

Chapter 43

1989 EDITION

Public Writings

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EVIDENCE AND WITNESSES

- 43.010 [Repealed by 1981 c.892 §98]
- 43.020 [Repealed by 1981 c.892 §98]
- 43.030 [Repealed by 1981 c.892 §98]
- 43.040 [Repealed by 1981 c.892 §98]
- 43.050 [Repealed by 1981 c.892 §98]
- 43.060 [Repealed by 1981 c.892 §98]
- 43.070 [Repealed by 1981 c.892 §98]
- 43.080 [Repealed by 1981 c.892 §98]
- 43.110 [Repealed by 1981 c.892 §98]
- 43.120 [Repealed by 1981 c.892 §98]

43.130 Judicial orders that are conclusive. The effect of a judgment, decree or final order in an action, suit or proceeding before a court or judge of this state or of the United States, having jurisdiction is as follows:

(1) In case of a judgment, decree or order against a specific thing or in respect to the probate of a will or the administration of the estate of a deceased person or in respect to the personal, political, or legal condition or relation of a particular person, the judgment, decree or order is conclusive upon the title to the thing, the will or administration, or the condition or relation of the person.

(2) In other cases, the judgment, decree or order is, in respect to the matter directly determined, conclusive between the parties, their representatives and their successors in interest by title subsequent to the commencement of the action, suit or proceeding, litigating for the same thing, under the same title and in the same capacity.

43.140 Judicial orders that create a disputable presumption. A judicial order, other than a judgment, decree or final order, in an action, suit or proceeding before a court or judge of this state or of the United States creates a disputable presumption concerning the matter directly determined between the same parties, their representatives and their successors in interest by title subsequent to the commencement of the action, suit or proceeding, litigating for the same thing, under the same title and in the same capacity.

43.150 When parties the same. The parties are the same when those between whom the evidence is offered were adverse in the former case, and a judgment, decree or other determination could have been made between them alone, though other parties were joined.

43.160 What determined by former judgment. That only is determined by a former judgment, decree or order which appears upon its face to have been so determined or which was actually and necessarily included therein or necessary thereto.

43.170 Effect on principal of judgment against surety. Whenever, pursuant to ORS

43.130 to 43.160, a party is bound by a record, and stands in the relation of surety for another, the latter is also bound from the time that the latter has notice of the action, suit or proceeding and a request from the surety to defend against it.

43.180 Judicial record of other jurisdictions, effect. The effect of a judicial record of a sister state, the District of Columbia or a territory of the United States is the same in this state as in the place where it was made, except:

(1) It can be enforced in this state only by an action, suit or proceeding, and

(2) The authority of a guardian, conservator, committee, executor or administrator does not extend beyond the jurisdiction of the government under which the guardian, conservator, committee, executor or administrator is invested with authority. [Amended by 1973 c.823 §90]

43.190 [Repealed by 1975 c.542 §2]

43.200 Judicial record of foreign admiralty court, effect. The effect of a judicial record of a court of admiralty of a foreign country is the same as if it were the record of a court of admiralty of the United States.

43.210 [Repealed by 1981 c.892 §98]

43.220 Impeachment of judicial record. Any judicial record may be impeached and the presumption arising therefrom overcome by evidence of a want of jurisdiction, collusion between the parties, or fraud in the party offering the record. The jurisdiction sufficient to sustain a record is jurisdiction over the cause, over the parties and, when a specific thing is the subject of the determination, over the thing.

43.310 [Repealed by 1981 c.892 §98]

43.320 [Repealed by 1981 c.892 §98]

43.330 [Repealed by 1981 c.892 §98]

43.340 [Repealed by 1981 c.892 §98]

43.350 [Repealed by 1981 c.892 §98]

43.360 [Repealed by 1981 c.892 §98]

43.370 [Amended by 1967 c.489 §1; repealed by 1981 c.892 §98]

43.380 [Renumbered 432.175]

43.390 [Repealed by 1981 c.892 §98]

43.400 [Repealed by 1981 c.892 §98]

43.410 [Amended by 1961 c.150 §7; 1961 c.160 §3a; repealed by 1981 c.892 §98]

43.420 [Repealed by 1981 c.892 §98]

43.430 [Repealed by 1981 c.892 §98]

43.440 [Repealed by 1981 c.892 §98]

43.450 Official records and files of United States Army, Navy and Air Force. Relevant official records and files of the Departments of the Army, Navy and Air Force of the United States shall be accorded prima

facie probative value in evidence before any court or agency in which there is an issue of fact as to the death or disappearance of any person while serving in or with the Armed Forces of the United States.

43.460 [Repealed by 1981 c.892 §98]

43.470 [Amended by 1967 c.489 §2; repealed by 1981 c.892 §98]
