

JUDGE DOUGLAS REPUDIATES THE DRED SCOTT DECISION.

In the Dred Scott case, it was decided by the Supreme Court, that the Constitution of the United States recognized African slavery as a legal institution in a large proportion of the States of the Union; and that the right of citizens of the slaveholding States to carry slaves into the common Territories was a constitutional right. It decided, consequently, that Congress, which was but a trustee for the common benefit of all the States, had no power to abolish or prohibit slavery in a Territory; and that the clause of the Missouri Compromise law prohibiting the institution in the common territory of the States north of a prescribed line, was unconstitutional, null, and void. It also decided, as a corollary principle, that what Congress could not itself do in the common territories, no provisional government or agency it might establish in them could do; and that as an act of Congress prohibiting slavery in any part of the common territory was unconstitutional, *a fortiori* would the act of a territorial legislature, a mere agent, be also unconstitutional, null, and void. There was another principle laid down in the decision—namely, that the African negro, though free, was not a citizen of the United States under the Federal Constitution, or endowed with equal rights with the white man, or entitled to sue and be sued in the federal courts, or to carry into one State of the Union the same rights which may have been conferred upon him in another.

These are the leading principles decided and established as the law of the land by the Supreme Court in this decision; and we think there are few who will not agree that, practically, the most important part of the decision is that which denies to the legislatures or provisional governments of the Territories, while in the territorial condition, the right of prohibiting slavery within their borders. The decision was made with reference to the common rights and interests of the citizens of all the States of the Union, in territories acquired by the common treasure and blood. It is a decision founded not more upon the legal effect of the constitution in its letter and spirit, than upon the broad equities which belong to the association of equal States, having common interests, a common cause, and making common contributions for the general extension and aggrandizement.—*Washington Union*.