

white one? We do not know why—some love the darkness rather than the light.

But it is said her evidence was meritorious, and for the good of the community, charitable, and for the good of the Almshouse. I never before heard of such pious and patriotic fornication.

But if she was disposed to perjure herself, would she not have laid the child to the richest father as well as to the fairest?

Perhaps not. Perhaps she wished to establish a partnership according to the custom of merchants, long used and approved within this city, to make one a sleeping partner, to contribute by his friends; the other the active partner, taking the trouble and responsibility, and giving his name to the firm. She has herself averred and proved this partnership, stated the *locus in quo* and laid the *venue* in her bed, and it is too late now for the counsel to say it was a transitory action after issue found.

There is another legal view of this matter. The child may be a negotiable instrument under the statute of Anne, and one party liable as maker, the other as endorser. It is thus that commerce is every day encroaching on the common law. Formerly a bastard was *nullius filius*, and could have no father. Now it seems he may have two, unless the Court will think that it is carrying the commercial principle too far. Then if the Court will allow only one father to one child, it is to be seen whether it will permit another innovation not less violent, viz: that black men shall be the fathers of white children by intendment of law. If a white man can say to a black one, get out of that bed, you black devil, till I do this thing—by division of labor trade will be advanced—you must do your part of the duty and I mine—I will get the child and you shall father it—there will be in this manner employment for us both. Can that, may it please your Honors, be the law?

As to a complaint made by the gentlemen that we insinuated the evidence on his side to be altogether base, if it