

There is a very strong prejudice against Alberti, because he has heretofore acted as an agent to recapture runaway negroes, which operated unfavorably at the trial, but I do solemnly assert that I am convinced of his entire innocence, and that egregious wrong has been done to him by this conviction.

The judge at one blow knocked the defense from under us. Incidentally, he would not let us show the bias of Richardson, who, in a conversation with a witness, said "he would swear hard against Alberti".

He admitted the declarations of the slave woman to Richardson, as testified to by him to the effect, that she requested Alberti to leave her child behind, - and he would not let us contradict said Richardson, and ruled out the conversations of the Slave Woman, in which she persisted in taking the child back, against the remonstrance of Mr. Jener, Mr. Alberti, Mr. George Price and Ald. Wm. Allen.

He decided that the Slave Woman was a competent witness, and that we ought to produce her. He ruled out the power of Attorney - He decided the certificate of the Alderman to be waste paper.

These matters he decided incidentally. I said he knocked our defense from under us at one blow; for he charged the jury, that even if the Woman was a slave and was rightly recaptured, the defendants were bound to separate the child and the mother, (for the child was free) and that if this could not be done, then the defendants were bound to give up both, and that if the defendants took the mother back and the mother carried the child back and the child was sold into servitude, then the defendants were guilty of Kidnapping.

The judge decided that the child was free - that the offence was committed against the law of Pennsylvania, and that our act of 1847 is constitutional.

The Indictment is drawn under the 1st section of the act of assembly 1847, which, undoubtedly is constitutional, for it provides against Kidnapping. The 3^d section prohibits Alderman from taking Cognizance of any case under the act of Congress of 1793. It was under this section that Judge Parsons declared the certificate of Ald. Allen to be waste paper. The 4th section provides against the recapture of slaves in a tumultuous manner so as to disturb the peace, and another section prohibits the use of our jails to detain fugitive from service.

I think, therefore, that the device that J. Frisely Price and Alberti used to take the Slave Woman away quietly was in accordance with the 4th section of the act of 1847 providing against a tumultuous recapture.

The punishment provided by the 1st sect of the act of 1847 is severe. For the first offence the minimum is