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Saund. 47.—See also 2. Ld. Ray. 1073; and Gilbert's
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A special action of the Case, which might perhaps have been maintained for detaining the Slave *per quod Servitium amisit*, would have been founded upon the idea, that the Plaintiff was only intitled to his services. But in truth it appears, that he was intitled to something more, namely, to *the property in him and right of disposing of him*. And, upon that ground, I think an action of Trover was the proper form of action. And, indeed, a special action on the Case would not, in the Case of an actual conversion, be an adequate remedy; as the damages, in that Case, would not arise from the detention of the Slave.—The Case referred to in 2. Salk. 666, and 2. Ld. Ray. 1274, is not, I think, applicable to the present question, for the reasons stated in Mr. Aplin's opinion.

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THE only doubt seems to be, whether there was a proper demand and refusal of the Slave, previous to the commencement of the action? Or, whether the Evidence stated was sufficient to authorize the Jury in finding a conversion?—But, as they have found it, that consideration cannot be material on a motion in arrest of judgment.

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The Opinion of Mr. PERCIVAL.

I AM of opinion, that an action of Trover was the proper action for Mr. Delancy to recover the value of his Negro Slave. I concur so *intirely* with Mr. Aplin, in the very able opinion which he has given upon the subject, that I cannot do better than generally refer to his reasons. —It appears to me, that the legal inference which he draws from 5. Geo. 2. C. 7. as applicable to this question, is QUITE IRRESISTIBLE AND UNANSWERABLE.

FINIS.