

## Ordinance no. 156.

An Ordinance to provide for licensing, taxing, regulating, and restraining the sale or disposal of spirituous liquors, brandy, wine, and ale, fermented and malt liquor, beer and ale, and prohibiting the sale or disposal of spirituous liquor, brandy, wine and all fermented and malt liquor, beer and ale without license.

The People of the City of Albany do ordain as follows:

Section I. That no person or persons shall be permitted to vend, sell or otherwise dispose of any spirituous liquor, brandy or wine, or any fermented or malt liquor, beer or ale, within the corporate limits of the city of Albany, Line County Oregon, without having first obtained a license for that purpose, from the City of Albany as hereinafter provided.

Section II. That applications for license to sell spirituous, malt, fermented and vinous liquor, brandy, wine, ale or beer shall be divided into three classes, as follows:  
First applications to sell such spirituous, malt, fermented or vinous liquor in quantities of one quart or more;

Second: Applications to sell spirituous, malt, fermented, and vinous liquor in quantities less than one quart;

Third: Applications to sell ale and beer



in quantities less than one quart.  
 Section III. That every person applying for a license to sell spirituous, malt, fermented, or vinous liquor in quantities of one quart or more shall pay into the treasury of the City of Albany the sum of One Hundred Dollars (\$100.00) in U. S. Gold Coin semiannually, and take the receipt of the officer receiving the same in duplicate.

Section IV. That every person applying for a license to sell spirituous, malt, fermented or vinous liquor ~~liquor~~ in quantities less than one quart, shall pay into the treasury of the City of Albany the sum of Two Hundred Dollars (\$200.00) in U. S. Gold Coin semiannually, taking therefor the receipt in duplicate of the officer receiving the same: and every person applying for a license to sell ale and beer only, in quantities less than one quart shall pay into the treasury of the City of Albany the sum of one Hundred Dollars in U. S. Gold Coin, semiannually, taking therefor the receipt in duplicate of the officer receiving the same.

Section V. Every person who keeps for sale any spirituous, fermented, malt or vinous liquor, ale or beer, either as his sole business, or in connection with some other occupation shall be deemed a keeper of a bar, barroom, drinking shop, or tippling house within the meaning of this ordinance.

Section VI. That on the applicant producing to the City Council the receipt of the proper officers



for the amount provided in the preceding sections, and filing a good and sufficient bond duly executed in manner and form as hereinafter provided, and the approval of said bond by such Council, the Council shall order the Recorder to issue a license to such applicant for the term of six months, upon the payment by such applicant to the Recorder of his fees in full for the issuance of such license.

Section 11. That every person applying for a license to keep a barroom, drinking shop, or tippling house, or to sell, and or otherwise dispose of any spirituous, fermented, malt, or vinous liquors, ale or beer shall execute to the City of Albany, and at the time of making application for such license, present to the City Council for their approval or rejection, an indentured or bond in the penal sum of One Thousand Dollars (\$1000<sup>00</sup>) with two or more sureties, which said bond shall be in the following form to wit:

"Know all men by these presents, that we  
as principals and  
and

as sureties, all of the City of Albany, County of Linn, and State of Oregon, are held and firmly bound unto the City of Albany, Linn County, Oregon, in the penal sum of One Thousand Dollars, lawful money of the United States of America, for the payment of which well and truly to be made and done, we hereby bind ourselves, our heirs, executors and administrators, jointly and severally, firmly, by these presents.

Signed with our hands,



and sealed with our seals this the  
day of.

The condition of the above obligation is  
such that, whereas the above bounden  
, the principal herein, is  
about to apply for a license from the  
City of Albany, to vend, sell, and dispose  
of spirituous, fermented, malt, and vinous  
liquor, ale and beer in quantities  
than one quart within the City of Albany  
for the full term of six months from the  
first day of

now, therefore, if the said  
the principal herein, shall  
keep a decent, quiet and orderly house,  
and shall not permit any game ~~that~~  
prohibited by the laws of the State of Oregon,  
or by the Charter, or by any ordinance of the  
City of Albany, to be conducted played or  
carried on in or about the house, build-  
ing or premises where such liquor, ale  
or beer are sold, or disposed of or kept  
for sale, or permit to be sold or disposed  
of any malt spirituous, fermented or vinous  
liquor, ale or beer to any person or persons in  
an intoxicated condition, or to any woman,  
or girl or any minor, or any indian or  
common drunkard, and will not per-  
mit any person under the age of  
twenty one years, or any woman or girl, to  
loiter or remain in or about his place of  
business, either as guest, servant, waiter or  
waitress, dancer, singer, musician or otherwise,  
and will not keep open or permit to be  
kept open his place of business, where the  
traffic in spirituous, fermented, malt or  
vinous liquor or ale or beer is carried on,



nor sell, give away or dispose, nor permit to be sold, given away, or disposed of in any manner in or about his place of business, on the first day of the week commonly called Sunday, any liquor, brandy, wine, ale or any spirituous or malt liquor, and will strictly comply with all of the requirements of the laws of the State of Oregon, and the Charter and Ordinances of the City of Albany with respect to the sale of spirituous, fermented malt or vinous liquor and gaming and gambling, then this obligation shall be void, otherwise to be and remain in full force and effect.

Signed and sealed in the presence of

Seal  
Seal  
Seal

State of Oregon } ss  
County of Linn }

we

and being first duly sworn each for himself says: I am surety on the foregoing bond; I am a resident and free holder of the City of Albany Linn County, Oregon; I pay taxes on, in the City of Albany and am worth over and above all my just debts and liabilities, exclusive of property exempt from execution, the sum of one thousand dollars; that I am not a dealer in, wines spirituous or malt liquor, ale or beer, and that I am not surety upon any other bond of similar character.

So help me God.



Sworn to and subscribed before me  
this the day of 18 ;

City Recorder.

Section III. All bonds executed pursuant to the provisions of this Ordinance shall be filed in the office of the City Recorder, and recorded in a book to be kept by him for that purpose, and if the original bond be lost or destroyed, a certified copy of the recorded bond may be used in all actions, suits or proceedings arising under this Ordinance and shall have the same force and effect as evidence as the original bond.

Section IV. No person or persons to whom a license has been issued authorizing him or them to sell spirituous, fermented, malt, or vinous liquors, ale or beer in any quantity within the corporate limits of the City of Albany, shall keep or permit or allow to be kept in the building or on the premises, lot or property where such spirituous or fermented malt liquors or wines are sold, or offered for sale, any bawdy house, assignation house or house of ill fame, and any person, who, shall violate any of the provisions of this section, shall upon conviction thereof before the Recorder's Court, be punished by a fine of not less than twenty dollars, nor more than one hundred dollars, or by imprisonment



in the City jail for not less than ten days nor more than fifty days, or by both such fine and imprisonment in the City jail for not less than ten days, nor more than fifty days, or by both such fine and imprisonment at the discretion of the Court, and the Court shall also adjudge as a further punishment for such offense that the license issued to such party be forfeited and be null and void and of no effect; and if thereafter such person shall sell or offer for sale, without having first having obtained a new license therefor, any liquor, brandy, wine, ale or beer within the corporate limits of the City of Albany, such person shall upon conviction thereof before the Recorder's Court, be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the City jail for not less than ten days nor more than fifty days, or by both such fine and imprisonment at the discretion of the Court for each offense.

Section 8. If any person duly licensed to engage in the sale of spirituous, fermented, malt or vinous liquor within the City of Albany, or any person in his employ, sell, give away, or in any manner dispose of, or shall suffer, permit or allow to be sold, given away or in any manner disposed of, any spirituous, fermented, malt or vinous liquor to any common drunk, or to any intoxicated person, or to any Indian, or shall permit, suffer, or allow any woman, girl, or male



minor to visit, loiter around or frequent  
 his place of business, whether as guest,  
 servant, waiter, waiters, dancer, singer,  
 musician, or otherwise, ~~or~~ to play any  
 game whatever therein, or shall keep  
 open, or suffer permit or allow any  
 person whosoever to visit, his place  
 of business where such liquor is sold, or  
 kept for sale, on the first day of the  
 week commonly called Sunday, or shall  
 sell, give away or in any manner dispose  
 of, or suffer, permit, or allow to be sold  
 given away or in any manner disposed  
 of, on the first day of the week, com-  
 monly called Sunday, in or about his  
 said place of business, any spirituous,  
 fermented, malt or vinous liquor, ~~or~~  
 shall upon conviction thereof before the  
 Recorder's Court, be punished by a  
 fine of not less than fifty dollars  
 nor more than one hundred dollars,  
 or by imprisonment in the city jail for  
 not less than twenty five days nor more  
 than fifty days, or by both such fine  
 and imprisonment at the discretion  
 of the Court.

Section 21: That upon the conviction of any  
 person guilty of a violation of any  
 of the provisions of Section 10 of this  
 Ordinance, if such conviction shall  
 have been by a jury after a full  
 hearing and such jury shall find  
 that the license of such person be  
 revoked, the Recorder shall report  
 the same to the City Council, who  
 shall thereupon revoke the license of  
 such person, but such revocation of



Such license shall not in any manner, operate to relieve the person to whom the same was granted from the penalty prescribed by ~~part~~ <sup>said</sup> section 10 for the violation of any of its provisions.

Section XII. That upon the revocation of any license, as provided in section 11 of this ordinance, it shall be the duty of the City Council to order the City Attorney to immediately collect the amount of the bond mentioned in section seven of this ordinance, and if the same be not immediately paid to institute proceedings to recover the amount of said bond before any court of competent jurisdiction, but nothing in this section contained shall be so construed as to prevent an action upon said bond for the violation of its conditions at any time.

Section XIII. Any person desiring to present to the city Council a bond for its approval or rejection under the provisions of sections 6 and 7 of this ordinance shall present the same at the last regular meeting of said Council in any month.

Section XIV. No license shall be issued under any of the provisions this ordinance to any woman, or any minor, or to any person who during the term of his previous license, permitted, or allowed any woman, girl, or male minor to visit, loiter around or frequent his place of business.

Section XV. No license shall be issued under this ordinance for less than six months or more



than one year.

Section 16. No person shall be surety on more than one bond at the same time, and no person, who shall be engaged in the manufacture, or sale of any spirituous, fermented, malt or vinous liquor, shall be allowed to be a surety on the bond of any person or persons making an application for license under the provisions of this ordinance: no shall (any person who is not a resident and freeholder of ~~this~~ the city of Albany, and who does not pay taxes within said city on the sum of one thousand dollars over, and above all of his just debts, and liabilities, and exclusive of property exempt from execution, be allowed to be surety on any such bond.

Section 17. Each and every person or firm taking out license pursuant to the provisions of this ordinance, shall be and is hereby authorized and permitted to keep, without paying license there for, in his place of business, either one of the following named tables: a "Billiard Table," a "Pool Table," or a "Pigeon Hole or Devil among the Sailors Table."

Section 18. Any person, who shall sell, give away or in any manner dispose of, or who shall keep for sale or offer to sell, give away or in any manner dispose of within the corporate limits of the city of Albany, any wine brandy spirituous or malt liquor, ale or beer, without having first obtained a license for that purpose as in this ordinance provided, shall upon conviction thereof before the Recorder's Court, be punished by a fine,



of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the City jail for not less than twenty five days nor more than fifty days, or by both such fine and imprisonment at the discretion of the Court; and each and every sale or disposal of, or offer to sell or dispose of any such brandy, wine, spirituous or malt liquor ale or beer, shall constitute a separate and distinct violation of the provisions of this section, and the person guilty, thereof shall upon conviction before the Recorder's Court be punished as in this section herein before provided.

Section XX. Each license issued pursuant to the provisions of this ordinance shall be dated and shall take effect and be in force on, from and after the first date of the month immediately succeeding the meeting of the City Council at which such license may be authorized to be issued.

Section XXI. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section XXII. This ordinance shall take effect and be in force from and after its approval by the Mayor.

Passed the Council July 12<sup>th</sup> 1887.

State of Oregon }  
 County of Linn } ss.  
 City of Albany. } J. M. J. Henton, Recorder  
 of the city of Albany Linn County, State



of Oregon, do hereby certify, that the foregoing ordinance no 157, is a true and correct copy, of the original ordinance no 156 on file in the office of the Recorder of the City of Albany.

Witness my hand and the seal of the City of Albany this 18<sup>th</sup> day of July 1887.

W. J. Henton,

Recorder of the City of

Albany Oregon.

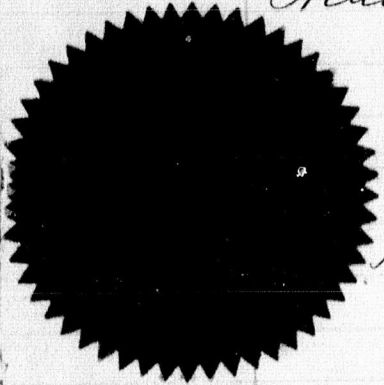
Approved this 18<sup>th</sup> day of July 1887

J. K. Weatherford  
Mayor

Attest:

W. J. Henton,

Recorder of the City of Albany.





Ordinance Book no 3-

Opened July 1<sup>st</sup> 1887. W. J. Henton,  
City Recorder

Closed April 3<sup>rd</sup> 1891

W. J. Henton  
City Recorder