

LAWS OF OREGON.

Passed at the Last Session of the Legislative Assembly.

AN ACT relating to the Rights of Married Women.

Be it enacted by the Legislative Assembly of the State of Oregon:

SEC. 1. That the property, either real or personal, acquired by any married woman during coverture, by her own labor, shall not be liable for the debts, contracts or liabilities of her husband; but shall in all respects be subject to the same exemptions and liabilities as property owned at the time of her marriage or afterwards acquired by gift, devise or inheritance.

SEC. 2. When any married man residing in this State shall abandon his wife without making suitable provision for her support, and absent himself from this State for a period of one year, from the County Court of the county in which such wife shall reside, may, upon her petition setting up the facts of such abandonment, verified by her own oath, summarily proceed to hear the said petition, and adjudge the fact as to such abandonment, which adjudication shall be conclusive as to such fact as to third persons; and if such abandonment shall be adjudged thereupon, such married woman, during the absence of her husband, may in all respects contract in relation to, sell, convey and deal with her separate property, real and personal, in the same manner as if she were a femme sole, and may in her own name, without being joined with her own husband, sue and be sued in relation to her separate property, on any contract made by her after such adjudication and before the return of her husband.

SEC. 3. No suit or action wherein a married woman shall be a party, under the provisions of this act, shall be abated on the return of her husband into this State, but he may, on his application, be admitted to prosecute or defend such suit or action jointly with her.

Approved October 15, 1872.

AN ACT to protect Mining Claims and punish unlawful trespass thereon.

Be it enacted by the Legislative Assembly of the State of Oregon:

SEC. 1. Any person who shall break, or rob in any manner, or who shall attempt to break, or rob any mine, lode, quartz mill, quartz vein, or lode, bed-rock sluice, sluice box, or mining claim, not his own; or who shall trespass upon such mining claim, with the intent to commit a felony shall, upon conviction thereof, be punished by imprisonment, in the Penitentiary of this State, not less than one nor more than five years, or by fine not less than one hundred dollars, nor more than one thousand dollars, or by both such imprisonment and fine, as the Court, or Judge thereof may direct.

Approved October 15, 1872.

AN ACT in relation to the traveling and incidental expenses, and the compensation of the Justices of the Supreme and Circuit Courts therefor.

WHEREAS, The Justices of the Supreme Court of this State are by the Constitution charged with the performance of Circuit Court duties, involving the expenditure of individual funds for traveling and incidental expenses, for the reimbursement of which no provision has heretofore been made by law, and

WHEREAS, No provision has heretofore been made for the employment of any needed clerical aid connected with the discharge of their labors; and

WHEREAS, The rapidly increasing condition of the business of the State proportionately increases the business of the Courts, making the general compensation heretofore allowed greatly disproportionate to the value of the services required of the Justices of the Supreme Court; therefore,

Be it enacted by the Legislative Assembly of the State of Oregon:

SEC. 1. That there be and hereby is allowed to each of the several Justices of the Supreme Court doing Circuit Court duty, the sum of one thousand dollars per annum, to defray the traveling and other incidental expenses, to which said Justices may be subjected in the execution of their official duties.

SEC. 2. That the Secretary of State be and he is required to draw quarterly warrants upon the Treasurer in favor of said Justices, the same to be paid by said Treasurer, out of any funds not otherwise appropriated.

SEC. 3. That the first warrants drawn by virtue of this Act shall be for the quarter ending November 30, 1872.

Approved October 17, 1872.

AN ACT to provide for the sale of tide and overflowed lands on the sea shore and coast.

WHEREAS, In many of the bays, harbors and inlets on the sea coast of this State the sea is annually encroaching upon the land—washing away the shores and shoaling such bays, harbors and inlets; and

WHEREAS, Such encroachments can be prevented only at a great expense and by occupying and placing improvements upon the tide and overflowed lands belonging to the State; and

WHEREAS, It is desirable that facilities and encouragement should be offered to the owners of the soil abutting upon the coast in such bays, harbors and inlets, to make improvements and expenditures that will stay such encroachments; therefore,

Be it enacted by the Legislative Assembly of the State of Oregon:

SEC. 1. That the owner or owners of any land abutting or fronting upon or bounded by the shore of any bay, harbor or inlet, on the sea coast of this State, shall have the right to purchase from the State all the tide land belonging to the State, in front of such owner or owners; provided, that if valuable improvements have been made upon any of the tide lands of this State before the title to the land on the shore shall have passed from the United States, the owner of such improvements shall have the exclusive right to purchase the lands so improved, extending to low water-mark, for a period of one year from the approval of this Act.

premise. (Here describe by legal subdivisions the lands in front of which said tide lands are located).

SEC. 3. Every applicant for the purchase of tide land, under Section 1 of this Act, shall, with his application, present to the officer or officers who are or shall be authorized to sell such lands, the evidences of his title to land which abuts or fronts upon or is bounded by such tide lands, and before making such sale such officer or officers shall be satisfied that such applicant is the owner of such lands so fronting, abutting or bounded as aforesaid.

SEC. 4. The value of such tide lands shall be appraised at a certain sum per acre of the same, and such appraisal shall not value such lands at less than \$1 25 for each acre of such land; provided, the Board having in charge the sale of said lands, shall have power to set aside any appraisal on evidence taken of the true value of the same, and shall make another and true appraisal based on such evidence.

SEC. 5. If any person or persons, who at the passage of this act shall be entitled under section 1 thereof to purchase any tide lands, shall not within twelve months from the passage of this Act make application to purchase such tide lands, or having made such application, shall have failed to prosecute the same, as provided by law, then such lands shall be open to purchase by any other person who is a citizen and resident of the State of Oregon; provided, that this section shall not apply to any lands abutting or fronting on or bounded by the sea shore, which are owned by the United States; and provided further, that if the United States shall hereafter part with its title to any lands of which, at the passage of this act, it is the owner, fronting or abutting upon or bounded by the sea shore, the grantee of such lands shall have twelve months after perfecting his title under the United States to apply for the tide lands in front thereof; and in case of his failure to make such application, within said period of twelve months, or having made such application, in case of his failure to prosecute the same as provided by law such tide lands shall be open to purchase by any other person who is a citizen and resident of the State of Oregon.

SEC. 6. Nothing in this act provided shall prevent the Legislature of this State or the corporate authorities of any city or town thereof, from regulating the building of wharves or other improvements in any bay, harbor or inlet in this State; and nothing in this act provided shall be construed as a grant of an exclusive right to any person or persons to use the natural oyster beds of this State, but the grantee of any land in this State, under this Act, shall hold the same subject to the easement of the public as provided by the existing laws of this State to enter thereupon and remove, under the provisions and restrictions of the laws of this State, oysters and other shell fish therefrom.

SEC. 7. All applicants to purchase lands under the provisions of this act shall, at their own expense, cause the same to be surveyed by the County Surveyor of the county in which such lands are situated, such survey to conform to and connect with the surveys of the United States, adjoining as far as may be practicable, and the certificate of the County Surveyor, describing the lands applied for by metes and bounds and designating the quantity thereof, shall be forwarded under the certificate of appraisal to the officers of the State who are authorized to sell the same.

SEC. 8. Inasmuch as there is no law upon this subject at the present time, this act shall take effect from and after its passage.

Approved October 28, 1872.

AN ACT to improve the State Road lying between the North line of Wilbur Precinct, Douglas County, Oregon, and a point five miles South of Roseburg, on said Road, in said County, and State, a distance of fifteen miles.

Be it enacted by the Legislative Assembly of the State of Oregon:

SEC. 1. That there is hereby appropriated the sum of fifteen thousand dollars, or so much as may be required thereof, in gold and silver coin, out of the funds arising from the five per centum of the net proceeds of the sale of the public lands of the United States lying within this State, or out of the sale of swamp and overflowed lands, or tide lands, belonging to the State, not otherwise appropriated, or from both, or all of said funds, for the purpose of constructing a substantial road from the North line of Wilbur Precinct, in Douglas county, or State Road, to extend to a point five miles South of Roseburg, a distance of fifteen miles.

SEC. 2. That the County Court are hereby appointed Commissioners, whose duty it shall be to superintend the laying out and constructing said road, and shall make all contracts for the construction of said road, which shall be under the supervision of said Court and Commissioners, who shall take and subscribe an oath to faithfully and honestly discharge their duties, in accordance with this Act, before entering upon the duties of their office.

SEC. 3. Said Court and Commissioners shall receive the work when completed according to contract, and certify the amount due for the same, to the Secretary of State, who shall draw his warrant upon the State Treasurer, upon funds aforesaid, if there are any in the Treasury, for the payment of said claims, and it is hereby made the duty of the State Treasurer to pay said warrants out of the funds aforesaid.

Approved October 28, 1872.

AN ACT in relation to trespass by cattle, and regulating fences in the counties of Umatilla and Wasco, in the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

SEC. 1. No action shall be maintained for damages done by any horse, mare, gelding, mule, ass, jenny, foal, bull, stag, cow, ox, steer, heifer, or calf, upon the premises of another, unless the person seeking such damage shall allege and prove upon the trial thereof that said premises was at the time of the commission of said damage, enclosed with a lawful fence.

SEC. 2. The following shall constitute a lawful fence: All fences, except where otherwise provided, shall not be less than four feet six inches high from the surface of the ground and constructed of either:

1. Rails or poles, laid up in the manner commonly known as worm-fence, with stakes and riders, or in lieu thereof, to have the corners thereof locked with rails, posts or poles, with spaces between the rails or posts, and between the rails or poles and the ground, not to exceed eight inches wide below the rider.

2. Posts and rails, with space between the rails, or between the rails and ground, not to exceed ten inches wide below two feet six inches in height, and not to exceed twelve inches at any place, the rails not to be less than three inches thick at either end, and attached to the poles by nails, spikes, pins, wire, or in any other manner, if strong and secure; posts to be not less than five inches thick at the small end, to be firmly set in the ground, not more than nine feet apart from each other, and be not less than four feet six inches high from the ground.

3. Posts and poles, posts and plank, constructed in the same manner in regard to space and length and size of the posts, and the setting of posts, as heretofore required, for a fence constructed of posts and rails, as set forth in subdivision 2; Provided; That if constructed of posts and poles, the poles to be of the same thickness as before required in said subdivision two for rails, and if constructed of posts and plank, the plank to be not less than six inches wide and one inch thick, and in either case to be fastened to posts as therein required for posts and rails.

4. Posts and paling or pickets palisades constructed in the usual manner with spaces not exceeding five inches.

5. Wall of stone entire, or stone with rails, poles, plank, or earth, and which, taken together, would constitute a fence four feet six inches high.

6. Turf and earth entire, or turf and earth, which with rails, poles plank or thorn brush, would constitute a fence four feet six inches high, with a ditch or trench on the side, at least three feet wide at the top, and not less than three feet deep; Provided, That when there is a ditch or trench on the side, as before provided for, and constructed in the manner before specified, then, in such case, said fence to be not less than four feet high from the surface of the ground.

7. Post and rails, poles or plank, not less in size than heretofore specified, with posts set upon the ground, not more than ten feet apart from each other, leaning upon braces sufficiently strong to support the same, with the poles, rails or plank, as the case may be, not less than three in number to the panel, securely fastened to the posts with wooden pins, nails, spikes or otherwise, if strong and secure; Provided, That all fences constructed before the approval of this Act, shall be deemed lawful fences, if it shall be made to appear, whenever the same shall be called in controversy, that said fence is equal in strength, and as secure, as any fence heretofore specified; And provided further, That all precipices, embankments, streams, lakes, ponds, or other natural obstructions, if equally secure against any animal heretofore specified, or shall be made so by any lawful means whatever, are hereby declared to be lawful fences.

SEC. 3. Any person or persons sustaining any damage done by any animal mentioned in Section One of this Act, and whose premises, where such damage was done, was, at the time, enclosed with a lawful fence, as provided for in Section Two of this Act, may recover the same in an action before any Court having jurisdiction, and the animal so trespassing, may be taken and held as security for the payment of such damage and cost; Provided, That the owner may recover possession of the animal so taken and held, upon executing to the person or persons holding the same, a good and sufficient undertaking in a sum not less than double the value of the animal or animals so held, with one or more sufficient surety, conditioned that the owner will pay all costs and damages which the plaintiff may recover in said action; And provided further, That any person or persons holding any animals under the provisions of this Act, shall, while the same are so held, supply said animal with sufficient care, food and water; And provided further, That the person so holding said animal, shall, within three days after taking the same, notify the owner of said animal, if known, or can with reasonable diligence be ascertained, which notice, may be served as provided by law for the service of a summons in an ordinary action in a Justice's Court, and the same fee taxed for the service of a summons, as therein provided for costs in the action.

SEC. 4. The provisions of this Act shall apply only to the counties of Umatilla and Wasco in this State.

SEC. 4. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

Approved October 28, 1872.

AN ACT for the relief of Curry County.

WHEREAS, The county of Curry is on the border where many transient persons are assessed for personal and poll taxes from whom the same cannot be collected; and

WHEREAS, The full amount of said delinquent taxes has been paid into the State Treasury, amounting in the aggregate to the sum of nine hundred and forty-three dollars and thirty-two cents, the same having been accumulating from the formation of said county up to the present date; therefore,

Be it enacted by the Legislative Assembly of the State of Oregon:

SEC. 1. That there be and hereby is remitted of the State Tax next to become due from Curry county, the sum of nine hundred and forty-three dollars and thirty-two cents, and the Treasurer of State is hereby authorized to credit the Treasurer of said county by that amount.

Approved October 28, 1872.

The monument to the memory of Thaddeus Stevens on the south side contains the words, "I repose in this quiet and secluded spot, not from any natural preference for solitude; but finding other cemeteries limited as to race by charter rules I have chosen this that I might illustrate in my death the principle which I advocated through a long life—the equality of man before his Creator."

A short time back the question was asked, "Why do men marry?" The following reply was not less singular than true: Some young men marry for dimples, some ears, some noses; the contest, however, generally lies between the eyes and the hair. The mouth, too, is occasionally married, the chin not so often.

The total vote for Delegate in Washington Territory in the recent election was 7,801. The vote for Convention was very light, but the majority against it was 1,866.

Prospectus for 1873-6th Year:

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ART DEPARTMENT. Notwithstanding the increase in the price of subscription last Fall, when THE ALDINE assumed its present noble proportions and representative character, the edition was MORE THAN DOUBLED during the past year; proving that the American public appreciate, and will support, a sincere effort in the cause of Art. The publishers, anxious to justify the ready confidence thus demonstrated, have exerted themselves to the utmost to develop and improve the work; and the plans for the coming year, as unfolded by the monthly issues, will astonish and delight even the most sanguine friends of THE ALDINE.

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The quarterly tinted plates, for 1874, will reproduce four of John S. Davis' imitable child sketches, appropriate to the four seasons. These plates appearing in the issues for January, April, July and October, would be alone worth the price of a year's subscription. The popular feature of the monthly illustrated "Christmas" number will be continued.

PREMIUM CHROMOS FOR 1873. Every subscriber to THE ALDINE, who pays in advance for the year 1873, will receive, without additional charge, a pair of beautiful oil chromos, after I. L. Hill, the eminent English painter. The pictures, entitled "The Village Bell" and "Crossing the Moor," are 14x20 inches, are printed from 25 different plates, requiring 25 impressions and tints to perfect each picture. The same chromos are sold for \$20 per pair, in the art stores. As it is the determination of its conductors to keep THE ALDINE out of the reach of competition in every department, the chromos will be found correspondingly ahead of any that can be offered by other periodicals. Every subscriber will receive a certificate, over the signature of the publishers guaranteeing that the chromos delivered shall be equal to the samples furnished the agent, or the money will be refunded. The distribution of pictures of this grade, free to the subscriber of a five dollar periodical, will mark an epoch in the Art; and, considering the unprecedented cheapness of the price for THE ALDINE itself, the marvel falls little short of a miracle, even to those best acquainted with the achievements of inventive genius and improved mechanical appliances. For illustrations of these chromos, see November number of THE ALDINE.

THE LITERARY DEPARTMENT will continue under the care Mr. RICHARD HENRY STODDARD, assisted by the best writers and poets of the day, who will strive to have the literature of THE ALDINE always in keeping with its artistic attractions.

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