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THE

LAWS OF OREGON,

AND THE

RESOLUTIONS AND MEMORIALS

OF THE

SPECIAL SESSION

OF THE

THIRTEENTH LEGISLATIVE ASSEMBLY THEREOF.

NOVEMBER, 1885.

SALEM, OREGON.
W. H. BYARS, STATE PRINTER.
1885.

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attend all sittings of the Recorder's courts, and all meetings of the board of trustees, and discharge such other duties as the board may prescribe.

SEC. 4. The Recorder and Marshal, when acting under or enforcing the laws of this State, shall be entitled to the same fees and compensation as a Justice of the Peace and Constable are now allowed for similar or like services, and such compensation for other services as may be prescribed by ordinance of the board of trustees.

SEC. 5. The trustees shall receive no compensation. The duties and compensation of all other officers shall be such as the board of trustees shall or may prescribe.

SEC. 6. Inasmuch as there is great need of local municipal government in the town of Summerville, this act shall take effect and be in force from and after its approval by the Governor.

Approved November 24, 1885.

AN ACT to amend an Act entitled "An Act to Incorporate the City of Portland," approved October 24, 1882.

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

That the act entitled "An act to incorporate the City of Portland," approved October 24, 1882, be and the same is hereby amended by adding thereto the following sections, numbered from 142 to 167, inclusive of both, which sections shall constitute and be numbered as chapter XIII of said act and be entitled

WATER WORKS.

SEC. 142. The City of Portland, hereinafter referred to as "the City," is authorized and empowered to construct or purchase, keep, conduct and maintain water works therein, of a character and capacity sufficient to furnish the city, and the inhabitants thereof, with an abundance of good, pure and wholesome water, for all uses and purposes necessary for the comfort, convenience and well-being of the same, and to that end may acquire, by purchase or otherwise, and own and possess, such real and personal property, within and without the limits of the city, as in the judgment of the persons herein authorized to construct, purchase, conduct and maintain the same, may be deemed necessary and convenient, and for such purpose may also issue bonds and dispose of the same as hereinbefore provided.

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SEC. 143. The power and authority given to the city by section 142 hereof, to construct or purchase water works, and issue and dispose of bonds therefor, shall be exercised as hereinafter provided by the following-named substantial tax-payers and *bona fide* residents thereof, namely: John Gates, F. C. Smith, C. H. Lewis, Henry Failing, W. S. Ladd, Frank Dekum, L. Fleischner, H. W. Corbett, W. K. Smith, J. Lowenberg, S. G. Reed, R. B. Knapp, L. Therkelson, Thomas M. Richardson, A. H. Johnson, who shall be styled collectively "the water committee," and are hereinafter mentioned and referred to as the committee.

SEC. 144. Within thirty days from the time this act goes into effect, the fifteen persons named in section 143, hereof, shall meet at some convenient place in the city, on the written call of nine or more of their number, published in a daily paper of the city for not less than three days before the time named therein for said meeting, and organize(d) by the election of a presiding officer from their number, who shall be styled "the chairman of the committee," and also a clerk, who shall be styled "the clerk of the committee."

SEC. 145. The committee may fill any vacancy that may occur in that body by death, resignation, removal from the city, or otherwise, by the appointment of a person to be a member thereof who is a *bona fide* resident and tax-payer of the city; and nine of the committee shall constitute a quorum for the purpose of organization, as well as the transaction of all other business.

SEC. 146. The chairman of the committee shall, if present, preside at all the meetings thereof, and in case of his absence, the committee may appoint from their number a chairman for the time being.

SEC. 147. The chairman of the committee shall execute all written contracts on behalf thereof, and sign all orders for the payment of money authorized thereby.

SEC. 148. The clerk of the committee is its clerical officer; and he shall make and keep a fair minute of its acts and doings; countersign all orders authorized by it, and signed by the chairman, for the payment of money, and witness all written contracts signed by the chairman on its behalf; keep its accounts, and have the custody of its books and papers.

SEC. 149. The committee shall appoint a treasurer, who shall give bond in such sum as it may require, and who shall have the care and custody of all money received by the committee from the sale of bonds, or otherwise, for the construction or purchase of water works, as herein provided, and shall pay out the same on the order of

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the chairman, countersigned by the clerk of the committee, and not otherwise.

SEC. 150. The chairman, clerk and treasurer, aforesaid, shall also do and perform all such other acts or duties as may be required of them, or either of them, by the committee for this act, and they, and each of them, shall hold their offices at the pleasure of the committee; and the clerk and treasurer shall receive (shall receive) such compensation as the committee may from time to time direct or prescribe.

SEC. 151. The committee may also, from time to time, employ and discharge such other agents, workmen, laborers and servants, at such compensation or wages, as it may deem necessary and convenient for the acomplishment of the purpose of this act.

SEC. 152. The committee shall meet in the city for the transaction of business, at least once a month, at such hour and place as it may direct; and at such other times as it may provide.

SEC. 153. For the purpose of carrying this act into effect, the committee is authorized to issue and dispose of the bonds of the city of the denomination of from $100 to $1,000, as the purchaser may desire, with interest coupons attached thereto, the par value of which shall not exceed the sum of $700,000, signed by its chairman and countersigned by its clerk; whereby the city shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of the said bonds, at the expiration of thirty years from the date thereof, the sum named therein, in gold coin of the United States, together with interest thereon in like coin, at the rate of five *per centum* per annum, payable half-yearly, as provided in said coupons.

SEC. 154. Whenever, and as soon as the water works herein provided for are, in the judgment of the committee, ready for use, there shall be selected, as herein provided, five persons for the purpose of maintaining and conducting said water works, who shall be styled individually "water commissioners," and collectively "the water commission," and are hereinafter referred to as "the commissioners" and "the commission" respectively, and thereafter the power and authority hereby given to the city to keep, conduct, and maintain water works therein, shall be exercised as hereinafter provided by said commission.

SEC. 155. The commissioners shall be selected in the first instance by the committee from their own number, for the several terms of two, four, six, eight, and ten years; but in case a sufficient number thereof do not consent to serve as such commissioners, the remainder may be selected from the resident tax payers of the city,

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and thereafter the commissioners shall be appointed by the Governor of the State, from such tax payers as follows: In case of a vacancy arising otherwise than by the expiration of a term, for the remainder of the term; but in case of the expiration of a term, for the full term of ten years next thereafter.

SEC. 156. Three commissioners shall constitute a quorum for the transaction of business; the commission shall meet at a time and place to be appointed by the committee, and organized by the election of a chairman and clerk, as herein provided in the case of the committee, which chairman and clerk shall have the same powers and perform the same duties, in regard to the commission, as the chairman and clerk of the committee have and are required to perform in regard to the latter; and thereafter the commission shall meet in the city, for the transaction of business, regularly once a month, on such day and hour thereof, and at such place as it may provide, and otherwise as often as may be deemed necessary and convenient.

SEC. 157. When the commission is elected and organized as above provided, the committee shall turn over the water works to it, and all property pertaining thereto, together with all the books, papers and accounts relating to the construction or purchase thereof, as the case may be; and the commission shall thereupon take possession and charge of, and manage, conduct, and maintain the same; and in so doing it may alter, improve and extend such work from time to time, when the receipts from the works are sufficient to defray the expenses thereof, and as the growth of the city and the wants and convenience of the inhabitants thereof may require; and the committee may turn over a completed portion or portions of such works to the commission before the final completion thereof by it; and as often and as fast as such portion is so turned over to the commission, it must accept the same, and conduct and maintain it accordingly.

SEC. 158. All money collected or received by the commission for the use and consumption of water or otherwise, shall be deposited with the treasurer of the city, who shall keep the same separate and apart from the other funds of the city, and pay it out on the order of the chairman of the commission, countersigned by the clerk thereof; and to the holder of any over due interest coupon of the bonds aforesaid, upon the presentation and surrender thereof, and not otherwise.

SEC. 159. The commission has power and authority: (1) To employ, hire and discharge, from time to time, all such agents, workmen, laborers and servants, as it may deem necessary or convenient in the conduct and management of said water works. (2) To make all needful rules and regulations for the conduct and management of

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the same by the city and the inhabitants thereof. (3) To establish rates for the use and consumption of water by the city and the inhabitants thereof, including the people living along the line or in the vicinity of the works, without the city. (4) To provide for the payment of water rates monthly, in advance, and to shut off the water from any house, tenement or place, for which the water rate is not duly paid, or when any rule or regulation is disregarded or disobeyed. (5) To do any other act or make any other regulation necessary and convenient for the conduct of its business and the due execution of the powers and authority given it by this act, and not contrary to law.

SEC. 160. The commission shall, annually, before the first day of January, make a written estimate of the probable expense of maintaining and conducting the water works during the ensuing year, and also the cost of any contemplated alteration, improvement or extension thereof, and thereupon ascertain and prescribe, as nearly as it conveniently can, a water rate for such year, as will insure a sufficient income from the sale of water to pay such expenses and costs, together with one year's interest on the bonds aforesaid, then issued and outstanding.

SEC. 161. After the expiration of five years from the selection of the commission, a sum equal to one per centum on the par value of the bonds aforesaid, then issued and outstanding, may be annually estimated for, in fixing the water rate, in addition to the expenses, cost and interest aforesaid, and collected as a part thereof, which sum when so collected shall be kept and invested under the direction of the commission, as a sinking fund for the payment of redemption of said bonds.

SEC. 162. The committee and commission shall each cause a quarterly statement in detail of its receipts and disbursements to be made, and signed by its chairman and clerk, and filed with the City Auditor and clerk, who shall preserve the same among the files of his office, and shall cause the same to be published in two daily papers of the city; and the commission shall cause to be so made, filed and published, as a part of its last quarterly report in each year, an inventory or statement of the property, implements, and material in its possession or control, pertaining to the water works, together with the condition and approximate value thereof.

SEC. 163. Each of the five commissioners shall receive, on account of his services under this act, the sum of $500 a year, payable quarterly out of the receipts of the water works, on the order of the chairman, countersigned by the clerk of the commission.

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SEC. 164. No person shall be considered a tax payer, within the meaning of this act, so as to be eligible to become a member of the committee or commission under this act, unless he has paid to the city, within a year before his selection or appointment to such position, a tax of not less than $25; and whenever any member of said committee or commission shall fail to pay such tax to the city for one year, he shall cease to be a member thereof, and his place therein shall be deemed vacant and may be filled accordingly.

SEC. 165. All bonds issued and disposed of under this act shall be exempt from taxation, either by this State or any county or municipal corporation therein.

SEC. 166. And be it further enacted that sections 2 and 149, of said act be and the same are hereby repealed, and the following enacted in place thereof.

The inhabitants of Portland are hereby constituted and declared to be a municipal corporation, by the name and style of the City of Portland, and by such name shall have perpetual succession, sue and be sued, plead and be impleaded, in all the courts of justice, and in all actions, suits or proceedings whatever; may purchase, hold, and receive property, both real and personal, within said city, for public buildings, public works and city improvements, and may lease, sell or dispose of the same for the benefit of the city; may purchase, hold, and receive property, both real and personal, beyond the limits of the city, to be used for parks, burial purposes, work-houses, houses of correction, and a hospital for the reception and care of persons inflicted with contagious diseases; and shall have and use a common seal, and may alter and break the same, or make a new one, at its pleasure.

SEC. 149. Except as otherwise expressly provided or permitted by this act, the indebtedness of the city of Portland must never exceed in the aggregate the sum of $100,000; nor shall the city ever contract any debt, or assume any liability in any manner whatever, by means of which it may be called upon, or become bound to pay any sum of money at any time beyond the period of two years from the date of such contract or assumption.

SEC. 167. There being an urgent necessity that the water works herein provided for should be furnished to the city as soon as possible, this act shall take effect upon its approval by the Governor.

Approved November 25, 1885.

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