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EVIDENCE
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CASES AND MATERIALS ON EVIDENCE

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Preface

This collection of cases and materials is intended to be suitable for use in all University courses on the law of evidence and in preparing for professional examinations. English cases and statutes form the basis of the book. But American, Australian and Scots cases have been used where relevant; the leading American writers have often been relied on, and other Commonwealth materials are occasionally mentioned. In selecting materials I have chosen those which seem to me to have merit as expositions of the fundamental but sometimes conflicting principles that run through the law. Most recent House of Lords cases dealing with the subject therefore appear; so do the views of writers, who have often been able to discuss fundamental questions more fully than harassed criminal appellate courts. Apart from the usual apparatus of questions, notes and suggestions for further reading, there is a very full commentary on the materials. It is thought the commentary is sufficiently full to make the book an independent guide to the subject in any jurisdiction substantially based on English law, though it can equally be used as a supplement to a text book.

Evidence is a subject which has proved resistant to rational or agreed organization, and there is even some doubt about its proper province. What this book contains is a mixture of matters united by one or more of the following links. Some matters are particularly interesting to the modern undergraduate (e.g. the protection of the accused). Some are of fundamental theoretical importance (e.g. the rules about hearsay and the burden of proof). Some matters have received or require the attention of law reformers acting on some consistent principle. The book is a full guide to the present law; and it appears at an important moment in the development of the law of evidence. After much waiting, we can now see the future shape of the law, at least mistily. The civil law has been radically changed; the criminal law may soon be changed even more. But if these changes turn out to be unsatisfactory, there may be a second chance to consider them when the entire law of evidence is codified. Hence the present student generations will not know for a decade or two what the precise evidentiary rules of their maturity will be. Throughout this book I have accordingly presented both the present law and the proposals for reforming it in a critical spirit.

Some consider that there ought to be no law of evidence. It is a view quite incompatible with the use of juries or lay magistrates, and indeed not easy to reconcile with rational modes of thought. Others agree with C. P. Harvey's forceful characterization of the subject: "Founded apparently on the propositions that all jurymen are deaf to reason, that all witnesses are presumptively

liars and that all documents are presumptively forgeries, it has been added to, subtracted from and tinkered with for two centuries, until it has become less of a structure than a pile of builders' debris" (*The Advocate's Devil* (London, 1958) p. 79). At the opposite extreme, we might note the view of Lord Kenyon that "the rules of evidence have been matured by the wisdom of the ages and are now revered from their antiquity and the good sense in which they are founded" (*R. v. Inhabitants of Eriswell* (1790), 3 Term. Rep. 707, at p. 711). There is more to be said for Lord Kenyon's position than commonly is now said, and this book attempts to investigate both the necessity for and the hazards of reform.

Some matters treated in the fullest works on evidence have been omitted here. Sometimes this is because of lack of space. Sometimes it is because they are arguably not truly part of the subject—pretrial procedure, formal admissions, the parol evidence rule, estoppel. Sometimes it is because they are not much to undergraduate tastes—estoppel, documentary evidence, judicial notice. Other matters have been dealt with more briefly than might be thought desirable. In some cases this is because they depend more on the instinct and experience of practitioners and the discretion of different judges than on the application of precise or predictable rules. Two major examples would be the law of opinion evidence and the course of the trial. In other cases it is because the present law has reached a very sterile and complicated state of learning, and to rehearse it fully is likely to be otiose because of its imminent demise. The rules of competence and compellability, and many of the hearsay exceptions in criminal cases, are examples.

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J.D.H.

April 1975

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- Butterworths Pty. Ltd.: *The Australian Law Reports*.
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- Cambridge University Press: *The Pollock-Holmes Letters* Vol. II, 1942, pp. 284-5.
- Canada Law Book Co.: *Dominion Law Reports*.
- Carswell Co., Ltd.: Kaufman, *The Admissibility of Confessions*, 2nd Edn., 1974, pp. 16-17.
- Collins & Sons & Co., Ltd.: S. Bedford, *The Best We Can Do*, 1958, p. 249.
- Council of Law Reporting in Victoria: *Victorian Law Reports*, *Victorian Reports*.
- David Higham Associates Ltd.: C. H. Rolph, *Personal Identity*, Michael Joseph, 1957, pp. 120-2.
- Faculty of Advocates: *Session Cases and Justiciary Cases*.
- W. Green & Son, Ltd.: *Scots Law Times*.
- Harvard Law Review Association: Sutherland, 79 Harv. L.R. 21 (1965).
- Her Majesty's Stationery Office: 11th Report of the Criminal Law Revision Committee, Cmnd. 4991, 1972.
- Incorporated Council of Law Reporting for England and Wales: *Law Reports* and *Weekly Law Reports*.
- Incorporated Council of Law Reporting for Ireland: *Irish Reports*.
- Incorporated Council of Law Reporting for Northern Ireland: *Northern Ireland Reports*.
- John Wiley & Sons Inc.: J. H. Skolnick, *Justice Without Trial*, 1966, p. 217.
- Law Book Co., Ltd.: *Australian Law Journal*, *Australian Law Journal Reports*, *Commonwealth Law Reports*, *NSW State Reports*, *South Australian State Reports*.
- Little, Brown & Co.: Maguire, *Evidence of Guilt*, 1959, para. 3,062 n. 9; Wigmore, *A Treatise on Evidence*, 3rd Edn., 1940, paras. 822-3, 851, 857-8, 866-7, 924a, 1745, 1767, 2033, 2059, 2061, 2251.
- Macmillan (London and Basingstoke): H. R. Trevor-Roper, *The European Witch Craze of the 17th and 18th Centuries*, Penguin Edn., 1969, p. 44.

- Oxford University Press: Devlin, *The Criminal Prosecution in England*, 1960, pp. 30-1, 38-46, and 48-9; D. Karlen, *Anglo-American Criminal Justice*, 1967, p. 98.
- Stevens & Sons Ltd.: *English Reports*; *Law Quarterly Review*, Williams, *The Proof of Guilt*, 3rd Edn., 1963, pp. 88, 109-10, 113, 120-2.
- Sweet & Maxwell Ltd.: *Criminal Appeal Reports*; Cross, [1973] *Crim.L.R.* at p. 332; Salmond, *Torts*, 16th Edn., 1973, p. 241; Williams, [1973] *Crim.L.R.* at pp. 76-7.
- The Times*: *Times Law Reports*.
- U.S. Government Printing Office: U.S. Reports.
- West Publishing Co.: *Atlantic Reporter*; *Federal Reporter*; W. T. Fryer (ed.), *Selected Writings on the Law of Evidence and Trial*, 1957, p. 846; McCormick, *Evidence*, 1st Edn., 1954, para. 109.
- Williams & Wilkins & Co. and Fred E. Inbau: Inbau & Reid, *Criminal Interrogation and Confessions*, 2nd Edn., 1967, contents page.
- Yale Law Journal* and Fred B. Rothman & Co.: Morgan, 31 *Yale L.J.* 229.

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- Sweet & Maxwell Ltd. and the Editor of the *Criminal Law Review*: [1973] *Crim.L.R.* 264 and 603.

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