

To incorporate the ~~town~~<sup>city</sup> of Portland in  
Washington County.

Sec. 1

Be it enacted by the Legislative  
Assembly of Oregon Territory -

That so much of the County  
of Washington as is comprized in the <sup>land</sup> Claims known  
as the Portland claim and John H. Bouche's claim  
and bounded as follows - viz - commencing at the north  
east corner of Jim Canithen's land claim, thence down  
the middle of the Willamette River two miles to the  
north line of Bouche's claim, thence west along said line  
one mile, thence South along the line of said Bouche's  
and Portland claims two miles, thence east to the  
place of beginning, shall be, and the same is hereby  
erected and constituted a ~~town~~<sup>city</sup> corporate by the  
name of the ~~town~~<sup>city</sup> of Portland

Sec. 2.

That for the good government of said corporation  
and the citizens thereof, it shall be lawful for the  
white male inhabitants, who shall have resided  
in said corporation, three months next preceeding  
any election, held by virtue of this act, and having  
the qualifications of electors of members of the Legi-  
-slative Assembly, to meet at some public place in  
said corporation, on the first Monday of April next, and  
annually on the same day thereafter, at such place as the  
~~town~~<sup>city</sup> council, may direct, and then and there proceed,  
by a plurality of votes, to elect by ballot, one mayor, one  
recorder, and five Councilmen, who shall reside within  
the limits of said corporation, and who shall be entitled  
to vote at elections under this act, who shall severally hold  
their offices until the first Monday of April following, and  
until their successors in office shall have been elected and  
qualified



qualified; said mayor, recorder and councilmen shall constitute a ~~board~~<sup>city</sup> council, any five of whom shall constitute a quorum for the transaction of any business pertaining to their duties under this act; but any less number shall have no power other than to adjourn from time to time till a quorum be convened.

Sec. 3.

That at the first election held under this act, there shall be chosen viva voce by the electors present, ~~three~~<sup>three</sup> judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of them by this act; and at all subsequent elections the councilmen, or any two of them, shall be judges, and the recorder shall be clerk of the election; and at all elections to be held by virtue of this act the polls shall be opened at or before the hour of nine before noon, and closed at four o'clock in the afternoon; and at the close of the polls, the votes shall be canvassed and counted by the judges, in the presence of such of the electors as choose to be present, and an accurate statement of the result shall be proclaimed, in an audible voice, to the electors present by one of the judges, and the clerk shall make a true record thereof, and within three days thereafter said clerk shall give notice to the persons so elected of their election; and it shall be the duty of the ~~town~~<sup>city</sup> council, at least ten days before each and every annual election, to cause notice of the same to be posted up in three of the most public places in said corporation.

Sec. 4.

It shall be the duty of the mayor, or in case of his inability or absence, the recorder, to preside at all meetings of the ~~town~~<sup>city</sup> council; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.

Sec. 5.

The ~~town~~<sup>city</sup> council shall have power to fill all vacancies which may happen in their board, from the qualified voters in said corporation, whose appointment shall continue until the

next



next annual election, and until their successors are elected and duly qualified; and whenever it may happen that the recorder is not present at such meetings, the Council shall appoint one of their number to perform the duties of the recorder, pro tempore.

Sec. 6.

The mayor, recorder and council of said corporation shall be a body corporate and politic, with perpetual succession, to be known and designated by the name and title of the ~~town~~<sup>city</sup> council of the town of Portland, and shall be capable, in their corporate name and capacity, to acquire property, real, ~~and~~ personal and mixed, for the use of said corporation, with power to sell and convey the same; may have a common seal, which they may alter, break, amend or renew at pleasure; may sue and be sued, plead and be unpleaded, defend and be defended in any court of competent jurisdiction, whether of law or <sup>in</sup> chancery; and when any suit shall be commenced against said corporation the first process shall be a summons, an attested copy of which, left with the recorder or at his usual place of abode not more than twenty nor less than ten days before the return day thereof, shall be considered lawful service.

Sec. 7.

Each member of the ~~town~~<sup>city</sup> council shall, within ten days next after his election or appointment, and before he enters upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States and also an oath of office.

Sec. 8.

The said ~~town~~<sup>city</sup> council shall have power to ordain and establish such by-laws and ordinances, not inconsistent with the constitution and laws of the United States, and of this territory, as they may think necessary for the good government of said corporation, and the health, morals and safety of its citizens, and repeal, alter, amend, revise, or modify the same at pleasure; to provide in such by-laws for the appointment of a treasurer, marshall, and such other



other subordinate officers as they may deem necessary for the convenience of said corporation, to prescribe their duties and the duration of their appointment, to establish and regulate the fees said officers shall be entitled to receive (except in so far as they are provided <sup>for</sup> in this act) and may require said subordinate officers to take an oath of office, and such of them as the ~~town~~ <sup>city</sup> council may think proper, to give bond for the faithful performance of their duties, in such sums and with such securities as the mayor may approve. The ~~town~~ <sup>city</sup> council shall have power to fix to the by-laws and ordinances of the corporation, such reasonable fines and penalties as they may deem proper and necessary to enforce obedience to the same, and to provide for the disposition and appropriation of said fines and penalties when collected. No by-laws or ordinances of said town, shall take effect or be in force, until a copy of the same shall have been posted up at least six days in three of the most public places in said corporation, or published in some newspaper published in said county.

Sec. 9. The ~~town~~ <sup>city</sup> council shall, at the expiration of each and every year, cause to be made out and posted as aforesaid, or published in some newspaper in said county, a fair and accurate schedule of the receipts, disbursements and expenditures of the preceding year.

Sec. 10. The city council shall have power <sup>lay out</sup> to regulate and improve the streets, lanes, alleys, sidewalks and public Levees, within said corporation, and to fix and determine the width thereof; they shall have power to provide for the removal of all nuisances within said corporation, and all obstructions in the streets, lanes, or alleys, or on the public levees thereof, and to do all things which a corporation of a similar nature can do, to secure the peace and preserve the health, of the citizens of said corporation, and preserve good order within the same.



Sec. 11.

That whenever by the by-laws and ordinances of the city of Portland, the owner or owners of any lot, or part of a lot, situated in said ~~town~~<sup>city</sup>, shall be required to repair, improve, pave or gravel any sidewalk, alley or gutter, adjacent to such lot, or part of lot, and if the owner or owners thereof shall neglect or refuse to repair, improve, pave or gravel the same, according to the provisions of such by-laws, ordinance or ordinances, the same may be repaired, improved, paved or graveled, at the expense of said ~~town~~<sup>city</sup>, under the direction of the mayor and supervisor; and whenever the same shall be repaired, improved, paved or graveled, at the expense of said ~~town~~<sup>city</sup>, the amount so expended by said ~~town~~<sup>city</sup> is hereby made a tax upon said lot, or part of lot, aforesaid; and it shall be the duty of the recorder of said ~~town~~<sup>city</sup> to enter the amount expended, as aforesaid, upon the duplicate of said ~~town~~<sup>city</sup>, in a separate column for that purpose, as a special tax upon said lot, or part of lot, to be collected for the use of said ~~town~~<sup>city</sup>, as other taxes are collected for the use of said ~~town~~<sup>city</sup>.

Sec. 12.

That whenever said city council shall require the owner or owners of any lot, or part of lot, to pave in front of the same, or otherwise improve the same, as is provided for in the preceding section of this act, the owner or owners of the same, if residents of said ~~town~~<sup>city</sup>, or of said County of Washington, shall have written personal notice of the same; and to any owner or owners of a lot, or part of lot, not resident of said ~~town~~<sup>city</sup> or county, notice shall be given, by publication, for six consecutive weeks, in some newspaper published in said county, and such notice shall contain a pertinent description of such lot, or part of lot, and a statement of the time within which such improvement is required to be made, which, in the notice to be made by publication shall be made at least three months after the first publication, and if the notice is personal, at least two months after the service of such notice; and the expenses of such publication shall be assessed upon said lot, or part of lot, and be collected in the same manner



manner, and at the same time that the taxes are collected upon such lot, or part of lot,

Sec. 13.

The city council are hereby empowered to license, or prohibit, shows and exhibitions, and to levy a tax upon the real estate and personal property, subject to taxation for ~~state and~~ territorial and county purposes, within the limits of said corporation; Provided, however that the tax shall not exceed, in any one year, for corporation purposes, one fourth of one per centum in the aggregate of all such taxable property within the limits of said corporation; and the city council shall, annually, between the first Monday of April and the last Monday in June, determine the amount of tax to be assessed and collected for the current year,

Sec. 14.

It shall be the duty of the recorder of said corporation to make out duplicates of taxes, charging each individual within said corporation an amount of tax in proportion to the aggregate value of taxable property belonging to said individual within the limits of said corporation, as appears from the books of the probate clerk of Washington County; and the recorder of said corporation shall have access to the books of the Probate Clerk, for the purpose of making out such duplicates, free of expense; and the duplicates when made out, shall be certified by the mayor and recorder, and one of the said duplicates shall be delivered to the marshall, or to such other person as shall be appointed collector, whose duty it shall be to collect said tax, in the same manner and under the same regulations as the collectors of territorial and county taxes are required by law to collect territorial and county taxes; and the said marshall, or collector, shall, immediately after collecting said tax, pay over the same to the treasurer of said corporation, and take his receipt therefor; and the said marshall, or other person charged with the collection of taxes of said corporation, shall have the same power to sell property, real <sup>or</sup> and personal,



as is given by the laws of this Territory to county collectors, and when necessary, the recorder shall have power to make deeds for real estate<sup>20</sup> sold in the same manner that county auditors are authorized, by the laws of this territory, to make deeds for lands sold for taxes by the county collector; and the Marshall or other person charged with the collection of the taxes of said corporation, shall receive for his collection services such sum, not exceeding seven per centum, on all moneys by him collected and paid over, as the city council may direct, to be paid by the treasurer in the order of the mayor, duly attested by the recorder —

Sec. 15.

~~The mayor and city council of said town shall, annually, if they deem it advisable, certify to the auditor of the county of Washington, the amount of taxes levied, from time to time, for corporation purposes, and at the same time furnish said auditor with a certified list of the inhabitants in said town, having real or personal property liable to taxation, so that said corporation taxes may be collected in the same manner, and at the same time that territorial and county taxes are collected by the county collector —~~

Sec. 15,

The treasurer of said corporation shall not pay out any moneys belonging to said corporation to any person, for any purpose, except upon the written order of the mayor, duly attested by the recorder; and the said treasurer shall keep in a book or books to be provided at the expense of the corporation, a fair and accurate account of his receipts and disbursements, which books shall at all times be open to the inspection of the mayor and city council or any other member of the ~~town~~ city council, and any committee appointed by the city council to examine the same, and which book the treasurer shall deliver over to his successor in office



Sec. 16. The city council shall have power to appropriate any moneys remaining in the treasury of the corporation, to the payment of the lawful fees of the officers of the corporation; to the purchasing of such blank books, and other things of a like nature, which may be necessary for the use of the corporation; to the improvement of the streets, alleys, lanes and sidewalks of said corporation; to the erection of a market house, and to the making of any and such other public improvements in said corporation as the city council may think conducive to the convenience and prosperity of said corporation; all payments, however, to be made by the treasurer, pursuant to the requirements of the fifteenth section of this act, and in no other manner whatever.

Sec. 17. The mayor of said corporation shall be a conservator of the peace throughout said corporation, and is authorized to do and perform, within said corporation, all things which, by the laws of this territory, a justice of the peace may do and perform, within the county, such justice of the peace is elected, and may reside; and said mayor shall do and perform all the duties required of him by the by-laws and ordinances of said corporation; and appeals may be taken from the decisions of said mayor, and writs of certiorari allowed, to revise, reverse or correct his proceedings and judgments, in the same manner as is provided by the laws of this territory, for appeals from, and writs of certiorari to correct the judgment and proceedings of justices of the peace in similar cases —

Sec. 18. The marshall shall be the principal ministerial officer in said corporation, and shall have the same powers within said corporation that constables have in their various townships, and in criminal cases his jurisdiction shall be co-extensive with that of constables in similar cases; and in serving subpoenas on witnesses



in civil cases, his jurisdiction shall be co-extensive with the county, and he shall execute all process of the mayor and he shall receive the same fees for his services that constables are entitled to for similar services by the laws of this territory -

Sec 19

That in all cases of absence or inability to serve of the marshall, the mayor shall have power to appoint, temporarily, any person to serve as marshall, provided that said person so appointed, be a resident and voter in said corporation, and a certificate of such appointment, officially signed by the mayor, shall authorize such person to act, and make his acts legal; provided further the said appointment shall continue no longer than the duration of the absence or inability of the marshall aforesaid

Sec. 20.

The mayor shall receive the same fees for his services that justices of the peace are entitled to by law for services of a similar nature; and the recorder shall receive such fees as may be provided by the by-laws and ordinances of said corporation -

Sec. 21.

The mayor and city council shall have power to require by ordinance, each able bodied male person, over the age of twenty one years, resident within said <sup>corporation,</sup> ~~town~~ to perform labor upon the streets and alleys of the same, not exceeding two days in any one year, which shall be in lieu of <sup>one</sup> ~~two~~ days labor required under the present laws regulating roads and highways; and upon refusal or neglect to perform such work under the proper supervisor, the delinquent shall be liable to the same penalties as are provided by law against persons refusing or neglecting to perform the two days labor required in said law -



Sec. 22. The Mayor and council shall have exclusive authority to form one or more road districts within the limits of said corporation, and they shall appoint <sup>a</sup> suitable supervisor or supervisors for such district or districts, when formed who shall be governed in the performance of their duties by the by-laws of said corporation, and all road tax charged upon the county duplicate, on property within the limits of said ~~town~~ <sup>city</sup>, shall be worked out under the direction of the proper supervisors, within said ~~town~~ <sup>city</sup>, as said authorities may by resolution or ordinance designate and point out; and all taxes charged for road purposes, as aforesaid, on property within the limits of said ~~town~~ <sup>city</sup>, and collected by the county collector, shall be paid into the hands of the treasurer of said ~~town~~ <sup>city</sup>, as aforesaid, to be appropriated especially, by the city council to road purposes within said town.

Sec. 23. The city council shall have power, if authorized to do so by a majority of all the electors of said ~~town~~ <sup>city</sup>, at any election held for that purpose, to levy a special tax, in addition to the taxes authorized to be collected by authority of this act, sufficient for the purpose <sup>chase</sup> of an engine, hose, and other necessary apparatus for the extinguishment of fires in said ~~town~~ <sup>city</sup>; public notice of which election, and the object thereof, shall be given by posting up written or printed notices thereof, in at least six of the most public places in said ~~town~~ <sup>city</sup>, at least fifteen days before the time of such election.

Sec. 24. The city council shall have power to erect a suitable building, for the imprisonment of such persons as may be lawfully imprisoned by the officers of said corporation under the by-laws and ordinances thereof; and all persons so imprisoned shall be kept in charge of the Marshall or other person having charge of the jail, until lawfully discharged.



Sec 25. The mayor shall deliver over to his successor all docket, books, papers, and other property of the corporation, in his custody -

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

See 26 - append

See 27 - "

Passed the House of Representatives  
January 14<sup>th</sup> 1851

Asahel Bush  
Clerk H.R.

Passed the Council January 23<sup>d</sup> 1851.

Geo. S. Curry  
Clerk of Council