

Cross & Wilkins

Outline of the law of Evidence

Fifth edition



Butterworths

An Outline of the Law of Evidence

by

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Preface to Fifth Edition

The accounts of the following matters have been fairly drastically altered in this edition: refreshing memory (art. 22); legal professional privilege (art. 33); confessions (art. 46); public policy (art. 68); issue estoppel, or, more accurately, its absence in criminal cases (art. 71;) similar facts (art. 76); and discretion (pp. 305-307).

Owing to more pressing practical demands on the time of the junior author, this edition is entirely the work of her senior. He is dismayed at the increase in length. Attempts to console himself with such reflections as that it may have been partly due to the resetting of the type, and was certainly due to some extent to the need for clarification at various points have proved abortive. [This sort of thing has got to stop, and whoever has control of the sixth edition must see that it does.]

It is hoped that this edition contains a reasonably accurate account of the law as it stood at the date of its preface.

21st March, 1980

RUPERT CROSS

Extract from Preface to First Edition

This book had its genesis in the junior author's disappointment, when working for Bar Finals, on discovering that there was no book on evidence with a format similar to that of Cross and Jones' *Introduction to Criminal Law*. This led us to think that there is a need among some bar students for a concise account of the law of evidence, shorn of all frills in the form of references to academic literature or decisions from other jurisdictions, and written in the form of article and explanation.

Although the bar student has been uppermost in our minds, there are two other classes of reader for whom we hope that the book may be of some use. In the first place, we have been told that many candidates for police promotion examinations would welcome a book on evidence somewhat fuller than those normally used by police students. Candidates for these examinations will naturally have evidence in criminal cases as their main interest. They need not be alarmed because this book is not confined to criminal evidence; the principles are basically the same, and can only be deduced from civil as well as criminal cases. Those, therefore, whose main interest is in criminal evidence will still find it necessary to study most of the material in this book and we have accordingly taken pains, wherever it seem appropriate, to include illustrations that should be familiar to police officers. For their benefit we have also set out, in Chapter 17, the Judges' Rules, together with a brief commentary.

Secondly, we believe that many university students will find a book in this form useful, either as an introduction or as a convenient means of revision.

Although many of the passages in this book are substantially the same as those in Cross, *Evidence*, and Cross and Jones, *Introduction to Criminal Law*, it is in no sense a precis of those works. The present book is differently arranged, in many

instances it puts points in a wholly different way, and it refers to cases that will not be found in the other books.

Dr. Cross did the bulk of the writing in the first place, but we have anxiously conned each sentence together, so that, for one brief moment of time at least, what we have said was comprehensible alike to an ageing academic and a very newly fledged barrister.

1st February, 1964

RUPERT CROSS
NANCY WILKINS

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