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The Oregon Argus.

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For the Argus.

The Examination at Bethel Institute.

RED RIDGE FARM, April 9, 1857.

Mr. Editor—Having had the pleasure of attending the examination and exhibition at Bethel Institute on the 3d of this month, I can say that it was much superior to any I have ever attended in Oregon, and the school can be safely recommended to community as one which is equal to any, and inferior to none, in the Territory. The time occupied in the examination of the pupils was too short to do justice to the teachers and scholars, but thorough enough to convince all that the method of instruction is good, and that scholars do not acquire a mere surface knowledge of their studies, but are made to understand everything as they advance. The teachers appear to understand their business, and to do all that could reasonably be expected to advance their pupils. The interest taken by the people in the school was manifested by the crowd that was in attendance during the day and evening.

The present prospects of the institution are good; there will be a large increase in the number of scholars the coming summer. The Institute is located on a beautiful prairie, in the midst of an intelligent and moral neighborhood, and a village is fast growing up around it. Bethel, unlike the majority of high schools in Oregon, is free from any sectarian influence, but is a school built by the people for the benefit of the people. Too much credit cannot be awarded to those who have labored so faithfully, and have so freely given "material aid" to establish an institution of learning in our country, which bids fair to surpass any institution in Oregon. At the present time, when all the world is hurrying onward, when the times appear to demand that every one should be educated, is it not strange that any one should be so lost to his own interest, as to oppose or hold back, when his aid may secure to his own or his neighbors' children the means of acquiring a popular education. It has been truly said that "if ever our free institutions perish, the cause will be found in the ignorance of the people." If then the perpetuity of our "free institutions" depends upon the education of the masses, and as it is the duty of every country to prolong its own existence, it is then the duty of ours to establish schools for the people, and to encourage schools in our midst, as the only means of preserving our civil and religious liberty.

Yours, &c., B. B.

Important Decision.

Below we give an abstract of one of the most important decisions which has ever been rendered by the U. S. Supreme Court. It is in the case of Dred Scott, a man claimed as a fugitive slave. The opinion of the majority of the Court was delivered by Chief Justice Taney, and decides the following important points:

WASHINGTON, March 6. The opinion of the Supreme Court in the Dred Scott case was delivered by Chief Justice Taney. It is a full and elaborate statement of the views of the Court. They have decided the following all-important points:

1. That negroes, whether slaves or free, that is, men of the African race, are not citizens of the United States by the Constitution.

2. The ordinance of 1787 had no independent constitutional force or legal effect subsequently to the adoption of the Constitution, and could not operate of itself to confer freedom or citizenship within the Northwest Territory on negroes, not citizens by the Constitution.

3. The provisions of the Act of 1820, commonly called the Missouri Compromise, in so far as it undertook to exclude negro slavery from, and communicate freedom and citizenship to negros within the northern part of the Louisiana cession, was a legislative act exceeding the powers of Congress; and void and of no legal effect to that end.

In deciding these main points, the Supreme Court determined the following incidental points.

1. The expression "Territory and other property of the Union," in the Constitution, applies in terms only to such territory of the Union possessed at the time of the adoption of the Constitution.

2. The rights of citizens of the United States, emigrating into any Federal Territory and the power of the Federal Government therein, depend on the general provisions of the Constitution, which defines in this as in all other respects the powers of Congress.

3. As Congress does not possess power itself to make enactments relative to the persons or property of citizens of the United States in a Federal Territory, other than such as the Constitution confers, so it cannot constitutionally delegate any such powers to a Territorial government, organized by it under the Constitution.

4. The legal condition of a Slave in the State of Missouri, is not affected by the temporary sojourn of such slave in any other State, but on his return his condition still depends on the laws of Missouri. As the plaintiff was not a citizen of Missouri, he therefore could not sue in the courts of the United States. The suit must be dismissed for want of jurisdiction.

The delivery of this opinion occupied about three hours and was listened to with profound attention by a crowded court room. Among the auditors were gentlemen of eminent legal ability, and a due proportion of ladies.

Judge Taney stated the merits of the case. The question was whether or not the removal of Scott from Missouri with his master to Illinois, with a view of temporary residence there, worked his emancipation. He maintained that the question depended wholly on the law of Missouri, and for that reason the judgment of the Court below should be affirmed.

Judge Catron believed the Supreme Court has jurisdiction to decide the merits of the case. He argued that Congress could not do directly what it could not do indirectly. If it could exclude one species of property, it could another. With regard to the Territories ceded, Congress could govern them only with the restrictions of the States which ceded them, and the Missouri Act of 1820 violated the leading features of the Constitution, and was therefore void. He concurred with his brother Judges that Scott is a slave, and was so when this suit was brought.

Several other Judges are to deliver their opinions to-morrow.

OPINION OF JUSTICE M'LEAN.

WASHINGTON, March 7. Associate Justice McLean proceeded to express his views in the case of Dred Scott against Sandford. After stating the facts relative to the subject, the plea as to jurisdiction is radically defective. It had never been held necessary that to constitute a citizen, a man should have the qualifications as an elector. Females and minors may sue in the federal courts, and so may an individual who has his domicil in the State in which he may sue. The most general definition of a citizen is a freeman. The plea does not show Dred Scott to be a slave. It does not follow a man is not free whose ancestors were slaves.

It was said colored citizens are not agreeable members of society; but this was more a matter of taste than of law.—Several of the States have admitted such persons to the right of suffrage, and recognized them as citizens; and this has been done in slave as well as free States. On the subject of citizenship we have not been very fastidious. Under the late treaty with Mexico, we have made citizens of all grades, combinations and colors.—The same was done in the case of Louisiana and Florida. No one ever doubted, nor a court held, that the inhabitants did not become citizens under the treaties.—They have become citizens without being naturalized.

Throughout the continent of Europe, without exception, it has been held that slavery can exist only in territory where it has been established, and beyond that the master cannot sustain himself save by some express stipulation. There is no nation in Europe which considers itself bound to return the master his fugitive slave, under the civil law or the law of nations. The slave is held to be free where there is no treaty, obligation or contract to return home to his master. In the case of Prigg against the State of Pennsylvania, the state of slavery is deemed to be a mere municipal regulation, founded and limited to the range of the State which enacts it. This was the decision in the case of Somerset, in England, which was decided before the American Revolution. Congress has no power to interfere with slavery in the States, or to regulate what is commonly called the slave trade among the several States.

We know that James Madison—that great and good man—was particular to regard slaves escaping from service or labor as "persons," and not as property.—While he (Judge McLean) agreed that this government was not made for the colored race, yet many of them in the New England States exercised the right of suffrage when the Constitution was adopted; and it was not doubted that its tendency would be to ameliorate the condition of that race. Many of the States took measures to abolish slavery; and it is a well known fact that the belief was cherished, by leading men both of the South and North, that the institution of slavery would gradually decline, until it should become extinct.

All slavery has its origin against natural right.

If in making the necessary rules and regulations respecting the public lands, a territorial or temporary government is requisite, Congress has the power to establish it. The power to acquire carries with it the power to govern. Congress can exercise no power prohibited by the constitution, nor has it power to regulate the internal concerns of a State. If Congress deem slaves or free persons of color injurious to a territory, it has the power to prohibit them from becoming settlers therein. Where a territorial government has been established on slave territory, it has uniformly remained in that condition; so when the territory was free; and this was attended with satisfactory results.—The sovereignty of the federal government extends to all territory of the United States. If we have the right to acquire territory, we have the right to govern it; and this has always been exercised.

The Constitution was framed for the whole country, and the prohibition of slavery north of 36 30 was constitutional. Where there is no local law abolishing slavery, the master cannot control the will of the slave by force, and the presumption is in favor of freedom. The master, in going into a territory, does not carry with him the law of the State from which he removes. Slavery, he repeated—or property in human beings—does not arise from the international or commos law, but from a mere municipal regulation. There was no just ground for the argument that this was exclusively a Missouri question. Dred Scott and his family were free under decisions given within the last twenty-eight years. A slave who acquires his freedom by his removal to another State, cannot be reduced to slavery by his returning to the State from which he emigrated. So far from this being merely a Missouri case, it is one which comes under the twenty-fifth section of the judiciary act, and therefore, may be brought for the revision of this Court from the Supreme Court of the State of Missouri.

OPINION OF JUSTICE CURTIS.

Associate Justice Curtis gave his reasons for dissenting from the majority of the court. The question is, whether a person of African descent can be a citizen of the United States. The constitution uses the language, "citizens of the United States at the time of the adoption" of that instrument; referring to those who were citizens under the confederation. It may, therefore, be safely said, the citizens of the several States under the confederation were citizens of the United States under the constitution. It is a fact that all the free native-born subjects of New Hampshire, Massachusetts, New York, and N. Carolina, descended from the African race, were not only citizens, but possessed the franchise of electors on equal terms with other or white citizens. Those colored persons were not only included with the body of white persons in the adoption of the constitution, but had the power to and did act in its adoption. Under the constitution, every free person born on the soil of a State, and made a citizen by force of its constitution and laws, is a citizen of the United States. Having stated the ground of his opinion, and explained the provisions of the constitution, he said that every citizen at the time of the adoption of that instrument was so recognized, and no power was conferred to discriminate between color or deprive any one of its franchise. It is not true in point of fact that the constitution was made exclusively by and for white people. The preamble openly declares that the constitution was formed in order to secure to the people of the United States and their posterity the blessings of liberty, and as for the colored citizens, in five of the States they were among those for whom the constitution was ordained and established. Color, in the opinion of the framers of the constitution, was not necessary to constitute citizenship under the constitution of the United States; and it might be added that the power to make colored persons citizens has been acted upon in repeated instances—in the treaties with the Choctaws, the Cherokees, and that of Gaudalupe Hidalgo, in 1848. And he arrived at the following conclusions:

1. That the free native-born citizens of each State, at the formation of the constitution, became citizens of the United States. 2. That free colored persons born within some of the States, and citizens of those States, were also citizens of the United States. 3. That every such citizen residing in any State has the right to sue and be sued in the federal court of the State in which he resides. 4. As the plea to jurisdiction in this case shows no fact except as to African descent, and as this fact is not inconsistent with citizenship of the United States, the decision of the Circuit Court for Missouri was incorrect.

He therefore dissented from the opinion of the majority of the court, that a person of the African race cannot be a citizen of the United States. He did not believe the opinions of the court on questions not legitimately before it to be binding. He believed, however, that the court has jurisdiction in the case, and maintained that, under the law of Missouri, Dred Scott and his family were free persons on their return to that State. There was nothing in the history or in the language of the constitution which restrains the power to make all needful rules and regulations respecting the territory of the United States, to such territory only as was owned by the United States at the time of the adoption of the constitution. He was not aware that such a suggestion had ever before been made. Four distinct acquisitions of territory have been made, and six States formed upon them have been admitted into the Union. Such a contracted construction as that to which he referred was inconsistent with the nature and purposes of the constitution, as expressed in its language. He would construe that clause of the constitution thus: Congress shall have power to make all needful rules and regulations respecting those tracts of country without the limits of the United States, and which the United States have or may acquire by cession, as well of jurisdiction as of soil, so far as the soil is the property of the parties making the cession. Congress has power to legislate with regard to the territories until they shall apply for admission into the Union as States. The laws must be "needful," and are left to legislative discretion. There are two classes of acts; and in eight distinct instances, beginning with the first Congress and coming down to 1848, Congress has excluded slavery from the territories; and there are six distinct instances in which Congress has organized governments for territories and recognized slavery and continued it therein, also beginning with the first Congress and coming down to 1822. These acts were signed by seven Presidents, coming regularly down from Washington to John Quincy Adams, thus including all those who were in public life when the constitution was adopted. This should have much weight on the question of construction, and it would be difficult to resist the force of the acts to which reference was made. His opinion was, the decision of the circuit court for Missouri should be reversed, and the cause remanded for a new trial.

More Outrages of Brigham Young.

Editor of the San Francisco Herald:

I wish to call your attention to a few of the recent outrages of the people of Utah Territory, and particularly to the course of Brigham Young, the Governor of Utah, who has taken an oath to support the Constitution of the United States, and, as Governor of Utah Territory, to see that the laws are faithfully observed and executed. Has he ever done it? Look at the facts and see: In March last, Wm. A. Hickman, Alexander McKea, Thomas J. Johnson, and others, broke open the door of the District Clerk's office in Salt Lake City, on Saturday night before the sitting of the District Court, and took therefrom the papers, records, and documents belonging to the Court; and after Judge Kinney instructed the Grand Jury that it was their duty to inquire into the offense, and bring the offenders to justice, this man Young instructed the Grand Jury that it was a Gentile court, and, as such, the Saints of God had nothing to do with the matter, and that if the d—d Gentiles had business to settle, they must do it some other place than in Utah Territory. Nothing was done with the offenders. Again, a man by the name of Baker, (a Mormon,) was tried for murdering a dumb boy, in Judge Drummond's court, at Fillmore city; and although the proof showed one of the most aggravated cases, the Grand Jury, (all Mormons of course,) brought in a verdict of murder in the second degree; this was on Wednesday, and although the sentence was pronounced on Baker, and he started toward the Penitentiary, yet before the sixth Sabbath he had a full and complete pardon from Gov. Young, and really never went as far as the Penitentiary; but on the other hand, accompanied Gov. Young to church on the Sabbath next after his trial and conviction. The reason assigned for his pardon was that he was a Saint, and a d—d Gentile Judge should not have the pleasure of seeing one of the Saints of God put in prison for the murder of so useless a being as a dumb boy; that if people were so unfortunate as to have children that could not speak, they were incapable of becoming Saints, and it was a blessing to kill them off and save the parents the trouble of bringing them up, and that God required a human being to talk before he could pray.

Again, I have to chronicle one of the most daring and insulting national crimes ever committed in the United States, and that, too, under the direct care and control, and under the immediate order and direction of this man Young. Early in January, and just in advance of the meeting of the Supreme Court, a party of the Mormons in high standing in the Church, and under the advice of Brigham Young, repaired to the office of the Hon. G. P. Stiles, one of the United States District Judges, the law office of T. S. Williams, Esq., and the office of the Clerk of the Supreme Court, and took therefrom *all the papers* belonging to the Supreme Court, consisting of *records, dockets, opinions* filed away, together with nine hundred volumes of the laws, furnished by the Federal Government for the use of the Territory of Utah. The reason given for this treasonous act was that Congress would not admit them as a State, and that they would not allow the federal officers to remain in the Territory; and that what officers were now in the Territory must leave as soon as grass grows, or he will send them to hell, across lots. Now, sir, can you find a parallel to this act of treason since the organization of the American Colonies? If so, please note the time and place.

It seems now to be a settled fact that the laws of Congress cannot be carried out or put in force in this Territory—the only law known or obeyed is the law of the Church, and that is the will of Brigham Young, who most clearly is the most brutal tyrant now on earth, and, in point of treasonous designs, without an equal.—Often have the Courts decided against the enactments of the Utah Statutes, but all in vain. The Mormons go on after their own order of doing business, wholly disregarding and setting at defiance the opinions and decisions of the Supreme Court of the Territory, and openly declare that they will not obey nor be governed by any one unless he is a Mormon, and that any one who thinks otherwise can lose his life by trying the experiment, which most emphatically will be the case unless a strong military aid is given by the U. S. Government. In vain may one try for justice where the mandate of one man is the supreme law of the land, when you have Mormon jurors, witnesses, officers, etc., all bound by a secret oath of hostility not only to all the laws of Congress, but toward all the officers of the U. S. Government, from President down to that of Marshal of the Territory of Utah.

At this time there are five young men lingering out a weary life of misery and wretchedness, groaning beneath heavy loads of iron, in the damp and dismal cells of the Utah Penitentiary, for no crime known to the laws other than expressing opinions of disapprobation of the doctrines of Mormonism, which here is the blackest crime a man can commit. It is worthy of remark that these young men are not Mormons, but were passing, on their way to California, from Missouri. Poor fellows! they are doomed to a sickly and torturing death, and that soon, for it is not possible to survive such brutal treatment very long. Quite recently, a young man by the name of Lewis was convicted of assault and battery, and sentenced to five years' imprisonment in the penitentiary; and while on the way to the prison, a band of ruffians took him away from the officer, and deprived him of his ——, and then put him into the prison to die. These things are too common to be endured much longer; and unless the Federal Government speedily lends aid unto her officers now in this Territory, the miserable ends of both Mormons and officers of the Government can be better anticipated than told.

AMICUS CURIÆ.

Salt Lake City, Jan. 7, 1857.

What We Drink.

It appears from the report of Secretary Guthrie of the Treasury Department, that during the year ending June 30, 1856, 8,843,370 gallons of wine, spirits, and malt liquor have been imported into this country. The total value of these drinkables is $6,176,939; a snug little liquor bill for Uncle Sam to foot up. Brandy, we regret to say, forms the largest item in the bill; 1,715,717 gallons have been consumed, at a cost of nearly $3,000,000.—The grain spirits imported fall a little below brandy in quantity (1,582,132 gallons) but much below in value, ($772,576.)—Nearly a million of "other spirits" besides are consumed, at an expense of $238,000. On the other hand, we are glad to see that claret and other wines flow in a wholesome stream, thus indicating a growing inclination for continental beverages and continental temperance.

Over a million and a half gallons of claret, and nearly 700,000 gallons of other red wines, were imported, at an aggregate cost of about $850,000. We have drank also 1,100,000 gallons of English and Scotch ale, which is another encouraging symptom, as showing a growing appetite for malt liquors in preference to pernicious spirits.

The importations of Madeira, Port, and Sicily wines have fallen off; the supply of Sherry, however, has increased from 4,685 gallons in 1843, to 400,000 gallons in 1856.

The recent modifications in the tariff will undoubtedly increase Uncle Sam's consumption of imported drinkables. It is to be regretted, we think, that all duties on light wines, &c., &c., had not been removed; no legislative step would have so hastened the growth of temperate habits among the people.—*N. Y. Mirror.*

MORMON SERMON.—Brigham Young, the Mormon prophet, thus denounces one Gideon, who had the audacity to question his prophetic character, and the purity of the "spiritual wife" system:

"Who is this Gideon who has come amongst you? He used to sell tape in St. Louis, and now he is here to blaspheme the Lord and destroy the House of Israel. And what should ye, children of the covenant, do in return for his evil work?—Out with the bowie-knives ye wore like breast-pins at Nauvoo, and, in the name of God and the Prophet, *give him Hell!*"

☞ An idea of the amount of letter writing in the United States may be inferred by the number of postage stamps sold, which, during the last year, was one hundred and fifty millions.

☞ Chief Justice Taney has administered the oath of office to Presidents Van Buren, Harrison, Polk, Taylor, Fillmore, Pierce and Buchanan.

The Northwest in 1860.

The Cincinnati Enquirer estimates that the representation of the Northwest, under the census of 1860, will be 78, divided as follows: Ohio, 23; Indiana, 15; Illinois, 18; Michigan, 8; Iowa, 7; Wisconsin, 7. These States have now but 51 members in the House of Representatives. A writer in the Cincinnati Gazette thinks these States will be entitled in 1860 to 70 members—putting the present population at 7,000,000. The following is his estimate of the population founded on the recent vote:

	Voters.	Ratio.	Pop.
Ohio,	336,496	5¾	2,222,352
Indiana,	236,874	5¾	1,391,445
Illinois,	239,095	6	1,434,570
Michigan,	125,518	5¾	711,467
Wisconsin,	120,312	5¾	687,234
Iowa,	92,812	6	556,872
Total,	2,200,347		7,003,952

The population of the Northwestern States at different periods, was as follows:

In 1800,	50,240
In 1810,	270,324
In 1820,	792,727
In 1830,	1,470,018
In 1840,	1,967,880
In 1850,	4,714,403
In 1856,	7,003,952

Since 1820, a period of thirty-six years, the Northwestern States have increased at the rate of 90 per cent. in each ten years—9 per cent. per annum—until they are now as populous as the entire United States were in 1810; and, in all probability, they will be as populous in thirty years more as the entire American Union is now. To these Minnesota must hereafter be added, which has now a population of near 200,000.

TRANSATLANTIC TELEGRAPH A FAILURE.—The Scientific American publishes an article from Prof. Hall, and endorses it, prophesying that the Ocean Telegraph will result in a failure. In addition to the difficulties of laying a continuous wire cable of such length and of preserving a perfect insulation with a thin coating of gutta percha, the following reason is assigned for this opinion:

It can be easily demonstrated that a coil of wire, ever so well isolated, if immersed in water, will not effect an electro magnet with the same power as if rested out of water. The proximity of so antagonistic an element produces a sensible effect upon the electric current, and would, in the length of cable proposed, entirely absorb the subtle fluid, especially all that could be forced through so small a wire as the one contemplated. But even admitting a communication possible, it is known to electricians that in submerged wires a perceptible period of time elapses in the passage of the current, and that this period increases with the length of cable, and that it requires some seconds of time before the wire is uncharged after each signal. In the length of cable proposed, according to recent experiments, it would require over six seconds for each signal, making less than half a column in the New York Herald for twenty-four hours work as its possible capacity—not one-twentieth the probable demand.

DEATH OF REV. DR. SMITH.—The death of one of the most eminent American Missionaries, Rev. Eli Smith, D. D., is reported in Eastern journals. Dr. Smith has passed nearly twenty-five years as a Missionary, in the service of the American Board of Commissioners for Foreign Mission, his field being Turkey and Syria. As the friend and companion of Dr. Robinson, in his researches in the Holy Land, he shares the fame of that celebrated illustrator of Biblical science. He advanced the reputation of his country for intelligent and scientific men, in European circles—his contributions to Geographical science being recognized as valuable by the savans of Germany and France. He was widely known and distinguished for his attainments in the Arabic language, and for his translations of the Bible and other religious works into that tongue. He died at Beirut, Syria, on the 11th of January last, of cancer in the stomach.

Advices from Florida state that our troops there are engaged in active operations against the Indians, Gen. Harney's whole force being engaged. Major Pemberton's command, consisting of Companies E, F and K, had returned to Fort Dallas in a starving condition, having lost their way, and been obliged to live on horse flesh.

A terrible railroad accident occurred on the Great Western Railroad, Canada, on the 13th ult., by which sixty people were killed, twenty-two injured, and but thirteen escaped. The accident occurred by the breaking of the bridge over Des Jardines Canal.

☞ The Custom Revenue of Canada for the last fiscal year amounted to $4,363,000, which is an increase of $1,000,000 over the previous year. This increase has taken place under the new tariff, which abolished the 30 per cent duty, and increased the specific duty on articles of luxury.