

ANNOTATIONS (1971 EDITION)

PREFACE

This 1971 edition of the annotations for Oregon Revised Statutes and the Constitution of Oregon constitutes a revision of the 1953 edition published as a part of the first edition of ORS some 18 years ago. The revision updates annotation material in the 1953 edition and incorporates material added in subsequent years by cumulative supplements.

The need for revision of the annotation material for ORS has been apparent for a number of years. Change in the statutory material published in ORS since 1953, by addition, amendment, repeal and renumbering of statute sections, has been substantial. The capability of the pocket-part cumulative supplements to the 1953 edition of the annotations to properly reflect that change has diminished. The pocket parts themselves have attained a bulk that strains the binding of the 1953 volumes.

Review and assessment of the kinds of change in annotation material over the years to reflect statutory change also have suggested that publication of the annotations in bound volumes with cumulative pocket-part supplements is not the best format to facilitate updating annotation material. For this reason the 1971 edition of the annotations is published in "loose-part" format, similar to that employed in publishing the ORS statute text, index and tables.

The 1971 edition of the annotations will be updated at regular intervals by cumulative supplements designed for insertion in the post-type binders. The "loose-part" format, however, permits another method of updating annotation material, which will be employed in appropriate circumstances. When, by reason of substantial change in a large area of statute text (such as an ORS title) at one time or gradually over a period of years or by reason of substantial growth of annotation material for such an area of statute text, complete revision of annotation material for that statute text appears desirable, the annotation material will be revised and the revision published in the form of a replacement part for insertion in the permanent edition of the annotations in lieu of the former annotation material for the statute text.

The work of revision in producing the 1971 edition of the annotations involved, primarily, an examination of annotation material in the 1953 edition and 1970 cumulative supplement thereto, and adjustment of that material to coincide with current statute text. Annotation material for repealed statute sections was retained only in those cases in which it was determined there was some relevance to current statute text. Where statutory material had been rearranged, corresponding annotation material was similarly rearranged. An effort was made to ascertain whether annotation material added since the 1953 edition was complete and to rectify omissions that may have occurred in the supplementation process since 1953. Errors in existing annotation material brought to our attention over the years or discovered in the revision process were corrected. Every reasonable step was taken to make the 1971 edition as up to date and as accurate an annotation of current statute text as possible.

The first of the two volumes of the 1971 edition of the annotations includes annotation material for ORS chapters 1 to 170; the second volume includes annotation material for ORS chapters 171 to 783 and the Constitution of Oregon. Note that ORS chapters 1 to 170 constitute the three traditional codes contained in Volume 1 of ORS (the remedial, civil and penal codes), while ORS chapters 171 to 783 make up the fourth main part of the statutory law, the political code contained in Volumes 2 to 5 of ORS.

Publications from which annotation material in the 1971 edition is derived are listed on the backs of the title pages of the two annotations volumes.

A typical arrangement of annotation material under an ORS number for a chapter, series of sections or single section is first, under "NOTES OF DECISIONS," abstracts of court decisions construing the chapter, series or section, followed by references to pertinent opinions of the Attorney General and pertinent articles or notes in Oregon law school publications (law reviews). Only those ORS chapters and sections for which there are annotations are included in the annotations volumes; if there is no annotation material for a particular section, that section number does not appear in the annotations volumes. Section numbers used in the 1971 edition of the annotations are for statute sections set forth in the 1971 edition of ORS statute text.

In preparing annotation material for a particular statute section, material construing prior statutes similar to that section has been included when, in the opinion of the annotator, the material might be of some value in interpreting the current statute section. That material is preceded by or includes the phrase "under former similar statute" or words of like import.

The annotation material for some statute sections contains a division headed "FURTHER CITATIONS," where there is also a "NOTES OF DECISIONS" division. Where there is no "NOTES OF DECISIONS" division there is sometimes a division headed "CASE CITATIONS." A "FURTHER CITATIONS" or "CASE CITATIONS" division lists citations to court decisions that, in the opinion of the annotator, might be of some value to a user, but which did not warrant abstraction under a "NOTES OF DECISIONS" division. For example, when a statute section is discussed in a dissenting opinion, or when a decision merely quotes or cites a section without any interpretation thereof, or when the effect of a decision was clearly overcome by a later amendment of the section construed, the decision is cited in "FURTHER CITATIONS" or "CASE CITATIONS."

The annotation material contains some references to previous Oregon codes and compilations. Abbreviations used for those codes and compilations are:

- D – Deady's General Laws of Oregon (1845-1864)
- DL – Deady and Lane's General Laws of Oregon (1843-1872)
- H – Hill's Annotated Laws of Oregon (1887) or Hill's Annotated Laws of Oregon (Second edition – 1892)
- BC – Bellinger and Cotton's Annotated Codes and Statutes of Oregon (1902)
- LOL – Lord's Oregon Laws (1910)
- OL – Oregon Laws (Olson's) (1920)
- OC – Oregon Code Annotated (1930)
- OC(s) – Oregon Code Annotated (1935 supplement)
- OCLA – Oregon Compiled Laws Annotated (1940)
- OCLA(s) – Oregon Compiled Laws Annotated (supplements or pocket parts – 1943 and 1947)

Legislative history for statute sections enacted in 1953 by the statute revision bill appeared in the 1953 edition of the annotations. That pre-1953 legislative history does not appear in the 1971 edition of the annotations. It is, however, published separately for ORS subscribers.

Reviser's notes, prepared in the course of the statute revision program that produced the 1953 revision bill and

appearing in the 1953 edition of the annotations, are not perpetuated in the 1971 edition of the annotations or otherwise. We believe that the value of those notes has so decreased with the passage of time that there is now little general interest in them. ORS subscribers who already have the 1953 edition of the annotations may wish to retain it for possible reference to reviser's notes therein or for other reasons.

We welcome constructive criticism of the content of the

annotations volumes. The change in publishing format makes the content more susceptible of periodic correction of errors or omissions. Errors or omissions may be brought to the attention of Legislative Counsel, 109 State Capitol, Salem, Oregon 97310.

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Annotator
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