

Section 8. Whereas, the act to which this act is an amendment is defective in respect of proper provision for payment and collection of interest on assessment upon which it is provided that bonds may issue, this act shall be in operation and take effect from and after its passage.

Approved February 28, 1901.

AN ACT ✓

[H. B. 61]

To amend Section 3326 of Chapter XXXV of Hill's Annotated Laws of Oregon, on the subject of the incorporation of cemeteries.

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

That Section 3326 of Chapter XXXV of Hill's Annotated Laws of Oregon be and the same is hereby amended so as to read as follows:

§ 3326. Burial lots sold by such association shall be for the sole purpose of interment, and shall be exempt from taxation, execution, attachment or other lien or process whatsoever, if used as intended by the purchaser thereof from said association, or their assigns or representatives, exclusively for burial purposes, and in nowise with a view to profit; *provided*, that this shall not prevent the vendor of any grave stone from having and enforcing a lien thereon for the purchase price or any part thereof; and, *provided*, that if a suit is brought to enforce such a lien that the decree therein may be enforced thereafter; and, *provided*, that for the purposes of enabling such lien to be had and enforced, such grave stone shall be deemed personal property, and may be severed and removed, under execution and order of sale, from the lot on which it is situated, and be sold in the same manner as any other personal property.

Approved February 28, 1901.

AN ACT ✓

[S. B. 202]

To provide for the acceptance by the State of Oregon of certain land, and for the reclamation and disposal of the same.

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

§ 1. Section 1. That the State of Oregon hereby accepts the conditions of section four (4) of an act of congress entitled,

"An Act making appropriations for sundry civil expenses the government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, with the amendment thereto, together with all grants of land to the state, under the provisions of the aforesaid act.

3284 Section 2. Upon applications made as hereinafter provided, by any person, company of persons, association or incorporated company desiring to reclaim any of the desert government lands in this state, it shall be the duty of the State Land Board, and they are hereby authorized and directed, to make proper application for the lands which said applicant undertakes to reclaim, and make and enter into the contract or agreement with the Secretary of the Interior for the donation and patent to the state, free of cost for survey or price, [of] such desert lands.

Said State Land Board is hereby authorized to make and enter into such contracts and agreements, and to create and assume such obligations in relation to and concerning said lands, as may be necessary to induce and cause such reclamation thereof as is required by the contract with the Secretary of the Interior and the acts of congress; and is authorized and empowered to create a lien or liens which, when created, shall be valid on and against the separate legal subdivisions of land reclaimed, for the actual and necessary expense of reclamation, and reasonable interest thereon from the date of reclamation until said lien shall have been satisfied; *provided*, that in no event, in no contingency, and under no circumstance, shall the State of Oregon be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

3285 Section 3. Any person, company of persons, association or incorporated company desiring to enter into contract to reclaim, as required by the acts granting such lands to the state, any tract of desert government land in this state, shall file with the State Land Board an application for a contract to reclaim said tract. Said applicant is hereby authorized and required, on behalf of the state, but at his own expense and without any cost or charge whatever to the state, to make the necessary surveys, prepare a map of the said land proposed to be irrigated, which shall exhibit a plan showing the mode of the contemplated irrigation (and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops), and shall also

Exhibit 2

show the source of the water to be used for irrigation and reclamation, which map shall be duly verified and in all particulars comply with the requirements of the Secretary of the Interior, and shall be accompanied by a list in triplicate of the lands selected, designated as required by the regulations governing such selections, and a sum sufficient to pay the necessary land office fees for the selection of said lands. There shall be submitted by said applicant a statement of the amount of water available for the plan of irrigation, and the other data and information required by the Secretary of the Interior; and, where the canals or reservoirs required by the plan of irrigation cross public lands not selected by the state, he shall file separately an application for right of way over such lands, under sections 18 to 21 of act of March 3, 1891, (26 Sta. 1085) in accordance with the regulations under said act: It being intended hereby to authorize and require the applicant for a contract to do and perform all things necessary to be done to enable the State Land Board to select these lands without cost to the state. Said application for a contract shall contain an estimate of the cost of the construction of the proposed system of irrigation and of the annual cost of the maintenance of the same.

3286 Section 4. Upon the receipt of the application, map, plan of irrigation, payment, etc., as provided in section 3 of this act, the State Land Board shall enter into a contract with the said person, company of persons, association or incorporated company applying therefor, for the construction of the works substantially according to the plans submitted under said contract. The person, company of persons, association or incorporated company entering into the same shall undertake and agree to furnish an ample supply of water, substantially in accordance with the plans submitted, to reclaim said lands in compliance with the act granting the same to the state, and make the proofs required by the Secretary of the Interior for the issuance of patent, and to pay all costs of advertising and other expenses incident to such proof and application for patent. Said person, company of persons, association or incorporated company shall further agree and undertake that work will be commenced upon the ditches or other works necessary for the reclamation of said lands within six months after the signing of the contract by the Secretary of the Interior; that by the end of the first year ten per cent. of the necessary expenditures will be made, and

that this work will be prosecuted with due diligence until complete, and the proof of reclamation is made as required by the acts of congress. The State Land Board shall by said contract fix the amount due the person, company of persons, association or incorporated company for the reclamation of said land, and the annual charge for the maintenance of the irrigation system, and create a lien which shall be valid on and against the separate legal subdivisions of the land reclaimed for the amount due as agreed upon, and interest thereon at the rate of six (6) per cent. per annum from the date of reclamation until said lien shall have been satisfied.

3287 Section 5. So soon as any contract shall have been made by any person, company of persons, association or incorporated company for the reclamation of any tract or tracts of land, the State Land Board shall make proper application for said lands, and for a contract and agreement from the Secretary of the Interior binding the United States to donate, grant and patent to the state, free of cost for survey or price, such desert lands; and upon completion of the reclamation required by the act granting said lands to the state, he shall file in the local land office a list of such lands, to which shall be prefixed a certificate of the preceding officer of the State Land Board, or other officers of the state who may be charged with the duty of disposing of the lands which the state may obtain under the law, and followed by the affidavit of the person authorized to superintend the reclamation of the lands.

3288 Section 6. Immediately upon the execution of the contract, the person, company of persons, association or incorporated company undertaking the reclamation shall be entitled to enter upon the lands, the reclamation of which has been undertaken, and shall have and retain the full possession, control, use and right of occupancy of said lands until the lien thereon shall have been satisfied.

3289 Section 7. Upon the failure of any parties having contracts with the state for the construction of irrigation works to begin the same within the time specified by the contract, or to complete the same within the time or in accordance with the specifications of the contract with the state, it shall be the duty of the State Land Agent to give such parties written notice of such failure, and if after a period of sixty days from the sending of such notice they shall have failed to proceed with the work or to conform to the specifications of their contract with the state, the contract of such parties, and all work

Exhibit 2

