

OF JUSTICE'S COURT.

LORD'S OREGON LAWS

CHAPTER V.

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Code Commissioner

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§ 949. Justice's Court Defined; Where and by Whom Holden.

A justice's court is a court held by a justice of the peace, within the precinct, for which he may be chosen. There are no particular terms of such court, but the same is always open for the transaction of business, according to the mode of proceeding prescribed for it. [L. 1862; D. § 879; H. § 906; B. & C. § 924.]

The jurisdiction of a justice of the peace once obtained over the subject-matter of an action, continues until the action abates, or is legally disposed of by the justice: *Knapp v. King*, 6 Or. 243; *Southern Pac. Co. v. Russell*, 20 Or. 459, 26 Pac. 304; *Finn v. Hyde*, 52 Fed. 83.

When a justice of the peace is absent on the day set for trial, he has authority to bring the parties again before him by issuing proper notice, and on his refusal to do so, mandamus will lie to compel action looking towards a final judgment: *Finn v. Hyde*, *supra*.

The specifications by § 103, *ante*, and § 2454, *post*, of mistake, inadvertence, surprise or excusable neglect, as grounds for opening a judgment in a justice's court excludes all others, and though under this section a justice's court is always open for the transaction of business, it is powerless to set aside a valid judgment except for the reasons specified: *White v. Brown*, 54 Or. 12, 101 Pac. 901.