

CAL. JUR. 2d

E601.2
19

8692627

外文书库

CALIFORNIA JURISPRUDENCE

SECOND EDITION

A COMPLETE AND MODERN
STATEMENT OF THE LAW
AND PRACTICE OF THE
STATE OF CALIFORNIA

Volume 19
Revised

EVIDENCE
§§ 324—end
TO
EXECUTIONS



By the Editorial Staff of the Publisher

BANCROFT-WHITNEY COMPANY
San Francisco
1969

惠贈

年

月

日

Copyright © 1953
by
BANCROFT-WHITNEY COMPANY

Copyright © 1969
by
BANCROFT-WHITNEY COMPANY

CALIFORNIA JURISPRUDENCE
SECOND EDITION

7585808

5.102 0
5.102 0
5.102 0

CITE BY TITLE AND SECTION

e.g., 19 Cal Jur 2d, Rev., Evidence § —



1914

PUBLISHER'S FOREWORD

In keeping with CALIFORNIA JURISPRUDENCE's tradition of furnishing the Bench and Bar of California current California Law, the publisher presents herewith CALIFORNIA JURISPRUDENCE, SECOND EDITION, Volume 19, Revised.

The Coverage of This Volume

This replacement volume contains the remainder of the article EVIDENCE, made necessary by the adoption of the new Evidence Code. In this volume, the matters of admissions and confessions have been developed in accordance with the changes made by federal constitutional law. In addition to this, whenever federal cases have created new constitutional principles that will probably affect California Evidence law, these matters are discussed in this article.

Other articles reorganized, revised, and updated in this volume are: EXCHANGE OF PROPERTY and EXECUTIONS.

The Plan and Format of This Volume

In over-all plan and format, Volume 19 Cal Jur 2d, Revised, fits perfectly in the CALIFORNIA JURISPRUDENCE, SECOND EDITION, mold. All of the controlling law of California, case and statutory, is here. Also here, as in every volume of Cal Jur 2d, are copious references to American Law Reports (ALR, ALR2d, and ALR3d) annotations, and to American Jurisprudence (Am Jur and Am Jur 2d). For further assurance of completeness of coverage, references to pertinent forms in American Jurisprudence Legal Forms and American Jurisprudence Pleading and Practice Forms, and to the invaluable evidentiary and trial aids to be found in American Jurisprudence Proof of Facts and American Jurisprudence Trials have been included.

Index; Parallel References

A complete fact-word and legal-concept index to each of

the articles in this volume appears in the back of the volume. A table of Parallel References in the front of the volume enables the user to translate references to titles and sections in the original Volume 19, Cal Jur 2d, to the corresponding titles and sections in this revised volume.

TABLE OF ABBREVIATIONS

AC	Advance California Reports
ACA	Advance California Appellate Reports
Adm C	Administrative Code
Ag C	Agricultural Code
ALR	American Law Reports Annotated
ALR2d	American Law Reports Annotated, Second Series
ALR3d	American Law Reports Annotated, Third Series
Am Jur	American Jurisprudence
Am Jur 2d	American Jurisprudence, Second Edition
Am Jur Legal Forms	American Jurisprudence Legal Forms, Annotated
Am Jur Pl & Pr Forms	American Jurisprudence Pleading and Practice Forms, Annotated
Anno	Annotation
Bank C	Banking Code
B & P C	Business and Professions Code
c	Chapter
C	California Official Reports of Supreme Court Decisions
C2d	California Official Reports of Supreme Court Decisions, Second Series
CA	California Official Court of Appeal Reports
CA2d	California Official Court of Appeal Reports, Second Series
Cal Prac	Cal Practice
Cal Rptr	California Reporter
Cal Western LR	California Western Law Review
CC	Civil Code
CCP	Code of Civil Procedure
ch	Chapter
CLR	California Law Review
Cof	Coffey
Const Art I § 1	Article and section California Constitution
Corp C	Corporations Code

CU	California Unreported
Deering's Gen Laws	Deering's California General Laws
Ed C	Education Code
Elec C	Elections Code
Ev C	Evidence Code
F	Federal Reporter
F2d	Federal Reporter, Second Series
F & G C	Fish and Game Code
Fed Cas	Federal Cases
Fin C	Financial Code
FRD	Federal Rules Decisions
F Supp	Federal Supplement
Gov C	Government Code
H & N C	Harbors and Navigation Code
H & S C	Health and Safety Code
Hast L J	Hastings Law Journal
Ins C	Insurance Code
L A Bar Bull	Los Angeles Bar Bulletin
Lab C	Labor Code
L Ed	Lawyers' Edition U.S. Supreme Court Reports
L Ed 2d	Lawyers' Edition U.S. Supreme Court Reports Second Series
Lincoln LR	Lincoln Law Review
LULA LR	Loyola University of Los Angeles Law Review
Mil & Vet C	Military and Veterans Code
Ops Atty Gen	Opinions of the Attorney General
p	Page
P	Pacific Reporter
P2d	Pacific Reporter, Second Series
Pen C	Penal Code
Pol C	Political Code
Prob C	Probate Code
Pub Res C	Public Resources Code
Pub U C	Public Utilities Code
Rev & Tax C	Revenue and Taxation Code
San Diego LR	San Diego Law Review
Santa Clara Law	Santa Clara Lawyer
SCLR	Southern California Law Review
S Ct	Supreme Court Reporter

Stan LR	Stanford Law Review
Stats	Laws Enacted by California Legislature
St B J	State Bar Journal
Sts & H C	Streets and Highways Code
subd	Subdivision
UCC	Uniform Commercial Code
UCLA LR	University of California at Los Angeles Law Review
Unempl Ins C	Unemployment Insurance Code
US	United States Reports
USC	United States Code
US Const	United States Constitution
USF LR	University of San Francisco Law Review
USFV LR	University of San Fernando Valley Law Review
Veh C	Vehicle Code
W & I C	Welfare and Institutions Code
Wat C	Water Code

*

TABLE OF PARALLEL REFERENCES

This table shows where the subject matter of the various sections in CALIFORNIA JURISPRUDENCE and in CALIFORNIA JURISPRUDENCE 2d is treated in this revised edition. The figures in parentheses are page numbers of CALIFORNIA JURISPRUDENCE. Transfers of subject matter to other articles are so indicated.

EVIDENCE

CAL JUR 2d Vol. 18 §§	CAL JUR §§	CAL JUR 2d Revised §§
1	1 (672)	1
2	2 (673)	2
3		4, 6, 155
4	4 (676)	4
5	6 (677)	5
6	5 (676)	4
7	7 (678)	3
8	8, 9 (680)	7
9	10 (681)	8, 9, 70
10	11 (682)	Omitted
11	12 (682)	Omitted
12	13 (683)	685
13	14 (684)	Omitted
14	15, 16 (686)	Omitted
15	17 (687)	Omitted
16	18 (689)	Omitted
17	19 (690)	Omitted
18	20 (691)	10, 63, 69
19	21, 22 (693, 695)	18
20	23 (697)	10
21	24 (697)	11, 12, 64
22	25 (698)	65
23	26 (698)	13, 14, 72-74
24	27 (699)	19, 25, 26, 44
25		22
26	29 (703)	24
27	30 (704)	23
28	31 (705)	20
29	32 (707)	21

EVIDENCE—Continued

CAL JUR 2d Vol. 18	CAL JUR	CAL JUR 2d Revised
§§	§§	§§
30	34 (708)	44
31	38 (714)	27
32	27a (TYS 609)	28
33	43 (719)	41
34	44, 45 (720, 721)	42
35	33 (707), 35, 36 (710, 712)	43
36	37 (713)	46
37	39, 40 (716)	59
38	55 (731), 57a (TYS 630)	52
39	41 (717)	39
40	42 (719)	40
41		33, 54
42		34, 55
43		35, 60
44	48 (723), 54 (730)	61
45	46 (722)	47, 48
46		62
47	47 (723)	49
48		51
49	51 (726)	Omitted
50	49, 50 (724, 725)	56, 121
51		57
52	52, 53 (727, 729)	29
53	52, 53 (727, 729)	34, 35
54	52, 53 (727, 729)	31, 36-38
55	56 (732), 57 (733)	53
56		45
57	43a (TYS 616)	50
58	56a (TYS 627)	58
59	58 (735)	98
60	59 (736)	144, 145, 146, 150, 154
61		147
62	60 (738)	148, 149, 153, 154
63	61 (740)	149, 152, 153
64	62 (740)	151
65	63 (741)	99, 100
66		101
67	64 (744)	102
68	65 (748)	100, 137, 138
69	66 (752)	139
70	67 (754)	100, 103, 104

EVIDENCE—Continued

CAL JUR 2d Vol. 18 §§	CAL JUR §§	CAL JUR 2d Revised §§
71	68 (757)	105
72	69 (758)	108
73	70 (759)	Omitted
74	71 (760)	109
75	72 (760)	141
76		110
77	73 (761)	111
78	74 (762)	Omitted
79	74 (762)	131
80	74 (762)	136
81	74 (762)	109
82	76 (765)	126
83	75 (765)	132
84	77 (766)	Omitted
85	78 (769)	Omitted
86	79 (770)	Omitted
87		113, 114
88	84 (777)	Omitted
89	80 (771)	Omitted
90		114, 115
91	83 (775)	117, 118, 120
92	81 (773)	119
93	82 (774)	133
94	85 (778)	134, 142
95	85 (778)	135
96		143
97	86 (779)	701
98		699
99	87 (781)	699, 701
100		Omitted
101	88 (782)	116, 128, 129
102		124
103		76
104	89 (783)	77, 82, 84
105	90 (784)	85
106	91 (785)	77, 90
107	92, 93 (788, 789)	77, 80, 83, 89
108		78, 83
109		79, 94
110	94-96 (790-794)	87, 90

EVIDENCE—Continued

CAL JUR 2d Vol. 18 §§	CAL JUR §§	CAL JUR 2d Revised §§
111	97 (796)	88
112		91, 712
113		92
114		94
115		93
116	98 (797)	157, 158
117	99 (800)	159
118	100 (802)	160
119	101 (806)	155, 156, 158
120	102 (807)	155, 161
121		162
122	103 (809)	161
123	104 (812)	155, 160
124	105 (813)	218, 219
125	106 (816)	220-222
126	107 (818)	218
127	109 (819)	230-285, 315
128	108 (819)	166
129	110 (820)	167
130		163
131	111 (822)	223, 224, 226
132	111 (822)	225
133		164
134		165
135	112 (825)	198
136		206, 212, 216
137		207, 215, 216
138		208, 214
139		209
140		211
141		210
142		214
143	113 (827)	199, 202, 204
144	113 (827)	201
145	113 (827)	200
146	114 (828)	203
147	114 (828)	204
148	115 (829)	303
149	116 (831)	205
150		168

EVIDENCE—Continued

CAL JUR 2d Vol. 18 §§	CAL JUR §§	CAL JUR 2d Revised §§
151	117 (832)	170
152	118 (835)	169
153	119 (835)	170, 171
154		196
155	120 (836)	287, 296
156	121 (838)	288, 295
157	122 (839)	297, 298
158		291, 292
159		297
160		297, 299
161		702
162	123 (839)	300, 301
163	124 (841)	302
164	126 (843)	175
165		181
166		180
167	127 (847)	177
168	127 (846)	176
169		179
170	128 (847)	178
171	125 (842)	182
172	130 (848)	174
173	131 (849)	172, 173
174		309, 310
175		564
176		197
177		186
178		185
179		183, 184
180		188
181		187
182		189
183		190
184		191
185		192, 722
186		193
187		195
188		194
189	132 (850)	316, 320, 322, 323
190		317

EVIDENCE—Continued

CAL JUR 2d Vol. 18 §§	CAL JUR §§	CAL JUR 2d Revised §§
191	133 (851)	318, 320, 321
192	134 (853)	319, 320
193		582, 583
194		584
195		585
196		586
197	136 (857)	587
198	136 (857)	588, 624
199	135 (856)	646, 647
200	135 (856)	648
201	135 (856)	649
202	135 (856)	650
203	137 (858)	651
204	138 (859)	637, 679
205	141 (861)	681, 682
206	142 (862)	TRIAL
207		680
208	143 (863)	579
209	144 (864), 154 (878)	578
210		633
211	145 (865), 147 (869)	635, 637
212	146 (868), 150 (873)	636
213	140 (860), 148, 149 (870, 871)	637
214	153 (876)	574, 645
215	155 (878)	638
216	156 (879)	580
217	157 (881)	581
218	161 (885)	603
219	162 (887)	604
220	163 (888)	606
221	164 (888)	619
222	166 (893)	644
223	165 (892)	620
224	167 (894)	622
225	139 (860), 168 (894)	607
226	139 (860), 169 (896)	608, 609, 613, 621
227	139 (860), 169 (896)	612, 613
228	139 (860), 169 (896)	611
229	139 (860), 169 (896)	643
230	139 (860), 169 (896)	613
231	170 (897)	576, 614

EVIDENCE—Continued

CAL JUR 2d Vol. 18 §§	CAL JUR §§	CAL JUR 2d Revised §§
232	171 (898)	615
233	172 (899)	616
234	173 (899)	617
235	174, 175 (900, 901)	605
236	176 (902)	618
237		623, 624, 639
238		631
239	179 (904)	624
240	181 (909)	626
241	183 (912)	625
242	182 (911)	624
243	180 (907)	628, 629
244	180 (907)	640
245		641
246		627
247	185 (915)	630
248	178 (903)	621
249		592, 597
250		590, 596, 600
251		593, 594, 598-600
252		595
253	177 (902)	632, 642
254		601
255	186 (916)	653, 656
256	187 (919)	654
257	188, 189 (920)	655
258	194 (926)	656
259	190 (921), 194 (926)	657
260	190 (921)	658
261	191 (923)	659
262	192 (924)	656, 657
263	193 (925)	Omitted
264		660
265		661
266	195 (927)	662
267	196 (928)	663
268		667
269		668
270	199, 200 (932, 934)	665
271	197, 198 (229, 230)	664
272	201 (935)	666