6 Whereupon the Court here file of record the following Opinion to Wit

"Negro Julia Ann Bailey } Petition for Freedom
vs
John Anderson }

It was admitted in the argument in this case that the deed of Manumission given in evidence has all the formalities required by Law to confer freedom on Lucy and that the petitioner is her Child born before ~~her manumission~~ the Mothers title to freedom Commenced. the only question therefore for the decission of the Court is Whether the petitioner is by Law entitled to the benefit intended to be conferred on her of being free born or was born a Slave. - The defendants Counsel Contended for the latter on two grounds - the first founded on the general principle of law that the issue follows the Condition of the mother who being a slave at the birth of the Child made the Child also a slave. - the second on the incapacity of the petitioner at the time of her birth to receive the intended benefit on account of her inability to procure a living by personal labour. Which brings her case within the provisions of the 29th Section of the Act of 1796 Ch 67 as explained and settled by the Court of appeals in the case of Hamilton vs Cragg 6th Harris & Johnson's Reports. -

To the first objection we think it sufficient answer to say that admitting the general principle of law to be as stated - it can only apply to cases. Where the instrument of Writing giving freedom to the mother at a certain period or on a certain Contingency has been silent in regard to

Certain Contingency has been silent in regard to

her future issue but cannot be received to defeat
a deed in which the destiny of that issue has been
fixed by the only person whose rights were to be
affected by it. and who had authority as will be
hereafter shewn to do so.

The force of the second
objection is derived from the Assumption of the
fact that the petitioner was born a slave - the only
real point at issue in the case this must be decided
by ascertaining the extent of the masters authority
in granting freedom to his Slaves and their issue at
Common Law and in what respects it has been
taken away or abridged by the Act of Assembly in
question. It cannot be doubted that at Common
Law before any Legislative regulations were made
as to the form of Manumissions or restraints imposed
on the Master in regard to the objects to Whom he
might Confer the rights of freedom, he had the same
unlimited power in this respect as incident to the
nature of this species of property, that he had to pass
them over to another master by gift sale or devise
and Consequently Could liberate them at his own
will and pleasure without regard to their ages or
ability to labour, and methinks it equally unde-
niable that the owner of female Slaves, had the same
Kind of distinct interest or property in their future in-
crease, that he had in the increase of his flocks and
herds and might dispose of them prospectively as
use or profits to another master or relinquish his
Ownership to them as they should be born and this
without any regard to the then Slave Condition of the
Mother, who was regarded on the principles of law
that governed other productive personal estate as

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