

THE DRED SCOTT CASE.—The lengthened report which we gave yesterday of the opinion pronounced by Chief Justice Taney in this important cause has a claim to general perusal. It has been very long since the Supreme Court has been afforded a legitimate and inevitable opportunity of passing upon questions which constitute the basis of the political divisions of the day, and we can but foresee that this decision will create, everywhere, a profound sensation. For this reason, although we have given the opinion of the very learned Chief Justice nearly at length in our columns, we now propose, without reference to the facts of the case before the court, to set out the main propositions of constitutional law at which the majority of the justices appear to have arrived. In performing this task we shall not follow the precise order of the argument as it was delivered from the bench, but the logical succession of the propositions which illustrate the constitutional question.

These propositions seem to be as follows:

1. That no negro, whether he be the descendant of ancestors who were slaves when the constitution was adopted or of ancestors who were free at that time, or whether he be the descendant of free negroes who came into any State of the United States after the constitution was adopted, can, even though he be born within the limits of a free State, be recognised by the law as a citizen of the United States, nor is he entitled to the privileges which are, by the constitution, secured to those who are citizens of the United States.

2. That any of the States of this confederacy may, if they see proper, confer upon a free negro the rights of citizenship *within that particular State*, either by the provision of their organic law or by direct enactment; but the free negro upon whom this right is conferred does not for that reason become a citizen of the United States, nor is he entitled to the benefit of those clauses in the constitution which apply to those who are both citizens of a State and citizens of the United States. He cannot sue in any of the courts of the United States, nor is he entitled to claim, if he enters a State other than his own, the privileges and immunities which are there enjoyed by those who are not only citizens of that State but citizens of the United States.

3. That Congress has no power under the constitution to say that citizens of the United States shall not hold slaves as property in any territory of the United States in which the said citizens may reside, or into which they may remove with their slave property. The ordinance of 1787, passed by the Congress of the confederation, is unconstitutional and void in so far as it declares otherwise. This want of power in Congress to exclude slavery from a territory, by direct enactment, extends not only to such territory as became the property of the United States by the deeds of cession from the several States, but also to such territory as may have become the property of the United States since the adoption of the constitution under which we live.

Such are the main questions decided by a judgment which is destined to become the point of support and attack in the political controversies which will be, we fear, hereafter urged with acrimony in the halls of Congress and upon the hustings. If it is acquiesced in it will afford a peaceful solution to the only question which has, for twenty-five years, disturbed the tranquility of the country. If it is assailed by legislation in Congress, which the processes of the courts are powerless to rectify, we can only look to see grave misfortunes result.

Our hope and our firm belief is, however, that the patriotic and conservative masses at the North will receive this judgment as the *law of the land* and govern their conduct accordingly. Under it they have no less rights than their brethren from the Southern States; and they should not desire to have more. Let all who will, cast their jots upon these territories, which are the nurseries of the future greatness of the country. As actual inhabitants, in the exercise of their rights, they can but determine for themselves whether they will present the States which they shall form to the Congress of the United States for admission into the Union as free or slave States.—This rule of non-interference, while it is sustained by the decision of that tribunal to which all good citizens are under obligations to submit, is happily the rule which will most conduce by its application and observance to the peace and prosperity of the whole Union and to the closer alliance and sympathy of the whole people.