



County Records Guide

Historical County Offices and Duties

Assessor

The office of assessor was created by the provisional government in 1844. The Legislative Assembly decreed that assessments were to be made by the sheriff in 1845. The contradictions were eliminated in 1850 when the assessor was authorized to make assessments and the sheriff was authorized to collect taxes. Beginning in the 1970s, responsibility for collecting taxes was transferred from the sheriff to the assessor, treasurer or tax collector. Now, no sheriffs collect taxes in Oregon.

The assessor, elected to four year-terms, assesses the value of taxable property and enters that information into assessment and tax rolls. The assessor certifies tax levies and delivers tax rolls to the tax collector for collection. The office also maintains property ownership records and maps, receives budgets, and extends levies to other taxing districts such as library and sewage. The state, through statutes and administrative rules, sets most of the parameters related to the procedures involved in the assessment of property taxes in Oregon.

Board of Commissioners/County Court (Administrative)

Historically, the county court was the chief governing and policy-making body of the county with both administrative and judicial functions. Today, county administrative functions are held by either a board of commissioners or a county court. For 24 counties, including the 9 counties with home rule, the board of commissioners, consisting of 3 to 5 elected members, is the primary administrative body. The remaining 12 counties are governed by a county court consisting of a county judge and 2 commissioners. However, in some of these counties, the county court may locally be referred to as the board of commissioners.

The structure of the county government in the early days of Oregon changed frequently as the settlers experimented. Administrative powers were transferred from the supreme court to circuit courts and then to district courts which were renamed county courts in 1845.

Provisions were made for county courts when the Territory of Oregon was established in 1848. In general during the 1850s the county court became more of an administrative body, and the tendency was to separate administrative and judicial functions. After statehood in 1859, the Oregon Constitution provided that the county court be composed of a county judge, who served as chairman of the county court when transacting county business, and 2 elected county commissioners. The county clerk served as ex-officio clerk of the court.

The administrative responsibilities of the county court included finance (budgets, tax levies, audits); care and management of county property (county buildings and equipment, roads and bridges, parks and recreational facilities); elections (establishment of election precincts, voter registration); regulative functions (ferry, dance hall, grocery, saloon, and other business licenses); public welfare (care of indigents, widows, and veterans, workhouses and poor farms); and appointive functions.

By the early 1960s most county courts no longer held judicial power (probate functions were transferred to the circuit court) and many were renamed the board of commissioners. The board of commissioners acts as the governing body for the county, various service districts, councils, and committees. It is responsible for county administration, management, and policy. The board prepares and adopts county and service district budgets and provides administrative services, support, and liaison to service districts, cities, public agencies, organizations, the Oregon Legislative Assembly, and federal and state officials. It is responsible for conducting public meetings, hearings, road

vacations, private and public land sales and exchanges as well as enacting ordinances, orders, contracts, leases and other legal agreements.

Circuit Court

The circuit courts are the state trial courts of general jurisdiction. Circuit court judges are elected on a non-partisan ballot for a six-year term. In 1999 there were 163 circuit judges grouped in 26 judicial districts.

The Provisional Legislature created the circuit court in 1845 and required that the people within the circuit elect a judge. The circuit court had jurisdiction in criminal cases and in civil cases involving more than \$150, and appellate jurisdiction from justice of the peace courts.

Circuit courts were abolished in 1848 when the Territory of Oregon was created and their functions were taken over by the U.S. district courts. Circuit courts were reestablished in 1859 by the new state constitution.

The constitution provides that the circuit court have jurisdiction in all matters not assigned to other courts and appellate jurisdiction over county courts and all other inferior courts. The circuit court retains original jurisdiction over civil matters and appellate jurisdiction limited to certain civil matters. The circuit court also has original jurisdiction in all felonies and in certain matters not classified as felonies. In 1937 the Legislative Assembly removed all county court jurisdiction over civil matters and transferred to the justice of the peace or circuit court all business except probate matters. The circuit court exercised power of naturalization in accordance with federal laws until the mid-1970s when jurisdiction over naturalization was transferred to federal courts. In most counties the circuit court has jurisdiction in adoption, juvenile, probate, guardianship, and conservatorship cases.

Supervision of the circuit courts transferred to the office of the trial court administrator in 1971. Since 1983 the county clerk has not been responsible for keeping circuit court records, although the clerks in several counties have retained control over early court records.

On Jan. 15, 1998 the Legislative Assembly transferred all district court jurisdiction, authority, powers, functions and duties to the circuit court.

Clerk

Changes in the structure of county government over time affected the role of the county clerk. From the first attempts to organize a government in Oregon in 1841, provisions were made for the office of clerk of the court and public recorder. The provisional government established in 1843 at Champoege created the elected office of clerk-recorder. The clerk served the supreme court, district courts, circuit, and county courts. When Oregon was a territory, the functions of the clerk were performed by a probate clerk and later auditor. When the state constitution took effect in 1859, the office of the county clerk reappeared.

The clerk historically was mandated by Oregon law to keep records dealing with bonds, vital statistics (births, deaths, marriage), elections (voters lists, nominations, candidates), registrations (businesses, farms names, physicians, nurses and other medical personnel), licenses, (medical, notaries, beekeepers), incorporations, animals (marks and brands, stallions, jacks), military (discharge of soldiers, sailors, and marines), finance (fees), reports (coroner), and liens (mechanic, chattel).

The county clerk is now required to maintain a lien record; records affecting the title of real property; a record and index of instruments filed such as those related to mortgage, bond, or judgment; a record and index to the platting of maps of towns, villages, and cemeteries; estate records; and other records such as financial statements, hospital and federal tax liens, cooperative contracts, special district assessments, lien foreclosure statements, and any other documents required or permitted to be filed with the county clerk.

The functions of the clerk in relation to the circuit and district courts were transferred to the trial court administrator or trial court clerk when the state began operating these courts in 1983.

Home rule counties often distribute the duties of the clerk to separate offices such as elections and records. Office names and hierarchies vary and are subject to change in home rule counties.

Coroner

The office of the coroner was established by the provisional government in 1847. The elected term of office was originally one year. This was later increased to two years in 1859 and four years in 1920.

The primary responsibility of the coroner was to report to the district attorney concerning suspicious deaths. More specifically, the coroner was to report on any sudden death happening under circumstances which caused reasonable grounds to suspect criminal means or suicide, as well as any death or wounding caused by another person. Upon order of the district attorney, the coroner was charged with conducting an autopsy, inquest, or both. During an inquest, the coroner served in the capacity of magistrate with the ability to subpoena witnesses. The inquest verdict addressed the manner of death and not the guilt or innocence of any individual in relation to the death. Other powers of the coroner included the right to restrict movement of the body and access to place of death. Duties of the coroner also included the burial of transients and paupers.

The 1959 Legislative Assembly abolished the office of the coroner in all counties except Multnomah. A 1965 law abolished the office in Multnomah County. Currently, county or district medical examiners under the supervision of the state medical examiner carry out the functions previously performed by the coroner.

County Court (Judicial)

Through most of its history the county court functioned as both administrative and judicial bodies. The administrative functions were performed by the county judge and two commissioners, as described in the office history for the Board of Commissioners / County Court (Administrative). The county judge represented the court when hearing judicial cases. During the provisional and territorial governments and as provided by the state constitution in 1859 the county judge's primary judicial responsibility was over probate matters.

Historically, the county courts held judicial jurisdiction over certain criminal matters, but these powers were never exercised. The exercise of civil jurisdiction varied widely among the counties. In 1937 all jurisdiction in civil matters was removed from the county court by the Legislative Assembly.

Although most counties in Oregon have abolished county courts in favor of boards of county commissioners, several county courts in central and eastern Oregon continue to function as both administrative and judicial bodies. Currently, 7 counties have county courts with judicial authority. Harney, Gilliam, Sherman, and Wheeler Counties retain jurisdiction in probate and juvenile cases; Malheur and Grant Counties exercise only probate authority; and Morrow County hears only juvenile cases. There is no requirement that county judges be members of the bar.

County Fair Board

The promotion of agriculture in Oregon is traced prior to statehood. In 1853 and 1854 farmers in the counties established agricultural societies to organize and conduct county fairs. These county societies later organized the Oregon State Agricultural Society in 1859 to promote agriculture at the state level.

Although state legislators encouraged these agricultural exhibitions, they chose not to support them financially, rejecting a proposed legislative bill in 1860 to provide funds for state and county agriculture associations. Finally, in 1911, the Legislative Assembly, recognizing the economic importance of agriculture and livestock industries in Oregon, passed a law giving county courts the discretion to appropriate no more than \$2,000 annually for an agricultural fair.

In 1913 an Oregon state law authorized county courts to hold agricultural fairs and appoint a county fair board consisting of 3 resident taxpaying citizens of the county. Since 1981 county courts and board of commissioners have had authority to expand the county fair board membership to 5 county residents.

The 1913 legislation also called for a tax of one-twentieth of a mill to be levied upon the taxable property of the state and distributed by the state treasurer to each county fair board. In 1969 the Legislative Assembly created the state County Fair Commission to manage and distribute the county fair account among the individual fair boards based on a merit system. Criteria for the county fair merit system include area and population served; attendance and gate receipts; number and type of exhibits; premiums and prizes paid; ground and facilities improvements; and year-round usage of grounds and facilities.

Most county fair boards meet at regular intervals to discuss and plan the upcoming county fair, including budget, advertising, rules and regulations, exhibits and entertainment and event scheduling. Besides the county fair, the board is concerned with issuing licenses and granting permits for public use of the fairgrounds, planning capital improvements on fairgrounds and facilities, and sending delegates and exhibits to participate in the state fair.

District Attorney

The constitution describes the dual functions of the district attorney as the prosecuting attorney and law officer of the state and the counties. The origin of the office of district attorney was in the office of the circuit attorney created by the provisional government in 1844 to prosecute criminal cases.

Under the territorial government, a prosecuting attorney was elected by the Legislative Assembly to prosecute pleas, complaints, and indictments brought before district courts. In 1853 provisions were made for the election of a district attorney for each county. Upon statehood in 1859 the constitution reestablished the circuit court, but no changes were made in the office of the district attorney.

The district attorney, elected to four year terms, currently serves as the public prosecutor, represents the state in criminal proceedings, and initiates proceedings for punishable violators of state laws. The office enforces child support orders and represents the state in juvenile matters. The district attorney also has the authority to order and undertake inquests into the cause and manner of certain deaths. Although elected by county voters, the district attorney is a state officer whose salary is paid by the state. With the approval of the board of commissioners, the district attorney may appoint deputies, who must possess the same qualifications and may undertake the same functions as the district attorney. In most cases, the district attorney and all deputies are prohibited from privately practicing law.

In the past, the district attorney also served as legal advisor and attorney for the county and its officials. However, with the development of the office of county counsel, this responsibility is no longer commonly exercised. Still, when requested by a county official, the district attorney is required to provide advice, prosecute, and defend on behalf of the county.

District Court

The district courts were state trial courts with limited jurisdiction. They heard civil cases with claims of up to \$10,000 and misdemeanor criminal cases, including traffic offenses, for which conviction is punishable by a fine of up to \$3,000, imprisonment of one year or less, or both. District courts could conduct preliminary hearings in felony matters, but could not try cases involving title to real property. Before being dissolved in 1998 district court small claims departments had jurisdiction for recovery of money or damages in cases in which the amount claimed did not exceed \$2,500.

In 1913 the Legislative Assembly provided for the establishment of district courts in every county with a population of 100,000 or more. Multnomah County met the population standard and its four elected district judges won office in November 1914. The new law also required the abolition of all justice courts in Multnomah County, with the exception of the Multnomah (Gresham) District. Jurisdiction formerly held by the justice courts was assumed by the district courts. When a jury trial was demanded, a jury composed of 6 members was selected from the circuit court jury panel. A 1915 law required the establishment of a small claims department in the district courts. Between 1956 and 1970 district courts in several counties held probate jurisdiction.

By the late 1940s a statutory change in the population requirements led to the replacement of justice courts by district courts in other counties. In 1997, 30 of Oregon's 36 counties were served by 63 district courts. Multnomah County had 14 district judges; Lane and Marion, and Washington, five; Clackamas and Jackson, 3; Coos, Deschutes, Douglas, Josephine, Klamath, and Linn, 2; Benton, Clatsop, Columbia, Curry, Hood River, Lake, Lincoln, Malheur, Polk, Tillamook, Wasco, and Yamhill, one each. Four judges served in two-county district courts (Union-Wallowa, Crook-Jefferson, and Morrow-Umatilla).

District judges were elected on a nonpartisan ballot in the individual county for a term of 6 years. They had to be 18 to 75 years old, citizens of the United States, residents of the county in which the court was located prior to their election, and active members of the Oregon State Bar. District court judges could be assigned by the Supreme Court to serve other district courts and could be assigned to serve temporarily as circuit court judges.

All records of abolished justice courts were legally transferred to the custody of the appropriate district court upon its creation. Supervision of the district courts was transferred to the office of the state court administrator in 1971. Since 1983 the county clerk has no longer been legally responsible for keeping district court records although some early records may continue to be in their custody.

On Jan. 15, 1998 the Legislative Assembly transferred all district court jurisdiction, authority, powers, functions and duties to the circuit court. The state district courts were not related to the U.S. district courts which operated during the Oregon territorial period.

Elections

For the first 100 years of Oregon's history the preparation and supervision of all primary, general and special elections was a responsibility assigned to the county clerk. However, in 1958 the Oregon Constitution was amended allowing counties to adopt home rule charters which gave counties the authority to change their county government organization. Nine counties have passed home rule charters. Home rule charters allow counties to establish their own designated election's officer. Several home rule counties have established positions such as elections administrator, elections officer, and director of records and elections to replace duties originally assigned to the county clerk.

The election duties of the county clerk or designated officer include supervising voter registration, preparing election ballots, delivering supplies to the sheriff or assigned officials at polling places, conducting a wide-spread canvass of votes, forwarding abstracts of election returns to the Secretary of State, and destroying records after their established retention period has expired.

Health and Human Services

Services that can be grouped together under the heading of health and human resources include public welfare, community or public health, and mental health.

In 1854, the county courts were authorized to superintend the public welfare of county residents by caring for indigents and providing workhouses and burial for paupers. The county was required in 1899 to provide benefits for war veterans, widows and orphaned children. In 1913 provisions were made for dependent children and county or juvenile courts administered payment to widowed mothers in need. The requirement that counties provide support for dependent children, was repealed in 1937.

In 1933 federal funds were made available for relief purposes. The State Relief Committee was established to administer and coordinate relief efforts in Oregon. Relief and public welfare at the county level were administered by the county relief committee, renamed the county public welfare commission in 1939, and composed of the county court and four other members appointed by the governor. Currently, public welfare functions are typically managed by various divisions of the county human services department in conjunction with numerous federal and state agencies.

Public or community health services have involved enforcing public health laws and providing a range of health related services. County and city boards of health are charged with enforcing the rules and regulations of the state board of health. A local licensed physician is elected secretary of the board, acts as county health officer, and is required to file

records with the county clerk. Public health nurses may be appointed by the county board of health. Current services and responsibilities include family planning; maternal and child health; Women, Infant, Child (WIC) nutrition program; immunizations; jail-inmate medical care; disease outbreaks and data collection; and registration of vital statistics.

Mental health services include diagnosis and treatment of emotional, developmental, alcohol, and drug problems for children, adults, and families; 24-hour crisis service; emergency out-patient treatment; in-patient services; and adult day treatment programs.

Justice Court

Justices of the peace were first elected in Oregon in 1841. In 1846 the Provisional Legislature provided that each county elect 3 justices of the peace who handled probate business and acted as county commissioners. The Oregon Constitution allowed for the election of justices of the peace and gave the county commissioners the power to establish justice court boundaries.

The civil and criminal jurisdiction of the justice courts was limited. By the early 1940s justice courts handled civil suits involving no more than \$250, mainly concerning the recovery of money or personal property. They also heard criminal cases only in crimes and misdemeanors punishable by fines of \$100 or less or imprisonment in the county jail. Other responsibilities included performing marriages and maintaining jurisdiction over estrays or animals running at large. All judgments of the justice courts could be appealed to the circuit courts.

Currently, justice courts are held by justices of the peace in 30 communities in 19 counties. The justice court has civil jurisdiction in cases where the amount claimed does not exceed \$5,000 with certain exceptions; criminal jurisdiction in all misdemeanors; and jurisdiction over traffic and other violations.

Land Use Planning

The Legislative Assembly first authorized counties to engage in planning, zoning, subdivision regulation, and other land use control activities in 1947. Although cities had gained planning authority in 1919, land use in the counties remained largely unregulated before 1947. The 1947 law permitted the creation of county planning commissions consisting of 5, 7 or 9 members serving 4 year terms. In addition to regular members, the county engineer and assessor (as well as the county manager and agricultural agent if these offices existed) were named as non-voting, ex-officio members.

Planning commissions were charged with making and adopting a pattern for the physical and economic development of the county. The law empowered planning commissions to create "districts" in which "certain buildings... trades, industries, or callings" were permitted or restricted. It also authorized counties to require that all newly subdivided land be approved by the planning commission.

After the 1947 legislation, rapid growth and continued concerns about unregulated development led to larger land use and planning roles for the counties. By the mid-1960s most counties had established planning commissions and were involved, to varying degrees, in planning and regulatory activities. In 1969 the Legislative Assembly made county planning a mandatory rather than a permissive function.

A major change in the role of counties in land use planning came in 1973 with the enactment of the land conservation and development law. This law established a new role for the state and revised the role of counties. Since 1973 local planning has been subject to goals and guidelines written by the state Land Conservation and Development Commission. Still, counties and other local governments retain most of their previous planning authority, provided that it is exercised within the broad state goals and guidelines.

In most cases, county governing bodies (board of county commissioners or county court) are designated as local coordinators of land use planning. This responsibility includes coordination of all planning activities within the county such as those associated with cities, special districts, and state agencies in order to assure an integrated county comprehensive plan. Oregon law requires counties to adopt a comprehensive plan and allows for periodic revision of the plan. Comprehensive plans vary but generally include a land use map and policy statement that interrelates all functional and natural systems and activities concerning land use such as water, sewer, transportation, recreation, and

natural resources. Zoning and subdivision ordinances must be designed to implement the adopted comprehensive plan.

Public Works

Construction and maintenance of county roads and bridges have been responsibilities of the county court since 1847. The county courts have been authorized to appoint persons, successively called road supervisor or road overseer. The first reference to a roadmaster occurred in 1889 with the appointment of a person to supervise road construction and repair, investigate petitions for roads, establish road signs, and perform the duties of road supervisors. In 1925 the office of county engineer was created to designate and survey market roads and secondary state highways. In most counties today, the responsibility for county roads, highways, and bridges belongs to the public works department.

Recorder

The Oregon Constitution provided for the election of a recorder of conveyances when the population of a county exceeded 12000 persons. Separate offices of the clerk of the county court and clerk of the circuit court could also be authorized. Under this provision, the office of recorder was authorized in Baker, Benton, Clackamas, Clatsop, Jackson, Linn, Marion, Umatilla, Union, Washington and Yamhill Counties. The recorder performed the duties formerly required of the county clerk to act as custodian of all records, deeds, mortgages, maps, plats, powers of attorney, and contracts affecting the title to real property.

By 1937 the office was abolished in all counties except Linn, Marion, and Umatilla. Currently the recorder as a separate office has ceased to exist and the duties of a recorder are performed by the county clerk or by a designated official (typical in home rule counties).

Sheriff

The office of sheriff has been one of the most important county functions since the selection of the first one in Oregon by the early settlers in 1841. Originally, the Provisional Legislature appointed the sheriff, but since 1846 the office has been elective. The territorial government provided for a sheriff and under the state constitution the sheriff was described as the conservator of the peace in counties.

In 1843 the provisional government designated the sheriff to serve as tax collector. The sheriff collected regular county taxes and other assessments of municipal corporations. He sent the taxes collected to the treasurer, kept records of delinquent tax rolls, instituted foreclosure procedures for real property when taxes were delinquent over 3 years, and sold land acquired for taxes. The tax collection function has been transferred from the sheriff to the tax collector, treasurer, or assessor in Oregon counties.

The sheriff, elected every 4 years, conducts criminal investigations and detects and apprehends law violators. The office is also charged with patrolling and maintaining the security of county roads, private homes and businesses. Other duties include performing search and rescue missions; enforcing marine law; transporting and providing for the security of state and county prisoners while appearing in court; processing and serving civil and criminal documents; operating the county detention facility; housing city, county, state, and federal prisoners; animal control; and enforcing nuisance abatement.

Superintendent of Schools

Between 1849 and 1854 the functions of the superintendent of schools were carried out by the county commissioners or by officials variously called school commissioner or superintendent of common schools.

In 1854 the territorial legislature provided for the election of a county superintendent of schools.

The duties of the superintendent included visiting the schools in the county, keeping school district records, and reporting regularly to the state superintendent of public instruction using a uniform series of reports, registers, and receipts furnished by the state board of education. The superintendent was required to keep records showing the

boundaries and numbers of all school districts in the county, accounts of the school districts, teachers certification records and contracts, and student records.

The superintendent of schools and the county court sat on the district boundary board, created in 1899, which was responsible for dividing the county into convenient school districts and changing them when advisable.

In 1921 a county was authorized to establish one school district for those areas outside the city school district. Under the county unit system, administration of county schools in rural areas was consolidated under one official, the superintendent of county school district, who replaced the county school superintendent. City school districts were authorized to report directly to the state superintendent of public instruction rather than the county school superintendent.

Intermediate educational districts were an outgrowth of the office of county school superintendent in the 1960s. They provided direct services to school districts that could not effectively and economically provide them. In 1972 educational service districts were created. Many ESDs maintain contemporary school records which have not been included in the OHRP project.

Surveyor

The earliest surveys of land in Oregon were conducted by the surveyor general of the United States. The territorial legislature in 1854 and the state constitution in 1859 provided for the election of a county surveyor.

The surveyor, elected every four years, maintains records of boundary surveys by private and public surveyors, road surveys, subdivisions and partitioning surveys, major land corner field notes and reports, and elevation data. The office also provides related functions such as surveys of county owned lands, county roads, preservation and restoration of major land corners, court-ordered surveys, crime scene investigation surveys, and inspection and review of subdivision plats.

Generally, the office must maintain records of all surveys made by the county surveyor and deputies, county road officials, and registered land surveyors (related to boundary monuments). The surveyor must make a survey of legal subdivisions and keep a separate record of all public land survey corners that have been established or reestablished. State law requires the surveyor to keep copies of the U.S. Bureau of Land Management field notes and plats of all surveys and resurveys of public lands including townships, sections, Donation Land Claims, mineral claims, homesteads, and meander lines within the county.

Tax Collector

The duties and responsibilities of taxation have been addressed by Oregon government since the provisional period when the sheriff was the county tax collector. The responsibility was reinforced in 1907 when the Oregon General Laws stated that "the sheriff of each county or his assigned deputy shall be in charge of collecting taxes."

Counties adopting home rule charters after 1958 were given authority to change the structure of their county government and as a result most elected to relieve the sheriff of tax collection duties and assign them to another county official.

In 1973 the Legislative Assembly amended the role of tax collecting by allowing each county court or board of commissioners the authority to transfer the rights, duties, and obligations of taxation from the sheriff and combine them with other county officials such as the assessor and treasurer, or separate them into the office of tax collector. In 1981 the Legislative Assembly eliminated the sheriff from statutes pertaining to taxation. The sheriff is no longer responsible for collecting taxes.

Duties of the tax collector include the preparation of tax rolls, collection of taxes, correction of rolls to reflect changes in property assessment, and notification of delinquency on property. When payment of taxes is delinquent, the tax collector issues a warrant enforcing the payment of taxes and penalties and, if necessary, can ask the county sheriff

for assistance. The sale of real property to satisfy delinquent taxes (foreclosure) continues to be largely overseen and administered by the county sheriff.

Treasurer

The provisional, territorial, and state governments all made provisions for the election of a county treasurer to receive all money due the county and to keep records of receipts and disbursements. The treasurer, elected to four year terms, invests the receipts and disburses the monies of the county when due and payable. The office also keeps the records related to county funds. Moreover, the treasurer handles the indebtedness of various taxing districts and manages the funds of special service districts along with acting as trustee of trust funds.

The records of the treasurer must show the amount received and disbursed both in terms of separate accounts or appropriations and one general account. The treasurer is also responsible for filing a monthly financial statement with the board of commissioners. Furthermore, the treasurer must maintain records of bonds issued by housing authorities, special districts, cities, and ports within the county.

U.S. District Court

The act of Congress which established Oregon Territory in 1848 replaced the existing county circuit courts with U.S. district courts. The territory was divided into 3 judicial districts and each of the 3 supreme court justices was assigned to a district. U.S. district courts were established in every county in each judicial district and the presiding justice rotated through the courts under his jurisdiction. Territorial judges were appointed by the president of the United States.

Territorial legislation passed in 1849 gave U.S. district courts original jurisdiction in all common law and chancery suits where the demand was greater than \$100, in all felony cases, and in misdemeanors punishable by penitentiary sentence. U.S. district courts had appellate jurisdiction from justice courts, probate courts, and county courts. They were also empowered to issue any writs necessary to fulfill these responsibilities.

Between 1849 and 1853, Oregon was divided into 3 judicial districts. The First District was composed of Clackamas, Champoege (Marion), and Linn Counties; the Second District was composed of Benton, Polk, Tualatin (Tuality), and Yamhill Counties; the Third District was composed of Clatsop County and all of the present states of Washington, Idaho, and Montana west of the Rocky Mountains.

When Washington Territory was formed in 1853, the judicial districts were rearranged. Between 1853 and 1859, the First District was composed of Benton, Lane, Linn, Marion and Polk Counties; the Second District was composed of Clackamas, Clatsop, Columbia, Multnomah and Washington Counties; the Third District was composed of Douglas, Jackson and Umpqua Counties.

After 1859, county circuit courts took over some U.S. district court functions, but U.S. district courts continued to handle federal cases.

Watermaster

In 1909 the Legislative Assembly declared all water to be in the public domain and established a system to regulate the use of water in the state. Shortly after the State Water Board divided the state into water districts and appointed a watermaster to supervise the use of water for each district. In 1919 the power of appointment was assigned to the state engineer. Today watermasters are organized under and appointed by the director of the Department of Water Resources.

Currently, watermasters carry out their duties from 5 regional and 12 field offices. Office space and equipment are furnished by the county court or board of county commissioners of each county in which a water district is located. If a water district includes all or parts of 2 or more counties, the office of the watermaster for the water district shall be in the county designated by the director and funded by that county.

Originally, the watermasters duties included dividing water of natural streams and other sources of supply in the district among the several ditches and reservoirs taking water; regulating the distribution of water among the users; and reporting his activities to the state engineer. Watermasters also enforced the provisions of water use passed by the Legislative Assembly which included the settlement of water right disputes and the power to arrest water use violators. In 1927 the watermaster's responsibilities expanded to include inspection of dam plans and construction and authority to interrupt construction or dismantle completed structures.

Presently, watermasters' responsibilities include regulating the distribution of natural surface or ground water among users; monitoring the distribution of water under any partnership ditch, pipeline, or well among various users; and dividing water sources among the canals, ditches, pumps, and pipelines for beneficial use by regulating the headgates, valves, or other control works at the several points of diversion of water sources.
