

**TITLE 1.**  
Failing to qualify. SEC. 21. If any person elected to an office, provided for by this act, shall fail to qualify in thirty days after his appointment or election, the office shall be deemed vacant, and it shall be competent for the governor to fill the same by appointment.

*Passed February 2d, 1854.*

AN ACT RELATING TO THE GRANTING OF LICENSES TO SELL SPIRITUOUS LIQUORS, AND TO THE LICENSING OF BILLIARD TABLES, BALL ALLEYS AND PEDLERS.

## CHAPTER I.

SPIRITUOUS LIQUORS, BILLIARD TABLES, &c.

**TITLE I.** *Of Spirituous Liquors.*

**TITLE II.** *Of Billiard Tables and Ball Alleys.*

**TITLE III.** *Of Pedlers.*

### TITLE I.

#### *Of Spirituous Liquors.*

- SEC. 1. License to sell spirituous liquors, how obtained.  
2. Price of grocery license.  
3. Commissioners to grant license on receipt of treasurer.  
4. Bond of applicant to be filed.  
5. Liquor not to be sold on Sunday.  
6. Fine for selling without license, appropriated to schools.  
7. Certain officers to complain of unlicensed groceries.  
8. Clerk to deliver to grand jury list of licensed persons.  
9. Duty of grand jury to indict unlicensed persons.

**SEC. 1.** *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That no person shall be permitted to sell spirituous liquors in this territory by less measure than one quart, without having obtained a license from the board of county commissioners of the proper county for that purpose.

**SEC. 2.** Every person applying for a grocery license to sell spirituous liquors in a less quantity than a quart, shall pay into the county treasury, the sum of one hundred dollars per annum, and in the same proportion for a less period; *Provided* that no license shall be granted for a less period than six months.

**SEC. 3.** On the applicant producing to the county commissioners the receipt of the county treasurer for the payment of the sum fixed in the preceding section, they shall give him a license for the term his receipt may call for.

**SEC. 4.** Every person applying for a license to sell spirituous liquors in a less quantity than one quart, before receiving the same, shall execute to the board of county commissions of the proper county, a bond in the penal sum of five hundred dollars, with two or more sufficient sureties, conditioned that he will keep an orderly house, and that he will not permit any unlawful gaming or riotous conduct in or about his house; and in case of a violation of the foregoing conditions by any person giving such bond, he shall be

liable to pay a fine of not less than ten, nor more than fifty dollars for any such violation; the same to be for the use of the common schools of the county in which the offence was committed, to be recovered in a civil action, as hereinafter prescribed; and the bond so given as aforesaid by such person, shall also be liable to be prosecuted as hereinafter prescribed, for any violation of its conditions.

**SEC. 5.** No person shall keep open any house or room in which intoxicating liquor is kept for retail, on the first day of the week commonly called Sunday, or give or sell, or otherwise dispose of intoxicating liquors on that day; any person violating the section shall be fined in any sum not exceeding twenty-five, nor less than ten dollars for each offence; and such fine to be for the use of common schools in the county in which the offence was committed; *Provided*, that this section, so far as it prohibits keeping open a house or room, shall not apply to tavern-keepers.

**SEC. 6.** If any person or persons shall barter, sell or dispose of in any manner any spirituous liquors without having first obtained a license agreeably to the provisions of this chapter, he shall, upon conviction thereof, by indictment, in any court having jurisdiction of the same, be fined in any sum not exceeding two hundred, nor less than fifty dollars, for the use of common schools in the county where the offence shall have been committed; and upon failure to pay the fine so assessed, shall be confined in the county jail one day for every two dollars thereof, until said fine be discharged.

**SEC. 7.** And it is hereby made the duty of the prosecuting attorney, sheriffs, constables and justices of the peace, knowing of any violation of the provisions of this chapter, to make complaint thereof to the grand jury at the next session of the district court of the county in which the offence may have been committed after said violation; and the moneys collected on such judgment, except taxable costs, shall be paid to the treasurer of the proper county, for the use of the common schools therein. It shall also be the duty of the clerk of the board of county commissioners to prosecute the bond given by such applicant, as is required by the fourth section of this chapter, for any violation of its conditions.

**SEC. 8.** Every clerk of the board of county commissioners shall, on the first day of the term of each district court, deliver to the grand jury an accurate list of all persons holding licenses under the provisions of this chapter, within the county, which list shall show the date and expiration of each license.

**SEC. 9.** It shall be the duty of the grand jury at each and every term of the district court in any county in this territory, to make a strict inquiry, and return bills of indictment against every person violating any of the provisions of this chapter.

### TITLE II.

#### *Of Billiard Tables and Ball Alleys.*

- SEC. 10.** No person to keep billiard table without license.  
11. License how obtained.  
12. Tax on billiard saloons.  
13. Penalty for violating previous sections; fines appropriated common schools.

**SEC. 10.** No person shall be permitted to keep a billiard table or

**TITLE 2.**

Not to sell on Sunday.

Penalty for selling without license.

Certain officers to complain of unlicensed groceries.

Fines. Appropriated schools.

List of licenses to grand jury.

Duty of jury to indict unlicensed persons.

License.

**TITLE 3.** ball alley to let for hire, without obtaining a license from the board of county commissioners of the proper county for that purpose.

**How obtained.** SEC. 11. Any person wishing to keep a ball alley (commonly called a nine-pin alley) or ball alleys, provided that they are all kept in the same room, shall pay into the county treasury the sum of fifty dollars per annum, and at the same rate for a shorter period; *Provided*, that no license shall be granted for a shorter period than six months. Upon the production of the receipt of the county treasurer by the applicant for the required sum, the county commissioners shall grant said applicant a license for the term to which his receipt may entitle him.

**Tax on billiard saloons.** SEC. 12. Any person wishing to keep a billiard saloon, or billiard table or billiard tables, providing all said tables are kept in the same room, shall pay into the county treasury the sum of fifty dollars per annum, and at the same rate for a shorter period, provided that no license shall be granted for a shorter period than six months; and upon the applicant producing to the county commissioners the receipt for the required sum, they shall grant said applicant a license for the term to which his receipt may entitle him.

**Penalty for violating prior sections.** SEC. 13. If any person shall violate the provisions of any of the three preceding sections, he shall be liable to indictment in the same manner as for a violation of the license law relating to spirituous liquors, and shall be subject to the same punishment; and all fines when collected, shall be appropriated in the same way; and it is hereby made the duty of the prosecuting attorney, sheriffs and justices of the peace, to make complaint to the grand jury of the violation of said provisions.

### TITLE III.

#### *Of Pedlers.*

SEC. 14. Pedlers must obtain license; penalty for peddling without.  
15. Pedler when entitled to license.  
16. Act when to take effect.

**License.** SEC. 14. No pedler shall be permitted hereafter to vend, sell or retail at private sale, any goods, wares and merchandise, without first having obtained a license for that purpose from the county commissioners of the county in which said pedler may intend to offer said goods for sale, and paying such sum as said commissioners shall assess, not less than ten nor more than two hundred dollars per annum, or at the same rate for a shorter period; and if any person or persons shall peddle any goods, wares or merchandise within any county in this territory, without first having obtained a license for that purpose, such person or persons so offending shall forfeit and pay any sum not exceeding two hundred, nor less than fifty dollars, to be recovered by action at law, in the name of the county commissioners of the proper county, for the use of said county, before any justice of the peace, or any court of record, having jurisdiction thereof.

**When entitled to license.** SEC. 15. No person or persons applying for a license or permit, shall be entitled to the same, until he or they shall file with the

clerk of the board of county commissioners a receipt from the county treasurer, for the amount ordered to be paid by such applicant or applicants, agreeably to the provisions of this chapter. **CHAPTER 2.**

SEC. 16. 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 18th, 1854.*

### AN ACT PROVIDING FOR THE APPOINTMENT OF A LIBRARIAN, AND DEFINING HIS DUTIES.

## CHAPTER I.

### APPOINTMENT OF A LIBRARIAN.

- SEC. 1. Election of librarian, term of office, residence and bond.  
2. Librarian, what to have charge of.  
3. To provide a library room.  
4. Library, at what hours to be kept open.  
5. As to who may draw books.  
6. When to be kept open for citizens; governor may prescribe rules.  
7. Salary of librarian, how paid.  
8. Librarian to make annual report to legislative assembly.  
9. Act when to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That there shall be elected annually by the legislative assembly, a librarian, who shall reside at the seat of government, and shall give bond to the secretary of the territory, with sufficient surety, to be approved by said secretary, in the sum of five thousand dollars, conditioned impartially and faithfully to perform the duties of his office. **Election. Residence. Bond, &c.**

SEC. 2. Said librarian shall have the custody and direction of all books, papers, maps, charts, engravings, paintings and all other things properly belonging or appertaining to the library of the territory, and shall take especial care that none of them be lost or injured. **What to have charge of.**

SEC. 3. He shall provide at the seat of government, and as convenient as may be to the rooms occupied by the legislative assembly, a proper room for the safe keeping of said library, and all things appertaining thereto which shall be intrusted to his care. **To provide library room.**

SEC. 4. The library shall be kept open during the sessions of the legislative assembly and the supreme court, from the hour of nine A. M. to nine P. M. of each day. **Library when to be open.**

SEC. 5. No person shall be allowed to remove a book from the library, except the federal officers of the territory, members of the legislative assembly, during the session thereof, and members of the bar during the sessions of courts, who shall, on taking any book from said library, be required to give receipt therefor. **Who may draw books.**

SEC. 6. The library shall be open at all reasonable times for the free admission of all citizens of this territory, and the governor is hereby authorized to prescribe such further rules, not inconsistent with the provisions of this act, for the care and conduct of said library, as the public good may require. **When to be open for citizens. Governor may prescribe rules.**



**CHAPTER 1.** SEC. 7. The librarian shall annually receive for his services, the sum of two hundred and fifty dollars, payable quarterly by the secretary of the territory, out of the fund appropriated by Congress to defray the expenses of the legislative assembly.

**Report.** SEC. 8. The librarian shall annually report to the legislative assembly, within ten days after the commencement of each regular session, a detailed statement of the condition of said library, a catalogue of the books, and the incidental expenses incurred in the custody of the same.

**Act when to take effect.** SEC. 9. This act to be in force from and after its passage.

*Passed January 31st, 1854.*

#### AN ACT TO TAKE THE SENSE OF PEOPLE RELATIVE TO THE FORMATION OF A STATE CONSTITUTION.

- SEC. 1. Polls for reception of votes for and against, when to be opened.  
 2. Duty of judge and clerk of election.  
 3. Ballots what to state.  
 4. Vote how to be taken, certified and canvassed.  
 5. Secretary of territory when to make and publish abstract; delegates when to be chosen.  
 6. Number of delegates to each county: proviso.  
 7. Delegates how elected.  
 8. When and where to meet.  
 9. Their compensation.  
 10. Constitution framed by to be submitted, when.

**Poll when to be opened.** SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That for the purpose of taking the sense of the people of the territory, upon the formation of a state government, a poll shall be opened at the general election, to be held on the first Monday of June next, for the reception of votes for and against a convention.

**Duty of judges and clerks of election.** SEC. 2. That it shall be the duty of the judges and clerks of elections at each and every precinct within the several counties of the territory, to prepare separate columns, in which shall be entered the votes for and against a convention.

**Ballots.** SEC. 3. That each qualified voter shall be at liberty to place on his ballot, at said general election, the words—"for a convention," or, "against a convention," according to their desire to vote.

**Votes, how taken, &c.** SEC. 4. The vote for and against a convention shall be taken, certified and canvassed in the same manner and under like regulations, as by law is provided for the vote for members of the territorial legislature.

**Abstract of secretary of territory.** SEC. 5. That within twenty days after the vote shall be canvassed in manner aforesaid, it shall be the duty of the secretary of the territory, to make out an abstract of the vote from the several counties, for and against a convention, together with a certificate of the final result of the whole vote, and cause the same to be published in the newspaper authorized by law to do the territorial printing; and if by such abstract and certificate, published as aforesaid, it shall appear that a majority of all the votes cast for and against a convention, shall have been cast for a convention, then, in that case, an election shall be held in the several counties

of the territory, on the first Monday of September following, for the election of delegates to form a constitution and state government. **CHAPTER 1.**

SEC. 6. Each county shall be entitled to elect twice as many delegates to such convention as such county has representatives in the legislative assembly; *provided*, that in addition to the number of delegates so authorized to be elected, each county attached to another, for the purpose of electing a representative or representatives, shall be entitled to elect one delegate. **Number of delegates.**

SEC. 7. That the election of delegates to the convention shall be conducted, held, canvassed, and certified in the same manner and under like regulations as elections of members of the legislative assembly. **Proviso.**

SEC. 8. That it shall be the duty of the delegates elected as aforesaid, to meet at the seat of government of the territory, on the first Monday in February, following the election of delegates, and proceed to the formation of a state constitution. **Delegates how elected.**

SEC. 9. The delegates to said convention shall be allowed such compensation as shall be hereafter allowed by law, or appropriated by congress for such payment. **When to meet.**

SEC. 10. That the constitution which shall be framed by the convention herein provided for, before taking effect, shall be submitted for adoption, to a vote of the qualified electors within the boundaries of the proposed state, at such time as shall be provided for by the constitution. **Their compensation.**

*Passed January 24th, 1854.*

#### AN ACT TO REPEAL ALL ACTS HERETOFORE PASSED, WITH CERTAIN EXCEPTIONS.

- SEC. 1. Acts herein repealed.  
 2. Acts not herein repealed.  
 3. Criminal and civil actions heretofore commenced, to be prosecuted as if this act had not been passed.  
 4. Act when to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That all the statutes of a general nature passed or in force before the commencement of the present session of the legislative assembly, except those enumerated in the next section, be and the same are hereby repealed. **Acts repealed.**

SEC. 2. The following acts shall not be repealed by the provisions of the last section, to wit: **Acts not repealed.**

"An act to provide against dangerous and vicious cattle," passed September 13th, 1849;

"An act for the establishing of a pilotage on the Columbia and Wallamet river," passed September 19th, 1849;

"An act fixing the rate of toll for grinding," passed January 9th, 1851;

"An act to provide for the selection of places, for location and erection of the public buildings of the territory of Oregon," passed February 1st, 1851:

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"An act to provide for the selection and location of two townships of land, to aid in the establishment of a university," passed December 17th, 1851;

"An act creating the office of commissioner to control, protect and sell the public lands, donated by Congress to the Territory of Oregon, for the establishment and endowment of a university, and to define his powers and duties," passed January 20th, 1852;

"An act supplementary to an act, entitled an act to provide for the selection of places, for the location and erection of the public buildings of the territory of Oregon," passed January 28th, 1853;

"An act to create a board of commissioners to erect the territorial university and to define their duties," passed January 20th, 1853;

"An act to amend an act to provide for the selection of places, for location and erection of public buildings of the territory of Oregon," passed January 22d, 1853.

"An act to create the office of prosecuting attorney," passed January 26th, 1853; and

"An act authorizing county commissioners to locate land for the benefit of county seats," passed January 31st, 1853.

Provision for criminal and civil actions heretofore commenced.

SEC. 3. All crimes and misdemeanors, committed prior to the time when this act shall take effect, shall be prosecuted and punished in the same manner as if this act had not been passed, and all actions and suits in law or equity, commenced prior to that time, shall be prosecuted to final judgment as though this act had not been passed.

Act when to take effect.

SEC. 4. This act shall take effect and be in force from and after the first day of May next.

*Passed January 30th, 1854.*

# AN ACT FOR THE ESTABLISHING OF A PILOTAGE ON THE COLUMBIA AND WALLAMET RIVERS.

- SEC. 1. Board of commissioners; who to constitute; to examine and appoint pilots; pilot may appoint deputies, subject, &c.; vacancies in board, how filled.
2. Bond of pilot or deputy; condition of, &c.
3. When pilot to take charge of vessel bound into Columbia River.
4. Pilot to keep pilot boats, &c.
5. Commissioners to establish fees of pilots, &c.
6. Penalty for negligence or unskillfulness.
7. When master may pilot his own vessel, &c.
8. Commissioners authorized to remove pilots upon complaint.
9. When consignees liable for pilotage.
10. Where fines, penalties, &c., recovered.
11. When pilot carried out to sea; compensation.
12. Commissioners' compensation; how allowed, and by whom paid.
13. Acts repealed.
14. When act to take effect.

Board of commissioners.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the governor of this territory, John W. Couch, and Nathaniel Crosby, shall constitute a board of commissioners for the purpose of examining candidates for the pilotage of the Columbia River, and appoint one or more suitable persons to be pilots on the

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bar of the Columbia; and also one or more pilots on the Columbia River to the head of navigation on that and the Wallamet Rivers, giving each of said pilots a branch or warrant for the execution of his office, with an authority to appoint deputies in the cases to be specified in such branch or warrant: *Provided*, Each pilot shall report his said deputies for the approbation of the said board of commissioners: *Provided also*, That whenever there shall occur a vacancy in such board of commissioners, such vacancy shall be filled by an appointment made by a majority of their own body.

SEC. 2. Every such pilot and deputy shall, before entering upon the duties of his or their office, give bond with sufficient security to the said board of commissioners, in the sum of five thousand dollars, for the faithful performance of his or their duties in office.

SEC. 3. Every such branch pilot is authorized and directed, by himself or his deputy, to take charge of any vessel bound into the Columbia River, except vessels of less than twenty-five tons burden, engaged in the coasting trade of the territory of Oregon; said pilot first showing his branch or warrant to the master of any such vessel, if required; the authority to take charge having effect upon the presentation of such branch or warrant.

SEC. 4. The pilot or pilots shall always keep such boat or boats to cruise outside the bar, as may be approved as suitable by the power granting such branch or warrant.

SEC. 5. The said board of commissioners are authorized to determine the fees of pilotage, of the pilot or pilots by them appointed, and to specify the same in their respective warrants; and to direct and authorize all arrangements and operations that may be necessary to facilitate the navigation of the Columbia River.

SEC. 6. If any vessel, while under the charge of a branch or warrant pilot or his deputy, shall be lost or run aground, or sustain any damage through the negligence or unskillfulness of such pilot or deputy, such pilot shall be liable both for himself and his deputy, to pay all damages sustained by any person interested in such vessel or her cargo; and may, moreover, be removed from his office.

SEC. 7. Any master of a vessel who may choose to pilot his own vessel from outside the Columbia River bar to Baker's Bay, across said bar, shall be permitted so to do; but he shall, notwithstanding, when bound into the river, pay to such pilot as shall first offer his services outside of Cape Disappointment, or outside of Point Adams, full pilotage, according to the fees specified in his warrant.

SEC. 8. The said board of commissioners are authorized to hear and determine all complaints exhibited against the pilots appointed by them as aforesaid, and their deputies, and to suspend or remove them, and appoint others in their place.

SEC. 9. Should any ship-master omit or refuse to pay the pilotage fees in any instance, when by this law he has become liable, then his consignees shall become liable for the same.

SEC. 10. That all penalties, forfeitures, and complaints incurred under this act, shall be tried and determined in any court of record having cognizance of the same.

SEC. 11. That if a pilot acting under the provisions of this act, shall have boarded any vessel outward bound, and shall be de-



CHAPTER 1. tained on board said vessel, and carried out to sea, or to any foreign port, the officers of such vessel so detaining said pilot, shall be liable to pay the pilot so detained, a compensation equal to the pay of the highest officer on board of said vessel for all the time he shall be so detained from his proper post.

Compensation of commissioners. SEC. 12. The said board of commissioners hereby created, shall be entitled to receive a reasonable and just compensation for their services for the time necessarily spent in the performance of the duties assigned them by this act, not exceeding five dollars each per day; to be paid out of the treasury of the territory, upon a warrant of the auditor, who is hereby required to audit and allow the same.

Certain acts repealed. SEC. 13. All acts or parts of acts in any manner conflicting with the provisions of this, are hereby repealed.

Act when to take effect. SEC. 14. This act to take effect and be in force from and after its passage.

*Passed September 19th, 1849.*

#### AN ACT FIXING THE RATE OF TOLL FOR GRINDING.

SEC. 1. One-eighth of wheat, rye or other grain, ground and bolted; one-tenth, if ground or chopped only; one-seventh of Indian corn.

2. Liability and duty of millers.

3. Frauds punished by fine, for use of schools.

4. Millers exempt from building bridges, but required to give notice to supervisor before digging race, or supervisor empowered to fill up the race.

Rate of tolls. SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the owner or occupier of any grist mills within this territory, shall be entitled to one-eighth part of all wheat, rye or other grain ground and bolted; and one-tenth part of all rye, malt, buck-wheat, or other grains, ground or chopped only; and the one-seventh part of all Indian corn ground in said mill.

Liability and duty of millers. SEC. 2. That the owner or occupier of every mill aforesaid, shall be accountable for the safe keeping of all grains received in said mill, for the purpose of being ground therein, and shall deliver the same when ground and bolted (as the case may be) with the bag or bags, cask or casks, which were delivered in said mill, with the grain, to the owner when called for. *Provided,* that the bag or bags, cask or casks, left as aforesaid, be distinctly marked with the name, mark or brand of the owner or owners thereof: *Provided, also,* that nothing in this act shall be so construed as to charge or make accountable any owner or occupier of any mill, for the loss of any grain, bag or bags, cask or casks, which shall happen by robbery, fire or other accident, without the fault or neglect of such owner or occupier, or that of any other miller employed by such owner or occupier.

Frauds, how punished. SEC. 3. That if the owner or occupier of any mill, their representative, agent or miller, shall take a greater proportionate quantity of toll than is hereinbefore authorized, and be duly convicted thereof before any court having jurisdiction of the same, shall be fined for every such offence in any sum not exceeding fifty dollars, at the discretion of the court, for the use of the com-

mon school fund of the county; and shall, moreover, be liable at CHAPTER 1. the suit of the person injured for damages.

Exemption of millers. SEC. 4. That any person or persons having right to a water-privilege, shall not be required to construct or keep in repair a bridge or bridges, across any race conveying water to or from his or their mill on any road or roads: *Provided,* that the person or persons executing or constructing such race or water-course, shall in all cases, give at least thirty days' notice to the supervisor or overseer of roads having jurisdiction of the same; and on neglect to give such notice, said supervisor or overseer of roads shall have power to fill up or demolish such excavation or construction, at the cost of the person or persons making them.

*Passed the Council, January 1st, 1851.*

*Passed the House of Representatives, January 9th, 1851.*

#### AN ACT TO PROVIDE FOR THE SELECTION OF PLACES FOR LOCATION AND ERECTION OF THE PUBLIC BUILDINGS OF THE TERRITORY OF OREGON.

SEC. 1. Seat of government established at Salem.

2. Penitentiary at Portland.

3. University at Marysville.

4. Commissioner appointed; their duty; bond required of acting commissioner.

5. Duty of acting commissioner; compensation to be hereafter allowed by law.

6. To report to the assembly, annually, account of moneys.

7. Vacancy to be filled by governor, until the next session of assembly.

8. Penitentiary for one hundred convicts.

9. Commissioners appointed; powers defined.

10. Act in force from its passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the seat of government of this territory be, and hereby is, established and located at Salem, in the county of Marion; and each and every session, either general or special, of the legislative assembly of this territory, hereafter convened, shall be held at the said place above named.

Penitentiary at Portland. SEC. 2. The penitentiary, or state or territorial prison of this territory, shall be, and hereby is, located and established at Portland, in the county of Washington.

University at Marysville. SEC. 3. That the university shall be, and hereby is, located and established at Marysville, in the county of Benton; and all appropriations or donations of money or personal property, and all the proceeds of the sale of land, or lands, granted or donated to this territory for the establishment and endowment of a university, shall be applied to the erection of suitable buildings for an endowment of a university at the said place above named.

Commissioners. SEC. 4. That John Force, H. M. Waller, and R. C. Geer, be and are hereby constituted a board of commissioners to superintend the erection of buildings, at the place designated in the first section of this act, as the seat of government; and the said commissioners, or a majority of them, shall agree upon a plan of said buildings, and shall issue proposals, giving two months' notice thereof, and contract for the erection of said buildings without

CHAPTER 1. delay; and the said commissioners shall agree upon one of their number to be acting commissioner; and said acting commissioner shall give bond to the United States in the sum of twenty thousand dollars, to be approved by the governor of this territory, for the faithful performance of his duty; and said bond shall be filed in the office of the secretary of this territory.

Duty of acting commissioner. SEC. 5. It shall be the duty of said acting commissioner to superintend, in person, the rearing and finishing said buildings; and the said acting commissioner shall have power to call the said board of commissioners together, for the purpose of transacting business on this subject; and the said commissioners shall receive such compensation as shall be hereafter allowed by law.

Yb. His report. SEC. 6. The acting commissioner shall annually report to the legislative assembly, a true account of all moneys received and paid out by him.

Vacancies how filled. SEC. 7. If by death, resignation, or any other cause, there shall be a vacancy in said board of commissioners, it shall be the duty of the governor to appoint some person from the district where such vacancy occurred, to perform the duties of such disqualified commissioner: *Provided, however,* That such appointment shall not extend beyond the meeting of the next legislative assembly.

SEC. 8. *And be it further enacted,* That a penitentiary of sufficient capacity to receive, secure and employ one hundred convicts, to be confined in separate cells at night, shall be erected at the place designated in the second section of this act, for the confinement and employment of persons sentenced to imprisonment and hard labor in the penitentiary in this territory.

Commissioners, their powers. SEC. 9. That Daniel H. Lownsdale, Hugh D. O'Bryant, and Lucius B. Hastings, be and are hereby constituted a board of commissioners, to superintend the erection of a penitentiary, at the place designated in the second section of this act, and shall be governed by, and have all the powers, and be subject to all the restrictions contained in sections, four, five, six, and seven of this act, and receive such compensation as may hereafter be allowed by law.

Act in force from its passage. SEC. 10. This act to take effect and be in force, from and after its passage.

*Passed the House of Representatives, January 30th, 1851.*

*Passed the Council, February 1st, 1851.*

# AN ACT TO AMEND AN ACT TO PROVIDE FOR THE SELECTION OF PLACES, FOR LOCATION AND ERECTION OF THE PUBLIC BUILDINGS OF THE TERRITORY OF OREGON.

SEC. 1. Commissioners appointed, constituted a board; each commissioner to give bond; by whom approved; amount thereof; its condition; his oath; when filed. President of said board chosen; his duties and powers; of a quorum for business.

2. Of the first meeting of said board, and proceedings thereat; of publication of notice to receive proposals, and of letting contracts. Bond to be taken of bidders; conditions thereof. If but one bid, proceedings thereon. Duties of president as soon as qualified. Of the payment of money, and orders therefor; drafts for the same; on whom drawn.

SEC. 3. The governor made treasurer of the fund appropriated, &c.; his duties.

4. Compensation of commissioners.

5. Certain sections of former act repealed.

6. Act when to take effect.

CHAPTER 1.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That Eli M. Barnum, Albert W. Ferguson, and Alvis Kimsey, be and they are hereby constituted and appointed a board of commissioners to erect suitable public buildings at the seat of government of this territory. Each of said commissioners shall enter into bond with good and sufficient sureties to the governor, to be approved by him, in the sum of ten thousand dollars, conditioned for the faithful performance of his duty as such commissioner according to law, and also, to take an oath faithfully and impartially to perform his duties, which shall be filed in the office of the secretary of the territory. The said Eli M. Barnum shall be the president of said board, and preside at all meetings thereof; keep accurate minutes of its proceedings, entering all votes, resolutions, and orders of said board; enter into all contracts or agreements authorized to be entered into by the board, and see that they are faithfully executed according to the terms thereof; and do and perform such other duties as shall be assigned him by said board, compatible with his office; and the president may call meetings of said board as often as he shall deem necessary for the transaction of business, giving reasonable notice thereof to the other members, one of whom, with the president, shall form a quorum for business.

SEC. 2. The first meeting of said board shall be held in the town of Salem, at such time as the president of the board shall appoint, at which first meeting they may adopt such rules and regulations for the government of their proceedings, and adjourn from time to time, as they may deem expedient, and proceed to contract for labor and materials necessary to erect said buildings [upon] the site selected by the commissioners named in the act to which this is an amendment, upon such plan and of such materials as they shall agree upon, by giving notice by publication in some newspaper of the territory, for eight successive weeks, that they will receive sealed proposals for the furnishing of the materials, or performance of the work, specified in the notice; and when said commissioners shall let any contract or contracts, they shall let the same to the lowest responsible bidder, in all cases taking bonds, with approved security, for the faithful performance of such contract; and if there shall be but one bidder, the consent of all the commissioners shall be required to enter into contract: *Provided,* that the said president shall, as soon after he shall be qualified in accordance with the provisions of this act as practicable, demand and receive from the former commissioners, all books and papers connected with the business of their office, and all acts, contracts, and proceedings of the former commissioners, shall be observed by the board hereby constituted, and they shall proceed to execute and complete the same, unless they shall deem that the interest of the territory require that they shall be altered, changed or set aside. When any money shall become due on any contract or for any labor or material performed or furnished for said buildings, the

Commissioners.

Bond.

President of board.

Quorum.

First meeting.

Publication for proposals.

Contractor, his bond.

Proviso.

Payment, orders for money.



**CHAPTER 1.** said board shall, if they consider that the same ought to be paid, make an order that the same be allowed and paid, after which order, the president shall draw a draft on the governor for the amount so allowed, in favor of the person to whom such allowance was made, and take the receipt of such person therefor.

**Governor treasurer** SEC. 3. The governor of this territory is hereby declared to be the treasurer of the fund appropriated by the congress of the United States, to be applied to the erection of suitable public buildings at the seat of government, and shall apply for and receive all moneys that are now and may hereafter be appropriated as aforesaid, for the erection of said public buildings, and pay the same on drafts drawn on him by the president of said board as aforesaid, and annually report to the legislative assembly the amount of money so paid.

**Compensation of commissioners.** SEC. 4. Said commissioners shall each receive the sum of five dollars per day, for each and every day necessarily employed in attending to the duties of this appointment.

**Certain sections of former act repealed. Act when to take effect.** SEC. 5. That sections four, five and six, of the act to which this is an amendment, be and the same are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage.

*Passed the Council, January 21st, 1853.*

*Passed the House of Representatives, January 22d, 1853.*

**Buildings how to be completed.** *Resolved by the Legislative Assembly of the Territory of Oregon, That the commissioners elected to superintend the erection of public buildings at the seat of government, be and they are hereby directed to complete the erection of said buildings in the manner as specified in the diagram and drawings accompanying the report of said commissioners, with the exception of using wood instead of stone, for the outer walls of the same; and that the style of architecture shall be that of the Grecian Doric instead of the "Ionic," as proposed by said commissioners.*

*Passed January 30th, 1854.*

#### AN ACT, AUTHORIZING COUNTY COMMISSIONERS TO LOCATE LAND FOR THE BENEFIT OF COUNTY SEATS.

SEC. 1. County commissioners to locate land for county seats; number of acres; report to whom made.

2. When act to take effect.

**Location of county seats, &c.** SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That the county commissioners in each county of this territory, be and are hereby authorized to locate one quarter section of land in their respective counties, for the benefit of county seats, in accordance with an act of Congress, passed May 26, 1824, and report the same to the office of surveyor general.*

SEC. 2. This act shall take effect and be in force from and after its passage.

*Passed the House of Representatives, January 20th, 1853.*

*Passed the Council, January 31st, 1853.*

#### AN ACT TO CREATE A BOARD OF COMMISSIONERS TO ERECT THE TERRITORIAL UNIVERSITY, AND TO DEFINE THEIR DUTIES.

**CHAPTER 1.**

- SEC. 1. Commissioners chosen: university, where erected; proviso.
2. Required to give bond, amount thereof, by whom approved, and when filed.
  3. Place and time for first meeting of board, power to adjourn, majority a quorum; when to elect acting commissioner, his power and duties; no member to be interested in contract, under penalty; how collected.
  4. Board to elect one of their number secretary, his duties; journals, by whom signed; general powers of the board; secretary to subscribe an oath, nature of, and where filed.
  5. Of the duties of said board.
  6. Acts of acting commissioners to be under the control of the board; conditions precedent to contract being entered into; proviso.
  7. Vacancies, how filled; how such appointees to qualify, and their term of office.
  8. Of allowances for services, &c., by the board, of orders therefor, on whom drawn, by whom signed and attested; their nature, by whom paid.
  9. When board to draw orders, and secretary to attest them, for what sum; conditions precedent to payment of moneys by treasurer; when board to sanction payments.
  10. Further powers of said board.
  11. Duty of board to report to legislative assembly annually, nature thereof.
  12. Of their compensation.
  13. When act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon, That James A. Bennett, John Trapp, and Lucius W. Phelps, be and they are hereby appointed and constituted a board of commissioners, for the construction of the territorial university, at the town of Marysville, in the county of Benton, on such land as shall be donated for that purpose by Jos. P. Friedly; provided, that if, in the opinion of said commissioners, other lands, which can be obtained at or near said town of Marysville, afford a more eligible site, they may accept such other lands, and the said university shall be erected thereon.*

SEC. 2. Each of said commissioners, before entering upon the duties herein assigned, shall enter into bonds, with good and sufficient security, to be approved by the governor, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties according to law, which bond shall be filed with the auditor of this territory.

SEC. 3. The first meeting of said commissioners shall be in the town of Marysville, on the first Monday of May next, or so soon thereafter as said commissioners shall agree; and they may adjourn from time to time, as they shall deem necessary; a majority of whom shall constitute a quorum for business. At said first meeting they shall elect one of their number to be acting commissioner, who shall be president of said board, and have the casting vote on all questions before the board when there shall be a tie, and whose duty it shall be to enter into and superintend the performance of all contracts for labor and materials which may have been authorized by the board, to see the terms of the contract are fulfilled, and to do and perform such other business pertaining to the erection of said university buildings, as the board may direct; and the said acting commissioner is authorized to call meetings of the members of said board, as often as he shall deem necessary for the transaction of business: *Provided, that no member of the board shall be directly*

**Commissioners.**

**University where erected. Proviso.**

**Bond of commissioners.**

**Meeting of commissioners.**

**Acting commissioner.**

CHAPTER I. or indirectly interested in any contract connected with the erection of said university buildings, under the penalty of forfeiting the full amount of the contract, to be prosecuted and collected of him and his sureties, by the treasurer of this territory.

SEC. 4. The said commissioners shall also, at their first meeting, elect one of their number a secretary of said board, who shall keep a true and correct journal of the proceedings of the board, entering all the votes on the journal, and recording the names of the members voting for and against all questions which may be submitted to the decision of said board. The journal of each and every meeting of the board shall be signed by the president and attested by the secretary. The board may assign such other duties to the secretary, compatible with his office, as they may deem proper; and they may adopt such rules for the government of the proceedings of the board, during the meetings thereof, as may be deemed advisable, and not incompatible with the provisions of this act. Said secretary shall, before entering upon the duties of his office, take and subscribe an oath, before some person authorized to administer oaths, that he will faithfully and impartially perform the duties of his office, according to law and the best of his ability; which oath shall be certified by the officer administering the same, and filed with the auditor of the territory.

SEC. 5. At the first meeting of said board of commissioners, or as soon thereafter as practicable, the necessary steps shall be taken, and measures adopted in accordance with the provisions of the first section of this act, to procure a suitable site upon which to erect said university buildings, and for the commencement and completion of said buildings, upon such plan and of such materials, in such style and of such size and extent, as said commissioners or a majority of them shall agree upon.

SEC. 6. All contracts and other acts of the acting commissioner, shall be under the supervision and control of said board, and no contract shall be entered into for material or labor for the erection of said buildings, until approved by the said board, or a majority, nor until the said board shall have first given notice, by publication in one or more newspapers, printed in the territory, for three successive weeks, inviting sealed proposals for the performance of the labor and furnishing of the materials for the fulfillment of the proposed contract, and specify the character of the bond that will be required for the fulfillment of the contract; and in all cases contracts shall be given by the board to the lowest and best responsible bidder, who will give the security required; *Provided*, that where there shall be but one bidder, the approval of every member of the board shall be required to complete the proposed contract.

SEC. 7. Should a vacancy occur in said board of commissioners, by death, resignation, failure to qualify or otherwise, the governor shall appoint a person to fill said vacancy, and the person so appointed shall qualify according to the provisions of this act, and enter upon the duties of a commissioner as herein prescribed; *Provided*, that such appointment shall not extend beyond the next meeting of the legislative assembly.

SEC. 8. When, by any contract with said commissioners, any sum or sums of money shall become due to any person or persons,

for services or materials furnished for said building, said board may allow and make an order that such sum or sums of money be paid; after such allowance and the making of such order, the president shall draw his warrant on the treasurer, or other officer or person having lawfully in his possession any money or moneys authorized by law to be applied to the establishment and endowment of the university, which warrant shall be signed by the president, and attested by the secretary, requesting said treasurer or other officer or person to pay said contractor, workman or other person, the amount he shall have been allowed on such contract, for work or materials by said board; and the said treasurer or other person, is hereby authorized and required to pay such sum or sums as said warrant was drawn for, out of any moneys in his hands, authorized by law to be applied to the establishment of the university.

SEC. 9. No warrant shall be drawn by said acting commissioner, nor attested by the secretary, unless a previous order shall have been made by said board, and entered upon the journals kept by the secretary, nor for an amount greater than said order; nor shall the treasurer or other person pay, or cause to be paid, money or moneys authorized by law to be applied to the purposes aforesaid, for any purposes, unless upon a warrant ordered by the board, and signed by the president and attested by the secretary; and the board shall, in no case, sanction the payment, unless satisfied that the labor has been performed or the materials furnished, in accordance with the contract entered into under the provisions of this act, for which any such payment is contemplated.

SEC. 10. The board of commissioners hereby constituted, are hereby authorized and empowered, to receive and appropriate to the erection of the said university buildings, any and all such sums of money, lands or other property, as shall be given, granted, donated or bequeathed, by any person or persons or body corporate, to aid or assist in the erection of the said buildings, and to apply the same in accordance with the condition of the gift, grant, donation or bequest.

SEC. 11. The said commissioners shall report to the legislative assembly, at each regular session thereof, an account of all moneys received and expended, and from what source received, to what particular purpose applied, and what amount remains on hand unexpended, and what amount they have allowed and made orders for payment; what contracts they have let, and what have been performed, and also suggest such matters as they shall deem proper in regard to said university.

SEC. 12. The said commissioners shall receive such compensation as shall be hereafter allowed by law.

SEC. 13. This act to take effect and be in force from and after its passage.

*Passed the House of Representatives, January 18th, 1853.*

*Passed the Council, January 20th, 1853.*

CHAPTER I.

Secretary.  
when to attest orders.Payment  
thereof.Sanction  
payment.Further  
powers  
board.Report of  
commissioners.

Compensation.

Act when to  
take effect.



## CHAPTER I.

## AN ACT TO PROVIDE FOR THE SELECTION AND LOCATION OF TWO TOWNSHIPS OF LAND, TO AID IN THE ESTABLISHMENT OF A UNIVERSITY.

- SEC. 1. Commissioners appointed to select and locate two townships of land to aid in the establishment of a university.
2. Said commissioners to be sworn, and to inform surveyor-general of the tract or tracts selected.
  3. Commissioners to report a schedule of lands selected by them to the legislative assembly.
  4. Their compensation.
  5. Provision for filling vacancies occurring in board of commissioners.
  6. When act to take effect.

Commissioner.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That Harrison Linville, Sidney Ford and Jesse Applegate, be and the same are hereby constituted a board of commissioners to select and locate two townships of land in accordance with the provisions of the tenth section of an act of Congress, entitled "an act creating the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to the settlers of the said public lands."

Oath to inform surveyor-general, &amp;c.

SEC. 2. And said commissioners, after being duly sworn, faithfully to discharge their duties as said commissioners, shall proceed, as soon as practicable, to select and locate said lands, either by allotting special districts of territory to each member of the board, or in such other manner as said commissioners shall decide, and they shall inform the surveyor-general of the precise tract or tracts so selected or located.

Report a schedule, &amp;c.

SEC. 3. Said commissioners shall report and present a schedule of the sections or tracts selected by them, and approved by the surveyor-general, to the legislative assembly of Oregon, at their next annual session.

Compensation.

SEC. 4. Each of said commissioners shall be allowed, out of the treasury of the territory, from moneys not otherwise appropriated, five dollars for each and every day actually employed in performance of the duties of their office.

Vacancies.

SEC. 5. That when any vacancy shall occur in said board of commissioners, either by death, refusal to act, or otherwise, the remaining commissioner or commissioners shall fill such vacancy.

When act to take effect.

SEC. 6. This act to take effect and be in force from and after its passage.

*Passed the House of Representatives, December 12th, 1851.*

*Passed the Council, December 17th, 1851.*

## CHAPTER I.

## AN ACT CREATING THE OFFICE OF COMMISSIONER, TO CONTROL, PROTECT AND SELL THE PUBLIC LANDS DONATED BY CONGRESS TO THE TERRITORY OF OREGON, FOR THE ESTABLISHMENT AND ENDOWMENT OF A UNIVERSITY, AND TO DEFINE HIS POWERS AND DUTIES.

- SEC. 1. University land commissioner to be elected; his term of office.
2. Powers of such commissioner.
  3. Commissioner to sue for recovery of damages done to lands.
  4. Commissioner to be a witness.
  5. Commissioner to appraise value of improvements made upon university lands, and value of land exclusive of improvements; to keep a record of appraisements; improvements made after passage of this act not to be appraised.
  6. Persons claiming right to said lands, to pay commissioner their appraised value, or give bond, &c.
  7. Oregon city claim to be sold at public auction.
  8. Commissioner to be sworn; to give bond; to report to the legislative assembly.
  9. Compensation of commissioner.
  10. Notice of sale to be given in some newspaper; lots enumerated in acts of the legislative assembly, of January 29th and February 5th, 1851, not included in this act, block one hundred and eleven likewise not included.
  11. When act to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That there shall be elected by the said assembly on joint vote of both houses, a commissioner, whose title shall be, the university land commissioner, whose term of office shall be two years from and after the first day of February ensuing his election, and until his successor shall be elected and qualified.

Election of commissioner.

SEC. 2. Said commissioner shall have full power and control over all lands, and the proceeds thereof, donated by Congress to this territory for the establishment and endowment of a university, and for all purposes connected therewith, may sue and be sued in his official capacity, in any court of competent jurisdiction.

His powers.

SEC. 3. In case there shall have been, or may hereafter be, any trespass committed upon, or other injury done to any of said lands, or any part or parcel thereof shall have been or may hereafter be unlawfully entered upon and detained, or unlawfully detained by any person or persons, it shall be the duty of the land commissioner to bring the proper suit for the recovery thereof in his official capacity except as hereinafter provided.

May sue for damages to lands.

SEC. 4. In any suit by or against said commissioner in his official capacity, he shall be deemed a competent witness for either party, notwithstanding his being a party to the record.

May be witness.

SEC. 5. In all cases when improvements have been made upon said lands by any person or persons under color of any right or authority, it shall be the duty of said commissioner, as soon as may be, to appraise such improvements at their present actual value; and also to appraise in like manner, the lot or land exclusive of improvements, and to keep a record of any such appraisement; provided, that no appraisement shall be made of any improvements commenced after the passage of this act.

Appraisement, by, &amp;c.

SEC. 6. In case any person or persons claiming right to any of said lands so appraised, his, her or their legal representatives, shall

Payment of appraisement, &amp;c.

CHAPTER I. pay to said commissioner the appraised value of said lands, or shall give a bond to said commissioner and his successors in office, with security to be approved of by said commissioner, on interest at seven per cent. for the amount of such appraised value, payable within one year from the date of such bond, and execute to said commissioner and his successors in office, a mortgage on said lands, to secure the payment on said bond; it shall be the duty of said commissioner to execute, in due form of law, and deliver to such person or persons, a deed in fee simple of such lot or parcel of land.

Oregon city  
claim how  
sold.

SEC. 7. That all of said lands so donated by Congress for the purpose above stated, known as the Oregon city claim, not disposed of as above directed, shall be sold at public auction by said commissioner, to the highest bidder, at such time or times and place or places, as he may designate; the purchase-money to be paid or secured, and deed given as prescribed in the preceding section.

Oath of com-  
missioner.

SEC. 8. Before said commissioner shall enter upon the duties of his office, he shall take an oath to support the constitution of the United States, and faithfully to discharge the duties of his office, which oath shall be administered by the speaker of the house of representatives, or president of the council, or a judge of the supreme court, and shall give a bond with one or more securities, to be approved of by such speaker, president, judge, or by the territorial auditor, in the penal sum of ten thousand dollars, payable to the Territory of Oregon, conditioned for the faithful discharge of his duties as such commissioner, and faithfully to account for and pay over all moneys and securities for the payment of moneys, which may come to his hands by virtue of his office, to the territorial treasurer, quarterly, and make a report of all his acts, as said commissioner, to the legislative assembly, at the regular session thereof, which bond shall be filed with, and kept by, the territorial auditor, and suit may be brought at any time for a breach of any of the conditions thereof.

Bond.

Report.

Compensa-  
tion of.

SEC. 9. Such commissioner shall receive for his services the sum of five dollars per day for each and every day necessarily employed in and about the business pertaining to his office, to be audited and allowed by the territorial auditor, and paid out of any moneys in the territorial treasury; and expenses other than the ordinary expenses of said commissioner, to be audited and allowed by the legislative assembly, to such amount as under the circumstances may be just and equitable.

Sale, notice  
of, &c.

SEC. 10. Before said commissioner shall sell any of said lands at auction, as above provided, he shall give notice thereof, and of the time and place of sale, by publication in one of the newspapers published in this territory, once in each week for at least four weeks; provided, however, that this act shall not be so construed or so executed as to include for the time being, such lots or parts of lots as are enumerated in an act of the legislative assembly of Oregon territory, entitled an act to confirm the title to certain lots in Oregon city, passed January 29th, A. D. 1851, and in an act passed February 5th, 1851, entitled an act supplemental to an act to provide for confirming the title to certain lots in Oregon city, to the persons therein named, in said acts as passed as aforesaid; and also, the entire block, number one hundred and eleven [111]

Provis-

in said town of Oregon city, in the territory aforesaid, on which said block stands the court house of Clackamas county in said territory.

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

*Passed the Council, January 16th, 1852.*

*Passed the House of Representatives, January 20th, 1852.*

CHAPTER I.  
Act when to  
take effect.

AN ACT TO AMEND AN ACT, SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE SELECTION OF PLACES FOR THE LOCATION AND ERECTION OF THE PUBLIC BUILDINGS OF THE TERRITORY OF OREGON."

- SEC. 1. Commissioners for construction of penitentiary, how chosen.  
2. Oath of, when and how taken; to be indorsed on bond; amount of bond.  
3. Commissioners when and where to meet; election of president and secretary; their duties.  
4. Governor to fill vacancies; person appointed to qualify.  
5. Duty of president; no member to be interested in any contract.  
6. Governor treasurer of penitentiary fund.  
7. Treasurer when to pay moneys.  
8. Commissioners when and how to erect penitentiary.  
9. Board to have supervision of contracts; contracts to whom awarded.  
10. Commissioners to appoint keeper and deputy keeper; duty of keeper to receive and keep convicts; salary, &c., food of prisoners; how may be secured.  
11. Salary of commissioners; commissioner to verify his accounts.  
12. Report of commissioners when to be made.  
13. Certain laws when repealed.  
14. Act when to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the legislature in joint convention assembled, shall elect three competent persons, residents of Washington county, who are hereby constituted a board of commissioners for the construction of a penitentiary upon the site already selected at the city of Portland, and who shall continue in office for one year from the passage of this act, or until their successors are elected and qualified.

Commission-  
ers how  
chosen.

SEC. 2. Each commissioner, before entering upon the duties of his office, shall take and subscribe an oath, to be certified on the back of his bond, before one of the judges of the supreme court, or a judge of probate, to support the constitution of the United States, and the provisions of the act of congress organizing the territory of Oregon, and faithfully and impartially to perform the duties of his office according to law, to the best of his abilities, and shall enter into a bond to the governor of the territory, with two or more good and sufficient sureties to be approved by said governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties according to law, which oath and bond shall be filed in the office of the secretary of the territory.

Bond to be  
approved by  
governor.

SEC. 3. The persons elected under the provisions of the first section of this act, or a majority of them, shall meet at the said town of Portland, on the second Monday of February, 1854, and after

To meet at  
Portland,  
when.



**CHAPTER 1.** due organization, by electing one of their number president of the then board, and appointing one of the number secretary, they shall proceed to demand and recover from the late board of commissioners of the said penitentiary, all books, papers, moneys, rights, credits, effects and property belonging to said penitentiary, and the said board hereby constituted, may adjourn from time to time, as they may deem necessary: *Provided*, that not more than six days in any one month shall be occupied in the meetings of said board.

**SEC. 4.** Should a vacancy occur in said board of commissioners, by failure to qualify, death, resignation or otherwise, the governor of the territory is hereby empowered to appoint some suitable person, a resident of the territory, to fill such vacancy; and the person so appointed, shall qualify according to the provisions of this act, and shall enter upon the duties assigned to his predecessor.

**SEC. 5.** It shall be the duty of the president of the board, to preside at the meetings thereof, and superintend the performance of all contracts for labor and material, which may have been authorized by the board, to see that the terms of each contract are fulfilled, and to do and perform such other duties pertaining to the erection of said penitentiary, as the board shall direct: *Provided*, that no member of the board shall be interested directly or indirectly, in any contract of any kind, connected with the erection of said penitentiary, during their continuance in office, under the penalty of five thousand dollars, to be prosecuted and collected of him and the sureties upon his official bond, upon an action of debt, under the direction of the governor of the territory.

**SEC. 6.** The governor of this territory is hereby declared to be the treasurer of the fund appropriated by the congress of the United States, to be applied to the erection of a penitentiary; and shall make requisition for and receive from the proper officer of the United States treasury, any and all moneys that now are or may hereafter be appropriated for the erection of a penitentiary, and to keep the same in safety, being at all times prepared to pay the drafts of the board, out of such funds as he shall receive by virtue of the provisions of this act.

**SEC. 7.** No money shall be paid by the treasurer for any purposes, unless on a draft ordered by the board, and signed by the presiding commissioner, and attested by the secretary; and every such draft shall express upon its face, whether the amount so required is for materials furnished or services rendered, or labor performed; and the board shall in no case sanction the payment of any money, unless the labor has been performed or the materials have been furnished in accordance with a contract entered into under the provisions of this act, for which any such payment is contemplated.

**SEC. 8.** The commissioners shall, after taking into their possession any and all materials, and contracts for materials and labor, proceed with as little delay as possible, to erect a suitable building of stone or brick, proof against fire, and of suitable size and strength to safely and properly keep fifty convicts.

**SEC. 9.** All the contracts and other acts of any acting commissioner shall be under the supervision and control of said board, and no contract shall be entered into for material or labor for the

Election of president and secretary.

Vacancies, how filled.

Duty of president.

Member not to be interested in a contract.

Treasurer of penitentiary fund.

Treasurer when to pay moneys.

When and how to erect penitentiary.

Board to have supervision of contracts.

erection of said penitentiary, until approved by the said board, or a majority thereof, nor until the said board shall have first given notice by publication in one or more newspapers, printed in the territory, for three successive weeks, inviting sealed proposals for the performance of the labor and furnishing of the necessary materials for the fulfillment of the proposed contract, and specifying the character of the bond which will be required for the fulfillment of said contract; and in all cases contracts shall be given by the board to the lowest and best responsible bidder, who will give the security; *provided*, that when there shall be but one bidder, the approval of every member of the board shall be requisite to complete the proposed contract.

**SEC. 10.** The said commissioners are hereby authorized and required to appoint some suitable and discreet person to serve as keeper of the penitentiary, and such assistant keepers as they may deem necessary, whose duty it shall be to receive from the sheriffs of the several counties, all persons who now are under sentence, or may hereafter be sentenced to the penitentiary, and keep them safely, according to law, and the said sheriffs are hereby authorized and required to deliver such convicts safely to the said keeper at Portland, in the county of Washington, and take his receipt therefor, which shall fully acquit and discharge said sheriffs from all responsibility for the custody and safe keeping of such convicts; and it shall be lawful and is hereby made the duty of said commissioners to employ all convicts in the penitentiary, so far as they may deem it practicable, in the construction of the penitentiary. The said convicts, so far as respects their employment in the construction of the penitentiary, shall be under the control of said commissioners; and the said keeper shall receive the sum of six hundred dollars per annum, to be paid semi-annually out of the territorial treasury, on the order of the auditor of the territory; and the said keeper of the penitentiary shall further receive the sum of five dollars per week, for the boarding and keeping of each convict, to be paid out of the territorial treasury, as before provided. The daily sustenance of convicts shall consist of healthy, coarse food, with such proportion of meat and vegetables as the commissioners shall deem best for the health of the convicts and interest of the territory; no tea, sugar, coffee, tobacco, snuff, spirituous liquors, or any article of indulgence shall be allowed any convict, except by order of the commissioners, and the said keeper of the penitentiary, after receiving any order from the commissioners in regard to the labor or management of the convicts under his charge, shall be bound to execute such order in all cases, as near as the circumstances of the case will permit; and the said keeper shall secure each and every convict, by the means of chains, rings and balls, or any combinations thereof, as he may deem proper for the safe keeping of such convicts.

**SEC. 11.** Each member of the board of commissioners for the construction of a penitentiary, shall receive five dollars per day for each day he shall serve as such, and in the payment of his account for services, he shall verify the same by affidavit as to the number of days employed. The presiding commissioner elected as herein

**CHAPTER 1.**

Appointment of keeper and deputy keepers: their duties.

Allowance of keeper.

Food of prisoners.

Salary of commissioners.

CHAPTER 1. prescribed, shall receive in addition, one hundred dollars per annum, payable quarterly, which compensation shall be paid out of the fund appropriated for the erection of a penitentiary.

Report of  
commission-  
ers.

SEC. 12. The board of commissioners shall make a full report in writing of their proceedings to each session of the legislative assembly, on or before the third Monday of each session.

Laws re-  
pealed.

SEC. 13. All laws and parts of laws coming within the purview of this act be and they are hereby repealed.

Act when to  
take effect.

SEC. 14. This act to be in force from and after its passage.

*Passed January 30th, 1854.*