buy a negro that wouldn't [willingly] Live with him and thinks it is not worthwhile to buy him anymore. Dan told [me] he [would] rather live with Trimble and [I] sent him there. I would have sent him sooner but cholera was in our town. I was afraid to send him if the cholera is near there. I wish to let my boy know [that] they Must not come [here] Christmas for it is very fatal for the Blacks here.

I want you to move back here as soon as you hear the cholera has left us. I have not heard from Richmond for I have been [afraid] to leave home and heard there were but few people in [the city and] no Business carried on.

I have sent Daniel on [a horse?] to prevent his wading the waters. He said that [he was] Sick before. If the cholera gets there write [to me]. I would have wrote more but I feel more unwell [than I] have for some time. Dan can tell you about the [rest].

Fare well – Jere Bush

Sometime between July and September of 1883, Julia died—the cause and the exact date of her death are unknown. She was approximately forty-six.

With Julia dead, there was no one trying to keep Daniel within the Bush family orbit. Jeremiah already had title to Daniel because of the 1829 trust deeds; he was also the administrator of Julia's estate, and could make the decision to sell Daniel. Once Jeremiah sold Daniel, he was further separated from his mother Hannah, who still lived on Jeremiah's farm, and his siblings, some of whom may also have been owned by Bushes.

Continuation of the legal battles. Kentucky's Court of Appeals, who were more than familiar with the Daniel saga by then, issued yet another appellate ruling concerning him on October 7, 1834. This judgment overturned the verdict of the second, 1833, trial in Arthur Fort's case against Benjamin and Julia for the value of Daniel, on the grounds that insufficient evidence had been given against her. A third trial was ordered.

⁵⁸ Numerous spelling and punctuation errors in Jeremiah's letter have been corrected; also some clarifications and missing words, largely due to words lost in the right margin from fraying of the paper, are inserted in brackets. The reference to Trimble is probably to David and John Trimble, wealthy brothers in Greenup County. No indication has been found that either of the Trimble brothers purchased Daniel. Daniel, who was carrying this letter, was clearly headed back to see Julia in Greenup County. The identity of the "boy," who was apparently a black person owned by Jeremiah, is unknown.

Arthur also sued Jeremiah for Daniel's value, stated as \$1000, in November 1834. The legal reasoning behind the suit is unclear but it was probably because Jeremiah, rather than Julia or Benjamin, might be considered the owner of Daniel. This lawsuit was dismissed in March 1835.

Julia was dismissed from Arthur's suit against her and Benjamin about Daniel in June 1835, on the grounds that she was already dead.

In September 1835, Arthur won the third trial on his Daniel lawsuit, now only against Benjamin. There's no indication that he was ever able to collect any of the judgment.

Benjamin had meanwhile remarried. His third wife, Elizabeth, who was likely related to Jeremiah's wife, apparently thought Julia's property arrangements with Benjamin made sense and also arranged for a pre-nuptial agreement.⁵⁹ When Elizabeth died in mid-1835, she left nothing directly for Benjamin except her furniture, however, she did leave land and people held as slaves to some of Benjamin's children from his first marriage, a portion of which was set aside for Benjamin's support while he was alive.

In June 1835, Benjamin Esill sued his brother-in-law Jeremiah Bush, also naming three of Jeremiah's children—Richard G. Bush, Glorenna W. Bush, and Ambrose G. Bush—as defendants.⁶⁰ The suit was essentially about the value of Julia's estate, which consisted almost entirely of the slaves that she had partially or wholly owned, including Daniel, Archer, and Lucretia. The suit became quite convoluted because of the two 1829 prenuptial agreements involving Julia and Jeremiah. Also, Jeremiah's role was complicated by his position as Julia's estate administrator.⁶¹

In its various iterations, Benjamin's suit against Jeremiah dragged on for five years, finally being resolved in 1840, when most of the case against Jeremiah was dismissed on the grounds that the prenuptial deed of trust was valid. The exception was a judgment was issued against Jeremiah pertaining to the value of the slave Archer (see the story of Archer (McDonald)). This final court case pertaining to Daniel was decided long after Julia's death and extended nearly to the time, in 1842, when Jeremiah died. Benjamin's date of death is unknown but he may also have been dead by the time it was decided.

Daniel's fate. It's highly likely that Jeremiah used his position as Julia's executor to bring Daniel back to Clark County after her death in 1833. He wouldn't have wanted Benjamin to take possession of Daniel and he did, as it turned out, want to have Daniel in his own hands so that he could sell him.

⁵⁹ Elizabeth's maiden name was probably Haggard and she was likely the daughter of Nathaniel Haggard and Elizabeth nee Gentry, who was related to Jeremiah's wife Nancy nee Gentry. If so, Elizabeth was previously married to Edward Kindred, who died in 1831 in Clark County. She was apparently older than Benjamin. She could only have owned property independently of her living husband if, like Julia, she had made a highly unusual pre-nuptial agreement regarding her property.

⁶⁰ Benjamin Estill v. Jeremiah Bush et al, filed June 4, 1835 in Madison County Circuit Court (folder 15920).

⁶¹ Yet another element of the muddle in Benjamin's suit against Jeremiah: Jeremiah produced a copy of a bill of sale dated September 3, 1832 where he purportedly paid Benjamin \$425 cash for Daniel. Jeremiah claimed that he executed this just to perfect his title to Daniel. Benjamin claimed that he only got a small fraction of the \$425 and that any money he did get was returned to Jeremiah and that Jeremiah's non-payment meant that he, Benjamin, owned Daniel. The judge seems to have concluded that the bill of sale was of no consequence.

Rather than following his sister's request that Daniel go to Jeremiah's daughter Glorenna, Jeremiah instead sold Daniel and gave the sale proceeds to Glorenna and her husband Reuben Elkin.

The sale of Daniel by Jeremiah took place sometime between 1834 and 1836. It hasn't been possible to learn the identity of the buyer, or what became of Daniel afterward.⁶²

After having experienced such difficult early years of his life, as a child slave who was separated from his family, the pawn of slave owners, one hopes that Daniel (Bush) eventually received his freedom. Since he would have been fifty-four years old when abolition took effect in 1865, it's certainly possible that he lived to see that day.

⁶² The only person I've been able to identify after the 1830s as a potential match for Daniel (Bush) is a Daniel Carter, found in the 1870 census for Clark County. Daniel wasn't an uncommon name in Kentucky so this is a long shot. Daniel Carter was shown as age 61 (born about 1809), a farm laborer living in the Bush Settlement area. He was living with Harriet Carter, age 30, who was presumably his wife, and four children, aged 12 and under. There were no Carters, white or black, in the 1860 Clark County census (although there were slave owners named Carter in other Kentucky counties); the background of Daniel Carter and of his surname are unknown. Also living with them was an African-American man named James Quisenberry, age 20, whose relationship to the Carters isn't stated. In 1880, what is probably the same Daniel and Harriet Carter couple were living in Dog Fennel, Fayette County, along with seven children. However, although her age was given as 40 in 1880, his was given as 60.