

An Ecclesiastical History

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If I were to write an ecclesiastical history of Muhlenberg County, Kentucky, I would begin with the murder of Tobias Penrod. Henry Lamer found him shot dead beside his plow the evening of Wednesday, June 11, 1806. There were no witnesses. The only clues were the murderer's footprints, a moccasin, the legend of an ancient curse, and a nearly empty grave.

The field where Tobias died lay on fifty-acres he had claimed in 1805 in the fertile Clifty Creek valley spreading from Muddy River into the interior. He had claimed 150-acres along the river and an adjacent 150 acres up the valley in 1801, making him one of the largest landowners in the county.

The settlement of Kentucky is more hallucination than history. After Dr. Thomas Walker discovered the Cumberland Gap through the Appalachian Mountains in 1750, Virginia claimed everything beyond the Gap as Kentucky County. Larger than Prussia, Kentucky County extended into the wilderness until the Ohio and Mississippi Rivers set a limit to the imagination and rapacity of the Virginians.

In the language of the Wyandot Indians, "Kentucky" means "plain," after the grassy plain in the central part of the territory. In Iroquois it means "land of tomorrow." It is not known whether this is an allusion to death or to the long journey they made to hunt the trackless hills and plain. According to the translation of a Shawnee warning to Daniel Boone after he erected his first blockhouse near the Ohio River, the land was cursed. The only monuments were a few mounds marking ancient graves and totems to warn off strangers.

The freshly turned earth had already absorbed Penrod's blood when Lamer found his body. Searching the field, he discovered moccasin tracks going from the fence Tobias had built to separate his land from his younger brother Peter's to the tree where the murderer had fired. Peter, too, had claimed land in 1805, a 150-acre parcel lying along a tributary of Clifty Creek north of Tobias' new parcel. Pacing out his claim, Peter was infuriated to discover that his brother had already claimed part of the same parcel.

Muhlenberg County, in fact all of Kentucky and the United States itself, is defined by conflicting land claims. Congress had awarded the county to General Von Steuben for his service as drillmaster of the Continental Army during the Revolutionary War. Had Von Steuben moved quickly to take possession, his estate would have rivaled

that of a German prince. But he did not move quickly. Neither did the Virginia veterans to whom that Commonwealth awarded conflicting land grants after the War.

Kentucky was admitted to the Union in 1792. To avoid Von Steuben and the Virginia veterans' claims, the legislature passed an occupying claimant law that anyone who squatted on the land and built a cabin or a shed could claim it. By granting squatters title superior to Von Steuben and Washington's veterans, Kentucky opened itself to settlers from the other states and territories.

The news spread quickly to Pennsylvania, where large families were outgrowing their farms. When these settlers arrived in Southwestern Kentucky, they named their new county in honor of John Peter Gabriel Muhlenberg, an Anglican priest turned Major General, who raised and commanded the Eighth Virginia (German) Regiment during the Revolutionary War and returned to Philadelphia a hero. The settlers saw no contradiction invoking the name of a war hero to dignify elevating their claims over those of his soldiers.

Backtracking from the murderer's tree, Lamer followed the moccasin tracks until they disappeared in Clifty Creek. He picked up the trail again on the other side and followed them toward Tobias' cabin, where they disappeared in an unplowed field. He ran to the cabin to tell Tobias' wife and then on to Solomon Rhoads, a neighbor and Justice of the Peace.

The next day Rhoads convened a coroner's jury to examine the body. According to the forensic evidence, Penrod "was killed with a shot from a rifle gun charged with two bullets, which entered his left breast about two inches from his nipple and passed through his body. One bullet was lost, and the other lodged under his right shoulder

blade.” They cut the bullet out from under the skin. The jury concluded “that he was killed by some evil inclined person with an intent to perpetrate the said murder with malice aforethought, to use unknown.”¹ After rendering their verdict, the jurors went to the murderer’s tree and chopped it down. Tobias was buried beside the stump, where his grave would not interfere with planting the rest of the field.

In the early spring of 1799, following her husband John’s death, Catherine Penrod with her sons Tobias and Peter and their families joined a large party led by Solomon Rhoads and his brother Henry to emigrate from Bedford County, Pennsylvania to Muhlenberg County. The Penrods had planned their trip well. When they arrived at Marietta on the Ohio River, they sold their wagons and bought or built a large log raft for the rest of the journey. Tobias herded ten or twelve hogs aboard. The settlers would need fresh meat, and he could salt and smoke the pork to ship to market.

Peter, also looking for a cash crop, brought aboard several large kettles and copper tubing to distill whiskey from the corn he would plant. Each man and boy took one of the huge oars on the sides of the raft, and they set out into the westward current. Weeks later, they turned their raft out of the Ohio River into the Green River.

They rowed and polled upstream toward Paradise Landing, where most settlers disembarked. Learning that earlier settlers had staked their claims around Greenville, the county seat, they continued up the Green River. The silence of the wilderness was overwhelming. The only sound was the ripple of the water along the raft and the grunts of the men at their poles. As they turned south into Muddy River, they passed a huge

¹ Coroner’s Jury Verdict June 12, 1806.

sandstone rock covered with images of unknown animals, hieroglyphics, a skull, and an Indian raising his arm like a statue of Pharaoh on the cliffs along the Nile.²

“Turn back!” Catherine Penrod cried.

These are the only words anyone remembered that she ever uttered.

The Penrods continued south until on a beautiful spring afternoon they reached Clifty Creek. A grove of white oak trees that Peter would later cut down for barrel staves shimmered light green in the breeze.

Peter Penrod was the first and only suspect in his brother’s murder. Rhoads ordered him taken to the Greeneville jail. The family and their closest friends split over the charge: Catherine and Peter’s wife Elizabeth and their children could not believe the accusation. Tobias’ wife, also named Catherine, her sons and daughters, and all the Rhoads believed he was guilty.

On June 21, 1806 Penrod appeared before the Grand Jury. Lamer’s Affidavit and the forensic evidence were damning.³ He opined that the moccasin tracks he had followed were made “by the same moccasin produced in Court.” When Peter was arrested the night of the murder, Lamer heard him say, “He had burnt said moccasins. He afterwards said, ‘They might be got yet.’ When sent after them with a guard, [he] would not, or could not find them.” Lamer also opined, “the tracks aforesaid must have [been] made about the time the murder was committed.” There is no record who found the moccasin, or where, or what distinguished its tracks from moccasins other settlers wore.

On June 23, 1806 the Grand Jury returned an indictment, charging that Peter, “not having the fear of God before his eyes . . . did kill and murder the said Tobias Penrod,

² RICHARD S. COLLINS, HISTORY OF KENTUCKY, Vol. II at 641 (Collins & Co. Covington, Ky 1874).

³ Affidavit of Henry Lamer June 23, 1806.

contrary to the statute in such case made and provided, to the evil example of all others in like cases offending, to the great displeasure of Almighty God, and against the peace and dignity of the Commonwealth of Kentucky.” Peter was remanded to the custody of the Sheriff until his trial.

He spent the summer in the log jail that sometimes doubled as a slave pen. All the land in Muhlenberg County, or Kentucky, or the United States could never repay him for the horror of one sleepless night on a straw bed, sweating in the suffocating heat, tortured by guilt or fear. According to family legend, his mother moved to Greenville to prepare his meals, wash his clothes, and read the Bible with him.

The first few years Tobias had let his hogs run wild, and his brother helped clear and plant his land. Both families lived together in the same cabin. When the corn crop was in, Peter would set up his still and experiment with recipes for bourbon, while the hogs gorged themselves on the mash. Just before the first snowfall, Tobias would slaughter a few hogs. He, too, experimented with different recipes to salt and smoke his pork to preserve it through the brutal winters and ship it downriver to New Orleans.

Drawn by reports of a Pennsylvanian enclave or the smell of Tobias’ smokehouse, The Rev. Edmund Spears rode into Penrod Valley in the fall of 1804. A devout Anglican and Loyalist, he had been driven from his Philadelphia parish after the Revolution with only two Bibles and his prayer book in his saddle bags. His ravaged face, wild eyes, and sense of impending doom, accented by a tattered black coat, breeches, and riding boots endeared the itinerant priest to the pioneers, who lacked only shackles and chains to complete their bondage to the land.

Followed by barking dogs and excited children, Spears rode up to the Penrod cabin and dismounted. Tobias and Peter welcomed him, and their wives moved several of the older children into the barn to make room for the clergyman. He stayed nearly a week, consuming large quantities of Tobias' pork and sausage but never touching Peter's bourbon. At first surprised, Peter became sullen and then angry that his offering was not accepted.

That Sunday the Penrod families stood and sat around Spears as he preached a five-hour sermon. He took as his text the LORD's admonition to Cain after rejecting his sacrifice in favor of his brother Abel's: "If thou doest well, shall not thou be accepted? And if thou doest not well, sin lieth beside the door." The Penrods would never forget how that story ended. "And it came to pass, when they were in the field, that Cain rose up against his Abel his brother, and slew him."

Several days after Spears departed, Peter began to build his own cabin and barn to perfect his land claim. Seeing his brother's slowly building rage, Tobias built a fence along the disputed 50 acres to establish a buffer between them.

On September 26 Peter was tried by a jury and convicted. One can imagine the scene in the courtroom: Peter's wife, children and supporters on one side, weeping and cursing and swearing vengeance against Lamer and the other prosecution witnesses; Tobias' wife, children, and all the Roads leering at them in satisfaction; and Catherine, mother of both victim and murderer, convulsed by sobs. Peter's lawyer immediately moved the Court to set aside the verdict. All the bourbon ever distilled could not have brought Peter sleep that night.

The next morning, the Court granted the motion and released Peter on bond. No one knows why. There is no transcript. Peter returned with his wife and mother to his cabin, and the trial was reset for the spring.

After three months in the Greenville jail, he had lost forty pounds and jumped when anything moved. His right arm shook so badly that he could not carry his rifle, and he dared not leave his cabin without it. Leaving his sons to work the still, he stayed in his cabin drinking raw bourbon.

The case was called again on March 23, 1807. The docket reports: “On motion of the Attorney for the Commonwealth, It is ordered that this prosecution do abate the Defendant being dead.”⁴ The manner of death is not recorded. The only hints were family stories that The Rev. Edmund Spears had returned to the valley in the winter of 1807, and that Catherine spent every minute sewing until her death in 1808.

Like most American murders, the story might have ended there. In the spring of 2004, however, surveyors and other advance men for the strip miners who were taking the county down to bedrock entered Penrod Valley. The last Penrods had departed a generation earlier, leaving only their ancestors’ graves. Perhaps out of superstition, perhaps out of deference to a Kentucky statute, the miners dug up the family plot to move whatever remained of the pioneers up the hillside. As they were lifting one ancient coffin out of the ground it disintegrated, and a black lump fell out. Curious, a surveyor picked it up. It was a moccasin. Inside were the remains of a human foot. The rest of the body was missing.

The surveyor went to Harbin Memorial Library in Greenville to inquire about pioneer burial practices. Neither the librarians nor an unofficial county historian had ever

⁴ Muhlenberg County Docket page 369.

heard of burying a human foot in a moccasin. One woman, however, remembered something called “the Penrod Sampler” that had been displayed with a collection of pioneer needlework in 1956. Several residents had demanded that it be taken down, because it contained a curse. Searching the basement the librarian found the sampler, as gray and stained as if had spent the last two hundred years in a coffin.

The edges were embroidered with pigs and barrels. Forming a triangle in the center were a tree stump, an ax, and a human foot. At the bottom was a string of strange words followed by the signature, “Catherine Penrod 1807.”

“Is that the curse?” the surveyor asked.

“I think it’s German,” the librarian replied, nearly gagging on the smell.

“What’s it say?”

The librarian began to sound it out.

“Wenn aber deine Hand oder dein Fuß dich zum Abfall verführt, so hau sie ab und wirf sie von dir.”

Now the Penrods’ secret was revealed. When Edmund Spears preached to the pioneers from Pennsylvania, he preached in German from Luther’s Bible. Returning to the valley in the winter of 1807, he gathered both families and took as his text Matthew 18:8, the horrifying passage inscribed on the sampler: “Wherefore if thy hand or thy foot offend thee, cut them off, and cast them from thee: it is better for thee to enter into life halt or maimed, rather than having two hands or two feet to be cast into everlasting fire.”

Spears first addressed Tobias’ family, then Peter’s, then their mother Catherine. Drawing their rage and shame together, he explained the awful sacrifice that the LORD demanded from Peter, a sacrifice nearly as great as he had demanded from Abraham.

Everyone was staring at Peter's right foot. When Spears pronounced his "Amen," they rushed for Peter. Whether his family and mother tried to defend him, or whether both families carried him to murderer's tree, there is no doubt that they held him down screaming while they stretched out his foot on the stump and cut it off.

More than a foot would have been in that coffin if Peter Penrod had bled to death. During the winter of 1833-34, Swiss painter Karl Bodmer encountered a German speaking white man selling whiskey to the Sioux Indians in the Dakota Territory west of Fort Pierre. When Bodmer asked to sketch him, he covered his face with his blanket and lurched away. The artist saw that he was missing his right foot.

"What happened to you?" Bodmer cried.

"Und der HERR machte ein Zeichen an Kain," he shrieked, shaking his fist at his stump.

"And the Lord set a mark upon Cain, lest any finding him should kill him."

Day by day a huge shovel twelve stories high inches through Penrod Valley, gouging out the coal. From the air Muhlenberg County resembles a patient with some terrible skin disease that is slowly devouring its flesh. The process that began when the Penrods claimed the valley is nearly complete: the inhabitants are all dead or departed, their graves defiled, and every sign of them has been effaced. But the curse will not be expiated until all the land is gone.