

A DIGEST
OF THE
LAW OF EVIDENCE.

BY
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PREFACE TO THE FOURTH EDITION.

I HAVE referred in this Edition to the cases decided and statutes passed since the publication of its predecessor and down to the end of March, 1881. The law has hardly been altered at all since the book was first published. Short as it is, I believe it will be found to contain practically the whole of the law on the subject. Many editions of it have been published in America.

J. STEPHEN.

32, DE VERE GARDENS,
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INTRODUCTION.

IN the years 1870-1871 I drew what afterwards became the Indian Evidence Act (Act 1 of 1872). This Act began by repealing (with a few exceptions) the whole of the Law of Evidence then in force in India, and proceeded to re-enact it in the form of a code of 167 sections, which has been in operation in India since Sept. 1872. I am informed that it is generally understood, and has required little judicial commentary or exposition.

In the autumn of 1872 Lord Coleridge (then Attorney-General) employed me to draw a similar code for England. I did so in the course of the winter, and we settled it in frequent consultations. It was ready to be introduced early in the Session of 1873. Lord Coleridge made various attempts to bring it forward, but he could not succeed till the very last day of the Session. He said a few words on the subject on the 5th August, 1873, just before Parliament was prorogued. The Bill was thus never made public, though I believe it was ordered to be printed.

It was drawn on the model of the Indian Evidence Act, and contained a complete system of law upon the subject of Evidence.

The present work is founded upon this Bill, though it differs