

## REPORT ON THE DRED SCOTT DECISION.

In the New York Legislature, April 9th, the Joint Committee of the Senate and Assembly, appointed to consider and report what measures, if any, the Legislature of New York ought to adopt to protect the constitutional rights of her citizens against the serious and alarming doctrines of the Supreme Court of the United States in the decision of the case of Dred Scott, made an elaborate and able report, which, after stating the various points assumed in that decision, concludes as follows:—

The proposition which the majority of the Court laid down in deciding the question legitimately before them—viz., that no man of the African race, descended however remotely from a slave, is a citizen of the United States though born a freeman, and his ancestors for many generations before him also freemen, and though ninety-nine parts out of one hundred of the blood which runs in his veins is Anglo-Saxon, and his skin whiter, his heart purer, and his head clearer than those of the judge who outlaws him, and though his father may have fallen in the battle of New Orleans, on the glorious eighth of January, at the call of our Jackson, or his grandfather served with honor, or died in battle under our Washington, is a violation of the sacred principles announced in our Declaration of Independence, hostile to the spirit of our institutions and the age in which we live, a departure from the liberal doctrines of the common law, and opposed to the weight of judicial authority in this country and England.

Your Committee have no hesitation in expressing the opinion that this decision is erroneous and ought to be overruled; that they believe it will be overruled as soon as the free States have their just representation on the bench of that Court.

The attention of your Committee was arrested by a proposition, stated by Chief Justice Taney in the opinion he delivered, as the organ of a majority of the Court, in the following words: 'They (the colored race) had no rights which white men were bound to respect.' Your Committee cannot forbear to characterize this proposition as *inhuman, unchristian, atrocious*—disgraceful to the judge who uttered it, and to the tribunal which sanctioned it.

The most censurable part of the conduct of these five pro-slavery judges yet remains to be stated; and it is this: The five constitutional questions above stated, which were not involved in the point before the Court for decision, and upon which, in violation of judicial decorum and established precedents, they volunteered opinions, have, within the last two years, become political and party questions, have divided the two great political parties of the country; and that division, unfortunately, has assumed a sectional character. These five judges are all located in the pro-slavery section, and identified with the pro-slavery party. Under such circumstances, if true manly delicacy did not, a decent respect for the feelings and opinions of the friends of free institutions should have restrained them from uttering a single word, not necessary to the decision of the question before them. Yet how widely different was their conduct! They volunteered, against decorum and precedent, to identify themselves and our great National Court with a sectional party, and to bring down the high tribunal from the lofty place it has hitherto filled in the reverential respect of the nation, to the arena of party and sectional strife. They have destroyed the confidence of the people in the Court, by stamping upon it a black mark of sectional partizanship. They have moreover placed

themselves and the Court they control, in the front rank of pro-slavery propagandism, and offensive aggression upon the rights of the free States.

Your Committee cannot omit to notice, in this connection, the *time* selected by these five judges for taking ground officially with the pro-slavery party of the country. That time was strikingly propitious to protect them from impeachment, and accomplish their purpose. A new pro-slavery, sectional Administration was just being inaugurated, and consequently had the whole patronage of the Federal Government to aid in screening these partisan judges from merited punishment, and produce acquiescence in their ultra pro-slavery, unconstitutional doctrines. The fate of Kansas, too, was then impending, and these doctrines, if carried out, would consign her to the deadly embrace of slavery. Your Committee reluctantly admit the thought that the national ermine was used to cover and effect such an unhallowed purpose; but they have seen too many evidences of the desperate acts to which pro-slavery fanaticism leads men subject to its influence to lay aside the fearful apprehension that our National Court has been brought under its dominion.

The Supreme Court of the United States was established by our forefathers to secure a fair and enlightened exposition of the Constitution; and an independent and impartial adjudication of constitutional questions, and thereby preserve the rights of the several States and the citizens thereof. The influence and power of the Court having now been marshalled on the side of pro-slavery propagandism, and against the rights of the citizens of the free States, it no longer accomplishes the purposes of the institution. The safety and peace of the nation require its reorganization, so as to admit into it a fair and equal representation from the free States, according to the ratio of population between the free and slave States, which can and ought promptly to be done by act of Congress. Until this measure is accomplished, it is manifestly the duty of this State to take and maintain a firm stand against the encroachments of slavery, and keep this direful evil out of her borders.

To this end, your Committee announce and recommend the adoption of the proposition that slavery shall never pollute the free soil of the Empire State, let the consequences be what they may; and in making this declaration, we place the Empire State on the Republican doctrines of 1798, known as the 'Virginia Resolutions,' which were acquiesced in by the great Republican party of that day, and are in the following words:—

Resolved, That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact; as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the States, who are the parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights and liberties appertaining to them.

To carry into effect this proposition, your Committee recommend the adoption of the resolutions herewith presented, and the passage of an act entitled 'An act to secure freedom to all persons within this State,' herewith also presented.

SAMUEL A. FOOT, EDWARD M. MADDEN,  
M. LINDLEY LEE, JOHN T. HODGEBOM,  
JOHN H. WOOSTER, HENRY W. BECKWITH.  
Albany, April 9, 1857.

*Resolved*, That this State will not allow slavery within its borders, in any form, or under any pretence, for any time, however short, **LET THE CONSEQUENCES BE WHAT THEY MAY.**

*Resolved*, That the Supreme Court of the United States, by reason of the decision of a majority of its Judges, having identified itself with a sectional and aggressive party, has lost the confidence and respect of the people of this State.

*Resolved*, That the Governor of this State be, and is hereby, respectfully requested to transmit a copy of these resolutions to the respective Governors of the States of this Union.

[These resolutions were adopted as reported, striking out the declaration printed in capitals, by a vote of 17 to 10 in the Senate, and of 42 to 26 in the House.]

The bill provides in section 1, that no descent, near or remote, from an African, whether slave or free, of any color, shall prevent any person from becoming a citizen of this State, nor deprive him of the rights of citizenship.

Section 2 provides that every slave brought into this State involuntarily or by consent of the owners, shall be free.

Section 3 makes it felony to hold as a slave under any circumstances or for any time, in this State, any person mentioned in the 2d section, and punishes the same by imprisonment for not less than two years, nor more than ten.