OREGON SPECTATOR.

P. J. SCHNEBLY. "Westward the Star of Empire takes its way." T. F. McELROY & C. W. SMITH, PRS.

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Territorial Laws.

AN ACT establishing a system of Common Schools.

CHAPTER I.—SCHOOL FUNDS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That there hereby is constituted and established, a fund to be designated by the name of the Common School Fund, the income of which shall be appropriated to the support of common schools in the Territory of Oregon, in such manner as shall be pointed out by law.

SEC. 2. That the principal of all moneys falling or accruing to the Territory of Oregon for school purposes, whether by donation or bequest, or from the sale of any land heretofore given, or which may hereafter be given by the Congress of the United States to this Territory for school purposes, or accruing from licenses, fines, forfeitures, or penalties, appropriated by law to common schools or in any other manner whatever, shall constitute an irredeemable fund; the proceeds or interest accruing from which, shall be annually divided among all the school districts in the Territory, proportionably to the number of children or youth in each between the ages of four and twenty-one years, for the support of common schools in said districts, and for no other use or purpose whatever.

SEC. 3. That all moneys accruing from the lease or rent of school lands, and also from a tax of two mills on the dollar, to be assessed and collected in the same manner as other Territorial taxes, shall be added to the interest on the school funds provided for in the preceding section, to be distributed annually with said interest, and in the same manner, among all the school districts in the Territory.

SEC. 4. That all moneys paid into the treasury of the Territory, as provided for in the second section, shall bear a semi-annual interest of [illegible] per centum, which shall be added to the principal sum on the first day of January and July in each year, and proceeding such [illegible] day of January next, and [illegible] the Legislative Assembly [illegible] to time make such [illegible] that it shall be [illegible] per annum, as the foregoing [illegible] possible degree [illegible]

SEC. 5. [illegible] payment of [illegible] accrued and [illegible] as herein provided for, [illegible] ers of each county, [illegible] day of January [illegible] er on the Treasurer of the Treasurer for the interest such counties; [illegible] executed to the [illegible] shall be [illegible] amount of [illegible] al counties, [illegible] on of such [illegible] riers shall [illegible] pearing by [illegible] the county [illegible] meeting said [illegible] on the said [illegible] such as shall be [illegible] give a duplicate [illegible] to deposite with the Common schools. [illegible] asurer of the Territory [illegible] arge the amount to [illegible] the Treasurer of [illegible] use the money thus [illegible] er as shall hereafter [illegible]

[illegible] SUPERINTENDENT.

There shall be elected by the Legislative Assembly, [illegible] of Common Schools, who shall exercise a general supervision over the interests of common schools throughout the Territory.

SEC. 7. That it shall be the duty of said Superintendent to collect all such information as may be deemed important in reference to common schools, especially the number of children, the number and quality of schools, the number of scholars in attendance, the amount paid for tuition; also to collect information of the number of school houses, and the amount expended from year to year for the erection and repairing school houses, and all other matters in reference to the operation and effect of the common school system; and report annually to the Legislature the information thus collected, and suggest such improvements from time to time as the interests of education may require.

SEC. 8. That it shall be his duty to audit the accounts of the Treasurer of the Territory [illegible] several counties, in relation [illegible] and disbursement of the [illegible] and see that the [illegible] moneys, or diverted from [illegible] he shall visit the several [illegible] of the Territory at least [illegible] year, to give such information [illegible] appointment as may tend to the [illegible] working of the common school system; he shall also furnish forms for the district trustees and teachers for keeping their accounts and registers, which forms shall be delivered to the school commissioner, and he shall deliver them to the districts throughout his proper county; and he shall also perform all such other duties as shall be assigned him from time to time by the Legislative Assembly.

SEC. 9. That the said Superintendent may draw on the Treasurer of the Territory for the amount of his incidental expenses in printing circulars, blank forms and any other matters pertaining to his duties: *Provided*, That such draft shall not exceed one hundred dollars in any one year, and he shall also be allowed out of the treasury of the Territory, an annual salary of five hundred dollars.

CHAPTER III.—SCHOOL EXAMINERS.

SEC. 10. That the District Court of each county in this Territory shall, at their spring term next after the passage of this act, appoint three competent men to act as school examiners, who shall forthwith be notified of their appointment by the clerk of said District Court, and who shall hold their offices for the term of three years and until their successors are appointed; and the said Court shall from time to time fill all vacancies in said board of examiners.

SEC. 11. That it shall be the duty of said board of examiners to examine all persons who wish to become teachers in their counties; and no person shall be entitled to receive pay, for any services rendered as a teacher, out of the common school fund, who shall not first have obtained a certificate of qualifications to teach reading, writing, arithmetic, English grammar and geography, and also of good moral character, from said board of examiners, or one of them: and furthermore, said board of examiners shall certify what other branches the person receiving the certificate is qualified to teach.

CHAPTER IV.—SCHOOL COMMISSIONERS.

SEC. 12. There shall be elected by the legal voters of the respective counties at the annual county elections, a school commissioner for each county, who shall hold his office for the term of three years and until his successor is duly qualified.

SEC. 13. That it shall be the duty of the said school commissioner to receive the district reports hereinafter provided for and record the same in a book kept by him for that purpose; and also transmit a copy of said reports to the Territorial Superintendent, and he shall issue orders on the county Treasurer in favor of the district Treasurers for the amount of the school funds apportioned to each; on the presentation of which orders, the Treasurer of the county shall pay over to the Treasurer of the district, all moneys due their respective districts, and the district Treasurer, or the person acting for him, shall endorse on said order a receipt for so much as shall be paid thereon; and he shall also sign a duplicate receipt, which shall be deposited with the school commissioner, who shall credit the Treasurer of the county therewith and charge the same to the proper district.

SEC. 14. That the said school commissioner shall collect, or cause to be collected, all moneys due the school fund from fines, forfeitures and penalties, or from any other source, in his proper county, and make an accurate report thereof in his annual return to the Superintendent, and he shall preserve the school lands in his proper county from injury or trespass: and when it shall have come to his knowledge that any injury or trespass has been committed, he shall inform the prosecuting attorney of the county, and it shall be the duty of that officer to prosecute the same as in other Territorial trespasses or misdemeanors; and all the fines, penalties and other moneys thus collected shall be paid over to the Treasurer of the county, for the use of the common school fund, and subject to the order of the Treasurer of the Territory.

SEC. 15. That the said school commissioner shall keep his office open at the county seat for two days in December and February, each, commencing on the first Mondays of each, respectively, and on such other days as the duties of his office may require; and he shall be allowed out of the county treasury the sum of three dollars per day for every day so employed.

CHAPTER V.—DISTRICT DIRECTORS.

SEC. 16. That there shall be three directors elected annually, at the annual meeting of the qualified voters of the district, on the first Friday of November, who shall be sworn into office, and hold their office for one year, or until their successors are elected and qualified.

SEC. 17. That it shall be the duty of the said directors to meet within ten days after their election and take an oath or affirmation of office, faithfully to discharge the duties of the office to which they have been elected, and to the best of their ability promote the true interests of education within their district; which oath may be administered by either of said directors or a justice of the peace.

SEC. 18. That said directors shall elect from their own number a clerk of the district, who shall also be district treasurer; and the said director, so chosen clerk and treasurer, as aforesaid, previous to entering on the duties of said offices, shall give bond and security, to be approved by said board of directors, conditioned for the faithful disbursement of all moneys that shall come into his hands belonging to the said district; which said bond shall be made payable to the Territory of Oregon. And when such bond shall be forfeited, it shall be the duty of the other members of the board of directors to sue for and collect the same for the use of the district; and said clerk shall keep in a book of records of said district, a full and accurate record of all the proceedings of the directors and district meetings, which shall be signed by the chairman and countersigned by the clerk, as evidence of its correctness.

SEC. 19. That the said board of directors, and their successors in office, shall be a body politic and corporate in law, and as such be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this Territory; be capable of receiving any gift, grant or donation, or devise made to, or for the use of said district, and may receive a deed of conveyance, or lease for any land whereon to build a school house or houses, which lease or deed shall be made to said directors and their successors in office, or to the district, and in either case, the corporate body hereby created shall be deemed the grantee or lessee and shall hold the same to and for the sole use of such district. They shall also examine all accounts of the district treasurer, and they shall order the payment of all moneys that shall come into or that shall be in the county treasury for the use of such district; and at the close of the year they shall examine the annual account of the district treasurer and cause the same to be entered on record and signed by the directors, if approved.

SEC. 20. The said directors, any two of whom shall constitute a quorum for business, shall have power to select sites for school houses, and purchase the same; to repair and keep in order the school houses in the district; to provide for the school or schools and for necessary repairs; to contract for the erection of a school house or houses, and provide such furniture therefor as may be necessary, when any funds have been voted and assessed by a vote of the district for such purposes and ordered to be so applied.

SEC. 21. That such directors shall establish a sufficient number of schools, and employ one or more teachers, either male or female, and see that reading, writing, arithmetic, English grammar and geography shall be taught in the English language; and they shall faithfully appropriate and expend, in the support of such school or schools, all moneys belonging to the district for that purpose. They shall determine how and when the funds shall be expended; and they shall perform all other such lawful acts, as may from time to time be required of them by any district meeting and as may be necessary to carry into full effect the provisions of this act: *Provided*, That in all cases, during the periods when the public money is applied for the support of the schools, said schools, shall be free to all the children of the district between the ages of four and twenty-one years: *Provided further*, That said directors may admit persons to school over twenty-one years of age, on their paying such tuition fee as said directors may require: *Provided further*, That nothing in this section shall be so construed, as to prevent any other language, in addition to the English, from being taught in the common schools at the discretion of the directors.

SEC. 22. The said directors shall, at the annual district meeting, by their clerk, or by some other person by them appointed, before the election of the officers for the ensuing year, report in writing an official account of their proceedings for the preceding year, showing the amount of school funds apportioned to the district, how many and how it has been expended; how many schools have been taught, for what time, and amount of salaries paid to teachers; the number of children in the district between the ages of four and twenty-one years, and how many have been in attendance in the school during the year; the branches taught; the amount of money raised by district tax for purchasing, building, repairing, school houses, or any other purpose, with an account of all the disbursements, and shall also report such other information to the meeting as shall be thought useful; which report, or a copy of it, shall by the clerk of the district be delivered to the school commissioner of the proper county on or before the first day of December, and the district failing so to deliver the annual report, as before provided, to the school commissioner, shall forfeit its apportionment of the common school fund for the ensuing year.

CHAPTER VI.—TEACHERS.

SEC. 23. That it shall be the duty of every teacher of the common district school to procure a certificate of qualification and good moral character before entering on the duties of a teacher, and no person failing or neglecting so to procure said certificate shall be allowed to receive pay out of the common school fund. It shall also be the duty of every teacher, employed to teach a common district school, to enter in a book provided by the district clerk for that purpose, the names of all the children attending school, their ages, the date when they commenced, the length of time they continued, and keep a table showing the daily attendance of each scholar and also the names of their parents or guardians; which book shall be open at all times for the inspection of all persons interested, and be delivered over by the teacher to the district clerk at the expiration of the term of the school, or once in every three months.

CHAPTER VII.—FORMATION OF SCHOOL DISTRICTS.

SEC. 24. That the people of any town or neighborhood shall have power, until otherwise provided for by law, to form school districts, and perform all acts and duties therein, in accordance with the provisions of this act: *Provided*, That ten days notice shall be given of such proposed organization, by putting up written notices in the three most public places in the town or neighborhood where such district is proposed to be formed.

SEC. 25. That it shall be the duty of the school commissioners of the several counties before the first day of January, A. D., 1851, to lay off their respective counties into school districts in the manner most convenient for the population and different neighborhoods, having due regard to any school house already erected, school districts already laid off, and other circumstances proper to be considered, so as to promote the interests of all the inhabitants of the county, and so as to include all the territory of the county; and said school commissioners shall prepare maps or plats upon which the boundary lines of all the districts shall be laid down, with such references to the adjacent tracts of land along the lines, or at the corners of such localities, that the said lines and corners can be ascertained by examining such maps or plats; which district shall be regularly marked and numbered on said maps or plats; which maps or plats shall be delivered to the board doing county business, and their approval thereof shall be a sufficient confirmation of the same; and a copy of said maps or plats shall be kept in the offices of the school commissioners for the inspection of all persons interested.

SEC. 26. That when it is proposed to change the boundaries of districts or form new districts, twenty days notice thereof shall be given by putting up written notices in three public places in the districts affected thereby, and thereupon the board doing county business, on petition being presented to them praying therefor, if, in their judgment, the interests of the several districts concerned would be promoted, shall order such alteration or the formation of such new district, and such alteration or the formation of such new district shall be distinctly marked on the map or plat of districts for the county.

CHAPTER VIII.—POWERS AND DUTIES OF DISTRICT MEETINGS.

SEC. 27. That there shall be hereafter a meeting in each school district, which shall be held on the first Friday of November annually at such school house, or if there be no school house, at such place in the district as the school directors shall designate; notice of the time and place of holding which meeting shall be posted up by the district clerk, in at least three public places in the district, ten days before such meeting, and read in each school kept in the district, five days before such meeting: *Provided*, That the first annual meeting may be organized on notice given as herein provided by three legal voters of the district, and at all such annual meetings, the voters, being the tax paying inhabitants of the district shall organize by appointing a chairman, and the clerk of the district shall act as secretary, or in his absence a secretary shall be appointed *pro tempore*, and the voters present may transact all the ordinary business of the district, and elect the directors to serve for the ensuing year, as herein before provided. It shall be lawful for a majority of the voters at such annual meeting to determine by vote upon the purchase or erection of a school house, or the purchase of a lot or lots [illegible] to erect such house, and how much money shall be raised for such purchase and the purchase of fuel, and for the building, repairing and furnishing any school house or school houses in their district; which sums of money, so voted, shall be collected as hereinafter provided: *Provided*, That special meetings of the voters may be called in the district by the directors, on giving two days notice as aforesaid; which notice shall also state the particular object or objects of the meeting. And such called meeting shall have power to transact all the business specified in said notice that a regular meeting of said voters could transact. *And provided*, That no tax shall be levied by the vote of such meeting, unless the notice shall state specifically that such a tax is proposed to be levied and the object of such tax.

SEC. 28. That a majority of a lawfully convened district meeting shall have power to levy and collect a tax on all taxable property in the district for the purpose of building a school house or houses, and for repairing, renting and furnishing such school house or houses and for fuel, and also for the employment of a teacher or teachers, male or female, in the district, which tax shall be levied, collected, as the assessment made by the county assessor, for county and Territorial taxes, and shall not be made to exceed the amount ordered by the aforesaid majority of the district meeting.

SEC. 29. That whenever the directors of any district shall determine on levying a tax, not exceeding twenty dollars in any one year, for repairing and furnishing any school house; or whenever any annual or special meeting of the district shall decide that a tax sufficient to build a school house, or to employ a teacher, shall be levied as aforesaid, the clerk of the district shall apply to the county auditor, who, upon being furnished with the names of all the persons liable to taxation within such school district, shall furnish such director with an abstract of all the property within said district, and the said director shall levy on all such property the amount of tax so agreed on by the meeting or by the directors, under the restrictions aforesaid.

SEC. 30. That if in making out an abstract of taxable property, as required by this act, the county auditor shall discover that any tract of land is divided by the boundary line between districts, he shall determine from the best information within his reach what proportion of the valuation of the tract, so divided, will lie in each district, and shall apportion the tax assessed on such tract, to and amongst the districts, according to the relative value thereof lying in each.

SEC. 31. That the district treasurer, to whom a tax duplicate shall have been delivered, shall, within the time prescribed for the payment of such tax in manner aforesaid, personally demand the same of the several persons charged therewith, if they be found within his district; and if such tax be not paid before the expiration of the time so prescribed, the said district treasurer may then collect the sum by distress and sale of personal property, in the same manner as county collectors are authorized to do in the collection of Territorial and county taxes, and shall be allowed the same fees for his services, under the provisions of this section, as are allowed to county collectors for similar services. And if the tax so assessed on real property shall remain unpaid for three months after the expiration of the time prescribed, as aforesaid, for the payment thereof, and if sufficient personal property belonging to such persons, as cannot be found within the district, whereof to make such tax by distress and sale, the district treasurer shall report such delinquent or delinquents to the auditor of the county; and the auditor, on being satisfied of the correctness of the [illegible] shall, on making out the Territorial [illegible] next thereafter, enter such delinquency in a separate column of such [illegible] to be collected as other taxes, and [illegible] so collected, be paid over to the district treasurer for the use of such district.

SEC. 32. That whenever a school is kept in any district, the teacher of which shall be supported out of the general common school fund or by taxation as aforesaid, such school shall be open and free to all children between the ages of four and twenty-one years in such districts.

SEC. 33. That it shall be the duty of the district directors to visit and examine the school or schools of their respective districts at the commencement and close of each term of school, and as often at other times as they may deem necessary to the efficiency of the school or schools, and also when the teacher experiences difficulty in the government of the school, it shall be his duty to refer the cause of undutiful and disorderly scholars to the district directors, who shall decide how he shall be punished, or whether he shall be dismissed from school.

SEC. 34. That no preference shall be given or discrimination made on account of religious opinions, whether with the pupils or the teacher, nor shall any by-laws be enacted by any district that will or may in any way interfere with the rights of conscience in the free exercise of religious worship.

SEC. 35. That when it shall so occur that any district, by reason of the sparseness of its population, or their scattered condition, may not be able to keep a school, if such district will organize and make the annual report to the school commissioner, according to this act, they shall be entitled to their just portion of the funds accruing to their county, and it shall be the duty of the school commissioner to loan the money of such district, on good security, at six per centum per annum from year to year, and until such district shall want it to support a school.

SEC. 36. That the Superintendent shall have discretionary power in regard to visiting the several counties for the next ensuing year.

SEC. 37. That this act shall take effect and be in force from and after its passage.

Passed, September 5, 1849.

[signed] A. L. LOVEJOY, *Speaker.*
SAMUEL PARSONS, *President.*

AN ACT to amend an act entitled "An act establishing a system of Common Schools."

SEC. 1. *Be it enacted by the Legislative Assembly of Oregon Territory*, That at each annual election in each county in this territory, there shall be elected three suitable persons to serve as School Commissioners in their respective counties, to do and perform all and singular the duties required of commissioners by the act to which this is an amendment.

SEC. 2. And the district failing to deliver the annual report as provided for in the fifth chapter of the act to which this is an amendment, shall not forfeit its apportionment of the common school fund for the years eighteen hundred and fifty and fifty-one.

Passed the Council January 23d, 1851.
Passed the House of Representatives January 28th, 1851.

RALPH WILCOX,
Speaker H. R.
W. W BUCK,
Of the Council.

AN ACT to abolish the office of Superintendent of Common Schools.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the office of Superintendent of Common Schools be and is hereby abolished.

SEC. 2. That the County Commissioners of each county shall perform all the duties of the superintendent of Common Schools so far as any funds arising from any tax collected for the use of Common Schools may be collected, and said County Commissioners shall make an equitable distribution of said fund for the use of the particular county where the same is collected.

SEC. 3. This act to take effect and to in force from and after its passage.

Passed the House of Representatives Feb. 7th, 1851.
Passed the Council Feb. 7th, 1851.

RALPH WILCOX,
Speaker House Reps.
WM. W. BUCK,
President of Council.

I certify the foregoing to be a true copy of the original roll on file in my office.

H. HAMILTON,
Secretary of Oregon.

Know all men by these presents, that we as principal, and as security, are held and stand firmly bound to the Territory of Oregon, in the penal sum of dollars, lawful money of the United States, for the payment of which said sum, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents.

Signed with our hands and sealed with our seals this day of in the year of our Lord one thousand eight hundred and fifty

The condition of the above bounden duly elected Clerk and Treasurer of District School No. in the county of in the Territory of Oregon, and undertaken to discharge the duties of those offices: Now, the condition of the above bond is such, that if the said above bounden shall well, truly and faithfully make disbursement of all moneys that shall come into his hands belonging to the said district, according to law, then the above bond shall be void, but otherwise in force.

In presence of
Approved by us this day of A. D. 185

Directors.

ANOTHER BIG PRESENT.—"Some admirers" of Mr. Webster, in New York, have presented him with a magnificent carriage, horses, harness, whip, etc. It is an "English state carriage," and the whole "turn out" cost $2500. Mr. Webster has received bigger presents than any other man in this country. This last beats Mr. Clay's gold watch and "flour" presents all hollow?

DISUNION.—John Randolph, in one of his speeches said—"The very mention of a disunion of the States is a public injury. It goes to unhinge the tone of the public mind. It makes men acquainted with the possibility of the thing, and once admitted into their breasts, they will not contemplate it with that abhorrence in which it ought to be held by every true patriot."

☞ Many are great because their associates are small.