Spiritous Liquors, Billiard Tables, &c.

Chapter I.

Spiritous Liquors, Billiard Tables, &c.

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Sec. 12. License to peddlers, how obtained.

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

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

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

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

TITLE III.

Of Peddlers.

SEC. 14. Peddlers must obtain license; penalty for peddling without.

SEC. 15. Peddlers when entitled to license.

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APPENDIX OF A LIBRARIAN.

CHAPTER I.

APPOINTMENT OF A LIBRARIAN.

SEC. 1. Election of librarian, term of office and bond.

SEC. 2. Librarian, what to have charge of.

SEC. 3. To provide a library room.

SEC. 4. Library, at what hours to be kept open.

SEC. 5. To who may draw books.

SEC. 6. When to be kept open for citizens; governor may prescribe rules.

SEC. 7. Salary of librarian, how paid.

SEC. 8. Librarian to make annual report to legislative assembly.

SEC. 9. Act when to take effect.
Be it enacted by the Legislative Assembly of the Territory of Oregon, That for the purpose of taking the sense of the people of the territory, upon the formation of a state government, a poll shall be opened at the general election, to be held on the first Monday of June next, for the reception of votes for and against a convention.

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

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

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

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

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

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

SEC. 8. That in case of a tie vote, the choice of delegates shall be by lot, each county having a vote.

SEC. 9. That the constitution which shall be framed by the convention herein provided for, before taking effect, shall be submitted to a vote of the qualified electors within the boundaries of the proposed state, at such time as shall be provided for by the constitution.

Passed January 31st, 1854.
CHAPTER 1.

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

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

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

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

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

"An act to create the office of prosecuting attorney," passed January 28th, 1853; and

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

SEC. 1. All crimes and misdemeanors, committed prior to the time when this act shall take effect, shall be prosecuted and punished in the same manner as if this act had not been passed, and all actions and suits in law or equity, commenced prior to that time, shall be prosecuted to final judgment as though this act had not been passed.

SEC. 2. This act shall take effect and be in force from and after the first day of May next.

Passed January 30th, 1854.

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

SEC. 1. Board of commissioners; who to constitute; to examine and appoint pilots; pilot may appoint deputies, subject to, &c.; vacancies in board, how filled.

SEC. 2. Board of pilots or deputy; condition of, &c.

SEC. 3. When pilot to take charge of vessel bound into Columbia River.

SEC. 4. Pilot to keep pilot boats, &c.

SEC. 5. Commissioners to establish fees of pilots, &c.

SEC. 6. Penalty for negligence or unskilfulness.

SEC. 7. When master may pilot his own vessel, &c.

SEC. 8. Commissioners authorized to remove pilots upon complaint.

SEC. 9. When consignees liable for pilotage.

SEC. 10. Where fines, penalties, &c., recovered.


SEC. 12. Commissioners' compensation, &c., recovered.


SEC. 14. When act to take effect.

SEC. 15. That if a pilot acting under the provisions of this act, shall have boarded any vessel outward bound, and shall be debarred of the Columbia; and also one or more pilots on the Columbia River to the head of navigation on that and the Wallamet Rivers, giving each of said pilots a branch or warrant for the execution of his office, with an authority to appoint deputies in the cases to be specified in such branch or warrant: Provided, Each pilot shall report his said deputies for the approbation of the said board of commissioners: Provided also, That whenever there shall occur vacancies in such board of commissioners, such vacancy shall be filled by an appointment made by a majority of their own body.

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

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

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

SEC. 5. Every such branch or warrant pilot or his deputy, shall be lost or run aground, or sustain any damage through the negligence or unskilfulness of such pilot or deputy, such pilot shall be liable both for himself and his deputy, to pay all damages sustained by any person interested in such vessel or her cargo; and may, moreover, be removed from his office.

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

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

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

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

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

SEC. 11. That if a pilot acting under the provisions of this act, shall have boarded any vessel outward bound, and shall be debarred of the Columbia; and also one or more pilots on the Columbia River to the head of navigation on that and the Wallamet Rivers, giving each of said pilots a branch or warrant for the execution of his office, with an authority to appoint deputies in the cases to be specified in such branch or warrant: Provided, Each pilot shall report his said deputies for the approbation of the said board of commissioners: Provided also, That whenever there shall occur vacancies in such board of commissioners, such vacancy shall be filled by an appointment made by a majority of their own body.

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

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

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

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

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

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

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AN ACT FIXING THE RATE OF TOLL FOR GRINDING.

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

SEC. 2. Liability and duty of millers.

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

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

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

SEC. 6. To report to the assembly, annually, account of money.

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

SEC. 8. Penitentiary for one hundred convicts.

SEC. 9. Commissioners appointed; powers defined.

SEC. 10. Act in force from its passage.

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

SEC. 1. Seat of government established at Salem.

SEC. 2. Penitentiary at Portland.

SEC. 3. University at Marysville.

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

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

SEC. 6. To report to the assembly, annually, account of money.

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

SEC. 8. Penitentiary for one hundred convicts.

SEC. 9. Commissioners appointed; powers defined.

SEC. 10. Act in force from its passage.
AN ACT TO AMEND AN ACT TO PROVIDE FOR THE SELECTION OF PLACES, FOR LOCATION AND ERECTION OF THE PUBLIC BUILDINGS OF THE TERRITORY OF OREGON.

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

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

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


5. Certain sections of former act repealed.

6. Act when to take effect.

[Further text follows, detailing the duties and powers of the commissioners, the selection of sites, and the process for issuing contracts for the erection of buildings.]

LOCATION AND ERECTION OF PUBLIC BUILDINGS.
said board shall, if they consider that the same ought to be paid, make an order that the same be allowed and paid, and, after which order, the president shall draw a draft on the governor for the amount so ordered in favor of the person to whom such allowance was made, and take the receipt of such person thereafter.

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

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

Sec. 5. That sections four, five and six, of the act to which this act is an amendment, be and the same are hereby repealed.

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

Passed the Council, January 21st, 1853.
Passed the House of Representatives, January 22d, 1853.

AN ACT, AUTHORIZING COUNTY COMMISSIONERS TO LOCATE LAND, AND TO ERECT THE TERRITORIAL UNIVERSITY, AND TO DEFINE THEIR DUTIES.

Sec. 1. Commissioners chosen: university, where erected; provided,
2. Required to give bond, amount thereof, by whom approved, and when filed.
3. Place and time for 1st meeting of board, power to adjourn, majority a quorum, when to elect acting commissioner, his powers and duties; in event of absence, members to be present in order, under penalty, how collected.
4. Board to elect one of their number secretary, his duties; treasurer, a general power of the board; secretary to subscribe oath, nature of, and where filed.
5. Duties of said board.
6. Acts of acting commissioner to be under control of the board; conditions precedent to contract being entered into; provided.
7. Vacancies how filled; how such appointees to qualify, and their term of office.
8. Of allowances for services, &c., by the board, orders therefor, on whom signed and attested their nature, by whom paid.
9. When board to draw orders, and to present them, for the sum; conditions precedent to payment of money by treasurer; when board to sanction payments.
10. Further powers of said board.
11. Duty of board to report to legislative assembly annually, nature thereof.
12. Of their compensation.
13. When act to take effect.

Sec. 1. Passed the Legislative Assembly of the Territory of Oregon, that James A. Bennett, John Trapp, and Lucius W. Phelps, be and they are hereby appointed and constituted a board of commissioners, for the construction of the territorial university, at the town of Marysville, in the county of Benton, on such lands as shall be set apart for that purpose by the governor; that, if, in the opinion of said commissioners, other lands, which can be obtained at or near said town of Marysville, afford a more eligible site, they may accept such other lands, and the said university shall be erected thereon.

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

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

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

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

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

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

SEC. 8. When, by any contract with said commissioners, any sum or sums of money shall become due to any person or persons, for services or materials furnished for said building, said board may allow and make an order that such sum or sums of money be paid; after such allowance and the making of such order, the president shall draw his warrant on the treasurer, or other officer or person, having lawfully in his possession any money or moneys authorized by law to be applied to the establishment and endowment of the university, which warrant shall be signed by the president, and attested by the secretary, requesting said treasurer or other officer or person to pay said contract, workmen or other person, the amount he shall have been allowed on such contract, for work or materials by said board; and the said treasurer or other person, is hereby authorized and required to pay such sum or sums as said warrant was drawn for, out of any moneys in his hands, authorized by law to be applied to the establishment of the university.

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

SEC. 10. The board of commissioners hereby constituted, and provided for under this act, shall receive such compensations, fees, and remunerations, as shall be prescribed by law in regard to said university.

PASSING THE HOUSE OF REPRESENTATIVES, JUNE 16TH, 1853.

PASSED THE COUNCIL, JANUARY 20TH, 1854.
AN ACT TO PROVIDE FOR THE SELECTION AND LOCATION OF TWO TOWNSHIPS OF LAND, TO AID IN THE ESTABLISHMENT OF A UNIVERSITY.

Sec. 1. Commissioners appointed to select and locate two townships of land to aid in the establishment of a university.

2. Said commissioners to be sworn and informed by the surveyor general of the tract or tracts selected.

3. Commissioners to report a schedule of lands selected by them to the legislative assembly.

4. Their compensation.

5. Provision for filling vacancies occurring in board of commissioners.

6. When act to take effect.

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

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

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

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

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

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

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

Passed the Council, December 17th, 1851.

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

Sec. 1. University land commissioner to be elected; his term of office.

2. Powers of such commissioner.

3. Commissioner to sue for recovery of damages done to lands.

4. Commissioner to be a witness.

5. Commissioner to appraise value of improvements made upon university lands, and value of land exclusive of improvements; to keep a record of appraisements; improvements made after passage of this act not to be appraised.

6. Persons claiming right to said lands, to pay commissioner their appraised value, or give bond, &c.

7. Oregon city claim to be sold at public auction.

8. Commissioner to be sworn; to give bond; to report to the legislative assembly.


10. Notice of sale to be given in some newspaper; last commented in act of the legislative assembly, of January 20th and February 9th, 1851, not included in this act, block one hundred and eleven likewise not included.

11. When act to take effect.

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

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

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

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

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

Sec. 6. In case any person or persons claiming right to any of said lands so appraised, his, her or their legal representatives, shall
CHAPTER 1

AN ACT CREATING THE OFFICE OF COMMISSIONER, &c.

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

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

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

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

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

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

Passed the Council, January 16th, 1852.
Passed the House of Representatives, January 20th, 1852.

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

SEC. 1. Commissioners for construction of penitentiary, how chosen.

2. Oath of, when and how taken; to be endorsed on bond; amount of bond.

3. Commissioners when and where to meet; election of president and secretary, their duties.

4. Governor to fill vacancies; person appointed to qualify.

5. Duty of president; no member to be interested in any contract.

6. Governor treasurer of penitentiary fund.

7. Treasurer when to pay moneys.

8. Commissioners when and how to erect penitentiary.

9. Board to have supervision of contracts; contracts to whom awarded.

10. Commissioners to appoint keeper and deputy keeper; duty of keeper to receive and keep convicts, salary, &c. of prisoners, how may be secured.

11. Salary of commissioners; commissioner to verify his accounts.

12. Report of commissioners when to be made.

13. Certain laws when repealed.

14. Act when to take effect.

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

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

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

Election of commissioners and secretaries.

The governor shall, by and with the advice and consent of the senate, appoint a board of commissioners and a secretary, who shall hold their offices until the next session of the legislature, or until their successors are appointed. Each commissioner shall have the right to employ, at the expense of the county, such attorneys as he may think necessary, and the county is hereby authorized to pay the expenses of such employment. The board of commissioners shall have the power to make all necessary regulations for the government and management of the county, and to fix the salaries of all officers appointed by them.

SEC. 1. The board of commissioners shall meet, at least once in every year, and shall keep an accurate record of all their transactions.

SEC. 2. The board of commissioners shall have power to make all necessary regulations for the government and management of the county, and to fix the salaries of all officers appointed by them.

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SEC. 50. The board of commissioners shall have power to make all necessary regulations for the government and management of the county, and to fix the salaries of all officers appointed by them.
prescribed, shall receive in addition, one hundred dollars per annum, payable quarterly, which compensation shall be paid out of the fund appropriated for the erection of a penitentiary.

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

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

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

Passed January 30th, 1854.