Laws of the Territory of Oregon.

PROBATE COURTS

SECTION 1. *Be it enacted, &c.*, That there shall be elected, in each county in this territory, three suitable persons, who shall be American citizens,—having the qualifications of voters, having resided in this territory one year, and in the county where elected six months previous to their election,—and be styled the judges of probate; and the court hereby constituted shall be styled the probate court.

SEC. 2. That the said judges of the probate court shall be elected by the qualified electors in the several counties in this territory, and shall hold their office for three years, and until their successors are elected and qualified.

SEC. 3. That the election shall be certified, by the judges and clerks of the election, to the clerk of the probate court of the county wherein such election shall be held, and in case of a tie between two or more persons, the sheriff shall order a new election.

SEC. 4. That when any vacancy, or vacancies, shall happen in the probate court, the clerk of said court shall notify the sheriff of the proper county, whose duty it shall be to issue his proclamation to the voters of the county, by putting up three notices in each precinct in the county, setting forth the office, or offices, that are to be filled, the time and place of said election, which time shall be at least ten days from the putting up of said handbills, and the said election shall be conducted as prescribed by law for the general elections for the territory of Oregon.

SEC. 5. The clerk of the probate court shall certify the names of the persons elected under this act to the governor of the territory, who shall thereupon commission all such persons as judges of the probate court for the term for which he, or they, may have been elected.

SEC. 6. That the probate court, in their respective counties, shall have and possess the following powers:—exclusive and original jurisdiction in all cases relative to the probate of last wills and testaments; the granting of letters testamentary, and of administration, and revoking the same; the appointing, or displacing, guardians of orphans, minors, and persons of unsound mind, and the binding of apprentices; in the settlement and allowance of accounts of executors, administrators, and guardians; to hear and determine all disputes and controversies respecting wills, the right of executorship, administration or guardianship, or respecting duties, or accounts of executors, administrators, or guardians, and to hear and determine all disputes and controversies between masters and their apprentices; to hear and determine all suits and other proceedings instituted against executors or administrators, upon any demand against the estate of their testator or intestate, where such demand shall not exceed one hundred dollars; [illegible] jurisdiction with the district court in all such cases where the demand shall exceed that sum, subject to an appeal in all cases to the district court in such manner as may be provided by law; to award process and cause to come before them all and every such person, whom they may deem it necessary to examine, [illegible] who, as executors, administrators, guardians, or otherwise, shall be intrusted, or in anywise accountable for any lands, tenements, goods or chattels belonging to any minor, orphan, or person of unsound mind, or the estate of any deceased person, and may examine any person on oath, or affirmation touching any matter of controversy before them.

SEC. 7. That a majority of the judges of the probate court shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and require the attendance of absent members.

SEC. 8. That the judges of the probate court, or a majority of them, shall choose one of their own number to be president of the court, and in case of his absence may appoint a president *pro tempore*.

SEC. 9. That said court shall provide and keep a seal with such emblems and devices as the court shall think proper;—the impression of which shall be a sufficient sealing in all cases where sealing is required.

SEC. 10. That, where no official seal is provided, the clerk may use his private seal for the authentication of any [illegible] proceeding required by law to be authenticated by the [illegible] and the attestation of the clerk stating that he has no official seal and that he has affixed his private seal, shall be received as sufficient authentication without requiring any proof of such private seal, or that it was affixed by the clerk.

SEC. 11. That the court established by this act shall be a court of record, and shall keep just and faithful records of its proceedings.

SEC. 12. That full entries of the orders and proceedings of each day shall be read, in open court, on the morning of the succeeding day, except on the last day of the term, when the minutes shall be read and signed by the judges of said court, or a majority of them, at the rise of the court.

SEC. 13. That the sittings of the probate court shall be public, and the citizens may freely attend the same.

SEC. 14. That the court, established by this act, shall have power to issue all writs which may be necessary in the exercise of its jurisdiction, according to the principles and usages of law.

SEC. 15. That where there is no sheriff or coroner, or neither of them qualified to act, or both interested or prejudiced, the court may appoint one or more persons to execute their process, and perform any other duty of the sheriff, who shall be entitled to such fees, for the services, as are allowed by law to sheriffs in like cases.

SEC. 16. That said court may enforce, by attachment, the return of any writ, or process, sent out of the same, and the payment of any moneys had and received by any sheriff, coroner, collector, or any other person whose duty it is made by law to pay over, and the delivery of papers intrusted to him officially, and unlawfully withheld.

SEC. 17. That no judge of the probate court shall sit in the determination of any cause, or proceeding, in which he is interested, or related to either party, or shall have been of counsel.

SEC. 18. That if a majority of the judges of the probate court shall be interested in any cause or proceeding pending before the court, or related to either party, the same shall be certified, [illegible] to the district court of the county, which shall [illegible] judgment and determination, the same as the probate court might have done.

SEC. 19. That if said court shall not be held on the first day of the term, such court shall stand adjourned from day to day, until the evening of the third day:—if at that time a majority of the judges shall not have appeared, and opened court, the same shall stand adjourned until the next regular term. Special adjourned terms may be held, in continuation of the regular term, upon its being ordered by the court, in term time, and entered by the clerk on the records of the court.

SEC. 20. That each judge of the probate court shall be a conservator of the peace throughout his county.

SEC. 21. That when any issue is pending proper to be tried by a jury, the court, in its discretion, may order a jury to be summoned by the sheriff, or selected in any manner, as may be prescribed by law for selecting juries in the district courts.

SEC. 22. That trials by jury in said court shall be governed, in all cases, as similar trials in the district courts; and writs of inquiry may in like manner be awarded and executed,—the verdict of juries set aside and new trials granted.

SEC. 23. That all processes issuing out of the probate court shall be attested by the clerk and sealed with the seal of said court.

SEC. 24. That the probate court shall have the same power and authority, under like restrictions, and rules of law, to enforce and execute their orders, rules, judgments and decrees, as may be prescribed by law for the district courts of this territory.

SEC. 25. That it shall be the duty of the clerk of said probate court, to issue letters of administration to any person applying for the same, in vacation of said court, subject, however, to the approval or disapproval of said court, at its next session, and subject to all the restrictions and liabilities provided for by law, and subject at any time to the investigation of said probate court: *provided, however,* that when there is a last will and testament of any deceased person, letters of administration, or executorship shall be granted by the said probate court, when said court is in open session, and said letters of executorship, or administration, shall be signed by the said court, and certified by the clerk thereof.

SUPPLEMENTAL.

SECTION 1. *Be it enacted, &c.*, That the practice and proceeding in the probate court shall be in a summary way, and pleading therein shall not be required to be in writing in any case, except when expressly required by law, or by the direction of the court; and all writs, suits, and proceedings in said court, shall be [illegible]

SEC. 2. The probate court shall meet [illegible]

[illegible]

SEC. 18. When such appeal is taken, the clerk shall transmit to the clerk of the district court, a certified transcript of the record and proceedings relating to the cause, together with the original papers in his office relating thereto.

SEC. 19. Upon the filing of such transcript and papers, in the office of the clerk of the district court, the court shall be possessed of the cause, and shall proceed to hear, try and determine the same anew, without regarding any error, defect, or other imperfection, in the proceedings of the county court.

SEC. 20. The clerk of the district court shall certify a transcript of the record and proceedings, and the original papers to the court whence the appeal was taken, which shall proceed according to the decision of the district court.

SEC. 21. The probate court shall have power to provide for the erection and repairing of court houses and jails, and other necessary public buildings for the use of the county.

SEC. 22. That so soon as the county seat of any county shall be located, it shall be the duty of the probate court to take possession of any quantity of land, including the location, not exceeding one hundred and sixty acres, the amount for which each county has a preemption by the act of congress, and cause the same, or so much thereof as the court may see fit (if not already done) to be laid off into town lots, streets, alleys, and public squares, and sell and dispose of lots, at private or public sale, as the court may determine will be most likely to bring the best prices.

SEC. 23. The court in term, or the clerk in vacation, under instructions entered upon the minutes of the court, may dispose of lots.

SEC. 24. When a lot shall be sold by virtue of the preceding section, the clerk shall execute, in the name, and on behalf of the probate court of the proper county, a bond for a deed to said lot, provided the county shall receive one from the government.

SEC. 25. The probate court shall apply the proceeds of the sale of lots to the erecting of public buildings and to no other purpose.

SEC. 26. The clerk shall provide and keep a book, in which he shall enter the names of purchasers, the number of the lot, date of sale, and amount received.

SEC. 27. In towns already laid off, in which lots have been sold, the owner of such lot shall have the pre-emption right thereto, at the price which the court, in its discretion may determine and fix.

JUST RECEIVED

PER bark Mehlon, direct from New York, and for sale at the "BRICK STORE,"

10 doz chopping axes,	29 doz cradle scythes,
4 do broad do	31 do grass scythes,
1 do carpenters' adzes,	20 boxes scythe stones,
10 do hatchets,	25 doz c s hay forks,
136 kegs nails,	86 bndls shovels & spades,
4 doz steel squares,	12 do grain scoops,
20 cooking stoves,	5 csks short link chains,
10 doz shovel & tongs,	4 do log chains,
32 smiths' vices,	140 prs trace do
8 do bellows,	4 doz spring balances,
1 csk steel faced anvils,	4 platform scales,
1 do do do hammers,	10 casks sad irons,
21 bundles sheet iron,	10 boxes tacks,
10 kegs saleratus,	50 kegs white lead,
2 bales oakum,	12 boxes sarsaparilla,
chest and door locks,	1 doz hand saws,
braces & bitts, files,	8 csks wrought nails,
chisels, gouges,	hooks and staples,
augers, gimlets,	knives and forks,
hammers,	sand paper, glue,
coach wrenches,	slates and pencils
frying pans,	

GEO. ABERNETHY & CO.

Oregon city, may 2, 1850-16tf

JUST RECEIVED

PER [illegible] from New [illegible] the following goods:

A large and general assortment of [illegible] CLOTHING,

[illegible]

FURNITURE, [illegible] tables, bedsteads, [illegible] &c.,

[illegible]

CROSBY & SMITH.

[illegible]

A FARM FOR SALE.

[illegible]

JOHN MINTO.

[illegible]

NOW LANDING, from bark "[illegible]," [illegible] by Crosby & Smith,

[illegible]

Portland, april 15, '50-16tf

Notice to Shipowners & Merchants

THE undersigned, having been appointed agent for the disposal of lumber manufactured at Oregon City, Clackamas and Milwaukie, [illegible] Oregon City, the present head of navigation on the Willamette, and will be ready at all times to contract for shipping or sale, by the cargo or retail, assorted lumber, square timber, shingles, &c., &c.

He is also an agent for a line of vessels running between San Francisco, California, and this place. Vessels will be loaded with great despatch, as the cargo can be taken from the wharf, shore or rafts.

LOT WHITCOMB.

Milwaukie, January 9th, 1850.

COMMISSION & AUCTION STORE.

THE UNDERSIGNED would respectfully inform the public, that he intends to commence in Oregon City a general commission and auction business. He flatters himself that he will be able to give entire satisfaction to all merchants and ship owners, who may send to him their goods, wares and merchandise to be sold on commission, or to be disposed of at auction.

WILLIAM HOLMES.

Oregon City, May 16, '50-17-tf

REFERENCES—

Geo. Abernethy & Co., Oregon City,
J. D. & W. C. Holman, "
Campbell & Smith, "
Robt. Caufield, "
John McLaughlin, "
Andrew Hood, "
Lieut. D. M. Frost, U. S. A.,
Lot Whitcomb, Milwaukie, O. T.
His Excellency P. H. Burnett, California.
Hanna, Jennings & Co., Sacramento City.
Maj. Samuel Hensley, San Francisco, Cal.

NOTICE.

WM. K. KILBORN, would invite the attention of the public to his LARGE ASSORTMENT OF GOODS, which he has now on hand at the store next to the Methodist Church in this city, where he would be happy to see his OLD FRIENDS, and all the new ones he can get. He would also request all indebted to him by note or account to call and settle, as all demands not settled by June 1st, 1850, will be left in the hands of an attorney for collection.

Oregon city, April 16, 1850-15tf

50 LABORERS WANTED to complete the road from Milton to the Tualatin plains. Apply to

CROSBY & SMITH.

may16-17-tf