

so doing. To which Mr. Wooden's Attorney returned for answer, that the Negro in question was indeed retained by Mr. Wooden in his service, but that he, as well as all other Negroes in this Province, were Free-men; there not being any law here to make them otherwise.

WHEREUPON an action of Trover was commenced by Mr. Delancy against Mr. Wooden, for the Negro Slave: And the cause came on to be tried at the last Term of the Supreme Court, which was in September last, when the Plaintiff obtained a verdict with £70 damages. But the Counsel for the Defendant moved the Court in arrest of judgment, upon the ground, that an action of Trover would not be for the conversion of a Negro in this Province. And the motion was ordered to stand over for argument to the Term in September next.

It was strongly urged, on the part of the Defendant at the Trial, that instead of an action of Trover, the Plaintiff should have brought his action for damages for detaining the Negro, *per quod Servitium amisit*, as in the case of any other Servant; and that no action of Trover could be maintained for the Negro, as he could be no more the Slave of Mr. Delancy in this Province, than he could that of any other person in London, or elsewhere.

Your opinion is therefore requested, whether an action of Trover was the proper form of action for Mr. Delancy to recover the value of his Negro Slave? Or what is his proper remedy for recovery of amends for the damage he has sustained.

Mr.