

to his person is extinct : For this action is, in the very nature of it, appropriate only to the case of a Servant, or an Apprentice, in whose person the Master has no direct property. Their services, indeed, the Master has a right to ; and therefore, if they are inticed away and detained, this action accommodates itself to the recovery of damages for the loss of those services. And if it is once solemnly adjudged here, on the strength of Blackstone, and the case of *Smith vs. Gould*, that no action more appropriating would lie, the Negro would be exactly in the same situation here, that a Negro is in London, where he is no more a saleable article than a Servant, or indeed any other Man. Should a Man here, therefore, be disposed to sell his Negro, he might probably seek for a purchaser in vain. But admitting some body or other might risk the purchase of him, he still must be delivered on a *habeas corpus*, as any other Servant in England would be, should his Master *there* take it into his head to sell him as his property.

YET even this is not quite all : For such a judgment on the motion would operate as an effectual repeal of the 5. Geo. 2. which, as has been already remarked, makes personal Estate of Negroes in the Plantations, and subjects them to be sold, as such, under a *fieri facias* at the suit of English creditors.

I am therefore clearly of opinion, that an action of Trover, on the Case stated, is the proper action, if not the only proper one.

The ATTORNEY-GENERAL'S Opinion.

I AM of opinion, that an action of Trover was the proper form of action for Mr. Delancy to recover the value of his Negro Slave. I concur so *entirely* with Mr. Aplin, in the very able opinion which he has given upon the subject, that I cannot do better than generally refer