

Deed of Emancipation of James O. Swinney's Slaves

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I[,] James O. Swinney of Howard County in the State of Missouri, in view of the present condition of the institution of Slavery in the State of Missouri, [*text stricken through*] in anticipation of [MS. illegible] taking effect of the Convention ordinance[,], do hereby make a prospective emancipation of all the slaves I now own or which I may own at the time this deed of emancipation may be made effectual by an act of the general assembly of the state of Missouri on the following conditions[:]

1st. I propose to liberate and emancipate all the slaves I own who may choose to emigrate from the state of Missouri on the 1st January 1864[.]

2. All such adult slaves as may choose on the said 1st day of January to remain with me as servants I propose to hold [*text stricken through*] with the same control I now have over them as slaves for the term of [five?] years from the said 1st January 1864[,], paying them at the expiration of said period reasonable hire for their services, or in case I shall hire any such slaves out of my possession I am to receive such hire and hold it in trust for said slaves to be paid them at the expiration of said period[.] I propose also in the event of any of said slaves desiring to leave my services and emigrate from this state at the end of any year then I will pay to such slaves the hire due to that time. It must be understood however

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that in case any of the slaves shall depart or run away from my possession or the possession of any person to whom I shall hire them, before the expiration of any year having commenced service for the year[,], they shall forfeit the hire due them.

3. When the parents of young children come under the provision of this deed I propose to let the children go with the parents except when the [*text stricken through*] dictates of Humanity requires that I should make other provisions for such children.

1[.] In article (2) the above must be altered to extend the time from 1st January 1864 to July 4th 1870 so as to conform to the Convention ordinance.

2. "In case of my death I want Wm. M. Morrison appointed trustee to carry out the provisions of this deed."

3. The negro due any for service hereafter shall be applied first to paying their expenses out of the State when they choose to go according to the provisions of this deed, and the balance paid them when actually removed from the State.

Jas. O. Swinney

If the appointment of a Trustee be necessary to make the above deed valid, then I want Mr. Morrison appointed as that Trustee [MS. illegible].

Jas. O. Swinney.

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I[,] James O[,] Swinney[,] in view of the uncertainty of life and living desire that in case of my death before the arrangement to liberate my slaves be carried into effect[,] do hereby make this my last will and testament. in reference thereto,

Item 1st[,] I will and desire that all my slaves I may own or may have acquired by agreement from my mother & W[.]M[.] Morrison[,] Trustee for Berenice Morrison, shall be free on the 1st January 1864[,] subject to the conditions and qualifications contained in the written statement above & hereto attached.

Item 2. In the event of my death before the said arrangement for emancipation is carried into effect[,] I hereby appoint my Brother in Law[,] W[.]M[.] Morrison[,] my trustee to carry into effect the said arrangement fully and to all intents and purposes that I could do if living[.]

In witness whereof I have hereto set my hand & seal this the fourth day of September 1863[.]

Jas. O. Swinney (seal mark)

attested in the presence of--

W.H[.] Savage

Jas C. Savage

Witnesses

To be signed & attested in the presence of two strangers who shall sign their names as witnesses[.]