

THE SPECTATOR.

OREGON CITY.

THURSDAY, OCTOBER 18, 1849.

Ecclesiastical Notice.

A funeral sermon, on the occasion of the death of Mrs. BAZZAN, wife of Wm. BAZZAN, will be preached by Elder Jas. McBarre in the Union Presbyterian church in this city, on next Sabbath, at 10 o'clock, A. M.

School Law.

One of the most praiseworthy acts of the Legislative Assembly was the adoption of a law "establishing a system of Common Schools." The cause of education lies near the heart of every good man. And no better evidence can be desired of the integrity and clear-sighted patriotism of our Legislators, than the remarkable unanimity with which this law was adopted. This Territory is very peculiarly situated; and no people in the world is education more important. Exposed to all the ingredients and facilities of vice, our safety will be found in the enlightenment of our people. Let the youth of our Territory receive a thorough and liberal education, and much will have been done to secure them against intemperance and kindred vices. And but few portions of the human family are so happily situated in this respect as we are. The means of defraying the expense of education are so abundant that all may easily avail themselves of its advantages.

Our advantages on this subject are duly appreciated as is proven by the adoption of this law, and also by another fact to which we refer with a high degree of satisfaction. The children of this Territory are more generally in school than in any portion of the Union; and more willingness is manifested to meet the expenses of education, however great, than we usually find among the American people. Animated by these enlightened views on the subject, we only need an efficient system to secure to us, in a high degree, the blessing of universal education.

This system, we believe the enactment of our Legislature has supplied. It embodies the best features of the systems practiced in those States where the cause of Common Schools has received the most attention. The law is long, and as it will be some months before it can be printed, and circulated among the people, we will here present our readers a condensed summary of its provisions.

Chapter first provides for the establishment of a permanent irrevocable fund, the interest on which shall be distributed annually among the districts. But as the school lands cannot be made available for a number of years, the law provides for the collection of a two mill tax for the purpose of meeting the immediate and pressing wants of the system.

Chapter second relates to the duties of the Superintendent.

Chapter third requires the appointment of three Examiners for each County, whose certificate will be always necessary to entitle the Teachers to draw on the public fund.

Chapter fourth creates the office of School Commissioner for each county and defines his duties.

Chapter fifth requires the election of three directors for each district, and defines their duties.

Chapter sixth relates to the duties of Teachers of Common Schools.

Chapter seventh requires the School Commissioners of the several Counties to lay off their respective counties into suitable districts.

Chapter eighth relates to the powers and duties of the district meeting. Until such times as the counties are divided, the people of any neighborhood, on ten days notice, given by any two legal voters, may meet, and organize a district. The district meeting may, by a vote of the majority, impose an ad-valorem tax on all the taxable property in the district, for the erection of school-houses, and defraying the incidental expenses of the district, and also for the support of a teacher or teachers. In a word district meetings are fully empowered by a simple majority vote to assess and collect a sufficient tax to carry into vigorous effect a thorough system of education.

This law also provides that all the youth of the Territory between the ages of four and twenty-one years shall be entitled to all the privileges of education in their proper district. The school-house is thus thrown open to all, and all may learn freely in the light of science and intelligence.

The above sketch of the law is drawn from the original as it appears in the bill.

It will be found, we believe, to be very nearly if not entirely correct. The Superintendent has an office of surpassing interest assigned him, involving responsibilities of great magnitude. On the zeal and energy of this officer depends in no small degree the success of the whole system. We cheerfully tender the columns of the Spectator to him for the purpose of promoting the great cause intrusted to his care.

The Indian Murders.

We learn from Judge Bryant, that two of the six Indians who were tried by him at Ft. Steilacoom, on the first inst., for the murder of Leander C. Wallace, were convicted and executed. The Judge has no doubt that the two who were executed, and one other who was killed in a brawl of some kind, by another Indian before the trial, were the ringleaders in the attack upon Fort Nisqually, which led to the unfortunate death of Wallace. It appeared in evidence that two other Americans, namely, a Mr. Lewis and a Mr. Walker, were badly wounded by shooting, and recovered, and that a child of a friendly Indian was also wounded by a shot, of which it afterward died. The Indians executed were Kussass and Quallahwort, both chiefs of the Sumqualamic tribe, the former was the brother of the 1st chief of the tribe. Three of those acquitted were chiefs, and two of them brothers to Kussass. The other, against whom there was no evidence, the judge believes was a slave, and had no participation in the affair, but was brought in under the expectation that as only one American was killed, that the guilty chiefs would be allowed to put this slave in their stead, and that this would be all the satisfaction that would be demanded. It is the opinion of the Judge, and others with whom we have conversed, that were present at the trial and execution, that the affair will prove a salutary lesson to the Indians in that quarter, who were present in great numbers at the trial and execution. The Snowqualamic tribe is the most brave and warlike, and much the most numerous of the unfriendly tribes on the Sound, and are much addicted to skirmishing amongst the other tribes for plunder and slaves. It did not appear from the evidence very clearly what had caused the attack upon the Fort. The Judge thinks it quite probable that the object was to rob it after killing all those who opposed their designs. Those acquitted, the Judge thinks, if guilty at all, were not so in any thing like the same degree with those found guilty. There were some circumstances which led the Jury to doubt whether they approved the attack upon the Fort. Judge Skinner was appointed District Attorney, and prosecuted the case, and David Stone Esq., Attorney at Law, defended them with much zeal and ability.

Every assistance was promptly furnished by Capt. B. F. Hill, 1st Artillery, that was desired, and the Captain and all the other officers spared no pains to make both the Court and Jury as comfortable as it was possible for them to be in so new and thinly settled country.

Legislative Assembly.

We intimated in our last number that we would notice the Legislature more fully this week. To the redemption of this promise we now proceed. On the call of Gov. Lane, the Assembly convened on the sixteenth of July, and were duly organized by the election of the Hon. Samuel Parker President of the Council, and Gen. A. L. Lovejoy, esq., Speaker of the House. The following are the names of the members of the two houses:

- HOUSE OF REPRESENTATIVES.
- From the counties of Clatsop, Lewis and Vancouver—Samuel T. McKean, esq.
- From the county of Clackamas—W. W. Buck, esq.
- From the county of Shampoeg—Wesley Shannon, esq.
- From the counties of Clackamas and Shampoeg—Samuel Parker, esq.
- From the county of Linn—Dr. W. B. Mealey.
- From the county of Benton—A. L. Humphrey, esq.
- From the county of Polk—Col. Nathaniel Ford.
- From the county of Yam Hill—James B. Graves, esq.
- From the county of Tualatin—Rev. Wilson Blain.
- From the counties of Clatsop, Lewis and Vancouver—M. T. Simmons, esq.
- From the county of Clackamas—Gabriel Walling, esq., Gen. A. L. Lovejoy, esq., and James D. Holman, esq.
- From the county of Shampoeg—Col. Wm. Chapman, esq., W. T. Matlock, esq., and John Grian, esq.
- From the county of Linn—John A. Dunlap, esq., and Jacob Connor, esq.
- From the county of Benton—J. L. Walker, esq., and G. B. Smith, esq.

From the county of Polk—H. N. V. Holman, esq., and S. Birch, esq.

From the county of Yam Hill—J. Hembree, esq., Robert Kinney, esq., and J. Walling, esq.

From the county of Tualatin—Col. W. M. King, esq., and David Hill, esq.

It is usual on the assembling of legislative bodies, to inquire into the political character of the members. But happily political parties have no existence in Oregon, and hence the persons elected to this Legislature were chosen for other than party considerations; and, during the whole of its session, there was no question agitated on party grounds. One object brought together, and that one object engrossed the entire attention of the members. The Territory was without law and without officers, and all felt that the public wants were pressing; and therefore every one was animated with the desire of providing a good code of laws.

The only ground of difference among members was found in the fact, that each was most partial to the laws of the State from which he had recently emigrated, and with the operation of which, of course, he was most familiar. The difficulty growing out of this difference of partialities was seriously felt, and retarded, to the very last day of the session, the progress of business.

The first important business that engrossed the attention of the Assembly, was the preparation of a memorial to the United States Congress. This matter consumed the best part of two weeks; and at length one was agreed to which embraced most of the matters of special interest to the people of the Territory.

After remaining in session two weeks—the season of harvest having arrived, and many of the members being under the necessity of going home to harvest their crops—the Assembly adjourned to the twentieth of August.

When the Assembly re-assembled, it appeared that the members had been actively preparing business for future deliberation, and the great measures of the session were presented. It is believed that the recess was, in the end, a real saving of time. The measures prepared during the recess were well matured and comprehensive, and brought the business before the Assembly in such a form as greatly expedited the matter. It is certainly doubtful whether so many good laws would have been enacted, should they have met the full one hundred days without the recess. We are thus particular in placing the labors of members during the recess in a favorable light, because there has been some fault found with them for voting themselves pay for the time of the recess. We are entirely of the opinion that pay was as equitably due for that period, all things considered, as for any part of the session.

The leading measure of the session was a bill introduced into the House by the industrious chairman of the Judiciary committee. This bill provided for the enactment and publication of a code of laws, and embraced in its provisions some one hundred acts from the Iowa statute. Though at first we did not view this bill favorably, yet we are now fully convinced that it was the happy means of securing a good code of laws which otherwise would not have been formed.

Laws were enacted on education, gambling, grocery license, and some other matters of general and special interest, which we propose noticing in separate articles.

A good deal of feeling was manifested, and the termination of the session of the Assembly hastened, by the discovery of the fact that no provision had been made for the payment of the per diem of the members. It was thought to be unreasonable, that men should be called to leave lucrative pursuits, and pay very expensive boarding bills (from six to eight dollars per week) for the purpose of serving the public for three dollars per day and that on an uncertain credit. The dissatisfaction among the members was so great, on making this discovery, that the business of legislation was pushed through with a haste by no means consistent with proper deliberation. We do not presume, however, to attach blame to any one in regard to the affair, nor do we mean to involve ourselves in the matter on either side; but quietly comfort ourselves with the assurance that time will reveal the truth.

Independently, however, of all this feeling, the members were faithful and industrious, and deserve the approbation of the Territory for the many excellent laws they enacted. And we are very sure that it would be advantageous to our personal finances if the home government would adopt some more expeditious method of transmitting funds to this Territory.

Life is a journey, and Death a return home.

City Corporation.

The late Legislative Assembly revived the act of the Provisional government granting Corporation rights to Oregon city. Why is there no motion made for an election of officers, and carrying the charter into effect? It would surely contribute much to the security, prosperity, and improvement of the city. There are many evils which can be corrected in no other way. For instance, nothing short of an active and vigilant police, can prevent so much horse-racing along our streets. If this practice is not soon arrested, the life of some person will be forfeit. And there is not a Sabbath that our worshiping assemblies are not grievously annoyed by the clattering of horses' hoofs along the streets. We hope the charter will not be suffered to remain longer dormant.

Property in Oregon and Linn Counties.

There has been a great advance in the value of property in the cities of the Falls of the Willamette within a few months. Real estate has more than trebled in value this season, and the tendency is still upward. There have been a good many new buildings erected recently, and the place is improving rapidly. And though a large proportion of our population are gone to the gold mines, yet everything wears the appearance of active business prosperity. And the extensive improvements every where making, give good assurance that our citizens are using their abundance of gold to good purposes.

Territorial Library.

The Territorial Library has arrived in the city. These books were purchased by Judge Bryant, at a cost of nearly \$2,000. They are principally legal works, and by those who are competent judges, the Library is said to be a well arranged and judicious selection. There are some two hundred volumes of works on historical and scientific subjects. With this part of the collection we are much pleased. The works composing it are of the most approved character for correct and standard literature. We regret however, that a few volumes are more or less injured by dampness contracted in the long voyage of this country. The damage, though to be regretted, was not so great as to require the reversion of the whole. We counted 500 volumes among those most seriously injured. These books will constitute an excellent foundation for a noble Library.

Intemperance.

The increase of intemperance of late is really alarming. We had resided in Oregon some eight months without seeing an intoxicated person; but now a dozen per day would not let Oregon city off. And all this in open and direct violation of law. We have laws, and good ones too. Why are they not enforced? One law declares that if any kind of gaming, as cards, ball-alley, etc., is allowed in any tavern, store, grocery, or any other place allowed to sell ardent spirits, such gaming shall forfeit the license to keep such house. Two other laws require that all persons engaged in the traffic, must first procure a license.

We can easily see why those who wish to enrich themselves on the ruin of others disregard these laws, but how the better part of community can quietly see their laws trampled under foot, and their peaceful city disgraced with scenes of riot and drunkenness, is to us unaccountable. Again we urge the election of officers under the city charter, and the organization of a vigorous police.

The Troops.

The Oregon Regiment of Mounted Riflemen, under the command of Col. Leasing, have arrived and taken up their quarters in the city. They appear in fine health and spirits, and were fortunate in getting in before the setting in of the rainy season. Under all the circumstances the officers are entitled to the highest praise for their vigilance in preventing desertion. And the wonder is that so few have deserted. The temptation to escape to the gold mines was sufficiently great to try the nerve of most men; yet by death and desertion they lost only some sixty or seventy men.

Distressing Casualty.

While the troops were descending the Columbia from the Dalles to Vancouver, a raft, having on board eight men, went over the Cascade Falls, and though it was at the midnight hour, two out of the eight made their escape by swimming to the shore. The other six were unfortunately drowned. We have been unable to learn the names of the persons who were drowned, but we understand they were connected with the wagon trains Teamsters.

We have been informed that there are three or four vessels outside the bar at the mouth of the river, waiting a favorable opportunity to come in.

Closing of the Mail.

The mails from the Post Office in Oregon City, for California, and the United States, will be closed on the 25th inst., and forwarded by ship Aurora.

Something for the Curious.

We learn that on the 15th inst., in the Cascade Mountains, on the eastern border of Marion county, two or three loud reports were heard resembling distant thunder, accompanied by other unusual movements in the elements. Immediately afterward Silver Creek, which is a good sized mill stream, dried up, and no water ran in it for some twenty-four hours. When the water did resume its course, it was so thoroughly impregnated with alkaline substances as to have the appearance of strong lye, and as also to cause the death of the fish in the stream. About the time of the above occurrence, strong winds prevailed from the south, a heavy fall of ashes was noticed in most parts of this valley, and a dense cloud of smoke settled in the atmosphere, shutting out the light of the sun for nearly a week.

Whether a volcanic eruption has taken place, or whether the phenomenon was produced by some other agency, we have not as yet the means of determining. One fact however is worthy of notice. The whole Cascade range of mountains are on fire, and the vast amount of vegetable matter thus consumed would be entirely sufficient to account for the ashes and smoke which have prevailed. And it is probable that the prevalence of fire may account for the other occurrences. The intense heat caused by the fire may have extended far enough into the rocky bosom of the mountain to have come into contact with passes found in the cavities of the rocks, and thus produce an explosion. This might have occasioned a land slide, throwing a portion of the mountain into a deep ravine, and arresting the water of Silver Creek for a time. And this seems the more probable view of the matter, as the gaseous and alkaline substances by the explosion would be brought to the surface, and coming in contact with the waters of the creek, would change its character.

But we forbear further remarks, hoping some gentleman will visit the spot and give us farther and more definite information.

Selling Liquor to Indians Another Decision.

The subject of selling ardent spirits to Indians in this Territory is one in which the public mind is much interested, and much solicitude has been felt to learn the course our Courts would take in reference to the matter. We are therefore happy to be able to inform our readers that another case has been heard and decided by His Hon. Judge Pratt.

Wm. McGaughey, an old offender, was at the late term of the District Court, held at Astoria, indicted for trafficking in liquor with the Indians, but managed to get away from the Marshal, and ran into Lewis Co. Greatly to the honor of the people of Astoria, he was pursued, and caught near Baker's Bay, and afterwards convicted and fined \$500. Judge Pratt's charge to the Grand Jury is said to have been very full and explicit on the subject of the laws of Congress regulating intercourse with the Indian tribes. He was understood to decide that the Territory of Oregon was Indian country, within the meaning of those laws, so far at least as concerned the relations sustained by the white population to the Indian tribes; and that the penalties of the laws of 1834, for selling or giving spirituous liquors or wines to Indians, or their introduction among them, would be rigidly enforced not only against all persons who violated the law directly, but also against such as sold or gave intoxicating drinks to white men with knowledge that the same were intended for Indian use or traffic. But he was further understood to decide that the introduction into the Territory of such things for private use, or traffic among white men was not illegal any further than direct consequence could be traced to individuals, resulting from their reception and use by Indians.

While we have a voice to say "honor to whom honor is due," we must commend in the strongest terms, the manly and vigorous manner in which our Judge enforces the Laws on this great question. And if the evil cannot be wholly corrected, we do most earnestly hope our hearts will always be thus cheered with the fearless infliction of the full rigors of the law on every offender.

It had supposed that the sidewalk on Main street was constructed for the accommodation of those who wish to pass along the street, and especially for the accommodation of the ladies. But we have noticed on several occasions, that it was so completely occupied by groups of gentlemen that the ladies were obliged to go into the street to get along. As the rainy season is near at hand, we hope gentlemen will soon acquire the habit of allowing the ladies, at least, the free use of the said sidewalk.

NAMES OF COUNTIES CHANGED.

By acts of the Legislative Assembly the following changes have been made in the names of counties: Champeog is changed to Marion, Tualatin to Washington, and Vancouver to Clark.

From Europe.

The most interesting portion of the news from Europe relates to the war raging in Hungary. It is a contest between Liberty and despotism. Hungary alone has taken the field against Austria and Russia, two of the most powerful nations of Europe, and both subject to despotic governments. All Europe and America are deeply interested spectators to this conflict, and various are the views and wishes relative to its termination. When the Hungarians first took the field, they were comparatively few and feeble, but they rapidly gained in numbers and strength until they were, at the latest, able to meet and vanquish a formidable Russian army. Whether the struggle for liberty in Hungary will end, as it did in Poland a few years since, time can alone decide. But after the brilliant commencement they have made, we may with confidence look for a glorious termination.

We have heard that there has been a great and perhaps decisive battle fought between the Hungarians and Russians, but we have been unable to get sight of the paper which brought the news. We will give the details as soon as we can obtain them. For the present, the following scraps will give the substance of the information received at this office on the subject.

Austria and Hungary.

THE VICTORY IN THE ROTHENTHURM PASS. The Democratic Pacific has private and authentic advices from Hungary, which confirm the reported victory of Bem over the Russians in the Rothenthurm Pass in Transylvania. The reason why there is any doubt or obscurity with regard to recent movements in Hungary, is that the Austrian authorities take all possible means of suppressing intelligence from that quarter.

The Democratic affirms positively that the Russian advanced guard suffered a check near Jabunka, some thirty miles from Cracow, in consequence of which a Russian head down its arms, abandoning its artillery, with horses and equipment, its baggage, munitions and materials of war. In the defiles of Eperies, Beminski has beaten the Russians and driven the whole body which was advancing by that route back beyond the Carpathians, all the northern ranges of which he now occupies.

But a victory which even the Austrian government journals do not dare to deny, says the Democratic, is that gained by Bem over a Russian column of 25,000 men seeking an entrance into Transylvania by the Rothenthurm (Red Tower) Pass. He allowed the enemy to penetrate to the very extremity of the valley, where he was ready to receive them behind some fortifications which he had erected for this purpose. While the Russians were attacking these works, the Szekler Mountain warriors suddenly appeared on the heights of the defile, thus threatening both flanks and the rear of the enemy, whom they destroyed by rolling rocks upon them from above. Terrible confusion instantly appeared in the ranks of the Imperial force, and a slight instantly took place among them, leaving a third of their whole number on the field of battle.

The Hungarian correspondent announces the success of Bem in these terms: "Bem has sought the frontier of Russian Transylvania from Temes to Kuluks. More than seventy Russian officers have gone over to the Hungarians. The Hungarians mean to avoid a pitched battle."

The Democratic Pacific also publishes a letter from Cracow, dated May 21, which says: "Bem, who at first had but a handful of insurgents has now an army of more than 60,000 men and 200 cannon. Krivan and Arsa have been to us precious arsenals of men and arms. The Russians ask nothing better than to be disarmed as soon as they are away from the authority of their Generals. The advantages which Bem has gained are astonishing, especially from the 7th to the 10th of May. Beminski has also beaten the Russians on the Polish soil of Galicia. In a former letter I announced to you the presence of noteworthy strangers (French and English) at head-quarters; but I was beneath the reality—there are Americans there also."

A correspondent of the National writes from Vienna: "Kussuth soldier has men liberally. The common pay is received 10 Kruxers (about two cents) a day in money, a sufficient quantity of meat, bread and vegetables, and a chance for extraordinary rewards which are as high as 500 florins for the capture of a flag, a cannon, &c. The skill of the Hungarians makes it unlikely that they will be brought to a pitched battle."

The Weser Zeitung says: It is reported that Eszek has been taken by the Hungarians. The district of Semegh is in open insurrection, which may render difficult the retreat of Jellachich. Perhaps we shall soon see Magyar armies on the shores of the Adriatic sea. The Russians will advance with greater difficulty than the Czar seems to suppose, and the fever which will prevail during the Summer will greatly weaken his army. The war will last long, and if Austria should obtain the victory she will suffer from it for many years.

MOVEMENTS AND RUMORS.

From Austria and Hungary little is positively known beyond the fact that vast armies from Russia, in concert with Aus-