DAILY APPEAL.

MEMPHIS.

TUESDAY MORNING---MARCH 17, 1857.

CHIEF JUSTICE TANEY'S DECISION—THE SOUTH SECURED IN HER RIGHTS.

We have previously spoken of this important adjudication. This morning we publish in full the learned and imposing opinion of the Supreme Court, as pronounced by Chief Justice TANEY, in the DRED SCOTT case, which, by reason of the important principles involved, has recently claimed so much of the attention of the press. It is said that the venerable Justice who gave the opinion of the Court, has signified his desire to retire from the Bench, but was unwilling to surrender the *ermine* which he had honored and dignified for near a quarter of a century, until he had entered on record his opinion upon this, the most important subject that has ever come before the highest judicature of the United States.

It will be observed that two important points were decided: one having reference to the *constitutionality* of the Missouri Compromise, and the other the *citizenship* of the *negro*, and his right to appear as a party in the Supreme Court. Both points are adjudicated in the nervous and conclusive manner for which the Chief Justice has ever been remarkable, which, while it strengthens the Southern States by giving assurance that the Constitution is to be faithfully administered, will also go far, if anything can, to give quiet to the slavery agitation.

Yet it must not be supposed all the fanatical agitators will abide by this decision. The following taken from the New York *Tribune*, indicates the revolutionary course which some of them are prepared to take:

"The Slavery question has at length found its way into the Supreme Court in all its length and breadth, and that body has fully justified all predictions and all anticipations that the system would find therein a home and a bulwark. The members of that body have done for it all that it was ever alleged they would do by those who, like John P. Hale, have always considered and characterized that Court as the 'Citadel of Slavery.'

"Alas! that the character of the Supreme Court of the United States, as an impartial judicial body, has gone! It has abdicated its just functions and descended into the political arena. It has sullied its ermine; it has draggled and polluted its garments in the filth of Pro-Slavery politics. From this day forth it must stand in the inexorable judgment of impartial history as a self-disgraced tribunal. And from this day forth it will be one of the great and leading aims of the people of the Free States to obliterate the shameful record, and undo what it has done. What has been done will be undone. For that Court, instead of planting itself upon the immutable principles of justice and righteousness, has chosen to go upon a temporary and decaying foundation. If there is such a thing as Eternal Justice in the Universe, that foundation must crumble and fall, and carry all who repose upon it into inevitable ruin.

"The Court decides that the Constitution of the United States recognizes property in man, and that under it and by force of it, human Slavery is nationalized, and must be protected and defended in its spread and perpetuation whithersoever that Constitution is carried and is legitimately in force.

GEN. JOHN A. QUITMAN.

We were, says the Philadelphia *Argus*, lookers-on at the grand Inaugural procession which escorted Mr. BUCHANAN to the Capitol, on the 4th of March. The display of military exceeded anything we ever beheld. There was one feature, however, about it, which filled every American who looked on with pleasure. It was that the brave and gallant veteran, QUITMAN, had been assigned the position of Commander-in-Chief of the military cortege. The well arranged column was attributable to the keen military precision with which this chieftian had marched them into line. There he sat on a fine gray horse, clothed in full military uniform, with all the trappings of a Major General, the most complete specimen of a general we ever beheld. We heard an officer who was in Mexico with him say that "he had seen that old general, (pointing to General QUITMAN as he headed the column of military,) march into the battle of Cerro Gordo with as much coolness as he was then heading those regiments on a peaceful march to the Capitol." We regarded Gen. QUITMAN and command as the handsomest part of the whole affair.

☞ On the 13th inst the U. S. Senate confirmed ISAAC H. STURGEON as Assistant Treasurer at St. Louis.

☞ The Governor of Ohio has commuted the sentence of JAMES SUMMONS from death to imprisonment for life.

☞ Dr. D. F. SMITH, charged with the murder of Dr. BLACKBURN, at Cairo, has been arrested.

☞ The dwelling house of Mr. JAMES G. HARRISON, in Lincoln county, was totally destroyed by fire on the night of the 9th inst.

☞ JOHN L. BUCKLEY, President of the Corn Exchange, died at New York suddenly on the 13th inst.

☞ The Democracy of Henderson and Wilson counties have declared themselves in favor of Hon. ISHAM G. HARRIS for next Governor.

☞ The Democratic State Convention of Louisiana will be held at Baton Rouge, on the 18th of May.

☞ The Emperor of Russia, according to the Paris correspondent of the London *News*, will visit the capital of France in April.

☞ The dwelling and out-houses of TURNER WESSON, Esq., in McNairy county, were entirely consumed by fire on the night of the 8th inst.

☞ Captain GOULD and Mr. CHAS. H. LEE, were robbed at the St. Cloud hotel, Nashville, on the 10th inst., of $30 and $40, and a gold watch valued at $150.

☞ The brick church property, in New York, offered to the government for a post office, sold on the 13th inst., for $360,000, the owners reserving the corner lot.

☞ Hons. SAMUEL MEDARY and J. PATTON ANDERSON were confirmed by the Senate on the 13th inst., as Governors of Minnesota and Washington Territories.

☞ Among the confirmations by the U. S. Senate, on the 13th inst., were those of five senior commanders of the Navy to be Captains; seven senior Lieutenants to be Commanders, and all the Masters, with four Midshipmen, to be Lieutenants.

FURNITURE FOR THE EXECUTIVE MANSION, &c.—Congress, ere adjourning, appropriated $20,000 to renew the furniture of the Executive Mansion; also, $11,000 for the repair of the public grounds in Washington city.

☞ Mr. PICKENS, a respectable citizen of Maury county, was murdered a few days since. He was found dead upon the highway, from pistol wounds, where he had fallen from his horse. The act was committed in the open day, as the deceased was returning from Columbia to his home. The murderer has so far escaped detection.

MURDERER ARRESTED.—Some time since we referred to the murder of Mr. NORCROSS, a citizen of Mississippi, by a man named MCKIM, near Altona, Pennsylvania. From the following dispatch it will be seen that the murderer has been arrested:

"BLOOMSBURG, Pa., March 12.—McKim, the murderer of Norcross, was arrested yesterday afternoon by Aaron Wolf, at the Long Pond, on North Mountain, in Luzerne county. He was brought to Bloomsburg and put in jail last night. Mr. Wolf had a revolver in his hand when he arrested him. McKim made no resistance. On the way to Bloomsburg he acknowledged to Mr. Wolf that he was the man traveling with Norcross."

MISSISSIPPI INTELLIGENCE.

KNOW-NOTHING CANDIDATE FOR CONGRESS. A correspondent of the Panola *Star*, under the signature of "Belmont," suggests Col. JAS. L. ALCORN, of Coahoma county, as a suitable person to head the Know-Nothing battalion (not "corporal's guard" as some have supposed) in North Mississippi. ALCORN is perhaps one of the very ablest men Know-Nothingism may boast of in North Mississippi, but it is a matter of serious doubt whether he has the power to collect together and consolidate the scattered fragments of his party so as to make even a respectable opposition to the conquering hosts of the Democracy. Whoever consents to take the position of Know-Nothing candidate for Congress in the First District, must most assuredly have first obtained his own consent to become an aspirant for defeat, instead of a seat in Congress. Strange as it may seem, such defeat has been regarded in the First District as an honor; and to prove this it is only necessary to mention the fact that the First District has never yet been represented by a Whig nominee, although the Democracy for near a quarter of a century have encountered opposition.

SHIELDS L. HUSSEY, ESQ.—This gentleman, the efficient and trustworthy incumbent of the office of State Treasurer, is, we learn, a candidate for re-nomination, which is equivalent to re-election in Mississippi. If the State Convention should adopt the policy of retaining the present State officers, we are confident that they will most cheerfully avail themselves of Mr. HUSSEY's services. Col. M. D. HAYNES, of Yazoo county, is suggested for the same office.

HON. D. B. WRIGHT.—The Hernando *Press* runs up to its mast head the name of this distinguished and unconquerable Democrat for re-election to Congress in the First District. He has been twice elected to Congress—in the first instance against the *Union humbug*, and in the second against the still greater imposture of Know-Nothingism. His course in Congress has been so eminently acceptable to his constituents, that, judging by the tone of the Mississippi press, no objection will be offered to his re-nomination, should he desire it.

CALHOUN DEMOCRAT.—This paper is offered for sale. It is published at Pittsboro. The proprietors say that the location is advantageous, and that the paper has a good subscription list. A bargain is offered in it.

INCENDIARISM.—The Vicksburg *Whig*, of the 12th inst., learns that a daring attempt was made the day previous to fire the frame buildings adjoining Prof. YOUNG's Female Academy in that city.

HON. A. B. DILWORTH.—The Jacinto *Republican* takes ground for this gentleman as a candidate for Secretary of State, an office which he has filled most acceptably to the people.

DEMOCRATIC MEETING.—The Democracy of Tishomingo held a meeting on the 23d inst. to appoint delegates to the State and District Conventions.

A NEW PAPER.—Mr. B. F. OWEN has purchased the *Argus* office at Houston, Miss., and changed its name to that of *The Petrel*, after the bird of that name whose appearance, mariners say, betokens an approaching storm. The *Petrel* thinks that the Union is only kept together by the election of JAMES BUCHANAN as President. How fortunate it is, therefore, that the people have made such a selection.

ARKANSAS INTELLIGENCE.

MASONIC TRIBUTE TO THE MEMORY OF MATHEW OWENS.—The Little Rock *True Democrat* contains a series of resolutions passed by Yell Lodge No. 64 on the 17th ult., in regard to the untimely death of Mr. MATHEW OWENS, of Marion county. The resolutions set forth that he was murdered by Calvin Coker, without provocation on the 7th of February last, and pay an appropriate tribute to his memory. The deceased was born in Claibourne county, Tenn., and emigrated several years ago to Madison county, Ark. He leaves a wife and four children to mourn his loss.

HIGH WATER.—We learn that a large extent of country, below the mouth of the Arkansas, is overflowed—the levees having broken in many places. Arkansas river was very high at the last accounts.—*Helena Shield, 14th inst.*

The same paper speaks in the highest terms of commendation of Mr. W. B. GAW, recently appointed by Gov. CONWAY to the office of Swamp Land Commissioner at Helena.

LIQUOR SELLING IN THE INDIAN COUNTRY. Hon. A. B. GREENWOOD, has introduced a bill in the House of Representatives, to remedy the defect in existing laws in regard to punishing persons for introducing spirituous liquors or wines into the Indian country.

We copy the following from the Little Rock *True Democrat*, of the 10th inst.:

"SUPREME COURT.—We state, for the information of those interested, that the Supreme Court, on Saturday last, decided the case of Maxwell vs. Moore, involving the title to the town of Searcy, in White county, in favor of the defendant, affirming the judgment of the Court below. We understand that the appellant will sue out a writ of error to the Supreme Court of the United States."

ALABAMA INTELLIGENCE.

FOUND DEAD.—The Eutaw *Observer* of the 6th says:

"Yesterday an inquest was held upon the body of a man, found upon the lands of Dr. Alexander, some four miles from Eutaw. It was identified as the body of Mr. Carter Roden, who left here on the 15th of January, in a state of lunacy. It is supposed he died from starvation, or that he was frozen."

The following gentlemen were elected as Intendant and Councilmen of the town of Tuskegee on the 2d inst.:

Intendant—F. M. Lagon.

Councilmen—Milton Stevens, E. M. Moore, J. M. Swanson, Littlebury Strange.

COTTON FACTORY BURNED.—We regret to learn, from the Tuscaloosa *Observer*, that the cotton mill of HARDY CLEMENTS, Esq., in the immediate vicinity of his residence in that county, some eighteen miles East of Tuscaloosa, with all its contents, was burned on Thursday night last. The amount of property destroyed, is estimated to be about thirty-five thousand dollars—and not being covered by insurance, is a total loss.

SUDDEN DEATH.—The Mobile *Register*, of the 26th ult., records the sudden death, in that city, on the day previous, of J. W. RICE, Esq., at the residence of his father-in-law, Judge HOPKINS. The deceased was setting up conversing with his wife and a female friend who had called in, when he complained of pain in his chest, and in a moment afterwards was seized with a convulsion which terminated his life almost instantly.

☞ Mr. S. S. TAYLOR has been elected Mayor of Cairo, Illinois.

APPOINTMENTS BY THE PRESIDENT.—The following appointments were confirmed by the Senate on the 12th inst.:

J. C. Ramsey, United States Attorney for the Eastern District of Tennessee; Wm. M. Lowry, United States Marshal for the Eastern District of Tennessee; Jesse B. Clement, United States Marshal for the Middle District of the same State; Joseph S. Smith, U. S. Attorney for Washington Territory; J. H. Harralson, Surveyor of the Port of Selma, Ala.; Orin L. Cochran, Postmaster, Houston, Texas; John L. Buck, Postmaster, Tuscaloosa, Ala.; A. H. McKissick, of Arkansas, Indian Agent for the Wychetas and the neighboring tribes west of the Choctaws and Chickasaws; F. S. Lovejoy, of Miss., Attorney for the Northern District of that State, in place of Mr. Orr, resigned; Jas. W. Nesmith, Superintendent of Indian Affairs for Washington and Oregon Territories; H. C. Lowell, Register of the Land Office of Minnesota; Wm. E. Mustaphy, Indian Agent for the Pottawottomie Indians; F. Livingston, Collector for the District of Fernandina, Florida; Joseph Genois, Naval Officer at New Orleans; Wm. P. Rayburn, Additional Appraiser General; J. J. McCormick, Appraiser of Merchandise at New Orleans; F. H Hatch, Collector for the District of New Orleans; Joseph L. Collins, Indian Superintendent in New Mexico; Elias S. Dennis, Marshal for Kansas Territory; Hampden McClanahan, Marshal for the Western District of Tennessee; John Walker, Indian Agent for New Mexico.

NICARAGUAN AFFAIRS.

From the N. O. Delta, March 12.]

THE RECENT ENGAGEMENTS.

The W. I. Royal Mail steamer *Trent* arrived at Aspinwall, from San Juan del Norte, on the 21st ult.

Particulars of the recent engagements are given in the correspondence of the Aspinwall *Courier*, and the statement of the purser of the *Trent*:

CASTILLO, February 17.—MR. EDITOR: On the 13th of this month, at 6 A. M., we opened the ball with the enemy in fine style; three brass six pounders and 250 rifles, sending our friends in and about Serapiqui a pressing invitation to leave for home. In ten hours we threw 400 round shots among them, knocking the fort and houses to pieces, and making it too hot for Costa Rican courage to withstand. At dark they evacuated the fort, leaving 4 brass guns, 350 Minnie rifles, a large quantity of provisions and amunition, and all their wounded. At day light on the 14th we took possession, and the same evening our little boat, (the *Rescue*,) with 150 men, started for Castillo, arriving on the 15th. We cut off the greater part of the enemy from the fort, which is now so closely invested that there is no hope for them but surrender. On the 16th we cut from under their cannon the steamer *J. N. Scott*, the largest and finest boat on the river. Some of the prisoners tell us that the enemy have no provisions.

The poor prisoners are as grateful for a good meal of victuals as men can be; their wounded are receiving the same rations and treatment as our own men.

Our loss at Serapique was three killed and seven wounded—the enemy left seventy killed and forty wounded in the fort. The forces were nearly equal, our number having been 410, and that of the enemy 430, as we ascertained by their own muster rolls.

As soon as the prisoners are able, they will be furnished with canoes and allowed to go home, as the great part of them have been pressed into the army. To-morrow, February 18th our guns, (now 9 six pounders,) will open on the last hold Costa Rica has on the San Juan river, and fall it must.

In haste, yours, &c.,

DEL NORTE.

P. S.—I forgot to state our killed and wounded at Castillo were—killed, 1; wounded, 3.

SAN JUAN DEL NORTE, Feb. 18, 1857.

On the 13th two deserters from the Walker party arrived here, and on the following day three more; they reported the Costa Ricans at Serapiqui strongly fortified, and as having successfully resisted several attacks.

On Monday last the news reached here that Serapiqui was in possession of Colonel Lockridge, having been abandoned by the Costa Ricans on the Saturday morning previous, after a fierce cannonade from the Walker party on Friday, and that Colonel Lockridge had proceeded up the river to take the fort at Castillo Rapids.

Yesterday the *Rescue* arrived down here with Colonel Lockridge and several officers, but, as usual, very little information could be obtained from them; four men, taking advantage of circumstances, left the *Rescue* at Pontu Arenas, and are here now. They, with several others, leave here on the English steamer. The first rumor was, that Castillo and one or two steamers were taken, but from the last information the present state of things seems to be that the Costa Ricans have burnt all the houses at Castillo, and also the river steamers which were below the Rapids, and are in possession of the fort. The *Rescue*, after taking on board some provisions, &c., returned up the river again. Before leaving, Colonel Lockridge posted the following proclamation in various places in town:

NOTICE.—To the citizens of Nicaragua and all whom it may concern: Having succeeded in opening the San Juan river as far as Castillo Rapids, I now inform all those who wish to pass or trade on the river that I offer the fullest guaranty that they shall be protected in their rights, property and persons, on all occasions which I have promulgated as orders to all who are subject to my control to be strictly carried out.

I make the proclamation from the fact that evil-disposed persons and enemies of the Republic of Nicaragua have accused me of the most heineous crimes, all of which are false.

I come to restore tranquility and peace to Nicaragua, and not to molest peceable and well-disposed persons of any nation, save those belonging to the Central American States, with which we are now at war.

S. A. LOCKRIDGE,
Emigration Agent for the Republic of Nicaragua. Done at Castillo Rapids, this 17th Feb., A. D. 1857.

The proceedings of Col. Titus and his men, after taking possession of Cody's Point, on the 7th ult., are thus detailed by Lieut. Col. E. H. McDonald:

The next morning, Com. DeBrissot and a volunteer called "Kentuck" went over in a canoe, pulled down the Costa Rica flag and hoisted the "Lone Star" of Nicaragua—all the enemy having abandoned the point in the night. Upwards of 400 stand of English Minie muskets were left scattered on the ground. Col. Frank Anderson's command crossed in the steamer and took possession of the enemy's works, chattles, &c., finding thirteen dead bodies in the principal fort, probably all killed by the artillery of Gen. Wheat. Fifty men of this command were detached for burying the dead of the enemy, which amounted to thirty-three. Persons taken said they had been badly treated and worse fed, living on beans and plantains alone. Five pieces of artillery—four brass 6 pound pieces, and one iron 9 pound piece, with corresponding ammunition, were found; also fifty thousand rounds of Minie rifle cartridges in good condition, and a large quantity of damaged ammunition, 250 pairs pantaloons, 40 bushels of beans and 6 barrels of salt, but enough kettles and pans for ten thousand men.

The same night the steamer *Rescue*, or Fillibuster, as some of the boys call it, took up the forces of Col. Titus and one 4 pound gun to the Island of San Carlos, which was taken without any resistance; the boat returned to Serapiqui and took up all the stores needed at the above post, and then proceeded up the river in pursuit of the steamer *Charles Morgan*, which had gone on with the news of the Costa Ricans having left Serapiqui. The latter boat had four hours start, and the *Rescue* came in sight of her just as she went over Castillo Rapids. The Costa Ricans had tar and rosin on the steamers *Scott* and *Cacunuca* and all the buildings of the town. At the moment they saw the *Rescue* they set fire to the boats and buildings, and at the same time they opened a heavy fire of round shot and grape from the fort on the hill. The lower fort on the river was taken by storm by Captain West's company, of Col. Titus' command. Four men jumped from the steamer, swam against a six-mile current, cut loose and saved the steamer *Scott*, although the machinery was very much injured. All the furniture and bedding of the National Hotel were saved. All other houses, with all their contents, were destroyed.

In taking the fort, the enemy lost forty-five, while we only lost one, killed.

The Costa Ricans are still fifty strong on the high fort of Castillo, cut off from water and provisions, and surrounded by our forces. On the 18th the fort was to have been taken by storm. By this time that is done, and communication has been established to Walker.

E. H. McDONALD,
Lieut. Col. 2d Rifles.

Mr. Jewry, the purser of the Trent, gives some important information. He says:

The Royal Mail steamship Trent arrived at Greytown on the 11th Feb., and found there the British men-of-war, the Cossack, Tartar, Victor, Pioneer and Intrepid. The Orion had gone to Pearl Bay in consequence of the unsafe anchorage outside, her draught of water being too great to permit her coming into the harbor; the crews are said to be all healthy.

After the capture of the river boats the other day, Mr. Scott the agent, with surprising speed and energy, prepared a boat (called the Rescue) and dispatched her up the river, but from her not having returned, reasonable fears were entertained of her having fallen into the hands of the Costa Ricans, but which were dispelled by her making her appearance.

On Sunday news reached Greytown that Walker had repossessed himself of Serapiqui; from the inquiries I have made of those there, it would appear that, on the 13th, Walker's party attacked that place about 5 A. M., with a force of 300 men and two nine-pounders, the Costa Ricans holding on till about the same time the following day, when they evacuated, and Walker's people took possession after sustaining a loss of two men killed and three wounded. From a statement of a prisoner in hospital, it appears the Costa Ricans had a loss of fourteen killed and about twenty wounded.

The *Rescue*, above referred to, confirmed the Serapiqui accounts, and brought further news of the fall of Castillo into the hands of Walker's people on Monday, with a loss of eight killed and twenty wounded; it is conjectured the Costa Ricans lost not fewer than thirty-two killed and sixty wounded; some of the accounts say many more. They also repossessed themselves of the steamer *J. N. Scott*, but her machinery had been so much injured that they were unable to bring her down till repairs are effected. The *Rescue* had on board Colonel Lockridge, who came down for provisions of which there are an abundance at present in Greytown. The British naval authorities here are preventing recruits from being forcibly compelled to join Walker, who claim their protection. Some very disgraceful scenes are at times enacted on board those river boats. It was only the other day a man's cries of murder awakened the attention of the commander of the *Victor*, (moored over by Scott's factory) who discovered that he had been threatened with his life, and a pistol held at his head for protesting against going up to fight. Of course the interference had the effect of rescuing the man, and about fifteen others, who fell out of the ranks, upon their being mustered at the desire of the naval authorities. A report also was afloat that two Englishmen had been hanged on board the last river boat that went up, in consequence of whi h Captain Cockburn, of the *Cossack*, at present senior naval officer, detained Colonel Lockridge and the *Rescue*, on her arrival yesterday, until he fully investigated the case, and after rescuing three men claiming British protection, he allowed them to proceed, I suppose, being satisfied of the falsity of the report.

The Aspinwall *Courier* adds: We have also another statement in private letter, declaring Serapiqui, Castillo and San Carlos to have been taken by Walker's forces. This last account gives the number of killed and wounded as follows: 7 killed, 10 or 12 wounded, of the fillibusters; 100 killed, 200 to 250 wounded, of the Costa Ricans.

We are informed that among the papers taken at the fort were dispatches signed by Gen. Mora, and addressed to President Mora, supplicating for reinforcements, and declaring it impossible for him to hold on much longer without them.

FROM THE SOUTH PACIFIC.—The Pacific Steam Navigation Company's steamer *New Granada* arrived at Panama, February 21st.

From Peru we learn that Castillo has taken Paita and Pura. We are also informed that the mission of the Minister to Lima, from Costa Rica, who went to negotiate a loan has been unsuccessful, and considerable bad feeling has been engendered by the conduct of the Minister, and the treatment of him by the Peruvian Government.

We take the following from the Valparaiso *Mercury*, of the 31st of January: "Through the representations of a young gentleman, Mr. William Cox, Government has decreed the organization of a party to explore the river Rio Negro, in the South, by which, according to traditional rumors, a water communication may be found uniting the Atlantic and Pacific oceans. With this object an expense of $3410 has been decreed; but that, convinced of its insufficiency for the object proposed, Government intends increasing the sum in order to insure the success of the expedition in all respects.

BOLIVIA.—Our last advices state that Republic to have remained in peace after the revolutionary attempt which was discovered and overcome in time.

BRAZIL.—The yellow fever was ravaging the country, and on this account the ships arriving thence at Montevideo and Buenos Ayers were subjected to quarantine.

FROM BOGOTA.—The Aspinwall *Courier*, of the 27th ult., publishes the following:

On the 27th and 28th of January, Mr. Morse was presented to the Secretary of Foreign Affairs and the Acting President of this Republic, but no definite understanding had transpired from these interviews. Congress met on the first of February. The President's Message and the reports of the Secretaries had been received and published. The message takes the position heretofore assumed, respecting the 15th of April affair, by the Secretary of Foreign Affairs, though the tone of the message is moderate, and the Secretary is more violent, more prolix and more unconciliatory than ever. The opinion in Carthagena and in some other parts of the interior, among the foreigners, seems to be that the mission of Mr. Morse will not have a peaceful result. We cannot see any cause for apprehension; Mr. Morse was well received, and the unfavorable messages to which we have referred, emanated from the outgoing Administration. The incoming one is now organized, and with it he has to negotiate.

THE DRED SCOTT CASE.

THE DECISION OF THE SUPREME COURT OF THE UNITED STATES.

Chief Justice Taney, in delivering the opinion of the Court, said that this case, after argument at the last term, was directed to be reargued at the present term, owing to difference of opinion existing among members of the Court, and in order to give the case more mature deliberation.

There were two leading questions: first, had the Circuit Court of the United States for the district of Missouri jurisdiction in the case? and if it had jurisdiction, was its decision erroneous or not?

The defendant denied, by plea in abatement, the jurisdiction of the Circuit Court of the United States on the ground that the plaintiff "is a negro of African descent, his ancestors were of pure African blood, and were brought into this country and sold as slaves;" and therefore the plaintiff "is not a citizen of the State of Missouri." To this plea the plaintiff demurred, and the Court sustained the demurrer. Thereupon the defendant pleaded over, and justified the trespass on the ground that the plaintiff and his family were his negro slaves; and a statement of facts, agreed to by both parties, was read in evidence.

The Chief Justice having stated the facts in the case, proceeded (in a tone of voice almost inaudible) to say, in substance, that the question first to be decided was, whether the plaintiff was entitled to sue in a Court of the United States. This was a peculiar question, and for the first time brought before the Court under such circumstances; but it had been brought here, and it was the duty of the Court to meet and to decide it. The question was simply this—can a negro, whose ancestors were imported and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such, become entitled to all the rights and immunities of a citizen, one of which rights is suing in the courts of the United States in cases therein specified? In discussing this question we must not confound the right of a citizen which a State may confer within its own limits, with the rights of a citizen within the United States. No one can be a citizen of the United States unless under the provisions of the Constitution; but it does not follow that a man, being a citizen of one State, must be recognized as such by every State in the Union. He may be a citizen in one State and not recognized as such in another. Previous to the adoption of the Constitution every State might confer the character of a citizen, and endow a man with all the rights pertaining to it. This was confined to the boundaries of a State, and gave him no rights beyond its limits. Nor have the several States surrendered this power by the adoption of the Constitution. Every State may confer the right upon an alien or upon any other class or descriptions of persons who would, to all intents and purposes, be citizens of the State, but not a citizen in the sense used in the Constitution of the United States. He would not thereby become a citizen of the United States, and therefore could not sue in any court in the United States; nor could he enjoy its immunities of a citizen in the other States. His rights would be strictly confined to his own State. The Constitution gives Congress the power to establish "a uniform rule of naturalization;" consequently, no State, by naturalizing an alien, could confer upon him the rights and immunities of all the States under the general government. It is very clear, therefore, that no State can, by any act, introduce a new member into the political union created by the Constitution. The question then arises, whether the provisions of the Constitution of the United States in relation to personal rights, to which a citizen of a State is entitled, embraced negroes of the African race, at that time in the country, or afterwards imported, or made free from any State; and whether it is in the power of any State to make such a one a citizen of the State, and endow him with full citizenship in any other State without their consent? Does the Constitution of the United States act upon him, and clothe him with all the rights of a citizen? The Court think the affirmative cannot be maintained; and if not, the plaintiff could not be a citizen of Missouri within the meaning of the Constitution; nor a citizen of the United States, and, consequently, not entitled to sue in the Courts.

It is true that every person, and every class and description of persons, at the time of the adoption of the Constitution, regarded as citizens of the several States, became citizens of this new political body, and none other. It was formed for them and their posterity, and for nobody else; and all the rights and immunities were intended to embrace only those of State communities, or those who became members according to the principles on which the Constitution was adopted. It was a union of those who were members of the political communities, whose power, for certain specified purposes, extended over the whole territories of the United States, and gave each citizen rights outside his State which he did not before possess, and placed all rights of persons and property on an equality.

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. In order to do this we must recur to the Colonies when they separated from Great Britain, formed new communities, and took their place among the family of nations. They who were recognized as citizens of the States declared their independence of Great Britain, and defended it by force of arms. Another class of persons, who had been imported as slaves, or their descendants, were not recognized, or intended to be included in that memorable instrument—the Declaration of Independence. It is difficult at this day to realize the state of public opinion respecting that unfortunate class, with the civilized and enlightened portion of the world, at the time of the Declaration of Independence and the adoption of the Constitution; but history shows they have for more than a century been regarded as beings of an inferior order, and unfit associates for the whole race, either socially or politically, and had no rights which white men were bound to respect; and the black man might be reduced to slavery, bought and sold, and treated as an ordinary article of merchandise. This opinion, at that time, was fixed and universal with the civilized portion of the white race. It was regarded as an axiom in morals, which no one thought of disputing, and every one habitually acted upon it, without doubting for a moment the correctness of the opinion. And in no nation was this opinion more fixed and generally acted upon than in England, the subjects of which government not only seized them on the coast of Africa, but took them as ordinary merchandise to where they could make a profit on them. The opinion thus entertained was universally impressed upon the Colonies this side of the Atlantic; accordingly, negroes of the African race were regarded by them as property, and held and bought and sold as such in every one of the thirteen Colonies which united in the Declaration of Independence, and afterward formed the Constitution. The doctrine of which we have spoken was strikingly enforced by the Declaration of Independence. It begins thus: "When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation;" and then proceeds: "We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed," &c. The words before quoted would seem to embrace the whole human family; and if used in a similar instrument at this day would be so understood. But it is too clear for dispute that the enslaved African race were not intended to be included, for in that case, the distinguished men who framed the Declaration of independence would be flagrantly against the principles which they asserted. They who framed the Declaration of Independence were men of too much honor, and too great and intelligence, to say what they did not believe; and they knew that in no part of the civilized world were the negro race, by common consent, admitted to the rights of freemen. They spoke and acted according to the practices, doctrines and usages of the day. That unfortunate race was supposed to be separate from the whites, and was never thought or spoken of except as property. There opinions underwent no change when the constitution was adopted. The preamble sets forth for what purpose, and for whose benefit it was formed. It was formed by the people—such as had been members of the original States—and the great object was to "secure the blessings of liberty to ourselves and our posterity." It speaks in general terms of citizens and people of the United States when providing for the powers granted, without defining what description of persons should be included, or who should be regarded as citizens. But two clauses of the constitution point to the negro race as separate, and not regarded as citizens, for whom the constitution was adopted. One clause reserves the right to import slaves until 1808, and in the second the States pledge themselves, one to another, to deliver up persons held in bondage, and to deliver up slaves escaping to their respective territories. By the first clause the right to purchase and hold this property is directly sanctioned and authorized by the persons who framed the constitution, for twenty years; and the States pledged themselves to uphold the right of the master as long as the government then formed should endure. And this shows conclusively that another description of persons were embraced in the other provisions of the constitution. These two clauses were not intended to confer upon them or their posterity the blessings of liberty so carefully conferred upon the whites. None of this class ever emigrated to the United States voluntarily. They were all articles of merchandise. The number emancipated was few as compared with those who were held in slavery, and not sufficiently numerous to attract public attention as a separate class, and were regarded as a part of the slave population rather than free.

It cannot be supposed that the States conferred citizenship upon them in all those States at that time established police regulations for the security of themselves and families, as well as of property. In some minor cases there were different modes of trial, and it could not be supposed that those States would have formed or consented to a government which abolished this right, and took from them the safeguards essential to their own protection. They have not the right to bear arms and appear at public meetings to discuss political questions, or urge measures of reform which they might deem advisable. They cannot vote at elections, nor serve as jurors, nor appear as witnesses where whites are concerned. These rights are secured in every State to white men. It is impossible to believe that the men of slaveholding States, who took so large a share in the formation of the Constitution, could be so regardless of themselves and the safety of those who trusted and confided in them.

Every law of naturalization confines citizenship to white persons. This is a marked separation from the blacks. Under the confederation, every State had a right to decide for itself, and the term "free inhabitant," the generality of form, certainly excluded the African race. Laws were framed for the latter especially. Under the Constitution, the word "citizen" is substituted for "free inhabitant." After further elaboration on this point, the Chief Justice said, from the best consideration we have come to the conclusion that the African race who came to this country, whether free or slave, were not intended to be included in the Constitution for the enjoyment of any personal rights or benefits; and the two provisions which point to them treat them as property, and make it the duty of the Government to protect them as such. Hence, the Court is of opinion, from the facts stated in the plea in abatement, that Dred Scott is not a citizen of Missouri, and is not, therefore, entitled to sue in the United States courts.

The following facts appear on the record: In the year 1834, the plaintiff was a negro slave, belonging to Dr. Emerson, who was a surgeon in the army of the United States. In that year (1834) said Dr. Emerson took the plaintiff from the State of Missouri to the military post at Rock Island, in the State of Illinois, and held him there as a slave until the month of April, 1836. At the time last mentioned, Dr. Emerson removed the plaintiff from said military post at Rock Island to the military post at Fort Snelling, situated on the west bank of the Mississippi river, in the territory known as Upper Louisiana, acquired by the United States from France, and situated north of the latitude of 36 deg. 30 min. north, and north of the State of Missouri. Said Dr. Emerson held the plaintiff in slavery at Fort Snelling until the year 1838.

In the year 1835, Harriet, (who is named in the second count of the plaintiff's declaration,) was the slave of Major Taliaferro, who belonged to the army of the United States. In that year, (1835,) said Major Taliaferro took said Harriet to said Fort Snelling, a military post situated as hereinbefore stated, and kept her there as a slave at Fort Snelling unto said Dr. Emerson, hereinbefore named; and said Dr. Emerson held said Harriet in slavery at Fort Snelling until the year 1838.

In the year 1836, the plaintiff and said Harriet, at said Fort Snelling, with the consent of said Dr. Emerson, who then claimed to be their master and owner, intermarried and took each other for husband and wife. Eliza and Lizzie named in the third count of the plaintiff's declaration, are the fruit of that marriage. Eliza is about fourteen years old, and was born on board of the steamboat Gipsey, north of the north line of the State of Missouri, and upon the Mississippi river; Lizzie is about seven years old, and was born in the State of Missouri, at the military post called Jefferson's Barracks.

In the year 1838, said Dr. Emerson removed the plaintiff and said Harriet, and their said daughter Eliza, from said Fort Snelling to the State of Missouri, where they have ever since resided.

Before the commencement of this suit said Dr. Emerson sold and conveyed the plaintiff, said Harriet, Eliza and Lizzie, to the defendant as slaves, and the defendant claimed to hold each of them as slaves.

At the times mentioned in the plaintiff's declaration, the defendant, claiming to be owner as aforesaid, laid his hands upon said plaintiff, Harriet, Eliza and Lizzie, and imprisoned them; doing in this respect, however, no more than what he might lawfully do if they were of right his slaves at such times.

The Chief Justice proceeded to examine the statement, assuming that this part of the controversy presented two questions.

Firstly. Was he (Scott) and all his family free in Missouri? and

Secondly. If not were they free by reason of their removal to Rock Island, Illinois?

The act of Congress on which the plaintiff relies contains the clause, that slavery and involuntary servitude, except for crime, shall be forever prohibited in that part of the territory acquired by treaty from Louisiana, and not included within the limits of the State of Louisiana. The difficulty which meets us at the threshold is, whether Congress is authorized to pass such a law under the powers granted to it by the constitution? The plaintiff dwells much on the clause which gives Congress power "to make all needful rules and regulations respecting the territory or other property of the United States." But this provision has no bearing on the present controversy. The power there given is confined to the territory which then belonged to the United States, and can have no influence on territory which was acquired from foreign governments. The Justice then referred to the cessions of land by Virginia and other States, saying the only object was to put an end to existing controversies, and to enable Congress to dispose of the lands for the common benefit. Undoubtedly the power of sovereignty and eminent domain was ceded in the act. This was proper and essential. There was then no government in existence with enumerated independent colonies which entered into confederation for mutual protection. It was little more than a congress of ambassadors, in which all had a common concern. It was this congress which accepted the cession from Virginia. They had no right to do so under the articles of confederation, but they had a right as independent powers to accept the land for the common benefit; and it is equally clear, having no superior to control them, they had a right to exercise absolute dominion, subject only to the restrictions which Virginia imposed. The ordinance of 1787 was adopted, by which the Territory should be governed, and among other provisions was one that slavery or involuntary servitude should be prohibited except for crime.

This was the state of things when the constitution was formed. The territory ceded by Virginia belonged to the several confederate States as common property. The States were about to dissolve the confederation and surrender a portion of their power for the formation of a new government, and the language used limited and specified the objects to be accomplished. It was obvious that some provision was now necessary to give the new government the power to carry into effect every object for which the territory was ceded. It was necessary that the lands should be sold to pay the war debt, and that power should be given to protect the citizens who might emigrate, with their rights of property, arms, military stores, (as well as ships of war,) were the "common property of the States existing in their independent character, and they had a right to take their property to the Territory, without the authority of the States." The object was to place these things under the guardianship of a new government, which gives Congress the power "to make all needful rules and regulations respecting the territory or other property of the United States." It applied only to property held in common at the time, and not with reference to any property which the sovereignty might subsequently acquire. It applied to the territory then in existence and known as the territory of the United States—then in the mind of the framers of the constitution. It refers to the sale or raising of money. This is different from the power to legislate over the Territories. With the words "to make all needful rules and regulations respecting the territory," are coupled the words "and other property of the United States." And the concluding words render this construction irresistible: "and nothing in this constitution shall be so construed as to prejudice any claim of the United