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Mr Mitchell, who claimed & received both the mother & her child as his property; that on Albert's return to Philadelphia, he & Price were indicted & tried & convicted upon the charge of kidnapping, Joel Henry Thompson, alleged to be a free colored child.

These are the undoubted facts, about which there can be no dispute or denial. Whether the parties had a fair legal trial upon the evidence, before the Court, I need not stop to enquire, but will content myself, with laying the facts connected with that trial before your Excellency, in the accompanying document & with an expression of my own opinion, that the trial was not that full, fair & satisfactory trial which every prisoner is entitled to have. But it is perfectly certain that if the child of a fugitive slave woman, born in New Jersey while she is a fugitive from her master, be not free, then these parties have both of them been unjustly & illegally condemned. No State law can be passed denying the master his property in a fugitive slave & I hold that it is equally clear, that no State law can change the condition of an issue, born of a fugitive slave woman, or make the child free while the mother continues a slave.

Independent of the maxim of the common law, *Partus sequitur ventrem*, I consider that the Constitution of the United States, which secures the master's right to the mother, also secures necessarily his right to her natural increase, & that his right to the offspring is but an incident of his right to his mother.

As well might it be said, that the owner of any female animal, which has strayed away or been stolen, is to be deprived of the offspring which she may have, while out of his possession, as to deny the right of Mr. Mitchell to the issue born of his fugitive slave woman, I therefore, consider that the child, Joel Henry Thompson, is according to the Constitution of the United States, the slave of Mr. Mitchell, & that no State law could alter or annul his condition of slavery, in opposition to the Federal Constitution; such I conceive to be the result of the decision of *Prigg vs. Pennsylvania*, in 16 Peters, although the point is not noticed in the reasoning of the Court, because the special verdict found in that case, states that one of the slaves taken was born in Pennsylvania, while the mother was a fugitive from labor, & the Supreme Court could not have acquitted *Prigg* as they did by their judgment, if they had