

Chapter 3

1957 REPLACEMENT PART

Circuit Courts Generally

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JUDICIAL DISTRICTS, JUDGES AND JURISDICTION

3.010 Circuit court districts. There are nineteen judicial districts, designated as follows and composed respectively of the following counties:

- (1) First District: Jackson and Josephine.
- (2) Second District: Lane.
- (3) Third District: Marion.
- (4) Fourth District: Multnomah.
- (5) Fifth District: Clackamas.
- (6) Sixth District: Morrow and Umatilla.
- (7) Seventh District: Hood River and Wasco.
- (8) Eighth District: Baker.
- (9) Ninth District: Harney and Malheur.
- (10) Tenth District: Union and Wallowa.
- (11) Eleventh District: Gilliam, Grant, Sherman and Wheeler.
- (12) Twelfth District: Polk and Yamhill.
- (13) Thirteenth District: Klamath.
- (14) Fourteenth District: Lake.
- (15) Fifteenth District: Coos and Curry.
- (16) Sixteenth District: Douglas.

*

(17) Eighteenth District: Crook, Deschutes and Jefferson.

(18) Nineteenth District: Clatsop, Columbia, Tillamook and Washington.

*

(19) Twenty-first District: Benton, Lincoln and Linn. [Amended by 1957 c.713 §3]

*Note: In 1915 the legislature created judicial district 17 by substituted House Bill No. 308 which was vetoed by the Governor.

In 1951, the twentieth judicial district was abolished by Oregon Laws 1951, c. 441 §11.

3.020 Number of circuit judges in each district. There is one circuit judge for each judicial district, except that the fifth, fifteenth and sixteenth districts each have two, the first, second, third, nineteenth and twenty-first districts each have three and the fourth district has thirteen. [Amended by 1955 c.677 §2; 1957 c.665 §2; 1957 c.713 §4]

3.021 [1953 c.52 §§1, 2, 3; repealed by 1955 c.677 §6]

3.030 Election of circuit judges. Each circuit judge shall hold office for the term for which he was elected; and at the general election next prior to the expiration of his term of office there shall be elected a circuit judge to succeed him.

3.040 Qualifications of circuit judges; residence. (1) The judges of the circuit

courts shall be citizens of the United States, and shall have resided in Oregon at least three years next preceding their election or appointment. They shall also be residents of their districts and shall have maintained such residence for at least one year immediately prior to becoming candidates either for election or appointment; provided, that in districts comprising but one county having a population of 200,000 or more, judges of the circuit courts shall be residents of their districts or shall have resided within 10 miles of the district boundary for a period of at least one year immediately prior to becoming candidates either for election or appointment.

(2) In the first judicial district, one circuit judge shall reside in Josephine County during his term of office and shall have maintained such residence for a period of at least one year immediately prior to becoming a candidate either for election or appointment to such judicial office, and one circuit judge shall reside in Jackson County during his term of office and shall have maintained such residence for a period of at least one year immediately prior to becoming a candidate either for election or appointment to such judicial office.

(3) At the time of appointment or election, one of the circuit judges of the nineteenth judicial district shall be a resident of Washington County, one a resident of Clatsop County, and one a resident either of Columbia County or Tillamook County.

(4) In the twenty-first judicial district one circuit judge shall be a resident of Linn County and one shall be a resident of Benton or Lincoln County. [Amended by 1955 c.677 §3; 1957 c.665 §4; 1957 c.713 §5]

3.050 Circuit judges to be members of bar. All persons elected circuit judges must, at the time of their election, have been admitted to practice in the Supreme Court of Oregon.

3.060 Salary of judges; expenses; fund for paying portion of salary. (1) Each of the judges of the circuit court shall receive an annual salary of \$13,000 to be payable monthly. They shall receive no other allowance for their services, except as authorized by this section. When any judicial district is composed of more than one county a judge thereof is entitled to reimbursement for his hotel bills and traveling expenses necessarily incurred by him in the performance of his duties outside the county of his residence.

When any circuit judge, by virtue of ORS 3.100, holds court in any county outside of the judicial district for which he was elected or appointed, his hotel bills and traveling expenses necessarily incurred by him in the performance of that duty shall be paid by the state. Each circuit judge is entitled to reimbursement for his hotel bills and traveling expenses necessarily incurred by him in the performance of his duties as a member of the Judicial Council of the State of Oregon. Such hotel bills and traveling expenses are to be paid by the state upon the certificate of the judge to the truth of an itemized statement of such hotel bills and traveling expenses. The certificate of expenses is a sufficient voucher upon which the Secretary of State shall audit the claim and draw his warrant upon the State Treasurer for the amount thereof in favor of such circuit judge.

(2) All money collected and paid to the State Treasurer as provided in ORS 21.120 and 21.240 shall constitute a continuing appropriation for the purpose of paying a portion of the monthly salaries of the judges of the circuit courts. The Secretary of State shall keep a separate account of all money so collected and shall issue warrants on such account in payment of the monthly salaries of the judges of the circuit courts, to the extent that there are sufficient funds in the special account to pay the total monthly salary of one or more circuit judges. When the funds in such special account are insufficient to pay at least one circuit judge's monthly salary, the balance of the monthly salaries of the circuit judges shall be paid from the regular biennial appropriation for the payment of salaries of circuit judges. The Secretary of State is authorized and directed to audit and allow all duly verified claims against such special account and to draw his warrants on the State Treasurer in payment thereof. [Amended by 1953 c.516 §3; 1955 c.531 §1; 1957 c.646 §1]

3.070 Powers of judges in chambers; filing and entering of decisions not signed in open court. Any judge of a circuit court in any judicial district may, in chambers, grant and sign defaults, judgments, decrees, interlocutory orders, provisional remedies, make findings, decide motions, demurrers and other like matters relating to any judicial business coming before him from any judicial district in which he has presided in such

matters. He may hear, in chambers, contested motions, demurrers and other similar matters pending within his own county or counties, at any place within his district, and, upon stipulation of counsel, he may try and determine any issue in equity or in law where a jury has been waived, hear and decide motions, demurrers and other like matters, in chambers, at any place within the state where he may happen to be, relating to any judicial business coming before him from any judicial district in which he has presided in such matters. He may exercise these powers as fully and effectively as though the motions, demurrers, matters or issues were granted, ordered, decided, heard and determined in open court in the county where they may be pending. If signed other than in open court, all such orders, findings, judgments and decrees issued, granted or rendered, other than orders not required to be filed and entered with the clerk before becoming effective, shall be transmitted by the judge to the clerk of the court within the county where the matters are pending. They shall be filed and entered upon receipt thereof and shall become effective from the date of filing.

3.080 Orders by other judges within or without the district in certain cases; enforcement of such orders. (1) In the absence of any circuit judge from his judicial district, or from any county in the district, whereby inconvenience or delay would be occasioned in obtaining orders from him in any suit or action pending therein, or in case of his inability to act, any other circuit judge, whether within or without such district, may grant all necessary orders, to have effect in any cause pending therein as if made by the circuit judge of the district; provided, that the question has not been presented to or passed upon by any other circuit judge in this state.

(2) All such orders may be enforced in the district where they are pending by any of the circuit judges of this state.

3.090 Circuit judges holding court in other districts. Each circuit judge may hold circuit court in any judicial district when, for any reason, the circuit judge elected for such district cannot attend, or is disqualified to try any cause pending therein at the time appointed for holding court or trying the cause.

3.100 Assignment of circuit judge to other districts by Chief Justice of Supreme Court. (1) For the more speedy and efficient transaction of the business of the circuit courts, authority is conferred upon the Chief Justice of the Supreme Court, and it shall be his duty, to direct any circuit judge to hold court in any county of any judicial district at and during any term of any circuit court. The authority and powers of any circuit judge holding court in any judicial district by assignment to duty as provided in this section shall be the same as if he had been regularly elected in that district.

(2) It shall be the duty of every circuit judge to obey the directions of the Chief Justice given by virtue of this section.

3.102 Judges pro tem by stipulation of parties; oath; compensation; disqualification as attorney. (1) A case in the circuit court, including all questions of law or fact, may be heard, determined and tried by a judge pro tem who must be a member of the bar. His appointment must be agreed upon in writing by the parties litigant, or by their attorneys of record, and must be approved by the court. His action in the trial of the cause shall have the same effect as if he were a judge of the court.

(2) Before entering upon his duties in any cause being heard by him by virtue of agreement of the parties litigant, he shall take and subscribe the following oath, or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of Oregon, and that I will faithfully discharge the duties of the office of judge pro tem in the cause wherein _____ is plaintiff and _____ defendant, according to the best of my ability."

(3) A judge pro tem shall receive compensation of \$25 for each day he actually is engaged in trial, to be paid in the same manner as salaries of circuit judges, upon certificate of the county clerk that the service was performed.

(4) No person serving as a judge pro tem in counties of 300,000 or more population, in the trial of any case before a jury, shall appear as an attorney in the trial of any other case before a jury during the same term of court. [Formerly 3.110]

3.105 Judges pro tem appointed by Chief Justice; qualifications; maximum term of appointment. (1) Whenever the trial docket or business shall become congested in any judicial district of the State of Oregon, or whenever one or more of the duly elected and qualified circuit judges of any such judicial district of the State of Oregon shall be absent or unable to sit or for any other reason be unable to perform the duties of circuit judge, and it shall appear to the Chief Justice of the Supreme Court that it is necessary, proper or convenient that the services of additional circuit judges be provided, the said Chief Justice of the Supreme Court shall appoint one or more members of the Oregon State Bar in good standing, and who shall have resided within the State of Oregon at least three years next preceding their appointment, as circuit judges pro tempore and shall assign such appointee, or appointees as the case may be, to duty in such judicial district of the State of Oregon.

(2) Such appointment shall be for periods of 90 days or less as fixed and determined by such Chief Justice; provided, however, that no one shall be appointed to serve as judge pro tempore for more than a total of 180 days in any 12 month period. [1953 c.35 §1]

3.106 Order of appointment to specify length of appointment; powers and jurisdiction. The Chief Justice in his order of appointment shall specify the length of time, not exceeding 90 days, such appointment shall continue; and during said period of time, the person so appointed shall have, possess and exercise all the powers and jurisdiction now or hereafter provided by law for duly elected and qualified circuit judges in the several judicial districts of the State of Oregon. [1953 c.35 §2]

3.107 Filing of certified copies of order of appointment; effect. A duly certified copy of such order of appointment with the seal of the Supreme Court affixed thereto shall be filed by the Clerk of the Supreme Court of the State of Oregon in the records of the Supreme Court and shall also be forwarded to the clerk of the circuit court in the counties comprising the judicial district in which said circuit judge pro tempore is ordered to serve and shall be filed by the clerks of said circuit courts, and the same shall be accepted as authority for such appointee therein named to act and serve during the period of time specified therein as a circuit judge

within and for said judicial district and within and for any other judicial district of the State of Oregon to which such circuit judge pro tempore may be transferred or assigned by the Chief Justice of the Supreme Court as herein provided. A duly certified copy of such order or assignment, with the seal of the Supreme Court affixed thereto, shall be forwarded by the Clerk of the Supreme Court to the Secretary of State. [1953 c.35 §3]

3.108 Oath of judge pro tem. At the time of any such appointment and before entering upon the performance of the duties of circuit judge pro tempore, such appointee shall subscribe and file at the office of the Clerk of the Supreme Court an oath or affirmation as follows:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of the office of judge of the circuit court of the State of Oregon, according to the best of my ability."

[1953 c.35 §4]

3.109 Assignment of judge pro tem by Chief Justice. During the period of time of such appointment as specified in such order of appointment, such circuit judge pro tempore may be transferred and assigned by the Chief Justice of the Supreme Court from one judicial district to another in like manner and with the same effect as now provided by law for the transfer and assignment of duly elected and qualified circuit judges of the several judicial districts from one judicial district to another. [1953 c.35 §5]

3.110 [Renumbered 3.102]

3.111 Compensation of judge pro tem. Such circuit judge pro tempore shall receive compensation of \$35 for each day he is actually engaged in the performance of his duties, to be paid in the same manner as duly elected and qualified circuit judges are paid, and upon the certificate of such circuit judge pro tempore that such services were performed. And in the event any such circuit judge pro tempore is assigned for duty outside the judicial district in which he resides, in addition to his compensation as herein fixed, there shall be paid to him his hotel and traveling expenses necessarily incurred in the performance of his duties as such

judge, the same to be paid in manner and form and under like conditions as now provided by law with respect to the duly elected and qualified circuit judges assigned for duty in any judicial district other than their own. [1953 c.35 §6]

3.112 Disqualifications of judge pro tem; effect of parties failing to disqualify judge. Any person serving as a circuit judge pro tempore pursuant to the provisions of ORS 3.105 to 3.115, shall be subject to all laws of the State of Oregon now in force or hereafter enacted regarding the disqualifications of a judge to sit upon the trial of any action, suit, special or other proceeding; provided, that nothing herein contained shall be deemed to increase the number of applications for change of judge set forth in ORS 14.220 to 14.240; and provided further, that in the event the parties to any cause assigned to such circuit judge pro tempore as herein provided, for hearing, trial and determination thereof, shall fail to disqualify such circuit judge pro tempore as herein permitted, then the parties to such cause shall be deemed to have consented and agreed upon the trial of said cause by said circuit judge pro tempore to all intents and purposes as though they had directly stipulated in writing therefor. [1953 c.35 §9]

3.113 Disposition of matters pending before judge pro tem when appointment expires. Upon the expiration of the period of time for which such circuit judge pro tempore is appointed, if such appointee shall have under advisement and undisposed of any matter pertaining to any case tried or heard by or before him as judge, the authority of such circuit judge pro tempore shall be deemed to continue as to such case until such matter is disposed of by such judge; and it shall be the duty of such appointee to finally dispose of any such matter as required by law as promptly as the nature thereof will permit; provided, however, such circuit judge pro tempore shall not receive any compensation for such service necessarily performed following the expiration of such period of appointment. [1953 c.35 §7]

3.114 Limitations on judge pro tem serving as attorney after expiration of appointment. No person serving as a circuit judge pro tempore in any judicial district during any term of court therein shall, upon the termination of the period of time of his appointment, appear as an attorney in any

case tried by a jury composed of persons serving upon the jury panel at the term of court during which such person served as circuit judge pro tempore. [1953 c.35 §8]

3.115 Effect of ORS 3.105 to 3.115 on ORS 3.102. ORS 3.105 to 3.115 shall not be construed to in any manner modify or repeal the law of the State of Oregon now in force regarding the appointment and service of circuit judges pro tempore by direct stipulation of the parties litigant. [1953 c.35 §10]

3.120 District judges performing certain functions of circuit judge; effect of decisions. (1) Whenever by reason of absence, illness or injury there is not within a county in which there is a district court organized under ORS 46.020 or 46.025, a judge of the circuit court able to preside over and conduct the business of such circuit court, the district judge within the county of which he is district judge is authorized and empowered to, and he shall, perform all the functions and duties of a judge of the circuit court in so far as they pertain to:

(a) The commencement, trial and disposition of juvenile court matters and proceedings.

(b) Sanity inquests and the commitment of mentally diseased persons.

(c) The appointment of guardians ad litem for infants and others under legal disability.

(d) The granting of orders to make service of summons by publication.

(e) The granting of preliminary injunctions.

(2) He may also, under the conditions described in subsection (1) of this section, give and make any order, other than one setting apart exempt property or fixing a widow's allowance, that by law is ex parte in nature or is upon default of the appearance of, or is expressly consented to in writing by, the adverse party or parties, in any matter, cause or proceeding in probate pending in the county of which he is district judge.

(3) Any decree, judgment or order given and made by the district judge pursuant to the authority and power reserved in or conferred upon him by this section shall, when filed and entered in the suit, action or proceeding, have the same effect as though it had been given and made by a circuit judge, provided the district judge is not a party to, or directly interested in, the suit, action or

proceeding, and the question or matter so passed upon by him has not been presented to, or passed upon by, any circuit judge.

3.130 Transfer of judicial jurisdiction of certain county courts to circuit courts.

(1) All judicial jurisdiction, authority, powers, functions and duties of the county courts and the judges thereof, except the jurisdiction, authority, powers, functions and duties exercisable in the transaction of county business, are transferred to the circuit courts and the judges thereof:

(a) In any judicial district consisting of only one county and having less than 300,000 population and more than 35,000 population; and

(b) In any judicial district consisting of two counties and having less than 100,000 population and more than 70,000 population and having two circuit judges; and

(c) In any county having a population of more than 35,000 and less than 55,000 and located within a judicial district consisting of two counties and having two circuit judges; and

(d) In any judicial district consisting of only one county and having less than 14,000 population and more than 6,500 population.

(2) All matters, causes and proceedings, except those relating to county business, pending in a county court at the time a county or district comes within the scope of this section, shall be transferred to the circuit court for that county. [Amended by 1955 c.677 §4; 1957 c.275 §1; 1957 c.713 §6]

Note: Pursuant to this section judicial jurisdiction of the county court and judge thereof was transferred to the circuit court in the following counties: (1) (a)—Clackamas, Douglas, Klamath, Lane and Marion; (1) (b)—Jackson and Josephine; (1) (c)—Coos; (1) (d)—Lake.

Pursuant to 1919 c.59 §4 (repealed by 1949 c.530 §7), all judicial jurisdiction of the county court and judge thereof was transferred to the circuit court in Multnomah County.

Pursuant to ORS 46.092 to 46.098, prior to amendment by 1957 c.403, probate jurisdiction was transferred from certain county courts to district courts. Pursuant to ORS 46.025, a district court was established in Coos County prior to the effective date of the transfer of judicial jurisdiction from the county court to the circuit court in Coos County under ORS 3.130(1)(c). Thus, the transfer of judicial jurisdiction pursuant to ORS 3.130(1)(c) appears not to include probate jurisdiction.

3.140 Application of laws governing county courts to circuit courts exercising judicial jurisdiction formerly vested in county courts; power to make rules. (1) The circuit courts and the judges thereof in each of these districts or counties described in ORS

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3.130, shall be governed by the existing laws relating to the exercise of the transferred judicial jurisdiction, authority, powers, functions and duties of the county courts and the judges thereof, in so far as they may be applicable, as though the circuit courts and the judges thereof had originally been referred to in the existing laws; except that the circuit courts and the judges thereof shall have in the first instance exclusive jurisdiction in equity in all matters pertaining to probate, including the construction and declaration of rights under wills and the determination of questions of title to real, personal or mixed property thereunder, and in a probate proceeding in which a claim is rejected by the executor or administrator, the claimant may present the claim to the circuit court for allowance as provided in ORS 116.525 and 116.530, or he may, and if the executor or administrator demands it in writing, he shall, in the first instance bring a separate plenary action or suit against the executor or administrator on the claim.

(2) The judges of the circuit courts may make all rules and regulations, not inconsistent with law, to facilitate the transaction of business and render effectual the provisions of ORS 3.130, 3.140 and 7.230.

3.150 Transfer of juvenile and domestic relations matters from district and justice courts in Marion County to circuit court. In every judicial district comprising but one county and having a population of more than 90,000 but less than 125,000, according to the latest federal decennial census, all jurisdiction of the district court and justice courts pertaining to proceedings involving dependent, neglected or delinquent children, proceedings for the apprehending, trial and punishment of persons charged with contributing to the delinquency or dependency of minors, or with any other offense against a minor, or with failure or refusal to support wife or children, is transferred to and vested in the circuit court. All such matters pending in the district court or a justice court are transferred to, and continued in, and shall be heard and determined by, the circuit court. The procedure and practice pertaining to matters, the jurisdiction of which is transferred by this section, shall be governed by the laws applicable to such matters, without change, and appeals may be taken direct to the Supreme Court from the judgments, decrees and other appealable

orders of the circuit court therein, as in other cases. [Amended by 1957 (s.s.) c.8 §1]

3.160 Assignment of domestic relations and juvenile matters to department of domestic relations in Marion County. In every judicial district comprising but one county and having a population of more than 90,000 but less than 125,000, according to the latest federal decennial census, there shall be three circuit judges and three departments of the circuit court, one of which shall be designated the department of domestic relations. One of the circuit judges, to be designated by law, shall sit in the department of domestic relations. There shall automatically be assigned to the department of domestic relations all domestic relations matters. For the purposes of this section, "domestic relations matters" includes suits for divorce, either absolute or from bed and board; suits for annulment of the marriage contract; separate maintenance proceedings; and matters commonly known as juvenile court matters, including the matters referred to in ORS 3.150. [Amended by 1957 (s.s.) c.8 §2]

3.170 Reassignment of matters pending in department of domestic relations in Marion County. Whenever, in a circuit court having a department of domestic relations under ORS 3.160, the department becomes congested with business, matters pending in that department may be reassigned to other judges of the court, pursuant to rules made in accordance with ORS 3.220. In case of absence or disability of the judge of the domestic relations department, one of the other judges of the court may preside in that department.

3.180 to 3.200 [Reserved for expansion]

MULTIPLE JUDGE DISTRICTS, EXCEPTING MULTNOMAH COUNTY

3.210 Designation and use of position numbers. The positions of the circuit judges, and their successors in office, in the first, second, third, fifth, fifteenth, sixteenth, nineteenth and twenty-first judicial districts shall be designated by numbers as follows:

(1) First District: Position No. 1, Position No. 2 and Position No. 3.

(2) Second District: Position No. 1, Position No. 2 and Position No. 3.

(3) Third District: Position No. 1, Position No. 2 and Position No. 3. The judge

holding Position No. 3 shall preside over the department of domestic relations.

(4) Fifth District: Position No. 1 and Position No. 2.

(5) Fifteenth District: Position No. 1 and Position No. 2.

(6) Sixteenth District: Position No. 1 and Position No. 2.

(7) Nineteenth District: Position No. 1, Position No. 2 and Position No. 3.

(8) Twenty-first District: Position No. 1, Position No. 2 and Position No. 3. [Amended by 1955 c.677 §5; 1957 c.665 §3; 1957 c.713 §8]

3.220 Apportionment of judicial business in certain judicial districts; rules and regulations. The circuit judges of the first, second, fifth, fifteenth, sixteenth, nineteenth and twenty-first judicial districts and, except as provided in ORS 3.160 and 3.170 with respect to domestic relations matters, the judges in any judicial district described in ORS 3.160, may apportion and otherwise regulate the disposition of the judicial business of the court as they agree among themselves. The circuit judges of the first, fifth, fifteenth, sixteenth, nineteenth and twenty-first judicial districts, and of any judicial district described in ORS 3.160, may also make and promulgate all rules and regulations necessary and convenient to facilitate the transaction of judicial business. In the case of disagreement in the first or twenty-first judicial district, the decision of the judge senior in service, or if none, then of the judge senior in age, entered in the journal, shall control; if a majority cannot agree in the fifth, fifteenth, sixteenth or nineteenth judicial district or in any judicial district described in ORS 3.160, the decision of the presiding judge shall control. In the fifth, fifteenth, sixteenth and nineteenth judicial districts and in any judicial district described in ORS 3.160, the judge having the longest continuous service, or, if two or more have been in continuous service the same length of time, the judge senior in age, shall act as presiding judge. [Subsection (2) derived from 1953 c.52 §§6, 7; 1957 c.713 §9]

3.230 Powers of certain circuit judges to act in joint or separate session; testing process; presiding judge in second judicial district. (1) The circuit judges of the first, any two or more circuit judges of the second, the circuit judges of any judicial district described in ORS 3.160 and the circuit judges

of the fifteenth, sixteenth, nineteenth and twenty-first judicial districts may act in joint session for the trial or determination of any cause, matter or proceeding before the circuit court in their respective district, including jury cases. They may also, if the court in their district has jurisdiction, proceed separately with and try, simultaneously in their district and during the same term, criminal and civil actions, suits, probate proceedings and matters, appeals and all other causes, matters and proceedings brought in the circuit court in any county of the district. Process, in these districts, may be tested in the name of any judge of the district.

(2) In the second judicial district, the circuit judge longest in continuous service, or, if two or more have the same continuous service, the senior judge in age shall act as presiding judge at joint session. If the judges acting in joint session are equally divided in opinion, the opinion of the presiding judge prevails, otherwise the decision of the majority prevails.

(3) The judges of the fifth judicial district may proceed separately with and try criminal and civil actions, suits, proceedings and matters, appeals and all other causes, matters and proceedings, simultaneously in the district and during the same term. Process may be tested in the name of either judge. [Subsection (3) derived from 1953 c.52 §6; 1957 c.713 §10; 1957 (s.s.) c.8 §3]

3.240 Lane County to provide offices, courtrooms and supplies for circuit judges. Lane County shall provide suitable offices and courtrooms for three circuit judges and clerks therefor and all blanks, papers, books, stationery and furniture necessary to the transaction of the business of the three judges and the keeping of the records of their court proceedings. [Amended by 1957 c.713 §11]

3.250 to 3.300 [Reserved for expansion]

MULTNOMAH COUNTY

3.310 Providing for judges and departments in circuit courts in judicial districts of one county with over 300,000 population; exceptions for Multnomah County; duties of judges in probate and domestic relations departments. (1) Except as otherwise provided in ORS 3.020 and 3.410, the provisions of ORS 3.310 to 3.400 apply to every judicial district comprising but one county and having a population of more than 300,000,

according to population as it now is and hereafter shall be ascertained by the latest preceding official federal census from and after the date when the official report of such census is published by the director or such other official as may be charged with the duty of making such official publication.

(2) There shall be 13 circuit judges in such judicial district and 13 departments, which departments shall be designated by appropriate numbers. One department shall be known as the department of probate, and one as the department of domestic relations.

(3) One of the circuit judges of each such judicial district shall sit in the department designated as the department of probate, two others shall sit in the department designated as the department of domestic relations. Their duties, authorities, powers and jurisdiction, in addition to the duties provided by ORS 3.310 to 3.400, shall be those prescribed for circuit judges generally.

(4) All laws pertaining to circuit courts shall be applicable to the departments of probate and domestic relations, unless otherwise expressly provided by this chapter or by ORS 7.220. [Amended by 1955 c.715 §2]

3.320 Matters assigned to probate and domestic relations departments. There shall be assigned automatically to the department of probate all probate matters and proceedings concerning mentally diseased persons and to the department of domestic relations all suits for dissolution or annulment of marriage contracts or for separation from bed and board where there are minor children involved.

3.330 Jurisdiction of court over domestic relations matters; continuation of jurisdiction vested by laws which pertained to courts or departments of domestic relations.

(1) All causes, matters and proceedings pertaining to domestic relations shall be within the jurisdiction of the circuit court of a judicial district described in ORS 3.310; and all laws, including the provisions of subsection (2) of this section, which were in effect on July 16, 1949, and which theretofore were administered in or pertained to courts or departments of domestic relations in such districts and which are not inconsistent with the provisions of ORS 3.310 to 3.410 are continued in force.

(2) The circuit court of a judicial district described in ORS 3.310 shall have ori-

ginal and exclusive jurisdiction in the following matters:

(a) All proceedings concerning dependent, delinquent or neglected children, and to provide medical and surgical treatment for sick and deformed indigent children, under the supervision of the medical department of the University of Oregon.

(b) All proceedings for the apprehending, trial and punishment of persons charged with contributing to the delinquency or dependency of minors.

(c) All proceedings brought for the adoption of children and the change of name.

(d) All proceedings for the examination and commitment of feeble-minded, idiotic, epileptic or criminally inclined persons 18 years of age or under, to institutions or otherwise, for custodial care.

(e) All proceedings for the apprehending, trial and punishment of any person charged with failing or refusing to support his wife or children.

3.340 Probate jurisdiction; summary or plenary action on rejected probate claims.

There also is conferred upon, and vested in, the circuit court of a judicial district described in ORS 3.310 full, complete, general and exclusive jurisdiction, authority and power in equity, in the first instance, in all matters whatever pertaining to a court of probate, including the construing of, and declaration of rights under, wills and codicils, and therein the determining of question of title to real, personal or mixed properties; and in a probate proceeding in which a claim is rejected by the executor or administrator, the claimant may present such claims to the circuit court, or a judge thereof, for allowance, as provided by ORS 116.525 and 116.530, or he may, and if such executor or administrator demand it in writing, he shall, in the first instance bring a separate plenary action or suit against such executor or administrator on the claim.

3.350 Practice and procedure in circuit courts in probate and domestic relations matters to be uniform with that governing such matters in other courts. (1) In any cause, matter or proceeding over which by existing laws the circuit court of a judicial district described in ORS 3.310 has jurisdiction, the procedure and practice shall be governed by existing laws applicable to such cause, matter or proceeding without change.

(2) In the circuit court of a judicial district described in ORS 3.310, the procedure and practice pertaining to causes, matters and proceedings in domestic relations and probate shall be governed by the laws applicable to such causes, matters and proceedings without any change, and appeals may be taken direct to the Supreme Court from the judgments, decrees and other appealable determinative orders of the circuit court therein, as in other cases.

3.360 Transferring business between departments. Whenever the department of domestic relations and department of probate, or either of them, become congested with business, the presiding judge of the circuit court of a judicial district described in ORS 3.310, may assign such causes and proceedings as he deems necessary or desirable for the orderly and expeditious conduct of the court's business to other departments, in the manner provided by rule of the court.

3.370 Judges may proceed in joint or separate session; testing process. The judges of a judicial district described in ORS 3.310 may act and proceed in joint session for the trial or determination of any cause, matter or proceeding before the court, including jury cases. They may also proceed separately with, and try, criminal actions, civil actions, suits, probate proceedings and matters, appeals and all other causes, matters and proceedings simultaneously in the district. Process may be tested in the name of any judge.

3.380 Power of judges to make rules and regulations. The judges, or a majority of them, of the circuit court of a judicial district described in ORS 3.310 may jointly make and promulgate all rules and regulations necessary to facilitate the transaction of judicial business. In case of a want of majority in any such matter the decision thereon of the judge senior in service, or, if two or more judges have the same length of service, the decision of the judge senior in age, entered in the journal, shall control.

3.390 Continuation of causes pending in districts coming within the provisions of ORS 3.310 to 3.400; numbering of cases in order filed. (1) All causes, matters and proceedings pending in the circuit court of a judicial district described in ORS 3.310 shall be

and they are continued, and shall be heard and determined in such circuit courts without interruption due to ORS 3.310 to 3.400.

(2) All cases brought in the court shall be numbered in the regular and consecutive order of the filing thereof.

3.400 ORS 3.310 to 3.400 not intended to reduce jurisdiction of circuit courts or judges or to change manner of assigning causes to departments. Nothing contained in ORS 3.310 to 3.400 shall be construed to abrogate, reduce or interfere with any of the jurisdiction, power or authority of the circuit court or any circuit judge, nor shall anything in such sections be construed to change the present manner of assigning causes, matters and proceedings to the respective departments of circuit courts of such judicial district.

3.410 Judges to sit in departments in Multnomah County Circuit Court; departments of domestic relations and probate.

(1) The circuit judges of the fourth judicial district each shall perform the duties and functions of a circuit judge of the district and shall sit in a department according to the provisions contained in section 16, chapter 530, Oregon Laws 1949, chapter 643 or 644, Oregon Laws 1951, or section 1, chapter 715, Oregon Laws 1955.

(2) In the fourth judicial district the department of domestic relations consists of departments 11 and 12; the other departments are designated as departments 1 through 10 and department 13 respectively, including department 7, the department of probate. The judge senior in service in the department of domestic relations shall be the presiding judge of departments 11 and 12 and shall assign the business of the department of domestic relations.

(3) All business found in one department of the fourth judicial district belonging to another department may be transferred by order of the court, so as to be heard and determined in the proper department; but it shall be lawful to do any of the business of the court in any department.

(4) Any of the judges in the fourth judicial district may act in any department; and, in case of the absence or disability of a judge in any department, it shall be the duty of the judges of the other departments, so far as practicable, to act in such department. [Amended by 1955 c.715 §3]

COURTS OF RECORD; COURT OFFICERS; JURIES

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel