

Chapter 27

Submitting Controversy Without Action or Suit

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CASE CITATIONS: *Monaghan v. Sch. Dist. 1*, (1957) 211 Or 360, 315 P2d 797; *Portland v. Bingham*, (1957) 209 Or 575, 307 P2d 492; *Hanson Bros. Log. Co. v. State Tax Comm.*, (1963) 1 OTR 230; *Field Emission Corp. v. State Tax Comm.*, (1963) 1 OTR 243; *State Land Bd. v. West. — Pac. Dredg. Corp.*, (1966) 244 Or 184, 416 P2d 667; *Carruthers v. Port of Astoria*, (1968) 249 Or 329, 438 P2d 725.

27.010

NOTES OF DECISIONS

Parties can submit a controversy to the court without action or suit. **Compensation of county treasurer**, *Chatfield v. Washington County*, (1871) 3 Or 318; **contest of will**, *Pool v. Buffum*, (1869) 3 Or 438; **district attorney's fees**, *Union County v. Hyde*, (1894) 26 Or 24, 37 P 76; **validity of appropriation statute**, *Kinney v. Astoria*, (1923) 108 Or 514, 217 P 840; **rights of an alien**, *Alsos v. Kendall*, (1924) 111 Or 359, 227 P 286; **workman's compensation**, *Dondeneau v. State Ind. Acc. Comm.*, (1926) 119 Or 357, 249 P 820; **rights of stockholder**, *Harrison v. Skinner*, (1939) 160 Or 43, 83 P2d 437; **propriety of mandamus**, *City of Cascade Locks v. Carison*, (1939) 161 Or 557, 90 P2d 787; **validity of school district**, *State v. School Dist. 23*, (1946) 179 Or 441, 172 P2d 655; **compensation for ballment**, *Zeiber v. Hill*, (1870) 1 Sawy

268, Fed Cas No. 18,206; **conversion of wheat**, *Adams v. Myers*, (1870) 1 Sawy 306, Fed Cas No. 62.

A demurrer to a complaint does not bring the controversy within the purview of this chapter even when the parties subsequently stipulate that the facts are undisputed. *Church v. Portland*, (1889) 18 Or 73, 22 P 528, 6 LRA 259.

The court cannot in a contempt proceeding issue an opinion interpreting its decree. *Harris v. Harris*, (1951) 192 Or 361, 232 P2d 818.

FURTHER CITATIONS: *Northwestern Nat. Life Ins. Co. v. Averill*, (1935) 149 Or 672, 42 P2d 747.

27.020

NOTES OF DECISIONS

See cases under ORS 27.010.

27.030

NOTES OF DECISIONS

See also cases under ORS 27.010.

The statement of facts has the effect of a special verdict. *Alsos v. Kendall*, (1924) 111 Or 359, 227 P 286.

FURTHER CITATIONS: *Blyth & Co., Inc. v. Portland*, (1955) 204 Or 153, 282 P2d 363.