

“MAD” ENOUGH TO KILL: ENSLAVED WOMEN, MURDER, AND SOUTHERN COURTS

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More than two hundred Missourians petitioned Governor John C. Edwards to pardon Nelly, an enslaved teenager indicted for an 1846 murder in Warren County, while twelve jurors voted to execute Celia, a young enslaved woman charged with an 1855 homicide in Callaway County. The reasons compelling white citizens to save one African American and to condemn another are as poignant as the motives that drove the young women to take another's life. By probing into the rationales for the defendants' actions and of the men who decided their fates, this essay illuminates similarities and differences in two capital cases linking the enslaved women together through age, legal status, and "madness." This examination reveals much about sexual exploitation, community standards, color, class, and the judicial process in antebellum Missouri. The study also raises questions about the extent to which the circumstances surrounding Nelly and Celia and their responses were or were not like those of their enslaved contemporaries in the antebellum era.¹

When arrested and indicted in 1846, Nelly belonged to the Warren County estate of the recently deceased Henry Edwards. A vacuum exists about Edwards beginning with why he does not appear in the 1840 census of the United States. Census data would have provided statistics about the size of the Edwards household, along with the age and sex of family members, without regard for color. Information binding Nelly to Edwards is missing, thus making it virtually impossible to know if he purchased or inherited her. And, data about whether Nelly had siblings, vibrant parents, and a community of persons concerned about her welfare remain elusive. It is unlikely that scholars will ever know how she spent her days in bondage, how she interacted with members of the Edwards household, or if slavery made her restive and kindled dreams of a freedom. Nevertheless, Nelly first appears in the public records 16 September 1846, when Henry C. Wright, a Warren County, Missouri, resident and medical doctor, responded to the request to search for an infant said to have been "murdered by his mother."²

Evidence from the coroner's inquest confirmed that the 14-year-old mother

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had snuffed out the life of her child by an unnamed father. Following the indictment, a groundswell of support developed to save Nelly from the gallows as local residents signed petitions asking for an unconditional pardon. Included among the subscribers are Calvin Edwards, H. B. Edwards, James G. Edwards, Moses William Edwards, William W. Edwards, Brice Edwards, Jr., and Brice Edwards, Sr. Perhaps they were relatives of Henry Edwards; certainly, they were interested in the welfare of his heirs.³

The citizens of Callaway and surrounding mid-Missouri counties did not gather signatures to save the 19-year-old Celia when indicted for murdering her owner, Robert Newsom. Like Nelly, virtually nothing is known about Celia prior to the arrest. It is unlikely that scholars will ever learn anything about her parents or if she had siblings, labored under duress, or thirsted for freedom.⁴

Nelly and Celia's personal lives and daily activities were of little interest to the whites around them. Many whites believed it was necessary to own slaves, an indication of material well-being, to make households "white," while establishing the racial hierarchy suggesting that whites were above the drudgery black workers were expected to perform. Furthermore, slave ownership even made women into "ladies." Newsom, a widower who already owned five males, had other reasons for purchasing the 14-year-old girl at an 1850 auction in Audrain County, Missouri. Newsom, writes historian Melton A. McLaurin, was a healthy, middle-aged farmer who "needed more than a hostess and manager of household affairs, he required a sexual partner."⁵

Newsom lost no time in defining the boundaries of his relationship with Celia. Of their initial meeting, Newsom's neighbor, Jefferson Jones testified that he had interrogated Celia eight or ten days after her arrest. During their conversation, he learned much about Newsom's interactions with Celia, but was hesitant about discussing it openly in court. "Can't say positively whether Celia said that [Newsom] had forced [raped] her on the way home from Audrain County," Jones hedged. "Have heard that he did, but do not know with certainty whether she told me so." Celia's lawyers were already familiar with the incident.⁶

Obviously, the assault was not a closely guarded secret, but none of the rumormongers weighed in on whether the sexual abuse of the 14-year-old constituted what historian Nell Irvin Painter calls "soul murder," that could lead to psychological depression, hatred of the abuser, or other forms of "at risk" behavior. The psychological tolls of soul murder are manifested as personal humiliations, self-hatred, or violent actions against others in the community. The contemporary research on rape victims links their reactions to rape trauma and battered women syndromes, which may be considered as post-traumatic stress disorders.⁷

Public records indicate that by the time she was 19, Celia was the mother of two children, Vina and Jane, valued at \$495 in 1856. The first child was born when Celia was 14 or 15. Perhaps Newsom, whom Celia named as the father of

her second child, had also sired the older one. Similar to Celia, Nelly's firstborn arrived when she was 14 or 15 years old, and the veiled wording of the petitions suggests that Henry Edwards fathered the child.⁸

There was no public outcry on behalf of Nelly or Celia about the sexual exploitation they endured. Received wisdom in antebellum white American society posited that female African Americans were of easy virtue and natural "breeders." Those who accepted this myth made no distinction in the ages, and assumed that young black girls were promiscuous "Jezebels-in-the-making." The prominence of this idea prompted one historian, Bertram Wyatt Brown, to write:

In the American South, as in England and France, sleeping with a woman was an informal rite of virilization. The obvious way was to pursue a black partner. If the initial effort were clumsy or brutal, no one would object in view of the woman's race and status. Moreover, black girls were infinitely more accessible and experienced than the white daughters of vigilant, wealthy families.⁹

No extant historical records confirm that Nelly and Celia were sexually active prior to encounters with the named white men, who impregnated, or allegedly impregnated them; or that the girls were proverbial "Jezebels," who lured the men, old enough to be their fathers or grandfathers, from a presumed paternalistic stance into a perverse intimacy. The girls' accessibility because of their enslavement subjected them to sexual violence.

Why Edwards, a married man, owned Nelly remains a mystery. Perhaps, she was a domestic servant, child caregiver, or nurse for an ailing member of his household. It is also possible that Edwards, like Robert Newsom, wanted a sexual partner and Nelly was accessible. The scholar Harriet C. Frazier speculates that she served as a form of contraception for Edwards's wife, who was the mother of ten children. If Frazier is correct, in the absence of effective birth control, Nelly could function as a shield for Edwards's wife against additional pregnancies. In a well-received historical study of elite slaveholding women, Catherine Clinton opined that they "suffered multiple assaults—direct and indirect—on their physical well-being, and no hazard was more unrelenting or more ambivalent in its implications for women than pregnancy." Without the benefit of sophisticated obstetricians, childbearing in 19th-century America was perilous, regardless of the pregnant woman's race or class.¹⁰

An untold number of women died or feared dying during childbirth. With that caveat in mind, Edwards could have a satisfying sexual experience without anxiety about his wife conceiving another child or jeopardizing her health. Also, if Nelly became pregnant, her offspring would add to Edwards's coffers. Ultimately, the arrangement, as suggested by Frazier, would accommodate Edwards's "sexual schizophrenia," a need for two women to fulfill desires, and elevate his wife into the position of a sexless "madonna" on a pedestal, while lowering Nelly to the position of a "concubine," satisfying the base passions of

the man who owned her.¹¹

Many slaveholding men participated in this “rite” of sexually exploiting enslaved women, and the historian Eugene D. Genovese suggested that “the sexual exploitation of black women, however outrageous, would startle no one.” The sexual violence against enslaved women varied in complexities across geographical regions, and there was little, if any, legal protection against the aggression from owners or others, white or black. The vulnerability of young enslaved girls is readily evident, but that it was the subject of at least two antebellum court cases is less-well known.¹²

In *Commonwealth v. Ned* (1859), a Spotsylvania County, Virginia, court found Ned, an enslaved groundskeeper, guilty of raping Betty Gordon, an enslaved 6-year-old child, and Eunice Thompson, a 9-year-old white girl. The case has classic signs of pedophilia in which an adult lured children into an isolated area with promises of sweet treats, followed by sexual assaults and threats of bodily harm. Ned swore that if the girls ran away or told anyone, he would cut their heads off and bury them for the worms to eat. It was reported that each girl witnessed the other being attacked, and corroborated each other’s testimony. Based on their accounts and that of their relatives, the middle-aged man, whom Betty called “Uncle Ned,” was hanged on 5 August 1859 in the courthouse square.¹³

The second case, *George (a slave) v. State* 37 MS 316 (1859) originated in Madison County, Mississippi. The high court quashed a lower court’s decision involving George, an adult accused of raping a child who was under ten years of age. No legislation concerning the “attempted or actual commission of a rape by a slave on a female slave” existed in Mississippi or elsewhere. Seemingly to rectify this omission, the legislators enacted an 1860 law declaring that “the rape by a negro or mulatto on a female negro or mulatto, under twelve years of age” was punishable by whipping or death.¹⁴

The new statute was progressive and made the sexual abuse of an enslaved child a criminal offense. However, the range of punishment, whipping or death, probably did little to stop sexual aggression against enslaved children given the extent state officials were willing to compensate owners for executing slaves who were convicted felons. Mississippi limited the sum to one-half of the actual value of the enslaved person. Moreover, the costs of execution were enough to dissuade enforcement. The owners of slaves convicted of these crimes had no reason to complain about the absence of enforcement since it prevented economic loss for them.¹⁵

Ultimately, enslaved females, without regard to the geographical region or their age, remained vulnerable to sexual battering. In 19th-century America, the age of consent for females engaging in sexual intercourse was twelve in only four states. Many other states used ten years of age as the standard, but in Delaware it was seven years of age. Thus, both Nelly and Celia were legally old enough to

give or withhold their consent, but as “chattel property” they had no civil or legal rights to protect or encourage decision making on their part. Yet, the courts treated them as persons when they violated the rights of others.¹⁶

William Goodell, an abolitionist, commented about the conflicting legal status of enslaved children, women, and men when he wrote:

[The] slave, who is but “a chattel” on all *other* occasions, with not one solitary attribute to personality accorded to him, becomes “*a person*” whenever he is to be *punished!* He is the only being in the universe to whom is denied all self-direction and free agency, but who is, nevertheless, held responsible for his conduct, and amenable to law. . . . He is under the *control* of law, though *unprotected* by law.

That Betty Gordon, a 6-year-old child, was assaulted, and her assailant was tried, point to the ambiguity in handling what the scholar Thomas Wren calls “two-fold property.” Beyond the ambiguity, the case is an anomaly considering its outcome.¹⁷ The legal statutes and corroboration by an eyewitness were sufficient to convict Ned of sexual violence against Eunice Thompson without incorporating Gordon’s complaint. Why then was it addressed? On the one hand, it appears to be an honest attempt to render justice to the plaintiff, a person. The local officials had entertained Gordon’s complaint, issued a warrant for Ned’s arrest, recorded testimony from the victim, deposed eyewitnesses, and appeared to treat the enslaved black and free white girls as equals in the pursuit of justice by hearing *Commonwealth v. Ned* (1859).¹⁸

On the other hand, it appears that Betty Gordon’s case was a mere exercise in jurisprudence, since an 1848 Virginia statute is specific in saying a slave’s attempt to have “carnal knowledge of *any white women* without her consent” was punishable by death. The word “white” excluded Gordon and precluded any argument for her protection from rape because she was property. Virginia’s law differed sharply from an 1845 Missouri code protecting “*any woman*” from sexual defilement. Theoretically, such a statement would include Celia, an enslaved woman. In actuality, legal codes in Virginia, Missouri, or elsewhere did not include enslaved women, but it is obvious that concerned citizens in Spotsylvania County, Virginia, were more interested in pursuing justice than following the letter of the law, specifically when young children, white and black, were vulnerable to such “evil.”¹⁹

According to the Works Projects Administration (WPA) testimony by the Georgian Molly Kinsey, who was 10 years of age when slavery ended, she “missed all the evil.” In Kinsey’s view, her tender age, rather than any state statutes, protected her. But age was no barrier to knowing about the exploitation of others, specifically her own sister. “She tole me,” Kinsey recounted to the WPA interviewer in the 1930s, “that they’d make her go out and lay on a table and two or three white men wuld have in’ercourse with her befo’ they’d let her get up.” To emphasize the gravity of the abuse, Kinsey added, “She wus jes’ a

small girl.” Kinsey’s knowledge of the violence confirmed the slave-born Harriet Jacobs’s assertion that even “the little child” would “become prematurely knowing in evil things.”²⁰

It is reasonable to ask how enslaved females who did not “miss the evil” responded to sexual aggression in Missouri, Virginia, and elsewhere. Harriet Jacobs, a North Carolinian, declared that the “war” of her life began with harassment by James Norcom, the father of Jacobs’s young owner, but she “resolved never to be conquered.” Jacobs rejected his attention and favored another white man, while erroneously assuming Norcom would divert his interests once he knew she had spurned him. Unlike Jacobs, the enslaved Texan Rose Williams relented and accepted Rufus, whom she deemed a bully, as her husband. She lived with him under duress until 1865 when the 13th Amendment emancipated her from bondage, and she liberated herself from Rufus, a man she neither chose for herself nor loved. By contrast, the Virginians Louisa and Sam Everett, who like Rose and Rufus had been forced into marriage at very early ages, remained together once freed. Obviously, Louisa and Sam made the best of a situation that was as exploitative in nature for him as it was for her. Louisa told the WPA interviewer, “Sam was kind to me,” and “I learnt to love him.”²¹

Louisa and Sam’s response to sexual exploitation exudes resignation and is the opposite of Nelly and Celia’s. But when compared with the larger enslaved population, Nelly and Celia were not entirely unique. Some slaves resorted to violence to protect themselves and loved ones from abuse, or to protest the sexual aggression heaped upon them. Among the protests, there are a few documented cases of infanticide in the slave community. The extent to which the crime existed will never be known due to the confusion surrounding the cause of deaths among enslaved infants. Slaveholders attributed such deaths to “overlying” and suffocation, while contemporary historians suggest that sudden infant death syndrome (SIDS) was to blame. Overzealous concern regarding overlying, suffocation, or SIDS shifts the attention from women who committed infanticide as a way of protesting their enslavement and that of their children. The scholar Michelle Oberman argues that infanticide “is not a random, unpredictable crime.” Instead, “it is deeply embedded in and responsive to the societies in which it occurs.”²²

Consider the enslaved Brooke County Virginian, Letty, who came to the attention of the public in 1822 when indicted for murdering an infant within twenty-four hours of her birth. Based on the court testimony, Letty delivered a girl on 15 July 1822, crushed the skull, wrapped her in a petticoat, and left the infant for dead in a wooded area. Despite the visible evidence of foul play, Letty claimed she was innocent.²³

Unlike Letty, Nelly did not deny giving birth or killing the infant, nor did she hide the body. Initially, each mother reacted differently, but their complex motives for murder were deeply embedded in and responsive to the societies

where their crimes occurred. For example, Letty told her examiners, "If the child had been one of her own colour, she would not have done *as she did*."²⁴

Why had the child's color disturbed her mother to the extent that she committed such a violent act? The coroner Moses Congleton, along with thirteen of the "most intelligent and respectable" Brooke County citizens, conducted an inquest and concluded that Letty had acted against "the Peace and dignity of the commonwealth." In the legal language employed by the Virginians, Letty did not have "the fear of [G]od before her eyes," but had been "moved and seduced by the instigation of the Devil" to commit murder.²⁵

Members of the coroner's inquest probably were not aware of discussions focusing on "puerperal insanity" or "puerperal mania" to consider the hormonal changes precipitating psychological distress and decentering the new mother. Some studies of postpartum women claim that psychological distress is a common occurrence today and affects a majority of American women. General discussions of postpartum psychosis or depression and American women are relatively new, but the stressors associated with childbirth are not maladies affecting contemporary American women alone. According to Hilary Marland, prior to the 19th-century British midwives, juries of matrons, doctors, and courts were aware of new mothers' erratic and harmful behavior, labeled as puerperal insanity or puerperal mania, and associated with infanticide. Regardless of the medical name for the emotional response to childbirth, Letty's behavior was not normal. She suffered from a "madness," whether psychological depression or emotional anger, that was overpowering enough to prompt her to kill her own daughter.²⁶

Similarly, Nelly's behavior was rooted in psychological distress. When questioned about killing her newborn child, Nelly confessed "that she was ashamed of . . . becoming pregnant *in such a way*." What did she mean? Was she referring to the circumstantial evidence suggesting that Henry Edwards had impregnated her? Rather than accept the child and the events surrounding his birth, Nelly, like Letty, resorted to infanticide. Nelly could do nothing to the recently deceased Edwards; therefore, she eradicated the most visible representation of his actions by snuffing out the life of the child.²⁷

Following the initial investigation of the child's death in September 1846, Dr. Wright filed a report saying Nelly's behavior suggested that she believed "any thing possessing such little animation as a new born child if . . . destroyed would not be any crime." Nelly appeared to depersonalize the child's birth and disengage herself from it, yet she was lucid enough to link the birth to a deep and humiliating sense of shame. Dr. Wright believed the young, immature mother, labored "under some degree of mental aberration or hallucination." If asked "to give the particular state of mind under which she labored at the time, a name," Wright wrote, "I would call it Monomania." Wright may have written the phrase "at the time" in passing without knowing the psychosis he described was

generally a tentative state. The break in reality, a clinical illness and vernacular “madness,” currently known as postpartum psychosis, may have interfered with Nelly’s ability to make a rational decision. Perhaps, she was temporarily insane.²⁸

Over time, researchers and lay persons alike have associated infanticide with mental illness, but the psychosis did not absolve Nelly or Letty from possible prosecution. Law officials in Missouri and Virginia conducted inquests and indicted the mothers. The court appointed Philip Doddridge as Letty’s attorney and heard *Commonwealth v. Letty, Negro Slave*, 7 July 1822. Letty, a 28-year-old woman, maintained that she was innocent, but the jury decided unanimously that she was guilty. The court sentenced her to a November 1822 death by hanging.²⁹

Following the trial, fifteen citizens signed a 26 July 1822 petition asking James Pleasants, Governor of the Commonwealth of Virginia, to commute Letty’s sentence. The petitioners, including her owner, a state legislator, identified themselves as members of the court or the House of Delegates. “Among the other subscribers there can be no distinction of character—They are all respectable,” said the petition. John Connell, for example, was a general in the military and commanded the first Virginia Regiment at Fort Meigs, Virginia, in addition to being a clerk of the Brooke County and Superior Court. The governor knew Connell and the other men personally, or at least by their signatures in the executive journal and executive record of appointments. The representatives of Brooke County’s most upstanding citizens believed Letty “ought not to suffer death” and asked the governor to rid the society of her presence by “banishment and Sale.” In their eyes, removal from the state was a viable substitute for execution.³⁰

Similar to Letty, Nelly was indicted for killing her offspring, but was not executed. The pleas of the Missourians on her behalf held sway. The petitioning citizens pondered whether Nelly had “sufficient mind or information, to understand the nature or the constituents of crime.” They exhibited concern about whether she had acted with motive or malice, and they questioned whether she was “morally accountable for the act.” The petitioners concluded, “We believe she is ignorant even for a Slave of her Youth & that there is reason to doubt whether at the time of the act the little mind that she has was in a state to make her responsible to the law.” The men asserted that Nelly was temporarily insane and unfit, due to her “little mind,” to stand trial for murder. In short, she was incompetent, and not guilty of murder by reason of insanity.³¹

If Nelly’s mental condition was readily obvious to Dr. Wright, and Dr. Alexander, another physician at the inquest, along with hundreds of Missourians who agreed with them, why was her “little mind” not apparent to the person who impregnated her? The state of Nelly’s mind raises questions about the nature of reputed paternalism in the Henry Edwards household. For example, would a slaveholding man sexually exploit a mentally incompetent youngster? If the owner’s wife and mother of ten children knew of such abuses, would she turn a

blind eye?

In response to the queries, Nelly was Edwards's property and could be used at his discretion without legal ramifications. A comment by the Civil War diarist, Mary Chesnut, is illustrative regarding slaveholding women in an environment where the sexual coercion of enslaved women was not unusual. Chesnut wrote, "Like the patriarchs of old our men live all in one house with their wives and their concubines." She added that "the mulattoes one sees in every family exactly resemble the white children—and every lady tells you who is the father of all the mulatto children in everybody's household, but those in her own she seems to think drop from the clouds, or pretends so to think." Whether Edwards's wife was or was not aware of the sexual violence against Nelly, it was not unusual for slaveholding women to ignore such transgressions against enslaved women or men.³²

Unlike the Edwardses, who appear to be callous, the Warren County petitioners showed compassion, ostensibly, toward Nelly. Despite the professed concern, there is disquiet surrounding the true nature of their mission. Did the petitioners value the life of an African American neonate as they did that of a fecund laborer? Did the doctors' diagnosis weigh heavily upon the petitioners? They begged the governor to consider local conditions, values, and social costs while arguing that a trial would be "troublesome . . . & Exceedingly unpleasant to the sensibilities & delicate feelings of the whole community." In a letter to the governor, Joseph B. Wells, the Warren County Circuit Court clerk declared that "no good can result from such a trial." There are several "ladies whose feelings would suffer much by having to testify in court."³³

Who were the "ladies"? Moreover, what did they know and when did they know it? Would their testimony have social costs extensive enough to sully the honor of the late Henry Edwards and embarrass his bereaved widow and ten children? It was not unusual for slaveowning white men to maintain sexual liaisons with enslaved women, but Catherine Clinton suggested that the men "went to considerable lengths to shield their white families from scandal that public admission to their sexual union with slaves would cause." In Edwards's absence, sympathetic local white representatives attempted to protect the widow and his heirs from malicious gossip. If the case went to court, Wells added, "The whole investigation will be shocking to the moral sense of the community & unnecessarily violent to individual modesty."³⁴

Notwithstanding the lack of an explanation for Wells's foreboding prediction, Victorian standards and Warren County community values, combined with Nelly's "little mind," demanded that the governor act expeditiously. Besides, wrote Wells, "No harm [would be] done the public or to any individual by the interposition of the Executive & that every principal of humanity & mercy & many considerations of individual delicacy & public decency do call for this course. . . ." Having stated the case cogently, Wells forwarded the petitions to the

governor in Jefferson City.³⁵

On the surface, it appears that potential court expenses and the social costs of protecting the “ladies” from the unnecessary violence to personal modesty or public humiliation were paramount. But closer scrutiny of the legal documents suggests another possibility. The petitioners call attention to the widow “& Ten children. Some very Young. . . .” Of more significance than the number of children and their ages, the widow had “small means for their raising, Education & support.” If Nelly lived or died, it would make a critical difference in the financial welfare of the Edwards children. Missouri did not compensate owners for executed slaves. As a result, Edwards’s heirs, who had already lost the potential for making a profit from Nelly’s child, would suffer further monetary losses if the state hanged her.³⁶

Sparing Nelly’s life was an attractive, even economically feasible, alternative for the widow and children, yet it gives pause. Could the family dismiss the cause of Nelly’s shame and reason for murdering the infant? What place would she fill in their household? On the one hand, the heirs would benefit from the young woman’s labor whether she toiled in their home or elsewhere. There was always a possibility of selling Nelly immediately. But, if the family kept her, the estate remained entitled to her labor and that of any offspring she might eventually bear. On the other hand, the Edwards family needed to determine if Nelly suffered from temporary insanity or a permanent mental disability. That factor would govern how much she was truly worth as a laborer. When sold or hired out, how much would she command on the auction block if the potential buyer or employer knew she was unstable and had committed murder?

Aside from the Edwards family’s considerations were the poignant and costly reminders to the state in terms of southern paternalistic ideologies if it executed a young, mentally challenged slave. A reprieve would constitute a valuable gesture of benevolence by the state with the residue flowing downward to the impoverished widow and children. In all probability, a combination of public and private factors motivated Governor Edwards to grant the 15 October 1846 pardon. In a review of over a hundred gubernatorial pardons for murder, Nelly alone received a pre-trial exoneration.³⁷

At this juncture, contemporary observers may ask if Nelly and Letty should have been executed for killing their infants. Both were guilty of a capital crime, yet they were not entirely unique in escaping from execution for child murder. A significant number of white women tried for infanticide in early America were never convicted, and about one-third of those found guilty were never executed. The reasons compelling juries to grant reprieves to enslaved women differed from the sympathy shown to white women. In many capital cases involving slaves, juries made up of slaveholding white men were likely to be sensitive to an owner’s financial losses if the state executed a convicted slave. A prescribed number of lashes, sale, or transportation from the area in lieu of the death

sentence were favored alternatives. Certainly, it was more desirable financially to spare the life of an able-bodied laborer if a state, including Missouri, did not compensate owners for executed slaves.³⁸

The value of enslaved males and females appreciated with age and work experience. Consequently, enslaved infants were economically worthless to owners at their birth because they were not productive laborers. Over time as the children assumed responsibilities in the work place, they were valued as part hands (i.e., one-quarter, one-half, etc.) until they were old and strong enough to assume the duties of able-bodied adult laborers. Even a cursory look at a bill of sale or slaveholder's inventory reveals this historical reality. In 1861 auctioneers in Richmond, Virginia, offered the "extra[ordinary]" men for \$900 to \$1000. The traders asked \$800 to \$850 for women, while boys and girls measuring four feet tall sold for \$275 to \$300, prices considerably less than an extraordinary man or woman.³⁹

Letty, who was valued at \$300 and worth far more on the auction block and in the work place than her neonate, escaped execution, but was punished nonetheless. The state ordered her sold and transported out of the Commonwealth. Separation from family and friends, whether living or dead, created physical voids and left deep emotional scars on those who were removed and on those who remained behind. Separating fictive or blood relations was one of the harshest aspects of southern bondage, and the slaves' fear of family dispersal gave owners their most powerful weapon of control. Reasons for separations notwithstanding, those enslaved, including Letty, realized that when separated, reunification with loved ones was virtually impossible due to distance, lack of freedom or means to travel, and ignorance of geography.⁴⁰

Letty's departure from Virginia would create disengagement anxieties for the community she was leaving behind. No doubt, she too was apprehensive about what lay ahead in an unknown place. Nelly may have also experienced anxiety as she awaited a decision about her future in the hands of the Edwards family. Notwithstanding the uncertainty about their futures, it is certain that as long as Letty and Nelly remained enslaved, they remained vulnerable to sexual abuse.

Less than a decade after Nelly received the reprieve, *Missouri v. Celia, a Slave* (1855) began unfolding. Newsom's sexual abuse of Celia had continued until 23 June 1855, when she became, in a vernacular or clinical sense, angry or "mad" enough to end it. One of her three attorneys had asked her to "tell the whole truth," and he repeated the testimony:

She said the old man [Robert Newsom] had been having sexual intercourse with her. That he had told her he was coming down to her cabin that night; she told him not to come and that if he came she would hurt him . . . she then got a stick and put it in the corner.

The statement indicates that Celia was in control of her faculties and had promised to "hurt [Newsom], if he did not quit *forcing her* while she was sick."⁴¹

He ignored the warning and was within his rights to visit Celia at his pleasure. Newsom entered her darkened cabin about 10:00 p.m., and they exchanged words. During the brief conversation, she hit him across the head with the large stick. "As soon as I struck him, the Devil got into me," recalled Celia. In a fit of rage, she delivered another blow. Certainly, these were not the actions of a rational slave who could be prosecuted for assaulting a white person. Celia was violating the acceptable terms of the relationship with an owner in addition to invalidating the definition of paternalism. Once she realized what had happened, the hysterical young woman admitted that she did not know what to do. Alone and desperate, fear, raging anger, insanity, madness, or the "instigation of the Devil" motivated her to further irrational behavior.⁴²

In the 16 August 1855 indictment, R. L. Prewitt, the prosecuting attorney, claimed that by the act of "casting, throwing, pushing, and holding of him," Celia maneuvered Newsom into "a certain large fire." It "was there and then," said Prewitt, that the battered slaveholder was "choaked, suffocated, and burned." Such an ordeal following the violent beating that produced "bruises and contusions in and upon the head" caused Newsom to "instantly die." Prewitt's riveting chronicle of events encouraged the twelve jurors to imagine that a demonic Celia was mad enough to kill and burn Newsom alive. *The Randolph Citizen* reported the story as a "Fiendish Murder." Ugly portrayals aside, when the circuit court met 9 October 1855, Celia responded to charges through her lawyers whereupon she declared that she never intended to kill Newsom, but admitted wanting to hurt him.⁴³

Unlike Nelly, Celia attempted to destroy evidence. She burned Newsom's body and hid bone fragments beneath the hearth and cabin floor. She asked Newsom's 12-year-old grandson, James Coffee Waynescot, to clean her fireplace and rewarded the boy with a pocketful of walnuts for scattering his grandfather's ashes to the wind. Despite her best efforts to conceal evidence, Celia was arrested and indicted for Newsom's murder.⁴⁴

Being charged with a capital crime in Missouri meant that Celia was entitled to a jury trial and court-appointed counsel. Her defense team—John Jameson, Nathan Chapman Kouns, and Issac M. Boulware—resorted to an argument based on the 1845 Missouri statute against coercing "any woman unlawfully against her will and by force, menace or duress . . . to be defiled." Celia, they believed, had a right to protect herself against defilement. Such a safeguard in Missouri, or elsewhere, would have given Celia, Nelly, Letty, Rose, Louisa, Harriet, and an untold number of other enslaved females the legal rights to defend themselves against sexual aggression. The lawyers offered several carefully worded statements to the New England-born judge, William Augustus Hall, requesting that he instruct the jury accordingly. Their statement proffered, "If the jury believe [sic] that Celia did kill Newsom, but that the act was done without deliberation & premeditation & to prevent him from forcing her to sexual

intercourse with him, Newsom, they will find her not guilty of Murder in the first degree.”⁴⁵

Another of their appeals used stronger language:

If the jury believe [sic] from the evidence that Celia did kill Newsome [sic], but that the killing was necessary to protect herself against a forced sexual intercourse with her, on the part of said Newsom, and there was imminent danger of such forced sexual connection being accomplished by Newsome [sic], they will not find her guilty of murder in the first degree.

Beyond their plea for a more lenient verdict, the attorneys reminded the jury that the 1845 statute also said “homicide shall be deemed justifiable, when committed by any person” resisting an attempt “to commit any felony upon him or her.”⁴⁶

The attorney’s initiative and interpretation of the law were novel for its time, but consistent with the current understanding of “battered woman syndrome.” Judge Hall was far from agreeing that section 4 of the 1845 statute protected Celia against sexual aggression. He reasoned:

If Newsom was in the habit of having intercourse with the defendant who was his slave and went to her cabin on the night he was killed to have intercourse with her or for any other purpose and while he was standing in the floor talking to her she struck him with a stick which was a dangerous weapon and knocked him down, and struck him again after he fell, and killed him by either blow, it is murder in the first degree.

The Callaway County jurors found Celia guilty of murder in the first degree. She was considered chattel, personal property, without legal rights to defend herself against sexual abuse whereas her owner, Robert Newsom, was within his legal rights to determine the boundaries of their relationship, even if it included rape.⁴⁷

None of Callaway County’s citizens argued that trying Celia would be “troublesome . . . & Exceedingly unpleasant to the sensibilities & delicate feelings of the whole community.” There were no protests about the social costs of a trial or that the feelings of the ladies in the community would suffer if called to testify. Newsom’s wife had died in 1849 and was spared the public humiliation of a trial, but her daughters were certain to be scandalized.⁴⁸

There is no evidence to shed light on how Nelly or Celia’s community and loved ones were affected by the sexual exploitation the young women endured, or the heinous crimes they committed. No doubt Nelly and Celia suffered from soul murder and experienced degrees of psychological distress. That they resorted to violence, in a moment of temporary insanity, is a reflection of their hatred of the abuse they suffered and of their abusers. Moreover, there was no real barrier against further exploitation, even by the court system designed to protect persons from violence and to punish perpetrators responsible for it.⁴⁹

How well had Nelly and Celia, women who could not offer their own testimony in open court or have their peers in the jury box, been treated by Missouri’s legal system? Nelly’s case did not go to trial. Therefore, it is

impossible to say if the results would have differed, but it is evident that the court followed prescribed procedures with the arrest, inquest, and indictment. Celia's case went to trial, and her attorneys appear to have put forth the best defense possible for their client. They presented a respectable defense, entered a motion to set the verdict aside, filed an appeal to the higher court, and requested a stay of execution until the appeal could be heard at the January 1856 term. In a letter to the governor, the lawyers defended Celia and tried to shift the burden of responsibility for the murder to George, a slave owned by Newsom. Celia, they claimed, could be "a competent witness against George."⁵⁰

The strict adherence to court room procedures is notable; however, a close examination of the records reveals that both Nelly and Celia were intimidated by private citizens into disclosing their complicity in the murders. Nelly's confession came only after being threatened with beatings at the time of the inquest. With regard to Celia, William Powell, a citizen of Callaway County and neighbor of Robert Newsom, interrogated her before the arrest. During the trial, Powell testified, "I told her that it would be better for her to tell[,] that her children should not be taken away from her if she would tell." When dissatisfied with her reticence, Powell increased his intimidation and informed Celia that he "had the rope provided for her if she did not tell." She complied, and her admission, under duress, is a part of the official records.⁵¹

Notwithstanding the court procedures, or forceful methods used for extracting confessions, the age, color, and status of the victims were key determinants in the verdicts. Letty and Nelly's victims were enslaved neonates. "No harm," said the petitioners, would be done to the state or any individual if the governor pardoned Nelly for killing the child.⁵²

By contrast, Celia's victim was a well-respected white slaveholding landowner. Much harm would be done in undermining the master-slave relationship in Callaway County and elsewhere if Celia "got away with murder." A reprieve would destroy the community's ostensible peace and security as well as deny that justice for African Americans was subordinate to that of Anglo-Americans. Furthermore, such a decision would rob the court of the notion that capital punishment deters violent crime.⁵³

In the antebellum South, jurisprudence functioned in such a way that a slave deemed guilty of killing another slave was convicted of second-degree murder. The punishment was whipping, sale, or transportation from the state. "Magistrates," writes the historian James Campbell, "were especially reluctant to convict slaves charged with the murder of a fellow bondsperson, for an execution in such a case seemed an unmerited destruction of valuable property."⁵⁴

Ordinarily, slaves found guilty of killing whites were convicted of first-degree murder and executed. That Celia, a battered woman, defended herself against sexual exploitation was of no consequence. In that same vein, neither "madness," "temporary insanity," nor the "instigation of the devil" could win a

reprieve for her. Celia had committed the penultimate crime in a white slaveholding society. Therefore, the harshest sentence, death, was necessary in order to maintain social control or the semblance of that control over the potentially rebellious black murderers among them. Otherwise, whites believed observant slaves would readily resort to insubordination or another form of deadly violence against them. In such cases, speedy trials were sure to be followed by prompt executions of the guilty as well as those thought to be guilty.⁵⁵

To be sure, a few rare exceptions existed in capital crimes involving slaves who killed their owners. Such an exception involved the 20 March 1843 murder of Hiram Beasley, a Boone County, Missouri, resident. Five of his men and women—David, Simon, Henry, Mary, and America—were arrested. The unusual disposition of the felons is related to economic factors. Beasley owned nine slaves in 1840, and to execute five, for whom the state offered no compensation, was likely to plunge the estate into bankruptcy. In keeping with a practice in Missouri jurisprudence, no more than two enslaved felons were executed for the same offense to guard against undue fiscal crises.⁵⁶ The court found David and Simon, who bludgeoned Beasley with an axe, guilty of murder in the second degree. Their punishment was thirty-nine lashes on the bare back, sale, and transportation from the state. Proceeds from the sale went to the Beasley estate after payment of administrative costs.⁵⁷

Mary struck Beasley across the head twice with an axe, yet the court did not indict, try, or sentence her. She, literally and figuratively, got away with murder while the court found the “husband and wife,” America and Henry, guilty of first degree murder “without a word of defense.” According to the *Columbia (MO) Statesman*, America struck the first blow and the others followed her lead. Like the newspaper description of the “Fiendish Murder” in Celia’s case, *The Statesman* painted America as a fiend who seemed “a fit subject for the bloodiest deed” as the “vilest of the vile.” The paper described America, the antithesis of acceptable female behavior, as an “incomprehensibly strange woman” who “cast a malignant and contemptuous scowl upon the crowd” in the courtroom. Furthermore, she appeared “utterly reckless and indifferent to her awful fate.” As if experiencing a psychotic break with reality, America approached the bench to hear her sentence “with a careless smile on her countenance” and disregard for the “solemn and impressive scene.”⁵⁸ Notwithstanding America’s “strange” courtroom behavior, the judge set the execution for 10 June 1843.⁵⁹

Celia, like Henry and America, was also guilty of murder in the first degree and sentenced to die. Unlike America, who faced her death sentence with a carefree attitude, Celia either escaped or was removed from jail by sympathizers. Nonetheless, she remained free for nearly a week. Her time as a fugitive from justice only postponed the inevitable, and the fact that she was pregnant when she stood trial did not excuse her. Celia, who had delivered a stillborn infant, was

hanged by the neck until dead “at 2 1/2 o’clock, Friday, 21st December, inst. [1855].”⁶⁰

It was possible for a gestating felon to receive a stay of execution until after the birth of the child, potentially valuable property for slave owners, yet this was not always true. Physicians in Boone County failed to agree about whether America, was or was not *enciente*. As a result, the 10 June 1843 execution proceeded as scheduled. Afterward, an autopsy revealed that the smiling and “incomprehensibly strange woman” was “pretty far gone in pregnancy.” The disclosure, wrote a local historian, “seriously confounded some of the doctors.” One must ask if America’s “incomprehensibly strange” behavior could be attributed to her knowledge of the pregnancy and pleasure in knowing the unborn child would never be enslaved or benefit the Hiram Beasley estate. The answer to this question notwithstanding, the guilty and innocent alike had already died as 2,000 Boone County, Missouri, spectators watched.⁶¹

The outcome of these cases, specifically Celia and America’s, who killed their owners, along with Nelly and Letty, who killed their offspring, suggests that the lives of whites were priceless, while the lives of enslaved neonates were worthless. This indeed was “madness” of a different kind.

NOTES

¹Henry C. Wright, “To all whom it may concern,” 3 October 1846, Pardon Papers [Nelly], 1846, 3/16, Secretary of State, Missouri State Archives, Jefferson City, Missouri (hereafter cited as SOS, MO); The Undersigned to John C. Edwards, 24 September 1846, SOS, MO; *State v. Celia, a Slave* (1855) (hereafter cited as *State v. Celia*), SOS, MO; *State of Missouri v. Celia, a Slave*, October Term, 1855, Office of the Fulton County Clerk, Fulton, Missouri (hereafter cited as *State of Missouri v. Celia*, FCC, MO); Melton A. McLaurin, *Celia, A Slave: A True Story* (New York, 1993), 21, 24, 28.

²Wright, “To all,” 3 October, 1846, SOS, MO.

³The Undersigned to John C. Edwards, 24 September 1846, SOS, MO; Wright “To all,” 3 October 1846, SOS, MO; Joseph B. Wells to John C. Edwards, 7 October 1846, SOS, MO; see also Leslie Patrick-Stamp, “Numbers That Are Not New: African Americans in the Country’s First Prison, 1790–1835,” *Pennsylvania Magazine of History & Biography* 119 (January/April 1995): 95–128, for a discussion related to the number of pardons received by white and black women.

⁴*State v. Celia*, SOS, MO; *State of Missouri v. Celia*, FCC, MO; McLaurin, *Celia, A Slave*, 24.

⁵McLaurin, *Celia, A Slave*, 21; Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge, MA, 1999), 90; LeeAnn Whites, “The Civil War As a Crisis in Gender,” in *Divided Houses: Gender and the Civil War*, ed. Catherine Clinton and Nina Silber (New York, 1992), 6; Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill, NC, 1995), 1–2, 9, 104, 115, 370; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York, 1995), xii, xiv.

⁶Testimony of Jefferson Jones, in *State v. Celia*, SOS, MO; McLaurin, *Celia, A Slave*, 95–96.

⁷See Nell Irvin Painter, “Soul Murder and Slavery: Towards a Fully Loaded Cost Accounting,” in Nell Irvin Painter, *Southern History Across the Color Line* (Chapel Hill, NC, 2002), 15–39; Kenneth Winchester Gaines, “Rape Trauma Syndrome: Toward Proper Use in the Criminal Trial Context,” *American Journal of Trial Advocacy* 20 (Winter 1996–1997): 227–52; Judith E. Macfarlane, “Neonaticide and the ‘Ethos of Maternity’: Traditional Criminal Defenses and the Novel Syndrome,” *Cardozo Women’s Law Journal* 5 (1998): 210–16.

⁸See *State v. Celia*, SOS, MO; *State of Missouri v. Celia*, FCC, MO; Inventory of Robert Newson Estate, Tricher & Newsom, Recorded in Order Book N, Page 86, Kingdom of Callaway Historical Society, Fulton, Missouri; Pardon Papers [Nelly], 1846, 3/16, SOS, MO.

⁹Bertram Wyatt-Brown, *Southern Honor: Ethics & Behavior in the Old South* (New York, 1982), 296; Peter W. Bardaglio, "Rape and the Law in the Old South: 'Calculated to Excite Indignation in Every Heart,'" *Journal of Southern History* (hereafter cited as *JSH*) 60 (November 1994): 757; Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York, 1982), 87–88; Karen A. Getman, "Sexual Control in the Slaveholding South: The Implementation and Maintenance of a Racial Caste System," *Harvard Women's Law Journal* 7 (1984): 144–46. See Gail Elizabeth Wyatt, "The Aftermath of Child Sexual Abuse of African American and White American Women: The Victim's Experience," *Journal of Family Violence* 5 (No. 1, 1990): 61–81; Elizabeth Keckley, *Behind the Scenes, or Thirty a Slave and Four Years in the White House* (New York, 1988), 39. See also Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York, 1985), 27–46, 60–61, for a discussion of the mythological Jezebel.

¹⁰Catherine Clinton, *The Plantation Mistress*, 151, 153; Hilary Marland, "Getting Away with Murder: Puerperal Insanity, Infanticide and the Defence Plea," in Mark Jackson, ed., *Infanticide: Historical Perspectives on Child Murders and Concealment, 1550–2000* (Burlington, 2002), 175; Harriet C. Frazier, *Slavery and Crime in Missouri, 1773–1865* (Jefferson, MO, 2001), 120–21. See also, Sally G. McMillen, *Motherhood in the Old South: Pregnancy, Childbirth, and Infant Rearing* (Baton Rouge, LA, 1990); Judith Walzer Leavitt, *Brought to Bed: Childbearing in America, 1750 to 1950* (New York, 1986), 87–115.

¹¹See McLaurin, *Celia, A Slave*, 21; Clinton, *The Plantation Mistress*, 204; Thomas D. Morris, *Southern Slavery and the Law, 1619–1860* (Chapel Hill, NC, 1999), 24; Getman, "Sexual Control in the Slaveholding South," 145–46.

¹²Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1974), 423. The subject of sexual violence needs additional research since its major focus is upon the heterosexual abuse of enslaved females by white males to the virtual exclusion of homosexuality. Until recently sexual behavior considered deviant from what the majority population believes is "normal" has received little historical attention. Other disciplines have been less hesitant and have provided useful studies. For example, Wainwright Churchill, a clinical psychologist and founder of Philadelphia's Psychoanalytic Studies Institute, investigated homosexuality cross-culturally and concluded that "homosexual responsiveness is far more frequent among males than females" in all societies. Churchill's data reveal that homosexual contact is most frequent and characteristic of relationships between older and younger males rather than among equally mature men. See Wainwright Churchill, *Homosexual Behavior Among Males: A Cross-Cultural and Cross-Species Investigation* (New York, 1967), 85; Jeffrey Weeks, "The Social Construction of Sexuality," in Kathy Peiss, ed., *Major Problems in the History of American Sexuality: Documents and Essays* (Boston, 2002), 2–10; Harriet Jacobs, *Incidents in the Life of a Slave Girl: Written by Herself*, edited by Jean Fagan Yellin (Cambridge, MA, 1987), 192.

¹³*Commonwealth v. Ned* (1859) Circuit Court, Fredericksburg, Virginia (hereafter cited as CCF, VA).

¹⁴*George v. Mississippi* 37 MS (1859), 316; Helen Tunnicliff Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro* (Washington, 1929; Ann Arbor, 1969), 2:513, 2:520, 3:363; Morris, *Southern Slavery and the Law*, 306; Jennifer Wriggins, "Rape, Racism, and the Law," *Harvard Women's Law Journal* 6 (1983): 6. Thanks to Peter Bardaglio for assistance with this case.

¹⁵Bardaglio, "Rape and the Law in the Old South," 759–60; Frazier, *Slavery and Crime in Missouri*, 252; Marvin L. Kay and Lorin L. Cary, "'The Planters Suffer Little or Nothing': North Carolina Compensations for Executed Slaves, 1748–1772," *Science and Society* 40 (Fall 1976): 288–306; Catterall, *Judicial Cases*, 2:59.

¹⁶Robert M. Ireland, "Frenzied and Fallen Females: Women and Sexual Dishonor in the Nineteenth Century," *Journal of Women's History* 3 (Winter 1992): 109.

¹⁷A. Leon Higginbotham, Jr., and Anne F. Jacobs, "The 'Law Only As an Enemy': The Legitimization of Racial Powerlessness Through the Colonial and Antebellum Criminal Laws of Virginia," *North Carolina Law Review* 70 (April 1992): 971 (emphases in Higginbotham and Jacobs); *Commonwealth v. Ned* (1859), CCF, VA; see also J. Thomas Wren, "A 'Two-Fold Character': The Slave As Person and Property in Virginia Court Cases, 1800–1860," *Southern Studies* 54 (Winter 1985): 417–31.

¹⁸*Commonwealth v. Ned* (1859), CCF, VA; *Acts of the General Assembly of Virginia* (Richmond, VA, 1848), Ch.12, Sec. 4.

¹⁹*Acts of the General Assembly of Virginia*, Ch.12, Sec. 4 (emphases added); The Revised Statutes of the State of Missouri (St. Louis, 1845), Art. 2, Ch. 47, Sec. 29 (emphases added); A. Leon Higginbotham, Jr., "Race, Sex, and Missouri Jurisprudence: *Shelley v. Kraemer* in a Historical Perspective," *Washington University Law Quarterly* 67 (No. 3, 1989): 682; Higginbotham and Anne F. Jacobs, "The 'Law Only As an Enemy,'" 1056–57; McLaurin, *Celia, A Slave*, 107; Morris, *Southern Slavery and the Law*, 305; Frazier, *Slavery and Crime in Missouri*, 185.

²⁰George P. Rawick, ed., *The American Slave: A Composite Autobiography*, 19 volumes, Supplement, Series 1,

Georgia Narratives, vol. 4.2 (Westport, CT, 1978), 372; Jacobs, *Incidents in the Life of a Slave Girl*, 28.

²¹Jacobs, *Incidents in the Life of a Slave Girl*, 19; Rawick, *The American Slave*, Texas Narr., 10 volumes, Supplement, Series 2, Part 9, 1421; Rawick, *The American Slave* 17 Florida Narr., 128; See P. Gabrielle Foreman, "Manifest in Signs: The Politics of Sex and Representation in *Incidents in the Life of a Slave Girl*," in *Harriet Jacobs and Incidents in the Life of a Slave Girl: New Critical Essays*, ed. Deborah M. Garfield and Rafia Zafar (New York, 1996), 76–99, for a discussion of the veracity of Jacobs's narrative.

²²Michelle Oberman, "A Brief History of Infanticide and the Law," in *Infanticide: Psychosocial and Legal Perspectives on Mothers Who Kill*, ed., Margaret G. Spinelli (Washington, DC, 2003), 4; Brenda E. Stevenson, "Gender Convention, Ideals, and Identity Among Antebellum Virginia Slave Women," in *More Than Chattel: Black Women and Slavery in the Americas*, ed. David Barry Gaspar and Darlene Clark Hine (Bloomington, IN, 1996), 172; Charles L. Perdue, Jr., Thomas E. Barden, and Robert K. Phillips, eds., *Weevils in the Wheat: Interviews with Virginia Ex-Slaves* (Bloomington, IN, 1976), 48–49; Gerda Lerner, ed., *Black Women in White America: A Documentary History* (New York, 1973), 60–62; Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York, 1977), 45; Herbert G. Gutman, *The Black Family in Slavery and Freedom, 1750–1925* (New York, 1976), 80; Bardaglio, "Rape and the Law in the Old South," 758. See also Frazier, *Slavery and Crime in Missouri*, 119–23; Darlene Clark Hine, "Female Slave Resistance: The Economics of Sex," in *Hine Sight: Black Women and the Re-Construction of American History* (Bloomington, IN, 1994), 32–34; Steven Weisenburger, *Modern Medea: A Family Story of Slavery and Child Murder from the Old South* (New York: 1998); Michael P. Johnson, "Smothered Slave Infants: Were Slave Mothers at Fault?" *JSH* 47 (November 1981): 493–520; Todd L. Savitt, *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia* (Urbana, IL, 1978), 120–29, 137–38; Todd L. Savitt, "Smothering and Overlaying of Virginia Slave Children: A Suggested Explanation," *Bulletin of the History of Medicine* 49 (Fall 1975): 400–404; Albert L. Brewster, et al., "Victim, Perpetrator, Family, and Incident Characteristics of 32 Infant Maltreatment Deaths in the United States Air Force," *Child Abuse & Neglect* 22 (February 1998): 91–92, 98.

²³*The Commonwealth v. Letty, Negro Slave, 1822*, Executive Papers, Governor James Pleasants, Pardon Papers, 1822, Box 275, Library of Virginia, Richmond, Virginia (hereafter cited as VSL); see also Steven E. Pitt and Erin M. Bale, "Neonaticide, Infanticide, and Filicide: A Review of the Literature," *Bulletin of the American Academy of Psychiatry and the Law* 23 (September 1995): 380; and Macfarlane, "Neonaticide and the 'Ethos of Maternity,'" 184, 186–94.

²⁴*The Commonwealth v. Letty, Negro Slave, 1822*, (emphases added) VSL.

²⁵Moses Congleton to Samuel McCormick, 15 July 1822, *Commonwealth v. Letty, Negro Slave, 1822*, VSL.

²⁶See Marland, "Getting Away with Murder," 168–92; Sara Harkness, "The Cultural Mediation of Postpartum Depression," *Medical Anthropology Quarterly* 1 (June 1987): 194; Peter S. Stemp, R. Jay Turner, and Samuel Nor, "Psychological Distress in the Postpartum Period: The Significance of Social Support," *Journal of Marriage and the Family* 48 (May 1986): 271; Katherine L. Wisner, Barbara L. Gracious, Catherine M. Piontek, Kathleen Peindl, and James M. Perel, "Postpartum Disorders: Phenomenology, Treatment Approaches, and Relationship to Infanticide," in Spinelli, *Infanticide*, 35–60; Carolyn Pape Cowan and Philip A. Cowan, "Interventions to Ease the Transition to Parenthood: Why They Are Needed and What They Can Do," *Family Relations* 44 (October 1995): 413–14; Ruth Macklin, "Mental Health and Mental Illness: Some Problems of Definition and Concept Formation," *Philosophy of Science* 39 (September 1972): 341–65.

²⁷Wright, "To all," 3 October 1846, (emphases added) SOS, MO; "Indictment for Murder," *State of Missouri v. Nelly, a woman of color*, Warren County, Circuit Court Record, Volume B:234, Reel C6797 (hereafter cited as Indictment for Murder, *State of Missouri v. Nelly*), SOS, MO; see also Macfarlane, "Neonaticide and the 'Ethos of Maternity,'" 177.

²⁸Wright, "To all," 3 October 1846, (emphases added) SOS, MO; Oberman, "A Brief History of Infanticide and the Law," 3–8; Pitt and Bale, "Neonaticide, Infanticide, and Filicide," 377–78; Macfarlane, "Neonaticide and the 'Ethos of Maternity,'" 179, 182, 205–208, 245–48.

²⁹*The Commonwealth v. Letty, Negro Slave, 1822*, VSL.

³⁰P. Doddridge to His Excellency, the Governor of the State of Virginia, 5 August 1822, Auditor's Executive Papers, Letters Received, VSL. In a 10 December 2004 memorandum, from Philip Schwarz to Wilma King, regarding Letitia, also known as "Letty," Schwarz included a statement (quoted below) from the 9 August 1822, Executive Council Journal, 8 December 1821, 9 December 1822, p.132, VSL: "A Record of the trial of Letty, a negro woman slave the property of Robert Hartford, sentenced by the Court of Brooke County to be executed on the first Friday in November, for the murder of her child—together with a petition that the sentence may be commuted for transportation. It is ordered that the said slave Letty be reprieved for 12 months

and conveyed to the Penitentiary for the sale and transportation"; Schwarz to King memorandum, in possession of the author; see Philip Schwarz, *Slave Laws in Virginia* (Athens, GA, 1996); and "The Transportation of Slaves from Virginia, 1800–1865," *Slavery and Abolition* 7 (December 1986): 215–40. Thanks to Philip Schwarz for assistance with the research regarding Letty.

³¹The Undersigned to John C. Edwards, 24 September 1846 (emphases added), SOS, MO; see also Josephine Stanton, Alexander Simpson, and Recia Wouldes, "A Qualitative Study of Filicide by Mentally Ill Mothers," *Child Abuse & Neglect* 24 (March 2000): 1451–1460; Macfarlane, "Neonaticide and the 'Ethos of Maternity,'" 196, 242–43.

³²C. Vann Woodward, ed., *Mary Chesnut's Civil War* (New Haven, CT, 1981), 29; McLaurin, *Celia, A Slave*, 22; Getman, "Sexual Control in the Slaveholding South," 148–49. For an unusual protest surrounding the sexual abuse of an enslaved woman, see Reverend Charles Colcock Jones (hereafter cited as CCJ) to Mr. --- 26 August 1861; the Hon. John Johnson and Mr. A. G. Redd to CCJ, 24 September 1861; CCJ to John Johnson and A. G. Redd, 16 October 1861; John Johnson to CCJ, 18 November 1861; and C. C. Jones to John Johnson, 25 December 1861, in Robert Manson Meyers, ed., *The Children of Pride: A True Story of Georgia and the Civil War* (New Haven, CT, 1972), 741–42, 752–54, 773–76, 799–800, 828.

³³The Undersigned to John C. Edwards, 24 September 1846, SOS, MO; Wells to Edwards, 7 October 1846, SOS, MO; see also Jenny Bourne Wahl, "Legal Constraints on Slave Masters: The Problem of Social Cost," *American Journal of Legal History* 41 (January 1997): 1–24.

³⁴Clinton, *The Plantation Mistress*, 211; Wells to Edwards, 7 October 1846, SOS, MO.

³⁵Wells to Edwards, 7 October 1846, SOS, MO; Indictment for Murder, *State of Missouri v. Nelly*, SOS, MO.

³⁶Ibid.

³⁷Ibid.

³⁸There is a vast amount of literature on infanticide and punishment of perpetrators over time. See G. S. Rowe and Jack D. Maretta, "Personal Violence in a 'Peaceable Kingdom' Pennsylvania, 1682–1801," in *Over the Threshold: Intimate Violence in Early America*, ed. Christine Daniels and Michael V. Kennedy, (New York, 1999), 33; Merrill D. Smith, "'Unnatural Mothers': Infanticide, Motherhood, and Class in the Mid-Atlantic, 1730–1830," in Daniels and Kennedy, *ibid.*, 173; Marland, "Getting Away with Murder," 168–92; Line Laporte, Bernard Poulin, Jacques Marleau, Renee Roy, and Thierry Webanck, "Filicidal Women: Jail or Psychiatric Ward?," *Canadian Journal of Psychiatry* 48 (March 2003): 94–98; Macfarlane, "Neonaticide and the 'Ethos of Maternity,'" 177, 181; Catterall, *Judicial Cases*, 1:139; Frazier, *Slavery and Crime in Missouri*, 119–23; Savitt, *Medicine and Slavery*, 127–28; *Jane, a slave Plaintiff in Error v. State of Missouri Defendant, 1831*, #3 MO 45, SOS, MO; see also Kay and Cary, "The Planters Suffer Little or Nothing," 288–306; Schwarz, "The Transportation of Slaves," 97–119.

³⁹Wilma King, *Stolen Childhood: Slave Youth in Nineteenth-Century America* (Bloomington, IN, 1995), 100; Johnson, *Soul by Soul*, 58–59; see bills of sale in the Sterrett Papers, Library of Congress, Washington, DC; Mortimer Thomson, "Great Auction Sale of Slaves at Savannah, Georgia, March 2nd and 3rd 1859," *New York Tribune*, 9 March 1859.

⁴⁰Schwarz to King, December 10, 2004, memorandum in possession of author; Schwarz, "The Transportation of Slaves," 97–119; King, *Stolen Childhood*, 102–104, 144–48.

⁴¹*State v. Celia*, SOS, MO (emphasis added); see also Morris, *Southern Slavery and the Law*, 293.

⁴²Thomas Shoatman's testimony in *State v. Celia, a Slave*, SOS, MO; McLaurin, *Celia*, 135. A reference to the influence of the "devil" appears in the case regarding Letty; see Moses Congleton to Samuel McCormick, 15 July 1822, in *The Commonwealth v. Letty, Negro Slave*, 1822, VSL.

⁴³*State v. Celia, a Slave* (1855), SOS, MO; *Randolph Citizen* (5 July 1855), 2 c.5; Morris, *Southern Slavery and the Law*, 229, 293–95; Harrison Anthony Trexler, *Slavery in Missouri, 1804–1865* (Baltimore, MD, 1914), 76.

⁴⁴*State of Missouri v. Celia*, FCC, MO; McLaurin, *Celia, A Slave*, 31.

⁴⁵*State of Missouri v. Celia*, FCC, MO; Higginbotham, "Race, Sex, Education and Missouri Jurisprudence," 682; Macfarlane, "Neonaticide and the 'Ethos of Maternity,'" 212–16.

⁴⁶*State of Missouri v. Celia*, FCC, MO.

⁴⁷Ibid.; Higginbotham, "Race, Sex, Education and Missouri Jurisprudence," 683.

⁴⁸The Undersigned to John C. Edwards, 24 September 1846, SOS, MO; McLaurin, *Celia, A Slave*, 9.

⁴⁹Darlene Clark Hine, "Rape and the Inner Lives of Black Women: Thoughts on the Culture of Dissemblance," in *Hine Sight*, 37–38; and Nell Irvin Painter, "'Social Equality' & 'Rape' in the Fin-de-Siecle South," in *Southern History Across the Color Line*, 129.

⁵⁰Boulware and Kouns to His Excellency Gov. Price, 2 November 1855, *State v. Celia*, SOS, MO.

⁵¹William Powell testimony in *State v. Celia*, SOS, MO; J. Jameson, [Nathan Chapman] Kouns, [Issac M.]

Boulware, atty & Defendent (sic) to Hon. A. Leonard, 6 December 1855, in *State v. Celia, a Slave*, SOS, MO; Frazier, *Slavery and Crime in Missouri*, 186; McLaurin, *Celia, A Slave*, 44, 69, 72–75; Morris, *Southern Slavery and the Law*, 207–28, 241–42; Bardaglio, “Rape and the Law in the Old South,” 760–61; Higginbotham, Jr., “The ‘Law Only As an Enemy,’” 969–1070; Daniel J. Flanigan, “Criminal Procedure in Slave Trials in the Antebellum South,” *JSH* 40 (November 1974): 537–64; A. E. Keir Nash, “The Texas Supreme Court and Trial Rights of Blacks, 1845–1860,” *Journal of American History* 58 (December 1971): 622–42; A. E. Keir Nash, “Fairness and Formalism in the Trials of Blacks in the State Supreme Courts of the Old South,” *Virginia Law Review* 56 (February 1970): 64–100.

⁵²Wells to Edwards, 24 September 1846, SOS, MO; see also Kay and Cary, “The Planters Suffer Little or Nothing,” 288–306.

⁵³Morris, *Southern Slavery and the Law*, 289–90.

⁵⁴James Campbell, “‘The Victim of Prejudice and Hasty Consideration’: The Slave Trial System in Richmond, Virginia, 1830–61,” *Slavery and Abolition* 26 (April 2005): 75.

⁵⁵*Ibid.*, 74–75; Morris, *Southern Slavery and the Law*, 275–86; Higginbotham, “The ‘Law Only As an Enemy,’” 1054–55; Michael P. Johnson, “Denmark Vesey and His Co-Conspirators,” *William & Mary Quarterly* 58 (October 2001): 716–76; Adalberto Aguirre, Jr., and David V. Baker, “Slave Executions in the United States: A Descriptive Analysis of Social and Historical Factors,” *Social Science Journal* 36 (No. 1, 1999): 1–31.

⁵⁶Frazier, *Slavery and Crime in Missouri*, 183; [W. F. Switzler], *History of Boone County* (St. Louis, 1882), 343; McLaurin, *Celia, A Slave*, 121; see also James C. Oldham, “On Pleading the Belly: A History of the Jury of Matrons,” *Criminal Justice History* 6 (No. 1 1985): 1–64.

⁵⁷[Columbia] *Missouri Statesman* 24 March 1843, 2:3; 12 May 1843, 2:1; 19 May 1843, 2:1; Frazier, *Slavery and Crime in Missouri*, 182–84, 195, 201; *State v. Simon*, 1843, Book D, 1842–1846, 66, 104–107, 166 Circuit Court, Boone County Courthouse, Columbia, Missouri (hereafter cited as BCC); *State v. David*, 1843, 67, 106–107, 111, BCC; *State v. America*, 1843, 67, 103, 111, BCC; *State v. Henry*, 1843, 67, 103, 111, BCC; see also Catterall, *Judicial Cases*, 2:29, for commentary in the *State v. Charity (a Slave)*, 1830, a North Carolina case, regarding the financial liability of an owner in the prosecution of slaves.

⁵⁸[Columbia] *Missouri Statesman* 19 March 1843, 2:1; “Henry’s Confession,” [Switzler], *History of Boone County*, 343, in which he takes no responsibility for killing Beasley.

⁵⁹[Columbia] *Missouri Statesman* 19 March 1843, 2:1.

⁶⁰Jameson, et al. to Leonard, 6 December 1855, in *State v. Celia*, SOS, MO; “Hanging a Negress,” *Baltimore Sun*, 17 January 1856, 1:5; McLaurin, *Celia, A Slave*, 121, 124–25.

⁶¹Frazier, *Slavery and Crime in Missouri*, 183; [Switzler], *History of Boone County* (St. Louis, MO, 1882), 343; see also Oldham, “On Pleading the Belly,” 1–64.