

Case No. 3,205.

COOTS v. MORTON.

[5 Cranch, C. C. 409.]¹

Circuit Court, District of Columbia.

March Term, 1838.

SLAVERY—MANUMISSION ON CONDITION.

The petitioner claimed freedom under the following clause of the testatrix's will: "I will that George, if he behaves well until the year 1837, and continues to hire for good wages, shall, at the end of that year, be free." *Held*, that it was competent for the defendant to show, that the petitioner did not behave well, &c., but ran away.

[An action by George Coots, a negro, against the executor of Mary Morton.]

Petition for freedom under the following clause of Mary Morton's will: "I will that

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George, if he behaves well until the year 1837, and continues to hire for good wages, shall, at the end of that year, be free.”

Mr. Marbury, for defendant, offered evidence to prove that the petitioner ran away, and that the defendant had to expend two hundred dollars to get him back again.

Mr. Dandridge and Mr. Bradley, for petitioner, contended that the condition was only in terrorem, and objected to the evidence.

But THE COURT (nem. con.) overruled the objection, considering the good behaviour as a condition precedent.

Verdict for the petitioner.

¹ [Reported by Hon. William Cranch, Chief Judge.]