WEARE ALL EQUAL BEFORE GOD AND THE CONSTITUTION."—James Enchance.

McCollum & Gerritson Proprietors.

Monteose, Susquehanna County, Bein'a, Chursday Morning, March 20, 1867.

Original Poetry,

For the Democrat. DON'T DESPAIR. Inscribed to the desponding Sons and Daughters of humanity.

When difficulties hedge your way. And sorrows on your spirit prey;-When friends your confidence betray, Don't despair!

When angry foes, surcharged with hate. Like flends in Tartarus, await To drag you from your high estate. Don't despair l

When Envy breathes a sullen growl,-Regards you with malicious scowl; When at your heels contemners howl, Don't despair!

When Malice strives your peace to blight, And shroud your hopes in gloomy night, Look upward ! fearless, cleave to right, Don't despair!

When Slander seeks your praise to drown-Subvert your merited renown, Confront the libel I live it down! Don't despair!

When Passion's angry billows roll Threat'ning disaster to the soul,: Bid Reason combat-'twill control, Don't despair!

When Disappointment and her crew Of goading evils heave in view, And try to rivet woes on you.

Don't despair! When Penury, with squalid mien -A despicable shape, I ween-Beneath your cottage roof is seen,

When anguish racks your weary frame And fever scorches with its flame, "Tis well," be ready to exclaim, Don't despair!

Don't despair!

When called with cherished ones to part, Tho' grief oppress the wounded heart, Remember Wisdom gives the smart, Don't despair!

As soldiers in life's battle-field, Your falchion Justice, Truth your shield Resolve to conquer !- never vield,

Sunny Glen, Pa.

Miscellaucous.

Don't despair!

THE BROTHER'S BEVENGE.

BY NAPTHA.

One of those delightful California mountain sunsets was approaching, when two travelers it will pay. one leading a ladened beast, might have been. seen slowly toiling up the ascent of one of the interior mountains. They had evidently traveled far judging from the indications of fatigue which even the hardy mule display-

The resemblance in the frank and hand some, though dust-begrimmed countenances, announced the travelers as brothers. The lateness of the hour warned them that it was time to camp and prepare their evening meal. The sun was sinking gradually in the western horizon; the rays slowly retreated from the basis to the summits of the surrounding hills, there playing around them for a moment, like devoted friends, loth to leave them to night and darkness. A gentle balmy breeze straved through the boughs of the forest trees, causing the leaves, still wet with the moisture of the recent rain, to sparkle and flash in the light of the departing orb like lustrous diamonds.

Our friends advanced until they reached an open space upon the summit of the hill, where halting, they set about preparing, with a dexterity acquired by long practice, their

"Frank," said one, "you take the camp kettle and find some water, while I make a fire and get the grub ready for cooking."

Thus directed, Frank departed, while the other busied himself with the preliminary arrangements of a hearty supper. These accomplished to his satisfaction, he seated himself by the fire to await the return of his brother. An hour dragged slowly by, and he began to grow impatient, when a rapid step announced the return of Frank and presendy he appeared, minus campketile and hat his hair hanging over his eyes, which distened in the firelight with strong excitement, "What's up boy I" exclaimed the other, laughing at the unusual appearance of Frank

bave you seen a grizzely, or the ghost of the jackass we killed for grub, up North ?" "Neither, Harry," replied Frank, " but I bave found what to us is much more welcome. I've got a slug, with a good chance of finding some more. You may laugh but I think it is a god-send, and promises a cliange of diet from the donkey spare rib and rousted

pole cat we've been . obliged to eas within three weeks." "So do I! so do I!" exclaimed Harry impatiently, himself a little excited about the ize. "Let me see it; the color will muke it look mighty big to me now." Frank gave it to him, and balancing it

upon the tip of his finger, he cried :

the way in the direction from whence he had

went to the ray no to wash it out. This ope ration was performed by Frank, Henry standing by; anxiously watching the result. Dip by dip it was panned down, until the dirt was all washed from the pan and the pros-Did you get a color l'inquired Harry the

darkness pieventing him from seeing the Barely, answered Frank, though his tone belied his words, 'look for yourself.' Harry took the pan, and looking intently, he was enabled to perceive fine gold reattered about the pan to the amount of two or

three dollais. By George! Frank we are all right! ex claimed the now excited Uarty, wincing with delight. 'I've seen snough to make me feel cats! hey old boy? Your wish will soon be but one party to abide by its decision, and realized at this rate, and we can go home was, therefore, in reality, a mob, instead of a

The elder brother made no reply, but it might have been seen, by the expression of his that the notice purported to have been on noble face, that he gave to the loved ones; at the tree for five days through a severe rain, home the first thought. The first thing in the morning, continued

Harry, we will find the nearest town, and this statement he left them, and joined Harry expend what we have got for provisions, and the necessary mining implements. Thus planning the brothers took their way

dream of boundless wealth which they suping dispatched a hasty breakfast. Frank to give to the proceeding some slight show mounted a tree upon the highest point of the of justice. hill and soon announced that he saw a smoke which must proceed from a settlement and a trail leading towards it. This ascertained, they brought in the mule, and proceeded towards the town. It was not long before a small village appeared in view. Our

friends soon arrived there, and proceeded to purchase the required articles. Notwithabout the store, and considerable curiosity As Frank deposited the gold in the scale to be weighed, in payment of the goods, the men gathered around to examine it.

'This is a pretty piece, stranger,' said one to Harry, picking it up, where did this come * From a ravine near those pine trees you

der, said Harry Indicating the locality. 'Is there ground to spirite there?' questioned the other, 'I would like the claim this came out of."

There is plenty of ground, replied Harry with a slight laugh, 'the question is whether

This conversation ended, our friends started for their claim, and on arriving their immediately commenced there work. The day passed away, and the sun was approaching the range of the tree tops when

the attention of Harry and Frank was called to the bank above them with the exclama · Hello! strangers you are on my ground.

claimed this a week ago, and I'd like you Looking up, our friends saw the speaker standing above them, together with three or four others, one of whom Henry recognized

as his acquaintance of the town. We are not aware, said Frank, that any party had a previous right to this place. Of ourse, you can satisfactorily prove the justice of your title.', an Certainly I can and make it good, too,

said the first speaker, with a coarse laugh... 'Come down here and I'll show you,' Frank followed him down to the ravine, round a bind some distance below, to a tree. the base of which was bidden from the claim above, upon which was nailed a miner's notice, claiming the ground several bundred

feet up the ravine. 'When was this notice placed here!' said Frank, with a sigh of regret, as he thought of the treasure about to be taken from him; I did not see it this morning, as I came

down here for wood. That is because you did not look, returned the other, but read for yourself and you will find out.

Frank stepped to the tree, and read: 'Dated May 18th.

"That was four days ago !" Eracily. How long did the rain last which ended esterday? inquired Frank.

Two days of as bard raining as ever was done i growled the man, it carried away a dain for me that took me a week to build, Which way was the wind? pursued Frank.

do you ask ! Because, replied Frank, with a smile of triumiph, that notice is on the east side of the tale, and the sand is not washed from

the witing: how do you explain that !" I don't know or care, replied the fellow in anyry confesion; but this much I do kind remembrance to all the friends at home cognized as such in another. Previous to the speaks in general terms of citizens and people know dis my ground, and I'll have it."

—a home, also I shall never see again,—adoption of the constitution, every State of the United States when providing for the 'Heve you driven soy stakes?' asked

Frank. 'No and I don't inlead to, until I get of her poor son.'

Our triends, satisfied that this was an at- arm, send his soul to the hell which is waittempt to wrong them, quietly went back to ing to receive it? their work, confident that they could retain. The dying man, possession of their claim by law. short time arrived at a rapid pace, and in a short time arrived at a rapid pace, and in a state of at work, when they were again visited by the

which was a high hill, and on the other a party of the previous evening, with the relow flat. The bed rock, upon which Frank had found the gold, rose abruptly from the carth four feet, and aloped off into the flat.

Note that were again states of the previous evening, with the relow flat, they should leave.

You had better shoulder your traps and be off as quick as God will let you; I've call-

'I'll be d-d if I do!' was the answer

the miners are coming to settle it, and they

ahali do it." Bill, he continued to one of his party you go and bring the boys down here. The fellow departed, presently returning with about twenty men, between whom and the party on the ground existed a striking resemblance, in dress and appearance. They mmediately organized their meeting chose a President, and requested the disputants to state their claims. The opponent of our

er. At his close the President called upon Frank for his defence. Frank stated, in a few words, that the meeting was called without the customary with enough to keep the old folks in ease all | chosen tribunal of justice. He informed them that no stakes had been set, no prospecting done in the disputed ground; he also stated which was not possible, or the sand would have been washed from the writing. With

> in the claim. 'Gentlemen,'snid the President, 'you have heard the evidence, and it remains for you to

'And I move,' exclaimed one, 'that we put Mike Henly in possession of his ground. This was also carried, and a committee, headed by Mike Henly, himself, entered the claim, and commenced throwing out the

The brothers did not resist, for they were greatly outnumbered; but the flashing eves standing the early hour, three or four mon, in of each showed how keenly they felt the inthe rough garb of miners, were lounging justice done them. Having removed the mining implements, Mike Henly approached was evinced at the presence of the strangers. Frank with a smile of mulignant triumph upon his repulsive face, and exclaimed: "Come, my covey, 'tis time for you to leave this: move.'

> "I shall not give up possession quietly," an swered Finik, a flush of firmness and auger mantling his face.

'You won't hey I' said the ruffian, consci ons of the support of his gang, if you don't I'll be d-d'-As he said this he seized the collar of Frank with one hand; and raised the o her to strike.

Time was not allowed him, however, for Frank, with a vigorous blow, dashed his clenched hand into the face of his assailant, causing him to mark out 'five feet ten' it the soft earth. Enraged beyond control, the opinion of the court, said that this case, after teeth ret, and his eyes gleaming with a fiendish light, drew a pistol, and aimed with deadly intent full at the breast of Frank, pulled of the court, and in order to give the subject

the trigger. With the first motion, Harry more mature deliberation. had sprung towards the villain, with the iutention of seizing the pistol-but he was too had the circuit court of the United States for the Protection of personal late to prevent the discharge, though saved for the district of Missouri jurisdiction in the ton of Independence. It begins thus: "When Dr. Emerson held said Harriet in clavery at rights and property the one in the course of human events, it becomes said Fort Snelling until the year 1838.

Whatever territory is acquired is for the own breast, and with a moan of anguish sank | cision erroneous or not l -down at the feet of Frank. Mike Henly gazed for a moment upon the

the bank, was lost to view in the bushes.-The crowd, appalled by the horrible termina- successors were of pure African blood, and ture's God entitles them, a decent respect to Eliza and Lizzie, named in the third count hold possession of it until settled and inhabition of their unjust proceedings, slunk away were brought into this country and sold as the opinions of mankind requires that they of the plaintiff's declaration, are the fruit of ited by a civilized community, capable of selfthe affair, and Frank was left alone with his citizen of the State of Missouri," To this to the separation;" and then proceeds: "We old, and was born on board the steambout

murdered brother. On God! dear Harry, he has murdered sustained the demurrer. Thereupon the de- all men are created equal; that they are en- Missouri, and upon the Mississippi river; Lizzie trustee of the people of the United States, you! he cried, sinking upon his knees and fendant pleaded over, and justified the tres- dowed, by their Creator, with certain unaliena- is about seven years old, and was born in the and must be held for their common and. tea ing open the coarse shirt that covered the pass on the ground that the plaintiff and his ble rights; that among these are life, liberty, wound; Why did you spring before the family were his megro slaves; and a state- and the pursuit of happiness. That to secure

'To save you dear Frank,' calmly replied was read in evidence. the noble Harry, a beam of foud affection . The chief justice, having stated the facts the consent of the governed," &c. The words lighting up his pullid face. 'I'm going, Frank in the case, proceeded to say that the ques-

his shot was a sure one-I'm bleeding inter- plaintiff was entitled to one in a court of the lar instrument at this day would be so under-

this land of strangers?"

poor Harry. Listen, Frank, to the words of question was simply this, can a negro, whose the principles which they asserted. They a dying brother. One stay of their tottering ancestors were imported and sold as slaves, who framed the Declaration of Independence steps is taken from our aged parents; do not risk the other, but return without the coreted wealth; carry a dying child's love-marry Alice, and be happy. You know I loved such, become entitled to all the rights and ed world were the negro race, by common her once, Frank, fondly loved her; but I immunities of a citizen, one of which rights consent, admitted to the rights of freemen. found her heart was given to you; be kind is sueing in the courts of the United States in They spoke and acted according to the practo her. Frank, and a departed brother will cases therein specified? In discussing this tices, doctrines, and usages of the day. That

clasping him in his arms, as if to protect him the limits of the United States. from the grip of death. You shall not be torn from me!

memory of Harry."

gels to the home of the happy.

apec of a week, might have been seen enter- to sue in its courts. his name, said to the clerk:

'I will take a bed in the same room wish to retire, I will-show you the room."

words:

of dawn had scarcely illumined the eastern or two dissent ng voice; the owners of those the hand of self-appointed judges, or. by the were recognized as citizens of the Constitution for the enjoyment of any in existence and known as the service arm of an outraged brother, is of little clared their independence of Great Britain, personal rights or benefits; and the two proimportance. Justice is done!'

> his oath and departed. Near the scene of the murder stands a sin-

gle slab, bearing the following inscription: TO THE MEMORY OF HENRY HARFORD,

Who was Mardered May the 18th, 1851

MAY HE REST IN PEACE. Trend lightly, stranger, o'er that spot; hallowed ground, made sacred by the blood of a noble heart, shed in defence of a brother. Angels hover near the grave, mourning the death, and rejoicing in the life of one worthy of a seat in their midst. The long gaunt arms of a blasted pine point to the last of earth, and the genile, inclaucholy breezes,

which sigh mournfully above the grave whis-

per a requium for the rest of his soul. DECISION OF THE SUPREME COURT

CHIEF JUSTICE TANEY'S OPINION.

reargued at the present term, owing to difference of opinion existing among members

There were two leading questions: first,

ment, the jurisdiction of the circuit court of them with another, and to assume among the sent of said Dr. Emerson, who then claimed deed he had committed, then springing up the United States, on the ground that the powers of earth, the separate and equal stat to be their master and owner, intermarried contained no population to be admitted as a plaintiff "is a negro of African descent, his tion to which the laws of nature and of na- and took each other for husband and nife. one by one, not wishing to be identified with slaves," and therefore the plaintiff "is not a should declare the causes which impel them that marriage. Eliza is about fourteen years government and for admission into the Union. plea the plaintiff demurred, and the court hold these truths to be self-evident-that

No one can be a citizen of the United States unless under the provisions of the con-

Ali, brother, that is blasphemy; 'tis the stitution; but it does not follow that a man, expressed wish of God that I am cut off in being a citizen of one State, must be recogmy youth, and we must yield to his behests. Inted as such by every State in the Union. I have but a few momenta to live; bear a He may be a critizen in one State and not re- of liberty to ourselves and our posterity."

What pen can portray the anguish of the him with all the tights of a citizen? The lies as well as property. In some minor cases stricken brother? Mine surely cannot, and I court think that the affimative cannot be there were different modes of trial, and it draw the curtain over the scene of soul-mov- maintained; and, if not, the plaintiff could could not be supposed that these States would

my friend, pointing to Henly.

It was a union of those who were members of the political communities, whose power, for It was a union of those who were members of and confided in them. certain specified purposes, extended over the The body of Henly lay partly hanging equality.

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 how they have, for more than a century, been regarded as beings of an inferior order, the black man might be reduced to slavery, ized portion of the white race. It was reno nation was this opinion more fixed and Fort Snelling untill 1838. generally acted upon than in England, the Chief Justice Taney, in delivering the them on the coast of Africa, but took them as ordinary merchandise, to where they could ruffian sprang to his feet, his face pale, his a gument at the last term, was directed to be make a profit on them. The opinion thus entertained, was universally impressed on the The defendant deniedaby a plea in abate- cal bonds which have hitherto connected Harriet, at said Fort Snelling, with the conment of facts, agreed to by both parties, these rights, governments are instituted among men, deriving their just powers from -going, he painfully continued, after a pause; iton first to be decided an, whether the whole human family; and if used in a simi-United States. This was a reculiar question, stood. But it is too clear for dispute that 'Oh! do not tell me this,' cried the strick- and for the first time brought before the the enslaved African race were not intended Oh! do not tell me this, cried the strick and for the first time brought before the the enslaved African race were not intended said Harriet, Eliza and Lizzie, to the deep der brother; what shall I do without you in court under such circumstances; but it had to be included, for in that case, the distin- fendant as slaves, and the defendant ularined been brought here, and it was the duty of guished men who framed the Declaration of to hold each of them as slaves.

Go home, where you have friends, replied the court to meet and to decide it. The Independence would be flagrantly against. At the times mentioned in the court is ty formed and brought into existence by the intelligence, to say what they did not believe: implore the blessing of Heaven for your wel- question we must not confound the rights of unfortunate race was supposed to be separate a citizen which a State may confer within its, from the whites, and was never thought, or You shall not die! wildly cried Frank, own limits with the rights of a citizen within spoken of except as property. These 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 has been members of the original States -innd the object was to "secure the blessings

zen in any other States. His rights would who framed the constitution, for twenty years; to existing controver ing to receive it? on the confined strictly to his own State. The and the States pledged themselves to uphold grass to dispose of the basis for the common the dying man, unheeding the wrath of bis brother, continued, name the first son of tablish "a uniform rule of naturalization;" ernment then formed should entire. And Alice, after me, Frank; 'twill cause you to consequently, no State, by naturalizing an this shows conclusively that another descriptions. remember me when years have paled the alien, could confer upon him the rights and tion of persons were embraced in the other was then no government in existence will nemory of Harry. immunities of all the States under the general provisions of the constitution. These two commercial powers. What was called the A tremor now ran through his whole frame, government. It is very clear, therefore, that clauses were not intended to confer upon States, were thirteen independent colonies. low flat. The bed cock, upon which frank had found the gold, rose abruptly from the carth four feet, and aloped off into the flat.

This is the place to sink a bole in, said the first of the place to sink a bole in, said the first of the place to sink a bole in, said the first of the place to sink a bole in, said the flat. If there is anything here, livil each state out this awag. So saying, he directed whether the provisions of the constitution. The question then arises, in this awag. So saying, he directed was few as compared with those who selfor this coat, and without further pariety, vigorously commenced work.

The papil blows of the leaf and the provisions of the constitution of the soon laid bare a portion of the bed on the state out titles and whether it is placed, but if you will go with us before a resident of the soon laid bare a portion of the bed on the state out titles and went to the raw on the provisions and the wind in a clause were not introduce a new to contend to confederation to propose the which entered into confederation for intended to confederation to confederation to propose the constitution. The question then arises, where not introduce are you had been a clause of the constitution. The question the raw of the constitution to propose the constitution to pro long drawn sigh the pure spirit left the tene- with full citizenship in any other States with- ferred citizenship upon them; for all those only to the restrictions which Virginia imment of clay, to be borne in the arms of anout their consent? Does the constitution of States at that time established police regulathe United Statestact upon him, and clothe tions for the security of themselves and fami-

not be a citizen of Missouri within the mean- have formed or consented to a government ing of the constitution, nor a citizen of the which abolished this right and took from The murderer Henly fled, and after the United States, and, consequently not entitled them the safe-guards essential to their own protection. They have not the right to bear ing a village some distance from the scene of | It is true that every person, and every class arms, and appear at public meetings to dishis foul crime. He had scarcely entered the and description of persons at the time of the cusz political questions, or large measures of friends came forward and told his story, the tavern of the place, when a man in the dress adoption of the constitution, regarded as citi- reform which they might deem advisable. substance of which is already before the read of a native Californian rode in from the same zens of the several States, became citizens of They cannot vote at elections, nor serve as direction, and giving the reins of his animal this new political body, and none other. jurors, nor appear as witnesses where whites to the attending ostler, also entered the house. It was formed for themselves and their posas Henly was turning from the desk, where terity, and for nobody else; and all the rights every State to white men. It is impossible to government the power to carry into effect he had entered his name for a room. The and immunities were intended to embrace believe that the men of slave holding States every object for which the territory was coded. like a millionaire. No more fricaseed pole- notice being given, and with the consent of Californian stepped to the book, and writing only those of State communities, or those who took so large a share in the formation of It was necessary that the lands should be who became members according to the prin-ciples on which the constitution was adopted. themselves and the safety of those who trusted should be given to project the civiens who

Every law of naturalization confines citic arms, military store (as well as ships of ward zenship to white persons. This is a marked were the common property of the States ex-In the morning, when the chamber-maid whole territories of the United States, and separation from the blacks. Under the con- listing in their independent character, and entered the room to perform the necessary is gave each citizen rights outside his State federation every State had a right to decide they had a right to take their property to the bor, she was horrified by the sight which not which he did not before possess, and placed for itself, and the term "free inhabitant," the territory, without the citizent of the states. federation every State had a night to decide they had a right to take their property to the all rights of persons and property on an generality of form, certainly excluded the The object was to place there things under African race. Liws were framed for the lat- the guardianship of a new government, which from the bed, the cluthes be-prinkled with It becomes necessary, therefore, to deter-blood, and a large bowie knife buried to the mine, who were citizens of the several States word "citizen" is substituted for "free inhabi-int rules and regulations respecting the tank hilt in his breast. To the handle was attach | when the constitution was adopted. In order | tant." After further elaboration on this point, tory or other property of the United States. back to their camp to pass the night, and to decide by vote which party is entitled to this ed a slip of paper, bearing the following to do this, we must recur to the colonies the Chief Justice said, from the best considwhen they separated from Great Britan, form- eration, we have come to the conclusion that at the, and not with reference to any proper Life for life is the established social law of ed new communities, and took their place the African race who came to this country, ty which this sovereignty inight subsequent posed to be already in their grasp.

The vote was immediately put, and decid on the following morning, the first tints ed in favor of the last claimant, with but one the country. Whether the murderer flet by among the family of nations. They who whether free cr. slave, where not included in the country. Whether the murderer flet by among the family of nations. and defended it by force of arms. Another visions which point to them treat them as pro- framers of the Constitution. It refers to the A rigid search was immediately made for class of persons, who had been imported as perty, and make it the duty of the governthe other occupant of the chamber, but no slaves, or their descendants, were not recog-ment to protect them as such. Hence, from the power to legislate over the territo-trace of him was found. Frank had fulfilled nized or intended to be included in that the court is of opinion, from the facts stated riet. With the words to make all needful memmorable instrument—the Declaration of in the plea of abatement, that Dred Scote is rules and regulations respecting the territory. Independence. It is difficult at this day to not a citizen of Missouri, and is not, therefore, are coupled the words and other property realize the state of public opinion, respecting entitled to sue in the United States Courts.

The following facts appear on the record: "In 1834 the plaintiff was a negro slave be- and nothing in the constitution shall be so longing to Dr. Emerson, who was a surgeon in the army of the United States. In that ! venr (1834) said Dr. Emerson took the plaintiff from the State of Missouri to the military and unfit associates for the white race, either post at Rock Island, in the State of Illinois socially or politically; and had no rights and held him there as a slave until the month which white men were bound to respect; and of April, 1836. At the time last mentioned, said Dr. Emerson removed the plaintiff from bought and sold, treated as an ordinary arti- said military post at Rock Island to the milicle of merchandise. This opinion, at that tary post at Fort Snelling, situated on the time, was fixed and universal with the civil- west bank of the Mississippi river, in the territory known as Upper Louisianh, accounted garded as an axiom in morals, which no one by the United States from France, and situated hought of disputing, and every one habitual- north of the latitude of 36 deg. 30 min. north, ly acted upon it, without doubting for a mo- and north of the State of Missouri. Said Dr. ment the correctness of the opinion. And in Emerson held the plaintiff in slavery at said til admitted into the Union. No power is

In the year of 1835, Harriet (who is namsubjects of which government not only seized ed 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, colonists this side of the Atlantic; according | a military post situated as hereinbefore stated, ly, negroes of the African race were regarded and kept her there as a slave until the other itates must necessarily rest on sound by them as property, and held, and bought, year 1886, and then sold and delivered her and sold, as such, in every one of the thir as a slave at Fort Snelling unto said Dr. government to administer the laws of the

necessary for one nation to dissolve the politi | In the year 1836, the plaintiff and said Gipsey, north of the north line of the State federal government as the representative and State of Missouri, at the military post called Jefferson Barracke.

In the year 1889, said Dr. Emerson removed the plaintiff and said Harriet, and their common benefit until it should become assosaid daughter Eliza, from said Fort Spelling clated us a member of the Union Uniti before quoted would seem to embrace the to the State of Missouri, where they have that time arrived it was undoubtedly necessas ever since resided.

Before the commencement of this suit said Dr. Emerson sold and conveyed the plaintiff, At the times mentioned in the plaintiff's declaration, the defendant, claiming to be owner as aforesaid, laid his hands upon said

become a member of the political communi- were men of too much honor, education, and plaintiff, Harriet, Eliza and Lizzie, and im- tory. What government is the best must prisoned them; doing in this respect, however, depend on the condition of the territory at constitution of the United States, and, as and they knew that in no part of the civiliz- no more than what he might lawfully do if the time; to be continued until it shall bethey were of right his slaves at such times. controversy presented two questions. Firstly -- Was he (Scott) and all his family

free in Missouri; and Secondly-If not, were they free by reason be forever prohibited in that part of the terri-

the difficulty which meets us at the threshold kind remembrance to all the friends at home cognized as such in another. Previous to the speaks in general terms of citizens and people and the friends at home cognized as such in another. Previous to the speaks in general terms of citizens and people and citizens and people and citizens are depicted to the constitution, every State of the United States when providing for the confer on the confer on the territories power to violate such a law under the powers granted to it the provisions of the constitution.

This was confined to the boundaries who should be regarded as citizens. But much on the clause which gives Congress to be a difference between clause and other constitution. "Twill weigh an once at least, Frank! By Jove! if we find a next of these, our fortune are made."

No.—and I disc inclined, or of her poor son.'

The agony of the between States are confined to the boundaries who stoud be regarded as inclined. The agony of the between States are confined to the constitution point, to the owner of the constitution point, to the owner of the constitution point, to the capture of the constitution. We prove the the constitution. Every State may confer to the power by the adoption of the constitution. Every State may confer to the power by the constitution. Every State may confer to the power by the constitution. Every State may confer to the power by the constitution. Every State may confer to the power by the constitution. Every State may confer to the power by the constitution. Every State may confer to the power by the constitution of persons should be regarded as included by the constitution of the constitution point, to the capture of the

by which the territory should be governed, and among other provisions was one that slavery or involuntary servitude should be pro-

hibited except for crime.

This was the same of things when the con-

titution was formed. The territory coded by Varginia belonged to the several confederate States as common property. The States ward about to dissolve the confederation, and such render 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 wine provisions was now necessary to give the new might omigrate, with their rights of property, It applied only to property held in common sale or raising of money. This is different of the United States,' And the chacinding words render this construction irresistible:construed as to prejudice any claims of the

United States or any particular State. It is obvious that the congress, under the new government, regarded the above clause as necessary to carry into effect the principles and provisions of the ordinance of 1787. which they regarded as an act of the States in the exercise of their political power at the time; and those representatives of the same States under the new government, did not think proper to depart from any essential principle, and did not attempt to undo any

thing that was done. .. As to territory acquired without the limit of the United States, it remains territory ungiven in the Constitution to acquire territory o be held and governed in that character. and, consequently, there cannot be found, it the Constitution any definition of power which Congress may lawfully exercise before it bei fore it becomes a state. The power to se quire territory until it is in a condition to become a state on an equal footing with the discretion, and it becomes the duty of the

common benefit of the people of the United States, which is but a trustee. At the ums that territory was obtained from France, it state, and it therefore became necessary to But, as we before said, it was acquired by the equal benefit; for it was the acquisition of the people of the United States, acting throtheir agents, and government held it for the ry that some government be established to protect the inhabitants in their person and property. The power to acquire carries with the power to preserve. The form of gov-Congress. It is their duty to establish the best suited for the United States, and Ithat must depend on the number of its inhabitants. and the character and situation of the terri-

come a state. But there can herer be a The Chief Jurtice proceeded to examine mero discretionary power, over persons and the statement, assuming that this part of the property. These are plainty defined by the constitution. The constitution provides that congress shall make no law respecting and Secondly—If not, were they free by reason of the removal to Rock Island, Illinois, dom of speech, or of the press; or the right. The act of Congress on which the plaintiff relies contains the clause, that slavery and involuntary servitude, except for crime, shall grievances, etc. Thus the rights of property are united with the personal rights; and this tory acquired by treaty from Louisiana, and extends to the territories as well as to the not included within the State of Louisiana, states. Congress cannot authorize the territories to do what it cannot do itself: it can-