Laws of the Territory of Oregon.

[CONCLUDED.]

day of April annually, taking the treasurer's receipt for the same, which receipt shall be the proper voucher for the supervisor to settle with the trustees or county commissioners for the amount thereof, and all fines and forfeitures sued for and recovered under the provisions of this act by any other person than a supervisor shall be paid over within twenty days by the justice of the peace or constable collecting the same to the township treasurer, if townships are organized, if not, to the county treasurer, taking a receipt therefor, and the trustees of townships, or county commissioners, shall cause all moneys so paid into the township or county treasury to be immediately appropriated to repairing the public roads in such road district wherein such fine or forfeiture accrued. and if any person shall be sued for doing or performing any act or thing required or authorized by this act, such person may plead the general issue, and give this act and the special matter in evidence, and no suit or action shall be brought or maintained unless it shall have been commenced within six months after the cause of such action shall have arisen: *Provided*, That nothing in this section shall be so construed as to prevent the trustees of townships or county commissioners from collecting or recovering any moneys in the hands of the township or county treasurers, or supervisors of roads and highways.

Sec. 9. That it shall be the duty of each and every supervisor to open or cause to be opened all public roads and highways which have been or may hereafter be laid out and established through any part of the district assigned to such supervisor, and keep the same in repair, for which purpose the supervisors are hereby authorized to enter upon any unimproved lands, near or adjoining the public roads, to cut and carry away any timber, to dig or cause to be dug and carried away any gravel, sand, or stone, or gather any loose stone which may be necessary to improve or repair the roads, and to enter on any lands adjoining or lying near the roads, to make such drains or ditches through the same as they deem necessary for the benefit of the roads, doing as little injury as may be to said lands, and the drains or ditches so made shall not be stopped or obstructed by the owner or occupier of such lands or any other person or persons, under the penalty of forfeiting a sum not exceeding twenty dollars for each offence, to be recovered and appropriated as provided in the preceding section of this act.

Sec. 10. That if any person or persons shall feel aggrieved by any supervisor's cutting or carrying away any timber or stone as aforesaid, they may make complaint thereof to the county commissioners of the proper county, at a regular meeting within six months after the cause of such complaint shall exist, and the commissioners shall appoint three disinterested landholders of the county whose duty it shall be after taking an oath or affirmation to discharge their duty faithfully and impartially, to proceed and examine the matter complained of by the complainant, and assess and determine the damages, if any, and they shall report the same in writing to the commissioners at their next meeting thereafter, and if the commissioners shall be satisfied that the amount so assessed and determined be just and equitable, they shall cause the same to be paid to the complainant out of the county treasury, but if upon view the said landholders should be of opinion that there is no grievance or just cause of complaint, the person so complaining shall pay the costs of such view.

Sec. 11. That each supervisor within his district shall erect and keep up, at the expense of the county, at the forks of every Territorial or county road, a post and guide board or figure board, containing an inscription in legible letters, directing the way and distance to the next town or towns, or public place or places, situated on each road respectively; said post to be at least six inches in diameter, and not less than twelve feet high, and well set in the ground.

Sec. 12. That any time during the year when any public road shall be obstructed by the fall of timber or any other cause, or any bridge shall be impaired so that the passage of teams or travelers on said road or bridge shall be dangerous, and the supervisor in the district in which such obstruction or impaired bridge may exist, shall be notified of the same, it shall be his duty to cause such obstruction to be removed or bridge repaired forthwith, for which purpose he shall immediately order out such number of the inhabitants of his district as he may deem necessary to remove said obstructions or repair said bridge, and the persons so ordered out shall, after having had one day's notice to attend as aforesaid, be subject to the same restrictions and liable to the same penalties as if ordered out under the provisions of the second and fourth sections of this act.

Sec. 13. That in all cases when any person shall, under the direction of his supervisor, perform more labor on the public roads than may be due from him, the supervisor shall give such person a certificate specifying the amount of extra labor so performed, which certificate shall be assignable and received for the amount specified in such certificate in discharge of any labor within the same road district, which may be due from the holder of such certificate in any succeeding year under the provisions of this act: *Provided*, That the preceding section shall not authorize any supervisor to require any person to perform more than two days' work in any one year, over and above the amount of labor due from such person agreeably to the provisions of the first section of this act.

Sec. 14. That where townships are organized the trustees shall meet at the place of holding township elections, on the first Monday of March annually, at which time and place the several supervisors of the township shall attend, and each produce his lists and accounts, together with the township treasurer's receipt for all fines, penalties, and forfeitures by him collected, and the trustees are hereby authorized and required to adjust and settle all accounts so produced to them, and allow such amount for delinquencies as they shall deem just and reasonable; and, if upon a fair and accurate settlement there shall appear to be a balance due to any supervisor for his services under this act, the trustees shall give him an order on the township treasurer for the amount due: *Provided*, That the supervisor shall, in all cases, be held accountable for the full amount of labor due in his district, unless for good cause shown, the trustees shall deem it just to remit the same. *And provided further*, That in counties where townships are not organized the county commissioners shall annually on the first Monday in April, settle the accounts of supervisors within their respective counties agreeably to the provisions of this act; and the supervisors of such counties shall attend upon said commissioners on said day.

Sec. 15. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall, under any pretense whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving [illegible] receipt or certificate, every supervisor so offending, shall forfeit for every such offence, not less than five dollars nor more than twenty-five dollars, to be recovered by indictment in the district court, or by action of debt before any justice of the peace having jurisdiction of the same; and it is hereby made the duty of the trustees of the township in counties where the same are organized, and county commissioners where townships are not organized, to prosecute all offences against the provisions of this act: *Provided*, That if any supervisor shall conceive himself aggrieved by the judgment of the justice of the peace, he may appeal to the district court in such like cases.

Sec. 16. That each supervisor shall receive for his services for each day employed under the provisions of this act over and above all days, the sum of one dollar, to be paid out of the township treasury on the order of the trustees where townships are organized, but in counties where townships are not organized the supervisor shall be paid out of the county treasury on the order of the county commissioners.

Sec. 17. That the several boards of county commissioners in counties where townships are not organized, shall, annually at their April session, appoint a suitable number of supervisors for such road districts as are not provided for by law, and they may fill vacancies at any time when they may occur, and shall cause the supervisors, by them appointed, to be notified thereof in writing. That any person who shall destroy, or in anywise deface or obliterate any guide-board or mile-post set up according to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined the sum of not less than ten nor more than fifty dollars, and be imprisoned not less than one month nor more than three months, at the discretion of the court.

Sec. 18. That bridges on Territorial and county roads shall not be less than sixteen feet wide. It shall be the duty of the judges of the district court to give the foregoing section of this act in charge to the grand juries at each term of their respective courts.

ROADS AND HIGHWAYS

Section 1. *Be it enacted by the Council and House of Representatives of the Territory of Oregon*, That all County and Territorial roads which have been or may hereafter be laid out and established agreeably to law, in this Territory, shall be opened and kept in repair in the manner hereinafter provided; and all county roads shall hereafter be laid out and established agreeably to the provisions of this act, and all county roads shall be sixty feet wide, unless the commissioners of the county, upon petition, should determine on a less number of feet in point of width, on any road so petitioned for.

Sec. 2. That all applications for laying out or altering any county road, or for the alteration of any Territorial road, shall be by petition to the board of commissioners of the proper county, signed by at least twelve householders of the county, living in the vicinity where said road is to be laid out or altered, and said petition shall specify the place of beginning, the intermediate points, if any, and the place of termination of said road.

Sec. 3. That previous to any petition being presented for a county road, or for the alteration of a county or Territorial road, notice thereof shall be given by advertisement set up at the place of holding county commissioners courts, and three public places in each township through which any part of such road is designed to be laid out or altered, at least thirty days previous to the meeting of the board of county commissioners, at which the petition shall be presented, and on the petition being presented and the commissioners satisfied that such notice has been given as aforesaid, they shall appoint three disinterested householders of the county as viewers of said road, and a skilful surveyor to survey the same, and shall issue an order directing said viewers and surveyor to proceed, on a day to be named in said order, or on their failure to meet on said day, within five days thereafter, to view, survey, lay out or alter said road.

Sec. 4. That it shall be the duty of the viewers and surveyor appointed as aforesaid, after receiving at least six days' previous notice by one of the petitioners, to meet at the time and place specified in the order of the commissioners aforesaid, or within five days thereafter, and after taking an oath or affirmation, faithfully and impartially to discharge the duties of their appointments respectfully, shall take to their assistance two suitable persons as chain carriers and one marker, and proceed to view, survey, lay out or alter said road as prayed for in the petition, or as near as the same can in their opinion, a good road can be made at a reasonable expense, taking into consideration the utility, convenience and inconvenience, and expense which will result to individuals as well as to the public, if such road shall be established and opened or altered, and the surveyor shall survey such road under the direction of the viewers and cause the same to be conspicuously marked throughout, noting the courses and distances, and at the end of each mile shall erect the number of the same, and also the commencement and termination of said road or survey to be marked on a tree or monument erected for that purpose, he shall also make out and deliver to one of the viewers, without delay, a correct certified return of the survey of said road, and a plat of the same; and the viewers shall make and sign a report in writing, stating their opinion in favor or against the establishing or alteration of such road, and set forth the reasons of the same, which report, together with the plat and survey of said road or alteration, shall be delivered to the county commissioners' clerk, by one of the viewers, on or before the first day of the session of the county commissioners court then next ensuing, and it shall be the duty of the commissioners on receiving the report of the viewers aforesaid, to cause the same to be publicly read on two different days of the same meeting, and if no legal application shall be made to them for a review of said road or alteration, or petition for damages, between the first day of their session, at which the report and survey are made, and the second day of their next stated session, they shall cause said report, survey and plat to be recorded, and from thenceforth said road shall be considered a public highway, and the commissioners shall issue their order directing said road to be opened. But if the report of the viewers be against such proposed road or alteration, then no further proceedings shall be had thereon, and the obligor or obligees in the bond receiving the payment of costs and expenses, shall be liable for the full amount of such costs and expenses: *Provided*, That in all cases when any oath or affirmation is required to be taken by any person under the provisions of this act, the same may be administered by the surveyor, or by one of the viewers or reviewers who have previously been sworn or affirmed themselves.

Sec. 5. That after the viewers of any county or Territorial road shall have made return in favor of the same agreeably to the preceding section, and before said return shall be recorded, and the record established, it shall be lawful for any landholder of the county, to apply to the commissioners for a review of said road, by petition, signed by at least twelve householders residing in that part of the county through which said road is proposed to be established; and the commissioners shall on such petition being presented, and they satisfied it is just and reasonable appoint five disinterested qualified voters of the county, to view said road, and issue their order to said viewers, directing them to meet at a time specified in such order, or within five days thereafter, and said viewers shall meet after having received six days' previous notice by one of the petitioners, and after taking the oath or affirmation required by the preceding section, shall proceed to examine the route surveyed for said road by the former commissioners, stating their opinion in favor or against the establishment of said road, and their reasons for the same; and if the report of the viewers be in favor of said road, the same shall be established, recorded, and opened, agreeably to the provisions of this act; and the person or persons bound for the same, shall pay into the county treasury the amount of the costs of such review, but if the report be against the establishment of such road no further proceedings shall be had thereon before the commissioners, and the persons executing the first bond shall pay into the county treasury, the amount of costs and expenses of the first view and survey, and review of said road.

Sec. 6. That if any person or persons through whose land any Territorial or county road may be laid out, shall feel aggrieved thereby, such person or persons may make complaint thereof to the board of county commissioners, at any time between the session on the commissioners at which the report of said road is made, and the second day of their next stated session; and the commissioners shall appoint three disinterested householders of the county, whose duty it shall be, after having been duly sworn or affirmed to discharge their duty faithfully and impartially, to proceed and view said road the whole distance the same may have been established through the premises of the complainant, and assess and determine how much less valuable the land or premises of the complainant has been or will be rendered by the opening of said road, and they shall report the same in writing to the commissioners at their next meeting thereafter, and if the commissioners shall be satisfied that the amount so assessed and determined be just and equitable, and that said road will, in their opinion, be of sufficient importance to the public to cause the damages to be paid by the county, they shall order the same to be paid to the petitioner from the county treasury, but if in their opinion the said road is not of sufficient importance to the public to cause the same to be paid by the county, they may refuse to establish the same a public highway, unless the damages and expenses are paid by the petitioners.

Sec. 7. That when any county road shall be considered useless, any twelve householders residing in that part of the county where such road is established, may make application by the petition to the board of commissioners of the county to vacate the same, setting forth in said petition the reasons why said road ought to be vacated, which petition shall be presented and publicly read at a regular session of the board of commissioners, and no other proceedings shall be had thereon, until the next stated session of said board of commissioners, when it shall be again read as aforesaid, and if no objection be made, the commissioners may on the last day of that session declare said road vacated, or any part thereof, which they may deem unnecessary to keep open for public convenience, but if objection be made in writing, signed at least by twelve householders residing in the neighborhood of the road proposed to be vacated, the commissioners shall appoint three disinterested persons to view said road, who shall take the same oath or affirmation as is required by the fourth section of this act, and proceed to view the road aforesaid and make a report of their opinion thereon and their reasons for the same, to the board of commissioners, and if said viewers shall report in favor of vacating said road or any part thereof, the commissioners may if they shall deem it just and reasonable, declare said road vacated agreeably to the report of the viewers, but in case said viewers shall report against vacating said road, then and in that case no further proceeding shall be had thereon: *Provided*, That previous to any petition being presented under the provisions of this section, the same notice shall be given as required by the third section of this act.

Sec. 8. That when the place of beginning or true course of Territorial or county roads shall be uncertain, by reason of the removal of any monuments or marked tree, by which said road was designated or from any other cause the board of commissioners of the proper county, may appoint three disinterested persons, citizens of the county, to review and straighten said road if they shall deem it necessary, and the reviewers shall cause said road to be correctly marked throughout, as in case of new roads, and a correct survey to be made of the same, and shall make return of said survey and plat of said road, to the board of commissioners, who shall cause the same to be recorded as in other cases, and from thenceforth said road, surveyed as aforesaid, shall be considered a public highway.

Sec. 9. That if any person or persons, through whose land any Territorial or county road is or may be established, shall be desirous of turning said road through any other part of his or her land, such person or persons may, by petition, agreeably to the second and third sections of this act, apply to the commissioners of the county, while in session, to permit him or them to turn any road through any other part, or off of his, her or their land on as good ground, without increasing the distance to the injury of the public; and on the receipt of such petition, the board of commissioners shall appoint a surveyor, and three disinterested householders of the county, as viewers, who, or any two of them, shall proceed to view the ground over which the said road is proposed to be turned, and ascertain the distance which said road will be increased by such proposed alteration, and make out a report in writing stating the several distances so found, together with their opinion as to the utility or inutility of making said alteration, and if said reviewers shall report to the board of commissioners that the prayer of the petitioner or petitioners is reasonable, and that the alteration will not place the road on worse ground, or increase the distance to the injury of the public, they shall, 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 travelers, the commissioners aforesaid may declare said new road a public highway, and make record the same, and at the same time vacate so much of the old road as is embraced by the new, and the person or persons desiring the alteration aforesaid, shall pay all the costs of the view, survey, and return of said alteration.

Sec. 10. That if any person, who shall be appointed by the board of commissioners as a viewer, reviewer, or surveyor of any road, shall refuse or neglect to perform the duties required by this act, without making satisfactory excuse for such refusal or neglect, he shall be fined in any sum not exceeding ten dollars, to be recovered by action of debt by any person suing for the same, before any justice of the peace having jurisdiction of the same, and shall be paid over, without delay, to the county treasurer, by the justice of the peace or constable collecting the same, taking his receipt therefor, and the board of commissioners shall cause all fines which shall be paid into the county treasury by the provisions of this act, to be expended on roads and bridges within the county.

Sec. 11. That the persons required to render services under this act, shall receive compensation for each day they shall be necessarily employed, as follows, to wit: viewers and reviewers, three dollars each; chain carriers and markers, two dollars each; and surveyor, four dollars each, to be charged as costs and expenses and paid out of the county treasury, on the order of the board of commissioners of the proper county.

Sec. 12. That when it shall become necessary to establish a road on a county line, the inhabitants along such line may petition the boards of commissioners of their respective counties, for a view of such road in the manner pointed out in the preceding section of this act, and it shall be the duty of such board of commissioners, for each of the counties interested, to appoint two discreet citizens as viewers, who, or a majority of them, shall meet at the time and place named in the order of the commissioners of the oldest county interested, who shall appoint a surveyor; and the viewers and surveyor, appointed as aforesaid, shall make their report in writing, for or against such road, to the said commissioners of the counties concerned, and the said commissioners, upon receiving such report, shall, in all respects, be governed by the provisions of this act.

Sec. 13. That if, on receiving such report, the commissioners of the counties interested, shall be of opinion that such road, if opened, would be of public utility, they shall order the same to be opened in the manner pointed out by this act.

Sec. 14. That when any road is located under the provisions of the twelfth and thirteenth sections of this act, it shall be the duty of the board of commissioners of the county, or trustees of townships adjoining such road, to select one from their number whose duty it shall be to meet at some convenient place near the line of the same, the time and place to be appointed by the commissioners or trustees of the other county or township interested, previous to the time appointed by law for apportioning labor to their respective road districts, and shall assign a sufficient number of persons, if practicable, to open such road and keep the same in repair, dividing the road in such manner that the persons so assigned may work under the orders of the supervisors in the county or township to which they belong, and the supervisors and persons so assigned shall be governed by the provisions of the act entitled an act defining the duties of supervisors of roads and highways.

Sec. 15. That on application, made under the provisions of this act, the board of commissioners of the proper counties shall, before granting any order thereon, require of the person or persons making such application, a bond, with one or more sufficient securities, made payable to the county treasurer, and approved by the board of commissioners of the county, for the use of the county.

Sec. 16. That no change shall be made in the direction of a Territorial road, where it crosses the line between two counties, unless by mutual agreement in the report of the viewers appointed by the board of commissioners in the counties interested, in which last case the plat and survey of the variation from the original road shall be recorded in both counties.

FOR SALE, at the Brick Store, Oregon City
Blankets
Broadcloths
Cassimeres
Vestings
Kentucky jeans
Ready made clothing
Gumshoes
Merinos, alpaca
Lister Satsne
Barege dress patterns
Ginghams, lawns
Muslins, prints
Wadding, linen
Laces, silk & cotton bdkfs
Basket and plaid shawls
Bleached and brown sheeting
Bleached and brown sheeting
Stripes and shirtings
Bleached, brown and blue drills
Bed ticking
Cotton flannels
GEO ABERNETHY & CO
Oregon City, March 7, 1850—tf

NORTON & DENNISON have on hand and are constantly receiving from San Francisco and the United States, supplies, suitable for the Oregon market, of dry goods, groceries, hardware, &c., which they offer for sale on the most reasonable terms.
N B Wanted—Kinds of merchandise taken in exchange.
NORTON & DENNISON
Portland, June 11-3m

JUST RECEIVED for sale ex steamer "Carolina,"
Mess pork 15 bbls.
Butter 86 10lb kegs.
Hams 55, 70lb each, in 1 lb papers.
Soap, 30 cm. boxes Eng brown soap 25½ lbs each.
12 boxes wind. mot. perfd white soap.
3 " palm oil fam. soap.
Chain, 3 doz, cane seats.
Salt, 30 sks 1 peck sals, 50,000 lbs S. Island.
Tea, coffee, Princeton crackers, pilot bread.
Powder and shot, lead, dressed lumber.
Nails, single cut mill saw files.
Mill irons, 5 sets complete 4-4 & 6 sets to each.
Pocket cutlery, brushes, crockery ware, stationery and fancy articles, by
COUCH & CO
Also, one shingle machine. Can cut 30 M per day, and be adapted for heading
Portland, June 13-19tf

SALT.
148 Sacks Liverpool salt,
30 sacks Syracuse table salt,
For sale by
GEO. ABERNETHY & CO

HAVE formed a co-partnership, and will keep on hand a variety of Dry Goods and Groceries. They would solicit a share of public patronage.
J. P. & W. C. HOLMAN

JOB PRINTING,
Neatly and Expeditiously Executed at the
OREGON SPECTATOR OFFICE.

LIST OF LETTERS,

REMAINING in the Post Office, in Oregon City, on the 30th September, A. D. 1850

B
Bull Archibald
Barnhart Wm H 4
Buck David
Buckley John
Butler Thos H
Babcock Austin 2
Bailey W N Dr
Brown Wm L H
Brown John M
Bolinger Thos J
Bagley Daniel
Barston Lafayette
Bateman John
Boston Sarah E
Braley Lewis
Bunn J J Dr
Baker Geo H
Bell Robt S

C
Caldwell J J
Cox Wm S
Craxton Thos
Cross Wm
Catching Benj
Carter L F
Cyrus Wm
Campbell James
Cowles John 2
Cherrin Daniel
Collins Cyrus
Collins Alfred
Constant Jonas
Chandler Alfred
Cramer John

D
Dixon Wm
Delano Hiram Wm 2
Dickinson Andrew
Dunmore Wm
Barrow M I
Doak Jackson
Davidson Geo H
Dobson Robert
Dove Lawrence A
Doe Nancy—no Xmas H 1

E
Eaton Silas
Edgar Wm or Moses

F
Foster Thos H
Fuller M D

G
Long John
Lovejoy Henry

M
Mendenhall Amos
Mixon Harry S
Montgomery Samuel J
Moon Wm
Moore Edward
Mc Williams Alex
Moats Alfred
McCord Calhon
McCall John M J
Myers D
Morrison Perry
Morgan Miller
Maxon H J 2
Mc Arthur N M
McClane Wm
Mendenhall Rich
Merrill John
Mullen Thos
Merwick John
Mc Mahon Samuel W
Morgan Nelson

O
Owens Thos
Ogle Hiram
Olney Nathan

P
Price Hugh
Parkhurst Lewis
Pearce W E
Patton David
Pearce Jos H
Price Asa
Pickering
Parker John J
Polk Wm R
Phelps Wm A Wm D
Pugh Richard
Parke Hiram A

R
Ryle Lemuel Ward
Richardson Jesse D
Rose John
Ross James
Rice Lucy M
Rinehart Abner
Reed Lewis
Rodgers H B
Russell Jerre M
Rogers Wm
Richards Moses C
Rix or Wilphus

S
[illegible]

T
[illegible]

W
[illegible]

Y
[illegible]

JUST RECEIVED
PER brig "Louisiana," from San Francisco, the following goods:
A large and general assortment of Heads made CLOTHING,
consisting in part of
Coats, Pants, Vests, Shirts, Drawers, Suspenders, Cravats, &c.
FURNITURE, such as Bureaus, tables, bedsteads, washstands, chairs, &c.
Woven and split cane seats,
superior cut & wire nails, window glass,
tobacco, knives and forks,
silver plated & german silver tea & table spoons,
fluted, thread and tipped do do do
do do do
cast steel axes,
cooking stoves, with pipe and furniture complete.
All of which will be sold, together with their former stock of goods, upon the most favorable terms, by CROSBY & SMITH
Portland, April 15, 1850 16tf

CASCADE COMPANY,
WHOLESALE AND RETAIL
DEALERS in Ready Made Clothing, Hardware, Crockery, Groceries Provisions, and all other articles usually called for by whales and Indians
GEO L JOHNSON,
J A CHENOWETH,
T B PIERCE,
GEO W JOHNSON
Cascade, Oregon Ter, Jan 1st, 1850 16tf