

perty in another. It can never be construed to mean; that one Man cannot be the property of another in the Plantations: For this opinion is expressly grounded on the common Law, "which takes no notice of Negroes being different from other Men." But the Statute Law does make a difference between them and other Men, while they yet remain in the Plantations, where they are subject to the controuling authority of that Law. However, as none of these Statutes legalize the Importation of Slaves into Great-Britain, so the common Law, which still remains unaltered *there*, will not and cannot distinguish between them and other Men *there*.

IN Bacon's Abridgement, under title Trover, my idea of this matter will appear correctly right. His words are, "it has been holden, that a person cannot "have such a property in a Negro in *England*," (putting the latter word in Italics) "as will enable him to "maintain an action of Trover for the conversion of "the Negro; and that he can only recover," [that is to say, in *England*] "as he may in the case of any other "servant, damages for the loss of his services."—This is the abridged Case of Chamberlain vs. Harvey. Ray. 146.

WHEN he speaks of the Case more immediately under consideration, he says, "in a still later Case it has "been holden, that a Man cannot have such a property in a Negro in *England*," (putting the latter word again in Italics) "as will enable him to maintain an "action of Trover for the Negro." Surely I may, without putting any tone upon this author's words, suppose him to have meant, that although Trover would not lie for a Negro in England, where he is out of the reach of the Statute Law; yet in the Plantations, where he is under the immediate operation of it, this action is the proper, if not the only proper action.

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