

Memorandum No. 1

It became apparent during the 1955 Session of the Legislature that a number of the Members are not in sympathy with the objectives of the Law Revision Commission as we have conceived them. Some Members apparently believe that there is no need for the commission. Others seem to believe that the commission should exist but that it should limit itself to functions closely related to those of the Code Commission - i.e. the revision of the various Codes in a primarily "mechanical" way for the purpose of reorganizing them where necessary, eliminating duplication and conflicts, etc. A number of Members stated that the commission should not recommend substantive changes in the law or that it should limit such recommendations to the minimum necessary to accomplish "mechanical" revision of the Codes.

The commission must now decide, I think, whether these attitudes should cause a change, either temporary or permanent, in its own view of its function. This question is relevant to all of its work. For example, it is possible that the commission might wish to consider whether it should not study some of the topics approved for study because they are too substantive in character. The question is probably of greatest importance, however, in connection with preparing the calendar of topics for study to be reported to the 1956 Session of the Legislature. The basic questions presented in this connection are, I think, these:

1. Should the commission present in 1956 a calendar of essentially the same kind as that presented in 1955?

2. Should the commission present in 1956 a calendar consisting of a number of relatively small individual items which are considerably less substantive in scope than those presented in 1955?

3. Should the commission present in 1956 a calendar consisting of a

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few relatively large projects involving "mechanical" revision of Codes or parts of Codes?

It is important that the Agenda Committee have the Commission's view on this matter to guide future agenda work.

Respectfully submitted,

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Executive Secretary

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