

## Article VII

### ~~The~~ Judicial Department

Sec 1<sup>st</sup>. The judicial power of the State shall be vested in a Supreme Court Circuit Courts & County Courts, which shall be Courts of Record having general jurisdiction to be defined limited & regulated by law in accordance with this Constitution - Justices of the Peace may also be invested with limited judicial powers, and municipal Courts may be created to administer the regulations of incorporated towns and cities -

Sec 2 The Supreme Court shall consist of five justices to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State at least three years next preceding their election, & after their election to reside in their respective districts. The number of justices & districts may be increased but shall not exceed five until the white population of the State shall amount to one hundred thousand & shall never exceed seven, and the boundaries of districts may be changed but no



Change of Districts shall have the effect to remove a judge from office or require him to change his residence without his consent —

Sec 3 The Judges first chosen under this Constitution shall allot among themselves their terms of office, so that the term of ~~office~~ one of them shall expire in two years, one in four years, & two in six years, & thereafter one or more shall be chosen every two years to serve for the term of six years —

Sec 4 Every vacancy in the office of Judge of the Supreme Court shall be filled by election for the remainder of the vacant term unless it would expire at the next election, & until so filled or when it would so expire, the Governor shall fill the vacancy by appointment.

Sec 5 The judge who has the shortest term to serve or the oldest of several having such shortest term & not holding by appointment shall be the Chief Justice, —



Sec 6 The Supreme Court shall have jurisdiction only to revise the final decisions of the Circuit Courts; & every Cause shall be tried and every decision shall be made by three judges only, or a majority of them, who did not try the Cause or make the decision in the Circuit Court —

Sec 7 The terms of the Supreme Court shall be appointed by law; but there shall be one term at the seat of Government annually, & And at the close of each term the judges shall file with the Secretary of State concise written statements of the decisions made at that term —

Sec 8 The Circuit Courts shall be held twice at least in each year in each County organized for judicial purposes by one of the justices of the Supreme Court at times to be appointed by law; & at such other times as may be appointed by the judges severally in pursuance of law —



## Sec 9

All judicial power  
 authority & jurisdiction not  
 vested by this Constitution or  
 by laws enacted thereunto  
 exclusively in some other Court  
 shall belong to the Circuit Courts  
 & they shall have appellate  
 jurisdiction & supervisory control  
 over the County Courts & all  
 other inferior Courts officers  
 & tribunals —

Sec 10 — When the white  
 population of the State shall  
 amount to two hundred  
 thousand the legislative Assembly  
 may provide for the election  
 of Supreme & Circuit Judges  
 in distinct Clases, one of which  
 Clases shall consist of three  
 justices of the Supreme Court  
 who shall not perform  
 Circuit duty, & the other Clases  
 shall consist of the necessary  
 number of Circuit Judges  
 who shall hold full terms  
 without allotment & who shall  
 take the same oath as the  
 Supreme Judges —



Sec 11 There shall be elected in each county for the term of four years a County judge who shall hold the County Court at times to be regulated by law—

Sec 12 - The County Court shall have the jurisdiction pertaining to Probate Courts & boards of County Commissioners & such other powers & duties & such civil jurisdiction not exceeding the amount or value of five hundred dollars and such criminal jurisdiction not extending to death or imprisonment in the penitentiary or may be prescribed by law. But the Legislative Assembly may provide for the election of two Commissioners to sit with the County judge whilst transacting County business in any or all of the Counties, or may provide a separate board for transacting such business.



Sec 13 The county judge may grant preliminary injunctions and such other writs as the legislature assembly may authorize him to grant, returnable to the Circuit Court or otherwise as may be provided by law, and may hear & decide questions arising upon habeas Corpus provided such decision be not against the authority or proceedings of a Court or judge of equal or higher jurisdiction

Sec 14 The Counties having less than ten thousand white inhabitants shall be reimbursed wholly or in part for the salary and expenses of the County Court by fees, per centage, & other equitable taxation of the business done in said Court & in the office of the County Clerk



Sec 15.

7

A County Clerk shall be elected in each County for the term of two years who shall keep all the public records books & papers of the County; record conveyances, & perform the duties of Clerk of the Circuit & County Courts & such other duties as may be prescribed by law but ~~whenever~~ <sup>whenever</sup> the number of voters in any County shall exceed twelve hundred the Legislature Assembly may authorize the election of one person as Clerk of the Circuit Court, one person as Clerk of the County Court, and one person Recorder of Conveyances.



Sec. 16 A sheriff shall be elected in each County for the term of two years who shall be the ministerial officer of the Circuit & County Courts & shall perform such other duties as may be prescribed by law —

Sec 17— There shall be elected by districts, composed of one or more Counties, a sufficient number of prosecuting attorneys who shall be the law officers of the State & of the Counties within their respective districts and shall perform such duties pertaining to the administration of law & general police as the Legislative Assembly may direct —



Sec 18 The Legislative Assembly shall so provide that the most competent of the permanent citizens of the County shall be chosen for jurors; a out of the whole number in attendance at the Court seven shall be drawn by lot as grand jurors five of whom must convene to find an indictment But the Legislative Assembly may modify or abolish grand juries —

Sec 19 Public officers shall not be impeached but incompetency, Corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses & judgment may be given of dismissal from office & such further punishment as may have been prescribed by law —



Sec 20 - The Governor may remove from office a judge of the Supreme Court or Prosecuting Atty upon the joint resolution of the Legislative Assembly in which two thirds of the members elected to each house shall concur for incompetency, corruption, malfeasance or delinquency in office or other sufficient cause stated in such resolution.

Sec 21 - Every judge of the Supreme Court before entering upon the duties of his office shall take & subscribe & transmit to the Secretary of State the following oath

I - - - do solemnly swear (or affirm) that I will support the Constitution of the United States & the Constitution of the State of Oregon & that I will faithfully and



and by  
the  
the Supreme Court  
State according to  
best of my ability  
I will not accept any  
other office except judicial  
offices during the term  
for which I have been  
elected -

The committee on the  
Judiciary report the foregoing  
article truly engrossed  
Geo H Williams  
The





Article on  
Unleaded Spent

Reprints truly engraved  
and bound Sept 15<sup>th</sup> 1857