III. Burdens and proof

Cross & Tapper on Evidence (13th edn)
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This chapter considers the burdens borne by both parties when an issue of fact is at stake. It explains how the nature of a burden in the law of evidence is obscured by the use of the term in a number of different senses. The two principal senses are the burden of adducing evidence and the burden of proving facts. In relation to each, questions arise as to its incidence and discharge. The chapter considers the allocation of the burden in these two senses, at common law and under statutory provisions, and the effects of presumptions of law or agreement of the parties. Finally, this chapter is concerned with the extent of the two burdens, and the way in which the burden of proof has to be explained to the jury.

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