and the damages assessed and determined, if any shall be ordered by the commissioners to be paid, they shall order such road to be laid out, altered or vacated, according to the report of the viewers, and shall forthwith issue an order, under the seal of the board of commissioners, to some skilful and competent surveyor, directing him forthwith to survey said road as located and marked by the viewers: and such surveyor shall take to his assistance two chain-bearers and one marker, and proceed to survey such road and cause the same to be conspicuously marked throughout, noting the corners and distances, and at the end of each mile, shall cause the number of the same, and also the commencement and termination of said road, or survey, to be marked on a tree or post, or other convenient object, erected for that purpose: and he shall make out a correct and certified return of the survey of said road, and a plot of the same, and deliver said return and plot to the commissioners or their clerk, on or before the day of their first regular meeting, next ensuing after the date of the order of the survey of said road, and he shall also furnish at the same time a true and certified account of the time necessarily employed in making such survey; and the board of commissioners shall immediately therewith direct orders to be drawn on the county treasurer for the payment of the same, allowing the surveyor six dollars for each day necessarily employed in the survey, and making the return and plot, and the chain-bearers, and marker, each three dollars, for every day necessarily employed by said surveyor, in the survey of said road.

SEC. 13. Upon receiving the return and plot of any road, the commissioners shall order the same to be considered a public highway, and the commissioners shall issue their order directing the same to be opened, and all county roads shall be sixty feet in width, unless the commissioners shall, upon the prayer of the petitioners for the same, determine on a less number of feet in point of width.

SEC. 14. When the place of beginning or true corner of any public road shall become uncertain, by reason of the removal of any marked tree or monument, by which such road was designated, or from any other cause, the board of commissioners of the proper county may appoint three disinterested householders of the county to review, and if they deem it necessary, to straighten such road; and the reviewers shall cause the said road to be correctly surveyed and marked throughout, as in case of new roads, and shall make return of the survey, and plot of such road, to the commissioners of the proper county, who shall cause the same, if approved by them, to be recorded, as in other cases; and from thenceforth, such road, surveyed as aforesaid, shall be considered as the public highway.

SEC. 15. If any person or persons through whose lands any public highway is or may be established, shall be desirous of turning such road through any other part of his or their lands, he or they may by petition apply to the commissioners of the proper county, to permit him or them, to turn such road through any other part of his or their land on as good ground, and without materially increasing the distance, to the injury of the public; and on the receipt of such petition, accompanied by a sufficient bond or undertaking, to pay the costs and expenses to be incurred thereby, the commissioners shall appoint three disinterested house holders as viewers, and a surveyor, who, or a majority of such viewers, shall proceed to view and determine over which the road is proposed to be turned, and ascertain the distance such road will be increased by the proposed alteration, and make out a report in writing, stating the several distances so found, together with their opinion as to the utility of such alteration; and if the viewers or a majority of them, shall report to the commissioners, that the prayer of the petitioner or petitioners is reasonable, and that the proposed alteration will not place the road on worse ground, or materially increase the distance to the injury of the public, they shall order the same to be so altered; and upon receiving satisfactory evidence that the proposed new road has been opened a legal width, and in all respects made equal to the old road, for the convenience of travellers, the commissioners may declare such new road a public highway, and make record thereof, and at the same time vacate so much of the old road as is embraced in the new, and the person or persons, petitioning for the alteration, shall pay all the costs, and expenses of the view, survey and return of such alteration.

SEC. 16. The compensation of viewers and reviewers shall be four dollars for every day, that they shall be necessarily employed in discharging their duties, and if any such viewer or reviewer shall refuse or neglect to perform the duties required by this chapter, without making satisfactory excuse for such refusal or neglect, in any sum not exceeding ten dollars, to be recovered by action before a justice of the peace of the proper county, which fine when collected shall be paid over without delay, into the county treasury.

SEC. 17. Upon application being made under the provisions of this chapter, for a view or review of any public road, proposed to be laid out, altered or vacated, the commissioners shall, before issuing their order to the viewers, require a bond or undertaking to be executed by one or more of the petitioners for such view or review, with sufficient surety to be approved by the commissioners or their clerk, and made payable to the board of commissioners, in such sum as they shall direct, not exceeding two hundred dollars, conditioned that if the prayer of the petitioners be not granted, and allowed, the persons executing such bond or undertaking will pay all costs and expenses, that may be incurred by reason of such view or review.

TITLE II.

Of Locating Private Ways.

SEC. 18. Application for private ways; viewers how appointed; their oath; notice of view; location of road; assessment of damages.

SEC. 19. Report of viewers, what to contain; when to be confirmed.

SEC. 20. Any person whose land shall be so situated, that it has no connection with any public road, may make application in writing to the board of commissioners of his county, at a regular
TITLE III.

Of the Manner of locating Territorial Roads.

SEC. 20. Territorial roads, how to be located.
21. Proceedings by commissioners; reports of surveys when to be delivered to the secretary and county commissioners.
22. Commissioners to render account for services; account how paid.
23. Complaint of persons against road, when to be made; and proceedings thereon.
24. Road to remain a highway, how to be opened and worked; provision.

Location.

SEC. 20. Every territorial road, to be hereafter located, shall be viewed, surveyed, and returns thereof made, according to the provisions of this chapter, within one year from the passage of the act authorizing such road to be laid out, and the width of all territorial roads shall be sixty feet.

Proceedings by commissioners.

SEC. 21. The commissioners appointed to locate any territorial road, after having taken an oath or affirmation faithfully and impartially to discharge the duties of their appointment, shall proceed to view and locate such road, and shall cause the same to be correctly surveyed and marked throughout, from the beginning to the end, in the same manner that county roads are required to be surveyed and marked; and such commissioners, or a majority of them, shall make a report, descriptive of the general face of the country, over which such road passes, accompanied by a plot of the survey certified by the surveyor, which report and plot shall, within sixty days after the view and survey, be delivered to the secretary of the territory, to be by him filed and recorded; and within the same period of sixty days, they shall in like manner deposit in the office of the clerk of the board of county commissioners of each county, through which such road passes, a report and plot as aforesaid, of so much of said road as shall be located in such county, to be there recorded aforesaid.

SEC. 23. The commissioners appointed to locate any territorial road shall, after the completion of the survey of the same, make out a certified account of all the services rendered, as well by themselves as by the surveyor, and other persons employed, charging each county, through which said road may have been laid out, a proportion of the expenses, according to the number of days employed in such county; and the board of county commissioners shall audit, and order the same to be paid out of the county treasury.

SEC. 24. When any person, through whose lands any territorial road may be located, shall conceive that he would be injured by the opening of the same through his premises, he may within six months after the filing of the report and plot of survey of such road, in the office of the clerk of the board of county commissioners of such county, make complaint in writing to such commissioners, setting forth such damage, and thereupon the same proceedings shall be had to assess, and determine the damages sustained by such complainant, in case of county roads, and such damages shall be paid out of the treasury of the county, in which the lands are situated.

SEC. 25. When any territorial road shall have been located, according to the provisions of this chapter, the same shall be and remain a public highway, and shall be opened and worked by the county, through which it may be laid out, as county roads are, and such road may be altered or changed in any county, in the same manner as county roads are altered—Provided, that all territorial and county roads which have been or may hereafter be located for the term of two years and not opened, shall be considered as vacated.

TITLE IV.

Of Road Supervisors, and their Duties.

27. Lists by supervisors how made.
28. Estimates and assessments by supervisors.
29. Names of persons omitted on list may be subsequently inserted.
30. Manifestations by supervisor; penalty for neglecting to obey notice or orders.
31. Process not to issue if such default arises from sickness.
32. Persons notified, when and how required to appear.
33. Powers collected; proceeds how applied.
34. Duties and power of supervisor.
35. Complaint against supervisor, when and how to be made.
36. Supervisor to erect finger-boards on cross-roads, &c.
37. To remove obstruction, and repair bridges and roads.
38. Extra labor of individuals how provided for.
39. Accounts of supervisor when and to whom to be presented; settlement how ended.
RELATING TO ROADS AND FERRIES.

SEC. 40. Proceedings when supervisor unable to collect fine.
SEC. 41. Liability of supervisor for misdeeds.
SEC. 42. Compensation of supervisor.

Road districts.

SEC. 25. The several boards of county commissioners shall, as often as they may deem necessary, by order or appointment, or by a vote of the commissioners, divide their respective counties, or any part thereof, into suitable and convenient road districts, and cause a brief description of the same to be entered on the county records.

Supervisor, his appointment.

SEC. 26. The board of commissioners shall annually, at their session in April, appoint one supervisor for each road district in the county, and may at any time fill vacancies that may occur in such office, and they shall cause the supervisors by them appointed, to be notified thereof in writing. Each supervisor shall hold his office, until the following April session of the commissioners, and before entering upon the discharge of his duties, shall take an oath or affirmation, faithfully to discharge the duties of his office, and if required by the commissioners, shall execute an undertaking to the board of commissioners, with one or more sureties, in any sum specified by them, not exceeding one thousand dollars, conditioned that he will faithfully account for and pay over according to law, all moneys that may come into his hands by virtue of his office.

Supervisor to make list.

SEC. 27. It shall be the duty of every supervisor of roads, on or before the fifteenth day of May, to obtain the names and make out in alphabetical order, a list of all persons, liable to perform labor on the public roads, residing within his road district, and to affix to each name therein, the number of days' work, which such person shall be assessed to perform.

Estimate and assessments.

SEC. 28. In making such estimate and assessment, the supervisor shall proceed as follows:
1. He shall apportion the labor to be performed in his road district, according to the valuation of taxable property, owned by each person residing or owning real property therein, in the ratio of one day's work for each and every two thousand dollars assessed for county rates, the last preceding year: Provided, that any person may, in lieu of each day's work, to be performed according to this act, pay into the hands of the supervisor, the sum of two dollars per day, to be expended in labor on the public road in said road district;
2. He shall assess two additional days' work, to be performed by every male between eighteen and fifty years of age, except persons who are a public charge, or too infirm to perform labor.

Names of persons omitted in list.

SEC. 29. Whenever the supervisor shall from any cause have neglected or omitted to place on his list, and assess within the time required by law, he shall at any time afterwards, place the name of such person on the list, and assess the number of days' work to be performed by him, which assessment shall in all respects be valid, as if made in due time.

Notification by supervisor.

SEC. 30. The supervisor shall notify every person within his road district, subject to road labor as aforesaid, between the first days of April and October annually, to perform the work assessed on the public roads within his district, and if any person subject to road labor as aforesaid, shall, after three days previous notice,
title 4.
crapers, or other implements, which he may think proper; and to enter upon any lands adjoining or near the public road, and gather, dig, and carry away any stone, gravel or sand, and cut down and carry off any trees or wood, necessary for the making and repairing any public road; and to purchase and pay for any timber, plank, or other materials necessary for making or repairing any public road in his district; and to enter upon any lands adjoining or lying near any public road in his road district; and any person stopping or obstructing the drains or ditches so made, shall forfeit the sum of twenty dollars for each offence, to be recovered and appropriated as provided in the last section.

SEC. 35. If any person shall feel aggrieved, by the act of any supervisor cutting or carrying away timber or stone as aforesaid, he may make complaint thereof in writing to the county commissioners, at any regular meeting within six months after the cause of such complaint shall exist, and such commissioners shall proceed to assess and determine the damages, if any, sustained by the complainant, and cause the same to be paid out of the county treasury.

SEC. 36. Every supervisor shall erect and keep up at the forks of every highway, and every crossing of public roads within his road district, a guide or finger-board, containing an inscription in legible letters, directing the way and specifying the distance to the next town or public place situated on each road respectively.

SEC. 37. If at any time during the year any public road shall become obstructed, by the falling of timber, or from any other cause, or any bridge shall be impaired or become dangerous for the passage of teams or travellers, the supervisor of the road district, upon being notified thereof, shall forthwith cause such obstruction to be removed, or bridges repaired; for which purpose he shall immediately order out such number of the inhabitants of his district, as he may think necessary to remove such obstruction, or repair such bridge; and all persons so ordered out shall, after having received one day's notice, be subject to the same restrictions, and liable to the same penalties, as if ordered out under the thirtieth section of this chapter.

SEC. 38. In all cases, when any person shall, under the direction of the supervisor of roads, perform more labor upon the public roads than may be due from him, the supervisor shall give such person a certificate specifying the amount of labor performed, which certificate may be transferred, and if any such certificate shall exist, and such commissioners shall proceed to assess and determine the damages, if any, sustained by the complainant, and cause the same to be paid out of the county treasury.

SEC. 39. Every supervisor shall keep an account of the number of days' work, performed on the public roads in his road district, and the person performing the same; he shall also keep an account of all moneys received by him from delinquents or for fines or penalties, and the persons from whom received; and also an ac-

count of his expenditures as supervisor during his term of office, and such supervisor shall present his accounts to the board of commissioners for settlement, at their April session, in each year, and shall pay over to the county treasurer all moneys, remaining in his hands as supervisor, taking a receipt therefor; and if any supervisor shall fail to appear, and make a settlement as required in this section, the board of county commissioners may, by action in the district court of the proper county, against such supervisor, enforce such settlement and recover any balance remaining in his hands.

SEC. 40. In all cases where the supervisor of roads shall be unable to collect from any delinquent the amount of any tax, forfeiture, fine or penalty, as provided in this chapter, it shall be the duty of such supervisor to return a list of such delinquents, certified on oath, to the board of commissioners of the county, at their session in April, and the commissioners shall, after adding ten per cent. to the amount, due by such delinquent, furnish the sheriff of the proper county, with a true copy of such list, and the amount due from each, with a precept thereto attached, under seal of said board of commissioners, and the sheriff shall thereupon proceed to collect the same in like manner, and under the same provisions, that the county revenue is collected.

SEC. 41. Any supervisor of roads, who shall neglect or refuse to perform the several duties enjoined upon him by this chapter, or who shall under any pretence whatever give or sign any receipt or certificate, purporting to be a receipt or certificate for money paid and labor performed, unless the money shall have been paid or the labor performed, prior to the giving or signing such receipt or certificate, shall forfeit for every such offence, not less than five nor more than fifty dollars for the use of his county, to be recovered before any justice of the peace, having jurisdiction of the same, in the name of the board of commissioners, and it is hereby made the duty of the commissioners to sue for the amount due by such delinquent, furnish the sheriff of the proper county, with a true copy of such list, and the amount due from each, with a precept thereto attached, under seal of said board of commissioners, and the sheriff shall thereupon proceed to collect the same in like manner, and under the same provisions, that the county revenue is collected.

SEC. 42. Every supervisor of roads shall receive for each day, necessarily employed in the performance of any of the duties required by this chapter, over and above the number of days' work required by law to be performed by such supervisor, the sum of three dollars, to be paid out of the county treasury, on the order of the board of commissioners, after being certified by them, and after the report of the doings of said supervisor shall have been received, approved and settled by said board of commissioners.

TITLE V.

Of the Regulations of Ferries.

SEC. 43. License for keeping ferries, by whom granted and for how long.

SEC. 44. Tax on license to be paid before license granted.

SEC. 45. License not to be granted except to owners of land, except as to.

SEC. 46. Notice of application to be posted; provisions.

SEC. 47. Applicants to give undertaking before license issued.

SEC. 48. Obligations and duties of persons obtaining license.
SECTION 41. The board of commissioners of any county in this territory may grant a license to any person, other than the owner of the lake or stream, to keep a ferry across any lake or stream within their respective counties, upon being satisfied that a ferry is necessary thereon, and upon the production of a bond or undertaking, to be approved by the clerk of the board of commissioners, in a sum not less than one hundred nor more than five hundred dollars, conditioned that such person will keep such ferry according to law, and if default shall at any time be made in the condition of such bond or undertaking, damages not exceeding the penalty may be recovered by any person aggrieved, before any court having competent jurisdiction.

SECTION 42. Every person applying for a license to keep a ferry, shall, before the same is issued, enter into bond or undertaking with one or more sureties, to be approved by the clerk of the commissioners, in a sum not less than one hundred nor more than five hundred dollars, conditioned that such person will keep such ferry according to law, and if default shall at any time be made in the condition of such bond or undertaking, damages not exceeding the penalty may be recovered by any person aggrieved, before any court having competent jurisdiction.

SECTION 43. The board of commissioners shall tax such sum as may appear reasonable, not less than one nor more than one hundred dollars per annum for such license, and the person to whom such license shall be granted, shall pay to the county treasurer the taxes for one year in advance, taking his receipt therefor; and upon the production of such receipt, the clerk of the board of commissioners shall issue such license under the seal of the board of commissioners.

SECTION 44. The board of commissioners shall fix the rates of ferriage which may be lawfully charged, not exceeding the amounts which shall be paid for the transportation of persons and property across such stream, when it is manifestly hazardous to do so, by reason of any storm, flood or ice; nor shall any keeper of a ferry be compelled to give passage to any person or property, until the fare or toll chargeable by law shall have been fully paid or tendered to such keeper.

SECTION 45. Every person obtaining a license, as aforesaid, shall give constant and diligent attention to his ferry, from daylight in the morning until dark in the evening of each day, and shall moreover, at any hour in the night, if required or where the ferry is proposed to be kept, unless such owner shall neglect to apply for such license, and whenever application shall be made for a license by any person, other than such owner, the board of commissioners shall not grant the same, unless proof shall be made that the applicant caused notice in writing, of his intention to make such application, to be given to such owner, if residing in the county, at least ten days before the session of the board of commissioners, at which application is made.

SECTION 46. Every person, intending to apply for a license to keep a ferry, shall, before the same is issued, give notice of such intention by posting up at least three notices in public places in the neighborhood, where the ferry is proposed to be kept, twenty days prior to any regular session of the board of commissioners, at which the application shall be made—Provided, that when application shall be made for the renewal of a license where the former license has expired, the same may be granted or renewed, without previous notice or petition.

SECTION 47. Every person, applying for a license to keep a ferry, shall, before the same is issued, enter into bond or undertaking with one or more sureties, to be approved by the clerk of the commissioners, in a sum not less than one hundred nor more than five hundred dollars, conditioned that such person will keep such ferry according to law, and if default shall at any time be made in the condition of such bond or undertaking, damages not exceeding the penalty may be recovered by any person aggrieved, before any court having competent jurisdiction.

SECTION 48. Every person obtaining a license to keep a ferry shall provide, and keep in good and complete repair, the necessary boats for the safe conveyance of all persons and property, and furnish such boats at all times with suitable oars, setting poles, and other implements necessary for the service thereof, and shall keep a sufficient number of discreet and skilful men to attend and manage the same, and he shall also, at all times, keep the place of embarking and landing in good order and repair, by cutting away the bank of the stream, so that persons and property may be embarked and landed without danger, or unnecessary delay.

SECTION 49. Every person obtaining a license, as aforesaid, shall give constant and diligent attention to his ferry, from daylight in the morning until dark in the evening of each day, and shall moreover, at any hour in the night, if required; and upon the production of such receipt, the clerk of the board of commissioners shall issue such license under the seal of the board of commissioners.

SECTION 50. The board of commissioners shall tax such sum as may appear reasonable, not less than one nor more than one hundred dollars per annum for such license, and the person to whom such license shall be granted, shall pay to the county treasurer the taxes for one year in advance, taking his receipt therefor; and upon the production of such receipt, the clerk of the board of commissioners shall issue such license under the seal of the board of commissioners.

SECTION 51. The board of commissioners shall tax such sum as may appear reasonable, not less than one nor more than one hundred dollars per annum for such license, and the person to whom such license shall be granted, shall pay to the county treasurer the taxes for one year in advance, taking his receipt therefor; and upon the production of such receipt, the clerk of the board of commissioners shall issue such license under the seal of the board of commissioners.

SECTION 52. The board of commissioners shall tax such sum as may appear reasonable, not less than one nor more than one hundred dollars per annum for such license, and the person to whom such license shall be granted, shall pay to the county treasurer the taxes for one year in advance, taking his receipt therefor; and upon the production of such receipt, the clerk of the board of commissioners shall issue such license under the seal of the board of commissioners.
ferry shall act contrary to this regulation, he shall forfeit and pay the sum of three dollars for every such offense, to the party aggrieved, to be recovered before any justice of the peace having jurisdiction—Provided, that public officers on urgent business, post-riders, couriers, physicians, surgeons and midwives, shall in all cases be first carried over where all cannot go at the same time.

Sec. 58. Every person licensed to keep a ferry, according to the provisions of this chapter, shall have the exclusive privilege of transporting all persons and property, over and across the stream, where such ferry is established, and shall be entitled to all the fare, arising by law therefrom—Provided, that nothing herein contained shall be construed to prevent any person from maintaining such stream at such ferry in his own boat, or to take in and carry over his neighbors, when the same is done with out fee or charge, and with intent to injure any person licensed to keep a ferry.

Sec. 59. If any person, licensed to keep a ferry, shall fail to pay the tax assessed thereon, when due, or shall not provide and keep in good and complete repair, the necessary boat or boats, with the oars, setting poles, and other necessary implements for the service thereof, or shall neglect to employ a sufficient number of skilled and discreet ferrymen, as is provided in the forty-eighth section of this chapter, within three months from the time license shall be granted; or if such ferry shall not at any time be kept in good condition and repair, agreeably to the provisions of this chapter; or if the same shall be abandoned, disused, or unfrequented for the space of six months, at any one time, it shall be lawful for the board of commissioners of the proper county, on complaint being made, to show cause why such license should not be revoked, and to decide thereon according to the testimony adduced, and the laws of this territory, which decision when made shall be valid, to all intents and purposes, but subject to an appeal to the district court, within twenty days after such decision shall be made—Provided, that if any ferry shall be disused by reason of the stream, over which the same is established, being fordable at certain seasons of the year, or by reason of the travel being predominant in the vicinity, it shall not work a forfeiture, within the meaning of this section.

Sec. 60. Any person who shall maintain any ferry, and receive pay for ferryage, without first obtaining a license for the same, shall pay a fine of ten dollars for every such offense, to be collected at the rate of the county, six months, at any one time, it shall be lawful for the board of commissioners of the proper county, on complaint being made, to show cause why such license should not be revoked, and to decide thereon according to the testimony adduced, and the laws of this territory, which decision when made shall be valid, to all intents and purposes, but subject to an appeal to the district court, within twenty days after such decision shall be made—Provided, that if any ferry shall be disused by reason of the stream, over which the same is established, being fordable at certain seasons of the year, or by reason of the travel being predominant in the vicinity, it shall not work a forfeiture, within the meaning of this section.

Sec. 61. This act shall take effect and be in force from and after its passage; and the act entitled "An act regulating ferries," passed the 27th day of September, 1849, is hereby repealed.

Passed January 27th, 1854.
Chapter 1

In the same manner as if the said bridge was to be constructed entirely within the limits of their own county.

Sec. 462. Relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county, in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 463. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 464. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 465. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 466. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 467. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 468. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 469. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 460. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.

Sec. 461. Section relating to the Support of the Poor.

Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy or other cause, shall be supported by the father, mother, children, brothers or sisters of such poor person, if they or either of them be of sufficient ability, and every person who shall fail or refuse to support his or her father, mother, child, sister or brother, when directed by the board of commissioners of the county in which such poor person shall be found, whether such relative resides in the county or not, shall forfeit and pay to the county, for the use of the poor of the county, such sum of thirty dollars per month, or such other sum as the commissioners shall find sufficient, to be recovered in the name of the county commissioners for the time being, from the parents or other relatives of such poor person, or from the said poor person, as they shall deem expedient.
it shall be necessary for said commissioners to require of said pauper, satisfactory evidence that he has been a resident of said county for twelve months, immediately preceding the day upon which such application was made.

Sec. 8. When an application is made by any pauper to the board of commissioners as aforesaid, it shall appear to the satisfaction of said board that the person so applying for relief has resided in said county agreeably to the provisions of the foregoing section of this chapter, he shall be entitled to all the relief provided by this chapter; but if on the contrary, it shall appear to the satisfaction of said board, that said pauper has not been a resident of said county, agreeably to the provisions of the seventh section of this chapter, they shall proceed to remove from their county, at the expense of said county, such pauper, to the county where such pauper may have his residence.

Sec. 9. The board of county commissioners, of any county in this territory, may, if they think proper, cause to be built or provided in their respective counties, work-houses for the accommodation and employment of such paupers, as may from time to time become a county charge; and said work-house and paupers shall be under such rules and regulations as said board of commissioners may deem proper and just.

Sec. 10. Any person shall bring and leave any pauper in any county in this territory, wherein such pauper is not lawfully settled, knowing him to be a pauper, he shall forfeit and pay the sum of one hundred dollars for every such offence, to be sued for and recovered by and to the use of such county, in a civil action, before any court having jurisdiction of the same.

Act when to take effect.

Passed January 23d, 1854.

AN ACT RELATING TO ESTRAYS AND TO PROPERTY LOST OR UNCLAIMED.

CHAPTER I.

PROPERTY LOST OR UNCLAIMED.

Title I. Of Strays.

Sec. 1. Any person taking up a stray animal, or any boat or raft of lumber or logs, shall, within seven days thereafter, notify the owner thereof, if known to him, and request such owner to pay all reasonable charges.

Sec. 2. No person shall take up any stray animal, unless such person shall be at the time a resident of the same county wherein such stray shall be found, or unless such stray shall be found upon the lands owned or occupied by the finder.

Sec. 3. If any person shall bring and leave any pauper in any county wherein such pauper is not lawfully settled, knowing him to be a pauper, he shall forfeit and pay the sum of one hundred dollars for every such offence, to be sued for and recovered by and to the use of such county, in a civil action, before any court having jurisdiction of the same.

Sec. 4. If the owner of any stray be unknown, the finder shall, within thirty days after taking up the same, file a notice thereof with the clerk of the board of county commissioners; and if the stray or strays so taken up are of the value of less than fifteen dollars, he shall also post up notices of the taking up of such stray in two or more public places in such county; but if the stray or strays so taken up are of the value of more than fifteen dollars, he shall cause such notice to be published in the territorial newspaper, which shall be kept on file in the clerk's office of each county in this territory, describing the same by giving marks, natural and artificial, as near as may be practicable; the name and residence of the finder; and as nearly as may be, the time at which the same was taken up.

Sec. 5. Every finder of a stray or strays which when taken up are of the value of fifteen dollars or more, shall within one month after taking up the same, procure an appraisal thereof by a justice of the peace of his county, which appraisal shall be certified to by such justice, and within the time before mentioned, filed in the office of the clerk of the board of county commissioners; and he shall pay to such justice one dollar for each appraisal, and ten cents for every mile necessarily traveled in such service.

Sec. 6. If the owner or person entitled to the possession of any stray shall appear at any time within one year after the notice is filed with the clerk as aforesaid, and make out his title thereto, he shall have such stray restored to him upon paying all lawful charges which have been incurred in relation to the same.

Sec. 7. If the owner and the finder of any stray cannot agree upon the amount of such charges, or for the use of any such stray, either party may make and file with the justice of the peace of the county where such stray was taken up, an application to settle the same, and the party making such application shall give notice thereof to the other party, and if any amount shall be found due to the finder by the said justice, over the value of the use of such strays, the same shall be a lien on said stray until paid by the owner; and the costs of such adjudication shall abide the decision of the justice; provided, that either party shall have the same right to appeal to the district court as in other cases.

Sec. 8. If the owner or person entitled to the possession of any stray shall not appear and make out his title thereto, and pay the charges thereon within one year from the time the notice
PROPERTY LOST OR UNCLAIMED.

UNITED STATES.

TITLE II.

Of Lost Money and Goods.

Sec. 10. When and how finder of money and goods to give notice.

11. Notice of sale.

12. Within what time and on what terms owner may have restitution.

13. Finder when to pay out bond to treasurer.

14. Penalty, &c., on finder, for neglect to give notice when value exceeds five dollars.

Notice of finder.

Sec. 10. If any person shall find any money or goods of the value of five dollars or more, and if the owner thereof be unknown, such person shall, within five days after finding such money or goods, give notice thereof in writing to the clerk of the board of county commissioners of the county in which such property was found; and shall also within said five days, cause a notice thereof to be posted up in three places of the most public places in said county; and if no person shall appear to claim the same, he shall, within two months after finding such goods, and before using the same to their injury, procure an appraisal thereof by a justice of the peace of his county, which appraisal shall be certified to by such justice, and filed in the office of the clerk of the board of county commissioners of such county.

Sec. 12. If the owner of such lost money or goods appear within one year after notice given to the clerk as aforesaid, and shall make out his right thereto, he shall have restitution of the same or the value thereof, upon his paying all the costs and charges thereon, including a reasonable compensation to the finder for his trouble.

Sec. 13. If no owner shall appear within one year, then the finder of such lost money or goods, shall pay one-half the value thereof after deducting all legal charges, to the treasurer of the county; and in case such finder shall neglect to pay the same, on demand, after the expiration of the time aforesaid, the same may be sued for and recovered by the said treasurer in the name of the county.

Sec. 14. If any finder of lost money or goods of the value of five dollars or upwards, shall neglect to give notice of the same, and otherwise to comply with the provisions of this chapter, he shall be liable for the full value of such money or goods; one-half to the use of the county, and the other half to the person who shall sue for the same; and shall also be responsible to the owner for such lost money or goods.

CHAPTER II.

UNCLAIMED PROPERTY.

Sec. 1. Description of property received by consignees and bailees, to be entered.

2. When and how owner to be notified of reception of property.

3. Property not claimed within one year may be sold.

4. Notice of sale, how given.

5. Proceedings, if owner do not appear and take away property upon notice.

6. Inventory to be made and justice to order property to be sold.

7. Constable to give notice and sell property at auction.

8. Value of property to be noted.

9. Justice to pay charges, &c., and balance to treasurer, and deliver statement.

10. Treasurer to order amount, and file statement.

11. Owner may receive amount deposited within five years.

12. If not claimed within five years to belong to county.

13. When and how perishable property and in a state of decay may be sold.

14. Fees of officers under this chapter.

15. Act when to take effect.

Sec. 1. Whenever any personal property shall be consigned to, or deposited with any forwarding merchant, wharf, warehouse, tavern-keeper, or the keeper of any depot for the reception and storage of trunks, baggage, merchandise, or other personal property, such consignee or bailee shall immediately cause to be entered in a book kept by him, a description of such property, with the date of reception thereof.
**UNCLAIMED PROPERTY.**

**CHAPTER 2.**

SEC. 2. If such property shall not have been left with such consignee or bailee, for the purpose of being forwarded or disposed of according to directions received of such consignee or bailee, or before the time of the receipt thereof, and if the name and residence of the owner of such property be known to the person having such property in his possession, he shall immediately notify the owner, by letter directed to him and deposited in the post-office, of the receipt of such property.

SEC. 3. If any such property shall not be claimed and taken away within one year after the time it shall have been received, the person having possession thereof, may at any time thereafter, proceed to sell the same in the manner provided in this chapter.

**Notice of sales how given.**

SEC. 4. Before any such property shall be sold, if the name and residence of the owner thereof be known, at least sixty days' notice of such sale shall be given him, either personally or by mail, or by leaving a notice at his residence or place of doing business; but if the name and residence of the owner be not known, the person having the possession of such property shall cause a notice to be published containing a description of the property for the space of six weeks successively, in a newspaper, if there be one published in the same county; if there be no newspaper published in the same county, then said notice shall be published in a newspaper nearest thereto in the territory; the last publication of such notice shall be at least eighteen days previous to the time of sale.

SEC. 5. If the owner or person entitled to such property shall not take the same away, and pay the charges thereon after sixty days' notice thereof have been given, it shall be the duty of the person having possession thereof, his agent or attorney, to make and deliver to a justice of the peace of the same county, an affidavit setting forth a description of the property remaining unclaimed, the time of its reception, the publication of the notice, and whether the owner of such property is known or unknown.

**Forestry by justice.**

SEC. 6. Upon the delivery to him of such affidavit, the justice shall cause such property to be opened and examined in his presence, and a true inventory thereof to be made, and shall annex to such inventory an order under his hand, that the property therein described shall be sold by any constable of the precinct where the same shall be at public auction.

**Notice to give notice.**

SEC. 7. It shall be the duty of such constable receiving such inventory and order, to give ten days' notice of the sale by posting up written notices thereof in three or more places in such precinct, and to sell such property at public auction to the highest bidder, in the same manner as provided by law for sales under execution from justices' courts.

**Return of constable.**

SEC. 8. Upon completing the sale, the constable making the same shall indorse upon the order aforesaid, a return of his proceedings thereon, and return the same to the justice, together with the inventory, and the proceeds of said sale, after deducting his fees.

**Justice to pay charges.**

SEC. 9. From the proceeds of such sale, the justice shall pay all legal charges that have been incurred in relation to such property, or a reasonable proportion of such charges, if the proceeds of said sale, shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of the county in which the same shall be sold, and deliver a statement therewith, containing a description of the property sold, the gross amount of such sale, and the amount of costs, charges and expenses paid to each person.

SEC. 10. The county treasurer shall make an entry of the amount received by him, and the time when received, and shall file in his office such statement so delivered to him by the justice.

**SEC. 11.** If the owner of the property sold, or his legal representatives shall, at any time within five years after such money shall have been deposited in the county treasury, furnish satisfactory evidence to the treasurer of the ownership of such property, he or they shall be entitled to receive from such treasurer the amount so deposited with him.

**SEC. 12.** If the amount so deposited with any county treasurer, shall not be claimed by the owner thereof, or his legal representatives, within the said five years, the same shall belong to the county, and may be disposed of as the board of county commissioners may direct.

**Sale of decaying and perishable property.**

SEC. 13. Property of a perishable kind and subject to decay by keeping, consigned or left in manner before mentioned, if not taken away within thirty days after it shall have been left, may be sold by giving ten days' notice thereof; the sale to be conducted, and the proceeds of the same to be applied in the manner before provided in this chapter; provided, that any property in a state of decay or that is manifestly decayed to be immediately to become decayed, may be summarily sold by order of a justice of the peace, after inspection thereof, provided in section six of this chapter.

**SEC. 14.** The fees allowed to any justice of the peace, under the provisions of this chapter, shall be three dollars for each sale of service, and to any constable the same fees as are allowed by law for sales upon an execution, and ten cents a folio for making an inventory of such property.

**SEC. 15.** This act shall take effect and be in force from and after the first day of May.

Passed January 29th, 1854.

---

**AN ACT RELATING TO STALLIONS.**

**SEC. 1.** When any person may geld stallion running at large.

**SEC. 2.** But under provision is to be kept for such purposes.

**SEC. 3.** Owner when liable for damages done by stallion, &c.

**SEC. 4.** Ridings included in provisions of last section.

**SEC. 5.** Act when to take effect.

**SEC. 6.** Be it enacted by the Legislative Assembly of the Territory of Oregon, That it shall and may be lawful for any person to take up and geld at the risk of the owner, within the months of April, May, June, July, September, and October in any year, any stud horse, jackass, or mule of the age of two years and upwards, that may be found running at large out of the inclosed grounds of the owner or keeper, if the said animal shall die, the owner shall have no recourse against the person or persons who may have
taken up and gilded, or cause to be gilded the said animal, if the
same has been done by a person in the habit of gilding, and the
owner shall pay the price of so gilding.

Sec. 2. It shall not be lawful for any person or persons to gild
any animal, knowing that such animal is kept or intended to be
kept for covering mares; and any person so offending shall be
liable to the owner for all damages, to be recovered in any court
having proper jurisdiction therefor; but if any owner or keeper of
the covering animal shall, wilfully and negligently suffer said animal
to run at large out of the inclosed grounds of said owner or
keeper, any person may take the said animal and convey him to
his owner or keeper, for which he shall receive two dollars, recover­
able before any justice of the peace of the county; for a second
offence, double the sum, and for a third offence, said animal may be
taken up and gilded as is provided in the preceding section of this act.

Sec. 3. If a stud horse, mule, or jackass, while running at large
out of the inclosed grounds of the owner or keeper, shall damage
any other animal by biting or kicking him, or shall do any dam­
age to person or property, of any kind whatever, the owner of such
animal may be

Excused.

taken up and gilded, or cause to be gilded the said animal, if the
same has been done by a person in the habit of gilding, and the
owner shall pay the price of so gilding.

Sec. 2. It shall not be lawful for any person or persons to gild
any animal, knowing that such animal is kept or intended to be
kept for covering mares; and any person so offending shall be
liable to the owner for all damages, to be recovered in any court
having proper jurisdiction therefor; but if any owner or keeper of
the covering animal shall, wilfully and negligently suffer said animal
to run at large out of the inclosed grounds of said owner or
keeper, any person may take the said animal and convey him to
his owner or keeper, for which he shall receive two dollars, recover­
able before any justice of the peace of the county; for a second
offence, double the sum, and for a third offence, said animal may be
taken up and gilded as is provided in the preceding section of this act.

Sec. 3. If a stud horse, mule, or jackass, while running at large
out of the inclosed grounds of the owner or keeper, shall damage
any other animal by biting or kicking him, or shall do any dam­
age to person or property, of any kind whatever, the owner of such
animal may be

Exceptions.

taken up and gilded, or cause to be gilded the said animal, if the
same has been done by a person in the habit of gilding, and the
owner shall pay the price of so gilding.

Sec. 2. It shall not be lawful for any person or persons to gild
any animal, knowing that such animal is kept or intended to be
kept for covering mares; and any person so offending shall be
liable to the owner for all damages, to be recovered in any court
having proper jurisdiction therefor; but if any owner or keeper of
the covering animal shall, wilfully and negligently suffer said animal
to run at large out of the inclosed grounds of said owner or
keeper, any person may take the said animal and convey him to
his owner or keeper, for which he shall receive two dollars, recover­
able before any justice of the peace of the county; for a second
offence, double the sum, and for a third offence, said animal may be
taken up and gilded as is provided in the preceding section of this act.

Sec. 3. If a stud horse, mule, or jackass, while running at large
out of the inclosed grounds of the owner or keeper, shall damage
any other animal by biting or kicking him, or shall do any dam­
age to person or property, of any kind whatever, the owner of such
animal may be

Exceptions.

taken up and gilded, or cause to be gilded the said animal, if the
same has been done by a person in the habit of gilding, and the
owner shall pay the price of so gilding.

Sec. 2. It shall not be lawful for any person or persons to gild
any animal, knowing that such animal is kept or intended to be
kept for covering mares; and any person so offending shall be
liable to the owner for all damages, to be recovered in any court
having proper jurisdiction therefor; but if any owner or keeper of
the covering animal shall, wilfully and negligently suffer said animal
to run at large out of the inclosed grounds of said owner or
keeper, any person may take the said animal and convey him to
his owner or keeper, for which he shall receive two dollars, recover­
able before any justice of the peace of the county; for a second
offence, double the sum, and for a third offence, said animal may be
taken up and gilded as is provided in the preceding section of this act.

Sec. 3. If a stud horse, mule, or jackass, while running at large
out of the inclosed grounds of the owner or keeper, shall damage
any other animal by biting or kicking him, or shall do any dam­
age to person or property, of any kind whatever, the owner of such
animal may be

Exceptions.

taken up and gilded, or cause to be gilded the said animal, if the
same has been done by a person in the habit of gilding, and the
owner shall pay the price of so gilding.

Sec. 2. It shall not be lawful for any person or persons to gild
any animal, knowing that such animal is kept or intended to be
kept for covering mares; and any person so offending shall be
liable to the owner for all damages, to be recovered in any court
having proper jurisdiction therefor; but if any owner or keeper of
the covering animal shall, wilfully and negligently suffer said animal
to run at large out of the inclosed grounds of said owner or
keeper, any person may take the said animal and convey him to
his owner or keeper, for which he shall receive two dollars, recover­
able before any justice of the peace of the county; for a second
offence, double the sum, and for a third offence, said animal may be
taken up and gilded as is provided in the preceding section of this act.

Sec. 3. If a stud horse, mule, or jackass, while running at large
out of the inclosed grounds of the owner or keeper, shall damage
any other animal by biting or kicking him, or shall do any dam­
age to person or property, of any kind whatever, the owner of such
animal may be

Exceptions.

taken up and gilded, or cause to be gilded the said animal, if the
same has been done by a person in the habit of gilding, and the
owner shall pay the price of so gilding.

Sec. 2. It shall not be lawful for any person or persons to gild
any animal, knowing that such animal is kept or intended to be
kept for covering mares; and any person so offending shall be
liable to the owner for all damages, to be recovered in any court
having proper jurisdiction therefor; but if any owner or keeper of
the covering animal shall, wilfully and negligently suffer said animal
to run at large out of the inclosed grounds of said owner or
keeper, any person may take the said animal and convey him to
his owner or keeper, for which he shall receive two dollars, recover­
able before any justice of the peace of the county; for a second
offence, double the sum, and for a third offence, said animal may be
taken up and gilded as is provided in the preceding section of this act.

Sec. 3. If a stud horse, mule, or jackass, while running at large
out of the inclosed grounds of the owner or keeper, shall damage
any other animal by biting or kicking him, or shall do any dam­
age to person or property, of any kind whatever, the owner of such
animal may be
COUNTY PRISONS.

SEC. 15. When any convict shall have been confined in any jail for the space of ten days for the non-payment of any fine, and costs only, or either of them, shall be imprisoned, he shall have the benefit of the writ of habeas corpus, and shall be entitled to be discharged, unless the county commissioners shall order his further confinement, in the manner prescribed by law.

Penalty.

For other persons.

Penalty.

For other persons.

SEC. 16. Every person confined in jail on execution debtors when may be discharged.

The charges and expenses of safe keeping and main- lb. When b,.

COUNTY PRISONS.

SEC. 18. The charges and expenses for safe keeping and maintaining all persons duly committed to the jail of the county for trial, or sentenced to imprisonment in the county jail, or who may be committed for the non-payment of any fine, or for any contempt, shall, unless otherwise provided by law, be paid out of the treasury of the county; but the county shall not be liable to pay for the support and keeping of prisoners committed for non-payment of fines, except where such prisoners have been committed under the laws of the United States, and are liable to be arrested, may be discharged therefrom, at the end of ten days from his first confinement, upon the conditions hereinafter specified.

SEC. 17. Such person shall cause notice in writing to be given to the plaintiff in the suit, his agent or attorney, that on a certain day and hour, and at a certain place, he will apply to a judge of the
district court, or two justices of the peace of the county, where the person is committed, stating the names of such judge or justices of the peace, for the purpose of obtaining a discharge from his imprisonment.

Sec. 18. Such notice shall be served by copy on the plaintiff, his agent or attorney, twenty-four hours before the hour of hearing the application, in cases where the plaintiff, his agent or attorney, lives within twenty miles of the place of hearing, and twenty-four hours shall be added to the time for every twenty additional miles, the plaintiff, his agent or attorney, shall reside from that place.

Sec. 19. At the time and place specified in such notice, such prisoner shall be taken, under the custody of the sheriff or jailer, before such judge or justices, who shall examine him on oath concerning his estate and effects, and the disposal thereof; and his ability to pay the judgment for which he is committed; and he or they shall also hear any other legal and pertinent evidence, that may be produced by the plaintiff or defendant.

Sec. 20. The plaintiff in the action, upon such examination, propose to the prison any interrogatories pertinent to the inquiry, and they shall, if required by such plaintiff, be answered in writing, and the answers shall be signed and sworn to by the prisoner.

Sec. 21. If the judge or justices, upon such examination, shall be satisfied that the prisoner has not any real or personal property, conveyed, concealed, or in any way disposed of, with a design to secure the same to his own use, or to defraud his creditors, he or they shall administer to him the following oath; to wit:

"I, C. D., do solemnly swear that I have not any estate real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on execution, and that I have not any other estate now conveyed, or concealed, or in any way disposed of, with a design to secure the same to my own use, or to defraud my creditors—So help me God."

Sec. 22. After administering the oath, the judge or justices shall make a certificate, under his or their hands, as follows:

"The undersigned, a judge of the district court, or two justices as the case may be, hereby certifies that C. D. confined in your jail upon an execution, at the suit of A. B., is entitled to be discharged from imprisonment if he be imprisoned for no other cause.

Sec. 23. The jailor, upon receiving such certificate, shall forthwith discharge the prisoner, if he be detained for no other cause.

Sec. 24. If such judge or two justices should not discharge the prisoner, he shall be entitled to apply for his discharge at the end of every ten succeeding days, in the same manner as above provided, and the same proceedings shall thereupon be had.

Sec. 25. The prisoner, after being so discharged, shall be forever exempted from arrest or imprisonment for the same debt, unless he shall be convicted of having willfully sworn falsely upon his examination, before the judge or two justices, or in taking the oath before prescribed.
Conveyances how made. Therein, may be made by deed, signed and sealed by the person,

SEC. 4. The term "heirs" or other words of inheritance, shall not rears.

Conveyances SEC. 5. to grant a greater estate than the possessor could lawfully convey; a deed of bargain and sale.

SEC. 6. No covenant shall be implied in any conveyance of real estate, unless it be expressly declared in such conveyance or devise, that the grantee or devisee shall take the lands as joint tenants.

SEC. 10. Deeds, executed within this territory, or bonds, or any interest in lands therein, shall be executed in the presence of two witnesses, who shall subscribe their names to the same as such, and the persons executing such deeds, may acknowledge the execution thereof before any judge of the district court, or judge, justice of the peace, or notary public within the territory, and the officer taking such acknowledgment shall inform therein a certificate of the acknowledgment thereof, and the true date of making the same, under his hand, and record it.

SEC. 11. If any deed shall be executed in any other state, territory, or district of the United States, such deed may be executed according to the laws of such state, territory, or district, and the execution thereof may be acknowledged before any judge of a court of record, justice of the peace, or notary public, or other officer, authorized by the laws of such state, territory, or district, to take the acknowledgment of deeds therein, before any commissioner, appointed by the governor of this territory for such purposes.

SEC. 12. In the cases provided for in the last section, unless the acknowledgment be taken before a commissioner, appointed by the governor of this territory for that purpose, such deed shall have attached thereto a certificate of the clerk, or other proper certifying officer of a court of record of the county, or district within which such acknowledgment was taken, under the seal of his office, that the person, whose name is subscribed to the certificate of acknowledgment, is, at the date thereof; such officer as he is therein represented to be, and that he believes the signature of such person subscribed thereto to be genuine; and that the deed is executed and acknowledged, according to the laws of such state, territory, or district.

SEC. 13. If such deed be executed in any foreign country, it may be executed according to the laws of such country, and the execution thereof may be acknowledged before any notary public therein, or before any minister plenipotentiary, minister extraordinary, minister resident, chargé des affaires, commissioner, or consul of the United States, appointed to reside therein; which acknowledgment shall be certified thereon by the officer taking the same under his hand, and if taken before a notary public, his seal of office shall be affixed to such certificate.

SEC. 14. When a married woman, residing in this territory, shall join with her husband in a deed of conveyance of real estate, situated within this territory, the acknowledgment of the wife shall be taken separately and apart from her husband, and she shall acknowledge that she executed such deed freely, and without fear of compulsion from any one.

thereof, such lands shall be in the actual possession of another claiming adversely.

SEC. 9. Every conveyance or devise of lands, or interest therein, made to two or more persons, other than to executors and trustees, as such, shall be construed to create a tenancy in common in such estate, unless it be expressly declared in such conveyance or devise, that the grantor or devisee shall take the lands as joint tenants.

SEC. 10. Deeds, executed within this territory, or bonds, or any interest in lands therein, shall be executed in the presence of two witnesses, who shall subscribe their names to the same as such, and the persons executing such deeds, may acknowledge the execution thereof before any judge of the district court, or judge, justice of the peace, or notary public within the territory, and the officer taking such acknowledgment shall inform therein a certificate of the acknowledgment thereof, and the true date of making the same, under his hand, and record it.
SEC. 22. Every conveyance, acknowledged or proved or certified, shall be taken and held by any of the officers before whom such conveyance may be proved before the district court, or any judge thereof, by the subscribing witness, or has satisfactory evidence that he is the same person, who was a subscribing witness to such instrument.

SEC. 23. Separate books shall be provided by the recorder of deeds in each county for the recording of deeds and mortgages; in one of which books all deeds left with such recorder shall be recorded at full length, with the certificates of acknowledgment, or proof of the execution thereof, and in the other, all mortgages left with the recorder shall be in like manner recorded.

SEC. 24. The broker of deeds shall certify, upon every conveyance acknowledged by him, the time when it was received, and a reference to the book and page where it is recorded, and every conveyance shall be considered as recorded, at the time it was so received.

SEC. 25. The recorder shall also keep a proper index, direct and inverted, to the books for the recording of deeds, and also to the book for the recording of mortgages, in which he shall enter alphabetically the name of every party to each and every instrument recorded by him, with a reference to the book and page where the same is recorded.

SEC. 26. Every conveyance of real property within this territory hereafter made, which shall not be recorded as provided in this chapter, within thirty days thereafter shall be void against any subsequent purchaser in good faith, and for a valuable consideration, of the same real property, or any portion thereof, whose conveyance shall be first duly recorded.

SEC. 27. The record of a conveyance duly recorded, or a transcript thereof, duly certified by the recorder, in whose office the same may have been recorded, may be read in evidence in any court in this territory, with the like force and effect as the original conveyance; but the effect of such evidence may be rebutted by other competent testimony.

SEC. 28. When a deed purports to be an absolute conveyance in terms, but is made or intended to be made defeasable by force of a deed of defeasance, or other instrument for that purpose, the original conveyance shall not be thereby defeated or affected, as against any person other than the maker of the defeasance, or his heirs, devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded in the office for the recording of deeds and mortgages of the county where the lands lie.

SEC. 29. The recording of the assignment of a mortgage shall not in itself be deemed nuncupatory of such assignment to the mortgagor, his heirs or personal representatives, so as to invalidate any payment made by them, or either to the mortgagee.

SEC. 30. Any mortgage that has been or may hereafter be recorded, may be discharged by an entry in the margin of the record thereof, signed by the mortgagee, or his personal representative, or assignee, acknowledging the satisfaction of the mortgage in the presence of the recorder of deeds, or his deputy, who shall subscribe the same as a witness; and such entry shall have the same effect as a deed of release duly acknowledged and recorded.

Effect of proof.

Certificate of proof to be recorded on deed.

Certificate of proof to be recorded on mortgage.
Title 32. Every such certificate and the proof or acknowledgment thereof shall be recorded at full length, and a reference shall be made to the book and page containing such record, in the minute of the discharge of such mortgage, made by the recorder upon the record thereof.

Sec. 33. If any mortgagee, or his personal representative or assignee, as the case may be, after full performance of the condition of the mortgage, before or after a breach thereof, shall for the space of ten days, after being thereto requested, and after tender of his reasonable charges, refuse or neglect to discharge the same as provided in this chapter, or to execute and acknowledge a certificate of discharge or release thereof, he shall be liable to the mortgagee, his heirs or assigns, in the sum of one hundred dollars damages, and also for all actual damages, occasioned by such neglect or refusal, to be recovered in an action at law.

Sec. 34. Every letter of attorney, or other instrument, containing a power to convey lands, as agent or attorney for the owner of such lands, and every executory contract for the sale or purchase of lands, when acknowledged or proved, in the manner prescribed in this chapter for the acknowledgment or proof of conveyances, may be recorded in the recorder's office of any county in which the lands to which such power or contract relates, may be situated; and when so acknowledged or proved, and the record thereof when recorded, or a transcript of such record duly certified, may be read in evidence in any court in this territory, without further proof of the same.

Sec. 35. No letter of attorney, or other instrument so recorded, shall be deemed to be revoked by any act of the party by whom it was executed, unless the instrument containing such revocation be also recorded in the same office in which the instrument containing the power was recorded.

Sec. 36. All conveyances of real property heretofore made and acknowledged, or proved in accordance with the laws of this territory, in force at the time of such making and acknowledgment of proof, shall have the same force as evidence, and be recorded in the same manner, and with the like effect as conveyances executed and acknowledged in pursuance of the provisions of this chapter.

Sec. 37. A scroll or device used as a seal upon any deed of conveyance, or other instrument whatever, whether intended to be recorded or not, shall have the same force and effect as a seal attached thereto, or impressed thereon, but this section shall not be construed to apply to such official seals, as are or may be provided for by law.

Sec. 38. When a new county shall be organized in whole or in part from an organized county, or from territory attached to such organized county for judicial purposes, all the records of deeds or other instruments relating to real property in such new county, may be transcribed into the proper books by the recorder of deeds of such new county; which records, so transcribed, shall have the same effect in all respects as original records, and the recorder shall be paid for transcribing the same, such sum as the board of county commissioners in his county may deem just and reasonable.

Title 39. Power of governor to appoint commissioners in other states to take acknowledgment of deeds.

Sec. 40. Effect of acknowledgment before such commissioner.

Sec. 41. Commissioner before acting to take oath.

Sec. 42. Act when to take effect.

Passed January 13th, 1854.

An Act relating to fraudulent conveyances.

Chapter I.

Title I. Of fraudulent conveyances.

Sec. 1. Conveyances of land, etc., with intent to defraud purchaser, void as to them.

Sec. 2. Qualifications of preceding section, as to subsequent purchasers.

Sec. 3. Conveyances containing power of revocation; void as to subsequent purchasers.

Sec. 4. Certain conveyance by person authorized to revoke former conveyance, void.

Title II. Of fraudulent conveyances and contracts, relative to goods and chattels.

Title III. General provisions.
FRAUDULENT CONVEYANCES.

TITLE I.

SEC. 6. Such conveyance valid from the time power to revoke vested.
6. Writing, &c., necessary to convey certain interest in land.
7. Last section not to extend to wills or certain trusts.
8. Conveys to sell or lease land, to be in writing.
9. Consideration need not be specified, but may be proved other legal evidence.
10. Power of court to compel performance of agreement not to be affected.

Sec. 1. Be it enacted by the Legislative Assembly of the Territory of Oregon, That every conveyance or interest in lands, or the rents and profits of lands, and every charge upon lands, or upon the rents and profits thereof, made or created with the intent to defraud prior or subsequent purchasers, for a valuable consideration of the same lands, rents or profits, as against such purchasers shall be void.

Sec. 2. No such conveyance or charge shall be deemed fraudulent in favor of a subsequent purchaser, who shall have parted with his legal notice of the same at the time of his purchase, unless it shall appear that the grantee in such conveyance, or person to be benefited by such conveyance, was privy to the fraud intended.

Sec. 3. Every conveyance or charge of or upon any estate or interest in lands, containing any provision for the revocation, determination, or alteration of such estate or interest, or any part thereof, at the will of the grantor, shall be void as against subsequent purchasers from such grantor for a valuable consideration of any estate or interest, so liable to be revoked or determined, although the same be not expressly revoked, determined or altered by such grantor, by virtue of the power reserved or expressed in such prior conveyance or charge.

Sec. 4. Where a power to revoke the conveyance of any lands or the rents and profits thereof, and to convey the same, shall be given to any person other than the grantor in such conveyance, and such person shall thereupon convey the same lands, rents or profits, to a purchaser for a valuable consideration, such subsequent conveyance shall be valid, in the same manner and to the same extent, as if the power of revocation were recited therein, and the intent to revoke the former conveyance expressly declared.

Sec. 5. If a conveyance to a purchaser under either of the last two preceding sections, shall be made before the person making the same shall be entitled to execute his power of revocation, it shall nevertheless be valid from the time the power of revocation shall actually vest in such person, in the same manner, and to the same extent, as if then made.

Sec. 6. No estate or interest in lands, other than leases for a term not exceeding one year, or any trust or power over or concerning lands, or in any manner relating thereto, shall hereafter be created, granted, assigned, surrendered or declared, unless by an act or operation of law, or by a deed or conveyance in writing, subscribed by the party creating, granting, assigning, surrendering or declaring the same, or by his lawful agent, authorized by writing.

Sec. 7. The preceding section shall not be construed to affect in any manner the power of a testator, in the disposition of his real estate, by a last will and testament; nor to prevent any trust from arising, or being extinguished by operation of law.

FRAUDULENT CONVEYANCES.

SEC. 8. Every contract, for the leasing for a longer period than one year, or for the sale of any lands, or any interest in lands, shall be void, unless the contract, or some note or memorandum thereof be in writing, and signed by the party, by whom the lease or sale is to be made, or by some other person, by him lawfully authorized in writing.

Sec. 9. The consideration of any contract or agreement, required by the provisions of this chapter to be in writing, need not be set forth in the contract or agreement, or in the note or memorandum thereof, but may be proved by other legal evidence.

Sec. 10. Nothing herebefore contained in this chapter, shall be construed to abridge the powers of courts of chancery, to compel the specific performance of agreements, in cases of part performance of such agreements.

THE II.

Of Fraudulent Conveyances and Contracts, relative to Goods and Chattels.

SEC. 11. Transfers of personal property for use of grantor void as to creditors.
12. Certain agreements to be in writing, and subscribed by party charged.
13. Requirements for the validity of contracts for sale of personal property.
14. What to be a memorandum, within last section, of sales at auction.
15. Certain transfers of goods, &c., fraudulent as to creditors unless delivered, &c.
16. Who to be deemed creditors within last section.
17. Qualification of two last sections.
18. Mortgages of chattels void unless filed, &c.
19. Last section not to apply to bottomry, &c., contracts, or to assignments, &c., of rights in goods at stake.
20. Recorder to indorse time of receiving instrument, and deposit of same in office.
21. Recorder to enter names of parties and note therein time of filing.
22. Lien cases after one year unless re-filed.
23. Affidavit of mortgagee's interest to be renewed.
25. Fees of recorder.

SEC. 11. All deeds of gift, all conveyances, and all transfers or assignments, verbal, written, of goods and chattels, or things in action made in trust for the person making the same, shall be void as against the creditors, existing or subsequent, of such person.

Sec. 12. In the following cases specified in this section, every agreement, contract, and promise, shall be void, unless such agreement, contract, or promise, or some note or memorandum thereof, be in writing, and signed by the party to be charged therewith, or by some person by him lawfully authorized; that is to say:
1. Every agreement that, by its terms, is not to be performed in one year from the making thereof;
2. Every special promise to answer for the debt, default, or miscarriage of another person;
3. Every agreement, promise, or undertaking, made upon consideration of marriage, except mutual promises to marry;
4. Every special promise made by an executor or administrator, to answer damages out of his own estate.

(a) 11 Paig. 461; 2 Barb. 619; 5 do. 564; 7 do. 121; 8 do. 132.
(b) 2 Denio 67; 2 Barb. Ch. 271.
(c) 19 Wm. 603; 14 do. 628, 567; 7 Hill 402; 9 do. 500; 10 do. 170; 5 do. 146, 161, 454; 2 Denio 67, 342, 446; 4 do. 575, 529; 2 Barb. 406; 4 do. 136; 5 do. 601; 9 do. 250, 340.
484 FRAUDULENT CONVEYANCES.

SEC. 13. Every contract for the sale of any goods, chattels, or things in action, for the price of fifty dollars, or more, shall be executed in writing, or, in case of failure to do so, shall be void unless:
1. A note or memorandum of such contract be made in writing, and signed by the party to be charged thereby, or by some person by him lawfully authorized; or,
2. Unless the purchaser shall accept and receive part of such goods, or the evidences, or some of them, of such things in action; or,
3. Unless the purchaser shall, at the time, pay some part of the purchase-money.

SEC. 14. Whenever goods shall be sold at public auction, and the auctioneer shall at the time of sale, enter a memorandum, specifying the nature and price of the property sold, the terms of sale, the name of the purchaser, and the name of the person on whose account the sale is made; such memorandum shall be deemed a note of the contract of sale, within the meaning of the last section.

SEC. 15. Every sale made by a vendor of goods and chattels in his possession, or under his control, unless the same be accompanied by an immediate delivery, and be followed by an actual and continued change of possession of the things sold, shall be presumed to be fraudulent and void against the creditors of the vendor, or subsequent purchasers in good faith; and shall be conclusive evidence of fraud, unless it shall be proved to the contrary by the party claiming under such sale, that the same was made in good faith, and without any intent to defraud creditors, or subsequent purchasers.

SEC. 16. The term "creditors," as used in the last section, shall be construed to include all persons, who shall be creditors of the vendor, at any time whilst such goods and chattels shall remain in his possession, or under his control.

SEC. 17. Nothing contained in the last two sections shall avoid or defeat any sale or transfer of any ship, boat, vessel, or goods at sea, or abroad, if the purchaser shall take possession of such ship, boat, vessel or goods, as soon as may be after the arrival thereof.

SEC. 18. Every mortgage, or conveyance, intended to operate as a mortgage of goods and chattels, which shall hereafter be made, which shall not be accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers, and mortgagees in good faith, unless the mortgage, or a true copy thereof, shall be filed in the office of the recorder of deeds in the county, where the mortgagor resides.

SEC. 19. Nothing contained in the last section, shall be construed to apply to contracts of bottomry or responsibit, nor to assignments, or hypothecations of vessels or goods at sea or in foreign ports.

(End of Title II.)

Title III.

Of General Provisions.

SEC. 20. It shall be the duty of the recorder upon the presentation of any such instrument or copy for that purpose, and the payment of his fees for the time of receiving the same, and to deposit such instrument or copy in his office, to be kept for the inspection of all persons interested.

SEC. 21. Such recorder shall also enter in a book, to be provided by him for that purpose, the names of all the parties to such instruments, arranging the names of all the mortgagors alphabetically, and shall note therein the time of filing each instrument or copy.

SEC. 22. Every such mortgage shall cease to be valid as against the creditors of the person making the same, or subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing of the same, or a copy thereof, unless within thirty days, next preceding the expiration of the year, the mortgagee, his agent, or attorney, shall make and annex to the instrument, or copy on file as aforesaid, an affidavit setting forth the interest which the mortgagee has by virtue of such mortgage in the property therein mentioned, upon which affidavit the recorder shall endorse the time when the same was filed.

SEC. 23. The effect of any such affidavit shall not continue beyond one year, from the time when such mortgage would otherwise cease to be valid, as against the creditors of the person making such mortgage, or subsequent purchasers, or mortgagees in good faith; but within thirty days next preceding the time when any such mortgage would otherwise cease to be valid as aforesaid, a similar affidavit may be filed and annexed, as provided in the preceding section, and with like effect.

SEC. 24. A copy of any such instrument, or of any copy thereof, so filed as aforesaid, including any affidavits annexed thereto, in pursuance of this chapter, certified by the recorder in whose office the same shall be filed, shall be received in evidence, but only of the fact that such instrument, copy, or affidavit was received and filed, according to the endorsement of the recorder thereon, and of no other fact.

SEC. 25. The recorder shall be entitled to receive the following fees, for services under the provisions of this chapter; for filing such mortgage of goods and chattels, or a copy thereof, or affidavit, twenty-five cents; for entering the same in a book, twenty-five cents; for searching for each paper, fifteen cents; and the like fees for certified copies of such instruments or affidavits, as are allowed by law for copies of records, kept by the recorder of deeds.

(End of Title III.)
ACTION, OR OF ANY RENTS OR PROFITS ISSUING THEREFROM, AND EVERY CHARGE UPON LANDS, GOODS, OR THINGS IN ACTION, OR UPON THE RENTS OR PROFITS THEREOF, MADE WITH THE INTENT TO HINDER, DELAY, OR DEFRAUD CREDITORS, OR OTHER PERSONS OF THEIR LAWFUL SUITS, DAMAGES, FORFEITURES, DEBTS, OR DEMANDS, AND EVERY BOND OR OTHER EVIDENCE OF DEBT GIVEN, SUIT COMMENCED, DECREE OR JUDGMENT SUFFERED WITH THE LIKE INTENT, AS AGAINST THE PERSONS SO HINDERED, DELAYED, OR DEFRADED, SHALL BE VOID.

SEC. 3. The terms "lands," as used in this chapter, shall be void.

(a) 1 Denio 19:1; 4 Denio, 174, 211, 261;
(b) 11 Wen. 231; 23 do. 143.
(c) 8 Paige 53; 4 Denio 153.
(d) 12 Cral. 404; 3 Fage 190; 4 Denio 174.

Grants of Trusts to be in Writing.

SEC. 27. Every grant or assignment of any existing trust in lands, goods or things in action, unless the same shall be in writing, subscribed by the party making the same, or by his agent, lawfully authorized, shall be void.

SEC. 28. Every conveyance, charge, instrument, or proceeding, declared by law to be void as against creditors, purchasers, or mortgagees, shall be equally void as against the heirs, successors, personal representatives or assigns of such creditors, purchasers, or mortgagees.

SEC. 29. The question of fraudulent intent, in all cases arising under the provisions of this chapter, shall be deemed a question of fact, and not of law.

SEC. 30. The provisions of this chapter shall not be construed in any manner to affect, or impair the title of a purchaser, for a valuable consideration, unless it shall appear that such purchaser had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor.

The Term "Lands." The terms "lands," as used in this chapter, shall be construed as co-extensive in meaning, with "lands, tenements, and hereditaments," and the terms "estate and interest in lands," shall be construed to embrace every interest, freehold and chattel, legal and equitable, present and future, vested and contingent, in lands as above defined.

The Term "Conveyance." The term "conveyance," as used in this chapter, shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned, or surrendered.

Act to Take Effect.

SEC. 31. This act shall take effect and be in force from and after the first day of May next.

Passed January, 16th, 1854.

SEC. 1. Effect of promissory note payable to order or bearer. 2. Same effect given to note signed by an agent. 3. When actions by payees, indorsers and holders to be maintained. 4. Effects of notes made payable to order of maker or fictitious person. 5. Days of grace, when allowed. 6. Last section limited. 7. Acceptance to be in writing. 8. Dances on foreign bills of exchange. 9. Damages on inland bills of exchange. 10. Act when to take effect.
CHAPTER I.

RELATING TO INTEREST OF MONEY.

at the time of the demand, and damages at the rate of ten per cent, upon the contents thereof, together with interest on the said contents, to be computed from the day of rendition in equity, from the day of rendition until

when ten per cent. damages at the rate of ten per cent., per annum, when no other rate of interest is agreed upon for all moneys after they become due, by any instrument of the debtor, in writing; for money lent or money due on settlement of accounts, from the day of liquidating the same, and ascertaining the balance; for money recovered for the use of another and retained without the owner's knowledge of the receipt; for money due and withheld by an unreasonable and vexatious delay of payment or settlement of accounts, and for all other moneys due, or to become due, for the forbearance of payment, whereof no express promise to pay interest has been made.

Chapter II.

OF WEIGHTS AND MEASURES.

Sec. 1. What to be the standard of weights and measures.

Treasurer of territory shall be sealer.

Sec. 1. Register of deeds to record marks and brands.

Sec. 3. When persons not to use same brands; who to have preference.

Sec. 1. Be it enacted by the Legislative Assembly of the Territory of Oregon, That it shall be the duty of the register of deeds of each county, on the application of any person residing in such county, to record a description of the marks and brands with which said person may be desirous of marking his horses, cattle, sheep, or hogs; but the same description shall not be recorded for more than one resident of the same county.

Sec. 2. No two persons, residing within fifteen miles of each other, shall use the same mark or brand, in this territory, but in such cases, the person having the oldest recorded mark shall have the preference, but nothing contained herein shall prevent the parties from agreeing which of them shall change his mark or brand; and any person offending against the provisions of this section, shall, on conviction before a justice of the peace, of the proper county, be fined for each offence, in any sum not exceeding five dollars.

Sec. 1. Register to record marks and brands.

Sec. 2. Treasurer of territory shall be sealer.

Sec. 4. Standard weight of commodities sold by the bushel.

Sec. 2. Half-bushel to be the standard for certain articles.

Sec. 5. Act when to take effect.

Sec. 3. Act when to take effect.

Passed January 28th, 1854.

AN ACT TO REGULATE THE INTEREST OF MONEY.

Sec. 1. Ten percent when allowed.

Sec. 2. Interest allowed from rendition of judgment, &c.; rate of interest same as specified in contract.

Sec. 3. When interest may be added to principal.

Sec. 4. Preceding section limited.

Sec. 5. Act when to take effect.

Sec. 1. When Inter-

Sec. 2. All others.

Sec. 3. This act shall take effect and be in force from and after the first day of May next.

Passed January 18th, 1854.

AN ACT RELATING TO MARKS AND BRANDS AND TO WEIGHTS AND MEASURES.

Sec. 1. Register of deeds to record marks and brands.

Sec. 3. When persons not to use same brands; who to have preference.

Sec. 1. Be it enacted by the Legislative Assembly of the Territory of Oregon, That it shall be the duty of the register of deeds of each county, on the application of any person residing in such county, to record a description of the marks and brands with which said person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded for more than one resident of the same county.

Sec. 2. No two persons, residing within fifteen miles of each other, shall use the same mark or brand, in this territory, but in such cases, the person having the oldest recorded mark shall have the preference, but nothing contained herein shall prevent the parties from agreeing which of them shall change his mark or brand; and any person offending against the provisions of this section, shall, on conviction before a justice of the peace, of the proper county, be fined for each offence, in any sum not exceeding five dollars.

CHAPTER II.

OF WEIGHTS AND MEASURES.

Sec. 1. What to be the standard of weights and measures.

Treasurer of territory shall be sealer.

Sec. 1. Treasurers of territory shall be sealers.

Sec. 2. Treasurer of territory shall be sealer.

Treasurer shall be sealer.

Sec. 3. When any commodity shall be sold by the hundred weight, it shall be understood to mean the net weight of one hundred pounds avoirdupois.
Chapter 2.

An Act relating to seals.

Sec. 1. Be it enacted by the Legislative Assembly of the Territory of Oregon, That the description in writing of the great seal of the territory, shall be deposited and recorded in the office of the secretary of the territory, and shall remain a public record, and shall be and continue the description of the great seal of the territory; and the person administering the government of the territory, shall have the custody of the said seal; and all such matters and things as issue under the said seal, shall be entered on record in the office of the secretary of the territory.

Sec. 2. It shall be, and hereby is made the duty of the board of county commissioners of the several counties of the territory, to provide and furnish seals for such of the several district and probate courts, and board of county commissioners, as are now unprovided with the same, and with such inscriptions and devices as the said courts shall respectively require.

Sec. 3. When any court of record shall be unprovided with a seal, the judge of said court may authorize the use of any temporary seal, or of any device by way of seal, until the same shall be provided as aforesaid.

Sec. 4. Any instrument to which the person making the same shall affix any device by way of seal, shall be adjoined and held to be of the same force and obligation as if it were actually sealed.

Sec. 5. That this act shall take effect and be in force from and after the first day of May next.

Passed January 18th, 1854.
CHAPTER I.

OF MARRIAGE.

SEC. 1. Marriage a civil contract.

SEC. 2. Who capable of contracting marriage.

SEC. 3. Who not to marry or intermarry.

SEC. 4. Marriages by whom to be solemnized.

SEC. 5. Consent of parent or guardian necessary to marriage of minor.

SEC. 6. No particular form in solemnization required; two witnesses required.

SEC. 7. When certificate of marriage to be given and what to contain.

SEC. 8. Record to be made and certificate to be delivered to recorder of deeds; form of certificate.

SEC. 9. Certificate to be filed and recorded by recorder; fees.

SEC. 10. Forfeiture for neglect to make and deliver, or record certificate.

SEC. 11. Penalty for making false certificate.

SEC. 12. Penalty for unauthorized person solemnizing marriage.

SEC. 13. When marriage by unauthorized person valid.


SEC. 15. Illegitimate children legitimized by marriage of parents.

SEC. 16. Marriage not solemnized as required by this chapter, when valid.

SEC. 17. Fines and forfeitures to be paid into county treasury.

SEC. 18. Quaker marriages valid.

Penalty for injuring cattle breaking insufficient fence.

AN ACT RELATING TO MARRIAGE AND DIVORCE.

Passed January 18th, 1854.

RELATING TO MARRIAGE AND DIVORCE.

SEC. 5. If any person intending to marry shall be under the age of twenty-one, if a male, or under the age of eighteen years, if a female, and shall not have had a former wife or husband, the consent in person of the parent or guardian of the party or parties shall be given; nor between parties who not to

Who may

contract.

Who not to

marry.

By whom

solemnized.

SEC. 11. If any person shall wilfully make any false certificate of any marriage, or pretended marriage, he shall be forfeited, for every such offence, a sum not exceeding five hundred dollars, or may be imprisoned in the county jail not exceeding one year.

SEC. 12. If any person shall undertake to join others in marriage, knowing that he is not lawfully authorized so to do, or know-
CHAPTER I.

DIVORCE AND ALIMONY.

Sec. 1. Marriage when void without divorce.
Sec. 2. When void from time its nullity is declared.
Sec. 3. When marriage shall not be declared void.
Sec. 4. Proceedings to annul a marriage supposed to be void.
Sec. 5. When and for what causes divorce may be granted.
Sec. 6. Notice to non-resident defendant when sufficient; compulsory proceedings to obtain appearance, &c., when.
Sec. 7. Court to make disposition of, and provision for children; child when to be left with mother.
Sec. 8. As to the disposition of property of parties by the court.
Sec. 9. As to how evidence may be taken, pleading, &c.
Sec. 10. When wife entitled to divorce.
Sec. 11. Order of divorces, to dissolve marriage contract as to both parties; court may change name of wife.
Sec. 12. Act when to take effect.

CHAPTER II.

DIVORCE AND ALIMONY.

Sec. 1. All marriages which are prohibited by law, on account of consanguinity between the parties, or on account of either of them having a former husband, or wife, then living, shall, if solemnized within this territory, be absolutely void, without any decree of divorce, or other legal proceedings.
Sec. 2. When either the parties to a marriage, for want of age or understanding, shall be incapable of assenting thereto, or, when the consent of either party shall have been obtained by force or fraud, and there shall have been no subsequent voluntary cohabitation of the parties, the marriage shall be void, from the time its nullity shall be declared, by a court of competent authority.
Sec. 3. In no case shall a marriage be adjudged a nullity, on the ground that one of the parties was under the age of legal consent, if it appear that the parties, after they had attained such age, had, for any time, freely cohabited together as husband and wife; nor shall the marriage of any insane person be adjudged void, after his restoration to reason, if it shall appear that the parties freely cohabited together, as husband and wife, after such insane person was restored to a sound mind.
Sec. 4. When a marriage is supposed to be void, or the validity thereof is disputed, for any of the causes mentioned in the two preceding sections, either party may file a complaint in the district court of the county where the parties, or one of them, resides, for annulling the same; and such complaint shall be filed, and proceedings shall be had thereon, as in the case of proceedings in said court for a divorce, and upon due proof of the nullity of the marriage, it shall be adjudged null and void.
Sec. 5. Divorce from the bonds of matrimony may be obtained by either party to the marriage contract to the district court of the county in which the cause therefor shall have occurred, or in which the defendant shall reside or be found, or in which the plaintiff shall reside, if the latter be either the county in which the parties last cohabited, or in which the plaintiff shall have resided for six months before suit was brought for the following causes:
1. Impotency at the time of the marriage, continuing to the time of the divorce;
2. Adultery since the marriage remaining unforgiven;
3. Wilful desertion of either party by the other, for the space of one year;
4. Conviction of felony, or infamous crime;
5. Habitual gross drunkenness, contracted since marriage;
6. Harsh and cruel treatment, or personal indignities, rendering life burdensome;
7. Voluntary neglect of the husband to provide the wife with a house and the common necessaries of life for the space of one year.
Sec. 6. If the defendant is not a resident of the territory, or cannot, for any cause, be personally summoned, the court or judge, in vacation, may order notice of the pendency of the suit to be given in such manner and during such time, as shall appear most likely to convey a knowledge thereof to the defendant, without undue expense or delay; and if no such order be made, it shall be sufficient to publish such notice in a newspaper, printed in or nearest to the county in which the suit is pending, for four weeks in
CHAPTER II. SUCCESSION; and if the defendant fail to appear and make defence, at the first term after such notice, or after ten days personal service of summons, the evidence may be heard, and the cause decided at that term; or compulsory process may be had to obtain an appearance, or answer, if it be necessary, to the disposition of property, or of children.

496 DIVORCE AND ALIMONY.

Appearance required, when.

Disposition of, and provisions for, children.

5. Colonel when and how may be removed.

6. Other regimental officers how removed; proviso.

7. Appeal from regimental to brigadier court martial; court martial, sentence of discharges to be final.

SEC. 4. Officers to be commissioned by governor; term of office.

3. Captain to appoint non-commissioned officers.

4. Officers to be commissioned by governor; term of office.

5. Officers when and how may be removed.

6. Other regimental officers how removed; proviso.

7. Appeal from regimental to brigadier court martial; court martial, sentence of discharges to be final.

8. Captain to give annual list to colonel, of persons capable of bearing arms; regimental returns; report of brigadier.

9. When captain may assemble company.

10. When colonel may assemble regiment.

11. When captain may assemble company.

12. When colonel may assemble regiment.

13. Officers to rank according to date of commission.

14. As to formation of volunteer companies.

15. As to formation of volunteer companies.

16. Arms when to be sent to county.

17. County commissioners to have care, &c., of arms.

18. Governor to appoint adjutant quartermaster and commissaries generally; duties, &c., of quartermaster.

19. Officers to be commissioned by governor; their oath.

20. Governor to fill all vacancies.

21. Consequences of failing to qualify.

SEC. 10. When the marriage shall be dissolved by the husband, the evidence being sentenced to imprisonment, and when a divorce shall be ordered for the cause of adultery, committed by the husband, the wife shall be entitled to her dower in her lands in the same manner as if he were dead; but she shall not be entitled to dower in any other case of divorce.

SEC. 11. Whenever an order of divorce from the bonds of matrimony is granted in this territory, by a court of competent authority, such order shall fully and completely dissolve the marriage contract as to both parties. And in all suits for divorce, brought by a female, if a divorce be granted, the court may for just and reasonable cause, change the name of such female, who shall thereafter be known and called by such name as the court shall, in its order or decree appoint.

SEC. 12. This act shall take effect and be in force from and after the first day of May next.

Passed January 17th, 1854.
CHAPTER I.

SEC. 2. At the next annual election, the legal voters in each council district shall elect in the usual mode of electing other officers, one colonel, one lieutenant-colonel, one major, who shall assemble at such place within the district as a majority of them shall select, within three months after their election, and proceed to lay off their regimental district into convenient company districts, containing as near one hundred white males as may be, between the ages of eighteen and forty-five years, capable of bearing arms; and shall appoint one captain and two lieutenants in each district, as officers therein.

Company districts...

SEC. 3. Such captain shall appoint four sergeants and four corporals in each company, who shall continue in office one year.

SEC. 4. All such officers, except sergeants and corporals, shall be commissioned by the governor, and continue in office for the term of two years, unless bodily infirmity or unsoundness of mind prevents them from discharging active duty, or they be removed by a court martial for other good cause.

Colonel how removed...

SEC. 5. Any colonel may be removed after reasonable notice and trial by a court martial, composed of a majority of the colonels of the brigades.

SEC. 6. Any lieutenant-colonel, major, captain, or lieutenant, may be removed after reasonable notice and trial by a court martial, composed of a majority of all the commissioned officers of such regiment; provided, that no officer shall be tried by a court martial, without first having been provided with a copy of the charges and specifications at least thirty days previous to such trial.

Appeal from regimental court martial...

SEC. 7. Any person aggrieved may appeal from a regimental court martial to a brigadier general, under such regulations as shall be prescribed by such courts; provided, that the proceedings of a regimental court martial shall be inoperative, unless sanctioned by the brigadier general; and no regimental court martial shall be operative, without having received the sanction of the governor.

SEC. 8. In each year, every captain shall make out a list of all the persons in his district subject to bear arms, and forward a copy thereof to the colonel of the regiment, who shall thereupon make out and forward to the brigadier general, a regimental return, showing the number of each rank and grade composing his regiment. It shall be the duty of the brigadier general to report annually or oftener if required, to the governor, the state of the militia, the number of regiments, and the number of the different rank and grade in each, together with such other information as shall be in his possession, relating thereto.

SEC. 9. Each captain after giving ten days' written notice, posted up in four public places in his company district, may assemble his company once in each year at a convenient time and place within the district, and drill them according to the tactics of the United States army.

When colonel may assemble regiment...

SEC. 10. Each colonel, after thirty days written notice, posted up in four public places in each company district of his regiment, may assemble his regiment at such place as he shall designate in his district, for regimental or battalion drill.