

## TITLE 3.

## TITLE III.

*Duties of Assessors.*

- SEC. 15. When assessor to make assessment roll and appraisal.
16. Assessor may require tax-payer to furnish list of his taxable property in territory.
  17. Assessment roll, what to contain.
  18. City or village in which lots are situated, to be specified.
  19. Where person assessed is trustee, &c., how assessment to be entered.
  20. When boundaries to be given.
  21. Lands may be described by letters and abbreviations.
  22. Unoccupied lands of unknown persons how to be described.
  23. Assessment roll how made out.

Assessment and appraisal.

SEC. 15. At the time prescribed by law, the assessor in each county shall ascertain by diligent inquiry, the names of all persons liable to taxation in his county, and also all the taxable personal property, and all taxable real estate therein; and make out an assessment roll of all taxable property; and appraise the same, according to the provisions of the statutes relating thereto.

List of property.

SEC. 16. Every assessor shall require any person liable to be taxed in his county, to furnish him a list of his real estate, situate in his county liable to taxation, and a list of all his personal property, liable to taxation, in this territory, and shall require such person to make oath, that to the best of his knowledge and belief, such list contains a full and true account, of all his property liable to be taxed in such county; and if any person shall refuse to furnish such list, or to swear to the same, when required so to do by the assessor, such person shall forfeit and pay to the assessor, for the use of the county, the sum of twenty dollars, which sum may be recovered by motion in any court having jurisdiction of matters of debt or contract, to the amount of twenty dollars.

Assessment roll. 3 Denio 117; 5 Barb. 608; 7 do. 633.

SEC. 17. The assessor shall set down in the assessment roll, in separate columns, and according to the best information he can obtain:

1. The names of all the taxable persons in his county;
2. A description of each tract or parcel of land to be taxed, specifying under separate heads, the township, range and section, in which the land lies; or if divided into lots and blocks, then the number of the lot and block;
3. The number of acres and parts of an acre, as near as the same can be ascertained, unless the land be divided into blocks and lots;
4. The full cash value of each parcel of land taxed;
5. The full cash value of all the taxable personal property owned by, or to be taxed to, such person, as provided by law;
6. The total valuation of all property taxed, real and personal.

Location of lot to be specified.

SEC. 18. When lots are situated in any city, village, or town, a plat of which shall have been recorded, the city, village, or town, in which the same are situated, shall be specified in the assessment roll.

Trustee, guardian, &amp;c.

SEC. 19. When any person is assessed as trustee, guardian, executor, or administrator, a designation of his representative character shall be added to his name; and such assessment shall be entered

## TITLE 3.

in a separate line from his individual assessment, and he shall be assessed for the real estate, held by him in such representative character, at the full value thereof, and for all personal property held by him in such representative character.

SEC. 20. If the land assessed be less, or other than a subdivision according to the United States survey, unless the same be divided into lots and blocks, so that it can be definitely described, it shall be described by giving the boundaries thereof, or in such other manner as to make the description certain.

Description by boundaries.

SEC. 21. It shall be sufficient to describe lands in all proceedings relative to assessing, advertising, or selling the same for taxes, by initial letters, abbreviations, and figures to designate the township, range, section, or parts of a section, and also the number of the lots and blocks.

What description sufficient.

SEC. 22. Unoccupied lands, liable to taxation, when the name of the owner is unknown, shall be described, and the value thereof set down in the assessment roll, in a part thereof, separate from the other assessments, in the same manner that lands of residents are required to be described, and the value thereof designated.

No. of unoccupied lands of unknown persons.

SEC. 23. The assessment roll shall be made out in tabular form, in separate columns, with appropriate heads, after the manner specified below, with such additional columns as may be deemed necessary, varying the same as circumstances may require, but as nearly as convenient, in the following form:

Assessment roll.

Its form.

**TITLE 3.**

[illegible]

ASSESSMENT ROLL,  
For the county of —, and territory of Oregon, for the year 185—, containing all the taxable property real and personal in said county.

**TITLE 4.**

LOTS

*In the City, (Town or Village,) of ———, described according to the Map thereof, on record in the Office of the Recorder of Deeds of said County.*

Remarks.					
Amt of Tax.	Total Valuation.	Valuation of Personal Property.	Valuation of all the Lots.	Valuation of each Lot.	Blocks.
No. of Lots.					
Names of persons Taxed.					

#### TITLE IV.

*Of the Manner of Assessing Taxes.*

- Sec. 24. When county commissioners to examine and correct assessment roll.
25. County commissioners when to estimate and apportion amount of taxes to be raised.
26. Power of commissioners to levy taxes for county purposes. Levy when to be made.
27. *Ib.* Territorial purposes.
28. Auditor when to transmit certified copy of assessment roll to territorial auditor.
29. Duty of auditor on receiving same.
30. County auditor to make certificate of taxes to be raised; certificates to whom to be delivered; warrant attached to assessment roll.

SEC. 24. The board of commissioners of each county, shall, at their session in September in each year, examine the assessment roll of their county, and shall have power to correct the same, make alterations in the description of lands or other property upon such roll, when it shall be necessary to render such description conformable to the requirements of this chapter; and may make

Examination  
of assess-  
ment roll,  
&c., by com-  
missioners.

**TITLE 4.** any other alterations or corrections in such roll, as they shall deem necessary to make the same conform to the requirements of this chapter.

**Estimates by commissioners.** SEC. 25. The board of commissioners of each county shall, at their session in September, in each year, estimate and determine the amount of moneys to be raised in their county, for county purposes, and apportion such amount, together with the amount of territorial and school tax, required by law to be raised in their county, according to the valuation of taxable property in their county for a year, and such determination shall be entered at large in their records.

**Tax for county re-venue.** SEC. 26. For the purpose of raising a revenue for county purposes, the board of county commissioners of each county in this territory, shall, at their session in September in each year, levy a tax on all taxable property in their county, which tax shall be sufficient in amount to defray the expenses of the county.

**And territorial purposes.** SEC. 27. In addition to the tax required to be laid by the preceding section, the board of county commissioners shall, at the same time they are required to levy a tax for county purposes, levy a tax of one mill on the dollar, upon all taxable property of their county for territorial purposes, which last-mentioned tax shall be added to the county tax, and collected at the same time, and in the same manner.

**Copy of assessment-roll to territorial auditor.** SEC. 28. Within thirty days after the assessment roll of any county has been examined, corrected and approved by the board of county commissioners, the county auditor shall transmit to the territorial auditor a certified copy thereof, under the seal of the board.

**Duty of auditor on receiving same.** SEC. 29. It shall be the duty of the territorial auditor, on receiving such copies of the assessment rolls, to estimate the amount of tax to be collected in each county for territorial purposes, and make a statement thereof, and carefully preserve the same in his office, and he shall also deliver a certified copy of such statement to the territorial treasurer, who shall record the same in a book, kept for that purpose, and the territorial treasurer shall also charge the respective counties, with the amount of tax so ascertained to be raised in each.

**Auditor to make certificates of taxes leviable, for treasurer and sheriff.** SEC. 30. The county auditor shall, within fifteen days after such apportionment, make out two certificates of the several amounts apportioned, to be assessed upon the taxable property of the county, for territorial, county and school purposes, one of which he shall deliver or cause to be delivered to the county treasurer, and the other, with a transcript of the assessment roll aforesaid, shall be delivered to the sheriff of the county, to which certificate and assessment roll thus delivered, shall be attached a warrant in the name of the United States, under the hand of the county auditor, and with the seal of the board of county commissioners thereto attached, commanding the said sheriff to collect the taxes charged in such transcript, by demanding payment of the persons charged therein, and making sale of the goods and chattels mentioned in such transcript, or any other goods and chattels of the respective persons charged therein, if necessary; and that he pay over the moneys collected by him, by virtue of said warrant, to the county treasurer, and

**Warrant attached to roll**

return said warrant together with the transcript of the roll aforesaid, and an account of his acts thereon, to the board of county commissioners, on or before the first Monday in April next ensuing the date thereof.

**TITLE 5.**

## TITLE V.

### *Of the Collection and Return of Taxes.*

- SEC. 31.** Sheriff to give notice of collection; notice how given; default of tax payer.  
 32. County orders payable for taxes to a certain amount; territorial tax to be paid in specie.  
 33. No officer to purchase county orders at a discount.  
 34. Sheriff on payment of tax to give receipt, &c.; penalty for false return.  
 35. If tax unpaid, sheriff to levy same by distress and sale.  
 36. Notice of time and place of sale to be given: sale.  
 37. If purchase-money not paid, sheriff may re-sell or sue for same.  
 38. Proceedings of property distrained cannot be sold.  
 39. Surplus in case of sale to be returned to owner.  
 40. Double assessment how collected and returned.  
 41. How return of unpaid taxes to be made of lands doubly assessed, &c.,  
 42. Form of return.  
 43. Affidavit to be made and annexed to return; sheriff to be credited, &c.; his fees for making return.  
 44. Upon settlement, amount of delinquent taxes to be credited to sheriff.  
 45. Sheriff liable to indictment in case of defalcation.  
 46. Territorial tax where and when to be paid.

**SEC. 31.** The sheriff must give fifteen days notice of the time and place he will attend, in each election precinct, for the purpose of collecting the taxes, by advertisement at some public place therein, and if any person residing in such precinct, fails to attend at the day and place, and pay his tax, he may pay the same within thirty days at the county seat of justice, to the sheriff or his deputy, and if he fail to pay within thirty days, and the sheriff visits his residence, the sheriff may collect of such person for his own uses, mileage, as in other cases.

**SEC. 32.** County orders shall be payable for county taxes, in the county where issued, and shall be allowed the sheriff, on his settlement of county taxes with the board of county commissioners, but no sheriff shall receive a larger amount of county orders than the amount of county taxes in his county; and the sheriff shall, in all cases, pay over to the county treasurer, the full amount of territorial and school taxes in gold and silver coin.

**SEC. 33.** No county treasurer, sheriff, auditor, or commissioner shall, either directly or indirectly, purchase or receive in payment of taxes, or in exchange; or otherwise, in any manner whatever, any county orders, or any demand against his county for a claim allowed, (by the proper officer to allow the same,) during his term of office, for a less amount than that expressed on the face of such order or demand, and any such person so offending shall, on conviction thereof, be fined in a sum not less than one hundred, nor more than three hundred dollars.

**SEC. 34.** The sheriff shall, on payment to him of any tax, if required, give a receipt for the same, therein describing the lands, or specifying the amount of personal property, on which the same is paid, and shall note on his tax roll, the payment thereof; and if any such sheriff shall wilfully return as unpaid, any tax which has

**Notice of collection by sheriff; default of taxpayer, &c.**

**County orders when receivable.**

**Territorial tax to be paid in specie.**

**Officers not to purchase county orders at discount.**

**Sheriff to give receipt.**

**Penalty for false return.**



**TITLE 5.** been paid to him, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment, not more than six months, or by fine not exceeding five hundred dollars, or both, in the discretion of the court.

**Levy by distress.** SEC. 35. In case any person shall refuse or neglect to pay the tax imposed on him, the sheriff shall levy the same by distress and sale of the goods and chattels of such person, wherever the same may be found, within his county.

**Notice of sale; sale; redemption.** SEC. 36. The sheriff shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous to the sale, by advertisement, to be posted up in three public places in the county, where such sale shall be made; and the sale shall be at public auction, in the day time, and the property sold shall be present; but at any time previous to the sale, the owner or claimant of such property, may release the same, by the payment of taxes, interest and charges, for which the same is liable to be sold.

**Re-sale or suit for purchase-money.** SEC. 37. Whenever the purchase-money on such sale shall not be paid at such time, as the sheriff shall require, he may, in his discretion, again expose the property for sale, or sue in his name of office such purchaser, for the purchase-money, and recover the same with costs, and twenty per cent. damages.

**Proceedings if distress cannot be sold.** SEC. 38. If property distrained for taxes, cannot be sold for want of bidders, the sheriff shall return a statement of the facts; and the tax if unsatisfied, shall be collected in the same manner as if no levy had been made.

**Surplus after sale.** SEC. 39. If the property distrained shall be sold for more than the taxes, costs and damages, the surplus shall be paid to the owner of such property.

**Double assessment.** SEC. 40. When any sheriff discovers that any land has been assessed more than once for the same year, he shall collect only the tax justly due thereon, and shall make return of the balance as a double assessment, and be shall be credited therefor by the county commissioners.

**Return of unpaid taxes and double assessments.** SEC. 41. If any of the taxes mentioned in the tax list, annexed to his warrant, either on real or personal estate, shall remain unpaid, and the sheriff shall be unable to collect the same, he shall make out a statement of the taxes so remaining unpaid, distinguishing, by setting down separately such as are on real, and such as are on personal estate, with a full and correct description of such real estate from his tax roll, and the name of the person taxed, if therein specified, and submit the same, by the first day of February after the date of the tax list, to the county auditor; he shall also include in such statement, a description of any land, doubly assessed, and the amount of taxes thereon, and the county auditor shall carefully compare such statement with the tax roll, to ascertain that the same is correct.

SEC. 42. The return of the sheriff to the county auditor, of delinquent taxes, shall be made in a tabular form, and may be varied as the facts may require, but when so made, shall be as nearly as may be in the following form:

## RETURN

TITLE 5.

Of ———, Sheriff of the county of ———, and Territory of Oregon, Form of return, containing a description of the lands and taxes thereon, and the valuation of personal property, and taxes thereon, (if any) assessed in said county, in the year ———, which taxes remain due and unpaid for the year herein specified, to wit:

Names of persons taxed.	Description of land & statement of personal property.	Section.	Township.	Range.	No. of Acres.	Amount of tax.	Year for which taxes are due.	Remarks.
A. B.	W. half of N. E. qr.,	34	3	19	80	\$ c. 5 60	1833	
C. D.	Undivid'd two thirds of N. E. qr.	34	3	19	160	.. ..		
Do. unknown.	Do.,	34	3	19	320	.. ..		
A. B.	Personal property. Valuation—\$3,000.							

A. B., Sheriff of County.

SEC. 43. The sheriff shall then make an affidavit, to be annexed to such statement, before any officer authorized to administer oaths, that the facts set forth in said statements are correct; that the sums therein returned as unpaid are not paid; and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the persons charged with such unpaid taxes, whereon he could levy the same; which statement and affidavit shall be filed with the county auditor, and he shall thereupon be credited by the county auditor with the amount of taxes, so returned as unpaid and doubly assessed, and he shall be entitled to receive three dollars for making such return, and ten cents per mile travel for one way.

SEC. 44. Upon settlement as aforesaid, of the amount of taxes to be collected by the sheriff, and paid into the county treasury, the county auditor shall make out duplicate certificates, in which shall be contained the amount of the delinquent taxes; one of which shall be given to the sheriff, and the other to the treasurer of the

Affidavit to be made and annexed to return; sheriff to be credited, &c. his fees for making return.

Delinquent taxes to be credited sheriff.

**TITLE 6.** county, and such certificate shall be evidence of the truth of the matter contained therein; and the amount of the delinquent tax, as certified by the said auditor, shall be passed to the credit of the sheriff, by the county treasurer.

Defalcation  
of sheriff in-  
dictable.

**SEC. 45.** Any sheriff, who shall neglect or refuse to pay over all moneys by him collected for taxes, or shall refuse or neglect to make a return of the delinquent taxes of his county, as required in this chapter, shall be liable to be indicted therefor, and, upon conviction on such indictment, may be punished by fine, in any sum not less than one hundred, nor more than two thousand dollars, or by imprisonment, not less than six months, nor more than three years, or by both, such fine and imprisonment at the discretion of the court.

Territorial  
tax where  
and when  
payable.

**SEC. 46.** On, or before the first Monday in February, in each year, the several county treasurers in this territory shall pay over to the territorial treasurer, in gold and silver coin, the amount of territorial taxes, charged to their respective counties, which territorial tax shall be paid out of the first moneys collected and paid into the county treasury.

## TITLE VI.

### *Of the Sale for Unpaid Taxes, and the Conveyance and Redemption thereof.*

- SEC. 47.** When land liable to be sold for taxes.
- 48.** Personal property may be sold within three years for taxes.
- 49.** County auditor to give notice of sale; notice what to contain.
- 50.** Notice to be published and posted four weeks prior to sale.
- 51.** Printer to transmit affidavit of publication.
- 52.** County auditor to make affidavit of posting notice and keep affidavits.
- 53.** Sale when to commence and how long to continue.
- 54.** Land how sold and who deemed purchaser.
- 55.** Auditor may require immediate payment for land sold.
- 56.** If land not sold, to be re-offered, and if still unsold, to be bid off for county.
- 57.** Lands bid off for county liable to taxation, but not to sale.
- 58.** County auditor to deed to county certain lands not redeemed.
- 59.** Commissioners may authorize sale of tax certificates and land bid off for county at tax sales.
- 60.** Land sold for taxes need not be sold as land of any particular person.
- 61.** Auditor to give purchaser certificate of sale.
- 62.** Auditor when to fill statement of sale.
- 63.** Unredeemed land to be advertised; notice what to contain.
- 64.** *Ib.* If no newspaper in county, notice to be posted.
- 65.** Lands may be redeemed within three years: proviso.
- 66.** On redemption all taxes, charges, &c., paid by purchaser, to be paid in certain cases.
- 67.** When lands of minors and married women may be redeemed.
- 68.** Upon redemption auditor to execute certificate; countersigning by treasurer.
- 69.** Auditor to pay over redemption-money, &c.
- 70.** When if certificate is lost commissioners may cause deed to be executed to owner.
- 71.** If certificate be lost, and land be redeemed, how owner may draw redemption money.
- 72.** If land unredeemed, when auditor to execute deed to purchaser.
- 73.** When auditor to withhold deed and certificate, and to refund amount paid.
- 74.** When board may refund purchase-money.
- 75.** When uncollected tax on land may be collected the succeeding year.
- 76.** If taxes be improperly assessed, may be refunded within two years.
- 77.** Taxes to be a lien on land.
- 78.** After the close of land sale, auditor to file statement with treasurer and pay over to him all moneys paid at such sale.
- 79.** Penalty if auditor neglects his duty.

**SEC. 47.** All lands returned to the county auditor, as provided by this chapter, upon which the taxes, interest, and charges shall not be paid, by the first day of February next after the return thereof, shall be subject to sale as hereinafter provided.

**TITLE 6.**  
When liable  
to be sold.

**SEC. 48.** The county auditor may, at any time within three years after the return by the sheriff of any delinquent taxes, assessed on personal property, make out a warrant, with a list of such delinquent taxes upon personal estate annexed thereto, which warrant shall command the sheriff to proceed to collect the delinquent taxes enumerated in such list, and upon receiving such warrant, the sheriff shall proceed to collect and make return of the same, in the same manner, and under the same responsibilities as in the collection and return of the taxes, mentioned in the original tax list.

*Ib.* Personal  
property,  
within  
years.

**SEC. 49.** The county auditor shall, immediately after the first day of February, in each year, make out a statement of all such lands, containing a brief description thereof, with an accompanying notice, stating that so much of each tract, or parcel of land, described in said statement, as may be necessary for that purpose, will, on the second Monday of April next thereafter, and the next succeeding days, be sold by him, at public auction, at some public place that he may select, (naming the same,) at the seat of justice of the county, for the payment of the taxes, interest, and charges thereon; and if in any county no seat of justice shall have been established, then at such public place therein as he shall select.

Notice of  
sale by au-  
ditor.

**SEC. 50.** The county auditor shall cause such statement and notice to be published in a newspaper, printed in his county, if there be such newspaper, and if there be none, then in a newspaper printed in an adjoining county, if there be such newspaper printed therein; but if there be no newspaper printed in the same or an adjoining county, then such statement and notice shall be published in some newspaper printed at the seat of government of the territory, which statement and notice shall in all cases be published once a week, for four successive weeks, prior to said second Monday of April, and such auditor shall, also, at least four weeks previous to said day, cause to be posted up copies of said statement and notice, in at least four public places in such county, one of which copies shall be posted up in some conspicuous place in his office.

Notice to be  
published  
and posted  
four weeks  
prior to sale.

**SEC. 51.** Every printer who shall publish such statement and notice, shall, immediately after the last publication thereof, transmit to the county auditor of the proper county, an affidavit of such publication, made by some person to whom the fact of publication shall be known; and no printer shall be paid for publishing any such statement and notice, who shall fail to transmit such affidavit within six days after the last publication thereof.

Affidavit of  
publication.

**SEC. 52.** The county auditor shall also make or cause to be made an affidavit or affidavits, of the posting of such statement and notice as above required, which affidavit, together with the affidavit of publication, shall be carefully preserved by him, and deposited as hereinafter specified.

Affidavit of  
auditor, &c.

**SEC. 53.** On the day designated in the notice of sale, the several county auditors shall commence the sale of those lands, on which

Commence-  
and continu-  
ance of sale.



**TITLE 6.** the taxes, interest, and charges, shall not have been paid, and shall continue the same from day to day (Sundays excepted) until so much of each parcel thereof shall be sold, as shall be sufficient to pay the taxes, interest, and charges thereon, and all moneys received on such sale, shall be paid into the county treasury.

Who deemed purchaser; land how sold.

**SEC. 54.** The person at such sale offering to pay the taxes, interest, and charges on any tract, or parcel of land for the least quantity thereof, shall be the purchaser of such quantity, which shall be taken from the north side or end of such tract or parcel, and shall be bounded on the south by a line running parallel with the northerly line thereof, if such line be a single straight line, otherwise, the south line of the portion so sold, shall run due east and west; and in case no bid shall be made for the payment of the taxes, interest, and charges, on any such tract or parcel of land, for a portion thereof, then the whole of such tract or parcel shall be sold.

Auditor may require immediate payment.

**SEC. 55.** The county auditor may in his discretion require immediate payment of every person, to whom any parcel of such land shall be struck off, and in all cases, when payment is not made in twenty-four hours after the bid, he may declare such bid cancelled and sell the land again, or may sue the purchaser for the purchase-money, and recover the same with costs and twenty per cent. damages; and every person so neglecting or refusing to make payment, shall not be entitled, after such neglect, to have any bid made by him received by the county auditor, during such sale.

Unsalable land when for county.

**SEC. 56.** If any parcel of land cannot be sold for the amount of taxes, interest, and charges thereon, it shall be passed over for the time being, but shall, before the close of the sale, be re-offered for sale; and if the same cannot be sold for the amount aforesaid, the county auditor shall bid off the same for the county for such amount.

Lands so bid off liable to taxation, but not to sale.

**SEC. 57.** All lands bid off for the county as provided in the preceding section, shall continue liable to be taxed in the same manner as if they were the lands of individuals; and such taxes, and the interest, and charges thereon, shall be a lien on such lands, and shall be paid out of the county treasury, while such lands belong to the county, but no land so bid off for the county, shall be offered for sale for any taxes levied thereon subsequent to such bid, until it shall have been redeemed, or shall be sold by the county, or the tax certificate, issued by the county, shall have been assessed.

When to be conveyed to county.

**SEC. 58.** When any lands, so bid off for any county, shall not be redeemed as provided by law, the county auditor shall execute to the county, in his official name, a deed of release therefor, witnessed and acknowledged in like manner as deeds to individuals, which shall have the same force and effect as conveyances executed by said auditor to individuals for land sold for taxes.

Commissioners may authorize sale of tax certificates, and lands bid off for county.

**SEC. 59.** The board of commissioners of any county may by an order, to be entered on their records, authorize the county auditor, or any other person, to sell and assign the tax certificate, issued for lands bid off for such county, and also to sell and convey by deed, duly executed and delivered, by such auditor or other person, under his hand and seal, for such county, any such lands for which a

deed of release has been executed in the same, as provided in the preceding section. **TITLE 6.**

**SEC. 60.** When any land is offered for sale for taxes, it shall not be necessary to sell the same as the property of any particular person, and if it should be sold as the property of any particular person, no misnomer of the owner, or supposed owner, or other mistake respecting the ownership of such lands, shall ever affect the sale, or render it void or voidable.

Sale of lands by misnomer of owner, &c.

**SEC. 61.** The county auditor shall give to each purchaser on the payment of his bids, and if the same be struck off to the county, then to the county, a certificate in writing, dated the day of the sale, describing the land purchased, the amount paid therefor, and the time when the purchaser will be entitled to a deed; which certificate shall be assignable, and any person's interest therein may be transferred by a written assignment, indorsed upon or attached to the same; and such assignment shall have the same force and effect as the assignment of bonds for the conveyance of lands; and such certificate, if acknowledged by the county auditor, and certified by a person authorised to take the acknowledgment of deeds, may be recorded in the office of the recorder of deeds of the proper county.

Auditor to give purchaser certificate of sale.

**SEC. 62.** Every county auditor shall, immediately after the close of any sale of lands for taxes, deposit in his office, all affidavits, notices and papers, in relation to such tax sale, to be filed and preserved therein; also a statement, containing a particular description of each tract and parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner if known; and the said auditor shall record such statement in a book to be kept by him for that purpose in his office.

Auditor to file statement of sale, &c.

**SEC. 63.** The county auditor in each county shall, at least six months before the expiration of the time limited by law for redeeming lands sold for taxes, cause to be published in a newspaper printed in his county, if there be such newspaper, and if none, then in a newspaper printed in an adjoining county, if there be one; but if there be no newspaper printed in the same or an adjoining county, then a newspaper printed at the seat of government, once a week for twelve successive weeks, a list of all unredeemed lands, specifying each tract or lot, the name of the person to whom assessed, if any, and the amount of taxes charged and interest (calculated to the last day of redemption) due on each parcel, together with a notice that unless such lands be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser.

Unredeemed lands, how advertised.

**SEC. 64.** If no newspaper be published in such county, the county auditor shall, at least three months previous to the time limited for the redemption of any lands sold for taxes, cause to be posted up, copies of the list and notice, specified in the preceding section, in at least four public places in his county; one of which copies shall be posted up in some conspicuous place in his office.

th. If there be no newspaper in county.

**SEC. 65.** The owner or occupant of any lands sold for taxes, or any person for him, may at any time within three years from the date of the certificate of sale redeem the same, or any part thereof

May be redeemed within three years.

**TITLE 6.** or interest therein, by paying to the county auditor of the county, where such land was sold for the use of the purchaser, his heirs or assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by the provisions of this act, or such portion thereof as the part or interest redeemed shall amount to, with interest on the amount of the purchase-money, at the rate of twenty per cent. per annum, from the date of such certificate; but whenever any land sold for taxes, shall be redeemed within six months after the sale thereof, interest as aforesaid shall be paid for six months; *provided, however,* that in all cases, any such person may, in like manner, redeem any such land, or any part thereof, or interest therein, at any time before the tax deed executed on such sale is recorded, and when so redeemed, such deed shall be void.

Proviso.

Terms of redemption.

**SEC. 66.** The person wishing to redeem any land sold for taxes, in addition to the amount to be paid by him as specified in the preceding section, shall, before the same shall be redeemed by him, pay all other taxes and charges imposed on the land, or the part thereof, or the interest therein, sought to be redeemed subsequent to such sale, and paid by such purchaser or his assigns prior to redemption, with interest thereon, at twelve per cent. per annum: *provided,* vouchers or other evidence of the payment of such last named taxes and charges, shall have been deposited with the county auditor of the county where such land is situate, or produced to such owner or other person seeking to redeem.

When lands of minors, married women, &c., may be redeemed.

**SEC. 67.** The lands of minors or any interest they may have in lands sold for taxes, may be redeemed at any time before such minor becomes of age, and during two years thereafter, and the lands of idiots, insane persons, and married women, so sold, or any interest they may have therein, may be redeemed at any time within five years after such sale, and such redemption shall be made in the same manner as provided in the last two preceding sections.

Certificate of auditor on redemption; to be countersigned.

**SEC. 68.** Upon the redemption of any land sold for taxes, by payment to the county auditor, such auditor shall execute to the person so redeeming a certificate, specifying therein the name of the purchaser, the land redeemed, and the amount of the redemption-money paid; and such auditor shall, also, enter on the sale-list kept by him, the name of the person redeeming, the sum paid therefor by him, and the time when paid; which certificate, before it shall be evidence of such redemption, shall be presented to the treasurer of the same county, and be countersigned by him; and he shall also make a similar entry on the sale-list kept by him, with that above required to be made by such county auditor.

Auditor to pay over redemption-money.

**SEC. 69.** The county auditor shall, on the demand of any person entitled to any redemption-money in his hands, forthwith pay the same to such person; and at the expiration of his term of office, shall pay over to his successor in office all redemption-money in his hands.

Loss of certificate.

**SEC. 70.** Whenever any certificate given by the county auditor for lands sold for taxes shall be lost, or wrongfully withheld from the owner, and such lands shall not have been redeemed, the board of county commissioners may receive evidence of such loss or

wrongful detention, and, on satisfactory proof of the fact, may cause a deed as aforesaid to be executed to such person as may appear to them the rightful owner of the land described in such certificate; but no such deed, if wrongfully or improperly granted, shall be binding on the county in respect to any of its covenants, nor shall it vest any right, title, or interest, in the grantee or his assigns.

**SEC. 71.** If there shall be a loss or wrongful detention of any such certificate, and the land therein described shall have been redeemed, any person may exhibit to the county treasurer evidence of such loss or detention, and upon his making the same satisfactorily appear to such treasurer, and upon his executing to him a bond with sufficient security to be approved by the treasurer, that such person will refund such redemption-money, with twelve per cent. interest thereon, if any person shall thereafter show his right thereto, such treasurer shall pay such redemption-money to the person so executing such bond.

**SEC. 72.** If any land sold for taxes shall not be redeemed as aforesaid, the county auditor of the county where the same was sold shall, after the expiration of the time prescribed by law for the redemption thereof, on the presentation to him of the certificate of sale, execute in the name of his county, as the clerk of the board of county commissioners, under his hand and seal, to the purchaser, his heirs and assigns, a deed of the land so remaining unredeemed, and shall acknowledge the same, which shall vest in the grantee an absolute title in fee simple in such lands, subject, however, to all unpaid taxes and charges, which are a lien thereon, and to redemption, as provided in this act, and such deed, duly witnessed and acknowledged, shall be *prima facie* evidence of the regularity of all proceedings, from the valuation of the land by the assessor inclusive, up to the execution of the deed, and may be recorded with the like effect as other conveyances of land.

**SEC. 73.** If the county auditor shall discover before the sale as aforesaid, that on account of irregular assessments, or for any other errors, any such lands ought not to be sold, he shall not offer the same for sale, and if after any certificate shall have been granted, upon the sale of the same as aforesaid, the county auditor shall discover that for any error or irregularity, the lands so sold ought not to be conveyed, he shall not convey the same, and the county treasurer shall on demand refund the amount paid therefor on such sale, and all subsequent taxes and charges paid thereon by the purchaser or his assigns, out of the county treasury.

**SEC. 74.** If after the conveyance of any land sold for taxes, it shall be discovered that the sale was invalid, the board of county commissioners shall cause the money paid therefor on the sale, and all subsequent taxes and charges, paid thereon by the purchaser, or his assigns, to be refunded, upon the re-delivery of the deed to be cancelled, and no recovery shall ever be had against the county on the covenants of such deed.

**SEC. 75.** Whenever on account of any erroneous, or defective description of any land, or any other error or defect, if such land were justly taxable, the same shall have been stricken from the assessment roll, or shall have been omitted to be sold at any tax

**TITLE 6.**

If certificate be lost and land redeemed, how owner may withdraw redemption-money.

When auditor or to execute deed to purchaser.

When to withhold deed.

When purchase-money to be refunded.

Taxes omitted, collectable following year.



**TITLE 7.** sale, or when so sold, the county auditor shall withhold the tax deed therefor, as provided by law, the board of commissioners shall cause such land to be correctly described, and such uncollected tax to be entered upon the assessment roll of the next succeeding year, but if such lands cannot be correctly described, or if from any other cause the tax so unpaid cannot be collected on the same, the said board shall correct such error as they shall deem best.

**Improper assessments refundable within two years.** SEC. 76. If any person, within two years after the payment of any tax by him, can satisfactorily show to the board of county commissioners, that the same was improperly assessed, or was paid by mistake, or was not legally chargeable, the said board shall order the same to be repaid by the county treasurer.

**Taxes, a lien on land.** SEC. 77. All taxes assessed on any tract or parcel of land, and all costs, charges, and interest thereon, shall be a lien on such land until paid; and all costs and expenses which shall accrue jointly, or in the aggregate, on two or more parcels of land, shall be apportioned in equal parts upon the several tracts or parcels.

**Statement of sale and payment of proceeds by auditor to treasurer.** SEC. 78. Each county auditor shall, immediately after the close of any tax sale of land, under the provisions of this chapter, make out a full and accurate statement of all lands sold by him for taxes, describing therein each tract or parcel so sold by him, and the amount for which the same was sold, and the amount of money received by him on such sale, which statement shall be verified by the oath of the county auditor, and filed in the office of the county treasurer; and the said auditor shall also immediately after such sale, deposit the amount by him received, on such sale, with the said treasurer; and the said auditor shall also semi-annually make out a statement of all moneys received by him for redeeming lands sold for taxes, and file the same with the county treasurer on or before the first Monday in October and April of each year; and also at the same time deposit all redemption-moneys, then in his hands, and which shall have remained in his hands, unclaimed by the persons entitled thereto, for the period of six months, with said treasurer.

**Penalty for neglect.** SEC. 79. Whenever any county auditor shall neglect or refuse to comply with the provisions of the preceding section, he shall be deemed guilty of a misdemeanor; and on conviction thereof, shall be fined, in any sum not exceeding one thousand dollars, or imprisoned in the county jail, not exceeding one year, or shall be both fined and imprisoned, in the discretion of the court.

## TITLE VIII.

### Miscellaneous Provisions.

- SEC. 80. Persons having liens on land may pay taxes and collect same.  
 81. When tenant may recover taxes paid by him and how.  
 82. If auditor fail to sell land at time fixed, when may afterwards sell same.  
 83. If auditor fail to advertise unredeemed lands, may do so within five years.  
 84. When suit to recover lands sold for taxes to be commenced.  
 85. Penalty on sheriff if he fail to pay over, &c., moneys collected.  
 86. Person injured by false return of sheriff, to recover double damages.  
 87. Deed invalid if taxes have been paid.  
 88. Moneys collected for specific object, not to be applied to any other object.  
 89. Penalty for officer neglecting certain duties.  
 90. Penalty on treasurer for neglecting to pay territorial tax when required.

- TITLE 7.**  
 SEC. 91. When grantor shall pay the taxes, and when grantee.  
 92. Treasurer's books and warrant, &c., to be evidence.  
 93. Auditor of territory to transmit blanks and instructions to county auditor.  
 94. Fees of officers and printers for services required by this chapter.  
 95. Act when to take effect.

SEC. 80. Any person, who has a lien by mortgage, or otherwise, upon any land, on which the taxes have not been paid, may pay such taxes, and the interest and charges thereon; and the receipt of the person authorized to receive such tax shall constitute an additional lien on such land to the amount therein specified, and the interest thereon; and the amount so paid and the interest thereon shall be collectable with, as part of, and in the same manner, as the amount secured by the original lien.

SEC. 81. When any tax on any real estate shall have been paid by, or collected from any occupant or tenant, when there is some other person, who by agreement, or otherwise, ought to pay such tax, or any part thereof, such occupant or tenant, shall be entitled to recover by action the amount, which such person should have paid, with interest thereon; or he may retain the same out of any rent due or accruing from him to such person for real estate, on which such tax is so paid.

SEC. 82. If the county auditor shall, in any year, unavoidably omit or fail to sell any lands returned for delinquent taxes, at the time fixed in this chapter, he shall advertise and sell such lands, on the second Monday in September, next ensuing, and such advertisement, and sale, shall conform in all respects to the provisions of this chapter, and shall be as valid and binding as like sales made on the second Monday in April.

SEC. 83. Whenever the county auditor shall fail to advertise the list of unredeemed land sold for taxes, within the time above specified therefor, the same may be advertised as provided in sections sixty-three and sixty-four of this chapter, at any time thereafter within five years from the time the same were sold, and when so advertised, such auditor shall deed the same, in like manner, and with the same effect, as though they had been advertised, within the time specified in the sixty-fourth section of this chapter.

SEC. 84. Any suit or proceeding for the recovery of lands sold for taxes, except in cases when the taxes have been paid on the land redeemed, as provided by law, shall be commenced within three years from the time of recording the tax deed of sale, and not thereafter.

SEC. 85. If any sheriff shall fail to make settlement of the taxes included in his assessment roll, within the time required by this chapter, the county treasurer shall charge such sheriff five per cent. damages, and twelve per cent. interest per annum, from the day payment should have been made on the balance of unsettled taxes due from him; and if any sheriff shall withhold the payment of any public moneys collected, or received by him after the same should be paid, and shall have been demanded, he shall be liable to pay ten per cent. damages, and twelve per cent. interest as above specified, on such moneys: which moneys, damages, and interest, may be collected by suit upon the sheriff's bond, for the recovery of the same.

Lien holders may pay taxes and collect the same.

Taxes paid by tenant, how recovered.

Omitted sale, how remedied.

If auditor fail to advertise unredeemed lands, may do so within five years.

Suit to recover, &c., when to be commenced.

Penalty if sheriff fail to pay over, &c.



## TITLE 7.

Remedy of person injured by false return.

Deed when invalid.

Moneys collected for one object, not to be applied for another.

Penalty for neglect.

1b. If treasurer neglect to pay territorial tax.

When grantor liable to pay tax.

Treasurer's books, warrant, &c., evidence.

Auditor of territory to transmit blanks, &c.

Fees.

SEC. 86. If any person shall be injured by the false return or fraudulent act of any sheriff, such person shall recover upon suit, brought on the bond of such sheriff, or lien and his sureties, double damages, and costs of suit.

SEC. 87. No sale of land for taxes, and no deed made in pursuance thereof, shall be of any validity, if the taxes, for which the same are sold, shall have been paid prior to such sale.

SEC. 88. Whenever any moneys shall have been collected or received by any officer, for any distinct and specified object, no portion of them shall be paid or applied to any other object or purpose, without due authority, but shall be kept a separate fund for such specified object, and any officer failing to comply with the provisions of this section, shall be liable to a fine, not exceeding five hundred dollars, or to imprisonment in the county jail, not exceeding six months.

SEC. 89. Any officer, who shall neglect or refuse to perform any of the duties imposed on him by this chapter, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding one year.

SEC. 90. Whenever any county treasurer shall fail to pay into the territorial treasury, any money in his hands for that purpose, at the time prescribed by law, he shall, in addition to the other penalties, be liable to the following: If he shall so fail for the space of ten days, he shall forfeit to the territory, twenty per cent. on the amount withheld; and if he shall fail to pay over such moneys, for the space of thirty days, after such specified time he shall forfeit his office as treasurer, and be deemed a public defaulter.

SEC. 91. As between the grantor and grantee of any land, when there is no express agreement as to which shall pay the taxes that may be assessed thereon, before the conveyance, if such land is conveyed at the time, or prior to the date of the warrant authorizing the collection of such taxes, then the grantee shall pay the same; but if conveyed after that date, the grantor shall pay them.

SEC. 92. The entries made in the county treasurer's books, the assessment rolls, and the warrants thereto attached, and the lists of lands sold for taxes, recorded by said treasurer, or by the county auditor, shall be *prima facie* evidence in all judicial proceedings.

SEC. 93. The auditor of the territory shall from time to time as he may deem proper, cause to be printed blank assessment rolls, and other forms for proceedings required by this chapter, and shall transmit the same, together with such instructions as he shall think useful, to the several county auditors in this territory, who shall distribute the same to the assessors of their several counties.

SEC. 94. In addition to any fees elsewhere specially allowed for the services to be performed under the requirements of this chapter, the following shall be allowed, to wit: To the county auditor for any deed of land sold for taxes, one dollar and fifty cents; for each additional parcel of land described therein after the first, twenty cents; to the person taking and certifying the acknowledgment of the same, fifty cents; to said auditor for a certificate of redemption, fifty cents; for each additional parcel of land described there-

in, after the first, twenty cents; to the county auditor for a certificate of sale of lands, one dollar; for each additional parcel of land, described therein after the first, twenty cents.

The county auditor granting such deed or certificate shall include therein, as many parcels of land bid off, owned or redeemed by any person as he may desire, and the above fees shall be paid by such person. To the printers who shall publish any notice of the time when the redemption of land sold for taxes will expire, for each lot or tract of land, twenty-five cents for all the insertions; for drawing affidavit of publication, twenty-five cents; to the person taking and certifying the same, twenty-five cents.

The fees for publication shall be apportioned equally upon the several parcels of land advertised, and all costs, charges, and interest, imposed by the provisions of this chapter, and paid upon any land, shall be a lien thereon until paid equally with the unpaid taxes.

SEC. 95. This act shall take effect and be in force from and after the first day of May next.

Passed January 27th, 1854.

## AN ACT TO REGULATE THE TREASURY DEPARTMENT.

## CHAPTER I.

## ORGANIZATION OF THE DEPARTMENT.

SEC. 1. Establishment of treasury department.

2. Treasurer and auditor to reside and keep office at seat of government.
3. Treasurer and auditor to be commissioned by governor; their oath and bonds.
4. Penalty for acting before being qualified.
5. Bond to be approved by governor; amount and nature thereof.
6. Approval of governor to be indorsed thereon; bond to be filed by secretary.
7. Commission not issue till bond be given.
8. Auditor and treasurer to keep a seal; papers duly authenticated by them evidence.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That a separate department is hereby established, to be called the treasury department; which shall embrace the offices of the territorial treasurer, and the auditor of public accounts.

SEC. 2. The treasurer and auditor shall reside and keep their respective offices at the seat of government.

SEC. 3. The treasurer and auditor shall be commissioned by the governor; and before entering upon their respective duties, shall take an oath of office before any judge or justice of the peace, prescribed by the laws of this territory, and shall cause the same to be indorsed on their respective commissions, and shall respectively give the official bonds required by law.

SEC. 4. If the treasurer or auditor shall perform any official act, before complying with the requirements of the preceding section, he shall forfeit and pay five hundred dollars for the use of the territory.

SEC. 5. The treasurer shall, immediately after his appointment, execute and deliver to the governor a bond to the territory, in the sum of twenty-five thousand dollars, with not less than five sureties, to be approved of by the governor, conditioned to the faithful

**CHAPTER 2.** performance of all the duties required, or which may be required of him by law; and the auditor shall in like manner execute his bond in a sum not less than ten thousand dollars, with not less than three sureties.

**Approval by governor.** SEC. 6. The governor shall indorse on the bond his approval thereof, stating the time of approval, and deliver the same to the secretary of the territory, who shall record and keep the same in his office.

**Commission when to issue.** SEC. 7. No commission shall issue to any auditor or treasurer, until he has given bond and surety as required by law.

**Auditor and treasurer to keep seal.** SEC. 8. The treasurer and auditor shall each keep a seal of office, which shall be used to authenticate all writings, papers and documents required by law, to be certified from either of said officers, respectively; and copies of all papers and documents lawfully deposited in either of said offices, when certified by the officer, and authenticated by the seal of office, shall be received in evidence in the same manner, and with the like effect as the original.

## CHAPTER II.

### OF THE AUDITOR—HIS GENERAL DUTIES.

- SEC. 1. Auditor, accountant of territory, keeper of public accounts, &c.  
 2. As to his annual report.  
 3. As to his duties generally.

**His duties.** SEC. 1. The auditor of public accounts is declared to be the general accountant of the territory, and the keeper of all public account books, accounts, vouchers, documents, and all papers relating to the accounts and contracts of the territory; and its revenue, debt, and fiscal affairs, not required by law to be placed in some other office, or kept by some other person.

**Report.** SEC. 2. It shall be the duty of the auditor to digest, prepare, and report to the legislative assembly, at the commencement of each annual session:

1. A full and detailed statement of the condition of the revenues, and the amount of the expenditures for the last fiscal year;
2. A full and detailed statement of the public debt;
3. Estimates of the revenue and expenditures for the next succeeding year;

4. Such plans as he may deem expedient for the support of public credit; for lessening the public expenses; for using the public money to the best advantage; for promoting frugality and economy in public offices; and generally, for the better management and more perfect understanding of the fiscal affairs of the territory;

5. A tabular statement, showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and the balance unexpended.

6. A tabular statement, showing separately the whole amount of money received into the treasury, from all sources, in the preceding fiscal year; the amount received from each county, and each source of revenue in each county.

SEC. 3. It shall be the duty of the auditor:

**CHAPTER 3.**

**Duties.**

1. To audit, adjust, and settle all claims against the territory, payable out of the treasury, except only such claims as may be expressly required by law to be audited and settled by other officers or persons;

2. To draw all warrants upon the treasury for money, except only in cases otherwise expressly provided by law;

3. To express in the body of every warrant which he may draw upon the treasury, the particular fund appropriated by law, out of which the same is to be paid;

4. To audit, settle, and adjust the accounts of all collectors of the revenue, and other holders of public money, who are required by law to pay the same into the treasury;

5. To keep an account between the territory and the territorial treasurer;

6. To keep an account of all debts and credits between the territory and the United States;

7. To direct prosecutions in the name of the territory, for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the territory;

8. To procure from the proper officers an abstract and description of all taxable lands within the territory, not yet procured, and annually, hereafter, abstracts and descriptions of such lands as shall become taxable;

9. To transmit to the clerk of each county commissioners' court, annually, a descriptive list of all taxable lands in such county;

10. To give information in writing, to either house of the legislative assembly, whenever required, upon any subject relating to the fiscal affairs of the territory, or touching any duty of his office;

11. To perform all such other duties as may be required by law.

## CHAPTER III.

### THE AUDITOR—OF THE SETTLEMENT OF CLAIMS AND ACCOUNTS.

SEC. 1. Collectors, &c., when to exhibit accounts; auditor to adjust and report balance due to treasurer.

2. Penalty if collectors do not pay treasurer balance due, within ten days after settlement.

3. Claims within what time to be exhibited; when set-off against territory allowed.

4. Power of auditor to administer oaths, and issue summons for purposes of settlement.

5. Auditor to preserve all accounts, vouchers, &c., and give authenticated copies.

6. When to draw warrants on treasury.

7. Decision of auditor, when to be referred to assembly for approval.

8. Duty of auditor in case no appropriation is made for legal claims.

9. Auditor when to report to legislative assembly a list of unsettled accounts.

10. Salary of auditor, by whom audited, and how paid.

SEC. 1. All collectors of the revenue, and others bound by law to pay money directly into the treasury, shall exhibit their accounts and vouchers to the auditor, on or before the first Monday in

Collectors, &c., when to exhibit accounts.



**CHAPTER 3.** March, in each year, to be audited, adjusted, and settled; and the auditor shall proceed without any unnecessary delay, to audit, adjust, and settle the same, and report to the treasurer the balance found due.

**Failure of collectors, to pay treasurer moneys ascertained to be due.** SEC. 2. If any of the persons mentioned in the preceding section, shall fail to pay the amount so found due, into the treasury, and produce the treasurer's receipt to the auditor within ten days after the settlement above required, the delinquent shall forfeit to the territory the amount of his commission allowed him by law; and also two and a half per cent. a month, on the amount wrongfully withheld, to be computed from the time the same ought to have been paid until actual payment; and the auditor shall charge such delinquent accordingly; and the whole amount of principal and forfeiture may be recovered by action on the official bond of the delinquent, or otherwise, according to law.

**Claims, within what time to be exhibited.** SEC. 3. All persons having claims against the territory, shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled and allowed, within two years after such claim shall accrue, and not afterwards. And in all suits brought in behalf of the territory, no debt or claim shall be allowed against the territory, as a set-off, but such as have been exhibited to the auditor, and by him allowed or disallowed; except only in cases where it shall be proved to the satisfaction of the court, that the defendant at the time of trial is in possession of vouchers, which he could not produce to the auditor; or that he was prevented from exhibiting the claim to the auditor, by absence from the territory, sickness, or unavoidable accident.

**May administer oaths, issue summonses, &c.** SEC. 4. The auditor, whenever he may think it necessary to the proper settlement of any account, may examine the parties, witnesses and others, on oath or affirmation, touching any matter material to be known in the settlement of such account; and for that purpose may issue writs of summons, and compel witnesses to attend before him, and give evidence in the same manner, and by the same means, allowed by law to courts of record.

**To preserve accounts.** SEC. 5. All accounts, vouchers, and documents, settled or to be settled by the auditor, shall be preserved in his office; and copies thereof, authenticated by the official seal, shall be given to any person interested therein who shall require the same.

**Warrants on treasury.** SEC. 6. In all cases of grants, salaries, pay and expenses, ascertained and allowed by law, found due to individuals from the territory, when audited, the auditor shall draw warrants upon the treasury for the amount, in the form used in the treasury department; but in cases of unliquidated accounts and claims, the adjustment and payment of which are not provided for by law, no warrant shall be drawn by the auditor or paid by the treasurer, unless the previous appropriation shall have been made by law for that purpose; nor shall the whole amount drawn for, and paid under any one head, ever exceed the amount thus appropriated.

**Decision referred to assembly.** SEC. 7. If any person interested, shall be dissatisfied with the decision of the auditor, on any claim, account or credit; it shall be the duty of the auditor, at the request of such person, to refer the same, with the reasons for his decision, to the legislative assembly.

**Legal claims without appropriation.** SEC. 8. In all cases where the laws recognize a claim for money

**CHAPTER 4.** against the territory, and no appropriation shall be made by law to pay the same, the auditor shall audit and settle the same, and give the claimant a certificate of the amount thereof, under the official seal, if demanded; and shall report the same to the legislative assembly, with as little delay as possible.

**Report of unsettled accounts.** SEC. 9. The auditor shall report to the legislative assembly, within ten days after the commencement of each regular session, a list of all collectors of the revenue, and other holders of public money, whose accounts remain unsettled for six months after they ought to have been settled, according to law; and the reasons therefor.

**Salary.** SEC. 10. The auditor shall receive an annual salary of three hundred dollars, to be audited by the territorial treasurer, and paid by him out of any moneys in the treasury, not otherwise appropriated.

## CHAPTER IV.

### OF THE TREASURER.

#### SEC. 1. His duties.

2. To grant duplicate receipt; one of which to be given auditor.
3. Compensation of treasurer.

#### SEC. 1. It shall be the duty of the territorial treasurer:

1. To receive and keep all the moneys of the territory, not expressly required by law to be received and kept by some other person;

2. To disburse the public moneys upon warrants drawn upon the treasury, according to law, and not otherwise;

3. To keep a just, true, and comprehensive account of all moneys received and disbursed;

4. To keep a just and true account of each head of appropriation made by law, and the disbursements under the same;

5. To render his account to the auditor for settlement quarterly, or oftener if required;

6. To report to each house of the legislative assembly, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and its operations for the preceding year;

7. To give information in writing to either house of the legislative assembly, whenever required, upon any subject connected with the treasury, or touching any duty of his office;

8. To perform all such other duties as may be required by law.

**Duplicate receipts.** SEC. 2. The treasurer shall grant duplicate receipts, under the seal of his office, for all sums of money which shall be paid into the treasury, and the person receiving the same shall deposit one of them with the auditor, who shall credit such person accordingly, and charge the treasurer with the amount. *Provided*, that if one of such duplicate receipts be not deposited with the auditor as aforesaid, within two days after the same is received from the treasurer, any person so receiving such duplicate, shall forfeit and pay to the Territory, an amount equal to ten per cent. of the amount paid into the treasury on such receipt;

## CHAPTER 5.

Compensation.

SEC. 3. The treasurer shall receive, as a compensation for his services, two per cent. on all moneys received, and two per cent. on all moneys disbursed by him in his official capacity, to be audited by the auditor, and retained by said treasurer from any moneys in the treasury not otherwise appropriated.

## CHAPTER V.

## MISCELLANEOUS PROVISIONS.

- SEC. 1 & 2. When governor may appoint treasurer and auditor; their salary.  
 3. Legislature shall cause settlement of former incumbent's accounts.  
 4. Treasurer and auditor may administer oaths, &c.  
 5. Auditor and treasurer to have access to all offices to inspect accounts.  
 6. Auditor and treasurer to keep letter-book.  
 7. Penalty for auditor issuing illegal warrant on treasurer.  
 8. Penalty for treasurer refusing to pay warrant.  
 9. Penalty if treasurer or auditor be guilty of illegal conduct in office.  
 10. Audited account due territory, a lien on debtor's lands.  
 11. Act when to take effect.

When governor may appoint treasurer or auditor.

SEC. 1. In case of death, sickness, absence from the territory, resignation, removal from office, or impeachment of any auditor or treasurer, it shall be lawful for the governor to make an appointment, for the time being, of some suitable person to perform the duties of such office, until a successor can be appointed according to law, or until such absence or disability shall cease.

Salary of officer appointed.

SEC. 2. Any person appointed by the governor, in virtue of the preceding section, shall receive the same compensation allowed by the law, to the officer whose duty he is appointed to perform, in proportion to the time he shall be engaged in such service.

Settlement of former incumbent's account.

SEC. 3. Immediately after the appointment and qualification of any auditor or treasurer, the legislative assembly, if in session, and if not in session, then the first week of the next session, shall cause settlement to be made in the manner above provided, of the former auditor or treasurer's accounts remaining unsettled; and shall cause to be made out and delivered to the person entitled thereto, a certificate of such settlement, showing the balance of moneys, sureties and effects, for which he is accountable, and what has been delivered to his successor.

Treasurer and auditor may administer oaths, &amp;c.

SEC. 4. The auditor and treasurer shall each have power to administer all oaths and affirmations required or allowed by law, in matters touching the duties of their offices.

To have access to all offices to inspect accounts.

SEC. 5. The auditor and treasurer shall have free access to each other's offices, for the inspection of all books, accounts and papers, which they respectively contain, and free access to all the other offices of the territory, for the inspection of all such books, accounts and papers as concern any of their duties.

Letter-book.

SEC. 6. The auditor and treasurer shall each keep a letter-book, in which shall be copied all official letters which they may write.

Penalty for issuing illegal warrants

SEC. 7. If the auditor shall knowingly issue any warrant upon the treasury, not authorized by law, he shall, upon conviction thereof,

## CHAPTER 1.

be fined in any sum not exceeding fourfold the amount of such warrant, and imprisoned for any length of time, not exceeding one year; and shall be deemed guilty of misdemeanor in office.

Penalty for refusing to pay warrant.

SEC. 8. If the treasurer shall wilfully and unlawfully refuse to pay any warrant lawfully drawn upon the treasury, he shall forfeit and pay to the holder thereof, fourfold the amount of such warrant, to be recovered by action against the treasurer and his sureties, on his official bond, or otherwise, according to law; and the treasurer shall be deemed guilty of a misdemeanor in office.

Illegal conduct in office.

SEC. 9. If the auditor or treasurer shall wilfully neglect or refuse to perform any duty enjoined by law, or shall be guilty of any oppression or extortion in the performance of any legal duty, shall receive any fee or reward for the performance of any legal duty, not allowed by law, or, by color of his office, shall knowingly do any act not authorized by law, or in any other manner than is required by law, he shall forfeit to the territory any sum not exceeding one thousand dollars, and be deemed guilty of a misdemeanor in office.

SEC. 10. The amount of every account audited, adjusted, and found due to the territory, according to this law, with the penalties and interest thereon, is declared to be a lien upon all real estate of the person charged with the same, from the time that suit shall be commenced for the recovery thereof.

Audited accounts due territory a lien on debtor's land.

SEC. 11. This act shall take effect and be in force from and after its passage.

Act when to take effect.

*Passed January 16th, 1854.*

## AN ACT RELATING TO COMMON SCHOOLS AND SCHOOL LANDS.

## CHAPTER I.

## COMMON SCHOOLS.

- SEC. 1. School fund, how provided.  
 2. Authority of commissioners to levy taxes for school taxes.  
 3. Fines, &c., to be appropriated for school fund.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the principal of all moneys accruing to this territory from the sale of any land heretofore given, or which may be given, by the Congress of the United States, and all bequests made by any person or persons to the territory for school purposes, shall continue an irreducible fund, the 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 district, between the ages of four and twenty-one, for support of common schools in said district, and for no other use or purpose whatever.

School fund.

SEC. 2. For the purpose of establishing and maintaining common schools, it shall be the duty of the county commissioners of each county to lay an annual tax of two mills on the dollar, on all the taxable property of the county, as shown by the assessment roll

Commissioners to levy tax for fund.



CHAPTER 2. made by the county assessors, for the same year, and to include the same in their estimate to the collector, and the said collector shall proceed to collect the said tax in the same manner as the other tax is collected; and the said money so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts, to be drawn in the same manner as hereinafter prescribed.

Fines, &c.,  
appropriated  
to school  
fund.

SEC. 3. For the further support of common schools, there shall be set apart, by the county treasurer, all moneys paid into the county treasury, arising from all fines for a breach of any penal laws of this territory. Such moneys shall be paid into the county treasury, and be added to the yearly school fund raised by tax in each county, and divided in the same manner.

## CHAPTER II.

### ELECTION OF COUNTY SUPERINTENDENT.

- SEC. 1. County superintendents; their election and term of office.
2. When to qualify; oath to be filed.
3. To divide county in districts, map of districts.
4. Notice of formation of district how given; when renewed.
5. Examination of school teachers by superintendent.
6. Superintendent to visit schools yearly; his duties as visitor.
7. Yearly report of superintendent.
8. Annual apportionment of school fund when to be made.
9. Superintendent when to issue orders on treasurer for funds appropriated to districts.
10. Superintendent to collect fines, &c., due to school fund, and prosecute for trespass, &c., on school lands.
11. Trespasses on school lands indictable.
12. Other lands to be selected in lieu of sections sixteen and thirty-six occupied before survey.
13. Compensation of superintendent.

Superintend-  
ent; his elec-  
tion; term  
of office.

SEC. 1. There shall be elected by the legal voters of their respective counties at the annual elections, a county superintendent of common schools for each county, who shall hold his office for the term of three years, and until his successor is duly qualified.

When to  
qualify;  
oath to be  
filed.

SEC. 2. The superintendent shall qualify within ten days after notice of his election, by taking an oath faithfully to discharge the duties of his office, and to the best of his ability promote the interest of education within his county, which oath shall be in writing and placed on file in the county clerk's office.

School dis-  
tricts; map.

SEC. 3. It shall be the duty of the superintendent to divide such portion of his county as shall be inhabited, into convenient school districts; to define the boundaries and numbers; and to prepare and keep in his office a map of the districts of the county upon which the lines and boundaries of each district shall be clearly defined; and shall lay off new districts, or divide old ones when the public good shall require it.

Notice of  
formation of  
districts how  
given.

SEC. 4. Whenever any school district shall be formed by the superintendent, it shall be his duty to prepare a notice in writing of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district, who shall have asked for the formation of the same. It shall be the

duty of said inhabitant, within two weeks after the receipt of such notice, to notify the other inhabitants of the district, of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted up in three public places in the district, at least ten days previous to the time of meeting. In case the inhabitants fail to attend in sufficient numbers to do business as hereafter directed, notice may be renewed at such times as may be thought proper.

CHAPTER 2.

SEC. 5. It shall be the duty of the superintendent to examine all persons who wish to become teachers in his county; he shall examine them in orthography, reading, writing, arithmetic, English grammar and geography; and if he be of the opinion that the person examined is competent to teach said branches, and that he or she is of good moral character, he shall give such person a certificate, certifying that he or she is qualified to teach a common school in said county; such certificate shall be for the term of one year only, and may be revoked sooner by the superintendent for good cause.

Examination  
of teachers.

SEC. 6. The superintendent shall visit all the schools taught in his county, by a qualified teacher, at least once a year; he shall give such information and encouragement as he may think necessary, and endeavor to promote the introduction of a good and uniform system of school books throughout the county.

Superintend-  
ent to visit  
schools  
yearly.

SEC. 7. It shall be the duty of the superintendent to receive the district reports hereinafter provided for, and keep them on file in his office; and he shall at least ten days before the first Friday in November of each year, make out, from the district reports, a statement of the number of the scholars in the county; the number of school libraries; the number of school houses; the number of districts; in how many districts a school has been kept the past year; what school books are principally used; what proportion of all the scholars in the county have attended school for the past year; and the amount of money paid to teachers. This statement, together with such other information and suggestions as he may deem important to the cause of education, he shall file in his office, and may, if convenient, publish it in some newspaper in this territory.

Reports.

SEC. 8. It shall be the duty of the superintendent, at least fifteen days before the first Friday in November of each year, to make an apportionment of the school fund in the county treasury, among the several school districts in their respective counties, in proportion to the number of persons in the district over the age of four, and under twenty one years, and certify the amount due to each district, which shall be drawn as hereafter directed; and he shall forthwith notify the clerks of the school districts of the amount due their respective districts.

Apportion-  
ment of  
school fund.

SEC. 9. When the districts shall have complied with the law, as hereafter directed, it shall be the duty of the superintendent to issue orders on the county treasury in favor of the clerks of the districts, for the amount of the school funds appropriated to each; on the presentation of which order, the treasurer of the county shall pay over to the clerks of the districts all moneys due the respective districts, and the clerks shall indorse on said order a receipt for so much as shall be paid thereon, and they shall also sign a duplicate

Orders on  
treasury for  
funds ap-  
propriated  
district.

CHAPTER 2. receipt, which shall be deposited with the superintendent, who shall credit the treasury of the county therewith, and charge the same to the proper district.

Duties of superintendent in relation to school fund, lands, &c. SEC. 10. The superintendent shall, in the name of the county, collect, or cause to be collected, all moneys due the school fund from fines, or from any other source in his county; and until the legislature shall make some provision for the disposal of the school lands given by congress to the territory for school purposes, it shall be the duty of the superintendent to preserve said lands from injury and trespass; and when it shall come to his knowledge that any trespass has been committed on such lands, by cutting or carrying off timber, or other material, from such lands, he shall immediately proceed against such trespasser, as provided by law in other cases, and he shall make complaint of the same before the grand jury of the proper county, at the first regular term of court after he has obtained a knowledge of such trespass.

Trespasses on school lands. SEC. 11. Any person trespassing upon or injuring the school lands, as mentioned in the preceding section, shall be liable to be indicted for the same, and upon conviction, shall be fined in double damages, one half to be paid into the irreducible fund mentioned in the first section of this act, and the other half to be paid into the county treasury for the use of the county.

Selection of lands in lieu of sections 16 and 36 occupied before survey made SEC. 12. It shall be the duty of the county superintendent to ascertain what portions of sections numbered sixteen and thirty-six, in each township in his county, are claimed by settlers occupying the same before the survey was made. Upon ascertaining the amount thus claimed in any township, he shall proceed without any unnecessary delay, to select other lands in lieu thereof, and make report to the surveyor general of such selections; which report shall describe the lands so selected, by numbers, and also state the amount, as near as may be; it shall also state what townships contain the unoccupied lands that were selected in lieu thereof. It shall also be his duty to give public notice of such selection by posting up notices in three public places in his county, one of which shall be at the county seat, and the others in the vicinity of the lands selected, describing said lands by their numbers, and such other description as he may deem expedient.

Compensation. SEC. 13. The said superintendent shall be allowed out of the county treasury, in compensation for his services, the sum of one hundred dollars a year. The county commissioners, may, in their discretion, if they think the services rendered demand it, increase his salary to any sum not exceeding five hundred dollars a year.

## CHAPTER III.

TITLE I.

## SCHOOLS.

TITLE I. *School Meetings.*TITLE II. *Clerks.*TITLE III. *Teachers.*

## TITLE I.

*School Meetings.*

- SEC. 1. When school meeting may be called; as to what shall constitute a quorum.
2. Power of such meeting the same as regular yearly meeting.
3. Organization of meeting; election of directors.
4. Directors to qualify within ten days after election.
5. Duty and powers of directors.
6. Two directors constitute a quorum.
7. Duty of directors to visit schools; promote uniformity of education, and prescribe rules for discipline.

SEC. 1. A school meeting may be called at any time for the purpose of organizing a new district, as provided in section four, under the title of county superintendent. No number less than five legal voters shall constitute a quorum, to do business in any district meeting.

When called.  
Quorum.

SEC. 2. Such school meeting shall have power to do all necessary business, the same as the regular annual school meeting would have.

Power of  
meeting.

SEC. 3. Such meeting when assembled, shall organize by the appointment of a chairman and secretary. It shall then proceed by ballot to elect three directors, who shall hold their office till the next annual meeting, and until their successors are elected and qualified.

How to organize;  
election of directors.

SEC. 4. The directors shall qualify within ten days after their election, by taking an oath or affirmation faithfully to discharge the duties of the office, to the best of their abilities; and to promote the interest of education within their district. The chairman of such meeting shall be authorized to administer this oath, which shall be in writing and filed with the clerk of the district.

Directors to  
qualify.

SEC. 5. It shall be the duty of the directors of every school district:

Their duties.

1. To call special meetings of the district whenever they shall deem it necessary;
2. To make out a tax list of every district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant set opposite his name;
3. To annex to such tax list a warrant directed to the clerk of the district, for the collection of the sums in such list mentioned, including five per cent. for the fees of said clerk;
4. To purchase or lease a site for the district school house, as designated by a meeting of the district, and to build, hire or purchase, keep in repair and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to the clerk for such purpose, and to have the custody and safe keeping of the district school house;



## TITLE 2.

5. To contract with and employ teachers; *Provided* that no teacher shall be employed who shall not produce a certificate from the county superintendent as is required by law, of good moral character and qualification to teach a district school;

6. To give orders to the teachers on the district clerk for their wages.

Quorum.

SEC. 6. Any two of said directors shall constitute a quorum to do business.

Visits; uniformity of system; refractory scholars.

SEC. 7. It shall be the duty of the directors to visit and examine the school or schools of their respective districts, at least twice in each term, they shall endeavor to procure the introduction of a good and uniform system of school books in their district; and when the teacher experiences difficulty in the government of the school, it shall be his duty to refer the cases of disorderly scholars to the directors, who shall decide whether such refractory scholar shall be compelled by suitable punishment to conform to the rules of school or be expelled from it.

## TITLE II.

## Clerks.

## SEC. 8. Election of clerks.

9. Duty of clerks.

10. Annual report when to be made and what to contain.

11. Annual accounts; clerk when to pay over to successor.

12. Annual school meetings when held; notice of meeting.

13. As to who may vote at school meeting.

14. Adjournments.

15. Power of meeting to levy certain tax; library.

16. Notice of tax to be given in call for meeting.

17. Organized school district a body politic.

18. District tax how assessed by directors.

Clerk, election; to qualify; term of office

SEC. 8. The first school meeting shall also elect a district clerk, who shall continue in office for the term of one year and until his successor is elected and qualified. He shall qualify within ten days after his election, by giving bond to the district directors in such sum as they may require, that he shall well and truly perform the duties of his office, and pay over all moneys coming into his hands by virtue of his office as by law directed. If a clerk be elected to fill a vacancy, he shall continue in office for the unexpired term; and if elected at the first meeting, not being the regular annual meeting, he shall continue in office until the next annual meeting.

Duties.

SEC. 9. It shall be the duty of the clerk of each district:

1. To record the proceedings of his district in a book, to be provided for that purpose by the district;

2. To give notice of annual or special meetings;

3. To procure a list of all persons in the district between the ages of four and twenty-one years;

4. To collect all district taxes which he shall be required by the warrant from the directors to collect within the time limited in each warrant for its return; and he shall have the same authority to enforce the collection of such tax, as the county collector has for collecting the county tax, and he shall be allowed five per cent. for collecting;

## TITLE 2.

Report.

5. To retain a copy of all reports made to the county superintendent relating to the affairs of the district.

SEC. 10. It shall be the duty of the clerk to furnish the county superintendent, at least twenty days before the first Friday in November of each year, a report containing the number of scholars in his district over four and under twenty-one years of age; how long a school has been kept in his district the past year; what school books are principally used; what proportion of the scholars in the district have attended school; and the amount of money paid to teachers.

Annual account.

SEC. 11. The clerk of each district shall, at the close of each year of his office, make out in writing a just and true account of all moneys received by him for the use of the district, and the manner in which the same shall have been expended, which account shall be read at the annual district meeting. The clerk shall pay over all moneys remaining in his hands belonging to the district, to his successor, when his successor has legally qualified, and upon a refusal or neglect so to do, the directors shall forthwith bring suit upon his bond.

Payment to successor.

SEC. 12. There shall be an annual school meeting held in each district upon the first Friday in November; and notices of all annual or special meetings shall be in writing, signed by the clerk or directors of the district, and shall state the object for which the meeting is called; and shall be posted up in three public places in the district, at least six days previous to the day of holding such meeting.

Annual school meeting; notice.

SEC. 13. Every inhabitant over the age of twenty-one years, who shall have resided in any school district for one month, immediately preceding any district meeting, and who shall have paid, or be liable to pay any tax except road tax in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote.

Voters at.

SEC. 14. Any school meeting shall have power to adjourn from time to time as occasion may require.

Adjournments.

SEC. 15. A school meeting legally called shall have power by the vote of a majority present, to levy a tax on all the taxable property in the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school-house, and to build, hire or purchase a school-house and keep it in repair, and furnish the same with necessary fuel and appendages, and to levy an additional tax on the district for the purchase or increase of a district library, globes, maps and such apparatus as the interest and well-being of the school shall require. The library shall consist of such books as the district meeting shall direct.

Power of meeting to levy certain tax.

SEC. 16. In all cases when a tax is to be levied, it shall be stated in the notices given of the meeting, for what purpose or purposes a tax is to be levied.

Library. Notice of tax.

SEC. 17. When a district is organized, it shall be to all intents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school-houses in their own district; and it shall be the duty of the directors to prosecute or defend any demands for or against

Organized district a body corporate.

CHAPTER 4. their district, and notice shall be served upon one of the directors of any suit brought against a district.

Taxes how assessed. SEC. 18. All district taxes shall be assessed by the directors, according to the valuation of property made for the assessment of county taxes, and shall be collected by the clerk of the district, with an addition of five per cent. on the same, which the clerk shall receive for his services. Any person aggrieved by an excessive assessment of the directors of any school district, may have the same reduced by his own affidavit or any competent testimony, to the satisfaction of the clerk.

Excessive taxes rectified.

### TITLE III.

#### Teachers.

SEC. 19. Teacher to procure certificate of character; register.

Certificate of character. SEC. 19. It shall be the duty of every teacher of a common school to procure a certificate of qualification and good moral character, before entering on the duties of a teacher. It shall be his duty to keep a register of the names of the children attending school, their age, the time when they begin, the time they continue, and of their daily attendance, which register shall be filed with the clerk of the district at the close of every term.

Register.

## CHAPTER IV.

### MISCELLANEOUS PROVISIONS.

- SEC. 1. Minutes of first meeting to be signed by chairman and secretary, and delivered to clerk.
2. Who to be chairman and secretary.
  3. Meetings may alter or repeal prior proceedings.
  4. Power of meeting to levy tax.
  5. Districts failing to organize or report not entitled to school funds; proviso.
  6. County superintendent to apportion funds to organize districts only.
  7. Schools, when to be free.
  8. When scholars not in district may attend without charge.
  9. County superintendent may hold any other office in territory.
  10. When directors to appoint librarian.
  11. Act when to effect.

Minutes of first school meeting.

Chairman & secretary.

Meeting may alter, &c., prior proceedings.

Power of meeting to levy tax.

SEC. 1. The minutes of the first school meeting shall be signed by the chairman and secretary, and delivered to the clerk of the district, who shall file the same in his office.

SEC. 2. In all school meetings, the director whose term of office shall first expire shall act as chairman, and the clerk of the district shall act as secretary.

SEC. 3. District meetings shall have power to repeal, alter or modify their proceedings from time to time as occasion may require.

SEC. 4. District meetings, legally called, shall have power to levy a tax upon the property of the district for any purpose whatever, connected with, and for the benefit of schools, and the promotion of education in the district. *Provided*, that two-thirds of the legal voters present are in favor of such tax.

SEC. 5. Any new district failing to organize and report to the county superintendent the number of children over four and under twenty-one years of age in said district, at least twenty days before the first Friday in November, or any district having been organized for the term of one year or more, failing to report to the county superintendent, as is required in section eleven of the chapter entitled "School Meetings," in this act, shall not be entitled to any portion of the county school fund for the year; *Provided*, that if the clerk of any school district shall fail to make such report, any inhabitant of such district may make such report, verified on oath, and the county superintendent shall receive it, the same as if made by the clerk.

SEC. 6. The county superintendent shall apportion all the county school fund for that year, among those districts only which have organized and reported according to law.

SEC. 7. Whenever a school is kept in any district, the teacher of which shall be supported out of the general county school fund, or by tax on the district as aforesaid, such school shall be open and free to all children between the ages of four and twenty-one years in such district.

SEC. 8. The directors of any district may permit scholars living out of the district to attend school with or without charge, as they may deem proper.

SEC. 9. No person shall be disqualified to hold the office of county superintendent, district director or clerk, on account of holding any other office within the territory at the same time.

SEC. 10. It shall be the duty of the directors to appoint a suitable person for librarian, when the district shall have procured a library.

SEC. 11. This act to take effect and be in force from and after its passage.

*Passed January 12th, 1854.*

## AN ACT TO PROVIDE FOR THE PUBLIC PRINTING AND DISTRIBUTION OF THE LAWS AND JOURNALS.

### CHAPTER I.

#### PUBLIC PRINTING.

- SEC. 1. Printer how elected; term of office; his bond.
2. Rates of allowance.
  3. Number of copies of law, council and house journal to be printed annually, and how to be distributed by secretary.
  4. Secretary of territory to procure practical printer to inspect work of public printer; compensation of inspector.
  5. Clerks of assembly and council to furnish printer copy of laws and journals twenty days after adjournment.
  6. Printer to index and annotate said laws and journal.
  7. Laws originating in the house or council, when and by whom to be furnished.
  8. Printer when to insert in newspaper all laws so furnished.
  9. How long newspaper may be read in evidence.
  10. Acts heretofore passed relative to public printing repealed.
  11. Act when to take effect.

CHAPTER 1.  
Districts failing to organize or report, not entitled to school funds.

Proviso.

Funds apportioned to organized districts only.  
Schools when free.

Scholars not in district.

Librarian.

Act when to take effect.



## CHAPTER 1.

Public printer; election; term of office; bond.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That there shall be elected biennially, by the legislative assembly on joint ballot, a territorial printer, who shall serve for two years and until his successor shall be elected and qualified, and such printer shall, within ten days after his election, or before entering upon the duties of his office, enter into bonds with sufficient surety, to be approved by the territorial treasurer, and file in the office of the territorial auditor, with conditions for the prompt and workmanlike execution of the public printing, and faithful performance of all the duties required of him by law.

Rate of allowance.

SEC. 2. The prices to be paid such printer, are hereby established as follows: The composition per thousand ems, two dollars and fifty cents; press work per token, common form, two dollars and fifty cents; folding reports and bills per thousand copies on each signature, three dollars; stitching reports and bills per thousand copies, one dollar and fifty cents; paper, eight dollars per ream; and for binding in strong paper or otherwise, a reasonable compensation shall be allowed; and the secretary of the territory shall defray the expenses of the same out of any money in his hands, appropriated by congress to pay the expenses of the legislation of this territory.

Number of copies of laws, council, and house journals to be printed. *ib.* How to be distributed by secretary of territory.

SEC. 3. The territorial printer shall annually cause one thousand copies of the laws, three hundred copies of the journals of the council, and three hundred copies of the journal of the house of representatives, to be printed and delivered to the secretary of the territory, to be by him disposed of as follows: one copy of each to the members of the legislative assembly, their officers and clerks; one copy of each to the civil officers of this territory, appointed by the United States, ten copies of each to be placed in the territorial library, one copy of each to be deposited with the county auditor of each county for inspection of the public; the remaining portion to be distributed among the several counties in proportion to their population, to be received by the county commissioners' clerks, and receipted for by them.

Secretary of state to procure practical printer to inspect, &c., work of public printer.

SEC. 4. That it shall be the duty of the secretary of territory to procure the services of some practical printer, to see that the work furnished by the territorial printer is executed in a workmanlike manner, and to measure and estimate the same, and to give a certificate, under affidavit, to said territorial printer to that effect, and the said practical printer shall receive as a compensation for his services the sum of five dollars per day for the time necessarily employed in said duty.

Clerks to furnish printer copy of laws and journal twenty days after adjournment.

SEC. 5. Manuscript copies of said laws and journals shall be furnished the said territorial printer by the chief clerks of the two branches of the legislative assembly, within twenty days after the adjournment, for which services they shall receive the sum of five dollars per day, to be paid out of any money appropriated by congress to defray the expenses of the legislature of this territory, the clerk of the house of representatives to furnish a copy of all laws originating in the house, and the clerk of the council to furnish a copy of all laws originating in the council.

Printer to prepare index, &c.

SEC. 6. It shall be the duty of the territorial printer to make a complete index to said laws and journals, and notes to the laws,

and he shall receive for said services the sum of five dollars per day. CHAPTER 1.

SEC. 7. Copies of all laws originating in the council, shall be furnished by the clerk of the council to the territorial printer within ten days after their passage, and copies of all laws originating in the house, shall in like manner be furnished by the clerk of the house. *Laws originating in house or council when and by whom to be furnished.*

SEC. 8. It shall be the duty of the territorial printer to publish in the columns of the newspaper by him published, all laws by the clerks so furnished, within twenty days after their passage, and he shall receive the sum of two dollars fifty cents per thousand ems, as a compensation for such services, to be paid by the secretary of the territory. *Laws so furnished to be published in newspaper.*

SEC. 9. Every law so published may be read in evidence from the paper in which it shall be contained, in all courts of justice in this territory, and in proceedings before any officer, body or board; until six months after the close of the session at which it became a law. *ib. How long may be read in evidence.*

SEC. 10. All acts heretofore passed relative to the public printing are hereby repealed. *Prior acts repealed.*

SEC. 11. This act to take effect and be in force from and after its passage. *Act when to take effect.*

*Passed January 11th, 1854.*

# AN ACT TO CREATE AND REGULATE THE OFFICE OF PROSECUTING ATTORNEY.

- SEC. 1. Prosecuting attorney, how chosen, term of office; proviso.
2. Votes, how canvassed. Certificate to be issued.
  3. Attorney to be sworn; form of oath.
  4. Duties of prosecuting attorney.
  5. To report annually to the secretary of the territory.
  6. In case of failure of attorney to discharge the duties of his office, or of vacancy, district court to appoint.
  7. Powers and compensation of the officer appointed.
  8. Not to receive fee or reward, or practice as an attorney in certain cases. Penalty for so doing.
  9. To be paid a salary.
  10. Fees of prosecuting attorney.
  11. To receive ten per cent. on all forfeited recognizances, fines, forfeitures, &c. Fees for defending or prosecuting civil suits on behalf of any county. For attendance.
  12. Certain fees to be paid by counties, where or on behalf of which the service was rendered.
  13. Fees allowed by tenth section to be taxed as costs against prisoner convicted.
  14. Duty of magistrates who commit or hold to bail any person charged with crime.
  15. When act to take effect. Former act repealed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That there shall be elected annually, at the general election, by the qualified voters in the several judicial districts, a prosecuting attorney for each judicial district, who shall hold his office until his successor shall be elected and qualified: *Provided,* that the legislative assembly, at its present session, shall elect, on joint ballot, prosecuting attorneys for the several judicial districts, who *How chosen; term of office.*

**CHAPTER 1.** shall hold their office until the next general election, or until their successors are duly elected and qualified.

**Votes how canvassed.** SEC. 2. The clerks of the boards of county commissioners shall make out an abstract of the votes given in their respective counties for prosecuting attorney, and transmit the same to the secretary of the territory; and said votes shall be canvassed, and a certificate issued, in the same manner as in the election of delegate to Congress.

**Oath.** SEC. 3. Before entering upon the discharge of his duties, the prosecuting attorney shall take and subscribe the following oath of office, to be indorsed on the back of said certificate, before any person authorized to administer oaths, and shall file the same in the office of the secretary of the territory.

**Its term.** I, A. B., do solemnly swear (or affirm) that I will support the constitution of the United States, will faithfully discharge the duties of the office of prosecuting attorney to the best of my ability, and that I will prosecute no person through envy, hatred, or malice; that I will leave no person unprosecuted through fear, affection, or hope of reward.

**His duties.** SEC. 4. He shall reside in his district during his continuance in office, shall commence and prosecute all civil and criminal actions in which the territory or any county in his district may be a party, defend all suits brought against the territory or any county in his district, and prosecute all forfeited recognizances and actions for the recovery of debts, fines, penalties, and forfeitures, accruing to the territory or any county in his district. He shall appear on behalf of the territory in the supreme court in all appeals or writs of error, taken from any county in his district.

**Report.** SEC. 5. The several prosecuting attorneys shall annually, in the month of December, make, to the secretary of the territory, a report of the amount and kind of official business by them done respectively, in the preceding year, the number of persons prosecuted, the offences for which such prosecutions were had, the results thereof, and the punishment awarded in each case, with such particular statements and suggestions as he may deem interesting and useful.

**Appointment of prosecuting attorney pro tem.** SEC. 6. If the prosecuting attorney of any district be unable to attend to the duties of his office, from sickness or absence, or the office should become vacant by death, removal, resignation, or otherwise, the district court shall appoint some suitable person of the proper district to discharge the duties of the office during such inability or vacancy, as the case may be.

**Compensation.** SEC. 7. The person thus appointed shall possess the same power and receive the same compensation, as the proper officer would if he were present.

**When not to receive fees, &c., nor pro tem.** SEC. 8. He shall not receive any fee or reward from, or on behalf of, any prosecutor, for any of his official services, or during the pendency of any such prosecution, be engaged as counsel or attorney, for either party, in any civil action depending essentially upon the same facts. If any prosecuting attorney shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor,

and upon indictment and conviction thereof, shall be struck from **CHAPTER 1.** the roll of attorneys, and be fined in any sum not exceeding five hundred dollars, at the discretion of the court, for the use of the proper county.

**Payment of salary.** SEC. 9. Each prosecuting attorney shall be entitled to receive a salary, in semi-annual payments, on the first day of July and January in each year, at the annual rate of five hundred dollars, to be paid from the territorial treasury.

**Fees.** SEC. 10. Each prosecuting attorney shall receive the following fees: In all criminal prosecutions where the punishment is death, or imprisonment for life, where the prisoner is convicted, twenty-five dollars; where the prisoner is acquitted, twelve dollars. In all criminal prosecutions where the punishment is imprisonment in the penitentiary for any less term than for life, where the prisoner is convicted, fifteen dollars; where the prisoner is acquitted, seven dollars. In all criminal prosecutions, where the punishment is imprisonment in the county jail, or not particularly specified in this section, where the prisoner is convicted, ten dollars; where the prisoner is acquitted, five dollars.

**ib.** SEC. 11. Each prosecuting attorney shall receive for the prosecution of all forfeited recognizances, debts, fines and forfeitures, accruing to the territory or any county in his district, ten per cent. upon the amount recovered. For each civil suit that he may defend or prosecute on behalf of any county in his district, twenty-five dollars. For each day's attendance upon the district court, during the sitting of grand jury, in any county in his district, five dollars.

**ib. When and by whom paid.** SEC. 12. The fees of prosecuting attorneys, provided for in the ninth and tenth sections of this act, shall be paid by the county where or to which the service was rendered. It shall be the duty of the district clerk, at the close of each term of the district court in his county, to tax the fees of the prosecuting attorney for that term, which bill of fees shall be approved by the judge of the district court. Upon presentation of said bill of fees to the proper officer of the county, it shall be his duty to draw a warrant upon the county treasury for the amount of said bill in favor of the prosecuting attorney.

**Fees taxed as costs against convict.** SEC. 13. It shall be the duty of the district clerk, in all criminal prosecutions, where the prisoner is convicted, to tax and collect, as costs against such prisoner, for the use of the county, an amount in each case equal to the fees allowed the prosecuting attorney by the tenth section of this act. Said district clerk shall pay said fees, when collected, semi-annually into the county treasury, taking duplicate receipts from the county treasurer therefor, one to be retained by himself, and the other to be filed in the office of the board of county commissioners, which receipt, when so filed, shall be sufficient to charge the county treasurer with the receipt of said fees.

**ib. Paid in treasury.** SEC. 14. Each magistrate who shall commit or hold to bail any person charged with crime against the laws of this territory, shall immediately make out and transmit, under seal, by mail or other safe conveyance, to the prosecuting attorney of the proper district, a copy of the original affidavit, the statements of the prisoner, and

**Duty of committing, &c., magistrate to transmit papers.**



CHAPTER 1. depositions of all the witnesses examined on the part of the Territory.

Act, "entitled, &c." repealed. SEC. 15. The act entitled "an act to provide for the selection of prosecuting attorneys," passed September 29th, 1849, is hereby repealed.

Act when to take effect. SEC. 16. This act to take effect and be in force from and after its passage.

*Passed the Council, January 10th, 1853.*

*Passed the House of Representatives, January 26th, 1853.*

### AN ACT TO REGULATE NOTARIES PUBLIC.

- SEC. 1. Appointment of notaries public; term of office.  
 2. Notary to take oath and give bond before acting.  
 3. When notary or executor to deposit records and papers with clerk of court; penalty for neglect.  
 4 & 5. Duties of notary relative to protests; when service may be by mail.  
 6. Notary to keep record: what to contain; of what evidence.  
 7. Clerk of district court to preserve records, &c., may give copies thereof; forfeitures under this chapter how recovered.  
 8. Seal of notary; impression thereof to be deposited with secretary.  
 9. Power to take acknowledgment of deeds and administer oaths.  
 10. Full credit to be given to their acts.  
 11. Act when to take effect.

Governor to appoint notaries public; term of office. SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the governor shall appoint, in each of the organized counties in this territory, one or more notaries public, who shall be considered territorial officers, and shall hold their offices for the term of two years, unless sooner removed by the governor, and who shall have power to act by virtue of their office throughout the territory.

Oath and bond. SEC. 2. Each and every notary public, before he enters upon the duties of his office, shall take an oath to support the constitution of the United States, and for the faithful discharge of the duties of his said office, and shall give a bond to the governor with sufficient surety, in the penal sum of five hundred dollars, conditioned for the discharge of the duties of his said office.

Records, when deposited with clerk of court. SEC. 3. Whenever the office of any notary public shall become vacant, the records of said notary public, together with all the papers relating to the office, shall be deposited in the office of the clerk of the district court in the county in which the said notary public resides; and any notary public, who, on his resignation or removal from office, shall neglect to deposit such records and papers in the clerk's office as aforesaid for the space of three months, shall forfeit and pay a sum not less than fifty, nor more than five hundred dollars; and if any executor or administrator of any deceased notary public, shall neglect to lodge such records and papers as aforesaid, which come into his hands, in the clerk's office for the space of three months after the acceptance of that trust, he shall forfeit and pay a sum not less than fifty, nor more than five hundred dollars; and if any person shall knowingly destroy, deface, or conceal any records or papers of any notary public, he shall forfeit and pay a sum not less than fifty, nor more

than five hundred dollars, and shall be moreover liable to an action for damages by the party injured. CHAPTER 1.

SEC. 4. It shall be the duty of each and every notary public, when any bill of exchange, promissory note, or other written instrument, shall be by him protested for non-acceptance, or non-payment, to give notice thereof to the maker, and each and every indorser of a bill of exchange, and to the maker or makers of, and each and every security or indorser of any promissory note, or other written instrument, immediately after such protest shall have been made. Duties of, relative to protests.

SEC. 5. It shall be the duty of every notary public personally to serve the notice upon the person or persons protested against—*Provided*, he or they reside within two miles of the residence of such notary public; but if such person or persons reside more than two miles from such residence, the said notice may be forwarded by mail or other safe conveyance. Ib. Provide.

SEC. 6. Each and every notary public shall keep a record of all such notices, and of the time and manner in which the same shall have been served, and of the names of all the parties to whom the same were directed, and the description and amount of the instrument protested; which record shall at all times be competent evidence to prove such notices, in any trial before any court in this territory, where proof of such notice may become requisite. To keep record of notices, &c.

SEC. 7. It shall be the duty of the several clerks of the district courts to receive and keep safe all the records and papers, directed by this chapter to be deposited in their office, and give attested copies of any of said records or papers when required, and copies so given by the said clerk, are hereby declared to be as valid as if the same had been given by the said notaries public. All forfeitures under this chapter shall be, one-half to the use of this territory, and the other half to him or them who shall sue for the same; to be recovered in a civil action in any court having jurisdiction of the same, in the county where such notary public shall reside. Duties of clerks of district courts.

SEC. 8. Every notary public, before he enters upon the duties of his office, shall provide an official seal, and deposit an impression of the same, together with said oath and bond, in the office of the secretary of the territory. Seal.

SEC. 9. Notaries public shall have full power and authority to take acknowledgments of deeds, and to administer oaths in all cases where oaths are required by law to be made. May take acknowledgments of deeds.

SEC. 10. Full faith and credit shall be given to all the protestations, attestations, and other instruments of publication of all notaries public, now in office or hereafter to be appointed under the provisions of this chapter. Full credit to be given to their acts.

SEC. 11. This act shall take effect and be in force from and after the first day of May next. Act when to take effect.

*Passed January 18, 1854.*

## CHAPTER 1.

## AN ACT TO REGULATE THE FEES OF CERTAIN OFFICERS AND OTHER PERSONS.

## SEC. 1. Fees prescribed to certain officers, &amp;c.

2. Fees of the secretary of the territory.
3. Of judge of probate.
4. Clerk of the supreme court.
5. Of clerk of district court.
6. Of coroners.
7. Of sheriffs.
8. Of justices of the peace.
9. Of constables.
10. Of recorder of deeds.
11. Of county auditors.
12. Of clerks of commissioners.
13. Of jurors.
14. Of witnesses.
15. Of commissioners.
16. Of notaries public.
17. Of appraisers.
18. Of county commissioners.
19. General provisions.
20. Mileage, how computed.
21. Additional fees, &c., allowed in Jackson and Coos county.
22. When district court to determine in case no fees provided: when board of commissioners.
23. Meaning of "folio," when used in computing fees, &c.
24. Officer to publish list of fees: penalty for neglect.
25. Allowance of fees, service when not to apply.
26. No officer to receive greater fees than herein allowed.
27. Violation of last section a misdemeanor.
28. Receipt for fees when to be given.
29. Fees due witnesses, when to be entered by clerk.
30. Act when to take effect.

Fees pre-  
scribed.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That for the services mentioned in this chapter, hereafter done or performed by the several officers or persons herein named, the following prescribed fees shall be allowed:

Fees of sec-  
retary of  
territory.

SEC. 2. The fees of the secretary of the territory, for any services herein specified, to be rendered by him, shall be as follows:

Recording any document or paper by law required to be re-	\$	cts.
corded by him, for each folio,	40	
Making copies of any record, for each folio,	25	
Certifying and affixing the seal of the territory to any docu-		
ment or paper,	2	00
Distributing the laws and journals of each regular session of		
the legislative assembly, to be paid out of the territo-		
rial treasury,	100	00

In. Of judge  
of probate.

SEC. 3. The fees of judge of probate shall be as follows:

Issuing letters testamentary, of administration or guardian-		
ship,	4	00
Refusing letters, or probate of a will upon any application		
therefor,	4	00
Drawing bond and taking the same in any case,	1	50
Approving such bond, for each surety therein,	25	
Writing and taking any affidavit,	1	50

## CHAPTER 1.

And for every one hundred words contained in any affidavit,	\$	cts.
over one hundred words,	25	
Entering of record any appointment,	50	
Writing a petition in any case, when required by a party,	1	00
Issuing a citation,	1	00
Issuing any other instrument under seal,	1	00
Hearing a petition in any case,	50	
Hearing each contested case,	5	00
Hearing a complaint against a spendthrift or lunatic,	3	00
For each decree, order, or allowance of court, entered of		
record,	75	
Entering a continuance when asked by a party, to be paid		
by party asking same,	75	
Making a final settlement in any case,	2	00
Entering an allowance of appeal,	50	
Examining and correcting any inventory, appraisement, or		
bill of sale, for each folio,	20	
Recording any paper, required by law to be recorded, for		
each folio,	35	
Making copies of any record or paper, for each folio,	30	
Extending letters of administration,	75	
Making certificate of necessity for a sale of real estate,	1	00
Order for the sale of real estate,	1	00
Executing and acknowledging a deed for the sale of real		
estate, sold by executors, administrators, or guardians,	3	00
Executing indentures of apprenticeship,	2	00
Assigning personal estate, or dower in real estate to widow,	1	00
For order of apportionment of an insolvent's estate among his		
creditors,	1	50
Filing any paper required by law to be filed,	10	
Administering an oath,	15	
Indorsing allowance on an account, and classing the same,	20	
Entering any case on the docket,	20	
Carrying each item from record to the journal,	10	
Carrying gross amount to ledger,	10	
Alphabetizing an estate, to be charged but once on each book,	20	
In addition to the above fees, each judge of probate shall		
be allowed one hundred dollars per annum, to be paid		
quarterly, out of the county treasury.		

SEC. 4. The fees of the clerk of the supreme court shall be as follows:

Fees of clerk  
of supreme  
court.

For every writ of error, or other original writ allowed,	1	50
Affixing the seal of the court to any process, with a certifi-		
cate,	50	
Filing the papers sent at any one time from a district court,	50	
Filing each paper in a cause, other than from a district		
court,	20	
Entering cause on the docket,	50	
Entering appearance or default of parties,	50	
Entering each motion in cause,	25	
Entering each rule or order,	75	



<b>CHAPTER 1.</b> Entering a judgment, decree, or sentence, -	\$1 00
Issuing a remitter, mandate or <i>procedendo</i> to a district court, -	1 00
Taxing costs in a cause, -	75
Entering satisfaction on record, -	50
Making a certified copy of any pleading, order, judgment, decree, or other proceeding, filed or of record, for each folio, -	25
Recording opinion of the supreme court, for each folio, -	15

Fees of clerk of district court. SEC. 5. The fees of the clerks of the district court shall be as follows:

For issuing and sealing any writ of summons, attachment, replevin, <i>certiorari</i> , <i>habeas corpus</i> , mandamus, or other original writ, (except a subpoena,) -	1 00
Issuing a warrant of arrest, -	1 00
Issuing a subpoena for one person as a witness, -	25
For each additional person named, -	10
Issuing an execution, -	1 00
Filing complaint, answer, demurrer, or any other pleading or paper, -	15
Entering cause on docket, to be charged but once, -	25
Docketing appeal from justice of the peace, -	50
Entering each writ, -	25
Entering sheriff's return on each writ, -	20
Entering appearance of either party, personally or by attorney, -	25
Entering a continuance, discontinuance, or nonsuit, -	50
Entering judgment upon an issue of fact or law, or report of referees; judgment by default, or confession, or satisfaction of a judgment, -	75
Entering a motion, -	25
Entering a special rule, recognizance, discharge of recognizance, surrender of bail by principal, order cancelling bail-bond or undertaking, rule of reference, report of referees, and notice of appeal to supreme court, -	75
Writ of venire for jury charged in each cause, -	50
Receiving panel and swearing jury, -	50
Entering jury on docket, -	25
Receiving and entering verdict, -	50
Swearing each witness, -	25
Entering claim of each witness for attendance, and giving order to him, -	25
Taxing costs in a cause, -	50
Entering allowance of a writ of error, <i>certiorari</i> , or appeal, -	50
Taking and approving bond or undertaking on writ of error, <i>certiorari</i> or appeal, -	75
Taking and approving bond or undertaking in other cases, -	50
For certificate with seal, -	1 00
Making up a record of the proceedings or judgment roll, for each folio, -	20
Making copies of any process, pleadings, records or proceedings in a cause, for each folio, -	20

Entering a decree in chancery, for each folio, -	25	<b>CHAPTER 1.</b>
Taking depositions, for each folio, -	25	
Issuing a commission to take testimony, -	2 00	
Entering an order to advertise, -	50	
Filing a declaration of intention to become a citizen of the United States, -	1 00	
Making a certified copy of such declaration, under seal of court, -	1 00	
Entering final admission of aliens to rights of citizenship, -	1 00	
Making certified copy thereof, under seal of court, -	1 00	

SEC. 6. The fees of coroners shall be as follows:

Holding an inquest upon dead body, (besides mileage,) -	5 00	Fees of coroners.
Drawing all necessary writings, for each folio, -	25	
For all services rendered by them, the same fees as are herein allowed to sheriffs for similar services.		

SEC. 7. The fees of sheriffs shall be as follows:

For the service of a writ of summons, attachment, replevin, or other original writ, (except subpoenas for witnesses,) on each defendant, -	1 00	Fees of sheriffs.
Serving a writ of execution on real or personal property, -	1 00	
Arresting a defendant upon civil or criminal process, -	1 50	
Committing to prison or discharging therefrom, or attending a person before a judge or court, -	2 00	
Executing a sentence of death, -	50 00	
Serving a writ of possession, -	3 00	
Serving a writ of possession, with the power of the county, -	8 00	
Executing and returning a writ of inquiry, or appraisal of property, -	3 00	
Serving and returning a subpoena, for each person named, -	50	
Serving and returning any order of court, on each person, -	1 00	
Drawing and accepting any bail-bond, or undertaking, -	2 00	
Making and delivering a copy of any writ or process necessary to complete a service, for each folio, -	25	
Summoning a grand and trial jury, for each panel, (besides mileage,) to be paid out of county treasury, -	15 00	
Summoning a jury in other cases, required by law, (besides mileage,) -	8 00	
Calling a jury in each case, -	50	
Per centage on all moneys actually made and paid to the sheriff on execution, order, decree, or sale of property under one thousand dollars, -	05	
Per centage on all sums over one thousand dollars, -	02	
Making a deed of land sold on execution, decree, or order of court, to be paid by the grantee, -	4 00	
Giving notice of any general or special election, (besides mileage,) to be paid by the county, -	3 00	
Serving notice on each judge of election, (besides mileage,) to be paid by the county, -	50	
For each day's attendance on any court of record, -	3 00	

CHAPTER 1. For any service which may be rendered by a constable, the same fees as are allowed by law for such services to a constable.

For conveying a prisoner under sentence to the penitentiary and delivering him to the warden or keeper thereof, five dollars per day, (besides mileage for himself and prisoner,) for the time actually employed, to be paid out of the territorial treasury.

Fees of justice.

SEC. 8. The fees of justices of the peace shall be as follows:

Issuing a summons, or warrant of arrest in a civil or criminal case,	\$ 50
Issuing a subpoena for one witness,	25
For every additional witness named therein,	10
Issuing writs of attachment or replevin,	75
Issuing any execution,	50
Issuing a venire for a jury,	75
Issuing a writ of restitution,	75
Issuing any search warrant,	75
Warrant of commitment to jail,	75
Taking a bail-bond, recognizance, or other undertaking,	75
Entering amicable suit on docket,	50
Entering any other suit on docket,	25
Entering an adjournment at the request of either party,	50
Entering a rule of reference,	50
Entering a judgment by confession or default,	50
Entering a judgment upon trial,	1 00
Entering a discontinuance, or satisfaction,	50
Entering an appeal and certifying the same, or a <i>certiorari</i> to district court,	1 00
Swearing each witness, juror, or arbitrator,	10
Opening a judgment for re-hearing,	50
Making any order not herein provided,	25
Filing each paper required by law to be filed,	25
Taxing costs of suit,	50
Taking an affidavit,	50
Taking an acknowledgment of a deed or other instrument in writing, with a certificate thereof,	1 00
Taking any deposition, or examination, for each folio,	25
Making a certified copy of any proceedings had before him, for each folio,	25
Performing a marriage ceremony and making return, (exclusive of mileage,)	5 00
Attending with clerk of commissioners at the opening of poll-books of election, for each day, (exclusive of mileage,)	3 00

Fees of constables.

SEC. 9. The fees of constables shall be as follows:

Serving a summons,	75
Serving a warrant by arresting a defendant,	1 00
Committing defendant to prison,	1 00
Serving a writ of attachment or replevin,	1 00
Serving a writ of execution,	1 00

Executing writ of restitution,	\$1 00	CHAPTER 1.
Serving a subpoena, or notice,	50	
For copy of a summons, or notice,	25	
Summoning a jury,	2 00	
Attending the same on trial,	75	
Taking bond or other security when required by law,	1 00	
Advertising and selling property,	1 50	
Advertising without selling,	1 00	
Return of execution when no levy is made,	50	
Per centage on all sums collected by execution or other process, and paid over, ten per centum, summoning jury on dead body,	2 00	

SEC. 10. The fees of recorders of deeds shall be as follows:

Recording a deed, mortgage or contract, required by law to be recorded, for each folio,	25	Fees of recorder of deeds.
Recording a town plat, for each lot such plat may contain	05	
Recording plat of survey, for each course such survey may contain,	05	
Recording description of stock marks,	50	
Recording any receipt, required by law to be recorded,	25	
Recording any certificate of marriage,	1 00	
Recording bond of any county officer, or any similar bond,	50	
Recording each certificate of election, or appointment to office,	50	
Recording any instrument less than one folio,	50	
For every certificate and seal,	25	
Making copies of any record or paper, for each folio,	20	
Filing each paper required by law to be filed,	20	

SEC. 11. The fees of county auditors shall be as follows:

Making out assessment or census roll, and delivering the same to county assessor, for each quire such roll may contain,	10 00	Fees of county auditors.
Making out original tax duplicate, for each folio, counting two figures as one word,	25	
Making out exhibit of receipts and expenditures of county for past year, for each folio, counting two figures as one word,	25	
Making settlement of his, or another person's account with the county,	50	
Filing any paper, exhibit or document required by law to be filed in his office,	10	
Making certified copy of any proceeding in his office, for each folio,	20	

SEC. 12. The clerks of the several boards of commissioners shall receive the following fees:

For each day's attendance at a regular or special session of the board of commissioners,	3 00	Fees of clerks of commissioners.
Recording the proceedings of the board for each folio,	25	
For each order drawn on the county treasurer,	10	
For each certified copy of any order of the board,	50	



CHAPTER 1.			
Making out any appointment in pursuance of an order of the	\$	cts.	
board,	-	-	50
For drawing each receipt,	-	-	10
Each notice of a general or special election delivered to a sheriff,	-	-	50
Opening and examining election returns, and making abstract of votes, and copies thereof for each day,	-	-	3 00
For each certificate of election,	-	-	25
For each order for a view of road,	-	-	1 00
Taking bond from a county officer, or from any person required by law to give bond to commissioners,	-	-	1 00
Taking and certifying any oath of a county officer, or other person,	-	-	50
Administering an oath,	-	-	25
For each deed executed by county commissioners to purchasers of county property,	-	-	2 00
For each poll-book delivered to a sheriff, or judges of election,	-	-	1 00
Issuing a license under seal, to keep a grocery, ferry, or to peddlers, showmen or any other person,	-	-	1 00
Entering grant of license on record,	-	-	25
Issuing any writ ordered by the board, or required by law,	-	-	50
Drawing and certifying each list of grand or trial jurors,	-	-	1 00
Filing a bond, receipt, bill, order, appointment, resignation, report, deed, affidavit or other paper, required by law to be put on file,	-	-	10
Reading and entering a petition to view a road, (to be paid by the petitioner,)	-	-	50
Reading and entering a remonstrance against the same, or petition for damages, (to be paid by person making the same,)	-	-	50
Entering appointment of road viewers,	-	-	50
Reading and entering report of road viewers,	-	-	50
Making a settlement of his accounts, or those of any other person with the county,	-	-	50
Notifying each justice of the peace, to attend the opening and examination of election returns,	-	-	25
Making a certified copy of commissioners' proceedings, or parts thereof, for each folio,	-	-	20

Fees of jurors.

## SEC. 13. The fees of jurors shall be as follows:

For every day's attendance upon the district court as a grand or trial juror,	-	-	2 00
For every juror sworn in a justice's court or before a sheriff, or other officer, upon a writ of inquiry or otherwise,	-	-	1 00
Each juror sworn upon a coroner's inquest,	-	-	2 00
For each talisman acting as a juror, the same amount per day, as jurors regularly summoned.	-	-	

Fees of witnesses.

## SEC. 14. The fees of witnesses shall be as follows:

For each day's attendance before the district court,	-	-	1 50
For each day's attendance before a justice of the peace, arbitrators, referees, sheriff, coroner or other officer,	-	-	1 00

SEC. 15. Every commissioner authorized to take depositions, shall be entitled to receive the same fees, as are allowed to justices of the peace for the same services.

## SEC. 16. The fees of notaries public shall be as follows:

For every protest of a bill of exchange, or promissory note,	1 00
Attesting any instrument of writing, and seal,	1 00
Noting a bill of exchange or promissory note, for non-acceptance or non-payment,	1 00
Registering protest of bill of exchange, or promissory note,	1 00
Certifying an affidavit, and all other certificates under seal,	1 00
Taking the acknowledgment of any deed, or other instrument in writing,	1 00
Drawing an affidavit and administering an oath thereon,	1 00
Drawing and taking proof of any legal instrument, each folio,	25
Taking depositions for each folio,	25
For administering an oath or affirmation,	50

SEC. 17. All appraisers of property, taken on a writ of attachment or replevin, persons appointed to assign dower, or make partition of real estate, and all other private persons performing any like services, required by law, or in the execution of legal process, where no express provision is made for compensation, shall be entitled to one dollar and a half for each day so employed, and mileage going and returning, at the rate of ten cents for each mile.

SEC. 18. Each county commissioner shall be entitled to receive four dollars per day, for every day necessarily employed in transacting the business of the county, and mileage; any thing in the act relating to county commissioners, passed January, 1854, to the contrary notwithstanding.

SEC. 19. Every coroner, sheriff, constable, juror and witness, and every other officer and person mentioned in this chapter, who shall be required to travel, in order to execute or perform any public duty, in addition to the fees hereinbefore limited and declared, shall be entitled to mileage, at the rate of ten cents for each mile actually travelled, in going to and returning from the place where the service is performed.

SEC. 20. Mileage for any service by sheriffs and constables, shall in all cases, be computed from the court-house, or place of holding court in the county in which the officer performing the service resides. But when two or more persons named in the same writ or process, live in the same direction, mileage fees shall be charged only from the farthest.

SEC. 21. In the counties of Jackson and Coos, the officers mentioned in this chapter, and all other county officers therein, shall be entitled to fifty per cent. additional fees, prescribed by law for officers in the other counties of this territory; but this section shall not be so construed as to increase the fees for mileage in any case, nor the amount of one hundred dollars to be paid judges of probate out of the county treasury.

SEC. 22. When any service shall be performed by any officer of the district court, for which no compensation is provided in this

CHAPTER 1.  
Fees of commissioners to take testimony.  
Fees of notaries public.

Fees of appraisers and others.

Fees of county commissioners.

Mileage for sheriff, &c.

How computed.

Additional fees for Jackson and Coos.

CHAPTER 1. chapter, he shall be entitled to such fee as the court in which the service is performed shall determine. When the same is performed by any officer or person not in any district court, such compensation shall be determined by the board of commissioners of the proper county.

Term "folio." SEC. 23. The term "folio," when used as a measure for computing fees or compensation, shall be construed to mean one hundred words, counting every two figures as one word, and every portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be any excess over the last folio, shall be computed as a folio.

Officer to publish list of his fees. SEC. 24. Every officer, whose fees are hereinbefore ascertained and limited, shall publish, and set up in some conspicuous place in his office, a fair table of his fees, for the inspection of all persons interested, and a failure or neglect to do so, shall subject the officer so failing or neglecting, to pay a fine of three dollars, for each day that the same shall not be put up, which fine shall be recovered by a civil action, before a justice of the peace, for the use of the proper county.

Allowance of fees herein, when not to apply. SEC. 25. The allowance of any fees by this chapter, shall not apply to any case where special provision is otherwise made by law for any particular service, but the fees for such service shall be such as are provided by the statute requiring the service, or providing the compensation therefor.

No officer to receive greater fees than herein allowed. SEC. 26. No judge, justice of the peace, sheriff, constable, clerk, or other officer mentioned in this chapter, to whom any fees or compensation shall be allowed by law for any service, shall take or receive any greater fee or reward for such service, but such as is, or shall be allowed by the laws of this territory.

fb. Violation a misdemeanor. SEC. 27. A violation of the last section shall be deemed a misdemeanor, and the person guilty shall, upon conviction before a justice of the peace, be fined twenty-five dollars for each illegal fee so taken, one half to be paid to the person suing therefor, and the other half into the county treasury.

Receipt for fees, when to be given. SEC. 28. Every officer, upon receiving any fees for any official duty or service shall, if required by the person paying the same, make out and deliver to such person a particular account of such fees, specifying for what they respectively accrued, and shall receipt the same; and if he neglect or refuse, he shall be liable to pay the party aggrieved twenty-five dollars, to be recovered before a justice of the peace.

Fees due witness how entered. SEC. 29. The clerk of any court of record, shall, on the application of any witness, to have his fees allowed, enter in his fee book, under the style of the cause in which the witness was summoned or recognized, the name of the witness, the number of days he has attended, and the number of miles he had necessarily to travel in consequence of the summons or recognizance, and shall swear the witness to the statement contained in the entry, and witnesses shall claim their attendance at each term of court, as they attend, and not afterwards.

SEC. 30. This act shall take effect and be in force from and after its passage.

Passed January 30th, 1854.

# AN ACT RELATING TO ROADS AND FERRIES.

TITLE 1.

## CHAPTER I.

### ROADS AND FERRIES.

- TITLE I. *Of Locating County Roads.*  
 TITLE II. *Of Locating Private Ways.*  
 TITLE III. *Of the Manner of Locating Territorial Roads.*  
 TITLE IV. *Of Road Supervisors, and their Duties.*  
 TITLE V. *Of the Regulation of Ferries.*

### TITLE I.

#### *Of Locating County Roads.*

- SEC. 1. All county roads under supervision of commissioners.  
 2. Application for laying out, altering, &c., roads, to be by petition.  
 3. Proof of notice to accompany petition.  
 4. Viewers when and how to be appointed; order of commissioners to viewers.  
 5. Viewers when to meet; oath of, &c.  
 6. Report of viewers, what to contain; proceedings of commissioners on report.  
 7. Petition for review; commissioners when to grant petition.  
 8. Report of reviewers to be conclusive.  
 9. When person conceiving himself to be injured, may complain; commissioners to appoint persons to assess damages.  
 10. Commissioners may order damages so assessed to be paid, or refuse to establish road.  
 11. When appeal may be made from assessment to district court; appeal how tried.  
 12. When commissioner may order road to be laid out; surveyor how to proceed; return of survey; allowance to surveyor and assistants.  
 13. Return of surveyor to be recorded; width of road.  
 14. Proceedings when beginning or corner of road becomes uncertain.  
 15. Petition of land-owner to turn road through other part of his lands; viewers when to be appointed; their report; petition when to be allowed.  
 16. Compensation of viewers; liability for neglect.  
 17. Bond required of petitioners before view or review given.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all county roads shall be under the supervision of the board of county commissioners of the county, wherein the said roads are located, and no county road shall be hereafter established, nor shall any such road be altered or vacated in any county in this territory, except by the authority of the board of county commissioners of the proper county.

Roads under supervision of commissioners.

SEC. 2. All application for laying out, altering, or vacating county roads, shall be by petition to the board of county commissioners of the proper county, signed by at least twelve householders of the county, residing in the vicinity where said road is to be laid out, altered or vacated, which petition shall specify the place of beginning, the intermediate points, if any, and the place of termination of said road.

Applications for laying out, &c.

SEC. 3. When any petition shall be presented for the action of the said board, for the laying out, alteration, or vacation of any county road, it shall be accompanied by satisfactory proof that notice has been given by advertisement posted up at the place of holding the county commissioner's court, and also in three public places in the vicinity of said road, or proposed road, thirty days

fb. To be accompanied with proof of notice



**TITLE 1.** previous to the presentation of said petition to the board, notifying all persons concerned, that application will be made to the said board at their session, for laying out, altering, or vacating such road (as the case may be).

Viewers.

**SEC. 4.** Upon the presentation of such petition and proof that notice has been given as provided in the last section, the board of commissioners shall appoint three disinterested householders of the county as viewers of said road, and shall issue an order directing said viewers to proceed on a day named in such order, or on their failing to meet on that day within five days thereafter, to view and lay out, alter or vacate such road.

**Ob. When to meet, oath, &c.**

**SEC. 5.** The viewers so appointed, after receiving at least five days' previous notice, from one of the petitioners, shall meet at the time and place specified in the order of the commissioners, or within five days thereafter, and after taking an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to discharge the duties of their appointment, shall forthwith proceed to view the road proposed to be vacated, or to view, select and mark said road as proposed to be laid out, or altered, according to the prayer of the petitioners, or as near the same as in their opinion a good road can be made, at a reasonable expense, taking into consideration the utility, convenience and inconvenience, and expense which will result to individuals as well as to the public, if such road shall be established or altered.

**Report of viewers.**

**SEC. 6.** The viewers or a majority of them, after having examined or viewed the road proposed to be laid out, altered or vacated, as prescribed in the last section, shall report in writing to the board of commissioners at their next regular session, stating the general face of the country, over which the said road passes, its general necessity and utility, and whether in their opinion said road should be laid out, altered or vacated as prayed for by the petitioners; and if the said viewers, or a majority of them, shall report unfavorably, the said road shall not be laid out, altered or vacated. If such report shall be favorable, it shall be the duty of said commissioners to cause the same to be publicly read, on two different days of the same meeting, and then laid over until their next regular session, and if no application shall be made to them for a review, or alteration of said road, or petition for damages, between the first day of the session at which the report is made, and the second day of their next regular session, the report of the viewers shall be confirmed and adopted.

**Petition for review.**

**SEC. 7.** When the viewers shall have reported in favor of the prayer of the petitioners, as provided in the preceding section; it shall be lawful for any householder of the county, at any time before such report shall be confirmed and adopted, to apply to the commissioners for a review of said road, by petition signed by at least twelve householders residing in the vicinity of such road, or proposed road, and the commissioners shall, on such petition being presented, and they satisfied that it was just and reasonable, appoint five disinterested householders of the county, to review said road, and shall issue an order to said viewers, directing them to proceed on a day named in such order, or within five days thereafter, to review the same and report thereon.

**SEC. 8.** The viewers so appointed to review such road, or a majority of them, after having received at least five days' previous notice by one of the petitioners for the review, and after taking an oath or affirmation, as prescribed in section five, shall proceed to examine the road or proposed road, viewed by the former viewers, and shall make a report in writing to the board of commissioners at their next regular session, stating their opinion in favor of or against such road, and their reasons for the same; and if the viewers, or a majority of them, be in favor of laying out, altering or vacating such road, as recommended by the former viewers, such report shall be adopted and confirmed by the commissioners, at the same session at which it was received; but if such report be against laying out, altering or vacating such road as recommended by the former viewers, no further proceedings shall be had thereon before the commissioners.

**SEC. 9.** If any person, through whose lands any county road may be viewed and marked out, shall feel that he would be injured by the opening of the same, such person may make complaint thereof in writing, to the board of county commissioners, at any time after the report of the viewers, appointed to review said road, is received, and before the second day of the next regular session of the commissioners; and if such complaint be made, the commissioners shall appoint three disinterested householders of the county, who shall meet at such time as may be designated by the commissioners, or at such time as may be agreed upon by such householders, and after having been duly sworn or affirmed to discharge their duty faithfully and impartially, shall proceed and view said proposed road the whole distance through the premises of the complainant, and assess and determine how much less valuable such premises of the complainant would be rendered by the opening of said road, and they shall report the same in writing to the commissioners, at their next regular meeting thereafter.

**SEC. 10.** If the commissioners be satisfied that the amount of damages so assessed and determined, is just and equitable, and that the proposed road will be of sufficient importance to the public to cause the damages so assessed and determined to be paid by the county, they shall order the same to be paid to the complainant, out of the county treasury; but if, in their opinion, such proposed road is not of sufficient importance to the public, to cause such damages to be paid by the county, they may refuse to establish the same, as a public highway, unless the expenses or damages, or such part thereof as the commissioners may think proper, shall be paid by the petitioners.

**SEC. 11.** Any complainant, who may conceive himself aggrieved by the assessment of damages as prescribed by the last two sections, may, within twenty days after such report is adopted by the commissioners, appeal therefrom to the district court of the proper county, such appeal shall be tried in the district court, in the same manner as appeals from justices of the peace, and if the appellant shall fail to recover a judgment more favorable than the report appealed from, he shall pay all costs of the appeal.

**SEC. 12.** When the report of the viewers appointed to view and lay out, alter or vacate any road shall be confirmed and adopted,

**TITLE 1.**  
**Ob. Report of viewers.**

Provision in case of person conceiving himself aggrieved.

When commissioners may order damages assessed to be paid, or refuse to establish road.

Appeal to district court.

When commissioners to order