

Secession Era Editorials Project

Opinions of the Supreme Court in the Dred Scott Case.

Albany, New York, *Evening Journal* [Republican]

(7 March 1857)

WASHINGTON, March 6.

Chief Justice Taney delivered to-day the opinion of the U. S. Supreme Court in the Dred Scott case. The points are that Scott is not a citizen; that he was not manumitted by being taken by his master when a slave into the then Territory of Illinois, and that the Missouri Compromise was an act unconstitutionally passed by Congress.

Justice Nelson, of New York, dissented. Five Judges, Taney, Campbell, Catron, Wayne, and Daniel, concur on the constitutional point against the Missouri Compromise. Nelson and Grier dodge by adopting the Missouri decisions for their justification in joining the majority. McLean and Curtis meet the issue squarely and sustain the jurisdiction of the Court, with the constitutionality of the Compromises.

It is no novelty to find the Supreme Court following the lead of the Slavery Extension party, to which most of its members belong. Five of the Judges are slaveholders, and two of the other four owe their appointments to their facile ingenuity in making State laws bend to Federal demands in behalf of "the Southern institution."

The Decision in the Case of Dred Scott.

Pittsburgh, Pennsylvania, *Gazette* [Republican]

(7 March 1857)

We do not know how other persons may feel in view of the recent *dicta* of the Supreme Court in the case of Dred Scott, an abstract of which was published in our telegraphic column on Saturday morning, but it appears to us that the almost diabolical spirit it evinces in going out of the way to Freedom at the expense of Slavery, ought to be sufficient to arouse to indignation the coolest and most torpid of northern men. The decision is a fitting crown to the aborted tyranny which has just submerged with Pierce; an iron clasp, well forged to link the dead with the living administration. It comes pat upon the recent inaugural, "rounds and caps it to the tyrant's eye" and just fills up the cup of inequity.

What matter is it that this decision upsets those we have on record? New lights have arisen with the progress of revolving years, and Story and Marshall, Jefferson, Madison, and Monroe hide their twinkling lights before the full-orbed glory of Douglas, Pierce and Davis. The Supreme

Court has aimed a blow at State Sovereignty which is baser and more iniquitous than any thing we had before conceived of. The State of Illinois for example, under this decision in her legislative capacity, has no power to enact such a law as can make a slave coming there with the consent of his master a freeman! The decision that the Court has no jurisdiction in this case make all the other remarks from the bench touching the ordinance of 1787, and the compromise of 1820, mere *obiter dicta*, it is true, but the fact that the Court has gone out of its way to say what it has, shows its animus, and trumpets to the four corners of the earth the eager alacrity with which it echoes the mouthings of demagogues like Pierce and Douglas. We may henceforth throw to the winds the reasoning of Story and the decisions of Marshall, so far as this court is concerned, and submit to seeing the government surrendered, bound hand and foot to the same power which has given Kansas over to blood and desolation, elevated a weak old man to the executive chair, given the Treasury, the Post Office, the Army, the Navy and the Department of the Interior to be its willing servants and exhilarated and energized by its success, pressed on to the Supreme Court, made that the echo of its will and left no place for hope to rest upon, but the virtue of the masses of the people, to which we must henceforth appeal. Let them come in their might and at the ballot box root up the rotten fabric to its foundations which four years of misrule has served so much to weaken, and which the four years to come will doubtless not improve or strengthen.

No Title.

Pittsburgh, Pennsylvania, *Gazette* [Republican]

(7 March 1857)

Is it [illegible] the threshold of the fierce struggle thrust before the people of this nation, we design, that there shall be no misunderstanding as to our position on the great point raised by the Supreme Court in the Dred Scott case. We shall treat the so-called decision of that Court as an utter nullity. It is not law, and it has no binding force upon either the people or the government. It is not an authoritative interpretation of the Constitution, nor is it, legally, a decision entitled to any weight whatever. It is simply a demagogical stump speech from the hustings of the supreme bench, got up in legal phrase to suit the necessities of the Buchanan administration. The Judges of the Supreme Court have therein simply abandoned the robe and the ermine to achieve the task of framing a new platform for the locofoco party.

Look at the facts in the case. Dred Scott, an alleged Missouri slave, brings a suit against his claimant, for his freedom, upon the ground that his master, having voluntarily removed him from Missouri on to free soil, he thereby became free. The Supreme Court decide that Dred Scott is not a citizen of Missouri or of the United States, and therefore was not entitled to bring a suit in that Court; hence they dismiss his suit for want of jurisdiction. *That*, then, was the only point for them to decide, and that decided, there was an end of the case. The suit fell because the party bringing it had no rights in that Court.

Beyond this legal point the Court had no power to decide anything. They had no right to go into the merits of a case, when the case itself was dismissed for want of jurisdiction. All that follows

is simply extra judicial and is entitled to be regarded only as the unauthorized opinion of so many individuals.

At the time when Chief Justice Marshall was on the bench, he gave it as the opinion of the Court, incidentally, that Congress had full and unlimited power over the Territories. This opinion was once cited in the Senate, to Gen. Cass, as authoritative and conclusive; but Gen. Cass replied that the opinion was an incidental one, foreign to the case at issue, and was a mere *obiter dictum* -- an *opinion*, but not *law*. The Democratic party sustained Gen. Cass in this view, and from that day to this has refused to be bound by *that* decision of the Supreme Court. On the same ground we object to *this* decision. It is a mere opinion, delivered in a case in which the Court admitted it had no jurisdiction -- a mere *obiter dictum*, devoid of all legal force or authority.

But if this were not the case, we have High Democratic authority for disregarding all such decisions. Prior to the great Bank struggle of 1832, the U. S. Supreme Court had decided a National Bank to be constitutional. Gen. Jackson and the Democratic party set this decision aside, and pronounced the Bank unconstitutional. Gen. Jackson utterly refused to be guided in his political opinions by the Supreme Court. He had sworn to support the Constitution, he said, as *he* understood it, and not as the Supreme Court understood it. We may safely plant ourselves upon that ground. We cannot speak for the Republican party; but we feel free to say that it will spurn this decision and, when its day of triumph comes, and come it will, sweep into oblivion the base, reckless and unjust Judges who have prostituted their high offices to purposes so vile.

The Constitution was ordained to establish Justice and secure the blessings of Liberty to the people; and it will be worth one struggle, at least, to prevent it from being thus turned from its high aims to subserve the lusts of tyranny. The Constitution was made *by* the people and *for* the people; and *to* the people, the sovereign power in this confederacy, we appeal from this decision. They understand the charter of their liberties, we hope, full well enough to rebuke and defeat, at the polls, this effort to give the whole country up to the domination of the slave power.

The Important Decision of the Supreme Court of the United States on the Slavery Question.

Cincinnati, Ohio, *Daily Enquirer* [Democratic]

(8 March 1857)

The decision of the United States Supreme Court in the famous "Dred Scott" case, an abstract of which, as rendered by the Chief Justice, was contained in our telegraphic columns yesterday, is an event of great political importance. The Court of last resort, which has jurisdiction over questions appertaining to the powers of the Federal Government, decided that Congress has no power under the Constitution to legislate upon slavery in the Territories, and that all such legislation as the so-called Missouri Compromise, which undertook to do so, is null and void. This is a complete vindication of the doctrine of the Nebraska Bill, which now, it is judicially determined, only swept an illegal and unconstitutional measure from the statute-book. To the friends of the "Wilmot Proviso" and the Abolition legislation for the Territories this decision of

the Supreme Court will be most crushing and annihilating. Hereafter they will have no pretense whatever for keeping Congress and the country in a turmoil on that subject, as it would be no use for Congress to pass laws on a subject which the Supreme Court would immediately annul, in accordance with this decision. The whole question of slavery, in its judicial aspects, has been argued by the best lawyers before the Court, which, after mature and long deliberation, have come to the conclusion announced above. The influence of their action upon the country must necessarily be immense. The whole people, without distinction of party, have confidence in that august tribunal, the Supreme Court of the United States, which, by virtue of the age, eminent legal attainments of its members, their life tenure, which places them beyond the influence of party feeling, have no motive whatever in the world to bias and corrupt their decision

Additional force will be given it when it is known that the bench, composed of Northern and Southern members, was nearly unanimous on the main point, there being but two dissenters out of the nine Justices who compose the Court. One of them, Judge McLean, of this city, had previously volunteered an opinion on the subject years ago, before it was argued or came before him judicially; and, sustaining this unfortunate position, his dissent was naturally anticipated. It is to be regretted that he should thus have unnecessarily committed himself on a point that he was liable to be called upon to determine as a Judge.

While thus anticipating a general acquiescence in the decision of the Supreme Court, it would be too much to expect that it will escape attack and censure from disappointed and embittered partisans, whose political capital and hope of office will wither before it. They will doubtless blackguard and assail the Court; but it will still further weaken their cause among sober and intelligent men, who will never countenance their foray upon an honest and intelligent Judiciary. The men who aided in the passage of the Nebraska Bill of 1854, and sustained it against an unreasoning and infatuated opposition, will, by this decision, be placed in an enviable attitude before the country, and will have a good position assigned them in history. Coming after the result of the late election and the new President's inaugural, it is the last of a series of triumphs, political and judicial, to which hereafter they will ever refer with pleasure and pride.

The Issue Forced Upon Us.

Albany, New York, *Evening Journal* [Republican]

(9 March 1857)

The three hundred and forty-seven thousand five hundred and twenty-five Slaveholders in the Republic, accomplished day before yesterday a great success -- as shallow men estimate success. They converted the Supreme Court of Law and Equity of the United States of America into a propagandist of human Slavery. Fatal day for a judiciary made reputable throughout the world, and reliable to all in this nation, by the learning and the virtues of Jay, Rutledge, Ellsworth, Marshall and Story!

The conspiracy is nearly completed. The Legislation of the Republic is in the hands of this handfull of Slaveholders. The United States Senate assures it to them. The Executive power of the Government is theirs. Buchanan took the oath of fealty to them on the steps of the Capitol

last Wednesday. The body which gives the supreme law of the land, has just acceded to their demands, and dared to declare that under the charter of the Nation, men of African descent are not citizens of the United States and can not be -- that the Ordinance of 1787 was void -- that human Slavery is not a local thing, but pursues its victims to free soil, clings to them wherever they go, and returns with them -- that the American Congress has no power to prevent the enslavement of men in the National Territories -- that the inhabitants themselves of the Territories have no power to exclude human bondage from their midst -- and that men of color can not be suitors for justice in the Courts of the United States! The Lemmon Case is on its way to this corrupt fountain of law. Arrived there, a new shackle for the North will be handed to the servile Supreme Court, to rivet upon us. A decision of that case is expected which shall complete the disgraceful labors of the Federal Judiciary in behalf of Slavery -- a decision that slaves can lawfully be held in free States, and Slavery be fully maintained here in New York through the sanctions of "property" contained in the Constitution. That decision will be rendered. The Slave breeders will celebrate it as the crowning success of a complete conquest. But how they will reckon without their hosts!

Beneath Courts and Congresses and Presidents is the great *PEOPLE*. They love liberty -- they love justice -- they love humanity. Till they affirm the decisions of Law embruting man's divine nature, and till they approve of legislation which defies God, and till they order Executives to execute iniquity, this conspiracy of the Oligarchy is wholly incomplete. That consent will forever and ever be wanting. But one thing will not be wanting -- the resolute purpose of the humane, the just and the free men of the Free States, to meet the close issue forced upon them through the decision of the case of Dred, squarely and fairly, and never to abate their efforts to recover the entire administration of the Republic away from Slavery and back again to Freedom.

All who love Republican institutions and who hate Aristocracy, compact yourselves together for the struggle which threatens your liberty and will test your manhood!

Court and Constitution

Albany, New York, *Evening Journal* [Republican]

(10 March 1857)

Judge Taney requests the American people to believe that the framers of the Constitution did not know their own minds. For the same Statesmen who drew up the Constitution, (which he says forbids Congress to prohibit Slavery in the Territories,) adopted the Ordinance of '87, which prohibited it in all the Territories we then had. The Ordinance was passed in July, 1787 -- the Constitution was framed in September of the same year. The same States and the same men ratified both. And one of the first acts of the first Congress under the Constitution was to reaffirm the Ordinance, and to again prohibit Slavery! Which are the best interpreters of the Constitution, the opinions of Mr. Chief Justice Taney, or the *ACTS* of Jefferson, Madison, Hamilton, Monroe, Adams, and Washington? They created the Constitution, and the Constitution created Chief Justice Taney -- the clay which now affects to despise the skill of the Potter.

THE DRED SCOTT CASE.

Richmond, Virginia, *Enquirer* [Democratic]

(10 March 1857)

In anticipation of the definitive decision of the Supreme Court of the United States in the Dred Scott case some months or more ago, its adjudication was announced through a respectable proportion of the press, emanating, we do not now recollect precisely, whence or how; but, as the sequel shows, not from mere conjecture, or without reliable data, for it was then stated that seven of the nine judges constituting the court, agreed on the opinion that the Missouri Compromise was unconstitutional, and consequently, that the rights originating in it and under it, were even factitious and ineffective. And it will be seen by the authentic annunciation of the grave and deliberate decision of that august body, in another column, that what was rumor then is reality now. -- Thus has a politico-legal question, involving others of deep import, been decided emphatically in favor of the advocates and supporters of the Constitution and the Union, the equality of the States and the rights of the South, in contradistinction to and in repudiation of the diabolical doctrines inculcated by factionists and fanatics; and that too by a tribunal of jurists, as learned, impartial and unprejudiced as perhaps the world has ever seen. A prize, for which the athletes of the nation have often wrestled in the halls of Congress, has been awarded at last, by the proper umpire, to those who have justly won it. The *nation* has achieved a triumph, *sectionalism* has been rebuked, and abolitionism has been staggered and stunned. Another supporting pillar has been added to our institutions; the assailants of the South and enemies of the Union have been driven from their *point d'appui*; a patriotic principle has been pronounced; a great, national, conservative, union saving sentiment has been proclaimed. An adjudication of the constitutionality of the Missouri Compromise, in the Dred Scott case, inseparably embraced collateral questions of such character, as also to involve incidental issues, not unfrequently arising in the councils of the country, and which have ever proved, points of irreconcilable antagonism between the friends and enemies of the institutions of the South; all of which, it will be seen, have been unequivocally established in accordance with the sense of the Southern people. And thus it is, that reason and right, justice and truth, always triumph over passion and prejudice, ignorance and envy, when submitted to the deliberations of honest and able men: that the dross and the genuine metal are separated when the ore is accurately assayed.

Half a Million Citizens Disfranchised.

Albany, New York, *Evening Journal* [Republican]

(10 March 1857)

Many things in the monstrous decision of the U.S. Supreme Court, shock the moral sense of the public. But the barbarism of the blow which annihilates the citizenship of all the Free colored people in the United States, has fallen with a stunning force on all who have been taught that justice is obligatory on man, and that Christianity is the social law of Humanity. The half million of men and women paralysed by the atheistic logic of the decision of the case of Dred Scott,

which disfranchises them on the soil on which they were born, will be to all free and uncorrupted souls a complete denial of the bad law and worse conscience, with which the Supreme Court has pronounced its departure from Republicanism and its entrance into Slavery.

The Opinion of Chief Justice Taney

Albany, New York, *Evening Journal* [Republican]

(10 March 1857)

We print to-day a sophistical, dogmatic, muddy, and extreme Pro-Slavery document, which future historians will speak of as the present age speaks of the edicts of Jeffries and the Star Chamber. Unworthy of the Bench from which it was delivered, unworthy even of the previous reputation of the jurist who delivered it, unworthy of the American people, and of the nineteenth century, it will be a blot upon our National character abroad, and a long-remembered shame at home. It declares that the slaveholder may take his Slaves and hold them in any Territory under Federal control, and that neither Congress, nor the Territorial Government, nor the People, have the power now or hereafter to forbid him. It declares that the Constitution, though established "to secure Liberty," nowhere protects the existence of Freedom, and though it never mentions the word "Slave," everywhere legalizes Slavery! The monstrous absurdity of the argument, is only equalled by the astonishing revolution it seeks to effect in our jurisprudence. It falsifies the most reliable history, abrogates the most solemn Law, belies the dead and stultifies the living, -- in order to make what has heretofore been a local evil, hereafter a National institution!

The Conspiracy against Freedom.

Albany, New York, *Evening Journal* [Republican]

(11 March 1857)

The Oligarchy who breed men and women for the market and make unceasing war on free labor, laid broad the foundations of their conspiracy against Liberty, in the convention which nominated Buchanan for the Presidency. They planned to inaugurate on the 4th of March, 1857, a Federal combination of influences in behalf of Slavery, that should include the Executive power, the Legislative power and the Judicial power of the Republic. Through the patronage of the President they calculated upon corrupting and enlisting an army of ambitious and energetic spirits in the Free States. Though the 35th Congress they counted surely on legislation that should expand Slavery and contract Freedom. Through the Supreme Court of the United States they reckoned, with audacious cunning, on a conquest of all the subordinate courts of Law in the law-abiding North -- on a conquest of the vast body of Northern lawyers trained by their profession to yield obedience and respect to the final decisions of the judiciary, and educated all of them into a veneration of that high court over which Marshall presided and in which Story was a justice -- counted on a conquest of the great body of the Northern people, through their habit of submission to law and to public authority. To this end the appeal of the case of Dred Scott had been prepared. Its decision was certain and ready long and long ago. But its influence

was wanted for the inauguration of the new pro-slavery administration of James Buchanan. So the formal delay of a re-argument was gone through with. The case was ready again for decision and publicity. But a Republican House of Representatives was in session. The horrible wrong inflicted through the person of Dred Scott upon half a million of free colored citizens, and the great crime against Freedom and Humanity enveloped in the denial of this black man's petition for his unquestionable rights, would inevitably have fired them to indignation and protest. Their denunciation of the Supreme Court was to be avoided by all means, and their hostility to the legislation necessary to the South and to the incoming Administration, was especially to be avoided. So the decision was withheld till Congress adjourned. Then it came.

The army of "Democratic" applicants for office came with it, and of course came under it as a yoke, as was anticipated. The army of the present "Democratic" incumbents of office, hopeful of reappointment, accept the decision as the highest expression of law and equity. Editorial slaves din into the shocked ear of the public their lying sophistries to persuade that a decision which nationalizes Human Bondage, and disfranchises citizens of African descent, is a sacred one. But in vain is it all. The People stand angry and implacable in front of this giant judicial iniquity. No shaking of old ermines, nor fluttering of moth-eaten silk gowns, nor invocation of the shades of Marshall, Jay, Ellsworth and Story -- no extent of snivel and cant about the purity of the Federal Judiciary, and the obligation to put up with false law and falser equity, will avail at all to persuade the people of the Free States that Slavery has unrestricted rights in the Public Domain, and neither Freedom nor Congress has any opposing rights therein -- that people of African descent can no be citizens of the United States -- and that men and women can lawfully be held in slavery on Free Soil. No, the People will from the hour of this Dred decision, unintermittingly roll back this mixed Conspiracy, till through a recovered and reorganized Federal Judiciary and a republicanized Executive, they can administer justice and good government in the whole nation.

No Title.

New York, *Tribune* [Republican]

(11 March 1857)

It is impossible to exaggerate the importance of the recent decision of the Supreme Court. The grounds and methods of that decision we have exposed elsewhere; and we now turn from them to contemplate the great fact which it establishes -- the fact that *Slavery is National*; and that, until that remote period when different Judges, sitting in this same Court, shall reverse this wicked and false judgment, the Constitution of the United States is nothing better than the bulwark of inhumanity and oppression.

It is most true that this decision is bad law; that it is based on false historical premises and wrong interpretations of the Constitution; that it does not at all represent the legal or judicial opinion of the Nation; that it is merely a Southern sophism clothed with the dignity of our highest Court. Nevertheless there it is; the final action of the National Judiciary, established by the founders of the Republic to interpret the Constitution, and to embody the ultimate legal conclusions of the whole people -- an action proclaiming that in the view of the Constitution *slaves are property*. The inference is plain. If slaves are recognized as property by the Constitution, of course no local

or State law can either prevent property being carried through an individual State or Territory, or forbid its being sold as such wherever its owner may choose to hold it. This is all involved in the present decision; but let a single case draw from the Court an official judgment that slaves can be held and protected under National law, and we shall see men buying slaves for the New York market. There will be no legal power to prevent it. At this moment, indeed, any wealthy New York jobber connected with the Southern trade can put in his next orders: "Send me a negro cook, at the lowest market value! Buy me a waiter! Balance my account with two chambermaids and a truckman!" Excepting the interference of the Underground Railroad and the chance of loss, there will be nothing to stop this. But then these underhanded efforts for stealing property must, of course, be checked by our Police. Mr. Matsell will have no more right to allow gentlemen's servants to be spirited away by burglarious Abolitionists than gentlemen's spoons. They are property under even stronger pledges of security than mere lifeless chattels. The whole power of the State -- the military, the Courts and Governor of the State of New York -- will necessarily be sworn to protect each New York slave-owner from the robbery or burglary of his negro. If they are not sufficient, why then the United States Army and Navy can be called upon to guard that singular species of property which alone of all property the Constitution of the United States has especially recognized. Slaves can be kept in Boston; Mr. Toombs can call the roll of his chattels on the slope of Bunker Hill; auctions of black men may be held in front of Faneuil Hall, and the slave-ship, protected by the guns of United States frigates, may land its dusky cargo at Plymouth Rock. The free hills of Vermont, the lakes of Maine, the valleys of Connecticut, the city where the ancient Oak of Liberty has wisely fallen, may be traversed by the gangs of the negro-driver, and enriched by the legitimate commerce of the slave-pen. Are we told that public opinion will prevent this? What can public opinion do against the Supreme Court and all the power of the United States? Shall not a citizen of this Union have the right to take and hold his property, his horses, his oxen, his dogs, his slaves, wherever it seems to him good? According to the law now established, the Free-State men of Kansas are robbers, for they attack the Constitutional and inalienable rights of property. The bogus laws of which they presume to complain, but which the mild and paternal punishment of death is not to protect from infractions, are just and necessary laws for the safety of those sacred rights. The number of Free Soil men in that Territory can make no difference hereafter, as it has made none hitherto. Slavery is there, as the ownership of horses or land is there, by supreme national law. Of what use, then, to contend for such a shadow as the difference between a Free and a Slave Constitution? Or what sense in that old fiction of State Rights? The States have no rights as respects Freedom; their rights consist only in establishing and strengthening Slavery -- nothing more.

Another most pregnant change is wrought by this decision, in respect of the Northern people. We have been accustomed to regard Slavery as a local matter for which we were in no wise responsible. As we have been used, to say, it belonged to the Southern States alone, and they must answer for it before the world. We can say this no more. Now, wherever the stars and stripes wave, they protect Slavery and represent Slavery. The black and cursed stain is thick on our hands also. From Maine to the Pacific, over all future conquests and annexations, wherever in the islands of western seas, or in the South American Continent, or in the Mexican Gulf, the flag of the Union, by just means or unjust, shall be planted, there it plants the curse, and tears, and blood, and unpaid toil of this "institution." The Star of Freedom and the stripes of bondage are henceforth one. American Republicanism and American Slavery are for the future synonymous. This, then, is the final fruit. In this all the labors of our statesmen, the blood of our

heroes, the life-long cares and toils of our forefathers, the aspirations of our scholars, the prayers of good men, have finally ended! America the slavebreeder and slaveholder!

Dred Scott's Case.

Springfield, Illinois, *Illinois State Register* [Democratic]

(12 March 1857)

We had received the decision of the court in the above case, and had intended it for our papers on Monday, but in consequence of the Inaugural message we were compelled to postpone it, and we then mislaid it so as to be too late for our paper on yesterday. But it will be seen that the great difficulty is solved, and that the black republicans have wasted more breath, ink and time on the Missouri compromise, as they were pleased to call it, than it took to bring it into existence. The Missouri Compromise with them meant everything, without it the world would be at an end. In their pretended zeal to restore it they endangered the safety of the government and the constitution. For its sake hundreds, and perhaps thousands, of clergymen prostituted their holy office and the religion of Christ, and brought God's holy cause into disrepute and disrespect. To restore it the black republicans attempted to elect a man who was wanting in every requirement for a proper discharge of the duties devolving on a president. For a period of over two years every good republican instead of saying amen at the end of his prayer, said Missouri compromise. The constitution was nothing and nowhere when compared to their darling compromise. But as a certain very great man one said, "Things is changed."

The supreme court of the United States, the highest and most dignified tribunal in any civilized country, and composed of the very first order of talent in the world, and to whose decisions it is an honor to bow with respectful deference, have had the darling bantling of black republicanism under consideration, and announce it illegitimate. They say it is the offspring of red hot abolitionism, and cannot be acknowledged as having anything honest or upright about it. Thus it is thrown upon the hands of the black republicans who are compelled to provide for it.

DECISION OF THE DRED SCOTT CASE. -- Washington, March 6. -- The opinion of the supreme court in the Dred Scott case was delivered to-day by Chief Justice Taney. It was a full and elaborate statement of the the views of the court. They have decided that following all important facts: 1. That negroes, whether slave or free, that is, men of the African race, are not citizens of the United States, by the constitution. 2. That the ordinance of 1857 had no independent constitutional legal effect subsequently to the adoption of the constitution, and could not operate of itself to confer freedom or citizenship within the northwest territory on negroes, not citizens by the constitution. 3. That the provision of the act of 1820, commonly called the Missouri compromise, so far as it is understood to exclude negro slavery from and communicate freedom and citizenship to negroes in the northern part of the country is unconstitutional. The Louisiana session was a legislative act exceeding the power of congress and void of no legal effect to that end. In deciding these main points the supreme court determined the following incidental points. 1. 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. 2. The right of citizens of the United States emigrating to any

federal territory, and the power of the federal government there, depends on the general provisions of the constitution, which defines in this, as in all other respects, the powers of congress. 3. As congress does not possess power itself to make enactments in relation to persons and property of citizens of the United States in federal territory other than such as the constitution confers, so it cannot constitutionally delegate such powers to a territorial government organized by it under the constitution. 4. 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, and therefore could not sue in the courts of the United States, and the suit must be dismissed for want of jurisdiction.”

No Title.

New York, *Tribune* [Republican]

(12 March 1857)

Divers newspapers of the Democratic and Dark-Lantern species are howling grievously at the audacity of those free people who dare to doubt the omniscience, the infallibility and the absolute disinterestedness of the Justices of the Supreme Court of the United States; and we are sorry to say that here and there a journal, from which we had a right to expect a manlier course, is weak enough to be deluded into the language of acquiescence. It is assumed that Judges, because they are Judges, must always be in the right; that they are so far elevated above the level of ordinary mortality that we not only must not question -- nay more, that it is absolutely treason to question the correctness of their decisions; that all we have now to do is to fold our hands and submit without a murmur. Our readers have ere this discovered that we are under the control of no such abject idolatry; that we regard even that awful creature, a Chief-Justice, as a human being, and that we do not mean to submit slavishly to fraud and usurpation because the ermine is interposed to cloak their character. If there be any censure to bestow, let it fall, in the name of the eternal equities, upon those who have dragged their official robes in the kennels of slave-breeding politics! When we are ready to surrender sense and reason, conscience and intellect, and all pretension to mental and physical freedom; when we are ready to beslave Bombast with praise, and to write the panegyric of the little Napoleon; then, and not till then, will we get on our knees to Roger Taney.

The acquiescent gentlemen say nothing very original -- nothing, in fact, which has not been uttered in all ages by the apologists of bad judges the spaniels of despotic courts. "This is the law," they say, "and to the law you must submit." This might be very conclusive if we were Medes or Persians; of if a judicial decision had never been reversed, and was incapable of revision. "What do you intend to do about it?" chimes in chorus the whole pack. That is a fair question, and we will answer it plainly. We mean to show that this Dred Scott decision is deficient in every element which should entitle it to respect -- that it violates the truth of history and the logic even of the law; and in our humble way, we mean to assist in getting it overruled. If that be justice, our carping critics must make the most of it. It is a treason in which Justices McLean and Curtis are equally implicated with ourselves. Both these gentlemen -- and more rigorously conservative judges never existed -- said distinctly that they did not consider the

decisions of the Court to be binding upon questions not legitimately before it. The opinions of both these able men are before the public, and we do not believe that a single unprejudiced lawyer, who values in the least his professional reputation, would deny that the dissent of three judges is sustained in a way which does not leave the slaveholding magistrates a leg to stand upon. If we must admire and praise Supreme Justices, we prefer to be allowed to use our own discretion, and when tribunals differ, to select the side which shall have our support.

One would think, to read this fulsome flummery in the newspapers, that there had never been such a phenomenon as an unjust judge, whereas there is not a schoolboy who does not know that history is full of them -- that even in English annals corrupt tribunals have been the rule and not the exception -- that Bacon took bribes, that the Judges of the last Stuarts were cruel, oppressive and venal to the last degree, and that ever since the accession of the House of Hanover, there has been more than one Judge as heartless and tyrannical as he dared to be. There are, indeed, the Hales, the Holts, the Mansfields, and noble exceptions do they furnish; but there too are the Scroggs, the Jeffreys, the Eldens and the Norburys. The State trials of England are black with judicial insolence, ferocity and oppression. Is anybody deterred now from saying what he thinks of these monsters by the fact that they wore the regulation robes and wigs? And must we, while contemplating a great crime, hold our peace because those who have committed it happen to be living?

The position of an upright Judge who tempers the austerities of the law, and who has the heart to appreciate the large opportunities of his vocation, is one which is entitled to the respect of all good men. But a bad, a narrow-minded, a passionate or a prejudiced Judge, is the greatest curse which can be inflicted upon society. We say frankly that we do not believe that this Dred Scott decision, the most important every given in that tribunal, could have been wrenched from magistrates who were not under the undue influence of Slavery, and thinking so, we shall say so. It has come to a pretty pass, indeed, if this Court, created by the people, is to be considered as entirely above popular criticism as incapable of error, as utterly irresponsible. If this were so, we might as well give up the executive and legislative branches of the Government at once. Not so thought Jefferson, whose name is always in the mouths of Democrats, and who utterly denied the right of the Court to construe the Constitution for the coördinate branches aforesaid.

We hear much of the dangers of agitation. We admit them; but we know of another danger far greater, and that is the danger that our liberties may be subverted, our rights trampled upon; the spirit of our institutions utterly disregarded, and our great republican experiment turn out a disastrous failure. We confess that this danger particularly occupies our mind just about this time.

SUPREME COURT vs. THE ABOLITIONISTS.

Richmond, Virginia, *Enquirer* [Democratic]

(13 March 1857)

Abolitionism, from its earliest inception to this passing hour, in all its efforts and alms, has ever been based upon assumptions of an authority paramount to the the Constitution, advocated with

arguments teeming with treason, and enforced by means regardless of recognized rights and the laws of the land. -- It has, however, always clamored loudly for liberty and equality, and justice among men. Uplifting their hand in holy horror, its designing demagogues have been wont to shriek and wail, rave and storm, and impiously appeal to Heaven by turns, as they impose upon the popular mind of the North with their perverted portraiture of Southern slavery, contemptible caricatures of Southern society, and harrowing calumnies upon Southern character. But with all their trickery and treason, their Tyrian-tongued professions of fidelity to freedom, and their indignation and sorrow over the enormities of negro slavery, it has heretofore been the peculiar policy -- at least of those of the schools more moderate than the maligners of Washington and repudiators of the *Bible* -- to claim for the federal government the right of prescribing the bounds of slavery, prohibiting its extension, and all other latitudinarian legislation on the subject, not in conflict with the most liberal construction of the Constitution. And, now, that the Supreme Court of the United States -- the accredited interpreter of the Constitution and arbiter of disagreements between the several States -- after the most profound research, thorough investigation of facts and analysis of principle, after deep deliberation, impartially and without prejudice; now, that this august tribunal has declared a calm conviction, sustained with irrefragable reasoning, which not only annihilates the superstructure but also *destroys the foundation* of the theory upon which their warfare has been waged against the institutions of the South, they are completely taken aback, nonplused and bewildered, confounded and confused. Even the federal government, the favorite upon which they have fawned, refuses to abet them. But though they have been brought to a stand-still as suddenly as the laborers on the tower of Babel, they will not long remain inactive, paralyzed by the unexpected blow in the hey day of hope, and gazing vacantly upon the wreck before them and behind them. Effectually foiled in an effort they had been making for years, defeated in the field of their own choice, driven from the ground they have so often and so defiantly disputed, their centre has been broken and the army put to rout. -- But they will rally again with renovated vigor and with the determination of despair; reckless of wrong or right, regardless of the laws of God or man, they will rush to the ?, determined to "rule or ruin," to arrest the extension of slavery or to destroy the Constitution and the Union. Obligated to abandon their principle point of operations they will re-organize on another. Sebastopol is taken but the war is not ended.

For the future, we predict the Abolition party will not be divided into wings and factions, and schools of different measures, but with the same primary principles.

The moderate man of the North, who admits the right of the slave States to exclusive control over their own institutions, but who is opposed to the extension of slavery into the territories, and in favor of the exercise of Federal power to prevent it, will hereafter be found marching shoulder to shoulder in the ranks, with the furious, foolish fanatic, who would burn the *Bible* for a bonfire in honor of an *emute* in Virginia or South Carolina, and boast of having hung Washington in effigy because he was an owner of slaves. Every class and character, and type of abolitionism will be merged into an indistinguishable army of implacable assailants of the South. The fanatic will not be brought to sense and reason, and therefore to the level of the moderate man, who agrees with him in principle, but differs as to means and measures; but the moderate man, with the single stone upon which he stood, knocked from under him by the Supreme Court, will readily become a fanatic. They have both been educated in the same sectional school, and are

both imbued with the same ideas on the subject of slavery -- except -- as the Irishman would say -- that one is a little more so than the other.

They both *hate* the South, but the one has so far confined his emnity to an opposition to the extension of slavery, with the belief that it would thus soon stifle itself in the narrowness of the compass, while the other has always rallied against its existence anywhere. and everywhere, as a curse, a scourge and abomination upon mankind, to be overthrown and eradicated at any cost, and by any means.

The moderate man has always counseled caution and prudence with perserverance; holding that Congress had arbitrary authority over the territories in relation to slavery, and that the obnoxious institution would be obliterated ere long from the face of the earth, if it could be kept out of the territories and confined to its existent limits. But now, that it is decided that Congress has not the authority to impose restrictions upon it -- to interpose obstacles in its pathway, and forbid a full and free exercise of the elective franchise of the sovereign people in regard to its adoption or rejection -- it is not reasonable to suppose that the inbred hatred will be quietly quelled into indifference or calmed down into acquiescence by a judicial decision in opposition to the instinct, and in contradistinction to the education of him whose forbearance and moderation of animosity towards the South, are attributable to his *belief* in the authority of the Federal government to say to the Southern people, that their institutions may go so far, but that they shall go no further. The man who can concede such rights to Congress, is already prepared to become the most unscrupulous, unreasoning, insane fanatic on the subject of slavery -- to denounce the Constitution as a counterfeit of freedom, and to look upon the Union as an experiment exploded.

To contend now that the General Government has jurisdiction over the domestic affairs of the States, that Congress has the right to mark out the limits or to interfere with its expansion into the territories, North or South, East or West, is to defy the Constitution, to repudiate the decrees of the highest judicial tribunal of the nation, to inculcate treason, to defame the guardian genius of liberty, to despoil our household gods with unholy hands, and to strike with parricidal poniard at the heart of the country. -- That all these outrages upon patriotism, liberty and law, will be perpetrated, we have indubitable evidence, in the defiance, the indignant denunciations, the anathemas and opprobrium hurled at and heaped upon the Supreme Court of the United States, by the anti-slavery press. Since its decision in the Dred Scott case, with the exception of the two dissenting Judges, that body has been assailed with the venom of vipers, and abused with all the balderdash of Billingsgate. In the insanity of their anger and agony, the Abolitionists are uttering curses deep and loud, tearing their hair, indulging in all sorts of grimaces and throwing themselves into every imaginable attitude of contortion.

We are really apprehensive that there will be an epidemic of apoplexy amongst them, unless they find in a few days, some safety-valve for their pent- up mortification and rage. The decision of the Dred Scott case has alarmingly aggravated the effects of "negrophobia." Some means must be devised to cool the of those who are affected with it, or there will either be a tremendous bursting of blood vessels, or all the insane asylums in Yankeeedom will be inadequate for the accommodation of its victims. For our contemporary, the *New York Evening Post*, we feel an especial, a painful, solicitude. It seems to be sadly afflicted with this sudden sort of St. Vitus' dance, under the influence of which the abolitionists are leaping and weeping, kneeling and

swearing, foaming and and fuming, yelling and gesticulating, like so many bedlamites. The *Post*, however, is "working off its steam" at the rate of forty knots an hour, which we trust will soon reduce it within the limit allowed by the law, according to the capacity of the boiler, and thus relieve us of all anxiety in regard to the danger of explosion. One puff from its pipe as it passed, containing at least twenty pounds, may be found in another column, not rarefied, but in its original condensed condition. Keep the valves open, and let the steam escape.

The decision in the Dred Scott case must be a *finality*, so far as the federal legislation on the institution of slavery is concerned. The fact has gone forth, the Constitution has been construed, and Congress must conform. Abolitionism must now unmask, and wage its warfare openly and above board against the government *per se* or bow to its behests and pass off the stage. Which alternative it will adopt, it needs no seer to say.

The Dred Scott Case and the Missouri Compromise

Natchez, Mississippi, *Courier* [American]

(14 March 1857)

We have already published the fact that the U S. Supreme Court had decided this much talked of case, involving the Missouri Compromise question, and pronouncing the latter unconstitutional. We find in the St. Louis *Intelligencer* of the 7th inst., a telegraphic synopsis of the decision, which our readers will deem interesting.

It will be seen that the Court have also decided that Congress cannot confer on a territorial legislature, power to make enactments relative to the personal property of citizens of the United States in federal territory. This is a seeming blow at the doctrine of squatter sovereignty, but not quite as hard a one as we could wish the Court had given. As Congress has no power to exclude slavery from the territory and confer freedom upon negroes, it cannot confer that power on territorial agents. The stream can rise no higher than the fountain, as a matter of course. But Gen. Cass contends that the territories have this power, not so much by donation from Congress, as by some inherent sovereignty of their own. And this inherent squatter-sovereignty, (not derivative jurisdiction,) the Court did not pass upon. The question probably did not come before the Court. The opinion, however, as to Congressional power, is full of interest and point.

The Decision in the Dred Scott Case.

Louisville, Kentucky, *Journal* [American]

(16 March 1857)

--We publish to-day abstracts of the opinions of the Judges of the Supreme Court of the United States in the case of Dred Scott against Sanford. The importance of this decision in the highest legal tribunal established under our Federal Constitution is a sufficient reason for devoting to it so much of the space in our columns. The questions upon which these opinions have been

rendered are among those which have shaken our Union from centre to circumference, and threatened imminently its dissolution. The points adjudicated are more strictly political than legal, and affect materially the *status* of political parties throughout the confederacy.

The Court, by Taney, Chief Justice, decided that the case was not within the jurisdiction of the Court, as the plaintiff was not a citizen, and had no right to sue in a Federal Court. This decision was concurred in by Judges Campbell, Catron, Wayne, Daniels, Nelson, and Grier. The opinion of the Court was delivered by Chief Justice Taney. Judges Nelson and Catron delivered separate opinions concurring in the decision, but arriving at it by a somewhat different course of reasoning. Judges McLean and Curtis delivered opinions dissenting, in conclusion and in detail, from the opinion of the majority of the Court.

The principal points in this decision are that a negro cannot, under the *Constitution*, become a *citizen* of the United States, that the power given to Congress to make all needful rules and regulations respecting the Territory or other property of the United States, referred exclusively to the Territory which belonged to the United States at the time of the adoption of the Constitution and can have no influence on Territory subsequently acquired; that the ordinance of 1787 was a compact between confederated colonies which was set aside by the adoption of the *Constitution*, and that by the provisions of the *Constitution* neither Congress nor a Territorial Legislature organized by authority of an act of Congress, has any right to prohibit slavery in the Territories, and that consequently the Missouri Compromise act of 1820, and the squatter sovereignty feature of the Kansas-Nebraska act are void for unconstitutionality.

In a strictly legal sense perhaps all of these questions were not properly before the court for adjudication, and all, except the decision that the court had no jurisdiction over the case of Dred Scott against Sanford, because Dred was not a citizen of the United States, may be considered as mere dicta and not strictly decisions of the court; but for all practical purposes they are equivalent to regular decisions upon adjudicated cases, as they indicate clearly what would be the decision of the court in any case directly presenting the questions which in this are simply incidental. However different this decision may be from the views entertained by a large portion of the people of the United States, it must be regarded as an authoritative exposition of constitutional law, emanating from the highest legal tribunal in the country, to whose decisions the people and the Government are bound to yield obedience and respect.

The importance of the decision is greatly enhanced by its immediate effect upon two of the great political parties of the country. At a single blow it shatters and destroys the platform of the Republican party. It annihilates the issue which was made paramount in the recent Presidential election, and takes away from the Democratic party all the advantages of its advocacy of popular sovereignty in the Territories. It leaves both of these great parties all abroad, without a single plank of their late platforms upon which to rest.

In the recent election, while the Republicans demanded the *restoration* of the Missouri compromise, the Democratic party strongly advocated the popular sovereignty doctrine incorporated in the Nebraska-Kansas act. They made this popular sovereignty doctrine the chief, and, in fact, the only, plank in their platform. They made it the paramount issue of the canvass. They eulogised it as "more ancient than free government itself," and contended most justly that

the only truly constitutional method of disposing of the question of slavery in the Territories was to allow the people of the Territories themselves, while in a territorial condition, to decide whether they would establish or prohibit slavery therein. In the Inaugural address of Mr. Buchanan, delivered, we believe, only the day before the decision in this Dred Scott case was tendered, the Democratic President elect greatly eulogised this squatter sovereignty doctrine, "that the will of the majority shall govern the settlement of the question of domestic slavery in the Territories," and frankly admitted that it was upon this doctrine that the Democratic party had succeeded in the last election.

The voice of the President elect, admitting the position of the Democratic party in favor of squatter sovereignty, had hardly ceased to be echoed from the walls of the Capitol when this decision of the Supreme Court pronounced the new favorite doctrine of the Democracy unconstitutional. It has therefore become necessary for the formation of a new platform. What this will be has already been foreshadowed in the action of the Democrats in the United States Senate in reference to Bigg's amendment to the Minnesota bill, and the significant declaration in the inaugural address of Mr. Buchanan that "it is the imperative and indispensable duty of the Government to secure to every *resident inhabitant* the free and independent expression of his opinions by his vote." The alien suffrage and States' rights doctrine will be made the cardinal principles of the Democratic and Republican parties, and they will seek to avoid annihilation by a fusion of their failing fortunes.

The Past and the Future.

Charleston, South Carolina, *Mercury* [Democratic]

(17 March 1857)

Our columns, for some time past, have teemed with a record of facts that it is impossible to review without feelings of strong indignation, and even of amazement -- indignation at the humiliations that have been forced upon us, and amazement at the quiet submission that has marked our counsels and repressed our action.

The Supreme Court of the United States, in a recent case, has, by a decision of seven to two of the Judges, established as law what our Southern statesmen have been repeating daily for many years on the floors of Congress, that the whole action of this Government on the subject of slavery, for more than a quarter of a century, from the initiation of the Missouri Restriction in 1822, to the California Compromise in 1850, has been all beyond the limits of the Constitution; was without justifiable authority; and that the whole mass should be now proclaimed null and void, and that slavery is guaranteed by the constitutional compact.

In this decision of the Court there is certainly presented to the minds of all those anxious Union-savers south of MASON and DIXON'S line -- the men who have been teaching us so anxiously lessons of peace, and forbearance, and self-sacrifice -- a charming subject of contemplation and retrospection. It appears that we, Secessionists, have been all the while not disturbing the law, not intruding novelties upon the country, not seeking to break up established principles, but that

we have been simply a step in advance of the highest tribunal in the country, in declaring what was the law of the land, and seeking honestly and faithfully to enforce it.

But it is a curious spectacle that the Southern people have presented to the world during this controversy. With a domain three times greater than that of the French Empire, with a population greater than that which FREDERICK of Prussia made the terror of Europe, with agricultural productions which govern the markets and freight the ships of the whole civilized world -- a people independent in themselves, necessary to all others, compact in the position of their territory, warlike in their character, and with their whole vast internal strength easily at command -- the South has, for a period of more than thirty years, allowed her public men to deal in windy boastings, and sometimes even to descend to servile entreaty, for the purpose of saving, from the abuse of demagogues and the persecution of traducers, those institutions which form her lifeblood, the sources of her prosperity, and the whole foundation of that social and industrial existence which makes her, more than any other people, the centre of civilization of the world. We have allowed ourselves to be assailed in our social, political, moral and legislative relations, and this by a people not distant or professedly hostile, but bound to us by the ties of a common Government -- bound by every consideration of political brotherhood, social sympathy and commercial interest, to treat us not only with forbearance, but even to stand as our friend against all aggressors from without -- by a people to whom we are indebted for no protection -- who have hung for half a century, for the support of their industry, upon that Central Government which we have fed and nurtured into strength, and who have a thousand times proclaimed that their country would become a howling wilderness but for the exactions which have wrested from the South the best part of the profits of her industry. Now the highest tribunal in the country decides that every principle on which the North has assailed us and sought to repress us in the exercise of our rights as a part of the Confederacy, and to limit the spread of our institutions, to undermine their stability and to endanger their peace, is false in law, and that every enactment of Congress tending to carry out these principles is null and void.

Now, however, we may congratulate ourselves that the highest tribunal has at last interposed and given its sanction to principles that recognize distinctly the equality of the States, and condemn the interference of the Federal Government with affairs that are peculiarly under their jurisdiction, and for interfering with which there is no warrant in our common Constitution, we cannot help feeling a sense of mortification that there has been so little of consistent union, on the part of the South, in the maintenance of principles on which depend absolutely her power, her industrial prosperity, and even her very existence. We might have made a better, as we might have made a more successful, battle in favor of interests so great and so vital. When all was at stake, we ought to have risked all, for the settlement of this question. What was it to us that there was a President to be elected, a Cabinet to be appointed, and a squad of subordinate officers to be placed or displaced. The sea is whitened with the rich freightage of our commerce, and the great country of our home is teeming with the abundant products of our peaceful industry. These are mighty interests, compared with which the shuffling game of politics is pitiful in the extreme; and these are the interests which we have too much allowed our public men to forget, or at least to make secondary to considerations of personal interest.

AGITATION OF THE SLAVERY QUESTION.

Richmond, Virginia, *Enquirer* [Democratic]

(17 March 1857)

Every conservative lover of law and order, every supporter of the Constitution and advocate of the Union, every American mind and heart, not false to the faith of the founders of freedom, lost to all reverence for justice and truth, or callous to the cause of civil and religious liberty, throughout Christendom, must have long ago become surfeited with the incessant agitation of the slavery question.

For more than fifty years the question of slavery has been more or less a subject of discord and contention; and, more recently, in some shape or other, it has been continually coming up in the councils of the nation, in the State Legislatures of the non-slaveholding States, before the people of the North, as an issue in elections, local and federal, and before the people of the South as an offset to its agitation at the North, to be considered with reference to its vindication as one of the essential elements of our society, its maintenance as an institution for the public good, and the protection of our rights, originating in it and under it, as the great God-given guaranty of the freedom of the white man through the thralldom of the black -- the accomplishment of the destiny of the African and Anglo-Saxon races by an observance and enforcement of the relations between them designed and decreed by divinity. From first to last, from the ordinance of 1787 to the adoption of the Missouri Compromise from 1820 to 1857, the agitation of this question has been growing greater and fiercer and wilder; widening its circle with each succeeding year, and increasing its virulence and vehemence with every new event and incident that have arisen, upon which it could possibly be brought to bear, until the Union shudders under its shocks, and patriots of all parties gaze aghast at its reckless and ruinous revels in the halls of Congress, in the State Legislatures and in every quarter and corner of the North. That the country is corrupted, that legislation, in momentous matters of national interest, is not only impeded, but perverted and prostituted, that our institutions as a Republican people are immediately and imminently endangered by the insane, suicidal agitation of this absorbing subject, is painfully palpable to every man, woman, and child in the nation. But it is idle on the part of the Southern people to talk or think of putting an end to it now. The dogs of war have been let loose too long to be driven back to the kennel in a day, or a month, or a year. The waters are rushing over the precipice too wildly to hush the thunders of the cataract in an hour; and, however earnestly we may desire it, however anxiously we may hope, however fervently we may pray for it, there is no human hand that can turn back, at once, the torrent tide of abolitionism now so rapidly rising around us, threatening to tear the ship of State from her moorings, and dash her to pieces where the surf surges high, from the confluent waters at Mason & Dixon's line.

It is a waste of words to talk about it, and it would be a waste of time to attempt it.

Subsequent to the election of Mr. Buchanan, and previous to the recent decision of the Supreme Court, there seemed to be something like a bow of promise in the political sky. The angry waters raved less loudly, the clouds looked lighter, and sunshine seemed to be smiling the shadows away. Abolitionism had been baffled and beaten in a desperate assault upon the citadel defending the Constitution and the Union, the sovereignty of the States and the rights of the South; and there was high hope that its most furious Counsel might be its last, except in feeble bands, the

scattered remnant of a routed host. But, since then, there is every evidence of an organization contemplated, and it may be begun, upon a broader basis than ever, for the purpose of placing the sceptre in the hands of the enemies of slavery in 1860.

The election of the Judges of the Supreme Court by the people, is henceforth to be one of the aims of the Abolitionists, for acquiring the means of having the Constitution construed according to their own fanatical ideas of law. If they accomplish that end, the strongest bulwark of the South will have been swept away, the last bond of union will have been broken. But, before they can achieve that dark design, the halls of Congress will echo other sounds than the voices of members.

Agitation in politics as in everything else, either in the physical or moral world, is the result of a conflict between right and wrong -- an opposition of natural to artificial law; a resistance of reason, justice and truth, to prejudice or passion, iniquity or falsehood. And it will never end until the obstruction is removed. Heap up rocks in the river and the waters will foam and fret against them, for a thousand years, or until the rocks are removed and the river rolls on its accustomed course according to the laws of nature. Train a child to believe that there is no God, and until reason assumes a supremacy over the obstacle in its way, there will be fear and doubt -- an *agitation* in the mind, arising from the conflict of education with instinct. And so with the slavery question; as long as abolitionism is extant, as long as the laws of the land are opposed, and impeded by disloyalty and treason, as long as the rights of the South are dodged and resisted by the North, so long must there be agitation, *incessant, increased and increasing* agitation on the slavery question. Every patriot in the nation must deplore it deeply; but we should depreciate the cause rather than the effect -- abolitionism rather than a result of resistance -- if we would express our real regret at the disease, rather than an effect of the remedy.

If the people of the North would cease to hurl thunderbolts at us from their pulpits, to fulminate firebrands into our society through their press, to attempt to intercept us in every territory, to defraud and to force us out of our rights; if, in other words, they would "render unto Caesar the things that are Caesars" concede to us equality in the Union, offer no illegal and unjust obstruction to the extension of our institutions, if they would *let us alone* and leave slavery to the states, and to the same protection and privileges enjoyed by all other property under the Constitution, the *agitation* of the question would come to an end on the instant. The trouble would cease simultaneously with the cause that produced it. But, as long as they empty their vials of wrath upon our heads, ours must be emptied on theirs. If they propagate calumnies, we must refute them. If they incite *their* people to hate and assault the South, we must incite *our* people to *reciprocate the hatred*, and repel the attacks. If they smite us on the cheek, we cannot and will not turn the other to them too. If there is a danger in agitation, there is still more danger in supineness and submission. The South has never assumed an attitude of hostility to the North. Our position has always been and is still that of right and honor and virtue, acting on the defensive against injustice, immorality and wrong. It is true we hurl back the anathemas of the North, resist their taunts and jeers with fourfold force and truth, and expose to the public gaze the venality and cankerous corruption of their *free* society. But we never propose to amend their morals, to ameliorate the intolerable fits of their body politic, to interfere in any way with their institutions through that instrumentality of the federal government. We never send emissaries among them to incite socialism -- incendiaries to instigate rebellion of labor against capital, to

persuade the starving fugitive slave and their tens of thousands of desperate paupers to rise in revolt against their *philanthropic* millionaires. We never protest against the protection of their property by the Constitution. We leave their domestic matters to themselves; and all we ask is an observance on their part, of the same policy towards us. As long as *their* sword is unsheathed, ours will be also. We make no war upon them; but as long as our rights are denied, the temple of Janus can never be closed.

The Question Settled. -- Black Republicanism vs. the Constitution.

Concord, New Hampshire, *New Hampshire Patriot* [Democratic]

(18 March 1857)

We give in this paper an abstract of the decision of the U S. Supreme Court in the Dred Scott case, in which it is solemnly adjudged and decided, by the highest judicial tribunal of the Union, that the Missouri Compromise was unconstitutional, and that Congress has no constitutional power or authority to legislate upon the subject of slavery in the Territories. It will be seen that other incidental questions were decided in this case, but this is the one of the most political importance, and interest. It utterly demolishes the whole black republican platform and stamps it as directly antagonistical to the constitution. This is the end of the matter, so far as argument and voting and legislation are concerned. The constitution is the supreme law; the Supreme Court is the authorized interpreter of the constitution; the construction which that tribunal puts upon that instrument is, for all practical purposes, the constitution itself, and therefore their decision must be fully and freely acquiesced in by all good citizens. That decision is now the supreme law of the land; it is practically the constitution itself, being the meaning and intent of that instrument as officially interpreted and declared by the tribunal authorized to interpret it, and from whose decision there is no appeal. Resistance to that decision is, therefore, resistance to the constitution -- to the government -- to the Union itself. It cannot be made legally, rightfully, peacefully, or with the least chance or hope of success. That decision must be carried into effect -- that interpretation must be acquiesced in and acted upon, *or else it must be resisted by force*. There is no other alternative. It is the law, the constitution, and will be respected and acted upon by the constituted authorities, no matter to what party they belong nor what their private views may be in regard to it. It cannot be evaded; if Congress and the President should undertake to resist it, the effort would be futile. In a word, we repeat, nothing but force, open rebellion, can successfully oppose the practical application and enforcement of the decision of the court in this case.

But what is the course and talk of the black republican organs upon this subject? Why, one would suppose, from their talk, that the decision of the highest judicial tribunal of the Union is of no binding force! The N Y. Tribune even declares that their decision in this case is entitled to "no more weight than would be the judgment of a majority in a Washington bar-room," and other black papers declare the judges to be "scoundrels," and Benedict Arnolds, and the black press and pulpit unite in reviling the court and denouncing their decision!

Now this only goes prove, what we have heretofore alleged, that the black republican creed and purposes are at war with the constitution, are treasonable, and contemplate the overthrow of the Union. It only goes to show that their leaders stand precisely upon Garrison's platform, and that the road to the attainment of their objects lies over the ruins of the constitution and the Union. There is no escape from this; they preach resistance to law, to the supreme law -- resistance to what is authoritatively adjudged to be the constitution. Such resistance, if carried into practical effect, would be treason; and all who preach it, preach treason, and all who seek to make a practical thing of it, seek to overthrow the constitution. This is the sum and substance of the matter; and all patriotic citizens -- all who have a regard for the continued existence, peace and prosperity of the country, will [illegible] constitution, and to the government which is bound to respect and enforce it.

This decision effects a legal and constitutional settlement of the sectional issue which has so long agitated the country and endangered the very existence of the government. Of course, no one expects it will stop the mouths or check the efforts of the professional agitators; for, as Daniel Webster well and truly said in his Buffalo speech in 1851, "their livelihood consists in agitating; their freehold, their copyhold, their capital, their all in all, depend on the excitement of the public mind." These men will agitate still; the noise and rant and howl of interested fanaticism will still resound. But it will be without substantial foundation, without plausible object, and with the palpable certainty that no good can come from it, but that it is an agitation and a warfare against the constitution itself. With this fact before the eyes of all men, such agitation must be up-hill work, however industriously it may be prosecuted.

The *Washington Union*, in view of this decision, well and truly says that "the Democratic party is now enjoying the greatest triumph -- not merely that they have elected their candidates and secured four more years of party ascendancy in the executive branch of the government, but that their victory has been won on the most momentous issue that ever divided the public mind, and that political triumph has been confirmed and endorsed by the highest judicial tribunal known to the constitution.

If the sectional question be not now settled, then we may despair of the republic. We believe it is settled, and that henceforth sectionalism will cease to be a dangerous element in our political contests. No issue was ever more directly and squarely made than that on which Mr. Buchanan was elected. The result was an unmistakable popular judgment against sectionalism, and in favor of a broad, conservative, constitutional nationalism. The questions involved in the canvass could not have been more fairly and directly made and maintained, and if the success of the democratic nominees did not settle those questions as fully as a popular decision could settle any question, then it is idle to rely on popular elections as tests of political principles.

There was but one thing needed to give to the result in the Presidential contest the force of an absolute and final settlement of the sectional issue. That thing was the judgment of the Supreme Court in confirmation of the Democratic doctrines which had received the popular endorsement. The decision in the Dred Scott case has furnished the closing and clinching confirmation needed, and henceforth sectional fanaticism cannot maintain its warfare without arraying itself distinctly against the constitution. The people have decided that sectional agitation must cease, and the

highest judicial authority has declared that the people have decided in accordance with the constitution.

Whoever now seeks to revive sectionalism, arrays himself against the constitution, and consequently, against the Union. Of course, it is to be expected that fanaticism will rave and clamor against the decision of the Supreme Court. But fanaticism ceases to be a formidable enemy when it seeks to measure strength with the Union-loving spirit of the people, sustained and confirmed by the great arbiter of constitutional questions. Fanaticism becomes powerless against such a combination, and hence we may smile at the madness with which the organs of black republicanism assail the late decision of the Supreme Court. It is the last dying fit of fanatical sectionalism. It will have the effect of fixing public attention upon the reckless wickedness which has heretofore impelled the sectional agitators to force the republic to the very verge of disruption.

We feel, therefore, that the danger is for the present over; that sectionalism is virtually dead -- that it has been crushed out by the popular verdict in the presidential election; and that the decision of the Supreme Court had left nothing vital in republicanism, and has placed the Democratic party beyond and above all competition as the constitutional, national, Union party of the country. Mr. Buchanan takes the helm under these auspicious circumstances, and his acts thus far give token of a successful and prosperous administration.

The Supreme Court.

Albany, New York, *Evening Journal* [Republican]

(19 March 1857)

Five of its nine silk gowns are worn by Slaveholders. More than half its long Bench is filled with Slaveholders. Its Chief Justice is a Slaveholder. The Free States with double the population of the Slave State, do not have half the Judges. The majority represent a minority of 350,000. The minority represent a majority of twenty Millions!

It has long been so. Originally there were three Northern and three Southern Judges. But the South soon got the bigger share of the black robes, and kept them. Of the thirty-eight who have sat there in judgment, twenty-two were nurtured "on plantation." The Slave States have been masters of the Court fifty-seven years, the Free States but eleven! The Free States have had the majority only seven years, this century. Even the Free State Judges are chosen from Slavery extending parties. Presidents nominate, and Senates confirm none other. Three times a new Judgeship has been created, and every time it has been filled with a Slaveholder. The advocate who pleads there against Slavery, wastes his voice in its vaulted roof, and upon ears stuffed sixty years with cotton. His case is judged before it is argued, and his client condemned before he is heard.

The Millennium at Last.

Charleston, South Carolina, *Mercury* [Democratic]

(27 March 1857)

The grand millennium has at length, we are informed, come to the political world; and we, the chosen people of the great Western Republic, are the favored recipients of the Divine promise -- the earthly blessing. Regenerated man here walks free, in full contentment, happy in a universal concord of brotherhood and mutual love; "Peace" reigns supreme, immutable, eternal; and "Plenty" shakes her bounteous horn over a smiling land, flowing indeed with milk and honey.

The High Priests of Cincinnati officiated at the preparatory offering -- the laws of the Twelve Tables have been issued -- the political Magician of Peace has appeared; he has bid the troubled waters of the earth be stilled, and lo! they are stilled; the lion and the lamb are now to lie down together -- our swords are to be turned into ploughshares, "our stern alarms into merry meetings" -- wars are to be remembered no more, and the whole voice of the people is to rise up in one mighty hosannah to this glorious Union.

The Democratic party, overwhelmed in every State North of MASON and DIXON'S line, excepting three -- half-drowned, sinking, struggling in the boisterous, swelling tide of Abolitionism, clutching at and clinging to every passing piece of driftwood- finds its head still, for a little while, above water, by means of the staying power of the Southern Rights party, and shouts in its delirious joy -- eternal calm!

The Supreme Court, repudiated in politics by South Carolina in 1828, defied and scoffed in law by the North in 1857, delivers its opinion upon a matter about which there never has been any doubt, except in the minds of those very men who now laugh it to scorn, because they choose to doubt, and are hence determined to doubt, and forthwith the potent opinion is proclaimed, like PERRY DAVIS'S Painkiller and TOWNSEND'S Sarsaparilla, a universal panacea for all ills pertaining to the body politic, past, present, and to come.

Liberal Southern politicians, by their ingenious, if not altogether ingenious policy and politics, are to creep, some into a corner of the Executive Department -- some would like to go abroad, with Uncle Sam to pay expenses and give prestige to their entertainments -- others felicitate themselves in " a lively sense of favors to come" in Speakerships, Senatorial honors, &c.; while the party tools, political hacks, and underlings, from Maine to Texas, gorge, and snarl, and revel over the offals of Government patronage that are thrown to them in every nook and cranny of the United States. As a logical sequence in the minds of these worthies, and a matter of course, there reigns over the whole land the very harmony of the spheres; new life has been instilled into Southern institutions, and an enlarged prospects opened before her -- civilization itself has received a new impulse, a refreshed vigor by proxy and in their persons, and man is about to consummate the end of his earthly destiny in absolute perfection, freedom and happiness. In short, we repeat, the millennium is full flush upon us, with Federal gold in one hand to drug our reason into pleasing apathy of all impending evils, and Federal office in the other to drown all sense of shame.

The sources of our information upon this interesting subject, are most veritable and respectable. The scattered remnant of a dismembered clique at the North, once called the Democratic Party North, now beaten and crushed out in every State but three, chants to its broken and disheartened adherents, a desperately feeble song of victory. A faint cry comes to us, too, from the renowned hog country of the Northwest. But it is from the South that there arises the grand and full-voiced choir of party glorification. On every side we hear the ceaseless chime of the great advent -- "peace and good will towards all men." We are, it would seem, the peculiarly favored recipients of this blessing. Happy, happy, thrice happy people! In a like manner, upon occasions of general holidays (as the fourth of July), our streets may be heard to resound with the similarly noisy hilarity of our slaves. Is it that we have taken lessons from them in our habit of thought, and the method of expressing ourselves? Or is it rather that like causes produce like effects, and that we break out in an unrestrained exuberance of spirits at the temporary respite we are so fortunate as to be permitted to enjoy? The future will answer.

Is it true that, in opposition to the above authorities, there are, at the South, some sanguinary and half-witted fanatics, otherwise called "ultraists," who pronounce this Utopian dream to be the concoction of a disordered brain -- who deem this temporary lull but the ominous gathering of the storm before it bursts -- the pause before the death grapple; and who esteems such illusive fancies only a most striking instance of the power of the human mind, when influenced by strong passions, as fear, ambition, or avarice, to compel itself to belief, even against the plain dictates of its own reason. But who, indeed, would regard such men? Have they not been talking to us these twenty years of daily encroachments and growing dangers, and has not time shown them to be, at best, but vain dreamers, enthusiasts, and alarmists, if not designing rogues? Does not the past and present congressional legislation that we enjoy, to the benefit of our commerce and agriculture, and the strengthening and extension of our peculiar institutions, the general harmony and good feeling that pervades all sections of the country, and our daily improving general political condition, demonstrate the folly of these malcontents? And does it not, on the other hand, illustrate the wisdom of those far-sighted men, who, confining their observations of the world to the limits of their own immediate interests, usually extend their version to about the ends of their own noses -- who always see "a lion in the path," and who always cry peace- who, timid and short-sighted in counsel, dilatory and time-serving in action, withal never forget their own preferment in their counsels to others, even at the cost of ruin and debasement to their countrymen. If this be not wisdom, "ye shades of BARNUM rise and speak."

Then, besides these ultraists and "alarmists" at the South, there are at the North also some few half wild and altogether insignificant fanatics -- the offscouring of the Northern population, amounting to some ten or twelve millions of educated white people -- that is, the sovereign power in all the States north of MASON and DIXON'S line, with the bare exception of three, who smile grimly at the fantastic delusion of "peace"- who laugh to scorn the late decision of the Supreme Court, as only giving impetus to new organizations -- who boldly proclaim to us and to the world that they have dug up the hatchet and will war to the knife, let come what will. Hear their own words:

THE NEW HAMPSHIRE ELECTION.- The late New Hampshire State election has resulted in a clean sweep of the board by the Republicans from stem to stern. This old Democratic star in the East has thus, it appears, set upon that party, never to rise again. * * * Talk of the agitation of

slavery! That which has been was all mere child's play compared with that which is to come. Mr. Buchanan is safe enough, for the course which he has adopted is clearly marked out before him as his true course. But what of the succession? Will the election of 1860 be an affair of law and order, or a fearful and calamitous political and financial convulsion? Who can tell? -- *New York Herald*.

Hear them again:

"Some of the journalists who support the cause of the Administration, are pleasing themselves with the fancy that the decision of the Supreme Court of the United States, in the Dred Scott case will, put an end to agitation of the slavery question. They WILL SOON FIND THEIR MISTAKE. One specific after another has been tried, with the same view, and with the same success. The Fugitive Slave law, we were told, was to quiet all agitation, but it did not; the Nebraska bill was to stop all controversy on the slavery question, but it proved to be oil poured on the flames. The election of Mr. Buchanan as President, in November, was to put an end to the dispute, but since November the dispute has waxed warmer and warmer. It will never end till the cause of liberty has finally triumphed. Heap statute upon statute, and judicial decision to judicial decision, the spirit against which they are all leveled is indestructible. As long as the press and speech are free, the warfare will be continued. N. *Evening Post*.

These are only the mild expressions of the settled determination of some ten millions of resolute people, flushed with victory and power in almost every Northern State, urged on by every consideration of interest, ambition, and fierce fanaticism, clothed in the fascinating garb of liberty -- that liberty, blood-stained, irresistible, terrible, when perverted -- such a fanaticism as desolated Europe in the Crusades, and horrified the world in the murderous "Reign of Terror."

But what care we, bold sons of chivalry, for this paltry Northern rabblement -- these insignificant bewildered fanatics? Nothing -- most surely, nothing! They are "as the idle wind that we regard not." What business they, between the wind and our nobility? Poor deluded mortals, they tell us, too, that we shall acquire, by the decision of the Supreme Court, not one right more than they granted to us before -- not one foot of slave territory more than we would have acquired without it. How much that will be, let the late history of our Government answer. They tell us, too, that we shall recover not one fugitive slave more than we have been recovering. How many these are, and how easily it is done, let some one, who is curious to know, try it -- for ourselves, we shall only offer him the use our columns gratis, for the benefit of his experience.

But what care we, bold sons of chivalry, for this paltry Northern rabblement - these wretched fanatics! Nothing- most surely, nothing! They are "as the idle wind that we regard not." We have achieved a great victory, we are all powerful, we will have peace- because we want it- badly; so does the child clutch at the moon! The victory we have won may indeed be glorious -- more glorious because of the disaster of the engagement. But it is a victory more fatal perhaps than defeat, the forerunner of complete subjection. Like the soldiers of our Revolution, they rise up stronger from each struggle, with renewed vigor and more determined resolution. We, exhausted by every effort, stricken, intimidated, but beat back momentarily their fierce assaults that we may cover our next retreat and leave them in possession of our camp fires. This has been the history of our gallant contest with this insignificant rabble for the last fifty odd years. Again we have

passed through a new struggle, more insignificant at each meeting -- again our colors are flying over our march, and again they are flying over our retreat. Back! Back! Our enemy is before us! In '60, when we meet again, let us see to it that we have a large swamp in our rear behind us -- it may be convenient to cool off and luxuriate in after our next triumph.

The Issue must be met.

Milledgeville, Georgia, *Federal Union* [Democratic]

(31 March 1857)

The late decision of the Supreme Court of the United States, in the Dred Scott case, will bring the enemies of the South face to face with the Constitution of their country. They cannot escape the issue presented -- the observance of the laws of the land, or disunion. They can no longer dodge under such pretexts as "bleeding Kansas." That harp of one string has played its last tune, and must now be hung up. Or, if continued to be used by the reverends Henry Ward Beecher and Theodore Parker, it will not call forth the responses it was wont to do in the flush times of "bleeding Kansas." Many of the followers of these infidel preachers are not the fools or fanatics their conduct would seem to indicate. They acted upon principle, many of them, in their opposition to the repeal of the Missouri Compromise; and their zeal for free Kansas was excited to the highest pitch, by the lying agents of the Free State Party. But it is a quite different question now. The leaders of the Black Republican Party are denouncing the decision of the very Tribunal to which they had appealed, and are endeavoring to excite among the people of the North a bitter hostility to it. They will endeavor to organize a party on the basis of opposition to the decision of the majority of the Court in the Dred Scott case. But as fanatical as the people of New England are, they will hesitate to enter the ranks of a political party, organized for the express purpose of overturning a decision of the Supreme Court of the United States. Some of our Southern editors depreciate the agitation to which this decision will give rise. But let it come. The fury of the storm has passed. The treasonable conduct of the leaders of the Black Republican party will be rebuked at their very doors. The issue they have raised will be met by the true-hearted, Constitutional, law-abiding men of the North, and thousands who followed Fremont and "bleeding Kansas," will find themselves allied with the Union men of the country, in sustaining the determination of the Supreme Court in the Dred Scott case.

No Title.

Columbus, Wisconsin, *Republican Journal* [Republican]

(31 March 1857)

According to our promise in our last, we this week give the article from the N. Y. *Independent* headed "The New Era" on our first page, on the decision of the Supreme Court in the Dred Scott case and we speak for it a careful perusal. Everyone ought to make himself well acquainted with the whole character and bearing of this decision. This is no trifle which will only be talked about for a short time and, then die off. It strikes at the very vitals of our free institutions and if such

things are suffered we are no longer a free people but are at the mercy of a band of tyrants who will rule us with a rod of iron worse than that of a Russian Autocrat. Here is a body of men who cannot be reached thro' the ballot box even the party in power has no control over them. This decision shows what men will do when vested with the vast power of the present Supreme Court of the U. S. when once they become corrupted and no sane person can deny but that this court is so at the present day. It has been shown that they have resorted to the most glaring falsehoods to sustain this decision; and those editors who justify and uphold them, so far as we have seen, give no reason to show the justice of such a course. If you offer any argument you are only met by slang, such as black republican, abolition, nigger worshiper, &c. They try to put you down by ridicule instead of argument., in fact they can adduce none, they will tell you that you must submit to the decision of the Supreme Court however arbitrary, tyrannical and unjust it may be or you are a disunionist. With such a court and such men as we now have for judges neither our lives, our liberty nor our property are safe. Our State rights have been invaded by this court in one case and they will not hesitate to do so in another if it suits their convenience or is for their interest or the interest of Slavery -- of either the white or black race. What hope can we have of obtaining justice from men who have so grossly outraged every principle which we as freeman hold dear? Men who will resort to falsehood in one case will also do it in another. Men who will pervert the law in one case will do it in all cases where interest or favoritism is concerned. What chance would a free state man have in such a court if opposed by a slaveholder? None whatever.

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