

Cases and Statutes on Evidence

P. B. Carter

Sweet & Maxwell

**CASES AND STATUTES
ON
EVIDENCE**

Being based upon Cockle's
Cases and Statutes on Evidence

by

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**LONDON
SWEET & MAXWELL
1981**

Cockle's Cases and Statutes on Evidence

First Edition (1907) by Ernest Cockle
Second Edition (1911) by Ernest Cockle
Third Edition (1915) by Ernest Cockle
Fourth Edition (1925) by S. L. Phipson
Fifth Edition (1932) by C. M. Cahn
Sixth Edition (1938) by C. M. Cahn
Seventh Edition (1946) by Lewis F. Sturge
Eighth Edition (1952) by Lewis F. Sturge
Ninth Edition (1957) by G. D. Nokes
Tenth Edition (1963) by G. D. Nokes
Eleventh Edition (1970) by G. D. Nokes

*Published in 1981 by
Sweet & Maxwell Limited of
11, New Fetter Lane, London
Computerset by MFK Graphic Systems (Typesetting) Ltd.,
Saffron Walden, Essex.
Printed in Great Britain by
Thomson Litho Ltd., East Kilbride,
Scotland.*

British Library Cataloguing in Publication Data

Carter, P. B.
Cases and statutes on evidence.
1. Evidence, Criminal – England
I. Title
344.205'6 KD8371
ISBN 0-421-20320-X
ISBN 0-421-20330-7 Pbk

©
P. B. Carter
1981

CASES AND STATUTES ON EVIDENCE

AUSTRALIA

The Law Book Company Ltd.
Sydney : Melbourne : Brisbane

CANADA AND U.S.A.

The Carswell Company Ltd.
Agincourt, Ontario

INDIA

N.M. Tripathi Private Ltd.
Bombay
and
Eastern Law House Private Ltd.
Calcutta
M.P.P. House
Bangalore

ISRAEL

Steimatzky's Agency Ltd.
Jerusalem : Tel Aviv : Haifa

MALAYSIA : SINGAPORE : BRUNEI

Malayan Law Journal (Pte.) Ltd.
Singapore

NEW ZEALAND

Sweet & Maxwell (N.Z.) Ltd.
Auckland

PAKISTAN

Pakistan Law House
Karachi

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PREFACE

My initial intention was to compile a new edition of Cockle's *Cases and Statutes on Evidence*. However, after working on this for some time I came to the conclusion that, for a variety of reasons, it would be better to attempt what is in effect a new book. Cockle's presentation of the materials in three separate Parts, dealing respectively with Cases, Statutes and Rules, has (although after some hesitation) been retained, but the arrangement of the case law material in Part One has been completely re-cast into 26 chapters. Each of these chapters incorporates an introductory text, which has been designed to give a framework within which the relevant authorities can be seen. In the actual presentation of the excerpts from the principal cases the Cockle format has been retained; but, although substantially more cases have been treated in this way, I have thought it right, in the light of the greatly increased number of decisions on the law of evidence now being reported, to include as well summaries of some 200 additional cases.

I would like to record my warm appreciation of the help that I have received in the preparation of this book; but, of course, responsibility for its shortcomings remains entirely mine. I am most grateful to His Honour Judge Alistair Bell, Mr. Roy H. Weeks and Mr. T. E. Gardiner for their very helpful suggestions relating to the excerpts set out in Part Three from, respectively, the County Court Rules, the Magistrates' Courts Rules and the Coroners' Rules. I am also particularly indebted to Dr. Rosemary Pattenenden, of the University of East Anglia School of Law, and to Miss Angela Stewart, of the Inns of Court School of Law. I have derived great benefit from Dr. Pattenenden's scholarly and perceptive comments on many aspects of the law of evidence and from her vigilant criticism of several parts of the text. Miss Stewart kindly read all the page proofs and has saved me from many errors of substance and of presentation. I am grateful, too, to Professor D. L. Mathieson, of the Victoria University of Wellington Faculty of Law, and to Mr. T. G. Matthews, of the University of Queensland, for having drawn my attention to some important and interesting New Zealand and Australian authorities.

I would like to thank, too, Mrs. Maureen Clarke for deciphering and reducing to immaculate typescript much illegible manuscript.

Finally I would like to acknowledge the forbearance of Messrs. Sweet and Maxwell in tolerating the postponement of the completion of this book which resulted from my belated decision to attempt something more than a mere up-dating of Cockle and from other circumstances.

May 1, 1981

P. B. CARTER

Acknowledgments

The author and publishers wish to thank the following for permission to reprint extracts from the sources indicated:

Australian Law Reports

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