1035

Oregon Territory
Clackamas County

In the Clackamas County Court at an adjourned Term August 1st — Term 1846 to October — following

The undersigned of the Corporation of Oregon City & Jos. Gregg Mayor — Under the Spring Locks

P. H. Hatch
H. Crawford
J. R. Bell
George Hannan
J. W. Pattyson

Trustees

In Chancery —

Defendants to the Bill of Complaint of John McLaughlin Esq Complainant

These Defendants now and at all times hereafter saving and reserving to themselves, And each of them all benefit of exception to the said Bill of Complaint for answer thereto say that true it is that the said John McLaughlin has located a land claim in the County of Clackamas on the East side of the Willamette River at and immediately below the Falls in accordance with the laws of the Provisional government of Oregon Territory and these Defendants further saith that true it is has caused to be laid off and surveyed town lots on said Claim and these Defendants further say that it is not true that the said lots laid off and surveyed

by the said McLaughlin aforesaid
are known by the name of Oregon City
said lots & lands aforesaid are a part
and parcel only of the said Town of Oregon City
as will more fully appear reference being had
to the said Plat made & completed by one Applegate
but these defendants for greater
certainty therein crave leave to refer to the said
Plat when the same shall be produced
And the defendants further say that true it is
that the said McLaughlin has sold and disposed
of several of said town lots to individuals, and
the same are to certain extent occupied and
improved by the owners of said lots and these
defendants admit further And say that true
it is that the said McLaughlin has erected valuable
and serviceable Mills but these defendants do not admit but further avers and
say that it is not true that said Mills are
adjoining to the town Plat of said Oregon City
but further avers & say that said Mills are on
said Plat Made by said the said Applegate
as aforesaid and known to be on what is
known by the name of Mill stream on said
Plat And the defendants further severally aver
will say that they or any or either of them to the
knowledge or belief of the others or other of them
do not know and have never been informed
save by the said Complainants bill and cannot
set forth as to them belief or otherwise
whether said Mills cost four or fifty

thousand Dollars And the Defendants would further not deny but admit that the said McLaughlin has erected and built valuable houses on his aforesaid premises but these Defendants further severally say that the aforesaid valuable houses are on the town Plat of Linn ~~City~~ made executed by the ~~Surveyor~~ Applegate A.D. 1848 as aforesaid it is not true that said valuable houses are adjoining to Oregon City and not on the Plat of the same but say the said valuable houses are on the Plat of the same And these Defendants severally admit and further say that true it is that after the Incorporation of Oregon City the Legislature of the Provisional government of Oregon duly passed a law ~~the same~~ incorporating the same agreeable to the said Plat of Linn the said Applegate with the additions Made thereto by continuing up the Willamette River to the head of the Island including the same together with all that portion under the bluff on the East side of said River But these Defendants further severally deny and say that it is not true that said act of incorporation includes or takes in any part or portion of the said McLaughlin land claim other than that or such pieces or parcels as is laid down and designated thereon as the Mill Reserve

Meaning Nothing More nor less than Reserve
from Sale And that the said Miller Sowle
both Dan ~~Miller~~ and Peter Miller ~~also the~~
~~houses~~ of the said McLaughlin and also the
said Valentine houses of the said McLaughlin
are located and ~~situate~~ situated on the aforesaid
Mill Reserve which Claim down and
Marked as such Reserve Meaning
Not for Sale And the Defendants above
named say that it is not true that the aforesaid
Mills and houses are not included in the plat
town Plat of Oregon City ~~but~~ as set forth in the said complaint
these Defendants
further aver and say that the said Mills
and houses as aforesaid are included
in said town Plat And the Defendants
Crawford Leave to refer to said town Plat
Made and executed by the said Wm Applegate
And Defendants Crawford leave to refer to and
introduce the said first section of the Act
of Incorporation said Oregon City referred
to in the complainants said bill And further
these Defendants severally and jointly deny and
deny say true it is that said act of Incor-
poration authorises the qualified voters
for Members of the Legislature Assembly
residing in the limits of said Corporation
to elect one Mayor one Recorder and five
Trustees And the Mayor Recorder and Trustees
so elected shall be a body politic & corporate
with perpetual succession to be known by the
name of The Corporation of Oregon City

of Oregon City as a forsaid and further answer and say that it is not contrary to the Organic Laws which is the Constitution of Oregon Territory as will appear by reference being had to said Organic Law which to open roads and canals either by the levying of taxes or a road tax or the chartering of Companies. And this defendant further answer and say that the taxes as aforesaid levied on the property of the said McClaughlin was almost entirely for the purpose of making and working the roads & streets of our said town and as well for the benefit and to the advantage of the said McClaughlin as to the other citizens of our said corporation and is not contrary to the said Organic Law and further it is not true that the election of officers, Mayor Recorder and Trustees was not recorded as with the act of said corporation or the Organic Law and further it is not true that the assessing of property was not as the Law directs it should have been done and further these defendants say that it is not true that the acts of the said corporation were contrary to law and equity in assessing and attempting to collect a tax on the property of the said McClaughlin included in the town plat of Oregon City for these defendants further answer and say that they know of no reason why the said McClaughlin should not be taxed for his property within the limits of said corporation as well as the

as aforesaid and cannot set forth as to their belief or otherwise
and ~~[illegible]~~ further admit and
say true it is that the tax aforesaid against
the said McLaughlin amounting to the sum
of Two hundred and fifty two dollars & fifty cents
~~[illegible]~~ and further true
it is that the said Corporation aforesaid
appointed one
A. Moss as their Marshal and as such
Marshal for the purposes of doing and
performing all the duties required of him
by said Corporation the said Marshal became
to collect said Corporation tax and on the
4th of June Instant came upon twenty
thousand feet of lumber the goods & chattels
of the said McLaughlin ~~[illegible]~~ And the said
defendants ~~[illegible]~~ further
answering say
that it is not true that all of which acts
and doings are contrary to Justice and Equity
and the defendants further answering say that
that said acts and doings as aforesaid are
equitable and agreeable to good conscience
for that the act to creating said Corporation
was drawn and prayed for by the good
people of said Oregon City & authorized
and sanctioned by the most gracious will
of the Legislature of said Oregon Territory
as will fully appear reference being had
to the said act of incorporation

and further admit that it is in accordance with said act on the first Wednesday in January 1846 the voters aforesaid proceeded to Elect as Trustees Mayor Henderson Peggy Rogers and A W Pettygrove George Hammond Peter Smith M Crawford and James R Robb Trustees of the Corporation of Oregon City Now in the Complainant in his said bill prays may be made the Defendants thereto Do Admit these Defendants admit that it is true that they are the Officers as aforesaid of said incorporation and appear as such And take upon themselves to answer the Complainants said bill agreeable to the prayer of the same And these Defendants further admit and say that true it is that said corporation levied a tax on all property liable to a Territorial tax To wit one half of one per centum as will fully appear reference being had to the Records of said City Corporation And further true it is that that the taxable property of the said Mc Laughlin within the limits of said Corporation was assessed to be worth Eight Thousand and five Hundred Dollars And further true it is that the Mills of the said McLaughlin was assessed four thousand Dollars And these Defendants severally upon oath say that they have never heard or been informed save by the said Complainants bill whether the said McLaughlin considered them insurance from any thing more than not for sale and for Milling purposes

Oregon Territory }
Clackamas County } ss

In the Clackamas County Court
October Term of
A.D. 1846

John McLaughlin }
vs }
The Corporation of Oregon City } Answer in Chancery

And now the Respondents Maiden in said petition in answer thereto say that true it is that the said McLaughlin has located a Land Claim in the County of Clackamas on the East side of the Willamette River in accordance with the laws of the provisional government of Oregon Territory And further that it is has caused to be Laid off and surveyed Town Lots on said Claim ~~Further~~ ~~That~~ And the Respondents aver and say that the said lots laid off and surveyed by the said McLaughlin as aforesaid is not known by the Name of Oregon City nor any part of said lots nor any parcel of the same as well more fully & at large as before alleged by the Petitioner to the ~~Plaintiff of said Town~~ act of said Incorporation

of said corporation

the other citizens should be taxed for their property
within the ~~same~~ limits of said ~~same~~

And this defendant further avers and says
that if there was any irregularity in the assessing the tax aforesaid of the said McLaughlin
property the said McLaughlin ought to and should
have applied and made complaint to the
board of the said corporation for equalization & redress who are
to hear all such just complaints of the citizens of said corporation
~~to hear all such just complaints~~ partially not knowing
nor caring whether the assessment is weak
or strong wealthy or poor ~~he has taken~~
~~been done without regard to all these matters~~

And further this defendants aver
and say at the time the good people
of said ~~Oregon City~~ petitioned the Legislature
to incorporate said Oregon City that the
said McLaughlin never did make
to the said Legislature any objection to the
then act incorporating the said City of Oregon
as aforesaid but has participated in
the benefits arising from said act of
incorporation And further never made
any objections to being contained in the
limits of said corporation but always
appeared ~~to be~~ perfectly satisfied & well pleased with said act of incorporation until he was
taxed in common with other citizens ~~of said corporation~~ for all the taxable
property within the limits of said corporation
~~And this defendant~~ further say that they such objection unfounded
this defendant ~~does~~ & are becoming and
not in accordance with the character

[illegal] of the said Town corporation
of the said McLaughlin but contrary to
[illegal] and dangerous precedent
[illegal] manifested by the said
McLaughlin to the Inhabitants of Town
[illegal] orderly citizens
of the good people of our said
corporation but contrary to good example
and dangerous to law and good order And these
defendants further answer and say that Bills are
not such improvements, as are required to
be made to comply with the requirements
of the law to hold and secure to the said
McLaughlin his Claim and further these
defendants say that an Act Relative &
Regulating the Collecting the Revenue of said
Oregon Territory expressly declares that all mills
shall be taxed for Territorial purposes
and are subject to be taxed for County
purposes And further these defendants
answer and say that the act of incorporation of
said Oregon City expressly declares that
said corporation shall be allowed to levy a
tax on all property within the limits of
the same not exceeding one per centum
per annum And these defendants answer
and say that they did not levy a tax
on the said McLaughlin property which
did exceed one per centum per annum
but answer and say they only levied one half
of one per centum on the said McLaughlin
property within the limits of said
corporation

And these Defendants further answer and say that all the allegations and averments in the complainants said Bill of Complaint contained therein except so far as the same are herein expressly admitted are not true. And that all the facts by these Defendants in this answer set forth are true all to which matters & things these Defendants is ready and willing to aver maintain and prove as this Honorable Court shall direct. And humbly pray to be hence dismissed with their reasonable cost and charges in this behalf most wrongfully sustained

Sworn to
& Collected from
the Defendant,