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Jan. 15, 1848

State v. Post

Supreme Court of New Jersey

Citations: 21 N.J.L. 699

Docket Number: Unknown

Headnotes

Slavery existed in Hew Jersey prior to the adoption of the Constitution of 1844, and was not abolished by that Constitution, (a)

Summary

Error to the Supremo Court.

To a writ of habeas corpus allowed at the bar of the Supreme Court, commanding Post, the defendant, to bring up the bodies of a colored man named William and of a colored woman named Flora, whom ho illegally detained. Post returned that he held them as Slaves by virtue of the laws of New Jersey, under a bill of sale. To this return there was a demurrer and joinder, the real question raised and argued being whether Slavery and all involuntary servitude was not abolished by Sect. 1, of Article 1, of the State Constitution of 1844. The Supreme Court (Speno. 368) held the return sufficient, and overruled the demurrer, (a)

This judgment was removed to this court by writ of error.

Lead Opinion

The cause was argued by W. Halsted, for plaintiff in error, no one appearing for defendant.

*700The court affirmed the judgment below by the following vote:

For Affirmance — Green, (C. J.) Robertson, Speer, Porter, Schenck, Spencer, and Whitehead — 7.

For Reversal — The Chancellor — 1.

Cited in *State v. Baird*, 4 C. E. Green 488.