

## QUANDO v. CLAGETT.

[4 Cranch, C. C. 17.]<sup>1</sup>

Circuit Court, District of Columbia. May 14, 1830.

## CONSTRUCTIVE EMANCIPATION OF SLAVES BY WILL.

Petition for freedom. Mrs. Clagett made her will, as follows: "In the name of God," &c. "After my decease it is my will that my woman Maria, and all her increase, including the children that she now has, to be free and manumitted forever; and that the money that is now due to me, be received by Thomas Clagett, and for the support of the said Maria and her children until the last of May next; and I also desire that my woman Rhoda, and all her increase to be free and manumitted after serving the term of two years where Elizabeth Osborn shall hire her anywhere in the district, and the hire to be applied to the getting of the said children good places, and paying Elizabeth Osborn for her trouble. My will is that my man Harry is to serve one year to any person that will give a fair hire for him, one half to be applied to the support of Maria and her children, and the other part to himself. In witness whereof," &c.

Mr. Key, for petitioner, cited Mullin's Case, or Hall's Case, 5 Har. & J. 190.

Mr. Marbury, contra, contended that having used proper words of emancipation in regard to her other slaves and omitted them in Harry Quando's case, the testator, must have intended to manumit the former only.

THE COURT was of opinion (nem. con.) that there could be no doubt of the intention of the testatrix to emancipate the petitioner. The whole object of her will evidently was the emancipation of her slaves.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]

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