

11/13/56

Memorandum No. 2

Subject: Roll call vote on studies previously approved without such vote.

The commission's action establishing the rule that all of its recommendations to the Legislature must be approved by not less than five members on a roll call vote was taken at the July meeting. The commission's recommendations on the following studies were adopted before this rule was established:

Judicial Notice of Foreign Country Law

Dead Man Statute

Law Governing Survival of Actions

CCP 660 - Effective Date of Order Granting New Trial

Retention of Venue for Convenience of Witnesses

Technical Revision of Penal Code Sections 1377-78

Penal Code Section 19a

Taking Instructions to the Jury Room

I have recently had a communication from Senator Dorsey expressing his desire to be recorded as dissenting from the commission's recommendation on the Dead Man Statute. This suggests that we should have a roll call vote on the commission's recommendations on all studies not heretofore so approved at the November meeting in order to afford all of the members an opportunity to have their votes on these recommendations formally recorded. You have been sent copies of all of these recommendations.

Respectfully submitted,

John R. McDonough, Jr.  
Executive Secretary