Chapter 191

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United States' Explorations and Surveys

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191.010 Entry on land by persons acting for United States. Any person employed in the execution of any survey authorized by the Congress of the United States may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and of doing any work necessary to carry out the objects of existing laws, and may establish permanent station marks and erect the necessary signals and temporary observatories, doing no unnecessary injury thereby, having first paid or tendered to the owner thereof the compensation or damages as prescribed in ORS 191.020 and 191.030.

191.020 Tender of damages. The person entering upon land as authorized by ORS 191.010 may tender to the injured party damages therefor.

191.030 Determination of damages. If the parties interested cannot agree upon the amount to be paid for damages caused by an entry authorized by ORS 191.010, either of them may petition the county court in the county in which the land is situated. The court shall appoint a time for a hearing as soon as may be, order at least 14 days' notice to be given to all parties interested, and with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages.

191.040 Costs. (1) In case of appeal to the county court, if the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the prevailing party shall recover costs.

(2) The costs to be allowed in all such cases shall be the same as allowed according to the rules of the court.

191.050 Damage to United States survey property prohibited. No person shall wilfully deface, injure or remove any signal monument, building or other property of the United States coast survey constructed or used under or by virtue of the Acts of Congress authorizing surveys.

191.060 to 191.980 [Reserved for expansion]

191.990 Penalties. Violation of ORS 191.050 is punishable, upon conviction, by a fine not exceeding $50 for each offense; and violators shall also be liable for damages sustained by the United States in consequence of such defacing, injury or removal, to be recovered in an action in any court of competent jurisdiction.