

Collection #
OM0480

DEED OF EMANCIPATION BY THOMAS CLAY, 1823

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Processed by

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COLLECTION INFORMATION

VOLUME OF COLLECTION:	1 folder
COLLECTION DATES:	1823–1848
PROVENANCE:	1965
RESTRICTIONS:	None

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ALTERNATE FORMATS:

RELATED HOLDINGS: M0325; SC0022; SC1750; SC2302; SC2508

ACCESSION NUMBER: 1965.0621

NOTES:

HISTORICAL SKETCH

Free people of color often carried a Certificate of Freedom on their person to validate their status. Free papers, record of emancipation, and deed of manumission were terms used to describe legal documents that set free or recognized the free status of previously enslaved persons who were in bondage prior to the passage of the 13th Amendment of the United States constitution. Adopted in 1865, the 13th Amendment officially abolished and prohibited slavery. The amendment read:

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Former slaves or free persons carried these papers across county and state lines to affirm their status. These papers were sometimes registered in deed books at the courthouse located in the county seat in the county of residence of the holder. The language contained in the papers included words such as: “emancipate, liberate, manumit, release, and set free.”

The documents relayed unconditional or provisional freedom. Emancipation was often granted by will; because of age; or by legislative act.

Sources: Material in the collection.

John H. Franklin. *From Slavery to Freedom: a history of Negro Americans*. New York: McGraw-Hill, 1988

Roger A. Peterson. *African Americans found in Owen County, Indiana, records, 1819-1880*. Spencer, Ind.: Roger A. Peterson, 1996.

Coy D. Robbins. *Reclaiming African heritage at Salem, Indiana*. Bowie, Md.: Heritage Books, 1995.

Emma L. Thornbrough. *The Negro in Indiana before 1900*. Indianapolis: Indiana Historical Bureau, 1957.

SCOPE AND CONTENT NOTE

On February 28, 1823 Kentuckian Thomas Clay emancipated, liberated, and set free slaves “old Samuel and his wife Biddy, Betty, Rachel and her children Henry and Juliett—‘the two last being under age.’” He added the proviso that he reserved the right to the management of them (the latter two) until June 1, 1827. James Johnston and Lewis Jones

attested to the deed of emancipation in Davis County, Kentucky on March 3. George Handley, Clerk of the Court signed and set his seal as testimony to the deed by Thomas Clay to his slaves; oaths of the witnesses; and the display of the document in open court. Benjamin Duncan, the presiding justice of the Davis County Court, certified the preparation of the document on April 3, 1823.

The emancipation deed was examined and recorded by John Morgan (R.S.G.) in Spencer County on April 18, 1823.

The deed was copied and it was recorded by Samuel Owen in Deed Book D in Floyd County on September 14, 1827. It was copied possibly for Rachel Lacy in Floyd County on June 6, 1848.

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CATALOGING INFORMATION

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1. Go to the Indiana Historical Society's online catalog: <http://opac.indianahistory.org/>
2. Click on the "Basic Search" icon.
3. Select "Call Number" from the "Search In:" box.
4. Search for the collection by its basic call number (in this case, OM0480).
5. When you find the collection, go to the "Full Record" screen for a list of headings that can be searched for related materials.