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OF THE

LEGISLATIVE ASSEMBLY THEREOF.

1878.



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and shall be adjudged to pay a fine and costs, and shall fail to pay the same, he may be made to labor one day for every two dollars of such fine and costs, upon the streets or public works of the city, or may be hired out to do any other work in the city, and the City Marshal, or any other person said defendant may be working under, may shackle or attach a chain and ball to keep said defendant from escaping; *Provided*, such shackle or chain and ball shall not injure such person.

And be it further enacted, that section 23 be added to the charter.

SEC. 23. *Be it enacted*, that all ordinances or parts of ordinances heretofore passed by the board of trustees for the town of Gervais, State of Oregon, are hereby legalized, and all ordinances hereafter passed shall be made in the name of the city of Gervais, and the enacting clause shall be "the city of Gervais does ordain as follows."

SEC. 24. *And be it further enacted*, that there being urgent necessity, as the annual election will be held on the first Monday in November, and sections governing such elections are deficient, that this act shall take effect from and after its approval by the Governor.

Approved October 17, 1878.

AN ACT to Incorporate the Town of Lebanon, Linn County, State of Oregon.

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

SECTION 1. That the inhabitants of the town of Lebanon are hereby created a body corporate, with perpetual succe-

sion, by the name of the town of Lebanon. They shall have a common seal, may sue and be sued, acquire, hold or dispose of property, either real or personal, within the corporate limits of said town, and shall have all the powers and rights incidental to municipal corporations.

SEC. 2. That the limits of said town shall be as follows: commencing at the southeast corner of section 10, township 12, range 2 W., Willamette meridian; running thence east 40 rods; thence north 320 rods; thence west 320 rods; thence south 320 rods; thence east 280 rods to the place of beginning.

SEC. 3. That the officers of said town shall be: a President, four councilmen, a Recorder, a Marshal and a Treasurer, who shall hold their office for the term of one year, or until their successors are elected and qualified. Said officers shall be elected annually by the qualified electors of said town, on the first Monday of January of each year. The President and members of the council shall be legal voters, actual residents, and shall have resided within the corporate limits of said town six months previous to the election.

SEC. 4. The president of the council shall have power to call meetings of the council, shall preside at their meetings, and when there is a tie in the council shall vote. He shall sign all ordinances and warrants for the collection of town taxes; he shall make an annual report of the condition financially and otherwise of the town, and shall recommend such measures for the peace, health and prosperity of the town as he may deem expedient. The president and council shall perform such other duties as may be hereinafter provided, and before entering upon the duties of their office shall each file with the Recorder an oath to well and truly perform the duties required of them by the charter.

SEC. 5. It shall be the duty of the council to devise and adopt all measures, regulations and ordinances connected with the public peace, security, tranquility, cleanliness and improvement of the town, and the public health of the town and the regulations of the finances of the town, as may be expedient from time to time in accordance with this act.

SEC. 6. The Recorder shall have all the powers and jurisdiction of a Justice of the Peace in all civil and criminal matters, in violation of town ordinances; also to have exclusive jurisdiction over all violation of ordinances of the town; may examine, hold to bail, fine or convict persons found guilty thereof. He shall be ex-officio clerk of the council, without compensation, and in absence of the president shall preside at all meetings of the council; he shall keep a correct journal of the proceedings of the council; he shall also be assessor of the town, and his fees therefor shall be the same as that of county assessor as provided by law.

SEC. 7. The Marshal, in addition to the duties prescribed to him by the council, shall execute and return all processes issued and directed to him by the Recorder, and shall be a conservator of the peace, and shall arrest all persons guilty of a breach thereof, or a violation of any ordinance of the town, and take them before the Recorder for trial, and may as collector enforce the collection of all taxes. He shall attend all meetings of the council, and perform all other duties as the council may direct.

SEC. 8. The Treasurer shall receive and disburse all moneys coming into his possession by virtue of his office; he shall pay all orders signed by the president of the council and Recorder; he shall make a report of the financial condition of the town to the council, and perform such other duties as they may require.

Sec. 9. The Recorder, Marshal and Treasurer shall each give a bond in the sum of five hundred dollars, to be approved by the council, for the faithful performance of their duties; the Marshal, for the collection of taxes and the Treasurer for his services, may receive such compensation as the council may allow.

Sec. 10. The president and councilmen shall receive no pay for their services, nor shall they be directly or indirectly interested in the proceeds of any contracts to be paid out of the town treasury. The Recorder and Marshal shall be entitled to the same fees as are now allowed by law to justices of the peace and constables.

Sec. 11. The council shall hold at least one meeting each month, and a majority shall constitute a quorum for the transaction of business; they shall judge of election and qualification of their own members, and decide contested elections of town officers.

Sec. 12. Within three days after the passage of any ordinance, copies of the same shall be posted in three public places in the corporation; and all such ordinances shall take effect at the expiration of five days from the date of such posting.

Sec. 13. The council shall have power and authority within the corporate limits of the town to make by-laws and ordinances not in conflict with the laws of the State, and all necessary provisions for carrying the same into effect; to assess and collect taxes not to exceed three mills on the dollar upon all taxable property within the corporate limits, and to levy and collect a poll tax not to exceed two dollars from such persons in the corporate limits subject to poll tax under the laws of the State, and to levy and collect a road

tax from all property, equal to that now levied by law for road purposes, to be expended on the streets and alleys within said corporation, under the supervision of a supervisor elected by the council; to prevent and remove nuisances; to license, tax and regulate bar-rooms, and all places where spirituous liquors are sold, billiard saloons, bowling alleys, theatrical and other exhibitions, shows and other public amusements, and to suppress bawdy houses, houses of ill-fame, gambling houses and gaming; *Provided*, that no person or party having paid a license to the town for carrying on any business or traffic named herein, shall not be compelled to pay license to the county or State for the same; to establish and regulate a police and night-watch; to impose, collect and appropriate fines and penalties for the breach of any town ordinance; *Provided*, no fine or penalty shall exceed the sum of two hundred dollars, or imprisonment in the county or town jail for more than sixty days; *And provided*, the town council, by ordinance duly passed, may require that any fine which is not at once paid, or secured to be paid, shall be worked out on the streets in the corporate limits at the rate of two dollars per day; to erect and establish a town jail; to construct, clean and repair sidewalks and cross-walks, or provide for the construction, cleaning and repairing of sidewalks adjacent to real property by the owners of such property, and also for making, cleaning and repairing gutters, ditches, and otherwise improve and keep in repair streets and alleys; to regulate and prevent the running at large of domestic animals, and the impounding and sale of the same, and the discharge of fire-arms in the town; to prevent and restrain any riot, noise or disturbance of the peace, obscene language in any street or house within the town; to provide all necessary means for the protection

of the town against fire; to provide for the collection and disbursement of all moneys which may be assessed or authorized to be collected; to issue warrants and levy on real or personal property of delinquent tax payers, and cause the same to be sold under such rules and regulations as they may establish therefor; to fill all vacancies in office of the corporation, and appoint such officers as may be necessary to carry into effect any ordinance of the council; to make all rules and regulations for conducting elections, except as herein provided for; *Provided*, no person shall be allowed to vote at any municipal election who is not a legal voter of the State, or who has not resided within the corporate limits thirty days next preceding such election, and who has no property subject to taxation.

SEC. 14. The residents of said town shall be exempt from the payment of such road taxes as are or may be by law imposed upon the residents of Linn county, and the road supervisors shall collect and apply all road tax within the town of Lebanon to the streets within the said corporation.

SEC. 15. The first election shall be held at the band hall, commencing at 10 o'clock A. M., and ending at 4 o'clock P. M., of _____ day and _____ month, and as soon as the inspectors of election are notified of the passage of this act, they shall post notices and appoint a day for said election. The inspectors of election shall be A. Ervin, R. McCalley and Thomas Morris, and they shall give certificate of election to the successful candidates, and shall deliver the poll books to the Recorder elect. The members of the council shall appoint inspectors of subsequent elections and the place of holding the same, and cause ten days' previous notice thereof to be posted up in three conspicuous places in the town, and they shall receive the returns and de-

clare the result, and the president and Recorder shall give certificates of election to the officers elect.

SEC. 16. The enacting clause of all ordinances shall be as follows: "The people of the town of Lebanon do ordain;" and all ordinances shall take effect and be in force on and after the fifth day after the same has been enacted; and it shall be the duty of the Recorder to cause all ordinances to be posted in three public places of the town, at least three days before the same takes effect.

SEC. 17. The legislature of Oregon may annul, or repeal, or amend the act whenever a majority of the citizens petition therefor.

SEC. 18. At the election heretofore provided, the question of charter or no charter may be submitted to the legal voters, and if a majority of them vote to adopt said charter, then this act to be in full force and effect, otherwise null and void.

SEC. 19. Inasmuch as it is of great importance that the town of Lebanon be supplied with a municipal organization without delay, this act shall take effect and be in full force, from and after its approval by the Governor.

Approved October 17, 1878.

AN ACT to amend an act entitled "an act to Incorporate the City of Albany," approved October 24, 1864.

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

SECTION 1. That section 4 of said act be amended so as to read as follows:

SEC. 4. The officers of said city shall be a Mayor, a Re-