SPECIAL LAWS

PASSED BY THE

LEGISLATIVE ASSEMBLY

OF

THE TERRITORY OF OREGON:

AT THE

FIFTH REGULAR SESSION THEREOF,

BEGUN AND HELD

AT SALEM, DECEMBER 5, 1853.

In the seventy-eighth year of the Independence of the United States.

1853-1854

OREGON:
ASAHEL BUSH, PUBLIC PRINTER.
1854.

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and equity, upon said corporation, and all other parties to said contracts.

SEC. 18. In case there shall be incumbrances upon the land taken as hereinbefore provided, it shall be sufficient for said company to deposit the amount of damages assessed as hereinbefore provided, with the clerk of the circuit court of the county where the land lies, to be paid over by the said clerk, to the said owner of the said land or his lawfully authorized agent, upon the removal of said incumbrances. But nothing in the foregoing sections shall be construed so as to prevent the legislature from altering or amending the same, when, in their opinion the public good may require.

SEC. 19. This act to take effect, and be in force, from and after its passage.

Passed, Jan. 30, 1854.

AN ACT, *to incorporate the Oregon City Water Company.*

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That Horace Baker, Jacob M. Wair, Jos. N. Prescott, Peter G. Stewart and John Preston, and such other persons as may be associated with them, by subscribing to the capital stock of the company be, and the same are hereby constituted and declared a body politic and corporate by the name and style of the "Oregon City Water Company," for the purpose of furnishing the said city with a constant supply of fresh and pure water, and for such purpose, the said company is hereby authorized and empowered to have and receive, purchase and possess, enjoy and retain lands, rents, goods, chattels and effects of any kind, and to any amount, within the capital stock of said company as limited by this act, necessary to carry into effect the objects of this corporation, and the same to use, sell, alien, and dispose of, at pleasure, sue and be sued, defend and be defended, in all courts having competent jurisdiction, to have and to use a common seal, the same to break, alter and amend at pleasure, to ordain and establish such rules, regulations, and by-laws as may be necessary for the well being of said corporation, subject, however, to the constitution of the United States, the laws of Congress and of this Territory, and the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company may be thirty thousand dollars, divided into shares of one hundred dollars each, transferrable in entire shares, in such manner as the rules of the corporation shall hereafter prescribe; *provided*, that no stockholder shall without the consent of the directors, be at liberty to transfer his stock after any instalment shall be ordered, until such stockholder shall have paid the money due on his stock.

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SEC. 3. The persons named in the first section of this act, or any three of them, shall be commissioners to receive subscriptions and perform all necessary acts to organize said company, and they are hereby authorized and empowered to cause books to be opened at such times and places as a majority of the commissioners shall think proper, to receive subscriptions to the capital stock of said company.

SEC. 4. That when sixty shares shall have been subscribed, the commissioners shall call a meeting of the subscribers by giving public notice of the time and place thereof, at least twenty days before the time of said meeting, at which time and place said subscribers shall proceed to elect directors who shall serve until the first annual election, and until their successors are chosen and qualified, and adopt such by-laws and regulations for the government of the corporation as by them may be deemed expedient; the shareholders to vote either in person or by proxy, each shareholder to be entitled to one vote for each share of stock he may have in said company.

SEC. 5. The affairs of said company shall be governed by five directors, or a majority of them who shall be elected on the first Monday in April in each year, and remain in office until their successors are elected and qualified. Each director shall be a shareholder at the time of his election, and shall cease to be a director when he ceases to be a shareholder. The directors shall have power to fill all vacancies that may occur in their board during the intervals between regular elections.

SEC. 6. The directors, before entering upon their duties, shall take an oath or affirmation faithfully and impartially to discharge their duties. They shall choose a president and treasurer from among their number, and appoint such other officers and agents as they shall deem proper and needful and all their transactions, as well as every matter and thing relating to the affairs of the corporation shall be entered in a book or books to be kept for such purpose; they shall have full power to employ and contract with engineers, artists, and such workmen as they may deem necessary to carry on and complete their intended works, as well as to uphold, alter and repair the same; and also to fix the times, and manner, and in what proportion the stockholders shall pay the moneys due on their respective shares, and to draw on the treasurer for all moneys that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things as by this act or by their by-laws, rules and regulations they shall be authorized to do.

SEC. 7. That it shall be the duty of the president and directors, as soon as may be after the company is organized, to proceed to bring and convey into the said town of Oregon City, by means of pipes, trunks, aqueducts, forcing pumps, or other machinery, the water from some spring or stream, in the neighborhood of said town, the right to which shall have been previously vested in said company; and also to provide proper cisterns or reservoirs for the reception thereof, and for that purpose they may enter into such lands and

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enclosures, as may be necessary, and to dig ditches and lay pipes or trunks through the same, doing as little damage as possible to private property, and paying for whatever injury shall be done them (when the parties cannot agree) according to an assessment made under oath by three disinterested persons, to be appointed on application by the district court of Clackamas county; and the president and directors shall at all times, paying damages as aforesaid, have liberty to renew and repair the said pipes or trunks wherever laid, and shall also have liberty at all times to dig and lay pipes or trunks along roads and highways, and along streets and alleys of the said town, and to renew and repair the same shutting up and amending any breaches, which they may respectively make, as soon as possible, and it shall be lawful for them to make cisterns or reservoirs in the streets, or public grounds of the said town where the same may be necessary.

SEC. 8. That the said president and directors, shall, in such streets or parts of said town, where pipes have been laid, erect hydrants to be used solely for extinguishing fires.. And they shall suffer individuals at all times to be supplied with water from the said pipes for domestic or manufacturing use for such reasonable compensation as shall from time to time, be agreed upon, by the said president and directors, and such individuals, according to certain uniform rates, which the said president and directors may hereafter adopt having to the probable quantity of water which applicants are likely to consume, and to their distance from the place where the water is to be drawn; and any person within the said town, who shall take any of the said water for domestic or manufacturing use, without having previously contracted for the same with the said president and directors, shall forfeit and pay for every such offence, the sum of five dollars to the president and directors, to be recovered before a justice of the peace; *provided*, that nothing herein contained, shall be construed to compel the inhabitants of said town to use the water so introduced by the said company, or to prevent them from using water obtained in any other way.

SEC. 9. That any person who shall willfully destroy or injure in any manner, the works or property of said company erected in pursuance of this act, or shall willfully corrupt or otherwise render unwholesome the spring or stream of water which shall be conveyed or brought into Oregon City by the said company, shall on being thereof convicted in any district court of this Territory, be fined in any sum not exceeding five hundred dollars for the use of the proper county, and shall also be liable to said corporation in double the amount of damages sustained.

SEC. 3. That in case of any default or failure to pay the debts or liabilities contracted by the company each and every stockholder shall be individually liable for the payment of any such debt or liability equally or rateably to his full amount of stock in the same, and in case the stock of said company shall depreciate in value, then and in that case, the stockholders of the same shall be equally and rateably liable for such deficit.

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SEC. 11. If said company shall not be organized within one year after the passage of this act, then this act shall cease and be null and void.

SEC. 12. At any time after the expiration of ten years from the passage of this act, the city corporation shall be entitled to take possession of the said works upon paying the value thereof which value shall be assessed by three commissioners, one of whom shall be elected by the said company, and one by said city corporation and the third shall be selected by the other two commissioners. The capital stock of such company shall be subject to such tax as now is or may be provided by law.

SEC. 13. This act to take effect and be in force from and after its passage.

Passed Jan. 27, 1854.

AN ACT, *to incorporate the Oregon and California Railroad Company.*

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That Lot Whitcomb, N. P. Doland, W. Meek, James B. Stevens, William Holmes, Charles Walker, Samuel Officer, Wm. Barlow, John Gribble, Harrison Wright, J. D. Boon, J. L. Parrish, Joseph Holman, Wm. H. Rector, Daniel Waldo, Benjamin F. Harding, Samuel Simmons, Ralph C. Geer, Wm. Parker, Augustus R. Demick, Hugh Cosgrove, Robert Newell, Wm. H. Wilson, Green McDonald, James Carl, E. H. Randall, Luther Elkins, John Crabtree, David Claypool, Elmore Keys, James H. Foster, Geo. Cline, John Smith, Anderson Cox, John H. Lines Jeremiah Duggs, John N. Donnell, Asa McCally, Hugh L. Brown, Jas. N. Smith, Wm. Earle, W. W. Bristow, Milton S. Riggs, James C. Robinson, P. Wilkins, Wm. Stephens, Jacob Spores, Benjamin Richardson, C. F. Skinner, James Hetherly, Felix Scott, Henry Owen, Benjamin Davis, Joseph Baily, J. W. Nesmith and Samuel Brown, shall be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Oregon and California railroad company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of such times and places, by publishing the same in two newspapers printed in this Territory.

SEC. 2. The capital stock of said company shall not exceed four millions of dollars, in shares of one hundred dollars each, and as soon as five hundred shares of stock shall be subscribed and ten dollars on each share actually paid in, the subscribers of such stock with

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