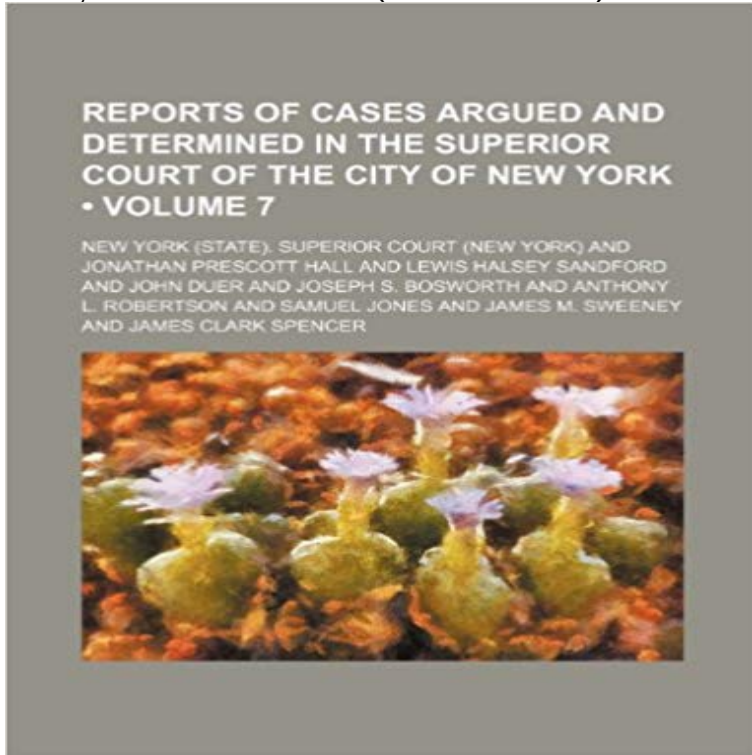


# Reports of Cases Argued and Determined in the Superior Court of the City of New York (Volume 7)



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1853. Excerpt: ... The People v. Lemmon. The People Of The State Of New York, ex relatione Louis Napoleon V. Jonathan Lemmon. By the law of nations, the citizens or subjects of one nation have a right to pass with their property, through the territories of another nation; and where there exists a necessity for such passage, arising from the mn major, the right so to pass is a perfect right and cannot be lawfully refused. But the property which they have a right to take with them, is merchandise, or inanimate things. These belong to them by the law of nature; and there is no such rule of the law of nations authorizing a passage with slaves as property. Slavery does not exist by the law of nature, but only by force of the law of the state. This principle is as old as ancient Rome, and was a part of the civil law. It is also a part of the modern law of nations, and has been recognised as such by the tribunals of the civilized nations of Europe. By the law of nature alone, one can not have a property in slaves. By that law, all men are free, and one race of men is no more subject to be reduced to slavery than other races. When, therefore, a master enters a state with his slave, where slavery is not upheld by law, there being no law but the law of nature, and the master and slave being equally entitled to their rights under that law, the slave has the same right to assert his freedom, that the master has to claim a passage through the country. The law of nations was originally, no more than the law of nature applied to nations. That provision of the constitution of the United States, which provides, that The citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states, secures to a citizen from

home, in a sister state, the pri...

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