# Laws of the Territory of Oregon.

Sec. 30. If such deceased person died insolvent, his estate found in this Territory shall, as far as practicable be so disposed of, that all his creditors here, and elsewhere may procive an equal share, in proportion to their respective debts.

Cao. 21. To this end, his estate shall not be transmitted to the foreign executor, or administrator, until his creditors, who are alternated.

Suc. 21. To this end, his estate shall not be transmitted to the foreign executor, or administrator, until his creditors, who are citizen of this Territory shall have received their just proportions, that would be due to them if the whole of the estate of the deceased, wherever found were divided among all the said creditors in proportion to their respective debts, without prafering any one species of debt to another.

Suc. 22. In such case, no creditor, not being a citizen of this Territory, shall be paid out of the assets found here, until those who are citizens shall have received their just proportions, as provided in the preceding section.

Suc. 28. If there be any residue after such payment to the citizens of this Territory, the same may be paid to any other creditors who shall duly have proved their debts here, in proportion to the amount due to each of them respectively.

dely have proved their debts here, in proportion to the amount due to each of them respectively.

Sac. 36. No one shall receive more than would be due to him if the whole estate were divided ratably among all the creditors.

Sac. 35. The balance, if any, may be transmitted to the foreign executor, or administrator, or, if there be none such, it shall, after the expiration of three years from the appointment of the administrator, be distributed, ratably, among all the creditors, citizens and others who shall have proved their debts in this Territory.

Sac. 36. Executors and administrators shall be allowed for their trouble not exceeding ten per centum on the whole amount of personal estate, and on the money arising from the sale of lands, with such additional allowance for lessing real estate, and collecting and preserving the cetate, as the probate court may deem reasonable.

#### ARTICLE VII.

OF PROCEEDINGS AGAINST EXECUTORS, ADMINISTRATORS AND SECURITIES.

Sac. 1. If upon the estilement of any executor, or administrator, there he not sufficient assets to pay all demands against the estate, any creditor may suggest that he has not made a just account of the assets in his hands, and apply for an enquiry into the same.

Sac. 2. Upon such application, the court shall direct an issue to be made up, whether there he waste or not, which shall be tried as demands against an estate.

Suc. 3. If no waste be found, the applicant shall pay the costs; but if waste be found, judgment shall be recorded in favor of the applicant, against such executor, or administrator, of his own proper estate, for the amount wasted, and costs, and the money collected shall be applied to the payment of the debt due to the applicant, and the residue shall be apportioned among the oreditors.

Suc. 4. If it appear that such waste was committed wilfully, and

the amount wassed, and costs, and the money collected shall be applied to the payment of the debt due to the applicant, and the residue shall be apportioned among the creditors.

Suc. 4. If it appear that such waste was committed wilfully, and fraudulestily, the applicant shall recover double the amount wasted, with scats, to be appartioned as aforesaid.

Suc. 5. After final sottlement of any setate found to be insolvent, any creditor, or other parson interested therein, may bring an action of waste, or a salt on the administration bond, and assign and prove, as a breach of the readition, any waste or mismanagement of the cente, and have judgment against the ex-executor, or administrator, for the whole value of the assets wasted or mismanaged, as he could have done if they had have requirely accounted for, with costs.

Suc. 6. Upon such judgments, execution may issue against the private estate of such executor, or administrator, and his settlement shall only be constanted under the secutions, on any issue against the private estate of such executor, or administrator, and his settlement shall say. 7. The proceeds of all executions, on any judgment thus recovered, shall be applied to the payment of the debt. One to the person sung, and the residue shall be apportioned among the oreditors.

Suc. 9. The bond of any executor, or administrator, may be sued on, at the instance of any party injured, in the name of the Territory, to the use of such party, for the waste, or mismanagement of the estate, or other bessels of the condition of such bond, and the damager shall be assessed thereon as on bonds with collateral conditions.

Suc. 9. The probate court, for disobalisme te any order made in pursuance of this act, may issue attachment, imprison the body, or proceed by sequestration of land and goods, as fully as a court of chancery may do, and may issue their process for that purpose, directed to any county, and onuse it to be served therein.

ARTICLE VIII.

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OF APPEALS.

Sec. 1. Appeals shall be allowed from the decision of the probate court, to the circuit court, in the following cases: First, On all demands against an estate exceeding ten dollars. Second, On all settlements of executors and administrators. Third, On all apportionments among oreditors, legatees or distributees. Fourth, On all orders directing the payment of legacies, making distribution, or making allowances to the widow. Fifth, On all orders for the sale of personal estate because distribution cannot be made in kind. Sixth, On all orders for the sale of real estate. Seventh, On judgments for waste. Eighth, On proceedings to recover balances escheated to the Territory. Ninth, On orders rowking letters testamentary, or of administration. Tenth, On orders making allowances for the expenses of administration. Eleventh, On orders for the specific execution of contracts. Theifth, On orders compelling legatees, or distributees, to refund, and in other cases where there shall be a final decision of any matter arising under the provisions of this act.

Sec. 2. All appeals shall be taken during the term at which the decision complained of is made.

Sec. 3. The applicant for such appeal, his agent or attorney, shall

Sec. 3. The applicant for such appeal, his agent or attorney, shall file an affidavit that the appeal is not taken for the purpose of vexation, or delay, but because the affiant believes that the appellant is aggrieved by the decision of the court.

by the decision of the court.

SEC. 4. Every such appellant shall file in the court the bond of himself, or some other person, in a sum and with security approved by the court, conditioned that he will prosecute the appeal, and pay all debts, damages and costs that may be adjudged against him. This act shall not be so construed as to require any executor, or administrator, to enter into bond in order to entitle him to an appeal.

SEC. 5. After such affidavit and bond have been filed, the appeal shall be granted, but shall not be a supersedess in any other matter relating to the administration of the estate, except that from which the appeal is specially taken.

SEC. 6. When such appeal is taken, the clerk shall transmit to the clerk of the circuit court a certified transcript of the record, and pro-

clerk of the circuit court a certified transcript of the record, and pro-

cern of the circuit court a certified transcript of the record, and proceedings, relating to the cause, together with the original papers in his office relating thereto.

SEC. 7. Upon the filing of such transcript, and papers in the office of the clerk of the circuit court, the court shall be possessed of the cause, and shall proceed to hear, try and determine the same anew, without requiring any error, defect, or other imperfection, in the proceedings of the probate court.

probate court.

sc. 6. The clerk of the circuit court shall certify a transcript of the rd, and proceedings, and the original papers to the court whence the sal was taken, who shall proceed according to the decision of the

TERRITORIAL ROADS.
this article, may be given, and upon failure to appoint such agent, such notice may be filed in the office of the court having jurisdiction of the

SECTION 1. Be it enacted by the Council and House of Representatives of the Territory of Oregon, That all Territorial Roads to be hereafter located and established within this Territory shall be viewed, surveyed, and established, and returns made thereof agreeably to the previsions of this act, within one year from the passage of the act by which said road or reads may be granted or authorized to be laid out respectively.

said road or roads may be granted or authorized to be laid out respectively.

Buc. 2. The commissioners, appointed to locate and establish any Territorial road, shall cause the same to be correctly surveyed and marked from the beginning throughout the whole distance, by seiting stakes in the prairie at three hundred yards distance, and blasing trees in the timber; they shall establish mile posts, which shall be marked with a marking iron, in regular progression, from the beginning to the termination of said road, and shall also establish a poet at every angle in the said road, marking as afforesaid upon the same, and upon a tree in its vicinity, if any there be, the bearing from the true meridian of the course, beginning at said angle post, set as herein directed, and note the bearing and distance of two trees in opposite direction, if there be any in the vicinity, from each angle and mile post.

Buc. 3. The commissioners and surveyor of each road shall make a certified return of the survey and plat of the whole length of said road, specifying in said return the width, depth, and course of all streams, the position of all swamps and marshes, and the face of the country generally, noting when timber and when prairie, and the distance said road shall have been located in each county.

Suc. 4. Said return and plat shall be signed by a majority of the commissioners, and the surveyor of said road, and forwarded to the Sucretary of the Territory, within sixty days after the view and survey of the same, to be hy him recorded and preserved; they shall also, within sixty days as aforesaid, deposit in the office of the cierk of the board of commissioners of each county, through which said road as shall be laid, a return and plat, as aforesaid, make out a certified account of all services syndered, as well by the surveyor and other hands as by themselves, charging to each county, through which said road may have been laid, a proportion of the expense, agreeably to the number of days employed thereon, and the board of comm

SEC. 6. All Territorial roads, authorized to be laid out by any law

SEC. 6. All Territorial roads, authorized to be laid out by any law of this Territory, and not yet commenced, shall be laid out in the manner prescriber in this set, and the commissioners shall comply with all the regulations herein contained; and further, the established width of all Territorial roads shall be seventy feet.

SEC. 7. When any road shall have been located and established, agreeably to the provisions of this act, the same shall be and forever remain a public highway, and shall be opened and worked by the counties through which it shall be laid, as county roads are; and no part of the expense of laying out and establishing any Territorial road, or of the damages sustained by any person or persons in consequence of laying out any Territorial road, shall be paid out of the Territorial treasury.

### SUPERVISORS.

SECTION 1. Be it enacted by the Council and House of Representatives of the Territory of Oregon, That all male persons between twenty-one and fifty years of age, who have resided one month in this Territory, and who are not a county or township charge, or otherwise exempt by law, shall be liable yearly, and every year, to do and perform three days' work on the public roads, under the direction of the supervisor within whose district they may respectively reside.

Suc. 2. That it shall be the duty of every supervisor to order out every such person, resident as afteressid, between the deep of Apost and October annually, to do and perfora the work aforesaid, on the public roads within his district; and if any such resident being personally warned by the supervisor, or by leaving a printen notice at his place of abode, or by some person under the direction of the supervisor, by whom such warning can be proven, shall refuse or neglect, having had at least three days notice, to attend, by himself or substitute, to the acceptance of the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness and institution to the duties assigned him, every such delinquent shall forfeit and pay for each day he shall so refuse or neglect to attend, or for any of the offences above specified, the sum of five dellars, to be recovered by action of debt before any justice of the peace having jurisdiction thereof, at the suit of the supervisor within whose district such delinquent may reside; and the money so collected shall be paid over to the township treasurer and accounted for by the supervisor, at the annual settlement with the trustees of his township: Provised, That in counties where townships are not organized, such forfeiture, so collected, shall be paid into the county treasury, and appropriated as provided for in this act.

Sec. 3. That in case any person shall remove from one district to

SEC. 3. That in case any person shall remove from one district to another who has, prior to such removal, performed the whole or any part of the labor aforesaid, or in other respects has paid the whole or any part of the amount aforesaid in lieu of said labor, and shall produce a certificate of the same from the supervisors of the proper district, such certificate shall be a complete discharge for the amount discrein

specified.

SEC. 4. That every person called upon to perform any labor upon public roads and highways, under any of the provisions of this act, shall appear at the place appointed by the supervisor, at the hour of eight o clock in the forenoon, with such necessary tools and implements as said t spervisor may direct, and the supervisor may, if necessary for the improvement of the roads, order any person owning the same to furnish a team of horses or oxen, and wagon, cart, scraper, or plow; to be employed or used on the roads under the direction of said supervisor, who shall allow such recrease his companying for the use of who shall allow such person a reason who shall allow such person a reasonable compensation for the use of such team, wagos, cart, soraper, or plew, in discharge of any labor due from said person.

Sgc. 5. That all persons who may be deemed, by the supervisor, unable to perform, or cause to be performed, the three days' work sequired by this act, shall be exempted from the requisitions of the

Szc. 6. That whenever it shall happen, in consequence of sickness, absence from home, or any other cause, that the three days' work aforesaid shall not be performed within the time specified in this act, the supervisor shall be authorized to require the performance of such work

SEC. 7. That the county commissioners or the trustees of townships, when the same shall be organized, shall, as often as they may deem it necessary, but not oftener than once a year, divide their respective, counties or townships, or any part thereof, into suitable and convenient road districts, and cause a brief description of the same to be entered on the county or township records; and in case any public road shall be established as a part of the line, or boundary of any townships, where townships are organized, the trustees of the adjoining townships shall meet at some convenient place, as soon after such division as convenient, and apportion such road or roads between the two townships, as justice and equity may require, for the purpose of opening and improving the same, and the supervisors and inhabitants of each township shall be bound to work on said road or roads accordingly.

SEC. 8. That the several supervisors within their respective districts, shall collect, by suit or otherwise, all fines, forfaitures, and penalties, arising and according under the provisions of this sot, unless the collection thereof is herein provided for, and pay the same into the township treasury, if the townships are organized on or before the first Monday. In March, otherwise in the county treasury on or before the first Monday.

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#### JUST RECEIVED

DER bark "Louisians," from the following greek: A large and general marriage CLOTHING,

CURNITURE—such as bareaus, tables, in streets, weak steads, obtain, do., weaks and tablests showin, such or object, too, such, make, weaker glass, salver plated & generals after ion & table speed tories, and and faithed the second faithed to do do second thereon, second tables, and faithed the second thereon, second thereon, second thereon, second thereon, second thereon, constitut thereon, and in a complete settle formers, and in the formers, and in the color, pictures and pictures formers, with pictures, and pictures formers, with pictures and pictures, with pictures, and pictures for an analysis of the color, with pictures, and analysis of the color, with pictures, and analysis of the color, with pictures, and analysis of the color, with pictures and pictures, with pictures and pict

All of which will be said, tegether with the moor effect of goods, upon the most favorab ena, by CROSEY & SMITH. Portland, opel 15, 1680-104

Portland, optil IA, 1800-1811

Notice to Shipe where & Morehannte
FIII undersigned, having been appointed
agent for the disposal of lumber manufactured at Oregon City, Chechamen and Milwankie, oven miles from Oregon City, the present head of navigation of the Willamette, and will be ready at all times to contract for objecting or sale by the carge or retail, americal lumber, square timber, chingies, &c., &c.

He is the an squart for a line of vessels running actives a San Francisco, California, and this place Vessels will be leaded with great disputch, as the carge one be taken from the wharf shore or rafts.

LOT WHITCOMB.

Milwaukie, January 8th, 1850.

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COUCH & CO. Also, one chingle mechine. Can out 10 ny, and be adapted for heading. Portland, June 13-190f

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S situated on the lower brunch of the William ofte river, just above its junction with the dumble. The advantages of its location speak it themselves. All we ask is, for our friends to it and see the place.

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HAVE formed a co-partnership, and will
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### NOTICE

I S hereby given that I will apply to the Hen.
Probate Court of Weshington county, at the next term of said Court, for a License to keep a Ferry access the Willemente siever at where the Ferry new is in operating, at the lower and of Lina city, from a paint of land belonging to me, to the ferry landing on the opposite sid of said free ferry landing on the opposite sid of said free.

JAMES M. MOORE.

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