

## Slavery in Virginia.

The Richmond *Enquirer*, of the 22d inst., says that the Virginia Supreme Court of Appeals "has lately decided the most important case to the institution of negro Slavery that has been adjudicated since the times of Lord MANSFIELD." "It is," the *Enquirer* says, "the Dred Scott decision applied to slaves," and settles the question whether they have "civil or social rights," by determining their *status* to be that not of *persons* but of *things*.

The case in which the decision was given was that of Bayly *vs.* Poindexter's Executor. JAMES L. POINDEXTER, by his will, gave his slaves "the choice of being emancipated or sold publicly." The Executor filed a bill in a Circuit Court asking the Court to construe the will upon several points, but more especially upon the question whether the emancipator was absolute: and if not absolute, but conditional, whether the slaves, previous to their actual emancipation, had the legal capacity to make the necessary election. The Judge of the Circuit decided in favor of the slaves; that is to say, that by the terms and operation of the will they were absolutely emancipated. From this decision the residuary legatees appealed to the supreme judicial tribunal of the State, where the decision of the Circuit was reversed—that Court holding that the emancipation under the will was not absolute, but conditioned upon a choice to be made by the slaves, which choice they were legally incapable of making. They, therefore, receive no benefit from their master's will, but become the property of his residuary legatees.

This result is paraded by the *Enquirer* and the *Examiner* with triumph little short of ecstasy, though it might be supposed that the defeat of a dead master's benevolent designs toward his slaves, by a legal technicality, could furnish high-minded men with slight cause for rejoicing. It was not, however, reached without difficulty. The Court, consisting of four judges, heard elaborate arguments in the Spring of 1857, and were divided. In the Fall, a fifth judge having been added, the case was reargued, and a decision reached, two of the five dissenting.

The *Enquirer* says the Court was considerably embarrassed in coming to its conclusion, by previous decisions, and admits that the practice had been to allow Slaves to make their election when such privilege was conferred upon them by will. But Virginia is progressive, and has changed all that. A new policy is avowedly inaugurated. The Richmond *Examiner*, referring to this decision, says:

"It is not to be denied that the decisions of the Court of Appeals have heretofore gone very far in construing deeds and wills of emancipation, in favor of granting liberty to the slave. This has doubtless arisen partly from the fact that, for many years subsequent to the Revolution, the policy of the laws unquestionably favored the emancipation of slaves. Many of the earlier Judges were fresh from the political conflicts of that period—and all of them were strongly imbued with the general spirit of the times in favor of the 'equal and inalienable rights of all mankind.' Nor had the true nature and legal character of Slavery in our midst been much investigated, and the real value and political and social necessity of the institution elucidated by discussion or demonstrated by experience. At that day the great products of the South were far less dependent upon slave labor for their cultivation; and the minds of men were thus far less occupied with the subject which now has come to be regarded as one of the greatest economic and philosophical questions of the age."

Other decisions, the *Enquirer* informs us, have followed that of Bayly *vs.* Poindexter's Executor, in the same spirit, and going even further. Mrs. COALTER, widow of a late Judge of the Court of Appeals, died last August, leaving a hundred Slaves, which were referred to in her will in these following words:

"Fifth—I direct in regard to the balance of my negroes, that they shall be manumitted on the 1st day of January, 1858, and I authorize and request my executors to ascertain what fund will be sufficient to provide the usual outfit for and to remove said negroes to Liberia; and I hereby direct my said executors to raise said fund, or such an amount as in their judgment may be sufficient for that purpose, from my estate, and to use the said fund in removing and settling my said servants in Liberia, or any other Free State or country, in which they may elect to live; the adults selecting for themselves and the parents for their infant children. And I further direct, that if any of my said servants shall prefer to remain in Virginia, instead of accepting the foregoing provisions, it is my desire that they shall be permitted by my executors, to select among my relatives their respective owners—said election to be made by the adults and parents as aforesaid."

And property to the amount of from fifteen to twenty thousand dollars was charged as a fund for the use of the slaves. Here, too, a bill asking construction of the will was filed in a Circuit Court, and the decision was also in favor of the slaves. But on review by the Supreme Court of Appeals, the case of Bayly *vs.* Poindexter's Executor, was declared to be the settled law, and Mrs. COALTER'S will to be but a mere bequest of election to the slaves between freedom and slavery, which they had no civil right or legal capacity to make, and were, therefore, decreed to remain slaves.

These decisions, confessedly changing the long-settled law of Virginia, while they deprive some hundreds of negroes of that freedom which their masters believed they were bequeathing to them, will have no further effect than to make future testators more guarded in the wording of their wills. The law, as laid down by the Supreme Court of Appeals, must appear to all unprejudiced persons unjust alike to the dead master and the slaves intended to be set free by him who had the sole right to do so. How the papers and citizens of Virginia can glory in a decision so oppressive and unconscionable is a mystery. They really regard it as a highly creditable legal exploit to defeat the manifest intent of a will for the purpose of keeping in Slavery those whom a dying owner desired to set at liberty? Has chivalry come to this?