

subject of an action of Trover, makes no difference in the question, whether it is the proper or improper remedy.

THE before mentioned Case of Smith vs. Brown and Cooper, when rightly understood, may, I think, throw yet some additional light on this subject. The action was, as I have already hinted, *Indebitatees* for the price of a Negro sold in England. Whereas he actually was, at the time of sale, in Virginia—Of course, had the sale been in Virginia, there could have been no objection to the action's being brought in England. But though the sale actually was in England, the Court held, that the action would have been well brought, had the declaration stated a sale at London, (which was the truth of the Case) and that the Negro was then in Virginia, and that Negroes were saleable articles by the Laws of that Country.

HAD the Negro been in England at the time of sale, no such action could have been sustained; for according to the stated axiom, that a Negro upon landing in England becomes free, the Negro then being a free Man, could no longer remain the subject of sale.—But still, while this same Negro remained in Virginia, he was a saleable article even in London; and all the Plaintiff had to do, was to adjust his declaration to the real state of the Case. Surely this Case, if it proves any thing, proves that the Negro was a Slave, and therefore property in Virginia. If property in Virginia, the same Law that made him property *there*, makes him so in *Nova-Scotia*.

THE conversion of any thing that can be the subject of an action of Trover, has always been considered by the Courts of Westminster-Hall, to be the very point of the action. Consequently, if a Negro, who was before a Slave, becomes a free Man as soon as he gets to England, Trover will not lie for him *there*, because he

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