

The Dred Scott Case.

IMPORTANT DECISION.—The opinion of the Supreme Court in the Dred Scott case was delivered by Chief Justice Taney on Friday of last week. It was a full and elaborate statement of the views of the Court. A majority of the Judges have decided the following all-important points :

First : Negroes, whether slaves or free, that is men of the African race, are no citizens of the United States, by the Constitution.

Second : The Ordinance of 1787 had no independent constitutional force or legal effect subsequent to the adoption of the Constitution ; and could not operate of itself to confer freedom or citizenship within the North-West Territory on negroes, not citizens by the Constitution.

Third : The provisions of the act of 1820, commonly called the Missouri Compromise, in so far as it undertook to exclude negro slavery from and communicate freedom and citizenship to negroes in the northern part of the Louisiana cession, was a legislative act exceeding the powers of Congress, and *void*, and of no legal effect to that end.

In deciding these main points, the Supreme Court determined the following incidental points :

First : The expression "territory and other property" of the Union, in the Constitution, applies "in terms" only to such territory as the Union possessed at the time of the adoption of the Constitution.

Second : The right of citizens of the United States emigrating into any Federal Territory, and the power of the Federal Government there depend on the general provisions of the Constitution, which defines in this, as in all other respects, the powers of Congress.

Third : As Congress does not possess power itself to make enactments relative to the persons or property of citizens of the United States in a Federal Territory, other than such as the Constitution confers, so it cannot constitutionally delegate any such powers to a Territorial Government, organized by it under the Constitution.

Fourth : The legal condition of a slave in the State of Missouri is not affected by the temporary sojourn of such slave in any other State, but on his return his condition still depends on the laws of Missouri.

As the plaintiff was not a citizen of Missouri, he therefore could not sue in the Courts of the United States. The suit must be dismissed for want of jurisdiction.

Justice McLean expressed his dissent from the majority as pronounced by Chief Justice Taney. Judge Catron held, that the Supreme Court had jurisdiction in the case, although he coincided in other respects with his brother judges.