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APPELLATE CASE FILE NO. 3230, *DRED SCOTT V. SANDFORD*,  
60 U.S. 393 (19 HOWARD 393), DECIDED MARCH 6, 1857,  
AND RELATED RECORDS

Introduction

On the single roll of this microfilm publication, M2013, is reproduced appellate case file number 3230, *Dred Scott v. Sandford*, upon which the U.S. Supreme Court rendered its opinion on March 6, 1857. Other records related to the case are also reproduced herein. These records are part of the Records of the U.S. Supreme Court, Record Group 267.

Background

Dred Scott was a slave belonging to Dr. Emerson, a U.S. Army surgeon stationed in Missouri. In 1834, Dr. Emerson was transferred to a military post in Rock Island, Illinois, a state in which slavery was prohibited, and he took Dred Scott with him as a slave. Two years later, Dr. Emerson again took Scott with him when he moved to Fort Snelling, in the territory of Louisiana north of 36 degrees 30 minutes north longitude (now Minnesota), an area in which slavery was prohibited by the terms of the Missouri Compromise of 1820. In 1838, Dr. Emerson returned with Scott to Missouri. In 1846, Scott brought suit in the Circuit Court of St. Louis County (a Missouri state court) to obtain his freedom, as well as that of his wife and daughters, on the claim that their residence in a free territory conferred freedom upon them. Scott won, but the judgment was reversed by the Missouri Supreme Court. Seeking further judicial review of his case, abolitionists and other friends of Dred Scott arranged for a fictitious sale of Scott to John F.A. Sandford, a citizen of New York and a brother of the widow of the late Dr. Emerson, so that jurisdiction could be taken by the U.S. Circuit Court of the District of Missouri, due to diversity of citizenship of the parties. This court held against Scott and he appealed his case to the U.S. Supreme Court on a writ of error. On March 6, 1857, the U.S. Supreme Court rendered its opinion, holding among other things, that Scott, as the descendant of slaves, was not a citizen; since Scott was not a citizen, the Circuit Court had no jurisdiction over the case; and that the act of Congress (the Missouri Compromise of 1820) prohibiting citizens from owning slaves in certain western territories north of 36 degrees 30 minutes north longitude was an unconstitutional abridgement of citizens' property rights.

The Court's opinion in the case is reproduced in the published opinions of the court at 60 U.S. 393 (19 Howard 393).

Records Description

Five series of U.S. Supreme Court records containing records relating to *Dred Scott v. Sandford* are reproduced herein: (1) *Appellate Jurisdiction Case Files* (Entry 16, Preliminary Inventory No. 139, *Preliminary Inventory of the General Records of the Supreme Court of the United States* (Washington: National Archives, 1962); (2) *Engrossed Dockets* (Entry 7, PI 139); (3) *Engrossed Minutes* (Entry 4, PI 139); (4) *Appellate Jurisdiction Opinions* (Entry 17, PI 139); and (5) *Clerk's Letters to and from Justices* (Entry 25, PI 139). The Table of Contents that follows indicates the series from which the records were microfilmed and, when appropriate, volume or file numbers.

#### Related Records

Other records of the U.S. Supreme Court have also been reproduced on microfilm. Early appellate case files have been reproduced in *Appellate Case Files of the U.S. Supreme Court, 1792-1831*, National Archives Microfilm Publication M214, while an index to such files has been reproduced in *Index to Appellate Case Files of the U.S. Supreme Court, 1792-1909*, National Archives Microfilm Publication M408. The Court's Minutes have been reproduced in *Minutes of the U.S. Supreme Court, 1790-1950*, National Archives Microfilm Publication M215, and the Court's Dockets have been reproduced in *Dockets of the U.S. Supreme Court, 1791-1950*, National Archives Microfilm Publication M216.

#### Publications

The published literature on the *Dred Scott* case includes Thomas Hart Benton, *Historical and Legal Examination of that Part of the Decision of the Dred Scott Case, Which Declares the Unconstitutionality of the Missouri Compromise Act and the Self-Extension of the Constitution to Territories, Carrying Slavery Along with It* (New York: D. Appleton and Company, 1857) and Elbert W. R. Ewing, *Legal and Historical Status of the Dred Scott Decision; a History of the Case and an Examination of the Opinion Delivered by the Supreme Court of the United States, March 6, 1857* (Washington, D.C.: Cobden Publishing Co., 1909).

### CONTENTS

Roll	Description
1	1. <i>Appellate Case Files</i> , Appellate Case No. 3230 <ol style="list-style-type: none"><li>Transcript of record on appeal from the U.S. Circuit Court for the District of Missouri. 20 pages.</li><li>Order of the Supreme Court, dated May 12, 1856, directing a reargument of the case on certain points. 3 pages.</li><li>Judgment of the Supreme Court, dated March 6, 1857. 2 pages.</li></ol>
	2. <i>Clerk's Letters to and from Justices</i> . Letter from Chief Justice Taney (bearing notes of concurrence by Justices Wayne and Daniel) to the Clerk of the Supreme Court, dated April 6, 1857, asking that the opinion in the case not be made available to anyone until it had been reported and published by the reporter. 3 pages.

3. *Appellate Jurisdiction Opinions*. Revised proofs of the opinions of the Justices of the Supreme Court, as listed below. The dissenting opinion of Justice McLean is missing from the file.
  - a. Chief Justice Taney. His first revised opinion is 59 pages, and his second revised opinion is 45 pages.
  - b. Justice Daniel. 20 pages.
  - c. Justice Catron. 12 pages.
  - d. Justice Nelson. 12 pages.
  - e. Justice Campbell. 27 pages.
  - f. Justice Wayne. 24 pages.
  - g. Justice Curtis (dissenting). 65 pages.
4. *Engrossed Docket*, Volume "G", page 3388.
5. *Engrossed Minutes*, Volume "Q," pages 8259, 8262, 8271, 8273, 8413, and 8414.
6. *Engrossed Minutes*, Volume "R," pages 8421, 8425, 8428, 8430, and 8764.