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The jurist Sir James Fitzjames Stephen (1829–94) published this work in 1863 to provide the intelligent layman with a general account of the workings and principles of English criminal law. He begins with a brief sketch of the development of that law from the Anglo-Saxon period onwards. He then covers the current law on criminal responsibility and the classification and definition of specific crimes, before turning to procedure and the rules of evidence. The book helped to establish Stephen's reputation and made possible his appointment as legal member of the Indian viceroy's council in succession to Henry Maine in 1869. Work on its revision for a second edition led Stephen into producing separate and authoritative digests of the law of evidence, criminal law, and criminal procedure, as well as his three-volume *History of the Criminal Law of England*, published in 1883 and also reissued in this series.

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A GENERAL VIEW  
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THE CRIMINAL LAW  
OF  
ENGLAND.

BY  
JAMES FITZJAMES STEPHEN, M.A.  
OF THE INNER TEMPLE, BARRISTER-AT-LAW,  
RECORDER OF NEWARK-ON-TRENT.

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## PREFACE.

THE object of this work being somewhat peculiar, a few words in explanation of it may be permitted. Almost all English law books are written for purely practical purposes. A few are intended for the education of students, the great majority are digests or indexes intended to be consulted in chambers or in court. Each of these classes contain so many works upon the Criminal Law admirable for their clearness and learning that it would be needless to try to add to their number. Each class, however, is marked by peculiarities which leave room for a work of another kind. Books intended for students (like the fourth volume of Serjeant Stephen's *Commentaries*) furnish a complete and exact map of a country which the reader is assumed to mean to inspect in detail for himself. Works intended for reference in business are unavoidably crowded with details to such an extent, that to try to get out of them any general notion of the law is like looking at a landscape through a microscope.

The present work is intended neither for practical use nor for an introduction to professional

study. Its object is to give an account of the general scope, tendency, and design of an important part of our institutions, of which surely none can have a greater moral significance, or be more closely connected with broad principles of morality and politics, than those by which men rightfully, deliberately, and in cold blood, kill, enslave, and otherwise torment their fellow-creatures. It surely ought to be possible to explain the principles of such a system in a manner both intelligible and interesting.

In the attempt to do so, I have not aimed at completeness, and I have been anxious to avoid details which were not characteristic. Hence I have quoted authorities only for the sake of illustration, and as sparingly as possible. In the speculative parts of the book I have quoted none; but I hope it will not be supposed that, by the omission to do so, I claim any originality for arguments and principles which have been repeatedly maintained by well-known writers, though not, perhaps, in relation to the particular subject-matter to which I have tried to apply them.

4, PAPER BUILDINGS, TEMPLE,  
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## CONTENTS.

### CHAPTER I.

#### THE PROVINCE OF CRIMINAL LAW.—Pp. 1—9.

Definitions of Law and Crime, 1, 2. Punishments — Sanctions and Penalties, 4, 5. Crimes and Torts, 7. Natural Classification of the Subject, 7, 8 ; and of the present Work, 9.

### CHAPTER II.

#### HISTORICAL SKETCH OF ENGLISH CRIMINAL LAW.— Pp. 10—74.

*Procedure and Courts.*—Anglo-Saxon Courts of Justice and Trials —Criminal Procedure, 11. Courts, 13. Jurisdiction of Saxon Kings, 14. Norman Courts, 14. Justices in Eyre, 15. Appeals and Indictments, 16—18. Growth of present System, 18—25.

*Arrest of Criminals.*—Frank-pledge, 25. Statute of Winchester, 26 ; of Coroners, 26. Growth of Modern Law, and Origin of its litigious Character, 28—31.

*Law of Crimes and Punishments.*—Common and Statute Law, 32. Bracton's Definitions, 33—35. History of Definition of High Treason, 35—41. Homicide, 41—48. Arson, 48. Rape, 48. Theft, 49. Misdemeanors in general, 56. Conspiracy, 62. Libel, 63.

*General Aspect of Criminal Law.*—13th to 17th Century, 64. Coke's Institutes and Hale's Pleas of the Crown, 65. 18th Century, 66. Consolidation Acts, 66, 67.

*Law of Evidence.*—History of its Growth, 68—70.

*Punishments.*—Benefit of Clergy, 71. Minimum Punishments, 73. Present Law, 74.

## CHAPTER III.

## DEFINITION OF CRIME IN GENERAL.—Pp. 75—97.

Crimes are Actions, 75. Analysis of Actions into Bodily and Mental Elements, 75, 76. Intention and Will, 77—80. Specific Criminal Intention, 81. Malice and Malicious, 81—85. Responsibility, 85. Madness and Sanity, 86—89. Why Madness may rebut Presumption of Malice, 89—91. Madness Matter of Evidence only, 91, 92. Effects of different Sorts of Madness as Evidence of Irresponsibility—Delusion, 92—94. Insane Impulses, 94. Moral Insanity, 95. Defence of present Law, 96.

## CHAPTER IV.

## THE CLASSIFICATION AND DEFINITION OF PARTICULAR CRIMES.—Pp. 98—152.

Natural Classification of Crimes, 99—101. Relation of Criminal Law to Morality, 102, 103. Existing Classification—Treason, Felony, and Misdemeanor, 105—107. Should it be removed? 107—111.

*English Definitions of particular Crimes.*—Treason, 111—115. Murder, 115—121. Suicide, 121. Infanticide, 122. Minor Offences against the Person, 123—125. Rape, 125. Theft, 125—128. Proposed Definition, 129—138. Burglary, 139—141. Forgery, 141. Offences against the Coin, 143. Malicious Injuries to Property, 143, 144. Misdemeanors, 144. Libel, 146. Conspiracy, 148. Nuisance, 149. Codification, 160—163.

## CHAPTER V.

## CRIMINAL PROCEDURE IN GENERAL.—Pp. 153—168.

Procedure either litigious or inquisitorial, 153. English Criminal Procedure litigious, 154—158. General Account of a Criminal Trial in England, 159—161—in France, 162—165. Observations on English System, 165—168.

*Contents.*

ix

CHAPTER VI.

ENGLISH CRIMINAL PROCEDURE.—Pp. 169—233.

- I. *Absence of a Public Prosecutor*, 169—179.  
 Defects of French and English Systems, 169—71. Suggestions discussed, 172—175. Prisoner's Witnesses to be called before Magistrates, 176—178. Copy of Depositions to be given to Prisoners, 178. Counsel, 179.
- II. *The System of Criminal Pleading, especially the Indictment*, 179—189.  
 Certainty required in Indictments, 180—182. Variances, 182—184. Defects still existing, 185. Suggestions as to Remedies, 185—189.
- III. *The Practice of not interrogating the Prisoner*, 189—203.  
 Comparison of English and French Systems, 189—190. History of English System, 190—194. Prisoner indirectly questioned when not defended by Counsel, 195—196. Direct Questions often an Advantage to him, 197—199.  
*Objections Considered*.—Increased Severity, 199. French Practice, 199. Practical Suggestions, 200—203.
- IV. *The Verdict of the Jury*, 203—223.  
 French and English Juries, 203, 204. Qualifications of English Jurors, 204, 205. Nature and Value of Verdict, 206—208. Incidental Advantages, 208, 209.  
*The Evidence of Experts*.—Proposals as to Experts, 209—Misapprehend the Theory of Trial by Jury, 210—212. Reasons why Experts should be Witnesses and not Judges, 214—218. Special Juries, 218.  
*Unanimity of Juries*.—Bentham's Objections, 219. Verdict of bare or specified Majority, 220, 221—after specified Time, 222. Depriving Juries of Food and Fire, 222, 223.
- V. *Appeal in Criminal Cases*, 223—232.  
 Present State of the Law, 223, 224. Prerogative of Pardon, 224. Illustration from Smethurst's Case, 225. New Trial in Criminal Cases, 226—228. Appeal in Criminal Cases, 229. Practical Suggestions, 230—232.  
*General Observations on English Criminal Procedure*, 232, 233.

## CHAPTER VII.

THE PRINCIPLES OF EVIDENCE IN RELATION TO THE  
 CRIMINAL LAW.—Pp. 234—275.

Province of the Law of Evidence, 234, 235.

I. *The Nature of Evidence*, 235—239.

II. *The Nature of Belief*, 239—245.

Natural History of Belief, 240. Why should Men believe? 241, 242.  
 Different Relations of Truth to different Kinds of Opinions, 243—  
 245.

III. *The Production of Belief by Evidence*, 245—265.

How Opinions are formed, 245—247.

*Inference from the Fact that the Evidence is given to the Truth of what is  
 asserted*, 247—257.

Material Evidence, 248. Verbal Evidence, 249—Its Credit depends  
 on Consequences of Belief, 249—and Probability of Story, 249.  
 Dead Weight of Verbal Evidence, 249—251. No assignable constant  
 Relation between Verbal and Evidence Truth, 251. Ob-  
 jection that Improbability is not a Ground for Disbelief, 251.  
 Answer, 252. Meaning of Words “Probable” and “Likely,” 252—  
 254. Probabilities and Chances, 255. Mathematical Estimates of  
 Weight of Evidence, 256, 257.

*Inference from the Facts inferred to be true to the Truth of the Conclusion  
 in issue*, 258—265.

Combination of Inferences is a Matter of Logic, 258. Incomplete Evi-  
 dence, 259, 260. Reasonable Doubt, 260. Certainty, 260—262.  
 Duty of Jury as to Incomplete Evidence, 262. Judicial Proof,  
 263, 264. Inference as to Nature of Rules of Evidence, 264, 265.

*Of the Classification of Evidence as Direct and Circumstantial*, 265—275.

Meaning of the Word “Circumstantial,” 265. Theory of the Dis-  
 tinction, 265, 266. *Factum Probandum* cannot be distinguished  
 from other Facts, 266—268. All Evidence circumstantial with  
 respect to Mental Elements of Crime, 268, 269. Practical  
 Objections to the Use of the Phrase, 269—271. It is injurious,  
 271—273—incorrect, 273—and never useful, 273—except for  
 sophistical purposes, 274.

*Contents.*

xi

CHAPTER VIII.

ENGLISH RULES OF EVIDENCE.—Pp. 276—325.

- I. *Rules as to the Sanctions under which Evidence is given*, 276—279.  
 Law of Perjury, 276. Materiality, 278, 279.
- II. *Rules as to the Manner in which Evidence is to be elicited*, 280—284.  
 Leading Questions, 280. In Cross-examination, 282.
- III. *Rules as to the Competency of Witnesses*, 284—294.  
 Competency in General, 284. Exceptions—  
 1. Incompetency of Husbands and Wives, 285—287.  
 2. Incompetency from Want of Understanding, 287, 288.  
 3. Incompetency from Want of Religious Belief, 288—294.  
*Rules as to Number of Witnesses*, 294, 295.  
*Rules as to Credit of Witnesses*, 295—302.  
 In general for the Jury, 295.  
 Credit of Witnesses attacked—  
 —By general Evidence of Bad Character, 295, 296  
 —By Cross-examination, 296—298.  
 —By Contradiction, 298—300.  
 Evidence of Accomplices, 300. Discrediting the Party's own Witness, 300—302.
- IV. *Rules as to Competency of Evidence*, 302—325.  
 1. *The Burden of Proof*, 303—305.  
 —On Prosecutor, 302, 303—When it shifts, 303, 304—as to Intention, 305.  
 2. *Evidence confined to Point at issue*, 305—314.  
 What is in issue, 305—307. Limits of Evidence, 307. Topics usually given in Evidence, 307—309. Topics not admissible in Evidence, 309. Evidence of Character, 309—312. Rule as to Substance of Issue and Variance, 312, 313. Moral and Legal Certainty, 313, 314.  
 3. *Best Evidence must be given*, 314—316.  
 Written Instruments, 314. Official Documents, 315. Cross-examining on Writing not produced, 315. Depositions, 316.  
 4. *Hearsay is no Evidence*, 316—319.  
 Relation of this to the last-mentioned Rule, 316, 317. Sayings of third Persons in Prisoner's presence, 317. Exceptions to the Rule, 318, 319. Principle, 319.  
 5. *Rules as to Confessions*, 319—324.  
 English and Continental Practice, 319. English Rule, 320. What is an Inducement, 320. Older and later Decisions, 320, 321. Qualifications of Rule, 322, 323. Observations, 323, 324. General Observations on Rules of Evidence, 324, 325.

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Frontmatter

[More information](#)

xii

*Contents.*

## CHAPTER IX.

ENGLISH CRIMINAL LEGISLATION.—Pp. 326—337.

Judicial and Parliamentary Legislation, 326—329. Relations of Law and Jurisprudence, 329—332. Suggestion as to Ministry of Justice, 335—337.

## CASES.

Case of JOHN DONELLAN . . . . .	338
Case of WILLIAM PALMER . . . . .	357
Case of WILLIAM DOVE . . . . .	391
Case of THOMAS SMETHURST . . . . .	403
Case of the Monk LEOTADE . . . . .	430
The Affair of St. CYR . . . . .	453
Case of FRANÇOIS LESNIER . . . . .	474

## ERRATA.

- P. 50, marginal note, for "really," read "realty."  
 „ 150, footnote, for "IV." read "IX."  
 „ 158, line 10 from the top, *dele* "to."