KENNY'S
OUTLINES OF
CRIMINAL LAW
Kenny's Outlines of Criminal Law

EIGHTEENTH EDITION, 1962

By

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Cambridge
At the University Press
1964
PREFACE TO
THE SIXTEENTH EDITION

Kenny’s Outlines of Criminal Law first appeared in 1902. The author declared that it was his aim to make the study of criminal law attractive to the reader, not only by supplying him with illustrative examples which might give vividness and reality to abstract legal principles, but also by tracing its connexion with the past, so as to explain the historical anomalies with which the law was still encumbered. His further purpose was to suggest the most important controversies, psychological, social and judicial, that the law of crime seemed likely to arouse in the future. Kenny’s hopes and prophecies were abundantly fulfilled, and he lived to prepare twelve more editions, the last of which appeared in 1939. The book was founded on the course of lectures which the author had delivered for some twenty-five years before he wrote it and its immediate and enduring success could have been no surprise to anyone who had been his pupil. For Kenny had the faculty not only of looking widely but also of looking forward; he welcomed new ideas but, being a man with great practical experience in the law and possessed of shrewd common sense, he appraised them wisely. This broad and sane outlook, coupled with his remarkable oratorical gift of clear and charming presentation, enabled him to render work on criminal law an educational exercise as well as a vocational training. It was found, moreover, to be an attractive exercise; for it was never Kenny’s fate to watch his audience dwindle as the academical year wore on. Yet the outstanding characteristic of Kenny’s work which has won its most lasting distinction is that he saw the connexion between criminal law and all the social sciences more clearly than any English legal writer before him had done: he thus laid the foundation for the conception of criminal science as one composite subject of which criminal law is a part. For one who had the good luck as an undergraduate to be taught by Courtney Stanhope Kenny and subsequently, as a colleague, to enjoy his courteous friendship and wise advice, it is an honour to be entrusted with the preparation of a new edition of his famous book. Since his death there have been so many developments and fresh problems in criminal law that it is no longer satisfactory to splice new material into the old work, and it has become imperative to rewrite a great part of it. I am confident that if he could have lived until now Kenny’s lively appreciation of new situations and his desire for progress would have caused him to take this course. The changes which I have made in the general arrangement of the text have been prompted by the experience gained in many years of close association with students: that same experience has led me to the view that the principal part of what is called teaching should
PREFACE

vi

... consist in stimulating the student to teach himself, and to that end to encourage his critical powers so that he may hope to distinguish the good from the bad, and the better from the good. I have therefore made no attempt to obscure anomalies of legal principle or conflicts of legal interpretation: to recognize that an authoritative decision must be followed is a very different thing from accepting it as necessarily sound or satisfactory.

In conclusion I wish to record my gratitude to my friends, Professor Glanville Williams and Mr A. Ll. Armitage, for their kindness in reading through the page proofs of this book and for the many valuable suggestions which they have made.

J. W. C. TURNER

TRINITY HALL

June 1951
PREFACE TO
THE SEVENTEENTH EDITION

This book makes no claim or pretence to be a work on criminal jurisprudence. It is offered as an endeavour to assist students to such an understanding of the rules of criminal law as will enable them to form a clear idea of the practical task which will confront the prosecution and the defence in the trial of a person accused of each specific crime dealt with in its pages. It has been written in the belief that it is impossible to satisfy every reader who may take the trouble of reading it, but also that it is the duty of the author of a text-book for beginners to present the principles of law in the simplest terms, avoiding so far as possible ambiguities of expression; and in particular when a definition has been adopted to adhere strictly to it throughout the subsequent exposition of the subject.

A legal text-book begins to run out of date so soon as it reaches the printer’s hands, and in the years since 1951 there have been many new decisions and statutory enactments which have called for references to over four hundred fresh cases and some rewriting of the text. In particular the wording of the Homicide Act, 1957, has created problems which have required the retention, from the last edition, of many pages which clearer thinking on the part of the legislature would have made it possible to relegate to historical treatises and to exclude from a text-book for students who are preparing for examinations in criminal law. The result is that in order to restrict the inflation of the book it has, with regret, been found necessary to sacrifice Professor Kenny’s original chapter on the Nature of a Crime, which formed Appendix I of the sixteenth edition. It is to be hoped that this will eventually be reproduced in some collection of legal essays by eminent writers of the past.

I wish to record my gratitude to Mrs E. E. Jansen and to Miss Isobel Gawler, whose skill and painstaking industry have done so much to make this and the previous edition suitable for printing.

J. W. C. TURNER

TRINITY HALL
January 1958
PREFACE TO
THE EIGHTEENTH EDITION

Since this book went to press in 1958 there have been new statutes and many new cases of sufficient importance to call for inclusion in the present edition. The judgments in some of the new cases have excited criticism, and in others previously accepted principles have been over-ridden. The result is that the task of the younger students of criminal law has been rendered more difficult and onerous, and the attempt to describe this situation has compelled some increase in the size of the book.

During the past fifty years there has been developing a movement towards the extension of the sphere of judicial discretion, and towards the elimination of the subjective element in the test of criminal liability. There can also be detected an impulse, probably not consciously appreciated by those who act under its influence, to extend the scope of the law of crime to cover persons previously beyond its reach. These tendencies can be seen in such cases as *D.P.P. v. Smith, Welham v. D.P.P.,* and *Sykes v. D.P.P.* The resuscitation of the offence of misprision of felony in the last mentioned case might have interesting consequences, for if it were taken seriously by the general public the guess may safely be hazarded that the total number of crimes in the Metropolitan area alone would rise by certainly not less than ten thousand more larcenies reported to the police in the year.

I am glad once more to be able to express my grateful thanks to Mrs E. E. Jansen and to Miss Isobel Gawler for their invaluable help.

J. W. C. TURNER

TRINITY HALL
February 1962
CONTENTS

Index of cases  page xxvii

Index to the principal statutes  lvii

List of principal books cited  lxviii

BOOK I

GENERAL CONSIDERATIONS

CHAPTER I

CRIME AND CRIMINAL LAW

1  The nature of a crime  pages 1–5

2  The place of criminal law in criminal science  pages 5–6
   Criminology, criminal policy, criminal law.

CHAPTER II

PRINCIPLES OF CRIMINAL LIABILITY

1  At common law  pages 7–40
   B. Actus reus: (a) Deed of commission. (b) Result of omission. Causation: (i) Where there is no physical participation. (ii) Where the participation is indirect. (iii) Where another person has intervened. (iv) Where the victim’s own conduct has affected the result. (v) Contributory negligence of the victim. (vi) Where the participation is superfluous.
   C. Mens rea: (a) The objective standard of morality. (b) The emergence of a subjective standard. Mala in se and mala prohibita. Voluntary conduct. Foresight of the consequences. Intention, recklessness and negligence. Where the consequences are different from those foreseen. Mens rea alone not enough. Vicarious liability at common law. General principles of liability at common law. Conclusions.

2  In statutory offences  pages 40–51
   A. Actus reus in statutory offences.
   B. Mens rea in statutory offences. Foresight of consequences in statutory offences. Negligence in statutory offences. Vicarious liability in statutory offences. Mens rea as affecting the measure of punishment. Mens rea in statutory offences. Conclusions.
CONTENTS

CHAPTER III

VARIATIONS IN LIABILITY

1 Introductory

2 Mistake
   pages 52–57
   Mistake as a defence at common law. Mistake as a defence in statutory offences.

3 Intoxication
   pages 57–61
   Intoxication relevant in establishing mistake, lack of intent, etc.

4 Compulsion
   pages 61–68

5 Legally abnormal persons
   pages 69–92
   (a) The Sovereign. (b) Corporations. (c) Infants. (d) Insane persons. (e) Clerks in holy orders. Benefit of clergy.

CHAPTER IV

PRELIMINARY CRIMES

1 Introductory
   pages 93–94

2 Incitement
   page 94

3 Criminal conspiracy
   pages 94–95

4 Attempt
   pages 95–102
   History of the crime of attempt. Elements of liability in attempt. Actus reus in attempt. Attempts to do that which is impossible. Merger of attempt when the crime intended is completed.

CHAPTER V

THE POSSIBLE PARTIES TO A CRIME

1 Introductory
   pages 103–105

2 Principals in the first degree
   pages 105–106

3 Principals in the second degree: aiders and abettors
   pages 106–109

4 Accessories before the fact
   pages 109–112

5 Accessories after the fact
   page 113

6 Accomplices
   pages 114–115
CONTENTS

CHAPTER VI

THE CLASSIFICATION OF CRIMES

1 Indictable and petty offences pages 116–117
Historical.

2 Felonies and misdemeanours pages 117–123
Some distinctions abolished. Remaining distinctions.

BOOK II

DEFINITIONS OF PARTICULAR CRIMES

CHAPTER VII

HOMICIDE

1 Introductory pages 125–135

2 Justifiable homicide pages 135–137

3 Excusable homicide pages 137–141

4 Murder pages 141–174

5 Suicide pages 174–176

6 Manslaughter pages 176–185

7 Punishment for felonious homicide at common law pages 185–187
Capital murder.

8 Infanticide pages 187–188

9 Child destruction pages 188–190
Concealment of birth. Procuring or attempting abortion.
xiv

CONTENTS

CHAPTER VIII
OFFENCES AGAINST THE PERSON THAT ARE NOT FATAL

1 Introductory  page 191

2 Sexual offences  pages 191–197

3 Non-sexual offences  pages 197–213
   A. Offences where actual bodily injury is essential: (a) Felonies. (b) Misdemeanours. (i) Unlawfully and maliciously wounding. (ii) Occasioning actual bodily harm by an assault. (iii) Unlawfully and maliciously administering poison. (iv) Occasioning bodily harm by furious driving.
   B. Offences where actual bodily harm is not essential: (a) Assault and battery. (b) Statutory assaults. (c) False imprisonment.

CHAPTER IX
BIGAMY

1 Definition  pages 214–219
   (a) The first marriage. (b) Legally recognized ceremony. (c) Original spouse still living. (d) Not divorced. (e) Not absent for seven years.

2 Mistake as to first marriage  page 219

3 Evidence, punishment and degrees of guilt  page 220

CHAPTER X
CRIMINAL LIBEL

1 Private libel usually treated as a tort  page 221

2 Fundamental principles common to the civil and criminal law  pages 221–223

3 Minor differences  pages 224–228
   (a) Publication to a third person necessary in tort. (b) Truth of statement, a justification in tort. (c) Libel against a class of persons, no tort. (d) Libel upon a deceased person, no tort. (e) Master liable in tort but not in crime. Slander no crime.

4 Punishment  page 228
CONTENTS

CHAPTER XI
OFFENCES AGAINST PROPERTY

1 Malicious damage  
   pages 229–239

2 Arson  
   pages 239–243
   Arson at common law. Arson under statutes.

CHAPTER XII
BURGLARY AND HOUSEBREAKING

1 Burglary  
   pages 244–251

2 Housebreaking  
   pages 251–252

3 Sacrilege  
   page 252

CHAPTER XIII
STEALING

1 Historical outline  
   pages 253–254
   Common law definition. Narrow conception of theft in early law.

2 Statutory definition  
   pages 254–257
   Actus reus in larceny. The taking. The seizing, a trespass. The asportation.

3 Possession  
   pages 257–260
   Legal possession. Servants. Guests and others.

4 Bailment  
   pages 260–273

5 Consent  
   pages 273–280
   Where there is no bailment. Facts which negative an apparent consent: (a) Deceit, (b) Intimidation. (c) Mistake. Consent of the owner implied when lost goods are found. The property of husband and wife.
CONTENTS

6 A thing ‘capable of being stolen’  
   pages 280–293
   Characteristics of such things a matter of law. Definition in the Larceny Act.
   1916. The thing must be tangible. The thing must be movable. The thing
   must have an owner. Animals *ferae naturae*. Possession is evidence of ownership.
   Possession of co-owners, bailees, servants. The thing must have some value.
   Characteristics which rendered the thing not larcenable at common law. (a) The
   thing must not savour of the realty. (b) The thing must not be a document relating
   to a chose in action. (c) The thing must not be materially attached to the land, or
   to a person.

7 *Mens rea* in larceny  
   pages 294–308
   ‘Fraudulently.’ The intent permanently to deprive the owner (*animus furandi*).
   ‘At the time of such taking.’ Where the original taking is a trespass. Innocent
   possession. Legal possession.

8 Punishment  
   pages 308–312

9 Menaces with intent to extort  
   pages 312–315
   Threats to accuse another of crime. Compelling the execution or alteration of
   valuable securities. Demanding with menaces. Threats to publish.

10 Restitution of the stolen property  
   pages 315–319
   A thief cannot confer ownership. Exceptions. (a) Money and negotiable
   instruments. (b) In market overt. Owner may sue for restitution. Police
   Property Act, 1897.

CHAPTER XIV

EMBEZZLEMENT

1 History and definition  
   pages 320–329
   (a) The persons who can commit the offence. (b) The property on which the
   offence can be committed. (c) The mode of committing the offence.

2 False accounting  
   pages 329–330

CHAPTER XV

FRAUDULENT CONVERSION

1 Fiduciary obligations ignored by the common law  
   pages 331–332
   No statutory protection originally.

2 Larceny Act, 1916, section 20  
   pages 332–337
   The scope of the crime of fraudulent conversion. *Mens rea* in fraudulent con-
   version.

3 Larceny and fraudulent conversion distinguished  
   page 337

4 Fraudulent trustees  
   page 338
CONTENTS  xvii

CHAPTER XVI  
CHEATS PUNISHABLE AT COMMON LAW  
1 Frauds  pages 339–340 
   (a) Practised upon the individual. (b) Practised upon the public.  
2 Deceit injuriously affecting public justice  page 340  
3 False pretences made to private individuals  pages 340–341 
   Common law tests. Test of ‘common prudence’ not required by statute.  

CHAPTER XVII  
FALSE PRETENCES  
1 The Larceny Act, 1916, section 32  pages 342–353 
   (a) The subject-matter. (b) The right obtained. (c) The pretence. The statement must refer to the past or present. It must misrepresent fact, not merely express opinion. (d) The effect. Express request for the article not essential. When the effect is too remote. (e) The intent.  
2 Punishment  page 353  
3 Larceny and false pretences distinguished  pages 353–354  
4 Restitution order  page 354  

CHAPTER XVIII  
RECEIVING STOLEN PROPERTY  
1 At common law and by statute  pages 355–358 
   (a) The receiving. (b) The thing received. (c) The knowledge. Mens rea.  
2 Property stolen abroad  page 358  
3 Punishment  page 358  

CHAPTER XIX  
OTHER OFFENCES INVOLVING FRAUD  
1 Statutory frauds  pages 359–363 
2 Bribery and corruption  pages 364–365 
   xcv
CONTENTS

CHAPTER XX

FORGERY

1 History  
Royal seals and charters first protected. Protection extended to private unsealed writings.  

pages 366–367

2 Definition  
Section 1 of the Forgery Act, 1913. Sections 2, 3 and 5: private and official documents, seals and dies. Section 4 states the common law. The meaning of 'defraud' and 'deceive'.  

pages 367–370

3 The document  
The law influenced by growth of commerce. Definition of a 'document'. Signature of an artist on his work is a document. Not all writing, printing or signing is a document.  

pages 370–374

4 Seals, dies, etc.  

page 374

5 The falsity  
Its materiality. The falsity is of purport, not of contents. Fictitious name will not make a forgery. Signature by a man of his own name may be forgery. Forging a document through an innocent agent. Omissions before and after signing. Mens rea necessary. Forgery and false pretences distinguished. Honest belief in a right to make or alter a document is a good defence.  

pages 374–380

6 Uttering  

page 380

7 Special offences of forgery  

pages 380–381

8 Punishment  

page 381

CHAPTER XXI

OFFENCES AGAINST THE STATE

1 Treason  
The Statute of Treasons. (i) Compassing the death of the King, Queen or heir. (ii) Violation of the King's consort, eldest daughter or heir's wife. (iii) Levy war against the King in his realm. (iv) Being adherent to the King's enemies in his realm. (v) Counterfeiting the King's seal or money. (vi) Bringing counterfeit money into his realm. (vii) Slaying the chancellor, treasurer or one of the justices. Overt act necessary for all seven forms. Benefit of King's protection draws duty of allegiance. Constructive treasons of judicial interpretation. Treason-felonies. Innovations in trials for treason, 1695. Treaty Act, 1945, now regulates procedure. Punishment of death.  

pages 382–392

2 Misprison  
Definition and punishment.  

pages 392–394
CONTENTS

3 Compounding
Mercy should be shown, not sold.

4 Praemunire
History and punishment.

5 Treachery
Created a crime in 1940.

6 Attempts to injure or alarm the Sovereign
Less serious action than constitutes treason.

7 Sedition and other offences against the State

8 Offences against the public peace
(a) Unlawful assembly. The unlawfulness depends upon behaviour. Disturbance of public meetings. Dispersal of an unlawful assembly may be forcible. (b) Riot. (c) Riot. The Riot Act. (d) Misuse of the highway. (e) Public mischief. (f) Public nuisance. (g) Affray.

CHAPTER XXII
CONSPIRACY AND INDUSTRIAL DISPUTES

1 Conspiracy
Definition. (a) Actus reus. Agreement. (b) Two or more persons. (c) An unlawful purpose. (d) Mens rea. Wide range of evidence.

2 Industrial disputes
The right to strike. When breaches of contract may be criminal. Intimidation and molestation of fellow-workmen. Trade Disputes Act, 1906.

CHAPTER XXIII
PERJURY AND OTHER OFFENCES AGAINST PUBLIC JUSTICE

1 Perjury

2 Other offences against public justice
CONTENTS

CHAPTER XXIV

OFFENCES AGAINST INTERNATIONAL LAW

1 Piracy  
Extension of common law by statute.  
  pages 429–430

2 Breach of neutrality  
The Foreign Enlistment Act, 1870.  
  pages 430–431

3 Offences against ambassadors  
  pages 431–432

CHAPTER XXV

OFFENCES OF VAGRANCY

1 History  
  page 433

2 Idle and disorderly persons  
  page 434

3 Rogues and vagabonds  
  pages 434–436

4 Incorrigible rogues  
  page 437

BOOK III

MODES OF JUDICIAL PROOF

CHAPTER XXVI

THE NATURE OF PRESUMPTIONS  
AND OF EVIDENCE

1 Strictness of English rules of evidence  
A safeguard against mistakes by the jury.  
  pages 439–440

2 The contrast of proof by evidence and proof by presumptions  
  pages 440–448

(a) Praesumptiones juris et de jure.  
(b) Praesumptiones juris sed non de jure.  
(c) Praesumptiones hominis (or praesumptiones facti).  
Presumption of innocence.  
Presumption against the commission of an immoral act.  
Omnia praesumuntur rite ac solemniter esse acta.  
Presumption of ownership.  
Presumption against change of status quo.  
Presumptions as to state of mind.  
Presumption arising from possession of recently stolen goods: praesumptio hominis vel facti.  
Rules of evidence and presumptions decide where the burden of proof lies.
CONTENTS

3 Evidence pages 448–456
B. Direct evidence of witnesses: Testimony can be conflicting; circumstances can mislead. Circumstantial evidence usually important in crimes of gravity. Safeguards against its misuse. (a) In larceny. (b) In homicide.

CHAPTER XXVII

THE GENERAL RULES OF EVIDENCE

1 Introductory pages 457–459
Some testimony, though relevant, is excluded. Origin of rules of evidence. Strict rules adopted in criminal courts. Improper admission of evidence may be fatal. When objections should be taken.

2 Rules common to civil and criminal cases pages 459–500

CHAPTER XXVIII

RULES OF EVIDENCE PECULIAR TO CRIMINAL LAW

1 A higher minimum of proof required pages 501–509
The rule applies to all crimes in English law. 'Reasonable doubt.' Meaning of a verdict of acquittal. Corroboration needed: (a) In charges of perjury. (b) In charges of certain sexual offences. (c) Of unworn evidence of children. (d) Of sworn evidence in certain cases. (e) Of the evidence of accomplices. (f) Under the Road Traffic Act, 1930.
CONTENTS

2 Special exceptions to the hearsay rule  
   pages 509–511
   (e) Dying declarations.  (b) Depositions.  (c) Certificates and statutory declarations.

3 The prisoner’s character  
   pages 511–514
   His general reputation.  Peculiarities of such evidence.  Value of evidence of character.

4 Confessions  
   pages 514–519
   Excluded if improperly induced.  Analysis of the rule of exclusion.  The Judges’ Rules.  Right of the defence to challenge the confession when admitted.  Confessions obtained by artifice.  Confessions by agents or accomplices.

5 Competency of witnesses  
   pages 519–528
   A. Incompetency of interested persons at common law: statutory changes.  The Criminal Evidence Act, 1898.  (i) The prisoner a competent witness.  (ii) Stage in trial at which his evidence is given.  (iii) Cross-examination as to previous offences and character.  (iv) Comment on a prisoner’s refusal to give evidence.  (v) Admissibility of evidence relating to his previous conduct.  Objection to improper questions.  Common law right of unsworn statement preserved.  Co-prisoners.
   B. Spouses as witnesses, mostly incompetent at common law.  Some exceptions.  Changes made by the Criminal Evidence Act, 1898.  (i) In ordinary criminal cases.  (ii) In special cases.  When compellable.

6 Unstamped documents  
   pages 528–529

7 Evidence taken abroad  
   pages 529–530
   Seldom admitted in criminal cases.

BOOK IV

CRIMINAL PROCEDURE

CHAPTER XXIX

LIMITATIONS ON CRIMINAL JURISDICTION

1 Introductory  
   page 531

2 Limitation by time  
   pages 531–532
   None at common law.  Statutory changes.

3 Limitation by territory  
   pages 532–536
   Immunity acquired by change of territory.  Extradition.  Crimes in general are local matters.  Conspiracy to commit a crime abroad.  Goods stolen abroad.  Crimes committed through the agency of the post.  Homicide is committed in the place where the attack takes effect.
CONTENTS

CHAPTER XXX
CRIMINAL COURTS

1 The High Court of the Queen in Parliament
   (a) As a court of appeal.  (b) As a court of first instance.  (i) Trial by peers.
   (ii) Impeachment.

2 The Court of Criminal Appeal
   Its constitution. Writ of error abolished.

3 The Queen’s Bench Division of the High Court of Justice
   (a) As a court of first instance.  (b) As a court of appeal.

4 The courts of the commissioners of assize
   The Central Criminal Court.

5 General quarter sessions
   (a) As a court of first instance.  (b) As a court of appeal.

6 The coroner’s court

7 Magistrates’ courts ( petty sessions)

CHAPTER XXXI
SUMMARY PROCEDURE

1 Courts of summary jurisdiction

2 Summary trial of indictable offences
   Three classes of offender.  (a) Children under fourteen.  (b) Young persons.
   (c) Adults.

3 Trial by jury of non-indictable offences
   No summary trial if a question of real property rights is involved.

4 Advantages and anomalies of summary jurisdiction

5 Appeals from magistrates’ courts
   (a) To the Queen’s Bench Division.  (b) To quarter sessions. Summary Jurisdiction Appeals.
xxiv

CONTENTS

CHAPTER XXXII
ORDINARY PROCEDURE

I. PRELIMINARY STEPS

1 Information

2 Arrest
   (a) By warrant. (b) Without warrant: (i) By a private person. (ii) By a police constable.

3 Commitment for trial

CHAPTER XXXIII
ORDINARY PROCEDURE

II. FROM ACCUSATION TO SENTENCE

1 Prosecution

2 Arraignment

3 Plea and issue
   (a) Confession. (b) Standing mute. (c) Objection to indictment. (d) Plea to indictment. Pardon from the Crown. Autrefois acquit; autrefois convict.

4 Trial and verdict

5 Judgment

6 Defence against errors of law
   (a) Before trial. (b) After trial. Reversal of judgment. Right of appeal. Power to order and receive evidence. Quashing the conviction. New trial; venire de novo. Quashing the sentence. The prerogative of mercy.

7 Reprieve and pardon
CONTENTS

CHAPTER XXXIV
ORDINARY PROCEDURE

III. DETENTION AND PROBATION

1 Detention pages 620–623

2 Probation and discharge pages 623–625
Probation order may impose conditions. Disobedience to probation order. Discharge on conviction. Probation order not a pardon. Order to pay damages. Conviction not to involve disqualifications.

Appendix I The meaning of ‘credit’ pages 626–631

II Rules as to admission of evidence which reveals to the jury facts discreditable to the person accused pages 632–638

III Forms of indictment pages 639–641

Index page 643
INDEX OF CASES

[Figures in heavy type refer to pages.]

Aaron’s Reefs v. Twiss [1896] A.C. 273 347
The Abby [1804] 3 C. Rob. (Adm.) 254 37
Aberg [1948] 1 All E.R. 601; 12 Cr.App.R. 144 393
Abingdon, Lord [1794] 1 Esp. 225 233
Abrahams [1918] Cape 590 195
Abramovitch (1914) 112 L.T. 480; 11 Cr.App.R. 45 447
Ackroyd v. Baret [1895] 11 T.L.R. 115 201, 208
Adair [1938] 2 All E.R. 629 106, 107
Adams (1887) 22 Q.B.D. 60 224
Addis (1884) 1 Cox 78 298
Aden (1873) 12 Cox 512 270
Aichler [1915] 1 K.B. 616 461
Aichoth v. Cottie [1944] 1 W.L.R. 1124 60
Aitken (1883) C.C.C. Sess. Pap. xcviii, 316 333, 335
Aldred (1909) 22 Cox 3 397
Alexander (1912) 76 J.P. 215 195
Alexander (1913) 9 Cr.App.R. 139 61, 168, 173
The Alexander [1864] 2 H. and C. 431 431
Allan (1838) 8 C. and P. 418 64, 174
Allard v. Selfridge & Co. [1925] 1 K.B. 129 45, 46
Allen (1867) 17 L.T. (n.s.) 222 139
Allen (1872) 1 C.C.R. 367 216
Allen (1917) C.C.C. Sess. Pap. clxv, 337 55
Allen [1949] 2 All E.R. 808 635
Allen v. Whitehead [1930] 1 K.B. 211 48, 49
Allison (1888) 50 L.T. 931; 16 Cox 559 227
Allpress [1956] Crim.L.R. 622 475
Ammons, The State v. [1901] 8 Missouri 592 514
Anderson (1843) 2 M. and Rob. 459 381
Anderson (1920) 142 L.T. 380; 21 Cr.App.R. 178 475
Angus (1907) 27 N.Z.L.R. 949 192
Angus v. Clifford [1801] 2 Ch. 499 27
Anon. (1328) Y.B. 2 Edw. III, fo. 34, Hil. pl. 1 18
Anon. (1429) Y.B. 7 Hen. VI, fo. 43, pl. 18 288
Anon. (1506) Y.B. 21 Hen. VII, Hil. fo. 14, pl. 21 259
Anon. (1584) 1 And. 114 248
Anon. (1584) Cro. 354 256
Anon. (1594) Pop. 38 316
Anon. (16—) 1 Hale P.C. c. 39 442
Anon. (1604) Moore K.B. 734 64, 109
Anon. (1610) 3 Co. Inst. 104 442
Anon. (1631) Rex. 52 19
Anon. (1698) 3 East P.C. 662 288
Anon. (1745-61) Foster 265 53
Anon. (1826) 2 C. and P. 459 447
Appleby v. Franklin (1885) 17 Q.B.D. 93 120
Appleby (1840) 28 Cr.App.R. 1 109, 151
Ardath Tobacco Company v. Ocker (1930) 47 T.L.R. 177 318
Ardley (1871) 1 C.C.R. 301 348
Armstrong (1875) 13 Cox 184 455
Armstrong [1922] 2 K.B. 555; 16 Cr.App.R. 349 471, 634
Armstrong [1951] 2 All E.R. 219 470
Armstrong [1957] Crim.L.R. 198 598, 537
Armstrong v. Clark [1957] 2 W.L.R. 406 43, 60
Armstrong v. Mitchell (1903) 67 J.P. 329 238
Arnold (1873) C.C.C. Sess. Pap. lxxxvi, 351 23
Arnold (1899) 15 W.N. 184; 93 S.J. 220
Arnold’s Case (1724) 16 St.Tr. 695 76
Arrowsmith v. Le Mesurier (1806) 2 Bos. and Pul. (N.R.) 221 213
Re Arton (i) [1896] 18 Cox 118 374
Re Arton (ii) [1896] 1 Q.B. 509 375
Ashman (1858) 1 F. and F. 88 159, 163, 204, 205
INDEX OF CASES

Ashton v. Jennings (1675) 2 Levins 133 199
Ashwell (1885) 16 Q.B.D. 190 278, 289, 393, 304, 305, 306, 307, 357
Ashew [1940] 2 All E.R. 687 622
Aspinall (1876) (a) 1 Q.B.D. 730; (b) 2 Q.B.D. 48 415
Astle v. Asle [1899] 3 All E.R. 967 76
Aston (1847) 2 C. and K. 413 323
Atherton (1910) 5 Cr.App.R. 233 459
Atkins (1878) 6 St.Tr. 149 115
Att.-Gen.’s Application, in re [1962] 2 W.L.R. 70 427
Audley [1907] 1 K.B. 383 462
Avten v. Rayner [1958] 3 All E.R. 566 499
Aves (1910) 2 All E.R. 330; 34 Cr.App.R. 159 447
Avesson v. Lord Kinnaid (1805) 6 East 188 499
Ayes (1810) R. and R. 166 172
Bada (1917) 13 Cr.App.R. 17 447
Bagley (1923) 17 Cr.App.R. 162 332
Bailey (1800) R. and R. 1; 86 J.P. 77 56
Bailey (1859) 4 Cox 390 361
Bailey (1928) 14 Cr.App.R. 42 582
Baillie (1859) 8 Cox 238 195
Bainbridge [1959] 3 All E.R. 200 III
Baindall v. Baindall [1943] 2 All E.R. 374 615
Baird (1915) 11 Cr.App.R. 186 634
Baker (1843) 1 Cox 45 210
Baker, Col. Valentine (1875) The Times, 30 July and 3 August 195
Baker [1895] 1 Q.B. 797 424
Baker (1921) 7 Cr.App.R. 217 615
Balderstone (1905) 39 Cr.App.R. 97 193
Baldessare (1930) 144 L.T. 185; 22 Cr.App.R. 70 107
Baldry (1852) 2 Den. 430 516
Baldwin (1923) 135 L.T. 191; 18 Cr.App.R. 175 465, 547
Ball (1911) A.C. 47 437, 634
Ball (1955) 35 Cr.App.R. 24; 2 K.B. 109 344, 353
Balls (1871) L.R. 1 C.C.R. 328 326, 338
Baltimore, Lord (1768) 4 Burr. 2179 109
Bambidge (1729) 17 St.Tr. 582 19
Banachoff (1909) 3 Cr.App.R. 16 348
Banks [1916] 2 K.B. 621; 12 Cr.App.R. 74 464, 596
Barber (1844) 1 C. and K. 434 598
Barrett (1837) 7 C. and P. 784 346
Barnes v. Merritt (1898) 15 T.L.R. 419 470
Barratt (1872) L.R. 2 C.C.R. 81 192
Barratt (1846) A.C. and K. 343 16, 131, 133
Barrett and Creager (1899) C.C.C. Sess. Pap. XXXI, 379 415
Barrington v. Turner (1680) 3 Lev. 28 237
Be Re Barronet (1853) 1 E. and B. 1 56, 533
Barrow (1884) C.C.C. Sess. Pap. C. 641 379
Barrow v. Llewellyn (1616) Hobart 62 224
Bartlett [1959] Crim.L.R. 285 637
Barton (1801) 3 F. and F. 780 86
Bas (1953) 37 Cr.App.R. 511; 2 W.L.R. 825 517
Bassie (1931) 22 Cr.App.R. 160 353, 369, 410
Bastian [1948] 1 All E.R. 568 78
Batchelor (1926) 26 Cr.App.R. 64; W.N. 244 601, 607, 608
Bate (1871) 11 Cox 686 515
Bateman (1865) 4 St.Tr. 162 90
Bateman (1845) 1 Cox 186 375, 458
Bateman (1925) 41 T.L.R. 557; 19 Cr.App.R. 81 94, L.K.B. 791 183
Baver v. Bater [1907] 2 All E.R. 458 503
Bates and Russell [1912] W.N. 506; 2 All E.R. 843 32
Bath and Montague’s Case (1675) 3 Car. in Chancery 55 454
Batstone (1864) 10 Cox 20 243
Baverstock [1954] Crim.L.R. 625 206
Baxter (1852) 5 Cox 302 326
Baxter v. Keldon [1955] 1 W.L.R. 84; 1 All E.R. 361 44
Bayley (1923) 17 Cr.App.R. 163 343
Beale (1799) 2 Leach 835 320
Beach (1909) 2 Cr.App.R. 189 403
Beaton, Daily Telegraph, 12 Sept. 1924 87
Beau (1842) 4 St.Tr. (n.s.) 1382 396, 408
Beard (1878) 8 C. and P. 143 379
Beatty v. Cullingworth (1897) 60 J.P. 740 490
Beatty v. Gillbanks (1882) 9 Q.B.D. 308 400, 401
INDEX OF CASES

Beauchamp v. Cash (1822) Dow. and Ry. (N.P.) 3 468
Beaumont (1854) Dearly 270 322
Beck (1904) Trial of A. Beck (Notable British Trials) 452
Beckwith v. Philby (1827) 8 B. and C. 615 565
Bedingfield (1870) 14 Cox 341 487, 488
Beech (1912) 7 Cr.App.R. 197 207
Beecham (1871) 5 Cox 181 209
Bell, The State v. (1870) 29 Stiles 316, 59
Belgrave (1889) (Arch. 26th ed. 1193) 428
Benbow v. Low (1880) 16 Ch.D. 95 573
Benford v. Sims [1898] 2 Q.B. 641 106
Benge (1865) 4 F. and F. 504 133, 180
Benjamin (1913) 8 Cr.App.R. 146, 474, 490
Bennett (1928) 20 Cr.App.R. 188 556
Bentley's Case (1731) 2 Str. 912 617
Bentley [1921] 1 K.B. 403 197
Beresford (1953) 36 Cr.App.R. 1 184, 611
Beresford v. Royal Insurance Co. Ltd. [1936] 2 All E.R. 1052 187
Beresford v. White (1914) 30 T.L.R. 591 283
Benham (1915) 11 Cr.App.R. 72; 84 L.J.K.B. 541 355
Berkofsky (1935) 25 Cr.App.R. 66 608
Bernard (1838) 8 St.Tr. (n.s.) 887 468
Bernard (1908) 1 Cr.App.R. 218 463
Bernay (1907) The Times, 3 June 524
Berry (1897) 104 T.L.R. 110 595
Bertrand (1867) L.R. 1 P.C. 520 458
Besse v. Stern (1877) 2 C.P.D. 265 491
Betts v. Lee (1810) 5 Johnson (N.Y.) 348 316
Betts v. Armstead (1888) 20 Q.B.D. 771 43
Betts v. Stevens [1910] 1 K.B. 1 211
Betts v. Receiver for Metropolitan Police District [1931] 2 K.B. 395 319
Beynon [1957] 2 W.L.R. 956 587
Bharat [1959] 3 All E.R. 322 168
Bickley (1909) 2 Cr.App.R. 53 509
Biggin (1920) 14 Cr.App.R. 87 459, 523, 638
Biggs v. Burridge (1925) 89 J.P. 75 56
Bingley (1821) R. and R. 446 106
Bingley (1813) 5 C. and P. 662 289
Birch (1924) 91 L.J.K.B. 385; 18 Cr.App. R. 26 476
Bird v. Jones (1845) 7 Q.B. 742 199
Bird v. Samuel (1912) 30 T.L.R. 323 4
Birdseye (1830) 4 C. and P. 386 470
Birmingham and Gloucester Ry Co. (1840) 2 Q.B. 47 71
Birmingham Churchwardens (1861) 1 B. and S. 763 494
Bishirgian (1936) 21 T.L.R. 361 333, 345, 352
Bishop of London's Case (1523) 14 Hen. VIII, 60, t. 238
Bishop (1879) 5 Q.B.D. 359 43
Black (1921) 16 Cr.App.R. 118 489
Blackburn (1935) 39 Cr.App.R. 84 448, 503
Blackson and Walker (1837) 8 C. and P. 43 115
Blake (1961) 3 All E.R. 123 663
Blake v. Allen (1900) Moore 619 380
Blakemore (1948) 33 Cr.App.R. 49 525, 587
Blanchard (1952) 35 Cr.App.R. 183; 1 All E.R. 114 527, 528
Blandford and Freestone [1935] 1 All E.R. 681; 1 W.L.R. 331 570
Blandy (1752) 18 St.Tr. 1135 489
Bleasdale (1848) 2 C. and K. 765 534
Blenkinsop (1847) 1 Den. 276 376
Blis (1837) 7 A. and E. 550 494
Blount v. War Office [1953] 1 All E.R. 1071 345
Blunt v. Park Lane Hotel Ltd. [1942] 2 K.B. 25; 2 All E.R. 187 191
Board of Trade v. Owen [1957] 2 W.L.R. 351; 1 All E.R. 411; A.C. 602 25, 95, 415, 416
Boden (1844) 1 C. and K. 395 296
Boldron v. Widdows (1824) 1 C. and P. 65 469
<table>
<thead>
<tr>
<th>XXX</th>
<th>INDEX OF CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bollman, Ex parte (1807) 4 Cranch 127</td>
<td>Breese v. The State (1861) 12 Ohio 146 108</td>
</tr>
<tr>
<td>Bolton v. Graham [1956] 3 W.L.R. 804;</td>
<td>Bretell (1842) C. and M. 609 580</td>
</tr>
<tr>
<td>3 All E.R. 624 73</td>
<td>Brice (1821) R. and R. 450 246</td>
</tr>
<tr>
<td>Bond v. Evans (1890) 21 Q.B.D. 249</td>
<td>Bridges (1845) 1 Cox 261 245</td>
</tr>
<tr>
<td>43, 49</td>
<td>Bridges v. Hawksworth (1831) 15 Jur. 1079; 21 L.J.K.B. 75 230</td>
</tr>
<tr>
<td>Bonnymman (1942) 28 Cr.App.R. 131 34, 133, 183</td>
<td>British Cash etc. v. Lamton Store Co. [1908] 1 K.B. 1010 427</td>
</tr>
<tr>
<td>Booker (1924) 18 Cr.App.R. 47 517</td>
<td>Broadhurst (1918) 13 Cr.App.R. 125 514</td>
</tr>
<tr>
<td>Booth (1872) 12 Cox 231 195</td>
<td>Brodrick (1816) 6 C. and P. 571 400</td>
</tr>
<tr>
<td>Re Borrowes [1900] 2 L.R. 393 233</td>
<td>Brooks (1857) C.C.C. Ses. Pap. 21st, 912 574</td>
</tr>
<tr>
<td>445</td>
<td>Brough (1834) 2 F. and F. 838 86</td>
</tr>
<tr>
<td>Bose, The State v. (1855) 42 South Carolina 276 92</td>
<td>Brown (1841) C. and M. 314 16, 564</td>
</tr>
<tr>
<td>Bottomley (1903) 113 L.T. 88 30, 153</td>
<td>Brown (1867) 1 C.C.R. 70 474</td>
</tr>
<tr>
<td>Bottomley (1922) 16 Cr.App.R. 184 336</td>
<td>Brown (1878) 14 Cox 144 106, 114</td>
</tr>
<tr>
<td>Boucher (1952) 36 Cr.App.R. 152 526</td>
<td>Brown (1883) 10 Q.B.D. 381 205</td>
</tr>
<tr>
<td>Boulton (1848) 3 C. and K. 604 378</td>
<td>Brown (1889) L.J.M.C. 47; (1890) 24 Q.B.D. 357 100</td>
</tr>
<tr>
<td>Boulter v. Justices of Kent [1897] A.C.</td>
<td>Brown and others (1899) 63 J.P. 790 100, 352</td>
</tr>
<tr>
<td>556 546, 567</td>
<td>Brown (1910) 6 Cr.App.R. 24 206</td>
</tr>
<tr>
<td>Boulton (1849) 1 Den. 508 326, 344</td>
<td>Brown, Police v. [1926] Crim.L.R. 568 410</td>
</tr>
<tr>
<td>Boulton (1871) 12 Cox 87 413</td>
<td>Brown and Bruce (1911) 23 Cr.App.R. 56 515, 569</td>
</tr>
<tr>
<td>Bourne (1939) 1 K.B. 687 68, 190</td>
<td>Browne (1943) 29 Cr.App.R. 106 597</td>
</tr>
<tr>
<td>406 228</td>
<td>Bryan (1861) A. and F. 567 352</td>
</tr>
<tr>
<td>Boyd (1908) 1 Cr.App.R. 64 463</td>
<td>Bryan (1913) 35 Cr.App.R. 121 603</td>
</tr>
<tr>
<td>Boyes (1901) 1 B. and S. 497, 508</td>
<td>Bryan (1899) 63 J.P. 376 360</td>
</tr>
<tr>
<td>315</td>
<td>Bryce (1956) 40 Cr.App.R. 62 266</td>
</tr>
<tr>
<td>Braddock and Speke (1868) 9 St.Tr. 1127</td>
<td>Bubb (1831) 4 Cox 437 30, 153, 155</td>
</tr>
<tr>
<td>483</td>
<td>Buck and Buck [1960] Crim.L.R. 760 30</td>
</tr>
<tr>
<td>Bradshale, Att.-Gen. v. (1885) 14 Q.B.D. 657 465</td>
<td>Buckley (1873) 13 Cox 203 495</td>
</tr>
<tr>
<td>Bradshaw (1878) 14 Cox 83 178</td>
<td>Buckmaster (1887) 20 Q.B.D. 182 264, 265, 272</td>
</tr>
<tr>
<td>Brain (1834) 6 C. and P. 149 129</td>
<td>Bullock [1935] 1 W.L.R. 1; 1 All E.R. 15 111</td>
</tr>
<tr>
<td>Braithwaite 1945 J.C. 55 84</td>
<td>Bullock [1937] 3 W.L.R. 656 503</td>
</tr>
<tr>
<td>Brannhill (1931) 24 Cr.App.R. 79 614</td>
<td>Bunkall (1864) L. and C. 371 269</td>
</tr>
</tbody>
</table>