

Chapter 5

1969 REPLACEMENT PART

County Courts (Judicial Functions)

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5.010 Who holds court. The county court is held by the county judge, except when county business is being transacted therein.

5.020 Juvenile court jurisdiction in certain counties. The county court of counties from which no transfer of jurisdiction is made under ORS 3.260 or 3.265 or other provisions of law shall have all juvenile court jurisdiction, authority, powers, functions and duties.

[Amended by 1959 c.432 §61; 1963 c.512 §3; 1965 c.247 §2; 1965 c.618 §10; 1967 c.268 §2; 1967 c.533 §12; 1967 c.534 §3b]

Note: Chapter 268, Oregon Laws 1967, transferred juvenile court jurisdiction from the county court of Benton County to the circuit court on September 13, 1967. The transfers of jurisdiction authorized by chapters 533 and 534, Oregon Laws 1967, become operative July 1, 1968. See 1967 c.533 §18 and 1967 c.534 §35. Also see note under ORS 3.265.

5.030 Power of county judge to grant injunctions and orders in suits in circuit court. The judge of any county court having judicial functions shall grant preliminary injunctions or orders in any suit in the circuit court commenced in the county, upon application of the plaintiff or his attorney, made in the manner prescribed by ORS chapter 32. The order or injunction shall be made returnable to the circuit court of such county, to be there heard and determined.

5.040 [Amended by 1961 c.344 §95; repealed by 1969 c.591 §305]

Note: The repeals of ORS 5.040, 5.050 and 5.070 and the amendments to ORS 5.080 and 5.100 by 1969 c.591 take effect July 1, 1970. Until that time ORS 5.040, 5.050 and 5.070 (1967 Replacement Part) remain in effect.

5.050 [Repealed by 1969 c.591 §305]

Note: See note under 5.040.

5.060 Times of holding court. There shall be a term of the county court in each county for the transaction of judicial business on the first Monday of each month, and at such other times as the court in term or the judge in vacation may appoint, in like manner and with like effect as the circuit court or judge is authorized by ORS 4.410. The court shall be open at 10 a.m.

5.070 [Repealed by 1969 c.591 §305]

Note: See note under 5.040.

5.080 County judge as interested party. Except as otherwise provided in ORS 111.115, any judicial proceedings commenced in the county court in which the county judge is a party or directly interested, may be certified

to the circuit court for the county in which the proceedings are pending, and the matter shall be proceeded with in the circuit court as upon appeal from the county court to the circuit court.

[Amended by 1969 c.591 §265]

Note: See note under 5.040.

5.090 Absence of county judge, or vacancy; authority of circuit judge. When the county judge is incapacitated, or absent from the county, or whenever there is a vacancy in the office of county judge, any circuit judge for or assigned to the county may perform the judicial functions of the county judge, hear proceedings, and enter any judgment, order or decree necessary to carry into effect the judicial jurisdiction of the county court in all matters with the same force and effect as if done by the county judge when present in the county.

5.100 Order of docketing and disposal of business; records of proceedings. (1) The business of the county court at each term shall be docketed and disposed of in the following order:

(a) Judicial business.

(b) County business.

(2) The proceedings and records of the court pertaining to the respective classifications of business specified in this section shall be kept in separate books.

[Amended by 1969 c.591 §266]

Note: See note under 5.040.

5.110 Jury. A county court trial jury shall consist of six persons drawn by lot from the jurors in attendance upon the court at a particular term and sworn to try and determine a question of fact.

5.120 Appeals. (1) A party to a judicial proceeding in a county court may appeal from a decree or other final determinative order given therein. The appeal shall be taken at the time and in the manner prescribed by law for the taking of an appeal from a decree or other appealable order of the district court. The appeal shall lie to the circuit court for the county in which the county court is located and be prosecuted, heard and determined in the manner prescribed by law for the prosecution, hearing and determination of appeals from the district court.

(2) An appeal shall lie to the Supreme Court from the whole or a specified part of the decree or other final determinative order of the circuit court given upon such appeal to it, in like manner and with like effect as

though it were from a decree or other appealable determinative order of such circuit court given in a suit in equity therein. [Amended by 1959 c.558 §50]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1969.

Robert W. Lundy
Legislative Counsel

CHAPTER 6

[Reserved for expansion]