

THE POLICE JOURNAL

VOLUME I

1928

THE POLICE JOURNAL

A QUARTERLY REVIEW FOR
THE POLICE FORCES
OF THE EMPIRE

VOLUME I

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Introduction

IT has been said that the preface to a book should be like the portico before a house : it should be contrived so as to catch, but not detain, the attention of those who desire admission therein. A short account of the origin, scope and aims of the *Police Journal* is therefore given ; and this may catch the reader's eye as he passes on to study the contents of this, the first number.

For some time it had been felt by certain police officers whose duties brought them into contact with the work of other units both at home and abroad, that a link between all the police forces of the Empire was wanting. These forces are scattered all over the world, working under varied conditions and climates, and embracing many different nationalities in their ranks. But with all the different codes and regulations and conditions of service, the police officers of the Empire have a common bond : whether performing their duties in the heart of the metropolis, in the snows of Canada, or in the plains of India, they are the representatives of law and order, pledged to protect the welfare of their fellow citizens whose servants they are.

Some of these police forces already have their own local police magazines, and there are various journals published which deal with police matters both at home and abroad ; but there has not hitherto been any *Service* journal in which the views of the professional police officer and the scientific authority on criminal matters can be made available at once to police officers throughout the Empire. It was decided

therefore to forge this link by the founding of a quarterly journal devoted to the work, organization, history and development, scientific, legal and sociological, of the police forces of the British Empire.

The idea met with immediate approval not only in this country but in the Dominions, India, the Colonies and Protectorates. Active assistance in the shape of articles contributed by high authorities was soon received, and letters applauding the venture and wishing it success continue to be received from many parts of the world.

At the outset it was felt to be essential for the success of a journal of this nature that it should be an unofficial publication, to be issued to subscribers. But official patronage has been accorded to the venture, and the warm thanks of the founders are due to the Home Office, the Scottish Office, the Dominions Office, the Colonial Office, and the India Office for their cordial co-operation. To many others in the outposts of Empire who have taken up the project with enthusiasm we also desire to express our hearty thanks.

To come to our aims. The *Journal* is intended to be primarily a professional one, on the lines of the various journals issued for the naval and military services of the Crown, wherein matters of professional interest are discussed. It will endeavour to cover the various topics which are inherent in the phrase, 'the maintenance of law and order'; for among the services which every civilized government ought to render, the chief of all is the security of life and property. These topics may be administrative, technical, historical, personal, medico-legal or sociological; but the thread which it is trusted may pass through all is that the article shall be instructive from a police point of view. The scope of police work is steadily widening; and it is becoming in an increasing degree scientific. There is a never-ceasing contest between wrongdoers and the guardians

of the law in the use of modern inventions for crime on the one hand and for its detection on the other. Traffic is ever expanding; and the prevention of crime and the reclaiming of the potential criminal are ever important. It is hoped therefore that police officers of both senior and junior ranks may be able to read in *The Police Journal* the latest developments in police work, as well as the records of police work in the past, based on experience at home, in the various parts of the Empire, and in foreign countries. For officers serving abroad who may have little opportunity of keeping in touch with the general development of their profession it is believed that the *Journal* may be especially useful. Reviews of books likely to be of interest to police officers, and notes on important judicial decisions affecting the police, will also find their place, as well as items of interest to the profession.

While the spirit of comradeship among all constabulary units may thus be promoted, there is also the object of encouraging the comparative study of police problems at different periods and in different countries. The problems are never quite the same, though there may be many common factors. Methods, too, vary according to the locality, the population and the problem. There may be dogged team work, or brilliant individual initiative, or a comprehensive record system; or a combination of these. It is the duty of all police forces ever to be on the alert to readjust their tactics to changing circumstances: only the traditions and the ideals of integrity, tenacity and humanity ought to be constant.

Contributions and illustrations dealing with every phase of police administration will be welcomed, especially from serving members of police forces both at home and abroad. It is essential in a service publication that care be exercised by contributors not to infringe the provisions of the Official Secrets Act, the conditions imposed by Police Regulations and the rules for the conduct of Government servants, and

analogous provisions overseas ; yet it is not considered that these provisions will be found in practice to hamper the discussion of subjects of general police interest such as may suitably be dealt with in an open publication.

Contributions, then, subject to this stipulation, will be welcomed from all ranks. Articles of an historical and educational nature and articles describing personal experiences are always of general interest. Articles on administration, organization, and the prevention and detection of crime are of considerable value to the student. Articles on the technical and medico-legal aspect of police work will prove of particular interest to forces which have to deal with such problems. Further, photographs or plans, when suitable for the illustration of any article, will likewise be welcomed. Suggestions for future articles will also be acceptable, as well as the views of officers for the welfare of the *Journal*. It is only through the support of the service that the *Journal* can fulfil the purpose for which it has been designed.

THE EDITOR.

Police Administration, Local and National

BY SIR EDWARD TROUP, K.C.B., K.C.V.O.

Permanent Under-Secretary of State in the Home Office, 1908-1922

THE purpose of this paper is not to describe the details of police administration, but to discuss the fundamental question whether that administration should be undertaken by the national government or by local authorities, or should be shared between them ; and where the responsibility is divided, as in this country, the further question of the relations of the several authorities to one another and to the officers in command of the police forces.

By a ' police force ' we mean a body of men specially trained and organized for the maintenance of order and the repression of crime, distinct from the judicial system of the country, and also distinct in function, if not always in organization, from its military system. A police force in this sense is a thing essentially of modern growth. Anyone writing in the year 1800 on the subject of how order was maintained and crime combated in England would have had to discuss many agencies—the great judicial officers and their servants, the magistrates, the local constables, the *posse comitatus*, the obligations of the military forces and of citizens generally : but he could have said nothing of any organized civil force, imperial or local. The Bow Street runners were perhaps the nearest approach to such a force, but they were only the officers of the Bow Street Magistrates. If there was no organized police in England, there was none in any other country except perhaps the gendarmes, a military force allocated to certain police duties in France and countries under French dominion or French influence.

Now there are in every civilized country organized police forces—either a national force or local forces, or, in most cases, the two existing side by side; but there are wide divergencies in the size and functions of the national force and the extent of its local jurisdiction, and equally wide differences in the number and functions of the local forces and the degree of their independence or otherwise of national control.

Italy¹ may be taken as an example of a country where the police administration is almost completely centralized. There the *carabinieri*, in constitution a military force, but performing civilian duties under the direction of the Minister of the Interior, cover the whole country down to the smallest communes, and are entirely independent of the local authorities. In the larger towns they are assisted by city guards, who also are appointed and controlled by the Minister of the Interior. There are in some cities municipal police appointed and paid by the town councils, but they are restricted in their functions to the guidance of traffic, the supervision of markets and the enforcement of local ordinances, such as those relating to public health. The *carabinieri* and the city guards alone deal with all the primary matters of police duty—the maintenance of public order and the repression of crime—and they take orders only from the Central Government. Whatever may be the theoretic advantages of such a system of unified control, it lacks the stimulus of local criticism and does not respond readily to the needs of the population it protects. I do not think anyone who has lived in Italy would claim for it quicker or more effective action than we have in England or would wish that we should imitate it.

On the other hand, the United States² is the one outstanding example of almost complete local autonomy in police administration. The only exception is the District of Columbia, 64 square miles in extent, in which the capital Washington stands: there all local affairs, including police,

¹ I rely, in regard to the police systems of Italy, France and Germany, mainly on Fosdick's *European Police Systems*, published by the American Bureau of Social Hygiene, 1915. Mr. Fosdick's work is based on personal inquiry and observation in the chief cities of Europe.

² See Fosdick's *American Police Systems*, published by the American Bureau of Hygiene, 1920; also Bruce Smith's *The State Police*, published by the American Institute of Public Administration, 1925.

are managed by three Commissioners appointed by the President and Senate. Outside Columbia the Federal government has no power even to legislate in police matters. That power belongs to the State legislatures, but few of the forty-eight States have established a State police force and none has done so on an adequate scale, though in recent years several restricted and experimental efforts in this direction have been made.¹ Generally speaking, every city, town and village is left to establish its own force if it wants one, though in a few towns a State law provides that the chief officer of the Police Commission should be appointed by the State Governor or State legislature. A few cities possess a police force that is really efficient within its own boundaries, but generally speaking the police system of the United States presents a picture of local autonomy and democratic control gone mad. No one appears to have calculated how many separate forces there are, but probably their number runs into thousands. A map given by Mr. Bruce Smith shows in Massachusetts alone some four or five hundred independent police areas. Mr. Fosdick says that in the populous urban area of which Boston is the centre, and within a radius of twelve miles, there are no less than thirty-nine cities and towns with thirty-nine distinct and separate police forces, 'each with exclusive jurisdiction over a portion of the field and each independent of any common superior authority.'² Around New York and separated from it and from each other by boundary lines 'long since outworn' there are 'nine cities and towns each maintaining its separate force under conditions good, bad or indifferent.'³ There is no organized system of general co-operation between forces for the pursuit of criminals or for the maintenance of order—not even a central bureau for finger-print identification. Is it any wonder that murder and robbery are rampant and that any considerable outbreak of violence involves the calling out of the militia? No doubt there are private detective

¹ Mr. Bruce Smith enumerates the State Police Forces as follows: Pennsylvania (421), New York (468), Michigan (150), Massachusetts (140), West Virginia (281), New Jersey (137), Connecticut (90), Texas (80). The figures are the maximum numbers authorized; the actual numbers are in several cases much less (*The State Police*, p. 174). The State Police do not exercise jurisdiction in any town which maintains an organized force.

² *American Police Systems*, p. 167.

³ *Ibid.*

agencies capable of widespread activities and money bags may be safeguarded by hired gunmen: but these are the luxuries of the rich and accentuate the weakness of the protection given to the people at large. No one could suggest for a moment that this country would gain anything by following United States methods.

In France and Germany we have examples of strong national forces and partially independent local forces existing side by side.

In France the police of Paris, Lyons and Marseilles are Government forces under the command of Government officials—in Paris the *Préfet* of Police, in Lyons and Marseilles the *Préfet* of the Department. There is also distributed throughout the country the gendarmerie, a semi-military force. Excluding the three cities named and the gendarmerie, police administration is one of the functions of the Commune whose head is the *Maire* elected by the local council and authorized by law to appoint and dismiss the police officers: but while the *Maire* has some independent authority, all his actions are subject to close supervision by the *Préfet* of the Department who is of course a State official. The whole French system is so completely dependent on the existence of the *Préfet*—an officer to whom we have nothing analogous in this country—that any attempt to compare the English with the French system is useless.

In Germany there is local autonomy to this extent, that each of the States of the Empire is free to do as it pleases in the matter of police, and while in some of the smaller States there is a large measure of municipal independence, in most the system is governmental or heavily weighted in the direction of government control. In Prussia, which constitutes about two-thirds of the Empire, the police of Berlin and of some twenty large towns are State forces and the country districts are patrolled by a State gendarmerie. In other towns, including a few of large population, there is a municipal force, but its Chief is appointed either by the Government or by the burgomaster whose own appointment is subject to Government approval. Everywhere the police must conform to regulations issued by the Minister of the Interior and everywhere the

police are, as Mr. Fosdick remarks, 'impervious to public opinion,'¹ to an extent which would be intolerable in England.

. After this brief review of the police systems of these four countries, it will be well before turning to England to put the question: what on general considerations would be the best practicable system? I assume that it must be in some way a compromise between imperial and local control. To exclude all local co-operation would be contrary to the genius of the English people, while no one would wish to revert to the chaotic system of local independence which survives in America.

I suggest that, on general considerations and apart from historical factors, the requirements of a good system would be something like the following:

1. The central government should have complete control of the police in the seat of government. It would be intolerable that the legislature or the executive should be at the mercy of a police force controlled by a municipal authority which might conceivably come into violent conflict with the national authority.
2. Where there is municipal control of the police the central government should have sufficient over-riding authority to ensure, first, an adequate standard of efficiency in the local police; secondly, effective co-operation between the local forces in matters of common interest, such as the identification of criminals; thirdly, effective assistance by one local force to another in times of emergency; and fourthly, such uniformity in the conditions of service as will avoid rivalry and discontent.
3. It should also be the duty of the central authority to afford the police guidance and sometimes direction in the carrying out of duties imposed on them by law, such, for instance, as the registration of aliens.
4. Subject to the conditions mentioned above, there should be the highest degree possible of local independence. The crime and disorder of a district can be most effectively dealt with by a responsible authority

¹ *European Police Systems*, p. 77.

on the spot; and an emergency can best be met by an authority which can act at once in the face of danger and has not to wait for instructions given on paper reports or to depend on the uncertainties of telephone instructions—however useful the telephone may be for supplying information and advice.

It is worth while to trace the history of the English police system and see how it has come to conform, as on the whole it does conform, to these conditions.

Its beginning was the formation of the Metropolitan Police Force in 1829. Previous to that there had been some attempts to form local forces in a few towns but they were small and their personnel was poor. Manchester had, for instance, in spite of opposition from ratepayers, employed a body of fourteen night watchmen: and in London there were the Bow Street runners, a horse patrol and a river police. A series of Parliamentary Committees had described the appalling prevalence of robberies and other crimes in and around the Metropolis, and shown the hopelessness of dealing with the situation while the local watchmen were employed under statutory powers by no less than seventy separate and independent authorities. In 1829 the Home Secretary, Sir Robert Peel, secured the passing of the Metropolitan Police Act and formed the Metropolitan Police Force, gaining for himself a well deserved memorial in the words 'Bobby' and 'Peeler.' Since then, though it has grown in dignity, in numbers and in the extent of its functions, the Metropolitan force remains in its essential features as he made it, an imperial force, its chief officer appointed by the King, and the regulations under which it acts made or approved by the Home Secretary. As thus constituted, while performing all the duties of a local force in an area of 700 square miles,¹ it is under complete Government control and is responsible for the safety and independence of Parliament and of the executive. It is not, however, for that reason exempt from democratic control. If the Metropolitan

¹ Near the centre of this area, the City of London, one square mile in extent, was left, and still remains, an independent police jurisdiction with the Common Council as the Police Authority. Only since 1918 have the City Police accepted a Government grant and come under Home Office inspection; but close co-operation with the Metropolitan Police has always been maintained.

Police are responsible to the Home Secretary, the Home Secretary is responsible to the House of Commons, the most democratic body in the constitution, and he must answer to the House of Commons for the use he makes of the force. Even in minor matters of local demands and grievances, the ninety-seven Members of Parliament representing areas in the Metropolitan Police District are not likely to be less careful of the interests of their constituents than would be the members of any municipal council.

When the results of the establishment of a consolidated and trained force in the Metropolis had begun to show themselves, the example was rapidly followed. Under the Municipal Corporations Act, 1835, Town Councils were empowered and required to provide police forces under the control of a Watch Committee; and in 1839 similar powers were given in counties to the Justices in Quarter Sessions.¹ It was no doubt on grounds of practical convenience rather than from any deep regard for the principles of local autonomy that the police powers were given to local authorities, and had the local authorities been supine their powers might at one time have been taken over by the national Government. Birmingham alone defied the statutory requirement and refused to establish a police force, and, after the Chartist meetings of 1839 and the Bull Ring Riots, Parliament had to pass an Act which empowered the Home Office to establish a police force in Birmingham under the command of a Commissioner appointed by the Secretary of State, the expense of the force to fall ultimately on local rates. The Act was limited to two years, and by the end of that time the Town Council had made up its mind to appoint a Watch Committee and to take over the police force. Similar Acts were passed for Manchester and Bolton, but in their case only on account of some doubts as to the powers of the respective Councils.

Apart from these exceptional instances of Government intervention, borough forces were at first wholly exempt from Home Office interference, and in counties the Home Secretary's approval was required only in a few definite matters.

¹ These powers are now, under the Local Government Act, 1888, exercised by the Standing Joint Committee of Quarter Sessions and the County Council.

In a few years, however, it became obvious that local autonomy had been carried too far. Some counties failed to establish police forces. Town and county forces alike were isolated: they had no arrangement for mutual support and recognized no centre which could give general guidance and secure co-operation, and some of them were far from efficient. By an Act passed in 1856 the establishment of police was made compulsory in all counties, and the first steps were taken to secure a general standard of efficiency and to bring the forces into closer connection through the action of the Home Office. An Exchequer grant of one-fourth (later increased to one-half) of the cost of pay and clothing was to be given to efficient forces, and Inspectors of Constabulary were appointed to test their efficiency. A strong incentive was thus given to improvement, and the Inspectors not only reported on 'numbers and discipline'—the points on which the Exchequer grant depended—but became the eyes and ears of the Home Office and entered on the task of teaching the weaker forces the methods found to work well in the best ordered forces.

This was the point reached when I joined the Home Office in 1880. Since then I have seen many steps taken towards establishing the position in which county and borough forces, while remaining under local control, are now able to act to a great extent on uniform lines and almost as one organization.

One step in this direction was the abolition of the smallest and least efficient borough forces. The effect of the refusal of the Exchequer grant was to induce some of them to amalgamate with the counties, and some thirty or forty were swept away by the Local Government Act of 1888.

Another step was the introduction of a permanent arrangement by which, in any difficult criminal investigation, the smaller forces could at a moment's notice obtain the assistance of skilled detective officers from Scotland Yard.

Chiefly, however, progress was made on the lines of the issue of circulars by the Home Office to the police about details of administration, about mutual co-operation, about demands for military aid, and generally about police duties, particularly the new duties frequently imposed on them by statute. This

practice led up to the holding of conferences with representative Chief Constables or with representatives of local authorities at which views were exchanged and those matters were brought to the notice of the Home Office on which the police sought authoritative guidance. Conferences followed by the issue of instructions were specially numerous in the three years which preceded the war, when the War Office appealed for the assistance of the police in many of their preparatory measures of defence. After consultations, in which the War Office authorities joined, sometimes also the Admiralty and Board of Trade, definite arrangements were settled and instructions issued as to police action in such matters as Army mobilization, billeting, requisitioning of horses and vehicles, protection of vulnerable points and war intelligence. The Police War Circular, sent out five days before the outbreak of war, dealt with these and similar matters, but on most of them it was only necessary to refer to arrangements already settled and notified: and when the time came for action, the police responded as effectively as they could have done if they had been under one command.

The most important advances towards permanent unified organization came however at the end of the war.

One was a large increase in the Exchequer grant to assist in the increase of police pay given in September 1918—an increase which followed the unfortunate strike but which would equally have been given had there been no strike. The grant was increased to the equivalent of half of the whole cost of the police and was accompanied by new conditions as to efficiency of administration.

The other was the establishment by statute in 1919 of the Police Council, a body on which the Home Secretary meets representatives of the police authorities and of every rank of the police. The Home Secretary was empowered to make regulations, after consultation with this body, regarding pay, allowances, conditions of service and duties, and these regulations were given statutory force. This measure was adopted partly at the instance of the leading police authorities who urged that the police rates of pay should be standardized by the Home Secretary in order to put an end to competitive recruiting,

and partly because of the agitation among the lower ranks of the police who claimed that they should have a voice in the settlement of their pay and conditions of service. It has resulted in the Home Secretary enacting, on the advice of the Council which was on most points unanimous, a comprehensive code dealing with the appointments, promotions, pay, discipline, etc., of all police forces.

The present position, therefore (outside the Metropolis, where the Home Office and the Commissioner are wholly responsible for the efficiency of the police and for their action) is that the local authority is responsible for efficiency, while the responsibility for the action of the police is shared by the Chief Constables and the Magistrates: but this is subject

- (1) to the Police Regulations of the Home Secretary which, based on a wide experience, secure a high degree of uniformity in conditions of service and in duties;
- (2) to a supervision of administration by the Home Office exercised through its Inspectors, and
- (3) to constant advice and direction as to duties from the Home Office—not given on the personal views of the Home Secretary and his staff, but on the collected wisdom of police authorities, police officers, H.M. Inspectors and the administrative officers of the Department.

So much for the relations of the National Government of this country to the local police authorities. It remains to consider the relations of the Chief Officer of Police to the police authority whom he serves, whether national or local. These necessarily differ widely if the police authority is a Minister of State or a popularly elected Committee.

The simplest case would seem to be that of the Metropolitan Police—the Commissioner is the Chief Officer and he has only one official superior, the Home Secretary—yet curiously enough the question of their relations has in the Metropolitan Police led to acute public controversy. Twice it has happened that a Commissioner of Police, relying on his position as a statutory officer appointed by the Crown and disregarding the statutory provisions which require him to

take his instructions from the Home Secretary, has attempted to set the Home Secretary at defiance. It is not necessary now to discuss these controversies which ended on each occasion in the Commissioner's resignation. What is important is that the principles which ought to control their relations were laid down by Sir William Harcourt, himself a former Home Secretary, in the House of Commons, and with the full approval of the House. 'It is quite plain,' he said, 'that the intention of the legislature was to put the police force under the authority of the Secretary of State and to hold him responsible, not for every detail of the management of the force, but in regard to the general policy of the police in the discharge of their duty.' And again, 'The Commissioner is the man who knows the force under him, what is its work and how it can best be accomplished: but for the policy of the police, so to speak, the Secretary of State must be, and is, solely responsible. A Secretary of State who interfered unduly with the executive authority of the Commissioner would be extremely unwise.'

No words could better define the relationship, provided the term 'policy' is not misunderstood. In any directions the Home Secretary may give to the police he cannot interfere with their primary legal duties—to suppress crime and to maintain order. These are matters of law not of policy. 'Policy' can only refer to the means and methods of carrying out these duties and to the preparations to be made for doing this effectively. The same words, in their broadest sense, ought also to apply to the local authority and the Chief Officer of Police. 'The Chief Officer is, or ought to be, 'the man who knows the force under him, what is its work and how it can best be accomplished,' and any police authority 'who interfered unduly with the executive authority of the Chief Officer would be extremely unwise.' But the position is more complicated. The Chief Officer of a borough force has no statutory position to enable him to resist undue interference by an ignorant or meddling Watch Committee, and it is only in the greater and stronger municipalities that the Watch Committee can be relied on to recognize the practical limits to its own jurisdiction. Moreover, both in counties and boroughs the Chief Constable has to obey, not only the local police authority,

but also in some matters the Magistrates who are jointly responsible for the preservation of order, and the Home Secretary, whose regulations have statutory force and whose instructions can never safely be disregarded.

The position, complicated as it is, may be stated in a few words. First of all, there is the primary legal obligation on all concerned to maintain order and suppress crime and to use all available and appropriate means for this purpose. The police authority must therefore maintain a reasonably strong and efficient force, but it ought not, generally speaking, to interfere with the use made of that force by a capable Chief Constable: only if the Chief Constable fails in his duty should the authority, in the exercise of its disciplinary powers, call him to account. The Chief Constable is responsible for the measures he takes to suppress disorder and crime by the use of the force provided by the police authority: but in so doing he must act in co-operation with the Magistrates who are also responsible in this matter, and who in particular have authority to call for military aid and, if the necessity should arise, to authorize military action. Further, he must obey the statutory Police Regulations, and in many other matters he must conform to the instructions or advice of the Home Secretary, particularly in matters where uniform action among all police forces is required or where immediate co-operation with another police force is demanded.

This position is not an easy one for Chief Officers, and it speaks well for them that conflicts of authority so rarely occur. It would not be easy to suggest any means of simplifying it, even if the Chief Constable's own position were made more definite. The police authority must remain the authority in matters within its proper sphere. The Magistrates cannot be ousted of their powers and in practice their support almost always strengthens the Chief Officer's hands. The Home Secretary's general supervision and direction becomes more and more necessary as the structure of society becomes more complex and inter-communication throughout the country becomes more easy and rapid: and such supervision is more than ever called for as the area of possible trouble, such as a general strike, becomes more widely extended. The fact is

that in this, as in so many other matters, the day of the solitary director of affairs, whether an individual or a committee, is past; and that under modern conditions team work is essential. When a difficult situation arises the local authority, the Chief of Police, the Magistrates and the Home Office must work together: and the Home Office has no more essential duty than in consultation with the others to prepare beforehand for consistent and united action.

This system is one well suited on the whole to the conditions of this country and to the national character. No one could wish to exchange it for the American system of unrestricted local autonomy. That would mean the loss of all attempt at effective co-operation and consistent procedure. It would also mean the breaking up of the Metropolitan Police into a dozen forces under separate local authorities with enormous loss of efficiency; and it would compel the Government to secure its own safety and independence either by military force or by providing a special police, expensive, without local duties, superfluous in ordinary times and probably insufficient to meet a great emergency. Nor, on the other hand, would this country tolerate the Italian system of a great bureaucratic semi-military force wholly under central control and divorced from local criticism and local support. France and Germany give us examples of a compromise between imperial and local control, suited no doubt to the conditions of these countries and to the temper of their people, but unsuited to ours, and involving elaborate arrangements, specially elaborate in Germany, compared with which our system is simplicity itself.

The English system has grown up naturally, adapting itself from time to time to changing conditions, and in the future there will no doubt be further developments arising in the same natural way. One change for instance which has been going forward for many years may go still further—the union of forces acting in homogeneous areas. There would be definite gain of efficiency if the tendency to merge the smaller boroughs in the county were carried further: and still more if there were union of the forces acting in large populous areas. Such a union has actually occurred where adjoining

but also in some matters the Magistrates who are jointly responsible for the preservation of order, and the Home Secretary, whose regulations have statutory force and whose instructions can never safely be disregarded.

The position, complicated as it is, may be stated in a few words. First of all, there is the primary legal obligation on all concerned to maintain order and suppress crime and to use all available and appropriate means for this purpose. The police authority must therefore maintain a reasonably strong and efficient force, but it ought not, generally speaking, to interfere with the use made of that force by a capable Chief Constable: only if the Chief Constable fails in his duty should the authority, in the exercise of its disciplinary powers, call him to account. The Chief Constable is responsible for the measures he takes to suppress disorder and crime by the use of the force provided by the police authority: but in so doing he must act in co-operation with the Magistrates who are also responsible in this matter, and who in particular have authority to call for military aid and, if the necessity should arise, to authorize military action. Further, he must obey the statutory Police Regulations, and in many other matters he must conform to the instructions or advice of the Home Secretary, particularly in matters where uniform action among all police forces is required or where immediate co-operation with another police force is demanded.

This position is not an easy one for Chief Officers, and it speaks well for them that conflicts of authority so rarely occur. It would not be easy to suggest any means of simplifying it, even if the Chief Constable's own position were made more definite. The police authority must remain the authority in matters within its proper sphere. The Magistrates cannot be ousted of their powers and in practice their support almost always strengthens the Chief Officer's hands. The Home Secretary's general supervision and direction becomes more and more necessary as the structure of society becomes more complex and inter-communication throughout the country becomes more easy and rapid: and such supervision is more than ever called for as the area of possible trouble, such as a general strike, becomes more widely extended. The fact is

that in this, as in so many other matters, the day of the solitary director of affairs, whether an individual or a committee, is past; and that under modern conditions team work is essential. When a difficult situation arises the local authority, the Chief of Police, the Magistrates and the Home Office must work together: and the Home Office has no more essential duty than in consultation with the others to prepare beforehand for consistent and united action.

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boroughs have been merged in one as at Stoke and Plymouth, and where complete merger of adjoining boroughs is not possible, there might well be a union of the police forces under a joint Police Committee. Another change, more remote perhaps, would be one which would give the Magistracy, who have so large a responsibility in the matter of public order, a place in the police authority of boroughs similar to that which they have in the police authority of counties. In any event future development will be of the nature of growth rather than of revolution, and no attempt is likely to succeed which aims at a radical change of system either in the direction of complete Government control or of complete local disunion.

I think that the words used in the House of Commons in describing the relationship of the Home Secretary to the police as 'a curious kind of supervisory power' were unfortunate. The relation is not 'curious' in any other sense than that it is, like many things in the British constitution, difficult to define in precise terms: but, whatever the difficulty of definition, it represents in practice a successful reconciliation of the two principles of central guidance and control and of local initiative and responsibility.

Equally inappropriate were some remarks made by an officer who had held a high post in the Indian Police in a letter to the *Times*¹ in which he described our local police forces as a 'patchwork,' and as working 'in more or less watertight compartments.' They are a 'patchwork' only if England is to be described as a patchwork of towns and counties; and they have long since ceased to work in watertight compartments. The change which he urged to one Government service like the 'Posts and Telegraphs' would have some advantages no doubt, but they would be outweighed by far greater disadvantages: and no such change need be contemplated so long as the Home Office exercises its paternal powers with good sense and consideration and so long as the police forces act as they do now, loyally assisting one another and loyally co-operating with the Home Office in carrying out a broad policy of uniform conditions and unified action.

¹ *Times*, 30th November, 1926.

The Genesis, Aims and Scope of the Police Federation System of England and Wales

By CONSTABLE J. M. BRANTHWAITE,

Metropolitan Police

Chairman of the Joint Central Committee, Police Federation of England and Wales

THE character of the police service, like that of all human institutions, does not remain static or stagnant. Naturally and necessarily the service changes, both in the form of its organization and in the nature of its work, according to the needs of the changing times as seen by those who take part in it and those who are responsible for its maintenance. It progresses and improves or it becomes obsolescent and decays. It has at least to keep pace, and new and unfamiliar as the idea may seem at first there is no reason why on many occasions and in many ways it should not set it. Much depends upon those who take part in it. The police force is at the same time fundamentally a symbol and instrument of civilization. All order and progress must have for their basis full acceptance of the principle of police and all that that implies. The principle of police is that law must be carried into effect. Law is the condition of human society, and police are the condition of the law. Police give effect and authority to the will and judgment of the community as expressed in law, as against the will and judgment of the individual. Where the instincts and activities of the individual become inimical to the community, they have to be dealt with and, if necessary, suppressed. Malefactors must be brought to book. The law is not perfect or complete—nothing ever is or can be—but it is the corner-stone of civilization and represents, with the endorsement of communities, the results of the genius of the most enlightened and

discerning of the human race. The law may be an 'hass,' but it has a heavy load to bear. It is well within the scope of police to make an important and valuable contribution in the interests of law in all the multiform aspects of its maintenance and development.

That the police service has accomplished and maintains progress is the conviction of all who are engaged in it, and that this will be still further developed and improved is their determination. The police service and the police system of this country have become truly popular. That is to say they are regarded by the population as a whole, without regard to wealth or position, as being designed and carried out in the true interests of every member of the community. The law and its officers have gained the unequivocal trust and respect of the people, and both fear and contempt are notably absent. This is a great achievement and a great credit, and is, so far as reading and observation and the testimony of visitors from all countries go, outstanding in the world. In the associated countries which are known as the Empire it is natural, almost inevitable, that development should be along similar lines. Crime and criminals are unpopular, and the chances of immunity of the real lawbreakers are very small. Smaller still are the chances of persecution or wrongful prosecution of the innocent and well-intentioned.

The attitude and outlook of the people have constantly changed. Laws, the nature of crime and the methods of police have also changed. With the advances in education and the general raising of the standards of the people there is less tendency towards violence and disorder in public and private life, and very little stomach for it when it does occur. The function of police is to stand out firm and fair as a rock above and against disorder wherever and in whatever circumstances it may appear. This attitude and this example may have a greater and more important effect in revealing the futility and absurdity of such proceedings than is commonly conceived. At all events it is to the credit of the police service and the policy of those responsible for it, and is to be noted as important progress.

With the complications of modern society and the funda-

mental and far-reaching changes which are involved, many new duties are constantly being given to police, and they are becoming important in innumerable ways which could not be foreseen. The old conceptions of the police and their duties have been revolutionized, and all to the advantage of the community. Police, it is quite safe to say, are becoming more and more an indispensable part in the organization of society, and in the ordered life and progress of the nation. The Police Service has become a profession which demands the best material available, men of physique, character and moral excellence, and animated by the highest conception of duty and public service. It also requires balance and brains—and courage, initiative and courtesy to use them. *The Police Journal* itself is nothing if it is not evidence of the growing needs of the forces within the Empire and a well-considered attempt to meet them. Anything which is designed to promote the well-being and efficiency of the service is to be welcomed, and the nature, aims and scope of the Police Federation of England and Wales deserve full consideration. A similar Federation is also in being for the forces of Scotland, and what is said here of one may also apply to the other in a large and general measure.

The Police Federation of England and Wales owes its being to the crisis in police affairs which developed during the War and culminated in 1918. The causes were mainly economic, although there were other contributory factors of a less directly material character. Prior to 1914 there had been intermittent agitation for the right to confer and for an association of some kind to safeguard the interests of members of the police forces, and, presumably, to promote a good understanding with the authorities and the general public.

These activities towards combination were not countenanced by the authorities and often led to trouble for the men concerned. Every trouble which arose naturally grew, and incidents were often distorted out of their real significance. With the War came unexampled national activity and seeming prosperity which was probably not regarded at the time by the bulk of the population as being necessarily abnormal and temporary in character, and which in any case produced a

tremendous effect upon the people. Police were among the poorest sections of the community and incidentally were quite unorganized for the purpose of representing themselves. Having heavy duties of the utmost importance and responsibility to perform, they received less, in a great number of cases, than would keep them out of dire straits to subsist. They saw almost everybody earning more and living under much better conditions than themselves. Questions were raised in Parliament and in the Press from time to time by outside people, but these methods did not remedy the position. There grew up a great pile of troubles and a sense of aggrievement which to an unprecedented extent began to affect everybody and created an enormous degree of discontent. A Union was formed and sprang up in spite of prohibitions, and soon almost everybody belonged to it and was ready to carry out the directions of those in control. A serious strike occurred which was dangerous in all its aspects to all concerned. That was settled, but the situation which developed very quickly assumed a character intolerable from every point of view. Morale, discipline, service and everything suffered. The body of the men themselves were not disaffected, but their morale had been undermined by the conditions, and there was little or nothing to induce them to realize the problems and requirements of the administration of a great public service. Such a situation provided great opportunities for agitators to assert themselves, although possessing neither ideas nor ideals to carry them through. The whole thing was ruinous.

The committee presided over by Lord Desborough was appointed and made the most exhaustive and complete inquiry ever held into police conditions as a whole. They were given the widest scope and the authorities were unusually pledged to their findings. It was a bold and strong step, but necessary to tackle the situation. The committee, served by some of the ablest officials at the Home Office, went about their task in the most thorough fashion. Their findings were regarded by some as being almost revolutionary, as, indeed, they were in some respects. But it was the type of ordered and agreed revolution that saves situations, makes progress and is productive of nothing but good. As a result of the recommenda-

tions of the committee substantial improvements were made in pay and pensions, and standard scales were introduced for the whole of the forces. Conditions of service generally, including questions of discipline and promotion, were also fully dealt with in the Committee's Report, and provision was made by the Government for an organization to enable the men to confer and to make their representations to, and be consulted by, the authorities on all matters affecting welfare and efficiency. It was also enacted that the Union must cease. It did cease, and the manner of its taking off was unfortunate, perhaps unnecessarily so in many respects, for a large number of men who if they suffered did so for a well-meaning, perhaps, but misconceived idea of loyalty. The division between the Union and the authorities had become so wide that a bridge was impossible and a struggle inevitable. Its conclusion also was inevitable, as either the Government or the Union had to cease. The strike which was attempted in 1919 was, therefore, something less and worse than a forlorn hope, and resulted in defeat for those who took part in it. The Union disappeared. It would be useful from no point of view to condemn it as wholly discreditable. It was a surprising venture which gathered practically all within its ranks and had remarkable results. But it reached a position which was impossible of tenure in itself and from which it could neither advance nor retreat; and, consciously or unconsciously, the subversive delusion crept in that the supersession of constituted authority was possible and desirable. It may be said that the occasion and circumstances of its birth were exceptional and abnormal, but it must be remembered that exceptional and abnormal times always recur and test the virility and fitness of all institutions and forms of life. Experiences are without meaning or purpose if we neglect or forget or fail to assimilate their teaching that dangers and disasters always attend when we lose or go beyond the edge of control.

The Police Federation as constituted under the Police Act, 1919, followed closely the recommendations of the Desborough Committee. It was a model scheme and the result of full inquiry and consideration. In the words of the Act it was established 'For the purpose of enabling the

members of the police forces of England and Wales to consider and bring to the notice of the police authorities and the Secretary of State all the matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals.' It is notable that it is an organization constituted under statutory authority and this has been of definite advantage apart from the fact that it was essential to the scheme of representation as a whole. It consists of all members for the time being of the police forces of England and Wales below the rank of Superintendent, and acts through local and central representative bodies. Each force has a Branch Board for each of the ranks of constable, sergeant and inspector.

Members of Branch Boards are elected annually in October to serve for one year from the 1st November to the 31st October. Where the strength of any rank in a force does not exceed seven all the members form the Board; where it does not exceed two hundred, five members are elected; and where it exceeds two hundred, seven members are elected to form the Board. In the Metropolitan Police, or any other force having more than three divisions, each division elects a member to the Board of each rank. In the case of the Metropolitan Police the Commissioner's Office (Uniform Branch), the Public Carriage Department and the Criminal Investigation Department are treated as separate divisions, and arrangements are also made to elect a constables' representative at each station, and a sergeants' in each subdivision, these acting also as Divisional Committees. The Metropolitan Branch Boards elect Executive Committees which function importantly in the general scheme. Branch Boards meet quarterly, but additional meetings may be held with the consent of the Chief Officer of Police. They may sit separately or jointly by agreement, either for any special purpose or regularly for all purposes of common interest. The common practice is that they sit separately for separate purposes and jointly for all common purposes. The matter is left entirely to the judgment of the Boards, and this has worked well and given general satisfaction. Branch Boards are in first contact with the members of their forces and deal with all

matters that arise. They may make representations to their chief officers, police authorities and, in addition, to the Secretary of State. Local representations are made in writing or by interview as occasion may require, both methods having their advantages. The Boards are also in touch with the Central Committees mentioned below and are able at all times to submit their views to them and seek advice or assistance on any questions which arise.

The central conferences are held in November each year and last two days, and each Branch Board elects a delegate or delegates. Where the authorized strength of the force is less than two hundred, each Board elects one delegate; where it is between two hundred and five hundred, two delegates; between five hundred and one thousand, three delegates; and over one thousand, four delegates. The Metropolitan Boards have as many delegates as there are members of the Boards. Delegates need not be members of the Boards, but must be elected by them and must be members of the force represented. The only function ascribed by the statute to the conferences is to elect the Central Committees, but in practice their functions are many and varied. They act as clearing houses and in the two days accomplish purposes which could not otherwise be fulfilled in as many years, if at all. Representatives are able to explain their work and elucidate all questions in connection with it, and there is opportunity for every question of common interest and importance to be fully discussed and a reasoned and practical attitude adopted throughout the service. All matters relating to the internal affairs of the organization are dealt with, and guidance and a sense of direction and responsibility are obtained all round. No statutory provision has been made for the conferences to sit jointly; but they have consistently done so by agreement and with the approval of the Secretary of State, and with beneficial results. The Joint Conference, of course, cannot bind the separate conferences or the Central Committees, each committee being responsible primarily to its own conference.

Each conference elects from its members a Central Committee of six, two of whom are elected by the Metropolitan and City of London delegates, two by the County delegates, and two

by the delegates of the Cities and Boroughs. The Central Committees are the executives of the Federation, and meet once in every two months. Additional meetings may be approved by the Secretary of State. The three committees, or any two of them, may by agreement sit together as a Joint Committee, and they also may be summoned to sit as a Joint Committee by the Secretary of State for the consideration of any question referred to them by him. As a regular practice all the committees sit first separately for the purposes of their separate business and to preserve their special relationship and responsibility to their own conferences, and then jointly for all purposes of common interest. They are able to act independently as well as jointly, and thus, so to speak, obtain the best of both worlds. This may seem complicated, but there has been very little difficulty, and the system has proved surprisingly successful and satisfactory from every point of view. The committees may make representations in writing to the Secretary of State, and on matters of importance the Secretary of State gives any committee or a deputation from it a personal hearing. The work of the committees is responsible and important, and they have to be prepared not only to express views previously formed but to weigh all considerations which may present themselves. For general guidance they have the opinions and resolutions of the conferences, but these do not and cannot cover all the ground. New situations develop and fresh information and arguments invariably accompany them, and these have to be met by the representatives to the best of their abilities in the interests of those whom they serve and of the service as a whole. A representative and a Central Committee have both therefore to be on their mettle to avoid occupying at some time or other the almost inevitable position of 'whipping-boy.' This is salutary in its effect and by no means a disadvantage on the whole. The committees have also to carry on all the internal work of the organization with its many interests throughout the year, and act as guides and advisers to Branch Boards generally in all their local difficulties. A feature of the work of the Joint Central Committee are the meetings which have come to be held in different parts of the country. At the invitation of the local Boards the Joint

Central Committee holds its meeting there, and in conjunction with it a meeting is arranged, open to all members of the Federation from surrounding forces and by invitation to chief officers of police, superintendents, members of police authorities and other public men interested in police administration and affairs. These meetings have enabled all parties to come together and get to know and understand the aims and interests of one another. Misconception and mistrust have been cleared away on all sides and real progress made in the interests of the police and the community.

Each Branch Board, Central Conference and Central Committee elects from its own members a Chairman and Secretary, and the Chairman has a casting vote; but subject to this and the constitutional provisions of the Police Act, 1919, they are free to regulate their own procedure, including the appointment of committees or sub-committees, and it has been found possible to meet contingencies as they appeared. Except where, in special circumstances, an officer is required for duty for which no substitute is available, leave has to be given for attendance at meetings duly held, and all such attendances are deemed to be occasions of police duty for the purpose of allowances and expenses. All members of the forces are entitled to vote on equal terms, and statutory provisions apply as to secret ballot; but subject to this all the bodies have wide scope to regulate the mode of elections and the filling of vacancies. Representation on the constituent bodies of the Federation is in no sense strictly proportionate, but it has proved broadly reliable and effective. Narrow majorities carry no undue weight and do not impede the Federation in its function of indicating to the authorities, as accurately as possible, the attitude and the volume and strength of feeling of the members of the forces on any questions which arise. Neither do the complications in regard to the representation of the three ranks produce any effects but those which are of value to all concerned. As to safeguards, representatives may be entirely removed by the members each year. The work carries no material incentives towards office-seeking or office-holding. The wisdom of the event may discredit the judgment of representatives, and any action or decision of

theirs may be repudiated by the bodies to whom they are responsible. Thus they are encouraged to be sound and well considered in all they do.

The Police Federation in every branch is entirely independent of and unassociated with any body or person outside the police service. No member of the service can be or become a member of any Trade Union, or of any association having as its object, or one of its objects, the control of or influence over the pay, pensions or conditions of service of any police force. Any member contravening this is automatically disqualified by statute from continuing to be a member of the force. It is also an offence for any person to cause or attempt to cause disaffection in the police, or to induce or attempt to induce members to withhold their services or commit breaches of discipline, and on the part of a member of the service these offences, in addition to other penalties, involve the loss of pension rights.

As part of the general scheme which included the establishment of the Police Federation, and in order to provide effective means for the standardization of pay and conditions of service and for the greater degree of co-ordination and co-operation which had become necessary, the Police Act, 1919, also gave authority to the Secretary of State to make regulations as to the government, mutual aid, pay, allowances, pensions, clothing, expenses and conditions of service of the members of all police forces within England and Wales, every police authority to comply with the regulations so made. It also provided that before making any such regulations the Secretary of State should submit a draft of them to the Police Council and consider any representations which that council might make, the council to consist of the Joint Central Committee of the Police Federation, or a deputation therefrom, and representatives of chief officers and police authorities as selected by the Secretary of State after consultation with their appropriate associations. The Secretary of State arranges meetings of the council to consider general questions affecting the police. He presides himself or may appoint an officer of the Home Department or other person to preside. The Police Council has acted with authority for all the interests repre-

sented and has been able successfully to advise the Secretary of State on all kinds of regulations and other important matters having for their object the co-ordination of the conditions and working of the forces as a whole. It provides the means for full and free discussion by all parties concerned of all questions affecting the forces, and through it the different interests are brought together and are enabled to gain a useful and working knowledge and understanding of the needs and aims of all. This has had good results for the service, and nothing has occurred to justify in any mind any doubt of the wisdom and value of the idea. On questions which have produced pronounced division of feeling and opinion a sub-committee of the council has usually been appointed to make a thorough investigation into the whole matter, and to report as to the lines upon which a solution might be found, with the result that in the end recommendations to the Secretary of State have often been unanimous, and of such a nature that he has been able to be successfully guided by them. The constitution of the Police Council and the method, manner and results of its working under successive Secretaries of State have been such as would be difficult to improve upon. All sides know that their representations will be subject to the scrutiny and criticism of the others, and indiscreet or ill-judged suggestions receive short shrift at such a tribunal. The effect upon the Federation has been wholesome.

In this general scheme of things then, the aim of the Federation, and it has the scope, is to produce men of poise, self-reliance and loyalty, fully equipped in intellect and physique to meet easily and efficiently all demands made upon them: a force that will take its full and proper place in the life and development of an ordered and law-abiding community and fit in with all that is best in the traditions and ideals of the nation. Our forms of law and methods of administration leave much to personal initiative and responsibility. Common sense has room and opportunity to prevail. All tests, trials and circumstances only prove the inherent courage and strength of the people, and we emerge consistently well. The heart of the nation remains quite sound. Disruptive and destructive elements may exist at the extremities, but they always have

existed and have their purpose to serve. They are not dangerous nor are they likely to be. But problems have to be faced and it is everywhere necessary that real effort be made: that individuals and organizations of every description in modern society look well to themselves—to keep clean and wholesome and efficient, and just and tolerant in all their dealings. New technique must be developed and perfected to meet new needs and situations. Courage and ability are required and must proceed from the individual. There is nothing spent, stale or moribund about the people, and vice, crime, disintegration or decay are nowhere inherent or productive of a resigned or happy state. Pessimism is still easier than optimism, and we are on right lines. In the department of the police much has been done and there is much still to do, and the Federation will undoubtedly play an important part. It will stand for the interests of the men, but it will also work actively for other things. It will work for the service—it will reach the individual and engender in him a sense of responsibility, a pride of calling, a determination to put forth his best. It will produce men who are in the fullest sense members of a great service and not merely automatons performing perfunctory duties and satisfied to avoid punishment and fill in time. Slackness, malingering, venality and discourtesy will be taboo. In belonging to the service of the community the men will realize that they also belong to themselves in the highest sense and will have a voice in their own destiny. They will take a corporate interest in their calling, their well-being and their efficiency. They will be able to realize the problems and needs of administration and co-operate fully in all that is to be done. All this will bring out qualities and ideas which will place the service on the highest level, and enable the authorities to obtain the fullest confidence and the best efforts of the men.

The Iraq Police

A .NOTABLE EXAMPLE OF BRITISH ADMINISTRATIVE
ADAPTABILITY

By LT.-COL. SIR A. T. WILSON,
K.C.I.E., C.S.I., C.M.G., D.S.O.

'Adopt, adapt, improve.'

H.R.H. THE PRINCE OF WALES, 1927.

THE police in Eastern countries whose administrations have been modelled on Western lines, and in some others, bear the same relation to the civil government as do the humble foot-slogging infantry on the battlefield to the other armed forces of the Crown. In the ultimate resort victory in war can be completed, and military predominance ensured, only by the efforts of the individual infantryman, who must in consequence be well armed, well disciplined and intelligent. In like manner, whilst a good police force is no substitute for, and cannot co-exist with, a bad civil government, a good administration cannot perform its functions in the absence of an efficient police force.

When, therefore, it was seen that war with Turkey was inevitable, and when, in consequence, it was decided to occupy Basrah, the Chief Political Officer, Sir P. Z. Cox, who was despatched with the Expeditionary Force from Bombay, took care to take with him an experienced police officer from India with a few competent assistants, mostly drawn from the North-Western Frontier Province, all alike proficient both in colloquial Arabic and Persian. Within a week of the capture of Basrah, Major E. G. Gregson, C.I.E., was appointed Commissioner of Police for the occupied territories, and commenced to enrol constables, and to establish police posts at all important points.

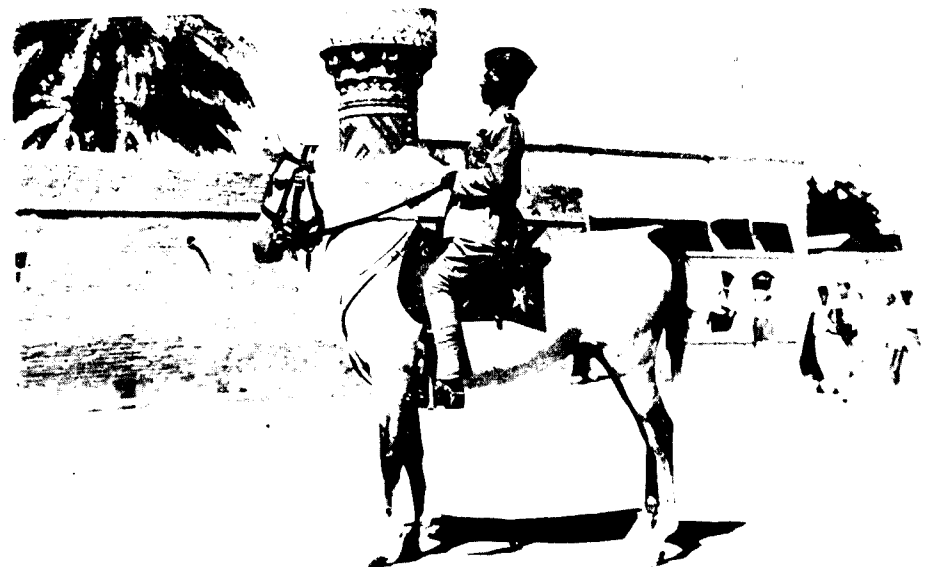
The appointment did not pass unnoticed at Delhi, and the Foreign Department telegraphed privately demurring to the

title of Commissioner, which, in India, is applied only to the Chief of Police in Presidency towns. They were reminded, in reply, that the appointment was made by the General Officer Commanding in the exercise of his creative discretion, and they were invited to refer to Genesis ii. 19. No earlier or higher authority could be quoted, even by the Government of India, and the matter was not pursued further.

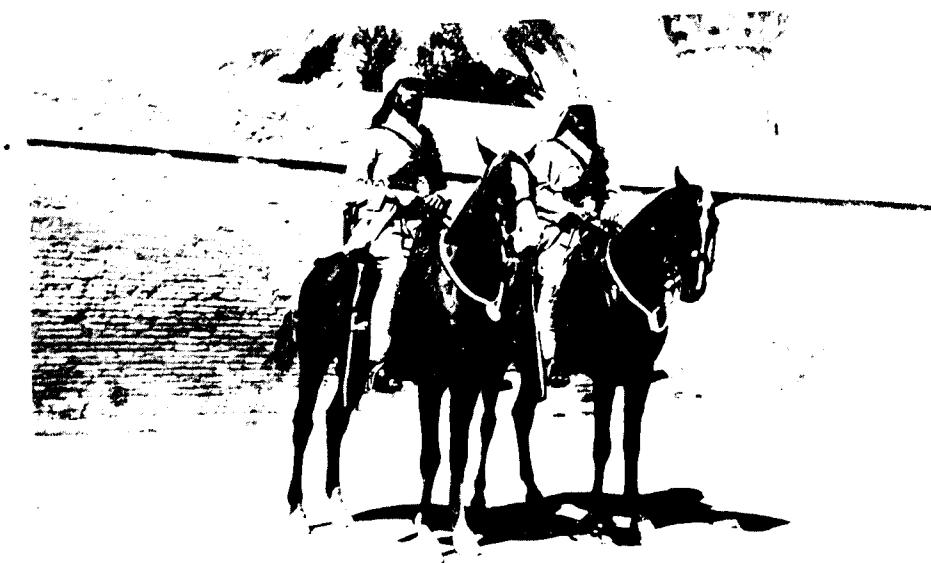
The principle adopted throughout the campaign was to organize a uniformed and disciplined police force in the large towns immediately after occupation by the Army, the maintenance of order in the districts and smaller towns and on the lines of communication being left to district officers, who improvised local levies for the purpose, independently of the regular police, who were thus left free to build up, under the immediate control of experienced officers, a trained and disciplined body of men, from which were drawn, in later years, as occasion demanded, the necessary nucleus of seasoned Station House Officers and constables for the smaller municipalities, whose representatives invariably pressed the administration, within a few weeks of the military occupation, to furnish a detachment of police, for whose services they were always willing and anxious to pay.

For the first three or four years the higher police officers were almost entirely drawn from the ranks of the Indian Police Department, both British and Indian; on the occupation of the Baghdad Wilayat a number of British soldiers with police experience in the United Kingdom were added to the force, partly as Instructors and partly as Station House Officers. The experiment, which was not made without some misgivings, was remarkably successful. The good temper, common sense and impassive dignity of the Metropolitan policemen endeared them from the beginning to all classes. Accustomed to be bullied and beaten by Turkish policemen, whose exiguous salary was perforce supplemented by innumerable petty exactions, the Arabs both in the large towns and in the country-districts saw in these men an *auspiciū melioris ævi*,¹ a worthy embodiment of the new and better *régime* promised them by General Maude in his famous proclamation. The Arab rank and file willingly

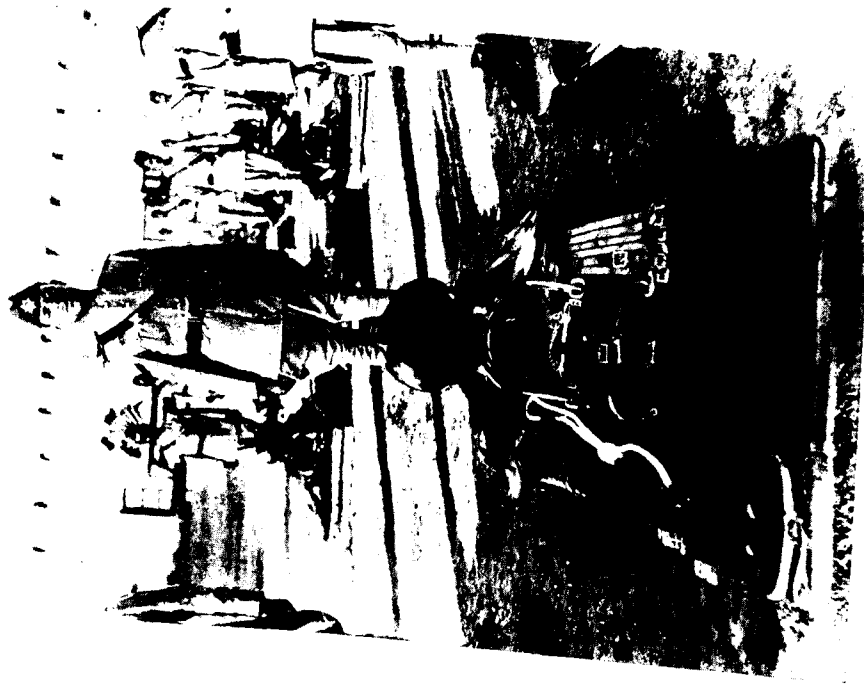
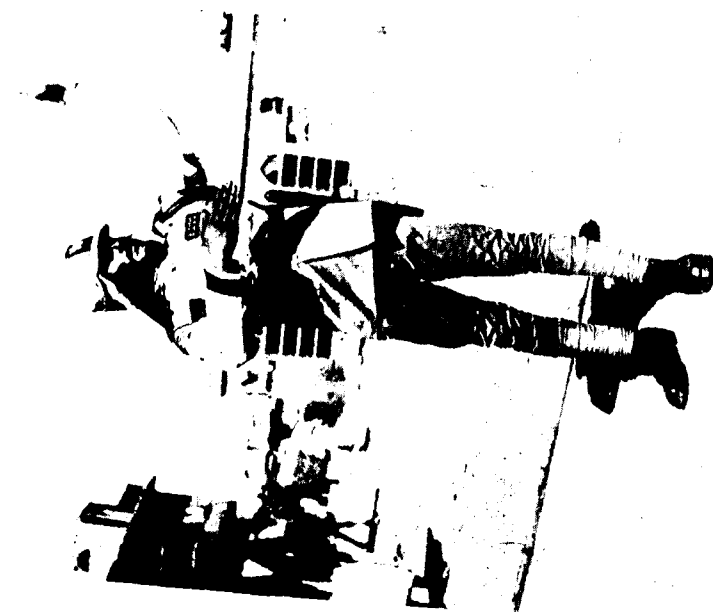
¹The foreshadowing of a better time.



IRAQ MOUNTED POLICE



MOUNTED PATROL
(HOT WEATHER DRESS)

MOUNTED POLICE
(KIT INSPECTION)ON POINT DUTY
(NOTE THE WHITE ARMBAND)

THE IRAQ POLICE

abandoned their national dress for the khaki shorts and puttees which, when the Expeditionary Force first arrived, had been a source of mirth mingled with repugnance; for to the Arab bare knees seemed to befit a man as ill as we in England should consider them to befit a woman. Arab constables on point duty and on parade imitated, to the point of mimicry, but in all seriousness, the very intonations and gestures of their British colleagues, as well as their attitude towards the public; and they found their reward almost immediately in the deference paid to them by the community.

The immediate result of this satisfactory beginning was that by 1919 it began to be possible to enlist a few suitable Arabs of good family for training as police officers, and an Inspectors' Training School was established, where Law, Police Regulations, Drill, Riding, etc., were taught, and several probationers were sent to India to study the finger-print system. This development proved to be the turning point in the growth of the police organization. The Turkish police had had a bad name: men of good family would not enter the service, nor was it generally advisable to draw on men who had been employed as police by the Turks. A small detachment of British-trained Somali police from Aden were of great assistance: Egyptian police were tried, but found unsatisfactory. Up to 1918 the responsible hierarchy of the force had been almost entirely British and Indian; from 1919 the Arab element began to enter in responsible capacities: by 1920 the force had begun to maintain its records in Arabic, Arab police prosecutors began to appear, unaided, in the Courts, and it was possible for the first time to reduce the number of British police sergeants, replacing them by trained Arabs.

The Criminal Investigation Department, which was started on Indian lines in 1917 with branches at Basrah and Baghdad, included within its orbit the Finger-Print Bureau and the Passport Department: to its activities the country owes much, and there is not a member of King Faisal's present Government who would be a party to any reduction in its status or efficiency. The Railway Police, which extends over the whole railway system, is an integral part of the organization, and enjoys popular confidence in a remarkable degree;

the organization of police in oriental countries is admittedly one of the most difficult problems of administration, and constables on railway duty have exceptional temptations to indulge in corrupt practices and petty oppressions, which in the nature of things are more than usually difficult to trace or to repress.

In 1916, when we occupied only the Basrah Wilayat, the total strength of the police force was 400: in 1917, following on the occupation of Baghdad, the strength was 950: at the Armistice in 1918—1430. During 1919 Mosul was taken over, and provided with a regular police force, and the total force in Iraq raised to 2000: during 1920 further additions were made to its duties, and the strength of the force increased to 2638.

A noticeable feature of the revolt of 1920 was the loyalty of the police at every centre: no resignations were tendered, no desire shown by officers or men to shirk the duty of maintaining order in the districts in their charge: in no department was *esprit de corps* more noticeable, or its results more gratifying. It was not therefore surprising that Lt.-Col. H. C. Prescott, C.M.G., C.I.E., who had taken over charge of the force from Lt.-Col. Gregson in 1917 and had been appointed Inspector-General in 1921, was called on greatly to expand the activities of the Department in the following year—with the result that by the end of 1922 the force had more than doubled, and stood at nearly 6000, with an Arab Director-General at its head.

Its numbers to-day stand at about 6800, including 40 Arab Commandants and Assistant Commandants, 183 Arab Inspectors, and some 6500 police, of whom about half are mounted. The British Advisory Staff to-day number only 12; and their number is likely to be further reduced before long.

From this brief survey, from which all technical and administrative details have been purposely omitted, certain salient facts emerge, and certain deductions may legitimately be made.

Iraq is an Arab State, with a hereditary monarch, governed on Western constitutional lines by a Cabinet of Ministers and a Legislative Assembly established immediately after a widespread but unsuccessful revolt, in the suppression of which,

and in the arrests of ringleaders, the police took a prominent part. No provision was made in any negotiations as between the British and Arab Government for the maintenance of the police force at any particular figure, nor for the retention of a given number of British police officers in an advisory capacity.

Yet, six years after the establishment of Arab Government, the police force is twice as strong in numbers as before, and the British police officers, though acting nominally in an advisory capacity, are, by common consent, enabled to exercise, in departmental matters, a degree of control relatively greater than that of any other advisers and are pressed by other departments to extend rather than to contract the responsibilities of the force.

In this connection it should be borne in mind Iraq has to all intents and purposes practically no seaboard, but its land frontiers total nearly 2500 miles: to the south-east the frontier for 50 miles lies through marshes penetrable only by canoes. For another 200 miles the frontier between Persia and Iraq runs along foot-hills and low mountain ranges which constitute no physical obstacle or natural boundary to be observed by the nomadic or semi-nomadic tribes who inhabit the area. For another 300 miles north-east and east the boundary between Iraq and Persia runs amongst lofty mountains intersected by deep gorges. Here again the administrative boundary is not a natural one. To the west the frontier traverses deserts, and separates the Kingdom from Syria and Transjordan, Nejd and Kuwait. To maintain an adequate passport and police system along such a frontier, which is longer in proportion to the population (2½ million) or the area (about 166,000 sq. miles) than that of any country in the world, imposes a heavy tax upon the police.

Nor is this all. Trade routes have to be protected as well as the lines of communication within the country. Iraq has some 600 miles of navigable river open to steam traffic and another 600 miles of river navigable by country craft. Add to this some 600 miles of railway line and nearly 1000 miles of internal motor routes, which are very extensively used by 30,000 or 40,000 pilgrims of half a dozen nationalities every year, including many Indians, and it will be realized that

the responsibilities of the police are very heavy indeed. The problem has been tackled with entire success, and the police are now provided with three armed cars carrying wireless, worked by Iraqi operators trained by the Royal Air Force. These cars, which have been used to accompany mounted police escorting Revenue officials, have made it possible for the latter to make daily progress reports to headquarters and to obtain reinforcements, rations and, when necessary, fresh orders. The two principal external trade and passenger routes—Mosul-Aleppo and Baghdad-Damascus, covering another 1200 miles of desert track not mentioned above, over which some ten thousand passengers travel by car annually in each direction—are also patrolled partly by motor-car, partly by camel and partly by mounted police. Working on these lines it is hoped that it may be possible in the future to reduce the number of police posts and to concentrate the personnel at important centres, whence they can be concentrated in an emergency in any area where a disturbance of the peace is threatened. This is a most important consideration, for religious feeling at times runs very high between Sunni and Shiah, and the possibility of sudden outbursts has always to be borne in mind: to deal with these is the function of the police, not of the Army, whose intervention would often tend to widen the breach between the opposing parties.

The Iraq police system is admittedly closely modelled on that of India: it has been built up exclusively by British officers of the Indian police service, whose services have been retained longer and in proportionately larger numbers in positions of authority than in any other Department.

Almost alone of all other departments of Government in Iraq it has never been 'reorganized' or reconstituted, and the bulk of the British Advisory Staff have completed ten years' service in Iraq. The system started in 1915 and extended in subsequent years is working to-day on almost precisely the same lines as in 1917 when it was first centralized in Baghdad. The Department has been able to enter into friendly co-operation with the corresponding administrations in India, Palestine, Persia, Syria and Turkey, with most satisfactory results, and in Iraq itself has been exceptionally, though not invariably, free

from intervention in matters departmental on the part of political chiefs.

It is legitimate to deduce from these facts:

- (1) that the decision to introduce and to maintain the Indian, as against the Turkish or Egyptian Police system was sound;
- (2) that the Department owes its success to this fact and to the fact that it was founded, and directed throughout, not by amateurs but by police officers *de carrière*, who have been successful in preventing the force from being made the object of experiments in administration either by the earlier British or the present Arab Administration;
- (3) that the present Arab Government, by its favourable attitude towards the police force, has not only greatly strengthened its own hands, but has evinced a sturdy commonsense and strength of mind which contrasts very favourably with the vacillation and wirepulling to be found in many young kingdoms lying between Iraq and Great Britain;
- (4) that the Indian Police Department has good reason to pride itself on the record of its members in Iraq, who have not only succeeded in transplanting such parts of the Indian Police System as are applicable to Iraq, but have contrived to Arabicize¹ it from top to bottom, to master thoroughly the spoken and written tongue of the country and a new code of law, and to earn the respect and gratitude of the Government and population in the process.

It should moreover be borne in mind that the British police officers sent from India were not specially chosen for the purpose in time of peace. On the contrary, they were for the most part unwillingly extracted from a harassed local government during the war, or dragged protesting from Indian

¹ The only Indian officials now in the Iraq Police Force are one in the Passport Office, two in the Finger-Print Department, and two in the Railway Police. The retention of these is essential to deal with the large floating Indian population.

Infantry Regiments to whom they had been attached from the Indian Army Reserve of Officers.

We may be sure that there are as good fish in the sea as ever came out of it—or, as Virgil said of the golden bough, '*primo avulso, non deficit alter aureus*,' and we may well be proud of a service that has produced, almost haphazard, men who are capable, in circumstances the reverse of favourable, of producing such results.

Finally, those doctrinaire publicists who are wont to regard Oriental ideas as the antithesis of Western, and to ascribe all manner of 'political' ills to the Westernizing tendencies of British officials in general, and in Iraq in particular, to their alleged 'Indianizing' tendencies, would do well to reflect that in the record of the Iraq police is to be found a good but by no means unique example of a system founded by British officials on British lines, which has by them been successfully Arabicized, without loss of the British tradition of public service and private rectitude. They will find the service freer from corruption, or from allegations of malpractices, than that of any Eastern country within the writer's knowledge, thanks to the sturdy self-respect of the Arab rank and file, who have thus shown that, given a living wage (though there is room for immediate improvement in this direction), official support, and systematic training, they are as capable as any Western race of doing their duty 'without fear or favour, partiality or affection.'

In this manifestation of qualities long latent and only now developing lies the best hope for the future of an ancient race and a young kingdom.

Discretion in Prosecution

By SIR LEONARD DUNNING, Kt.

H.M. Inspector of Constabulary, England and Wales.

'SHOULD the authority charged with the duty of public prosecution have a free discretion whether proceedings should be taken or not in any case?'

This was among the questions discussed at the Ninth International Prison Congress held in London in 1925. At the request of the President, Sir Evelyn Ruggles-Brise, K.C.B., lately the Chairman of the Prisons Commission for England and Wales, I provided a description of the practice in provincial England and Wales. I do not know why Sir Evelyn did not choose a lawyer for this. I am not a lawyer, and I say advisedly that it was the practice which I described as it presented itself to me during my service as a policeman.

The proceedings of the Congress have been published recently, and I read that the Reporter-General upon this question, a German jurist, quoted with approval the suggestions which I made for the guidance of a police prosecutor. This encourages me to think that those suggestions may be of interest, perhaps of use, to those who may have to exercise the discretion contemplated by the question. The report¹ describes the practice in some other countries, but I venture to prefer our own.

The explanatory notes circulated before the Congress stated that the purpose of the question was to gather information about laws which allow of discretion being used, when an offence has been committed and evidence is available upon which the alleged offender can be prosecuted, and that there were already cases where the legislature had conferred on the

¹ Actes du IX^e Congrès Pénitentiaire International de Londres, Aout 1925, *Procès Verbaux des Séances*, Vol. Ia, pp. 50-61.

prosecuting authority a certain discretion in the execution of its duty.

This presupposes two conditions; the existence of a definite prosecuting authority, and some general principle or particular provision of law that in every such case prosecution must inevitably follow detection, unless the legislature has specifically created a power of discretion.

In England and Wales neither condition exists, at all events in its entirety, and I must try to explain who may be described as the prosecuting authority, and the extent to which there is discretionary power of dealing with an alleged offence otherwise than by prosecution. The explanatory notes word this last question, 'Cannot the prosecution itself be suppressed in certain cases?' but 'suppressing a prosecution' has a sinister sound in English ears, and I prefer the words which I have used.

There is nobody who can be generally described as the prosecuting authority for England and Wales; it is true that the Director of Public Prosecutions, in himself or acting for the Attorney-General or the Treasury Solicitor, is the prosecuting authority within certain limits. I need not describe those limits, as I did for the information of foreign enquirers, because my present readers probably know as well as I the prosecutions which require the fiat of the Attorney-General and those which are entrusted by Statute or by Rule to the Director or the Treasury Solicitor. Nor need I explain the terms Indictable and Non-Indictable Offence, Felony, and Misdemeanour, which I must use in referring to the following figures taken from *Criminal Statistics (England and Wales)*, or in describing powers of arrest and prosecution. But I must emphasize the essential difference between the Tables XVIII. and XIX. from which I quote. The first, Indictable Offences, purports to enumerate offences which came to the knowledge of the police, the number of persons tried, the results of the trials, and in a later column the number of cases in which, though evidence was forthcoming, no prosecution followed. This last distinctly recognizes the exercise of discretion. The second, Non-Indictable Offences, is entirely a table of prosecutions and takes no account whatever of offences committed

but not prosecuted; it throws no light whatever on the question of discretion.

Table XVIII. shows that in 1925, 59,993 persons were tried for Indictable Offences, either actually on indictment or summarily, and Table XIX. that 615,126 persons were tried for Non-Indictable Offences.

Table XVII. shows that the Director prosecuted in 583 Indictable and 66 Non-Indictable cases, and the following note suggests the exercise of discretion—'In addition to the above prosecutions there were 2,222 applications in respect of criminal, or alleged criminal, offences on which the Director did not institute proceedings. Prosecutions followed in 667 cases, and he appeared, made enquiries, or gave advice or assistance in some of the remaining 1,555; in which number were included applications relating to Extradition Cases, Appeals to Quarter Sessions, and Election Petitions, and also miscellaneous matters, the latter being chiefly received from Government Departments.'

If the last figure could be examined in detail, it would probably illustrate what I say later about the differences between Chief Constables; some lean pretty heavily on the Director, others bother him only when constrained by Statute or Rule.

I do not, of course, presume even to speculate about the principles which guide the Director's exercise of discretion, but these figures show that we must look beyond him for those on whose responsibility prosecutions do or do not follow detection, and the first potential prosecutor whom we must consider is the private citizen.

I will not attempt to describe his legal position, but merely say in the words of a layman that in England and Wales the private citizen can, except in the few cases where the fiat of the Attorney-General is necessary, apply for criminal process against any person by whose offence he has suffered in person, in property, or in reputation, that he can do so in certain cases where he personally has not suffered, and that there are offences for which he alone can seek the remedies of the criminal law.

For the purpose of exercising these powers he is clothed

with powers of arrest almost equal to those of the police, and if he fails to exercise those powers he may render himself liable to punishment; while, again speaking as a layman, I will say that the private citizen, if he wishes to do so, may refrain from prosecuting a person whom he knows to have committed an offence against the criminal law, so long as by doing so he himself does not offend.

He might offend against certain laws, whose purpose is to protect the community by preventing corrupt motives from interfering with the proper course of justice. A potential prosecutor by refraining to prosecute may be guilty of the Common Law offence of compounding a felony, which is thus described—

Any person having knowledge that a felony has been committed and entering into an agreement to abstain from prosecuting, or to hinder the ends of justice, is guilty of the offence of compounding a felony, and that offence is not confined to the owner of stolen property.

Or he might be guilty as an accessory—

An accessory after the fact is he who, after an offence is committed, receives, harbours, or assists the principal, knowing him to have committed the offence, and with the intent and design of enabling him to elude the pursuit of justice.

Or he might be guilty of an offence against the Larceny Act 1861, s. 102, which may be shortly described as trying to recover stolen or lost property by advertising the offer of a reward coupled with the promise that no questions will be asked or attempt made to arrest the person who returns the property.

The most usual way in which the potential prosecutor refrains from prosecuting is of course by making no complaint to some definite prosecuting authority, the Director of Public Prosecutions or the police. Nobody can make even the wildest guess at the number of crimes committed which are in this way not brought within official knowledge and statistics. But it very often happens that the person who has suffered by the commission of an offence does complain to the police, but, when the latter have discovered the culprit, declines to go any further with the matter. If the offence is a felony, the police of their own motion can institute proceedings and apply for

process to enforce the attendance of the complainant and other witnesses; but they seldom take this course, unless they think that the prosecution is absolutely necessary in the public interest or that the action of the complainant has been influenced by corrupt motives. Such an exercise of discretion on the part of a complainant is recognized, even if it has no statutory sanction, and, as already stated, many such cases are included in the Criminal Statistics under the heading, 'Crimes of which the perpetrators were detected, but for which no proceedings are shewn.'

One can only speculate about the motives which lead the private citizen to prosecute or to refrain from prosecuting. He may choose the latter from a genuine desire to see the offender treated in some way which may be more effectual as a deterrent from repetition of the offence as well as more merciful. In the many cases of employer and employed the former often regards summary dismissal as the simplest way of meeting the difficulty; and, generally speaking, the private citizen refrains from prosecution to save himself trouble, possible expense, or undesirable publicity.

Having disposed of the Director of Public Prosecutions and the private citizen as prosecutors, we now come to those who as a matter of fact do decide the question in the majority of cases which appear in our Criminal Statistics as Crimes known to the Police (Table XVIII.), of the Non-Indictable Offences which have been the subject of prosecution (Table XIX.), and of the very large number of similar offences which can be and are met by a simple caution without prosecution and do not appear in the Criminal Statistics.

But it is not enough to say that the police decide the question: we must try to describe who actually decides, why he does so, and on what principles he should shape his decisions. To understand the policeman of England and Wales we must go back many centuries to the time when every citizen, in return for the privilege of living in the shelter of the law and enjoying the King's Peace, had to take his turn at 'watch and ward' for the protection of himself and his fellows and join in the 'hue and cry' for the pursuit of offenders. At a later time one was elected to perform these duties in behalf of all,

at first without payment, later for payment. But through all the development of the office of constable, including the reforms of the early part of last century which established the present police forces, the old Common Law duties and powers of the citizen survived. So far as the prosecution of felonies is concerned the powers of the police are the powers of the citizen, and 'with a few exceptions a policeman is a person paid to perform, as a matter of duty, acts which, if he be so minded, he might have done voluntarily' (Sir James Stephen, in *A History of Common Law*, Vol. I. cap. 14). Various Statutes have laid upon the police the duty of prosecuting certain specific offences, and it is not too much to say that, except where it lies definitely upon the Director of Public Prosecutions, or is voluntarily performed by the private citizen, the institution of criminal proceedings is regarded as the duty of the police. Their discretion in prosecuting or refraining from prosecution is limited just as is that of the private citizen and by the obligation, expressed in their declaration of service, to perform their duties without favour or affection, malice or ill-will.

But it is quite impossible to give a general description of the way in which they exercise the discretion contemplated by the question. Though the constable is a servant of the Crown, and his declaration of service runs, 'I do solemnly and sincerely declare and affirm that I will well and truly serve my Sovereign Lord the King in the office of constable,' he is appointed and his duties within certain limits are regulated by local authorities, of whom there are no less than 183 in England and Wales. These include the Secretary of State for Home Affairs as the police authority for the Metropolitan Police District with its establishment of some 20,000 officers and constables, the Standing Joint Committees of sixty counties with establishments varying between 2,014 and sixteen, and the Watch Committees of 123 Cities or Boroughs with establishments varying between 1,732 and eleven. The Secretary of State, besides being the police authority for the Metropolis, exercises powers of criticism over the other authorities through financial arrangements by which the cost of the service is divided between Imperial taxes and local rates. He sometimes indicates the lines upon which some new Statute is to be administered, or

calls attention to some practice followed in the Metropolis which he commends for general guidance. But the actual administration of the criminal law, except in the few instances already referred to, is definitely entrusted to local authorities. Not long ago one who spoke with authority, in describing, I will not say our police system but some details of police administration, said that the genius of government in this country is local government, and there is perhaps no department of government in which local ideas have a larger influence than they have in the administration of the criminal law.

Responsibilities varying to the extent suggested by the establishment figures given above are naturally reflected in the views held by police authorities, and, what is more to the point, by the Chief Constables to whom the actual and detailed administration of the criminal law is entrusted. Some of the latter will take a broader view than others and will boldly try experiments from which others will shrink. These variations appear in the manner in which this discretion in prosecution is exercised in the 183 police districts, and I could only offer to the Reporter-General my personal experience in one district, which I knew well, the City of Liverpool. I do not say for a moment that there was anything original in what I described, and I need not give here the statistical particulars with which I illustrated my account of the practice followed there. I will only quote a few figures to show that Liverpool provided large opportunities for considering the problem of the offender and his treatment, whether it were the thief, the prostitute, the drunkard, or the person who merely offended against some police regulation such as letting his chimney take fire or driving his motor-car the wrong side of a lamp-post. In one of the years from which I drew my illustrations there were prosecuted in Liverpool for every 100,000 of the population 456 for Indictable Offences, and 1,187 for vagrancy, prostitution and drunkenness, while similar figures for some other large urban districts were, for the Metropolitan Police District 212 and 953, for Birmingham 250 and 767, for Cardiff 264 and 181, and for Leeds 186 and 606. In the same year the Liverpool Police had to deal with 1,612 boys and girls under the age of sixteen who had committed offences from burglary

down to wilful damage. I mention these last because it is especially the juvenile offender whose case calls for the most careful discretion in prosecution.

Every year the question whether prosecution was the best way of saving an offender from a repetition of his offence presented itself in one form or another, and it was not always easy to try something else, especially when the old policeman's answer, 'Well, that is the way we've always done it,' had to be met. Take the instance of the would-be suicide: his offence is an indictable misdemeanour, but nowadays is seldom punished by the Courts unless some circumstance, drunkenness perhaps, calls definitely for punishment. But, long after the Courts had adopted a humane policy, the police generally continued the practice of prosecuting the unfortunate victim of circumstances which had made life too hard to bear, just the course which was likely to aggravate his troubles and reduce his chances of making a fresh start. In 1903 the Liverpool Police were instructed that inquiry should always be made into the necessity, and prosecution only followed when there was some definite circumstance calling for punishment or the order of a Court presented the only chance of refuge and asylum for one too weak to stand alone.

In 1916 instructions to the same effect were, with the approval of the Secretary of State, issued to the Metropolitan Police.

In 1921 a Home Office Circular called attention to the practice of the Metropolitan Police and commended it for general adoption. Even then, though a number of Chief Constables in conference expressed their agreement, one protested on the ground that it would encourage the police to discriminate. That was in truth its laudable purpose, though it did not suggest, as the dissentient seemed to fear, that the discrimination should be influenced by the social circumstances of the victim.

This is only one instance, but it cannot be denied that not many years ago, well within my service, the policeman was regarded, by himself as well as others, as being principally a prosecuting agent; the efficiency of a local police force was measured by a comparison between the number of crimes

committed and of persons made amenable to justice; and the lime-light which shines upon a successful prosecution may have led to many a case being met by prosecution instead of by some less showy though more effectual treatment. But wiser counsels have secured better recognition of the idea that *successful prosecution is not in itself the end to be sought, but that it is one of the means of securing the real purpose of a police service, the prevention of crime*. Sometimes the character of the crime, sometimes the character of the offender, demands prosecution in the interests of the community, and the maxim, *salus populi suprema lex*,¹ must be the main guide of the police in their character of prosecutor. But, if they believe that the prosecution is not necessary as an example and warning to others, they may legitimately consider whether the offender may be saved from a repetition of his offence by treating him otherwise than by prosecution.

It was of the words in italics that the Reporter-General wrote—

*Voilà des paroles qui pourraient servir de précepte à la justice pénale de tous les pays!*²

His words must be my excuse for thinking that experience of this question of discretion in prosecution in one district may be of interest or even help in others.

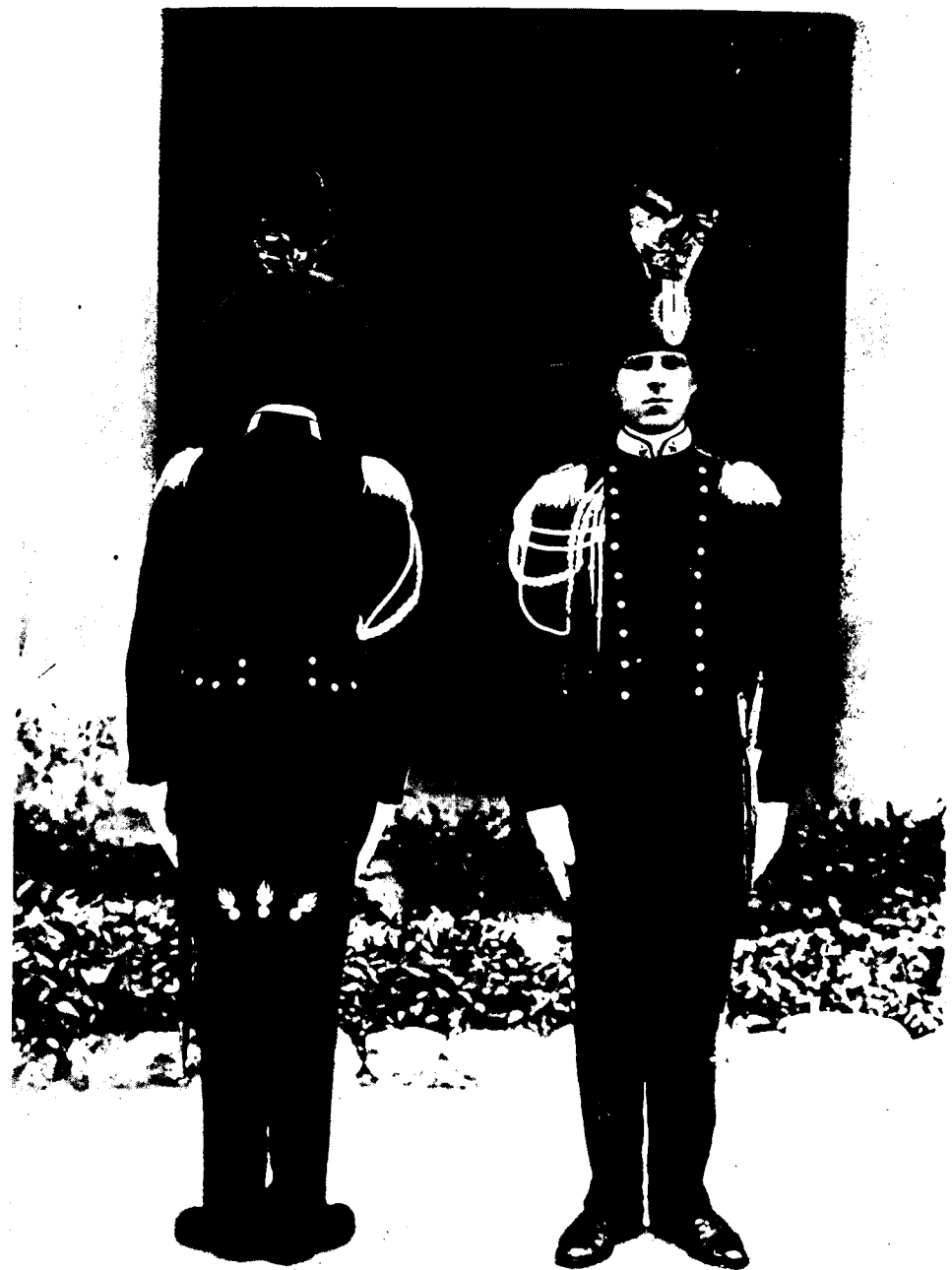
¹ The safety of the people is the supreme law.

² These words should serve as a motto for the criminal law of every country.

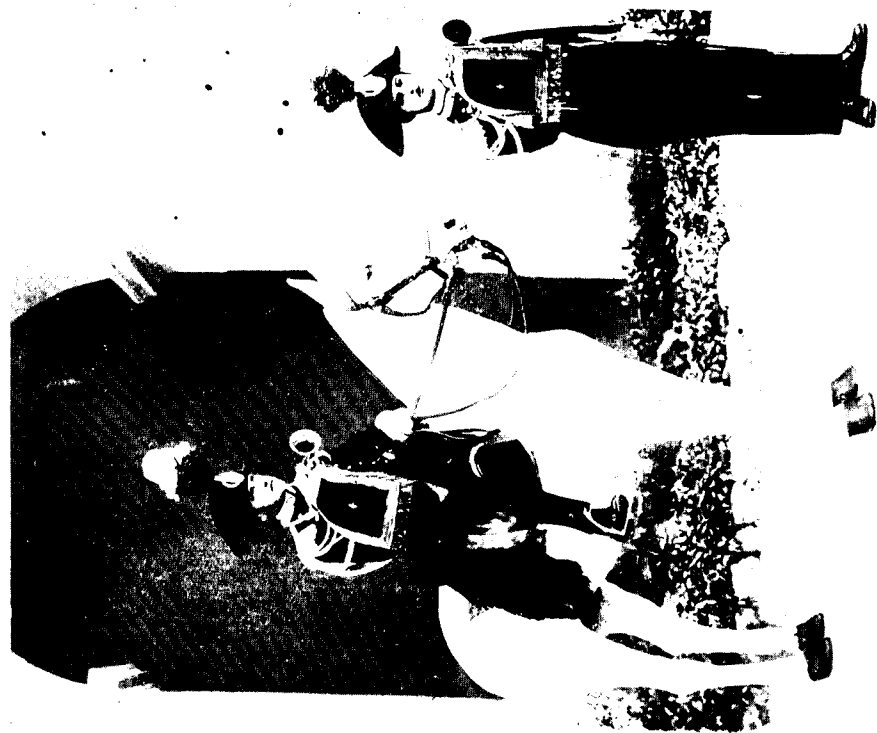
The Royal Carabiniers of Italy

THE first sight which attracts the attention and rouses the curiosity of the visitor to Italy is that of two well set-up men in a characteristic Napoleonic black uniform relieved by red facings, with cocked hats looped up in front and behind. They are 'Carabinieri Reali' or Royal Carabiniers, soldier-policemen who apparently have the gift of ubiquity, as one sees them everywhere. In fact, they are to be found on duty at every railway station, on the quay in every port or harbour, in cities, towns and villages, on country roads, generally on horseback and very well mounted, at street corners and in squares, in theatres and cinemas, outside museums, picture galleries and the ruins or remains of ancient monuments. They are always on duty, day and night. No public function or celebration, no national or religious feast is considered complete without them. The carabinieri, who always go in twos, although so much in evidence are never in the way. Their duty consists in being present without obtruding, and they afford a feeling of security and protection similar to that supplied by a London policeman on his beat.

As a matter of fact the Italian carabinieri challenge comparison with the British Metropolitan police. They are tall, strong men, smart, efficient and calm. In a temperamental country like Italy their calmness is truly remarkable, and it affords the best evidence of their careful training and good discipline. They never get excited even under strong provocation, and consequently they neither shout nor gesticulate. Their prestige is widespread throughout the country where their tact, impartiality, courage and devotion to duty are universally recognized. They are not only respected and obeyed but also admired by all Italians, who call them *benemeriti* or well-deserving men, thus conferring upon



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them a eulogistic nick-name which no other continental police force can boast of.

The carabinieri are to all intents and purposes policemen, but they are organized on a military basis and they form part of the Italian army. They are consequently trained to the use of arms and drilled, but they are only called upon to perform military duties in case of war. Their union to the army is closely maintained in peace time as well. They are controlled by the War Office in the same way as the other branches of the army as regards organization, discipline, administration and equipment, and their military functions include all the operations connected with conscription, military police duties in general and other minor services. The carabinieri are considered as the senior service of the army and as such they take precedence over the other branches or arms of service. At the same time they are given a position of superiority in the police organization of Italy, where the system adopted consists of three separate but closely co-ordinated forces, namely, the Royal Carabinieri, the regular police (generally known as Public Security Guards) and the Municipal Guards whose services are being gradually replaced by the National Militia, a voluntary military force emanating from the Fascist *régime*, the importance of which as an auxiliary police organization has considerably increased recently.

The apparently complicated police system prevailing in Italy cannot be explained with sufficient clearness unless each of its component parts is dealt with separately and at some length. It is a mistake to suppose that the co-existence of the carabinieri and the regular police, whose duties are very similar if not identical, tends to complicate the enforcement of law and order and the prevention and pursuit of crime which constitute the aim and object of both. The functions are kept distinct as much as possible, so that duplication of duties is avoided: co-operation is only resorted to when and if necessary, and criminal investigation, when undertaken by both the carabinieri and the police, becomes exhaustive as different lines of inquiry are followed.

As a rule the police functions of the carabinieri are mainly concerned with the enforcement of law and order in rural

districts. Throughout the length and breadth of Italy, practically in every village and hamlet, however small and isolated, there is a post or 'station' of carabinieri, sometimes composed of only a non-commissioned officer and a couple of men, who are the direct representatives of the Government. In large cities the carabinieri are employed on patrol duty, but not for the regulation of traffic which, with the single exception of Rome, where it is in the hands of the Metropolitan Police, is entrusted to the Municipal Guards. Their powers are equal to those of the regular police even in cities and towns where police headquarters are established under a *Questore*, as the chief of police is still called in Italy after his Roman predecessors the *Quaestores*, and they can and do act independently in arresting criminals and conducting investigations, informing the police and asking for their collaboration when necessary.

The carabinieri are entrusted with all the duties relating to the protection and security of public buildings, such as royal palaces, government offices, state banks, dockyards, naval bases, aerodromes, military establishments, stores, munition factories, dumps, etc. They escort all prisoners to and from the Law Courts where they guard them during trials. They alone are privileged to be on duty in the Italian Courts, and convicted prisoners are entrusted to them only.

In everything connected with their police functions, the enforcement of law and order and public security in general, the carabinieri are under the Home Office. Similarly those detached for duties connected with the Navy and Air Force are under the Ministry of Marine and the Air Ministry. In all cases, however, they receive orders only from their superior officers, to whom therefore all orders connected with the duties of the carabinieri must be communicated beforehand. Thus, for instance, if a naval officer thinks that two carabinieri should patrol a particular place in a dockyard, he cannot order them to do so directly, but he must communicate the order to one of their officers. This rule, based on one of the many privileges accorded to the carabinieri, is strictly adhered to.

The carabinieri are noted for their perfect training and their absolute reliability. These two qualifications, the high

standard of which has been most carefully preserved for over a century, are so universally recognized in Italy that they have become proverbial, and a carabinieri is therefore used as a term of superlative comparison for discipline and dependence. Such qualifications can only be expected in a force of picked men, and obviously the efficiency of the carabinieri is in a great measure due to the unique system of their recruiting. A process of selection has been adopted which guarantees that every man who joins the colours should not only be constitutionally strong, healthy and not liable to ordinary diseases, but that his moral character should be above reproach, his intelligence above the average and his honesty unimpeachable.

In order to attain this object each man taken for voluntary service in the carabinieri must be interviewed by an officer who must ascertain, by means of careful investigations undertaken personally, whether the applicant is eligible for enlistment. Full particulars about the man's character, previous occupations, habits and conduct are secured by the investigating officer whose inquiries are extended to every member of the man's family, including his paternal and maternal grandparents. Evidence of cases of insanity, epilepsy, consumption or other hereditary disease, convictions for both ordinary and political crimes, alcoholism, addiction to drugs, a reputation for dishonesty or immorality in any member of the man's family irrevocably leads to his rejection. The maxim that the antecedents of every carabinieri must be flawless has been upheld since the creation of the corps, and unless the officer's report about any man who applies to join the colours is favourable in every respect his services are not required. As a result of the process of selection adopted for the enlistment of carabinieri, it is possible to train the men most thoroughly and to place the utmost reliance on their efficiency, devotion to duty and honesty. The best certificate of good character in Italy, opening the way to every employment of trust, consists in the discharge papers of a carabinieri. The mere fact that a man served in the Royal Carabinieri is sufficient to prove that his character is excellent, since the rule is followed to transfer a carabinieri to an infantry regiment if at any time after joining the colours it is found out that he has not made good. Such

cases are very rare ; but the rule suffers no exception, so that it follows that all carabinieri are honourably discharged.

The Royal Carabinieri who, as previously stated, are a branch of the Italian army or in other terms an arm of the service, were created by King Victor Emmanuel I. of Savoy in 1814 after the abdication of Napoleon at Fontainebleau, when Piedmont, which had been temporarily absorbed into the French Empire, was restored to its lawful sovereign and the small kingdom of Sardinia reacquired its independence. The king reorganized the old Piedmontese army, reviving its military traditions ; and he established a special corps to replace the French gendarmerie from whose ranks the carabinieri were largely recruited and whose uniform, with but slight modifications, they adopted and have continued to wear ever since.

The original strength of the corps entitled the Royal Carabinieri (so called from the carbines with which they were armed) was 803 rank and file. Their functions were both political and military, and although essentially intended as a police force and therefore concerned with the maintenance of peace and order indispensable for the better government of the State, they were called upon to perform military duties as well. Within a year of their creation, however, the Royal Carabinieri, who had been distributed in detachments of varying strength throughout the kingdom, and had posts or stations in many villages, acquired such popularity that numerous petitions were addressed to the king asking for the establishment of more stations. The strength of the corps was accordingly increased to 2000 rank and file.

The Royal Carabinieri saw active service practically immediately after their creation. They displayed the utmost loyalty and attachment to the House of Savoy during the revolutionary movement promoted by the *carbonari*, and followed King Charles Albert to Novara, returning to Turin after the revolution and sparing no effort towards the re-establishment of order.

During the period, lasting over thirty years, when Piedmont was placed at the head of the national movement that led to the unification of Italy, the Royal Carabinieri, whose organization had been further improved and developed to such an

extent that, with but only slight alterations, it has survived to the present day, took an active and prominent part in all the wars of independence against Austria. The famous charge of three squadrons of mounted carabinieri at Pastrengo saved the life of King Charles Albert, the retreat of whose army they covered after the battle of Custosa. They were present at practically every engagement throughout the war, earning the highest praise for their gallantry and loyalty, and rendering not only invaluable services on the battlefield but also in times of national calamities and disasters, such as, for instance, the cholera epidemic in Piedmont in 1836, the floods of the river Po and its tributaries in the following year, and the cholera outbreak among the Allied troops in the Crimean War where they formed part of the Sardinian Expedition with headquarters at Constantinople.

As Italy gradually became united and independent, the Royal Carabinieri were increased with the addition of the Tuscan, Lombard, Modenese, Sicilian and other police forces, generally gendarmes, thus raising their strength in 1863 to 561 officers and 20,605 men, divided into 14 legions or regiments stationed in the principal cities of the kingdom.

From 1861 onwards the carabinieri were employed in waging an exceptionally arduous war against brigandage in Southern Italy, Sicily, the Abruzzi and in Sardinia. The complete repression of this great scourge lasted over ten years during which the carabinieri freely sacrificed their lives, undiscouraged by almost inhuman difficulties and unsparing of the severity necessary in dealing with some of the most infamous criminals that the world has ever known.

The brigands in Southern Italy were composed of ordinary criminals and disbanded soldiers from the Neapolitan army, and they were secretly paid by the dispossessed King Ferdinand of Bourbon, who had sought refuge in Rome. They received support from prominent noblemen and landowners who sympathized with the Bourbons, from corrupt officials and from the peasants who either were terrorized or profited by selling them food and clothes. As was to be expected the bands of brigands increased to such numbers that they were divided into military formations, companies and battalions,

well-drilled and organized, armed and disciplined, and they were abundantly supplied with ammunition as several factories were purposely established and worked overtime to meet their needs.

The local authorities in and about the province of Naples, then just added to the new kingdom of Italy, could not be relied upon by the Piedmontese, as the Italians were then called, and sufficient troops to undertake with success the energetic suppression of brigandage were not available. The mayors suspected of favouring the brigands were dismissed; those who opposed them were praised, but at the same time they ran the risk of being roasted alive by the brigands. In this dilemma the mayors allowed the brigands to sack and pillage their villages and subsequently asked their permission to call in the Piedmontese as in duty bound, a permission which needless to say was readily granted by the brigands who always escaped when the troops arrived on the scene.

General Cialdini was appointed lieutenant-royal of Naples, and he initiated the repression of brigandage with the utmost energy. He ordered all citizens found armed to be shot at sight, arrested everyone suspected of aiding and abetting them including an archbishop, and attacked the brigands in force, shooting every prisoner taken and burning down their strongholds. When the notorious brigand leaders Chiavone, the Spaniard Borjes, and others had been captured or killed, their followers refused to surrender, knowing the fate that awaited them. They sought refuge in hiding, scattered all over the country, preferably in the mountains, sacking and burning villages, mutilating men, women and children, often resorting to torture by burning them alive, and outraging women. To the carabinieri fell the hard and ungrateful task of ending this campaign of butchery and plunder, and the valour they displayed was truly legendary. It is no exaggeration to state that the carabinieri not only saved their country by suppressing brigandage but rendered a great service to humanity. Unfortunately their services were not sufficiently recognized nor adequately rewarded: in the first place because the repression of brigandage was compared to police operations on a large scale to which the halo of glory attaching to military exploits

on the battlefield is denied, and secondly because the Italians were almost ashamed to admit that brigandage nearly overwhelmed their country, and therefore they were inclined to hush up the heroism of the carabinieri who stamped it out.

It is impossible to relate briefly or even merely to enumerate the valorous exploits of the carabinieri in the war they waged against brigandage, the heavy losses they sustained and the terrible hardships they suffered. But the record was probably held by Chiaffredo Bergia, whose exploits are so wonderful that they cannot be passed over in silence. This man of humble origin, the son of poor peasants in Piedmont, joined the carabinieri in 1860 as a private and died a captain after 35 years' service. He was known as 'the Terror of the Brigands,' owing to the extraordinary number of brigands which he captured or killed. He adopted a very simple method in dealing with brigands, which consisted in concentrating all his efforts on the leader of the band. A year after joining the carabinieri he happened to be one of twelve men who surprised a band fifty strong. Bergia shot dead the leader, disarmed his lieutenant, who rushed on him, and stabbed him with his own dagger, and captured two brigands who were not quick enough in escaping with the others. On another occasion when nearly overpowered by brigands and unable to make use of his arms, he hurled a stone at their leader and used another stone to keep the brigands at bay, stunning and capturing two who tried to close with him. Disguised as a nun he surprised two leaders of a band dividing the spoils of a robbery and succeeded in capturing them both after a hard struggle. He killed and captured so many brigands, generally leaders of bands, that after being awarded seven silver medals for valour he was given a gold medal corresponding to our Victoria Cross. He was promoted to a commissioned officer and within a very short time given the rank of captain. King Victor Emmanuel rewarded him by creating him a knight of the Military Order of Savoy and of the Crown of Italy.

Brigandage in Sicily and Sardinia was to a great extent criminal, the work of outlaws and other fugitives from justice, and its repression took longer and was only accomplished in

comparatively recent times. When brigandage was suppressed, it was replaced by the notorious secret criminal societies known as the Camorra in Naples and the Mafia in Sicily. The former was based on organized smuggling, robbery and blackmail, and became so powerful that it controlled the life of Naples and practically carried on a reign of terror. It took years of struggle to break its power and the carabinieri finally succeeded in arresting fifty of its leaders who had committed a double murder and who were tried at Viterbo in 1911 and sentenced to long terms of imprisonment.

The Mafia or Black Hand was a dangerous secret society which spread from Sicily even to America. It was composed of criminals and organized for the purpose of securing immunity for its members from the consequences of the crimes they committed. It was so powerful that it terrorized Sicily, compelling even prominent people to submit to its rule. Its suppression took more time than that of the Camorra. The carabinieri succeeded in arresting and collecting evidence against many of its prominent members who committed crimes, and as a result considerably diminished its power. The Mafia had such deep roots, however, that its repression would have been impossible had not the carabinieri been given a free hand, which could not be expected from any other government in Italy except the Fascists. Signor Mussolini entrusted the task to the carabinieri about a year ago, and a battalion of picked men were purposely sent to Sicily with a free hand and full powers. Thousands of members of the Mafia have been arrested, including mayors, noblemen, lawyers, landowners, and other even more prominent people, and the Mafia, like the Camorra, has become a relic of the past.

The police and war records of the Royal Carabinieri include the quelling of a serious insurrection that broke out in Sicily in 1866, in the course of which many lost their lives. After taking an active part in the last wars of Italian independence which ended with the occupation of Rome in 1870, the carabinieri were employed in repressing the Anarchist movement during 1894 and 1895 where their losses were equally heavy, and yet as usual they succeeded in restoring law and order.

During the Italo-Abyssinian War the carabinieri were called to perform military duties, and many officers and men were decorated for valour. In Italy's war with Turkey the carabinieri followed the army to North Africa and fought shoulder to shoulder with the regular troops; later they were entrusted with the task of policing the new Italian colony, where at present they have two autonomous commands at Tripoli and Benghazi, with native policemen known as *Zapaties* organized and commanded by carabinieri officers.

On several occasions the Royal Carabinieri have been requested to organize the police forces of foreign countries, a task undertaken and accomplished with great success. The gendarmerie in the island of Crete during the Inter-Allied occupation, the Macedonian police, and the police forces in Chili and in Albania were organized by the carabinieri.

During the Great War, an entire regiment of Royal Carabinieri, besides several squadrons of Mounted Carabinieri, were sent to the front, where at the same time many detachments were entrusted with different services connected with mobilization, field intelligence, military police, communications, transport, etc. In the famous bayonet charge at Podgora on the 19th July, 1915, two battalions of carabinieri, despite the fact that they had been weakened owing to a severe outbreak of cholera in the trenches, covered themselves with glory; and although they suffered heavily, their casualties amounting to nearly forty per cent. of the troops engaged, they held the positions occupied until they were reinforced. The carabinieri were in action also on Mount Sabotino and in other minor engagements, but their services were more needed in the country and behind the front, where occasions to distinguish themselves were not lacking. A brigadier of carabinieri (this rank corresponds to that of sergeant) named Martino Vidali, who was on guard at a munition dump, made the timely discovery of a bomb carefully hidden and on the point of exploding. As its fuse had almost been burnt out and he was unable to pull it off with his fingers, without the slightest hesitation he pulled it out with his teeth, thus averting what would have been a most disastrous explosion. He was decorated with a gold medal for valour corresponding to our Victoria

Cross. The services rendered by the carabinieri during the war were duly recognized and rewarded. The king awarded a gold medal to their regimental colours, a distinction granted but rarely and only to those units whose gallantry was outstanding, and symbolizing a decoration to all the members of the force. The privilege of having their bugles decorated with the royal arms was also accorded by the king to the carabinieri.

The record of the history of the carabinieri, however brief, would be incomplete without mentioning the great services which they rendered to their country during the period immediately following the war, when, owing to widespread discontent, encouraged by a weak Government, Italy was on the brink of a revolution. During this critical period the carabinieri were practically unaided, since the army could not be extensively employed in assisting them without the risk of provoking civil war; and yet, in a country disorganized by revolutionary strikes of such a serious character that they included public services, with reigns of so-called 'Red Terror' at Mantua, Bologna, Ancona and other places, the occupation of the factories in Lombardy and Turin and the institution of Red Guards, the carabinieri succeeded in upholding the authority of the State and preventing a revolution which might have delayed if not rendered impossible the restoration of law and order accomplished by Fascism.

One of the most remarkable characteristic features of the Royal Carabinieri is their faculty in combining severity with gentleness and knowing when the former and the latter are necessary. While in enforcing the law they follow the iron rule and are inexorable in their severity, as brigands, members of the Camorra and the Mafia, revolutionaries, rebels and criminals and evildoers can testify, in public calamities—and unfortunately Italy has had her full share of these—the carabinieri cast off their severity and assume the rôle of good Samaritans with such abundant kindness and charity that their grateful fellow-countrymen have aptly compared them to saints and often blessed them as such. The work done by the carabinieri during the Messina earthquake was so great and unselfish that it baffles description. During the earthquake of Avezzano in the Abruzzi and the eruption of

Vesuvius and on every occasion of floods and other disasters, by their prompt relief and rescue they have actually diminished the number of the victims. In spite of hard and continued work, dropping from fatigue and lack of food, surrounded by crowds of people panic-stricken and excited to the verge of insanity, the carabinieri always retain their calmness and efficiency in aiding suffering humanity just as they do in the performance of their ordinary duties.

The above brief survey of the origin and history of the Royal Carabinieri should necessarily be followed by some particulars about 'their ordinary and habitual functions.' These are naturally most varied and extensive in scope and intention, yet, with but slight alterations rendered necessary owing to changed conditions of service, they have remained substantially the same as enumerated in the Royal Letters Patent of King Charles Felix of Sardinia, dated the 12th October, 1822. Under twenty-four headings the functions of the Royal Carabinieri are very clearly and exhaustively defined and they afford the best proof that police duties have practically remained the same during the last hundred years. A 'blood-stained weapon' found in possession of a person then as now justified the presumption of his guilt and therefore his arrest on suspicion by the carabinieri. Anyone indulging in games of hazard in public or caught in the act of damaging roads and highways, trees, hedges and ditches was to be arrested. Free communication and passage had to be maintained on all highroads, gatherings of a seditious character dispersed and those found in possession of arms arrested. The finding of a corpse 'on the public road, in the country or withdrawn from water' had to be reported and the necessary investigations made. Foreigners had to be watched and their passports examined to see whether they were in order. Hotels, lodging-houses, inns, dancing halls and other public places had to be periodically visited. The presence of the carabinieri was compulsory 'at feasts, fairs, markets and other public reunions' and in cases of fires, floods, earthquakes and other calamities, they were bound to assume the initiative in organizing the necessary rescue and relief work. They were instructed not to arrest any person as a general rule without a warrant, and anyone arrested in the

act of committing a crime or caught red-handed had to be brought before a judge within 24 hours. They were likewise instructed not to enter and search private houses without the necessary warrant unless reasonable suspicion existed that a fugitive from justice had sought refuge therein.

The present strength of the Royal Carabinieri is 1246 officers and 60,000 men, of whom 6000 are mounted, divided into 22 territorial legions or regiments, 2 legions of probationers (*allievi* or scholars), and a school for non-commissioned officers. Each legion has its headquarters in a principal city, generally the capital of a region or a province, and it is divided into divisions or battalions detached to minor towns. The division is composed of companies which are in turn detached to smaller towns or large villages. The so-called stations or posts are scattered throughout Italy. They number over 5000, are under the command of a N.C.O., and their strength varies according to the importance of the commune where they are located. A group of stations is generally subordinate to the nearest sub-division of a company under the command of a lieutenant and hence known as a *tenenza* (lieutenancy).

The Mounted Carabinieri are divided into squadrons. One of 100 troopers does duty as the King's Bodyguard and is generally known as the Royal *Corazzieri*, from the silver breastplates they wear. Squadrons of Mounted Carabinieri are attached to the legions, and mounted men are sent to mountainous stations. The carabinieri officers are selected from the regular army, provided they have the necessary qualifications and the rank of lieutenant. One-third of the officers is selected from N.C.O.'s of carabinieri who pass the necessary examinations for admittance to the ordinary course at the Military College of Modena.

Service in the Royal Carabinieri is by voluntary enlistment, and the pay is not nominal as in the army where service is compulsory. Men called to the colours are allowed to serve in the carabinieri conditionally on their prolonging their period of service to two years instead of eighteen months as in the army, and after six months' probation they become auxiliary carabinieri. All men enlist for three years, the first six months

of which they spend in the Training Legions. The age limit is from 18 to 26. A gratuity of about £20 is given to all men who enlist for three years, and the rate of pay is proportionately increased after the first period of three years, which can be renewed for three other equal periods, during each of which the pay is still further increased. The maximum of twelve years' service is fixed for a private, and the age limits for warrant and non-commissioned officers are purposely kept low so as to insure that the corps be composed of young and therefore strong men. On being discharged from the carabinieri, privates are given the preference if they wish to join the civil police; non-commissioned officers of fifteen years' service are entitled to civil employment under Government, and in special cases pensions are granted for both services.

TIBERINUS.

Some Results of Recent Medico-Legal Research in the Examination of Blood-Stains and Hairs

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POLICE and medico-legal co-operation is most desirable and necessary for the investigation of present day crime. The detective and the medico-legalist have very different duties to perform and problems to elucidate, yet by mutual understanding and assistance the unravelling of crime is rendered more complete and thorough. The writer has been closely associated with members of the Criminal Investigation Department and all ranks of a large police force for a number of years as Lecturer on Medical Jurisprudence to the force. The knowledge which has been assimilated and put into practice by those who have completed the six months' course of lectures and passed the requisite examination has been most gratifying, strengthening the view that police and medico-legal co-operation is of the very highest importance. With the view of enlightening police investigators of crime regarding some of the difficulties encountered by medical jurists and the existing possibilities of modern laboratory technique, this contribution is devoted to certain aspects of medico-legal investigations which have been undertaken personally during the past five years.

The laboratory examination of blood stains is one of the most important tasks which a medical jurist is frequently called upon to undertake in the course of his work. The existing chemical tests, supplemented by those which may be carried out by means of the microscope and spectroscope, are such that a very definite opinion may be given as to whether the

substance composing a stain is blood. In modern medico-legal work, however, it is desirable, and requests from police authorities are frequent, that a definite opinion be expressed as to whether the blood in a stain is that of a human being, as opposed to the blood of other animals belonging to the mammalian group of which man is a member. If the blood is not human blood, in many cases it is important to state the animal from which it came. In order to arrive at these conclusions the Precipitin or Serological Test must be employed. Hauser has stated, and the writer agrees, 'that the responsibility is very great when one makes a forensic blood examination by the sero-diagnostic method, and can only be undertaken by those who are thoroughly conversant with the method and have at their command all the conditions necessary for trustworthy work.' As several thousands of tests under varying conditions have been undertaken personally it would appear profitable to set down, for the information of members of police forces, some facts about this most valuable test for the detection of the origin of blood, in order that they may appreciate the value of the Precipitin Test in medico-legal investigation.

The test is now officially recognized by the law courts of several countries, and in the Forensic Medicine Laboratory at the University of Glasgow it is carried out as a routine in the examination of blood stains in cases of murder and serious assault. When an examiner expresses an opinion that a blood stain is composed of human blood, he shoulders a very grave responsibility, as his finding may, in certain cases, involve the life of an accused person on trial for murder.

Experience, faultless technique and patience are therefore essentials on the part of the investigator. The *rationale* or principle of the Precipitin Test is based upon the fact that by injecting an animal, usually a rabbit, with defibrinated blood (*i.e.*, the serous or clear part of the blood) of an unrelated animal, an antiserum is produced in the rabbit's blood. This antiserum will precipitate the serum of the animal whose blood was injected or of an animal closely related to it. The reaction, known as Precipitation, constitutes the principle of the test. Uhlenhuth and Wassermann should be credited with the distinction of being the first to publish results of tests of

importance in relation to the value of the Precipitin Test and its possibilities in criminal work.

Assume that a blood stain is to be submitted to this test, what is the necessary procedure? The blood serum must be extracted from the stain and brought into solution by the use of a salt solution. The resultant solution must be rendered clear if any haze or cloudiness has developed as the result of dirt or debris from the stain, lest a positive precipitin reaction be masked by an existing haze or turbidity. For medico-legal purposes it is necessary to prepare the solution under test in certain strengths, *e.g.*, $\frac{1}{100}$, $\frac{1}{1000}$, $\frac{1}{5000}$, $\frac{1}{10000}$ and $\frac{1}{20000}$, the object being to have controls by which to estimate the intensity of the reaction. Since a drop of blood upon ordinary absorbent cloth occupies on an average the area of a sixpence, a portion approximating one drop of blood should be excised. When the stains under examination occupy a lesser area than that of a sixpence, an estimation should be made having regard to this rough standard. The determination of the degree of dilution of blood serum is necessary for medico-legal work, as the higher the dilution yielding a positive reaction the more specific is the test. There can be little doubt as to the delicacy of the test. The writer obtained a definitely positive reaction using $\frac{1}{32}$ of a drop of blood diluted to $\frac{1}{20000}$. The required area of stain having been excised or scraped off, depending upon circumstances, it is transferred to a tube containing 6 cubic centimetres of salt solution and allowed to steep for 24 hours. Since each cubic centimetre of saline contains approximately 16 drops, and since the excised stain contains approximately one drop of blood, the resultant dilution is roughly 1 in 100. Having obtained this dilution, it is simple to obtain the other necessary dilutions. Small glass tubes are utilized for testing purposes. When a large number of tests have to be made it is necessary to have a reliable system for the arrangement of the various tubes, the contents of which are to be tested. It is preferable to use ground glass plates on which to arrange the different series of tubes. The tubes are held in a vertical position by means of small pellets of plasticene, into which the ends of the tubes are embedded. This procedure does not obscure the base of the

tube apart from the extreme tip, as the amount of plasticene used is small. The various tubes are given numbers and are divided into different series, depending upon the number of tests to be made. Each series is provided with a distinguishing letter, and numbers are inscribed with a glass writing pencil opposite the various tubes to which they refer. The letters are placed at the commencement of each row. Large numbers of tubes can be placed on one plate. The background for examining the hazes and turbidities present during the earlier stages of a positive reaction is obtained by utilizing a piece of stiff dull black cardboard, which can be placed in any desired position with the hand.

Next we have to consider briefly the antiserum which is obtained by bleeding the rabbit, into whose body human or animal serum has been injected at intervals during several weeks, and thereafter removing the blood clot, as only the clear serous part of the blood is required. It should be understood that if antiserum of the human is to be produced, human serum must have been injected into the rabbit, ox-serum if anti-ox-serum is required, sheep serum if anti-sheep serum is required, and so on.

At the present time supplies of the various prepared antisera are obtainable from more than one firm, thus obviating the trouble of injecting rabbits. The different antisera are contained in small sealed glass tubes. Before using the contents it is necessary to ensure that they are perfectly clear, lest a positive reaction might be simulated by the formation of a turbidity when they are added to the solutions under test; for, if the antiserum used be not clear, it will impart a haze to every clear fluid to which it is added, thereby yielding misleading results. In order to be quite certain regarding the clarity of a given antiserum, it is necessary to add a few drops to a tube containing about half a cubic centimetre of saline. If the salt solution remains clear, the antiserum is in good condition for use in testing. If a haze develops, the antiserum is defective and must be discarded.

The antisera having been found satisfactory, the dilutions of the stain available and the containers or tubes for the fluid under test having been prepared, the test itself may now be

carried out by the addition of the antiserum to the fluid extract from the stain. In the majority of experiments the writer added two drops of antiserum to about half a cubic centimetre of each dilution. When the antiserum is added to a dilution of related blood serum it sinks to the bottom of the tube, and at the points of contact of the two fluids a milky appearance is given almost immediately. This haze increases in time and becomes more dense at the base of the tube and in the lower half of the fluid column. When the reaction is complete, and according to Uhlenhuth this should occur at the end of twenty minutes for medico-legal purposes, the fluid is clouded except in the upper third of the fluid column, and a flocculent deposit or precipitate is usually observed lying at the base of the tube. This deposit is formed by fine granules of precipitin which coalesce to form small white masses, sink to the bottom of the tube, and there collect as a precipitate.

Now let us turn to Plate I. The first set of photographs is descriptive of a positive reaction. Tubes 1-5 (left) contain dilutions of human blood serum extracted from a stain and diluted $\frac{1}{100}$, $\frac{1}{1000}$, $\frac{1}{5000}$, $\frac{1}{10000}$ and $\frac{1}{20000}$ respectively. Anti-human serum has been added. The photographs were taken half-an-hour after the addition of human antiserum. Note the flocculent deposit or precipitate in Tube No. 1, also the haze and smaller deposit in Tubes No. 2-4. Tubes 1-5 (right) show similar results with the same dilutions of human blood serum 30 minutes after the addition of anti-human serum.

In the higher dilutions, a positive reaction is usually demonstrated by the formation of a whitish coloured cloud, but not necessarily by the formation of a precipitate or collection at the base of the tubes unless the tubes are allowed to stand for 24 hours, and even after that period a deposit is frequently absent.

From many experiments conducted it would appear that no hard and fast rule can be enunciated in relation to the exact time when a cloudiness may first develop, nor does this fact appear to be very important in medico-legal work, so long as the reaction is definitely positive within 20 minutes.

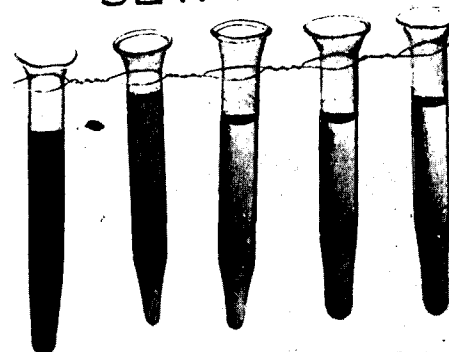
The set of photographs numbered 2 exhibits a negative reaction. Reading from left to right, they show dilutions of

PLATE I

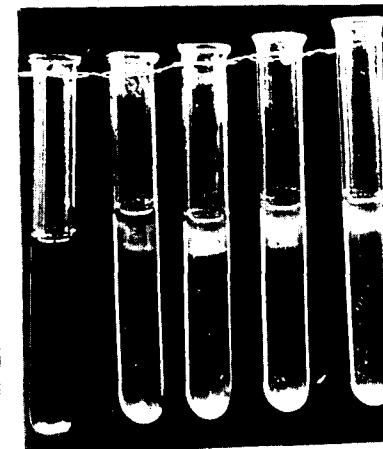
SET. No. 1.



SET. No. 2.



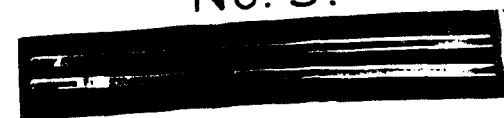
SET. No. 3.

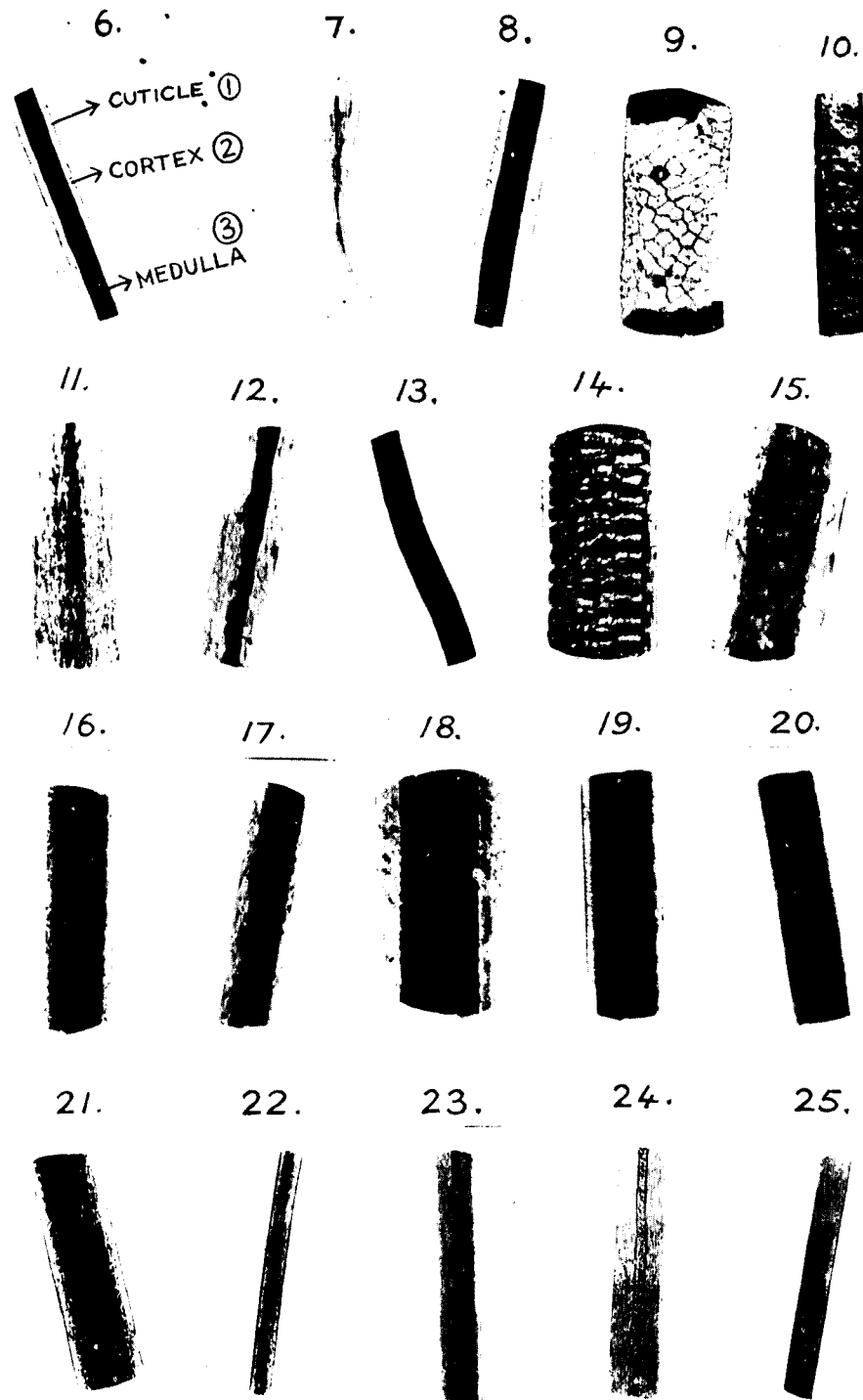


SET. No. 4.



No. 5.





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sheep's blood serum $\frac{1}{100}$, $\frac{1}{1000}$, $\frac{1}{5000}$, $\frac{1}{10000}$ and $\frac{1}{20000}$ — $\frac{3}{4}$ cubic centimetre of each to which 3 drops of anti-pig serum were added. No cloud or haze developed even after $4\frac{1}{2}$ hours. Note that No. 1 tube, containing a dilution of $\frac{1}{100}$, exhibits a dark shade due to the red colour of the blood solution. The degree of colour is much less in tubes 2-4. Note the contrast between the previous set of photographs, there being no suggestion of colouring or haziness here.

The set of photographs numbered 3 exhibits positive reactions. The tubes contain pig's blood in dilutions of $\frac{1}{100}$, $\frac{1}{1000}$, $\frac{1}{5000}$, $\frac{1}{10000}$ and $\frac{1}{20000}$, reading from left to right. To each has been added five drops of anti-pig serum. The contents of tube No. 1 are dark in colour, due to the colour of the blood solution. Deposits are clearly shown. These photographs were taken 24 hours after the reaction was completed.

The set of photographs numbered 4 exhibits positive reactions. Tubes 1-5 (left): Standard solutions of ox-blood with the addition of three drops of anti-ox serum. Positive reactions took place within 20 minutes in all of them. The photographs were taken 24 hours after the reactions appeared. Tubes 1 and 2 show the precipitate clearly. Tubes 1-5 (right): Further examples of similar tests with ox-blood and anti-ox serum.

The photographs numbered 5 show the test carried out with capillary tubes with only a drop or two of extract from blood stain. This method is of value when only a small amount of blood is available for testing purposes. The upper tube contains salt solution and one drop of anti-human serum. The contents are clear. The lower tube contains human blood diluted to $\frac{1}{20000}$ to which has been added one drop of anti-human serum. Note the haze and deposit signifying a positive reaction. Both tubes are sealed at top and bottom with small plugs of plasticene which can be clearly seen.

Uhlenhuth and Beumer state that the entire reaction should take place at room temperature, and must be at an end within twenty minutes for forensic work. The reactions which occur after half an hour are of interest to the biologist, but of no use to the medico-legist, who is concerned with the

specificity of the test, and not with the 'mammalian reaction,' as Nuttall calls it, which shows the relationship which exists between various species of animals. In his experiments the writer followed the suggestion of Uhlenhuth in regard to keeping a stock of blood stains of various ages, produced by the blood of different animals, so that a sample of blood of the kind alleged to be present in a given stain under examination and of nearly the same age would be available. The bloods kept, among many others, were those of pig, ox, sheep, and human. They were dried upon filter paper and the date inscribed. Human blood dried upon approximately thirty different types of fabric and upon different kinds of wood and leather was also at hand. For medico-legal purposes it is essential to have controls of the test by using different bloods. If the precise origin of the blood is to be determined, it is necessary to test the blood solution from a stain under examination with the different antisera in succession until a positive reaction is obtained. This is not required if the object of the examination is merely to arrive at an opinion as to whether it is human or animal blood.

In a relatively recent murder case in which the writer was asked by the Crown to conduct the precipitin test an interesting point arose on account of a likely defence that the stains upon the clothing of the accused man had been produced by blood which had splashed on to him during the calving of a cow. A portion of stain was removed from a jacket, vest and trousers of the accused man. All exhibited a dull dirty appearance, and the stains were mud covered. The size of the portions excised varied from one to about two square inches. These were placed in separate watch glasses, steeped in normal saline for 24 hours, and thereafter teased out by means of mounted needles, until the fabric in each case was reduced to a pulpy mass. The extract was then removed with a pipette and transferred to separate tubes. The extract was found to be a mud-laden solution, containing a large quantity of earth-like material in suspension. The tubes were placed in an electric centrifuge for 15 minutes. On removal, the solid matter was found to be resting at the bases of the tubes, while the fluid above was clear, and exhibited a very slight yellow tinge.

The clear fluid was transferred by pipette to fresh tubes, diluted as required, and four drops of anti-human serum were added to each. A positive reaction for human blood was produced in all within 20 minutes. Portions of the diluted extracts were next treated with anti-ox serum, but negative results were obtained. Controls of cow's blood of the same age as that which might have been present in the stains under test were strongly positive to anti-ox serum. In another murder case stains upon a large knife were tested. The results revealed the presence of human, pig, ox and sheep bloods. Later it was found that accused was a cattle killer.

The elapse of time between the shedding of blood upon a production and the application of the precipitin test does not seem to affect the results yielded. With this object in view an experiment was made with a blood stain measuring one inch square which was excised from the woollen undervest of a suicide case. The age of the stain was fourteen and a half years. After steeping in normal saline for 24 hours, a definitely positive reaction within 20 minutes was given with the requisite dilutions of the extract following the application of anti-human serum. It is reported that Hansemann has obtained a positive reaction with mummy material 4000 years old.

It would appear therefore that dried blood may remain on productions for very long periods without the action of the precipitin test being affected. Blood serum, upon which the reaction is based, is apparently a very stable body so far as the effects of age are concerned. Beumer has applied the test for medico-legal examination of bones, and holds the view that provided the bones have not been roasted or incinerated, the test is of value in determining the source of the bone. The writer applied the test to a square centimetre of human skull bone having upon it a few specks of material, about a year after death. The results proved positive to anti-human serum and negative to the other anti-serum applied. The value of the test medico-legally when mixtures of different bloods are present in a stain is of interest. As the results of experimental work it would appear that when dealing with mixtures of different bloods, and on applying an anti-serum to any related blood serum present in the mixture, a positive

reaction will be obtained. In such a case the extent of the reaction will not be as great as when the antiserum is applied to a single related blood serum.

We have next to consider the effects of various treatments of blood stains and whether such alter the precipitin reaction.

Stains exposed to dry heat of 100° C. for one, two, or three hours, yielded a solution of blood serum with saline, and the precipitin reaction was not interfered with. Exposure of a blood stain to a temperature of 100° C. and raised to 200° C. did not interfere with the reaction, although a solution of the serum in the stain was more difficult to obtain. Exposure to temperatures of 130° C., 150° C. and 180° C. for quarter of an hour and to 200° C. for two minutes did not prevent a solution of blood serum being yielded after steeping the stains in saline for 72 hours. Exposure to a temperature of 130° C. and 140° C. for 1½ hours, and to 150° C. and 160° C. for ¼ hour, did not vitiate the test. In none of these experiments were the blood stains older than 16 weeks.

Blood stains 24 hours old, when steeped in cold water for from 15 minutes to 5 hours, still gave a positive reaction, as did the water in which they were steeped, the intensity of the reaction in the instance of the stains becoming less the longer the stain was steeped and greater in the case of the steeping. These results were confirmed by using stains eight or nine weeks old; but these apparently retained more of the blood serum, it having presumably become more fixed than in the fresher stains. Subjecting blood stains 24 hours old to water at 50° C. for from 15 minutes to 5 hours, did not prevent a positive reaction being obtained. The steepings also yielded a similar reaction. Stains 16 weeks old produced similar results, but less serum passed into the water in which they had been steeped. Stains 12 weeks old gave a positive reaction after boiling for from 5 minutes to 1 hour. Like results were produced by the boilings. It would seem that whatever effect these periods of boiling have upon blood stains, sufficient blood serum is retained to permit of the precipitin test yielding a positive result. Similar tests conducted with stains 24 hours old failed to yield positive reactions to the test. It is likely that older stains become sufficiently fixed to retain enough serum,

even after boiling, to yield a positive reaction, whereas fresh stains are not so fixed and quickly give up the blood serum. The application of the test is not satisfactory when soap is present in the extracts of the stains, on account of the haze created by it, the undesirability of completely removing the haze, and the further fact that on the addition of any antiserum to a soap solution in which there is no blood serum, an increase in the density of the haze is produced.

For medico-legal purposes the precipitin test is a most delicate and reliable test for proving the origin of blood serum present in a stain, but faultless technique and considerable experience are essentials in carrying out the test and in interpreting the results yielded. The test, for forensic purposes, may be applied with safety under practically all conditions, the exception being when the blood serum has been destroyed by any agency. Such, among others, are efficient scrubbing or washing of the stain, charring or exposure to heat above 200° C. Blood serum is a very stable body and is not readily affected under ordinary circumstances.

By no means infrequently in the course of laboratory investigation of productions a medico-legal examiner may encounter hair fibres, and unless he has studied the examination of hairs and wools belonging to animals and human hair, valuable evidence may be overlooked. During the past century numerous criminal cases have occurred in which the identification of hairs belonging to the mammalian group of animals, to which man belongs, has played an important part in furnishing strong circumstantial evidence of the guilt of accused persons. By way of example one might refer the reader to the following cases: *Reg. v. Teague* (Cornwall Assizes, 1851), *Reg. v. Harrington* (Essex Lent Assizes, 1852), *Reg. v. Hansen* (Bodmin Lent Assizes, 1863). These are representative of the earlier English cases in which the medico-legal examination of hairs and fibres proved of great value in the course of justice. Taylor states that 'the necessity for an acquaintance with the character of hair will be apparent from the case of *Reg. v. Teague*. In this case it was alleged that the fatal wounds to the head of the deceased, involving both eyebrows, had been produced by a hammer found on a hedge.

There was not any blood upon the hammer, but there were two short stiff white hairs at the smaller end. It was suggested that these might have been goat hairs, as the hammer was used for beating out portions of goat skin which were hanging in the same hedge. Two medical witnesses deposed that they were hairs from the human eyebrow, and having compared them with the deceased's eyebrow, they found that they agreed. The hair of the eyebrow was described as conical or pyramidal, and the hair on the hammer had this character. It appeared as if it had been bruised or squeezed between two blunt substances, but this appearance might have been equally presented on the theory of the defence that it was goat's and not human hair. Assuming the medical evidence to be correct, it pointed to the weapon and not to any act on the part of the prisoner. The witnesses were severely cross-examined upon the structural differences of the hair of man and animals.' Among the more recent Scottish criminal cases which may be cited in this regard are : *Rex v. Gibson* (High Court Justiciary, Glasgow, December, 1924), *Rex v. Thomson* (Sheriff Court, Ayr, Winter, 1924) and *Rex v. Handley* (High Court Justiciary, Glasgow, October, 1926).

The first of these refers to a case in which a man was accused of cutting a boy's throat. The prisoner was found to be insane and unable to plead. At the inquiry evidence was led to show that he was affected with an insane impulse to kill cats. It was stated that he had killed twenty. Hairs of this animal were identified, having been found upon his clothing. The second concerns a case of theft in which a superficial examination of the clothing belonging to the accused man revealed the presence of several hairs upon its surface. The microscopic appearances of these were identical with those found composing a fur necklet which the accused man was alleged to have stolen. This evidence played a very important rôle in securing the conviction of the prisoner. The third case was one of rape and alleged murder in which a hair found upon the trousers of the accused was very similar in all respects to the pubic hair of the victim. The writer was associated with this case as one of the medico-legal examiners for the Crown. In passing one must allude to the notable English

case of *H. H. Crippen*, October 1910, in which the question of hair identity arose. The study of hair characteristics is also of first importance when an examiner is called upon to investigate cases of bestiality or of cattle and animal maiming. There are in addition other types of cases in which an intimate knowledge of the microscopic appearance of hairs is essential. In a case of animal maiming tried at Reading Assizes in 1926, the accused was sentenced to seven years' penal servitude. Evidence was led to show that the hairs which were found on his coat were those of shorthorns, similar to the herd some of which had been injured.

This avenue of medico-legal investigation, which is becoming more important annually, suggested that useful work lay in an exhaustive and careful scientific study of all available hairs belonging to members of the mammalian group of animals. The only certain method of recognition of different hair fibres is by means of careful comparison with other hairs previously correctly identified. Certainty of recognition depends upon long practice derived from the study of fibres of known origin. For this reason an attempt was made to acquire the maximum information regarding the character of mammalian hairs and at the same time to place such on record in permanent form by means of micro-photography. Some seventeen hundred specimens were photographed and classified. The investigation, which can only be touched upon lightly in this article, was approached from three aspects :

- (A) The study of hairs belonging to the mammalian group of animals, excluding human hairs.
- (B) The study of human hairs.
- (C) The study of cross sections of the hairs in the above groups.

The object of this division of the subject of study lay in the fact that an effort was made to determine whether the hairs of animals belonging to the same zoological Order, Suborder or Family, revealed similar characteristics which could be relied upon for the identification of the animal Order, Suborder or Family to which the hair belonged. In the instance of human hair, whether there were any specific differences in the appearance of hairs having regard to sex, the age of the subject, the

site of the body from which the hair was derived, and the colour of the hairs. The study of transverse sections of hairs was undertaken to supplement the information derived from the study of the hairs in the longitudinal plane. The cross sectioning proved a very difficult and delicate process, fraught with many obstacles and demanding untiring patience and perseverance. The consistence of the fibres under examination determined the necessary process to obtain satisfactory cross sections. For this purpose hairs were classified into three classes : (a) bristles, (b) wiry hairs, and (c) soft hairs.

In order to appreciate the many modifications which exist in different mammalian hair fibres it will be found necessary to consider the structure of a single hair microscopically. A hair fibre is usually composed of three separate layers, extending from the outer margin inwards, until the centre is reached. (See Photograph No. 6 of the hair of a red polled bullock, Plate II.). These layers may be described as :

- (A) An outer layer, termed the cuticle, which is composed of a single thin layer of cells.
- (B) A middle layer of varying thickness termed the cortex. It is composed of longitudinal fibres and a varying amount of pigment or colouring matter ; and
- (C) A centrally placed inner layer or medulla composed of variously shaped cells which usually contain a considerable amount of colouring matter.

It may be asserted as a general rule that the breadth of the medullary layer is less in the hairs of the higher than in those of the lower grade mammals.

In order to demonstrate the variations of structure in hairs the following photographs are shown on Plate II. (The number opposite each refers to the photograph.)

Duck-Billed Platypus	-	7	Brown Rat	-	-	15
Camel	-	-	8	Common Hare	-	16
Caribou	-	-	9	Persian Cat	-	17
Dik-Dik	-	-	10	Snow Leopard	-	18
Ayrshire Cow	-	-	11	Indian Wolf	-	19
Clydesdale Gelding Tail	12		Chimpanzee	-	-	20
Rhinoceros Ear Hair	-	13	Arabian Baboon	-	-	21
Field Vole	-	-	14	Female Gorilla, Young	-	22

PLATE III

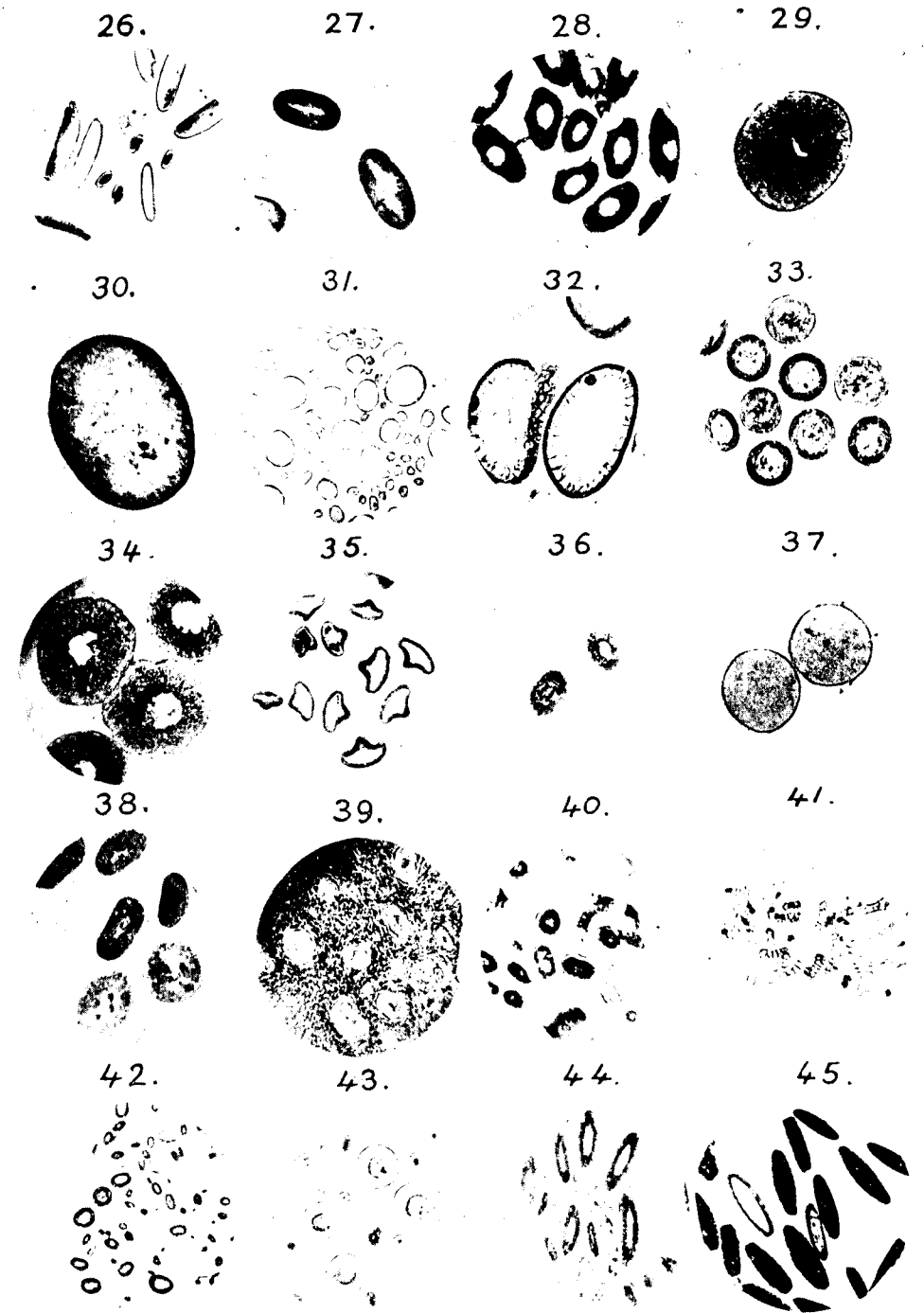
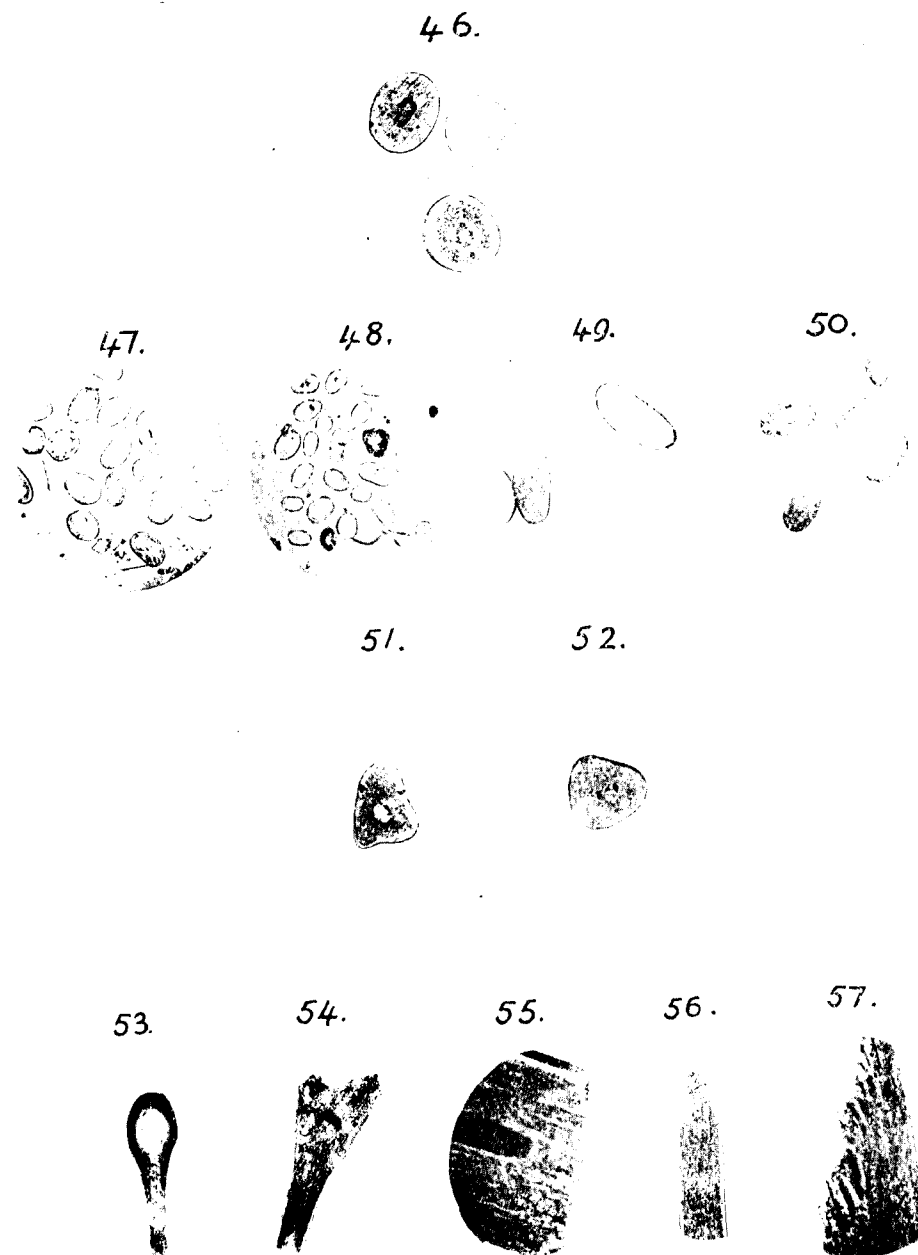


PLATE IV.



and	Red Hair—Female, aged 19	-	-	-	23
	Red Hair turning grey—Female, aged 43	-	-	-	24
	White Hair—Male, aged 80	-	-	-	25

The noteworthy features are the differences in the core or medulla and in the pigment.

The appearances of cross sections of hairs are of greater value for the purpose of identification, and it is inexpedient for an examiner to express a definite opinion on this point until this examination has been made. (See Plate III.)

Duck-Billed Platypus	-	26	Red Polled Bullock, coat and	
Armadillo	-	27	tail	- - - 36 and 37
Three-toed Sloth	-	28	Horse hair	- - - 38
Wild Boar	-	29	Elephant Tail	- - - 39
Wart Hog	-	30	Brown Rat	- - - 40
Camel	-	31	Common Hare	- - - 41
Red Deer	-	32	Household Cat	- - - 42
Giraffe	-	33	Tiger	- - - 43
African Buffalo	-	34	Sea Otter	- - - 44
Impala	-	35	Alaska Seal	- - - 45
and (See Plate IV.)				
Arabian Baboon	-	46	Pubic hair, female	- - - 49
Human hair	-	47	Pubic hair, male	- - - 50
White hair, male, 75 yrs.	48		Moustache	- - - 51
Beard (white) 75 years	-	-	-	- - - 52

The further photographs are of considerable medico-legal interest.

Healthy hair bulb	-	-	-	-	53
Diseased hair bulb	-	-	-	-	54
Hair cut with sharp instrument	-	-	-	-	55
Cut hair regrowing	-	-	-	-	56
Hair cut with blunt instrument	-	-	-	-	57

A medico-legal examination of hair fibres should comprise the following points :

- (1) The colour as ascertained by the naked eye and microscopic examination.
- (2) The length, by actual measurement.
- (3) The texture as ascertained by touch.
- (4) The breadth in an approximate manner, *i.e.*, whether narrow, moderately broad, or very broad, by means of the microscope.

- (5) The character of the hair tip if present ; if absent, whether it has been cut or torn, also whether re-growth has commenced and if so the extent.
- (6) The condition of the base of the hair, whether pulled out as indicated by the presence and condition of the bulb, or whether it has been cut and, if so, whether by a sharp or blunt instrument as indicated by the appearance of the fibres.
- (7) The character of the cuticle or outermost layer of the hair, whether smooth, serrated or imbricated.
- (8) The extent and character of the cortex.
- (9) The absence or presence of a core or medulla ; if present, its character and breadth.
- (10) Whether the hairs are dyed or undyed.
- (11) The contour of the transverse sections, the presence of the cuticle, cortex and medulla, their character and proportions.

As the result of his recent research the writer has arrived at the opinion that the appearance of the majority of animal hairs are such as to permit of the identification of either the Order, Suborder or Family of the animal to which they belong. In many instances it is possible to identify the actual type of animal whose hairs have been examined in detail. In this regard, special emphasis should be laid upon the importance of the appearance of the transverse sections. The characters of the hairs of the animals belonging to all the mammalian Orders, with the exception of a few belonging to the Primates or monkey families, are such that their naked eye appearances are likely to reveal that they do not belong to the human race. In the odd instances referred to, a detailed examination of the structure will show that the pigment in the cortical layer is coarser, the medulla broader and less regular than is encountered in human hair. Should doubt as to differentiation between animal and human hair persist in the mind of an examiner, the appearance of the transverse sections should quickly dispel the dubiety on account of the fact that the core or medulla of human hair is invariably smaller than that of any of the remaining Primates.

Having determined that given hairs are those of the human subject, how far is it safe for an examiner to qualify his opinion ? He may be able in certain cases to state the sex of the subject from which the hair has been derived. In addition, in most cases it is possible to determine the site of the body from which it came, more especially when derived from the moustache or beard, eyebrow, eyelash, ear, axilla or pubis. It is practically impossible, however, to differentiate between the hair from the leg and arm with any pretence at accuracy. Difficulty is also experienced in identifying the hair from the abdomen and differentiating between scrotal and perineal hair. The age of the individual from whose body the hair was derived can only be stated in a few cases and then only in a very approximate manner, *e.g.*, whether a very young child, an adolescent, an adult or an aged person, provided a number of hairs is available. It is, of course, not difficult to determine whether the hair has been dyed and the nature of the substance used, by chemical analysis. An accurate opinion may be vouchsafed as to the manner in which the hair has been removed from the body surface, *e.g.*, whether it has been pulled out, has fallen out, or has been cut and, if cut, whether by a sharp or blunt instrument.

In all cases in which an examiner is called upon to examine and report upon hairs, it is necessary for him to conduct a very exhaustive and patient naked-eye and microscopic examination of the fibres. A large collection of identified human and animal hairs at hand for comparison and consultation is a very important adjunct. Before expressing a final opinion, the specific circumstances attending each individual production should receive full and careful consideration.

The Palestine Police Force under the Mandate

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ALTHOUGH the Palestine Police Force has been in existence for a comparatively short period, the task of describing the creation of the force and its activities is by no means inconsiderable. It is an extremely young force but has probably passed through more vicissitudes than many, if not most, of the police forces both at home and abroad.

When the armies under Field-Marshal Lord Allenby occupied Palestine, they found that in almost all places the Turkish Administration had disappeared and the task of creating an administration capable of carrying on the essential duties of government must be faced without delay. As the army progressed through Palestine a Military Governor with a small staff of officers was appointed at each town of importance, and every endeavour was made to persuade the inhabitants to resume their normal occupations. The measures adopted were successful; and with the assistance of certain ex-Turkish Government officials and the support of some influential persons of the local population, it was possible to provide for the continuance of the public services.

One of the first requirements at all places was the creation of a force of police. The country was in a very unsettled condition, many of the people were destitute and homeless, and although the presence of large bodies of troops was an insurance against any serious disturbance, it was very obvious that measures for the protection of the lives and property of the local population were urgently necessary. The Military Governors were therefore authorized to engage a number of

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local residents as police and to create a force which could be entrusted with the duties of watch and ward in the towns. Later, authority was given to engage mounted personnel for police duty in rural areas, and the two branches were accordingly known as Urban and Rural Police.

It is of interest to note that these forces were purely local in character and there was no central control or co-operation. They were not required to undertake any criminal investigation which in accordance with the Turkish system was carried out by Public Prosecutors, and with the exception of a few, the personnel were almost entirely illiterate. In these circumstances it was perhaps necessary to leave the task of investigation and prosecution in more competent hands.

In July 1919 the late Lt.-Colonel P. B. Bramley, O.B.E., formerly Deputy Inspector-General of Police of the United Provinces of India, was appointed to the headquarters of the Occupied Enemy Territory Administration in Palestine to take charge of the administration of these local police forces and to organize one force which could be entrusted with the normal duties of a Civil Police Force. Owing to the uncertainty of the future of the country progress was necessarily slow, but during 1919 and 1920 authority was given for the appointment of a British Officer to take charge of the police in each of the military districts and by 1920 the men were clothed and equipped and the process of weeding out the undesirables (who were inevitable in such a hastily-raised force) was well in hand.

The first severe test came in April 1920 when serious racial riots occurred in Jerusalem and troops were employed to restore order. With a few exceptions the police carried out their duties most efficiently.

On the 1st July, 1920, the Military Administration ceased and was replaced by a Civil Administration with the Right Honourable Sir Herbert Samuel, P.C., G.C.B., G.B.E., as High Commissioner. The organization of the present force may be said to date from the passing of the Palestine Police Ordinance in February 1921, as prior to this there was no proper legislative authority for any of its acts. Under the Civil Administration the country was divided into seven

administrative districts (later reduced to three), each with a Governor and a staff of officers who held charge of sub-districts with the title of Sub-District Governor. It was necessary for the police to conform to the general organization of the District Administration and the head of the force was designated Director of Public Security. This post was held by the late Lt.-Colonel P. B. Bramley, O.B.E., and he was assisted by two Assistant Directors, one for the general administration of the force and one for the control of criminal investigation. An officer was appointed to command the police in each administrative district and was designated District Commandant of Police. All these appointments were held by British Officers. Each District Commandant of Police was supplied with a staff of Assistant Commandants, Inspectors and Sub-Inspectors. The British Assistant Commandants were at first known as British Reserve Inspectors, a title used in the Indian Police and were mainly employed as drill instructors, on stores duties, and as office assistants to the District Commandants. The Palestinian Assistant Commandants were employed on the investigation of serious crime and also to inspect the work of the various stations and outposts. An Inspector or Sub-Inspector was placed in charge of each police station according to the importance of the station. In order that crime in rural areas could be dealt with more easily, small posts consisting of an N.C.O. and from four to six constables were established at various villages. These posts were controlled by the officer in charge of the police station to whose area they belonged. They were responsible for the proper patrolling of their areas and received first reports of crimes. They were not required to undertake any action beyond taking the statement of the complainant and, where necessary, endeavouring to arrest the accused person. All criminal investigation was carried out by the officer in charge of the police station concerned. Under this organization the force was distributed into 24 police stations and 65 posts and was maintained at a strength of 70 officers and 1228 other ranks.

On the formation of the Civil Administration it was generally expected that the force would, under the new organization, settle down to a period of steady progress; but unfor-

tunately owing to financial stress it soon became clear that the estimates of expenditure must be immediately reduced. As a result, in the autumn of 1920 orders were received for a considerable reduction in the establishment and pay of the force, and during the winter and the following spring 60 per cent. of the force resigned.

In May 1921 serious racial disturbances took place in Jaffa and spread to neighbouring districts, and as the remainder of the force was obviously unable to cope adequately with this situation it was necessary to ask for military assistance. With the exception of a few cases at Jaffa, the police preserved an impartial attitude and carried out their duties satisfactorily. As a result of the report of the Commission which inquired into the disturbances, the appointment of additional British Officers, the establishment of a Police Training School, and certain improvements in barrack accommodation were undertaken; and since that period efficiency and discipline have been steadily maintained. The lack of adequate reserves to deal with abnormal situations was also realized and authority was given for the formation of a local force of gendarmerie. This force was known as the Palestine Gendarmerie and served under British Officers. It originally consisted of three squadrons of cavalry and two companies of infantry and was maintained at a strength of approximately 20 officers and 500 other ranks. The infantry was later disbanded and two additional squadrons were formed. In 1922 a force of British Gendarmerie, mainly recruited from personnel who had served in Ireland with the Royal Irish Constabulary and the Auxiliary Division, was raised in England and arrived in Palestine in May of that year. The strength of this force was approximately 44 officers and 700 other ranks. Although it was a Civil Force and intended as a reserve to the Civil Police it was organized on military lines and, like the Palestine Gendarmerie, did not undertake any normal police duties. It was well equipped with motor transport and was therefore extremely mobile and formed a most valuable reserve.

With the arrival in Palestine of the British Gendarmerie there were now three semi-military forces in the country con-

trolled by the Director of Public Security, and it was decided that all these forces should be placed under the command of the General Officer Commanding in Palestine. Major-General Sir Hugh Tudor, K.C.B., C.M.G., was appointed General Officer Commanding and Inspector-General of Police and Prisons and took up his duties in June 1922. The Director of Public Security (Lt.-Colonel P. B. Bramley, O.B.E.) became the Deputy Inspector-General of Police and Prisons and was responsible to the General Officer Commanding for the proper performance of all Civil Police duties. The gendarmeries were directly controlled by the General Officer Commanding and were not available as reinforcements for the police without the sanction of the General Officer Commanding. In January 1923 Mr. A. S. Mavrogordato was appointed to succeed Lt.-Colonel Bramley as Deputy Inspector-General Police and Prisons, and assumed duty in March 1923.

In July 1923 owing to a second financial crisis the force was again reduced by 7 officers and 203 other ranks. The rate of pay for constables was also reduced on the understanding that the conditions of service should be improved by the provision of proper barracks, pension privileges, etc. Although Government was unable to carry out these conditions immediately, some effort to give effect to the undertaking has been made and certain improvements to barrack accommodation have been carried out. It is also hoped to issue a Pensions Ordinance in the near future. Owing to the reduction of the force it was decided to employ the Palestine Gendarmerie on police duties in the neighbourhood of the frontiers; and a zone was demarcated in which they undertook the responsibility for the maintenance of proper security. A few trained investigators were seconded from the Civil Police Force to undertake criminal investigation in the frontier area. On 1st April, 1924, Major-General Sir Hugh Tudor vacated the appointment of General Officer Commanding and Inspector-General Police and Prisons, and Mr. A. S. Mavrogordato, the Deputy Inspector-General Police and Prisons, was appointed to act as Inspector-General. During the next few months no radical changes in the constitution of the force took place and every advantage was taken of this period to review the distribution, accommoda-

tion and communication in order that the somewhat meagre resources should be fully utilized. A most important change in criminal procedure was introduced by the enactment of the Trial Upon Information Ordinance. Prior to the passing of this Ordinance the police had the power to record statements on oath, but this Ordinance withdrew this privilege from them and restricted it to Magistrates only. A system similar to that in force in England for the disposal of indictable offences was also introduced by this Ordinance. Experience, however, proved that the Ordinance threw an undue burden upon the judiciary and it is therefore being amended so as to provide that certain selected police officers shall again be empowered to record depositions.

The organization of the Civil Forces in Palestine had been under consideration for some time and in April 1925 the Secretary of State for the Colonies (the Rt. Hon. L. C. M. S. Amery, P.C., M.P.) and the Secretary of State for Air (the Rt. Hon. Sir Samuel Hoare, P.C., M.P.) visited Palestine to discuss the proposals. As a result of their visit it was decided to increase the police force and to abolish the British and Palestine Gendarmeries. On 1st April, 1926, the Civil Police Force was therefore increased by 44 officers and 591 other ranks, which included a force of 5 officers and 212 British constables; and as from 31st March, 1926, the British and Palestine Gendarmeries ceased to exist. The personnel of the British Gendarmerie who were not retained with the Civil Police were repatriated, and the personnel of the Palestine Gendarmerie who were unwilling to serve with the police were transferred to a new force, known as the Transjordan Frontier Force. This force was raised as a purely military unit for the defence of the Palestine and Transjordan frontiers. Authority was given for the re-opening of the Police Training School, which had been closed on the reduction of the force in 1923; and steps were taken to enlist and train recruits to bring the force up to the new establishment. The Police Ordinance of February 1921 had not proved entirely satisfactory, and many amendments had been under discussion for a considerable time. It was eventually decided to repeal the Ordinance and a new Ordinance was enacted on 1st April, 1926. This Ordin-

ance, while retaining the more useful provisions of the previous legislation, was mainly based on the Police Acts in the West African Colonies, and has proved suitable for this force.

The force is now maintained at a strength of 114 officers and 1334 other ranks and is distributed between the three administrative districts of Palestine. In addition there is the Police Training School at Jerusalem with a strength of 50 recruits who are drafted to districts as required. The British Section, which now consists of 5 officers and 195 other ranks, maintains detachments at Haifa, Nablus and Jaffa. The strength of each detachment is approximately 1 officer and 35 other ranks. The remainder of the section is stationed in Jerusalem. The Police Band which was formed in 1921 has reached a high state of efficiency and is in great demand. The band consists of a bandmaster and 30 other ranks and can supply a full military band, a string orchestra or a jazz band. The average revenue from the band is £E. 200 per annum, of which 60 per cent. is shared by the personnel of the band. The remaining 40 per cent. is devoted to the General Police Fund to which all fines imposed on members of the force are also credited. The revenue of the General Police Fund is employed for the purchase of sports gear for the use of members of the force, prizes and the general expenses of the annual sports meeting, and rewards to other ranks who have performed meritorious service. The administration of the fund is governed by regulations made by the High Commissioner under the Police Ordinance, and provision is made in these regulations for the investment of part of the revenue of the fund.

There is no doubt that service in Palestine offers great attractions to all who are interested in any of the multifarious duties of a policeman. It is a small country of 9000 sq. miles and the population, according to the census of 1921, was 757,182. The prevention of crime, however, is a matter of some difficulty as the country is bounded by Syria, Trans-jordan and the Sinai Peninsula, and has a large land frontier which cannot be adequately patrolled and which therefore affords an easy means of escape to any fugitive from justice. In addition, until quite recently, the police forces of the



THE PALESTINE POLICE

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THE PALESTINE MOUNTED POLICE

THE PALESTINE POLICE FORCE 85

neighbouring territories were not in a sufficiently strong position to undertake the arrest of offenders who had escaped from Palestine and had taken refuge in these countries. This was and is still to a large extent the case in Transjordan, where it is possible for offenders to obtain the protection of Sheikhs of powerful tribes who are camped in the more remote districts of the territory.

In common with most eastern countries the commonest form of serious crime is highway robbery, and as will be readily appreciated from the conditions described above, it is most difficult to detect and arrest the perpetrators of these crimes. The manner in which the local highwayman operates is simplicity itself. A suitable occasion is chosen, usually a market day, and one or more of the roads leading to the village at which the market is held is picketed, usually at a spot where the road crosses a *wadi* (a dry water-course). In the late afternoon, when the merchants and others are returning with their goods, they are held up by the gang, escorted some distance along the *wadi* and relieved of their animals and goods. Their assailants then leave them in some haste and decamp for the eastern frontier and the sanctuary which lies beyond. The system of telephonic communication in Palestine is extensive and serves not only the towns but many of the villages. But the raids mostly take place some distance from any centre of habitation, so that often hours pass before information is received by the police. Interception of the raiders thus becomes a matter of great difficulty. In any case even when the information is received sufficiently early it is impossible to block all the routes, and one can only deal with the most likely passes and hope for the best.

In the early days of the occupation raids in force were a fairly frequent occurrence; but in recent years it has been found that parties of raiders rarely exceed six, and, with very rare exceptions, the spoils of the raids are of very little consequence. This change is mainly due to the support given by the local Bedouin tribes who now realize that it is better policy to assist the police than to aid and abet their brethren from across the border. Another reason is that, owing to proper training, the standard of marksmanship is now much higher,

and in the last few years several notorious highway robbers have been killed in encounters with the police. The improvement of conditions in Transjordan which has been maintained has also materially contributed to the general improvement. There have been a number of cases in which cars have been held up on the main roads and the occupants robbed of all money and valuables. It has been found that in most cases these crimes are committed by inhabitants of villages close to the scene of the hold-up, and the detection of the persons concerned is not a matter of great difficulty. With the provision of additional police posts on the main roads and frequent police motor patrols it is to be hoped that the incidence of crimes of this nature will diminish considerably. It is increasingly evident that the provision of rapid means of communication is essential, and in the more remote parts of the country where it is impossible owing to constructional costs to instal the telephone, it is proposed to maintain small wireless telephones in order that the police posts may communicate information without delay. The scheme will first be tried in the Southern District, where additional telephone construction is for the present out of the question, and will also be introduced by the Sinai Police who will be able to communicate with our stations and posts in the southern area. It is hoped that the Government of Transjordan will eventually participate in this scheme.

Murder is also prevalent in the east, and although there has been an appreciable diminution in the number of murder cases in Palestine since 1922, the total is still high. This is to be accounted for, in a certain measure, by the traditional standards of family honour which are peculiar to the east, more particularly among Moslems, and which prescribe upon the male members of a family the duty of wreaking swift vengeance upon transgressors of the code of the family honour. Cases are often met with in which persons who are known to be respectable and law-abiding citizens have been found guilty of murder of which the sole motive was to avenge a stain on the virtue of a female relative.

The majority of the cases are of this nature, and until the conditions of the poorer classes improve there is no doubt that

very little change will take place. The practice is in accordance with Moslem religious law and sentiment, and it is therefore difficult even under the most favourable conditions to attempt any radical change in the law which deals with such cases. Palestine still retains as the criminal law of the country the Ottoman Penal Code which makes special mention of offences of this nature and provides that any person who in defence of his honour kills another shall be pardoned. The Ottoman law on homicide is not entirely satisfactory; and a sentence of death is rarely awarded unless premeditation is proved.

In most countries murder is a simple matter to deal with. It is of comparatively rare occurrence, the motive is usually obvious, the associates are known, the body cannot easily be disposed of and, above all, any person who has any knowledge of the crime (except of course the person who committed it) can be induced to give assistance to the police. In Palestine the conditions are the reverse. There are approximately 100 murders each year in a country with a population of roughly three-quarters of a million, there are ample opportunities for disposing of the body in one of the innumerable caves or old rock cisterns or wells, and any person who knows anything about the case will keep his knowledge to himself. The reason for the general unwillingness to assist the police in cases of this nature is not hard to find. In this country the old spirit of the vendetta still flourishes and any person who takes the life of another runs the risk of a similar end at the hands of any of the relatives of the deceased. The feud also extends to the near relatives of the murderer. In these circumstances any person who gives evidence against a person charged with murder runs the risk of a blood feud between himself and his family and that of the accused, if he is condemned to death, and it is to be feared that there are very few persons who are prepared to risk their lives and those of their family even in the interests of justice. We inherited a legacy of these cases from the Turks, and in many cases the feud had flourished for several generations.

A commission, known as the Blood Feud Commission, was formed to settle these cases and was to some extent successful. The Koran makes provision for the compensation to be paid

to the relatives of the deceased. After a tremendous amount of argument the *diyyet* (blood money) is finally settled, and the proceedings terminate with a tremendous meal at which both parties, the arbitrators and their friends eat roast mutton and rice until the bare bones and empty bowls are all that remain. The parties to the pact usually retire hand in hand as soon as they have digested their meal; the money is handed over and the hatchet is well and truly buried. The whole proceedings are determined by immemorial custom and like most eastern ceremonies are extremely interesting.

A good deal has been accomplished and much remains to be done, but with good material we have no reason to fear the future.

Mechanical Aids for Traffic Control and other Police purposes

By G. A. H. WOOTTON, A.M.I.E.E.

Assistant Engineer, New Scotland Yard

RECENTLY an American ex-Commissioner of Police, speaking of traffic control, contrasted the silent efficiency of the London policeman's outstretched hand with the futile 'hollering themselves hoarse' of the American police, and said that a wave of the hand secures much better results in London than the system of control by automatic coloured lights which obtains in New York and elsewhere in the United States.

It is a commonplace that the secret of successful traffic control in London and other cities of Great Britain lies, not so much in the policeman's hand, as in the immediate and almost automatic response of the traffic. No mechanical device is likely to prove an efficient substitute for this willing co-operation of the public which is the corner-stone of the British police system, but mechanical aids cannot be put aside as altogether unnecessary and useless. On the contrary experience elsewhere shows that in suitable conditions they may be very valuable allies.

It is still regarded as an open question in this country how far any signalling device can be usefully employed for the ordinary regulation of crossing streams of traffic. Many types of electric signal with red and green lights have been experimented with in London, the lights either being attached to a standard or other erection, or fastened to the constable's arm or hand. Some devices have even had shoulder straps for the constable to wear so that lights could be mounted on his back as well as on the front of him; in others a white light has been

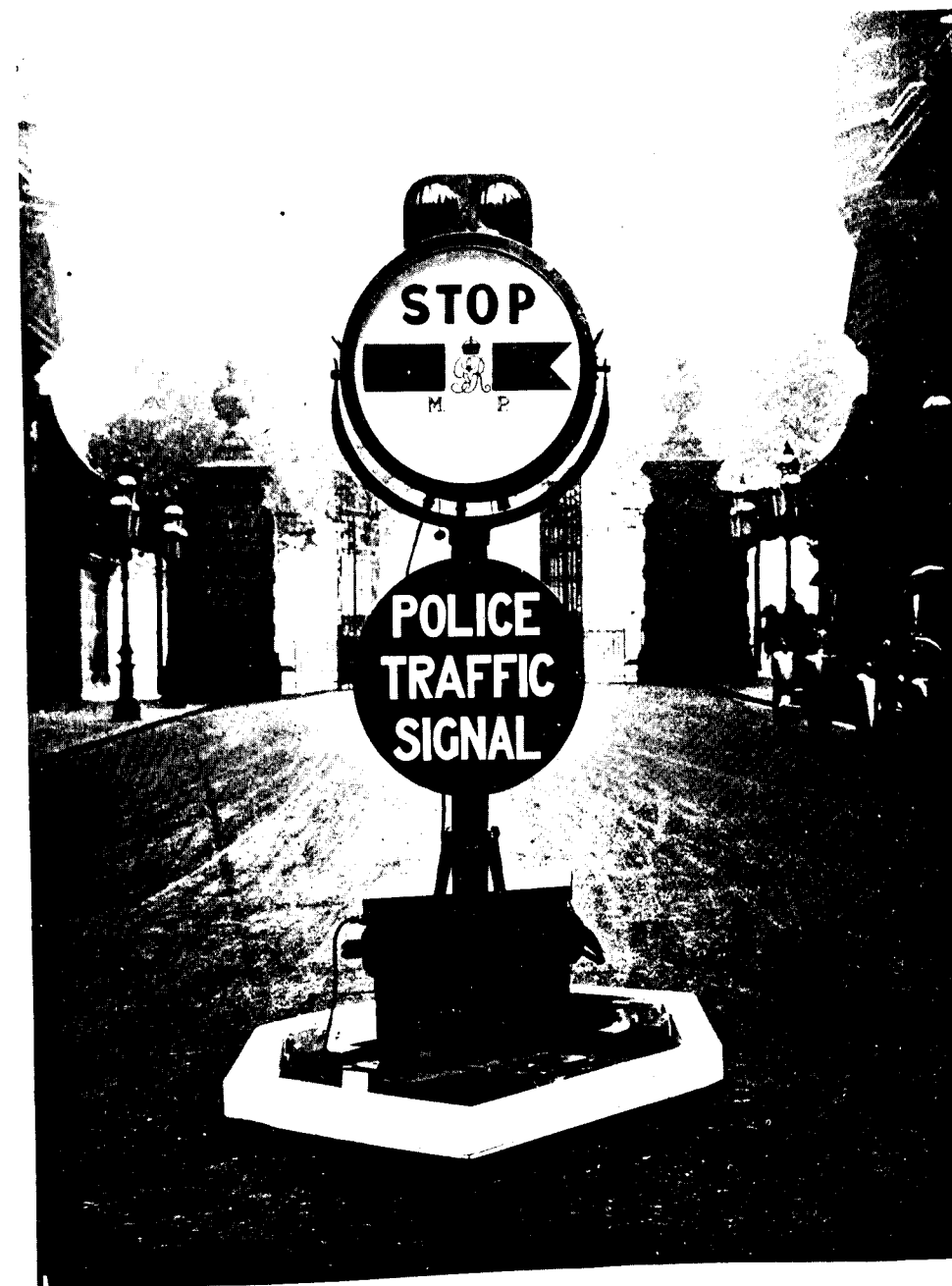
used, in addition to red and green, as a warning to get ready. The three light system is not easily comprehended by the public, and it may be said that the more elaborate signalling becomes the less useful it is.

Lest it should be thought that London has lagged behind other cities in experimenting with mechanical devices to regulate traffic, it may be recalled that it is nearly sixty years since the first experiment of this kind was tried. That device consisted of signalling arms coupled with green and red lights. But the illumination was bad, and the experiment, which aroused much favourable comment at the time, ended in an explosion which injured the constable operating it.

Apart from the relative efficiency of a mechanical signal and the policeman's hand in the regulation of traffic, there is the question how far police man-power can be saved in traffic control by any form of mechanical aid. It is to this question that special attention has recently been given in the Traffic and Engineering Branches of New Scotland Yard, and experiments have been in progress with a device suitable for use in cases where a considerable stretch of road is under repair and traffic has to be worked in a single line past the obstruction. Normally a constable has to be placed at each end of the obstruction, and the object in view was to make it possible for one constable to control both ends from a station midway, (or at either end, if more convenient), by means of an electric switch-board operating a signal at each end.

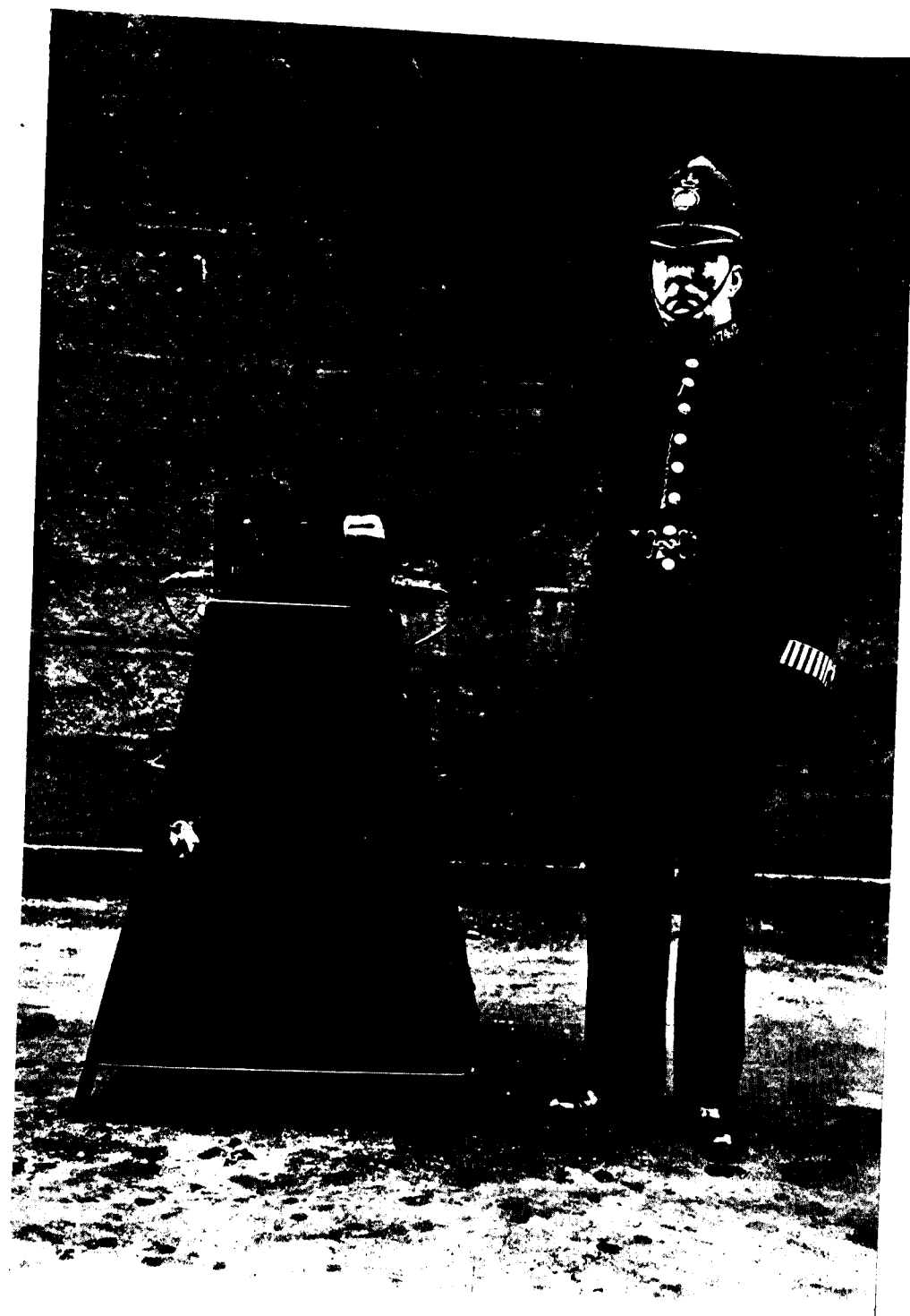
There are, it may be said, certain elementary requirements with which any traffic signal must comply: (1) it must be absolutely simple and clear, in other words, fool-proof and argument-proof; (2) it must be weatherproof; (3) it must be such as to attract the immediate attention of the driver, or other road user, by 'hitting him in the eye,' so to speak; (4) in case of any failure in the mechanism the signal must automatically go to the danger position. It is not necessary, but probably desirable, that the signal should attract attention through the ear as well as the eye.

It was with the above considerations in view that experiments were carried out for many months and the signalling apparatus evolved which is illustrated in this article.



A NEW TYPE OF SIGNAL

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THE CONTROL BOX

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The apparatus is considered as complying with the general specification given ; but the experience already gained suggests that the public will require considerable education in the idea of traffic control by mechanical signal. Many look at the signal without seeing it ; others see it but do not reflect upon what it means until after they have passed it ; and there is also the irresistible impulse not to stop immediately the signal goes against you, but to think there is just time to get through and avoid waiting for the next ' All Clear.'

The technical details of the apparatus are as follows : Upon a pedestal of a fairly heavy design is mounted a steel drum two feet in diameter, and approximately twelve inches deep. Mounted on the top of this drum are two dioptic cut lenses (which concentrate the light rays), one green and the other red, illuminated alternately as the signal changes from safety to danger and vice versa. The face of the drum is fitted with two revolving discs, Nos. 1 and 2, and behind them is a diaphragm, No. 3, attached to the drum. Upon No. 3 (the diaphragm) is painted in green a vertical signal arm and across it in red a horizontal signal arm (see Fig. 1, No. 3).

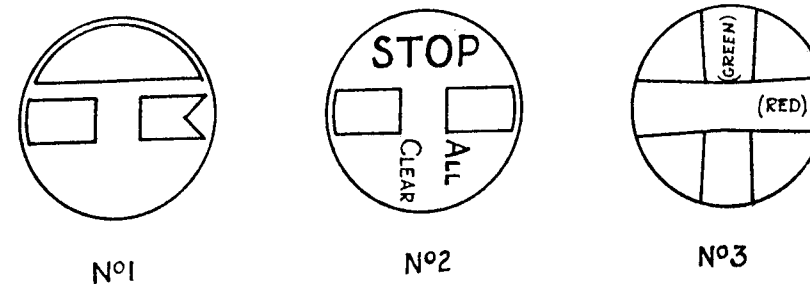


FIG. 1

No. 1 disc has cut out of it two openings shaped to correspond to a signal arm at the danger position, and above it a segment of a circle (see Fig. 1, No. 1). No. 2 disc has two openings (see Fig. 1, No. 2) ; above the openings is the word STOP in large red letters and below them in green, at right angles to the word STOP, the words ALL CLEAR.

The two discs are mounted on a common axis, No. 1 being superimposed on No. 2, and, on being made to turn through ninety degrees in opposite directions alternately, *i.e.*,

clockwise and anti-clockwise, will show either the vertical green signal at safety, with the words ALL CLEAR, or the horizontal red signal at danger, with the word STOP. The discs are controlled in their movements by a bevel gear which is mounted on a ball race to obtain easy movement. The electric power is supplied from a 24 volt accumulator which stands in a box beside each signal. The rotation of the two discs clockwise and anti-clockwise is obtained by a small 24 volt electric motor inside the drum, driving a rack and pinion and fitted with an electric clutch. No. 1 and No. 2 discs are counter weighted so that, if the electricity is switched off by the control switch or fails in any way, the signal automatically goes to the danger position. This would naturally have a tendency to drive the motor in a reverse direction, but when the circuit is opened, the electric clutch uncouples the motor and only the pinion and rack mesh with one another, the pinion being mounted on a double ball-race.

The switchboard by means of which the constable operates the signals (see Fig. 2) is mounted in a weatherproof

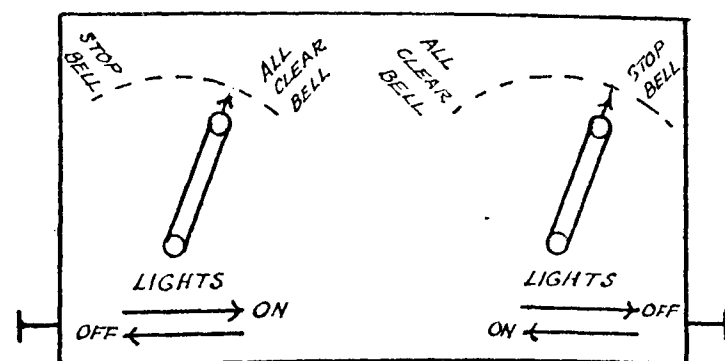


FIG. 2

box and stands on a pedestal containing two drums upon which the cable operating the signals is wound. There are two switches, one for each signal, and two positions on each switch, viz., STOP and ALL CLEAR.

If the signal is standing at STOP and it is wished to alter it to ALL CLEAR, the switch is moved to the ALL CLEAR position on the switchboard and a current is thereby sent from

the 24 volt battery through a relay of the signal. This relay in turn closes the motor and clutch circuits, and the motor starts up and drives the pinion which in turn moves the rack through ninety degrees. The two discs begin to revolve, No. 1 clockwise, No. 2 anti-clockwise, until they reach the end of their travels, and there remain as long as the switch stands at ALL CLEAR. When the switch is moved to STOP, the motor and clutch circuits are broken and the two discs turn by gravity in the reverse direction back to STOP. The switch is so constructed that, while it is possible to place both signals at STOP, it is impossible to set them both at ALL CLEAR.

Attached to the spindle of No. 1 disc is an ebonite drum with electrical contacts, which controls the red and green lights at the top of the signal, and these lights are worked by a relay from other switches on the switchboard (see Fig. 2). At night the signal is illuminated by twelve $1\frac{1}{2}$ watt electric bulbs around the circumferences of the discs.

The signals which have been in experimental use have a bell fitted at the back, and this bell can be rung by the constable pushing the switch past the ALL CLEAR or STOP position, as the case may be, to the end of its stroke, thus making contact with the bell circuit. The constable can, therefore, ring the bell or not, in addition to operating the signals, as may be desired. It was found that the bell was regarded as a nuisance by some occupants of adjoining premises and was accordingly used only at certain hours of the day.

The apparatus was first tested on a stretch of one of the busiest main roads out of London. During the period of test heavy rain was the order of the day. This did not facilitate the smooth working of the experiment, and showed the necessity of providing some kind of shelter for the constable operating the signal. The signals were at first placed at the edge of the pavement at each end of the section of road under repair, but it was found that in this position many drivers failed to notice them and they had to be moved to the centre of the roadway. To prevent them being knocked over in this position a protecting fender of wood was placed round them; and to guard the cable running from the switchboard along the pavement kerb and out to the signal, two pieces of wedge-shaped iron

were spiked down on the road and the cable run in the space between them.

Two aluminium strips spiked to the road a little way in front of each signal acted as a white line for vehicles to stop at. The provision of such a line was found to be essential, as without it many drivers drove right up to the obstruction and blocked the way for the traffic emerging in the other direction.

A large diamond-shaped notice board was attached to each stand below the signal, and this was at first painted red with the words METROPOLITAN POLICE—CAUTION. It was observed that many drivers looked at the notice board, and assumed that the word 'Caution' was merely to warn them off the side of the road under repair, or else meant that they were to proceed with caution, and in either case they did not stop when the signal was at danger. This difficulty was overcome by substituting the words POLICE TRAFFIC SIGNAL painted in white.

There is one point which is debatable, and that is the proper height for the signal face. I would ask those of my readers who are motorists to consider exactly where they look when driving. Most will, I think, find that their vision is normally focussed on a point approximately in the centre of the roadway about fifty yards ahead, and about four feet above the surface of the road. This would, therefore, seem the right height for a road signal, but at an elevation of only four feet it cannot very well be seen by a driver if there is anything in front of him. In the apparatus experimented with the face of the signal was about seven feet high, and this was found generally satisfactory.

Traffic signals can of course be set to operate automatically at certain times or periods, but there are difficulties in the way of this form of signalling owing to the varying speeds and classes of traffic. Where this system was tried it was found that with a two minute change of signal from STOP to ALL CLEAR and vice versa, considerable obstruction was caused by slow traffic because it constantly happened that before a slow-going vehicle had passed through, the signal had changed from STOP to ALL CLEAR for traffic meeting it.

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A form of signalling which has not so far been experimented with in London, but which might be found useful, is that of synchronized units. Take, for example, the case of a main road with several side roads converging on it at a particular point. The control of traffic at these crossings might be simplified if the cross roads were provided with synchronized signals operated by a constable in the main road, enabling him to open the main road and close all the side roads simultaneously. It may be found practicable to adopt some such system at other busy points where there are several roads converging.

Among mechanical aids for the police it is possible that wireless has a great future, but at present its usefulness is of a restricted character. The newspaper press from time to time waxes enthusiastic on the subject of wireless for police, and in connection with the recent murder of an Essex policeman a suggestion was put forward that wireless cars or vans should be extensively employed for patrolling purposes on lonely roads. The authors of this suggestion had apparently not paused to reflect that a wireless van, whether fitted for reception only, or, a much more expensive matter, for transmission and reception, is of no use without police wireless stations to or from which messages can be sent. The organization of any general system of patrolling wireless vans or cars throughout the country would be very costly.

In the Metropolitan Police there is a central headquarters wireless station at Scotland Yard, capable of transmitting long distances. This station is at present used mainly for sending and receiving communications from wireless vans or tenders (known as the Flying Squad vans) and smaller fast cars, employed for patrolling, etc., throughout the Metropolitan Police District, which covers an area of 700 square miles. Any of these vans or cars can, when out patrolling, be communicated with from headquarters and directed to a particular place, or recalled, or they can all be congregated at any time at one point. Similarly the vans can keep in touch with Scotland Yard while moving about the district.

The wireless vans are also used on occasion for the control of traffic, but they are useful for this purpose only

where it is desired to regulate the flow of traffic over a large area. They can be used, for example, to prevent congestion in connection with the streams of traffic which converge on and diverge from Epsom Racecourse on Derby Day, or Wembley Stadium on Cup Final Day. A van stationed at one point, or moving about, can be used to communicate with another a mile or ten miles away, as the case may be, and give and exchange information as to the condition of traffic on their respective sections and arrange for it to be diverted to or from different routes so as to avoid or remove congestion.

The use of wireless for police purposes must still be regarded as in the experimental stage, but a great many of the difficulties encountered in the early days have been overcome. The results of the Metropolitan Police experiments have been made available for the Paris and other police forces and also for the Army and the R.A.F. At first telephony was used, but later it was found that telegraphy was more reliable and speedy. With telephony considerable interference was encountered in the wireless vans from the magnetos of passing cars, tramways, electric light stations, etc.; a tramcar would cause speech to fade entirely owing to the magnetic effect from the electrical gears. With telegraphy this trouble was not so noticeable, and an expert signaller can read a message through any interference. Moreover the receiving range of telegraphy is greater.

Nearly all police wireless communications are sent and received in code, which considerably curtails the time of transmission and, although the message has to be decoded, it is found that telegraphy by morse code is on the average thirty to forty per cent. faster than telegraphy *en clair*.

Originally the Metropolitan Police wireless van was fitted with an aerial on the roof, to be raised or lowered as might be required, but, apart from the disadvantage of having constantly to lower the aerial when passing under bridges, etc., the outside aerial attracted an undesirable amount of attention to the van. Later it was found possible to secure entirely successful working with an inside aerial, and the type of van now in use bears no external indication that it is fitted with wireless.

It ought to be emphasized in conclusion that, as a general means of communication, wireless is not to be regarded as an

improvement on the telephone; it can be profitably used for police purposes only when the telephone is not available, or when the circumstances are such that it affords a readier, quicker, and more secret means of communication. Wireless is of use, for example, when Scotland Yard wishes to get in touch at once with one or more of the Flying Squad vans or patrolling cars which may be moving about the district and the exact whereabouts of which are not known; or a van or car may wish to communicate at once with Scotland Yard without delay or interruption of the business in which it might be engaged, such as would be involved in having recourse to the nearest police station or telephone call office, and getting through on the telephone.

Toxicology and Crime¹

By SIR WILLIAM WILLCOX,

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Medical Adviser to the Home Office

The Development of Toxicology

THE recognition of the deleterious qualities of poisonous plants and of the bites of venomous reptiles must have been recognized by prehistoric man at a time long antedating the historical period. The earliest writings indicate that the ancient Egyptians and the Hindus were well acquainted with the use of poisons. A translation of an early Egyptian papyrus in the Louvre says, 'Speak not of the name of Yao under the penalty of the Peach,' from which it is to be inferred that the Egyptian priests were familiar with the preparations of hydrocyanic acid from peach leaves and kernels. Homer relates that Ulysses sought to obtain from Ephyra a poison with which to anoint his arrows, and the word toxicology owes its derivation from this use of poisons (τόξον, a bow). Xenophon, 410 B.C., relates that the use of poisons was so frequent amongst the Medes that it was an ancient custom for the cup-bearers to taste the wine before presenting it to the king. The *History of Plants*, written by Theophrastus, 300 B.C., contains many references to the poisonous as well as the medicinal action of the vegetable poisons. Hemlock was used by the Greeks for the execution of criminals, and was the cause of the death of Socrates, 339 B.C.

The search for antidotes was probably coeval with the discovery of the deadly effects of poisons, and the antidote discovered by Mithridates in the first century B.C. is well known. Criminal poisoning is referred to in Roman history in 331 B.C., when about twenty matrons were surprised in the act of preparing a poison which they were compelled by the magistrates to drink and from which they perished.

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Roman law, 82 B.C., contains a legislative enactment dealing with the crime of poisoning, and a later enactment dealt with the use of poisons. It is recorded that Agrippina and her son Nero made elaborate studies in experimental toxicology upon the human subject, and applied this knowledge to the removal of several noted personages by poison. During the next thousand years the use of poisons was practised, but no great developments in toxicological science took place. Numerous deaths by poison of emperors and ruling sovereigns are recorded.

With the Renaissance in Italy poisoning became a fine art. Political murder by poison was considered to be quite legitimate in Italy, as is evidenced by the secret archives of the Council of Ten at Venice, A.D. 1400 to A.D. 1500. Pope Alexander VI. and his son Cæsar Borgia committed numerous murders by poison. At least five cardinals were poisoned between 1495 and 1503 to satisfy the rapacity of Pope Alexander VI., who himself fell a victim by poison in 1503, his butler giving him the poisoned wine intended for one of his victims. Poisoning in England was not unknown at this period, and in 1531 a statute of Henry VIII. ordered poisoners to be boiled to death. Up to the nineteenth century criminal poisoning was very common, and probably preparations of arsenic and corrosive sublimate were most commonly used.

The methods of detection of poison depended mainly upon the circumstances attending the administration. The post-mortem appearances in cases of poisoning appear to have been little understood, and importance was attached to signs such as lividity, incombustibility of the heart, etc., which we now know to be not in any way characteristic of death by poison. As in the case of medicine, toxicology did not make any really great advance until the development of modern chemistry and its application in the laboratory to the solution of the analytical problems with which toxicology is bound up. It has been truly said that the only certain sign of poisoning is the identification by analysis of the poison in the body.

Outstanding Events in the History of Toxicological Chemistry

The following are outstanding events in the history of toxicological chemistry: The discovery of the Marsh test for

arsenic in 1836. The detection of arsenic in the liver, spleen, kidneys, heart, and muscle of a case of suicidal arsenical poisoning in 1839 by Orfila showed that poisons should be sought for not only in the alimentary tract, but in other parts of the body. The importance of the absorption of poisons was thereby appreciated. In 1844 Fresenius and Von Babo devised a method for the systematic search of all mineral poisons and for the destruction of the organic matter of the viscera as a preliminary to the analysis. In 1850 Stas discovered a process by which alkaloidal poisons could be extracted from viscera, and this in a modified form is in use at the present day.

Notable Trials Illustrating the Advance of the Science

A study of some of the notable poisoning trials during the past hundred years gives a very good illustration of the advances made in toxicological science and of the precision with which it can be proved beyond all possibility of doubt that death must have been caused by poison. The trial of Dr. Palmer in 1856 is of great interest; Palmer was convicted of poisoning his victim, Mr. Cook, by strychnine. Dr. Alfred Taylor, author of the well-known work on jurisprudence, attributed death to strychnine, and formed this opinion on the clinical symptoms preceding death. He was unable to prove from his analysis the presence of strychnine in the body, and attributed his failure to detect the poison to the imperfection of the methods of analysis at that time, showing that when he poisoned rabbits with strychnine he was not always able to demonstrate the presence of the poison by toxicological analysis. No less than fifteen medical men gave evidence in this trial, seven of them for the defence. In spite of the great dispute concerning the toxicological evidence, Palmer was found guilty. The case is remarkable, since a conviction for poisoning by strychnine was obtained in spite of the absence of proof by the Crown of the presence of strychnine in the body of the deceased. At the present day the proof of a poison like strychnine in the dead body would probably be necessary for a conviction to be obtained of death from strychnine poisoning.

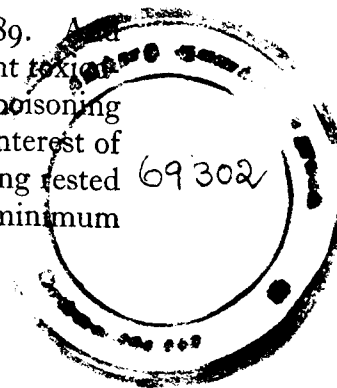
In the trial of Madeline Smith, 1857, who was tried for poisoning her former lover by arsenic, there was an array of

expert toxicological evidence, and Prof. F. Penny, of Glasgow, performed a masterly analytical investigation which for skilful care and thoroughness would be all that would be required for a similar trial of to-day.

The trial of Dr. Pritchard in Glasgow, 1865, is of great interest. I know of no case where there is such a combination of heartless cruelty and smug respectable hypocrisy. Dr. Pritchard was slowly poisoning his wife with tartar emetic while evincing the most affectionate solicitude for her sufferings, when his mother-in-law arrived to assist in the nursing. Her efforts were rewarded by a combination of tartar emetic and tincture of aconite which proved fatal to her, and a few days later the unfortunate wife also succumbed to the long course of tartar emetic which had caused untold suffering. The analytical investigations in this case were undertaken by Prof. F. Penny and Dr. Douglas MacLagan. They formed a dextrous piece of work, carried out with care and skill which could not be surpassed to-day. This case is remarkable since aconitine was clearly proved to be present in the body of the first victim, and quantities of antimony beyond that of a possible fatal dose were demonstrated in both victims. The detection of aconitine at that time reflects the greatest credit on the scientific skill of the investigators.

The trial of Dr. Lamson, in 1882, was of interest, since the subtle poison aconitine, for which no definite chemical tests were known, was the cause of death. Sir Thomas Stevenson, by his skilful toxicological analysis, succeeded in extracting the poison from the viscera and proving its presence by physiological tests on himself and on mice. He gave incontestable proof that a poisonous dose had been taken, and Lamson was duly convicted of murdering his wife's nephew, Percy Malcolm John, aged 18, from whom he would have inherited through his wife a large sum of money.

The Maybrick trial aroused great interest in 1889. Here Sir Thomas Stevenson again performed a brilliant toxicological analysis. Mrs. Maybrick was convicted of poisoning her husband by the administration of arsenic. The interest of this case lies in the fact that the proof of fatal poisoning rested on the presence of $\frac{1}{2}$ gr. of arsenic in the liver, the minimum



fatal dose being about 2 gr. The defence maintained that arsenic might lie in the liver in islands, not being uniformly distributed, and disputed the calculation by which, on the quantity found in a portion of the liver, the estimation of $\frac{1}{3}$ gr. for the whole liver was based.

The trial of H. H. Crippen, 1910, was of interest because this was the first case in which hyoscine had been used as a poison in a fatal criminal case. In this case the poison was extracted in spite of the burial of the viscera for six months, and the presence of hyoscine was clearly demonstrated by chemical tests and by its mydriatic action on the cat's eye.

The trial of the Seddons was of interest because in this case arsenic was found in all the organs of the victim, Miss Barrow, and a computation of the total amount of arsenic in the body was made by a determination of the arsenic present in each organ. The corpse was actually weighed for this purpose, as well as the individual organs. A fatal poisonous dose of 2 gr. was proved to be present in the body. For the purpose of this analysis the electrolytic Marsh-Berzelius test was used for the first time in determining quantitatively the amount of arsenic in each organ.

The Black case, 1922, was a very interesting case of arsenical poisoning. Although arsenic was present in appreciable amount in all the organs, the total amount found in them was considerably less than a possible fatal dose. The explanation of the small amount of poison in the body was clearly shown by the clinical history. The case was one of delayed arsenical poisoning, a considerable proportion of the arsenic having been got rid of by excretion in the few days which elapsed between the administration of the poison and the time of death.

The Armstrong case was a clear case of acute arsenical poisoning. The interest of this case lies in the fact that arsenic would have never been suspected as the cause of death in Mrs. Armstrong, who had died about a year previously, unless Major Armstrong had attempted to poison his rival solicitor, Mr. Martin, by arsenic. The discovery of arsenic as the cause of Mr. Martin's illness was made by the analysis by Mr. John Webster of the urine passed by Mr. Martin three days after the poison had been taken. The advantage of toxicological

research is here beautifully illustrated, for the knowledge of the rate at which arsenic is excreted after a possible fatal dose has been taken enabled the deduction to be made that Mr. Martin must have been given a possible fatal dose of arsenic.

The Armstrong case and the Black case both illustrate the effect of imitation in the causation of criminal poisoning. It cannot be doubted that the sensational reports of a noted case of arsenical poisoning (the Greenwood case) led to the selection and use of this poison in these two cases. I will conclude by giving a brief account of a case of arsenical poisoning which came to my notice.

A Government official in a tropical country consulted me on account of an illness which had given rise to much difficulty of diagnosis. On 6th October, 1922, he was attacked with severe abdominal pain, vomiting, and diarrhoea. He was very ill with these symptoms for three days and a good deal of hiccough occurred. On the 9th circumoral herpes developed. The patient remained in hospital until the 30th, when he returned to duty. He now began to suffer from slight cramps in the feet, some numbness and feeling of coldness in the hands and feet, and some weakness of the legs. Marked thickening of the skin of palms and soles occurred, and the skin peeled off here in the middle of November. In consequence of these symptoms the patient came home in November, and he consulted me on 19th December, 1922. Slight anæsthesia to a light touch was found in the hands and feet, and some thickening of the skin of the palms and soles was clearly present. The patient consented to some of his hair being removed for purposes of analysis, and Dr. Roche Lynch kindly submitted this to the electrolytic Marsh-Berzelius test. A considerable amount of arsenic was found in the hair, $\frac{1}{2}$ of a milligramme in 3 grammes of the hair.

The diagnosis in this case was clearly that of acute arsenical poisoning on 6th October, 1922. In reply to my question, the patient told me that there had been considerable trouble on the 6th, on account of the misbehaviour of his native cook, who was discharged from service on the following day. The explanation of the source of the arsenical poisoning does not appear difficult of comprehension. This case is of great

interest, since by reason of the knowledge of the mode of excretion of arsenic a diagnosis of acute arsenical poisoning can be definitely made as long as ten weeks after the poison had been administered.

Advancement of Knowledge during the War

As a result of the war our knowledge of toxicology has become greatly increased. The use of tetrachlorethane in the manufacture of aeroplanes led to the occurrence of a number of cases of toxic jaundice, and it was the toxic action of this poison on the liver which caused degeneration of the liver cells and jaundice. In some of the severe cases death occurred from icterus gravis, the post-mortem appearances being those of acute yellow atrophy. Poisons used as munition explosives, such as tri-nitro-toluene, di-nitro-benzene, picric acid, etc., produced toxic jaundice in a precisely similar manner. The jaundice following the use of arsenobenzol derivatives has, during and since the war, been of very common occurrence. It is a toxic jaundice precisely similar to that occurring from tetrachlorethane and other similar poisons.

The discussion at the British Medical Association meeting in Glasgow, July 1922, on Degenerative Diseases of the Liver, amply illustrated the close and important relationship between toxicology and medicine. Indeed, much of our recent advance in knowledge on liver diseases and hepatic function has arisen in consequence of the toxicological studies of the action of various poisons on the liver.

Numerous other instances might be cited of the great value of toxicological research not only in toxicology, but in the advancement of the knowledge of the function of organs and the action of drugs. Toxicology, like medicine, owes its great advances during the past hundred years to advances in scientific knowledge and the gaining of detailed and accurate information by experimental observations in the laboratory. The close co-operation of the physician, who carefully observes the clinical toxic effects of poisons, with the toxicological chemist, who conducts in the laboratory the fullest analytical investigations, will produce the highest results in this important branch of biochemistry and medicine.

Some Types of the Indian Hereditary Criminal

ABOUT fifty years ago the Italian Professor Cesare Lombroso claimed to have discovered the existence of a born criminal type, distinguishable by the presence in individuals of certain physical and anthropometrical anomalies. Dr. Charles Goring, in his book, *The English Convict*, an abridged edition of which was published by H.M. Stationery Office in 1919, definitely rejected Lombroso's theory of the born anthropological criminal, his own elaborate investigation having given no proof of heredity in crime beyond the fact that conviction for crime was largely associated with the heritable qualities of defective physique and defective intelligence. Dr. Goring's book further contains the (to me) rather surprising opinion that—'crime is only to a trifling extent (if any) the product of social inequalities, of adverse environment, or of other manifestations of what may be comprehensively termed the force of circumstances.'

Dr. Goring's investigation was confined to the convicts in English prisons, and admittedly did not extend to the unconvicted criminal. So far as I am aware no investigation on the lines he followed has ever been attempted in regard to Indian criminals. Were one to be undertaken I can hardly believe the findings would be similar to those arrived at by Dr. Goring in regard to English convicts.

In India, when a Police Officer talks of an hereditary criminal he generally means a member of one of the many tribes, castes or sections of castes which for generations, perhaps for centuries, have been addicted to some form of acquisitive crime as their main source of livelihood. The criminality of such people is certainly hereditary in the sense that the children are trained almost from infancy to become adepts in

the particular form or forms of crime to which their class is addicted.

Many of them are criminal because under the rigid Hindu caste system they have never for centuries been allowed a dog's chance of entering into any occupation conducive to self-respect or sufficiently profitable to sustain life in honesty. Others are habitual criminals by choice, with no handicap of caste inferiority to justify their criminality. Others, and these perhaps the most difficult material of all for reformatory work, are the gipsy tribes, whose heritage of predatory vagrancy is older perhaps than the Indian caste system.

When crime has once become the main source of livelihood of a community, it is looked upon as a social obligation on the males, and as everything good or evil appears to have a presiding deity in the Pantheon of India, the members adopt the particular god or goddess reputed to favour their form of criminal enterprise, and crime becomes a religious obligation too.

The term hereditary criminal might be justly applied to many not so classed by the police, whose criminality occurs as an occasional interlude to lawful and fairly profitable labour. The crime of dacoity, which means gang robbery by five or more persons, was, when I had charge of the Bengal Criminal Investigation Department, most rampant in the district of Backergunge, a district running along the estuary of the Meghna River, where harvests are abundant and famine is practically unknown. The dacoities in this district were generally the work of Mohammedan agriculturists, men of remarkably powerful physique, with no particular urge to crime beyond a turbulent spirit, which they doubtless inherit from marauding ancestors. The Arab pirates who in bygone days used to operate about the N.W. corner of the Bay of Bengal have probably left a streak in the population of this district, which may account for the reckless ferocity of some of their dacoities. Wanton cruelty and incendiarism often accompany the looting, and outrage is a frequent feature, though out of regard for the family honour it is rarely if ever mentioned in the complaint to the police. I remember one case in 1915 when the gang, having packed up all the cash and valuables they

could find, set fire to the house, and the leader, snatching a baby from the arms of the wife of the hapless householder, threw it into the flames.

A notorious Backergunge dacoit, when eventually brought to conviction, told one of my officers that dacoity was in his blood and he could not help it. 'During the moon-lit nights,' he said, 'I do not feel it. I can rest at home. But when the dark nights come my blood runs hot, and something, I do not know what, seems to force my hand to grasp my *lathi*¹ and drive me out to brandish it.'

Of the 217 persons convicted of dacoity in Bengal in 1917, my last full year in India, it would have been hard to find one of really defective physique. The gang leaders would have no use for a man not capable of doing a fast fifteen or twenty miles across country on foot, pulling a strong oar when boats are used for the journey, and of putting up a stout fight in the uncommon event of a retaliatory attack by villagers.

In all provinces of India where there are large tracts of jungle there are to be found wild aboriginal tribes unaffected by the advance of civilization, and with many of these dacoity is a survival of primitive tribal warfare. One such tribe set down among the criminal tribes of Bengal is the Lodha, who live in the jungle tracts bordering on the Midnapur district. At the beginning of the last century their ancestors caused great trouble to the Government by their armed forays into the cultivated areas in the proximity of their jungle resorts. The present-day Lodhas are, when given a chance, good workers, much sought after by the recruiters of coolly labour for the Assam tea gardens. In their homes, however, they have never been given the chance of acquiring cultivable land, and those who employ them as labourers pay them meanly. Consequently, if they live honestly, they live on the borderland of starvation. So they frequently resort to dacoity to help them through. Their dacoities differ from the forays of their ancestors only in the fact that nowadays they rarely resort to bloodshed, the swords and axes with which they are armed being carried mainly for intimidation, though they are sometimes used in rare cases of formidable opposition.

¹ A weapon of bamboo, resembling the old English quarter-staff.

It must not be supposed that all aboriginal jungle tribes in India are outlaws. There is in the Tributary States of Orissa a tribe called Juangs, who, when I knew them in 1896, were the most primitive people I have ever encountered. Their women were clad only in rough petticoats of the leaf-sprays of forest trees. The only implement of agriculture the tribe used was a wooden hoe shaped like a toy ploughshare and tipped with iron. With this they tilled small patches of unfertile land which nobody else had any use for; but the crops were negligible as a means of subsistence, and they lived almost entirely on the wild produce of the forest. They showed me a pod, the large bean-shaped seeds of which they said were poisonous if eaten raw, but a nourishing food after being boiled three times. And there were three kinds of snakes, they said, which were good to eat. The constable of the Pal Lahara State Police who first introduced me to the tribe, said of them, 'They have never been known to steal and they do not know how to tell lies.' He said it as if he regarded these virtues as symptomatic of undeveloped intellect.

Many of the degraded castes, who form the bulk of the hereditary thieves of India, are declared by ethnologists to be descended from the aboriginal pre-Aryan inhabitants of the peninsula. With the advance of foreign invaders they were probably deprived of the cultivable land which they tilled then, and, having already forgotten the resources of primitive forest life and the art of jungle warfare, suffered themselves to be forced by the powerful new-comers into the position of scavenger menials. Doubtless they were given permission or even ordered to eke out their existence by thieving, provided they thieved outside the area of the village which had attached them, and probably, as often now, the headman of the village was not above taking over a big share of the booty when it chanced to be precious metal or live cattle.

Almost all over India these low caste people are to be found living in little hovels on the outskirts of the villages, suffered to engage only in the meanest and most ill-rewarded of occupations, and regarded by the superior castes as lower in the scale of creation than the cow or the common grey ape, who by right of relationship to the monkey god Hanuman can help

himself to all he wants of field or garden produce without fear of violent reprisal, often receiving the homage of the victims of his impudent antics.

The Pâns of Orissa are typical of this class of criminal by force of social inequality and adverse environment. Neither physically nor intellectually are they naturally inferior to the majority of those who hold them in disdain and regard their touch or near approach as polluting. By caste rule they are compelled to do all the dirty work, their one perquisite being the skins of any cattle dying within the village area, which leads them to study among other forms of crime the art of cattle poisoning. They are also the professional musicians of the Orissa Tributary States, and with drums, tabors, and a wind instrument roughly resembling a clarionet, they produce at weddings and other ceremonies sounds of which I have been reminded often when listening to the deliverances of a modern jazz band. But with them the production of noisy music is little better rewarded than scavenging, and their legitimate earnings are quite inadequate for the support of life.

On the principle of 'set a thief to catch a thief' they are widely employed all over Orissa as village watchmen, and I have known individuals among them show remarkable intelligence in detective work. In the district of Angul a Pân employed as village watchman was supposed to be rewarded for his services by the free tenure of a plot of land; but as the assignment of the tenure was left to the village headman the watchman was generally employed in bringing jungle land under cultivation, for as soon as his allotment began to take the appearance of productive land it was taken from him and another acre or two of jungle land given to him.

These being the conditions of their existence, it is not surprising that skilful theft is regarded by the whole caste as highly commendable, and that no young Pân is looked upon by the girls as eligible for marriage until he has proved his worth by a successful theft or burglary. I knew one who, single-handed, crossed a river into a neighbouring state and brought back a herd of ten buffaloes between sunset and sunrise. The majority, however, confine themselves to stealing articles of food and household utensils. In cattle poisoning their

methods are generally crude, but I have known instances of their employing the more subtle method practised in other parts of India of puncturing the skin of the animal with a spike prepared from the seeds of a jungle creeper crushed, made into a thick paste, rolled to shape between the fingers, and hardened in the sun. Two of these spikes skilfully arranged in a bamboo handle will give a wound which is easily mistaken for the bite of a cobra, and in Behar I have heard of this method being used for murder. I knew one Pân who rose to affluence through his wife giving birth to a prodigy, which was acquired by an enterprising Englishman, who exhibited it all over Europe as 'The Orissa Twins.'

Commissioner Booth-Tucker, formerly a member of the Indian Civil Service and until a few years ago head of the Salvation Army in India, in a book¹ recently published containing a record of his work in India, mentions that in 1914 Government invited the Salvation Army to assist in the reformation of the Pâns in the Government district of Angul, and draws attention to the success achieved in that area. But it must be remembered that the district of Angul is but a small part of the area of about 16,000 square miles, mostly divided into small semi-independent states, over which the caste is scattered, and the caste is but one of many in India kept in compulsory degradation and forced by economic necessity to sustain itself by habitual crime.

I would not offer the same excuse for the criminality of the various tribes of nomads and semi-nomads which infest the districts of Northern India. Many of these have been found to show traces in *argot* and customs of affinity with the gipsy tribes of Europe and Western Asia, and possibly originally entered India from the N.W., in the wake of the organized invaders. They are altogether more truculent and incorrigible than the thieving castes of fixed abode.

Typical of these gipsy tribes are the Karwal Nats, of whom I had close experience when they were brought under the Criminal Tribes Act in Bengal in 1913. They are apparently a sub-division of a huge gipsy tribe, who as Haburahs in the United Provinces and as Sansias in the Punjab, have been

brought under the Act in those provinces. The police rounded up seventeen gangs of them in North Bengal, numbering in all 111 male and 113 female adults. Eighty-nine per cent. of the males and sixty-six per cent. of the females had already been in jail in connection with non-bailable offences.

These people passed their lives wandering from place to place with small tents of coarse cloth or bamboo matting as their only protection against inclement weather. They professed to live by begging, singing and dancing, and by the sale of goats, donkeys and buffaloes, the stock of which was generally maintained by theft. Their singing and dancing performances were frequently used to draw off the attention of the villagers while members of the gang not engaged in the performance slipped into the vacated houses of the village, carrying off any valuables they could lay hands on. Their methods of theft often amounted to robbery and dacoity.

They would let their live stock loose to graze on standing crops, adopting a menacing attitude to anyone who had the hardihood to object. So offensive were they under opposition that the villagers generally preferred to suffer loss and damage to risking an altercation with them. Even to the police they would adopt a violent and offensive attitude, the women being even more ready than the men to shout abuse and put up fierce opposition. The women would work themselves up into a frenzy of rage and dash their babies to the ground, or injure their own nostrils as a basis of a complaint of rough handling by the police. On one occasion a woman used her own baby as a weapon of assault on a constable. Such were the Karwal Nats when the Government of Bengal decided, under the Criminal Tribes Act of 1911, to bring them into an industrial settlement under the direct control of the Salvation Army.

I am afraid that any unofficial agency not stimulated by religious zeal would have given up the task of taming the Karwal Nats after a few months of effort. For a long time they refused to lift a finger to work, sitting or lying about in obstinate sullenness. On one occasion they mobbed the Salvation Army officer in charge of the settlement, assaulting him severely. Over and over again the bulk of the adults scaled the walls of the enclosure and escaped during the night,

¹ *Forty Years With the Salvation Army in India.*

committed the member bearing the name of the day on which it fell had to strike the blow.

The Dhârhis were registered as a Criminal Tribe under the Act of 1911, and I read in the Annual Police Administration Report of Bihar and Orissa for 1925 that they have shown a genuine desire to reform and that only those convicted or reasonably suspected in a cognizable case within the last five years are to be retained on the register.

There are many castes the bulk of which are of good repute but which in sections or particular localities are so habitually criminal that they might almost be classed among the hereditaries. The Goalas (herdsmen) of certain localities in Bihar are habitual cattle thieves, and their methods often take the form of highway robbery or dacoity. Sometimes they will carry off several head of cattle to a place of concealment across the district border and send an agent to the owner with an intimation that he can have them back on payment of a stated sum per head.

There is a very large caste known as Dusâdhs, of about equal caste status with the Dhârhis, who contribute largely to the labour employed on the railways and in the coalfields. They are by no means generally criminal, yet in parts of the United Provinces and of Bihar sections of this caste have been proclaimed under the Criminal Tribes Act.

And if we pass from burglary and theft to swindling we find small sections of much higher castes, even to Brahmins, in which a particular form of crime is passed on from parents to children with such regularity that it becomes practically an inheritance.

Along the frontier of Nepal in the districts of Muzaffarpur and Darbhanga, there is a section of the Sonâr (goldsmith) caste, the members of which travel in parties of three or four to remote districts, specializing in a form of swindling. The point of the swindle is to induce some innocent to part with money for the acquisition of a woman's necklet of valueless white metal in the belief that it is of pure silver.

There is in the districts of Patna and Mazafarpur a sect of Brahmins (degenerate Brahmins, certainly, and practising few if any of the religious observances of the true Brahmin

caste) known as Jadua Brahmins, who travel about cheating well-to-do but avaricious persons of their hoards of ornaments by professing to be able to double them or to turn silver into gold. This trick has been practised by this sect for generations, though it is not a monopoly of theirs.

In the Bombay Presidency there is a sect of Mohammedans known as Chapparbands, who have been proclaimed under the Criminal Tribes Act as habitual counterfeit coiners. They travel to all parts of India, working off their stocks of moulded rupees—(poor imitations as a rule)—by a trick which has been handed down by their forefathers.

There are certain classes of Mohammedans in Bengal numbered among the Criminal Tribes, whose criminality is said to be of comparatively recent origin, and is attributed by them to economic causes. The Tuntia Mussulmans were formerly cultivators of the mulberry tree, but with the decay of the silk industry this source of livelihood vanished; and though the majority of them, perhaps, are ostensibly honestly employed, the community has developed a bad reputation for burglary and dacoity.

Similarly the Sandârs, a nomadic community of watermen of North Bengal, in the days when the village weaving industry clothed the population, are said to have earned an honest livelihood by making and selling the bamboo shuttles for the weaving looms. With the disappearance of village weaving they lapsed into crime. Their ostensible trade is in the hawking of cheap fancy articles, carried on by the women, but the men specialize in river gang robbery, selecting as their victims the well-to-do traders who travel about the waterways of Bengal, often with large sums of money in their boats. It is a rule with the Sandârs never to steal anything but cash, which adds considerably to the difficulty of bringing them to conviction.

It would be impossible in a single article to give even the briefest account of all the criminal tribes in all the provinces of India, and I have endeavoured to describe only some of those of whom I have had personal experience in Bengal and Bihar and Orissa.

The law up to 1911 furnished the authorities with no means of dealing with these people other than by the ordinary

police procedure of arrest, conviction, and imprisonment, when crime could be brought home to them. As a means of reforming even individuals this was of course futile.

The Criminal Tribes Act of 1911 empowered Local Governments to declare any tribe, gang or class addicted to the systematic commission of non-bailable offences to be a criminal tribe, and to direct the registration of the members of such tribe, and to compel them to report themselves at fixed intervals and to notify residence and change of residence or absence or intended absence from residence. Powers were given to the Governor-General in Council under Section 12 of the Act, on recommendation of a Local Government, to direct that any such tribe should be restricted in its movements or settled in a place of residence, and any tribe against which a notification under this section had been published might be placed in an industrial, agricultural or reformatory settlement established under the Act. Further powers were given to Local Governments to separate and remove from their parents or guardians the children of any criminal tribe and to place them apart in industrial, agricultural or reformatory schools.

Sir John Hewett, Lieutenant-Governor of the United Provinces from 1907 to 1912, initiated the idea of enlisting the aid of the Salvation Army for the management of industrial and agricultural settlements established under the Act. In 1917 I visited one of the S.A. settlements in Cawnpore, where I found Haburahs and Maghâyiya Dôms working in connection with one of the leading boot factories of the city, which had large contracts for the supply of boots to the British and Indian Armies. For the time being at least the untamables had been tamed into work that contributed towards the winning of the war.

Though the Salvation Army was the first philanthropic religious society to undertake the work of reclamation, they no longer have the monopoly. In the Punjab nine other societies, one Christian and the remainder Indian religious societies (Hindu and Mohammedan), have since been co-opted for the purpose.

Many police officers of the old school are doubtful of the possibility of these experiments ever leading to permanent

reclamation. I think they looked for miracles, disregarding the facts that the first to be taken in hand were the toughest of all the hereditary criminal tribes, and that those who undertook the work relied on patient and prolonged persuasion, drastic punitive measures being no part of their method. If they have not worked miracles, they have in many cases worked wonders.

In 1925 the population of the settlements established under the Act in the Punjab alone amounted to 8,715. In the Bombay Presidency the figures were 12,477. In the latter presidency so kindly have some of the settlers taken to the new mode of life that the Criminal Tribes Settlement Officer in his annual report for 1925 writes that 'during the year 43 heads of families and their dependents (106 persons), though offered their discharge on probation, preferred to remain in the settlements.' To prevent the offspring of such persons becoming 'an indefinite burden on the State,' Bombay is now establishing free colonies adjacent to the settlements. In the case of one of the settlements the free colonies are financed by the mills which employ the settlers.

The extension of such experiments to all the hereditary criminal classes of India, whom Commissioner Booth-Tucker in a pamphlet issued about fifteen years ago estimated roughly to number about three millions (perhaps a very low estimate), would call for expenditure unthinkable to the Financial Secretaries of Governments; but I am convinced that were the money and suitable agency available the bulk of the so-called hereditary criminal tribes of India would be found to be reformable. The big crime of the country is not as a rule committed by these people.

In the Government Resolution on the Report on the Administration of Criminal Tribes in the Punjab (1925) I read: 'The Governor in Council agrees that success in reclaiming criminal tribes varies in direct proportion to the means provided for their subsistence. The crux of the problem lies in the relief of economic distress.'

F. C. DALY.

Decentralization and the Police Box System

By FREDERICK JAMES CRAWLEY,

Chief Constable of Newcastle-upon-Tyne

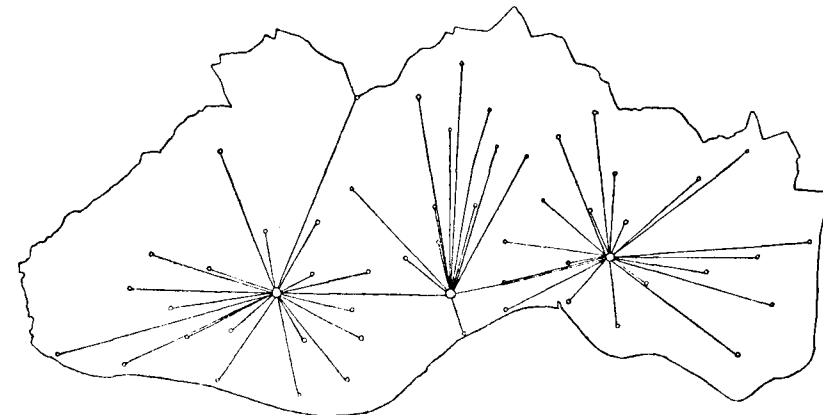
IT may be presumed that telephones were first used by police contemporaneously with their adoption by the general public. There has since been no dearth of combination police and fire alarms, open or closed circuit, with red light, disc, or sound signals. In some forces police telephones have been attached to such places as tramway posts. Police sub-stations have been connected up by telephone; in London, Glasgow, and elsewhere, some of these took the form of iron structures. Motor vehicles have been increasingly utilized by police. Yet, till the decentralized system of policing was introduced in Sunderland in April 1923, effect had not been given to the realization that it was possible, through the advent of the telephone and motor and the consequent capacity for contact and the altered conception of distances, for an entire force to be based for all purposes at exteriors as at centres. Before that date police forces, other than rural police, continued to commence duty at divisional stations, proceeded on foot to distant beats, and returned before going off duty. The granting of the half-hour refreshment period necessitated a visit to the police station or elsewhere between times, and then a return to beat duty. In some cases a constable was not available at the spot where he was wanted, *i.e.*, the beat, for fully one quarter of his time. That a beat may be covered by an adjoining constable at the refreshment period is only a nominal expedient.

It will be generally agreed that under such a system there was a wastage of man power. To counter this it was decided

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to take a police station (the police box) to each constable, instead of requiring each constable to come to a divisional station. If the time thus saved by each constable is multiplied by the number of beat and point men in a force, the whole economy of time will be found to be considerable. The weakness of beat supervision at the time of the change of duty has always been a matter of grave concern. The measure of change that has been effected therefore is that at Sunderland and Newcastle-on-Tyne (and in other areas where a similar system has been adopted according to the measure of decentralization) not one beat or point constable makes any physical contact with a police station proper. A considerable saving has also been effected by the closing of police stations. In



Position of Police Boxes in relation to the territory embraced by the City of Newcastle-on-Tyne

Sunderland five have been closed out of six; in Newcastle-on-Tyne six have been closed out of nine. This means an economy in staffing, cleaning, heating, painting, renovating and probable remodelling; and the necessity of the erection of new stations is avoided. In Newcastle the proposed erection of a station already approved by Council at a cost of £120,000 was cancelled.

It will be obvious that the scope of this article will not permit of a detailed account of the whole organization; the present writer, however, has published three booklets and other data thereon, which are available, on demand, to any administrative police officer.

The following is a summary of the scheme :

In the decentralization of a police force an organizer is faced with the following problems : (a) how to give access to the public at stations (police boxes) without staffing them ; (b) how to provide a means whereby police at a distance may receive their instructions, keep their documents and registers in safe custody and perform necessary recording, also take refreshments, all without wasting valuable time in proceeding to distant police stations proper ; and (c) how to convey prisoners to cells. All this can be accomplished under the Police Box System. A member of the public goes to a police box, opens a cupboard, takes out a telephone, and is immediately in touch, by direct line, with the officer at headquarters, who advises him or sends assistance as desired. It should be noted that this assistance may not only be of a police kind, but may include ambulance and fire brigade assistance, very necessary adjuncts in these days. A response is guaranteed within five minutes to any part of the town ; thus it cannot be said that a constable is not available when wanted. Private telephone subscribers can also be connected up with the system and an instruction card is issued to each. Contrary to expectation, not a single false alarm has been received as far as can be ascertained.

Each constable on a beat has a police box (some have more than one ; they are half a mile apart), and the telephone, accessible to the public from the exterior, is utilized by him from the interior. By this means he reports at frequent varying intervals, as laid down on a printed time-table which shows his times for each day in a week, also the daily differing points of his beat at which he comes on and goes off duty. This time-table is in two series, so that by switching as instructed from the one series to the other, the Monday's times would become, say, Saturday's, and so forth. A constable, once on duty, never leaves his beat. He takes his refreshments in his box in two quarter-hour periods. Whether the refreshment period be for two quarter-hours or one half-hour is a matter of arrangement. Advice, information and instructions are transmitted to and from the police box by telephone (when a constable had once paraded there was no

such means under the old system), and the constable is thus brought into the closest touch with a superior officer at any time he desires or as laid down.

Further, other members of the force, particularly detectives, recognize that the system serves as a valuable labour-saving device. Certain typed matter is duplicated and circulated to the beats and deposited at the boxes at 8 a.m. daily by police motor-cyclists. The ordinary work performed in divisional police stations is thus performed in police boxes, excepting that there are no means of placing a prisoner in custody. This apparent defect is really turned to advantage by the fact that police are no longer required to drag prisoners in custody through the streets, and the fact that all telephones, private included, are linked up to the system. A call transmitted by the constable, or anyone on his behalf, quickly brings a combination police van and ambulance which conveys the prisoner to the central headquarters, thus avoiding any re-transfer from the divisional headquarters later. The same vehicle re-conveys the constable to his beat. Up to date not a single difficulty has presented itself with this procedure. Pending the arrival of the vehicle the constables can detain certain types of prisoners in their boxes.

As it is realized that any stereotyped working of a beat becomes known to the public, the system aims at creating the greatest element of surprise. This element of surprise has been a factor in police administration which has not received sufficient weight ; and the point cannot be too strongly stressed. All commencing and going off points, and the times of reporting, vary daily ; and the constable is left to work his beat in a perfectly autonomous manner. For this latter reason the police prefer the system, also because they never lose a minute of their own time. Duty is commenced and terminated by the headquarters clock with which watches are timed from day to day. Each sergeant has approximately six constables under him and it is his duty to see a constable ' on ' and another ' off ' duty each tour. Inspectors also supply their share of such supervision. The fact that a constable does not know whether he may be the one visited ensures regular working. Moreover the ' ringing in ' system provides

an additional control. In Newcastle each division of police rings in to its own headquarters, of which there are three. The ringing in is distributed throughout the city on a principle equidistant in time and place. Each constable gives nine 'rings in' in eight hours, all ringing in during the first and last half hours. It will be understood that they are free to ring in as often at other times as they desire. In Sunderland, the police ring in to their headquarters at other divisions of time. Supervising officers are instructed not to spend an undue time in following constables about but rather to concentrate on police duty; on the other hand a supervising officer is free to give full attention to the working of any subordinate who may be considered to merit it. Sergeants are not required to visit each constable a given number of times as formerly.

The system will automatically produce improved supervision and check the duties of all members of the force on duty. There is much saving of time through the telephonic transmission, to and from headquarters, of instructions, informations, complaints, crime reports, etc. Each division has a motor-cycle patrol who in the ordinary course of his round collects reports, etc., from sergeants. Apart from opportunities for physical contact, the telephone serves as a medium of communication between a sergeant and any constable. Forms are reduced to a minimum and simplified. The headquarters can, by telephonic instructions, mobilize or divert with equal facility to any part of the town a constant flow of police for any emergency. At a time of actual and anticipated trouble, when reserves are kept at the divisional headquarters, police detailed for beat duty can be kept on such duty and be told to ring in every few minutes. In this way, the areas are not left unpoliced; and the beat police are placed in a position to transmit news of incidents happening in their areas, or they can be directed, when they ring in, to rally at a given locality. The mobilization of the whole force, on and off duty, can at any other time take place within one hour.

The boxes in Sunderland and Newcastle-on-Tyne are identical in type and are made of wood at a cost of £13 each. The presumed life of a box is 15 years: thus the annual cost for each is less than £1. The destruction of such a box in the



A POLICE BOX AT NEWCASTLE: CLOSED

(face p. 122)



A POLICE BOX AT NEWCASTLE: OPEN

event of riot would cause no serious inconvenience as arrangements are made for replacement within an hour ; it is merely held down to a cement bed by four bolts. There is no reason why the boxes should not be of cement, iron, brick, or other substance. Their size, whilst optional, must be determined according to their suitability for embedding in sites in congested areas. The boxes under review are four feet square and these dimensions give every satisfaction ; they are architecturally attractive, warm and well ventilated ; electric light and a one-bar radiator are installed. There is a cupboard, containing first-aid requisites, open to the public. There appears to be no reason why a box of the type of the most modern postal telephone kiosk, suitably adapted, should not suit the purpose in an exceedingly congested area where a site for a larger box is not available. The principle of obtaining the maximum degree of decentralization, which should always be the aim, is defeated in proportion as a box is made to serve as a base for more than one constable, thus depriving the force of the maximum distribution of strength, and also depriving the public and the police alike of the maximum of points of access to telephones and boxes.

Boxes cost £5 each on the average to embed, and where necessary are set back from the footway so that the front will be flush with the latter. There is also the cost of the electric light and heating installation. Current is fixed at a nominal charge of 10s. per annum on the understanding that its use is intermittent. This lighting and heating may be dispensed with in certain localities. In Newcastle the majority of the boxes are lit from the outside by adjacent street lamps.

Box sites are obtained from the Corporation and from private owners at a nominal rental of 1s. per annum. Important junctions are selected which are measurably central in respect to a beat. The telephone rental (Post Office) is fixed at a rate per one-eighth of a mile distance of each box from the divisional hub (which is cheaper than the rental rate of ordinary alarms apart from the cost of their installation). The Post Office service has given full reliability for all purposes. There is no reason, however, why a proprietary telephone system should not be adapted to police box use.

It is computed that the process of 'ringing in' and 'calls' by all police and public results in the testing of each line at least fifteen times in each eight hours; faults are rare and it is invariably possible to discern such as are impending by a peculiar fluttering of the shutter at the hub. In this event the police inform the exchange, and by motor-cycle convey the telephone employee to the fault for rectification. A constable in the meantime is dispatched to the box where he remains till all is in order, during which period he has access, by arrangement, to two private telephones in the locality. In this way the system always functions. A carrier motor-cycle is provided for the use of a man who cleans out each box once per week, makes any necessary adjustments to doors, hinges, etc., and paints them once annually.

Leave rotas are prepared and circulated to boxes, all ranks for weekly leave being grouped in numbers of six and one for relieving on each relief. The relieving men's duties are therefore automatic. A small reserve pool, always kept at a minimum on each relief, is drawn on to replace for annual leave and sickness. Every effort is made to induce members of the public to make full use of the telephones for inquiries in addition to 'calls.' Further, an arrangement is made whereby any real emergency calls (such as calls for doctors, midwives, etc.) can be transmitted at a small charge, which is collected later unless the callers happen to be in poor circumstances.

An officer at headquarters requiring a beat constable can do one of three things: (a) wait till he rings in; (b) send a constable from an adjoining beat for him, when the former rings in; or (c) send his motor vehicle for him. It is well to bear in mind, however, that in practice the beat constable is never wanted for the purpose of dealing with any serious incident happening on his beat. This is dealt with in a tenth of the time by response being made by a motor-cyclist at the divisional headquarters, who proceeds to the actual spot, takes the complainant in his side-car, and scours the neighbourhood. This motor-cyclist when not so engaged acts as telephone operator relief and generally assists with prisoners and station duties. In view of this procedure, therefore, even if a call signal (*i.e.*, a signal at a box, such as a red light or gong, and

actuated from headquarters) could be seen or heard any distance from a box, which is rarely the case in congested areas, there is no real need for this, more particularly since it is desired to keep the constable at the extremities of his beat and well away from his box, which he approaches only when he is scheduled to ring in. The two purposes are in conflict since, in proportion as a constable may be prone to remain in a condition of expectancy for a signal near a box, it would operate to the detriment of necessary police work elsewhere. At the same time in view of the tendency for motor crime to increase, there can be no objection to a few boxes at the extremities of towns in exposed positions being fitted with some call signal.

In dealing with this class of offence the system as it stands will contribute a good deal, since the rate at which constables can be apprised is easily computable. For example, presume thirty men on a tour of duty ringing in at half-hourly periods; they would be apprised at the rate of one per minute. The detention of motor-car offenders is a separate question. Men on point duty, if not capable of being apprised from a box, can be warned through some signal given at a pedestal telephone in the vicinity; it ought to be unnecessary to emphasize that such pedestal telephones in themselves afford no means of decentralizing policing. Each area must carry its quota of offences; it is therefore not claimed that the system is a specific for the eradication of crime, although the Sunderland crime statistics since its adoption have shown a gradual and marked improvement. An effort is made to put as many police on wheels as possible, thus increasing the range of supervision of pedal-cyclists threefold and motor-cyclists sixfold. Cycle sheds are attached to all boxes suitably placed; a beat constable uses the cycle at option. High powered ones are available for the pursuit of swift-moving criminals.

A review of the foregoing should carry conviction that the system makes for increased efficiency, whilst the fact cannot be ignored that certain economies are possible apart from the closing down of police stations. These may be directly financial, effected by a reduction in staff (in the shape of pay and the ultimate liability for pension), or indirect, such as the transference of the economized strength to duties for which

additional men would have otherwise to be engaged. In view of the many post-war and traffic obligations on the police, together with the need for a general re-casting of beats and consequent additional supervision due to extended housing areas, the latter form of economy is likely to prove the more attractive. Yet there may be no reason why both should not be acceptable, subject always to the force, together with any organization of special reserves, being considered reasonably capable of coping with emergencies. The degree of economy of strength possible can best be illustrated as follows: Presume an economy of one constable in each hundred strength, *i.e.*, one per cent. This means that for every hundred men in a force, the cost of one constable (including the actuarial value of pension, etc.) could be avoided. The system can easily be made to yield an economy of ten per cent. Indeed, if the amenities of the system be taken full advantage of, there is no reason why a condition of efficiency cannot be attained equivalent to a yield of 50 per cent., although it is not suggested that a corresponding reduction in strength should ensue. The whole is an effort to produce an organization on lines which would be considered economical when commercially viewed.

All preconceived ideas as to the impracticability or risk of the decentralized organization under review can be set aside; it has withstood all tests, satisfied all sincere critics, and has yet to reveal its first flaw; its efficiency will be commensurate with the skill with which it is applied; once applied it functions automatically. It will justify itself in any sparsely populated county as well as in any congested town. The mere existence of the boxes themselves acts as some deterrent to law-breakers, and in residential districts particularly, affords a sense of security to the public, as well as ready access, both factors having a certain economic value. Genuine efforts are made in many ways to extend the sphere of usefulness of police in respect to the public. At its lowest value this can be assessed on a *quid pro quo* basis, since all experienced police officers will agree that in order to ensure successful working, the hearty co-operation of a law-abiding public is essential. Indeed, of recent years, so many evolutionary changes have taken place which have had the effect of curbing police initia-

tive, that a statement of these, if space permitted, might fittingly be used as a ground for implying that some linking-up scheme between the police and the public is positively essential, if the former are to retain their efficiency.

On the question of the possibility of wireless becoming of more general use for police, a reply can be made as follows: Assuming that the time may come when police will be moving about with wireless apparatus in helmets, always admitting that reception is by code or a form of attunement which would prevent the general public from receiving the message, we still maintain that decentralization through the police box system is not affected thereby for the three following reasons; (a) the principle of decentralization enabling the police to start on their beat instead of at a distant police station would not be furthered; (b) such police would have no office for the many necessary uses outlined previously (in any case they are entitled to a place for making out reports, whatever the system); (c) the public would not have any means of access for summoning aid from the police.

Shanghai

The International Settlement and its Municipal Police Force

By BRIGADIER-GENERAL C. D. BRUCE, C.B.E.,

At one time Commissioner, Shanghai Municipal Police.

I

THE Municipal Police of the International Settlement at Shanghai have lately found themselves much in the public eye. Hitherto, their reputation has been mainly confined to the Far East.

Since the unfortunate occurrence of May 1925, when the police fired upon a lawless mob incited by strike revolutionaries, the force has come in for severe criticism, sometimes as ill-informed as it is unfair. The rights and wrongs of the much-to-be-deplored occurrence of May 1925 have been thoroughly sifted by a competent Commission on the spot. They are merely referred to here as an example of the extreme difficulty of police work as it has to be faced in Shanghai.

The S.M.P., as they are locally known in that extraordinarily constituted Settlement, are probably the most up-to-date and efficient police force east of Suez. They can bear favourable comparison with any force either in Europe or Asia. Had it not been the carefully organized, thoroughly trained body of men it is, and had it not been as efficiently served as it was by its Intelligence Branch, the S.M.P. might not have been able to fill the perilous gap prior to the arrival of the much-discussed Shanghai Defence Force. It was the presence of the Shanghai Municipal Police, together with that of the equally efficient International Volunteer Corps, which was able to hold under the 'red' and revolutionary elements.

SHANGHAI

These, as is now well known, were out to wreck Shanghai, to ruin foreign trade as had already been done at Hankow and elsewhere, and to make of Shanghai 'a commercial graveyard.' In the interval fraught with danger immediately before the arrival of the Shanghai Defence Force the safety of hundreds of foreign women and children depended solely upon the activities of the police and volunteers. How dangerous the situation within the Settlement at that time was has even yet hardly been realized.

Shanghai handles some two-thirds of the foreign trade of China. It produces nearly 45 per cent. of the total Customs Revenue, which revenue alone secures any certain interest upon China's foreign indebtedness. The net trade of the open ports in China amounted in 1924 to the huge sum of taels 1,966,197,792.¹ Had Shanghai, its banks and gigantic businesses, shipping-wharves and go-downs, shops, private dwelling houses and foreign hotels suffered the fate of Hankow, the damage to foreign trade might have been irreparable. The blow to foreign prestige as well as to the rule of law and order in China would have been incalculable. If the thousands of lawless revolutionaries, strikers, bandit-soldiers, and criminals had once overflowed into the International Settlement, only bloody fighting could have cleared them out again.

The Shanghai Municipal Police are a striking example of the triumph of law and order over surroundings in which for the time being supreme chaos is the dominating feature. The S.M.P. stand for safety and for security of life and person in the midst of the most polyglot population, and in one of the most cosmopolitan seaports in the world. They uphold law and order within a ring fence only a few miles in circumference, but through that same fence passes almost the entire trade of the Yangtze valley as well as much of the interior trade of more remote provinces.

Twenty-five years ago the International Settlement at Shanghai had just recovered from the passing effects of the 'Boxer' outbreak. This was a possible forerunner of the 'Red-spears' of to-day. Shanghai, then as now, had been the temporary home of a large force of British troops. Conditions

¹ £245,774,724.
1

in China were, then as now, seriously disturbed. As we have since learnt, the 'Boxer' outbreak, approved by the great Empress Dowager, heralded the fall of that semi-divine Monarchy, also of the worn-out Manchu Dynasty. Though a being hardly human in the remoteness of his august presence, who can say what the disappearance of the 'Son of Heaven' has meant to millions of his simple subjects?

From the date of the 'Boxer' outbreak in 1900 can be traced the gradual upheaval of China's ancient landmarks: also the gradual removal of many of the foundations of her past civilization, foundations which so far the new 'Nationalism' has entirely failed to replace.

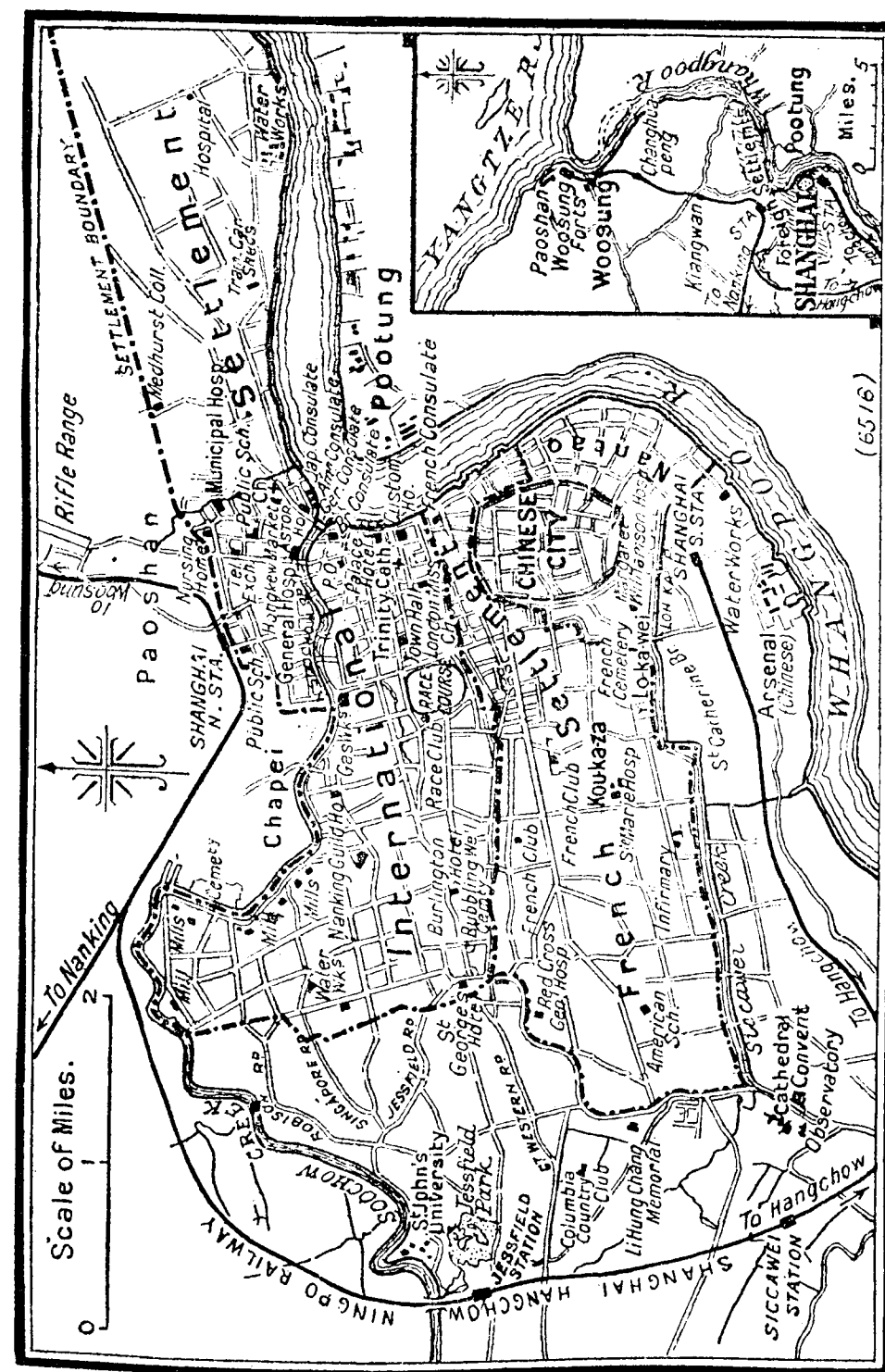
One of the greatest civil administrators the world has ever known, Napoleon Bonaparte, once remarked: 'In order to govern it is not necessary to pursue a more or less perfect theory, but to build with the materials which are under one's hand, to submit to necessities and profit by them.'¹

Such is evidently not the view of present-day 'Nationalists.' There was ample material to hand upon which to raise—if needed—a new fabric. Why grub up the very foundation stones?

That the conditions under which a police force functions have at all times considerable influence upon its conduct and efficiency is a well-known fact. There is probably nothing in the whole history of police work quite like the attitude of the British—especially the London—public to its home forces. This attitude of mutual co-operation has been the subject of universal comment by visitors from the four corners of the earth. The London police know their public and know exactly what is due to it. Above all, they realize that public feeling is with, not against them, and that those who compose this public are on all occasions ready to co-operate. In Shanghai, with a large proportion of the population the feeling is exactly the reverse.

It is not possible to grasp fully the difficulties under which the Shanghai Municipal Police work without a general idea of the geographical conditions. As the accompanying plan shows, the area which has to be policed is an island set in a vast sea.

¹ *Napoleon*, by Emil Ludwig. Trans. by Eden & Cedar Paul, 1927.



By permission of 'The Times.'

Upon the carefully charted but entirely undefended shores of this island break endless waves of crime, sometimes fiercely, more often gently, but always threatening to submerge law and order on the island. As may be gathered from the plan, the boundaries of the International Settlement are in places almost imaginary lines, open roads or narrow streets. The boundary may even be the back of a line of houses. Other portions of the Settlement boundary are marked by narrow creeks or by the Huangpu, itself a very minor tributary of the great Yangtze.

Actual obstacles on most parts of the boundary there are none, except where as at present¹ barbed wire entanglements and sand-bag revetments have been artificially erected. At ordinary times criminals as well as honest folk can cross the Settlement boundaries almost anywhere unchallenged. Once *outside* the boundary, or in certain places once across an ordinary road, and—theoretically—a murderer fleeing from the Settlement police can challenge their right to arrest him. Just so long as a refugee within Settlement limits remains unknown to the police he has from Chinese justice the finest sanctuary in the country. Which is far from saying that there is no mutual co-operation between the police of the Chinese suburbs and the police within the Settlement. What should be emphasized once more is that neither can function—again theoretically—one yard the other side of its own boundary. If we can imagine the police of one particular London division able to function only within their own area, neither expecting nor receiving in the pursuit of a criminal wanted any help whatsoever from an adjacent division, then some idea may be gathered of what the Shanghai Municipal Police have to contend with.

There are many other difficulties unknown to police in the British Isles. One is the mixture of languages spoken within and beyond the limits of the Settlements. British-born subjects, Sikhs, Japanese, some Russians and many Chinese compose the force. A second difficulty arises regarding the arrest of any foreigner who may have contravened the law within the Settlement. Such an arrest cannot be made until the warrant is countersigned by the Consul of the particular

¹ July, 1927.

nationality concerned. A foreigner may describe himself to the police as a subject of, say, Patagonia, but when a Patagonian warrant has been applied for the foreigner is found to be a subject of, say, Libya. So the changes are not infrequently rung with resulting trouble for the police. There are some twenty Consuls functioning within the limits of the Settlement.

Another point in which Shanghai differs from almost any civil police force is the risk to life to which its members are subject. In England an occasional burglar may add to the seriousness of his crime by shooting at a police constable: a lunatic at large may attempt to kill a constable who interferes with him. But such affairs are unusual. In Shanghai, at any hour of the day or night, armed robbers, wholly indistinguishable from ordinary peaceful Chinese until they let fly, will shoot to kill in order merely to escape arrest.

How, it may be asked, can police possibly function under such extraordinary conditions?

The answer is to be found in the universal tribute paid to the sense of duty and efficiency of the S.M.P. throughout the whole of the Far East.

As has already been stated, the International Police Force of Shanghai is composed of British-born subjects, Japanese, Sikhs, a few Russians, but mainly of Chinese. The enlistment of each branch of this force is a source of great care and no little expense. It is not possible within the limits of this article to do more than merely outline what takes place before any recruit becomes a permanent member of the force. All British-born recruits are enlisted in the United Kingdom through the London agents of the Shanghai Municipal Council. The terms of enlistment are generous, the conditions to be fulfilled severe. Having been sent out to Shanghai at the Council's expense, all recruits have to pass through the Police Training Depot there before being considered fit to take their place in the force. The present strength of the Foreign Branch, including all grades, is 374. Sikhs, as usual in the Far East, are a useful second line to any foreign police force, especially for traffic duty. Sikhs are recruited in India and thoroughly trained at Shanghai. A special police officer, an Assistant Commissioner, was this year deputed for the former

purpose. The 'authorized' strength of this branch in 1926 was 893.

The Chinese branch of the S.M.P. as already remarked, forms the body of the force. Considering the temptations, trials and agitations by Labour and Communist agents to which Chinese constables are locally exposed, the conduct of these men is worthy of high commendation. Eight members of the Chinese branch of the force were killed by desperadoes last year in the Settlement.

Among the duties performed by the S.M.P. is the ordinary routine work of all police forces. But in the regulation of traffic there is an altogether unusual strain on the constables on duty, mainly Sikhs. In addition to the vast stream of mechanically-impelled traffic common to any large modern city, one which every year grows more and more rapid, Shanghai streets carry rickshaws, one-wheel barrows man-handled, hand-carts heavily laden and coolie-drawn, cyclists, and an enormous stream of pedestrian traffic, most of which is slow-moving and the human portion of which is entirely ignorant of all or any rules of the road. Here again, the language difficulty complicates the situation.

There is a small mounted branch of the S.M.P. whose chief duty in ordinary times is to patrol the outskirts of the Settlement and to act as escorts when required. Forty-one China ponies with two horses form the stud under a Trooper Sub-Inspector. As many of these ponies are pensioners, well-known on the China turf, given by their owners for light work after a distinguished racing career, the local interest in this branch is of an unusually personal nature.

In addition to all these activities follow the policing and management of a large and modern municipal gaol which last year housed 2329 convicts as well as juvenile offenders in a reformatory school.

Last, but by no means the least important branch of the Shanghai Municipal Police, is the Criminal Investigation Department (C.I.D.). Of the work performed by the C.I.D. in such a setting as are the purlieus of Greater Shanghai it is hardly possible to give an adequate idea. In most European cities and towns crime to some extent is stereotyped. In

Shanghai there is always the unexpected. A list of the more serious crimes for the past year include :

43 murders.	Bomb-explosions.
448 armed robberies.	Opium raids.
Abductions by armed gangs.	Gambling raids.
Trafficking in arms.	Disturbances and agita-
Counterfeiting and uttering	tions of an anti-foreign
bank notes.	character.

One of the most useful sub-bureaux of the C.I.D. is the Finger-print Department. The total recorded work for 1926 may be summarized as :

Finger-print Records received :	Identifications made :
195,938	67,163

Mention of two other by-products of the S.M.P. should not be omitted as both have more than justified their creation. These are the 'Foreign Police Reserve,' total 355, and the 'Special Squad' for raids on opium hongs and gambling dens.

It remains to emphasize—if not already apparent—the chief difference between the duties of the S.M.P. and those of ordinary civil police in the United Kingdom. As has been pointed out, the action of most civil police forces is almost entirely a peaceful one. In civilized countries should the police, unfortunately, be called upon to undertake offensive duties in restoring order, or in resisting mob-riots, they can and usually are rapidly reinforced by practically unlimited military assistance. At Shanghai this is, of course, impossible. Within the limits of the International Settlement or immediately outside its open boundaries—as the writer knows from personal experience—a situation may at any moment arise with which the police, unaided, are unable to cope. This is in spite of the cordial co-operation of the police of the French Concession. Surrounding the Settlement there are, as already mentioned, suburbs and a huge native city swarming with Chinese, many of them of the criminal class and already fugitives from Chinese justice.

Stated in terms of police-work at Shanghai, the following are stages which may at any time eventuate :

(a) Economic labour disputes.

- (b) Strikes: (mill-workers, dock and shipping coolies, rickshaw coolies and tramway employees).
- (c) Ordinary riots (following any of the above strikes).
- (d) Extraordinary riots (possibly engineered).
- (e) Civil war in the surrounding area.
- (f) Defence of life and property within Settlement limits.

Until the arrival of the Shanghai Defence Force early in 1927 the only means of meeting these various stages were:

- (a) Reference to local arbitration.
- (b) Police action, if necessary.
- (c) Police action.
- (d) More police action with the International Volunteer Force called out in aid of the S.M.P.
- (e) Same as (d) with 'Landing parties' put ashore from men-of-war at Shanghai.
- (f) The Shanghai Defence Force, called for by altogether exceptional circumstances.

That the present chaotic conditions of China must necessarily react upon China's wealthiest city and seaport the writer has already pointed out in the columns of the *Times*. That these conditions may eventually pass and the country again become normal is the devout wish of all who have at heart the interests of that unfortunate country.

Shanghai is the bone of contention for every militarist adventurer or provincial Tuchun in the Yangtze valley. Were Shanghai and Tientsin both decreed by the Western Powers interested to be inviolable, law and order in districts surrounding these wealthy trade-centres would automatically assert itself.

Only just in time, as the world now realizes, did the British Government decide to come to the rescue of the International Settlement at Shanghai. Immediately previous to the arrival of the Defence Force from England there was thrown upon the Municipal Police a burden unfair to place upon the shoulders of any such body. That the S.M.P. stood the test is to their infinite credit. Until relief arrived law and order continued to prevail within the limits of the Settlement for which they were responsible.

II

Is there not then, some reader may ask, a wider lesson to be learned from this unique experience?

Obviously there is. Equally obviously to those who know China the time has not arrived to profit by this lesson. That China as a whole will remain for generations predominantly an agricultural country there is little doubt. Wide areas given up to peaceful farming are the most easy to police. Since the dawn of history China has been a land in which by far the larger portion of her teeming millions were peasants born and bred. In these days, however, in certain districts industrialism has definitely begun, will spread, and will vastly increase just so soon as a strong central government or powerful provincial civil-governments come into being. When civil law once more replaces military lawlessness in China, the rise and growth of industrialism may astonish the world.

So far as foreign trade is concerned, the first essential is the re-establishment of law and order. The second, increased means of transport, *i.e.*, more railways, main motor roads, and improved waterways. The third, arising out of the first, is security in transit. The existing railway mileage throughout the whole of China is approximately 7,700 miles for the enormous area of 1,896,000 square miles with a population of approximately 420,000,000.¹ Compared with America's 262,158 miles operated (1924) in an area of 2,973,774 square miles and with a population of approximately 105,110,620 people, this amount would be ludicrous if it were not a pungent commentary upon the lack of initiative and inherent conservatism of the Chinese people.

Wonderful as are the waterways of the country, especially those radiating from the Yangtze river, neither the railways nor the waterways can rise to anywhere approaching their real and enormous value until security of carriage is guaranteed. Far from being guaranteed, as every foreign trader is aware, both railways and waterways, especially the former, are year by year depreciating in value. Both carry such a hopeless burden in the shape of 'squeeze' imposed by warring Tuchuns that so far as the railways and trade are concerned the railways hardly

¹ *Times* article on 'Railways in China,' 2nd August, 1927.

function at all. For this state of affairs there is one remedy and only one, and that is adequate policing of the railways and waterways by a central government strong enough to enforce free trading conditions.

The present state of the comparatively few railway lines existing in China, mostly built with foreign money, has recently been carefully outlined in the *Times* article already quoted. To summarize this expert and interesting account, interesting particularly to holders of Chinese railway bonds, it is only necessary to say that with the exception of two all have defaulted, failing to earn sufficient to pay the interest on the loans. Local interference by military leaders has in the main brought about this pitiable situation. Maladministration of the grossest kind is responsible for the rest of the damage.

Efficient policing of the railways would in a few years double or treble their earning capacity and ultimate value; but this, in the eyes of a military autocrat out solely to put money in his own pocket from the railway which runs through the province he happens to control, is no argument at all. That any so-called government existing in China to-day could face such an undertaking is out of the question. But the increased revenue which would accrue from nationalizing the railways and adequately policing them would not only suffice to pay this charge but would in a few years provide funds for railway growth to an extent hitherto hardly imagined.

In order to form some idea of the potential wealth lying dormant—owing to undeveloped railway lines—in China, it is only necessary to glance for a moment at the earnings of Indian railways. The route-mileage of all railways in India is 38,557 miles. Capital £572,000,000. The net receipts give 5.23 per cent. return on the capital.¹

That the Chinese make excellent police under proper discipline is already a proved fact. When the great Bolshevik effort to break down civilized government in China has exhausted itself, and when a strong central government is prepared to provide for foreigners in China the same treatment as Chinese enjoy wherever the British flag flies, then the trade and prosperity of the country will advance by leaps and bounds.

¹ *Whitaker's Almanac*, 1927. 'Indian Railways.'

The Apprentice to Crime

BY ALEXANDER PATERSON, M.A., M.C.,

H.M. Commissioner of Prisons

I. THE ENGLISH PROBLEM

EVERY little lad born into the world is, apart from other possibilities, both a potential policeman and a potential criminal. The choice should lie with him; but he is swayed strongly in one direction or another by forces outside his control, and sometimes the dice are heavily loaded against him in the game of life. The man who complains at the end of a life in prison that he never had a chance is often the man who in this way never had a fair choice.

There are instincts good and bad, passions clean and sordid, together with some talent or capacity, in every lad. A little that is good, wisely developed, will contradict or transform much that is bad; but a growing life that is devoid of ideal and has no practice in self-discipline is a neglected garden where weeds and fungus are alone encouraged.

The infant habit of stealing the twopence which mother has put on the dresser for the milkman, and spending it on sweets, may be discarded when other contradicting ideas have been absorbed, or in their absence may develop into the more serious habit of robbing the till in the grocer's shop. The child who breaks open his own money-box may learn to laugh at his folly, or may proceed in later years to open the larger money-boxes at the bank. Whether the good that is in each will be developed, and the evil that is in each will be thereby eliminated or transformed, must depend largely on the environment in which the adolescent years are spent. A leader and a bunch of comrades are the vital features of the right environment. One goes in front of a lad, indicating the objective, showing the way and insisting on the training that is necessary for the journey: the others go by his side, their very presence reminding the lad

that he cannot as a member of a human society live entirely for himself, and their common spirit, if it is healthy, swaying him to form good habits of endeavour and control.

* * * * *

It was nearly midnight¹ in the two-roomed tenement by the riverside, and the lad of fifteen who lay sick of a fever on the greasy bed in the living-room stirred uneasily as each member of the family passed through to the bedroom within. His two young brothers had been rounded up an hour earlier, when their mother sighted them climbing a lamp-post as she made her last journey for that drop of gin which is both a stimulant and a snare. They were already asleep on a mattress in the corner, dreaming of cowboys and caves, bearded pirates and giant policemen. The mother follows a little unsteadily, for the foul air of the public-house and the climbing of a stiff stairway have magnified the effect of the gin. She nearly falls over the bed as she restores the blanket he has thrown away, adjures him to be a good lad, and totters into the bedroom, murmuring with the fatalism of the overwhelmed: 'It seems as if it had to be.' The next arrival is the sister of eighteen, who has torn herself from the embrace of her young man in a dark doorway by the wharf, and has hurried back to get home before her father. She too, passes to the inner room, saying to her mother as she goes to sleep: 'Young Bill ain't 'alf queer.' It is nearly one o'clock on the Sunday morning before the head of the house returns, surly and fuddled, ready to find occasion for a quarrel with a fly or an army corps, but soothed a little by the sight of a sick lad. He holds on to the table the while to ask him: 'Yer all right?'; without waiting for an answer he gains the inner room with difficulty and is soon in noisy sleep.

The last member of the family to return is the elder brother, who shares the bed with Bill. He has spent the evening with his young lady in another doorway and in five hours barely used five hundred words. He, too, has neither fever nor conscience to keep him awake, and the slow night passes in unbroken quiet till the weary mother comes in to make the first cup of tea on the Sunday morning.

* * * * *

¹ These incidents relate to the pre-war period in London, when public-houses were open till midnight.

In such a home, what leadership or comradeship will help young Bill to shape his course towards a clean and self-reliant manhood? His father is honest in so far that he escapes the clutch of the law, but his code does not prevent him from bringing home on occasion a few of the apples that may, with assistance, fall from a packing-case. The tenement is only a cellular protection from rain and wind: it cannot be a home in any proper sense of the term. In such crowded quarters, a common meal is almost impossible, there is neither room nor time for parental discipline or family tradition to have their place in the training of the lad. When these are withdrawn, the very foundations of English character are threatened.

At school Bill found little to repair the deficiencies of home. He was but one in a huge class of sixty. His teacher maintained an admirable discipline, but could not establish that personal contact with each lad which is the corner-stone of education. The playground was as much too small as the class was too large, and the teaching of organized games, whereby self-discipline and comradeship may be learned, was seriously handicapped.

Such environment is the seeding-ground of crime. There is here every agency which might suggest dishonesty, and scarcely any operative forces that can build up a power of resistance. Every one who feels the spur of poverty is liable to a suggestion that he should steal: who has had a chance to teach Bill the reason why he should not steal? Small wonder then that in a shaded map of London, those districts which are marked in black as contributing in proportion to population most heavily to the juvenile courts are those where the houses are most over-crowded and the playing-fields most rare.

Until these conditions of life are very considerably improved a palliative has been discovered in the foundation of clubs and brigades and Scout patrols. Here Bill can find that leadership and learn that comradeship which will give him an ideal and a spirit on which character may be built. For a few hours each evening of the week he is in an atmosphere different from that of street or home. Here are found new ideas of the right and wrong thing to do, fresh examples to be admired and imitated, a new and healthier outlet for noise, excitement and energy.

The gang becomes a team, the gambler a sportsman, the bully may form the devoted leader of a group. The process does not consist in pounding out the bad in a boy by preaching or by punishment. Rather is the good in him so developed as to master or transform what would otherwise be bad. This preventive method, when it succeeds, saves a lad from a wasted life of crime, and builds up a man who is an asset and not a liability to his country.

* * * * *

In that prison cell, built so securely as to outwit the most desperate and violent of criminals, how small and ordinary young Charlie looked, like a puppy in an expensive iron safe. No low forehead or vicious mouth would reward the searching glance of the cocksure criminologist. He betrays no mental abnormality, and no interesting complex will fascinate the almost indecent curiosity of the analytic psychologist. Charlie aged seventeen is a fair specimen of the haphazard child of the London streets, quickly impressed, slowly steadied, vague in direction but eager to follow. The heavy door, the bars and the bolts, all suggest a danger to society, whereas he is but a young citizen of Islington, looking for life, and being sucked under a rock, because he grasped at the semblance of life in a whirlpool.

It appears that Charlie had found in club and camp a means to stretch himself and make a noise. Desires for adventure and excitement were satisfied, and in those critical years that stretch over the hilly road from puberty to manhood a steadying hand was on his shoulder. But at sixteen the club had closed, because help and funds from outside had waned, its members were disbanded, and Charlie reverted to the corner of the street. Here he had met an older lad of nineteen to whom prison walls were already familiar. He told stories of his prowess with lock and key, and caught Charlie's imagination by the suggestion that they should pit their sure cunning against the slow wits of the police.

Remove one leader and another takes his place; block up one road that leads to excitement, and the growing lad will find another. The influence of the club was withdrawn when barely half its work was done, and an evil influence invaded the waste spaces. That is the true and simple story of Charlie,

who being no resolute criminal was by a wise magistrate subsequently released upon probation.

Few men know better the value of such organizations for lads than the police forces of England. They realize how near the lad born in a crowded house stands to the limit of the law, how many and how strong are the forces at the street corner that may sweep him across the line. They do not want him to become a criminal, but prefer that the club should prevent the necessity for arrest and detention by turning him into a decent citizen. For it is better to build than to rebuild.

The Chief Constable of Norwich has set an example by starting a large club for the lads of his city, and everywhere the police forces at home have shown their sympathy with all organizations that try to complete the imperfect education of a crowded home and school.

II. THE PROBLEM IN BURMA

After twenty years' experience of the Bill and the Charlie of London, it was strange to face one sultry afternoon in the Jail at Insein a procession of the worst lads in Burma. Each in turn sat on his heels in the Superintendent's office with that lack of expression on his face that is a mask of cunning rather than a sign of innocence. They were the Artful Dodgers of the Province, and many of the Fagins who had taught them were in the adult section of the same jail. Many had six convictions before they were sixteen. There were no vices unknown to them. Youth was a weapon for beggary; their lack of physique enhanced their value as crawlers and climbers in the crimes of the night. They had been beaten; it was of no avail—within a few weeks they were before the same court on a similar charge. Four or five times had each crossed the prison gates, but each time they passed out they were a shade more cunning and brazen than when they had entered. Prison neither punished nor reformed them; the length of a sentence was merely the interval between two acts of crime.

It was difficult, even through the most willing and conscientious of interpreters, to obtain a testament of truth from these wizened and precocious imps of crime. At each question they paused, without a flicker of the eye and barely a motion of

their toes, to consider what would please Master, what might excite the pity of Master, what perhaps would make Master take their side against the police who had 'made up a charge' against them.

And Master all the time, as he listened to the whining, oft-repeated plea of innocence, the allegations of oppression and bribery against the police, the mysterious uncle who was really guilty of the crime, wondered why it was even hotter than before. Finding that the punkah was stationary, he woke up the prisoner who no longer pulled it because he was fast asleep. And then as it grew a little cooler, he wondered again through what school of experience these hard and crooked morsels of humanity had graduated. Where had they lain in the years when habit formed and a scale of values was chosen, that they should now be so steeped in the dirt of the streets?

From a mass of lies, one or two facts seemed to emerge; and these were subsequently tested by police inquiries. It appeared that a considerable number of these young recidivists, who were destined to become part of the stage army of permanent criminals in the Province, were the homeless gamins of the Rangoon streets. From a surprisingly early age they had known neither home nor parents nor school nor regular employment.

The existence of such a class is a fact of vital importance to the problem of crime. Just as the swamps around the village must be drained if the mosquito is not to prevail, so the streets of a city must be drained of its young wanderers or it will become a fertile seeding ground of crime.

* * * * *

Soon after midnight an officer of police, versed in every sordid corner of the night life in Rangoon, and well-known to half the 'bad hats' who lurk in its shadows, was set aside to accompany the inquirer from the West. In a dark corner opposite the main cinema five youngsters were found sleeping on the flagstones in the company of an older man. He was a chronic *habitué* of Insein Jail; they varied from eight to fourteen in age. What sort of life were they learning; whither must it inevitably lead them? Under stalls and in doorways, beneath the arches of a bridge, on window-sills and verandahs,

lads of all ages were found, sleepy and frightened, lifting a sticky hand instinctively to shield a blow, puny enemies of a society they feared but could not understand. In opium-den and lodging house, accustomed and callous to every form of vice, filthy and verminous, many a score were found that night. They had no grip on life, no property or resting-place, nor right to anything, snatching what they could for a bare subsistence from the bulky and respectable members of the community.

In order to get a little closer to the actual facts, the Commissioner of Police issued the following order:

'During the night of ——— the police will collect every boy under the age of sixteen who is sleeping out in the streets of the ——— quarter of the city, and will bring them to the Central lock-up.

At 6.30 a.m. the lads will be given some food. At 7.0 a.m. they will be interviewed. In order to get through the work as quickly as possible there will be four interviewers. The police will supply interpreters.

Before being interviewed each lad will be weighed and measured and medically examined. The Superintendent of Rangoon Jail will arrange for the attendance of a Medical Officer and for the provision of scales, etc.

The interviewers will be provided with copies of a form, and will fill up the spaces as fully and as legibly as possible.'

Nearly 150 youngsters, ranging in age from six to sixteen, were corralled in the lock-up, though the drive had been through only one quarter of the city. The doctors found them to be a sorry crowd. They were all ill-nourished, below the average of their age in height and weight. Some were already tubercular, others had faulty hearts. None was a physical credit to the race.

The stories adduced by the interviewers were doubtless fabrications, but here again a skeleton of truth showed through the embroidery. The Burman lads had for the most part run away from their village, through the death or discipline of their parents—the former being the more likely cause. They had come to Rangoon as Dick Whittington had come to London, believing it to be paved with gold, but finding by the experience of Jacob that paving-stones, whether made of gold or of sewage, are but a hard bed at night. The young Indians had come out *en famille* from Madras, and for one reason or another had been

left behind or had elected to stay in the noisy city where there was so much more life than in the village overseas. At one time there must have been good material in those lads. It is often the pluckiest who runs away from home, and the finest spirit who follows the will-o'-the-wisp across the rocks. They have drunk deep of evil, but the very hardness of life has made them independent, and perhaps given a sort of *camaraderie* to these little soldiers of a foreign legion. They might have been apprentices to a worthier craft than that of crime; but as they are, untended and misled, they will probably grow to be merely the sneak-thieves of a city's streets, rising at the highest to be a dacoit in the suburb.

III. A SOLUTION IN CEYLON

In Colombo the same problem of the homeless youngster had presented itself. There were a hundred lads who had strayed from their villages to the city and slept beneath the stalls of the bazaar or on the stones of the fish-market, earning a few annas each day for carrying a bag and spending them all on food, with no balance for clothes or shelter. Frequently they were in the hands of the police, in the first instance for sleeping on a verandah, and subsequently for being too wide awake on the same verandah.

In the year 1922 the police of the colony started a club-hostel for them in the roughest quarter of Colombo. Here they could spend their evenings at educational classes, learning to read and write, as well as to box and run and kick a football. Here, too, they could sleep in decency upstairs, under the supervision of a police pensioner. It became at once a home and a school to them, where they could learn the rules of life, absorb a good spirit, and even in such trifling occupations as ping-pong and draughts could learn to play the game. Certain it is that those who have been taught to use the gloves will rarely use the knife, and those who have learned to accept the adverse decision of the referee at the mouth of the goal have gone far to conquer the violence of their temper.

The idea of a Police Club for the young thieves of a town spread in the colony, and already two other clubs of a similar nature are in active existence. The very lads who were once

constantly in the dock are now constantly in the ring. The barest handful of club members has made any appearance before the Magistrates since the club began. The police who were once forced in the execution of their duty to arrest and produce these youngsters are now in their spare time actually engaged in preventing the necessity for arrest and punishment. This phenomenon of a policeman as the main agent of prevention is intelligible to Sir Leonard Dunning, who twenty years ago, as Chief Constable of Liverpool, turned some of his men into probation officers; but is an incredible *tour de force* to those who cynically regard the police as only intended to catch and convict the guilty man. It is the function of the ideal police force to keep people honest as well as to track down the dishonest.

The adoption of such work as this by a police force, apart from the benefit accruing to the community in general by the prevention of crime, and to the young offenders in particular by the training in sound habits, reacts to the great advantage of the force itself. The *morale* of a policeman is immeasurably improved if he takes a wider view of his function in the prevention of crime. If a police club is in existence he will view the mischievous imp in the street as a human possibility to be trained, and not as a nuisance to be tracked. He will become interested from a widely different angle and to a greater degree of depth in the problem of prevention.

The policeman who sees the possibility of a homeless waif and seeks to develop it by training and discipline will find his work of endless interest, and will begin to realize how high a part he is called upon to play in the conservation of order in the State. He will enrich the traditions of his profession by discerning the good in a youngster and stimulating it to beat the bad, and will not merely be content to wait until the bad has borne fruit in an act of crime and then to pounce upon it and drag the offender with complacency to a place of judgment.

The greatest detective in the world was the one who in a glance detected the beautiful teeth in the pariah dog.

Furthermore, the whole attitude of the community towards a police officer changes when it finds him engaged in such work. The value of a force depends to a degree not

always realized on the confidence it has won among the average citizen. Where the policeman is respected as fair and incorruptible, as a friend and adviser in trouble, ten officers will suffice in a district where otherwise a hundred may well be required. For confidence begets support, and the man in the street or the man in the bush will rally instinctively to the support of a uniform he has learned to trust. At first the urchins of Colombo were openly apprehensive of the club started by the police. It was hardly to be believed that the pursuer had become a friend. But in time they came to learn that the police were in earnest, had no ulterior motive, and a mutual confidence was established.

It is then for the good of all concerned that those who are charged with the duty of preventing crime should do what they can in a positive direction by training the potential offender towards a life of self-discipline and industry, and not merely use the negative weapons of fear and deterrence.

In the end, if such a policy is pursued and if the homeless children of the city are trained aright, it may happen that from among them will come some possible recruits for the very force that has discovered and developed them.

The old adage 'set a thief to catch a thief' is merely a squib of the cynic. But there is some wisdom in finding a homeless child, without any family ties, who might otherwise become a criminal, and so training him from an early age in habits of self-control and honesty, that one day he can become a loyal and reliant policeman. In some parts of the Empire it is said to be difficult to maintain a force that is at all points incorruptible. There are two things absolutely essential for the existence of an incorruptible force. The first is adequate payment and the second is prolonged training.

It may be advisable in some countries to collect potential policemen at the age of three and to bring them to their early manhood in the educational discipline of a club and hostel. Thus may be formed an independent body of men with no family ties but with a strong tradition. For so long as they can remember they will have been taught those simple lessons of honour and obedience that are the foundation of the best forces in the world.

Jack Sheppard

LEGENDARY AND REAL

PROBABLY the dominant thought in the minds of most prisoners—certainly of every hardened prisoner—is 'escape!'; and the wise police officer or governor of a gaol never allows himself to forget this very human trait in the natures of those committed to his charge. Yet the very elaborateness of the precautions taken against escape can provide a pitfall. For the more elaborate the precautions, the greater the sense of security in the custodian's mind: and is not the phrase 'lulled by a sense of security' a commonplace of the language?

The ordinary criminal—the man whose machinations against society run in a well-known groove and thereby prove him to be possessed of little imagination and ingenuity—is easily kept in confinement. The usual precautions are sufficient to retain him in custody. But the more dangerous to society the criminal be—and therefore the more urgent the need of segregating him from his fellow men—the greater will be his imagination and ingenuity. He will leave no stone unturned in his endeavour to escape from confinement. Night and day it will be his constant thought. And against him the ordinary precautions are often of little value.

Trenck, imprisoned in a dungeon at Magdeburg in 1750, had an iron ring, a hand's breadth thick, riveted round his naked body. A thick chain, three feet long, connected this to a staple built into the wall. His wrists were handcuffed and kept apart by an iron bar two feet long. His ankles also were chained to the wall. But by rubbing the head of a rivet on a brick he disencumbered himself of the handcuffs. A small grated window enabled him to throw to a sentry outside some

gold which he had secreted on his person, and in exchange for this he received a file. The sentry was quite sure that Trenck could not escape, for the dungeon had been specially constructed and the doorway into it had three doors, one behind the other. The small window aperture slanted up, then down, the grating being masoned into the apex of this inverted V. The sentry thought that the file would merely enable the poor captive to rid himself of the burden of his chains for a few hours every day between the governor's visits of inspection. Yet a few months later Trenck had dug a tunnel thirty-seven feet long under the foundations of his dungeon. Latude escaped from the Bastille, an impregnable¹ fortress moated on all sides by a deep backwater of the river Seine.

These men possessed no abilities which raised them to any extent above their fellow men: indeed it is only their prison adventures which have preserved their names for posterity. Both were common types in their own countries. There have been many others who have outshone them in ingenuity. But these two, with a handful of others, have left us records of their deeds: other escapes, more daring and more ingenious, are recorded only in the official reports, and such untoward events are, rightly, not available to the curious. Yet it is not without profit for the police officer to remind himself occasionally of the way in which some of these famous escapers achieved their enfranchisement; for the criminal of to-day is often a more intellectual being than his counterpart of fifty years ago. Raffles has succeeded Bill Sykes.

The most famous escape from prison in this country is probably that of John Sheppard from Newgate on the night of 15th-16th October, 1724. The story of it has been subject for more literature than has any similar adventure. A small library could be formed of the broadsides, ballads, pamphlets, articles and books devoted to this otherwise commonplace young criminal. The result of this is that a legend, begun by popular fancy, added to and embellished by a novelist,² increased by time, has grown up about John Sheppard which pictures him as a remarkably fine fellow, a dashing, happy-go-

¹ Its Governor surrendered it to the mob when it was destroyed in 1789.

² Harrison Ainsworth: *Jack Sheppard*.



John Sheppard

J. Thornhill Equus delin.

G. White fecit.

(FROM A MEZZOTINT ENGRAVING OF SIR JAMES THORNHILL'S PAINTING)

(face p. 150.)

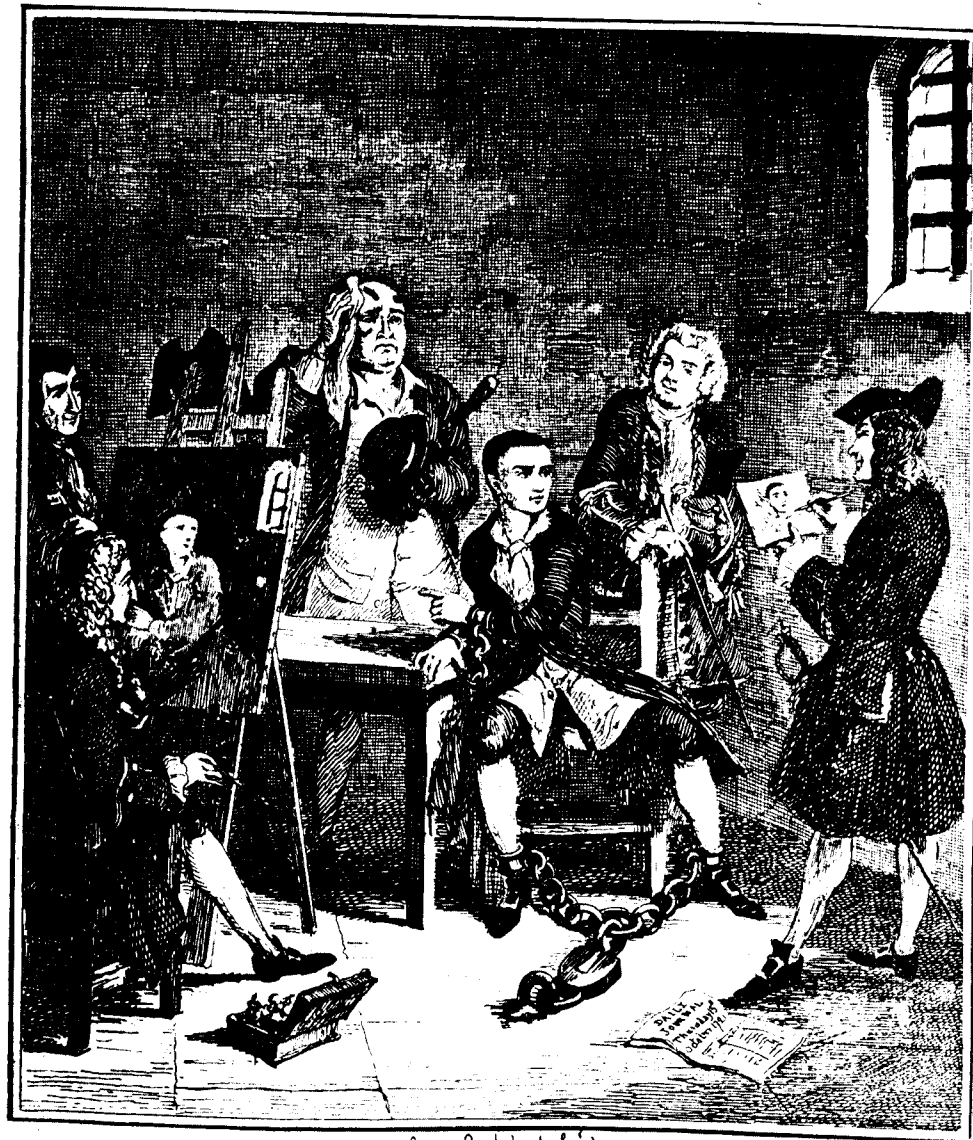
lucky, soft-hearted, chivalrous, generous young man, a born athlete, a lion when roused, quick-witted and ingenious.

In sober fact John Sheppard was a puny, stunted lad of the type which we now designate 'gutter-snipe' or 'street arab.' He was twenty-two years of age when he was hanged, he was very thin, five feet four inches high, had an impediment in his speech, and possessed, in marked degree, a predilection for alcohol and women.

He was born in Stepney in 1702, the elder son of a Spitalfields carpenter—reputed an honest man by his neighbours—and was brought up, with his brother Tom, to the paternal trade. Unhappily Mr. Sheppard senior died the year after Jack was born, and Mrs. Sheppard—the poor lone widow according to the novelist, so mild, long-suffering, and deserving of compassion—appears to have been of intemperate habits. Spitalfields in Queen Anne's reign was neither a high-class nor a salubrious locality, and with such a home as Mrs. Sheppard provided it was hardly to be expected that Jack Sheppard and his brother Tom would continue in the sober paths of joinery. Tom went to sea, and after following this profession for some years, retired in 1723 to earn his living by thieving. He entered into partnership with Jack, but unhappily for him he was apprehended before he had mastered the details of his craft, and the following year was transported.

Jack was brought up in Bishopsgate workhouse, and was taught the trade of mending cane chairs, but not seeing eye to eye with the master to whom he was apprenticed, followed Tom's example and ran away. While casting about him for a means of subsistence he was befriended by a Mr. Kneebone, a woollen-draper who had formerly employed Jack's father, and Sheppard took up his abode beneath this hospitable roof. Here he was given an elementary education, and presently was apprenticed to one Owen Wood, a carpenter in Wych Street—the Aldwych of to-day.

Not far from the house where he now resided, in Drury Lane in fact, stood a public-house named the Black Lion, and Sheppard soon acquired the habit of calling there of an evening for a glass of ale. And here he became acquainted with several prominent characters in the underworld: among others a thief



George Cruikshank fecit

SHEPPARD IN NEWGATE

who went by the name of 'Blueskin,' Jonathan Wild, at that time the most notorious 'fence' in London, and a young woman named Elizabeth Lion, of no morals and less scruples, who was known as Edgeworth Bess, doubtless from the village of her birth. It is impossible at this distance of time to determine which of these three companions was responsible for the shaping of Jack Sheppard's career; possibly they all had a hand in it, but it is more than likely that Jack had already shaped it for himself. He was soon to be initiated in the craft of roguery.

The Rummer Tavern at Charing Cross was the scene of his initial exploit. It was not a very daring deed—merely the theft of two silver spoons—but it was the beginning of a career that ended at Tyburn in the presence of, perhaps, the largest crowd that had hitherto gathered in London. The thief was undiscovered at the time, and this fact also encouraged Sheppard to continue in the profession he now determined to adopt.

He was soon to fly at higher game. Not far from the Black Lion was the house of a Mr. Bains, or Baynes, a broker. This house stood in Whitehorse Yard, and afforded an excellent crib for the novice cracksman. Sheppard, egged on by another woman whom he had lately met, Poll Maggot by name, broke in and stole a roll of cloth. He was at this time still living at Owen Wood's house; and apparently being unwilling to place himself in Wild's hands, he took the cloth home to his bedroom and hid it in his trunk. Encouraged by this success, he returned a few days later to the house which he had robbed, removed the bars of the cellar window, entered and stole goods and money to the value of £22. This determined him to give up carpentering and to adopt robbery as a profession. He was, therefore, easily persuaded not to go home that night, and being still under the influence of liquor the following day, decided to take a holiday.

In the meantime Wood, suspecting that the apprentice had made undesirable friends, searched Jack's trunk and found therein the bale of cloth that had been stolen. But Sheppard being apprised of this by a fellow apprentice, broke into his master's house the same night and carried off the cloth, lest it should be used in evidence against him—a feat which clearly

foreshadowed the courage and imagination of which he was later to give such signal proof. Owen Wood appears to have been a kindly man, for he took no further action, and indeed made several attempts to win Jack back to the paths of honesty. He sent a message to the effect that if Sheppard would return to the house all would be forgotten and forgiven. The apprentice returned, but his repentance was of short duration. He took to staying out at night again, and at last his master could stand it no longer. In 1723, the last year of his apprenticeship, following high words, Jack took to the streets.

For some time he now worked as a journeyman carpenter, for this was an excellent way of obtaining ingress to houses which he was desirous of robbing; and being employed in decorating a house in Mayfair he took the opportunity of ransacking it and carrying off cash, plate, rings, and four suits of clothes. Soon after this exploit Edgeworth Bess came under the attentions of the police and was apprehended and lodged in the round-house (police station) near St. Giles's-in-the-Fields. Sheppard at once went to visit her, and the beadle in charge of the round-house refusing to admit him, Jack knocked him down, broke open the door, and carried Bess off in triumph.

This exploit not unnaturally raised him considerably in the estimation of his companions. Tom Sheppard hearing of it persuaded his brother to make him his partner. Jack agreed, and they at once set about robbing a public-house in Southwark. They broke in at night and carried off some money and clothes, Jack allowing his brother to retain the whole of the proceeds of this venture. A few days later, in conjunction with Edgeworth Bess, they broke open the shop of Mrs. Cook, a linen-draper in Clare Market—not a stone's-throw from the house in which Jack had served so idle an apprenticeship—and carried off goods to the value of £55. A fortnight later they broke into another house in Drury Lane. With foolish—probably drunken—effrontery, Tom Sheppard went to the aforesaid Mrs. Cook's in Clare Market and tried to sell her some of the property stolen from the house in Drury Lane. But the Bow Street runners were on the lookout for him, and he was arrested and remanded by the magistrates to Newgate. Here, in the hope of obtaining his release, he turned King's

Evidence and accused his brother and Bess; but these two worthies, having been warned, made good their escape: whereupon Tom was sent for trial and transported. At length, however, one of Sheppard's companions who bore him no good will, a thief by the name of James Sykes—otherwise called 'Hell-and-Fury'—meeting Jack in the neighbourhood of St. Giles's, drew him into a public-house, and while they were drinking managed to send out for a constable. Jack was accordingly arrested and taken before the local magistrate. After a short examination he was sent to St. Giles's round-house, but being already acquainted with that building, he had little difficulty in breaking through the roof of it, and escaped during the night.

Not long after this, in May, 1724, he was taken again. With an associate named Benson he was crossing Leicester Fields, or Leicester Square as it is called to-day, when Benson bungled in attempting to relieve a passer-by of his watch. The intended victim raised such an outcry that Jack almost immediately found himself in the arms of a constable, and he was carried off to the parish watch-house. Here he was visited by Edgeworth Bess, whom the police promptly arrested on suspicion of being one of his accomplices. The following day Jack and Bess were taken before a magistrate, and as they were now fairly notorious, the police had no difficulty in producing a number of persons who charged the accused with theft. Accordingly they were committed to Newgate and, as they passed for man and wife, they were allowed to lodge together. Here they were visited by many of their friends, and Blueskin, who was one of the number, at once brought them the necessary tools to enable them to escape.

No sooner had the gaoler left them for the night than Sheppard proceeded to file off his leg-irons. He then turned his attention to the heavy criss-cross bars which guarded the window of their cell, and these were soon removed in their entirety. This window, however, was twenty-five feet from the ground, and the only things which they possessed out of which to construct a rope were their blankets. But these were not sufficient to provide a rope of the requisite length. Bess therefore removed a portion of her attire, and having by

this means lengthened the rope sufficiently, they were both enabled to reach the yard. The wall of the yard was twenty-two feet high and it was topped with a strong *chevaux de frise*: they therefore walked along the yard till they came to the great gates, which they scaled by foot-holds furnished by the locks and bolts. The rope, which Jack had jerked free, enabled them once more to reach the ground in safety, and Bess having now donned the remainder of her garments, which she had removed lest they should hinder her agility, the couple linked arms and marched into the town.

Jack Sheppard's stock was now at a premium in the underworld of London. All the thieves of Aldwych and Seven Dials were anxious to become his 'pals.' He selected two of them—Grace, a cooper, and Lamb, an apprentice to a mathematical instrument maker—and on information supplied by the latter the trio robbed the house of Lamb's master in Aldwych of a considerable amount in cash and valuables. Lamb, however, was not cast in the same mould as Sheppard, and having already come under the notice of the police as a keeper of bad company, he was arrested and remanded in gaol until sufficient evidence could be collected to procure his conviction and transportation.

At this point in the story it must be mentioned that Jonathan Wild, having done extremely well as a receiver of stolen goods, now decided to enlarge his business by becoming an informer, and as Sheppard had gained sufficient notoriety to ensure a heavy reward for his apprehension, Wild cast about him for a means of enriching himself at Jack's expense. Sheppard seems to have mistrusted Wild from the first. Blueskin (whose real name was Joseph Blake) also had no love for Jonathan. But without an efficient 'fence' it was difficult to dispose of their earnings. They met, about this time, a man named Field who was beginning to do well in the receiving line, and having brought off a successful *coup* they lodged the proceeds in a stable at the bottom of Horseferry Road, Westminster, which they had hired. Field promised to dispose of the property for them, and he was as good as his word; for he went down to the stable by night, broke into it, carried off the property therein—and then went straight to Wild. The result

was that on the 23rd July Blueskin and Sheppard were arrested in Rosemary Lane.

The trial took place at the Old Bailey on 14th August. The evidence against both of them was ample. Both had been 'wanted' for some time, and to prove an alibi was out of the question. They were convicted and sentenced to death, and on Monday the 30th August, 1724, an order was sent to Newgate ordering their execution.

It was the tightest fix Sheppard had ever been in, but fortune favoured him. In the old gaol at Newgate there was a wicket in the lodge in which the gaoler sat, that opened into a dark passage, from which a few steps led to the 'hold' containing the condemned cells. Prisoners' friends were taken to this wicket, but any close communication with the prisoners was prevented both by the watch which the gaolers kept and by the large iron spikes which surmounted the wicket. Bess, however, was accustomed to prisons and soon found an opportunity to assist her fiancé. Being comely and vivacious she had little difficulty in diverting the gaoler's attention from the wicket while she edged under the gate with her foot the file which she hoped would enable Jack to regain freedom a second time. Her visits were frequent, and each time Jack approached the wicket to talk to her he got to work on the spikes with his file. He was only just in time; for it was not until the evening of the day on which the warrant for his execution had arrived that he had reduced the spikes to the required insecurity. Poll Maggot, who was a large powerful woman, accompanied Bess to the prison, and while Bess was making herself agreeable—doubly agreeable, for she had brought liquor with her—in the gaoler's lodge, Jack broke off the spikes which he had filed, and thrusting his head and shoulders through the aperture, Poll pulled him over the wicket. How she smuggled him through the gaoler's room into the street we have no authentic account. It must have been a fine piece of work.

An immediate pursuit was of course made, and Sheppard was compelled to lie very close on the outskirts of the town. In the neighbourhood of Wych Street and Clare Market, indeed, he was well known, and many would have liked to

earn the reward offered for his apprehension. But he carried two loaded pistols with him wherever he went, and the most courageous knew that it was death to arrest him. A friend of his, one Page, a butcher, who also had urgent reasons for leaving London, suggested that they should go to Warndon, in Northamptonshire, where the relatives of Page were living, and they set out for that town. But on arrival there, not meeting with the respect to which they considered that their eminence in the profession entitled them, they promptly returned to London. In the meantime 'Blueskin' Blake had been hanged.

On the night of their return they were walking down Fleet Street when they passed a watchmaker's shop and noticed that it was attended only by a boy. A chance like this was too good to be missed. They turned back, and as they passed the shop Jack broke the window and snatched three watches, with which he made his escape. Thereupon he retired to Finchley to rest for a day or two, but Austin, one of the gaolers at Newgate from whose charge he had escaped, received information of his retreat, surrounded the house with an armed squad (10th September), and apprehended him. He was carried back at once to Newgate.

It is hardly necessary to say that such steps were now taken as were considered effectual to prevent him ever escaping again. Yet he had not been twenty-four hours in the prison before one of his friends managed to hand him the tools for effecting his release. On 12th September a small file was discovered between the leaves of his Bible; four days later a complete outfit of escaper's tools was revealed in the rush seat of his chair. Accordingly he was put into the strongest cell, known as 'The Castle,' handcuffed, manacled with heavy leg-irons, and chained by these irons to a staple fixed in the floor. But in spite of all these precautions the one dominating idea in his mind was—escape. His fertile brain soon suggested a plan.

On the 14th October the Sessions began at the Old Bailey, and as the gaolers were kept busy in continually attending the Court, he judged that this was a propitious moment in which to attempt his escape, seeing that the gaolers would have little time to visit him. Accordingly, about two o'clock on the

following afternoon, as soon as one of the gaolers had brought him his dinner and, having examined his irons, had gone out and locked the cell door, Jack set about his great exploit. It was undoubtedly a great exploit—one of the greatest in prison-breaking that has ever been recorded.

He first of all freed himself from his handcuffs, by squeezing his hands through them. He then twisted the heavy links of the ankle-chain round and round, and by a well-applied jerk snapped asunder the central link by which they were attached to the staple in the floor. Taking off his stockings he then drew the anklets up as far as he could and with strips of his shirt tied the chains to his legs to prevent them from clanking and impeding him.

A brief inspection of the chimney showed him that escape that way was prevented by an iron bar which was fixed across it a few feet up. To remove this obstacle it was necessary to make a hole in the wall big enough for him to crawl through. With the broken link of the ankle-chain as his only tool, he began operations just above the chimney-piece and soon managed to pick a hole in the plaster. The wall was solidly constructed of brick and stone, and with such a tool as he possessed it was a work of infinite labour to get out a single brick. But he set to work with a will, and presently succeeded in removing the first brick. At the end of an hour he had made so large a hole in the chimney that he could crawl into it. He was now within a foot of the bar, and squirming himself into the hole he soon worked his way to it. Grasping it with both hands he wrenched it from the stones into which it was mortised, and climbed down again to the floor. On examination it proved to be a square bar of iron, nearly a yard long, and more than an inch thick. Seeing that his only tool so far was quite inadequate for the purpose of breaking out of Newgate, he must have thought all his efforts to obtain this bar were well worth while.

He knew that it was impossible for him to escape by any other way than the roof. He had a fair idea of the prison buildings, and he guessed that he would have to break open five or six heavily ironed doors. But he now had a tool that would serve as a useful jemmy; so he climbed once more into

the chimney, and having reached the level of the room above recommenced operations as vigorously as before. He soon managed to make a hole in the wall, tossed the bar into the room, and crept after it. In stepping across the room he trod on something sharp which pierced the sole of his shoe, and stooping to see what it was found that it was a long rusty nail. This he picked up and reserved for future use: indeed he endeavoured presently to pick the lock of the door with it, but being unsuccessful he prised off the lockplate with the bar and, inserting his fingers, managed to draw back the bolt. Opening the door he stepped out into a dark narrow passage, leading, as he knew, to the chapel.

On the left of this passage there were doors communicating with the King's Bench Ward and the Stone Ward—two large rooms on the master debtor's side. The sound of voices coming from them cautioned him to go quietly, and he tiptoed to the end of the passage. Here his progress was checked by a strong door several inches thick, and nearly as wide as the passage. Running his hand over it he found that the lock was on the other side. After several careful attempts to burst it open he decided to break through the wall on the side nearest the lock. This, however, was a much more serious task than he anticipated. The wall was a stone one and of considerable thickness; moreover, the noise that he made was so great that he feared it would be heard by the prisoners in the King's Bench Ward. However, it was neck or nothing, so he went to work again with more vigour than ever. At the end of half-an-hour's severe labour, during which he was obliged several times to stop for breath, he had managed to make a hole wide enough to admit his arm up to the elbow. His fingers soon touched the bolt, and working it up and down he managed to push it back. The door instantly yielded, and passing on he hurried into the chapel.

The chapel of Old Newgate was situated at the upper part of the south-eastern angle of the gaol, and was divided on the north side into three grated compartments, or 'pens' as they were called, which were used by the felons and common debtors. At the end of these there was a small pen for female offenders, and on the south side of the chapel there was a larger

enclosure which was used by the master debtors and strangers. Immediately beneath the pulpit was a large circular pen where criminals under sentence of death sat to hear the condemned sermon delivered at them, and where they provided a spectacle for the crowds drawn thither by curiosity on these occasions.

The door through which Jack had entered the chapel opened into one of the pens on the north side. The enclosure surrounding it was about twelve feet high, the under part being composed of oak planks, the upper part of a strong iron grating surmounted by iron spikes. In the middle was a gate, which of course was locked. Jack soon prised this open with the iron bar, and presently reached the condemned pew—where it had been his fortune to sit not so long before. After resting here for a few minutes he made his way to a gate on the south side of the chapel, managed to break off one of the spikes, and then climbed over it. A short flight of stairs brought him to a dark passage down which he went. Here he came up against another strong door, making the fifth he had encountered. Naturally the doors affording egress from the prison were considerably stronger than those within it, so he was hardly surprised to find that this door was fastened with a lock of unusual strength. After repeatedly attempting to remove the plate, which was so strongly bolted that it resisted all his efforts, and vainly attempting to pick the lock with the nail and the spike which he had broken off the chapel door, he at length, after half-an-hour's hard work, prised off the box containing the lock; whereupon, as he laughingly told one of his visitors later, the door became 'his humble servant.'

Unhappily for him this door was not the last which he was to encounter, for just as he anticipated stepping out on to the roof, he came to door number six. He guessed that there might be another door here, but he was not prepared for its appearance. Running his hand over it he found that it was a complicated mass of bolts and bars. It seemed, indeed, as if all the precautions previously taken to prevent prisoners from escaping had been collected here. He was hardly as fresh as he had been at the start, and his hands were sore with the labour he had already accomplished. For a moment or two he must have contemplated giving up the attempt. But a short rest

revived his spirits and he went at the door with renewed vigour. First of all he passed his hands slowly and carefully all over it, making a mental picture of all the contrivances which held it in place. The lock appeared to be more than a foot wide, it was strongly plated, and was fastened to the door with thick iron hoops. Below it an enormously thick bolt was shot far into a socket, and in order to keep it there it was fastened to the hasp by an immense padlock. In addition to this the door was criss-crossed with iron bars bolted to the oak. A thick iron band secured the bolt socket and the tongue of the lock to the main post of the doorway. The hinges were un-get-at-able, being fixed to the door from the outside. It was an obstacle that would have daunted most escapers.

Sheppard set to work upon the lock, and attacked it with all his implements in turn, the bar, the nail and the spike, but made not the slightest impression upon it. After an hour's toil he had broken the nail, and had slightly bent the bar. He was also considerably overcome by fatigue, had strained the muscles of his arms, and had made his hands so sore that he could hardly hold his tools. He was streaming with perspiration, and his lips and tongue were so dry that he asserted afterwards he would have parted with years of liberty for a drink of water. Apparently he had a moment's panic here, being quite certain that he could hear rapid footsteps making their way towards him, but presently he recovered his self-possession and sat down to think out the best way of getting through this door.

After a few minutes' thought it occurred to him that he might possibly be able to loosen the iron fillet which held the bolt socket and the tongue of the lock to the main post of the doorway. At length, with incredible labour and by the aid of both spike and nail, he succeeded in getting the point of the bar underneath this fillet. With one foot against the door, and exerting every muscle in his body, he at last managed to lever up the iron band. It was seven feet long, seven inches wide, and two inches thick. After a short rest he went at it again, and inserting the bar now here, now there, between the fillet and the doorpost, he at length prised the whole of this band from its seating. In its fall it brought with it the bolt socket

and the box containing the tongue of the lock. Next moment, Jack was on the other side of the door. A short flight of steps led to the roof, and at the top of these was a door bolted on the inside. He opened this, and the fresh air of London blew upon his face.

Sheppard had now reached what was called the lower leads, a flat roof which covered that part of the prison contiguous to the gateway, and surrounded on all sides by walls about fourteen feet high. On the north side stood the battlements of one of the gate towers, and on this side a flight of wooden steps protected by a handrail led to a door opening upon the summit of the prison. This door was crested with spikes and guarded on the right by a semi-circle of similar obstacles. Running up the steps Jack found the door, as he anticipated, locked. He could easily have forced it, but preferred a more expeditious way of reaching the roof. Mounting the door which he had last opened, he placed his hands on the wall above and drew himself up. In a moment he was on the roof of the prison. At this instant the clock of St. Sepulchre's struck eight: he had thus been six hours in breaking out of the gaol.

It was dark now, but there was still enough light to enable him to discern surrounding objects. Proceeding along the wall he reached the southern door, climbed over its battlements, and dropped down upon the roof of the gate. He then climbed the north tower and made his way to the roof of that part of the prison which fronted Giltspur Street. Arriving here he found that he was overlooking the flat roof of a house, which roof, so far as he could judge in the darkness, was about twenty feet below him. Realizing the risk of so great a drop, he turned about to see if he could find any more favourable place to descend, but could see nothing beyond lofty walls without a single projection. The roof of the house *looked* about twenty feet below him, but it might have been a good deal more, and prudence reminded him that to undergo six hours' excessive labour in breaking out of Newgate only to lie with a broken thigh on the roof of a house adjoining would be foolish in the extreme. The only thing to do, therefore, was to go back for his blanket, and make a rope. This resolution must

have taken a good deal of courage, for it was quite likely that his absence from his cell had been noticed by now, and although the contemporary accounts are silent on this point, it is safe to wager that Jack must have thought three, four, or more times before he could bring himself to go back to his cell. Yet go back he did. In fact, there was no alternative. But he took the iron bar with him in case he met anybody on the way.

As he passed the doors leading to the master debtors' side of the prison, he heard someone singing a roistering song which was followed by boisterous laughter, and this somewhat reassured him. The news of an escape passes quickly through a prison, and Jack was so notorious that even a rumour of his flight would have caused suppressed excitement. He found that his blanket was buried underneath the cartload of rubble encumbering the floor. However, he soon dug it out, and presently he once more found himself looking down on the roof of the house in Giltspur Street.

Having torn his blanket into wide strips which he knotted together, he fastened one end of this improvised rope to the wall with the spike which he had broken off in the chapel, hammering it into the mortar with his bar. This done, he let himself carefully down and dropped lightly on to the leaden roof. After listening for a few minutes he stepped cautiously forward and found a small garret door in the roof which was open. Entering this, he passed through a bedroom, opened the room door and proceeded to go quietly downstairs. Half-way down his leg chains rattled slightly. 'What's that!' cried a woman's voice in an adjoining room. 'Only the dog,' replied the rough tones of a man, and all was silent again. Jack waited a little, and muffling the chains as best he could, he stole down the remaining stairs and had nearly reached the hall when a door suddenly opened and two people appeared, one of whom held a candle. Retreating as quickly as possible, Jack opened the first door he came to, and searching in the dark for somewhere to hide was lucky enough to discover a screen, behind which he crept. Having lain there for some considerable time he at length ventured out on to the landing and downstairs once more—this time to see a man at the open front door taking leave of the family. As soon as the maid had

retired with the candle, Jack crept into the hall, stumbled, recovered himself, opened the door, and found himself in the street. Making his way towards the market gardens and waste ground which then lay between New Oxford Street and the Euston Road, he got into the fields near Tottenham Court Road in the small hours of the morning, and here he took shelter in a cowshed and slept soundly for some hours. He must have been pretty well exhausted.

It is at this point that the romancers have gone most astray in their endeavours to exalt Jack Sheppard. After leaving Newgate behind him he is reported to have walked all the way to Tottenham via Clapton and Stamford Hill, in the main thoroughfare of which first-mentioned place he mingled with the crowd and listened to various persons discussing his adventures. A walk from Newgate to Tottenham would be a somewhat formidable undertaking for a lad of puny build, well-nigh exhausted by six hours of arduous labour and encumbered with heavy fetters on his nether limbs. Ainsworth gives us a poignant chapter where Jack, having freed himself of his fetters, arrives at his mother's house as she stabs herself in despair; and it is while attending her funeral at Willesden Cemetery that he is arrested, at the very brink of her grave. It is certainly a fact that Sheppard sent for his mother soon after his escape; but it was for the purpose of making her partake in the carouse which resulted in his arrest. But to resume the story.

He awoke at dawn, and at seven o'clock rain began to fall in torrents. His position was not a happy one; the anklets and chains were still on his legs, he had no means of removing them, and it was impossible to hide them in the daylight. But as it continued to rain heavily all day, nobody came near his hiding-place. Night coming on, hunger drove him to obtain some food, and managing to hide his irons in a rough and ready way beneath his clothes, he went into Tottenham Court Road and bought some bread and cheese and beer at a small shop: he had 45s. in his pocket. It was essential for him also to obtain a hammer and cold chisel, or a file. He dared not risk discovery, however, by asking for either of these tools, so returned to his cowshed for the night. Next day it was still

raining, and he was at his wits' end to know what to do. So, having gone again to the shop at night, he told the woman in charge of it that he had lost a hammer and wanted to buy one. The woman told him that she had no such article to sell, and recommended him to try a neighbouring blacksmith. This, however, Sheppard was afraid to do, so he went back once more to his hiding-place.

The next day was Sunday, and in despair he tried to beat his anklets with a stone so that by making them oblong he might perhaps slip them over his heels. But while he was engaged in this operation the owner of the cowshed suddenly came up and asked him what he was doing there, and why he had got irons on. Jack replied that he had just escaped from Bridewell, where he had been imprisoned because he was unable to give security for the payment of a sum of money for the maintenance of a child that had been sworn to him. The owner of the shed curtly told him to begone, and went away. Soon after this another man passed near the cowshed. Jack called to him and told him the same tale, offering him twenty shillings if he would get him a hammer and a chisel. The man, a shoemaker by trade, possibly guessed who Sheppard was; at all events he agreed to help. He and Jack set to work together to remove the irons, and about five o'clock on Sunday afternoon Sheppard stood up a free man.

When night came on he made his way to a cellar near Charing Cross, where he supped on roast veal and was entertained by the talk of the habitués, all of whom were discussing Sheppard's escape from Newgate. Next day he took shelter at a small public-house in Rupert Street, Soho.

Some nights after this he renewed the practice of a profession which had been so rudely interrupted. He broke into the shop of one Rawlings, a pawnbroker in Drury Lane, and stole a sword, a suit of clothes, some snuff-boxes, rings, a watch or two, and other trinkets to the tune of a considerable amount; and being now extremely pleased with himself, determined to cut a dash as a gentleman of fashion among his old friends in Drury Lane and Clare Market. Accordingly he attired himself in a neat suit of black and a wig, a ruffled shirt, a silver-hilted sword, a diamond ring, and a gold watch. In these

habiliments he joined his old friends at supper, regardless of his knowledge that the police were making an extremely diligent search for him.

It was on the night of 15th October that he escaped from Newgate, and on Friday the 23rd he dined with his two friends, Edgeworth Bess and Poll Maggott, at a public-house in Newgate Street, and having had an excellent and copious dinner, they drove along in front of Newgate in a hackney cab. Maggott, however, was sufficiently sober to insist upon drawing down the blinds. In the evening they sought entertainment at the Sheers tavern in Maypole Alley, Clare Market, when Sheppard sent for his mother, who was living in the neighbourhood. On her arrival he treated her so liberally with brandy that she was quite overcome, and Jack, being now considerably elated with the success of his escape and the endearments of his mother, Bess, and Poll, proposed that they should make a round of the places of entertainment in the neighbourhood. This proposal was immediately agreed to, but unhappily for Sheppard the tap-boy at one of the houses which they visited recognized him and at once went to the nearest police station. When the police arrived upon the scene Jack was not only speechless, but entirely unconscious of their arrival. He was deposited on the floor of a hackney cab and driven back to Newgate, the two loaded pistols in his possession being first of all removed.

To escape again was, of course, out of the question: the Governor of Newgate took care of that, and Sheppard was watched every moment of the day and night, in addition to being shackled with chains that would have held a Samson. He held levees in his cell—Sir James Thornhill came and painted the portrait which is reproduced at the beginning of this article—and he was visited by many people of distinction in the social world, never tiring of giving them an account both of his robberies and of his escapes, doubtless adding certain embellishments to these with each recital. He begged all who visited him to exercise whatever authority they possessed to obtain the royal prerogative of mercy for him, but as the only reason for this prerogative being exercised which he could advance was his remarkable dexterity in escaping from gaol,

his visitors saw little reason for stirring themselves on his behalf.

Having been already convicted and sentenced, it was unnecessary for him to be tried again, and on the 10th November he was led to the bar of the Court of King's Bench, when a record of his conviction was read, an affidavit made by gaolers that he was the person referred to in it, and sentence of death was passed upon him by Mr. Justice Powis. Whereupon an order was made for his execution on the following Monday, the 16th.

Even now he had not given up hope of escape. To get out of Newgate again was, of course, impossible, but one of his visitors gave him a pocket-knife, and he secreted this upon his person with the intention of making an attempt to escape as soon as the cart bearing him to Tyburn came opposite the Little Turnstile in Holborn. His intention was to cut the cord that bound his wrists, throw himself out of the cart among the crowd, and run through the narrow passage where the sheriff's officers on horseback would be unable to follow him; and he had no doubt that the crowd would assist him to escape. It is not impossible that this scheme might have succeeded; but unfortunately for Jack, before he left the prison one of the officers of the gaol searched him and discovered the knife—indeed he discovered it to such effect that his hand was very badly cut with it.

Yet even at the eleventh hour another plan for cheating the gallows occurred to him, and to one of his old accomplices who came to visit him he outlined a scheme whereby he was to be cut down as soon as possible, carried away and put into a warm bed in a neighbouring house, and have one of his veins opened, he having been told that this would restore his animation.

On Monday the 16th of November, 1724, Jack Sheppard mounted the cart in the prison yard and started on his drive to Tyburn. All along Holborn and Oxford Street he scanned the vast crowd that lined the streets for some sign of an attempt at rescue; but none was forthcoming. Yet the sight that met his eyes at Marble Arch must have sent a thrill through the slender undersized lad; for it was estimated that two hundred thousand

people were there assembled. On the scaffold he bore himself well, even with a certain dignity, and confessed to the chaplain that he had committed two robberies for which he had been tried and acquitted.

There was a riot when he was 'turned off.' His friends were waiting to receive his body, hoping against hope that their efforts would be in time, when—the executioner refused to allow him to be cut down. In a moment there was an uproar, which spread rapidly, dangerously. The crowd surged towards the scaffold. In alarm the officials called upon the officer commanding the soldiers who had assembled to keep order, to clear a space round them. Bayonets were fixed and the crowd pressed back. And then at last Jack's body was delivered to his friends. It was driven at a hand-gallop to a public-house in Long Acre, where his last scheme of escape was put into practice. But this time there was to be no escape, and the following night John Sheppard was buried in the churchyard of Saint Martin-in-the-Fields, where in 1866 his coffin was discovered by workmen engaged in digging the foundations of the National Gallery.

A. M. P.

A Police Gold Medal Essay Competition

OUR police readers will be interested to learn that there is a project on foot to institute an annual Essay Competition on professional police subjects, to be open to all serving members in the police forces of the Empire, with the object of giving an incentive to police officers to study the higher branches of their profession, and stimulating the interchange of thought among all police forces. A gold medal and a money prize, probably twenty to thirty guineas, will be awarded for the Essay which is adjudged best, and other money prizes will also be offered if Essays of sufficient merit are submitted. The necessary funds for the medal and one or more money prizes have been generously provided by a well-wisher who, for the present at any rate, wishes to remain anonymous. It is anticipated that the scheme will be developed on lines similar to those adopted for the Essay Competition under the auspices of the Royal United Service Institution, and a representative Council is being formed to settle the Competition Rules and complete all other necessary arrangements. We hope to be in a position to give full particulars of the scheme in an early issue of this journal, and in due course to publish the winning Essays and a selection of the other essays submitted which appear to be of special interest and merit.

NOTES

THE NATIONAL POLICE FUND

ON the 13th May, 1926, *The Times* newspaper in a leading article proposed to open at once a National Police Fund as a grateful recognition of the magnificent spirit in which the members of the civil force carried out their duties during the strike. The story of the excellent services rendered by the police are related in this article, and the country was told how 'the quiet fearlessness, the unfailing good humour and patience, the tact and judgment which they have shown throughout the general strike have been beyond all praise.' In describing their services *The Times* brought to notice the far-reaching effect of the example and influence of the police in the task of carrying on the every-day life of the country by improvised methods and services, and expressed the opinion that the invaluable services which they had rendered to the nation called for national recognition and that this was undoubtedly the feeling throughout the country. In order to give practical expression to this feeling, *The Times* asked the people of the country to subscribe to a fund for the police, and the proprietors opened the list with a contribution of £500.

On the 31st May *The Times* brought to notice the fact that their proposal had met with an overwhelmingly prompt and generous response. Men, women and children of all degrees had eagerly contributed as a visible sign of their gratitude for the exceptional services rendered in a time of grave national emergency by the police of England, Scotland and Wales, and it was clear that the country was proud of its police and that 'according to their means all classes had provided for their lasting and general benefit a standing memorial of the way in which in times that were easy for none, but particularly difficult for them, the police did their duty.'

When the list was closed the total subscribed amounted to £241,833 16s. 1d., and the Fund, which had been known as '*The Times* Police Fund,' was incorporated under a Royal Charter and was named 'The National Police Fund.'

Under the terms of the Charter the person for the time being holding the office of Principal Secretary of State for the Home Department is Chairman of the Board of Trustees of the Fund, the person for the time being holding the office of the Principal Secretary of State for Scotland is Vice-Chairman, and the Members are: the Right Hon. Lord Hewart, the Right Hon. Lord Lovat, K.T., K.C.M.G., K.C.V.O., C.B., D.S.O., the Right Hon. Lord Desborough, G.C.V.O., and the Right Hon. Reginald McKenna.

Lieut.-General Sir Thomas E. Scott, K.C.B., C.I.E., D.S.O., was appointed Secretary to the Board by the Trustees.

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As directed in the Royal Charter the Board of Trustees, at their meeting held in June, 1927, appointed an Advisory Council as follows to assist them in the administration of the affairs of the Fund:

Representing

MR. A. L. DIXON, C.B., C.B.E.	-	Home Office.
MR. R. N. DUKE, D.S.O., M.C.	-	Scottish Office.
SIR LEONARD DUNNING	-	H.M. Inspectors of Constabulary.
REAR-ADMIRAL C. W. R. ROYDS, C.M.G.	-	Commissioner of Police of the R.N. Metropolis.
LIEUT.-COLONEL H. S. TURNBULL	-	Commissioner of Police for the City of London.
LIEUT.-COLONEL A. LAW	-	County Chief Constables, England and Wales.
MR. J. FARNDALE, C.B.E.	-	City and Borough Chief Constables England and Wales.
MR. C. MIDDLETON	-	Chief Constables, Scotland.
SUPERINTENDENT T. FAULKNER, M.B.E.	-	Superintendents, Metropolitan Police.
SUPERINTENDENT E. S. WOODESON, M.B.E.	-	Superintendents, County and Borough Police, England and Wales.
INSPECTOR A. E. SPARROW	-	Joint Central Committee of the Police Federation, England and Wales.
SERGEANT J. SMITH	-	
CONSTABLE J. M. BRANTHWAITE	-	Chairman, Joint Central Committee of the Police Federation, Scotland (<i>ex officio</i>).
DETECTIVE SERGEANT J. J. RYAN	-	

LIEUT.-GENERAL SIR T. E. SCOTT, K.C.B., C.I.E., D.S.O. (Secretary of the Fund), Secretary.

At their first meeting on the 15th July, 1927, the Advisory Council nominated Sir Leonard Dunning as their Chairman for one year, and his appointment was approved by the Chairman of the Board of Trustees.

A HANDYSIDE MEMORIAL

A FUND has been opened to raise a memorial to the late Mr. E. C. Handyside, C.I.E., O.B.E., Commandant of the Frontier Constabulary, North-West Province, India, who was shot dead on the 11th April, 1926, while rounding up outlaws in the neighbourhood of Peshawar on the Afghan frontier. The exceptional nature of Mr. Handyside's career and the circumstances in which he met his death are known to some readers. To those readers who were not so fortunate it may be said that this is the commemoration of the life of one of those British officers whose personal qualities and whose achievements have brought much honour to their race, and have at the same time won for them the abiding reverence and regard of the people among whom they worked.

The Treasurer of the fund is R. Griffith, Esq., Deputy Commissioner, Peshawar, and subscriptions may be forwarded to the Imperial Bank, Peshawar Cantonment, North-West Frontier Province, for the credit of the "Handyside Memorial Fund."

THE POLICE (APPEALS) ACT, 1927
(17 AND 18 GEO. V. CAP. 19)

THIS Act came into force on the 29th July, 1927, and applies to England, Wales and Scotland. It gives to a member of a police force who is dismissed or required to resign as an alternative to dismissal after that date, a right of appeal to the Secretary of State for the Home Department or the Secretary of State for Scotland, as the case may be. Unless the Secretary of State decides that the case can properly be determined without the taking of oral evidence, he must order an Inquiry, conducted in England and Wales by one or more persons whom the Secretary of State appoints (one at least of whom must be a person engaged or experienced in police administration) and in Scotland, by the Sheriff. The Statutory Rules as to procedure provide that a person who desires to appeal must give Notice of Appeal in a specified form within ten days of the order dismissing him or requiring him to resign; if an Inquiry is held the appellant may be represented by a serving member of the police force to which he belonged, or, with the consent of the Chairman of the Inquiry, by counsel or a solicitor and in certain cases he is entitled to legal representation. Unless otherwise directed, the Inquiry is to be held in private.

After reviewing the case, including the report of the Inquiry if such is held, the Secretary of State may by order either allow or dismiss the appeal or vary the punishment, and may at his discretion direct the appellant to pay the whole or any part of his own costs. All costs of the Appeal not so paid by the appellant are to be met out of the Police Fund.

REVIEWS

THE STORY OF SCOTLAND YARD. BY GEORGE DILNOT. 16s. net.
(Geoffrey Bles.)

IN an early part of this book Mr. Dilnot states that the evolution of the modern police is largely the tale of modern civilization; if that be so he has admirably filled the rôle of historian. He has given us a book which ought to be in the hands of every police officer. His story is concerned nominally with the Metropolitan Police, but, to a great extent, the history of the Metropolitan Police is also that of the police forces throughout the country, and, with little more than an alteration of names, Mr. Dilnot's book could be taken as applying to our police forces in general.

The book is well named. It is a story, and none the less thrilling for dealing with matters of actual fact, than it would be if it were a work of fiction. It unfolds itself as a fairy tale. 'Many persons have assumed,' says Mr. Dilnot, 'that a good police could only be attained at the expense of the liberty of the subject;' but his ultimate story shows that, thanks to wise and clear-sighted administration, this fear need not have been entertained. From being regarded as an enemy of the people, the police have come to be looked upon as friends and held in warm admiration and even affection.

A knowledge of the history of the service is necessary for every police officer and Mr. Dilnot has given us that history in a very graphic style. The second part of his book is taken up with present-day organization and administration, and deals with problems of the immediate present. He has had a good story to tell and has made the best use of his opportunity. *The Story of Scotland Yard* should find its way sooner or later into every police library.

SERGT. X.

REMINISCENCES OF AN EX-DETECTIVE. BY FRANCIS CARLIN.
18s. net. (Hutchinson & Co.)

IN reviewing a book for this journal one naturally approaches the subject from a very much more critical point of view than would the ordinary reviewer. In these days, when books on crime of every description appear with almost as much regularity as detective novels, it is very necessary to sift the wheat from the chaff, and the question which I first ask myself is not whether this is an amusing and readable book, but is there anything in this book which might be of use to police officers?

In this case Mr. Carlin has produced a book which is not only eminently readable and full of genuine romantic interest, but he has also produced a book which police officers may read, not only with pleasure, but also with profit.

As he tells us in his first chapter, he is the son of a police officer, and he joined the Force as a uniformed constable over thirty-five years ago. He worked his way up to one of the most important executive posts in the

Force, and for a number of years he was one of the superintendents specially entrusted with the general duty of supervising the investigation of crime throughout the Metropolis. His stories of the many interesting cases which it has been his fortune to investigate and bring to a successful conclusion are well and vividly told, and his method of presentation both points a moral and adorns a tale.

In two of his chapters he discusses in detail the methods of Scotland Yard in dealing generally with the investigation of different crimes, and there is much useful information in these chapters which police officers may study with advantage. He emphasizes, and the emphasis cannot be too definite, the very great difference between knowing a man to be guilty, and of proving that he is guilty in Court. One of the points which stands out most clearly in this book is the extraordinary fairness with which the author regards the criminal. It is an essential principle of English justice that every man is to be held innocent until he has been proved guilty, and it is clear that this elementary, but at the same time most valuable principle of the English law, has always been in the author's mind a primary consideration.

This is a very readable book and my only criticism is that the price of 18s. is rather high for the average police officer; perhaps when the general reading public have bought up two or three editions the publishers might consider the issue of an edition at say 5s., which, I feel sure, would have a very wide circulation amongst all police officers. H.

THE MAN HUNTERS. BY MELVILLE DAVISON POST. 18s. net. (Hutchinson & Co.)

In the preface to this volume it is stated that the author has considered the science of criminal investigation as one would consider any other science—geology, astronomy or the like. 'If we had in our language no comprehensive work on geology, for example, and were endeavouring to formulate such work, we would be forced to include in it all that the best investigators anywhere in this world had determined. And that is precisely what the author has done here.'

We fear that readers whose expectations are raised by these claims will be somewhat disappointed. Mr. Post, an American writer, devotes his first chapters to brief studies of the methods of the detective police in the principal European countries and the United States. These are based mainly on a collection of examples of typical cases, very shortly detailed. Nothing in any way comparable with Mr. Fosdick's admirable and exhaustive work* published in 1915 (to which Mr. Post acknowledges his debt) is attempted. Mr. Post is content to draw some broad conclusions, which appear to be based on the investigations of others rather than on his own personal inquiries. His chapter on New Scotland Yard suggests that he has never visited that establishment, otherwise he would hardly make the astonishing assertion that the Metropolitan Police cannot communicate with the detective forces of Foreign countries, except through the medium of the Foreign Office. As, however, he cites no example of the work of the Criminal Investigation Department later than the Crippen case—now just 17 years ago—it is scarcely to be expected that his information is up-to-date.

His general conclusion as to British detective work is that it is based entirely on the exercise of broad common sense, and neglects the elaborate scientific methods which have been developed in certain other European

* *European Police Systems.* By Raymond B. Fosdick. (Published by The American Bureau of Social Hygiene, 1915.)

countries. He stresses particularly the extremely thorough technical training of the Austrian and German detective officers of the upper ranks, and the admirable laboratories which are at their disposal. This is no new criticism. Mr. Fosdick years ago commented trenchantly on the conservatism of the English Police and the absence of scientific equipment at Scotland Yard. The official view in this country has always been that when an expert in any branch of science is needed he is best called in from outside: that this system is more economical than the maintenance of a staff of police officials of adequate attainments to enable them to deal with any problem of applied science that may arise in detective work: that such a staff would either find insufficient specialized work to do, or would waste time over researches of little or no evidential value. To this it would no doubt be answered that without some knowledge of the capabilities of modern scientific research the police officer is not able to judge where expert assistance will be of value.

Mr. Post attributes the contrast in police methods to difference of national temperament, no doubt with much truth. The police officer naturally addresses himself to the discovery of the kind of evidence which will convince the tribunal. A British jury, he thinks, would be intolerant of much of the evidence which would appeal to the tribunals of other countries: he might well have cited in support of this the reluctance with which even the evidence of finger-prints was at first accepted by the English Courts.

When all is said and done, however, the test of the efficiency of a police force must be in its results. And it is unfortunate that the reader looks in vain for enlightenment on this side of the matter in Mr. Post's book. Statistics regarding police work are not as a rule reliable, but to the professional reader any information as to the comparative results of detective work in different countries would have been interesting, more especially in regard to the common forms of crime against property, which provide so large a proportion of the detective officer's work.

All forces have probably much to learn from their colleagues in other countries. Take for example the admirable Swiss regulations cited by Mr. Post, for sequestering and examining the scene of an important crime, so as to ensure that nothing of an evidential value shall be disturbed or obliterated. Is there any detective of standing in this country who has not, at some time of his career, had to lament the absence of such rules, or the failure to enforce them?

The second half of the book contains a number of chapters on such subjects as Bloodstains, Cyphers, Footprints, in which the well known text book of Gross is freely drawn upon. These subjects are treated in a popular and discursive manner and cannot be of much value to a serious student. But they give some idea of the elaboration which these and kindred studies, having a bearing on crime-detection, have received from continental experts. Of the finger-print system of identification, which is certainly the most important application of science to police work so far accomplished Mr. Post says but little, and what he says is very inaccurate. On page 7 we read that 'this system was invented by Robert Galton and forced on Scotland Yard by Sir Edward Henry.' This would lead an ignorant reader to suppose that Sir Edward Henry's achievement consisted merely in introducing a system already existing to the Metropolitan Police. In fact, of course, the system of classification which alone constitutes the practical value of finger-prints as a means of identification, was entirely the work of Sir Edward, the result of years of laborious work in India. It is regrettable that in such a book as this he should not receive the credit of so invaluable a contribution to the work of the police of all countries.

GREAT DETECTIVES AND THEIR METHODS. BY GEORGE DILNOT.
16s. net. (Geoffrey Bles.)

IN this book Mr. Dilnot has chosen a subject of general interest and has collected together a short history of a large number of cases as illustrations.

It was, I suppose, inevitable that in many instances the criminals concerned should be well known—some of them almost too well known. It seems a pity that Mr. Dilnot should have dealt at length with the case of the American super-murderer, Holmes. The following of Holmes' trail by Geyer is a classic instance of bulldog pertinacity in a detective; but the last word on both Holmes and his hunter has been said, and probably better said than it ever will be again, by the late H. B. Irving in his *Book of Remarkable Criminals*. It is interesting to note that in the two most 'Sherlock Holmes-like' cases cited (both are French) the deductive work was done by consultants and not by police officers.

The book illustrates the obvious truth that the methods of detectives are greatly affected by the legal system under which they have to work. It is one thing to bring a suspect before the Magistrate whose duty it is to cross-examine with a view to extracting a confession, and quite another to detain a suspect who must be examined by the detective himself under stringent rules and cautioned the moment he shows any disposition to incriminate himself.

Policemen all over the world will be glad that Mr. Dilnot has done justice to the late John Wilson Murray, the great Canadian detective.

Of the lesser known cases the 'Coiner's Dog' is a good story. Mr. Dilnot has done his best to avoid the usual mistake in books about crime, criminals and detectives, of giving far too much prominence to murder. He has obviously felt the difficulty. Few famous detectives have made their police reputation over murder cases.

The book as a whole is full of evidence that the writer has had a considerable amount of first hand information at his disposal. It is written in a plain straightforward way and shows that the writer himself has a sense of proportion which, after all, is one of the most important qualifications not only for a successful detective but also for anyone who wishes to make a serious study of criminal investigation.

Dust and its Analysis

AN AID TO CRIMINAL INVESTIGATION¹

BY DR. EDMOND LOCARD

Director of the Police Technical Laboratory at Lyons, France

[Translated]

AMONG the latest developments in criminal science the analysis of dusts is one of the most recent and interesting. The more one studies it, the more surprising it is to reflect that we have had to wait until the twentieth century to see such a simple idea applied—the deduction of the movements and environments of a suspected person from the dust collected on his clothes. For the microscopic dusts which cover our clothes and our bodies are silent yet certain and reliable witnesses of each of our actions and contacts.

I should mention that although we have made a particular study, at the Police Laboratory at Lyons, of this question of dusts, we came across the idea first of all in the works of Hans Gross and Sir A. Conan Doyle. In addition, the opportunity of putting it into practice was, if I may so express it, forced upon us. I shall describe presently a certain number of cases in which the analysis of dusts was demanded by the circumstances of the cases themselves. Indeed the study may be considered as an extension of the analysis of stains. A policeman is not like a medico-legist, limited to the examination of blood and tissues. He is called upon every day to determine an astonishing variety of substances which stain the clothes, linen or skin of a suspected person. Among these different stains mud usually takes a high place, and what is mud but congealed dust?

Outside Lyons a number of criminologists have been

¹This article is taken from a study which will appear in its entirety in *Handbuch für Kriminalistik* in German, in collaboration with Professor Türkel of Vienna, and in my *Traité de Criminalistique*, in 4 volumes (in preparation). E.L.

attacking this problem almost simultaneously. In Germany Giesecke and Popp have published the results of their studies and have made some very interesting and curious observations on dusts which they have collected and analysed. At Marseilles, Séverin Icard, in collaboration with Jean Maurel, made a special study of the dusts retained in the wax of the external auditory canal of the ear. Finally, quite recently, Dr. Georges Vuillemin devoted his inaugural address at Nancy to an excellent review of the whole question. Thus it will be seen that in the examination of dust from the criminological standpoint the same thing has happened as that which has occurred in many other branches of science—the idea, after remaining long in embryo, was suddenly developed in several places at the same time, so that none can rightly claim to be the inventor.

I. THE DIFFERENT KINDS OF DUST

Dust is an accumulation of *débris* in the form of powder. These *débris* may emanate from all kinds of bodies, organic and inorganic. It is the condition of pulverization which distinguishes dust from mud or grime. Mud is a mixture of dust and liquid in the form of paste. When mud is oily it is known as 'gome.'¹ Grime is dust mixed with body grease and partly dried. Liebig suggests the following distinction: 'Grime is an object which occurs in some place where it ought not to be; dust reproduces in miniature everything which surrounds us. Grime and dust are not definite bodies; the first is composed of small bodies which come into contact with an object and are retained on that object by some means; the second is composed of small bodies ground into dust which is deposited on that object.'

If I had not a very great respect for this illustrious scientist I should describe these lines as obscure, ambiguous and somewhat puerile. I do not deny that it is wrong to have grime on one's face, but I do not see that it is more commendable to have dust on one's hat. I think it would be more accurate to say, as I have stated above, that grime is dust conglomerated by a greasy substance, as, for

¹ 'Gome' is properly the black grease of a cart-wheel's hub. In some parts of England it is called 'coom.' [Tr.]

example, that formed on the skin by the stearic, palmitic and oleic acids of the perspiration.

It may be said that dust, whether in its true form (that is to say a state of pulverization) or in its derivative forms mud and grime, covers the entire surface of the earth, except of course the watery areas. There is nothing which it does not cover; for the moment one removes a layer of dust from an object, other particles of dust fall upon the cleaned space. Thus our bodies and clothes are being continually covered by layers of dust more or less thick, according to the frequency with which we clean them or the quantity of dust in the places where we happen to be. An individual who had been for some time in a small boat in the middle of the ocean would have the minimum amount of dust upon him, whilst a person moving about in a room that had been long disused, or on a dusty road in which the dust was thick and volatile, would collect the maximum quantity.

Dust, as I have said, may be formed of the *débris* of all sorts of bodies: to enumerate the elements of which it is composed would be to make a list of all the organic and inorganic substances which exist upon this earth. The only point which concerns us here is the state of these substances when they are in the form of powder. Pulverization entails the destruction of the morphological states which ordinarily permit us to determine bodies by our senses or by means of instruments; on the other hand this transformation does not go so far as to reduce the body into its very elements, that is to say, into molecules or atoms. Let me give a few examples.

On a road of which the stony surface is composed of granite (pegmatite), as for instance in the Chamonix valley, the stones, crushed by wheels, ground by the soles of boots, worn by rubbing one against the other, will give off a granite dust from the surfaces exposed to friction. These grains of dust, even when placed under the microscope, will not recall, in any particular, the original pegmatite, since no particle of the dust will be found to contain *both* the micas and feldspars which are characteristic of this rock. We must not go to the other extreme, however, and assert that these grains, even the most microscopic of them, represent no more than one of the

chemical elements—silicum, oxygen, carbon—which compose the body whence they came. In fact we find here a peculiar physical state where a microscopical diagnosis of origin is possible but where no particle in itself would permit a definition of the body from which it came.

Another example. An insect dies on the road. Its body rapidly decomposes and falls to dust. The greater part of the elements, those which can putrefy, will undergo a chemical change such that it will be impossible afterwards to say what was their origin. But, on the other hand, certain other parts—those which cannot putrefy—will be physically ground into dust without chemical alteration, and their minute *débris* will remain discernible, provided the necessary technique and apparatus are available. Thus the dust emanating from the wings of a butterfly could be determined, although the soft intestinal organs of the insect had undergone chemical alterations which had definitely transformed them.

The conclusion to be drawn from these examples is that dusts preserve their distinctive characteristics sufficiently to enable one to recognise their origin almost with certainty. It remains, not to enumerate but rather to indicate by a series of examples, the objects which may be most commonly found in dusts.

Inorganic Dusts.—All the dusts of inorganic chemical substances and elements are included in this category. Their interest is greater, or rather they are more characteristic, in proportion to their rarity or the abnormality of their surroundings. As I shall mention later, the simultaneous presence of lead, antimony and tin in the dust found on a sleeve proved a valuable piece of evidence against a suspected counterfeit coiner. Trousers and foot-wear commonly carry the common dusts and muds of calcareous or silicious roads, and indeed all our clothes are sprinkled with particles of coal and plaster. It is naturally much more rare to find uncommon chemical elements, such as platinum or tungsten, on clothes; their presence could only be explained by professional occupations (*e.g.* jeweller, chemist, man who handles tungsten in a steel works, etc.). It would be still more interesting to find yttrium, erbium, or other rare metals in appreciable quantities!

The *débris* of rocks which constitute the dusts on roads may be the source of a dust of decided crystalline form, but this cannot be relied upon. Tissandier has found black spherules of meteoric iron in dusts suspended in the air. Miquel discovered, also in aerial dust, crystals of a definite form with sharp edges. But these cases must be rare exceptions, for ordinarily in brushing clothes the inorganic matters which are expelled are nearly always amorphous.

Amongst the common inorganic dusts which are found everywhere may be mentioned soot, and particles which come from the construction and demolition of buildings.

Organic Dusts.—These are composed of vegetable particles and animal *débris*.

Vegetable particles emanate from living plants and those dead and decomposed. In the first category are included the minute seeds which are borne by the air, some because they are provided with simple or feathery hairs, others because they are so light in weight that they can remain suspended in the air to be blown about by the winds. In the second category come the *débris* from dead leaves, rotting wood and the lower orders of plants, such as mushrooms and mosses.

Dusts of animal origin are formed by very small insects, butterfly scales, eggs of the lower forms of life, and the products of the decomposition of all sorts of organisms, besides the products of sloughing or skin peeling, epidermic cells and hairs from animals and from man himself.

Micro-organisms constitute an important part of dusts. Certain of these may be found in such abundance that they occasionally cover large spaces, such as the *protococcus nivalis*, also known as 'blood-snow.'

Pasteur and Duclaux have pointed out the extreme abundance of microbes contained in the atmospheric dusts, and, consequently, in the dusts which settle on the soil and on individuals. These include Koch's bacillus, the anthrax bacillus, the bacterium of septic poisoning, the spirilla of cholera and the pneumococcus. It is known that these microbes and others are present in dusts in enormous numbers: 88,000 per cubic metre were found in the air of the Champs Elysées at seven o'clock in the evening, 67,000 in the Rue de Sentier, Paris, at

three o'clock in the afternoon, 575,000 in the Avenue du Bois de Boulogne during the return of crowds from the races, 4,000,000 in a dress shop, 9,000,000 in a motor-car showroom, and 14,000,000 in the Gallery of French Artists. On certain roads the figures are higher still: 2,500,000 per cubic metre have been found in the Avenue de Saint Cloud, but 23,000,000 in the Avenue de Picardie, which constitutes a record.

A special importance from the point of view which we are now considering must be attached to the *débris* in dust which comes from faecal matter. The continual presence of horse dung in towns and on the roads, as well as other excreta, such as cow droppings and dogs' excrement, entails the existence of faecal particles on foot-wear and clothes, whether by direct contact or whether by the deposition of dried particles carried by the wind. These materials contain every kind of organic *débris*, vegetable or animal, and they are relatively easy to distinguish. Their investigation constitutes a special technical branch, the study of which has been strongly urged by Gaultin.

It is well known that the organic *débris* collected from clothes do not always come from vegetables and animals direct. Very often they come from manufactured products. Thus the threads found in dust do not come from *formium tenax* or *cannabis indica* but from the stuffs woven from the fibres of these plants. The same applies to threads of cotton, linen, silk and wool. The particles of dust which come from the decomposition of paper present the characteristic appearance of pine-wood fibres. Skin cells may come from leather goods and not from the skin of a living or dead animal.

Professional Dusts.—It is essential to remember that every individual is the bearer, in spite of himself, of certain dusts which may be termed 'professional,' since they are due to his profession or occupation. Thus we should expect a sweep to be covered first and foremost with soot, a miner with coal dust, a librarian with *débris* of paper, and a chemist with traces of various drugs. This would not prevent the addition of other adventitious dusts collected by an occasional contact; but unless the individual has made a meticulous toilet, and has changed into new clothes, the characteristic dusts of his

occupation will be found on his clothes, his linen, his body and in the external orifices.

II. THE ANALYSIS OF DUSTS

The analysis of dusts, including mud and grime, can be undertaken either with a special and definite end in view, or in a general systematic way. I will deal first of all with the places whence the dust may first be collected, and then with the technical methods.

Clothes.—Hans Gross, when he first began the examination of dusts, collected them in the following manner. He placed the clothes to be examined in a large paper bag, which, having been closed, was beaten with sticks or carpet-beaters. The dust extracted from the clothes by this somewhat rudimentary procedure accumulated in the bottom of the bag, and was then gathered up. This primitive method is certainly, and by far, preferable to brushing, which extracts the dust only to disperse it in all directions. The best method, however, appears to me to be the following:

First of all thoroughly examine the clothes piece by piece. If necessary photograph the interesting parts where the dust has made a stain (I shall quote presently cases in which the important dust was both localised and apparent); for the position of the dusts may be quite as important as their identification. If the dust forms abundant masses it should be gathered directly, each collection being carefully folded up in a separate piece of white paper, which should be numbered with a figure corresponding to that in a memorandum showing the part of the clothes from which it has been taken, and also to photographs, if any. This method is always best for mud stains and for particles easily seen by the naked eye. When nothing is visible, and it is required to collect the diffused dust, the best method of collecting it is by sucking it out by means of a vacuum cleaner. I need hardly add that the entire instrument, and especially the pocket, must be carefully cleaned beforehand and preferably sterilised. The best way to collect dust direct is to use tweezers with flat ends, or needles such as a surgeon uses in the operation for cataract, or, better still, to suck up the specks with a pipette. Scrapings

should be made over a piece of glass coated with glycerine, as advised by Georges Vuillemin, or simply over a watch glass which has been thoroughly cleaned. I am not greatly in favour of the method advised by Gross, which consists of removing the dust with a soaped brush and afterwards washing out with alcohol. This disperses the dust too much.

Pockets.—It is well known that pockets are the places where an expert has the greatest chance of finding blood-stains when a murderer has cleaned his clothes. It is also one of the best places to find dusts, for a suspected man who has carefully brushed his trousers and coat with the idea of removing all suspicious traces will hardly ever give a thought to the particles of dust which he has introduced into his pockets with his own hands. It is best therefore not to turn the pockets inside out and brush them—such a proceeding is a little too perfunctory—but to detach them by cutting the stitches carefully with a pair of scissors and collect their contents, first by emptying them into a suitable receptacle, then by extracting the surplus dust by scraping the material. Quite large quantities of dust may be obtained in this manner—particles of sealing wax and paper in the case of registered-letter thieves, bits of candle-wax in the case of burglars, crumbs from the pockets of food thieves, minute clots of blood in the case of murderers, and so on.

Footwear.—Boots and shoes may carry dusts in the form of powder, but more often in the form of mud. If the mud is still wet it is better to wait until it is dry before beginning to collect it. Here the position of the dusts is of the greatest importance. It has happened in several cases of criminal enquiry that the successive layers of mud found on the soles of boots had each its own significance. Thus in a case with which I once dealt a layer of flour between two layers of earth represented a journey to a mill, the entry to the mill, and the journey back on damp roads. In such cases a scraping off *en masse* would ruin all chance of an examination by strata—the vital one here. One should begin, therefore, by a minute examination of the boot—‘uppers,’ heel, and sole. Then proceed to scrape carefully over a receptacle of suitable size and shape. If you find, under the superficial layer, a layer

or matter of a different kind, continue your scraping over a second receptacle, and so on. It might be of interest first of all to make a perpendicular incision through the layers and thus see how many there are.

The study of footwear is especially interesting in the case of rural crimes, where the soil is more varied and characteristic. One should never fail to compare the mud scraped from the boots of the suspected person with the mud scraped from the boots of the victim, especially when the plea of an *alibi* is advanced. Moreover, if the victim has been carried any distance from the scene of the crime, an examination of the boot soles should enable one to determine the nature of the ground upon which the victim was last walking.

Linen.—It is not often that linen gives useful results from our point of view. Vuillemin relates a case in which a confetti found among the underlinen showed that a suspected person had been taking part in a *fête*, but I am afraid that the volume of a piece of confetti puts it out of court in a consideration of dust! We can therefore relegate this case to the category of crimes traced by means of objects found on the persons of criminals or abandoned by them. However, it is true that linen may sometimes be impregnated with professional dusts (such as coal, soot, china clay, drugs, plaster, etc.).

Skin.—The dust which settles on the skin is nearly always retained in the form of grime, and its study is sometimes interesting. Besides professional dusts I would mention, in particular, traces of tobacco on the fingers of smokers, and the traces of gunpowder, which Tardieu always looked for as soon as blackened hands suggested a suspicion of shooting. The protected parts of the skin are not always the least rich in useful dusts. For instance a foot, even when a boot is worn, may have so much grime upon it as will indicate, almost as well as the boot, the nature of the soil walked upon. Moreover, in the case of labourers who work with their shirts open, the professional dusts settle on the hairy zones of the upper part of the body (chest and armpits) as well as in the cutaneous folds (subclavian fossæ and umbilicus).

Hair.—The hair is an exceptionally faithful receptacle of dusts. It is well known that the imperceptible particles which

constitute scents remain fixed in the hair for a considerable time. After riding in a motor-car travellers will have quite a quantity of dusts from the roads in their hair. It is one of the places where one is almost certain to find professional dusts. Brushing is a most unsatisfactory method of removing dusts from the hair. The best plan seems to be to wash with alcohol, and then obtain the dusts either by the centrifugal method suggested by Vuillemin or else by evaporation. The same method should be employed, if necessary, when examining the beard.

Nails.—The advantage of collecting the dust from under the nails occurred to me in 1911 in a case of identifying a burglar by the discovery of gome under his nails. (I shall refer to this case presently.) It is an operation which should be undertaken systematically in all criminal enquiries. Only last year I was able to identify a murderer (I should add that other corroborative proofs were present) by means of a hair from the beard of the victim found under a nail of the accused. Tardieu and Vernois have already made a study of the *débris* found under the nails. Here may also be found all the professional dusts: coal, flour, *débris* of food (cook), pieces of horse hair (groom or ostler), fragments of human hair (hairdresser), pieces of meat (butcher), metallic dusts, etc. Then there may also be traces of crimes: blood, organic *débris* (rapes, offences against morality, murders, woundings), particles characteristic of stolen objects (chocolate, butter, cloths, etc.), and dusts indicating the route followed before or after the crime was committed (plaster, gome from a rope, paint from a post, etc.).

Eyebrows.—So far back as 1884 Georges Dressy, of the School of Forensic Medicine at Lyons (Lacassagne) pointed out the presence of professional dusts in the eyebrows.

Ears.—Séverin Icard of Marseilles has published, in collaboration with Jean Maurel, a very interesting treatise on the dusts which occur in the ears. These dusts are always incorporated with the wax. 'Every person,' states the authors, 'who has been in a dusty place for any length of time retains the token of that place in the external auditory canals of his ears.' The presence of wax in the ear is

permanent; it occurs even after a most careful toilet. In the case of a day labourer who had been unloading coal in the docks at Marseilles for several months, Icard found coal-dust in the wax of his ear more than a year after he had ceased having anything to do with coal. The same thing occurred in the case of a coffee roaster, a hairdresser (fragments of hair), and a baker (starch). Icard has also found vegetable dusts in abundance in the ears of men engaged in threshing and winnowing corn, dock labourers unloading corn and cereals, sawmill workers, factory workers engaged in desiccating vegetables, etc. He estimates that if one finds even a small amount of definite and unusual particles, the occupation is clearly indicated (dusts of copper, aluminium, mother-of-pearl, sulphur, bauxite, glass, etc.). Extraction from the ear may be made by an aural scoop. The wax should be placed on a microscope slide, then pressed out by another slide, and examined at once.

Nostrils.—Vuillemin has pointed out the presence of agglomerated dusts in the nostrils, often adhering to the hairs. Here one often finds snuff and professional dusts.

Weapons.—From the notches in the blade or in the groove along the back of knives, from the sheaths and scabbards of daggers and swords, one can collect dusts, besides blood, which indicate the uses to which the weapons have been put: e.g. fragments of hops after a raid on a hop garden, the *débris* of grass on a blade that has been wiped on the turf, fragments of food after a theft of provisions, etc. Gross draws special attention to the interest attaching to the collection of dusts on workmen's tools. In short, one can collect dusts from all manner of things which are in the possession of, or have been abandoned by, suspected persons or victims.

Vehicles.—After a motor accident in which the driver of the offending car has gone on without stopping, an analysis of the dusts collected on his car will often enable one to discover traces which came from the person who has been injured. Thus, small particles of cloth, fragments of skin and even of bone, and traces of blood, have been found. I shall mention presently a case of this description in which I found

minute traces of skin, hair, and a small piece of the external structure of the skull on the mud-guard of a car.

As I have not the space here to describe the technique of the gatherings and analysis of the various dusts,¹ I must content myself with quoting certain cases in which the analysis of dusts has helped to bring criminals to justice. All these cases were dealt with by the Police Technical Laboratory at Lyons. Other cases will be found described in the works of Gross, Parigot, Vuillemin, Popp, etc.

III. NOTES.

Case 1. Some money had disappeared from a restaurant. In order to reach the shelf on which it lay the thief had been obliged to stand on a chair. By chance a discarded napkin happened to be on the chair, and a footprint was impressed in the linen. Unfortunately the print was not definite enough to be recognisable. But the mud which outlined the print was examined under the microscope, and among the animal and vegetable waste products, certain fine granulated masses were observed and recognised as faecal stains. It was then recollected that scavengers had been at work in an adjoining alley the same night as the theft had been committed, and the enquiry was directed towards them.

Case 2. The Post Office Department received complaints in June 1922, of the thefts of postal packets. As usual, a departmental enquiry was held instead of referring the matter to the police. Nothing of any importance was discovered, but it was suspected that the thefts took place in a certain office and that the packets were opened in the same place. An alert official thought that the delinquents shut themselves up in a lavatory in order to accomplish their thefts, and watchers volunteered to hide themselves in a garret over the room, keeping watch through a peephole. After a little time the watchers were rewarded by seeing a postman in uniform enter and proceed to open some letters whence he extracted money-orders and notes, which he placed in an

¹ See my *Manuel de Technique Policière*, Paris (Payot) 1923, and my *Traité de Criminalistique* (in preparation).

inner pocket inside his waistcoat. As only the back of the man's neck and the back of his uniform were visible from above, and there was no likelihood of him looking upwards, the watchers were unable to recognise or identify him. They therefore resolved to mark him. Stamping with knee and foot on the thin ceiling which supported them, they succeeded in shaking down on him some small pieces of plaster and a certain amount of whitewash, which fell on his left shoulder and sleeve. The thief hurriedly decamped. When an attempt was made to identify the culprit by this system of marking, however, it was found that the procedure had one defect: the marking was invisible. Recourse was therefore had to the laboratory. In spite of the fact that the culprit had brushed his clothes apparently most meticulously, a microscopical examination revealed, in the position indicated on the coat of one of the suspected men, an appreciable quantity of sulphate of lime—whitewash.

Case 3.—A body was found in a field, with a knife embedded in the heart. Those who discovered the body, more intent upon aiding the victim than on preserving possible clues, trampled the ground in such a way that it was impossible to distinguish any trace of the murderer's footprints. Enquiries in other directions failed. Some days later a tramp, who had been among a number of men rounded up by the police, was brought to the laboratory. A patch of blood on his waistcoat had drawn attention to him. On his sleeve we found a small plumed seed like a dandelion's. But it was by no means so insignificant a seed. A microscopical examination showed it to have come from a plant of the *Compositae* Order which is relatively rare, and a tuft of it was growing only two feet away from the corpse. One of its seeds had been blown by the wind on to the murderer's coat during the struggle. This apparently insignificant detail solved the problem for us: the murderer was found.

Case 4.—A motor-car knocked down and seriously injured a cyclist. According to the evidence of a witness the cyclist was struck by the right side of the car. The car was examined, and the muds and dusts which covered it were analysed. There was no trace of blood. But in the mud

sticking to one of the mud-guards some fragments of hair, the longest about an inch, were found. An examination was first made under the microscope without preparing the hair in any way. Then the hair was cleaned with ether, and afterwards with dilute nitric acid. The *débris* were then placed in paraffin oil on a glass slide, a cover glass added, and again examined under the microscope. Although the fragments of hair were broken or cut, a bulb was discovered on one fragment, and on another a thick point. All the *débris* were characterised by (1) rudimentary or potential cuticular cells; (2) a thick cortical layer; (3) a thin medullary substance, absent in certain portions; (4) a very meagre density.

These are the characteristics of human hair, and especially that of the head. The existence of a dermal cell at the base of a bulb indicated that the hairs had been torn out. Moreover, this was confirmed by the presence of a very young hair and by the broken state of all the others.

In another portion of *débris* collected from the mud-guard was found a small organic fragment, dry and brownish, a millimetre thick and two millimetres long. Its compact structure suggested a fragment of bone. The following operations were then carried out:

1. Fixing in Bouin's liquid.
2. Decalcifying in nitric alcohol.
3. Dehydration.
4. Steeping in paraffin.

Sections of three hundredths of a millimetre were then made, and stained with haematin Weigert-eosine.

A microscopical examination of this preparation showed that it was a fragment of adult bone. One could distinguish in fact a lamellary arrangement of definite structure round an orifice which could be identified as Haversian canals.

There was no periosteum. Cellular structures were absent, or did not stain, which was easily explained by the slow method of fixing and by the dehydration. From the point of view of the appearance and the dimensions which the consecutive structures of the fragment presented, there was nothing to prevent one from concluding that it was a fragment

of human bone. But the minute amount available for examination and the condition of desiccation did not permit of a more precise diagnosis. The results of the analysis, however, were confirmed by the confession of the motorists, both of whom were sentenced to two months' imprisonment. The cyclist's head had been struck at the spot where the organic *débris* were found.

Case 5.—Information concerning some men suspected of making counterfeit coin was given by an informer. The men denied their guilt, but false money was found upon them and they were arrested on the charge of passing it. But as they refused to say who had made it, they could not be charged with the more serious offence. Their clothes were brushed, more particularly their sleeves, and the dusts collected were examined for metallic particles. Antimony was first identified in the form of pyro-antimoniate of soda, in lenticular crystals grouped in threes. The presence of tin was evidenced by oxalate of tin in simple crystals, rhomboids and prisms, with twin crystals (macles) in x's and h's. An abundance of lead was also found, which was identified in the form of chloride of lead in elongated prismatic crystals with irregular cavities in the extremities, and as lead iodide. The suspected men were unable to explain the simultaneous presence of these three metals, especially the antimony. Metallic dusts were, in fact, abundant, and on one of the garments examined the glitter of the metallic particles could be seen with the naked eye. Possibly it was a coincidence, but it was remarkable that the quantitative proportion of the three metals found in the dusts was appreciably the same as that in the counterfeit coin.

Case 6.—The shop of a jeweller who specialised in the manufacture of pyxes, chalices, and reliquaries had been broken into. The thief had climbed over a glass roof, broken a pane of glass, and had descended by means of a rope. A man was charged with the offence. His nails were examined, and under them an appreciable quantity of gome, that is to say oil and dust, was found. The rope by which the thief had descended was also found to be smeared with the same gome. Checked by means of finger-prints found on the broken pane of glass. Confession.

IV. SUMMARY

It will be seen from the foregoing that the analysis of dusts and muds has already yielded remarkable results in practice. It is, however, certain that this method of tracing criminals will not come into its own until it has been placed on a definite systematised basis. In order to effect this, it will be necessary in the first place to perfect the technique of micro-chemistry, and in the second place, for all police laboratories to make a point of habitually practising the gathering and examination of dusts. As for the value of proofs obtained, these will, as always, depend on the one hand on the clearness of the verifications made or of the reactions obtained, and on the other hand on the abstruseness of the elements found. At the present stage of our knowledge the first duty of the expert is to arrive at his conclusions with prudence. The results which he obtains will be so much the more useful, and so much the more certain, in proportion as the method is used the more frequently and the observations made the more numerous. Nothing in this field of research can yet be considered as final. My object in writing this article is merely to show the stage at which we have arrived at present.

Extradition in Canada; from a Canadian Police Point of View

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IN accepting an invitation to write a paper on Extradition, I appreciate the fact that it will be read by officers of the law who have had a wider experience in matters of this kind than I have had or possibly ever will. However, I think that many readers, especially those who are engaged in police work, will agree with me when I say that the question of bringing the law-breaker to the bar of justice is of more importance than trying to follow all the legal technicalities surrounding extradition proceedings. Much in the processes of our present day criminal laws seems to be designed to place a barbed wire entanglement about the crook, which it is almost impossible for the police officer to penetrate. The resources of science and civilization are available to the crook, while the procedure for his apprehension have remained almost as they were fifty years ago. To me it appears that some thought should be given by our legislators to the matter of simplifying the proceedings necessary in extradition matters. The forces of law and order should at least be on equal terms with the man who will not live within the law.

'Extradition' has been defined as the delivery by one Government to another of those who have fled from justice. Beccaria, in his famous *Traité des délits et des peines*¹ (French translation, Lausanne, 1766) states: 'He who raises his hand against man deserves having all men as his enemies, and must always be an object of universal execration; but the place of punishment can only be that in which the crime was committed, because it is there only, and no where else, that men

¹ Treatise on Crimes and Punishments.

should do harm to an individual to prevent harm being done to the public at large.' In other words, all mankind has an interest in preventing crime, but we should not expose the offender to vindictive proceedings or charges which are not considered criminal amongst all civilized communities.

The history of extradition shows that it has been recognized amongst nations at least since the days of Rome and Greece. There existed between different countries and states agreements whereby runaway slaves, political and other offenders were surrendered to the country from which they had fled. To-day the civilized nations of the world are all agreed that the criminal should be brought to justice, no matter where he is found. A glance at the list of nations with whom Great Britain has treaties covering this subject will convince anyone on this point. As far back as the eighteenth century we have records of arrangements between England and the United States regarding the return of criminals. In 1819 we have the record of a United States Chancellor expressing the opinion that every criminal should be punished, no matter where the offence was committed. The circumstances arose over a man who was arrested in the United States for an offence committed in Canada. The learned Chancellor held as follows: 'Irrespective of all treaties, it is the duty of the State to surrender fugitive offenders, and it is the duty of the magistrate, irrespective of legislative provisions on the subject, to commit the fugitive, upon due proof of the commission of the crime, so as to afford time to the Government to deliver him up or for the foreign Government to claim him. It does not matter whether the prisoner was a subject of the pursuing Government or of that under which he had taken refuge.' In 1827, when a fugitive from the United States was arrested in Canada for a larceny committed in the States and an order had been made by the Governor of the Province for his surrender to the State where he had committed the offence, a writ of *Habeas Corpus* was issued and the case heard by Chief Justice Reid. The learned Judge expressed himself in these words: 'The right of surrender is founded on the principle that he who causes an injury is bound to repair it, and he who infringes the law of any country is liable to the punishment

inflicted by those laws. If we screen him from punishment we become parties to that crime, we excite retaliation, and we encourage criminals to take refuge amongst us. We do that as nations which as individuals would be dishonourable, nay, criminal to do. If, on the contrary, we deliver up the accused to the offended nation we only fulfil our part of the social compact which directs that the rights of the nations as well as the individuals shall be respected and a good understanding maintained between them; and this is the more required among neighbouring States on account of the daily communications which must necessarily subsist between them.'

In 1842 a Treaty was made between Great Britain and the United States covering the extradition of criminals. This was called the Ashburton Treaty. By this covenant the two great Anglo-Saxon nations combined against the criminal and made it easier for the police officer to have the law-breaker brought to justice, and proportionately hard for the evildoer to escape the penalty of his crime. By the convention of 1877 and the later one of 1890 improvements were made; and since that time a few additional changes have been made to the machinery of justice regarding extradition.

On account of the geographical position of Canada and the United States, the police departments of these two countries have much in common and work together with the greatest harmony and co-operation. As a matter of fact, the boundary between Canada and the United States, in police matters, is an imaginary line. Very little restrictions are placed in the way of the citizen of one country passing into the other. As a result, the criminal, always fleeing from justice, finds it very easy to escape from one country to the other. It therefore follows that extradition proceedings are more frequent between these two countries than with Continental departments. At the annual conventions of the International Association of Chiefs of Police the question of simplifying the proceedings necessary to return a criminal from one country to the other is fully discussed. We are in hopes that something will be done in this direction in the near future. At their last convention a committee was appointed to go thoroughly into the matter and consider what amendments in the present treaties

could be effected, so that it would not be necessary to follow the present-day time-losing procedure in order to have the crook apprehended. The present way was quite in order before the advent of fast trains, motor-cars, aircraft, wireless, and radios ; but this system is now too slow. I suggest that a request from a Chief Constable should be sufficient to have a criminal taken into custody in any country where Extradition Treaties exist, without the prior necessity of obtaining the consent of the Crown Attorney and the Attorney-General. By the provisions of the existing treaties, the prisoner is fully protected in so far as the taking of depositions, identification, etc., all of which must be passed by the Extradition Judge. Before the presiding Judge can order the prisoner's surrender to an officer from a foreign country, he must be convinced that the evidence submitted would justify the committal for trial of the prisoner if the crime of which he is accused had been committed in England. There must also be sufficient evidence that the prisoner committed the extradition crime within the jurisdiction of the country seeking extradition, to justify the magistrate in committing the prisoner. With all these safety devices surrounding the prisoner I think the treaty could be amended, with safety, so as to provide that any Chief Constable could communicate direct with a foreign department in the matter of the apprehension of the offender. Valuable time could be saved and the possibility of an arrest greatly increased.

All Extradition Treaties, in so far as they apply to Canada, were made between the Imperial Government and the Governments of other countries. They were governed by Orders-in-Council and certain instructions laid down by the British Government. If we want an offender extradited from the United States we must apply to the Attorney-General of the Province of Ontario through our Crown Attorney. While we are permitted to apply to a foreign police department, for the purpose of locating an offender, we are forbidden to ask for his arrest. The application to the Attorney-General must be accompanied by a copy of the warrant, a description of the offender and his photograph, if possible, and any information as to where he may be found. The complainant is required

to put up a bond of indemnity to cover all expenses incurred. If the crime is of a serious nature, the Attorney-General may undertake the proceedings at the expense of the Province. If extradition is decided on, the Attorney-General will immediately communicate with the British Vice-Consul, should there be one in the city where the fugitive is hiding, otherwise with the British Ambassador at Washington.

When a person charged with an offence in Canada, or a convict who has escaped before his sentence has been executed, is believed to have fled to a foreign country, the questions to be decided before an application for extradition is made are :

- 1st. Whether the country to which he has fled is one with which the British Government has a treaty.
- 2nd. Whether the crime with which he is charged, or of which he is convicted, is an extraditable offence and one included in the Extradition Treaty.
- 3rd. Whether the offender is a subject of the country to which he has fled.

In the case of (1), our instructions regarding extradition will give us full information on this question.

Regarding question (2), we must be sure that the crime charged against the fugitive is extraditable, as there are several criminal offences which are not included in our present list of extraditable offences. Again, some crimes are known in the United States by different names from those used in Canada. For instance, the offence of obtaining goods by false pretences is called Grand Larceny, Second Degree, in the States, or at least in some of them. By the Convention of 1899, Sec. 3, this offence is made extraditable, and a warrant of arrest describing the offence as Grand Larceny, Second Degree, has been held to be perfectly legal as a means of making an arrest in Canada.

In (3), the question to be decided is whether the offender is a subject of the country to which he has fled. In making the request for a fugitive's arrest in Italy, Germany, and Roumania we must be sure of the nationality of the man, as these countries reserve the right to try their own subjects for an offence committed in another country. Personally, I

deplore this attitude. We might as well say that a Canadian citizen who had crossed the American border, committed a crime, and returned to Canada, should be tried in Canada for the offence. I am afraid this attitude is not in the best interest of the enforcement of law.

The Crown Attorney in making his application to the Attorney-General of the Province must give a detailed statement of all the facts in connection with the offence. He must also forward a copy of the warrant and the information upon which the warrant was issued. He must set out fully the evidence, including any sworn documents. In cases of forgery the forged documents upon which the warrant was issued must also be included. A full description of the accused must be obtained, and, if possible, a photograph for identification purposes. The application must also be accompanied by a bond of indemnity, signed by the person who is instituting the prosecution.

Immediately the consent of the Attorney-General has been obtained, the Crown Attorney must proceed to take all the evidence before a magistrate. The proceedings in this connection are fully set out in the instructions and regulations governing extradition, and need no elaboration here. Great care, however, should be taken to see that every charge upon which the prisoner is to be tried on his return should be laid, and the evidence taken, as no extradited fugitive can be tried on any charges other than those upon which he was returned. Four copies of the evidence taken must be supplied. Three of these go to the Attorney-General, to be completed for dispatch abroad, and the fourth is retained by the Crown Attorney. The authentication of all documents should be carefully completed in accordance with the instructions laid down for the purpose. The utmost thoroughness must be employed in this part of the proceedings. In a case recently tried in Toronto the prisoner was discharged because the magistrate, before whom the man appeared, held (and rightly so) that although the words 'Secretary of State, Home Office,' appeared on the documents, yet there was no signature or seal as required. On the depositions filed there was a signature, but it could not be deciphered. Beneath this name there was

nothing to show whether the person who signed them had any judicial office as required. It did not state whether he was a 'Justice of the Peace' or 'Magistrate'; and no affidavit accompanied this paper as required. So it is obvious that every care must be taken to prevent any avenue of escape being left open to the criminal through carelessness.

When the Attorney-General makes his demand for the arrest, and if time permits, his demand should be accompanied by :

- 1st. The warrant.
- 2nd. The information on which the warrant issued.
- 3rd. A description of accused, with photo, if possible.
- 4th. A sworn statement setting forth the law applicable to the crime and where the offence was committed.
- 5th. An affidavit verifying the signature of the Magistrate or Justice of the Peace before whom the evidence was taken.

After the offender has been arrested, more evidence may be required by the court in the foreign country. This must be supplied by the prosecutor. It may also be necessary to send a witness who can identify the prisoner. If it is possible to send an officer who can make the identification, it is always best to do so, because, if the application for extradition is successful, the officer will be on hand to accompany the prisoner.

Where time will not permit and it is necessary to ask for the arrest by telegram, every detail should be given : namely, the fugitive's name, his description, the crime committed, the date of the commission of the crime, the property stolen, etc., the name of the complainant ; and last, but not least, it should be stated that a warrant is held and that extradition will be demanded. By doing this the department receiving the request for extradition will be in possession of sufficient facts to enable them to swear to a provisional warrant, upon which the criminal may be arrested should it be deemed necessary. It has been held in our Extradition Courts in Canada that an arrest cannot legally be made on a request by letter or telegram ; but if we are in possession of a provisional warrant when we bring the fugitive before an Extradition Judge or

Commissioner, then, although his solicitor may claim that his client was illegally arrested, the prisoner is legally before the court. We had a case of this kind recently, in which a man was arrested on a request by telegram from the sheriff of a county in Pennsylvania. Previous to the appearance of the prisoner before the Extradition Judge we had sworn to a provisional warrant, which was produced. The lawyer for the defence claimed that the prisoner had been illegally arrested on the strength of a telegram. The learned judge stated that, whilst he might agree that the man had been illegally arrested, yet, on the strength of the provisional warrant produced, the man was legally before him.

We have occasionally met difficulties in extradition proceedings by the fact that, through lack of complete information, the prisoner has been released on bail, and then fails to appear when he is called. That means another man hunt. It has been held that only in cases in which the evidence is weak should bail be granted or when the health of the prisoner is such that confinement is likely to be injurious. Some of our judges, however, do not appear to follow this precedent. Some judges still hold that a defendant who has been arrested in extradition proceedings on a charge of misdemeanour committed abroad and who is remanded pending the receipt of further information from the foreign country is not entitled as of right to be granted bail, either by the magistrate or the King's Bench Division, but that the matter is in the magistrate's discretion. There are other judges who hold that Extradition Judges have not the power to grant bail to a fugitive held for extradition on the request of a foreign government. We have had different judges who have taken different views on this question.

In the foregoing I have endeavoured to show some of the requirements necessary in extradition proceedings. I have tried to explain what is the procedure, as laid down in the Canadian regulations, between our country, Canada, and the United States. The regulations are laid down for our guidance; but between the American and Canadian police departments there is a kind of reciprocity in the handling of fugitive offenders. If we in Canada receive a telegram or letter from a

Chief of Police or Sheriff of the United States, making a request for the apprehension of a fugitive from justice who is wanted in that country, we immediately prepare a provisional warrant, or we may arrest him at once on the strength of the communication. It is then explained to the prisoner that there are three courses open for his return to his own country. In the first place, he may sign a waiver by which he agrees to return voluntarily. If he is agreeable to this he is not brought before any court, but is held in one of the police stations, where we have special quarters for cases of this kind. He is allowed papers, magazines, and is allowed to have his meals brought in to him. His friends may also visit him. We do not mention his arrest to the newspapers, if he makes the request. The second alternative is that he may be arraigned for extradition. In this case it will take about five or six weeks to prepare and present the evidence, and in the meantime he may be compelled to remain in custody, or on bail, as the Extradition Judge may decide.

Should we fail to have him extradited we might have recourse to a third plan. We could apply to the Immigration Department for his deportation. As this class of citizen generally does not tell the truth about himself when entering the country, either as to his name or his object in coming to Canada, or fails to state that he has a criminal record, or is fleeing from justice, he is illegally in the country or is a prohibited immigrant. In about ninety per cent. of our cases the offender decides he might as well be doing his time in the prisons of the United States as lying in a Canadian jail for a long period with the prospect of serving a sentence after he has been returned. So he signs the waiver. The United States officials work along the same lines. I remember a case a few years ago where this worked out from the other side. We had a large jeweller's shop robbery, and as the result of telegrams sent out by us, three men were picked up by the Niagara Falls, N.Y., Police Department with the stolen jewellery on them. When asked if they were prepared to return voluntarily to Toronto and stand trial they demanded extradition. When the Chief of Police came in and was told what had happened, he sent for the prisoners and asked them

if that was their final decision. They said it was. He thereupon impressed on them the discomfort and delay of waiting in custody pending a practically certain extradition. This had its effect; for three days later we got a telegram which read: 'Send officers for prisoners. They waive extradition.' To the United States Department of Labour we police officers in Canada owe a great debt for the way in which they handle criminals who are wanted in this country. Our Canadian Immigration officials are just as eager to assist us in getting rid of the foreign criminal class who try to escape punishment justly due.

I have not attempted to take up the subject of bringing prisoners back to Canada by means of the Fugitive Offenders' Act. For this is something which, no doubt, is fully understood by police officers throughout the British Empire.

The Ceylon Police and its Development

By H. L. DOWBIGGIN, C.M.G.

Inspector-General of Police, Ceylon

THE police in Ceylon are undergoing the same process of evolution as that by which the police in England have been evolved. It is not generally realized how modern the English police system, as seen to-day, is. The evolution of the present highly-trained police forces of England and Wales, in a space of less than 100 years, is entirely the result of civilization. The police forces in England have been developed from the 'freeman system' and in Ceylon from the 'headman system.' The 'headman' in Ceylon corresponded exactly with the 'freeman' in England, who was a pledged constable or 'conservator of the King's Peace,' holding office not as a paid official, but simply by the birth-right of citizenship.

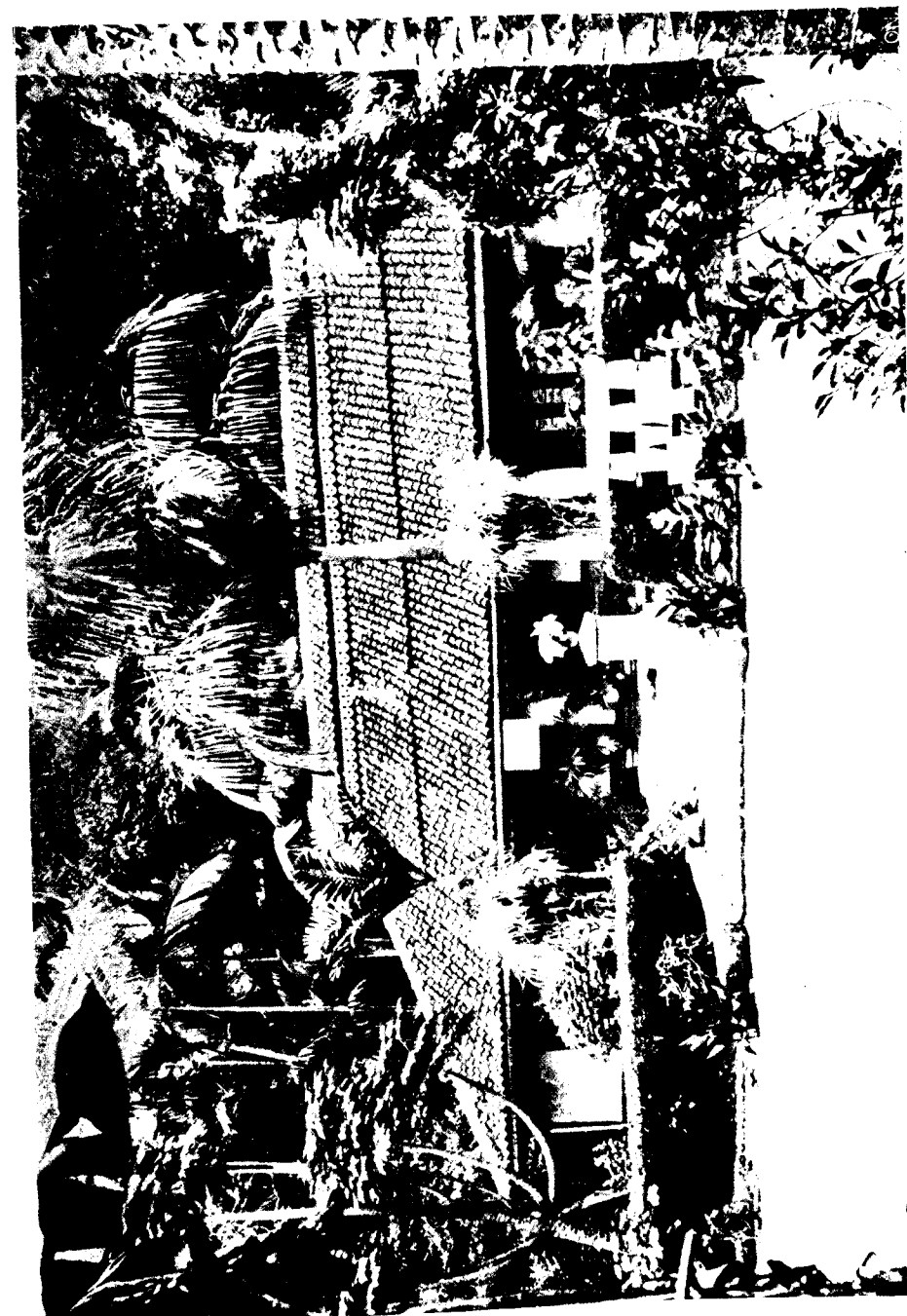
So long as the populace remained scattered in the districts the freeman in England could be held responsible for maintaining law and order. The advent of the first railway, between Liverpool and Manchester in 1829, however, marked a great change in the distribution of the population. Owing to the development of industry and commerce workers flocked to the industrial centres where towns sprang up. The freemen were no longer able to maintain law and order amongst this ever-increasing and changing population and had to be replaced by organized bodies of police. The establishment of the first regular police force in Ceylon provides an exact parallel with the establishment of the regular police in England and Wales. The first railway in Ceylon was opened in 1865, and it was in that year that a regular body of police was formed to supplement the headmen.

In the same year a code of regulations governing the police force and granting them powers for the maintenance of

order was passed by the Legislative Council. In England, the regular police entirely replaced the freemen, but in Ceylon the police have merely supplemented the headmen, who were in existence long before the occupation of Ceylon by the British in 1815.

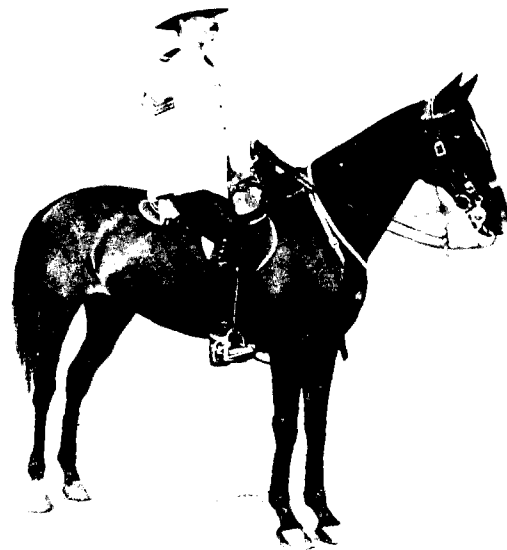
One of the essential features of the force in Ceylon is co-operation between headmen and police. The headman has lived in his village all his life and his ancestors before him, and he therefore knows all the local bad characters. As a general rule, a constable, on appointment, is not sent to the district in which he was born. It is, therefore, of the greatest help to the police that there should be, in every village, a headman who can tell the regular police everything about the local population. The regular police also receive communications from other stations in the island of the movements of travelling criminals of whom the headmen cannot be expected to have any knowledge. The headmen and the police patrol together; they exchange information; and co-operation between them is essential for successful police work.

The headmen are not under the police, but are under the Government Agent, who is the Chief Revenue Officer of the Province and is responsible to the Government for the orderly administration of his Province. A headman has the power of arrest and search and the investigation of cognizable offences in his village. Petty offences in the village are dealt with directly by him, and the parties file action through him in the local village tribunal. If the case proves to be one of serious crime, a message is sent to the nearest police station and the police take up the investigation. Until the arrival of the police on the scene the headman is responsible for taking all preliminary steps. The headman has many other duties to perform, *e.g.*, with the Education, Medical, Sanitation, Land Settlement, and other Government Departments. The village headman is not paid an allowance, but, owing to the increase in the number of duties for which he is responsible, and owing to the large number of calls on his time, which interfere with his looking after his property, he is, from the 1st October, 1927, receiving a grant to cover his out-of-pocket expenses. In the case of good work, rewards are granted by the



A RURAL POLICE STATION

(See p. 204)



CEYLON POLICE SERGEANT

CEYLON POLICE OFFICER
(FULL DRESS)

Government Agent from the Headmen's Reward Fund. His travelling expenses, when attending Court, are paid by Government. The chief headmen are paid pensionable salaries. The salary is not a large one, for a chief headman is expected to have property and private means and be a principal resident of the district in his jurisdiction. There are, at present, 613 chief headmen and 4000 minor headmen in the island.

The police, for purposes of discipline and control, do not work under the Government Agent, but under their own officers. The Superintendent of Police is responsible for keeping the Government Agent informed of all matters of importance which affect the orderly administration of the Province, and also of any good or bad work on the part of headmen which has come to his notice.

Prior to the year 1906 the regular police were mainly occupied in providing Treasury and Jail guards and escorts, and patrol parties on coffee and tea estates; no real 'police work' in the modern sense of the word was done. By that year, however, the railway had been extended and a large portion of the island had been opened up by good roads. The police force, as then constituted, was unable to deal with the changed conditions; it was, therefore, reorganized, conditions of service were improved, and the force was put on a sounder footing. One of the first steps taken was to create a Police Training School for the instruction of recruits in 'police' duties; for their previous training had been principally confined to the use of arms.

The police in Ceylon have always been armed with rifles and carbines, because occasion may arise when the only method of preserving law and order is by means of an armed force; but the police do not go out on patrol or beat duty armed. Arms are kept in every station for use in case they are required, and members of the force are trained in their use in order that, in quelling disturbances, they may be steady under arms and not use more force than is necessary. In practice the prompt arrival of a body of armed police on the scene of a threatened disturbance frequently has the effect of preventing a riot.

There is a large amount of serious crime in Ceylon. In the year 1926 there were 261 cases of homicide, 223 cases of attempted homicide, 909 cases of grievous hurt, 1363 cases of hurt with dangerous weapons, 2405 cases of burglary, 385 cases of theft of cattle, and 3334 other serious offences coming under the head 'Crime' reportable by the headman and registered by the police.

The proportion of murders to population in Ceylon is high, being no less than 1 per 20,000 persons as against 1 per 260,000 persons in England and Wales. In the majority of cases murders are unpremeditated and due to the knife being used, as a matter of course, when words lead to a fight. Whereas in England fists are used without consequent serious injury, in Ceylon a knife is used. It is purely a matter of chance whether the injury is fatal or not. There are only two ways of facing and dealing with the prevalence of the use of the knife in Ceylon :

- (a) To train the youths of the country in lessons of self-control so as to discourage the use of the knife.
- (b) To deal promptly with the adult offender so that ill-will is not fostered between the parties for an unusual length of time while the case is pending. Quarrels occur suddenly and are soon over; the punishment of the offender should be meted out with equal promptness.

As regards the training of the youths of the country in self-control, cases are frequently reported in which a person annoyed with some other individual, for a most slender reason, and failing to find the party concerned, had killed the first person he happened to come across. Cases are also reported in which people have been murdered without the slightest provocation merely because the murderer was at the time annoyed with the world in general and with himself in particular. In one case, in 1926, a villager killed three women who had done him no harm whatever.

There is no doubt that the knife is used as a matter of course by Sinhalese youths. Words of abuse lead to blows all the world over, and the Sinhalese youth uses a knife because

for generations his forbears have done so. They have never been taught to use their fists. For example, a youth aged nineteen years accused another youth aged sixteen of having damaged a net; in the course of the altercation the younger boy stabbed the elder boy with a clasp knife, with fatal results.

The teaching of boxing in schools has been adopted as the best means of training youths in lessons of self-control so as to discourage the use of the knife. A boy who has been taught boxing at an early age does not become a bully. He does not go about looking for trouble. He has learnt in the boxing ring not to hit an opponent when he is down, never to take an unfair advantage of an opponent, to stand punishment, to shake hands with an opponent at the end of a fight whether he has won or lost, and loyally to accept the decision of the referee. No better lessons than these can be learnt in life, and they are particularly applicable to youths who, but for such training, would be inclined to lose their self-control when angry or annoyed. A special point has been made of teaching boxing, both to recruits and to the sons of sergeants and constables, as being the best way of training a police officer or prospective police officer to control his temper.

Burglary and theft are the prevailing crimes and constitute, approximately, two-thirds of the crime in Ceylon. But, with the advance made in the general education of the people, crimes of fraud are annually becoming more frequent. The detection and conviction of the perpetrator of an offence against property does not ensure that the stolen property will be recovered. The main test, therefore, of the efficiency of a police force must always be the success achieved in the prevention rather than in the detection of crime. A good patrol system is one of the best methods of preventing crime. Numerous cases have occurred in which patrols have arrested persons with housebreaking implements or stolen property, or persons in the act of committing crime who, but for the patrol system, would never have been caught. Special attention has been paid to inter-station and inter-district patrols and to the patrolling of areas where houses are temporarily vacated while their occupants attend the local weekly or monthly market. Ambush patrols on roads or paths,

likely to be frequented by thieves, have proved successful in the arrest of persons attempting to escape with stolen property and in the arrest of absconders. Good results have been obtained by watching criminals' houses at night. Steps have been taken to see that men, who have to go on night patrol, have proper sleep during the day. Checks of all descriptions have been devised to ensure that patrols are done honestly.

It is being urged upon Government that a Borstal Institute in which youthful offenders between the ages of sixteen and twenty-one can be taught a trade and brought up to be useful citizens instead of becoming re-convicted criminals, should be started. There has been a yearly increase in the number of re-convicted criminals. On 31st December, 1926, there were 9872 re-convicted criminals. This is almost double the number registered up to the year 1915. A study of the records of these criminals shows that the majority of them come from towns. Their criminal history usually starts with petty thefts committed between the ages of twelve and fourteen. A sentence of six strokes for the first offence is followed by one of ten strokes and detention at a reformatory for subsequent offences. Finally imprisonment is awarded, after which a boy settles down to a life of crime. During the last two years 1284 first offenders were re-convicted. Of these, twenty per cent. were youths between the ages of fifteen and twenty-one. By taking boys in hand before they become hardened to a life of crime and training them to lead honest lives the problem of reducing crime is solved. Once a boy has settled down to a life of crime little can be done to prevent him from becoming a hardened criminal.

There is, however, a class of boy who has never been convicted but who requires equal attention. This latter class is composed of homeless and destitute boys who are to be found in the streets of most of the larger towns. If no attempt is made to give these boys a home, or to assist them to obtain employment, they are certain to commit crime sooner or later. A movement started by the police in 1922 of reclaiming homeless boys continues to make steady progress. Clubs for street boys have been started in Colombo and other places. Membership of a Club at once induces self-respect, and the fact that a

boy is able to give the Club as his permanent address assists him to obtain employment. No person is likely to give employment to a boy who has no credentials and who sleeps in a park or in the verandahs of houses. Boys admitted to these Clubs are taught to keep themselves clean, to be active, and to keep themselves physically fit. Initiative is encouraged by making the boys serve on the various committees of the Clubs. Arrangements are made for their education and, as far as possible, for their employment. Every boy is expected to maintain himself in food and clothing; the Club merely provides him with a home where he can sleep, play and keep his private possessions. The small amounts which the boys subscribe themselves towards the rent and upkeep of the Club is supplemented by the donations of well-wishers. Good results have already been achieved by these Clubs, and in a number of cases boys have opened accounts with the Post Office Savings Bank. Since the Street Boys' Club was started at Galle there has been a decrease of crime committed by juveniles in that town. By starting an 'Old Boys' Section for these Clubs it is hoped to keep in touch with boys who have passed through the Club and settled down to permanent employment. A great deal has been done by the police in other parts of the island to encourage boys to attend school and to play games, and to help them to obtain employment.

Prior to 1913 motor vehicles were not used to any extent in Ceylon; but now with a total population of about 4,000,000 there is one motor vehicle for every 300 persons. Ceylon, although only three-quarters the size of Ireland, has as many motor vehicles as Russia, Norway, or Japan had at the end of 1925. There are 4751 miles of motorable roads in Ceylon; there are, therefore, three motor vehicles for every mile of motorable road.

Travelling is a favourite pastime of the Ceylonese. Before the advent of the motor vehicle, trains were a popular mode of conveyance. Motor buses fitted with a permanent hood for protection against tropical sun and rain are now conveying a large proportion of the travelling public. This increase in motor traffic has had the effect of increasing the work of the police, owing to the consequent

increase in crime, and the police are required to regulate traffic in the streets of the more important towns by posting 'point-duty' constables at important junctions. They also supervise motor traffic on the main roads in order to minimize, so far as possible, motor accidents which are liable to occur on narrow, winding roads not originally intended for fast moving motor traffic. In Colombo, it has been found necessary to separate the Traffic Police from the Crime Police, and, in some districts, special police patrol parties on motor bicycles have been started for the express purpose of preventing and investigating offences relating to motor vehicles. Owing, however, to the heavy rains experienced in Ceylon and to the fact that one police officer by himself has difficulty in dealing with an offence, it has been decided to introduce two-seater motor-cars in place of motor bicycles.

The use of motor vehicles in connection with the commission of crime is yearly becoming more common. As instances of this the following cases may be quoted :

A man was murdered, and his body was conveyed in a motor-car to a jungle forty-five miles away, where it was hanged on a tree to make it appear that he had committed suicide. The corpse was not discovered for several weeks. Again, a party of criminals hired a motor bus in which they went to a house ninety miles distant and, having broken into the house, removed articles to the value of Rs. 70,000. They returned to their homes, having completed 180 miles within twenty-four hours. In another case, during the search of a man's house, letters were found asking him to go by bus with house-breaking implements to a certain place forty miles distant. Special supervision over buses and lorries halted by night on the wayside resulted in the immediate cessation of an outbreak of burglary in one district.

It is necessary that, with the increase in the speed of transport, police should be provided with speedy means of communication. For the last few years the policy of connecting up every year a certain number of police stations by telephone has been followed. The detection of all kinds of offences and the arrest of absconders from justice has

frequently been due to the prompt use of the telephone or telegraph.

In 1915 the Criminal Investigation Department was inaugurated to provide a body of specially trained men capable of investigating the more intricate cases of crime. In addition to the investigation of crime the Criminal Investigation Department is responsible for the supervision of political and other suspects from various countries passing through or stopping in Ceylon. For this reason the Train Police on the Ceylon-India overland route, the Colombo Harbour Police and the Foreshore Police (who are responsible for the prevention and detection of crime within the Customs area of the port of Colombo) all have to work in close co-operation and are, therefore, placed under the control of one Authority—the Deputy Inspector-General of Police, Criminal Investigation Department.

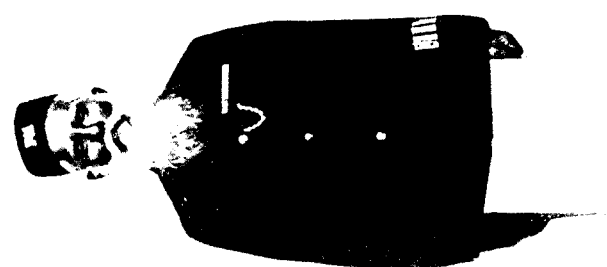
Situated as Ceylon is on the main route to the Far East and Australia and in close proximity to India, a very large number of persons pass through its chief port, Colombo. The Ceylon Police are constantly requested by the police of other countries to mark down, arrest, or report on the movements of undesirable characters or fugitive offenders who are on their way to India, Australia, or the Far East. A complete list of all persons disembarking from or embarking on ships in the ports of Ceylon, together with a record of all persons stopping at hotels, boarding houses, or rest houses is kept, so that any information required can be given at short notice.

Other branches of the force which are directly controlled by the Deputy Inspector-General of Police, Criminal Investigation Department, are the Finger-Print, Foot-Print, and Modus-Operandi Bureaus, and the Photographic branch. The foot-print method of identification—so useful in an Eastern country where the majority of the inhabitants go about barefooted—is similar to the finger-print method of identification, and was introduced into Ceylon by Mr. G. Manwaring, Superintendent of Police, Criminal Investigation Department, in 1926. The Photographic branch was started in 1924. Photographs are taken of all criminals sentenced to more than three months'

rigorous imprisonment. Photographs taken of scenes of crime and motor accidents and of foot-prints and finger-prints left on the scenes of crime have proved of immense value in a number of cases. Increasing use is annually being made of evidence which can be adduced by sending productions for scientific analysis by the Government Analyst who, in the absence of specialists in the various branches of medico-legal science, has to be an expert in many sciences.

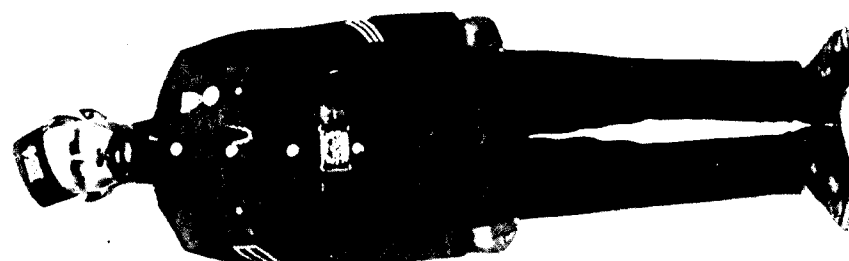
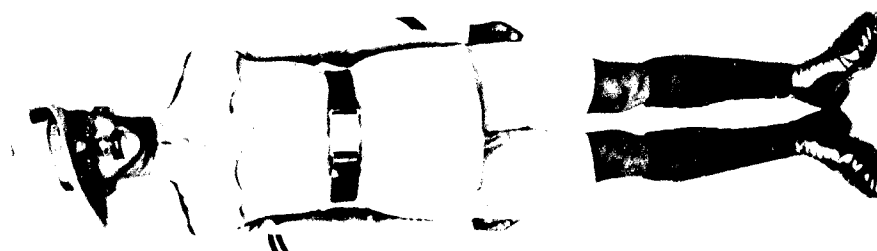
We have just arrived at a stage in Ceylon which has been reached by all police forces when, on account of the increase in the volume of traffic and the more scientific methods adopted by the criminal, it has been found impossible to utilize the same officers for the investigation of crime and for the regulation of traffic. The control of traffic is as much a specialized study as is the investigation of crime. These two branches of police work, therefore, had to be separated, and in 1926 a special body of men known as the 'Crime Police' were detailed for the investigation of all grave crime and thefts in Colombo. The Crime Police have their own Central Authority and Office, and are subdivided into four branches: Theft, Burglary, Violence and Special. The main objects aimed at by the institution of the Crime Police are:

- (a) Increased efficiency and more effective investigation by having a central office to collect and tabulate systems of committing crime.
- (b) Reduction in the delay in the investigation of crime due to inter-station correspondence regarding inquiries to be made, search for absconders, persons wanted, and movements of criminals.
- (c) The specialization by each officer in the particular branch of crime, in the investigation of which he shows the greatest aptitude.
- (d) Central supervision of all dangerous and re-convicted criminals.
- (e) Making greater and more effective use of the criminal records, Modus-Operandi Bureau, and information available in the main Criminal Investigation Department Office.

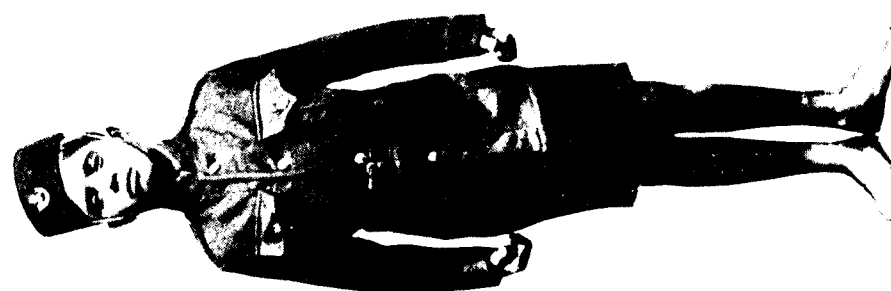


POLICE PENSIONER

(See p. 212)

TRAINED CONSTABLE
(CEREMONIAL BLUE UNIFORM)

TRAINED CONSTABLE



POLICE BOYS' BRIGADE



THE POLICE TRAINING SCHOOL



A COLOMBO POLICE STATION

As in all other countries a properly equipped Training School is essential. In 1925 a new Police Training School was erected at a cost of about £20,000. It is run on the English Public School system of separate houses with senior recruits as 'prefects' in charge. A corporate spirit is established amongst a body of men drawn from different villages by the award or the withdrawal of marks from each house for anything good or bad done, in work or play, by an individual recruit. The recruit so learns, in many cases for the first time, that on his acts the welfare of others depends. Such a system goes a long way towards the formation of character, and at the same time instils a sense of responsibility which is so necessary for a young constable when he leaves the Training School and comes into contact with the public. About 300 recruits per annum can be trained and passed out of the School.

In a country subject to bad floods and violent crimes a knowledge of swimming and First Aid is essential. No recruit is passed out of the Training School until he has learnt to swim and, in the case of English-speaking constables, until he has obtained a First Aid Certificate. There is a Ceylon Police Corps of the St. John Ambulance Brigade. Members of the Corps are re-examined and inspected annually.

In Ceylon, every child is, by law, required to attend one of the many free Government Schools which are to be found in all districts in the island. The result of this has been a great improvement in the general standard of education. All police records and books at police stations are kept in English; and it has been found that a knowledge of English yearly becomes more necessary to a police officer. Of the constables at present being passed out of the Police Training School into the force, sixty per cent. can read and write English. Those already in the force, who are unable to read and write English, are encouraged to learn to do so by attending night schools or special classes where English is taught, and allowances are granted to constables who have passed the required examinations in English. Of the sergeants and constables thirty-nine per cent. can read and write English and forty-eight per cent. can speak English.

The police force is controlled by the Central Government

and is under the command of one Central Authority—the Inspector-General. The strength is 3000 of all ranks, which includes 2 Deputy Inspectors-General and 35 Superintendents and Assistant Superintendents and a special force of subordinate European officers, viz., 1 Chief Inspector, 4 Inspectors and Sub-Inspectors and 28 Sergeants. The duties of the special European force are principally confined to the examination of passports of persons visiting Ceylon, to the general supervision over and to the assistance of European passengers and the regulation of traffic by mounted officers at large gatherings.

The higher ranks of the force are recruited by competitive examination in England, and by competitive examination and selection locally. There is, however, no bar to promotion to the higher grades from the ranks. The subordinate European force is recruited almost entirely from other police forces in Great Britain and from the navy and army. All ranks are on an incremental scale of salary with certain efficiency bars beyond which an officer cannot be promoted until he has proved himself fit for promotion.

One of the chief difficulties which has been experienced in the past has been to obtain suitable buildings for the housing of all ranks. All ranks, from that of the Inspector-General downwards, are entitled to free quarters. It has been found that, if men are not properly housed, or are housed at places a long way from where they have to work, absence from duty results, and there is also an absence of control and supervision. In several districts, where there are no Government buildings, the policy of getting private individuals to erect Police Stations and barracks according to Government type plans has, as a temporary measure, been adopted successfully. When new police stations or barracks are put up by Government, provision is included for a suitable recreation room. In Colombo, where land is expensive, the experiment of building a four-storied block of quarters for fifty-six married men, on the principle of self-contained flats, has been tried and has proved successful. This is the first time that the experiment has been tried in Ceylon of housing in four-storey flats people accustomed to living in single-storey buildings of a poor type.

All ranks are entitled to free medical attendance for themselves and their families. In Colombo the police have a hospital of their own and small dispensaries at each of the large police stations. In out-stations there is invariably a Government hospital within a few miles of the police station, and at many of these hospitals there is a special ward for the police.

The inhabitants of Ceylon are quick to learn and have a natural aptitude for games which are therefore everywhere encouraged. Every police district and division has its own 'Soccer' and Volley Ball teams. Two institutions of the force are the Police Boys' Brigade and the Police Pensioners' Corps. The Police Boys' Brigade was instituted to provide healthy exercise, recreation and education for the sons of police officers and pensioners and to train them to become useful men. The Brigade has now been in force for several years and forms a valuable recruiting ground for the force. Between the ages of five and thirteen the boy is put into uniform, attends school and is trained in squad drill, physical exercise and boxing. At the age of fourteen he continues to attend school, parade, and recreation, and is employed as an office messenger for half the day. At the age of eighteen he is either enlisted in the force or obtains employment elsewhere. Except for the payment of boys who are employed as office messengers, and for which a special annual grant is made by Government, the cost of the Boys' Brigade is practically nil. The uniform is made from part-worn uniforms of sergeants and constables, cut down to fit the boys. The instructors are all members of the force who instruct boys in addition to their own duties. They receive no special pay or allowances for doing so. The payment of boys who act as messengers is essentially a part of the scheme; for the father cannot, in the majority of cases, afford to keep his boy unemployed between the ages of fourteen and eighteen. In certain towns, where there is a sufficient number of police boys, we have our own Police Schools, the teachers being Government servants employed by the Education Department.

The Pensioners' Corps has, at present, a strength of about 400, and was instituted to assist men of good conduct, who are no longer fit for active duty in the force, to supplement their

pension by obtaining posts as watchers, caretakers, etc., on retirement. Pensioners of the Corps, not in private employ, are called out to assist the regular police during outbreaks of infectious disease and are of great use in guarding houses and contacts. Members of the Corps who turn out regularly if called up for duty and who attend the half-yearly inspection of the Corps, are granted an annual bonus. Part-worn police caps, tunics, armlets, and buttons, whistles, a numeral and Pensioners' Corps badge are supplied by Government to members of the Corps. There are many instances of men serving in the force, their fathers serving in the Pensioners' Corps, and their sons in the Boys' Brigade.

The Police Band is composed of a Bandmaster, who is a Ceylonese, twenty-four men and two boys. Members of the band are required to keep themselves up-to-date in police work and to do ordinary police duties whenever required. Apart from the salaries of the bandsmen, the entire cost of the band is met by a subscription from officers and fees received for private engagements, a portion of which go to the bandsmen themselves, the other portion being credited to the Band Fund.

All ranks of the force, except Muslims, are required to contribute four per cent. of their salaries to the Widows' and Orphans' Pension Fund, which is a Government fund instituted for the provision of pensions to the widows and orphans of Government servants. In addition to this fund, subordinate officers of the force contribute to the Police Compassionate Fund and, if they wish to do so, may become members of the Police Saving Association. The Police Compassionate Fund is similar to the Widows' and Orphans' Pension Fund. A constable makes monthly contributions. Donations amounting to more than three times the contributions have been paid to the widows of deceased officers. Men who resign or are dismissed or discharged from the force forfeit all claim on the fund.

The Police Saving Association was formed in 1924 to provide a man on retirement with a sum of ready money to enable him to buy a house or to set up a business. A man drawing a fixed salary and having the prospect of a pension at the end

of his service does not, as a rule, save any money. The rules provide that a man may open a certain number of accounts, the number varying according to his salary, by the monthly payment of one rupee for each account. The total contributions are invested, and each contributor is guaranteed four per cent. interest on his money. The amount remaining over, after the payment of this dividend, is distributed among the subscribers according to a system based on the number of accounts they have opened and the number of years they have been subscribing.

The First Twenty Years of the Court of Criminal Appeal

By C. M. KNOWLES, LL.B.

Of the Middle Temple, Barrister-at-Law

ADEQUATE means of appeal have always been open to the unsuccessful litigant in a civil action ; but the person who, before 19th April, 1908, found himself convicted by a jury of his fellow countrymen at Assizes or Quarter Sessions had to swallow his punishment and make the best of it, unless he could persuade the Home Office to interfere or unless he and his advisers could induce the court before which he was tried to ' reserve any question of law ' which arose at the trial for the consideration of the Court for Crown Cases Reserved, or was in a position to proceed by way of Writ of Error. The latter has long been little more than a legal curiosity, and the efficacy of the former as a Court of Appeal in criminal matters may be judged from the fact that an average of only about eight cases a year came before it.

Public opinion acquiesced in the absence of any effective means of appeal in criminal matters, content apparently to rely on the disposition of our Courts to give an accused person the benefit of any doubt and on the tempering jurisdiction of the Home Secretary ; and the establishment of a Court of Criminal Appeal would probably have remained a subject of purely academic interest had there not suddenly loomed up the notorious case which, for many subsequent years, no young member of the Bar, making a desperate appeal to the sympathies of a jury, ever failed to drag into his peroration, that is to say the Beck case. It was established that Beck had been sentenced to seven years' penal servitude for a crime he never committed ; public opinion was ripe for such a change in the law as would make such a miscarriage of justice as nearly as

may be impossible in future ; the Criminal Appeal Act 1907 was placed upon the statute book ; and at last, in the words of the Attorney-General, in introducing the measure, ' liberty was put upon an equality with property.'

Stated in summary form, the Act allows a person convicted on indictment (it does not extend to cases dealt with summarily by the magistrates) to appeal to the Court of Criminal Appeal (i) as of right, on any ground involving only a question of law, (ii) with the leave of the Court of Criminal Appeal or on the certificate of the judge who tried him, on any ground involving only a question of fact or of mixed law and fact, and (iii) with the leave of the Court of Criminal Appeal, against the sentence. By an amending Act of 1914, a person sentenced to detention in a Borstal institute may appeal against such sentence as if he had been convicted on indictment.

The constitution of the court is beyond criticism ; for all the judges of the King's Bench Division of the High Court are judges of the Court of Criminal Appeal. In practice appeals are heard by three of them, and the Lord Chief Justice makes it his business to preside whenever possible. Certainty of the law being desirable, there can be no dissenting judgment ; for in normal cases the judgment of the court is pronounced by a single judge after the manner of the Privy Council. Nor can there be any further appeal, unless the Attorney-General can be persuaded to give his certificate that ' a point of law of exceptional public importance ' is involved, in which case there may be an appeal to the House of Lords not only by the accused but by the prosecution also.

The court has the widest powers. They may allow the appeal on the ground that a question of law was wrongly decided or ' that on any ground there was a miscarriage of justice ' ; they may set aside the jury's verdict ; and they may dismiss the appeal ' if they consider that no substantial miscarriage of justice has actually occurred,' although the appellant may be right and entitled to judgment on the specific point of his appeal. In the case of an appeal against sentence, they may vary the sentence, and intending applicants should always be warned of the power of the court to increase as well as to

reduce the sentence already passed. Provision is made for assigning legal aid to persons whose means are insufficient to provide it.

The Crown's prerogative of mercy is left untouched, and the Home Secretary may still pursue enquiries untrammelled by technical rules of evidence ; but in aid of such duty he may invoke the assistance of the court, either by referring the whole case to them for determination or by referring a specific point for their opinion.

Few bills have had to withstand such a volume of weighty adverse opinion. No statute has so completely confounded its critics.

Sir Robert Anderson, who was for fifteen years the head of the Criminal Investigation Department at Scotland Yard, recorded the opinion : " I am confident that the bill would leave prisoners in a worse position than at present." The contemporary Lord Chief Justice said : ' It is my distinct conviction that such a procedure as is contemplated will undermine altogether the responsibilities of juries ' ; and in the House of Commons a Liberal leader, destined ere long to be Lord Chancellor, became quite lyrical on this aspect of the jurymen's psychology. According to Hansard : ' He unhesitatingly said the verdict would be weakened and there would not be that full and solemn responsibility attaching to the position of the jurymen which attached to it now, when he knew that a man's liberty, his reputation, it might be even his life itself, trembled solely on their verdict and hung upon the hazard of their lips.' A very eminent jurist, dealing with the subject of the Court of Criminal Appeal in his well-known text-book, while admitting that experience alone could show whether there would result a weakening of that sense of responsibility in the minds of jurymen which had hitherto been the great safeguard of accused persons, added portentously : ' Countless are the acquittals that have been secured by the influence of those impressive words, " Remember that your verdict is final." ' A Conservative member of the House, later promoted to the Bench, in which capacity he became a valued member of the Court of Criminal Appeal, after roundly condemning the scheme as ' more costly, more

cumbrous and more dilatory, as well as less practically effective' than the old system, is reported to have spoken as follows : ' How many applications were there likely to be for leave to appeal ? There were some ten thousand men convicted on indictment every year in this country. How many of them were likely to ask for leave to appeal against the justice of their sentence ? He believed they would almost all do so,' and he foresaw ' the continuous retrial in London of a large amount of ordinary criminal business.' Another legal member of the House anticipated that a court of three, five, or even seven judges ' would probably have to sit all the year round to hear applications,' and drew an alarming picture of convicted prisoners coming on joy-rides from the north of England to London ' at the expense of the taxpayers.' A Liberal member expressed the very conservative opinion that ' if they improved the machinery of the Home Office . . . they would meet all the reasonable requirements of law and justice.'

On the question whether, as Scotland Yard's late Chief of the C.I.D. prophesied, prisoners are now in a worse position than before the time of the Court of Criminal Appeal, it would be interesting to have the views of the twenty-six prisoners whose convictions were quashed in the year 1925, or of the sixteen whose sentences were varied, nearly all in the merciful direction, during the same twelve months.

That the existence of a possible appeal against the verdict has made the members of a modern jury less conscientious and more irresponsible than those of twenty years ago, nobody who has had any experience of juries in criminal trials will for one moment admit. It is safe to say that the question of a possible appeal is never in the mind of the average jurymen or jurywoman. Indeed it is doubtful whether the existence of the Court of Criminal Appeal is even known to the farmer sitting in the jury box at the County Assizes ; or to the middle-aged spinster sitting next to him ; or to the small tradesman who has had to leave his shop to the care of his wife while he is at the Borough Quarter Sessions, sworn to ' well and truly try ' some fellow-citizen for some more or less serious felony or misdemeanour.

Groundless, too, the fear has proved that the judges of

the High Court would be overwhelmed with criminal appeals to the detriment of their other duties. It was suggested that since a convicted criminal had nothing to lose and possibly something to gain by an appeal, it would be only human nature that he should 'try his luck.' Unfortunately for this notion the Act itself provides certain discouragements from bringing a merely frivolous appeal. In the first place there is the necessity of getting leave to appeal in any case where the point is not purely one of law. That the single judge who in most cases hears applications for leave to appeal by no means grants leave as a matter of course is apparent from the figures included in the last available volume of Criminal Statistics. In the year 1925 there were 461 applications for leave to appeal. Leave to appeal was granted only in sixty-four cases. Then, where the case has no merits, while it is not hopeless, to escape on purely technical grounds is not easy, for there is the provision already referred to by which an appeal may be dismissed where 'no substantial miscarriage of justice has actually occurred.' An instance in illustration of this may be taken from a case which came before the Court of Criminal Appeal in 1920. The prisoners had been convicted of shop and warehouse breaking. Inadvertently it was brought to the knowledge of the jury that the prisoners had been previously convicted, and one of the cardinal rules in criminal procedure was thereby infringed. In the words of the Lord Chief Justice it was 'a very serious irregularity.' But 'the legislature, having in mind irregularities and slips of this kind, and in its anxiety to ensure that justice in its widest sense should be done, passed the proviso to section 4 . . . which gave this court power, notwithstanding that there was an irregularity, to dismiss an appeal if it thought that no substantial miscarriage of justice had actually occurred.' The court had to 'consider whether, notwithstanding the irregularity, the only reasonable and proper verdict would be one of guilty, and if that is so, there is no miscarriage of justice.' In the present case the appellants were found in possession of the stolen goods and also of house-breaking implements, and they were unable to give any explanation of these unfortunate possessions. The court accordingly concluded that 'without this irregularity the jury must

have arrived inevitably at the same verdict of guilty,' and dismissed the appeal.

The power of the court to increase a sentence can only be exercised when the appeal is against the sentence passed on conviction, and the knowledge that a stiffer sentence is a possible result must to some extent induce a prisoner to reflect before launching an appeal on that particular ground. But, as the present Lord Chief Justice recently told a Canadian audience, 'the power to increase sentences has not, in fact, been often exercised. During the past nineteen years sentences have not, I think, been increased in more than fourteen cases.' An instance where this disciplinary power was exercised was a bad case of blackmail, where the court added an additional year to the term of penal servitude already awarded to each appellant.

The most effective of the deterrents from purely frivolous appeals is the provision by which the time intervening between the notice of appeal and its determination, a period of about four or five weeks, does not count as part of the appellant's term of imprisonment or penal servitude under his sentence, unless the court gives a direction to the contrary. Pending an appeal, if he is not admitted to bail, the Prison Rules provide for him to be 'specially treated as an appellant.' Again to quote the Lord Chief Justice: 'In unsuccessful appeals or applications the general practice of the court has been that it does not give any direction that the time shall count unless leave to appeal has been granted. The result is that in most cases of appeals or applications that have no merits the appellant is kept in custody about four or five weeks longer than he would have been if he had not appealed or applied for leave to appeal.'

Whatever the explanation, the fact remains that so far from being overwhelmed with criminal appeals, the judges of the High Court, taking it in their stride, get through the work of the Court of Criminal Appeal quite comfortably by sittings extending over about forty days in the year. The only class of case where an appeal is the rule is murder. In general an appeal is the exception rather than the rule. Of the 6639 persons convicted at Quarter Sessions or Assizes in 1925, only

461 were tempted to try their luck by an application to the Court of Criminal Appeal. In the vast majority of these cases leave to appeal was refused, and only in eighty-two cases was an appeal actually heard by the court, this figure including the sixty-four cases where an application for leave to appeal was successful; two cases where the appeal was on grounds involving questions of law, so that no application for leave was necessary; one case where the judge gave his certificate, and fifteen appeals against sentences of Preventive Detention. Of these the conviction was quashed in twenty-six cases.

This latter figure, standing alone, must be regarded as amply justifying the existence of the court. But, furthermore, the existence of the court has resulted in a distinct improvement in the quality of the criminal law. Any system of law is more likely to become a code of legal principles rather than a fortuitous concourse of conflicting decisions when it becomes the subject of review and consideration by a strong central court. An illustration is the manner in which the Court of Criminal Appeal has been able to furnish guidance for the benefit of those who administer justice up and down the country as to the kind of sentence which is appropriate in particular classes of offences and for particular classes of offenders. To adapt the well-known lines from *The Mikado*:

Its object all sublime
It will achieve in time—
To make the punishment fit the crime,
The punishment fit the crime.

The story is told that when an old offender was caught red-handed in the exercise of his profession of burglar, he remarked: 'It's a fair cop, guv'nor. I suppose I'll get ten years for this job.' In due course he appeared at the Quarter Sessions, and when the Chairman went on to describe the case as one of the worst he had ever had before him, the prisoner began to think that ten years was rather an under-estimate. Then suddenly the Chairman ended his exordium and pronounced sentence of six months' hard labour; whereupon the astonished criminal leaned over the dock and in a loud whisper asked the detective who had arrested him: 'I say, is the old

boy off 'is 'ead, or don't 'e know 'is job?' For the judge or chairman of Quarter Sessions who does not 'know 'is job' there is much less excuse now than there was before the days of the Court of Criminal Appeal. When it is known that the court has frequently reduced the sentence on the ground of youth or previous good character, or because it had been established that the accused had lived an honest life or done honest work during substantial periods, such considerations will be present in the mind of the court when sentencing a convicted prisoner, whether at Northumberland Quarter Sessions or Bodmin Assizes.

While the reports of the cases in the Court of Criminal Appeal are useful as indicating broadly the sentence which is appropriate to a particular crime, it would be useless to try to persuade the court that because the maximum sentence hitherto awarded for a particular offence has been exceeded in the particular case under appeal, therefore it is excessive and should be reduced. 'The principles on which the court acted were, first, to consider the facts of the particular case; and, secondly, if the sentence was manifestly excessive, to reduce it and make it appropriate to the crime.' Accordingly, although the case under appeal was a first offence, and while the reports showed that the maximum sentence for receiving stolen goods was usually not more than twelve months' hard labour, the sentence of fifteen months was held to be appropriate in view of the circumstance that 'the facts pointed to the appellant being a professional receiver' whom the police had suspected for some time and duly warned.

There is no doubt that the summing-up in criminal cases is much more carefully done now than it was, say, twenty-five years ago, and there is equally little doubt that the Court of Criminal Appeal has been largely responsible for this salutary change. The knowledge that any mis-statement of the law to the jury; any presentation of facts as proved which were not proved; any wrong admission of evidence; or any failure properly to put the defence before the jury may be dragged into the light of day in that court, has a silent but potent influence, whether the judge be a Justice of the King's Bench Division sitting at Assizes, a Recorder sitting at the Borough

Sessions, or the Chairman of the Court of Quarter Sessions for the County. And that same knowledge has, moreover, been silently changing the personnel of at any rate one section of the Bench itself, namely the chairmen of the Courts of Quarter Sessions.

High Court judges are not normally appointed by reason of their eminence in criminal law, and it may well be that a distinguished lawyer, going his first Assize Circuit as a judge, finds himself concerned with the administration of a branch of law in which he did not practice when at the Bar. As a consequence, occasions arise when the Court of Criminal Appeal has to come to his rescue. But he soon acquires experience, and ere long is able to find his way about among the intricacies of the criminal law.

Recorders of Boroughs having their own Quarter Sessions are chosen by the Home Secretary, normally from the ranks of the members of the Bar regularly practising on the Circuit, where there is not the same line of demarcation between civil and criminal work as exists among those whose practice is almost exclusively in London. The Recorder may be conducting criminal cases at the Bar at the Assizes held in the town where he sits as the Judge at Quarter Sessions. His competence in the latter capacity may therefore be assumed.

But the Chairman of the Quarter Sessions may be, and in the past at any rate often has been, a layman without any legal training. Although certain of the more serious crimes have been reserved for trial at Assizes, it has been and is one of the anomalies of English criminal procedure that in the case of the majority of indictable offences it is a matter of chance whether the accused comes before a 'red' judge sitting at Assizes, or a Bench of County Justices presided over by a chairman whose knowledge of law may be confined to what he has managed to pick up as he went along. Such a chairman may have to decide a difficult question on the law of evidence at a moment's notice, or sum up to a jury a complicated case of false pretences. In such circumstances it is not surprising that the demand has been heard that the Court of Quarter Sessions for the County should invariably be presided over by a paid trained lawyer; and in truly English fashion the Courts

of Quarter Sessions have proceeded to protect themselves as an institution by putting their own house in order, so that now the disposition is to find a member of the County Bench who has had practical experience of criminal procedure, to preside at Quarter Sessions when discharging the criminal side of its functions. A notable instance was the recent acceptance by Lord Merivale, the President of the Probate, Divorce and Admiralty Division, of the position of Chairman of Devon Quarter Sessions in succession to the late Mr. Justice Lord Coleridge.

The Criminal Appeal Act 1907 was drawn on broad lines and has stood the test of experience remarkably well. Nevertheless, a statute such as this is bound to need amendment from time to time to meet unforeseen cases or new circumstances. Reference has already been made to the extension of the right of appeal in 1914 to a person sentenced to detention in a Borstal institution; and an Act of 1908 constituted all the judges of the King's Bench Division judges of the Court of Criminal Appeal instead of a limited number only. In 1925 it was thought necessary to fix seven days as the period within which an application to the Attorney-General for a certificate authorising a further appeal to the House of Lords must be made. Provision was at the same time made for the disposal of the prisoner pending such an appeal by the prosecution, when the Court of Criminal Appeal has allowed an appeal against a conviction. Two other matters have emerged in the light of experience where amendment seems desirable.

It has already been pointed out that the Act enables the court to increase the punishment only when the appellant appeals against sentence. There is no such power when the appeal is against conviction. Cases have occurred where the court was of opinion that the sentence was inadequate, but was unable to amend it at all for the reason that the appellant avoided appealing against sentence. Accordingly, when a Criminal Appeal Act for Scotland was passed in 1926 on the lines of the English Act (which did not apply to Scotland or Ireland) power was given to the Scottish appellate court, the High Court of Justiciary, to vary the sentence by making it

more as well as less severe, not only in the case of an appeal against sentence but also on any appeal against conviction. There is no apparent reason why the English Act should not be brought into line with the Scottish statute on this point.

The other matter which awaits the attention of the Legislature was referred to by the Lord Chief Justice so long ago as 1908, when, in pronouncing judgment in the Court of Criminal Appeal, he 'regretted that the Legislature when passing the Criminal Appeal Act did not empower the court to order a new trial.' He added that the case before them was 'a case in which it is eminently desirable that such a power should exist.' It was a case where the appellant had been convicted for the manslaughter of his child. The ground of appeal was misdirection by the judge on a technical point. Although the court were of opinion that if the jury had been properly directed 'they would in all probability have found the prisoner guilty,' yet they did not feel at liberty in the circumstances to say positively that there had been no miscarriage of justice, and they had no choice but to allow the appeal.

It is significant that so far as the Criminal Appeal Act fails to mete out even-handed justice, the scales are weighted in the prisoner's favour.

The Successors of the Thugs in India

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THUGGEE was stamped out in the early days of British rule in India ; but it has left in its wake an almost more hateful type of criminality in dhatura¹ poisoning. The poisoner is to the thug what the carrion crow is to the vulture. Thuggee required considerable daring, imagination, and spirit of adventure, as Meadows Taylor has shown us in his fascinating if dreadful book, *The Confessions of a Thug*. It has even attracted to itself some degree of the meretricious glamour which still clings to the exploits of highwaymen in England. Over the whole length and breadth of the Indian peninsula the secret society of the thugs had flourished from time immemorial. The thug looked down on the dacoit as a freebooter would look down on a burglar. Banded together under a name which signifies deceit, the thugs devoted themselves with solemn ceremonies to the worship of the bloodthirsty goddess Bhawani, in whose eyes the greatest murderer was the greatest saint. The merchant as he rode on horseback, or was borne along in his palanquin, fell in with a cavalcade which accosted him with courtesy and whose agreeable companionship made him grateful for the chance which on unsafe roads had given him the benefit of their protection. For two, three, or four days they might journey on together, each day being enlivened by recreation and entertainments more cheerful and light-hearted than those of the day preceding. For the traveller and his servants, or escort, there seemed to be not a cloud in the sky ; but the graves were ready to receive their bodies ; and as they sat eating their noontide meal in the shade of a mango

¹ Sanscrit, *dhatura*, the white thorn-apple ; *datura fastuosa*, Linn.

grove, or resting by the banks of a refreshing stream, the handkerchief of each thug was round the neck of his victim ; and in a few brief minutes the grave-diggers were covering their corpses with the earth. The jewels, money and bills of exchange were divided among the murderers, who with astonishing assurance would present the latter for payment at the bank on which they were drawn. A searching investigation brought to light the immense organization of the league ; and within six years more than fifteen hundred thugs were arrested and dealt with by the courts. It was in fact the very vastness of the system that made it easy to break it up. Once a breach was made in its fortification, the whole edifice swiftly crumbled to the ground. Far different is it with the successors of the thugs who have no organization, and whose movements are individual and sporadic.

If the extinction of Thuggee meant to the goddess Bhawani the loss of her most cherished and devoted worshippers, she could still console herself with the not inconsiderable number of faithful votaries who carried on in her name the odious crime of dhatura poisoning. But these men were malefactors of a baser sort. There was nothing in their methods which could serve for the empirical touch of romanticism which wreathed itself round the exploits of the thug. One point of likeness there was between the earlier and the later miscreants. In each case there was needed an engaging personality, an insinuating address, a fascinating manner. For the rest the whole business of the poisoner was sordid and disgusting. With the thugs the sufferings of their victims were but momentary. Death was certain and instantaneous. But with dhatura the end is preceded by excruciating torture of mind and body ; or the victim may survive his agony only to spend the rest of his life in a state of disordered mentality. For though with skilled treatment at an early stage complete recovery is attainable, how often is the scene of crime within range of prompt medical aid ? The poisoner's home may be in a crowded city, close perhaps to a medical dispensary. But it is not here that he pursues his calling. He knows the smaller towns and villages for perhaps a hundred miles around ; and the railway stations are familiar to him.

He often finds his opportunity at a fair, or other large gathering.

At times these pests may hunt in couples ; but more often the poisoner prefers to carry out his iniquitous designs without any confederate. He incurs little risk of detection, for he knows that his victim's loss of memory will secure immunity from any accusation or evidence that might be brought against him, while the traces left by the poison are so evanescent that when the corpse reaches the chemical analyzer he can observe no signs of the baneful drug. The average inhabitant of India is of a very credulous disposition. He is at the mercy of any swindler or sharper who appeals to his avarice, and promises to turn his brass into gold, or to double his currency notes—always, be it noted, for a consideration. The consideration changes hands, and the swindler disappears, leaving his dupe a sadder if not a wiser man. So the poisoner has to his hand material that is easy to work on. He comes upon a peasant driving his bullock cart from his village to a market-town where he intends to purchase household necessities and dispose of some garden produce. His wife and a couple of children may be with him. Here is a chance that must have been specially sent by the goddess Bhawani, whose shrine shall benefit by the expected windfall. Any specious story is good enough to persuade the slow-witted cultivator to come with his cart and passengers to a pleasant grove a mile or so away. It is a charming place where they can rest after their journey, tether the bullocks, and partake of refreshment before embarking on the serious business of the day. The plausible stranger joins them at their meal and produces some delicious looking pastry and sweetmeats from his wallet. But these viands are impregnated with the devilish dhatura seed. The mischief is done ; the train is laid. The meal dispatched, the stranger bids his friends farewell, and watches from a spot where he is screened by bushes or brush-wood until he sees the effects of the virus in full operation. His victims are soon deprived of their senses, and he can plunder them of all the money and ornaments that they may possess without encountering any resistance. He may then from a safe distance stay to gloat over the horrible sufferings which his victims now experience. Or

if any other people happen to come near he may pose as the ministering angel who is endeavouring to solace and comfort in their distress the victims of some unscrupulous scoundrel.

A bullock-cart driver may give a lift to a wayfarer, who in return for the kindness asks his benefactor to accept some specially good sweetmeats that he happens to have with him. The driver becomes insensible and is deposited in the jungle, while the stranger whom he has befriended drives the cart to some unknown place, sells the vehicle and the bullocks for a fair sum, and then disappears. The poisoner has, of course, found out from the driver where his home is, and naturally avoids the village where the animals might be recognized. Again, a party of four Hindus, and another of three Mohammedans, arrive at a certain place by train. They are proceeding fifteen miles by road to one of those peculiar shrines that are occasionally met with which is revered by followers of both religions. The travellers are strangers, and are only too glad of the offer of assistance on the journey by two insinuating persons, one a Hindu and one a Mohammedan, who represent themselves as agents of the sacred shrine. Two light bullock-carts are in readiness, and the whole party sets off. About half way, where the road passes through a thick jungle and there is a well which was built by some devout man for the benefit of travellers, the two agents suggest a little rest and a meal. In the course of half an hour all except the two agents are gesticulating maniacs, and are perfectly incapable of taking care of themselves. Some of them die, and the rest are found wandering about conducting themselves like idiots by some passers-by in the course of the evening, and are escorted to the nearest police station, where they can give no connected account of what has happened.

Unfortunately dhatara is most easily obtainable. The shrub grows everywhere, in the jungle, by the roadsides, and even on manure heaps in close proximity to the peasants' houses. It has smooth leaves and very pretty bell-shaped flowers, generally white, but sometimes purple. The fruit is more or less spherical, and is covered with sharp spinous projections, whence it is known as the thorn-apple. The leaves, stalk, seed, fruit, and root, all contain poison. The

seeds may be either black or white. A preparation of the black variety is prescribed by indigenous doctors for the treatment of fevers and tumours, and the leaves are employed as local applications for boils. The seeds which are so readily obtainable, when administered in more than minute quantities, are extremely poisonous. The white seeds are generally preferred by poisoners, as they can be embodied in sweetmeats or other substances without fear of detection, either on the ground of taste or colour. The seeds are usually powdered. Sometimes they are mixed with tobacco or with hemp, to make a smoking mixture; and in this way the poison acts more rapidly than in the other.

The symptoms of dhatara poisoning are exceedingly painful. The action is in the majority of cases very rapid. The mouth and throat become so dry that, as with hydrophobia, the swallowing of liquids becomes difficult if not impossible. The sufferer's face becomes flushed, and he may lose his voice. Then comes on giddiness, with loss of power of arms and legs. The vision is deranged, and letters and figures appear double. The victim is seized with furious delirium and wild hallucinations. He rushes about like a madman, as if to escape imaginary dangers; he becomes wildly excited and bursts into peals of laughter. The nervous system is profoundly affected. There is sometimes such muscular rigidity that the victim can hardly be placed on a chair. One authority, Dr. H. Giraud, thus described the delirium: 'He either vociferates loudly, or is garrulous, and talks incoherently; sometimes he is mirthful and laughs wildly, or is sad and moans as if in great distress. Generally he is observed to be very timid; and, when most troublesome and unruly, can always be cowed by an angry word, frequently putting up his hands in a supplicating posture. When approached he suddenly shrinks back as if apprehensive of being struck; frequently he moves about as if to avoid spectra. But the most invariable accompaniment of the final stage of delirium is the incessant picking at real or imaginary objects. At one time the patient seizes hold of parts of his clothes or bedding, pulls at his fingers and toes, takes up dirt and stones from the ground, or snatches at imaginary objects in the air or anywhere near him. Occasionally his antics are

so varied and ridiculous that I have seen his near relatives, although apprehensive of danger, unable to restrain their laughter.'

From the description of the symptoms it is possible that dhatura was a constituent of the terrible drug often mentioned in vernacular works on Indian history under the name 'posht.' If administered in slow doses, day by day, in a comparatively short period it caused permanent idiocy. Under the Moghul rule 'posht' was often given to state prisoners, especially princes who had rebelled or might be rival claimants to the throne. The traveller Bernier (1620-1688) relates how a nephew of Aurungzeb, when condemned to imprisonment in the fort of Gwalior for rebelling against the Emperor, begged and implored that he might at once be put to death rather than be forced to drink the hateful drug.

I have no very recent records of cases before me, but I subjoin one that has been recorded in the cold matter-of-fact style of legal literature. 'Bhawani (this name is significant as being that of the goddess of the thugs) and Bhola, his nephew, were tried at Meerut on the accusation of a man who deposed that when on his way to Lucknow he met Bhawani at Umballa, who said he would travel in company with him. On their way Bhawani took him to a grocer's shop and purchased some flour and pulse. After cooking it the complainant, at Bhawani's request, went for some water; on his return he ate the food and became insensible. Bhola, who had lately joined them, was present. Bhawani then placed the man in a hut, where they robbed him, and pretended to the police that their party consisted only of two. The police found the complainant insensible and concealed in a corner of the hut. A bag of dhatura seed was found on Bhawani, and some concrete juice of the *Cannabis indica*, or Indian hemp. The prisoners mutually accused each other. Sentence, fourteen years' imprisonment.'

Some years ago the North-West Province *Police Gazette* published the confession of one Ramadeen, not quite twenty-one years of age, who had adopted dhatura poisoning as a profession. He spoke of his victims without the slightest remorse, and looked upon them as shikar or sport. As far as

he could remember he had poisoned about twenty-seven persons during a year and a half; but, as he spoke very vaguely about families and persons, no exact reliance could be placed upon his figures.

What is the psychology of the dhatura poisoner? It does not appear that the profession is a very lucrative one. The thugs were wont to amass considerable wealth; but the booty of the poisoner in general seems to be altogether incommensurate with the diabolical nature of the means by which it is obtained. Not infrequently the financial gain has been almost nothing at all. I personally remember a case, which was never detected, in the Shikarpur district of Upper Sind. A party of travellers, seven in number, had marched for several days along the dust-laden roads from Punno-Akil to the city of Shikarpur in the height of the hot weather. One morning when they were only a few miles from their destination, five of the seven were observed by a passing police patrol performing antics by the roadside like so many inmates of a lunatic asylum. The other two were already dead, and one more of the party subsequently died. The remaining four to a certain extent recovered; but they were unable to throw any light whatsoever on the circumstances. They had no idea who had given them food or drink. Their memory was absolutely gone. So far as could be made out the whole party had had in their possession a few ornaments of the most trifling value, and three or four rupees between them. And just for this paltry gain three men were killed and four incapacitated! The brutality of such an action is almost inconceivable. So while cupidity undoubtedly plays its part in the mentality of the poisoner, it cannot be accepted as a complete explanation of the conundrum. With a little ingenuity much more substantial loot could have been obtained without any playing with life. Other motives must exist, and strong ones too, for this phase of abominable cruelty.

The thugs gloried in their shame; or rather they felt no sense of shame at all, for all that they did was to the honour and glory of their tutelary goddess Bhawani. They were animated by religious enthusiasm. Lucretius said, *Tantum religio potuit suadere malorum* ('So many evils has superstition been able to arouse'). In the same way, though in less degree, the

poisoner thinks that he is doing his goddess service. Furthermore, there is some sense of adventure, however flagrantly misdirected. He may feel bored to distraction by the monotony of hard work in the fields or be repelled by any kind of manual labour. Chance presents attraction. How many people in England prefer to woo this capricious goddess on the race-course or at the gambling table in the hope of making a livelihood by her favours rather than submit to the tyranny of office drudgery or other dull and commonplace regular occupation? Then there is a type of humanity that finds pleasure in witnessing the sufferings of animals, or for that matter of men. The Roman matron, with her eyes on the arena, cried '*habet*' as the gladiator fell, and with thumb turned down signified her wish that he should die. The gladiator at all events had had his chance of emerging victorious from the contest; it might have been his adversary who was to suffer death. But with the low-down, sordid poisoner there is not even this to be said. There is no redeeming virtue. There is no give and take. It is all one-sided. There is no risk to this brutal destroyer of life or mind. His whole psychology is vitiated and diseased.

When once a beginning was made, the end of Thuggee was in sight. It was like meeting a hostile army in the open field and destroying or scattering the enemy forces to the four winds. But with dhatura poisoning it is far otherwise. There is no organization, no leadership, to contend with. It is a form of guerilla warfare where each individual opponent acts on his own initiative without any common plan or cohesion. The detection of one case furnishes no clue to the detection of another. We may kill one, two, or more mosquitoes without perceptibly reducing the crowd of irritating pests that buzz round us in a tropical health resort. We are hampered in every direction. The deplorable loss of memory of the persons most concerned is a difficulty that grievously baffles us. The rapid disappearance of the traces of the poison from the intestines is another advantage that the criminal holds against us. There is no royal road to the suppression of these dastardly offences. The police are of course always on the lookout for movements of suspicious characters. If a man has no

ostensible occupation in his own surroundings, or his pretended occupation is obviously a mere sham, and yet from time to time he makes journeys to more or less distant places and is evidently not lacking in the means of subsistence, suspicion is apt to be aroused and the object of his journeys investigated. A watchful eye too is kept on men who at fairs, markets, wedding processions and other gatherings, are seen offering advice or assistance to people who are obviously strangers to them. A timely word to those who are addressed by one of these wolves in sheep's clothing may serve to avert a tragedy.

The statistics relating to these poisoning cases are, I fear, not to be relied upon. The tradition of dhatura is one that dies hard, if indeed its vitality diminishes at all. With the poison so easily accessible, with so many opportunities in a country which in parts is thinly populated and elsewhere densely overcrowded, which is everywhere liable to sudden outbreaks of violent epidemics, and in which, except at certain centres, skilled medical attendance may be deficient, it seems by no means improbable that a large number of deaths are year by year ascribed to snake-bites, accidents and fevers, which are in reality due to homicide by poison. There are undoubtedly many crimes of every description which are never reported. When a man is placed before the magistrate for security for good behaviour, numerous instances of crime which have never been heard of before are frequently brought up against him. In some cases the injured persons have thought it advisable to endure their loss rather than have all the trouble and bother of laying a complaint and being forced to attend at a court until the matter is decided. They do not forget, moreover, that if they do prosecute there is the future revenge of the accused to be taken into account. If Rama kills Gowind it does not bring Gowind back to life to register the case as murder, while to do so would certainly entail an infinity of trouble to all concerned. *Vis inertiae*, a violent propensity for refraining from any action, is one of the characteristics of the East. It is therefore far simpler to hold an inquest of village elders and report another death by snake-bite.

These village inquests are frequently farcical. As a rule Indians strongly dislike going near a dead body: the head-

man makes his report. To have the body examined by a medical officer in each case of alleged snake-bite is quite impracticable. The distances are too vast, and in the fierce tropical climate decomposition sets in too rapidly. It might easily be thirty miles across country to the nearest dispensary, and far more to the headquarters of the district medical officer. The symptoms of arsenical poisoning frequently resemble those of cholera ; so when a serious outbreak of cholera occurs, it presents an excellent opportunity of disposing of a few undesirable people without exciting suspicion.

Apart from bringing to justice individual cases of dhatura poisoning the police have other legal means of dealing with persons who are reasonably suspected of this or other cognizable offences. The officer in charge of a police-station may, under the Code of Criminal Procedure, arrest any person taking precautions to conceal his presence with a view to committing a cognizable offence, or who cannot give a satisfactory account of himself, or who is by repute an habitual robber, housebreaker or thief. These are wide powers. In a country where the detection of cases is so exceedingly difficult, where the bringing home of offences to evil-doers is often well-nigh impossible, it is of paramount importance that the officers of the law should have such powers for the prevention of offences by taking security from suspicious characters. Needless to say, like other excellent institutions, this procedure may be liable to abuses ; and it requires the strictest vigilance of the superior officers to see that the necessary evidence is carefully sifted.

The Criminal Procedure Code tells us what is to be done with the persons thus arrested. Vagrants and persons who are without ostensible means of subsistence, and who cannot give a satisfactory account of themselves, may be placed before a certain grade of magistrate. The magistrate may require such person to show cause why he should not give security for good behaviour for a year. For hardened malefactors the provisions of the code are more stringent. A person who is by habit a robber, housebreaker, thief, or so desperate and dangerous as to render his being at large without security hazardous to the community may be placed before a magistrate with still higher

powers, and required to give security for such period, not exceeding three years, as the magistrate thinks fit to fix. The courts quite rightly always make the strictest inquiries before passing the order which the police ask for. Roughly speaking, in only about half the number of cases sent before them do the courts order security to be given ; in about half of these again it is given ; and in the remaining cases the accused goes to jail in default of giving security. All this bristles with difficulties upon which I need not here dwell ; but on the whole the vigorous and intelligent working of the Code has a wonderful effect in keeping a district quiet. There can be no doubt that the jail population includes a not inconsiderable number of the votaries of the Goddess Bhawani who have managed to evade the meshes of the Indian Penal Code, but who have been caught in by the long hand of the Government under the security sections. Nevertheless the advisability of a more direct, far-reaching and vigorous crusade against the successors of the thugs distinctly suggests itself.

The Danish Police Forces

Prepared with the kind assistance of VALDEMAR H. MENSEN, R.D.M.,
Chief of the State Police, Denmark

IT will be seen from the map opposite that Denmark in the main consists of the peninsula of Jutland and numerous islands, of which the most important are Sjaelland, Fyen, Lolland, Falster, and Bornholm in the Baltic. The total area of the country is 42,927 square kilometres, with a population in 1925 of $3\frac{1}{2}$ millions. Sjaelland is only about a quarter the size of Jutland, but has nearly the same population. This is accounted for by the fact that the capital, Copenhagen, which is the only large city in Denmark, is situated on Sjaelland. The population of greater Copenhagen is 732,000, or more than a fifth of the total population of the country.

The distribution of the population as regards town and country is as follows: Towns, 1,442,160; Country, 1,992,395. In Jutland alone the figures are 467,577 and 1,117,956 respectively.

The following are the main subdivisions with regard to the employment of the population, and include families dependent upon such employment: Agriculture, 1,077,175; Artisans and Industry, 942,234; Business and Banking, 321,704; Communications, Posts, Telegraphs, Shipping, 221,290; State and Municipal Administration, 17,959; Law and Police, 11,807.

* * * * *

One of the first occasions on which mention is made of a police service in Denmark is in the Copenhagen Town Regulations of 1224, wherein it is ordained that the watchmen shall be at their posts and ready to begin their duties as soon as the watchmen's bell is rung in the evening, and detailed instructions as to their duties and service are given. These same



regulations are found unaltered in King Christopher's Copenhagen Town Laws of 1442.

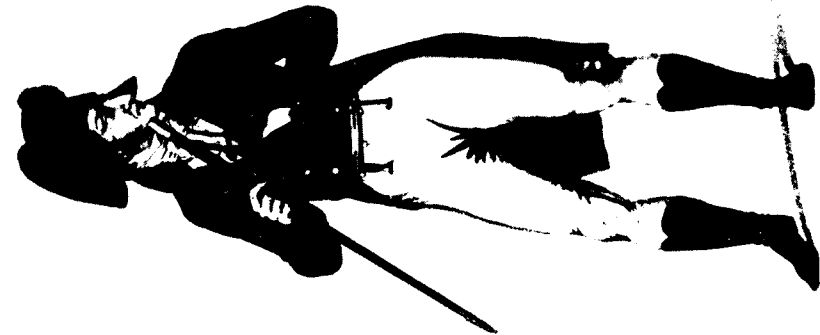
Watchmen's duties in those early times were carried out partly by the citizens themselves in rotation, and partly by specially chosen men; but they were performed under the supervision of the town journeymen (*Bysvendene*), who were the servants of the Town Council and were at the disposal of the Town Judge. Police work in other Danish towns was probably carried out on similar lines. In the country the maintenance of law and order was entrusted to the King's vassals (*Lensmaend*¹) and their retainers. In Christian IV.'s time (1588-1648) there was a permanent corps of watchmen and police in Copenhagen consisting of 140 men, and in the statutes of 1643 detailed instructions are given regarding their duties.

Police functionaries as such are first mentioned in 1665, when a police 'fiskal' was appointed for the town of Copenhagen, whose duty it was to deal with vagabonds and beggars and see that the regulations against extravagance and luxury were observed. In 1682 a Chief Constable was appointed in Copenhagen, and in Christian V.'s Danish Law of 1683 (which in many respects formed the basis of the administration of justice during a period of about 200 years) it was laid down that the police authority in the towns should be vested in the mayors (*Borgmestre*) and Town Councils.

With the introduction of street lighting in Copenhagen in 1681 a reorganization of the watchmen's corps took place—they were put in charge of all lighting arrangements, and a new set of regulations to that effect were issued in 1681.

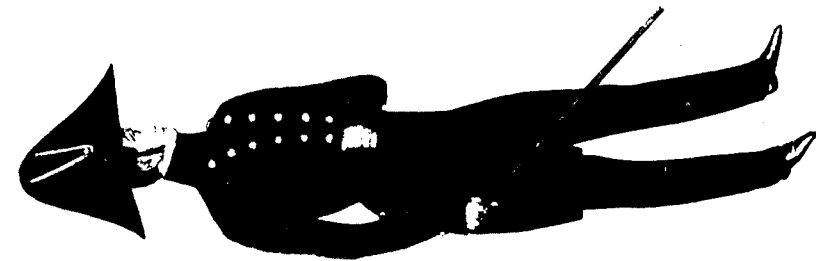
In 1701 a Royal Proclamation was issued regarding the police, by which the administration of the police in Copenhagen devolved, as previously, on the Chief Constable, while in market towns and in the country they came under the town magistrates and the country and district sheriffs respectively. These latter also acted as judges, and in their turn were under the orders of the County Lieutenants or of the feudal noblemen who had the right to appoint the sheriffs. According to

¹The plural of the word *Lensmand* (Crownland vassal), which is still in use in Norway, and now applies to a police officer in charge of a country district.



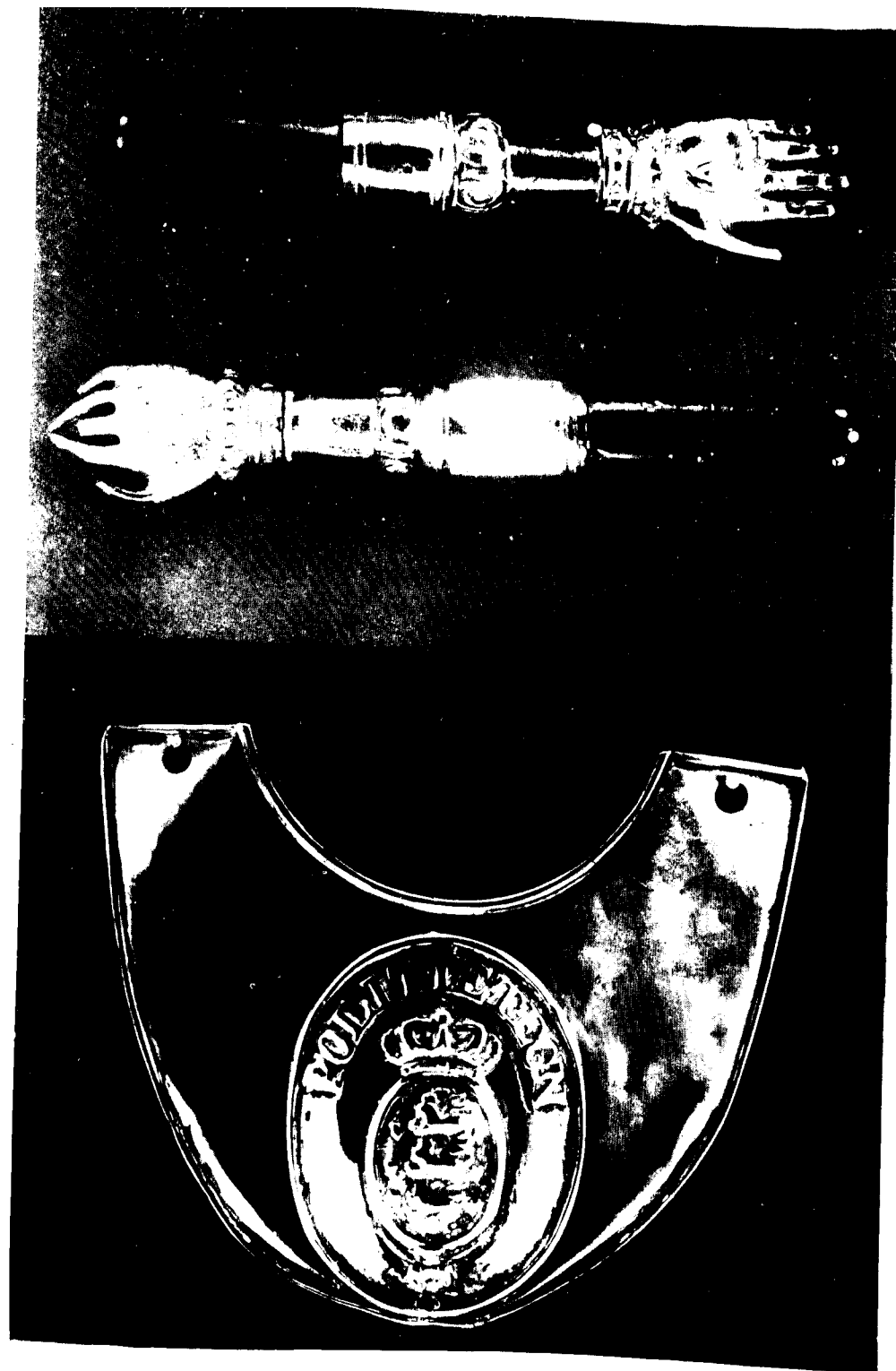
KI & DI DRACHTER I KIOBENSIAAN

ABOUT 1810



EARLY NINETEENTH CENTURY

EARLY DANISH POLICE UNIFORMS



DANISH POLICE STAFF (1701) AND SHIELD (1771)

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the regulations of 1701 the police not only had charge of the general security, etc., but amongst their other multifarious duties they had to inspect inns, enforce good behaviour at public amusements, prevent loose public morals, keep the streets clean, prevent the sale of injurious foodstuffs, combat the spread of infectious diseases, supervise the quarantine service, cases of venereal disease, and the medical service, exercise a general control of the food supply, help in cases of fire, and see that the regulations with regard to extravagance in dress, food and drink, as well as those affecting games of chance and usury, were properly observed.

Originally the police in Copenhagen had authority to impose sentences in police cases, but in 1731 this authority was taken from them and placed in the hands of magistrates. In 1793 it was given back to the police, the Chief of Police becoming Chairman of the Police Bench of magistrates, and this arrangement remained in force up to 1845. In other parts of the country the offices of Chief Constable and local magistrate were combined, and remained in this form up to the entire reorganization of the police in 1919.

In the proclamation of 1701 the Chief Constable of Copenhagen was authorised to appoint a certain number of police constables, each of whom had his special district in the town for which he was responsible with regard to the due observance of all police regulations. As a sign of their authority they were provided with a small staff ending in a metal hand, on the palm of which was a metal eye. A photograph of one of these staffs is here reproduced. When on duty the constables had to carry this staff and produce it when required to prove their identity. The penalties for misuse of the staff, either by the constables or by unauthorised persons, were most severe, the maximum penalty being death. That misuse did take place is shown by the fact that the regulations as to the use of the staff were made much stricter in 1762. In April 1771 the staff was withdrawn and a small gilt metal shield with a medallion or badge on it, showing the arms of Copenhagen substituted. (See illustration.) This shield was suspended round the neck by a red ribbon. In 1773 the staff was re-introduced for a short period, but was replaced finally by a

badge similar to that on the old shield. This badge is still in use at the present day as a token of identity for men on duty in plain clothes.

In 1770-1771 Struense, then Prime Minister and in many respects in advance of his time, made a number of new regulations for the police which were quite modern in spirit. One of these forbade the police to carry out domiciliary visits for the purpose of seeing how the inhabitants lived. The first regulation was, however, rescinded in 1772, after the fall of Struense and his execution for high treason, on a personal complaint to the King by the Chief Constable that, as the police were no longer allowed to make domiciliary visits, it was impossible for them to carry out their duties as regards the maintenance of public order in an efficient manner. It was only in 1849, on the passing of the Constitutional Law of Denmark, that domiciliary visits were abolished, except in cases where the Courts made an order for such searches.

In 1814 the Chief Constable of Copenhagen became Police Director, which still remains his title. In 1815 the position of Chief of Police, superior to that of Police Director, was created, but abolished again in 1827. The reorganization of the Copenhagen Police followed on the passing of the Act of 1863. The watchmen were abolished and a special corps of detectives instituted. Shortly afterwards the Copenhagen Constabulary were formed on the lines of the English patrol system, which a Police Inspector had been sent to London to study. In the case of the market towns and provinces the reorganization of the police was decreed by the Act of 1871. The town and district sheriffs, who also acted as magistrates, continued to act as local Chiefs of Police, and administered the affairs of the town constables, watchmen, the few country constables, and the parish bailiffs (*Sognefogder*) chosen from amongst the inhabitants in each parish.

Under the Acts of 1863 and 1871 the subordinate members of the police staff were appointed and paid by the local authorities, only the Police Director and the town and county sheriffs, who acted as Chief Constables, being appointed by the King and paid by the State. In Copenhagen, however, during the period from 1885 to 1894 the State paid some 100

supernumerary constables, and also paid for the upkeep of a number of coastguards (or coast police) in Sjaelland to keep a watch on the traffic with Sweden. In 1885 a gendarmerie on military lines was formed for duty throughout the country, but as this corps owed its origin chiefly to political motives and had not been instituted on the usual constitutional lines, it was abolished again in 1894.

We may now pass to the general reorganization of the police of to-day. The Danish Police were entirely reorganized in 1919. The principal regulations for their reorganization and activities are to be found in the Act of 1918. This Act, with its amending Acts of 1919 and 1920, provides for :

1. *A State Police Force* to operate throughout the whole country, with its headquarters at Copenhagen, and under an officer known as 'The Chief of the State Police.'
2. *A Special Constabulary Force in South Jutland* (the area returned to Denmark by the plebiscite of 1920). This force is also under the orders of the Chief of the State Police.
3. *District Constabulary Forces* (not including South Jutland) whose work is confined to their own particular districts, each under a Chief Constable (*Politimester*).

The Government Department responsible for the police is in all cases the Ministry of Justice.

With regard to the State Police Force, the primary task of this force is to carry out the usual duties resting upon the police in the administration of criminal justice. It is also their special duty to see that the laws and regulations pertaining to foreigners are properly enforced. The State Police are also required to render assistance to the Constabulary in the general maintenance of security, peace, and order in so far as its main duties will permit.

As far back as 1887 there had been discussions in the Rigsdag¹ about the organization of a State Police Force for the whole country, and proposals to this effect were put before the Rigsdag from time to time, but without success. It was first

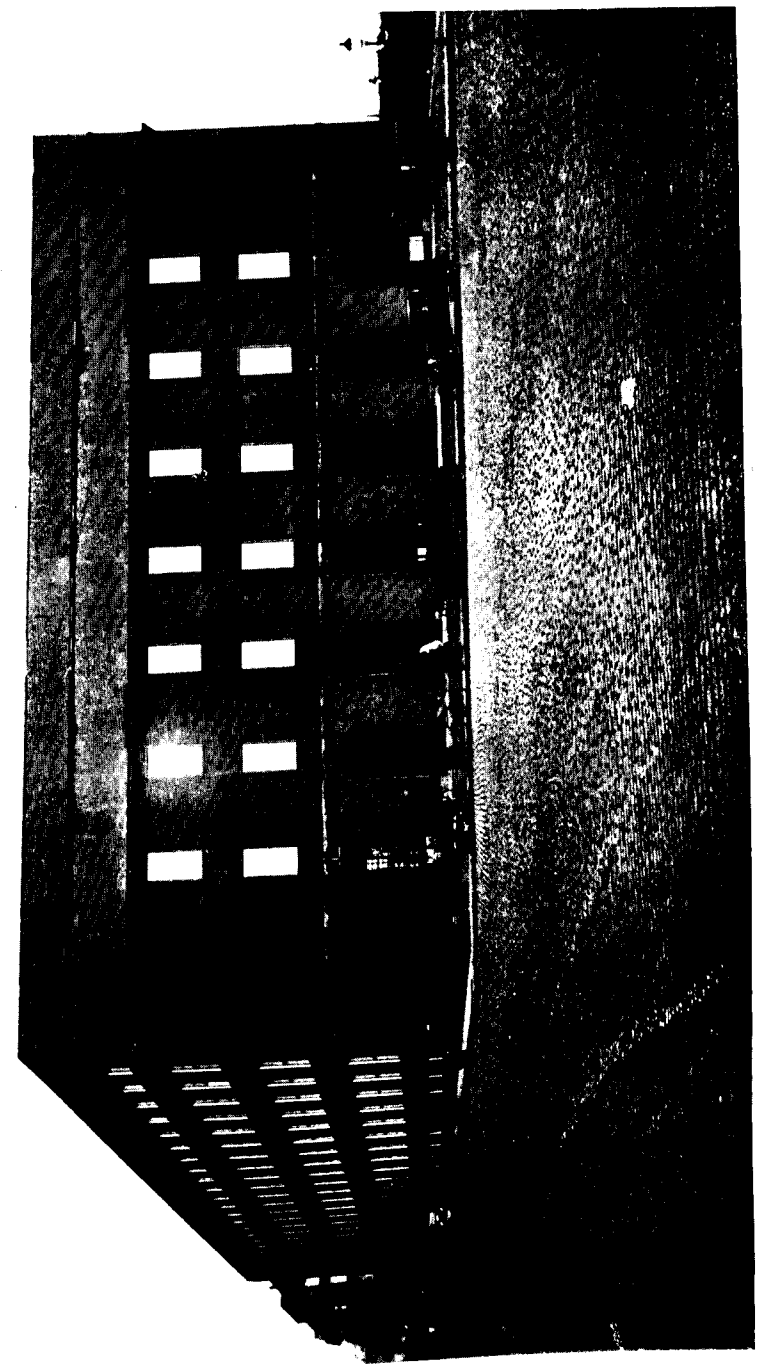
¹ House of Commons and the Senate.

in 1911 that a law was passed authorizing the formation of a State Police Corps, as an addition to the then existing District Police Forces, with the special object of assisting in the investigation of graver crimes. The Fire Insurance Companies had pressed at the time for the formation of such a corps on account of the number of mysterious outbreaks of fire which had taken place about that period. When the corps were first formed the Insurance Companies paid a contribution towards its upkeep.

The original strength of the force was thirty-six men, who were distributed amongst the eighteen counties in the country, one or two in each area; these numbers were increased to forty-eight in 1913. At the time it was not intended that the force should work in the capital, which had its own detective department. The strength of the force was gradually and continually increased in proportion to the additional duties it was called upon to perform. Thus, for instance, the control of aliens entailed a considerable increase during the War.

In October 1919 the State Police were constituted into a criminal police force for the whole country and simultaneously absorbed the staff of the Copenhagen Detective Department. After this alteration the total strength was 420, which was again increased in 1920 to 480. At the present time the force numbers 476 men, of whom thirty may hold the rank of 1st Class Inspector (*Overvagtimester*), forty the rank of 2nd Class Inspector (*Vagtimester*), and eighty-five the rank of Detective Sergeant (*Overbetjent*).

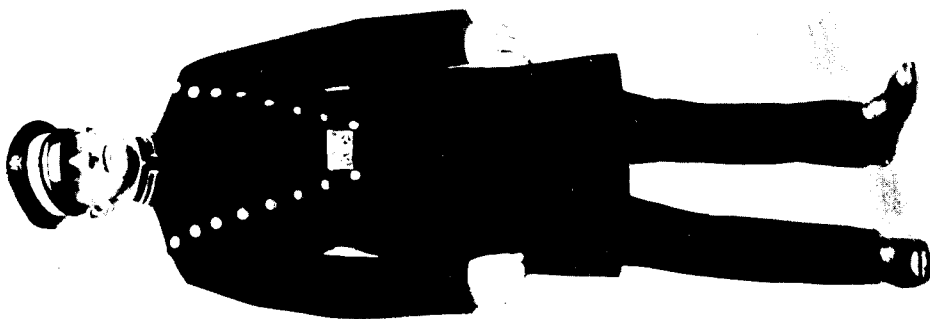
All matters pertaining to personnel, administration, and equipment for the whole force are centralized at the State Police Headquarters at 'Politigaarden' in Copenhagen. The Chief of the State Police, Mr. Valdemar Mensen, who has been in command of the force since its enrolment in 1911, is assisted by four superintendents (*Politi-Inspektör*), two chief clerks (or Deputies), and the necessary office staff. The Chief of the State Police, the police superintendents, and the chief clerks are all appointed by the Crown. The regulations require that the holders of these appointments must have taken a degree in law at the University, and in the case of the Chief of the State Police, this degree must be a first class. Other sections



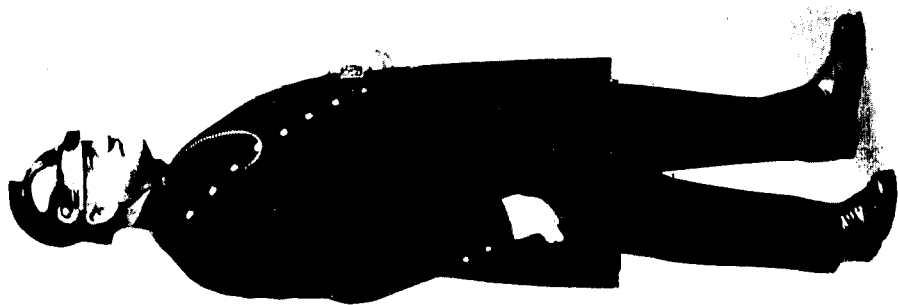
THE POLITIGAARDEN AT COPENHAGEN
(HEADQUARTERS OF THE STATE POLICE AND COPENHAGEN POLICE)



STATE POLICE OFFICER



FREDERIKSBERG CONSTABLE



COPENHAGEN CONSTABLE

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at State Police Headquarters under the Chief of the State Police are : the Aliens Section, Central Identification Bureau, Police Gazette, State Police Traffic Detachment, and Central State Police School.

With the exception of a force of 133 men, under a State Police Superintendent, which is attached to the Copenhagen Police Force for criminal work, the majority of the force are stationed in the various Constabulary Districts, the numbers in each district varying from one to seventeen. Members of the State Police when attached to the District Constabulary are under the orders of the local Chief Constables (in Copenhagen under the Director of the Copenhagen Police). The Chief Constables are responsible for all police administration within their districts. Besides the men attached to the Copenhagen Police and District Constabulary there is also a detachment at State Police Headquarters directly under the orders of the Chief, the members of which can be detailed by him to assist anywhere on important cases. This detachment acts as a reserve and supplies reliefs in cases of leave or illness.

The present maximum annual rates of pay, including allowances for increased cost of living, are as follows for the senior men in each rank :

1st Class Inspectors (Overvagtimester)	-	£396	13	10	(Kr. 7196)
2nd Class Inspectors (Vagtimester)	-	£362	19	1	(Kr. 6584)
Detective Sergeants (Overbetjent)	-	£333	12	7	(Kr. 6152)
Detectives (Betjent)	-	£320	4	8	(Kr. 5708)

The control of aliens is under a section of the State Police which is housed at the headquarters at Copenhagen and is under the Chief of the State Police, who is assisted by a Superintendent and a Chief Clerk. This section acts as a Central Aliens' Bureau for the whole country and deals with questions relating to foreigners, such as permits to take employment, permits to remain in the country, issue of identity books, etc. The immigration officials at the various ports of entry belong to the State Police, but as a rule receive their orders through the Chief Constables. At the frontier stations in South Jutland, however, the duties of Aliens Officers are carried out by the South Jutland Constabulary, also under the direction of the Chief Constables.

The Central Bureau for Identification forms another section at State Police Headquarters. It was founded in 1908. Both the officer in charge and his chief assistant are appointed by the Crown. The remainder of the staff consists of six subordinate officials. The method of identification in force is the British one, known as the Henry system; and up to the end of 1926 the Bureau had finger-print records of 84,471 persons. For the identification of international criminals the Hakon Jørgensen System is sometimes used.

The State Police Headquarters are responsible for the issue of the *Danish Police Gazette*, which was first published in 1867. The *Gazette* is now issued in two parts, the first portion dealing with Persons Wanted and Cancellations; Information about people; Information about crimes committed; etc. The second portion (which is in the nature of a supplement to the first portion) contains Lists of stolen goods; 'Picture Gallery'; Lists of Persons Wanted for failing to pay alimony and also of persons wanted for military service.

The Control of Traffic is another department of the State Police. In 1926 a special State Police Detachment was created for this object. This detachment may operate anywhere within the country and is under the orders of the Chief of the State Police. At the moment it consists of eight men. Their main work is to patrol the roads in cars, to render assistance to travellers whilst on patrol, and to see that the traffic regulations are complied with. When such regulations have been transgressed, the Traffic Police report to the Chief Constable of the district in which the offence was committed. The Traffic Police also co-operate with the Motor Specialists (appointed by the Ministry of Justice for the inspection of cars and examination of candidates for drivers' licences), and at certain appointed times together examine all cars passing over a given stretch of road. It is also their duty to make reports direct to State Police Headquarters about dangerous railway crossings, bad corners, etc. These officials wear no uniform, and the numbers on their cars are constantly changed so that they may not become known to the public. Up to the time of writing no definite decision has been taken as to whether this detachment will become a permanency or not.

The examination of drivers of motor vehicles is very strict, and all persons wishing to obtain drivers' licences must have driven a certain number of hours with a teacher before they can present themselves to the Motor Specialists for examination, after which licences are issued by the District Constabulary. It is immaterial whether the candidate has a foreign driving licence or not. These regulations do not, however, apply to persons entering the country with their own cars on a short visit and who are already in possession of international certificates. Any person who has a licence and has driven for a year can become a teacher.

The State Police as a rule wear civilian clothes, only men employed under the Aliens Branch at the regular ports and frontier stations wear a uniform with green facings.

Candidates for admission to the State Police as Detectives must be over twenty-five and, in general, under thirty-five years of age. As a rule they must have served for two years in either the South Jutland Constabulary or in one of the District Constabulary Forces. They must also have gone through a course at the Central Police School. This school is under the control of the Chief of the State Police, with a State Police Superintendent in charge, and was opened in 1914. Since 1920 all persons desirous of obtaining permanent appointments either as detectives in the State Police or as constables in the South Jutland Constabulary or one of the District Constabularies must have gone through a course of training and also passed the necessary examinations at this school. The teaching staff is drawn partly from amongst the personnel of the State Police and Copenhagen Police and partly from trained teachers in special subjects. Regulations for the management of the school have been prepared by the Ministry of Justice.

It may be useful at this stage to give some account of the training at the Central Police School. There are two courses, which are held as a rule twice a year. The first is a course for district constables and constables in the South Jutland Force, and is only intended for the younger members, who have been taken on trial in their respective corps. The course lasts six weeks, and candidates are called upon to undergo it as early

as possible. The second course is for constables who have gone through the first course and are considered by their superiors as suitable for permanent appointments. Between the first and second courses candidates must have returned to their respective corps for a period of six months practical work.

At both courses the following subjects are taught: (1) writing reports; (2) instructions; (3) general law, *i.e.* motor law, Traffic Regulation law, Closing law for certain premises, law relating to Sundays and holidays, Food Control law, etc.; (4) criminal law; (5) aliens law; (6) Police Rules and Regulations; (7) identification; (8) Danish language; (9) investigation.

On completion of the first course pupils are given marks in each of these subjects, the result being communicated to both the pupil and his superiors. On completion of the second course an examination, both oral and written, is held under the supervision of two specially appointed police officials. Police officials of all ranks and also the Police School teachers are allowed to be present at the oral examination, but no other persons.

Before the examination takes place the pupils are given marks in each subject by their teachers, as after the first course. At the examination itself the teachers, in conjunction with the special examiners, give further marks in each subject. All these marks are then compared and a certain general average must be obtained. Special marks for proficiency in Danish are necessary. The idea of this collaboration of teachers and examiners is that a man who has studied well, but has not done himself justice at the actual examination, should not be rejected; and that some further consideration should be given to an idler who has shone in the examination by some unfair means.

If a candidate fails to pass this examination he is debarred from obtaining permanent employment in any of the forces, though in certain cases he may be allowed to go through the second course once more; but if he then fails he has no further chance. During both the first and second courses the pupils are taught boxing and gymnastics, but no special marks are given in these subjects.

The following additional courses are held as occasion arises: a third course for constables who apply for transfer to the State Police or for detectives taken on trial in the State Police; and a fourth course for constables in the District Constabulary whom their superiors consider fit for promotion to higher rank. These courses last about ten weeks each. The subjects are the same as in the earlier courses, but of a more advanced character. An examination is held after each of these courses. Further, in so far as circumstances render it necessary, special courses are held from time to time for Chief Constables and their Deputies. During the last winter three such courses were held, each of fourteen days' duration. All the Chief Constables in the country, with the exception of three, took part in them.

As the older constables have not had the chance to undergo theoretical training like the younger ones, courses have now been arranged for them at the Police School, when the available time permits. These courses last about eight weeks, and the subjects taught are the same as for the first and second courses. No examinations are held after the courses for Chief Constables and for the older constables, nor are any marks given.

The crime with which the State Police has to deal may be stated in brief. During 1926 the more important criminal cases were as follows, the figures in brackets being the number of cases in which convictions were obtained:

Murder and Manslaughter	-	-	-	13	(11)
Offences against the person with actual					
bodily harm	-	-	-	1180	(1,076)
Theft	-	-	-	33,452	(11,525)
Burglary	-	-	-	8,677	(4,210)
Embezzlement and fraudulent appro-					
priation	-	-	-	12,448	(11,519)
Crimes of various kinds	-	-	-	3,729	(2,949)
Totals	-	-	-	59,499	(31,290)

To turn now to the Constabulary. As previously stated, in addition to the State Police Force, which operates throughout Denmark, there are the South Jutland Constabulary and

the District Constabulary Forces, whose field of operations is confined to their own areas. The primary duty of the Constabulary is to maintain the public security, peace, and order, and to see that the various laws and regulations are complied with. Its members are also bound to assist the State Police when called upon to do so. Any constable in these forces, whether stationed in a town or in a country parish, is employed anywhere within his own police district. Only in exceptional cases is he allowed to follow up a case outside his own particular district.

First of all, then, there is the South Jutland Constabulary. As a result of the plebiscite of 1920, held under the Treaty of Versailles, a certain part of the old Danish province of Slesvig, which was ceded to Germany in 1864, was returned to Denmark. The Danish Government decided to form a special Crown force of constabulary to police this area. This force, which is known as the South Jutland Constabulary, is under the direct orders of the Chief of the State Police, and at the present time consists of 103 men, of whom eleven are sergeants. For purposes of administration the area is divided into six Police Districts, each under a Chief Constable.

At first a State Police Asst.-Superintendent was stationed in South Jutland to command the force, but this official has now been withdrawn. The force now receive their orders from the Chief of the State Police through the Chief Constables in the area, who have the same status as other District Chief Constables, the only difference being that the force under their command is a State force of constabulary and not a District Constabulary. For all daily routine this force is under the orders of the Chief Constables. A detachment of this force, consisting of thirty men, is employed solely on Aliens Officer work within the area. The force wears uniform, but of a different pattern from the uniform of the District Constabulary. The State pays for the maintenance of the force, but the towns and district councils within the area pay a contribution direct to the State towards the expenses of the force.

Finally, there is the regular District Constabulary. The remainder of the country is divided into sixty-five Police

Districts, plus the City of Copenhagen, each with its own force of constabulary and each under a Chief Constable (in the case of Copenhagen under a Director of Police). The sizes of the districts vary much as regards number of inhabitants: whilst the Copenhagen District has 587,000, the others range from 20,000 to 100,000.

The total strength of the Constabulary Forces at the end of 1926 was 1985 men, to which must be added a certain number of reserve men, night watchmen, etc. This force is distributed as follows: Copenhagen, 986; Frederiksberg, 112; Country Districts, 251; and Provincial Towns, 636. The proportion of constabulary to population works out as follows: Copenhagen, 1 to 594 inhabitants; Provincial Towns, 1 to 1106; Country Districts, 1 to 7379. The permanent strength of the constabulary in a Police District may not be increased or decreased without the sanction of the Minister of Justice.

The Constabulary receive the same initial pay as the State Police, a constable in the youngest class commencing with £122 16s. 2d. (Kr. 2220) per annum. In the towns they are paid by the Municipal Councils and in the country by the County Councils. As a general rule they wear uniform, which differs slightly in each district. The men are armed with a truncheon, fire-arms only being issued to them under special circumstances. Constables in the first instance are appointed by the District Council (town or country as the case may be) on the recommendation of the local Chief Constable.

A candidate for permanent appointment must be between the ages of twenty-two and thirty-five years. After serving a probationary period in the force he must, as already stated under the section dealing with the Central Police School, pass through two courses at this school. After successful completion of the second course he receives a permanent appointment in his particular force. The probationary period in all lasts for about two years. Service in the Constabulary for the purposes of pay counts from the date of the first appointment on probation.

Members of the Constabulary can be dismissed by their Chief Constables, but in cases where they are eligible for pension the Chief Constable must confer with the District

Council before taking action. District Councils must make provision for pensions to which the police under their control are entitled. In those cases where one Chief Constable applies to another Chief Constable for men to be lent to him, the District Council in which the men are temporarily employed are responsible for their proportion of the pensions.

The Chief Constables in charge of Districts and the Director of the Copenhagen Police are appointed by the State, which also pays their salaries. These officials must have taken at least a second class degree in law. District Chief Constables besides being in command of the District Constabulary, have certain other duties to perform. For instance, they must function as police examining magistrates, and also appear in the lower Courts on behalf of the Crown Prosecutors. In addition certain 'fiskal' duties are entrusted to them. The Chief Constables usually have from one to several Deputies (*Politi Fuldmaegtig*) who have full authority to act on their behalf and who are appointed and dismissed by them. Although the Chief Constables are held responsible for all the acts of their Deputies, these Deputies must, in order to carry out executive police duties, receive authorization to function from the County or Municipal authorities. Candidates for the position of Deputy must have taken a law degree.

In the case of the Metropolitan Constabulary at Copenhagen, the Director of Police has three Police Superintendents under his orders, each in charge of a department. One department deals with order, security, and licences; another with sanitation, food control, and public morals; and there is one for the registration of cars, driving certificates, etc. There is, however, a detachment of the State Police which is attached to the Copenhagen Police for criminal work within the city under a State Police Superintendent. Whilst so attached they are, like the State Police officials in the provinces, under the orders of the Director of the Copenhagen Police. The majority of the force are divided between the nine Police Stations, each under a Police Assistant (*Politi Assistent*). To assist the Director of Police in the examination and investigation of Police Court cases, twelve Police Assessors have been appointed by the Crown.

Having now surveyed the State Police and the Constabulary in its two branches, it remains to consider the forces as a whole. The total cost of the various forces in Denmark during the year 1923-24 was something under £1,000,000, of which the State contributed about £364,000. Of this sum, £195,000 went to the upkeep of the State Police and about £15,200 for the South Jutland Constabulary. The cost of the District Constabulary (paid by the District and Municipal Councils) was distributed as follows: Copenhagen, about £367,000; Frederiksberg, £38,800; Provincial Towns, £180,400; and Country Districts, £78,800. (The sterling equivalent is calculated at the par value of exchange, Kr. 18.16 to £1.)

The Crown Prosecutors and State Advocates supervise the investigation of crime by the police. They can demand information from and give instructions to the Chief Constables; also, when circumstances warrant it, they can act direct; but the Chief Constables must be immediately informed of the steps and action taken. Both the police authorities and the prosecution authorities are under the orders and supervision of the Ministry of Justice. In June 1925 the Minister of Justice appointed a Commission to sit and consider whether there were any grounds for altering the existing police regulations for the country as a whole. This Commission made its report in November 1926: a majority proposed that both the Criminal and District Police should become a State Police Force, while the minority wished the present arrangement to be maintained. At the time of writing the matter is still under the consideration of the Minister of Justice.

It may be added that amongst the duties of police officers in Denmark, as opposed to British practice, is the granting of passports. Danish passports are issued not only by the Foreign Office but also by all the officers in charge of Police Districts.

ANGLO-DANE.

Science as applied to Circumstantial Evidence

By C. AINSWORTH MITCHELL, M.A., F.I.C.

Secretary, Society of Public Analysts

NOT so many years ago there was a strong tendency to discredit the value of circumstantial evidence, and it was not uncommon for juries to attach much more weight to the testimony of eye-witnesses than to the inferences (often more conclusive) to be drawn from the collateral facts. In some notorious cases of the past positive statements by a number of persons that they had actually seen someone doing a particular act were accepted without sufficient attention being given to the credibility of the witnesses or to the conditions under which their observations were made, whilst circumstantial evidence which did not support the direct evidence was practically ignored. At the present time it is becoming increasingly realized, largely through the agency of Press reports of trials, that the two forms of evidence are closely inter-related, and that the relative importance to be attached to one or the other must vary with the particular circumstances. Moreover, in a large proportion of the cases that come before the courts direct testimony is not forthcoming, and frequently the only way of proving the innocence or guilt of the defendant to a charge is to ascertain the significance of all the attendant facts. With the accumulation of human knowledge the range covered by such facts has been steadily widened, and each new discovery and invention has extended still further the possible applications of circumstantial evidence.

Thus, photography has proved of value in human identification, although it is far from infallible, since it is not proof against disguise, and, at best, gives only the representation of a person at a given moment, which may or may not be a characteristic one. The danger of relying upon the exclusive

circumstantial evidence of photographic identification is abundantly proved by the marvellous coincidence of the two negroes who were mistaken for one another in one of the prisons in the United States. Both men had the same name, Will West, the Bertillon bodily measurements were practically identical, and the photograph of either of the two could be mistaken for that of his namesake. It was the fact that they were together under the same roof that first brought conviction when the second Will West disclaimed his identity with the person shown to him in the photograph.

Apart from its use in human identification, photography has been applied in many other directions in the investigation of crime, either as a check on the statements of eye-witnesses or as a means of recording and of demonstrating certain characteristics of particular objects which have an evidential value. For instance, in the case of *Rex v. Cornwallis* a woman put forward a claim for the return of the sum of £2,000 on the strength of a letter in which the receipt of that sum was acknowledged. An enlarged photograph, taken in 1914, of this document showed distinct evidence that the original amount had been £200, and that the final 'o' had been added. During the period of the war the claim was not pressed, and the document remained in the possession of the claimant. In 1921 it was again produced in support of the claim, and when it was once more photographed it showed that the figures in the amount had been retouched since its first production seven years before. The ink in the first three figures had also faded to a different tint from that of the final 'o,' and this difference in colour was clearly shown on the photographic negative. The plaintiff lost her suit in the High Court and was afterwards prosecuted and convicted of the fraud.

In connection with the photography of inks in writing it is interesting to note that recently published work has shown the conditions under which it is possible to state which of two intersecting lines is the more recent. One of the two may appear, both to the naked eye and in a photograph, to be uppermost, but this appearance may be deceptive, unless sufficient of the iron constituent of the ink has been left to cause a chemical change to take place on the surface of the paper.

This condition was present in the case of *Rex v. Cohen*, in which a doctor was convicted of 'doping' a patient to keep him out of the army. He produced a day book to show that the man was a regular patient, and the fact that the ink of one of the entries at the top of a series came below the following line at a point of intersection supported the statement, and his sentence was quashed on appeal.

Another scientific instrument which has extended the scope of circumstantial evidence in many trials is the microscope. Among the almost innumerable questions to which it can give an answer are the nature of vegetable fibres, the identification of the hairs of man or of animals, the structure of skin and other tissues, bacterial changes, the composition of paper, the character and (in some cases) the age of ink marks, the identification of typewritten matter, and so on.

A good illustration of its value is afforded by the Crippen case. When the remains of a human body were found buried in the cellar of Crippen's house it was a difficult task to identify them as those of the missing woman. It was known, however, that Mrs. Crippen had undergone an abdominal operation, and a piece of skin was discovered the structure of which was seen under the microscope to correspond with that which would have resulted from such an operation.

A difficulty attending the production of the microscope in court is that it requires an eye trained to its use, and it is therefore practically impossible to demonstrate to a jury what it reveals. This drawback, however, can frequently be overcome by the use of photomicrography, in which, by means of a combination of the microscope and the camera, a record of the enlarged appearance of the object as it appears under the microscope can be obtained, and its distinctive characteristics can be explained to a number of people at the same time. Such photomicrographs are particularly useful for demonstrating the characteristic differences between the marks made by different kinds of blacklead pencil. If a pencil stroke is examined under the microscope with the light obliquely to its direction, its structure can be plainly seen. In the older type of blacklead pencils the pigment was sawn from a solid block of graphite, and the appearance of the marks made on paper with such

graphite would vary with the purity of the mineral, the black streaks being irregularly interrupted by light streaks due to particles of sandy impurities. In the modern type of pencil the graphite is ground to a fine powder and then mixed with finely powdered clay and compressed into a solid mass, into which wax is frequently forced under pressure. The marks made by such pencils show a uniform structure composed of a dark background of graphite, down which run regular lines composed of the fine sandy particles in the clay, giving the effect of a series of strings of pearls on a dark background. By this means it is not only possible to distinguish between the marks made by old and modern pencils, but under favourable conditions it is also practicable to differentiate the marks made by different pencils of the modern type. This was done in a recent case, in which it was possible to ascertain that forged alterations in pencil agreed in characteristics with those in admitted pencil writing of the defendant.

Photomicrographs will also reveal the differences between old and modern inks—a point of considerable importance in the examination of old documents, such as are produced in support of a claim to an extinct title.

Another, but less generally known, scientific instrument which has been applied to criminal investigation is the tintometer. This ingenious instrument, as its name suggests, affords a means of matching and recording colours. It consists essentially of a long box divided vertically into two parts, each of which has an observation opening at one end. The object to be examined is placed at the further end of one of these chambers, whilst a slotted cell is arranged in front of the other chamber. This cell is intended for the reception of standard slips of red, blue and yellow glass, which are placed in the slots and then viewed through the eyepiece of the instrument against a suitable source of reflected light. By varying the glass slips in the cell it is possible to match the colour of any object exposed under the other chamber of the instrument, and the record of the colour can then be kept in terms of red, blue and yellow units of colour. For the examination of minute objects, such as the colour of ink in the fragment of a character on paper, a combination of tintometer and microscope

has been devised, consisting of two tubes, each with its separate objective. The object to be compared is placed beneath one of them, while the standard tintometer glasses are placed in a slot in the other tube, until the exact shade is seen through the eyepiece to be matched.

The tintometer was first used in criminology as a means of obtaining scientific proof in the Brinkley poisoning case in 1907. Brinkley, who was a carpenter, had lodged with an old lady named Blume. After her death he produced a will which had made him the sole legatee, and took possession of the property. Mrs. Blume's relatives issued a *caveat* against the will, which bore the signatures of two men, Parker and Hird, as witnesses. Parker, however, denied that he had ever signed a will. All he had signed, he said, was a petition for an outing at a public-house. Faced with this dilemma, Brinkley attempted to murder Parker by leaving a bottle of stout, heavily dosed with prussic acid, at his lodgings; but unfortunately for them Parker's landlord and landlady drank the stout intended for him and died.

The police investigations soon pointed to Brinkley as the culprit, and it then became necessary to see whether the facts corroborated Parker's story. Accordingly the bottle of ink was obtained from the public-house and was compared with Parker's signature on the will. As blue-black inks vary considerably in tint according to the nature and amount of blue dye added to them, it is possible to determine whether two specimens of ink are of the same type. In the Brinkley case the microscope and tintometer showed that there were three kinds of ink on the will; the body of the document and the signature were in one kind of ink, the signature of Hird in another, and the signature of Parker in a third, which agreed with the ink obtained from the public-house. Evidence to this effect, which the prisoner did not dispute, was given at the trial, which resulted in the conviction of Brinkley on the charge of murder.

It is obvious that evidence of this kind can only be given by someone with a specialized knowledge of the subject, although the facts on which the conclusion is based can be demonstrated before a judge and jury, and the conclusions themselves can be criticized by another expert. This is the

general course now followed in important trials, in which counsel for the defence avails himself of the expert knowledge of the scientific specialist, even when he does not venture to call him as a witness.

The function of the expert witness was recently defined by Mr. Justice Fraser in his judgment in a civil action in which there was a conflict of expert evidence. Experts, he said, were very helpful up to a point, but they merely endeavoured to guide a judge or a jury by their opinion and their experience. It remained for the jury or the judge to decide, as best they could, a question of fact when the opinions of experts differed. In a case where the opinions of the expert witnesses differed *toto coelo* from one another, all one could do was to apply one's own knowledge of the world and one's knowledge (such as it might be) of a specialized nature to the particular matters upon which the witnesses might give evidence.

At one time judges were inclined to attach too much importance to the opinion of the expert witness, as compared with the facts upon which his opinion was based, and it is still not uncommon to find counsel citing a list of authorities to a witness, by way of discrediting his evidence. For this reason it would be a good rule, when evidence of a scientific nature is to be given before a jury, to see that one member, at least, of that jury has sufficient elementary knowledge of the particular science to grasp the significance of the facts to be produced in evidence.

The need of some such provision as this is obvious when we consider the growing complexity of scientific evidence. In the eighteenth century the evidence of any layman that a red stain resembled blood was accepted. In the nineteenth century attempts were first made to distinguish between the blood of man and that of other animals, and in 1857 evidence was given in a murder trial at Taunton (*Reg. v. Nation*) that the blood corpuscles were smaller than those of an ox, sheep or pig, and were of the same dimensions as those of human blood. The judge (Cockburn, C. J.), however, warned the jury against accepting this evidence as anything more than a scientific speculation. The witness, he said, had shown them the marvellous powers of the modern microscope. At the same time, admitting the great advantages of science, they were

coming to great niceties indeed when they speculated upon things almost beyond perception, and he would not advise them to convict on this scientific speculation alone.

At the present day it would have been possible to show to the jury, by means of photomicrographs, these distinctive differences between the blood corpuscles. Under favourable conditions such a test might afford valuable corroborative circumstantial evidence of the nature of blood, but it is useless for the purpose of ascertaining whether an old stain was produced by human blood.

A study of the reactions of haemoglobin, the red colouring of the blood, afforded a means of proving definitely that blood was present in a stain, but it did not enable any judgment to be formed as to the nature of that blood, and until the end of last century the problem was regarded as practically insoluble. Bordet's discovery, however, in 1898, of the behaviour of specific sera forged a new weapon for the scientific investigation of crime. The principle of the method is that when an animal, such as a rabbit, is inoculated with the serum of the blood of another animal, say a horse, it develops within its own serum a substance, technically termed a precipitin, which will give a turbidity with the blood serum of an animal of the species with which it was treated. For example, the serum of a rabbit thus rendered specific to a horse will become turbid when mixed with the serum from another horse, but not with human serum; whereas the serum from another guinea-pig rendered specific for human serum will react with an extract from a stain of human blood, but not with that from a stain made by the blood of an ox, sheep, horse, etc. So important has this precipitin test, with its later refinements of technique, become that it is now a matter of routine to apply it in all doubtful cases. A man may allege, for instance, that a stain on his clothes was due to a pig's blood, but if the serum rendered specific for pig's blood does not confirm his statement, whilst the extract of the stain reacts with human serum, the scientific evidence is conclusive on the point.

Stain cases are much more frequent in the East than in this country, and the services of the serologist are in constant demand. During the year 1926, for example, the total number

of stain cases investigated in Madras alone was 1504. Of these, 1406 were proved to be human blood, 21 the blood of a ruminant animal, 9 both human and ruminant blood, 7 non-mammalian blood, and 8 birds' blood, whilst the origin of 53 of the stains could not be identified.

The serum test was also applied successfully to determine the nature of certain bones which had been partly burnt, as a murder followed by cremation of the body was suspected. The bones had been broken into too small fragments to enable their origin to be determined, but a modification of the specific serum test, applied to an extract of the only partly calcined fragments, proved that they belonged to a ruminant animal.

The latest extension of blood tests is in the direction of establishing a definite character in coagulation or agglutination of the red corpuscles. It has been shown that there are four definite blood-groups, to one of which the blood of any individual can be assigned. If, for instance, a drop of serum from a Group II. blood be put on a glass slide, and a second drop of a Group III. serum near it, and a minute quantity of the blood to be tested be mixed with each drop, agglutination can be easily seen when it takes place. If the blood remains liquid in both drops it belongs to Group IV.; if it remains liquid in one and agglutinates in the other, it belongs to the group in which it remains liquid; if agglutination occurs in both drops, the blood belongs to Group I.

The accumulation of a vast amount of data over many years goes to prove that this test may sometimes be of great value in determining the paternity of offspring. Thus it has been found that if the parents are both of Group II., or one is of Group II. and one of Group IV., the blood of the offspring may belong to either Group II. or Group IV., but cannot be of Group I. or Group III.; similarly, if both parents belong to Group IV., the blood of the offspring can only be Group IV., and cannot belong to Groups I., II. or III.

It requires little imagination to see how valuable such a scientific test might have been in some of the notorious cases of disputed paternity.

In no branch of scientific investigation has the evolution of the methods of examination from the simple to the complex

been more marked than in toxicology. In the eighteenth century chemistry as a science was hardly born, and such knowledge of the isolated facts of the science as was available was mainly in the hands of the doctors. The methods of poisoning were equally crude, and the evidence required in criminal trials was relatively simple. The case of Mary Blandy, who was tried at the Oxford Assizes in 1752 for the murder of her father by poisoning him with arsenic, affords an early instance of convincing evidence based on available knowledge being given. A Dr. Addington, who had attended the victim, demonstrated clearly the points of agreement between a white powder which had been given to her father by the prisoner and ordinary white arsenic (arsenious oxide).

In the trial of Katharine Nairn, who was charged with the murder of her husband in 1765, the evidence was most unsatisfactory, for no proof was given that the man had really died of arsenical poisoning, and no post-mortem examination was made. Nevertheless, the prisoner was convicted, but escaped from prison before her execution.

The first treatises on systematic toxicology were not published until about the beginning of the last century, and it is therefore only within the relatively short period since then that competent chemical evidence has been given in poisoning trials. The defence is no longer satisfied with scientific evidence that arsenic was found in the body, but also requires proof that the arsenic was not adventitious and that its quantity was sufficient. The almost ubiquitous presence of traces of arsenic, which has been found in many unexpected places, was not realized in the early days of toxicology, and the gradual recognition at first created a sense of doubt in some cases, which was greatly to the advantage of the defence. A notorious example of this was seen in the trial of Smethurst in 1859 on the charge of poisoning a woman whom he had bigamously married. Dr. Taylor, the expert for the prosecution, gave evidence that he had detected arsenic in a bottle of potassium chlorate solution belonging to the prisoner; also in excreta of the dead woman, but not in the body. Subsequently Taylor discovered that the arsenic (or at all events some of it) in the bottle had been derived from the copper which he had used

as a reagent in his test, and this was a decisive factor in securing Smethurst's reprieve after conviction. From what afterwards transpired, there can be little doubt that Smethurst, who was a medical man, was aware of the solvent action of potassium chlorate on copper, and laid a scientific trap into which Taylor had the misfortune to fall.

Thirty years later came the notorious Maybrick case, in which Mrs. Maybrick was accused of poisoning her husband with arsenic, said to have been derived from flypapers. Arsenic was found in the body after death, and in food and medicine which had been given to Mr. Maybrick; but the case was complicated by the fact that he was known to have been taking arsenic long before his death. One of the most remarkable features in the case was the number of articles in which arsenic was discovered. It was found in a bottle of meat juice and in the glass of the bottle, in a glass of milk, in the earthenware of the vessels in which the lunch was served, and in a bottle of glycerine. There was, however, no evidence that the accused had ever handled the glycerine, and in any case arsenic is a very common impurity in glycerine.

Evidence was first given in this case of the probable amount of arsenic in the body, based on calculations from the actual amount determined in a portion of the liver. Similar quantitative evidence has since been given in numerous poisoning cases, including the comparatively recent trial of Armstrong, and counsel for the defence now expects such evidence to show that the quantity of arsenic present in the body was actually sufficient to cause death.

The point has gained added importance through the recent discoveries that arsenic is a normal constituent of seawater fish and marine crustacea, and that in some cases the amount may reach what is commonly regarded as a toxic dose. It seems not improbable, however, that this arsenic in fish and crustacea may be present in a form of some organic compound which is less toxic than the ordinary salts of arsenic; on the other hand, the presence of arsenic may be the explanation of some of the mysterious cases of illness that have followed a meal of crabs or lobsters. The subject is still under investigation, and it is obvious that it is hardly possible to overrate its im-

portance. In future trials it may be necessary for a toxicologist to distinguish between different forms of arsenical compounds.

Some of the most sensational poisoning cases have been those in which the prisoners were medical men who endeavoured to use their specialized knowledge in such a way as to escape detection. The notorious trial of Palmer, in 1856, caused the greatest difficulty to the prosecution, for the symptoms of the victim pointed to strychnine poisoning, whereas Taylor, the official analyst to the Home Office, was unable to detect strychnine in the body. Palmer, who was a doctor, knew that the detection of alkaloidal poisons was (at that time) both difficult and uncertain, and he relied upon this fact, of which the defence made the most, to escape conviction. But notwithstanding the failure to find the alkaloid in Cook's body, Palmer was found guilty and executed. At the present day the methods of toxicological examination have been perfected to such an extent that the presence of strychnine could not have been overlooked, and the unseemly wrangle in the Press, in the course of which Taylor was charged with incompetence, would not have been possible.

The next big puzzle set for the toxicological experts was the use of aconite (in 1881) by Dr. Lamson to poison his brother-in-law. The poison is said to have been cleverly introduced into a raisin in a plum cake, a slice of which Lamson also ate, and he banked upon the fact that there were no known chemical tests for that alkaloid. In fact, the prosecution had to rely upon the results of physiological tests on mice to prove that the substance isolated from the boy's body behaved in the same way as aconitine. Montagu Williams, the counsel for the defence, tried hard to shake the evidence of Dr. Stevenson on this point, but the other evidence was too strong, and Lamson was convicted.

In the more recent Crippen case, again, we find the same combination of circumstances of a medical man employing a strange poison which would not come within the usual experience of a toxicologist. Crippen chose the alkaloid hyoscine as his poison, and attempted to destroy the body of his victim by burying it in quicklime. In this case, too, a poison was isolated which corresponded in its physiological properties with

hyoscine, and as Sir William Willcox (who gave evidence at the trial) has since pointed out, the isolation of the hyoscine, which has previously been stated to be a decomposable alkaloid which no one would be able to detect after the lapse of a short time, was probably rendered possible through the preservative action of the quicklime in which Crippen had buried the remains.

The use of physiological tests in the Lamson and Crippen cases affords a further illustration of what has already been said as to the constant widening of the scope of scientific work in criminology. So far, bacteriological methods of examination do not seem to have been required in any criminal cases in this country, although the possibility of such tests being required is obvious. The numerous avenues opened up by biochemistry have also, to a large extent, remained unexplored. In one direction, however, namely the chemical proof of drunkenness, very promising results have been obtained. It has been proved that the concentration of alcohol in the blood affords a measure of its toxic effect, and that there is a close relationship between the concentration of alcohol in the blood and that excreted in the urine. Dr. Southgate has proved experimentally the value of the test in cases where a motorist has been arrested for drunkenness. In order to discover at a somewhat later period what was the concentration of alcohol in the blood or the urine at the moment of arrest, it would be necessary to take two samples for testing and to plot a curve from which the concentration at the given time could be deduced. Obviously the behaviour of different subjects whose tolerance towards alcohol varied would have to be taken into consideration, but it has been shown that the nature of any food taken does not affect the ratio between the concentration of alcohol in the blood to that in the urine. Of course, it would not always be an easy matter to apply this test against the will of the subject under examination, but even in its present stage the method might be of immense negative value. Certain drugs produce the effects of alcoholism, and only a few months ago a man was convicted of being drunk, when in fact the symptoms observed were really due to an overdose of insulin. In such a case as this a man would be glad to submit to a chemical test, which would confirm beyond doubt the truth of his assertion.

Street Lighting and Traffic Problems

By R. L. MATTHEWS, O.B.E.

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MANY mature and active minds are no doubt being exercised at the present time for the purpose of arriving at some really efficient system of street lighting, and we police officers must necessarily realize that we are part and parcel of an organization which has more than a passive interest in a question which—in these days when mechanical means of transport are so universal—is of such importance in the life of the community generally. In a careful study of the development of this subject one must first of all cast one's mind back to the primary object of street lighting at its inception, which was first and foremost in the interest of the public to give them a reasonable degree of safety in their travels to and fro when thieves and footpads were known to infest the highways and byways of the land. Step by step, progress has been made in the matter of lighting the highways of this country, so that to-day there is practically no main road, avenue, or thoroughfare of any magnitude that is not quite well equipped in this respect, especially in and around most towns of any importance; and it may be predicted with some confidence that, as the result of the various enterprises which are already in existence and those which are contemplated, there will, in the near future, be few parts of Great Britain which will lack the provision of a satisfactory and reliable system of public lighting.

This supposition brings us, then, to the consideration of the question of how far the already established systems are calculated to meet the ever-growing needs of the populace, particularly with reference to its application to such matters as come within the purview of the police force; and one can confidently state that, had it not been that the amount of

vehicular traffic seen in all parts of the country during the hours of darkness had so enormously increased in recent times, the lighting arrangements to which we have now been accustomed for so many years would have satisfactorily met the situation.

But the present decade has witnessed such a rapid accession to the number of mechanically propelled vehicles that serious thought must be given to the question whether a further advance in street lighting may not be imperative in the near future in order to safeguard the lives and limbs of the persons actually using these fast moving vehicles as well as of the (shall we say) less fortunate people who are still of necessity compelled to adhere to the old methods of locomotion or of those who do so of their own free will. I have therefore ventured to put pen to paper in the hope that the conclusions at which I have arrived may possibly be of some assistance to others who are giving profound attention to the subject; and I have accordingly set down hereunder a few suggestions which may help in some way to elucidate a question which will no doubt be a matter for close discussion and action on the part of the authorities entrusted with the duty of seeing that a highly efficient system of lighting is quickly evolved and permanently established.

In dealing with a subject of this somewhat controversial character, it is perhaps advisable to endeavour to determine in what order of precedence the various phases of the problem should be debated, and I think that probably the best method will be to sub-divide it under certain headings, according to what appears to be their relative degree of importance, viz.:

1. Public Lighting and its effect on Crime.
2. Public Lighting in its relationship to Pedestrian and Vehicular Traffic.
3. Visibility of Traffic Point Constables.
4. Obstructions on Highways.
5. Headlights, etc.
6. Electric Lighting *v.* Gas Lighting.
7. General.

I. PUBLIC LIGHTING AND ITS EFFECT ON CRIME

There is no manner of doubt that the continual improvement in the lighting of the highways and byways of both our great cities and the smaller towns and rural districts is playing an important part in bringing about a gradual decrease of crime, particularly of the class known as crimes of violence and injuries to the person, and I have a vivid recollection of the remark of a well-known public administrator in one of the largest cities of this country, to the effect that one gas-lamp was as serviceable as two (I am not quite sure whether he did not say three) policemen. I do not propose to give statistics in proof of the contention adduced in this paragraph—indeed, I fear it would be impossible, as it is obviously a difficult matter to assess the number of crimes *pro rata* to the number of public lamps situate in a given area; but I think it is apparent to all those who take a professional or even layman's interest in the subject that for some years past there has been a steady decline in the amount of serious crimes in Great Britain, towards which satisfactory state of affairs the improved lighting of the streets has no doubt been an appreciable factor.

II. PUBLIC LIGHTING IN ITS RELATIONSHIP TO PEDESTRIAN AND VEHICULAR TRAFFIC

It is safe to say in this connection that preconceived notions of a few decades ago have ruthlessly 'gone by the board;' for the advent of the mechanically propelled vehicle has effected such a transformation that every scheme which a comparatively few years ago was considered to possess the virtue of finality has since been rendered almost nugatory. Again, we have often been urged to remember that 'The best laid schemes o' mice and men gang aft agley,' and it is well to bear in mind that no system whatever could be devised that could be entirely fool-proof. I am, therefore, quite alive to the fact that whatever theories one may advance as to the best methods of coping with present-day requirements in so far as regards the question before us, they are open to early modification in consequence of the ceaseless advance of science;

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and what may appear entirely satisfactory to-day may be deemed disappointing and inadequate in the very near future. Everything must, of course, be done—and with enlightened and thoroughgoing public authorities will be done—to secure for users of the roads, whether pedestrian or vehicular, immunity from accidents as far as possible, and it is worthy of note that in quite a number of towns 'Caution' or 'Danger' lamps have been fixed at approaches to dangerous corners, for the dual purpose of lighting up the highway and acting as a warning to pedestrians and drivers of vehicles. The positions for these 'Caution' or 'Danger' lamps should be selected with great discrimination, and, as far as practicable, after conference between the Electrical Engineer, Gas Engineer, Highways Engineer, and Chief Constable of the towns and cities concerned; otherwise the undue multiplication of such signs might conceivably defeat the objects in view and neutralize their usefulness. Provision might also be made with advantage to the public for all Street Refuges to be lighted after dark. Where these are situate at junctions of roads, I am of opinion that a good lighting arrangement is two white lights—one at each end—surmounted by an intermittent red light. Many other suggestions might be put forward and enlarged upon at some length, but in order to economize space and not to weary my readers, I think it desirable to set forth briefly the views expressed by others of what are the main points to be borne in mind when weighing up the pros and cons of this question. Thus:

- (a) All road surfaces, footways, junctions, and crossings should be evenly illuminated.
- (b) There should be no dazzle or glare from naked lights.
- (c) Shadows should be eliminated as far as possible.
- (d) Uniformity should be aimed at so far as regards height and power of the illuminant and distance between the lights, due regard being paid to the volume of traffic likely to be on the road.
- (e) All danger, direction, destination, and village signs should be sufficiently illuminated, besides being consistent in size and design.

- (f) Facilities should be provided for additional street lighting after the closing hours for shops, theatres, cinemas, etc., and in the event of the breakdown of the normal system.

III. VISIBILITY OF TRAFFIC POINT CONSTABLES

Of paramount importance in these days of fast moving traffic, and the probable early abolition of any speed limit, is the visibility or distinctiveness of the constable on traffic point duty. One has frequently heard it suggested that the inability to distinguish a traffic point constable within a reasonable distance has been a contributory cause of accident. The best way of overcoming the difficulty has probably not yet been devised. The day may come when it will be found necessary in the interests of all concerned to introduce mechanical signalling, on the lines already adopted, I believe, in some American cities; but until that time arrives—and this would appear to be contingent on the planning of wider streets in the more congested central portions of our towns and cities—we must avail ourselves of the best arrangements with which we are conversant for the time being. Therefore, I suggest that, on the whole, a dark uniform—blue or black—with white gauntlets, is the most effective attire that has been tried up to date. White mackintoshes and white helmets are supplied in some police forces with the object of making it easier for the motorist to see the warning signal, and this indicates that there is a diversity of opinion among responsible officials; but it must be patent to all that differing road surfaces play an important part. For instance, on a wet night it would be quite easy for a collision to take place between a motor vehicle and a point duty constable dressed in white in consequence of the sheen on the road caused by the falling rain, as the motorist would be unable to see the constable at a reasonable distance, particularly if the 'point' was at a road junction which was insufficiently illuminated.

A wise precaution to be observed is for the point duty constable to be extremely careful to keep well in the focus of the overhead light, where such is provided, and I am also of



A DANGER LAMP

(*fac p.* 272)



A FLOOD-LIGHT PROJECTOR

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opinion that all traffic points at busy road junctions should have a central overhead fixture capable of giving a really powerful beam of light.

In one city with which I am acquainted, an electrical device worn on the body and arms of the constable was adopted during the war—when, it will be remembered, street lighting was reduced to almost the minimum—which at that time excellently fulfilled the purpose aimed at; but I am rather afraid that it would not be nearly so effective with normal street lighting in full operation.

IV. OBSTRUCTIONS ON HIGHWAYS

At the present time obstructions on highways are principally illuminated by red lights, irrespective of whether the obstruction is on the 'off' or the 'near' side of the approaching traffic, and I only draw attention to this matter because, in my opinion, it is a real source of danger to motorists and other users of the road. A red light is generally an indication that there is an obstruction which should be passed on the 'off' side; but if the obstruction is already on the 'off' side and a driver endeavours to pass the red lamp on that side, in accordance with general practice, in all probability an accident of a more or less serious nature will occur. I would therefore suggest that when an obstruction is on the road, oncoming traffic should be warned thereof by a red light placed on the extreme point of the obstruction nearest the centre of the road, and that a white, or better still a green light be displayed at the other end nearest the centre of the road, to warn traffic proceeding in the opposite direction. This provision would have the same effect on the drivers of vehicles as is the case at the present time when one is overtaking or passing other travelling or stationary vehicles on the highway. The Road Lighthouses are also a valuable aid to traffic. These are in the form of posts fitted with red reflectors, which catch the beams of medium-powered headlights at a distance of some 200 yards, and have been found very effective and useful, particularly at unlighted junctions, etc.

V. HEADLIGHTS, ETC.

Much confusion to traffic constables—and even more to other users of the road—is occasioned by the inconsiderate use of headlights in cities and towns where the streets are sufficiently illuminated, inasmuch as there could scarcely be anything more disconcerting to either a traffic constable or driver than the brilliant glare from the headlight of an approaching vehicle. The question of the dimming or the switching-off of headlights is one which has from time to time been the basis of much controversy. It seems to me that the practice in vogue during the late war, viz., having the top portion of the glass of the headlamp obscured by paint or a like substance, could with advantage be reverted to; for, as headlights are sometimes fixed with a tendency to upward lighting, the adoption of this method would result in the light being directed on to the road, and would overcome the difficulties experienced by motorists when meeting on the crest of a hill.

I am also inclined to the view that an auxiliary light might with advantage be carried on motor cars, to be fixed either under the running board, or under the nearside dumb iron, as low as possible, and focussed on to the side of the road. This additional light would not in any way interfere with the comfort of the drivers of oncoming vehicles, and would materially assist the traffic constable.

VI. ELECTRIC LIGHTING *v.* GAS LIGHTING

Some diversity of opinion may prevail as to the relative advantages of either of the dual systems by which our streets are lighted in these days. It is obvious that one cannot forecast what the future has in store in this respect; whether gas, the older illuminant, will eventually be wholly superseded by its more modern rival, electricity, or whether we shall continue for some generations to come to find that both services are indispensable. For the time being, therefore, we must content ourselves with the artificial light provided, and in passing it will suffice to observe that from a policeman's point of view electric lighting is to be preferred for certain reasons, while,

on the other hand, gas lighting may be more readily adapted to meet a given set of circumstances. For instance, in the event of sudden darkness coming on during the daytime, the streets may be relieved of their Stygian gloom by the immediate transmission of a supply of electricity from the generating stations, while, conversely, in the not unlikely possibility of a breakdown at the source of supply of electricity, the gas supply is now readily available along the main arteries of most up-to-date towns through the instrumentality of the clock-controlled gas installations. Furthermore, gas lighting has a distinct advantage over electricity in regard to glare; but if gas is to be favoured indefinitely, something should be done with regard to the height of the standards, which at present is in many cases too low.

No doubt the greatest bugbear of any system of street lighting is that unwelcome visitant, fog. Recently a proposal was brought to my notice which might be worthy of careful consideration and attention. The suggestion is that local authorities in districts subject to fogs should colour in green that side of their street lamps which faces oncoming traffic, and leave the other side in plain glass. Then the driver of a fog-bound vehicle would know from the moment that a lamp appeared in view whether it was on the near or off-side of the road and would steer his course accordingly.

VII. GENERAL

It would ill become me to attempt to dogmatize on this all-important subject, but I have given some time and study thereto with a view to rendering what little assistance I can towards the elucidation of what is no doubt a serious problem, and one well worth pondering over. I am strongly of opinion that the time is fast drawing near when there should be one controlling body for all purposes appertaining to the roads; and meanwhile much advantage could probably be gained by the co-operation of the Ministry of Transport, the Local Councils, and the National Safety First Committee.

Undoubtedly the best type of street lamp for important thoroughfares is an overhead light centrally fixed, inasmuch as

it is well above the street and the obstructions thereon, and consequently illuminates a very large surface, without throwing any shadow on to the centre of the road. I am also of opinion that, wherever possible, the swan-necked bracket is the more desirable and advantageous, but this should be fixed in such a position that the great bulk of the light should be thrown on to the road, and not—as I have noticed in some instances during my travels in the country—be fixed in a reverse position so as to shed the light mostly on to the footway.

It may be pertinent before concluding this article to bewail the fact that from 1920 to 1926 the percentage of street accidents occurring by night, as compared with those occurring by day, increased from 29 to 46 per cent. This is, I think, evidence of the most positive and convincing character that one cannot place too much stress on the importance of a uniform system of street lighting. It is also essential that the lights should be maintained until at least midnight in the towns, and up to 11 p.m. in the rural areas.

To those of my readers who think the theme has been dealt with in too serious a fashion I may mention that Robert Louis Stevenson has given us a treatise on the same subject in a more or less humorous manner, and certainly in a much lighter vein than I am capable of, in his *Virginibus Puerisque*.

The Secret Societies of China

By J. P. BRUCE, M.A., D.Lit.

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THE number of secret societies in China is, and has been for many generations, very large. In one province alone it was estimated a few years ago that there were as many as one hundred societies, and it has been computed that the number of members of such societies ranges from 20,000 to 200,000 per province. Some arose in the early part of the Manchu Dynasty, while some claim to be of great antiquity. Even in the case of the former it is possible that they were ancient societies resuscitated for the new purpose of overthrowing the reigning family. Although these societies have adherents in every province there are certain provinces in which they seem to have been more prosperous than in others, such as Canton, Yunnan, Fuhkien, Chekiang, Hupeh, Szechwan, and Shantung. There have also been extensive and powerful branches in Hongkong, Singapore, and other Straits Settlements, as well as in California and Australia.

From earliest times secret societies have been rigorously suppressed by the Chinese Government, no matter what dynasty has been in power. It could hardly have been otherwise in the case of political societies, since the very reason of their existence was to resist the ruling government. It should not be supposed that the severity of this suppression has been uniform under the respective dynasties, any more than the anti-dynastic activity of the societies themselves. The latter has naturally varied as the degree of suppression and misrule has varied, and the vigour with which the societies have been suppressed has correspondingly varied. The fact to be noted, however, is that they have continued in being even when the evils which caused them to come into existence were quiescent, and the moment

the prevailing conditions demanded it they sprang again into immediate and violent activity.

That the Chinese Government in each succeeding age should, under the circumstances just described, suppress secret societies is not surprising ; what is surprising is that it should have been found necessary for the British Government to suppress them. With the traditional love of freedom of speech and of the Press, and of the right of public assembly behind it, the British Government has rarely sought to suppress political and religious organizations, secret or otherwise. But it was found that in both British and Dutch possessions the power of these societies was so great, and their power wielded for such pernicious ends, that there was no alternative to suppressing them. They had in fact become not merely political or religious societies, but criminal organizations which instituted a reign of terror over the whole of the Chinese population. Their members constituted a league of mutual defence against the police so as to screen and effect the escape of any who had been detected in their crimes.

The objects aimed at by these organizations appear to be for the most part both political and religious, the one motive predominating in some societies and the other motive in others ; and, as may be supposed, the organizations themselves in the first instance arose out of either governmental oppression or religious persecution, or both. In times when, for example, Buddhism or Taoism was proscribed by the reigning dynasty, the more zealous of the adherents of the persecuted faith would meet together in secret conclave, pretty much as the early Christians did in the catacombs at Rome, and so sustain their religious fervour, with the result that when more propitious times arrived the suppressed religion was found still to be a living organization. Similarly in the political sphere. Until recent years representative government and public political assemblies have been unknown and unthought of ; and when there was disaffection caused by misrule the only vent it could find was in secret gatherings, at which grievances were discussed and anti-dynastic plots conceived. Since political and religious oppression often went together it was to be expected that in many cases the societies were both political and religious.

Sometimes, however, the society would initiate simply in religious fervour, generally of the mystical type, for which the orthodox religious cult, whether Confucian, Buddhist, or Taoist, did not provide adequate expression. In such cases the sect would be purely religious, and the fact that it was a secret sect would be simply because all such societies were the objects of suspicion, and were therefore indiscriminately suppressed.

It has been said above that the number of Chinese secret societies is very large. It is probable, however, that many of them are either branches of one parent society or one society under different names. When a certain society had been suppressed, and, after a longer or shorter period, the recrudescence of misgovernment had caused its resuscitation, it would assume a new name in order to disarm the suspicions of the authorities. It is probable, therefore, that the number of actually different societies is not nearly so large as has been supposed. The following is a brief description of the most prominent of these organizations, their aims, their history and their ritual.

Probably the most famous, or shall we say the most notorious, is the Triad Society. It is known by various names, among others as the Red Society, the Heaven and Earth Society, and the Dagger Society. It has other names which are not of sufficient importance to mention here. It is said to have originated in the feeling of revenge excited by what was deemed an act of treachery on the part of the Manchu Government. According to the story, the Shoulin Monastery in Fuhkien, whose monks had assisted the Emperor in suppressing an insurrection, was falsely accused of treason and therefore destroyed. Five of the monks escaped and, banding themselves together in a society pledged to revenge, called themselves the Triad Society. It was constituted in five branches or lodges, with the five monks as their respective Masters, each Lodge, with its distinctive banner, having its constituency in one of five provinces. In Fuhkien was the Grand Lodge with a black banner ; in Kuangtung was the second Lodge with a pink banner ; in Yunnan was the third Lodge with a white banner ; and in Chekiang was the fifth Lodge with a green banner.

The ritual observed in secret societies must in the nature of the case be more or less obscure to those who are not themselves members and therefore sharers in their secrets. Some information, however, has been furnished at different times by individuals who have obtained such knowledge by stratagem or by the weakness of members. One such account by an eye-witness of a nocturnal meeting is given by Wylie in his *Chinese Researches*. According to this and other accounts the ceremony of initiation included the forswearing of kindred and an oath to keep inviolate the secrets of the society. The oath was sealed by blood. The blood of each member present, including the initiate, obtained by pricking the middle finger, was dropped into a cup of wine and then drunk by the initiate and all others present. The ceremony included other rites, such as washing the face, changing the dress for long white robes, the burning of incense, and the worship of Heaven and Earth.

Secret signs were adopted, as in all such societies, by which its members might be recognized wherever they might be. Some of these signs were passwords, consisting of certain answers to certain questions, each with its own special wording. Others were certain positions in which the teacup or winecup was placed, or a certain gesture in handing the cup from one to another. Many other signs of a similar nature were adopted so that under almost any conditions one member could make himself known to another.

In 1736 the society was suppressed; and in consequence its members were scattered over the Empire, and branches established in almost every province. It is stated that one of its members became a leader of the Taiping Rebellion which began in 1851 and very nearly resulted in the extermination of the Manchus.

It was the Triad Society which became so powerful in Hong Kong, Singapore and Penang that the Government was compelled to suppress it. Its members were very numerous in all the Straits Settlements, so numerous that in Singapore it is said that its membership equalled the total of the Chinese population.

The White Lily Society is considered by some of even greater importance than the Triad Society. It was founded in

the time of the Mongols early in the fourteenth century. It began as a political society, but later became known as the Maitreya Buddha Society, and assumed a distinctly religious complexion. Like so many others it has had a chequered career. It was identified with the rebellion against the Mongols which resulted in the establishment of the Ming dynasty, and its followers in that period were known as the Red Turbans. Early in the seventeenth century it helped to destroy the very dynasty it had done so much to set up. Under the Manchus it was again and again active in anti-dynastic movements and as often suppressed. According to the Penal Code of that period its leaders were liable to the death penalty by strangulation, and its rank and file to transportation.

Some of the societies have special interest for British people because of the international complications they have created. The Elder Brother Society for example was largely responsible for the Anti-Foreign Riots of 1891. Its object was anti-dynastic rather than anti-foreign, but sought to achieve that object by fomenting difficulties between the Manchu Government and foreign powers. Its centre of operations was in Hunan, from which it issued large quantities of anti-foreign literature, mainly the production of one man, named Chou Han, who was a prominent leader of the *literati* in that province, and was actively supported by high officials of that and neighbouring provinces. Riots occurred in several cities along the Yangtse River including Nanking and Wuhu, and also in the province of Fuhkien on the East and Szechwan in the West.

Another of the societies responsible for creating difficulties between China and foreign powers is the Boxer Society. Literally the name is 'The Harmonious and Righteous Fists.' This was the name by which it was known in the metropolitan province of Chihli. In Shantung where the anti-foreign disturbances began it was known as the 'Great Sword Society.' Again the support of high provincial officials was enlisted, and eventually the princes of the Imperial family and of the Empress Dowager herself. Unlike other movements of this class, the declared object of the society was not anti-dynastic, but, as inscribed on its banners, the support of the dynasty and the extermination of foreigners. The movement began in

Shantung with the active connivance of the Governor Yü Hsien. On the demand of the British Government Yü Hsien was cashiered, but his degradation was the converse of what is generally known as Irish promotion, for within a short time he was appointed Viceroy of Shansi. This is not the place to record the stirring events of the Boxer Rising, such as the tragic massacre of foreigners in Taiyuanfu under the personal supervision of Yü Hsien, or the siege of the legations in Peking. In these developments the movement went beyond the operations of a mere secret society. But all through the progress of the Rising the activities of the society were prominent. Its members practised incantations, ecstatic dances and hypnotism. They were credited with being invulnerable in battle. The result was that large numbers of adherents were won in all the Northern provinces. The situation was only saved, from the point of view of the foreign powers, by the resistance of the Yangtse Viceroys and of Yuan Shih-kai, who succeeded Yü Hsien as Governor of Shantung.

It has been said above that some of the China secret societies claim to be of great antiquity. Among these are the Worship of the Sun Society, the Worship of Light Society and the Inaction Society. The Worship of the Sun Society is said to date from 400 B.C. Another tradition is that it was introduced by the Persians in the first century A.D. As its title indicates its members worship the sun, and, so far as history records, it has no political significance. The Worship of Light Society began in the early part of the third century A.D. The objects of worship are the moon and stars, and light in general; the cult includes the use of charms and incantations. The third of these societies, the Inaction Society, is a purely Taoist sect founded by the disciples of Lao-tzu in the third century B.C. The objects of worship are Lao-tzu, and various gods of the Taoist pantheon.

Other societies mainly religious in character which may be mentioned are the Vegetarian Society, the Jasper Pool Society, the Pure Tea Society, and the Golden Pill Society.

The Vegetarian Society as its name indicates enjoins strict abstinence from meat. It inspires its devotees to seek happiness in the Western Paradise of Chinese Buddhism. The

Jasper Pool Society is also vegetarian. It dates back to the Liang Dynasty early in the fifth century. It not only prohibits meat, but also wine and luxury of all kinds. The Buddhist Meditation Trance and the incantation of Buddhist classics are an important part of its discipline. The Pure Tea Society is also a Buddhist sect. It was founded at the beginning of the nineteenth century. Its leader proclaimed that the coming Buddhist Messiah, Meitreyia, would become incarnate in his family, and that all members of the sect would enter Western Paradise and be saved from all evil. The Golden Pill Society is prevailingly Taoist in its tenets. It promises immortality to all who take the 'golden pill.'

All these societies, whether political or religious, enjoin abstemious and virtuous conduct, their writings are full of quotations of high moral value from the best portions of the classics, Confucian, Taoist and Buddhist. They call for considerable sacrifice on the part of their adherents. They appeal to the religious and superstitious instincts of the people by their seances, their incantations, and their promise of rewards, and warnings of retribution, in the future life.

Special Police Problems in the Union of South Africa

BY MAJOR W. H. QUIRK

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INCLUDED in the boundaries of the Dominion of South Africa are hundreds of square miles of territory in which a European cannot own land and which are inhabited by aboriginals of various races, some of which are rapidly emerging from barbarism, while others are almost as primitive as were their ancestors in those far-off days when the greater portion of the country was looked upon as unfit for Europeans to live in, when the word of the Chief was law, when tribe fought against tribe, and the witch doctor was a person of paramount importance. Conditions have changed. The assegai has given way to the hoe and to the plough, the war cry is no longer heard in the land, and witch doctors are losing much of their influence. Many of the people regret the passing of those days, but the more sensible are eager to admit that rule by officials while by no means perfect is preferable to the autocratic and unquestioned power of the Chief and tribes. These in the past were mortal enemies; but to-day, while by no means friendly disposed, they live together year after year without anything more serious to disturb them than an occasional stick fight between the young bloods, in the course of which a good deal of hot air is expended and little or no blood shed.

In the Eastern Province of the Cape the territories are divided into Districts, each of which is controlled by a magistrate with a staff of European and native clerks. As a rule the Europeans are fluent linguists, and all understand (as far as white men can) the mentality of the people with whom they have to deal. They rule lightly, and the people are loyal and

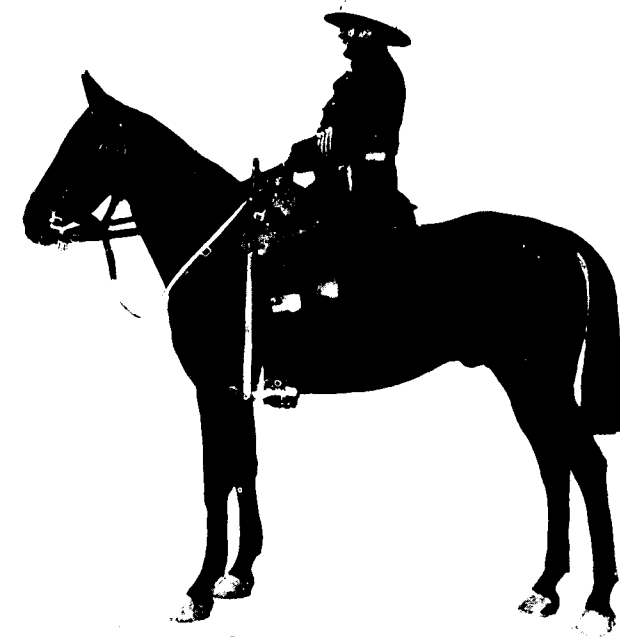
content. The police force of a District consists of a senior and sometimes a junior N.C.O., a few European constables, and double the number of native N.C.O.'s and constables. For administrative purposes Districts are divided into what are termed 'locations,' each of which is controlled by a salaried headman assisted by sub-headmen, the majority of the latter being unpaid. Headmen and sub-headmen are *ex-officio* Peace Officers.

Crimes of violence against Europeans are virtually unknown, and any such as are committed are usually traceable to non-residents. In crimes of violence in which natives only are concerned the aggrieved parties or their relatives are usually more efficient policemen than are the paid men. They are quick to give information and remarkably acute in collecting evidence to substantiate their case. A glaring exception to this rule are cases in which a witch doctor happens to be a party. The raw native is most superstitious, and anything out of the ordinary, such as obscure disease in man or beast, is ascribed to the machinations of someone with a grudge against the individual or his family; and as witch doctors as a body are considered to exercise powers bordering on the supernatural, one is usually called upon to decide who the guilty party may be. Better pens than mine have written at length about this class of person, his abominable practices, and the malign influence he has upon his dupes.

An example of the mischief which can be wrought by such men and which came within my knowledge about March 1918, may not be out of place. A young man married a girl of the same tribe but of another village. Shortly afterwards a near relative of the bridegroom fell sick, a witch doctor was called upon to discover the cause of the illness. Arraying himself in hideous habiliments he began his incantations, the adult inhabitants of the village squatting in a semicircle in front of him. After a while he told them that a certain person was responsible. They agreed with him half-heartedly. Seeing that he was on the wrong track, he mentioned another name—with a like result, and ultimately mentioned that of the bride, at which there arose a unanimous chorus of approval from the women of the village, with whom the girl was by no

means popular. There was talk of putting her to death. Wiser counsel prevailed, and she lived with her husband until the country was swept by the influenza epidemic of that year, when, strangely enough, although many of the adults of her husband's village died of the disease, there were no deaths among her own people. The witch doctor was again called in, and responsibility was quickly fixed. A night or two later the girl's village was raided by an armed party and some fifteen people were killed or wounded. The police effected several arrests. No attempt was made by those arrested to conceal the part taken by them in the affair; but, notwithstanding all the efforts of the police and the solicitor who defended the prisoners, not only were we unable to connect the witch doctor with the affair but we never even ascertained his name. He was never brought to justice.

Theft of stock is a class of crime which affords the police in the territories more food for thought than do crimes of violence. It is all very well so long as the thief confines his attentions to his neighbours' flocks, as the injured party will soon lay him by the heels; but the same keenness is not displayed when the native steals from Europeans, as the latter are usually looked upon as fair game. These thieves work in gangs. Some of their comrades are usually employed on farms in the area to be raided, their duty being to notify the thieves as to the dates on which the farmer counts his flocks, where the young sheep are paddocked, and the approximate date upon which shearing will take place. These points being ascertained, the thieves select a dark night and cut out as many young and strong sheep as can be conveniently driven. The animals are then thrown over the fences and driven to a place of safety as fast as they can travel. It is surprising how far good-conditioned sheep can be driven in a night. About two years ago a young native man drove seventy stolen sheep a distance of 130 miles in less than seventy-two hours. On arrival at the destination the sheep are shorn, re-branded, and the ear marks altered. Later on the wool is sold; and the sheep, after being kept in seclusion until the wool has grown and the ear marks have healed, are turned into the flocks or slaughtered.



MOUNTED CONSTABLE

MOUNTED CONSTABLE
(FIELD SERVICE)

(Opp. p. 286)

In their endeavour to bring this class of crime home to the native criminal the European police can look for no help from the average native, who as a class are loth to confide in a European whom they do not know and, even if they do know and trust him, prefer speaking to someone of their own race. In areas where native criminals are operating it is advisable to work through intelligent native detectives; and here I may say that the building up and maintaining an efficient native staff are among the most difficult tasks with which a detective officer has to deal. The most suitable man for our purpose is one who has a standing in his tribe; and the more closely he is related to a ruling Chief the better, as he is expected to meet chiefs, headmen, councillors, and other leaders of the people as equals. He must be a good horseman, of strong physique, with an intimate knowledge of the area in which he is to be employed, and above and beyond all, sober and reliable. He must be of the same nationality as the people among whom he is to be stationed: an Eastern Province native would be useless in Natal, and so forth. After securing the right type of man, the next step is to obtain his confidence. Once successful in this the rest is easy, as he will work for the man whom he knows and respects until he drops. Good native detectives are said to be the eyes and ears of their European superior, and this is literally correct. Such men are worth their weight in gold. The skill with which they unravel the most difficult native cases is remarkable, and happy is the officer who can count ten or twelve first class native detectives among his subordinates. Several of our native detectives have been rewarded and commended in General Orders by our Commissioner, while many hold the Police Good Service Medal granted for eighteen and more years of exemplary service.

Adjacent to all the larger European centres are what are known as Municipal Locations in which dwell natives employed in domestic and industrial pursuits in the towns. Some of the locations have upward of 20,000 inhabitants, included among whom are some of the most worthless, desperate, and depraved of our native races, the off-scourings of tribes who dare not return to their home land. Many hold life of no account, and



EUROPEAN CONSTABLE

THE SOUTH AFRICAN POLICE

NATIVE CONSTABLE

when intoxicated do not hesitate to commit the most awful crimes. Unlike the peasant in his own country, whose natural weapons of offence or defence are the hard wood stick and the throwing assegai, they resort to knives, hatchets, and other lethal weapons. Gangs properly officered and working on carefully arranged plans devote their time to housebreaking; others, especially those operating in mining centres, to robbery and murder, the victims being persons of their own race. All members are sworn to secrecy; and the subordinates, who never know the ramifications of the gang, are in constant dread of their lives and loth to give evidence against their leaders.

Here it is that the native detective proves his worth. First of all, he must be a member of the same tribe as the majority of the gang, and when he gets into touch with them must not under any circumstances conceal his place of birth nor the name of his father. Such information is always tested, and if he is found wrong on points such as these, he is at once suspect and he will come to a sudden and fearful end. Next, after he has got into touch with the gang, he gradually works his way into their confidence; and sooner or later one or more of the less hardened members will confide in him, after which it remains for him to persuade such men to accompany him to his official superiors to repeat their tale. Their work is far from being as easy as it looks, and they often meet with rebuffs. Some years ago one was sent on to a farm to get to the bottom of an outbreak of sheep stealing. He was given work, and after an absence of about a fortnight returned to his superior officer, who asked the reason why he had left the farm. His reply was: 'Yesterday morning when working with others clearing out a dam, the foreman boy stuck his spade into the earth and told the others to cease work, which they did. He then turned to me and said, "Do you see the two oxen grazing in the valley?" I replied in the affirmative, and he told me that one was called 'Ntammuni (Spy) and the other Lumka (Take care). So I thought I had better leave for home.'

Although for a few years after the armistice the agitators seemed to be gaining a stranglehold in the urban locations, we who know the natives felt that if the leaders were given

enough rope they would lose their heads, and the results have justified us in our opinion. Whereas three or four years ago thousands flocked to listen to their inflammatory speeches and there was loud talk of strikes and worse, to-day the agitators consider themselves fortunate when they can gather a couple of hundred casual onlookers to listen to what they have to say. Natives are ready to lend an ear to anyone of their own race who promises them something for nothing; but turn from him equally readily when his promises are found to be like pie crust. There is, however, always a danger that while they still believe in their leaders they will throw discretion to the winds and indulge in some foolhardy escapade. Agitators have therefore to be watched and their speeches noted.

Another source of worry to the police are those who play upon the religious feelings of the ignorant native. I had a good deal to do with the affair in which Enoch Mgijima, a peasant, played successfully upon the credulity of hundreds. With a smattering of education he was appointed by the missionaries of a certain denomination as a lay preacher, and was placed in charge of a sub-district. He then seceded from them and joined a new American negro sect called the Saints of Christ, taking with him the majority of his co-religionists. He subsequently quarrelled with his new leaders, and again the majority of the people followed him. He had an allotment in one of our locations on which he opened a meeting house or temple, and let it be known that he was in direct communication with the Almighty, who had bestowed on him the gift of prophecy. His fame grew rapidly. People came from all parts of the Union to attend his services, and many dwellings were put on his allotment in which strangers to the location took up their abode. The other inhabitants of the location became alarmed and protested to the authorities. Enoch then let it be known that he had been delegated by God to drive the white man and all native unbelievers out of the land into the sea, that the weapons of the white man would have no effect, the bullets would turn to water and the bayonets melt on the rifles. Efforts were made by the highest officials of the Native Affairs Department to induce his misguided followers to return to their homes. He sent impertinent messages

to the officials, whom he refused to meet, and force had to be used to compel the people to comply with the law. When the police arrived on the scene they found themselves confronted by some 800 natives wearing white linen uniforms, armed with stabbing spears, swords, and knob-sticks. When called upon to surrender they replied by attacking the force. The village was captured, when it was found that the prophet was the only man who had taken refuge with the women folk. He was dragged from under the bed. The queer thing about it all is that notwithstanding this disclosure many of his followers still believe in and follow him.

While all are superstitious and many are debased criminally, the vast majority of our natives are most law-abiding people. From time to time we hear a great deal about cases of black peril, in other words criminal assaults on white women by native men. In our part of the country such crimes are extremely rare; in the last one with which we had to deal the assailant was recognised by three of his own people who assisted the police in locating and arresting him. Sober natives seldom resort to such crimes; and the legislature, recognising this, has passed drastic laws preventing the sale or supply of liquor to them.

The Reclamation of the Gipsies of the Scottish Border

By JOHN MORREN, O.B.E.,

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ACCORDING to information gleaned from a memoir of the Rev. J. Baird, who was minister of the Parish of Yetholm, Roxburghshire, from 1829 till his death in 1861, the first notice of the gipsies in Scottish history is in the reign of James V., in the year 1540. Many theories have been propounded for their origin. For a long time the prevailing idea, in this country at least, was that they were an ancient race of people from Egypt, while the belief at a later date was that they were the descendants of a race which had come from further East. At any rate there is much obscurity about their origin. They appear to have reached England about 1500.

The gipsies were well treated and befriended by the Scottish monarch above referred to, but during the reign of his successor and for long afterwards, they were barbarously ill-used and persecuted. They still clung to the country in which their fathers had taken refuge, however, and in spite of savage edicts, a considerable number continued to reside in the Border Counties and in Tweeddale. Their first appearance in Yetholm, or properly speaking Kirk Yetholm, has not been exactly ascertained, but a tradition exists in the family of the Youngs there, which accounts for them making that place their capital. It is to the effect that the laird of Kirk Yetholm, who held the rank of Captain in the army at the siege of Namur in 1695, was greatly helped and resolutely defended by a soldier, a gipsy, and ancestor of the Youngs. On returning to Scotland, the laird, out of gratitude to his faithful follower, settled him and his family, who had formerly been wandering tinkers and heckle-makers, in Kirk Yetholm, conferring upon them and

the Faas, a few of their cottages for the space of nineteen times nineteen years, which they still continue to hold. The family of the Faas, it may be mentioned, long held the title of King of the Gipsies.

The colony of gipsies that settled in Kirk Yetholm gave rather an unenviable notoriety to the village, and rendered its name familiar to many people in Scotland. The majority of them were little better than barbarians, and were notorious for poaching, thieving, and blackguardism. George Borrow, to whom the public is much indebted for valuable and interesting information regarding the gipsies, described them as a set of idle, worthless, unprofitable, deceitful, and dishonest vagabonds, with very few redeeming qualities. From other quarters we learn that they were possessed of a licentious independent spirit, and very revengeful. At one time they were called the 'Tinkers of Yetholm, from the fact that the males were then chiefly employed in mending pots and other culinary utensils. They were also sometimes called horners, from their occupation in making horn spoons called 'cutties.' Later their common appellation was that of muggers or potters, and now many of them are known as hawkers and dealers.

In 1797 the gipsy population of Kirk Yetholm was 50, while in 1862 the number had increased to 126. A few years ago there were 16 families of reputed descendants, numbering in all 84 persons. The majority of these people are now in settled life, and would no doubt resent being classed as gipsies or tinkers.

With regard to the causes which have led to the emancipation and improvement in the character and condition of the gipsies, it appears that in the year 1815 a movement was inaugurated by the Society of Friends, better known as Quakers, having for its object the improvement of the religious and social condition of the gipsies in Great Britain. A resolution was passed by those present at the annual meeting held in London, with a view to the collection of information regarding the gipsies, and to the devising of means for the amelioration of their condition. As a result, a circular was issued to the Sheriff of every County in Scotland, requesting the favour

of replies to certain queries. Sir Walter Scott, who was then Sheriff of Selkirkshire, received one of the circulars and mentioned in his report: 'Formerly, I believe, they (gipsies) were much more desperate in their conduct than at present. But some of the most atrocious families have been extirpated; I allude particularly to the Winters, a Northumberland clan, who I fancy are all buried by this time.'

It would appear that the above movement had no practical outcome so far as the realization of its aims was concerned, and, so far as can be learned, credit for the reformation of the gipsies is largely due to the ministers of the Parish of Yetholm, and particularly to the Rev. J. Baird previously referred to. In 1830, about eighteen months after Mr. Baird's settlement in the parish, he had already been forming a plan for reforming those unhappy wanderers. He brought their case before the public, and he was requested by the then Principal of Edinburgh University and minister of the High Church of that city, to draw up a full history of those parishioners of his. He did so, and a pamphlet written by him was entitled *The Scottish Gipsy's Advocate*. The result was that a society was formed and a committee appointed, for the express purpose of the 'Reformation of the Gipsies in Scotland.' The plan recommended by Mr. Baird, and adopted finally by the committee, was to keep the children at home throughout the whole year, to send them to school, and otherwise to attend to their temporal comfort and religious improvement. Another part of the plan was to induce the grown-up population to give up their wandering life, and settle to regular employment at home. The difficulties and discouragements inseparable from the working out of the first part of the scheme were well known to, and not underrated by, Mr. Baird. He enumerated a few of them thus:

1. The dislike generally entertained to the race; the jealousy of neighbours of so much attention being paid to such worthless characters; and the want of any encouraging aid, sympathy, or co-operation from those who might be expected to interest themselves in the cause, and whose assistance would be useful.

2. Connected with the dislike of the race is the difficulty

of getting the children properly accommodated when left at home, or of inducing any proper individuals to take charge of them.

3. Another difficulty or discouragement arises from the character of the parents—greedy and unreasonable, dissatisfied, deceitful, and jealous of each other; and connected with this we may mention the evil habits of the children, and the slow progress often made in correcting them.

4. The dislike manifested at school by the other children to the gipsies—not liking to sit beside them or associate with them.

Notwithstanding all these difficulties, and difficulty No. 2 threatened at the very outset to upset the whole scheme, Mr. Baird steadily persevered in his work, and what is claimed as the 'First and Original Ragged School' in Scotland was formed. In 1842 Mr. Baird was fortunate enough to have a new and commodious schoolhouse built in Kirk Yetholm and to find a teacher for the school well qualified for his duties, who from the first became much interested in the gipsy children who were placed under his charge. The number of scholars averaged from thirty-five to forty, and many of them soon showed such signs of improvement as gave great encouragement to all who took an interest in the scheme, and more especially in the efforts made to reclaim the rising generation. The parents had all along expressed themselves as very anxious that their children should be educated, and that they were willing, for that purpose, to leave them at home all the summer; and further, that they should be trained to some occupation different from their own.

In the third year of the operation of the Society, Mr. Baird reported that the first fruits had already been gathered in, and under such circumstances as almost to encourage them to regard these as the presage of a future abundant harvest of success. Several of the children who had attended the school had been hired as servants, while one was apprenticed to a shoemaker, and in all cases, so far as Mr. Baird could learn, the young people had given entire satisfaction to their employers. The part of the plan for the reformation of the gipsies themselves, however, was at first very unsuccessful. Several

individuals, who for a time had relinquished their idle wandering habits, soon returned to their former occupation. By degrees, however, the good seed sown began to take root, and a few years later Mr. Baird was able to report that several families had laid aside their wandering habits and remained at home, the men being employed as day-labourers.

The Rev. Mr. Baird has sometimes been scoffed at and made out to be a simpleton who was taken in on all hands by the crafty gipsies. Jeffrey, the historian of Roxburghshire, takes up this attitude, and goes as far as to compare Mr. Baird to a fool. The results of the labours of this zealous and earnest pastor, however, do not justify such criticisms, as beyond doubt Mr. Baird had a thorough knowledge of the character of the people he was endeavouring to reform, and there is no gainsaying the fact that his work has had a most important and enduring effect.

Among other causes at work, the Legislature, with the co-operation of landed proprietors, local authorities, etc., has done a great deal to bring about the reclamation of the gipsies or muggers who flourished and kept the countryside in a state of terror down to about sixty years ago. The rigorous enforcement of the Trespass (Scotland) Act, 1865, and the Roads and Bridges (Scotland) Act, 1878, which incorporates several sections of the General Turnpikes Act, 1831, had a beneficial and far-reaching effect. The prohibition of camping on village greens or 'commons' at such places as Yetholm, Smailholm, St. Boswells, Lilliesleaf, Ancrum, Earlston, and Coldstream, also helped to reduce the number of those in the district leading a nomadic life.

In more recent years the Education Acts have played an important part by enforcing more regular attendance at school, thus not only improving the education of the children, but also bringing them more closely into touch with other children, which had a helpful effect in leading them to lives of usefulness. More recently still, under the Prevention of Cruelty to Children Acts, the children have been better protected and their welfare looked after.

Environment is another factor that has had to do with the reformation of the gipsies or muggers, and probably George

Borrow was right when he said—'Gypsyism is declining and its days are numbered. There is a force abroad which is doomed to destroy it, a force which never sleepeth either day or night, and which will not allow the roman people rest for the soles of their feet. That force is the rural police, which, had it been established at the commencement instead of towards the middle of the present century, would have put down Gypsyism long ago.' (*Wordbook of the Romany*, p. 220.)

Handwriting as a Help to Identification

THERE are some who are inclined to think that an expert in handwriting—who in America is better called 'an examiner of questioned documents'—has some mysterious power not possessed by other people. Maybe the graphologists who give judgment as to a man's character from an examination of his handwriting—often very successfully—may have something to do with this, but a second assumption that handwriting experts ought to be infallible must have another source. Possibly it comes from the judges or juries or even the learned counsel whose duty seems often to be to persuade the latter to err on the right side.

After all is said and done, however, handwriting experts should perhaps make fewer mistakes than many of the people concerned, because they are supposed to be scientific men imbued with the spirit of the investigator, whose only desire is to get at the truth and to avoid putting a complexion upon the evidence—at times conflicting—before him.

The intention of the present article is, however, not to deal with the errors of experts but to give some hints to those who lay no claim to the title, so that they may not be caught in any pitfalls which can easily be avoided. The old tag with regard to 'a little learning' is still quoted, or more often misquoted; but *any* real knowledge can only be useful. It is thinking that one knows, when one does not, that is 'a dangerous thing.'

Handwriting is usually intended to be read; and in order that this may be done, it stands to reason that the letters must be recognizable. It follows, therefore, that there must be a likeness, up to a certain point, between the writing of any two persons who use the same kind of characters. It is not safe to base an opinion upon general resemblances only that two sets of writing were produced by the same person.

Till other features have been duly compared, and special resemblances noted between the known and the questioned writing in such numbers as to make it unlikely that one is dealing with coincidences, one cannot come to a conclusion.

Marked peculiarities often occur in handwriting, and if these are met with in two pieces of manuscript, they afford additional evidence as to the identity of the writers.

When seeking evidence from handwriting, the investigator, whoever he is, should give himself plenty of time and never unduly hurry anyone else from whom he hopes to get a well-considered opinion. One of the most important things also to be borne in mind, when making an examination, as in all scientific research, is never to let 'the wish become the father of the thought.'

Many documents nowadays are of an ephemeral character and the material used for them is such that it will stand but little handling, while pencil may be adopted instead of pen and ink for producing the writing upon them. The result is that by the time an exhibit in a legal case has suffered all the handling with which it usually meets, the paper may be worn and the writing, possibly, to some extent obliterated. It is important, therefore, that photographs should be taken at the outset, and if an expert has to give an opinion on the original, this should be submitted to him as soon as possible.

It is not advisable for pins or paper fasteners to be put through documents which are, or are likely to become, of importance; and in any case they, or wire clips, should never be allowed to injure any writing which has a bearing on the case.

If the paper is torn or otherwise damaged before an expert has completed his examination and taken any photographs or photomicrographs which he may require, the document should not be mended by sticking gummed labels upon the back or pasting paper upon it. This should be left for the expert to do, if he thinks it necessary; otherwise crinkles may be produced in the original which may make any writing that runs across them appear distorted in a photograph and lessen its value for purposes of comparison.

When paper is continually folded and unfolded, damage

may also be done; it is therefore a good plan to keep documents in envelopes sufficiently large to allow them to lie flat. In the case of a really important paper a still better method is to put it between two sheets of glass of the same size and larger than the paper (of which the edges have been bound with thin paper) and keep them together afterwards by means of elastic bands. This allows both sides of the document to be seen and it can be held up to the light.

Notes or exhibit numbers are often added to documents, and when these are written on the back, great care should be taken that the endorsements do not come exactly behind any writing on the front; for it may be necessary to examine or even photograph the latter by means of transmitted light, and the paper is often so poor that new writing would show through it and obscure the old even as it appears to the eye or in a direct photograph.

No ordinary individual would care to say definitely that a letter was in the handwriting of a friend or acquaintance unless he 'knew it,' as the saying is. Therefore it is doubly necessary for anyone who is to express an opinion with regard to writing which he has not seen before, thoroughly to familiarize himself with it. This should be done before any comparison is made between it and the questioned writing which, it is suggested, might have been written by the same person.

It is unreasonable to expect that anyone can become imbued with the characteristics of a hand from the examination of a few scraps of writing. A considerable amount is necessary, and the bulk of it should have been written at an earlier date than the document which is in question, for the following reason. Attempts may be made to alter handwriting after an event, and there is a special temptation to a guilty person to do this intentionally when asked to write down words for comparison with similar ones which occur in a questioned document for which he or she is responsible. Nervousness alone, on the part of a suspect, might also cause the specimens given to be not quite normal.

Of course, any words or phrases similar to those in a questioned document are of great use when it comes to a

detailed comparison between two writings, but from what has been said, it will be evident that it is much better, if these have to be obtained specially (at a date later than that of the questioned document), that the writer should furnish them in a fairly long piece of manuscript and not as isolated or obvious extracts.

Here it is appropriate to urge that specimens should be written in pencil (especially if the original is in pencil) as well as in ink, and where the questioned document is in ink the specimen should be produced with a pen of approximately the same softness and sharpness and with the same kind of ink supply as the one with which, so far as it can be judged, the questioned document was written.

Some persons write every day of their lives with a pencil, and seldom in the ordinary course of events use a pen; so that when they do, their ink writing may appear to differ considerably from their normal hand, as it is produced with difficulty.

If a signature is in question, it is well to know how the writer records his name when he is merely writing it and not signing it. Also it should be borne in mind that some people use a different signature on informal documents from that which they affix to formal ones, or they may write a special one on cheques alone. (See Fig. 1.)

Again two or more styles of writing may be customarily adopted for different purposes. A book-keeper may fill his ledgers with writing which does not recall his ordinary correspondence, while a lawyer's clerk may produce very different looking letters according as they are written in connection with business or pleasure. These facts should be borne in mind, and specimens, if they have to be obtained for the purpose, should be written on a good bluish paper, and not a yellowish one, as the writing may have to be photographed.

In studying the known handwriting an attempt should be made to discover what may be called the habits of the writer. The slope of the writing should be measured, and the places where there is 'light' or 'shade,' owing to pressure having been taken off or put upon the pen, should be noticed.

It may be that certain words are broken after a particular letter or, instead, there may customarily be pen-lifts though

Gerald E. C. Browne

Gerald E. C. Browne

FIG. 1

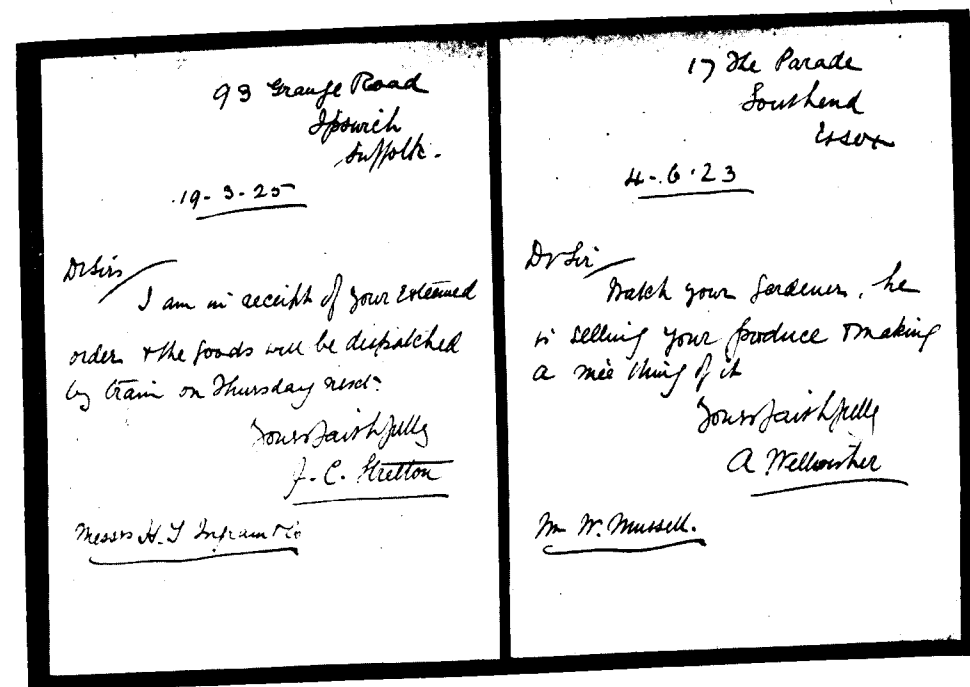


FIG. 2

inspect

FIG. 3

I regret that I shall
be unable to accept
your kind invitation.

Fig.4

I regret that I shall be
unable to accept your kind
invitation

Fig.5

Arthur Brown Esq
The Laurels

Fig.6

George Wilkinson Esq
17 The Parade

Fig.7

HANDWRITING A HELP TO IDENTIFICATION 391

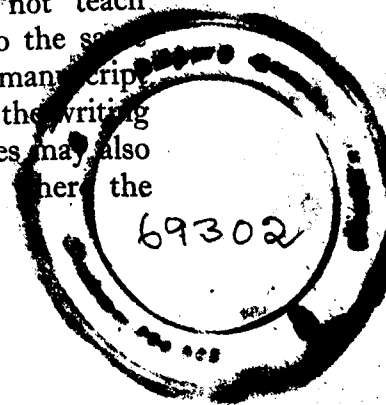
no actual space is left. The dots of the 'i's' may be placed exactly over them or at some distance to the right or left of the letters, and so on.

Thus a knowledge of the general style of the writing is gained, and from this one goes on to deal with individual letters. In one case it may be noted that there are three distinct kinds of the small 't,' customarily used according to their position at the beginning or end or in the middle of a word, and that there are still further variations under special conditions, say in the first, when it comes before an 'h' or forms half of the word 'to.' In another we may find that three or four kinds of 'y' occur.

If, when one comes finally to make a detailed comparison, one is able to show that all the same types of letters occur and are used in similar places, it affords much stronger evidence that the two writings were the work of the same person than the fact that the capital 'B's,' for instance, are made in the same way in both cases. It must be pointed out that in civilized countries in recent times copy-books have been in use, inculcating the approved style of writing of the time, and upon these all who were children at a particular time will have based their own handwriting. One would therefore expect to find greater resemblances between the writings of contemporaries than between their writings and those of other countries and generations.

But an education authority may introduce new copy-books into its schools, or at an individual institution a writing master may teach something a little different from the copy-books in vogue. Then the people who were in the class affected will make forms of letters common to their own village or country, which may not be found in others.

Conscious or unconscious imitation is probably the origin of 'family handwriting,' even when parents do not teach their children to write. (See Figs. 4 and 5.) To the same cause may be due the resemblance between the manuscript of the staff of an office, where it may be found that the writing of the chief has been taken as a model. Likenesses may also be due to a more definite form of hero-worship when the writing of a benefactor has been copied.



7:4:61 m 2, N28
N28.1

Following the principle that in a scientific investigation it is necessary to eliminate all sources of error, it has to be considered, therefore, in a comparison of handwritings whether likenesses may be due to the fact that they have been written, not by the same person but by two individuals who were countrymen of about the same age, or who went to the same school, or were nearly akin.

During the war the present writer found certain oddly-made letters written on two printed forms, but the likeness was due not to their having an immediately common origin but to their having been filled in by two men who both came from Canada, as a comparison between the characters in question and those in American copy-books (as well as other Canadian soldiers' writing) showed.

Hence it will be seen that it is very necessary not to come to a hasty conclusion from mere likeness in form, and it might be mentioned that in a special effort made some years ago to trace an anonymous letter writer, many thousands of food-cards were examined and one was picked out on which the writing showed a striking resemblance to that of the anonymous correspondent. In details and peculiarities there was also a marked likeness, but most careful investigation failed to throw any suspicion upon the owner of the food-card concerned.

Such an instance as this shows the inadvisability of accusing anyone on the evidence of handwriting alone. It may also be appropriate here to urge the necessity of noting carefully the differences between two sets of writing when it comes to a comparison, and seeing whether these may not outweigh in number and importance the points of likeness. When the writing is by the same individual and no attempt has been made to disguise it, the differences will usually be trivial.

Turning again to the study of a known hand, there are some peculiarities which must be put down as individual, and if duplicated in known and unknown writings they may be admitted as evidence of common origin. For instance the use of a capital 'p' in the middle of a word, by an uneducated person (Fig. 3), or the systematic making of one letter practically identical with the accepted form of another.

After the known writing has been considered, the questioned writing should be studied in the same way, that is to say, on its own basis, though if the student has become thoroughly imbued with the characteristics of the former, he may begin to get, as he goes along, the impression that the two writings are, or are not, as the case may be, the work of the same hand.

Before the detailed comparison between individual letters or words is made, if the document contains a good deal of writing, what one may call the 'lay-out' should be contrasted with that of a similar document in the known writing. That is to say, in the case of a letter, the width of the margins on either side should be considered, the places occupied by the date and the address, their relative positions and those of the parts of the former, the distance between the date and the beginning of the letter, and the extent to which the first letter of a new paragraph is indented (See Fig. 2).

Further, the spacing between lines and between words should be dealt with, together with the run of the lines, that is to say whether they are completely horizontal or rise or fall or do both. Then the presence of any dots or underlines and the position of the signature and of any flourishes should be noted.

All these points may perhaps be put down as coming legitimately under the study of handwriting, but peculiarities of spelling can hardly be included. The occurrence of the same series of errors in a known and unknown handwriting would be good evidence as to their identity. Inasmuch as an expert would take this into consideration, and also in the case of suspected forgeries might have to deal with such things as the age of the paper or the date on a cheque stamp, the name of 'examiner of questioned documents' mentioned at the beginning of this article would be a more appropriate one for him than his usual title.

What has been said up to the present refers to writing in general, but when there is a possibility or a likelihood that an attempt has been made to disguise a hand, there are one or two special points to be borne in mind.

For instance, a difference of slope between the known and the unknown writing in such a case would have little value as

evidence of different origins, for the first thing that most people do who wish their handwriting to remain unrecognized is to alter the angle at which they write. Sometimes after this is done, the form of the letters may not be modified in the slightest, and all that it is necessary to do when making a comparison is to turn the page round until the known letter is at the same angle as the unknown, when the likeness will be evident to anyone. (See Figs. 6 and 7.)

Another modification that is attempted, in addition or alone, is a return to what one may call a copy-book type of writing, especially in the case of capitals where these are normally stylish and characteristic.

If, when it comes to a careful comparison, more subtle differences in habits and details are not found, the value as evidence of the obvious ones must be discounted.

In cases where the writing of another person is intentionally imitated as in forgeries, the success of the attempt naturally depends upon the amount of likeness to the copy, and incidentally to the differences between this and the forger's own writing.

Conversely the discrepancies between the forgery and the original are the measure of its failure, and may be due to ordinary lack of skill on the part of the forger, or to his not being able to subordinate his own individuality, which, as it were, peeps through the imitation. Moreover, when writing runs to a considerable length it may be that the forger had not the originals of some letters, or went on copying after he had become tired, and there is then a greater likelihood of his being traced than when he is only responsible for an isolated signature.

It is only by a comparison of the parts of the forged writing, which are not like the original, with known manuscript that a clue may be obtained from the writing itself as to the identity of the forger, and if the latter is clever and one has only a signature to consider there may be practically nothing definite to go upon.

The question of identifying a person from writing which he has copied follows naturally upon the consideration of disguised handwriting. But cases may also occur where gain

will not be got or trouble may arise if a signature is not given; and with a view to repudiating it later on if he finds it advisable to do so, the writer modifies his signature. Then, as the latter is not normal, there will be some support for the allegation that it is a forgery. If there is anything to suggest that a questioned signature is an example of this, it should be examined from the appropriate point of view. Among the questions asked should be whether the modifications are greater than even a poor copyist would be likely to make of originals to which it is likely that he had access.

W. M. WEBB.

Three Interesting Rogues

I. PO AUNG

AN Indian police officer in his official capacity often has to visit the jails he helps to fill. Taking them all round, Burmese criminals are a cheery lot. Perhaps, subconsciously, they appreciate the mental comfort of being settled for the next ten years or so! Certainly, from a police officer's point of view, one and all of them possess some streak of interest which may be probed to good advantage.

One morning, before going to my office in Mandalay, I went along to the jail. I wished more particularly to pay my respects to one Po Aung, an attractive young blackguard whose case presented several points of interest not cleared up at the trial. Po Aung had very nearly done for one of my best men, a young Pathan constable called Nawab Ali. Instead of Po Aung's bullet, Nawab Ali received the King's Police Medal and promotion: a story of pluck well worth the telling.

After a gossip with the jailer, I made known my wish to have a chat with Po Aung. The jailer called up another old friend of mine, Nga Hein, a notorious criminal who was doing duty as convict warder. Nga Hein was instructed to take me to the smithy. When we arrived he pointed to the door: 'Po Aung is in there,' he said and, with the tact of a mother with a marriageable daughter, left me.

The convict was busy at his jail-trade of blacksmith. He greeted me affectionately, to the astonishment and amusement of the other convicts. 'You are just in time to see me have my early breakfast!' he cried.

Now, His Majesty does not habitually supply early morning breakfast to his guests in Mandalay Jail, so, 'What the deuce do you mean?' I asked.

Po Aung grinned. 'You shall see,' he said. 'There, on

the other side of those bars, they are grinding wheat. I get some of their flour'—he helped himself to a double handful—'mix it with a little water, thus; and make my cake. Here is a fire on which to cook it and—we have early breakfast in jail. But you are not to let on about it,' he whispered cautiously.

Bit by bit I got this rascal's version of the crime for which he had been given a long term of imprisonment. His story added to the official account completes the tale.

Po Aung had observed that it was the custom of certain devout—and well-dressed—women to go up Mandalay Hill upon their way to worship. He was immediately filled with a desire, for which he was entirely unable to account, to relieve these ladies of their jewellery. As no tried accomplice was available just then, he pressed into service a young Burman unversed in crime.

The two lay in wait upon the hill until a worshipper and two children came along. Observing them to be well hung about with jewels, Po Aung fired two shots with his revolver. During the panic which the shots produced he and his pal grabbed the jewellery and made off down the side of the hill.

Now it chanced that Nawab Ali, a young police constable of considerable promise and some two years' service, was crossing Mandalay race-course just about this time. He was on his way back to No. 3 Outpost of Cantonments from paying a private visit to some friends at the police station and was in mufti. As he neared the 'straight' he heard a lot of shouting and was told by the old Burman who looks after the race-course buildings that a theft had been committed. The thieves were even then being chased by villagers.

While this conversation was going on, the two robbers ran across the race-course. Nawab Ali, though unarmed, immediately went after them.

In his report the young constable mentioned that the robber who was not Po Aung suddenly tucked a thing like a short stick under his left arm. There was a loud report, and shot, as from the gun of a sportsman, whistled round him. He ran on, not stopping to pick up some instrument which the thieves let fall, and at last came up with them.

Po Aung's story of what happened next made me realize how thoroughly this young policeman earned his decoration.

'He called on us to stop,' the convict told me. 'But we, of course, ran on. Unhappily for himself the fool who was with me in the theft had long and flowing hair. It will be shorter now! Nawab Ali entwined his fingers in the hair, pulled down his man and knocked the dagger from his hand. I, hearing cries for help, ran back. When I came within range and could be sure of hitting Nawab Ali and not my own confederate I fired with my revolver. The shot misfired. Again I pulled trigger, but again the shot did not go off. By this time I was at point blank range. I put my revolver against Nawab Ali's breast,' Po Aung described. 'And all the while Nawab Ali smiled. I saw it and was amazed. But always the thing misfired. Then he collared me as well and held us, struggling, each in one hand until a crowd of villagers came up. Undoubtedly they would have killed us but for the protection of Nawab Ali.'

On examining the revolver we found cartridges in all six chambers; two fired cases and four unfired. The convict explained they had only three revolver cartridges and had made the other three from service rifle cases. He refused to tell me where he got these from, but proudly described their transformation from rifle to revolver use.

Imagine using a cut-down .303 ball-cartridge in a cheap revolver! The brass case is cut down to one-third of its normal length, the cordite charge reduced and the bullet shaved to the necessary size.

The first two cartridges in Po Aung's weapon were revolver cartridges. Then came the three home-made ones, and the last was another revolver cartridge. When the thieves fired the first two shots to frighten the women they were going to rob, the discharge must have loosened the bullets in the home-made cartridges and the chambers refused to revolve.

Not only was Nawab Ali fortunate in this: he had the greatest luck not to be killed when he first gave chase. For the 'instrument' which the thieves dropped turned out to be another weapon. The thing was brought to me when the two

rogues were collared. I will endeavour to describe it. Let them read carefully who give eighty guineas for a shot gun!

The weapon consisted of about a foot of ordinary iron piping, the end of which just took a twelve bore cartridge. Screwed on to one end was a shorter piece. Into this shorter piece was wedged a *pice*—a copper coin the size of a half-penny—and through the *pice* a hole was drilled and a thin piece of iron, like a length of stout wire, passed through the hole. This formed the striking-pin and was kept in place with a small wad of pith. The thing is essentially a weapon for the man who runs away. It could, in fact, only be fired when he who fires it has his back turned to his target. For it is fired by tucking the piece of piping under the left arm-pit with the muzzle sticking out behind. The pin is then given a sharp blow with a dagger and off it goes.

I have never seen a more primitive atrocity nor, for a running fight, a more deadly one. 'Unhappily I lent it to my assistant,' Po Aung explained; 'keeping the revolver myself. In that I erred: but who could tell the revolver would misfire?' I asked him if he had made the thing himself. With the pride of a Bond Street gunsmith he replied that he had made not only that one but another like it. 'But they were both unlucky,' he added dismally. 'I did no good with either of them.'

This gave me an idea. I excused myself and sent a man off to the Police Museum. Then I returned to Po Aung and gave him a detailed account of a dacoity he had committed some years before and for which he had never been taken. 'But,' he asked me in astonishment, 'how do you know all this?' 'Because,' I explained, 'as you were running away you dropped a weapon which was picked up. That weapon is exactly like the one used against my constable on Mandalay Hill.'

In a few minutes the man I had sent to the Police Museum returned with the first of Po Aung's home-made pistols. The convict recognized it at once. I told him it had its place as a curiosity in the Police Museum, which seemed to please him very much. The second one I presented to the Mess.

II. MYIT GYI

One of the most interesting blackguards I came up against was Myit Gyi, a big upstanding Burman and a very pleasant fellow when not indulging in crime. While doing a long turn in Mandalay Jail Myit Gyi had been taught the trade of a blacksmith: but his staple industry was housebreaking, robbery and all branches of roguery and theft. When in danger of being taken he was a nasty customer who took no chances and would kill and wound to get away.

I made Myit Gyi's acquaintance as early as 1905 when I went to Mandalay as District Superintendent of Police. He had then just come out of jail and was on the Surveillance Register. For a while we parted company: he moved to Sagaing, an adjoining district, and I, after going home on leave, was posted to Prome in Lower Burma.

In 1914 I came back to Mandalay. One always likes to ask after old friends, so I kept my eyes open for Myit Gyi. One day, when I was checking the registers at the police station, I came across his name. He had been transferred to Sagaing. I asked if he had come back. 'No,' said the station officer, 'We believe him to be still at Sagaing.' I made enquiries and heard that he had got a year under the Bad Livelihood section and since that time he had been lost sight of.

Myit Gyi's finger-prints had, of course, been flagged. This consists of attaching a red slip to a man's finger-prints in the Rangoon Bureau, so that should he ever be arrested elsewhere and his finger-prints sent for tracing, the district concerned could be at once informed. We found this system most useful for absconders and surveillance criminals who had been lost sight of and who might be arrested elsewhere under another name.

It looked as though the rogue had turned over a new leaf. He had certainly not been arrested for any offence for which finger-prints were taken. But Myit Gyi had been born in Mandalay and in 1917 he felt a longing for his native city. He was arrested by the night patrol just as he was about to break into a house, and was brought before me.

He was dressed well and looked prosperous. I noticed he

kept opening his mouth and smiling and, knowing he had lost a tooth, I remarked: 'If I remember rightly, when I knew you before, you had lost a top front tooth.' 'So I have,' said Myit Gyi; 'But I made myself a false one; here it is.' He pulled out a very well made false tooth with grooves at the sides to fit the adjoining teeth. I congratulated him on the workmanship. 'You can have it,' he said. 'It will just fit the space in your own upper jaw. A new one would cost you anything from five to ten rupees.' I thanked him and said I should keep the tooth as a souvenir of him. It is in my desk now.

The beat constable then produced a brand-new English bread-knife. The wooden handle had been removed and a better one substituted. The blade was razor sharp and polished like a mirror. It had a nice leather sheath, and in a pocket at the side was a piece of emery paper with which to keep the blade clean.

A cunning device for hooking articles of value out of windows was also found on Myit Gyi. But the cream was his note-book. I have this book before me as I write. Unfortunately it was only just begun. I asked Myit Gyi why there were so few entries, and he replied a little indignantly it was because my men had collared him almost as soon as he decided to set up a note-book. Inside the cover is the date and the name MAUNG KIN MAUNG; an *alias*, of course. Pasted into the fly-leaf is the picture of a Christmas Tree hung about with watches and chains, necklaces and trinkets. It looks as if it had been cut from an English magazine and was evidently meant to illustrate Myit Gyi's notion of the ideal safe! Facing this picture was written, 'Be careful! Read well each day what follows. This is a book for notes: a book of warnings.'

He then counsels himself never to let his nostrils be assailed by the smell of certain things cooking. Among them are tamarind soup, tamarind seed gravy, spinach, wild asparagus, fowl's flesh and duck's eggs. To smell these things while they are being cooked brings bad luck to a man when he is about to occupy himself with business.

Follows a page of gambling losses, side by side with a list of contributions paid to some friends. Pasted into the back cover of the book is a little looking-glass.

But the most delightful entry of all is a cutting from *The London Magazine*. Myit Gyi had somehow come upon an article called 'The Reckoning for the War.' One of the illustrations of this article was a three-quarter page photograph of the Crown Prince of Germany in full regimentals. Underneath the photograph is written in large type 'THE MASTER BURGLAR.' The letterpress goes on to show that the Crown Prince is accused of the theft of treasures. 'Why should he not share the fate of the common pickpocket?' the article demands.

I asked Myit Gyi why this interested him so much. 'That is my talisman,' he said proudly. 'A Royal Prince a burglar (!) is good enough for me.' He then complained that the talisman had not brought him much luck. 'My first venture in Mandalay and I am caught,' he remarked bitterly.

I asked him where he had been all these years. 'Having a good time in the Shan States,' he said. 'They are easily gulled there, and I did well until I fell foul of the son of a Sawbwa (Ruling Prince), and the Shan Court gave me three months for knocking the princeling about. I did my term in the Mandalay Jail and they never spotted me. The false tooth did that for me: the tooth and the fact of my having learnt to speak and look like a Shan.'

Poor Myit Gyi. Crown Princes were his downfall! He got a long sentence and died in jail. Before he died I went to see him. He seemed convinced we should beat Germany and constantly said, 'One day you will win this war.'

III. KWE YO

Kwe Yo was a very different fellow. He was just as big a blackguard as Myit Gyi but his touch was lighter and his methods more refined. Myit Gyi, when he was cornered, had but one thought; to kill or wound every one available. Lying was Kwe Yo's stock-in-trade; lying, subtlety and stealth. Taking the two as representatives of types it is hard to say which gave the greater bother.

Kwe Yo was born of a good Lower Burma family. He

had been well educated in Rangoon and had a little English. He must have started going to the devil very young, for, when I first began to take an interest in him, he had a fine long record of convictions for housebreaking and theft.

In 1897 I was stationed at Insein as Assistant Superintendent of Police in charge of the sub-division. Leave came round, and I took three and a half months and went home. On my return I learnt that Kwe Yo had been collared by the railway police and been given thirty stripes for theft. Obviously there was something wrong about so light a sentence. Kwe Yo was a registered criminal with flagged finger-prints. I soon found out that none of his previous convictions had been put in and that his finger-prints had not been taken.

Such incidents cause one to take a personal interest in a man. This interest was heightened by Kwe Yo's coming to live quite close to the police lines. He appeared to be living honestly and was working for a Burmese advocate.

Suddenly thefts were reported from near the police lines: not big thefts: small pilferings, insignificant in themselves but annoying to the neighbourhood. Several people were suspected: policemen on the strength and policemen in the District Training School. I watched Kwe Yo most carefully, but he seemed to be entirely honest now and no vestige of a clue appeared against him. Then suddenly he announced his intention to go down to Rangoon. As he appeared to have been living honestly for quite a while his name was cancelled from the Criminal Register and he was no longer under surveillance. The thefts ceased as suddenly as they began.

Some months afterwards I was visiting villages on the river and had on board the launch several headmen. I chanced to ask if anyone had seen or heard of Kwe Yo lately. 'Oh, yes,' one headman said. 'He is living below Tantabin; a very little way from where we are now.' I said, 'Then we will look him up.'

On the return journey we put in off Kwe Yo's house. The rascal was all smiles and pleasantness: 'Very nice of you to look me up, Sir.' Then he took me aside and whispered, 'I have a favour to ask. I am married now. Such a nice

little wife. Please do not let on about my past.' I promised him I would not and asked him what he was doing for a living. 'Cutting Kaing brake,' he told me. Kaing brake is thick pampas grass which grows to a great height and cutting it is no soft task. Knowing Kwe Yo I was surprised and asked him to let me see his hands. They clearly showed that he was lying, but he passed the matter off with a joke and took me in to see his wife. She certainly was a pretty little person: very small and slight and just about as dainty as even a Burmese woman can be. She seemed to be much in love with her rogue of a husband.

While we were chatting I noticed a black tin office box in a corner of the hut. 'Hullo, Kwe Yo,' I said; 'what have you got in there?' He laughed and said it was a wedding present. But I was suspicious and asked him to open it and let me have a look inside. I found a complete set of false teeth, some opium and a bunch of pawn-tickets. 'What in the world do you use those for?' I asked, holding up the teeth. Everyone laughed; especially the little wife. 'We have great fun with those among the villagers,' Kwe Yo said. Then, seeing I was fingering his opium, he added, 'You surely are not going to run me in for having a little opium?' I knew him to be addicted to the drug—always a bad sign in a Burman—and remarked that I supposed he needed a good deal of it now that he was so busy cutting Kaing brake. Then I asked him to explain the pawn-tickets. Whispering he begged me to remember his wife. Then he said aloud, 'They are a few wedding presents. Just as you Englishmen give one another wedding gifts, so have our friends given some to us.' I looked at the tickets: anklets, silk loincloths, coats, etc. 'Funny for your friends to give you children's anklets,' I said. 'A little premature isn't it?' 'I have many friends and I suppose they did their best,' Kwe Yo said weakly. 'We did not want the things so I pawned them.' Then he drew me aside and said, 'Do you suppose, knowing me as you do, that I should keep pawn-tickets of stolen property about the place?' 'No,' I said frankly. 'It would not be like you. Nevertheless I shall take them with me.'

That evening my sergeant redeemed the pledges. The

tickets were, of course, all for things stolen from near the police lines at Insein.

When we went to arrest him, Kwe Yo and his wife had vanished. He was diligently hunted for but managed to remain at large for nearly six months. At last he was found in an eating-house in a very merry state, spending freely the proceeds of recent rogueries.

How Kwe Yo laughed when he was brought to me! He asked me not to put in his previous convictions. 'If you do, it will mean a long spell for me,' he said; 'and I scored off you.' He begged very hard. I, of course, refused and said they must go in. 'Very well,' said Kwe Yo. 'Then you must not mind what I say in my defence. It will offend you but it is my only chance.' I told him he could say what he liked. I should not be offended. He refused to tell me what defence he intended to put up, but, whenever I saw him in the lock-up, he chuckled and said that it would be a good one.

The day of the trial came on and I gave my evidence. Kwe Yo was his own barrister. He turned to the Judge and, with a flourish of his hand towards me, began his defence. 'Now, your Honour: the A.S.P. says he found those pawn-tickets in my box. He did not. Had he done so it would have been his duty to arrest me on suspicion.' I replied that he was quite right, but I had given him the benefit of the doubt as he seemed to be leading an honest life. Kwe Yo laughed. 'Very well,' he said. 'You would have signed your name on the backs of the tickets if you had really found them in my box as you say.' I replied that that had not been necessary as I had several headmen with me at the time as witness.

Kwe Yo then launched his final effort. 'Your Honour, this is a false case got up against me by the A.S.P. as he wants my wife.' I began to get very angry, but Kwe Yo laughed and reminded me in a low voice that I had promised not to be offended. The Judge naturally asked me to explain; which I did—most forcibly. Seeing that he had spoilt his case Kwe Yo turned to the Judge and admitted the theft. Then, in a burst of latent decency, he added that his charge against me of wanting his wife was false.

The rogue got a long term but no longer than he deserved.

After the case was over and before he was taken to the jail I had a talk with him. He apologized for the methods he had used in his defence but excused them by saying it was his only chance. 'Had you not been an English police officer it might have worked,' he said. 'She is a very pretty girl.'

A month later I saw him in the jail. The cunning fellow had managed to get into hospital. There he was with Tha Zan, another notorious housebreaker who was recovering from a broken leg. This broken leg was a piece of very bad luck. Tha Zan had just broken into a house and was getting off with his swag when a storm came on. He took refuge under a tree, but the tree was struck by lightning and came down on his leg, pinning him to the ground. He was thus easily captured.

Kwe Yo told his pal the story and I let them laugh and chaff me to their hearts' content. Neither bore me any ill will and I certainly bore none to them.

P. F. SHERMAN.¹

¹ From the Notes of P. F. de la F. Sherman, formerly Deputy Inspector General of Imperial Police Service, Burma, 1887-1924. Edited by Geoffrey Bradley.

The Metropolitan Special Constabulary

The War Force—The Reserve

BY COLONEL W. T. REAY, C.B.E.

THE purpose of this article is briefly to describe the establishment, development and achievements of the Metropolitan Special Constabulary during the war, to show why it was thought necessary to convert what was a war-time force into a permanent part of the Metropolitan police system, and to indicate on what basis the existing force is constituted, what are its objects and what measures have been devised for their attainment.

It must be regarded as sufficient when dealing with aspects of police systems to refer only sketchily to the methods and experiences from which our present systems were evolved. Within the compass of this article, nothing more is possible.

The two main principles, local control and a common responsibility for the preservation of what is still known as 'the King's Peace'—although the phrase does not to-day mean quite what it did in the reign of Henry I.—have survived in all their pristine vigour. The individual obligation of giving public service, the watch system, the hue and cry, its entail of liability and the great consolidation of previous experience represented by the famous Statute of Winchester have all been superseded by the establishment, development and progress of professional police. And keeping pace with the tremendous multiplications of laws and regulations has been the advance in the standing, training and intellectual calibre of the regular police forces of the Kingdom. Upon these, with good reason, the people primarily rely for the maintenance of that law and order which is essential to all community-organization and which, while preventive of abuse, furnishes the best guarantee of liberty.

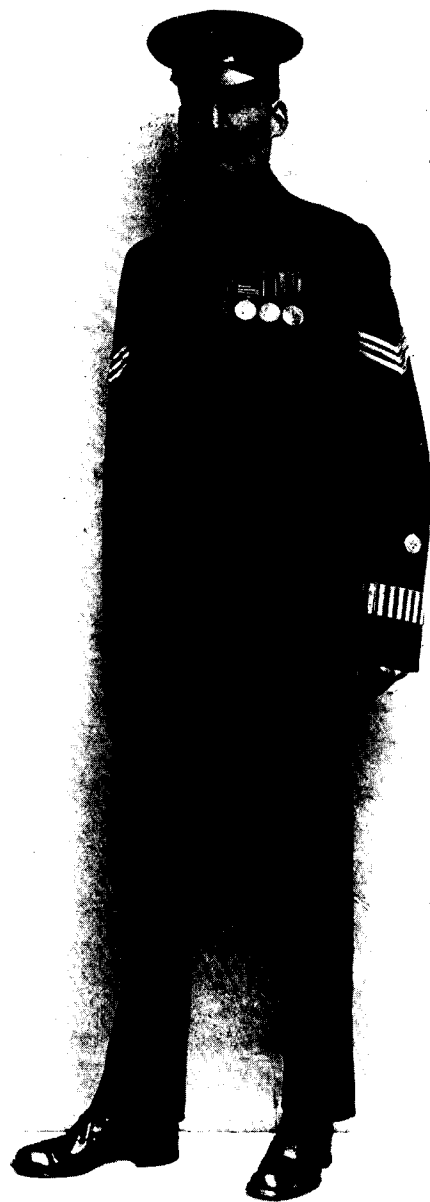
It is not, however, either desirable or economic that the numbers of a professional police force in a free country should be maintained in ordinary times at a higher point than the actual necessities of a locality require. A man goes from his home in a far-off suburb to his work in the city, his mind untroubled by fears when he leaves wife and children for many hours without their natural protector. He knows that the local police keep watch and ward on their beats, and he is tranquil. So far as metropolitan London is concerned, while the number of police is never excessive, it is usually, in the judgment of the experts who determine such matters, sufficient for all practical purposes. But it is not pretended that what in ordinary times may be an adequate police force is of the strength required to deal with all emergency situations, whether created by political disquiet, industrial upheavals or anything else. What, then, is the present-day English policy? To call out soldiers in support of the civil authority? No; only in very extreme circumstances would that be done. The situation is met by a temporary increase of police strength—the enrolment of Special Constables.

England has long been accustomed to reliance on Special Constables for assistance in dealing with riots, although there may be soldiers in the background. And the old-time specials were also used for other purposes. Following the overthrow of Mercer on at Bethnal Green in 1813, the victorious rector had 'a hundred of the sober householders sworn in as Special Constables to suppress the Sunday bullock-hunting and dog-fighting' in that pleasant suburb. They seem to have been paid for their services. Captain Lee testifies to the exceptional efficacy of Special Constables' work at Birmingham in 1839. He rightly attributes it to the psychology of a mob, who are not so resentful when kept in order by men they know personally as when that is done by others. Fear of a repetition of the horrors of the Gordon riots if the Chartists got control, led, in 1848, to the largest enrolment of Special Constables in London of which there is any record. The number is variously stated at 170,000 and 200,000. The great Duke of Wellington made the dispositions to check the threatened march on the Houses of Parliament.



A SPECIAL OF 1888

(face p. 318)



A SPECIAL OF TO-DAY

METROPOLITAN SPECIAL CONSTABULARY 319

Dreaming of a future which his lineage made possible, a man who a little later became Emperor of the French served in the ranks of this great police army.

It does not appear, however, that before the Great War there was ever a long-sustained service of Special Constables, to say nothing of systematic organization and training of men, starting as plain clothes casuals and developing into a fully uniformed, but unpaid, police force.

I. THE WAR-TIME FORCE

When the war broke out, those responsible for the protection of life and property in the United Kingdom had to face a situation fraught with many present difficulties and contingent perils. It called for a resource and energy closely allied with, yet distinct from, those qualities in the men upon whom fell the graver responsibility of meeting the enemy in the field. Simultaneously there was a big fall in the strength of the police forces of the United Kingdom, and considerable additions to police work.

The echoes of the declaration of war had hardly died away before the pioneers of a war-time special police were actually on duty.

Outside, and some inside, critics find delight in saying that as a people we are slow. The fallacy is probably founded on the happy fact that we are not fussy. Colonel Sir Edward Ward, the man promptly chosen by the Government to raise, organize and command 20,000 Special Constables for the Metropolitan Police District, did not give such critics standing room. There was a quick whip-round for men fitted for local leadership, incidental to which the skilled organizer had not to go far beyond his long list of personal acquaintances, made during an exceptionally active and useful career in the army and as Secretary of the War Office. These were called to a meeting at Scotland House, New Scotland Yard, where a number of empty rooms had been placed at the disposal of the organizer.

The situation that Sir Edward Ward and his associates had to face was something like this: On the declaration of war the

comparatively small force of regular police maintained in the Metropolitan Police District was immediately reduced by the call-up of army and navy reserve men. Further, it was the avowed policy of the Government to encourage volunteering for army service by others serving in police forces, and thousands of men were responding—more indeed than could be immediately spared. The idea of appointing more regular police found no entertainment in any quarter. Hence the wise initial resolve to invite good citizens generally to resume the common obligation of doing police duty which had been borne by their ancestors, and to rely for a great part of the home police work on volunteer and unpaid Special Constables.

It had to be kept steadily in mind that this could only be a part-time service, since the great bulk of those who enrolled had also to make their living. The regulars usually put in eight hours a day, and it was thought that four hours would be enough officially to ask from the specials—although in practice many worked day and night. To the consideration of all this had to be added regard for the inexperience of the new men. This, in turn, led to the decision to work them in pairs. For eight hours' work, that meant four specials in lieu of each regular. This was the basis of the calculation which led to the total being fixed at 20,000. Rather over that number of capable men represented the first pick from a rush of applicants, only those who were judged to be physically and mentally fit for police responsibilities being taken. It is convenient here to say that, with increasing duties, the number of the new police went up, and the average during the four years of war was well over 20,000. In addition, about 8,000 employees of London firms, such as gas companies and manufacturers in a large way, were given police powers. They came under the general supervision of Sir Edward Ward, were regularly inspected by his officers and, in many cases—especially during air-raids—actively assisted their general-service comrades.

Those who came to the Scotland House meeting quickly grasped the situation; and nobody wanted much palaver. Important selections were made on the spot. Within a few hours Commanders, as they were called, appointed to raise, organize and control units of the new force throughout the

700 square miles of the Metropolitan Police District, were in consultation with Police Superintendents, and all preliminaries were quickly determined.

In response to the official call thousands at once flocked to the police stations. A sharp discrimination was exercised against those within the enlisting ages and obviously fit for military service, all such being recommended to try the army recruiting offices. A force commanded by a man like Sir Edward Ward could never be used as a refuge for men shirking military service. Those found acceptable were enrolled; and Justices of the Peace were kept going during the fervid days that followed in welcoming, appointing and attesting the new policemen.

Commanders, with their hastily-formed staffs, went rapidly from station to station, each in the division for which he was responsible, formed their men into groups, squads and companies, conducted the elections of sergeants and sub-inspectors, and classified all in the order of their ability to work at any time or only during certain hours of the day or night.

Within a few days of the Scotland House meeting, Special Constables, equipped only with armlets, truncheons and whistles, were at assigned posts, getting well to heart hastily given instructions and proudly conscious that, since they had not the privilege of serving in the army, they were probably doing the next best thing while their country was at war.

The organization followed the topographical lines of the regular police divisions of the Metropolitan Police District. A Commander had charge of a division, his first-lieutenant was Assistant Commander, and he could draw upon no end of eager professional and other men for help at each police station within his command. Discharging something like the same functions as the Chief Constables, four retired military officers, entitled Commandants, exercised a general control over district groups of divisions, but division commanders were none the less directly responsible to Scotland House, where Sir Edward Ward and his staff were quickly established. At a later stage, the four Commandants gave place to an Inspector-General, who held his post till the end of the war.

A number of the Commanders were ex-officers of the army; and drill instructors were found so readily that one was brought to realize what a considerable proportion of the population of this non-conscript country have had military training, either in the regular army or in some auxiliary force.

It is remarkable how closely the organization plan resembled the police 'tythings' and 'hundreds' of Anglo-Saxon days. The first collective unit was ten men, called a group, who elected their own sergeant and did much of their work together. Three groups made a squad, under an elected sub-inspector. The formation of squads into companies (parallel to the old-time 'hundred') was deferred until a later stage in the development of the force, when inspectors and chief inspectors were appointed. Organization was thus, in progressive stages, carried as far as it was thought necessary for police work; but the need or desirability of providing for concerted movements in large numbers led ultimately to something like battalion formations. The Metropolitan Special Constabulary soon became a well-drilled force; and, with each successive raising of the soldier-age as the war proceeded, drafts from the Constabulary promptly joined up. In all about 16,700 men passed into the army from the training ground provided by Special Constabulary.

Under the vigilant and prudent oversight of a Commanding Officer whose policy is expressed by the motto 'Without haste, but unrelenting,' organization extensions were made very gradually and the whole scheme worked smoothly. There was very little 'swank,' remarkably few mistakes, and the appointed work was well and faithfully done.

A wonderful assortment of men the force presented. Peers of the Realm, members of the House of Commons, municipal councillors, men of all grades in the professions, business magnates, shopkeepers of all kinds, artisans, labourers, costermongers. The inherent democracy of our race asserted itself in a practical field of action. And when duke's son and cook's son met on the airy heights of the embankment of the reservoir they were sent to guard they chummed up at once. In quite a number of cases they have remained chums ever since.

Although industrial difficulties occasionally made it hard for station sergeants to fill up duty rotas for customary business hours, never was there the slightest difficulty in preparing the lists for duty from 6 p.m. to 6 a.m. Of course, the business man who did a 12 to 4 morning tour was not unconscious of its effects when he went to his office or shop at 9; nor was the dockyard man, in K Division, who put in a long day lumping ship's cargo, came home and had his tea, rested an hour or two, and then tackled his tour of police night-work.

Much of this would have been impossible, especially during the air-raids, when the specials worked day and night, but for the splendid co-operation of the great body of employers. They took laudable pride in the fact that if they were not giving personal help—sometimes they did, and master and man took turn and turn about—they made it possible for their men to give the State real service in its hour of need.

When the specials began their work, detachments of soldiers were guarding bridges and culverts, reservoirs, power-stations and other places, all named on lists of vulnerable points. These had been prepared long in advance of the outbreak of war—a fact speaking volumes for the prescience of those responsible, in a country where it is vulgarly assumed that nobody in the public service is ever to be found prepared.

The first duty of the specials was to take over this work, relieving the soldiers for duty abroad or on the coast. For a couple of months it was the main work in the outer divisions. To its performance the new men did not necessarily bring police experience. But when it chanced that civil engineers or skilled artisans amongst them brought their brains to bear on questions of vulnerability, their professional knowledge proved invaluable. This duty was maintained, in whole or in part, throughout the entire war period; and as the enemy within our gates—some of whom had all the will necessary for doing mischief—never scored, by destroying railway bridges or flooding us out with the waters of broken reservoirs, it may be claimed that the work was well done.

The protection of these vulnerable points furnished the first test of the men's physical quality, and as the days of August sped and the air of the small hours became crisp and biting, the

initiates got their first sharp realization of two main facts. First, that the police day consisted, not of sixteen hours divided between work and play, but of twenty-four hours, since police work went 'all round the clock.' Secondly, that there were weather features on the breezy heights of reservoir banks at 2 a.m. and attributes of a sunrise that men regularly accustomed to being in bed at such times had not formerly suspected. Great was the good-humour with which these things were canvassed and discussed.

Very soon the specials were doing street duties day and night in all parts of the metropolitan area. They proved themselves adaptable to all classes of work—including some which even regular police are not called upon to do in peacetime—and the discipline and efficiency of the force were maintained at a high standard.

Two of the more important episodes in the work of the war force may be particularly referred to, because they provide precisely such tests of value as are required by those who to-day bring a critical judgment to bear on the question of whether Special Constables represent the best form of auxiliary police organization.

The first test came in 1915. Following on the sinking of the 'Lusitania' there was serious, and in some instances prolonged, anti-German rioting in all parts of the metropolitan district. The first five or six days of May were the worst. During these regulars and specials worked well together—except on occasions in the dark, when quaint mistakes were made, owing to the difficulty of distinguishing Special Constables, all then in plain clothes, from sections of the riotous crowds. These mistakes figured largely amongst the reasons why ultimately the whole force was put into uniform.

The demonstrations took the form of hostile movements against German residents. More particularly was it directed against German shopkeepers. Such is the complacency of the British character that enemy-aliens were allowed to carry on their trades, in competition with the wives and other relatives of Britons who had left like businesses in family hands in order that they might fight for their country.

Probably some of the specials knew, as the regulars certainly did, that damage done by rioters to German shops or other premises would establish a claim on a fund provided by the ratepayers; therefore that the rioters themselves would have to contribute to the compensation payable to men they sought to injure. That knowledge, however, had no effect on the attitude of the specials, which was essentially one of fidelity to their pledge on entering the police service—that they should in all circumstances uphold the law. Little as they may have cared to save the Germans, they did their duty unflinchingly and well. Few, if any, Germans received personal injuries, although some Special Constables did; and the total damage done was easily covered. Sir Edward Henry, Commissioner of Police, put his appreciation of the work done by the Special Constables at that time in the following terms:

'The Commissioner of Police desires to express his grateful thanks to all ranks of the Special Constabulary, of whom about 11,000 were detailed for duty, for the efficient and valuable aid rendered by them to the Regular Constabulary on the occasion of the recent disturbances. In all instances their response to the call on their services was immediate, and they remained on duty as long as they were needed. The Superintendents of every division in the metropolitan area are enthusiastic in their appreciation of the help they received, of the manner in which Special Constables performed their duty, and of their general deportment.'

There was sporadic anti-German rioting as the war proceeded. In 1917 air-raid tragedies had much incensed Londoners, and an incident in some rioting of that period, following much talk of reprisal measures, was a hostile move on an internment camp in Cornwallis Road, Holloway. There an angry crowd found itself opposed by a powerful force of regulars and specials. The Germans suffered no damage, but some of the police did. Superintendent Evans, who led, was one of those struck on the head by stone-throwers.

The other great test of the specials' quality was provided by the air raids. On a raid night there was an assembly at every police station within the metropolitan district. At first the whole force turned out to meet situations, actual or

contingent, which the raids created ; later, from one-third to a half of the specials were called, the others being reserved until bombs fell in their locality or a reinforcement for some other locality was required. Strenuous and responsible tasks were performed by all ranks of the police force, working in the open ; and the grit of the men thus brought under fire was abundantly proved. The specials helped to carry out the dead and tend the injured ; their first-aid ambulance sections were swiftly borne from point to point by their transport men, driving their own cars ; the broken buildings were dealt with, in the interest of public safety, by Special Constabulary break-down squads, and for days—sometimes weeks—the approaches to the wrecked buildings were patrolled by Special Constables. It was hard and exacting work and often lasted all through the night of a raid and well into the next day. In 1917 (September-October) there were five raids in eight nights, and Londoners should not forget the service of the specials at that time. Sleepless and vigilant, they did every kind of duty, from managing and supervising the shelters to the more nerve-trying tasks in the face of grim, terrible and sometimes wholesale tragedies. Meanwhile, within the time available to them they earned their living. No man was ever known to shirk duty, and the value as well as the quality of auxiliary police under test conditions was demonstrated.

At first a few, but ultimately all, the local observation posts in the Metropolitan Police District were wholly manned by Special Constables ; and the force also provided detachments to assist at the Central Station in Spring Gardens.

Although at the outset men worked in couples and sometimes were required to act in squads or companies, the Special Constable found ample opportunity for developing that individuality which customarily distinguishes the work of a policeman from that of a soldier. It may safely be said that his shrewd perception, sound judgment and capacity for quick decision, all governed by knowledge of how far his powers extended, were rarely if ever unequal to a situation. At any rate, the specials won many compliments from magistrates and others, and there were few complaints.

A mere sketch of the work done by the force occupies over

two hundred pages of a volume which was published as a serial by the *Daily Telegraph*, and it is impossible to give further details here. The claims made for the specials are put thus :

1. At a time when police work was doubled or trebled, they made it possible for about 4350 of the regular Metropolitan Police—first-rate fighting men in the pink of condition—to join the colours and splendidly prove ‘the mettle of their pasture.’

2. They helped to insure that, in the absence of so many of its customary trained guardians, the King’s Peace was preserved by the maintenance of the usual preventive services in the great metropolis, and that the potential criminal was held in the check of the law.

3. They insured, therefore, the unbroken continuity of the great city’s industrial activities, to the financial and other material help of the armies in the field.

4. They provided, almost exclusively, for the manning of the observation posts, the work of which was a salient feature in the protection of London against air raids.

5. They accepted and did the greater part of the huge volume of extraordinary police work caused by the war, such as, amongst other things, protecting the vulnerable points, helping to guard German prisoners, keeping the routes of official and other processions, insuring order at public gatherings, enforcing the lighting orders, regulating the food queues, and giving inestimable service incidental to air raids.

6. In days of profiteering the specials were prominent amongst those who set an example of devotion to and self-sacrifice in the cause of country, performing all their tasks without fee or other material reward, and thus saving the rate-payers of the metropolis an incalculable, but unquestionably large, sum which, had it not been for the public spirit of Special Constables, would have been required for a paid temporary police force.

That these claims are substantiated by the facts is incontrovertible. ‘Men of the Metropolitan and City Special Constabulary,’ said His Majesty the King in a farewell message to the war forces, ‘you have to your credit a clean record of good work well done.’

II. THE RESERVE

When it became evident that the war was over—and to most people the Armistice stood for the end—the question arose whether there was to be a complete surcease of the volunteer police force. Opinion was not unanimous on the subject. It was argued, on the one hand, that while auxiliaries were useful and welcome to the regular police during a grave emergency, policemanship had become a distinct profession, calling, in our intensely-regulated modern society, both for special selections of men and special qualities and training. The policing of a great city, therefore, ought to be provided for by inherently fit men, trained to the highest practicable point, intellectually and physically capable of performing any tasks that might come their way. These ought to be maintained in sufficient numbers, not indeed to supply a police army in every locality, but reasonably to ensure watchmen and the protection of the community against violence and robbery.

The other school was, and is, composed of those who took longer and wider views both of police work and of the obligations of citizenship. True, they said, the police are our watchmen—and let us stress that word 'our,' because we are the employers—but it is neither morally nor economically sound to have more regular police than the necessities of ordinary times require. Least of all here in England, the most law-abiding country in the world and one of the few in which the police have always been the faithful servants of the people. Experience during the war demonstrated that with all their shortcomings—judged by the standard of professional policemen—citizens following other occupations could be useful auxiliaries to the regular police if occasion should arise. And experience prior to the war had more than suggested that picked and prepared auxiliaries—*i.e.*, men in readiness, organized, trained, uniformed and equipped—are much more likely to be effective than untrained men suddenly brought together, not merely for leisurely instruction, but for immediate duty.

The army has, in the Territorials, the kind of emergency backing the police ought to have. It is composed of selected

men, following civilian occupations, organized as soldiers, uniformed, armed and equipped—ready, in fact, for immediate embodiment in the army. If that be economic and common-sense management in regard to a fighting force, what, it was asked, is wrong with it in a service for the maintenance of law and order? To whom should the regular police, hard-pressed, turn for help? Surely to their own employers, who provide the Police Fund. A decent employer who sees his man staggering under a heavy weight promptly lends a hand and a shoulder. Why should citizens do less in like conditions for their policemen? And as unprofessional policemen had given proof of their quality during the war, was it not both sound sense and sound economy to profit by the experience?

High statesmanship, it is said, is the art of compromise. The Metropolitan Special Constabulary Reserve and kindred organizations—the City of London Specials and those enrolled in the Provinces—represent the compromise-decision on the controversy between the two schools of thought. Nobody suggested that the reliance of the police should—at least in the first stages—be on the soldier; therefore, the question was how to ensure from the citizens a sure, steady and effective support for the police when it was needed. The answer is found in the Special Constabulary Reserves. At first a great experiment; to-day a demonstrated success.

The Metropolitan Reserve aims at maintaining in every part of the police district enough men, pledged to give police support in an emergency, to constitute what may be called a strong cadre—effective in itself for instant duty and a rallying point for citizens who offer themselves should an Active Service period invoke their aid. The metropolitan aggregate of these cadres when the industrial crisis occurred last year was a little under 11,000; the number of men serving when the Strike was declared off was well over 60,000. The strength of the Reserve to-day is kept at about 24,000, of whom about 15,000 are in uniform.

The war organization plan has been preserved in most respects, but there was a re-classification of the whole body into a Reserve and an Auxiliary Force. Except for a few who, for what the tribunals regarded as sufficient reasons, were, in

the conscription period of the war, excused from military service and directed to join the Special Constabulary, the war force was exclusively composed of men of middle or of an even more advanced age. For the new force the enrolment limit is fixed at forty-five. The Reserve to-day is largely composed of young men. At fifty all below the rank of sub-inspector pass automatically into the Auxiliary Force. They are retained on the strength, with a view to their employment on light local duties, until they reach sixty. Thus is ensured good physical vigour for the class intended to be as active and mobile as any situation may demand, combined with preserving the experience and moral influence of the older men for peacetime training and other activities.

Officers are now appointed in some instances where previously they were elected. The chief of each division is now a Commandant. He is assisted by a Commander and Assistant Commanders. The Commandant is directly responsible to the Commandant-in-Chief. He manages and also acts as inspecting officer for his own division, where each station-unit is under a chief inspector, supported by inspectors (company commanders) sub-inspectors and sergeants, in the proportions observed in the war force.

Probably about two-thirds serving at the time of demobilization joined the Reserve or the Auxiliary Force, and there was little immediate change in the directing personnel. Later on were recruited splendidly vigorous young men fresh from their war-training. Then for a time recruiting was suspended and the total serving in the combined force was allowed to fall to the figure at which it stood when the General Strike came, in 1926.

Additional and important factors in the Reserve, which did not exist in the war force, are two divisions formed by units established at great metropolitan business houses, a division formed by members of the Honourable Artillery Company, and units composed of hospital students.

Scotland House is the headquarters of a central division; the A.A. Section, composed of motor-car owners, has its headquarters at Long Acre; and the headquarters of the two business houses' divisions are provided by the divisions them-

selves. While in the outer divisions the personnel is mainly composed of local residents, in central London men are enrolled under conditions best suiting their business convenience—or, as in the case of the A.A. Section, the character of the work which their unit has to do.

Mobilization plans have proved effective under two practical tests. In all parts of the metropolitan area there was a quick response to the last call-up—that during the General Strike in May, 1926. Many stations reported full musters within the first hour. In central London the capacity of the business houses' divisions for providing immediate reinforcements was shown. A day-call found practically the whole strength of each establishment concerned at the usual business posts; and the units were at once available for assigned duties. The muster of the A.A. Section car-owners and of strong local transport units of a like kind, now established in all the divisions, was almost magical in its rapidity.

III. THE LAW AND THE MANAGEMENT

The principal Act governing the appointment of Special Constables is that of 1831. It has been very little modernized but the amendments are important. A measure passed in 1914 authorized Justices to appoint Special Constables, although the condition required by the principal Act, that 'a tumult, riot or felony' was feared, did not exist. It also gave powers to make regulations by Order in Council. The first of these Orders (September 1914) amongst other things prolonged indefinitely any appointment made since the beginning of the war, provided the Special Constable concerned agreed to continue his service beyond the time for which he was appointed. The Act of 1914 was included amongst measures made continuous after the war; and in 1923 a short Act formally recognized the Metropolitan Special Constabulary Reserve and made it 'perpetual.' For the rest, Special Constables' Orders, issued under the authority of these Acts, and consequent orders and regulations have provided the organization and managerial machinery. Now, however, as in 1831 and under the Act passed that year, the appointment of a

Special Constable is vested in two or more Justices, and his attestation must be by one of these or by some other Justice. Certain compulsory provisions of the 1831 Act, it should be remembered, remain unimpaired, so that if there be need of Special Constables and a sufficiency of men do not present themselves, any citizen may be ordered, *nolens volens*, to take up the work.

Naturally, the student of sociology may inquire: Has the establishment of a Special Constabulary Reserve meant the addition in time of peace of many thousands of citizens to the number who are endowed with police powers, are under police obligations and enjoy police immunities? Keenly susceptible people, vigilant in all that concerns British liberty, might think that a serious matter if the answer were in the affirmative. While the statutory rights of a policeman do not much exceed those of a civilian, in respect of the right of arrest and some other particulars the excess is important. But—for what the point involved may be worth—the answer is in the negative. Regulations drawn under the authority of Special Constables' Acts and Orders in Council make it clear for the metropolitan force that only when the Commissioner of Police proclaims an Active Service period does the Special Constable possess the distinctive powers, incur the obligations or enjoy the immunities of a regular. When he joins, he declares his willingness to conform to all the rules and regulations. He undertakes also to make himself competent in elementary drill, but he is not bound to attend drill-instruction given by the officers of his unit, nor to be present at lectures—chiefly given by regular police officers—on police work. For these things the voluntary spirit that brought him into the force is wholly relied upon. Experience shows that the Special Constable does get himself drilled and otherwise instructed. There are exceptions, but the *noblesse oblige* spirit triumphs and the exceptions are not sufficiently numerous gravely to affect the working of the general rule. In fact, the efficiency shown during the last few years by squads taking part in an annual inter-divisional drill competition is so high that competent judges find their task difficult. Perhaps a sporting challenge from some other police, or even military, body would not be unwelcome.

While he always holds a warrant card, the Reserve Special Constable may only use the power it connotes when called for duty. In peace-time he gives only voluntary service, such as helping to line the route of a Royal procession. Within a prescribed number, men are put into uniform; the whole of them are supplied with armlets, truncheons and whistles.

On an Active Service period being declared, the force is placed on precisely the same footing as was the war-time Special Constabulary. The ranks are opened to all men of good-will who offer service; and, in doing the duties which at once follow, the whole mass fits into the pre-arranged organization, under trained Special Constabulary officers. A different situation from that when, Special Constables being called for, there assembled a heterogeneous mass of citizens whose only police-skilled officers had to be supplied by the already overburdened regulars! For, while the senior officer of regulars exercises a general control at points where Special Constables are employed, he knows—and he acts upon that knowledge—that he can safely leave the working out of details in any situation to men of ripe experience, the service of many of whom goes back to that fateful August of 1914.

Sir Walter Allen, Commandant-in-Chief of the Reserve, a barrister, is a man of fine mental and physical vigour, and has served since 1914. First he was Director of Supplies; then he successfully held the posts of Assistant Staff Officer and Staff Officer to Sir Edward Ward—now Honorary Commandant-in-Chief. Knowing intimately the personnel of the force, also its capacities and its limitations, and always working in perfect accord, on the one hand with the Commissioner and on the other with the Division Commandants, no better successor to Sir Edward Ward is imaginable. If an Active Service period were proclaimed, he would have as his Chief Staff Officer no less distinguished a soldier and police chief than Sir Nevil Macready. The headquarters direction of affairs is thus in the hands of capable men.

Effective service by Special Constables when called to duty, and the maintenance of sound organisation and training schemes in times of peace, are only possible when all ranks know that they may rely upon a welcoming spirit and

cordial leadership in the Regular Police, from the Commissioner downward. In that regard, the experience of both the Metropolitan Special Constabulary war force and the Reserve has been perfectly satisfactory. The Constabulary has served under three Commissioners, Sir Edward Henry, Sir Nevil Macready and Sir William Horwood, and in each the Specials have found a competent leader, a guide and a friend.

It has been said by a great American that 'a commanding respect for law is ingrained in the British people.' Nothing could be more in accordance with the democratic spirit of our times than frank recognition by all classes of the fact that law made by the people should, without distinction of parties in power, be maintained by the people themselves against any prepared to defy it. Special Constables, therefore, as aids to their own skilled and faithful servants, the professional police, represent an inherently British principle which has won the approval of the ages.

THE POLICE JOURNAL

As it is possible that **COMPLETE** sets of the Journal may become scarce, and subscribers may therefore wish to have their copies bound, **CLOTH BINDING CASES**, complete with **TITLE PAGE** and **INDEX**, will be available at the end of each year.

The Rise and Fall of Ban Sein

BY LT.-COL. ERIC LAWSON, O.B.E.

Formerly Commissioner of Police, Bangkok

IN 1898 there was a great number of Secret Societies in Bangkok. The majority of these were Chinese in origin and membership, and either branches of, or affiliated to, societies in China recruiting from the same classes and with the same nominal objects.

Most of these societies kept strictly to the community and class for which they were formed. Thus most Cantonese societies had only Cantonese members and would not allow any other Chinese nationality, such as the Hailam or Khae, to join. The same rule applied to the Hailam or Khae societies; no Cantonese could join them. Of course, there were many Cantonese societies catering for different classes, and the same applies to the other Chinese communities.

These societies were on very bad terms with each other and there were constant fights between them. A few years before the time of which I write two of the societies started fighting, and eventually there was a regular battle in the principal street of Bangkok, barricades being erected, and rifles, guns, and revolvers being freely used. Thousands were engaged in the battle, and eventually the Siamese army and navy had to intervene. Attacking both sides with the greatest impartiality, from front and rear, they poured volleys into them, and so quelled the strife. No one knows how many people were killed, but it was a very large number.

But there was one thing which all the societies had in common. No matter what was the nominal object of the brotherhood, the real object, in every case, was the enrichment of the head of the society. Also, but to a lesser extent, the enrichment of the Executive Committee. All the activities

of all the societies tended directly or indirectly to the financial benefit of those who managed the society. For example, one would expect that the arrest and prosecution of members of a society would be unpleasant to the Directorate. Not at all. As soon as a member was arrested all the other members would be called on to subscribe for his defence. Each member would only have to pay a few pence, but the total would be a very nice sum. A fraction of this would really be used for the defence, and the balance remained in the pocket of the head of the society, of which he kindly gave a small part to his committee.

Naturally the post of head was eagerly sought, and once a man was in he stuck to it for all he was worth. Many of the fights and assassinations centred round the question who was to be head of the society, and the methods followed by those in power to retain the post were much the same as those which appear to be popular in Mexico to-day.

Consequently the only way in which the police could hope to cope with a secret society was by a successful prosecution of the head and executive of the society concerned. A difficult task indeed; for these leaders seldom appeared in the open and were careful to keep well behind the scenes when criminal work, such as murder, was forward. Moreover, the political status of Siam at that time made the position still more difficult. Extra-territoriality was then in force, and the Treaty Powers, some fifteen in number, had complete criminal and civil jurisdiction over those registered as their nationals. And 'nationals' did not mean what one might expect it to mean. 'British,' one would naturally conclude, meant a man born in the British Isles. Not so in Siam; it included all the races in the British Empire. A vast number! Indeed, it used to seem to me that every race on earth was represented in Siam. 'French,' one might think, meant a man born in France. But in Siam it meant also Chinese, Annamites, Laos, and many others. It was the same with 'Portuguese.' In Siam there were not many Portuguese who had been born in Portugal. In fact, I only remember meeting one in the course of twenty-five years in that country, and *he* said he was not a Portuguese. Nevertheless there were great numbers of Chinese registered as Portuguese.

And the question as to who came under foreign jurisdiction was settled by the officials of the Power concerned. Some Consular officials were scrupulously conscientious about this. The British were. On the other hand some were not. I need not specify which. But however conscientious a Consul may be, what can he do but decide on the evidence? And if a man had unlimited cash and consequently an unlimited supply of witnesses willing to commit perjury, it is not surprising that men were registered as foreign nationals who should not have been.

And so it came about that the majority of the heads of secret societies were not Siamese nationals and consequently were not subject to Siamese law. And this was very important for them, for a foreign national was not merely subject only to the Court of his nationality but also only to the law of his nationality. For example the British Court only recognized English law. The Indian Penal Code, the law in the Straits Settlements or Hong Kong were, officially, for the British Court non-existent.

There is no Secret Society Law in England, presumably because there is no secret society, barring the freemasons, and that is not a secret society in the sense in which I use the phrase. So if a Siamese national who aspired to be the head of a secret society could get registered as a foreign national he was in a very good position. The Siamese Government had an excellent Secret Society Law, but this was not recognized by the Treaty Powers. Consequently it was of no practical use, because most of the important people it was intended to hit were happily registered as British, French, or Portuguese, and the law was not applicable to them. And so riot, murder, disorder and oppression went on.

I have outlined above the general features of the usual secret society, but there was one society which was entirely different from the rest. This was the Ban Sein Society. Whilst other societies catered for one class of one community, the Ban Sein Society welcomed all classes of all communities. Whilst other societies used murder as a necessity, possibly even a disagreeable necessity, the Ban Sein Society converted murder into a profitable commercial proposition. It was all

quite simple. 'A' did not like 'B'; thought he would be better elsewhere. In London 'A' could continue to think so and 'B' would continue to remain. Not so in Bangkok in 1898. There 'A' went to see Ban Sein, and provided he had the necessary cash Ban Sein Society provided for the departure of 'B' to a place whence he did not return. Naturally all business was on a strictly cash basis: cash with order, or nothing doing. The society flourished. It filled a real want. It was so much simpler than making a revolution, if you happened to be a politician, or than assassinating a husband if you happened to be a lover.

And Ban Sein, the head of the society, if scarcely scrupulous in some ways, was quite dependable in business matters. When he said he would murder a man he did. At least nearly always. Not quite, because in that case I could not have written this report of his society. Of course he did not commit all the murders with his own hand. Common ordinary people were killed by one of his followers. But difficult jobs Ban Sein carried through himself. He was no coward. Also I think he liked committing murder.

The society was named after its head, Ban Sein, which is the Siamese version of the name Mohammed Hussein, under which style Ban Sein was registered as a British subject at the British Legation. I do not know whether at any time Ban Sein had professed the Mohammedan religion. He certainly did not practise the tenets of that faith or any other. One of his more obvious failings was his liking for spirits. He often got very drunk.

According to their own statements the society had thirty thousand members. I doubt very much if they really had so many, but it was a fact that there were many thousands. The reasons why members were necessary were:

- 1st. Subscriptions.
- 2nd. Perjured witnesses.
- 3rd. Assassins.
- 4th. The terrorizing of witnesses.

The law expenses of the society were high. It does not do in practice to produce the same perjured witness in too

many cases. Also, in spite of perjury, acquittals were difficult to obtain unless those who had seen the murder committed were too frightened to speak. Necessarily these numerous murders could not be committed in strict privacy. So anyone likely to have seen a murder or likely to see one was ordered to join the society. If he did not he was killed, and if having joined he spoke, he was also killed.

The society was run by Ban Sein, who was the chairman and head, and a committee of twelve. The second most important man was an ex-judge who had been dismissed from the Siamese judicial service for corruption. His duty was to decide as to whether any individual indicated was to be murdered and to give written reasons why the murder was justified. He was guided entirely by financial considerations. I never quite understood why Ban Sein insisted on this procedure. However, he did. Criminals are queer people. His second and really more important duty was to produce false evidence when cases came before the Courts.

The third most important member of the executive was a Buddhist monk. His duty was to intone the prayers for the dying at the moment selected for an 'execution.' Of course, sometimes the prayers and the moment of the 'execution' did not coincide. That was unavoidable. One could not expect a Holy Brother to be on the spot when such rough and tumble work was in progress. All he could do was to intone at the time ordered. He did his best.

The rest of the committee were just stupid, ordinary, greedy criminals, of no interest. I do not even remember their names.

The society had two methods of speeding their victims to another world. One was called the 'Hot Death' and the other the 'Cold Death.' In the case of the Hot Death the victim was stabbed or stunned. His body, alive or dead, was then taken to one of the rice mills and put in the furnace. In the Cold Death the victim was treated in the same sort of way and his body was then thrown in the river Menam Chow Phya. The ex-judge decided which death was the correct one in each case.

These methods entailed a good deal of publicity. This,

however, was covered by making all rice mill coolies and ferry-boat men join the society. If they refused, the ex-judge was invited by Ban Sein to express an opinion as to the death the recalcitrant was to die. The terror was complete.

About the time of which I am writing Ban Sein decided that he must reward his followers by giving them some sort of a show. In this he was following the most classic examples. But there were many followers, a number of them quite unwilling, and the expense of giving all of them a really good show was prohibitive, especially as lately the murder market had been most depressed. However, there were signs of a heavy defection, and that danger to all despots—a new claimant for the post of head—was very present. The problem was to give all his followers something entirely desirable at no cost to himself. A difficult problem, but Ban Sein solved it.

About this time everybody wanted to ride on the new electric tramway. It was delightful to jump on the tram and dash along the road and then, when one got to the end, turn with the car and do the same thing again. But there was one little difficulty; one could not enjoy this new experience unless one paid for it. The Company insisted on payment.

Then Ban Sein had a brilliant idea. All the members of his society should ride on the tram free of cost. He notified his members to this effect. They were glad. He then notified the Company. They were not glad. They came and talked to the police about it. They said they would not stand it. They said they would tell their consuls. They said quite a lot.

But their ticket collectors said that it was no good, that they were married men, that they did not want to die the Hot Death or the Cold Death, and that the Company had better find other collectors who did not mind.

So then the Company came to the police again, and police were put on to act as ticket collectors and eject those travelling without tickets.

Then the members of the society began to say: 'What about another head to the society?' So Ban Sein put on a few gun-men to shoot at the trams. And the police put a few constables on the trams to shoot at the gun-men. Which, of

course, was more or less amusing but was not good administration, and it worried me a good deal.

Then a murder job came along and Ban Sein took it himself. He murdered his man and vanished. He was drunk and he did the murder in public. There were many eye-witnesses, and investigation showed a clear case against him.

The British Court issued a warrant. Ban Sein promptly surrendered to the Court. It was the third time he had been tried in that Court for murder. He had been acquitted on the first two occasions.

The trial came on before a jury. Juries may be very good in England, but in Siam they were not good at all. The majority of the jury were English commercial men with no knowledge of the languages in which the witnesses gave their evidence. Ban Sein was defended by the best English barrister in Bangkok, a very clever man. But he was not able to shake the evidence for the prosecution to any extent.

The defence was an alibi. Seven witnesses of five different nationalities swore they had seen and spoken with Ban Sein in the streets of a town some sixty miles from Bangkok on the day and about the time of the murder. These witnesses were very well drilled—much too well drilled for anyone with any experience; but of course the jury had no experience. The ex-judge had done his work well.

Counsel for the defence made a great point of the nationality of the witnesses. 'If,' he said, 'all my witnesses were Malays like my client, they might be suspected of having a motive, a desire to help their compatriot. But what are they? A Sikh, a Pathan, a Burman, an Eurasian, and three Siamese; what motive can they have?'

As a matter of fact all the witnesses were members of the society, and none of them had either been in the town where they said they had been on that day or had seen Ban Sein. But it was either perjury or the Hot or the Cold Death. They preferred perjury.

Ban Sein was acquitted.

This third acquittal made Ban Sein's position stronger than ever. It was difficult to see what could be done, for

evidently it was useless prosecuting a man who could produce false evidence on such a scale in a Court where the trial must come before a jury.

A few days after the trial an elderly Burman who had come to see me told me he could not understand how it was that Ban Sein was registered as a British national, because he had known his father well and he was a Siamese national. Inquiries were instituted and eventually Ban Sein's lineage as far back as his great-grandfather was traced. Here it is.

Ban Sein's great-grandfather was a Malay of Singora, a Southern Siamese Province, and was consequently of Siamese nationality. This man married a woman who was half Malay and half Chinese. Their son, Ban Sein's grandfather, left Singora and settled in Bangkok. He married a woman who was half Portuguese and half Siamese. Their son, Ban Sein's father, married a Siamese woman.

In the then latest Treaty between Great Britain and Siam there was a clause to the effect that if in any case the Siamese Government disputed the correctness of any registration, there was to be a joint inquiry before representatives of the two Governments, and that the onus of proving the right to foreign registration should rest on the claimant. The police inquiry into Ban Sein's family history was only just complete when he committed another crime, the attempted murder of the chief witness against him at the last trial.

Ban Sein was arrested that same night. A request was made to the British Legation for a joint inquiry as to his right to be registered as a British national. This was agreed to and a day fixed for the inquiry.

As under the terms of the Treaty Ban Sein had to prove his claim, his Counsel had to produce his evidence first. The ex-judge did his best and produced plenty of witnesses. But it is a very different thing to convince two trained legal men that what is perfectly untrue is true from making a jury believe an accused was in a place miles from the scene of the crime. The witnesses had been well drilled but broke down hopelessly under cross-examination. The witnesses who gave evidence as to who Ban Sein really was were not shaken at all. The members of the joint inquiry decided that Ban Sein had been

wrongly registered as a British national and expunged his name from the Register.

Ban Sein was immediately arrested under the Siamese Secret Society law and charged under that as well as on the wounding charge. A few hours later all the members of his executive were in custody. And then there was a rush to give evidence against him. Every Siamese member of the society was liable to arrest, and there were thousands of them. They had no idea how much the police knew. The clients of the society were also much distressed. They did not know how much the police knew nor did they know what Ban Sein might tell. Clearly the only thing to do was to get on the obviously winning side.

A few hours after his arrest the ex-judge sent a relative to say that he was not merely willing but anxious to turn King's Evidence. As there was by then overwhelming evidence his offer was declined.

The trial came on a few days later. Ban Sein pleaded not guilty and refused to make any statement. Not so the ex-judge.

There is a provision in the Siamese Penal Code that if a guilty person confesses to his guilt and endeavours to make restitution his sentence may be reduced at the discretion of the Court. The ex-judge knew that provision and decided as he could not be King's Evidence that he would do his best to benefit by that. He pleaded guilty and proceeded to make a statement giving away everything and making the case against Ban Sein as black as he could. All the other accused did the same.

The Buddhist monk was not tried in the Criminal Court. At that time members of the brotherhood could only be tried in a Criminal Court if the offence with which they were charged was an ecclesiastical as well as a civil offence. Nearly all offences were, but there was some doubt as to the applicability of the Secret Societies law in his case. It was therefore decided to leave his case to his ecclesiastical superiors. Normally a Buddhist monk can return to lay life whenever he chooses. This privilege was withdrawn from this particular monk, and he was sent to reside for an indefinite period in a

monastery far distant from Bangkok whose abbot had a terrifying reputation for severity. Abbots of Buddhist monasteries in Siam have very large disciplinary powers over their erring brethren.

Ban Sein was sentenced to five years' imprisonment, the ex-judge the same, but reduced to three years under the provision of the Code named above. The rest got two years. The wounding charge against Ban Sein was dismissed by the Criminal Appeal Court. There was not enough evidence.

The years passed and I heard occasionally of Ban Sein in prison. His society was quite broken up. Ban Sein, I heard, was an exemplary convict, piling up good marks, and likely to be released some time before his nominal sentence expired. Then one day a man came to see me, a relative of Ban Sein's. He said he had been to see Ban Sein in prison and Ban Sein had told him to come and see me and say that when he was released he, Ban Sein, wished to join the police. Would I consent?

I said NO.

A couple of months or so later I had a report that Ban Sein had been sent from the prison for release. I gave the usual orders in such cases, but refused to see him. A few days later after dinner I was reading on the verandah when the orderly came up and said that there was one below who wished to speak to me. There was nothing unusual in this. All sorts of people used to come at all sorts of hours. I asked what name the man had given. The orderly replied that he had refused to give his name, but said he was well known to the Master. 'Tell him to come up,' I said, and went on reading. I heard a step on the stairs but, being interested in what I was reading, did not look up. When I had finished the paragraph I looked up and there was Ban Sein sitting on the floor looking at me. He made the usual salutation. I said nothing.

Presently, 'I sent Master a message whilst I was in prison. Did you receive it?'

'I received it, Ban Sein. I sent you an answer.'

'Master, you are making a great mistake. I can give you every criminal in Siam.'

'I am sure you can, Ban Sein. I am not at all sure that you would.'

'I would indeed, Master. I want no rank and I want no pay.'

'I suppose you think that, now there is no society, you can live comfortably by blackmailing your former friends?'

'No, Master, I would not do that. If I did you would put me back in prison. Besides, why should I? I have plenty of money. I only want to live under your protection.'

'But why do you wish it? Why cannot you live the ordinary life of the ordinary man?'

'I cannot live the ordinary life of the ordinary man because I am not an ordinary man. I have many enemies. They will all attack me now I am weak. If Master will not take me under his protection I must return to the old life.'

'And if you do, Ban Sein, it will be death, not prison.'

'I know that, Master. That is why I wish to live under your protection.'

'But the thing is perfectly impossible. What would people say? Ban Sein a protégé of the Commissioner of Police!'

'Never mind what people will say. Think, Master, all the criminals in Siam! All Siam without a criminal at large! Is not that worth a little talk? Besides, they abuse you already behind your back.'

'It is no good talking, Ban Sein. It cannot be done. I know if you stay in Bangkok charges will be made against you. But why should you stay in Bangkok? Siam is a large country. Why cannot you leave Bangkok and live in the country?'

'I see I cannot persuade Master. I will do as Master says. I will leave Bangkok and live in the country. I take my leave of Master.'

And, making the usual salutation, Ban Sein left. That was the last time Ban Sein and I spoke together. He kept his word. He left Bangkok and bought a farm.

Many charges were made against him, but all either related to the cases in which he had been acquitted when registered as a British national or to cases in which after the lapse of time there was no real evidence. Ban Sein was not prosecuted on any of these charges. He was not harried by the police.

Then about a year later when drunk he murdered another man.

He immediately fled from his home, collected a gang and became a leader of dacoits. Time after time the police had fights with his gangs and captured many, but Ban Sein himself always evaded arrest. This went on for three years, and Ban Sein the robber was almost as serious a menace as Ban Sein the head of the secret society had been.

Then very early one morning I received a note from the Special Branch Superintendent, that he had just received information that Ban Sein was sleeping in a cargo boat on the west bank of the river, and that he was off to try and arrest him. I had arranged to make an inspection that morning and went on with that. The police reached the cargo boat just at dawn. The tide was low and they had to wade through the mud to reach the vessel. Climbing up on the deck they made some noise which awakened Ban Sein, who ran out of the cabin holding a Browning revolver in each hand. As soon as he saw the police he opened fire and shot two, one having five bullets in him. Both eventually recovered. The police replied with their revolvers and Ban Sein fell, shot through the liver.

He was taken to the Police Hospital. On arrival he was still living, but obviously mortally wounded. He told those in charge that he knew he was dying, and asked them to send for me, as there was something he wished to say to me. The message was sent, but I had not yet returned from my inspection. When I did return some twenty minutes later I received the message and immediately went to the Police Hospital. But Ban Sein had died a few minutes before, so I do not know what he wished to say.

The matter was considered to be of sufficient importance for a special report to the King. His late Majesty King Chulalongkonn never wasted words. On this occasion he was, perhaps, even more terse than usual. This is a translation of his letter addressed to the Minister of Police and Local Government:

'I have received your letter covering a report from the Commissioner of Police to the effect that the notorious criminal Ban Sein has been killed by the police when trying to arrest him. It was more than time.'

REVIEWS

THE SILENT FORCE: SCENES FROM THE LIFE OF THE MOUNTED POLICE OF CANADA. By T. MORRIS LONGSTRETH. Medium 8vo. 1928. 15s. net. (Philip Allan & Co., Ltd.)

THIS is a good book, and the fact that it is written by one who has spent much of his life in Canada adds to its value. Mr. Longstreth brings enthusiasm, a vivid pen, and a pleasing literary style to his task, and he displays a ripe understanding of the dangers and difficulties which beset the pioneers in Canada. He picks out the salient facts and he draws attention, usually quietly and therefore with greater effect, to details which a less able observer would pass by as unworthy of mention. Yet, when viewed in their right perspective, these details are seen to be of no little importance to the main theme—the growth and shaping of a great organization. But although the achievements of the Royal Canadian Mounted Police must bring a thrill of pride to every Englishman who reads of them, they are but counterparts of those other devoted actions which have created our Empire. The achievements of the R.C.M.P. are not unique, as Mr. Longstreth himself believes and would have his readers believe: they have been enacted time and again throughout the British Empire—in India under Warren Hastings, in South Africa under Rhodes, in the uttermost parts of the earth; and they will continue to be enacted so long as the British character exists. Yet it is good to remind ourselves, from time to time, of the deeds that won the Empire; and no man will deny to the R.C.M.P. their place as Empire makers.

The book is well written, but the writing is not without faults. At times the author's enthusiasm outruns his usual restraint, and there are passages which had been better omitted. Thus scalps frequently 'dangle at belts,' the Indians are 'savages,' 'braves,' 'sleek-haired warriors,' and the rest of the Cowboy and Redskin jargon—though bowie-knives are rare. We read of 'bulldozing the redskins,' 'wild-eyed stampeders,' and the 'slitting of throats.' But these things are never very obtrusive, and for the most part Mr. Longstreth writes tersely, vigorously, and to the point.

It is history, yet it is not a book for the historian. Mr. Longstreth tells us in his Foreword that 'during the winter at Headquarters . . . the arcana were gradually opened to my gaze. . . . The knowledge slowly gathered from reports and letters and confidential despatches was clarified, to be sure in a year of arguments in barrack-rooms and officers' houses.' He has therefore had unusual, probably unprecedented, opportunities, and he has certainly made the most of them—so far as incident is concerned—in the space bounded by the covers of his book. But beyond the fact that his volume is divided into six parts, allotted to the tenures of the six Commissioners, the dates of many incidents of prime importance in the growth of the organization are left to the reader to guess. Often one has to turn back many pages to discover the year of which he writes. Many events also are

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related which prompt one to conjecture further detail. Moreover, the book is undocumented save for the occasional quotation *verbatim* of a dated despatch or report. Mr. Longstreth, then, has compiled a book for the general reader rather than the historian.

It is a book that every police officer should read. More: it is one which every authority who has the directing of a force of men should not only read but mark, learn, and inwardly digest. For if Mr. Longstreth's book serves to beguile a few hours, it serves also to emphasize the fact that too great care in the selection of those appointed to care for the welfare of men cannot be exercised. Again and again in these pages one reads—often between the lines—of inefficiency in just those details which are of such vital importance to the contentment and well-being of a force. After a march of almost unparalleled severity, through one thousand miles of Indian territory—virgin territory so far as the white man was concerned—Commissioner French brought his men to their quarters for the winter—Canadian winter—at Swan River, where they were to find comfort, rest, warmth, and good food. 'To my horror,' wrote the Commissioner, 'I found barracks in course of erection on top of a hill covered with large granite boulders, no trees to protect the buildings, and these latter strung out in a line one thousand feet long exposing a full broadside to the north.' The unanswered appeal of Superintendent Crozier for help at the outset of an Indian rising in which many valuable lives were lost is pitiful reading. Perhaps, however, it is just these 'mistakes' which compel a force 'to find itself,' to show the real metal of which it is made; for the only effects which hardships had on the Mounted Police were to develop their self-reliance and to bring about an *esprit-de-corps* and an efficiency that have probably never been surpassed.

The initial difficulties which the force encountered were immense. The people among whom they were to bring law and order can be imagined by the following letter from one of them:

Dear friend,

My partner Will Geary got to putting on airs and I shot him and he is dead the potatoes is looking well

yours truly

Snookum Jim.

Yet within a few months one of their officers stationed in a particularly 'unhealthy' spot was able to write:

I am happy to be able to report the complete stoppage of the whisky trade throughout the whole of this section of the country, and that the drunken riots which in former years were almost a daily occurrence are now entirely at an end.

Tact and forbearance had, as always, enabled this force to perform tasks seemingly impossible.

But the hardships undergone by the Mounted Police in its early days were not to be measured only by draughty buildings and lawless inhabitants. The book abounds with stories of endurance that can only be described as heroic. Tracking lawbreakers across barren lands, with a temperature of fifty degrees below zero, was no unusual thing. To spend months in the deep snows of the Arctic Circle became a commonplace. From the Yukon to Baffin Island the King's writ ran, and there was only one body of men to enforce it. And enforce it they did.

Their responsibilities, too, were immense. The territory they ruled (for they were virtually the rulers) contained 27,000 Indians, a large number of half-breeds, and an ever-increasing number of ranchers, prospectors,

traders, and town-site speculators. 'The Indians were hungry, the half-breeds sullen, the settlers inexperienced.'

'The constable who yesterday had been a gardener or a professor of modern languages or a reformed wild man found himself called upon to display a most astonishing versatility. He would be enforcing the revenue laws on Monday, acting as Indian adviser on Tuesday, outwitting some smugglers on Wednesday, and tracking horse-thieves across a province during the rest of the week. . . . At that time there was no little red manual for the constable to consult. "We make up the laws as we go along,"' *Brisbois* had said to an angry whisky-trader. . . . Officers talked mysteriously about their duties, but it is doubtful if they could have defined them.'

Of such a breed are Empire builders. It fell to the lot of this force, with a strength of 500, to administer a territory somewhat larger than France and Germany combined; and the cost to the taxpayer of adding this vast dominion to the Empire was something less than a dollar a square mile. But what the cost was in heroism and self-sacrifice is not to be computed by mankind.

Stories of individual bravery are many. One Brandenburger, known as the Idaho Kid, took it into his head to rule the town of Weyburn with a whisky bottle and a revolver. To a citizen who told him—from a distance—to shut up, he replied that no policeman could take him alive. Whereupon the local J.P. sent a message to the nearest R.C.M.P. Station, and P.C. Lett was told to go and restore order in Weyburn. 'Constable Lett had everything to live for—a wife, two children, and a comfortable home. Eight years in the Dragoon Guards and six in the force had taken the first bloom from a life of excitement. It was late, the train had gone. It was too far to ride. Excuses for inaction lay on every hand. But he did not accept them.' Instead, he stopped a goods train and arrived in Weyburn to find it thoroughly under the spell of the Idaho Kid. He was unable to persuade any citizen to act as a 'special' for the occasion, but finally he induced the J.P. to stand within calling distance. He then entered the room in which the Idaho Kid was reigning supreme, strode up to him, and arrested him. 'He made a move for his hip pocket,' says the constable in his report; 'but I closed with the man and drew his revolver from his hip pocket, which was loaded, and covered him with it. His wife came for me, but I called the J.P. and handed him the revolver, and slipped the handcuffs on Brandenburger. I finally landed him in my room at the hotel.' Between the words 'his wife came for me' and 'finally,' sufficient action took place, Mr. Longstreth informs us, to secure promotion for Constable Lett.

Mr. Longstreth is not so happy when he has to deal with the subject of bringing law and order among the Indians. Possibly he remembered the manner in which that object was accomplished on the south side of the frontier, and would like to make as wide a sweep with the tar brush as possible. 'And now,' he writes, 'Ottawa requested the Mounted Police to consummate one of the most delicate land deals in history: they were to invite the Indian tribes . . . to meet for the purpose of presenting the whites with their remaining lands. In return they were to be allowed to live.' Such phrases, with others such as 'bulldozing the redskins,' following on the obvious tact, forbearance, and humanity with which the tribes were conducted into the reservations set apart for them by the Government, do much to detract from the value of Mr. Longstreth's work as an historical document.

The book is well produced. There are two maps. Misprints are neither many nor important: *ménage* on page 11 should be *manège*. The Index is scanty, being, except for three entries, of names only. Even

under the heading 'Mounted Police' one cannot find any mention of the strength at different periods. A good index would have added considerably to the book's value as a work of reference. There are thirty-nine illustrations.

SIR RICHARD MUIR—A MEMOIR OF A PUBLIC PROSECUTOR.
By SIDNEY THEODORE FELSTEAD. 1927. 18s. net. (John Lane, Ltd.)

THIS memoir, compiled from the papers of the late Sir Richard Muir, Senior Counsel to the British Treasury, had the advantage of being edited by Lady Muir. It is a comprehensive record of his extremely busy life and, apart from *lacunæ* which occur here and there in the description of a case, a certain looseness of expression, and a slight tendency to exaggeration which are occasionally noticeable, it forms a most interesting study. These *lacunæ*, however, are only of professional interest—they relate to the omission to describe (apart from the actual facts of a crime) the progress of a case through the Courts, the plan of campaign adopted in the Courts. For many of these cases were well contested, and an explanation of Sir Richard's methods would have been of the utmost professional value.

In one instance, however, there was a marked exception—the Crippen case. In this instance the voluminous details contained in Sir Richard's note of the case, prepared for his use at the trial, give a most comprehensive view of the thoroughness with which he prepared his cases generally and, incidentally, a vivid insight into the inner facts of this extraordinary case. The document in question, produced *in extenso* in the memoir, is a masterpiece and alone should justify the professional—lawyer or police officer—in purchasing the book. Every possible detail that can apply to the prosecution of the case is marshalled in such a methodical and lucid fashion that no court or jury could fail to follow a case so presented from beginning to end. We are told that in every murder case which Sir Richard undertook he personally drafted the leading points of the indictment. This fact largely explains the long list of his successful cases. Muir was methodical in all that he did. He possessed a 'high-class memory: he never forgot anything.' All essential matters were arranged in his mind in logical and chronological order. His papers (we are told) were always arranged in the exact order in which he would be likely to require them. He numbered each one; he indexed each one. The result was that 'he was the only man in a long and complicated trial who could at any moment produce any paper required for reference or examination.'

Elsewhere we are told in intimate detail how Sir Richard proceeded with a case before he started preparing his notes. After having thoroughly digested the facts he would note down the principal points of the case. At the same time he jotted down points of interest to be dealt with when the police officer engaged in the case came to confer with him. When all this had been done, he would set to work again and write out in narrative form the story of the crime as he intended to present it in Court. A point of especial interest here to Indian and Colonial police officers is the importance attached by Sir Richard to conferences between the investigating police and the prosecutor. Another, that he almost invariably visited the scene of occurrence of a serious crime.

As a contrast, the memoir is silent as to the progress through the Courts of other important cases, notably the Hatton Garden Pearl Robbery Case of 1913, although the facts of the actual crimes are generally delineated in an interesting and complete manner.

The memoir is valuable from two points of view—from that of the ordinary reading public, particularly those persons interested in criminology,

and from that of the professional, whether lawyer or police officer. For the latter, Sir Richard Muir's methods of work, particularly his meticulous attention to detail and his consummate thoroughness, should be of profound interest; whilst for the former (as also, in a measure, for the latter) there is probably no such handy collection of famous cases within a single volume—to mention only a few, those of Whitaker Wright, Horatio Bottomley, E. T. Hooley, the Tichborne Case, the Clapham Common Murder, and the Crippen Case. In this respect the memoir is the equivalent of a whole series of detective stories.

TRIAL OF MADELEINE SMITH (1857). New Edition edited by F. TENNYSON JESSE. 1927. 10s. 6d. net. (William Hodge & Co. Ltd.)

OF the many sensational mysteries which have been the subject of investigation in our Law Courts, it would be difficult to find a more mysterious and puzzling case than the trial of Madeleine Smith some seventy years ago in Edinburgh.

Mr. Duncan Smith, who originally edited this book, is to be congratulated on the presentation of the case itself, together with some nine appendices; it is an excellent example of how this kind of work should be done. The present editor of this volume, who is responsible for the admirably clear and well-written introduction which places the reader in full possession of the outline of this extraordinary case, is also deserving of great praise.

In a short review it is impossible to go fully into the details of such an amazing story. Briefly, the facts are that Madeleine Smith, a young and attractive woman of twenty-one years of age, was charged with murdering her discarded lover by means of arsenic. That suspicion, and very grave suspicion, attached to her cannot be denied, but I do not see, after carefully reading the whole of the evidence in the case, that it would have been possible to have come to any other conclusion than did the jury, who held that the charge was 'not proven.' I cannot, however, help wondering what would have been the result of the case had our present law, which permits a prisoner to offer himself to the ordeal of cross-examination in the witness-box, been in existence.

Apart from its extraordinary interest to the criminologist, the story with its side-lights on the manners and moral atmosphere of seventy years ago is of equal interest to the student of human nature. A great deal is heard to-day of the depravity of the modern girl; whether Madeleine Smith murdered L'Angelier or not, there was little that the most forward of modern young women could have taught her.

TRIAL OF ADELAIDE BARTLETT (1886). Edited by SIR JOHN HALL, Bart. 1927. 10s. 6d. net. (William Hodge & Co., Ltd.)

WHILE the inclusion of this case in Notable British Trials is certainly amply justified, its chief interest lies in the remarkable story of human relationships rather than in the problem in criminology which it presents, except for the medico-legal conundrum which still appears, despite fifty years of further scientific investigation, to be insoluble.

Did Adelaide Bartlett encompass the death of her husband, a tiresome invalid and well described by Mr. Justice Wills as 'no attractive object either physically or mentally,' by administering to him, in some way hitherto entirely unexplained, a large quantity of chloroform? The jury, somewhat improperly, prefaced their verdict of 'Not Guilty' by stating that they thought that grave suspicion attached to the prisoner, but did not consider there was

sufficient evidence to show how or by whom the dose of chloroform by which he died was administered. After a careful perusal of both the evidence and the addresses of judge and counsel, I feel that I too should have come to a similar decision, but I cannot help thinking that it may have been 'the riding that did it,' as the poisoner Palmer observed on a similar occasion but with a different result! Sir Edward Clarke, who was defending the prisoner, certainly left the Attorney-General well at the post!

As in the case of Madeleine Smith, I again wonder whether, had it been possible to subject the prisoner to cross-examination, the result might not have been different. This trial is again admirably presented, and the Introduction, if a little long, is clearly and carefully written.

TRIAL OF H. R. ARMSTRONG (1922). Edited by FILSON YOUNG. 1927. 10s. 6d. net. (William Hodge & Co., Ltd.)

WHILE the main facts of this case are still fresh in the minds of the public, it is certainly one of sufficient technical interest and importance to deserve inclusion in the Notable British Trials series. There probably does not exist a better example of arsenical poisoning, carried out with ruthless determination and almost succeeding in evading detection. The reproduction of the facts as presented at the actual trial is, as is usual in this series, clearly and accurately portrayed. It is a pity, therefore, that the Introduction should be written in such a sensational and irritating manner. There can be no excuse for sentences written in indifferent journalese, of which the following is a good example: 'Death was dealt to him on that May morning, while the birds in Cusop Dingle were singing about the house where his children were awaking, with the swift and merciful efficiency of modern methods; and for the sins that he committed, he paid up to the full measure of his capacity to pay.' Nor does there appear to be any valid reason, quite apart from the question of good taste, for including, as an appendix, an article which was originally published in *John Bull* by Harold Greenwood, who, some eighteen months before Armstrong was tried, was acquitted on a somewhat similar charge.

It is essential in works of this character that sensational journalism should be rigidly excluded, and in this particular respect the present volume is a bad offender.

The Prosecution of Offenders : English Practice

By SIR ARCHIBALD H. BODKIN, K.C.B.

Director of Public Prosecutions

THE very interesting and instructive article by Sir Leonard Dunning in the first number of the *Police Journal* in which he refers to the Director of Public Prosecutions and his duties has suggested to me that some observations on the present position of the Director's office and his duties might be of interest.

There is not space to contrast the criminal prosecution systems of Scotland, and England and Wales; but it should be borne in mind that the Director of Public Prosecutions is not the 'Public Prosecutor,' as so many of his correspondents appear to suppose. The office was created with special objects and certainly not with a view to impose on him the duty of conducting *all* prosecutions. There is an essential distinction between the position in Scotland, where I understand all strictly criminal proceedings are conducted by those specially appointed for the purpose, and for whose actions the Lord Advocate of Scotland is responsible, and that in England and Wales, where any person may put in motion the criminal law against any other person, either by obtaining process from a Justice of the Peace, or by preferring what is called a voluntary bill of indictment. Many years ago it was realized that some curtailment of this privilege was necessary. Accordingly, by requiring in some cases the fiat or consent of the Attorney-General to the institution of proceedings; in others by prohibiting the presentation of voluntary bills of indictment except with the leave of the Court, or a Judge, or the Attorney-General; or by limiting the period within which the proceedings must be commenced; or

in other ways ; protection, more or less adequate, was afforded against vexatious prosecutions. Within these limitations, however, any person may commence a prosecution against any other person, subject to the possible consequences of an action against him if the prosecution has been vexatiously and maliciously instituted. The prosecutor who has invoked the criminal law may still pursue the accused, even when examining Justices have decided that the case is not one in which a committal for trial would be proper, by getting himself bound over to prefer a bill of indictment, so clearly has the right of a person to set the criminal law in motion been established. No doubt in days when police forces either did not exist or were wanting in efficiency, private persons affected by crimes instituted proceedings much more often than at the present day, when I think increasingly the view is held that 'the Police should prosecute.' A private person not unnaturally asks : 'Why should not the Police undertake this prosecution ? I pay police rates. Why should I engage a solicitor and counsel ? I have lost my property, or have otherwise been prejudiced, and it is unjust that I should have to pay for putting in force the criminal law, so that the punishment of the man who robbed me should provide "an example to all others in the like case offending." ' Consequently, the great majority of criminal prosecutions for indictable offences are instituted and maintained by the Police, who are fully capable of properly presenting them.

The so-called allowances for legal assistance which are provided under the Costs in Criminal Cases Act, 1908, and the allowances to witnesses in connection with proceedings before Justices, Grand Jury, and the trial are not attractive. Many persons, I have no doubt, think it better to cut their losses and abstain from prosecuting, knowing or learning from their own experience or that of others the trouble, inconvenience, and expense which attach to a performance of the public duty to prosecute a person guilty of crime ; consequently, many offences such as larceny by a servant, or embezzlement, undoubtedly go unpunished. Where an injured employer is an individual, and not a quasi-public body such as a Railway Company or other large employer

of labour, I think his attitude is probably as I have above described it.

Other offences of a more public character than what I may term private dishonesty towards an employer, are also, I have no doubt, not dealt with by prosecution. For instance, it would appear that Banks do not now, save in exceptional cases, institute proceedings for forgery, nor Fire Insurance Offices for fraudulent claims ; and on occasions they may be found to express the view that it is the duty of the Director of Public Prosecutions to undertake such cases.

Gradually, I think, the sense of owing a duty to the public to prosecute a person who offends against the criminal law is disappearing, and private prosecutions are fewer and further between. A person aggrieved by a crime of dishonesty perhaps not unnaturally looks for some result by way of punishment, with which to satisfy his own feeling of resentment at having been victimized ; and when, as not infrequently happens, the only result of a possibly expensive private prosecution is that the view is taken that the conviction is a 'first conviction,' and therefore that the offender should be bound over or put under probation, a private prosecutor at the conclusion of the matter makes up his mind not to prosecute again, and probably not infrequently communicates his determination to other employers. If it were not therefore for a highly organized and adequately trained efficient police force to take upon itself the duty of instituting proceedings, calendars would be still further reduced in length, and statisticians would congratulate the country on its moral improvement.

It does not, however, seem to me to be expedient to leave to the Police the conduct of prosecutions for offences, which whilst theoretically against the peace, are merely such as affect the pocket of a person. I do not consider that the Police exist to take over the performance of the duty of the private person, especially in cases in which the person primarily affected is well able to afford the expense of legal assistance. The province of the Police in such cases is or should be limited to giving reasonable assistance by way of investigation to the prosecutor.

In cases in which not merely has an individual suffered but there has been some actual disturbance of the peace, such as offences against the person, a different view is, and rightly, taken. The very large majority of offences of this character are committed against persons quite unable through ignorance of procedure or poverty to invoke the criminal law; and they may properly leave the proceedings to the Police. Offences against women and children, whether arising under the Offences Against the Person Act, 1861, the Criminal Law Amendment Acts, 1885 or 1922, the Incest Act, 1908, or the Children Act, 1908, would very frequently go unpunished, if the Police did not intervene and prosecute, or report such cases with a view to prosecution.

Crimes under the Larceny Act, 1916, such as robbery, or larceny from the person, burglary, or more or less systematic cases of false pretences, are commonly undertaken by police authorities, either because of the gravity of the crime, or because individual members of the public could not be expected to incur the attendant expense. It is not possible, I think, to formulate a rule which shall distinguish between those cases which may properly be undertaken by police authorities and those which should be left to the party affected to deal with. The distinction between felonies and misdemeanours, hopelessly illogical as it is, does not assist in this discrimination; but, speaking generally, I think the discretion of police authorities is wisely exercised, and they do not make themselves responsible for prosecutions which should properly be left to the private prosecutor to undertake.

It is partly because private persons injured by crimes have more and more looked to the Police, and partly because criminals became more expert and enterprising, that the office of Director of Public Prosecutions was created in 1879. It was thought that in crimes of a grave character or affecting the public generally there ought to be some independent Public Authority charged with the duty of advising and assisting police forces.

The creation of the office of Director, more or less experimental as I think it was, was also provided to relieve the Home Office; for in many cases up to 1879 the Home

Office, learning from the Police that some grave offence had been committed, would refer the matter to the Treasury Solicitor, and he, with the assistance of some of his staff and of course with the co-operation of the police force concerned, prepared the case and was responsible for its presentation in court. The duties, however, of the original Director of Public Prosecutions were somewhat obscure and much restricted. He never became responsible for any prosecution; he caused some inquiries to be made into the cases reported to him, and if he considered that they were of sufficient importance to be regarded as public prosecutions, he handed them over to the Treasury Solicitor, who then proceeded in the same manner as if the Home Office had referred the case to him. The real work and responsibility for the ultimate presentation of the case in court was always upon the Treasury Solicitor. Certain classes of cases such as murder, Mint offences, and cases arising in and connected with the various Departments of State, which had always been undertaken by the Treasury Solicitor, were not affected by the creation of the new office of Director of Public Prosecutions. What useful purpose this new office served is not very apparent, nor does it appear that his duties were in any sense onerous. In 1882, 681 applications were made to him, and he referred 251 cases to the Treasury Solicitor; in the remaining 430 apparently no further action was taken. In the same year the Treasury Solicitor dealt with 567 cases, of which 40 came from the Home Office, and there were 289 represented by Mint cases and bankruptcy cases, and the balance were those referred to him by the Director. The Director further was provided with what would appear to be an inadequate staff; he had an Assistant Director, whose main duty seems to have been to prepare a *précis* of the cases for his superior, and two clerks, neither of whom "was competent to take statements or to assist in the preparation of cases for trial." It was therefore not long before it became obvious that this office was unsatisfactorily conceived. Accordingly in 1883 the office created by the Prosecution of Offences Act, 1879, was merged in the office of the Treasury Solicitor, and there can be no doubt that the change was for the public advantage. This arrange-

ment remained until 1908, when the offices of Treasury Solicitor and Director of Public Prosecutions were separated and separate and distinct duties assigned and separate staffs provided. For twenty years this position has remained unchanged.

The Director of Public Prosecutions is and always has been placed under the general directions of the Attorney-General as chief law officer of the Crown, although his appointment is in the hands of the Secretary of State for Home Affairs. In 1886 regulations were framed by the then Attorney-General (Sir Richard Webster), for defining the scope of the Director's duties, and these remain still in force and unaltered. It may not be out of place to quote here Regulation No. 1 :

'The cases in which it shall be the duty of the Director of Public Prosecutions to institute, undertake, or carry on a criminal proceeding in respect of an offence are the following :

- '(a) Where the offence is punishable with death ;
- '(b) Where the offence is of a class the prosecution of which has hitherto been undertaken by the Solicitor to the Treasury ;
- '(c) Where an order in that behalf is given to the Director by the Secretary of State or the Attorney-General ; and
- '(d) Where it appears to the Director that the offence or the circumstances of its commission is or are of such a character that a prosecution in respect thereof is required in the public interest and that owing to the importance or difficulty of the case or to other circumstances the action of the Director of Public Prosecutions is necessary to secure the due prosecution of the offender.'

It is clear, therefore, that the Director of Public Prosecutions was not and is not a 'public prosecutor,' but is only charged with the duty of dealing with certain classes of cases.

A comparison between the volume of work entrusted to the 'Director' of 1882 and the 'Director' of (say) 1925 is interesting. In the latter year, which was quite a normal year, 2,222 distinct matters were reported to him, considered, and advice and assistance given ; in the same year 649 prosecutions were undertaken, mostly for indictable offences involving trials at Quarter Sessions or Assizes, but a small proportion of indictable cases were dealt with summarily. In addition, 100 cases in which appeals to the Court of Criminal Appeal had been lodged were considered and counsel instructed for the respondent in 83. The Prevention of Crime Act, 1908, as to habitual criminals provided 76 additional matters in that year. The total number of matters, of one kind and another, with which the Director dealt was approximately 2,400.

It would appear from the above observations that the Director is primarily a prosecuting official in cases in which in his opinion the public interest is involved. He is also charged with the duty of advising on points of criminal law and practice when consulted by Chief Constables or Clerks to Justices. He has, in addition, certain statutory powers and duties—for instance, under the Corrupt Practices Acts, the Incest Act, 1908, the Prevention of Crime Act, 1908, and the Criminal Appeal Act, 1907—but has not, strictly, the duty of investigating crimes, save in certain special cases in which technical or expert matters have to be considered. Investigation into a crime is the duty of the Police, though in what direction it should proceed is of course often suggested by the Director. Crime, especially that which involves fraud, is becoming more and more complicated, and criminals who specialize in fraud are very expert and would appear to have considerable knowledge of criminal law and procedure, not always perhaps derived from previous personal experience. Fraud and false pretence cases, company frauds, bankruptcy cases, employment frauds, nowadays involve very considerable preparation, the bulk of which is ably performed by the police of the different localities to which such cases usually extend and in which the victims are to be found. Where expert evidence such as that of accountants is required, the Police

naturally look to the Director to provide it, and in other cases of offences against the person where medical, toxicological, and pathological evidence is necessary, the Director is very frequently consulted.

One further statutory duty of the Director may be mentioned, and it is of importance. A private person commences a prosecution, but from inability to bear the cost or possibly by reason of offers of restitution (with perhaps a small bonus for 'costs') he applies to withdraw it, or simply does nothing in it. This position has under Sect. 5 of the Prosecution of Offences Act, 1879, to be reported by the Clerk to the Justices to the Director. In a certain limited number of such cases, especially where there is ground for supposing some improper bargain is involved, the Director intervenes, and is then entitled to take over the case and continue the proceedings, quite irrespective of the particular views which the original prosecutor may have formed. It is not usually difficult from the full information as to such cases which Clerks to Justices send to him to come to a conclusion whether intervention is or is not necessary, and it is the Director's practice in doubtful cases to request the assistance of the Chief Constable or other Police Authority in obtaining the further necessary information.

It therefore appears that there is no recognized prosecuting Authority in England and Wales. The Director of Public Prosecutions is (fortunately for him!) restricted in his activities by the Regulations of 1886; the private prosecutor, whilst occasionally commended by Judges for his public-spirited action in enforcing the Criminal law, is discouraged by the inadequacy of his allowances and by the risk he runs in case of failure; and the Police are, or at least in my view should be, limited to prosecutions of a more or less public character in which some substantial disturbance of the peace is involved. But, notwithstanding, not many crimes in which the public are interested pass unnoticed, and the Director of Public Prosecutions is probably justified in taking, as he does, a fairly liberal view of the scope of his prescribed duties.

The Camorra

A MURDER in Naples is generally described as *un fatto di sangue*, an event of blood, and until some time ago—about twenty years—it was considered as quite an ordinary and common occurrence. The definition was conveniently comprehensive, and it was applied in all cases when blood was shed, irrespective of the seriousness of the wound inflicted, provided, however, it was caused intentionally and by violence. The same crowd gathered in the streets of Naples around a fallen cart horse or a dying man. If a curious person on its outskirts asked what was the matter, the reply was given with equal indifference in both cases. Obviously men were killed quite as frequently as horses slipped and fell down in the streets of the city; and yet it was well known that the lack of excitement was not due to insensibility or callousness of the temperamental Neapolitans, but to necessary prudence and discretion, since every 'event of blood' was invariably connected in some way with the most powerful and best organized criminal association in the world, namely the Camorra, which practically controlled the entire life of Naples.

The extermination of the Camorra, officially known among its members as 'The Honourable Society,' was brought about after a hard struggle lasting nearly half a century and not yet entirely abandoned, by a double murder committed twenty-one years ago. Before dealing with the history of this murder, the exceptionally difficult and complicated investigations that followed it and lasted nearly six years, and the famous trial at Viterbo ending with the conviction of the chiefs and most prominent members of the Honourable Society, a brief survey of the origin and history of the Camorra must necessarily be given.

The origin of the Camorra is undoubtedly Spanish, and the *camorristi* of to-day are the descendants of a special class of

Spanish brigands known as *gamurri* from the short coat or pea-jacket they used to wear. They were ordinary highway robbers, but banded together under a sort of military rule, with special laws and customs, and very often they were in league with some of the police.

Living in an age of chivalry the Spanish bandits were occasionally just and generous, two attributes which entirely disappeared when the association was introduced into Naples early in the nineteenth century. In fact a Spanish historian of the *gamurri*, writing about the Neapolitan ramification, remarks that the institution degenerated in a revolting manner.

The Camorra became publicly known in or about 1820. It was primarily social and not political in character, and it originated in the Neapolitan prisons, then crowded with the victims of Bourbon misrule and oppression. After some years, about ten, it was carried into the city by prisoners who had served their time. The society rapidly extended its power, and its operations included smuggling and blackmail of all kinds in addition to the ordinary robberies to which the released prisoners at first almost exclusively resorted.

The Camorra in Naples retained only the complicated organization, the disciplined and formal rule and the secrecy of its Spanish prototype. In other respects it changed altogether and became nothing else but a gang of thieves, hardened in all sorts of crime, brutal and corrupt. Its influence grew to be considerable, as was to be expected in a city like Naples where, owing to the great excess of population as compared with the available means of subsistence, there was always an enormous number of people in a permanent state of demoralization who easily became involved in the society's misdeeds.

The Camorra attained such an ascendancy and developed to such an extent that to all intents and purposes it assumed the aspect of a national institution. As the police were badly organized and hence inefficient, merchants engaged the Camorra to superintend the loading and unloading of their goods. Private citizens sought its protection, naturally for a consideration, not necessarily of a pecuniary character, since the Camorra helped anyone who could be useful or even passively favourable to it. The Government not only did not

interfere with the society, but secured the services of its members to detect crimes that baffled the police authorities. The operations of the Camorra were, as a result, considerably extended. High fees were drawn from houses of bad repute, illegal lottery offices were opened and maintained under its auspices, usury was practised on a large scale by its most prominent members, and dues and tributes were levied with impunity in exchange for the protection of the Honourable Society. The real end and object of the Camorra was always profit, gained by any means, good or bad.

When in 1860 the constitution was granted by King Francis II., all the prisoners who were in jail—and they were in great numbers—were liberated, and they naturally swelled the ranks of the Camorra, which, having become political in 1848, acquired practically unlimited power at elections. It then controlled the daily life of Naples and swayed the city in political matters. Its members were so numerous that they recognized each other by their conduct rather than by signs or words, and the commands of its chiefs were given verbally and transmitted in like manner. It preserved a monopoly in stealing and in all illicit trades; and officials, business men and tradespeople protected it or were under its protection.

The Camorra received official recognition when Garibaldi entered Naples, disbanded the Bourbon police and entrusted the policing of the city to the Camorra, whose district chiefs were appointed commissioners for the maintenance of order and the repression of crime.

The Camorra retained its power practically undiminished until 1877, when a determined effort to exterminate it was made and forty-seven of the most notorious *camorristi* were simultaneously arrested. As, however, highly placed members of the Honourable Society had entered municipal administrations and some of them even parliament, the repressive measures adopted to curtail its power did not prove successful.

In 1890 the Naples municipality was dissolved and a royal commissioner was appointed. A government enquiry took place, and as a result of its investigations the Honest Government League was formed which succeeded in the following year in entirely defeating the Camorra candidates at

the Municipal Elections. Five years later the Cuocolo murder initiated the long and difficult struggle which ended with the great trial at Viterbo in 1911 and the conviction of the Camorra chiefs. Since then the Honourable Society has practically ceased to exist.

The methods of the Camorra were based on the long and severe training which the candidates for admission into the vocation had to undergo. The Camorra was characterized as a sort of popular freemasonry with evil as its object. Its work consisted in brigandage in urban districts, and its victims were usually the people whose vices exposed them to its hideous exploitation, which, however, did not prevent the society from being very popular. Apprenticeship began very early, approximately at the age of five or six. The child was taught to beg and steal such things as handkerchiefs, etc., and in a few years he had every chance of getting into prison. It was then that he had to choose between vice and virtue. By adopting the latter he would have been exploited by the Camorra which ruled the jails, whereas the preference for vice meant affiliation to the society. It was seldom that this last course was not chosen.

But to become a *camorrista* many serious proofs of courage were necessary, proofs of bravery, skill in the use of the knife, and absolute discretion. The candidate had to pass through several grades. First he was a *garzone di mala vita*, a boy of evil life, a very inferior position; but as soon as he gave satisfaction in this capacity by his bravery, he could aspire to the next and higher grade of *picciotto di sgarro*, a youth who practises some subaltern calling. He could then offer to kill someone designated by the Camorra, but if there was no case of vengeance in hand, he was tested in a sort of dagger duel with a member of the society. If he got wounded, he had the right to two more duels, but if he were wounded in all three he was not admitted to the Camorra.

In early times this initiation ceremony was more severe. A group of *camorristi* stood round a coin placed on the ground, and at a given signal all stooped to thrust at it with their knives while the novice had to pick it up, with the result that his hand was pierced through in several places. The duel which

replaced this barbarous trial, while still serving as a test of courage, did not generally lead to serious injuries, as it was understood that only the arm was to be wounded.

Even now, should he be successful in the more or less mock duel, the candidate was only approaching the promised land. He could not become a proper *camorrista* till he had proved his valour in a great many other ways. At one time this period of service lasted from two to eight years; later, it was considerably shortened, but it still was a severe test. The *picciotto* did whatever the *camorristi* required of him, and he gave up to the one who happened to be his master all the profits of his 'industry.' At last, however, a clever assassination procured him the envied title, and the day arrived when the association of bandits delivered to him his letters of nobility.

He was brought before the solemn *camorristi* seated around a table at the head of which was the district chief. One of them, generally his master, acted as his *compare* or sponsor. Several questions were put to the candidate, which had to be answered to the full satisfaction of the examining board. When the interrogatory was concluded the chief asked: 'What do you seek now?'

To which the candidate had to reply: 'My companions.'

'Who are your companions?'

'The *camorristi*.'

'What does *camorrista* mean?'

'A man of courage who commands the low society and stands with one foot on the ground and the other in the grave.'

The *picciotto* then took the oath of secrecy, swearing that he would ever be faithful to the Camorra, that he would continue to be the enemy of the authorities and of the police, and that he would never denounce the *camorristi* whatever happened, but would love them above anyone else.

The oath was taken on crossed knives and it was followed by an elaborate ceremony. A dagger, a loaded pistol, a glass of wine or water supposed to be poisoned, and a lancet, were placed on the table. A vein of the aspirant was then opened, and dipping his hand in his own blood he held it out to the assembled *camorristi* and swore to keep the society's secrets, and to obey orders. Then he had to stick the dagger into the

the Municipal Elections. Five years later the Cuocolo murder initiated the long and difficult struggle which ended with the great trial at Viterbo in 1911 and the conviction of the Camorra chiefs. Since then the Honourable Society has practically ceased to exist.

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The *picciotto* then took the oath of secrecy, swearing that he would ever be faithful to the Camorra, that he would continue to be the enemy of the authorities and of the police, and that he would never denounce the *camorristi* whatever happened, but would love them above anyone else.

The oath was taken on crossed knives and it was followed by an elaborate ceremony. A dagger, a loaded pistol, a glass of wine or water supposed to be poisoned, and a lancet, were placed on the table. A vein of the aspirant was then opened, and dipping his hand in his own blood he held it out to the assembled *camorristi* and swore to keep the society's secrets, and to obey orders. Then he had to stick the dagger into the

table, cock the pistol, and hold the glass to his mouth to show his readiness to die for the society. His master or sponsor then bade him kneel before the dagger, placed his right hand on the lad's head, while with the left he fired off the pistol in the air and smashed the poison glass. He then drew the dagger from the table and presented it to the new comrade, and embraced and kissed him as did all the others.

Henceforth the member enjoyed all the privileges of a *camorrista*. He practised the virtues of discretion and humility. He knew too well to what risks infidelity would expose him, for his comrades had initiated him to the statutes and rules of the Camorra, which are transmitted orally from one generation to another. He realized that 'good conduct' would bring him promotion in the form of honours and gains, and when his crimes had reached the highest point of Camorrist prestige, he would be numbered among the 'thirty-three'; and he remembered that the great chiefs are recruited from among the titulars of this supreme grade.

Now picture him at work in Naples. Lean, with a moustache, vicious eyes, his hat cocked, he seeks adventures which will earn him the esteem of his superiors and merit a fine future in a penitentiary colony. If he manages to escape the carabinieri and the police, he will bring up his family in Camorrist fashion—parents, children, brothers, sisters, nephews, all cohabiting in one room. In this atmosphere of immorality and dirt the father will not fail to teach his children what he himself had to learn; for Camorristism is an hereditary evil. If he goes to prison he will be sure to meet many of his friends there. He will pay his portion of the oil which burns before the image of the Madonna or other saints; for the Camorrist is attached to his religion. In jail or at liberty he is proud of his position, of his scars, of his crimes. Finally, the good Camorrist attains the threshold of an honoured old age in the Camorra. He is sure of succour, and when he dies his family will not be destitute.

It is reported on good authority that at one time all Camorrist were 'branded' with the society's identification mark, consisting of an imperceptible line tattooed on their bodies, to which dots were added on promotion to the different

grades. Thus, the *garzoni di mala vita*, also known as *giovinotti onorati* or honoured lads, had only the line tattooed. A dot was added to it when they became *picciotti*, and two when they were admitted to the rank of *camorristi*. As the Camorra's identification mark afforded compromising evidence, the practice of tattooing it on a visible part of the body was precautionally discontinued. The mark was quite easily hidden by choosing different places for it: between the fingers, behind the lobe of the ear, on the scalp, and so forth. As a result of the precautions adopted it is not known with certainty whether the practice was abandoned or whether it survived until comparatively recent times.

The Camorra was divided into two classes, known as the *alta* or high, and *bassa* or low, Camorra. To the former belonged the supreme chief of the Honourable Society, known as *capointesta* or head chief, the twelve chiefs who presided over the twelve districts or wards of Naples, known as *capintrini*, the *contaioli* (accountants) or secretaries, and the *camorristi scelti* (picked or select) or full members of the association. To the latter belonged the *giovinotti onorati* and the *picciotti*, most of whom were pickpockets or professional beggars who aspired to enter the society.

All the chiefs were elected for life from among the picked *camorristi*, at one time numbering only thirty-three; and their force of character and the power they exercised over their subordinates were the necessary qualifications for election. The head chief was elected from among the twelve district chiefs. All the *camorristi* were electors.

The Camorra had its own special laws and its special tribunals. The first axiom of the Camorra courts was the following: 'Sentences are just, because the Camorra does not judge with the pen but with the heart and mind.' Among the punishments decreed by these tribunals were the following: suspension, permanent or temporary, from enjoying the profits of Camorra operations or work; expulsion, permanent or temporary, from the Honourable Society; *sfregio*, or permanent visible disfigurement, generally in the face, caused by means of a broken glass or a razor. Capital punishments, or rather murders, decreed for betrayals, were executed by means

of *taglienti* (cutters) or knives, and the mode of killing differed according to the gravity of the crime committed. The worst was by stabbing in the stomach, which prolonged death. Next came stabbing in the heart or chest, and finally stabbing in the head.

The secret tribunal of the Camorra generally sat in a cellar, and if the crime under consideration was a capital one, it was composed of the head and the twelve district chiefs. No defence was admitted, but a *camorrista* acted as prosecuting counsel. The members of the court came fully armed, but their first act on entering was to hand over their weapons to the chief, who tied them up in a handkerchief and delivered them to a *camorrista* who remained at the door.

The presence of the accused was not necessary. When death was decreed, four *picciotti* were called in and charged with the execution of the sentence, generally within twenty-four hours. As evidence that the sentence had been carried out, the executioners generally took some object belonging to the victim and gave it to the chief, who displayed it in such a manner that all *camorristi* could see it. In one case the head chief of the Camorra wore the dead man's ring for a month after the murder.

The *camorristi* had a slang of their own, which was characterized by the fact that very often it was used in poetry. Thus, for example, a *camorrista*, in most cases disguised as a tramp or a beggar, sat in the sun and sang about a sportsman who went out shooting birds and tried to hit them under their wings. People stopped and listened: if there happened to be *camorristi* among them, these understood that the sportsman was a judge and that he was striving to get information out of some members of the society who were therefore warned to be careful. *Camorristi* communicated with their companions in prison by means of similar improvised songs, which also served as a warning of the approach of the police; and sometimes in this way even organized robberies and murders in broad daylight and in the most frequented places.

The *camorristi* were very superstitious. For instance, they firmly believed that the murderer who swallowed a drop of his victim's blood was never arrested by the police. In

case they had to rob a church or a shrine, before doing so they knelt down and said their prayers, followed by a formula to the effect that the robbery was not meant as an insult to God but that its commission was due to the necessity of earning a living.

Camorristi often made vows to saints, and in case their undertaking succeeded, they wore for a month the special colour of the saint whose intercession they invoked, such as green for St. Anne, black for the Mother of Sorrows, red for St. Januarius, the patron of Naples, and so on. A favourite vow of the *camorristi* was to marry a woman of bad repute in order to prevent her from continuing to lead a life of sin.

The last Camorra execution took place in June 1906. The body of a middle-aged man was found, early in the morning, on the beach at Torre del Greco, near Naples, covered with the characteristic stabs or gashes inflicted with the intent of prolonging death. The man was identified as the notorious *camorrista* and fence, Gennaro Cuocolo, well known to the police as a specialist for planning burglaries and reserving for himself the lion's share of the stolen goods. On several occasions Cuocolo had denounced *camorristi* to the police for burglaries and other crimes, and had supplied the necessary evidence for their conviction.

On the same day Cuocolo's body was discovered at Torre del Greco, his wife was found dead in her house at Naples, stabbed in the same way as her husband. It was ascertained that both murders had been committed simultaneously, and as both husband and wife had met their death in the same manner and their money and jewellery were left untouched as a sign that theft was not the motive of the crime, the obvious conclusion was drawn that the double murder was a Camorra execution. Cuocolo's close connection with the Honourable Society and the betrayal of several of its members to the police afforded unmistakable evidence that his death had been decreed by the Camorra.

The police investigated the case; but knowing that the double murder was a Camorra execution everyone in Naples expected that the investigations would be ineffective. Some arrests were made, it is true. A party of young men and some women happened to go to Torre del Greco on a picnic on the

day of the murder. By a mere coincidence, according to the police theory, they happened to be all more or less intimately connected with the Camorra. They were arrested, probably owing to some mistake on the part of an over-zealous and inexperienced police official new to Naples, but they easily proved an *alibi*, and the investigating judge released them, as he was expected to do. The case of the Cuocolo double murder was then dropped.

Hushing up a crime was by no means without precedent in Naples, but unfortunately for the Camorra, the Cuocolo double murder was seized on by the Opposition as a pretext to overthrow Signor Giolitti's Cabinet, and a Socialist deputy openly hinted in Parliament that the Government were protecting the Camorra. The Ministry of the Interior accordingly decided that the case should be re-investigated, and Captain Fabroni of the Royal Carabinieri was ordered to take up the investigation where the police had left off. At the same time the chief of the Naples police was relieved of his post; several police officials whose Camorrist sympathies were notorious and suspected not to be disinterested were transferred from Naples; and the judge who ordered the release of the *camorristi* whose picnic at Torre del Greco coincided with the murder was pensioned.

The ground thus being cleared, the carabinieri started investigations, not where the police left off but from the very beginning. The task allotted to Captain Fabroni and a small squad of carefully chosen subordinates turned out to be difficult, dangerous, and unprecedented in the annals of police history. Hundreds of *camorristi* were arrested, including the head chief of the Honourable Society, Enrico Alfano, better known as Erricone or Big Henry. Evidence justifying their committal to trial could not be secured. All the witnesses likely to supply information were extremely reticent, either owing to intimidation or from fear of revenge. No effort was spared by the Camorra to hamper and impede the investigations of the carabinieri. The vast machinery of the Honourable Society was set in motion to secure the release of the prisoners, money was spent lavishly, scores, and later hundreds, of witnesses were suborned, the most prominent lawyers were

engaged for their defence, and the strongest arguments in their favour appeared in the most accredited newspapers. Men of all conditions and of all professions were mobilized against the carabinieri, whose investigations were conducted under exceptional difficulties, including the hostility of the people, the jealousy of the police, and repeated clever attempts to deceive them by false clues. Don Ciro Vitozzi, an unfrocked priest, at one time a prison chaplain, whose pronounced sympathies with the Camorra were attributed to the fact that he was Enrico Alfano's godfather, succeeded in persuading the investigating judge that the Cuocolo double murder had been committed by five or six notorious criminal characters, evidence of whose guilt he willingly supplied. These men were arrested and kept in prison for several months; there is little doubt that they would have been tried and possibly convicted had not the carabinieri, with great difficulty and considerable loss of time, collected positive evidence of their innocence. Don Ciro Vitozzi was arrested together with other members of the high Camorra, including a certain Professor Rapi, a cultured man who lived in Paris, where he not only emulated his late rival Cuocolo by organizing burglaries in Naples, but also practised blackmailing and card-sharping on an extensive scale.

The efforts of the carabinieri to bring the *camorristi* to justice and thus eradicate the Camorra lasted nearly five long years, and they would have proved fruitless had not the carabinieri succeeded in securing the evidence of a young but prominent *camorrista* named Gennaro Abbatemaggio, who was implicated in the Cuocolo double murder. To all intents and purposes this man was an eyewitness of the Camorra tribunal's proceedings which ended with the sentence of death as well as of practically every incident connected with its execution. A warrant officer of carabinieri purposely became engaged to Abbatemaggio's sister with the object of gaining his confidence, and once he had attained this end, by the exercise of extraordinary patience and tact he induced him to turn King's evidence. Every effort was made by the *camorristi* to murder Abbatemaggio, whose life had to be protected by the carabinieri during and after the Viterbo trial.

On the 11th March, 1911, nearly six years after the Cuocolo murder, Erricone, the head chief of the Camorra, Gennaro De Marinis, the accountant or treasurer of the Honourable Society, and three other prominent members of it, were brought to trial at Viterbo on the charge of having instigated the murder of Cuocolo and his wife; five other *camorristi* were charged with the commission of the two crimes, and twenty-one others with active participation in a criminal association and complicity. The priest, Don Ciro Vitozzi, Professor Rapi, two women, and several other *camorristi* were tried on minor charges. Four of the *camorristi* arrested by the carabinieri died before the trial. Among them was Erricone's brother.

The trial of Viterbo—this town near Rome was chosen because it was not considered safe to have *camorristi* tried in Naples and by a Neapolitan jury—was undoubtedly the most important and sensational ever held in Italy. It lasted sixteen months and ended with the conviction of five *camorristi*, including Erricone, who were found guilty on all counts and sentenced to thirty years' hard labour. Most of the others were likewise found guilty and sentenced to shorter terms of penal servitude.

Although over 700 witnesses were heard, besides another hundred summoned by the judge, the evidence for the prosecution rested almost entirely on the revelations of the informer Abbatemaggio. The evidence against the prisoners was purely circumstantial, as nearly all the important witnesses were reticent. An entire regiment of infantry was sent to Viterbo to surround the court when the verdict was given. During the trial two companies of infantry, 150 carabinieri and 50 detectives were permanently on duty.

The trial cost the state over £80,000, including the expenditure during the long and laborious preliminary investigation. In order to overcome the reluctance of jurymen to serve on this trial, Parliament voted a special law sanctioning the payment of 5s. 6d. a day to jurymen serving on trials lasting more than three months.

The minutes kept by the Clerk of the Court during the trial covered 12,000 pages of close writing; the reports of the

investigating judge consisted of 60 folio volumes, and over 50,000 documents were produced and read in Court. In order to make sure that the trial would not suffer any interruption owing to the illness of the judge, or the king's procurator or public prosecutor, a substitute judge and prosecutor as well as a substitute clerk attended the proceedings.

In writing on the Camorra the temptation to exaggerate its power and importance is very strong, and in many cases it has not been resisted. As a result the tendency to underestimate the Honourable Society and to consider it merely as a gang of evildoers, similar in character to those found in every large city, has acquired a certain amount of credence. Every care has been taken in writing the foregoing account not to colour truth and thus make it appear stranger than fiction, and the writer has followed documentary evidence throughout.

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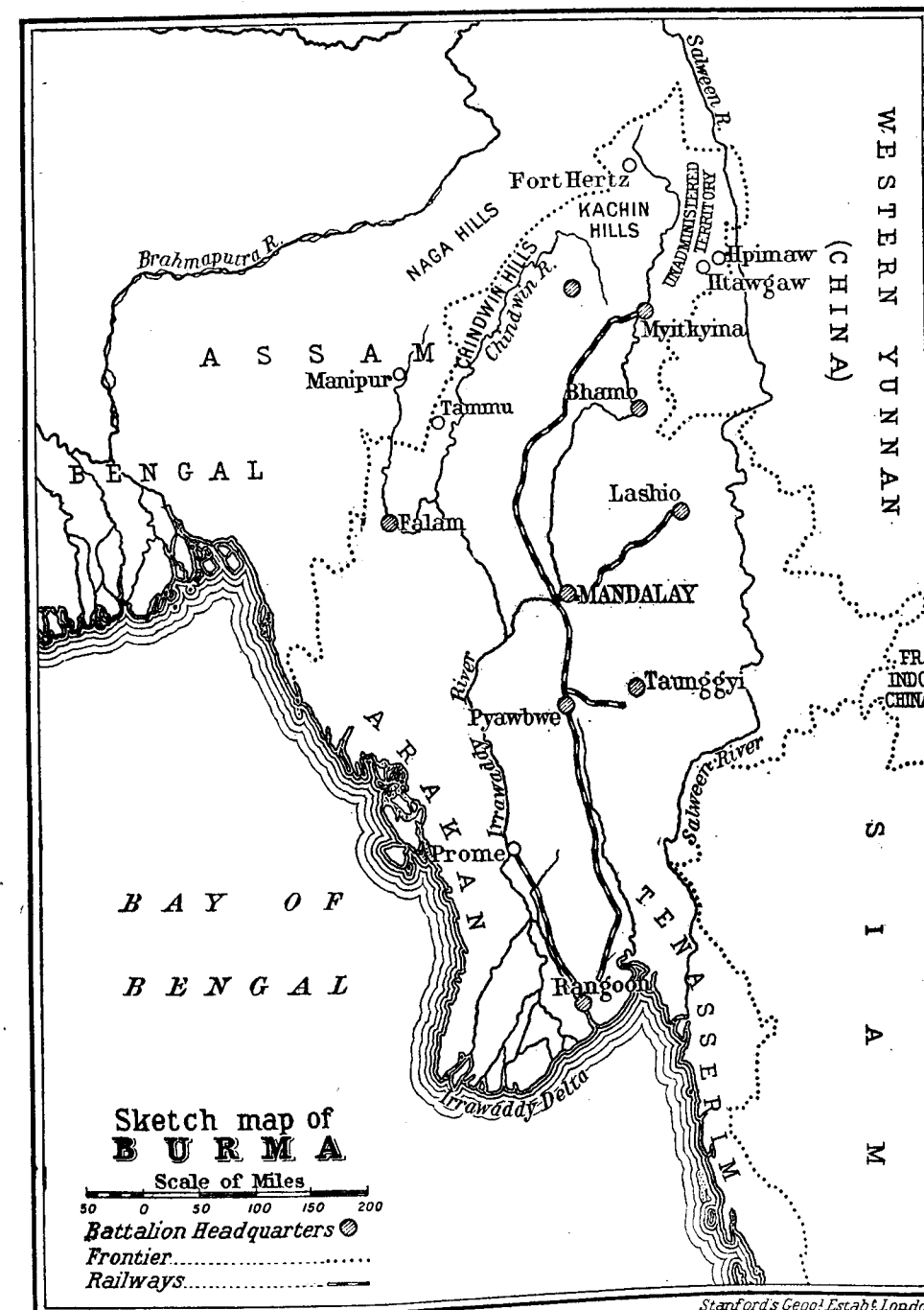
The Burma Military Police

BY CAPTAIN J. W. YOUNG, I.A., F.R.G.S.

THE task of pacification and the continued maintenance of law and order in the outlying areas of the British Empire has on many occasions necessitated the creation of irregular forces. In many cases these forces were evolved in the midst of conditions of disquiet—a country in eruption, a scarcity of British troops, a handful of British officers entrusted with the task of raising a force from an untrained race and rapidly moulding this unpromising material into a disciplined corps. Improvisation was the order of the day; commonsense was their guide; 'Carry on' was their motto.

Of these forces there is probably none that is so little known—or has so interesting a record—as the Burma Military Police. Its story of 40 years of unceasing work is in brief the story of Upper Burma under British rule. To those who have not visited Burma, however, this account of the Burma Military Police would be incomplete without a short description of the country and of the historical events which led to the formation of this interesting force.

Burma, the largest and easternmost province of the Indian Empire, is a long, narrow strip of country with a total area of 262,000 square miles, bounded on the north-east and north-west by high mountain ranges which form a basin for two great rivers, the Irrawaddy and the Salween. The Irrawaddy River is the main artery of the country. Its source is beyond the high mountains of the extreme north of Burma, on the borders of China and Tibet, and it flows, fed by many tributaries, navigable for a thousand miles, directly south until it reaches Lower Burma, where it is joined by the Rangoon River, and, forming a delta, finally discharges itself into the sea. The climate of the country in general is tropical with a heavy



rainfall in practically all districts (except in that area in Upper Burma known as 'the dry zone'), resulting in a luxuriant vegetation and dense forest growth, thus rendering means of communication difficult, and the construction of roads and railways laborious and expensive.

The hills of Upper Burma are part of a Himalayan arc that runs through Burma and Malay. The Eastern Hills are inhabited by Kachins, Shans and Karens, and those in the north-west by Chins. Burma proper is really the valley of the Irrawaddy. Upper Burma is the true home of the Burmese, whilst Lower Burma is inhabited by Burmese, Talaings and Karens.

For purposes of Government the country consists of Burma proper, the Federated Shan States, and the frontier areas which are separately administered by the Government of Burma. Besides these there are large expanses of wild and undeveloped country which at present are unadministered. The inhabitants of these areas are very savage, but there is a tendency nowadays to give up many of their worst practices, such as head hunting, human sacrifice and slavery.

Burma's connection with Britain dates back only 100 years. Before that time Burma was an independent country ruled by its own kings. We had no desire to interfere with the country at all, but circumstances were too strong for us; and in 1824 we were compelled to go to war on account of an entirely preposterous claim of the then King of Burma to part of Bengal, and his threat to invade it. We occupied Rangoon; and after several battles up the Irrawaddy River, the Burmese ceded to us the coastal districts of Arakan and Tenasserim, though they themselves remained in undisputed possession of the interior of the country. English merchants established themselves in Rangoon, in accordance with the terms of a Treaty made at the time; but in course of time they were so badly treated by the Burmese, by whom the Treaty had been repudiated, that by 1852 the situation had become intolerable, in spite of all our efforts to alleviate the state of affairs. As no reply was received to our ultimatum to the Burmese king, troops were again landed in the country. Very little organized resistance was offered, but the result was decisive; and in

1852 we annexed the southern part of the country, now called Lower Burma. Peace was formally concluded, and then came the formidable task of subjugating the country. The remnants of the Burmese army scattered themselves in the jungle, and aided by bands of professional dacoits, committed depredations at will, making the work of peaceful settlement extremely difficult. The Burmans had the natural advantage over the British that they were at home in the dense jungle, and once they were hidden away it was impossible to trace them. Roads were non-existent, the only means of communication, except by river, being rough tracks cleared in the forests. The outbreak of the Indian Mutiny in 1857 further hindered progress for some years, as the majority of the effective troops were withdrawn for service in India.

In 1885 a vast increase in violent crime made it more than ever necessary to take immediate steps to introduce some form of law and order into the country. The Civil Police had already been formed, but was composed of Burmans who seemed unable to cope effectively with the daring bands of dacoits. It was decided, therefore, to recruit Indians from the fighting races of Upper India to be employed on duties in which courage and discipline were essential, and to employ the Burman portion of the police entirely on detective duties. The Indians were kept as a reserve in the more important districts, and were thus immediately available should any serious outbreak of violent crime render their services necessary. In 1886, over 1000 men of the martial races of the Punjab had been recruited. They were at first utterly untrained and unaccustomed to discipline; but fears as to the results of entrusting an undisciplined force of foreigners with the task of quelling disorders were fortunately not borne out, and at the end of their first year's service their general conduct was admitted to be very creditable.

The formation of this force, and the enlistment of Indian recruits to help in bringing law and order into the country, mark the beginning of the Burma Military Police Force. In order to maintain this new force as a disciplined body a selected officer was appointed to be Adjutant. He was under the orders of the Inspector-General of Police throughout Lower

Burma. It was his duty to control all matters connected with the organization, to visit the posts at which the men were stationed, and generally to insist on the maintenance of a proper standard of efficiency and discipline.

Meanwhile in Upper Burma the enmity of King Thibaw, which culminated in his enforcing a most unjust fine of 23 lakhs of rupees on a British Company (The Bombay Burma Trading Corporation), his threat to make a Treaty with the French which was to be hostile to our interests, and a long list of atrocities against British subjects, compelled the British Government to send an ultimatum to the Burmese king. He refused satisfaction. Whereupon a British force advanced by boat up the Irrawaddy River to Mandalay. Little opposition was encountered; and King Thibaw having tamely surrendered was taken prisoner. The rapid success of the British forces was entirely unexpected by both sides. King Thibaw had underestimated the strength and offensive spirit of the British, and we had given him credit for an ability to oppose us and at least to make a fight for his kingdom. The British Commanders, surprised at the ease with which they were able to become, nominally at least, masters of the country, had no prepared policy regarding administration, and as a result pacification was slow and difficult. The Burmese armies dispersed, and being without leaders soon degenerated into bands of dacoits preying on the villages in exactly the same manner as had been the case in Lower Burma thirty years before. The work of pacification was practically a repetition of that undertaken in 1852 and subsequent years.

The task of introducing the necessary measures to provide for the Civil administration of the country and to supplement the work done by the troops was taken in hand from the time of annexation. District Officers were at first entirely dependent on military escorts, and consequently were not always able to move about freely in their districts. Early in 1886, therefore, proposals were framed and submitted to the Government of India for the enlistment of two Military Police Levies, each to consist of 561 officers and men; and of 2200 Military District Police—both to be recruited from Northern India. The two bodies of men were speedily formed: the



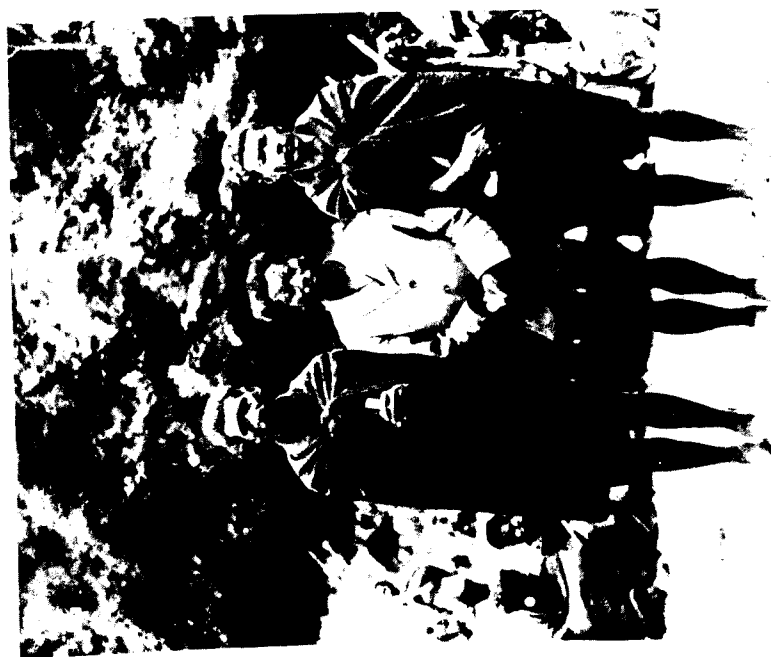
NAGAS FROM THE UNADMINISTERED TERRITORY



KUKIS—WHO REBELLED IN 1917



A COLUMN MARCHING AT EASE IN THE JUNGLE



SOME NAGA CHIEFS
(FROM THE UNADMINISTERED DISTRICTS OF THE AREA BETWEEN
THE CHIN HILLS AND ASSAM)

Military Police levies consisting mostly of men who had already received military training. During the course of the year 1886 the number of the Levies was increased to four, and the strength of the Military District Police was raised to 3000 men.

The British military officers sanctioned for the force in 1887 were four only, one for each of the four levies. The Military District Police were in the unhappy condition of being no man's child; they were nominally under the District Superintendents of Police, but these officers were at that period practically non-existent. The result of this was that they received only such care and attention as could be afforded them by the few and inexperienced young Assistant District Superintendents and Inspectors of Police.

At the beginning of 1887 the levies were kept in compact bodies under their European officers and were employed on purely military duties, the Military District Police taking the humbler rôle of District guards, garrison duty, etc. The contrast, however, between the two bodies had become so glaring that in 1887 the Local Government obtained sanction to the appointment of two military officers to each district, with the exception of four which were left with a Commandant only. The distinction between the levies and the Military District Police was at the same time abolished, and the whole force was divided into eighteen battalions under the name of the Upper Burma Military Police.

By the end of 1888 the total number of Military Police in Upper Burma had reached 18,000 men. The control of the Military Police in each district was placed in the hands of the District Magistrate under the orders of the Commissioner of the Division. The same authority was also responsible for the selection of the various posts and the strengths necessary. The principle laid down was that the most important and central posts should be occupied by strong bodies of Military Police. Between these posts were established intermediate stations to be held by the Burma Civil Police.

As the Military Police became established, the problem of replacing the army troops was considered, and reductions began to be carried out. In three years the Military Police

posts increased fourfold. But the transition stage had its reverses. The troops had known the work and the country, and the Military Police were new to both, and in many cases had not the advantage of being led by British officers. These circumstances, combined with the dry season of the year, which is in Burma the favourite time for outbreaks of dacoity (for life in the jungle is to the dacoit dry and pleasant at this time), led to renewed activity on the part of dacoit leaders, and several disasters occurred. Fortunately the Military Police soon learnt by experience, and they rapidly suppressed all outbreaks.

The strength of the Military Police in Upper Burma attained its greatest height in 1889, when the number was over 19,000. As, however, conditions became more settled it was possible to make reductions from the strength. The Madras Army at that time was raising new regiments, and from the demobilized men of the Burma Military Police seven Madras regiments were raised.

It is of interest to recall that within eight months of the formation of the Chin levy into the 2nd Burma Battalion, this battalion had an opportunity of displaying its fighting qualities of which it took full advantage. News arrived from Manipur of the murder of the Chief Commissioner of Assam and other British officers whilst parleying with some rebels. Lieut. Grant and seventy men of this battalion were quartered at Tammu on the Manipur frontier, and on hearing the news at once marched on Manipur. They defeated the Manipuris against enormous odds. For this work Lieut. Grant was awarded a V.C. and a Brevet Majority, and each of his men was awarded the Indian Order of Merit. The men were a splendid body of Punjabi Mohammedans who had been enlisted for, and had done good service in, the Military Police.

After the transfer of the seven battalions of Military Police to the Madras Army, the Military Police in Upper Burma were organized on a system which remains in force to this day. The force was divided into battalions of from 1000 to 2000 men, each battalion having its headquarters in the principal town of a district, and with small posts established at all strategic places for the maintenance of law and order, a

sufficient strength being retained at Battalion Headquarters to supply a reserve for emergencies and to provide a movable column for constant active service. Each battalion was commanded by a senior British officer of the Indian Army who was appointed the Battalion Commandant, and there were one or more junior British officers who acted as Assistant Commandants. These officers were specially selected for their initiative and ability, as, owing to the small number of British officers in the force, their duties required more independence of thought and action than did the ordinary regimental duties in the army.

The constitution of the Military Police allowed for one Indian officer for about forty men, and one non-commissioned officer for about twelve men. This was practically the same proportion as in Indian Army regiments; but in the latter the large number of British officers rendered the task of both British and Indian a more satisfactory one. The British officer with his education and training was able to supervise the work in a very effective manner. By his regularity on parade he was able to insist on constant smartness and the abolition of obsolete methods of training. In the Military Police with two, or at most three, British officers in a battalion, having many small posts scattered over a large area, in a more or less roadless country, the officers' time was of necessity fully occupied with the problems of rationing, organization and inspections. Many British officers during the cold season were also engaged in leading columns against dacoits. It therefore followed that they were able to undertake only the most essential supervision of the work of the battalions; and the largest part of the routine work and the command of small posts devolved on the Indian officers. This course had its disadvantages, but it had one outstanding advantage. By the very nature of the responsibilities they were bound to shoulder, the Indian officers, and to a lesser extent the non-commissioned officers, of the Burma Military Police developed initiative to a much larger extent than the personnel of the Indian Army. This readiness to accept responsibility has on countless occasions proved of inestimable benefit to the Burma Military Police. Another great advantage was, and still is, that the

cost of maintenance of a battalion of Military Police is much less than the cost of a battalion of the Indian Army. The larger posts in Upper Burma were as a rule commanded by a British officer, or, if none was available, by a senior Indian officer.

The ranks of the Indian officers and non-commissioned officers in the Burma Military Police correspond to those of the Indian Army, namely, Subedar, Jemadar, Havildar and Naik. The Subedar wears the badge of a Lieutenant, the Jemadar of a 2nd Lieutenant, the Havildar of a Sergeant, and the Naik of a Corporal. The Senior Indian officer is the Subedar-Major, who holds a position of great trust and importance, and there are appointments held by Indian officers such as Jemadar-Adjutant, Quartermaster-Jemadar, similar to the Indian Army appointments. British officers are not appointed permanently, but are seconded from their regiments of the Indian Army for a definite period of years. From this it follows that the British officer is able to solve his administrative problems from experience of regimental life, with necessary adaptations to suit the abnormal conditions encountered in the Burma Military Police.

During the period of the permanent organization of the force, the ordinary strength of a Military Police post was fixed at forty men and the minimum strength of a patrol at ten. The system of movable columns proved eminently successful, and several combined operations were undertaken and had excellent results. In 1887 it was realized that the loss of the Indian Cavalry regiments was being seriously felt, and a party of mounted infantry was therefore raised in each battalion. Its average strength was 11 per cent. of the battalion.

It will be readily understood that the supply of rations and clothing to a rapidly improvised force, operating in roadless country, scattered to a large extent in small posts, presented one of the greatest difficulties. The early arrangements were very crude; and had it not been for the assistance of the Army Commissariat Corps, the men would have fared badly. The men received compensation for dearness of provisions; but money was of little use where no suitable food was procurable. After a time it was decided to provide free rations and

distribute them to battalion headquarters, and the battalion commandant was thereafter responsible for delivering the rations to his posts. This system is to a large extent still in force.

For discipline, the army troops had, of course, been amenable to the Indian Articles of War, and on the raising of the Military Police Force in Upper Burma it was recognized that an Act much more comprehensive than the Police Act of 1861 (to which the Military Police in Lower Burma were subject) was essential if discipline were to be maintained. Therefore the Upper Burma Military Police Regulation, which later became the Military Police Act 1887, was passed, and to this the men became subject. The provisions of this regulation and the Act afterwards became applicable to the Military Police of both Lower and Upper Burma.

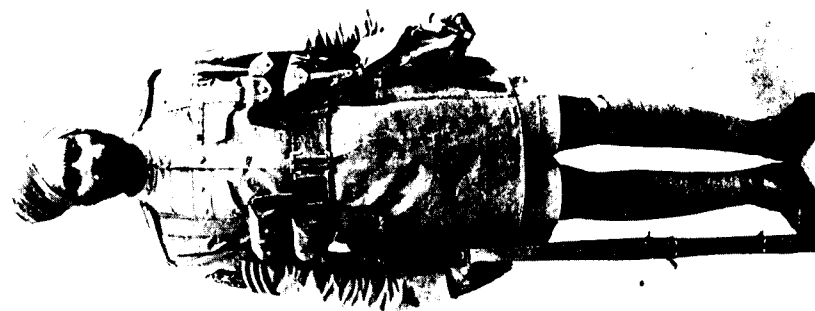
At this period the pacification had reached such an advanced stage that it was considered advisable to amalgamate Lower and Upper Burma for all administrative purposes; and therefore the police of the whole country (now Burma) were placed under one administrative head, the Inspector-General of Police. Hitherto the Military Police in Lower Burma had been entirely under the command of an Adjutant, who was in turn responsible to the Inspector-General of Police, Lower Burma. The Inspector-General of Police, Burma, now had two deputies, one of whom was responsible to him for the Civil Police while the other was responsible for the Military Police. It was anticipated that the control of a single head over the whole force would give unity and consistency to the whole department.

At this stage in the history of the Military Police it is of interest to realize that the force, now united, began its existence in Upper Burma with an object entirely different from that of the force in Lower Burma. In Lower Burma the Military Police force was raised for the purpose of assisting the Civil Police in their work of eradicating dacoits at a time when the morale of the Civil Police was low. The Military Police provided reserves for this purpose in the headquarters of districts, with a central reserve in Rangoon. On the other hand the principal object in raising the Military Police in

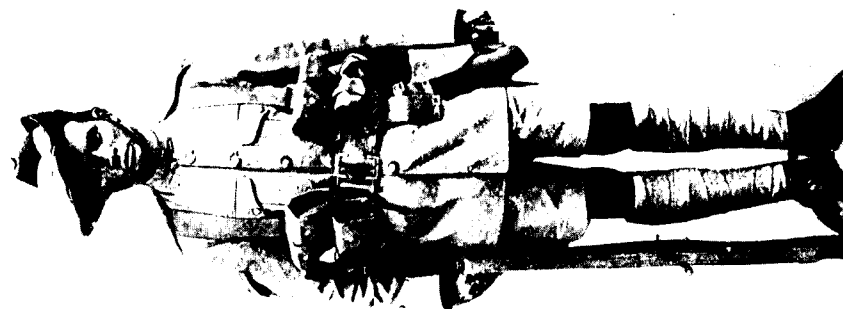
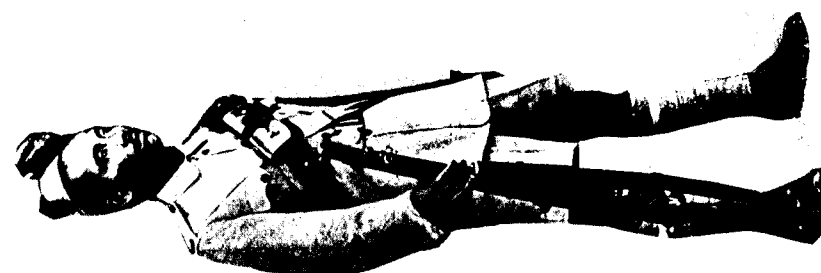
Upper Burma was to assist the Military in the pacification of the country after the conquest of King Thibaw, and this could only be attained by crushing the organized and unorganized bands of dacoits who carried out their guerilla warfare throughout the whole country. The result was that although the force began with a strength of 4000 men in 1886, it had by 1888 attained a strength of over 18,000. This force gradually became responsible for the security of districts, which work had previously been undertaken by the regular army; and it is worth while noting that as our pacification became more pronounced the tendency of the Military Police was to develop towards the frontiers of China and Assam.

The early history of some of the frontier battalions of the Burma Military Police is practically a history of the subjugation of the Kachins, a powerful, primitive tribe inhabiting the mountainous districts of the far north and north-east of Burma. In the Bhamo district these people were especially active, raiding the more peaceful Shans and Burmans of the plains, and being responsible for great moral and material damage. The Kachins are, on the whole, a warlike race, and in the early days were aggressive, pitiless, and desperate fighters. Unlike many wild races whose warfare is limited to skulking in the jungle and relying on ambushes and sniping, the Kachins were not afraid to come into the open should occasion demand. Living, as they did, a life of toil in a mountainous and unproductive country, it is not surprising that the prospects of obtaining easy wealth by raiding appealed to their spirit of acquisitiveness and adventure. The Kachins are animists; their whole horizon is bounded by a multitude of malevolent spirits which require a great deal of attention in the shape of sacrifices of fowls, goats, and bullocks to retain them in a friendly attitude.

In the Kachin Hills up to the year 1890 our expeditions were principally of a punitive nature; but by that time experience made it clear that the Kachins would continue to harry and plunder the more fertile villages of the plains until they were definitely subjugated within a definite area, and were made to pay tribute, not for revenue purposes, but solely as a recognition of their position of political subjection. As a consequence



A SIKH

A KAREN
BURMA MILITARY POLICE

A CHIN



A KACHIN MILITARY POLICEMAN

of this important alteration in our policy, much more extensive military and Military Police operations were undertaken. In 1891 the whole of the Eastern Hills were thoroughly explored, tribute was collected, and guns destroyed. At the same time the question of the administration of the villages began to be slowly but progressively taken in hand, and, with the suppression of their turbulent neighbours, the scattered inhabitants of the villages of the plains gradually returned to their peaceful avocations. Isolated dacoities continued to occur, but now it became possible to enforce the responsibility of villages which harboured or encouraged the dacoits, and the people were no longer left in doubt as to the permanence of the British administration.

As the conditions changed, our regular expeditions to the hills were no longer purely punitive columns with a definite mission to punish crimes, but were really armed escorts for the Civil Officer, whose policy was administration, not retribution. As this policy progressed and carried us towards the Chinese frontier, many problems of demarcation were grappled with, and generally solved in consultation with the Chinese officials. The Military Police posts were selected with an eye to the restraint of the tribes on our frontiers. The frontier battalions of the Military Police are now veritably 'The Wardens of the Marches.' Other tribes, principally the Chins in the west and north-west, also proved very troublesome owing to their raiding propensities, but they were finally subdued in 1896, at which time our administration was definitely established.

The years of warfare in the Kachin Hills had enabled us to appreciate the many sterling qualities of the Kachins, and in 1897 we began to enlist them in the Military Police. In every way the experiment was a success. The Military Police received the benefit of the services of a splendid fighting race, and the Kachins in turn received education, training, and a certain amount of money, which has had its beneficial effect on the improved cultivation of crops and the general standard of living. The Kachin has taken readily to the life of a Military Policeman. Intelligent, active, brave and amenable to discipline, he has many times proved his fidelity even in encounters with his own people. Chins now also enlist readily in the

Military Police and have on several occasions proved their splendid fighting qualities in the kind of warfare to which they have for generations been accustomed.

Of the other fighting races of Burma, the Karens have proved themselves very valuable. They were in fact the earliest tribe to be enlisted, and a Karen levy was raised in Lower Burma before the annexation of Upper Burma. The Karens as a race were always subjected to terrible oppression by the Burmese rulers, and this accounted for the readiness with which they were prepared to assist us. Quiet and unobtrusive in manner, the Karen is extremely useful as a Military Policeman; for he knows the jungle, and is ready to do all that is required of him. The other personnel of the Military Police is almost entirely composed of men recruited from India, Sikhs, Punjabi Mohammedans, Gurkhas, Rajputs and Garhwalis, all famous fighting tribes, and all eager to take service in the Military Police, so that no difficulty is ever experienced in filling the vacancies that occur.

The period from 1896 to 1914 was a time of consolidation. The country was comparatively peaceful, and the work of the Military Police in Upper Burma consisted chiefly of punitive columns against the frontier tribes, and escorts for Civil officers. In the intervals of active work steady training was carried out. The chief point of interest is that the battalions in Upper Burma, although undertaking some of the ordinary police work, such as escorting dangerous prisoners, patrols, escorts of treasure, etc., were more in the nature of military formations than of police organizations. With ordinary crime they had no connection. The army was their model, as far as possible, for training, discipline, and internal economy. Each battalion became very mobile and well equipped. It had its own Mounted Infantry, Transport Animals, Signallers, Gunners, and could in every case act without extraneous assistance at an hour's notice. Musketry training was specialized in, and practical experience in jungle warfare made the men adepts. Although not actually engaged in crime work, there is no doubt that their presence in the country as an army of occupation had its effect on the gradual development towards peace. In 1888 the number of violent crimes in

Upper Burma was 3408; in 1898 the number had decreased to 179. Upper Burma is now more peaceful than Lower Burma from the point of view of ordinary crime.

The Military Police in Lower Burma were, during this period, engaged in assisting the Civil Police by means of patrols, providing guards over treasure and prisoners, conducting prisoners, and quelling civil riots in larger centres like Rangoon. The force in Lower Burma now consisted of the two battalions with separate headquarters and outposts, and a reserve battalion. The men stationed at outposts were at the disposal of the District Superintendent of Civil Police, and he was responsible for their administration and training.

Immediately after the outbreak of war in 1914 came an urgent appeal from India for Gurkha and Garhwali volunteers to reinforce the Indian Army regiments of these classes, now ordered on service. There was an immediate and spontaneous response, and 10 British officers and 1450 men were selected and dispatched. This was the beginning of a continuous stream of volunteers from the Burma Military Police. All classes were eager, and in the war years over 11,000 volunteers were sent overseas. The Burma Military Police formed two battalions—the 85th Burma Rifles, and the Burma Mounted Rifles—entirely, and the remaining volunteers were sent as drafts to Indian regiments. As was expected, the conduct of these irregulars was uniformly excellent, and 126 decorations and 79 Mentions in Dispatches were earned. In addition 8 Indian officers had the honorary rank of Lieutenant conferred on them. The war demands were met in spite of normal work having to be carried on as usual, of recruiting difficulties (due to the closing of recruitment of certain classes to the Burma Military Police owing to Army demands), of extra precautions for internal security being essential and necessitating more men, of rebellions to be quelled in the Kachin Hills in 1914, the Chin Hills in 1917, in the Kuki Hills in 1918, and of the chronic shortage of British officers.

The close of the great war found the Burma Military Police a force of war-bitten veterans. The necessities of the period had resulted in a big increase in the numbers of the indigenous races enlisted in the force. But, as the men of

the Burma Military Police returned from overseas, the task of reverting to normal conditions became predominant. During the immediate post-war period the force was re-armed with modern M.L.E. rifles, and a beginning was made in the provision of Lewis guns for the frontier battalions.

In 1924 a committee, appointed for the purpose of inquiring into the present organization both of Civil and Military Police, detailed the present-day functions of the Military Police to be as follows :

(1) To preserve the peace amongst the non-Burman tribes in the Hill districts and repel raids from across the frontier.

(2) To act as an armed reserve for the purpose of dealing promptly and effectually with tumults and local disturbances, and of supplying special patrols in areas where special measures are necessary at particular seasons to prevent highway robbery and dacoity.

(3) To supply guards for treasures and treasure vaults, etc., and escorts for prisoners and treasure.

The report marks a definite stage in the history of the Military Police. The chief recommendation of the Committee was that, as a beginning, the Civil Police should replace Military Police at all stations in the Province, other than at Headquarters of Districts, and at certain other special places. The effect of this recommendation was that Military Police detachments were withdrawn from ninety-eight stations, and the strength of the Military Police, which at the outbreak of the Great War had exceeded 16,000 men, now became less than 10,000.

At the present time, after the Committee's proposals have been carried out, the force consists of six frontier battalions (whose jurisdiction extends from the Assam border, along the border of Tibet and the western border of Yunnan as far south as French Indo-China), a reserve battalion, where a highly trained reserve is maintained for dispatch to any disturbed centre, and garrison battalions stationed at Rangoon and Mandalay. These garrison battalions have their outposts in the chief town of each district. The strength of the Rangoon

battalion is 2200 men, and of this number about 1450 are distributed amongst 20 outposts commanded by Indian officers. The Mandalay battalion is about 1450 strong, and has about 1000 men distributed in 15 outposts. Mounted Infantry are retained in both battalions for patrolling, rounding up dacoits, and for dealing with communal and other disturbances.

It may, at first sight, be a sad reflection that, in the third decade of the twentieth century, slavery, human sacrifice and other horrors are still perpetrated by tribes which exist along the borders of an outpost of the Empire. Burma itself is developing steadily; but, even in Burma, progress depends to a large extent on communications; and excepting the railways and the magnificent waterway, roads are still poor outside the towns. In the vast tracts of unadministered country roads do not exist, and it is impossible to keep in touch with the uncivilized tribesmen who occupy these areas. Were these tribesmen to emulate the Chins and the Kachins in raiding our territory it is probable that some steps would have to be taken to subjugate them. But the horizon of these peoples is limited to the adjoining villages, and their fighting is restricted to inter-village feuds. Except from the viewpoint of civilization, therefore, the advantage of administering these tracts is non-existent, and the disadvantages of having to maintain a very large force of Military Police, with a large number of Civil officials, and to receive no revenue in return, are obvious. Without bringing the unadministered areas under control, progress in civilization must be gradual and subject to reverses. To an enlightened Governor like Sir Harcourt Butler the situation must have been very unsatisfactory; but he has grappled with the problem and translated his decisions into action. In 1925, accompanied by an escort of Military Police and Civil officials, the Governor himself visited the Hukong Valley, one of the worst areas as regards slavery and human sacrifice. Following this a census was taken of all slaves, and arrangements were made to release them on payment of a fixed rate of compensation. The slaves who were released were encouraged to settle in the Hukong Valley as free men. Columns of Military Police were used as escorts for the officials carrying out this work, and no opposition was en-

countered. Every effort was made to prevent the continuance of the present-day practice of sacrificing human beings (who had been previously procured by purchase) to propitiate some malevolent spirit.

In the following year a column was dispatched to the Naga Hills to accompany Civil officials detailed to persuade the Chiefs of this area to abstain from the perpetration of human sacrifice. The column had a friendly reception; and there is every reason to believe that the practice of human sacrifice is rapidly declining. Concurrently, the releasing of slaves in the Triangle (a piece of unadministered territory formed by the junction of the two streams which are the sources of the Irrawaddy) was being carried out. Customary compensation was paid, and over 4000 slaves were released. Only a few remained, and even these would have been released, but for the treacherous attack by the people on a party of Military Police, which resulted in the death of a British officer and a few men. The resultant change in plans delayed proceedings until it was too late to complete the work before the advent of the rains. The total abolition of slavery in this area, however, has since been effected.

And so the work proceeds. Gradually yet surely the customs of civilization will find their place amongst, and supersede, the customs of the savage tribes on our frontiers. In this work, the presence of the Military Police is essential. There are few, if any, forces in the world who can disappear hundreds of miles from civilization, with rations and all equipment sufficient for several months, with so little time for preparations. On expeditions the men of the force are accustomed to much practice in bridge building, road making, constructing rafts, ferrying across turbulent streams, and the building of camps, and invariably their tasks are carried out with the utmost alacrity and cheerfulness, although often under the most trying conditions. In headquarters the men on parade compare favourably with regulars. Musketry is a subject in which they excel; and annually they compete with the men of the Indian regiments stationed in Burma on equal terms and with astounding success.

The force has adopted as its motto *Civis sed Miles*—

a citizen but a soldier. This is in conformity with its present tasks, which are chiefly the restraint of the tribes on our frontiers, providing material support for the Civil officers in their interviews with tribal chiefs in unadministered areas, surveying unknown territory, being responsible to a large extent for the internal security of Burma, assisting in the rounding up of dacoit bands, guarding the Eastern frontier of Burma against external aggression, and generally being ready and willing to take its part in anything that may develop either from within Burma or without.

In the past thirty years the occasions on which the services of army troops have been considered necessary in order to assist the Burma Military Police have been rare. If, therefore, the present high standard is maintained in the force, the work of defending Burma from external dangers and from internal troubles will continue to devolve on this force. The force began with the advent of British rule into Burma, and its work has changed and developed in accordance with Burma's progress. Burma's own sons are now progressing steadily as Civil Police, and the police work of the Province is to a large extent in their hands. The duties of the Military Police may change, but whatever changes time may show, the duties will be carried out efficiently and cheerily.

Civil Police and Home Defence

IN SPECIAL RELATION TO THE AERIAL WARFARE OF THE
FUTURE AND ITS EFFECT ON THE CIVIL POPULATION

BY MAJOR F. L. STANLEY CLARKE, O.B.E.
Chief Constable of Gloucestershire

IT should be clearly understood that the views expressed in this article have no official *cachet*. They are merely the opinions of a police officer who has given a good deal of thought to the subject and discussed it with others. The writer is aware that the competent defence authorities are investigating every aspect of the problem; he feels sure that the importance of the rôle to be played by the police is recognised; and he trusts that Chief Officers of Police, and all others who may be concerned, will be given every opportunity of co-operating in the framing of any necessary measures of defence. This being understood, if the following essay serves to concentrate the interest of police officers on a subject of great importance to them, and is of assistance in placing the problem of the future before them in its correct perspective, his object will have been achieved.

A discussion on this subject falls naturally into three categories: (i) a general appreciation of the situation; (ii) a broad view of the rôle to be played by the police; (iii) an examination of the methods whereby the police are to be enabled to play their part adequately.

I. A GENERAL APPRECIATION OF THE SITUATION

It must be understood that the following appreciation is based on the assumption that the belligerents are within raiding distance of each other by air.

In order to envisage the situation as correctly as possible, certain factors must necessarily be considered. The first of

these is that, owing to the advance in the science of aerial warfare, this country has become vulnerable to a degree undreamt of so long as armies and navies were composed solely of land and sea forces. The third element, air, has altered the situation entirely. The second is that, owing to this same advance in the science of flight, and the development and use of fighting aircraft, it is accepted by expert authority that the volume and intensity of aerial attack in the future will be vastly greater than ever in the past, and that in addition to explosives, carried in greater volume than heretofore, gas and chemicals may be used.

Moreover, it is affirmed that whereas in the past the outbreak of war has been usually marked by hostilities on a small scale, in future the reverse will be the case. Given the machines and the pilots, the first great aerial raid in any future war will reach its objective at a speed hitherto undreamt of.

Again, the objective of the raid will be to paralyse the enemy's power and will to war; and this will include, where within the range of flight, the main centres of communication, the seat of government, the great railway stations, factories, and so forth. All these objectives are to be found in and near great cities. Thus the whole civil population may become involved.

Here it is fitting to append two opinions among many, which will serve to help one to envisage the situation more clearly. To that great soldier Marshal Foch is attributed the saying that 'the potentialities of aircraft attack on a large scale are almost incalculable, and it is clear that such an attack, owing to its crushing moral effect on a nation, may impress public opinion to the point of disarming the Government, and thus become decisive.' Again, on page 243 of his book *Robert Lee the Soldier*, Major-Gen. Sir Frederick Maurice writes thus: 'For since war on the grand scale has tended more and more to involve the whole resources of the nations concerned, and to be no longer a matter for soldiers and sailors to deal with apart from the rest of the nation, the ultimate object of war has come less and less to be the destruction of the enemies' armies and navies in the field and *more and more the destruction of the will of the opposing peoples*

*to continue the struggle.*¹ There may be circumstances in which it is possible to reach this end without defeating the opposing armies. For instance, it is not inconceivable that the people of Great Britain might be forced by continuous air attacks upon the homeland, and by the cutting off of their supplies of food, to accept the terms of an enemy, while their armies are actually victorious in some foreign theatre of war.'

These two quotations show quite definitely the vital importance of the maintenance of the morale of the civil population, and it is here that the writer believes is to be found the true *rôle* of the police force, if a situation such as is now under consideration ever arrives.

Considering the matter further, it becomes clear that under the conditions we have assumed, there *are bound to be* casualties and losses of all descriptions on the part of the civil population, both of personnel and property. Towns and villages will be shelled and set on fire or rendered uninhabitable, and apart from those whose duties necessitate their remaining at their posts, a considerable evacuation of the civil population seems inevitable. It will be a period of intense distress of mind for the general community, and thus it will become imperative that arrangements should be made in advance to afford them all possible material and moral support during this period of stress. Wherever an aerial attack has successfully reached its objective, there the machinery of life will be broken and shattered, at any rate for a time. Of course the defenders will take their own measures and have their own resources at their disposal, so that success will not always be on the side of the attack. But the tide of war in the air is bound to sway to and fro, and until at length the enemy is successfully kept at a distance, his attacks will bring inevitable distress in their train.

All this leads up to the view that steps must be taken in advance to organize the country, apart from its fighting forces, to meet the peril and deal with its problems. We thus come to the *rôle* which the police force will be called upon to play.

¹ The italics are mine.

II. A BROAD VIEW OF THE *RÔLE* TO BE PLAYED BY THE POLICE

Quite apart from such measures of active defence against the air raid danger as will naturally be undertaken by the fighting forces, there are other secondary or 'passive' measures which are in themselves of the highest importance. These measures imply firstly, that the civil population shall know what to expect and how to act at the critical moment, and secondly, that those who will have to take executive action, namely the civil authorities, the police and their reserves, shall know what their duties will be, and how to carry them out.

These 'passive' or subsidiary measures include the following :

- (1) The issue and circulation of instructions and advice to the public as to the wisest measures to take with regard to their own security during and after air raids.
- (2) The issue of public warnings as to impending aerial attack.
- (3) Regulations as to the extinction of lights.
- (4) The issue of communiqués and other matters for public consumption.
- (5) The maintenance of transport services and of inter-communication.
- (6) Measures for the protection of food supplies, not forgetting protection from contamination by poisonous gases, etc.
- (7) The provision of bomb-proof shelters, anti-gas stores, etc., with circulation of instructions on anti-gas measures for individuals.
- (8) Organization of medical assistance and extra hospital accommodation.
- (9) The provision for the expansion of fire extinguishing appliances.
- (10) Instruction of police and fire brigades as to dealing with unexploded bombs or shells, aeroplane wreckage, captured airmen and gas bombs.
- (11) The control of movement, prevention of panic, etc.

- (12) The investigation of reports concerning enemy agency.
- (13) The administration of all Emergency Regulations and Laws.
- (14) The shepherding of refugees.

Any police officer of experience will at once realize that the Forces are bound to be concerned to a greater or less extent with many of these measures. But, in addition, a further list of police duties must be appended :

- (a) The shepherding of a disturbed and possibly alarmed population.
- (b) The general protection of camps of refuge.
- (c) The maintenance of law and order and the protection of life and property, as understood literally at a time when the normal moral restraint on the lawless may be relaxed.
- (d) The control of traffic and maintenance of clear roads for communication and passage of fighting material and personnel.
- (e) Duties in connection with the mobilization and billeting of troops.
- (f) Watching and patrolling the coast line.
- (g) The protection of vulnerable points, etc.
- (h) Supervision of the arrangements for the evacuation of cattle from threatened or devastated areas.
- (i) Duties in connection with air-raid observation reports.
- (j) Details in connection with the rescue of civilian casualties and their transport to hospital.

Now, all the duties mentioned above will throw a heavy extra burden on the shoulders of the police ; and if they are to be able to carry them through with any measure of efficiency or success, they must be organized and trained for the purpose. Nor must it be forgotten that the outbreak of hostilities will presage fierce aerial attacks and that the results of these will have to be dealt with at once, at a time when the nation will not have been able to settle down to war conditions and while the army is still mobilizing. Thus the duties of the police will commence at the same time as those of the anti-aircraft defence forces. This implies organization and preparation in advance ; and it further implies that in order to carry out

these duties, in addition to its normal duties, the police force will have to be adequately reinforced, and in such a way that the reinforcements may be mobilized for their defence duties with the absolute minimum of delay.

III. AN EXAMINATION OF THE METHODS WHEREBY THE POLICE ARE TO BE ENABLED TO CARRY OUT THESE DEFENCE DUTIES ADEQUATELY AND EFFICIENTLY.

The consideration of this question is based on the assumption that the circumstances outlined above are broadly true to possibilities, and that there is therefore no question but that great and heavy responsibility will be thrown upon the police force. How, therefore, are the police to be placed in a position to fulfil these responsibilities ? Surely it is, by first expanding them to a suitable numerical strength ; secondly, by giving them adequate training ; and finally, by placing them under a suitable organization.

The full strength of the police forces throughout England, Scotland, and Wales is only barely sufficient for the performance of their normal duties. It would be entirely inadequate for the circumstances which are at present under discussion. The Police Reserve is numerically small, some forces have no reserve at all, and, taken as a whole, the numerical strength of the Reserve may be written down as inadequate.

The Special Constabulary, except in some favoured areas including the Metropolis, where this body has had experience, training, and is uniformed, is not competent—notwithstanding the goodwill of its members—either by training, mobility, or numbers. As at present organized, with the best of intentions they would be of doubtful utility.

The organization of the units composing the police forces themselves would be quite satisfactory. The main problem is that of reinforcements and training.

If we turn now to figures, it will be found that the approximate strength of the police forces of England, Scotland, and Wales is 67,000. It will not be deemed excessive if the reserves were to be increased so as to number, say, 150,000. The sources from which these reserves must be provided is,

of course, a matter for the Government to decide, and it must be remembered that these men cannot be provided from categories required for the fighting forces. At this point it may be useful to refer to two man-power categories which, amongst others, would possibly be considered suitable.

- (a) Ex-Officers, ex-N.C.O.'s, and men of the fighting services who, by reason of age or injuries, are not suitable for the fighting front but who are still capable of hard active work under conditions which involve only periodical periods of stress and hardship.
- (b) Those civilians who, as in the late war, have to be retained at home in order to keep the food supplies and essential services of the country going.

Some explanation with regard to the latter category is necessary. One of the fundamental principles which must be kept in view in this question of reinforcements is that the organization shall be such that those who form the reinforcements shall, as a general rule and except under exceptional circumstances, be employed in or near their own districts and live in their own houses, thus obviating the need for concentration camps and avoiding unnecessary movement; and also because each man's value is increased if he performs his duties in a district with which he is thoroughly acquainted. Moreover, the value of such an arrangement would be that on mobilization the men would only have to be warned for duty. Thus the organization would at once spring into being, with a minimum of delay, over the whole country.

The whole question of the provision of suitable and adequately trained reserves for the police forces is one of great difficulty and complexity. It is not possible to discuss it thoroughly within the limits of a short paper and therefore it has only been touched upon very generally. Suffice it here to say that it is a question of the highest importance, and it is to be hoped that a really satisfactory solution will be reached. It cannot be too strongly emphasized that this organization must be prepared in advance, the personnel earmarked, supplied with uniform and equipment, and trained to their duties.

In connection with this very subject of numerical strength, due recognition must be given to the fact that casualties among

the police force are bound to occur, and also that it is quite within the bounds of possibility that, in such areas as may be specially earmarked by the enemy for persistent attack, the local police will have to be reinforced from areas more favoured by their position and therefore less liable to damage and loss. This implies that the defence organization of the police must include arrangements for reinforcing one district from another, and for the rapid transport of these reinforcements.

Again, it must not be overlooked that the Chief Constable and Headquarters Staff of any force within aircraft range will always be liable to suffer losses, or be bombed out of existence, and therefore it seems necessary that there should be some system of grouping police forces so that if any force loses its Chief and Headquarters Staff it will automatically come under the control of another Chief Constable in the same group.

A further point of great importance from the point of view of numbers will need to be considered, and that is the fate of those members of the police force who would otherwise be required for the fighting forces. It is suggested that no serving police except Naval and Flying Corps Reserves should be mobilized or enlisted in fighting units at the *commencement* of war, but that they should be utilised in the *later* categories. The grounds on which this opinion is based are that it is of extreme importance that the organization dealing with the care and shepherding, etc., of the civil population should not be thrown out of gear at the very time when it is most urgently required, and that sufficient time should be given to enable the police organization to get into thorough working order, when men of fighting age could be drafted into the fighting forces without upsetting the whole organization.

Finally, as regards organization, consideration must be given to the question whether the present police system of local control, with *liaison* with the Home Office as the centre, is adequate for dealing with the conditions of future defensive warfare. There are 247 Police Forces, including Cities, Boroughs, and Counties, each independent of each other, working entirely in their own recognized districts, and co-operating, so far as peace time police duty is concerned, on

certain understood lines, which meet peace-time police requirements. But there is no system under which a daily intelligence summary, for instance as understood in the Army, is prepared and issued to all Chief Constables. This is not a difficult matter, but is of great importance, since it is imperative that Chief Constables should be made aware daily of every development of the situation and thus be able to prepare for all eventualities.

If one police force requires assistance from another, it is given on formal agreement as to numbers, cost, etc. ; but the methods for supplying reinforcements need to be speeded up. Under war-time conditions it should be arranged that the concentration and movement of reinforcements from one district to another could be brought about at once on receipt of an urgent order from some Central Authority.

What is required, in order to deal adequately with the contingencies of defensive warfare, is something in the nature of a Police General Headquarters Staff, under an authorised chief, to co-ordinate work, to ensure co-operation, with authority to command, and with complete intelligence of all that is going on. It must have the help of intelligence and *liaison* officers stationed at the headquarters of the various police forces, and be able thereby to disseminate information, advice, orders, etc. ; in fact, to act with regard to the police in the same way as the Headquarters Staff of an Army under the Commander-in-Chief acts towards and directs the Army under his command. This Police Staff must act in close co-operation with the Naval and Military and Air Force Staffs, and should be organized in peace time. This, again, cannot be left until the last moment.

If consideration of this question is developed a little further, it will be found that the duties of this Staff would cover, in addition to what has already been mentioned, all matters connected with mobilization ; the supply of reinforcements, their equipment and training ; the supply of transport ; the maintenance of communications ; general regulations for dealing with refugees, their evacuation and preservation ; the replacement of casualties amongst the regular police, and the general administration of the forces during a prolonged period

of emergency ; food and food supplies for police ; mutual aid between forces ; medical attendance for police, etc.

Here again, the scope of a paper such as this does not allow of a detailed examination of this subject, but enough has perhaps been said to support the suggestion that a Police General Headquarters Staff will be necessary and that there will be plenty of work for that Staff to do. Its composition would naturally be arranged by the Home Office.

Finally, judging this subject broadly, one must bear in mind the value to the community of an organization which can spring to its war strength all over the country at once, merely by warning its members, and realize that if the organization is complete and its members trained, much can be done to ease the strain on the Naval and Military authorities, especially at the commencement of a war of this kind and during the period of mobilization. It is therefore suggested, that, ready as we in the police forces will be to take our share of the burden and to take charge of the civil population, we only ask to be so trained and prepared that we can fall into line at once, and keep things going from the very beginning of the difficulties and dangers which any future aerial attack on this country will imply to us all.

In conclusion, the writer would like to express his deep obligations to those essays on this subject which have recently appeared in the *Royal United Service Journal* and *The Fighting Forces*.

The Value of Psychology in Court Work¹

BY M. HAMBLIN SMITH, M.A., M.D.

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IN our daily lives we are all closely concerned with human conduct. The police and those who have to deal with offenders are especially concerned with that type of conduct which we call criminal, that is to say with acts or omissions which infringe the criminal law. It is unnecessary for me, therefore, to lay any stress upon the importance of the study of human conduct to magistrates, members of the police forces, probation officers, and all those whose business brings them into contact with delinquents.

The study of human conduct is part of that science to which the name 'psychology' is given. To some people the name psychology suggests something mysterious, occult, connected with ghosts and apparitions. But it is none of these things. Psychology observes the facts of human conduct, it classifies its observations, and it frames theories to account for these observations.

How are we to deal with an offender? This question, like that of dealing with any other person whose conduct presents any peculiarity, not necessarily criminal, is essentially and finally a problem in psychology. This may be a novel view to some of my readers; and I often feel that he who advances a novel view is in the position of one who shows another person a view through a telescope. You do not quarrel with the other man because he does not at once see all that you see. You point the instrument in the right direction, you adjust the focus to suit his vision, you tell him

¹ This paper is published with the permission of the Prison Commissioners, but is not to be taken as expressing their views.

what to look for. In the end, although he may not see all that you wish him to see, he is generally ready to admit that there is something to be seen.

Criminal conduct obeys the same laws as do other kinds of conduct; whether it be criminal or other, it is invariably the result of mental life. This principle, which, as stated in this particular form, we owe to Dr. William Healy,¹ of Boston, U.S.A., does not imply anything obscure or mysterious. It simply means that at the base of every action there is some mental process, whether that mental process be an idea or a wish. Such a process may be conscious, or it may be unconscious. We will consider later what is meant by an unconscious mental process.

As a consequence, it is necessary first of all, before dealing with any offender, to make some attempt to discover what was in that offender's mind when he committed the offence for which he is brought before a court. It must always be remembered that although we talk loosely about punishing crimes, what we really punish are persons who have been guilty of crimes—guilty, that is, of acts or omissions which are forbidden by those rules of conduct to which we give the name 'criminal law.' How wide the range of offences comprised by that term is, may be gathered from an inspection of the charge sheets at any busy police court.

The principle that we should ascertain the state of an offender's mind before dealing with him is already acted upon to some extent. Persons who suffer from certain forms of those mental states to which the general name 'insanity' is given are not punished for offences which they may commit. Whether our present rules for the determination of insanity are suitable has been a subject of dispute. With this dispute we are not here concerned. Suffice it to say that the determination of the existence of insanity is, obviously, a psychological question. Apart from those cases in which the question of a man's responsibility is the subject of inquiry before a superior court, quite a number of persons accused of minor offences are found to be insane, and are remitted to a mental hospital. This is done upon a medical certificate, and is thus

¹ *The Individual Delinquent* (Heinemann, 1915).

a matter with which psychological medicine (the branch of medicine which deals with diseased mental states) is directly concerned. I need say no more in order to indicate how important is psychology in this direction.

Again, we have cases of what is known as 'mental defect.' Under certain circumstances, persons who are mentally defective, *i.e.* whose minds have not developed to the average extent, are not punished when they commit offences, but are dealt with by being sent to special institutions, or by being placed under guardianship. 'On account of their mental defect they are regarded as requiring care, supervision, and control, for their own protection or for the protection of others. The detection of such mental defect, and the giving of advice as to the best provision for the patient, is a question for psychology; and it may be a very difficult question. Those marked degrees of mental defect known as idiocy and imbecility are easy to recognize. Few of these, however, are found in court work. Most of the court cases which come under this heading are those known as feeble-minded persons; the detection of these cases may be difficult, and a correct judgment may require many years of training and experience. Here again it is unnecessary to point out how important psychology may be to a court. If there is the least suspicion that a case be one of mental defect—and such suspicion may arise from family history, general conduct, the nature of the offence, or in other ways—the accused should be remanded for expert psychological examination.

The Mental Deficiency Act also contains a definition of what is termed a 'moral imbecile.' The precise nature of this condition is a matter of dispute. Suffice it to say that if such cases are to be recognized, and dealt with as the Act directs, the procedure obviously involves psychological considerations. We also have cases of defective intelligence, in which the defect is insufficient to bring the subject within the scope of the Mental Deficiency Act, and these may occasion difficulty. And I may mention that the character changes which occur after an attack of *encephalitis lethargica* (popularly known as 'sleepy sickness') may be the cause of offences. There is a technical difficulty in bringing these cases within

the scope of the existing Act; and their proper disposal may be the occasion of great perplexity.

Epileptics deserve special notice. Epilepsy is of fairly frequent occurrence amongst offenders, and may present very varied symptoms. The determination of the precise responsibility of an epileptic may be a most complex problem.

The problem presented by the habitual drunkard has not yet been satisfactorily solved. Indeed, it is hardly too much to say that it has not been solved at all. Habitual alcoholism may be occasioned by many causes, and presents most subtle psychological questions. Until these have been fully elucidated we have not taken the first step towards a rational treatment of the alcoholic offender.

In dealing with an offence of any kind, the mere facts relating to its commission may be insufficient to ensure the offender being correctly dealt with. For example, let us suppose that a haystack has been set on fire. It would appear that a criminal act has been committed. But such an act may be due to a number of causes. Was it the act of an imbecile boy, who likes to see a blaze? Was it done by a man who has a grudge against the owner of the stack, or against society in general? Was it due to the influence of one of certain obscure mental conditions, to which I shall refer presently? One or more of these questions may have to be decided; and it is plain that they present problems in psychology. Until such problems have been adequately elucidated, the case cannot be properly dealt with. Examples could easily be multiplied. Almost every kind of offence, from murder to petty theft, may be occasioned by a number of different mental conditions. In fact, merely to name the offence which a man has committed tells us very little. It does not explain the cause of the offence, nor characterize the offender, nor suggest the most appropriate way of dealing with him. The study of causations is of the utmost moment. It is by a study of them that we have learned to control other social evils. The same considerations apply to the social evil which we know by the name of crime. Superficial indeed is any treatment of the offender which does not take cognizance of the causation of his anti-social conduct.

Such treatment is like trying to wipe out malaria whilst entirely ignoring the part played by the mosquito.

Within recent years the whole subject of psychology has been revolutionized by what is known as the theory of the unconscious mind. This theory, in its present form, was first promulgated by, and was due to the researches of, Professor Sigmund Freud, of Vienna. The details of the theory are being subjected to much healthy criticism. They have also been subjected to much virulent abuse, often emanating from those whose acquaintance with the subject is very limited. There are several variants of the main Freudian theory, among which may be mentioned those connected with the names of Dr. Jung and Dr. Adler. I, personally, am inclined to the Freudian view. But I fully recognize that the theory (as was the case with that of Darwin) may take a long time before it attains its final form. Indeed, there can never be finality in this, or in any other branch of knowledge. With the disputes between the various schools we are not here concerned; suffice it to say that certain general features of the theory are now accepted by the majority of modern psychologists. The subject is admittedly complicated, and has been rendered more so by hasty pronouncements on the part of some of its exponents. But from our present point of view its essentials can be put into simple language.

The basis of the mind consists of certain primitive instincts. In using the word 'basis' I am, of course, speaking quite figuratively; the mind is not something which can be divided into areas. These instincts are situated in what is termed the unconscious mind, and from them flows all the psychical energy which we use in our daily lives. The instincts have been classified in various ways, and much acrimonious controversy has arisen as regards their relative importance.

But the contents of the unconscious mind are not formed in this way alone. Certain experiences, certain wishes, may be out of harmony with the mind as a whole. As a result of this lack of harmony, there occurs what is known as a mental conflict. One party in this conflict gains the victory; and the offending complex (this being the name given to a system of ideas possessing a strong emotional tone) is repressed into the

unconscious mind. But the offending complex is not thus destroyed, nor is it stored away as in a lumber room. The complex remains alive in the unconscious, it acts there with constant dynamic force, it constantly strives to regain its place in consciousness, and it may do so in various ways. The terms mental conflict, complex, and repression are now in almost universal use. Everyone has had experience of mental conflict and knows how we tend to thrust (repress) unpleasant memories and wishes from our consciousness.

Actions of some particular character may form the mode of escape into consciousness of a repressed complex. The type of action which is adopted may be anti-social, may be criminal, and in this fact lies its present interest for us. The forms of conduct which may result from any particular kind of complex may be of the most varied character. The important matter to keep in mind is that the resulting conduct may have no obvious connection with the complex. It is easy to understand that a repressed complex which relates to sex matters may give rise to actions of a sex character. What is not so easy to follow is that such a complex may occasion actions which have no apparent connection with sex. The fact has, however, been established by many workers in this field, among whom may be mentioned Dr. William Healy¹ and Dr. Cyril Burt.² We may have what Dr. Healy has termed 'substitution delinquencies.' It is not contended that *all* offences are due to the influence of mental conflict and repression. It is not even suggested that if the influence of such conflict is established, such an offender should be allowed to do whatever he may wish. I only plead that such a mode of causation is worthy of consideration and of investigation, especially in cases where the causation of repeated similar offences is obscure. In some cases the influence of the mental conflict can be corrected by the employment of certain forms of mental therapy. But I do not intend to enter, here, into this most controversial subject.

We may have what are termed 'current conflicts,' produced by difficulties arising in the family, at work, and the

¹ *Mental Conflicts and Misconduct*. (Little, Brown & Co., Boston, U.S.A., 1917.)

² *The Young Delinquent* (University of London Press, 1925).

like. All observers have noticed the high proportion of young offenders which come from disorganized homes. Even when the home is not disorganized, there may exist conditions which occasion severe conflicts. The evaluation of home conditions is often made from very superficial observations. We are too content to imagine that all should be well when the parents are steady and sober, and the home is clean and not unduly overcrowded. Family and home conditions may be all these things, and I do not minimize the importance thereof; and yet they may contain the elements of grave conflict. The natural restlessness of youth, its adventurous spirit, its inherent resistance to authority, may occasion delinquency. These difficulties may be susceptible of correction, and should then be corrected. But they cannot be corrected, with any hope of a successful issue, unless the psychology of the matter is fully understood.

Finally, we have persons who are not insane, not mentally defective in the certifiable sense, not epileptics, not sufferers from mental conflict, and yet not normal mentally. No satisfactory name has yet been found for this group, which is of a very mixed character. The members of the group are unable to adjust themselves to their surroundings. That such persons exist, and that they may become offenders, is well known to all of us. Much more work, however, requires to be done in this particular field before any pronouncements can be made on the nature and the correct mode of treatment of this group.

It should be remembered that a comprehension of the psychological factors which may be involved does not take the case out of the hands of the court. The ultimate decision as to the disposal of any case must always remain with the court.

I have said enough to indicate how complex is the problem of delinquency, and how important may be the part which psychology can take in its elucidation. It now remains for me to say that the brief considerations which I have put forward are not offered as excuses for criminal acts. They are suggested as explanations of what is, otherwise, obscure. But it is not meant that such explanation should entitle the offender to go free, and to do whatever he may please, without anything being done to, or for, him. Delinquents deserve, and should

have, the most careful treatment. No one can more fully realize this than I do, who have spent almost the whole of my working life in contact with offenders of every kind. No one is less inclined to sentimentalize over the offender. It is quite possible that the offender himself would regard my ideal scheme for his readjustment to society as being far more drastic than that to which he is at present subjected. The due protection of society is of paramount importance. My point is that any form of treatment must be blind, unless, and until, it is conducted in the full light of all the circumstances which affect the offender, and not merely in the light of the facts relating to some particular offence. Individualization of treatment is becoming the rule in every branch of medicine. Such is also the case in our educational system. The same rule should apply to penal measures. Each case presents a problem of its own. It may be necessary, in many instances, to punish an offender. I do not desire to dispute that position. But even punishment, if it has any result, must achieve that result by the psychological effect which it produces upon the person subjected to the punishment. This proposition holds good whether we adopt a deterrent or a reformatory penal theory. The whole question of the correct treatment of an offender depends upon psychological considerations.

In this connection a few words may be given to the subject of probation. This system is being extended. The view now held is that anything is preferable, especially in the case of a young offender, to prison. But probation should imply much more than the mere placing of the offender under the charge of an officer, who is, only too often, overburdened with cases. Probation should be combined with carefully devised methods of readjustment, based upon the particular psychological requirements of the individual case. Like so many other, perhaps like all human enterprises, probation may quickly become stereotyped in its methods. This can only be avoided by constant insistence upon individualized treatment. In some American cities the chief probation officer is a physician with large psychological experience, and he is assisted by an adequate professional staff. The expense which such a system involves would be great. But this expense would be

amply repaid in the better results which would be attained. Uninvestigated offenders are the most expensive luxury in which any community can indulge.

Criminal acts are not the only matters of conduct with which magistrates and police officers are called upon to deal. For example, disputes between married couples, perhaps in connection with the granting of a separation order, often come into court. These disputes cannot be understood, let alone settled, without consideration of the psychology of the respective parties. I understand that it is the custom in London, and perhaps in other places, for people of the poorer classes to resort to the magistrate's court for advice upon all manner of subjects. The giving of such advice may often involve psychological considerations.

The individual police officer, in his daily work, is confronted with problems of conduct. It is probable that many volumes (and highly interesting volumes they would be) might be filled with descriptions of the curious situations with which a police officer has been called upon to deal. It is often said that all that is wanted in these circumstances is common sense. I would not depreciate the value of that most excellent quality, nor would I deny that it is possessed, in a high degree, by the members of our police forces. But common sense, after all, depends upon our general experience of human conduct. No one can be the worse for some knowledge of the scientific basis of the study of human conduct. In every problem of human conduct, correct treatment depends upon understanding; and understanding involves some knowledge of psychology. In former days the study of crime produced a feeling of pessimism. To-day the scientific study of the criminal tends to optimism, and this in spite of the many and complex problems with which we are confronted. For we are learning that the due protection of society, and the correct treatment of the offender, are not incompatible, but that either, indeed necessarily, implies the other.

The Identification of Firearms and Projectiles¹

AS ILLUSTRATED BY THE CASE OF THE MURDER OF
SIR LEE STACK PASHA

By SYDNEY SMITH, M.D., D.P.H.

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ON 19th November, 1924, Sir Lee Stack Pasha, the Governor-General of the Sudan and Sirdar of the Egyptian Army, was shot while returning from the War Office in Cairo about 1.30 p.m., and died on the following day. His aide-de-camp, his chauffeur, and a native policeman were wounded, but recovered.

This was the culminating point of a series of political crimes which, commencing with the attempted murder of Captain Combe in November 1919, accounted for thirty attempts at murder, of which twelve were successful. Of these, seven took place in November-December 1919, seven in 1920, two in 1921, and thirteen in 1922. If we exclude the attempt on Mr. Amber in February 1923, and the stabbing affair at Heliopolis in the same year, the political significance of which is doubtful, no further cases of political murder occurred until the Sirdar case in November 1924.

The action taken by the British Government and the political effect of this outrage are foreign to the purpose of this article, and I shall confine myself to the study of the crime from its medico-legal aspect, to the exclusion of all other considerations.

The Sirdar died on 20th November, and a necropsy was

¹ Printed by permission of the *British Medical Journal*.

performed the next day, when the following injuries were found :

1. A wound of the left hand from a bullet which entered on the internal aspect at the base of the little finger and made its exit on the back of the hand at the base of the fourth metacarpal bone.
2. A wound of the left foot from a bullet which entered in the middle of the sole and passed to the outer side of the foot below the ankle, from which position it was extracted before death.
3. A wound caused by the entrance of a bullet on the outer side of the right pelvic bone just below its crest. The bullet passed upwards and inwards through the muscles of the abdominal wall to the level of the right lower ribs. It was slightly deflected to the left at this point, entered the abdominal cavity and passed through the gall bladder and liver. It made its exit on the left upper diaphragmatic surface of this organ, causing a ruptured wound $1\frac{1}{2}$ inches long. It continued its course through the diaphragm, entered the chest at the level of the xiphisternum, and was found in the tissues of the anterior mediastinum under cover of the fifth left costal cartilage and immediately above the heart. There was no damage to the stomach nor intestines nor any haemorrhage within the peritoneal cavity.

The bullet extracted from the body was a 0.32 automatic pistol bullet, the tip of which had been cut in a cross-shaped manner with the object of converting it into a 'dum-dum' or expanding bullet. Death was due to shock and haemorrhage, the direct result of the bullet wound of the abdomen.

The aide-de-camp, Captain Campbell, received a bullet wound in the right side of the chest, probably from the same bullet which struck the Sirdar's hand. The chauffeur, March, received a bullet wound of the right leg just above the knee, and a native policeman received a bullet wound of the right hip region. An examination of the car showed that it had been

struck five times on the right side, the direction of fire being from before backwards.

The reconstruction of the crime from the above information is not difficult. The assailants were waiting on the right side of the road and began to fire just before the car reached them ; the first shot probably passed through the forward door of the car and entered the chauffeur's leg, passing upwards towards the thigh. The next shot probably struck the Sirdar's hand, smashed the stick that he was holding, and was deflected into Campbell's chest. The latter then in all probability pulled the Sirdar down into the body of the car, and as he did so the Sirdar's foot was raised as he overbalanced and a bullet was received in the sole. Finally, while in this position another shot was fired at him, striking him in the right hip and passing across his abdomen to the left side of the chest.

MATERIAL OBTAINED FOR INVESTIGATION.

Nine empty cartridge cases were found at the scene of the crime. These were all 0.32 inch automatic pistol ammunition, and from an examination of the extractor and other marks it was shown that three different types of automatic pistols had been used.

Six bullets were obtained from various victims ; all of these were 0.32 inch automatic pistol ammunition with a heavy cupro-nickel jacket. Five of them had a cross-shaped incision in the tip to convert them into expanding bullets.

An examination of the projectiles showed that at least three different types of weapon had been used, namely : (1) a weapon of the Colt type with six left-handed rifling grooves, (2) a weapon of the Browning type with six right-handed grooves, and (3) a weapon of the Mauser type with four right-handed grooves.

Wholesale arrests followed the crime, and though certain of the actual murderers were arrested not a shred of evidence was obtained, in spite of all the efforts of the investigating authority. Fortunately a native named Helbawi, who had served a term of penal servitude for a previous attempt on the life of Sultan Hussein, was liberated from prison about this

time, and decided to turn secret agent. With his history he had no difficulty in getting into contact with the suspects, and soon learned that two of the gang were young students named Enayat. From his knowledge of the psychology of the native he advised that the best plan to follow was to frighten these young men into flight, and to suggest that they should make for Tripoli. The object in suggesting Tripoli was to have them arrested in territory under the Frontier Districts administration, where they could be held without the formalities required in the other parts of Egypt. He believed that in these circumstances the younger Enayat could be induced to confess and thus implicate other members of the gang.

Helbawi was successful in his efforts, and managed to scare the Enayats into flight. They were arrested on the train while making for the frontier, and with them were secured four automatic pistols and a quantity of ammunition; these were forwarded to my department for examination in order to ascertain if any of them had been used in the crime.

The weapons were of the following brands and calibre :

- 1 Colt automatic pistol, 0.32 inch.
- 1 Sûreté automatic pistol, 0.32 inch.
- 1 Mauser automatic pistol, 0.25 inch.
- 1 Libia automatic pistol, 0.25 inch.

The barrels of the weapons were first examined chemically and found to be free from the decomposition products of powder. All four were clean, well oiled, and well cared for, but the Sûreté pistol had a trace of rust at the muzzle which might be expected to obscure the identification marks on bullets fired through it. The empty cartridge cases found at the scene of the crime and the bullets extracted from the various victims had now to be compared with cases and bullets fired from the seized pistols.

NATURE OF THE INVESTIGATION

Before proceeding to the actual comparison it may be as well to indicate briefly the nature of the investigation.

When an automatic pistol is fired the empty case is automatically thrown out of the chamber and a new cartridge slides

forward into its place. In this automatic charging and ejection of the cartridge several things happen which leave their imprint on the cartridge case. The cartridge is forced up the magazine, its nose is directed towards the chamber by means of metallic guides, the breech-block strikes the base and forces it into the firing chamber. The firing-pin strikes the cap, and on the explosion taking place the breech-block moves backwards by gas pressure, the extractor hook catches the rim of the cartridge case, and it is pulled backwards with the sliding mechanism until it reaches a bar of metal jutting from the side of the slide. The cartridge case strikes this bar on the side opposite to the extractor hook, and as the hook continues its backward pull the case is thrown out. This occurs with a considerable amount of violence, and we may expect to find certain marks on the cartridge case from each operation, the extent of the marks depending on the violence of the operation. The empty case is therefore examined in detail under a low-power microscope or with a watchmaker's eyeglass for any marks which may have resulted from these operations. On the surface there may be cuts or scratches caused by irregularities in the breech or in the slide: these may be absolutely characteristic and imprinted on every cartridge, and when found may prove that the cartridge case was used in a certain weapon.

The mark of the extractor hook on the edge of the cartridge must be looked for. This varies considerably in cartridges fired consecutively from the same weapon, in depth, length, etc., but if a number of cartridges are fired the characteristic marks will become obvious. The surface of the base must be examined for the mark of the ejector bar, which often leaves a most characteristic depression and also for marks caused by pressure against the breech-block. Finally, the position of the depression in the cap, whether central or to one side, and the character and depth of the depression, must be noted.

When a weapon is seized it has to be decided whether the empty cases were fired from that particular weapon. After the preliminary examination already described a number of rounds are fired from the pistol, using several different brands of ammunition, including, if possible, several cartridges of the same make as the ones found. The weapon is fired into a roll

of cotton-wool or rags (backed by a sandbag), the object being to obtain the bullets for comparison without distorting them, as well as the cartridge cases. The empty cases are collected and examined in detail as outlined above, to observe whether any particular mark found on the seized case is reproduced on the fired cases.

The cartridges may be marked in such a characteristic manner that there can be no doubt of their identical origin, as in Figs. 1 and 2, in which there are scratches on the case of a particular kind, a definite extractor mark on the rim, a firing-pin which strikes to one side, and circular marks on the cap caused by the breech-block. In other cases the marks may be absolutely different, and at once prove non-identity. A great many cases occur, however, in which the marks are ill defined and the matter becomes more difficult. In numbers of instances the marks from cases fired consecutively through the same pistol have no resemblance whatever, simply because they are ill defined; they are, however, in the same position on the cartridge, and this must always lead the observer to make further experiments and obtain new samples.

It is never safe to say that a cartridge case was not fired from a given pistol unless the marks are quite different, and a case which bears no marks at all may quite well have been fired from the same pistol as one which leaves well defined marks. *In general, however, though it is unlikely that all marks will be equally good, it is usually possible to obtain definite information from the marks of the firing-pin, extractor, ejector, or breech-block on the base or rim, or from grooves or scratches on the surface, which will lead to the identification of the weapon.* In weapons of the same manufacture the marks are of the same general nature, but in every weapon there are individual differences which enable it to be definitely identified in the usual case.

The cartridge cases having been examined, it is necessary to make a close comparison of bullets fired from the seized weapon with those found in connection with the crime. It is as well to fire half a dozen rounds from the weapon before it is cleaned. It is then cleaned and a further series of rounds fired, using if possible similar makes of cartridges and others of different make. The bullets are then collected, labelled, and

examined in detail. The weight, length, and diameter are ascertained. The projectile is then fixed in some sort of an instrument which enables one to examine its surface under a low power, and at the same time to turn it round.

On every bullet fired from a pistol or revolver there will be found certain marks. The most prominent of these consist of a series of grooves, sloping either to right or left, which are caused by the lands in the barrel of the weapon. The number and direction of these grooves are first noted, the pitch is then ascertained, and the width of each groove and space between the grooves. In between the grooves and at different parts of the surface of a fired bullet there are found marks and scratches of various kinds. Some of these are caused by slight faults or patches of rust in the barrel, others are caused by metallic fouling. The former are constant, the latter vary from shot to shot. Each individual groove and space between grooves is now minutely examined under the microscope for some individuality. It is obvious that in weapons of the same manufacture the number, direction, width, depth, and pitch of the grooves will be the same, but in every weapon certain individual differences are usually to be found in one or more grooves. There may also be definite characteristic marks between the grooves.

It should also be clearly understood that a slight difference in calibre of the bullet and a difference in the charge of powder may make a considerable difference in the markings. If the diameter is slightly altered the smaller bullet passes through the barrel without definite grooves being cut into the surface, and even when bullets on measurement appear to be of the same diameter one will frequently be better marked than another.

RESULTS OF THE INVESTIGATION

Having now outlined the method of procedure, let us compare the cartridge cases and bullets found in the Sirdar case with the cartridge cases and bullets fired from the pistols seized with the Enayats accused of the crime.

As no 0.25 inch bullets or empty cartridge cases were found at the scene of the crime, attention may be confined to the Colt

and Sûreté pistols, for they are of the same calibre as the ones used in the crime.

Empty Cartridge Cases

(A) Three of the empty cartridge cases discovered at the scene of the crime were found to be marked by a series of scratches on the surface, the ejector bar had caused a deep nick in the edge of the cap, and the breech-block had caused certain curved marks on the smooth surface of the cap. Cartridges fired from the Sûreté pistol showed an exactly similar condition, every one of these characteristic marks being produced on every cartridge case fired from this pistol. Figs. 1 and 2 show these in detail and leave not the slightest doubt that this Sûreté pistol and no other was the one from which three of the shots were fired.

(B) Three other cases bore extractor and ejector marks characteristic of a Colt pistol. These were compared with a series of shells fired from the seized Colt and were found to be identical. Fig. 3 shows the mark of the extractor hook in both cases. All Colt pistols cause a somewhat similar mark by the extractor hook, but in each case there are slight differences. In this instance twenty-four Colt pistols were used as controls, and in no instance was an exactly similar extractor mark produced.

Bullets

(A) The Sûreté pistol was rifled with six lands with a right-hand twist, and bullets fired through it show six well marked right-handed grooves with a considerable degree of scratching between them. The bullet taken from the foot of the Sirdar had six well marked right-handed grooves of identical width and pitch, but with much less scratching between them (Fig. 4). Fig. 5 shows a plasticene plate on which the rifling marks of both specimens have been impressed. For comparison the plates have been superimposed and the identical nature of the grooves becomes at once apparent. However, in view of the lack of any characteristic fault or detail, I considered it unjustifiable to give a decided opinion on the matter, although

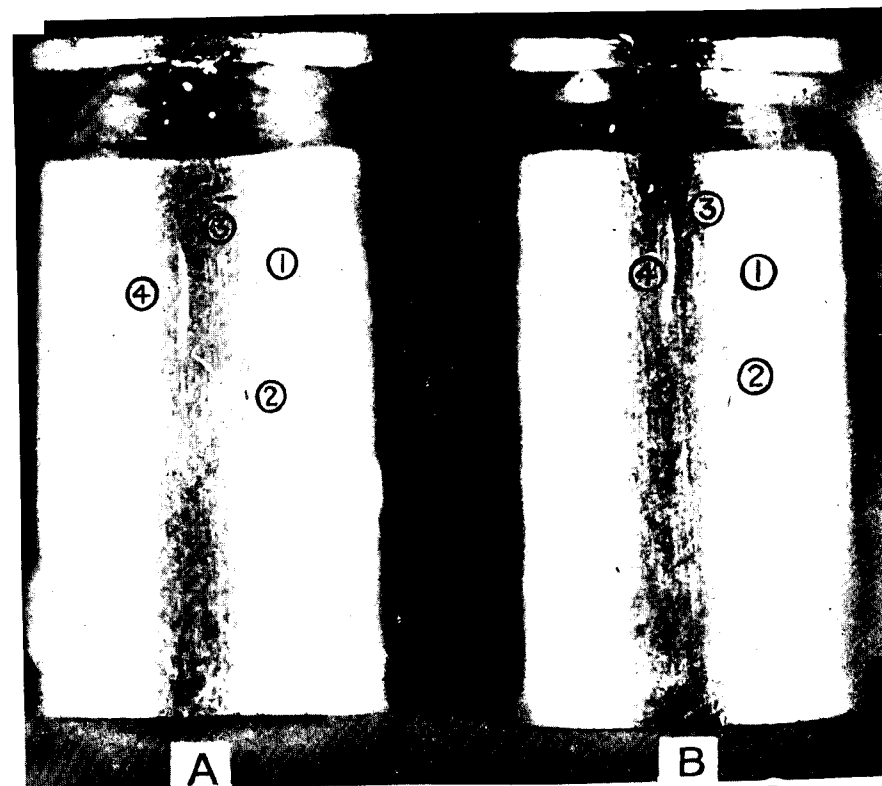


FIG. 1.—A, Cartridge case found at the scene of the crime. B, Cartridge case fired from the Sûreté pistol. The scratches (1, 2, 3, 4) on the surface of the two cartridge cases are identical.

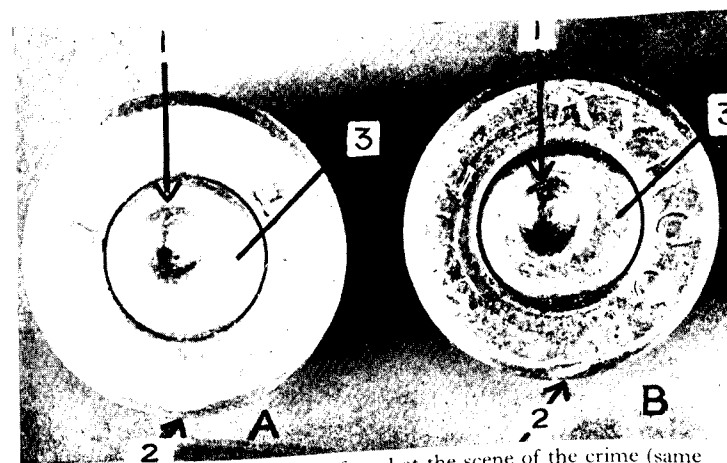


FIG. 2.—A, Cartridge case found at the scene of the crime (same as in Fig. 1). B, Cartridge case fired from the Sûreté pistol. Note the excentric position of the depression in the cap in both cases (1, 1) the position and nature of the extraction mark (2, 2), and the circular marks on the cap caused by the breech-block (3, 3).

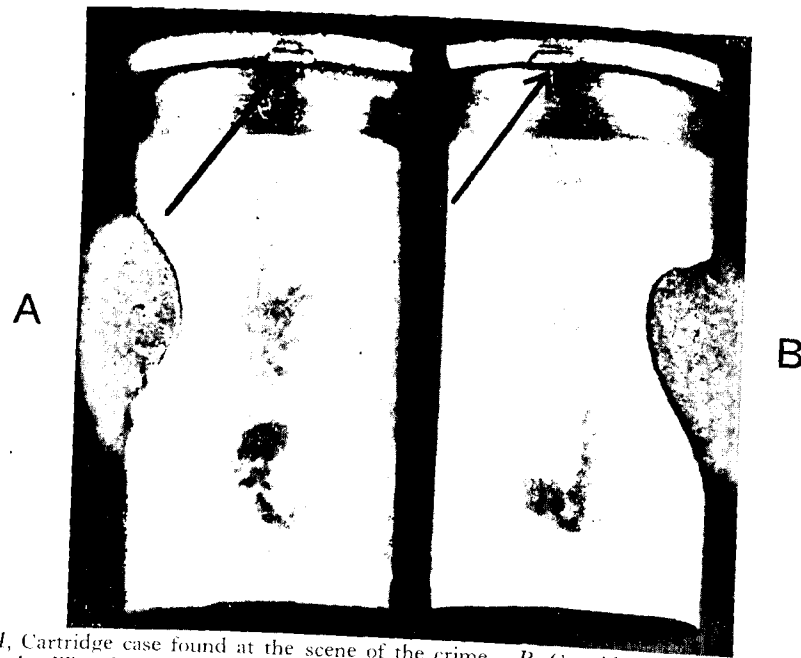


FIG. 3.—*A*, Cartridge case found at the scene of the crime. *B*, Cartridge case fired from the Colt pistol. The characters of the extraction marks (indicated by arrowheads) are identical.

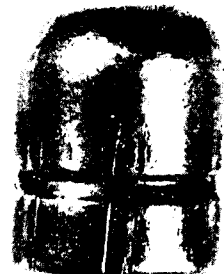


FIG. 4.—The bullet taken from the foot of the Sirdar.

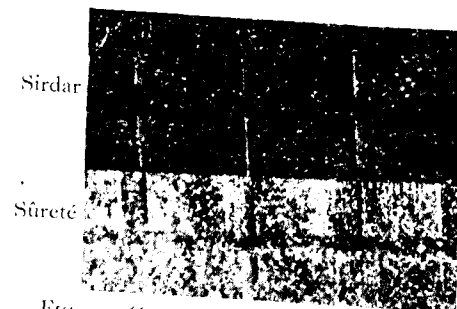
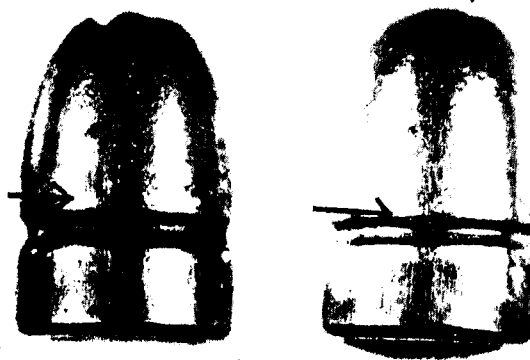


FIG. 5.—Cast of rifling marks from the bullet taken from the foot of the Sirdar and from a bullet fired from the Sûreté pistol.



FIGS. 6 AND 7.—Comparison of a bullet fired from the Colt pistol with the bullet which caused the death of the Sirdar. Arrowheads point to vertical scratched grooves caused by a fault in the barrel of the pistol. The ordinary rifling grooves cannot be seen.

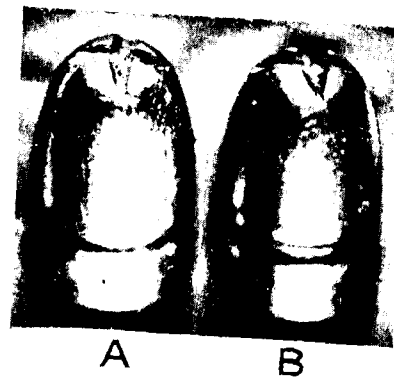


FIG. 8.—*A*, Bullet seized in the case. *B*, Bullet from the victim. The manner in which the nickel jacket has been incised is the same in both bullets.

there was obviously the strongest suspicion that the bullet had been fired from this pistol.

(*B*) The Colt pistol was rifled with six lands with a left-handed twist, but the barrel was in a bad state and the lands worn so that bullets fired through it did not show clearly marked grooves. It had, however, a fault in the muzzle end of the barrel which produced a scratched groove in every bullet fired through it. This lay between two of the normal grooves and was broader than those grooves. On comparison with the bullet taken from the chest of the Sirdar the same peculiarity of marking was found, and on minute examination of the two bullets the details of marking were found to be identical (Figs. 6 and 7). It could be stated with absolute certainty that the bullet from the chest of the Sirdar had been fired from the Colt pistol.

Tips of Bullets.—A comparison of the tips of the bullets seized with the Enayats with those extracted from the victims showed that the method of cutting the tips was identical. In each case the tip showed a saw cut which penetrated into the lead and a file cut above which increased the width of the saw cut. Fig. 8 shows the identical nature of the cuts.

The cartridge cases found at the scene of the crime were branded FN, SFM, and AEP, and the cartridges seized with the accused persons were of the same three brands :

From this examination it could be stated :

(1) That the ammunition used in the crime and the ammunition seized with the accused persons was of the same manufacture and calibre.

(2) The tips of the bullets had been treated in exactly the same manner to convert them into expanding bullets. The instruments used for this purpose were of the same nature.

(3) The marks on the cartridge cases and bullets proved conclusively that both the Sûreté pistol and the Colt pistol had been used in the crime, and that it was the latter which actually caused the death of the Sirdar.

The presentation of this report put an invaluable weapon in the hands of the police, for they knew then with absolute certainty that they had caught the right men and had sufficient evidence to convict them. As a result confessions were obtained

from both Enayats which incriminated several other people, and eventually eight persons were definitely implicated in the crime (excluding the driver of the taxi in which they escaped).

The houses of these persons were searched, and in that of Mahmoud Rachid (an engineer) a number of tools were found, including a quantity of saws, files, and two vices, which were examined, with the following result.

The vices.—One of these had pieces of zinc fitted to the jaws to prevent the teeth of the jaws marking an object held in them. In these pieces of zinc a longitudinal depression was observed which had been made by clamping a body of a size similar to a 0.32 cartridge. In this groove traces of copper were found. It must be clearly understood that, although this depression and the copper fragments could readily be caused by clamping a cartridge, it could as readily be caused by clamping any other cylindrical brass or copper object. On taking the vice to pieces a certain amount of dust was found in the joints, and in this dust numerous bright metallic particles were observed. This dust was examined for nickel, cupronickel, and lead, for if a bullet were clamped in the vice for the purpose of cutting the tip one would expect traces of nickel and brass in the dust as well as possible traces of lead. The analysis proved the presence of traces of copper, zinc, and nickel in the dust. The combination of these metals is an extremely suspicious circumstance, but it must be kept in mind that ordinary brass may contain traces of nickel, and that a mechanic may quite well have traces of all these metals amongst his tools.

Saws.—None of the saws contained traces of copper, nickel, or lead on the teeth.

Files.—There were fifty-three files in the box, varying in fineness from rasps to key files. Brass was detected on several of these files.

It will be observed that all the tools required for cutting the bullets were present in the box. The tools were of the same nature as those actually used for cutting the bullets. The dust contaminating the tools was the same as the dust that would be produced by cutting the bullets. There was therefore a strong presumption that the tools were used for this

purpose, but the available information was not sufficient to enable one to state conclusively that they were so used.

In the meantime Shafik Mansour (a lawyer, and one of the accused) stated that they had been in the habit of concealing the weapons in a secret receptacle made by unscrewing the bottom panel of a door in the house of Mahmoud Rachid. A further search of Rachid's house was made, and a door was found in which the lower panel was seen to have been tampered with. This was forwarded for examination.

It was found that the panel had been originally fixed in position by two nails on one side and four nails on the bottom. In addition to the nails, glue had been used to fix the panel permanently. The panel had been removed and the nails on the side replaced by screws. The bottom nails had been left.

On examination of the wood around the cavity in the door under the panel it was seen that the nail holes in the bottom were ragged and irregular and around them there was a series of smaller and larger punctures and scratches. These marks were caused by numerous attempts to replace the panel in position after removal. In carrying this out it was necessary to force the nails in the lower edge of the panel into the nail holes, and as it was difficult to get all the nails in at the first attempt various scratches and punctures were made in the wood. About thirty of these punctures could be counted around one nail hole. Many of these were distinctly old, in others it was impossible to give any opinion as to the time when they were made (Fig. 9). There were a number of hammer marks on the panel which were probably produced by knocking the panel tight. The condition of the nail holes indicated that the panel had been removed and replaced a considerable number of times. The inside of the receptacle in the door showed a number of indentations in the wood, and it could be shown that certain of these indentations exactly corresponded with marks produced by the fore-sight and back-sight of the Colt pistol. If the pistol was placed in position in the cavity both sights exactly corresponded in position with the marks in the wood. These impressions were found in different parts of the receptacle, and indicated that the weapon which caused them had been placed in the receptacle in four different

positions. Twelve sets of these marks were to be seen. There were many other marks caused by hard substances being forced against the wood, and several of these corresponded with the sights of the Mauser pistol. There were many others, however, which could not be attributed to any of the pistols seized, and the presence of certain impressions of a milled surface strongly suggested that other metal objects, possibly other weapons, had been concealed in this receptacle. The dimensions of the cavity were 33.5 by 12.5 cm. and this space (shown in Fig. 9) accommodated the four seized pistols comfortably.

From the above examination it could be stated that the panel of the door had been removed and replaced a considerable number of times, extending over a long period; that the receptacle under the panel had been used for holding certain articles which caused scratches and indentations in the wood; that certain of these indentations corresponded exactly with the sights of the Colt pistol seized in the case, and that others corresponded with the sights of the Mauser pistol, suggesting that these two weapons had been secreted in the receptacle.

At the subsequent trial the eight accused persons were found guilty and condemned to death; seven of them were actually executed and the eighth had his sentence reduced to penal servitude for life.

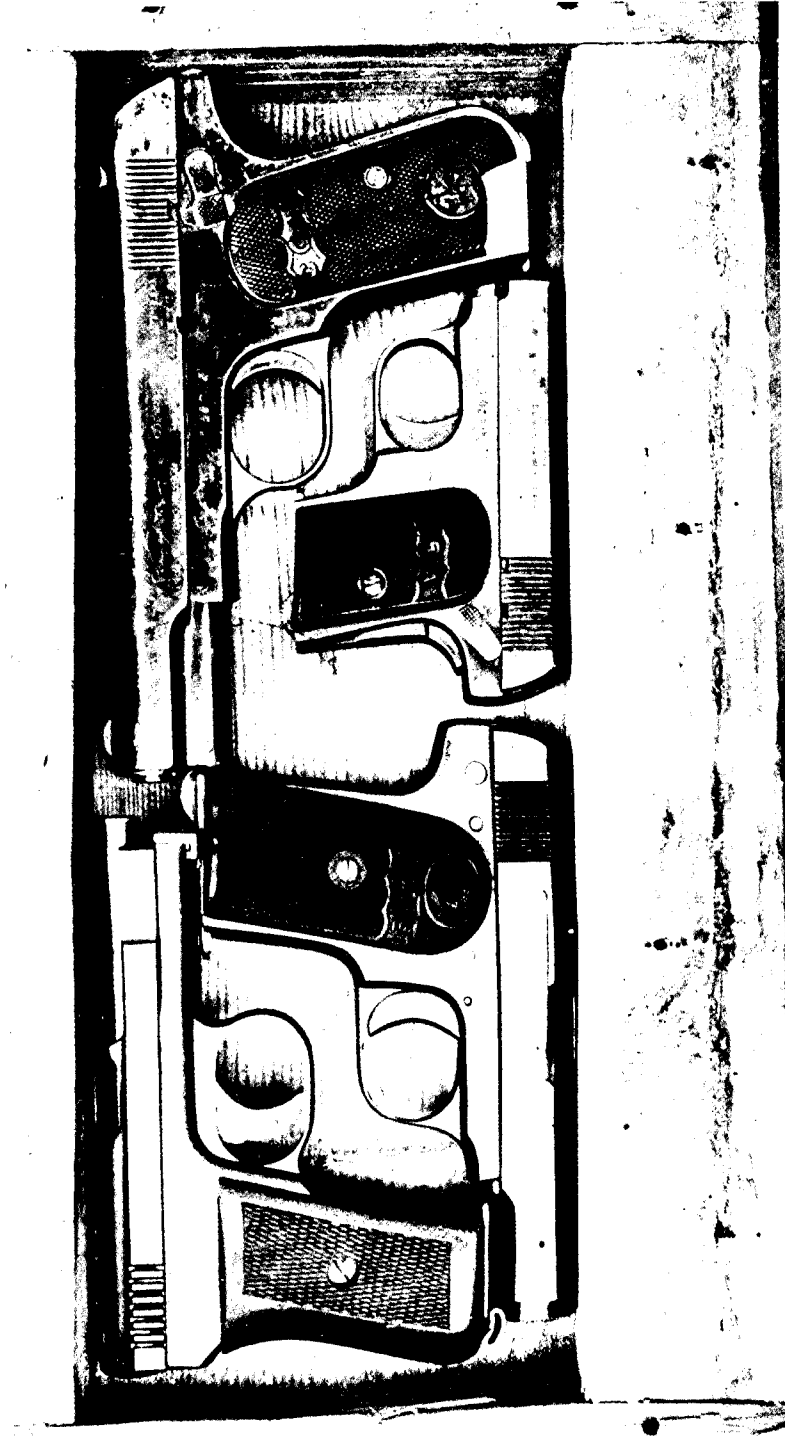


FIG. 9.—Lower part of door taken from the house of Mahmoud Rachid. The lower panel has been removed and the four seized pistols placed in the secret cavity. Note the worn appearance of the nail holes, showing that the panel has been frequently removed and replaced. The sights of two of these pistols caused depressions in the wood as described in the text.

Lege, Perlege, Relege.



Printed at London for NATHANIEL BVTTER. 1608.

I will waste out mine eyes with my Candles, and watch from Midnight till the rising up of the Morning ; my Bell shall euer be ringing, and that faithfull seruant of mine (the Dogge that followes me) be euer biting of these wild Beasts, till they bee all driuen into one heard, and so hunted into the toyles of the Law.

The Belman of London, By Thomas Dekker (1608).

The Police Dog: His Selection and Training

By REGINALD ARUNDEL

Late Superintendent, West Riding Constabulary, Yorkshire

ALTHOUGH the police dog in his present form has only been in existence for about a quarter of a century, and at first on the Continent, this country may claim to be the land of his origin, as our forefathers made use of bloodhounds for tracking criminals as far back as the fifteenth century. A tax was levied on the inhabitants for maintaining these hounds, and there was a law in existence at the time that whoever denied entrance to one of them should be treated as an accessory to the crime. The Bellman's dog illustrated opposite was evidently of a smaller breed than the bloodhound, and indeed it might puzzle the judges at Cruft's Show to determine the class to which he belongs. But at least he is evidence of the police dog's ancestors in England. He stalks sedately after his master, keeping a good look-out to the rear, ready to bite the 'wild Beasts,' by which title his master designates the law-breakers of the period. When, however, the regular police force came into being, the use of the dog for coping with criminals was discontinued as a relic of a barbarous past.

The police dog of to-day is first met with in France, then in Germany. The latter country took up the matter with its usual thoroughness, and in 1896 experiments were made with various breeds. Ultimately the German sheep-dog (since imported into England under the name of the Alsatian wolf-dog) was selected as possessing the most intelligence and adaptiveness for the purpose ; a process of select breeding and intensive training was undertaken ; and to-day every police division in Germany has its kennel of these trained dogs.

In this country the popular conception of the police dog as

a wild, savage brute caused a prejudice against him for a long time ; but at length at the docks at Hull, where the systematic pilfering became a worrying problem to both railway and civic police, he was given his chance. Results have fully justified his use ; thefts greatly diminished, and it is asserted that the dogs have halved the number of incendiary and other fires caused by tramps smoking when about to sleep on dock-sides among bales of wool and other inflammable material. At Hull the Airedale terrier was the breed finally chosen, and it is maintained that he has proved superior to the sheep-dog used on the Continent. Since then many other police authorities, especially those responsible for rural areas, have allowed a trained dog to accompany the constable on his beat, and the latter has not been slow to realize that in the acute senses and fidelity of his canine auxiliary he has found something of much greater value than his handcuffs or truncheon.

In the training of this auxiliary one fact has ever to be borne in mind if the trainer is to be saved many a disappointment and many a failure, namely, training by itself never makes a police dog. Just as the man who makes the police force his career needs, in addition to the training, especial aptitude for the work if he is to succeed, so does the dog. This aptitude in the man may be said to consist of certain powers of minute and precise observation of human beings and inanimate objects, and a watchful eye for the smallest particulars of shape, look and bearing, together with an intuitive knowledge of human nature, character and conduct in its infinite varieties. It is just as much a gift as an ear for music, and there is no system of education by which it can be acquired. In the dog this aptitude is denoted by a degree of acuteness (not confined to any one breed) which seems beyond instinct, and very similar to reason. It is only dogs possessing this sagacity that, by a specialized instruction from early youth, can be made to serve the custodians of law and order in just the same way as another kind of training renders them such invaluable adjuncts to the sportsman. Also his physical qualities must be beyond reproach. The organs of hearing, seeing and smelling must be perfect, and they are only to be detected by the closest observation. Then he requires agility and courage, and therefore

should come of parents that were sharp and courageous. His working qualities he inherits from the dam ; and bone, colour, shape and movement he usually receives from the sire. Whether the dog is acute or dull witted his preliminary training will soon disclose, and as for his courage it should be noted if he attacks cats, barks madly at them, attacks other dogs, barks at strangers, wags his tail while feeding and will not allow other dogs or animals to approach, raises his hair and growls while disturbed. All these are signs that he will be a courageous dog. A puppy that feeds with his tail between his legs is sure to turn out soft and nervous—utterly worthless for police purposes.

Assuming now the possession of a brave, intelligent youngster there comes the question of his training, and for this to be completed successfully his individual qualities and propensities have to be carefully observed and studied. During the training the trainer alone should feed and handle the dog. If children or other persons are allowed to play with him he is sure to become muddle-headed and untrustworthy and often snappish or vicious. The training has to be done with kindness alone. With the whip or stick one only succeeds in producing a slave instead of a true, faithful, self-sacrificing companion. In such a way and manner should the young dog be trained that he feels it a punishment to be spoken to harshly or not at all, and he must be daily taught that he must not do what he likes, but what he is expected to do.

The bringing out of the dog's intelligence comes about by repeating his lessons—dogs, like humans, learn by repetition—simple ones to begin with, such as that he really has a master whom he must always keep in his eyes, always follow and obey. Afterwards those of more difficulty, assuming the dog shows enough aptitude and ability to undertake the advanced course. Good work has always to be rewarded with lavish praise and the bestowal of a tit-bit. Such are incentives to greater efforts, for—again like humans—the stronger the incentive the greater the pupil's diligence. A reward when the dog does right, gentle correction when he does wrong. But with regard to the latter a good trainer is never too hard upon his dog. He knows that it is far better to let a fault go by now and then than

meet every one red-handed. You can always give the punishment—you cannot undo it. Often too—especially when it is a question of scent—the dog is right and the man is wrong. And if cruelty of any description has any part in the training of a police dog, failure is bound to ensue.

In the dog's elementary lessons—this time not like humans—he has to have a room to himself, or an enclosure with high walls, where people or other animals are never allowed to be present or even to be seen. The lessons should be started carefully and slowly, the dog to be watched continuously and treated with great kindness in order to get to know all his capabilities, aptitudes and peculiarities. Great care has to be taken not to tire out the dog with over-exercise, and on no account should any lesson be interrupted, otherwise the very foundation for future training may get undermined. A training leash and training collar are the only implements needed for the elementary lessons, which are to perfect the dog in leash walking under all conditions, to teach him to bark on command inside the kennel and in the open, and also without command when observing any suspicious object. Further they teach him to use his nose and find his master by the aid of the scent. He is also trained to obey and come instantly when ordered 'Come' or when called by whistling. This is a lesson that has to be practised thoroughly and completely mastered. It is absolutely necessary and of the greatest importance that the dog should give up following his quarry and stop short in the attack when ordered or whistled for. When these early standards have been negotiated the higher course follows. In this the dog has to learn :

To fetch and carry ; to clear obstacles when carrying objects ; to seek and fetch objects his master has hidden, and also find and fetch objects belonging to strangers, whether hidden or thrown away, and thus prepare him to recognize by means of the scent criminals or stolen objects.

To take reports to the police station, and when doors are closed announce his arrival by barking ; and to teach him to run there for assistance when needed.

To guard objects without quitting them whoever may tempt or threaten.

To refuse food from any but his master, so as not to be enticed to give up his charge and to avoid being poisoned.

To search for stolen property inside a house.

To attack his quarry, and not to be gun-shy.

To throw down and guard the runaway criminal (The throwing down is performed by jumping on the back of the trainer's assistant, who always takes the part of the criminal, or by running between his legs.)

To watch the criminal and, without actually biting, prevent his flight during his master's absence.

To attack, and throw in the open a criminal who assaults either him or his master, and assist in taking him to the lock-up.

To attack the running criminal who shoots, and stick to him until assistance arrives.

To examine carefully, and search systematically, streets, gardens, and outhouses, and on finding anyone concealed to give tongue until his master arrives.

Finally comes 'water-work,' which is a special branch, with the object of bringing corpses to land, and to assist drowning people in saving their lives. Proficiency is obtained, first by use of a wooden block, then with a wooden dummy dressed as a man, and lastly with an assistant who is a good swimmer.

To master the foregoing tasks eighty-three lessons have to be gone through, to be repeated again and again ; for every new move has to be impressed on the dog's mind before the trainer can proceed to the next one. It is thus easy to realize that the finished article is not made in a day.

And now, what of the trainer himself ? His qualifications cannot be taken for granted any more than can those of the dog. Now and again you meet with the trainer who seems to have been born for his job. He is found to have a wonderful and mysterious power over dogs, a gift he appears able to exercise no one knows how, and least of all himself. All dogs that go through his hands obey him instinctively as it were, and never forget him. Almost without word or signal he influences and directs them. Though trainers such as this are rare, it is essential for every trainer, if he is to meet with any measure of success, to possess qualifications of kindness,

patience—an unlimited amount—and firmness. Every trainer should at all times have his temper absolutely under control, and give the words of command in a calm, gentle voice; for habitual harshness is sure to make the dog frightened or sulky, when he cannot do good work. Thus it will be seen that much depends on the temperament of the trainer. The best of dogs are quickly ruined for all time by improper handling.

The question is often asked which breed makes the best police dog. It all depends on the class of work he is called upon to perform. For scenting pure and simple, the old English bloodhound stands pre-eminent. His exquisite olfactory organs enable him to pick up and follow cold and half-dissolved scents in little frequented roads and places: anyone expecting him to do this in the busy streets of towns or on asphalt or stone pavements betrays a lamentable ignorance of the subject. For other duties his nervousness and timidity operate against him. The Dobermann-Pinscher, frequently described as the dog with the human brain, has some remarkable feats to his credit, and our own Airedale, as an all-round dog, need fear comparison with none. The so-called Alsatian has also merits that warrant his vogue, but care should be taken to see that he possesses the true breed qualities, or he may turn out like the fierce Alsatian police dog given to Lilian Gish, the cinema star, as a protection in her lonely bungalow at Beverley Hills. This brave dog turned out to be brave just like a 'movie' villain. Miss Gish tells us that every time he heard sounds suggesting burglars or rude strife, he discreetly crawled under the bed and waited there until she had chased the marauders away! Many of the strains imported into this country have produced dogs of that type.

For constables whose beats are in close proximity to waterways the retriever is a useful dog. He can be trained to take on any class of work required of him as a 'general utility' dog. His scenting powers are good, and he is endowed with both pluck and sagacity.

In circumstances where a bodyguard and watchdog alone is needed the mastiff has much to recommend him. One of the oldest British breeds, he has been kept to guard person and property ever since the Romans landed in Britain. The

popular impression that he is a dangerous brute when loosed from his kennel is quite a wrong one. A well-trained mastiff—his training calls for considerable tact—can be taken anywhere, and he is more trustworthy by far than some of the larger breeds. As a night dog he has always been a favourite among gamekeepers.

But whatever the selection, let it be a thoroughbred. A prevailing theory that mongrels are more intelligent than thoroughbreds is entirely erroneous. Any intelligent mongrels are only exceptions to the rule that a crossbred at best is never to be depended upon, and for one good dog thus obtained there will be found on an average twenty very indifferent or bad ones. In fact, you generally find united the worst qualities of the two without, perhaps, any of the requisites for which the two breeds are most highly prized.

In this country, both with Metropolitan, City and County police, the Airedale ranks as favourite. Cases have been reported, relating to this breed, of encounters with two criminals by the dog and his policeman master where the dog has cleverly tackled one, and held on to him, while the policeman secured the other; and of both men being taken to the station with the dog's assistance. The bloodhound also has cases of tracking escaped criminals and missing persons reported to his credit in West Sussex, Wiltshire and the North and West Ridings of Yorkshire.

With regard to the question of tracking generally, both with the bloodhound and other breeds, too much has been expected. In a thickly populated country such as England, and where the people are nearly all living in congested areas, circumstances are frequently found that tend to make success very difficult. For instance, the scent of footprints is all too often weakened by being mixed with those of other people. Atmospheric conditions are in many cases bad for scent, and where unsuitable weather has set in since the criminal left the scene of his crime, and before the arrival of the police dog, there will be great difficulty in opening up the trail. To a sportsman it would be needless to observe that scent depends on the state of the weather, is affected by its vicissitudes, and that a storm may in an instant destroy it; but as the police

dog has often been blamed for something that was not his fault it is as well that this should be made clear to the uninstructed. There is, of course, always the possibility that failure may be due to the dog's sense of smell being affected owing to a cold or other cause ; contact with tobacco smoke will affect his olfactory organs for a long time afterwards. But on the whole subject of scent there remains much that is still wrapped in mystery, and concerning it many various and contradictory opinions have been prevalent.

The police dog is no longer confined to England and her Continental neighbours. He is to be met with in the United States, Canada, West Australia and in the Union of South Africa. In the latter country developments have been on a remarkable scale. There has been established a large training depot for the whole Union, claimed to be the only state-owned institution of the kind in the world. The camp where the police dogs are trained is situated six miles from Pretoria and is laid out in the form of a square, staff quarters flanking two sides, the kennels and offices completing the scheme. The staff consists of eighteen trainers and a like number of learners. There are 140 dogs on the premises, mostly partly trained ; for as soon as an animal is efficient it is sent to some district where its services are required. Here the Dobermann-Pinscher, the bloodhound and other suitable breeds are all to be seen.

After training in the confines of the camp the dogs are taken to the veld for practice in tracking. Natives are used to lay a trail ; and on the day after the trail is laid, dogs are brought to the starting point, given the scent and ordered to follow it up. The native in the meantime has gone into hiding at the finishing point of the trail he laid the previous day. When he is discovered, the dogs give tongue to attract attention and detain him should he make any attempt to escape. It is claimed these dogs can pick up the scent even if it is three days' old. The condition of the ground, equable temperature and purity of the air in that country will all be in their favour. Also, dogs quartered in a land like South Africa are likely to have a far superior sense of smell to dogs kept, say, in England.

The system of training is on similar lines to that which has been described, and it is noteworthy how the officer-in-charge

stresses the personality of the trainer, and how many learners are found quite unsuitable for the work. When a trainer and two dogs of which he has had charge—no one else being allowed to handle them—are qualified, they are passed out of the camp and appointed to some Magisterial District. Before leaving he is provided with a portable cage and kennel which he takes with him and erects at the post to which he has been drafted. South Africa here has set an example to the Mother Country where there are no organized schools of instruction, and where the County Constable who has a dog works on his own and has to train it as best he can in his spare time. There is little doubt, however, that the growing reputation of the canine helper in English police circles will before very long bring about an improvement in this respect.

The evolution of the police dog is only just beginning, but with the example before one of the perfection to which the shepherd's assistant has attained, who can doubt that in the course of time he will reach an equal standard ? The dog is the most teachable animal living.

The Police in Ancient Rome

By P. K. BAILLIE REYNOLDS, M.A.

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IN the ancient world the office of a policeman was not considered a very honourable station, and even in the enlightened democracy of Athens in the fifth century B.C. no free citizen was prepared to serve in that capacity, and such police force as there was consisted of foreigners with the status of slaves, who were the property of the State. In Greece generally very few of the States seem to have made any provision at all, so far as is known, for the ordinary policing of their cities, though the State of Sparta certainly had a very efficient system of secret police, who, since they were concerned entirely in the detection of conspiracy among the dangerously large serf population, had to be free citizens.

In Rome in the earlier days of her rise to greatness, the citizens themselves had maintained law and order, but with the growth of the Empire and of the city some sort of organized police system became a vital necessity; but so long as she remained a free republic very much the same conditions obtained in Rome as in the States of Greece, and very little provision was made for the policing of the city. Certain of the State authorities, the *ædiles*, were nominally responsible, amongst other duties, for the safety of the city, both its citizens and its fabric, and there was a board of three officials, apparently subordinate to the *ædiles*, who were specially charged with this duty at night time. But the force at the disposal of these officers was again composed of slaves, was far too small, and was further expected to act as a fire brigade at need. This very inadequate system was rendered all the more ineffective by the lamentable failure of the responsible officials to do their duty.

THE POLICE IN ANCIENT ROME 433

During the last 150 years before the Christian era the increasing corruption of the official classes, the incompetence of the magistrates, and the ever-growing bitterness of party politics led to more and more frequent and finally to almost continuous civil riots and bloodshed with which the existing police services were utterly insufficient to deal, even if they had wanted to do so, and with which the Government could not cope, since it had no standing army to call upon to restore order. The political parties employed organized gangs of roughs to drive opposition voters from the poll, or to attack the houses of leaders of the rival party; the personal hatreds of the professional leaders of these gangs led to frequent pitched battles in the streets between their supporters, and the life of the ordinary citizen became intolerable. The responsible authorities did little to stop it: if their own supporters were successful, they had no cause of complaint; if their rivals won, they had no force with which to coerce them other than bands of the same type in their own pay.

The strong hand of Julius Caesar put a stop to that state of affairs when once he had become master of the Roman world, though in his earlier days he had been the principal employer of one of the most notorious of the gang leaders. He was unfortunately assassinated before he had time to evolve a properly organized police system; but during the short time that he held the chief power he made several police regulations for the improvement of the city of Rome, notably in the department which presents such a pressing problem in modern cities, the regulation of traffic. The scheme adopted in many cities to-day of restricting certain types of heavy traffic to particular streets during certain hours of the day originated, so it seems, with Julius Caesar.

The fourteen years of chaos and civil war which followed Caesar's murder ended, in 31 B.C., with his nephew Octavian being left master of the Roman world. In 27 B.C. the old republican government of Rome came to an end, and Octavian became the first Roman Emperor, with the title of Augustus. In the general re-organization of the whole Empire which followed, Augustus did not forget the police force of the capital, and after one or two preliminary experiments a system

was evolved which really lasted with no serious modifications for more than four centuries, or as long as the Roman Empire existed in western Europe. The whole tone and organization of the police was military; but that was only to be expected, for, in spite of the various disguises adopted to conceal the unpleasant fact, the entire power of the Roman Emperor was founded on the army, and the Empire was in actual fact a military despotism.

The chief police official was the City Prefect (*Praefectus Urbi*) who was always a Senator of repute and of experience, and his office was one which carried great dignity as well as responsibility. To the modern mind he seems to have had a curious duality of function; for not only was he the commanding officer of the police forces, but also he was the chief police court magistrate of the city—in fact at first he was the only one.

The forces under his immediate orders were known as the Urban Cohorts, and consisted of three cohorts or battalions organized on a strictly military basis. Each cohort was commanded by a Tribune, and was subdivided into ten centuries, each under a Centurion. The fact that this force was an integral part of the army and not merely a civil police was emphasized by the close connection between the Urban Cohorts and the Imperial Household troops, or Praetorian Guard; officers, non-commissioned officers and men of the former were frequently promoted into the latter, and the battalions of the two corps were numbered in one sequence, the nine cohorts of the Praetorian Guard being I-IX, and the three Urban Cohorts being X, XI, and XII.

Very little is heard in Roman writers of the activity of the Urban Cohorts; they were apparently on hand to keep order if need arose at public festivals and functions, and at gladiatorial shows in the arena and chariot races in the circus; Nero unsuccessfully tried the experiment of withdrawing them from these gatherings. But no mention is ever made of them in connection with routine police work, or in dealing with petty thefts, larceny, and housebreaking, and the usual business of the police courts. In Roman law the tendency had been to look upon such things as civil rather than as criminal

offences, and it rested with the aggrieved party to institute proceedings; and the State authorities were slow to alter these conditions. Such matters seem to have been left at first largely in the hands of certain local authorities; for one of Augustus' acts had been to divide the city of Rome for administrative purposes into fourteen regions, which in turn were subdivided into wards (*vici*) under Wardmasters or *Vicomagistri*; and these seem to have been responsible to a limited extent for the safety of their wards, always under the superior jurisdiction of the City Prefect.

These civil authorities and the military Urban Cohorts were not however the only bodies engaged in policing the city of Rome; there was a totally distinct force who were responsible for the safety of the city at night-time. This arrangement seems peculiar to the modern Englishman, but is not unknown elsewhere in Europe at the present day. In Rome the safety of the city after dark was entrusted to the Night Watch or *Vigiles*, also a quasi-military corps, but not reckoned as forming a part of the army proper. It was commanded by the Prefect of Vigiles (an official of less exalted rank than the City Prefect) and consisted of seven cohorts 1000 strong, each under a Tribune, each cohort being subdivided into seven centuries of about 140 men each. Each of these seven cohorts was responsible for the safety of two of the fourteen regions of the city, having its barracks in one and a sub-station or *excubitorium* in each. This corps was originally raised primarily as a fire brigade and always continued to act in that capacity; it was only secondarily a night watch: but since the prevention as well as the extinction of fires was always a part of their duty, this necessarily involved them in a certain amount of police work, and this side of their work tended to increase.

The Prefect of Vigiles, originally simply the commanding officer of the fire brigade, developed by degrees into a police court magistrate, though inferior to the City Prefect. For in order to prevent outbreaks of fire he had been made responsible for seeing that all houses had fire fighting appliances, and he could even mete out summary corporal punishment to persons who he considered had fires on their premises which were negligently looked after and so likely to cause an out-

break—a power which few modern cities would venture to entrust to their Chief Constables ! Then, too, as the Prefect of Vigiles was responsible for the safety of the city at night, it was an easy step to make him deal as a magistrate with all crimes, such as housebreaking and robbery, committed during his tour of duty. As time went on, a natural development of this was to make him deal with the same crimes when committed in the day-time ; and the next step was to extend the sphere of such crimes, so that all sorts of theft and larceny, from breaking into safe-deposits down to petty pilfering in the cloak-rooms of the public baths, came before his court, and he became the authority to whose lot it fell to search out and punish runaway slaves.

In all these affairs the court of the Prefect of Vigiles tended to encroach on the jurisdiction of his superior the City Prefect ; but the jurisdiction of the City Prefect was extending at the same time and encroaching on the civil courts, as more and more offences which had previously been regarded as civil came to be treated as criminal and as coming under the cognisance of the police authority. This was all part and parcel of the continued departure from the old republican forms and of the increasing growth of bureaucracy which was to be seen in every department of the administration of the Empire.

This tendency was also reflected in the status of the police force. It is true that the City Prefect had always been a man of the highest nobility, invariably an ex-Consul, and the Urban Cohorts had always been an honourable corps, recruited solely from Roman citizens and only from the most thoroughly Roman parts of Italy ; in their pay and terms of service they were superior to the legions and ranked on an equality with the Praetorian Guard, which was the most honourable corps in the army. But the *Vigiles* were always on a different footing. While the Urban Cohorts might be regarded as part of the personal guard of the Emperor, the *Vigiles* were merely public servants, and performed the duties which in the days of the old republic had been performed, if at all, by slaves. But they were not actually slaves—a force of 7,000 armed and disciplined slaves in Imperial service would probably have caused public misgivings, and Augustus was too wise to run

the risk of that—but they were the next thing to slaves and were at first recruited solely from freedmen, or liberated slaves ; and though they ranked as soldiers and their organization was military, it was very carefully distinguished from that of any corps in the army proper. As time went on, however, free-born men were enlisted, and the status of the corps was raised, so that its officers and men passed naturally on promotion into the Urban Cohorts ; but the old distinctions still remained and the term of service of the *Vigiles* was longer, and their pay apparently smaller, than that of the regular army, and freedmen still continued to be enlisted, though they were ineligible as recruits for other corps. Thus, though the *Vigiles* never reached actual equality with the rest of the army, the status of the corps gradually rose, and it became more and more evident that the police was an honourable service, and was not merely a tiresome duty unfit for a free man to perform, and one to be relegated to slaves, as in times past ; and several men who rose to positions of great eminence in the second and third centuries A.D. began their careers as officers of the police.

The prison service in Rome cannot properly be compared with the system in modern Europe, for the very good reason that imprisonment was never recognized in Rome as a form of punishment : thus all that had to be provided was police cells for persons under arrest awaiting trial. Each cohort of *Vigiles* apparently had cells in its barracks for this purpose, and mention is found of a non-commissioned officer bearing the title *Optio carceris*, or Sergeant in charge of the Prison ; and the same rank is found in the Urban Cohorts, so that they too had cells at their disposal. These cells would only be for culprits arrested in Rome itself, within the jurisdiction of the City Prefect ; for prisoners sent from the provinces for trial in Rome other arrangements were made.

There was in the city a special barracks, known as the *Castra Peregrinorum*, or barracks for men from abroad, to provide quarters for any men of the armies on the frontiers whose duties brought them to Rome with orders, reports and such like, and prisoners from the provinces and their escorts seem normally to have gone there. St. Paul, for example,

was taken to the *Castra Peregrinorum* in the first instance, though in the English Authorised Version (Acts xxviii. 16) the 'Captain of the Guard' was probably intended by the translator for the Praetorian Prefect, or the Commanding Officer of the Imperial Bodyguard. In later times that officer did come to exercise some police control, and as the Empire became more and more openly a military despotism the authority of this purely military officer tended to encroach more and more on that of the more civilian City Prefect. But in St. Paul's day that was not yet the case, and the reference to the Praetorian Prefect is a translator's mistake (it is omitted in the Revised Version): the officer intended by St. Luke is the Commanding Officer of the *Castra Peregrinorum*.

Of any body in Rome at all corresponding to the C.I.D. nothing whatever is known, but we do hear of something in the nature of the Special Branch. But these men were more the personal spies of the Emperor, engaged in ferreting out information about political conspiracy than a regular branch of the police force, and their activities spread all over the Empire and were not confined to Rome. Further, they were not a special corps designed for the purpose, but were men of the regular army, the legions, employed originally on special duties which had nothing whatever to do with the police service, and they only came to be used for such service incidentally. It came about in this way. Each legion of the regular frontier garrisons had certain picked messengers, or *speculatores*, who were used for regular and special communication between the Army Headquarters and the General Headquarters in Rome: each legion also had certain men employed on the supply service known as *frumentarii*, who had to travel about to arrange for supplies for their own unit, and to make reports on such matters to the Quartermaster General's Department in Rome. These men, *speculatores* and *frumentarii*, were thus constantly going backwards and forwards across the Empire, and so were in an excellent position to pick up information as to what was going on in the provinces, and were encouraged to do so. When in Rome they were quartered in the *Castra Peregrinorum*, and by degrees they

came to be sent out from there purely for espionage work; their original duties thus tended to be forgotten, and they practically became a secret police.

The Emperor Hadrian, we are told, 'knew all secrets through the *frumentarii*,' and as the Empire became more despotic, so the activities of the *frumentarii* multiplied. In the persecutions of the Christians it was the *frumentarii* who searched men out and who effected arrests; probably, too, the soldier who guarded St. Paul was a *frumentarius*; and if the Emperor desired the speedy removal of a prominent noble against whom it might be dangerous to proceed openly, the *frumentarii* were employed to carry out the deed. In fact they performed all the 'dirty work' that has always fallen to the lot of a secret police in an absolute despotism. They were so efficient in their work that they incurred universal hatred; an historian of the third century complains that 'they tyrannise over us,' and a later writer bitterly calls them 'a pestilent crew,' and in another passage 'the plague of the Roman world.' In response to this general odium the Emperor Diocletian disbanded them at the end of the third century; but their duties were far too important for the emperors to be able to dispense with their services, and a new corps was soon enrolled, specially designed as a secret police. This new force bore the curious title of 'Agents for Affairs' (*agentes in rebus*), which was sufficiently vague to cover their manifold activities. But the *agentes in rebus* were soon no better than their predecessors, and as early as the middle of the fourth century the Emperor Julian had to reprove their corruption, and they soon had just as bad a name as the *frumentarii* had had.

It is outside the scope of this article to consider the policing of the huge expanse of the Empire outside the city of Rome itself: indeed it is a subject about which very little is known, though it may here be said that generally, except on the frontiers where military law prevailed, the local municipal authorities were responsible for maintaining law and order. But there were one or two places where the Imperial authorities took charge and where the peace was upheld by detachments of the Roman police. The city of Lugdunum, the modern Lyons, the capital of Roman Gaul, always had

one Urban Cohort stationed in it ; this was a part of the force of Urban Cohorts in Rome, and was numbered XIII in sequence with the three in the capital (p. 434). The reason for the presence of this Imperial police force in a provincial city was probably that there was at Lugdunum a branch of the Imperial Mint. In the third century there was a similar force at Carthage, then the most flourishing city of Africa.

The Emperor Claudius, about the middle of the first century, had increased the numbers of the Urban Cohorts by two, and these two extra cohorts were stationed at the Italian ports of Ostia and Puteoli. These two were the ports for the city of Rome, and it was there that the huge supplies of imported corn were landed which were needed for the free dole to the proletariat of the capital. It was probably for that reason that the Imperial authorities took over the policing of these two ports, and the two cohorts were also instructed to act as a fire brigade ; the burning of a block of warehouses at either place might have led to shortage and so to riot in Rome. But this arrangement was short lived, for after the civil wars of the year 69 A.D. these two extra cohorts were disbanded, and so far as is known the Imperial authorities did not resume control of the police arrangements of the ports till the reign of Hadrian half a century later. That Emperor reorganized the city of Ostia, and once more the police arrangements were put into the hands of the authorities in Rome. This time, however, no new units were raised for the purpose, and the duty now fell to the inferior police force, the *Vigiles*. A composite force was sent for this duty, rather more than half a cohort strong, made up of detachments from all the seven cohorts, which were relieved three times a year. This arrangement continued till the end of the Empire, and the barracks occupied by the detachment is among the most prominent of the ruins which have been excavated at Ostia. Whether any similar arrangements were made for Puteoli is not known.

There is nothing whatever in the nature of an official description of the organization of the police force in the Roman writings which have survived, and police fiction which is so popular nowadays, and which gives the layman some little insight, inaccurate though it may be, into the workings of the

police force, seems to have been altogether unknown to Roman literature. Such references as Roman authors do make to the police are few, and are merely incidental, and give no insight into police working, the writers evidently assuming that the reader is familiar with the general outlines of the system ; so that very little can be gathered from them. All that is known of the Roman police system has been pieced together from such scattered references, and from records left by the men themselves—from inscriptions set up in honour of gods or emperors, from epitaphs giving particulars of a man's service, from the remains of the very few of their barracks that have been excavated, and from remarks scratched on the walls of those barracks. This evidence, meagre as it is, has yet been enough to show that in the first four centuries of the Christian era Rome had a well organized and efficient police system.

Including the Urban Cohorts and the *Vigiles* the total strength of the forces of law and order was roughly 10,000 men. This may seem inordinately large by modern standards even for so great a city as Rome was under the Empire : the population in the early third century was probably well over a million, all within the city itself ; for ancient Rome, like the modern, had practically no suburbs. The reasons for this great police strength are not far to seek : a big percentage of the population of the city consisted of a cosmopolitan crowd of slaves, and any State which recognizes slavery is bound to take ample precautions against a slave rising. Roman law had always been terribly severe where slaves were concerned, as is well illustrated by the rule that if a slave murdered his master, the entire household of slaves should all be put to death. Under Nero, the City Prefect was murdered by one of his slaves, and his establishment of slaves was so big that an agitation was got up to mitigate the severity of the law—an agitation to which it is easy to find modern parallels. The law was upheld however on this occasion, but elaborate police precautions were necessary when the sentence was to be carried out.

Another reason for a strong police force was that besides the large numbers of slaves there was also a very numerous

proletariat of free citizens. Now the city of Rome to all intents and purposes had no industries, but lived parasitically on the fruits of the labour of the rest of the Empire ; thus a very large part of the proletariat lived in almost complete idleness, and were supported at the State's expense on free doles of corn, and kept amused at the State's expense in the circus or the amphitheatre. This was more inflammable material than the slaves, and a gale at sea, with consequent delays in the corn supply, or even an unpopular win in a chariot race, might lead to serious disorder.

It will also have been observed that the *Vigiles*, who were on duty at night, were more than double the strength of the Urban Cohorts ; this discrepancy is only partially to be accounted for by the fact that they were the fire brigade as well. The explanation is that the streets of Rome were not illuminated at night, at any rate till the third century, and therefore police patrols needed to be numerous ; and we have evidence in the form of remarks scratched on barrack walls by the men themselves that the duty of these night patrols was often apt to be dangerous.

But making due allowances for the differences between ancient and modern civilization, and granting that the Roman police system was far more militaristic than would be tolerated in modern cities, one cannot fail to see that the city of Rome under the Empire, with its efficient police forces and fire brigade, and with its strict regulations against the carrying of arms, was far more modern than the cities of the middle ages. In fact it is really not going too far to say that in the matter of police services it was not until the beginning of the nineteenth century that the cities of Europe regained the standards of civilization which had existed in the Roman Empire eighteen hundred years before.

The Belgian Police

Prepared with the kind assistance of ALFRED KEFFER, M.V.O., Chief Superintendent,
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IN the middle ages the policing of the Belgian Provinces was undertaken by archers under the direction of the Communes (boroughs). They were appointed and paid by the guilds and were placed under the authority of a captain, responsible to a delegate of the guilds, later the *Bourgmestre* (mayor). In the eighteenth century Brussels, copying somewhat the system organized in Paris, had inaugurated the *Commissaires de Police* (superintendents of police), who had for ancestors the *Commissaires du Châtelet* (castle superintendents in feudal days), attached to the *Lieutenant-Général de Police*, created by Louis XIV. of France.

By the enactments of 1791, a network of Communal or Borough police was instituted all over French territory, which then included Belgium, and certain of these decrees are in force at the present day. In 1815, following upon the Congress of Vienna, which re-united the Belgian Provinces with Holland, the King of Holland inaugurated the Dutch *Maréchaussée* or constabulary, which policed the whole of the Low Countries. After the Belgian Revolution and subsequent declaration of Independence, a national police system was organized for Belgium in 1830, modelled on the lines of the existing French system. At the same time a National Gendarmerie (an armed force which deals with compulsory military service and also performs certain police duties) was formed on a basis similar to that of its Dutch precursor. Officers and men for this latter force were recruited from Belgians who had seceded from the Dutch constabulary and from ex-soldiers who had fought in the French armies under Napoleon.

In 1836 legislation authorized the appointment of Deputy-

Commissaires (chief inspectors). The year 1920 saw the creation of the *Police Judiciaire* (State criminal detective police) who undertake the investigation of all serious crimes.

In Belgium the whole of the police, with the exception of the State detective police and the gendarmerie, is administered on the municipal system. In every town or borough the administrative authority is vested in the mayor. The executive authority is the *Commissaire-en-Chef* (chief of police) who is responsible to the *Procureur du Roi* (public prosecutor) for criminal proceedings. It is obligatory on every borough with a population of 5000 or more to have a Chief of Police. In boroughs of less than 5000 inhabitants, the mayor undertakes both duties.

The work of the police resolves itself into two categories :

1. Administrative or preventive : under this head may be classified the taking of all necessary measures to prevent violations of the law and infractions of the bye-laws.
2. Criminal : to bring to justice those who, in spite of administrative measures, refuse to conform to the laws and regulations.

Belgium, through her geographical situation, forms the hub of Western Europe. It is obvious, therefore, that she is well patronized by every type of international criminal and fugitive from justice. Owing to the fact that the sale of arms is not restricted in Belgium—though it is an offence to carry fire-arms without a permit from the municipal authorities—it not infrequently happens that the police have to arrest armed malefactors. This has created the necessity of arming the police, the majority of whom are supplied with the Browning automatic pistol. All officers are supplied with the regulation *matraque* or rubber truncheon.

Violent crimes are of frequent occurrence in Belgium, and in dealing with them members of the various branches of the Belgian police are occasionally incapacitated in the cause of duty. Acts of bravery are rewarded by a special mention in Police Orders, and, in cases of outstanding merit, by the bestowal of the 'Civil Decoration for acts of courage and

devotion to duty.' This medal is presented by H.M. The King of the Belgians to any person recommended for an act of signal bravery, and the majority of its recipients are members of the police. There is no special decoration for the police.

THE MUNICIPAL POLICE

In the City of Brussels, as in all Belgian towns, the territory of each borough is, for purposes of police administration, separated into Divisions. At the head of each Division functions a Superintendent, with a Chief Inspector as his deputy. The Superintendents are under the direct control of the Chief of Police.

The Divisions are divided into Sections. Each Section is in charge of an Inspector, who is assisted in the administration of all affairs by an *Agent Spécial* (clerical officer). By turn the Inspectors perform the criminal duties at the headquarters of the Division, which is known as the Commissariat. They receive private complaints and evidence ; the reports of patrols dealing with crime, offences and arrests, etc. This service is undertaken day and night from 8.30 a.m. to 1 p.m. and from 1 p.m. to 8.30 a.m. by alternate Inspectors.

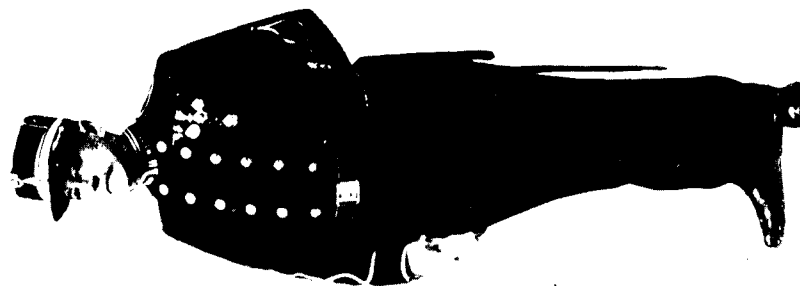
When the Inspectors are not performing duty at the Commissariat, they make inquiries on matters that have come before them whilst on the former duty and investigate matters that have been given them by the Public Prosecutor or the *Juge d'Instruction* (examining magistrate). They also control in turn the day and night duty patrols, the chief theatres, meetings of importance, processions and other demonstrations in the public thoroughfares.

The *Agents de Police*, popularly known as *Agents* (constables), perform patrol duties and control the traffic points. These points are usually covered from 8 a.m. to 9 p.m. by constables who do one hour point and one hour patrol duty for four hours. The average beat takes from a quarter to half an hour to cover. At the end of his beat the constable must halt for two minutes. This point is known as the 'control point.' The patrols and pointsmen perform eight hours' duty per day in tours of four hours, viz. : (1) 9 a.m. to 1 p.m. ; (2) 1 p.m. to

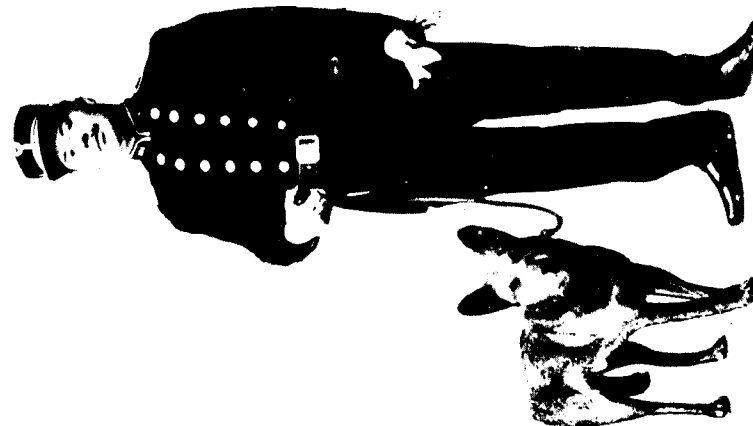
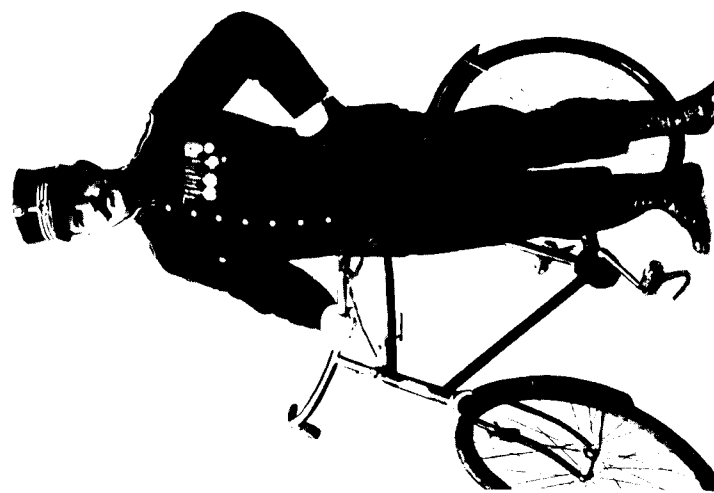
5 p.m. ; (3) 5 p.m. to 9 p.m. ; (4) 9 p.m. to 1 a.m. ; (5) 1 a.m. to 5 a.m. ; (6) 5 a.m. to 9 a.m. The duties change daily in rotation. The first relief performs duties Nos. 1 and 4. The second day they take Nos. 2 and 5, and so on. Men on traffic duty in Brussels wear a special white helmet. They have also recently adopted a white half sleeve for the left forearm of the tunic, thereby making their signals more conspicuous to drivers.

Before commencing duty the constables parade at the Commissariat. This parade is attended by the Inspector on duty, who informs them of any developments during the day, of complaints received and crimes committed. The constables are visited during their tour of duty by Inspectors, either on foot or cycle. At the conclusion of their tour of duty the constables again parade before the same officer. He inspects their equipment, arms, etc., and receives reports on any occurrence. - One day's leave in seven is granted.

Offences of small importance must be reported by the constable, when parading off duty, in a special register kept at the Commissariat. When a crime or serious misdemeanour comes under his notice, however, he must immediately make a verbal report, if possible by telephone, to the Inspector on duty, who in his turn writes the information received in an Application for Process for Criminal Inquiry. The inquiry is then continued by this Officer, who, in all cases of serious crime, informs the Public Prosecutor without delay. The Inspector must transmit the official report to that official within three days when it is a misdemeanour, but immediately when it is a felony. Every inquiry is made the subject of a Descriptive Form. This form contains the Christian and surnames of the person charged, his place and date of birth, nationality, profession, and a short résumé of any crimes he may have previously committed. A file based upon this form is then made for each prisoner. These files are kept in each town at the Criminal Registry Office of the Police. Apart from this an Identification Form is made out for every person arrested for a serious offence. This contains the Bertillon *portrait parlé* (French identification system) and the finger prints of the individual in question. This form is forwarded



INSPECTOR

DOG PATROL
THE BRUSSELS POLICE

CYCLIST CONSTABLE

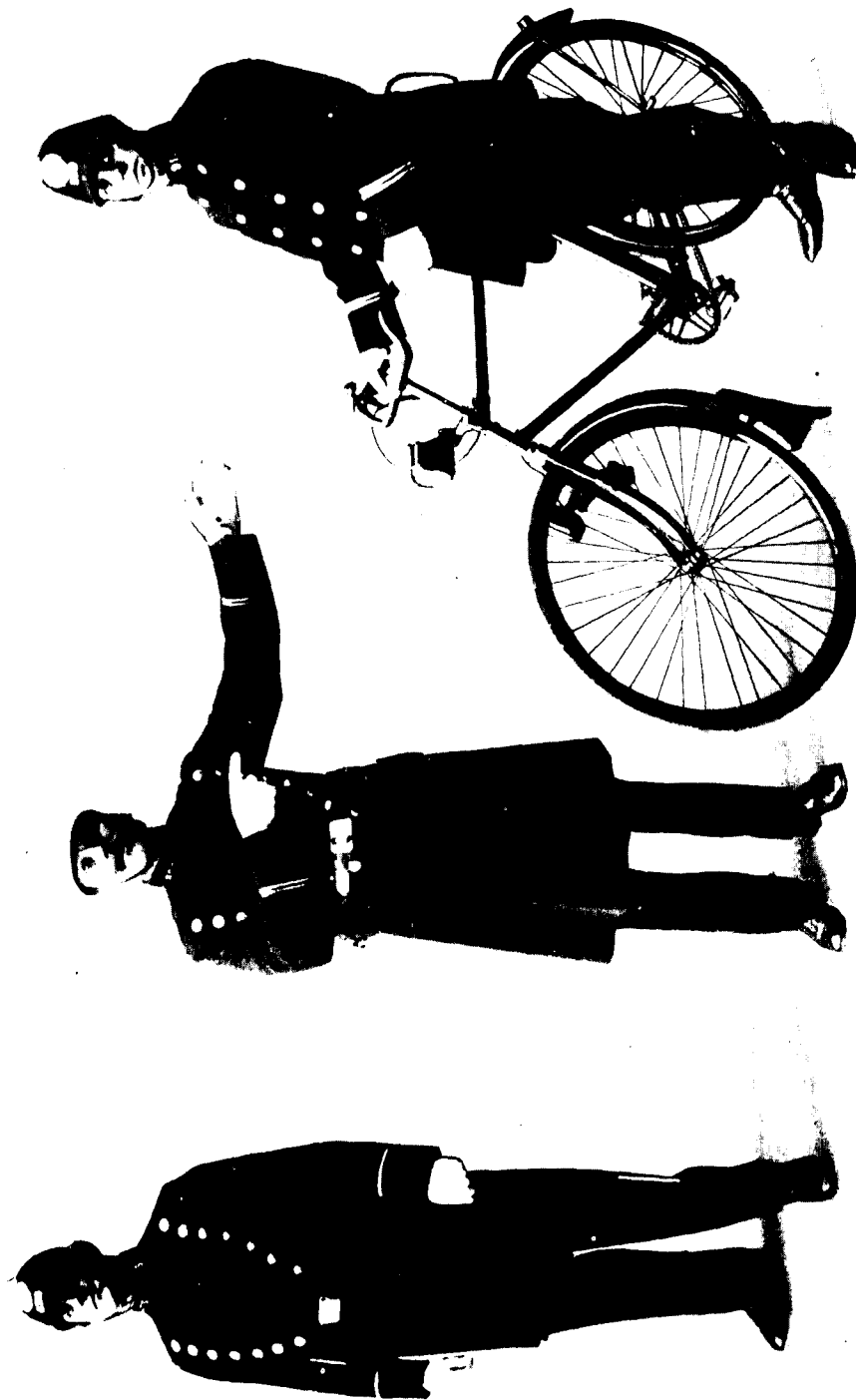
by the Superintendent to the Staté Detective Department at Brussels, where the Central Penal Registry is maintained and the Central Journal of Information is edited and published daily.

In the large towns the Municipal police include a small section known as the *Brigade Judiciaire* (detective branch) which is composed of one or two Chief Inspectors and a few selected officers. These sections deal exclusively with serious crimes or misdemeanours, and collaborate with the Commissariat to which important cases have been reported.

The Brussels police have two motor tenders for transporting a reserve force which is attached to Headquarters. This force can be called upon by the Superintendent of the District in cases of grave emergency, such as fires, riots, disorders, etc. They have also cyclist and canine patrols for outlying districts. There is also a section of police equipped with motor-cycles, who are employed as dispatch carriers and for the repression of offences against the traffic regulations. Candidates for this section are drawn from the Municipal police, preference being given to men with a knowledge of motor mechanics. They undergo a course of practical instruction in the manipulation and construction of a motor-car and a motor-cycle. They also receive special instruction concerning traffic control, highway offences, etc.

As a general rule, candidates for the Belgian Police must be between the ages of 21 and 32 years, have a minimum height of 5 feet 7½ inches, and have completed their term of military service. They serve a probationary period of two years, for the first two months of which they are placed on the street accompanied by an experienced constable. During the whole of the probationary period candidates attend daily instruction embracing foot drill, Swedish drill, use of the Browning automatic pistol, first aid to the injured, elementary criminal law, police regulations, etc. Provision is also made for educational and general instructional courses which are optional. Candidates must pass the required examination in these subjects before appointment.

The minimum age for retirement is 55 years and the minimum service 25 years, upon which a member is entitled to



CYCLIST CONSTABLE

A TRAFFIC CONSTABLE

A POLICE CONSTABLE

THE ANTWERP POLICE

retire on a pension equivalent to 60 per cent. of his pay. The scale increases 2.4 per cent. yearly until the maximum 100 per cent. is attained upon the completion of 42 years' service. The computation of pay for purposes of superannuation is based upon the average for the last three years of service. The maximum rate of pay for a constable is attained upon the completion of ten years. Owing to the phenomenal rise in the cost of living in Belgium, the rates of pay are at present under revision.

Constables are appointed by the municipal councils. The Inspectors are also appointed by the same bodies, but with the approval of the Governor of the Province. The Superintendents are proposed by the municipal council from not less than two candidates, and the nomination is made by the King. Dismissals for grave offences are pronounced by the same authorities. Temporary suspensions are promulgated by the municipal authorities with facilities for appeal to the superior authorities. The conditions of service vary slightly in the different Boroughs.

Members of the Municipal police are allowed to form associations. These associations, which are unofficial, are affiliated to two governing bodies, 'The National Federation of Chiefs and Deputy Chiefs of Police' and 'The National Federation of Police Subalterne,' which embraces all other ranks. These societies are entirely non-political and membership is optional. They discuss moral and material questions concerning the police service generally, such as conditions of service, salary, pensions, provision for widows and orphans, sick benefit, etc. Local questions are submitted to the mayor. Matters concerning a particular Province are submitted to the Governor of that Province. If the matter is one affecting the police generally, it is submitted to the Home Secretary.

In each village where there is no borough police a *Garde Champêtre* (rural policeman) is appointed. Several villages comprise a district in charge of a *Brigadier* (sergeant). The Sergeant is responsible to the Governor of the Province for the efficient control of the duties, equipment and accoutrements of the men in his district. The rural policeman is armed with a carbine, truncheon and a Browning automatic pistol. Appoint-

ments are made by the Governor of the Province from not less than two candidates recommended by the Rural District Council concerned. Men between the ages of 25 and 35, with local knowledge and previous service in the Gendarmerie, are preferred. They patrol the countryside for the detection of damage to or stealing of crops; offences against the Woods and Forest Regulations, Game Laws and Fishing Restrictions; failure to destroy caterpillars, noxious weeds, etc.; and deal with the notification of animal epidemics and the protection of insect destroying birds. They have power of arrest and they make out applications for process, which are sent to the nearest police court, or, in the case of a serious offence, to the Public Prosecutor of the District. The age limit is 65 years. Their conditions of service, etc., are at present under revision.

THE STATE DETECTIVE DEPARTMENT

The *Police Judiciaire du Parquet* or State Detective Department was inaugurated on the 1st January, 1920, to combat the wave of crime which at that time had spread in an alarming manner, as an aftermath of the Great War. A staff of this department is attached to the court of the Public Prosecutor in the chief towns in Belgium. The respective staffs are under the authority of the *Officier Judiciaire Principal Dirigeant* (chief superintendent, C.I.D.) who is responsible only to the Public Prosecutor. Each staff is divided into departments, each of which specializes in different crimes, such as homicides, burglaries, thefts, frauds, forgery and financial misdemeanours, together with affairs of interest to the State. In charge of each department is an *Officier Judiciaire* (detective inspector) who has under him one or more *Agents Judiciaires Principaux* (detective sergeants) and a squad of *Agents Judiciaires* (detectives). The detectives specialize in their respective branches, so that a representative is always available in case of emergency. The State Detective Department has made remarkable progress in the short time that has elapsed since its inception. It has had signal successes in bringing to justice organizations of international motor-car thieves, swindlers, jewel thieves, and assassins.

In connection with the State Detective Department a School of Criminology and Scientific Police Research has been established in Brussels. It embraces two courses, the lower or recognized course for the lesser ranks of the State Detective Department, the Borough police forces, and the National Gendarmerie, and the superior or advanced course for the magistrates and higher officials of the State Detective Department and the Gendarmerie. These courses are of three months' duration and are held three times yearly. Cadet detectives are placed on probation for eight months with the State Detective Department, Palais de Justice (law courts), Brussels, where they receive practical instruction and pass through the various departments. At the same time they take a course at the School of Criminology and Scientific Research. On confirmation they are placed according to their merits at various posts in the kingdom.

To each of the important towns a Laboratory of Scientific Police Research is attached to the State Detective Department. The personnel of these laboratories are also members of the Department and are under the direction of the chief officer. Members of these staffs should have received a thorough training in the latest methods of taking photographs in criminal cases, and also in the scientific research for traces in criminal inquiry. As soon as information is given to the police as to the commission of a serious crime, the personnel of the laboratory is immediately dispatched to the scene, for the purpose of taking photographs, discovering finger-prints or foot-prints, and any other marks likely to be of use in indicating the perpetrator. They impound any furniture, clothing, linen, fire-arms or other objects bearing a stain or finger-print. These traces are then submitted to experts in police technique, medico-legal phenomena, ballistic computations, toxicology, etc., numbers of whom are always available. These latter do not belong to the State Detective Department, but function more in the capacity of 'Home Office Experts' and expert witnesses at the request of the examining magistrate. They are also required to give expert and impartial evidence at any subsequent proceedings.

Unlike the borough police forces, whose jurisdiction does

not operate beyond the limits of their respective boroughs, the State Detective Department has jurisdiction over the whole country, on condition that the court of the district in which the arrests or searches are to be made, is informed. Since the formation of the State Detective Department the Central Office of Criminal Informations (general registry) and the Central Journal of Informations have been founded under the direction of Monsieur Alfred Keffer, M.V.O., Chief Superintendent. These two organs support each other. Records of all criminals convicted in Belgium, together with those of criminals circulated by foreign police, are now centralized in Brussels. The Central Journal of Informations is published daily and supplied to all police forces in the country, as well as to the headquarters of other continental police. It gives details of all individuals wanted, or against whom warrants of arrest have been issued, and also informations concerning crimes committed, the authors of which are unknown. With the aid of these informations and with the help of the descriptive forms which are sent to the central registry by the various police forces, records are made by the Central Office concerning the perpetrators of crime, *modus operandi*, previous convictions, and other particulars of interest. All police stations and the gendarmerie can communicate direct with this office day or night to ask for any information essential for elucidating a crime or establishing the identity of the criminal.

The post-War criminal no longer relies upon the comparatively crude methods adopted by his prototype of the last decade. The economic crisis occasioned by the War incubated a swarm of financial delinquents, grave abuse of alcohol and drugs, and produced a renaissance of crime. Living in a scientific age, the criminal of to-day has adopted scientific methods, and it is recognized that these scientific methods must be combated by a scientific police. Developments in the speed and facility of transport have rendered the expert criminal ubiquitous in his operations, and therefore more difficult to detect. This is specially emphasized in countries having an extensive land frontier like Belgium. It is an easy matter to commit a crime in a neighbouring country and to cross the frontier before detection; moreover, the passport

system has loopholes. From time to time the authors of bogus credentials come into the hands of the law and are generally severely dealt with. The apprehension of the international criminal is fraught with difficulties, in view of the fact that the police of the various countries—however much they co-operate—have no direct connection with each other, and also on account of the protracted extradition proceedings entailed under the different international agreements. It is only by a sound working arrangement between the police authorities of neighbouring countries that steps can be taken to ensure that a fugitive does not escape during preliminary investigations.

The detective police of a majority of the European countries are gradually linking themselves together in pursuit of the international criminal. An International Police Commission has been formed, of which Monsieur Keffer, Chief Superintendent of the State Detective Department, Brussels, is Vice-President. Several Congresses have been held in various continental cities, and the police of practically all countries represented. The Commission publishes a fortnightly gazette containing photographs and descriptions of wanted criminals, together with articles on criminology, etc., under the title of the *Sûreté Publique Internationale* which circulates in most European countries. In its fight against crime the Belgian State Detective Department maintains a constant offensive against the hordes of international criminals and swell crooks who infest her capital and the Belgian coast, especially during the tourist and racing seasons. Experienced detectives are detailed for tracking down foreign pickpockets, confidence tricksters, card sharpers, cracksmen, counterfeiters, jewel snatchers, etc., who visit Belgium like a flock of vultures. The majority soon find themselves in prison or are quietly put over the frontier.

Recruiting for the Department is somewhat analogous to that of the Civil Service in England. The entrance examination is open and competitive, and candidates are not solely drawn from other branches of the police service. They must be in possession of a diploma from a secondary school. They are required to undergo a thorough medical examination together with a test of physical fitness, including running,

jumping and swimming, for which marks are awarded. The educational examination embraces simple mathematics, chemistry, physics, general mechanics, commercial book-keeping, history and geography of the world. Foreign languages are optional. Flemish and French are obligatory. Successful candidates must obtain 80 per cent. of marks in these last two subjects. The technical examination comprises a knowledge of the Belgian constitution, criminal law and the execution of warrants. A minimum aggregate of 70 per cent. of marks for the whole examination is required. Successful candidates are appointed on probation as vacancies occur. The rank of *Agent Judiciaire Principal* (detective sergeant) is allotted by seniority and recommendation.

The educational examination for Detective Inspector comprises a higher grade of the same subjects. In addition, the technical examination includes knowledge of scientific police methods, identification and *portrait parlé*, criminal anthropology and study of wounds from a medico-legal standpoint. This examination is open to serving members of the State Detective Department upon recommendation, also to superintendents and chief inspectors of the borough police forces, together with outside candidates in possession of a degree in law. Promotion to the grades above Inspector is by seniority and recommendation. The Commission of Examination consists of medico-legists, lecturers of the scientific police school, and the Chief Superintendent of the State Detective Department. The presiding officer is a magistrate.

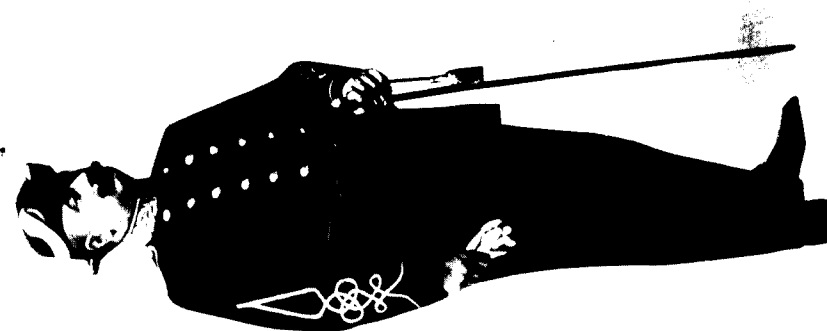
The detectives of the State Detective Department are appointed by the Minister of Justice, and the Inspectors by H.M. the King. They are dismissed by the same authorities. They can be suspended by the Chief Public Prosecutor. They also have the right to form associations for their mutual welfare as in the case of the borough police forces. They must have fulfilled their military obligations and be between the ages of 21 and 30 years. As an incentive to efficiency, members of the personnel who distinguish themselves by their assiduity and devotion to duty are advanced in pay. Salaries are now under revision. The maximum pension of 75 per cent. is attained after 37 years' service.

THE NATIONAL GENDARMERIE

The gendarmerie organization has been in existence for many centuries. In the early part of the fifteenth century Charles VII. replaced then by *Compagnies d'Ordonnances* but retained one company of gendarmes as a royal bodyguard. They were abolished at the French Revolution, but revived as a military police force or gendarmerie about 1790. The Belgian gendarmerie dates from 1830, and is generally accepted as the *Corps d'Elite* of its kind. It still retains in numerous details traces of its predecessor, the Dutch Constabulary. Organized on a military basis, with a thorough police training, it has jurisdiction over the whole of Belgium.

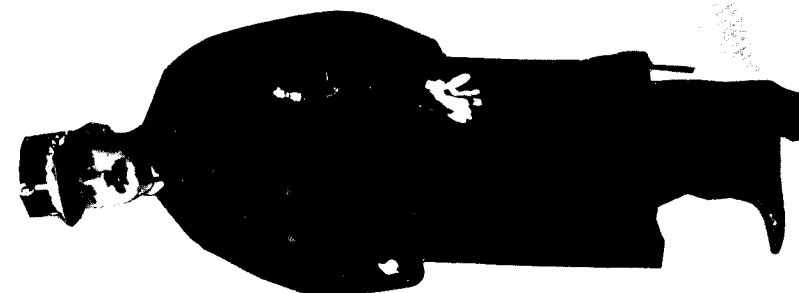
Gendarmerie posts, called 'brigades,' are established all over the country in charge of non-commissioned officers. Brigades are linked into Districts in charge of an officer. Four or five districts, or a Province, according to importance or size, form a Company under the authority of a Company-Commandant. Two companies constitute a Group, over which a Group-Commandant, usually a major or lieutenant-colonel, officiates. Two or three groups form a Regiment, under command of a Colonel. The supreme command is vested in a lieutenant-general. In addition to the territorial disposition, detachments of mounted gendarmerie, known as the *force mobile*, are quartered in various important centres under the control of a commissioned officer. These detachments are utilized to deal with general disorders, emergencies, etc., either at the disposition of the Government or at the request of local authorities.

The present strength of the Belgian National Gendarmerie is about 6000 officers and men, approximately one-third of whom are cavalry. The foot gendarmes are armed with a rubber truncheon, in addition to which they also carry an automatic pistol, and on certain occasions, a rifle and bayonet. The mounted gendarmes are armed with a carbine, sword and automatic pistol. The mobile forces are also equipped with armoured cars, machine guns, light artillery, hand grenades and tear-gas apparatus. In times of stress and on ceremonial occasions all ranks wear a regulation steel helmet.



CHIEF INSPECTOR (CEREMONIAL UNIFORM)

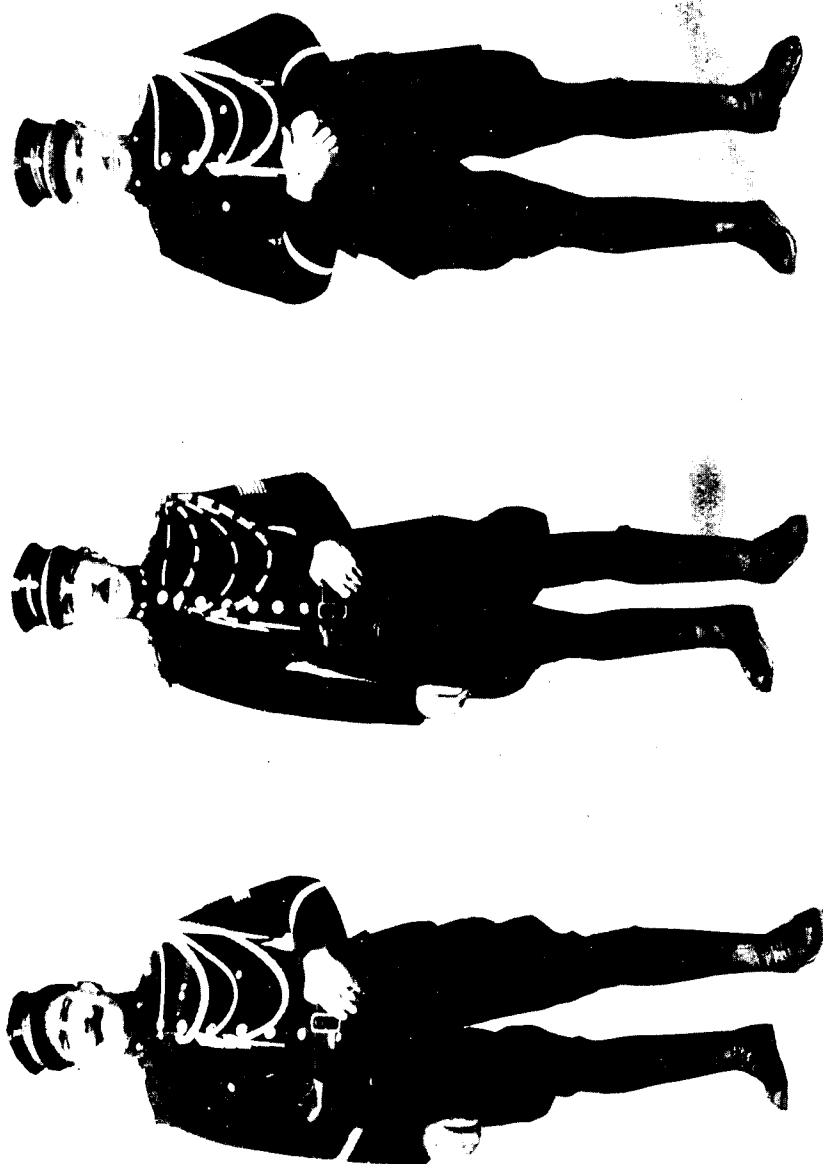
(face p. 454)

CHIEF INSPECTOR (DAILY UNIFORM)
BRUSSELS POLICERURAL POLICE CONSTABLE (*Garde Champêtre*)

An interesting adjunct to the gendarmerie uniform on ceremonial occasions are the *fourragères*, a festoon of white cords for the lower grades, extending from centre of chest over the left shoulder and varying in colour with the higher ranks. They have been worn by the Belgian gendarmerie since 1830. During the Great War the Belgian Army, like the French Army, adopted the *fourragères* as a mark of regimental distinction. They were bestowed upon units which had been noted at least twice in Army Orders for conspicuous bravery. There are several grades of the decoration, the colours of which vary according to the number of awards. These colours correspond to those of the Belgian military decorations, such as L'Ordre de Leopold, the Croix de Guerre and the Colonial Medal. The origin of the *fourragères* is somewhat obscure. In the seventeenth century *cordes à fourrage* used by the soldiery for binding *fourrage* (horse fodder) to the wagons were slung round the neck and shoulders of the men when not in use. They were subsequently used by the Belgian mounted troops as an attachment to the cumbersome headgear in vogue at the time, and assumed the names of *Cordon de Shako* for the Hussars; *Cordon de Chapska* for the Lancers, and *Cordon de Talback* for the Light Cavalry and Artillery. In France they fell into disuse about 1870, but were revived as a collective decoration by the French Army during the last war. The legend is that during one of the Dutch campaigns in the early sixteenth century of the notorious Duc d'Albe, general under Charles V. and Philip II. of Spain, a section of his mercenary troops retreated from a battle. As a deterrent he commanded that the culprits should be placed in the vanguard of the next action, each with a rope round his neck, and should he waver he would be hanged with it. The only ropes available were a number of *cordes à fourrage*. On this occasion, however, the men acquitted themselves so nobly that the cords were bestowed upon them in recognition of their valour.

The duties of the National Gendarmerie are multifarious and fall into two categories, viz. :

1. The protection of life and property and the maintenance of public tranquillity.



ADJUTANT (NON-COMMISSIONED OFFICER, CENTRE) WITH TWO GENDARMES, WEARING *Fourragères*
BELGIAN NATIONAL GENDARMERIE

2. The enforcement of mobilization measures at a time of national emergency, the defence of the State and the protection of the Army.

The gendarmerie have power of arrest in certain cases. They police the chief criminal courts and stipendiary courts of the country, and are charged with the transport of all prisoners to and from places of detention. They co-operate with the different police forces in matters of crime, and are placed at the disposition of the competent authorities in cases of strikes, riots, demonstrations or upheavals of a similar nature. They are also requisitioned for important state and civic functions. They patrol the frontiers in conjunction with the customs officers for the prevention of smuggling and the detection of contraband runners, motor-car thieves, false passports, etc. Each brigade in the country has its territory which is patrolled. A patrol is never less than two men, either mounted, on foot or cycling.

On the outbreak of the Great War the Belgian gendarmerie was employed as a scouting and patrolling force, in addition to its duties under the Provost Marshal. Some of the first casualties in the Belgian forces occurred in its ranks. During the German advance through the country they distinguished themselves in several hand-to-hand encounters with German Uhlans and infantry. One of the epic deeds of the campaign occurred in the village of Cumptich, Brabant, in August 1914. A squadron of the 3rd Brigade of Belgian gendarmerie, returning from a reconnoitre, arrived at this village, and suddenly encountered a terrific rifle fire from German infantry who had taken possession during the day. In order to rejoin the Belgian forces, the gendarmerie immediately charged down the village High Street. A large number of them were killed and practically every man who succeeded in returning to his lines was wounded. The gendarmerie were shortly afterwards in action at Snaeskerke, Flanders, where they distinguished themselves. In October 1914 a platoon of foot gendarmes was ambushed in the village of Nazareth, Flanders, when Captain Fremault, the officer in command, perished with his men. At the cessation of hostilities, the gendarmerie had achieved a very creditable record, as the number of decorations won by them testifies.

Candidates for the gendarmerie are drawn from men between the ages of 21 and 30 years, who have finished their military service. They are enlisted for an obligatory first period of six years. The minimum pension is attained after 15 years' service and the maximum of 75 per cent. after 30 years, military service included. Recruits undergo a preliminary training course of six months' duration in the gendarmerie barracks at Brussels, which embraces military drill, police duties and elementary criminal law, after which they are transferred to the various brigades in the country. In the smaller towns gendarmerie are quartered in barracks. In the cities, however, a number of the married men are allowed to reside outside barracks.

Toussenel, the great French publicist of the early nineteenth century, aptly epitomizes the gendarmerie as 'The austere personification of Law and Order,' whilst Dupin, his contemporary legal luminary, describes them as 'The fear of the wicked and the safeguard of the good citizen.'

ANGLO-BELGIAN.

Burglary in an Indian Province

By J. A. SCOTT

District Superintendent of Police, Punjab, India

THE Indian Penal Code which lays down the law as applied to burglary runs as follows: 'Whoever commits . . . housebreaking by night shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.' There is, however, an older law which says: 'Thou shalt first catch thy hare, and then mayest thou cook it.' Burglary, of all crimes, is probably the most common and the least successfully detected. At any rate, it is so in India, where so much is in favour of the burglar.

At the outset, however, it would perhaps be as well to give a rough sketch of the average Indian police district and of the conditions therein. For although the principles of police work are more or less the same throughout the world, local conditions vary considerably.

The Punjab is divided into 29 districts. Our district (Lyallpur), which may be taken as a type of the average size, is roughly 100 miles long by 50 to 60 miles broad. It is subdivided into 4 'tehsils' (an administrative unit which hardly counts for police work) and 18 'thanas' (police stations), of which one is at headquarters. Each 'thana' has therefore a jurisdiction of over 300 square miles, comprising on an average 200 scattered villages. This area is in the charge of an Indian officer called a Sub-Inspector, a Head Constable (corresponding to an English sergeant) or two, and a dozen men, who live in the police station building and not in outside quarters. The Superintendent of Police is the head of the police administration. He has the usual office and prosecution staff and a few Inspectors to assist in the more serious cases. In larger districts the function of the supervision of certain police

stations may be delegated to a Deputy Superintendent of Police.

Except at headquarters there are few large towns. A large proportion of the people of India are agriculturists and live in their little hamlets. On the whole the peasant, thanks to some generations of the 'Pax Britannica,' is a fairly orderly sort of individual, though types vary from district to district. In normal times in the Eastern and Western Punjab districts, there are each week two or three burglaries and cattle thefts, a few hurt cases and very frequently a murder. In the Central Punjab it is not unusual to have half a dozen murders in one fortnight in one district alone. In the old days—in fact until quite recently—when communications were few and bad at that, crime was local in character. The police with the help of the village Panchayat (council of elders) could solve most crimes and, what was more, get the guilty convicted. Now, however, that railways, telegraphs, an increasing number of good roads and motor transport have entered into the normal life of the people, the criminal is extending his field. It is quite the usual thing nowadays to have the 'badmash' (bad character) of no particular class in one police station going off by the night train, burgling in the next jurisdiction under cover of darkness and returning in the early morning by a second train, and generally by a different route. Or he may make some little town or village his advanced base for the time being and operate from there. In addition to these criminals, habitual and casual, there exist in almost every district members of the hereditary criminal tribes with connections all over India, men and women who have made their living by nefarious means generation after generation. In these circumstances, though the old system of local control of crime by police stations still holds, it has had to be modified considerably to meet modern conditions.

Another thing to be remembered is that in this district (Lyallpur) the houses are of mud and their walls easy to cut through. There is little effective watch and ward; and the people, having no banks for their surplus cash and jewellery, keep them in their houses locked in tin trunks or flimsy cupboards. Small wonder therefore that the professional burglar

is tempted, especially when a night's haul will bring in several thousands of rupees and save him from the necessity of honest work for several months to come. Even if he is unlucky enough to be caught, the provisions of the law, with its good intentions to save innocent men from unjust punishment, are mostly in favour of the criminal. His receiver may be a local goldsmith or some unscrupulous landholder whose creature the goldsmith may be: the receiver always puts up money for the best legal advice in the district. The burglar can afford therefore to be pretty daring.

This is borne out by statistics. In this district alone in 1925 we had 1300 burglaries in the year, nearly 70 per cent. of the total crime in the district. I imagine it is pretty much the same in nearly all other Punjab districts. Detection is as difficult as the offence is common. When one counts up the loss in cash incurred by the public, the figures are simply staggering. In 1925 the losses involved Rs. 115,431 (£8,679). In 1926 this total was Rs. 97,074. The tide of crime generally reaches its zenith in the Punjab during the hot weather, May to September. Conditions are more favourable then for the professional. People sleep out of doors. Houses are left open, the hot interiors being deserted for the cooler air of the verandas and courtyards. Under these conditions burglary figures fairly soar.

About the middle of last hot weather, it was felt something ought to be done to arrest the upward trend of this form of crime. We were fairly free from the more heinous species, such as murder, dacoity and so on, and also from that bugbear of the policeman—political agitation. It was decided therefore to devote our energies to solving the burglary question. Formerly garrotting, dacoity and murder used to be very common in this district; but ever since the police have concentrated on the detection of these classes of heinous crime our officers have invariably been successful in reducing them to easily workable limits and have even eliminated certain species altogether. Why should burglary not share the same fate? So far the inquiries into burglary cases had been left to local officers and N.C.O.'s who did their best according to their several abilities. There was no scientific treatment of the

subject. On a case being reported a few local bad characters were suspected, but not arrested. If by good luck one was arrested, he might or might not be convicted. But, as a rule, nothing ever happened. Nobody expected success in detection.

An examination of known cases showed several interesting facts. Most of the burglars were of a very ordinary type,—weedy, undersized menials, derelict landholders, members of criminal tribes, and the like. To me it was a matter of some surprise how they managed to carry on their nefarious trade and escape detection at a time when I knew the police to be fairly efficient. Some burglars showed a real appreciation of the water-tight system of police station boundaries. After the excitement of a burglary in one police station they would move on to the next police station in the following month, and so on. Meanwhile as each Sub-Inspector was immersed in the problems of his own inquiry, he failed to compare notes with his neighbours. Another important point—perhaps the most important—was the fact that a very large percentage of the cases was committed by regular gangs. An examination of the work of individual gangs led to the second corollary that each series possessed characteristics of its own. Some groups of criminals—the majority in fact—preferred boring through walls for their booty; others burrowed through roofs, the eaves of houses, etc., while the less expert fell to sawing, cutting or breaking locks.

Local cases, it was considered, should be investigated by the local police. After all, they possessed accurate and intimate local knowledge. Gang cases, however, constituted a serious menace. The members of these gangs were generally resourceful and daring. They had widespread connections, sometimes in very high quarters. Their cases involved prolonged inquiries extending into weeks and even months. To deal with them we decided to form a special expert staff which could devote itself in a whole-time manner to their investigation. Once formed, this staff set to work to keep a complete record of all burglary cases, sorting out the above special types for disposal by selected officers. District maps were made up, showing: (a) Burglary by breaking through house walls;

(b) Burglary by breaking through roofs; (c) Burglary by forcing or otherwise opening locks; and (d) Burglary by miscellaneous methods not included in the above classes. Each map had its own record by police stations, containing details of each case.

The above classification was resorted to for several reasons. In the first instance the old way of indicating the sites of burglaries by flags on maps was found to be confusing. It certainly showed where increases calling for special preventive measures existed; but otherwise it was useless, and so I discarded it. Secondly, use was made of several bold theories. One was that every burglar or gang has its own particular way of going to work—or, to be exact, has a *tendency* to do so. I do not mean to say that a burglar passing by an open door and seeing a pearl necklace lying inside would dig a hole through the wall to get at it. That would be to reduce the theory to an absurdity. Most of us, however, are creatures of habit. We have all our own ways of doing things. We like a particular kind of nib in our pen to write with. In our office or garden, fishing or shooting, in any sphere of life, we all have our own eccentricities. We like our own way. We do not adopt other people's ways unless they fall in with our own. Now the gang burglar is just as much a creature of habit. It takes some practice to bore through a wall noiselessly with a crowbar. Also some skill is needed to open up a mud roof quietly without wakening the inmates of the room with dropping plaster.

The method the burglar adopts, then, is largely dependent on his own peculiar characteristics and psychology. Some prefer boring through a wall. It is easy and quietly done; and in Indian villages with many empty courtyards next to the scene of operations, facilities are plenty. Others prefer going in through a roof. It saves look-out men, and so reduces the number of the gang among whom the proceeds have to be shared. Others again with more idea to directness will bore under, above or into the side of the framework of the door, insert a hand, and undo the catch from inside. And so one might go on multiplying instances. Putting theory aside, from actual experience of the *modus operandi* of burglars in this

district, I have found that they vary their methods very little. This conservative trait obtains in burglars of other countries too, I understand. In classifications (a), (b) and (c) I found very few indeed who ever resorted to other means of carrying out their criminal practices unless badly thwarted by good watch and ward arrangements; when in desperation, they would resort to open violence and dacoity. So much for primary classification. We have now sorted out the burglars into classes on broad general lines. This, however, is not sufficient for our purpose. We must get down to particular gangs.

The secondary classification, therefore, consisted of a close inspection of the scene of the burglary. The stiff clay soil of parts of the Punjab retains excellent impressions of tracks which, with the settled conditions of atmosphere obtaining here, will last for days. Orders were therefore issued for the dimensions of footprints to be taken and entered in a form to be attached to the first case diary. Investigating officers were told to pay particular attention to marks on the mud of walls, and to roofs cut through, with a view to noting the breadth, and, if possible, shape (pointed, chisel edged, gouge shaped, etc.) of the instrument of burglary. In classification (c) the locks and chains of doors or windows had to be examined for marks of sawing, cutting, wrenching or opening with duplicate keys, etc.

Turning again to the tools and the choice of an instrument—just as certain people prefer a certain type of pen to write with—tastes vary. Some go in for the heavy crowbar, chisel-edged or pointed. Being fairly heavy, it possesses a good driving power when boring through mud walls. Others stick to scraping tools such as a chisel or a sickle, and so on. The crowbar is recognized as an instrument of burglary under the Penal Code, and its possession means arrest, possibly imprisonment and endless bother. Therefore, like an unlicensed gun, it is very carefully concealed and only brought out on occasion. The marks of the same crowbar or other tool in burglar-infested places was the clue to be looked for.

Another point regarding which reports were called for were the shape and dimensions of the hole. The size of the

hole often reveals the important fact whether the work was professional or amateur. The amateur makes a clumsy job of it. The incision is much bigger than is really necessary. The professional, on the other hand, makes a fairly neat business of the whole operation. The hole is no bigger than is necessary. The cutting process takes a good deal of practice to do silently and swiftly so as not to disturb the inmates. Here again one may notice the stamp of the burglar's personality. In the case of burglars whose *modus operandi* consists in seizing trunks and boxes, passing them out and rifling them in the fields close by, the hole may tend to be of a square shape. Pilferers like the members of a certain hereditary criminal tribe (Sansis) with whom I once had to deal, prefer small round holes. They merely get in, move round in the dark, and snatch up what comes to hand, blankets, clothing, cooking-pots, anything. Old experienced officers I have known used to be able to tell, from looking at a hole, what class of habitual criminal had been at work.

This was roughly the system adopted to begin with. As information came pouring in, entries were made in the large scale maps pertaining to the records concerned. At first I took up only the case of those groups of police stations which were badly infested with burglars. The first of these lay in the south-east corner of the district which is intersected by numbers of irrigation canals. After a comparison of the *modus operandi* records under classification (a) and conferences with local officers, it was noticed that during every moonless half of the month the inspection bungalows situated along the main canal at distances of about ten miles were regularly burgled. Secondary classification revealed a close similarity of numbers and shape of tracks. One was specially noticeable owing to its being long and thin. All the local trackers for miles around were called out, and a unanimous verdict was given that it belonged to a certain village ne'er-do-weel called Shahu. A search for Shahu was made on the next day; but, on hearing about certain police activities in the neighbourhood, he disappeared. His companions were sought out next, and one actuated by a guilty conscience and a desire to save himself revealed all their activities. The gang consisted of Shahu and

himself with some confederates of bad repute who did the preliminary spying and led the way. Certain others hailed from as far away as Ferozepore, about 100 miles on the other side of the province. On getting the required information from their spies they arrived by train, alighting at small way-side stations, and made their way to the spot, the absence of any moon assisting them; and after achieving their objective they went off home. Next morning the burglary was discovered. There was much weeping and wailing among the women folk, who had lost all their jewellery and household plate. The local police arriving in due course interrogated all the local suspects (who naturally professed ignorance); but the inquiry proved fruitless. With this information to hand no time was lost in organizing a strong raiding party which made for Ferozepore and recovered there not only *all* the property stolen from these Rest Houses, but also a large haul of other articles stolen in pretty much the same way from canal Rest Houses in other districts of the province.

Shortly after these cases, the general prevalence of burglary in the south-west corner of the district began to call for attention. So a wing of the special staff was deputed to that area. An examination revealed, under classification (b) (roof burglary) for a period of two months (August and September) a series of burglaries every fourteen days in four adjacent police stations, which we will describe as *A*, *B*, *C* and *D*. About the beginning of August there was a burglary of the type described in *A*. On the 14th August, another in *B* next door. On the 29th the gang went off at a tangent to *D*, committed a case there, and in September looted another house in *C*. At the end of September they came back to *A*, doubtless under the belief that the original excitement had quieted down. The outstanding peculiarity in each case, apart from similarities of tracks, was the fact that entry in each case was through the eaves of the house. A special officer was directed to go into the matter with the local officials, to overhaul old case files for previous similar instances, and to make inquiries regarding suspicious persons or strangers noticed round these villages about the time of the event. As a result of his inquiries it was found (1) that similar cases had taken

place the year before and that two men, one being a member of a criminal tribe, had been suspected, and (2) that in one of the present cases one of the two men was actually noticed by some villagers to be loitering about a few days before the occurrence took place. The two men were sent for and without much hesitation admitted their share. From their statements the names of four other members of the gang were disclosed. Their search and arrest soon followed. They in turn were found to be mixed up with other gangs who were likewise pursued and sent for trial. Altogether some sixty burglars were arrested in this part of the district; and the absence of burglary here for six months afterwards, as shown by crime figures and charts, was fairly conclusive proof of the effect of the measures taken. It is significant of the conservative nature of the habitual criminal that, quite recently, burglaries of exactly the same type are again reported from this quarter. I find that several members of this gang have served their sentences and are out of jail once more. It was through the records of the same agency which effected their previous arrest that their fresh efforts were recognized.

The method of class (c) (the opening of locks), though fairly common, is not found among professional or habituals as often as the preceding two. Nevertheless, that it is worth watching the following example will show. Last autumn the headquarters police station was reporting rather a large number of burglaries under this class. On his own initiative the Inspector of the headquarters section of the Modus Operandi Bureau called for the locks, examined them and found that the pawls of the padlocks (which are generally used in this country for securing doors) had been *sawn* through. Various means of capture were considered, and it was decided to follow the same course as in the last example, namely, to comb through the villages concerned for appearances of strangers or other suspicious characters loitering in the vicinity about the time of the offence. Suspicion fell on a Sikh and some men of the sweeper caste, who were promptly arrested and searched. From the former's house a strong steel saw was recovered, which was admitted by the accused to be the instrument of burglary.

These are typical cases illustrating the working of the system. I will close with one more which I have selected because of its difficulty. Across the tract of the country in which this case, or rather series of cases, took place, runs a small canal with the usual inspection path alongside. Intersecting it about midway is the main road to the district headquarters. Last year the village *A*, about half a mile from the right bank, was burgled, and the loss was very heavy. After various attempts the investigation of the case had to be abandoned. Whether the attentions of the police were the cause or not, I cannot say; but it was not until this year that the place was attempted a second time—again with heavy loss. Next month another village *B*, further down in the next police station, was burgled and much valuable property disappeared. Next month again the gang apparently doubled back and had another effort in the first police station about two miles from the scene of the first case, and made a good haul. The local police inquired, the staff of each police station acting as usual on its own. Some suspects were arrested; but, no proof being found, they were discharged.

By this time the Modus Operandi Bureau had located the gang and identified the three cases as the works of its members. Apart from its interest as a gang case, the loss of property involved as much as Rs. 10,000; and so it was resolved to pursue the investigation further. From the meagre material at hand in the Bureau we knew the following facts: (1) that the gang consisted of four members; (2) that, from the fact of flour and sugar being stolen in one of the cases, they might be Hindus or possibly members of a caste known as 'sweepers'; and (3) that all tracks trended first to the canal inspection path and thence downstream to (we will call it) *K*, where the main road crosses the canal, and there ceased. After a conference of police officers and certain members of the public, parties were formed as follows:

- No. 1. To go back over the routes taken by the culprits and question people living close by as to the appearance of any strange members of the 'sweeper' caste at or about the time of the burglaries.

- No. 2. To comb through the villages concerned for information as to suspicious strangers and 'sweepers' loitering about shortly before each occurrence.
- No. 3. To go through every village five miles round *K* and examine all men of the castes who perform menial duties for footprints similar to those of the gang.
- No. 4. To question all hackney carriage drivers regarding passengers leaving *K* for the district headquarters and the railway station on the nights in question. (Burglars frequently use the railway to shake off pursuit, and return by circuitous routes to their homes.)

After a couple of weeks of patient work, parties 1 and 2 returned unsuccessful. Later, party No. 4 had to report the same. Party No. 3 kept working away without result for a long time, when all of a sudden a suspicious track was noticed. Events after that followed each other in quick succession. The owner of the track, finding that the truth had somehow come out, made a full confession involving three others in the next district. Without any further delay a raid was directed on that village, and two more were caught along with the proceeds of the burglaries. The ringleader unfortunately was away at the time and so escaped arrest. The case was a fine example of patient investigation and painstaking effort.

Altogether, since the *Modus Operandi* Bureau was inaugurated twelve months ago, I believe some hundred such gang cases have been taken up in detail by the investigating officers. Formerly we merely devoted our attention to special police stations or groups of police stations where burglary was rife, and left them when it was suppressed. The system is now applied to the whole district. Each police station has its record by classes, while the classification charts stand as before. In addition to visits to the Bureau which local officers are enjoined to make every time they visit headquarters, monthly conferences provide a means for circulating information and comparison of notes, while the *Modus Operandi* staff have the benefit of local colour for their accumulated material. This staff has now been placed on a permanent basis. There is an office establishment of one Sub-Inspector and a clerk Head Constable who maintain the records, and an investigating

agency of two Inspectors, two Sub-Inspectors, eight Head Constables and twenty specially selected constables. The achievements of this body are now a household word throughout the district. They generally get all the difficult, intricate cases to deal with, which the ordinary rural establishments fail to trace. The class of person they have to tackle is the worst type of criminal one could imagine; and raids and searches have to be carried out at all hours, and in all weathers.

A good deal still remains to be done. For example, the system has not yet been applied to urban or suburban areas. A strong necessity is also felt for some permanent record of burglars caught, in case of their repeating their tactics after release from jail. I have already shown how one gang was detected this year from the material available in last year's notes. These men had served their sentences of three months' rigorous imprisonment each and had been only two months out of jail. Experiments as to the best method of building up this record are in progress; and it is hoped to evolve something in the near future which will enable us, once a burglary has been committed, to apportion the responsibility with moderate certainty on a limited number of possible offenders. The more extensive and accurate the system is, the better should be the chance of success. Burglary—as a crime—will never be eliminated as 'thuggee' and 'dacoity' were; but, by systematic and scientific treatment, it can surely be kept within easily workable limits. In the India of the present day, with the many drawbacks to efficient police working, I consider that we shall do very well if we get thus far.

I might mention in conclusion that since this above system was started, our burglaries have dropped from 1300 to 585 in two years, while the proportion of convictions to true cases has risen from one in ten to one in five.

The Development of the Police in Cyprus

By LT.-COL. A. E. GALLAGHER, C.B.E., D.S.O.

Chief Commandant, Cyprus Military Police.

CYPRUS is the third largest island in the Mediterranean, Sicily and Sardinia alone being greater. It is 141 miles long, 60 miles wide, and contains 3584 square miles—rather more than the area of Norfolk and Suffolk. The greater part of the island is occupied by two mountain ranges, the larger of which covers the whole of the southern part of the island, the highest peak being 6406 feet. The population in 1921 was 310,709, consisting mainly of Greeks and Turks. Nicosia, the chief town, has a population of 18,461. The island is very fertile and grows fruit, grain, cotton and vegetables.

In 1191, in consequence of the maltreatment of English Crusaders, King Richard Cœur de Lion landed with an army, conquered the island, and took its ruling prince captive. But finding its upkeep a somewhat expensive matter, he sold it to the Knights Templar. Throughout the Middle Ages the island was a bone of contention between the Genoese, the Venetians and the Turks, and it was not until 1571 that the Turks finally obtained possession of it. From that time onwards it remained in their hands till the agreement with Great Britain in 1878.

Under a convention signed at Constantinople on 4th June, 1878, Great Britain undertook to join Turkey in defending Turkish possessions against Russia, and in order 'to enable England to make necessary provision for executing her engagements,' the Sultan agreed that Cyprus should be occupied and administered by England. The British flag was hoisted on 4th June. The British association with Cyprus has therefore just reached its jubilee.

In 1914, on the outbreak of hostilities with Turkey, the island was annexed by Great Britain, and received the status of a Colony in 1925. It will be of interest, therefore, to trace the development of police administration in Cyprus during these last fifty years.

The Cyprus Military Police Force was raised in September 1878, its constitution being regulated by Law 11 of 1878, which enacted that the Force should consist of a Chief Commandant, and of such Local Commandants and other officers as the High Commissioner might appoint, with a certain number of mounted and foot police. It took the place of a force of Turkish policemen, or *zaptiehs*, whose duties had been confined almost entirely to the collection of taxes; it had been unpopular with the people, and at the time of the Occupation it mustered about 275 men. The new force included many of the old *zaptiehs*, who, in most instances, proved to be first rate men. Membership was thrown open to Christians, instead of being confined as hitherto to Mohammedans. Many of the recruits, however, though physically fit, proved unsuited for the work and intolerant of discipline. A careful weeding out of the more undisciplined characters during the first twelve months was found to be necessary, but the Chief Commandant was able to report most favourably on the Force at the end of 1879, when its strength was 17 officers, 200 mounted and 390 foot, quartered throughout six districts.

During 1879 it was determined to raise a corps of police to be employed on works of public utility, and in augmentation of the Cyprus Police. This corps became known as the 'Cyprus Pioneers.' Its members relieved the Military Police Force of many of their duties, including guard, escort and prison duties. They also acted as guards for villages which were infected with cattle disease, and they were engaged in road-making. Their name must, however, be most closely associated with their work in connection with the disastrous Limassol floods of 1880, when it was found impossible to persuade the ordinary labourers to work. In the course of the year 1880 it was decided that this force should cease to exist as a separate corps, and should be amalgamated with the police force. The strength of the 'Cyprus Pioneers' at that

time was 440 men, exclusive of native officers and non-commissioned officers, and the amalgamation of the Pioneers and the Military Police Force duly took place. The new establishment was fixed at 8 British officers, 9 native officers, 220 mounted and 473 foot rank and file.

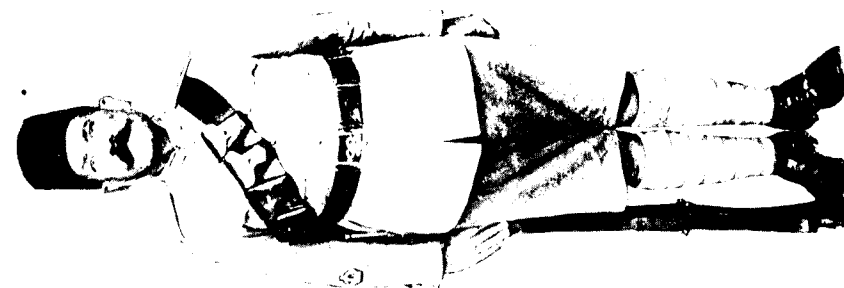
At the present time, forty-eight years after the amalgamation, the normal establishment of the Cyprus Military Police Force consists of a Chief Commandant, six Local Commandants (three British officers and three Cypriot officers), seven Inspectors and eight Sub-Inspectors ; with 273 mounted and 474 foot of other ranks. In addition to this number one Assistant Chief Warder and eighty non-commissioned officers are detailed from the police for duty as prison warders at the Central and District prisons.

The police, besides fulfilling the ordinary duties of an armed constabulary, such as the preservation of law and order, the prevention and detection of crime, and the arresting of offenders, act as escort for the protection of the collectors of revenue ; they serve all summonses in Government cases, distribute all Government notices and other official documents, furnish all guards of honour in the colony, and execute all criminal writs issued by order of the Courts.

The police are an armed military body. Their equipment includes short Lee Enfield magazine rifles with sword bayonets, and they have a Hotchkiss Gun detachment and seven Lewis Gun sections. The mounted men are trained as mounted infantry, and the foot police are drilled and trained as infantry.

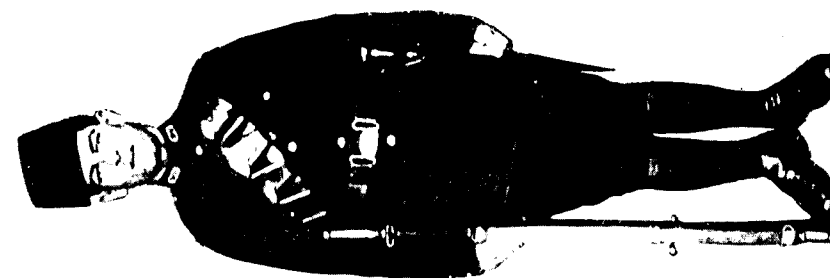
The Colony is divided into six Districts, and each District is designated by the name of its headquarters police station. The Districts are subdivided into Sections, and each Section into Groups. The establishment and distribution of police in each District, Section, and Group is decided in accordance with the area of the District, Section, and Group, the prevalence of crime in the area, the population of the area, and the character of the inhabitants.

In 1923 a Rural Police Force was established under an enactment of 1878. The Cyprus Military Police are engaged as Group Commanders to the Rural Police Force, and in 1927 the latter body consisted of 761 rural constables.

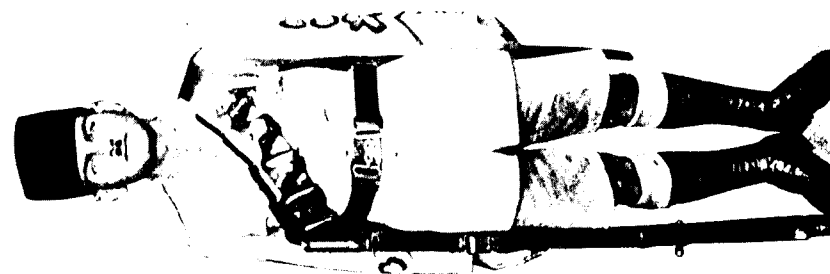


DISTRICT SERGT.-MAJOR
SUMMER UNIFORM
(KHAKI)

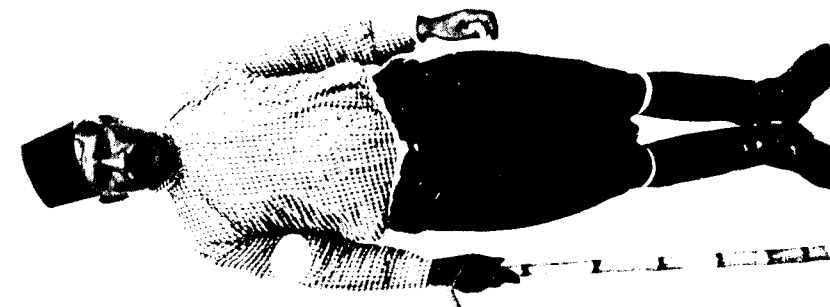
(see p. 472)



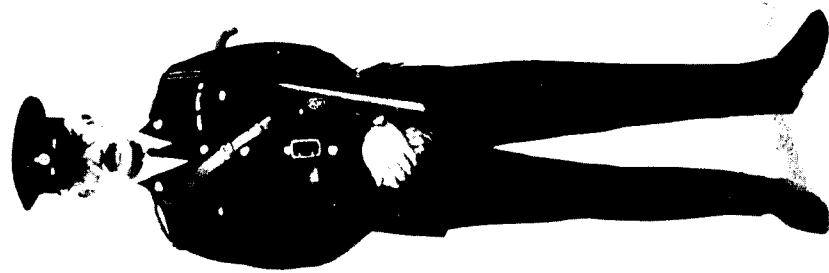
PRIVATE
WINTER UNIFORM
(BLUE SERGE)



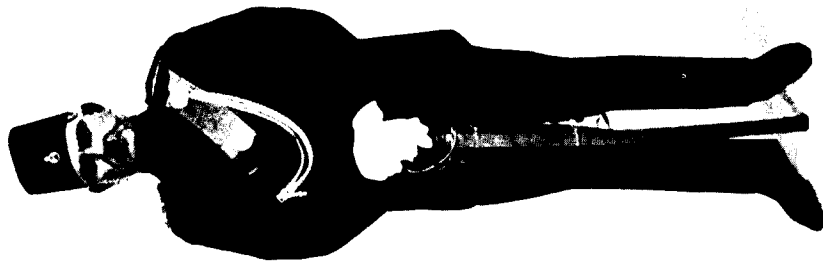
PRIVATE
SUMMER UNIFORM
(KHAKI)



RURAL CONSTABLE
WITH BADGE AND STAFF



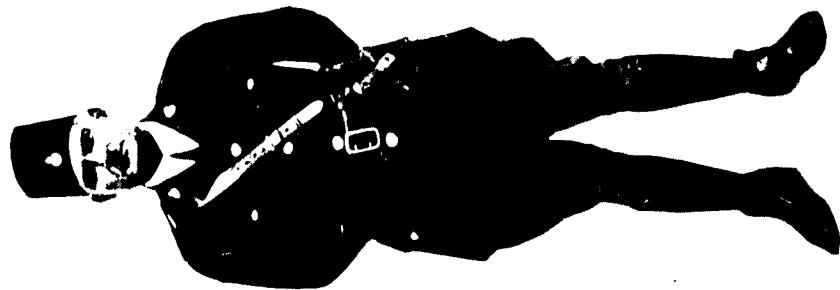
LOCAL COMMANDANT
WINTER UNIFORM
(UNDRESS)



TURKISH INSPECTOR
WINTER UNIFORM
(FULL DRESS)



TURKISH INSPECTOR
SUMMER UNIFORM
(FULL DRESS)



TURKISH INSPECTOR
WINTER UNIFORM
(UNDRESS)

DEVELOPMENT OF POLICE IN CYPRUS 473

The duties of the Rural Police Force are to keep watch over the fields, gardens, vineyards, crops, trees, and waters within the village, or group of villages, to which they are appointed. A Rural Constable is a public functionary and has the powers of a police constable; he is not, however, except on rare occasions, placed in the position in criminal cases in such a way as to necessitate his attendance as a witness before the criminal courts, as his absence from his village to give evidence in a criminal case would result in the loss of supervision of his village area and the effective execution of his duties. He is, however, utilised by the police force as a police agent in the village. He carefully but unobtrusively watches everything which transpires in the village, keeps an eye on the movements and actions of all bad and suspicious characters, and is always in a position to furnish his police Group Commander with full information on all matters which occur, or are likely to occur, in the village area under his supervision. A Rural Constable is thus of the greatest assistance to the police in the prevention and detection of crime in the Colony.

The official languages in the Colony are English, Turkish, and Greek. As the Cyprus Military Police Force are recruited locally, no difficulty is experienced by Cypriot officers and other ranks in coping with the language question. British officers have to pass an examination in either Turkish or Greek within a prescribed period. Schools of instruction in English, Greek, and Turkish have been set up in the training depot for recruits, and at each divisional police headquarters, to enable members of the Force to improve their knowledge of one or more of the official languages.

Special attention is given to the enlistment of recruits in the force. No candidate is enlisted if he bears a bad character or has been convicted of a criminal offence before the Courts. No candidate is enlisted unless he can read, write and speak his own language well, and, in addition, speak either Greek or Turkish, as the case may be. A very satisfactory percentage of recruits enlisted can read, write, and speak English, Turkish, and Greek, and it is not too much to say that the Cyprus Military Police is a well-educated force.

The training of recruits at the training depot is under the charge of a specially selected British officer and carefully trained non-commissioned officers, who are thoroughly qualified in the art of instruction. The normal length of the recruit's course is twelve weeks. There are four instruction squads, each in charge of an instructor, and the recruits pass from one squad to another. The exercises and subjects of instruction are progressive, and recruits of inferior capacity are weeded out as the training progresses.

Crime in the Colony is classified into 'Serious Crime' and 'Minor Offences.' The police force experience no great difficulties in the prevention and detection of crime in the Colony, except in cases of murder, both premeditated and unpremeditated. Unpremeditated murders which are committed on the spur of the moment, generally in cafés and at wedding festivals and on the like occasions, are usually the result of sudden disputes and quarrels. Serious crime in the Colony does not occur to any undue extent, and has been appreciably decreasing during the last six years.

At all divisional police headquarters there are good police barracks (Government buildings), which, in addition to the ordinary barrack rooms, contain investigating rooms, officers' room, and offices to accommodate the divisional police officer and his staff. Baths and electric lighting are installed, together with a good water supply. Police canteens are provided, and each police barracks has a small garden. The police out-stations in Sections and Groups are in some instances Government buildings, and in others premises rented in the village. At each police out-station there is a fully furnished officers' room. The general accommodation at out-stations is similar to that at each divisional police headquarters, but is on a smaller scale, and is proportionate to the strength of the detachment at the particular out-station.

The Discrimination and Testing of Precious Stones and Pearls

BY WALTER H. MORESBY, C.B.E.,

Barrister-at-Law.

AN old Eastern legend relates that in the primal action of Ejection, when Adam and Eve were expelled from Paradise, an angel shattered the gates behind them, and the fragments, flying far and wide, are the world's precious stones. Poetry finds it hard to dismiss a myth, but it is sufficient of a miracle that out of the earth, whence many unclean things come, there also come those beautiful mineral substances which we call precious stones.

The object of this article is to identify some of the better-known gems, and to afford some information as to differences—for differences there are—between those which are genuine and the manufactured or imitated product. The task is not easy, since the study of gems comprises a definite branch of scientific learning, involving a knowledge of mineralogy, chemistry, crystallography, and optical properties. It is, indeed, not possible in a non-technical article to give the fullest information as to identification and testing; but it is hoped that sufficient general observations can be made to prove of practical use to those whose duties may occasionally call for some special acquaintance with these beautiful substances.

In any investigation concerning a particular stone, it is obvious that it must be desirable, first, to identify the stone itself among its fellows, and then to determine whether the stone is the product of nature or that of man, manufactured by him or skilfully imitated. It is a logical process of investigation therefore to review the different varieties of stones, and then to examine such tests for genuineness as are at the disposal of unscientific persons.

Beauty, durability, and variety are the attributes of precious stones, not a little of beauty being due to colour; and to colour, as a good working classification, we may turn conveniently for their description. The reader must be warned, however, that the same gem has often a range of colours, and, consequently, it must figure in several categories, as will be seen in the following list:

CLASSIFICATION BY COLOUR

WHITE.	RED AND PINK.	GREEN.	ORANGE AND YELLOW.	BLUE AND VIOLET.	PARTI-COLOUR AND OTHERS.
Diamond	Ruby	Emerald	Chryso-	Sapphire	Opal
Moonstone	Garnet	Aquamarine	beryl	Amethyst	Labradorite
Topaz	Tourma-	Peridot	Sphene	Turquoise	Marcasite
Sapphire	line	Garnet	Sapphire	Spinel	Agate
Zircon	Spinel	Chrysolite	Topaz	Aqua-	Jasper
Phenakite	Zircon	Alexandrite	Beryl	marine	Bloodstone
Rock	Kunzite	Jadeite	Zircon	Zircon	Sardonyx
Crystal	Topaz	Chrysoprase	Garnet	Lapis-	Onyx
Beryl	Beryl	Tourmaline	Diamond	Lazuli	Carnelian
		Zircon	Cairngorm		Chalcedony
					Sunstone
					Fluor
					Crocidolite
					Malachite

Such a formidable list as this by no means exhausts known precious stones. Only the better-known ones can be discussed here; it may be accepted that those not mentioned are rare, unknown to the jeweller or lapidary, and chiefly of interest to the specialist collector.

Taking, then, some of these stones under their order of colour, let us first consider the *Diamond*, which is too well known to need any particular description. This substance, closely akin in composition to coal and graphite, even with its value artificially sustained as it is by limited output, is not so valuable as a perfect ruby, emerald or pearl. Nevertheless, it is a frequent object of crime and of fraudulent imitation. The best specimens are water-white or blue-white, but most examples are tinged with yellow, while some varieties have been found of blue, pink, green and jet-black hue. Cutting brings out the characteristic 'fire' of the diamond (which is the effect the stone possesses, as a prism, of breaking up the white light that enters it), and cutting may be 'brilliant cut,' with 58 facets; 'table cut,' with a table top; 'rose cut,' with

small facets cut all over; 'step' or 'trap cut,' more oblong; and 'pendeloque' or 'drop cut,' as a hanging stone. A stone of 1 carat is about the size of a medium pea, and when stones are less than $\frac{1}{4}$ th carat, they are termed 'melee.' Diamond is the hardest known substance, the index being 10 in the scale, while talc at the other end only reaches 1. This adamantine quality is useful in the manufacture of rock-cutting instruments and for delicate bearings, and it necessitates the employment of diamond dust (bort) for polishing the stone itself. Hardness must not be confused with brittleness, since it is quite easy to smash a diamond to dust with an ordinary hammer.

The *Moonstone* is also a well-known stone with a moonlight effect caused by its being cut 'en cabochon,' that is with a curved ridge or hump and no facets. It has little value unless large and of a blue-white colour. It is, of course, a translucent and not a 'clear' stone. *Topaz*, when white, is a brilliant gem, having considerable fire, but it is more appreciated when of a honey-yellow, and in old settings this variety is frequently backed with a foil. The true or *Brazilian Topaz* is readily distinguishable from its humbler and much cheaper brother the *Scotch Topaz* or *Cairngorm*, which is definitely duller. *Pink Topazes* are valuable gems. They are produced by burning the yellow variety in a crucible, the pink colour being apparently permanent. One need never mistake a white topaz for a diamond or a white sapphire. A topaz is never brilliant cut, as these stones are; moreover it is obviously duller.

The *White Sapphire* has just been mentioned, and, indeed, the sapphire is met with in every colour, but the term is usually confined to the blue variety. The blue stone, and for that matter all varieties of sapphire, including the *Ruby*, which is the red one, are the mineral corundum, next to the diamond the hardest substance we know, and familiar in its uncrystalline form as emery powder. *Blue Sapphires* are found in all shades, and not unfrequently of large size, thus differing from the ruby, which is rarely found of perfect 'pigeon-blood' colour or of any great size. When so found, it shares with the emerald the distinction of being the most valuable of all

precious stones. White sapphires possess much fire and they have been used in diamond rings and other ornaments by fraudulent persons. They may easily be distinguished from the nobler stone, for they lack the liveliness of a diamond by daylight, and although at night they sparkle, it is not with coloured rays. Jewellers term the *green sapphire* 'oriental emerald'; *purple sapphire*, 'oriental amethyst'; *yellow sapphire*, 'oriental topaz.' 'Star Stones,' both ruby and sapphire cut 'en cabochon,' are not uncommon. They show a six-rayed star. It is also not unusual to meet with parti-coloured specimens.

The mineral *Zircon* gives a number of beautiful and brilliant stones which also have a wide range of colour. When it is yellow, brown or green, it is called a *Jargoon*, beautiful examples coming from Anakie, Queensland; when red it is called a *Jacinth* or *Hyacinth*. The *White Zircon* has a high dispersive power ('fire'), so that it may be mistaken for a diamond, although of much less value. This variety has been repeatedly used for frauds of this kind, and unfortunately it lends itself to another deception, since heat both dispels and alters its colour for a period. It is a common trick to fire a *Zircon* to a water-white, or to raise it to a brilliant colour. *Electric blue Zircons* are at present extremely fashionable, but a handsome two-stone pendant recently purchased became a muddy brown after six months' wear! The effect of the firing had then passed off. A trained eye will always be able to distinguish between diamond and white zircon by the lack of coloured rays in the 'fire' of the latter. There is often also a slightly opaque or cloudy look. As regards *Green Zircons* and emeralds, the cloudy look again reveals the fake, and no zircon ever has the deep velvet green of an emerald, any more than blue zircon has the royal blue of sapphire. It is far more difficult to separate *Phenakite* from diamond. The problem rarely arises, for this stone is scarce, but its colourless rays betray it and it is not brilliant cut. *Rock crystal* is a more familiar stone, and this has little fire. The same also may be said of the *White Beryl* (a white variety of emerald), which is a dull and 'greasy' stone.

It will have been observed that the same gem may pass into

several of the colour classes; and thus in passing to the red and pink ones, we find that several examples of overlapping have already occurred, notably the ruby, zircon, and topaz. The list may be continued with the *Garnet*, which is not always the cheap stone that people suppose. It is true that the red varieties do not count for much; these being the *Bohemian Garnet*, the *Almandine*, tinged with violet, the so-called 'Cape Ruby' or *Pryope*, much sold to ignorant persons as the true ruby, but of a more bricklike red and with black lights, and the *Carbuncle*, which is cut 'en cabochon' and sometimes appears as a star stone, but with a four-ranged star. There are, however, green varieties of garnet which fetch considerable prices. The one which is wrongly identified by jewellers as the *Olivine*, is the *Demantoid* or *Umarovite Garnet*, and it is a lovely bright gem. Its shade is much lighter than that of the emerald. It is more difficult to distinguish from green zircon, but zircon, as has been mentioned, is often cloudy. The yellow garnet or *Cinnamon Stone* is cheaper than the green. It is used to some extent in jewellery, and it can always be distinguished from any other yellow stone by its distinctly granulated texture.

Tourmaline is a widely distributed gem, appearing as red, pink, green and brown. It is even found as black at Bovey Tracey in Devonshire. No great value attaches to it, but it is popular. It can always be known from stones of a similar colour by its strong 'dichroism,' that is the appearance of two or more colours in the body of the stone, a phenomenon plainly visible to the eye. It is also easily electrified by rubbing, when a simple experiment of dropping sulphur or red lead dust upon it will show the positive and negative ends. By this dichroism, tourmaline may also be known from *Spinel*, which is 'monochromic' (one colour) and includes the widest possible range of colours. When red, the spinel is termed a *Balas Ruby*, the large 'ruby' in the British crown being, as a fact, a stone of this kind. The stone, whatever colour it is, lacks the fire of the ruby or sapphire, and its somewhat prosaic colour identifies it.

We pass now to *Kunzite* or *Spodumene*, names perhaps unfamiliar to many, but the former is now usually given to a

stone frequently seen in shops, a pink stone with a decided tinge of violet. The green variety, *Hiddenite*, is very valuable and very rare. Kunzite fetches high prices, and it could be confused only with a pink topaz or pink sapphire, the points of difference being the violet tinge and the superior fire to that of a sapphire. The only remaining pink stone in our list is the *Pink Beryl*, usually a big 'quiet' stone, but this is so completely overshadowed by its green and blue varieties, the emerald and the aquamarine, that it is better to discuss it under these more valuable gems.

These latter stones, first on the green list, the *Emerald* and the *Aquamarine*, are of value and beauty. No other stone possesses the deep rich green of the emerald; no other stone has the sunny air or sea effect of the blue or green aquamarine. These gems and *Beryl*, be it white, pink, blue or yellow, all belong to the same species, minute traces of different compounds accounting for the changes in colour. The emerald is strongly dichroic, rather brittle, fairly soft, and generally, unless Indian, step or trap cut. As I have already stated, it shares with the ruby the distinction of being the most valuable of all precious stones. Unfortunately it is rarely flawless. The aquamarine, far below it in price, attains a large size, the blue variety being most prized. It could not be mistaken for any other stone. Its nearest approach, blue zircon, is always smaller and has a more 'violent' fire. Other green stones which occur are the *Peridot* (the jewellers' 'Evening Emerald') of a definite pistachio green which has a sister stone, the *Chrysolite*, of greenish yellow. There is also the *Alexandrite*, a costly stone, much sought after, which has the strange property of changing from green to a raspberry red under artificial light. *Jadeite*, now a highly fashionable translucent stone, beloved of the Chinese and wrongly called *Jade* (which really is the common *Greenstone*), and *Chrysoprase*, a green translucent quartz, complete the list of green stones; and we turn to the list of orange and yellow gems, a list which it will have been again observed has been very much anticipated, particularly in the case of diamond, topaz, sapphire and zircon.

Of the stones which remain for observation as yellow, the greenish-yellow *Chrysoberyl* is the more important. It is

usually met with as the *Oriental Catseye*, when it is cut 'en cabochon' showing a shifting white ray at the ridge. It is decidedly an expensive gem, and it is therefore important to distinguish it from *Quartz Catseye* of no value, of a deeper and muddy green with lower polish, and from *Crocidolite Catseye*, also of no value, of a tawny tiger-brown with an asbestos-like structure. Many frauds have been perpetrated by palming off these two inferior catseyes. *Sphene* is a stone not yet touched upon in this list. It is somewhat rare, but it can be seen in jewellers' windows, and it is a stone of quality and price. The colour is honey-yellow and the fire is good, but it suffers from flaws. Sphene may easily be mistaken for a yellow sapphire or zircon. It differs in that it often has a faint green tinge, and it often shows 'striations,' that is the lines of the crystal which forms it.

Coming to the stones which remain in the blue and violet list we have the *Turquoise* and the *Amethyst*. The former stone is a familiar one and it could not be mistaken for any other. A fine polish and sky-blue colour should be looked for, since a certain amount of inferior fossil bone, impregnated with copper, is upon the market. A fine turquoise should be mined from old rock, and the best comes from Nishapur in Persia. *Amethyst* is the purple variety of quartz. It is much imitated in paste, from which it can be distinguished by its greater vivacity and hardness, these qualities in their turn being less than those of the purple sapphire, which is also always a smaller stone.

In the last colour category we have to consider many stones, nearly all semi-precious. Indeed, only one is really precious, and that is the *Opal*, a stone unique in that it defies imitation. This gem when black (*Black Opal*) or in the form known as *Harlequin Opal* (from Australia), commands high prices. The structure is that of a solidified jelly with innumerable cracks which return flashes of colour to the observer. Looking through, and not at, the stone, it appears a clear or tinged yellow. The Black Opal has a dark body colour with brilliant flashes; the Harlequin has a light body colour with numerous points of different hues all over it, being the most prized where these are red. Mention must be made of the *Mexican Fire*

Opal, not unlike an orange sapphire or zircon, but quieter and softer in quality. So also, as being the only stone besides the opal which possesses the peculiar beauty of flashing colours, we should glance at *Labradorite*, of no value but nevertheless very charming.

Many of the stones remaining in this last list are members of the quartz family, and they have little value or interest. They are frequently dyed and sold as genuine stones, such as *Agate*, *Jasper*, *Bloodstone*, *Sardonyx*, *Onyx*, *Carnelian* and *Chalcedony*. They are used mostly for signet rings. *Marcasite* is a bright iron compound used to simulate small diamonds, but it is not a 'clear' stone, so that no mistake can be made. *Fluor* is only used for table ornaments. *Malachite* is a rich green marble, put to a similar purpose, as is also *Lapis Lazuli*.

Such then is a general description of precious stones likely to be met with: we now come to the problem of determining whether these are natural, artificially made, or imitated. It must be said at once that while it is doubtful whether success has ever really attended the making of diamonds, it is very certain that the process is not feasible commercially. It is far too expensive. On the other hand, practically all other gems can be produced in the laboratory, either by fusing together particles of the real thing ('reconstructed stones') or by chemical synthesis, which means building up a stone according to Nature's prescription of the materials, although such building is not in Nature's way but by rotation and heating. These last are 'synthetic stones,' and they, together with reconstructed stones, answer all known chemical and optical tests.

How then can we distinguish real gems from those of artificial manufacture? Experience and the trained eye are rarely deceived; but what is to be looked for? The answer is: colour and internal structure. Artificial rubies are of an even, 'bricky' red; they show no rich, dark lights. Sapphires are *too* good: the colour is too even, and they are rather lifeless. Emeralds are distinctly poor in rich green; they are 'flat' and uninteresting. But structure is a better test. During their making, these stones were rotated under great heat, and that tells its tale. The observer will notice *curved*

lines of striation, black specks of unfused material, *elongated* bubbles—all signs never seen in the true gem, which often shows *straight* lines ('silk') and *round* bubbles. It is to be noticed also that a true gem rarely shows the same strength of colour when examined from different angles. Artificial stones cannot help doing this. A lapidary knows all these signs, and when the stone is on his wheel he often feels a sort of instinct as to what is real and what is not.

Imitation stones are, of course, quite a different proposition. There we have to deal with a substance—usually white or coloured 'paste,' which is a brilliant leaded variety of flint glass—which is cut to resemble the true gem. There should be no difficulty in the identification of these hypocrites. Natural crystals are always perceptibly colder than the surrounding air. Paste is not. See that the suspected stone is not warmed by the hand, or in any other way; place the tip of the tongue upon it and if it is genuine the phenomenon will be manifest. The file is also conclusive. Draw it gently, but firmly, across the 'girdle' (middle) of the object and it will scratch it if it be paste, but it will not touch the bright gems, as distinct from opal and turquoise. See also if any sharp edge of the object will mark a flat piece of quartz. No paste can do this, but nearly any precious stone, not of the quartz family, will do so. Next, examine through a good glass. Paste shows minute air bubbles and lines. If old paste, it will show marks of discoloration caused by the sulphurous fumes of town air which attack the lead. Remember also that paste needs sun to get a good coloured flash. In dull daylight it will not give these flashes at all.

For scientific tests the expert will consider appearance, feel, hardness, texture, weight, lustre, the effects of heat and chemicals, and optical properties. These are matters beyond the scope of this article; but I can recommend the purchase, at a cost of about £1, of a little instrument called the dichroscope. It will distinguish stones which are dichroic (twin-coloured) from those which are not, and thus one can easily tell whether a gem is a diamond, spinel, rock crystal, phenakite, etc. (all one colour), or a sapphire, ruby or emerald, etc. (all dichroic). In this last case, the instrument, which utilizes

the double refractive property of a prism of Iceland spar, shows the characteristic twin colours which the stone possesses; for instance, the emerald throws a square of green and straw yellow.

It must not be forgotten in distinguishing between real and imitation gems that there are two cases which partake of the nature of both. These are *Doublets* and *Triplets*, and both are used for frauds. In the construction of the former, the top of the stone to the girdle is composed of a genuine stone but of poor colour, and to this is cemented a rich colour paste, generally hidden by the setting. The effect is that of a fine stone. The triplet has top and bottom true and paste in between. In both cases the deception is easily manifested. A file will show what is paste and what is not. Immersion in spirit, chloroform, or even hot water, will indicate the joints, and even dissolve the cement. Incidentally, it may be observed that a number of diamond and white zircon doublets are now on the market. These are unlawful successors to the old-time fake of colouring 'off colour' diamonds at the back with blue to get the water-white effect.

An article such as this would not be complete without some observations concerning *Pearls*. These are not mineral: they are an animal production of calcium carbonate covered with a horny substance called conchiolin. Possessing such a structure, pearls will in time discolour, become brittle with age, and ultimately crumble to the pinch of brown dust which is all that is found of them in ancient tombs. Nevertheless they are so beautiful, their use is so general and their value so great, that one cannot help admiring them. They are found as spheres, drop or pear shape, buttons, blisters (attached to the shell of the oyster), and as baroques (of irregular shape). They are usually cut in two for rings and the cheaper ornaments. Their colours run through white, yellow, pink and black. Value lies in size and 'orient,' a term which indicates the pearls' nacreous, iridescent sheen or lustre. The unit of weight is the pearl grain ($\frac{1}{4}$ carat), and price is based on the estimate of quality and the square of the weight in grains. Value is enormously increased when pearls are well-matched and graduated in numbers.

The day has long passed when the only imitations of pearls were glass spheres coated with wax and the scales of a fish (the bleak). Now we have artificial pearls, solid and hollow, of various and, sometimes, secret compositions, and, upon a general view, they look very much like the real thing. They can, however, definitely be detected if care is employed and the proper tests applied. A minute drop of nitric acid will always make a true pearl 'boil' at the point of contact; not so any artificial one. Look closely for the orient. A real pearl shows a delicate play of colour, faint but iridescent, and often just under the skin, and that skin is truly translucent; you can see just below it. Artificial pearls rarely show an orient; if they do it is blatant, and they are definitely more waxy and less translucent. Heating will at once show that there is wax in the composition, and all artificial pearls suffer comparatively more quickly from even bodily heat and from the atmosphere. Again, most of these pearls are *cast*, and cast with a hole right through which, under a glass, plainly shows a casting. If they have been bored and not cast, the hole will disclose the internal composition which differs from the concentric formation of the true pearl. If the pearl proves hollow, no more need be said. A pen-knife moreover will lift scales off an artificial pearl; it will only scratch a true one.

Culture Pearls should be noticed in this connection, for they have swamped the modern market and made buyers very wary. Speaking generally, they lack orient and appear more milky than the natural pearl. They are also more frequently of the button form, this being said to be due to their artificial attachment to the oyster. They are now marketed as spheres also, in which cases it can be seen that the base has been fitted into the pearl, that it is nacre, or bone, or ivory, or some similar substance, and that it has been turned spherically and then watered with nacre. These culture pearls are very like *Scotch Pearls*, which are quite genuine but come from a pearl-bearing mussel found in northern rivers. Both culture and Scotch pearls are far inferior in value to the real ones coming from oriental waters. It may be added, as a matter of interest, that the pink pearl is not oyster born. It comes from a very large conch shell, of which there are but few fisheries.

If space permitted, much might be said of the delicate tests at the disposal of scientists; tests which, cumulatively, can never err in the discrimination of precious stones. Suffice it to say that these tests, in their more interesting forms, consist in chemical analysis, the determination of specific gravity and hardness, and the optical properties of minerals when crystallised. To give one illustration only. Take a ruby, a red spinel and a garnet. Which is which? The ruby will show twin colours in the dichroscope; the spinel and garnet but one. The ruby will scratch the spinel; the spinel will scratch the garnet. Look through a spectroscope and you will notice the spinel exhibits no black bands such as those peculiar to the garnet.

In conclusion I would express the hope that a fact given here or there in this article will prove of use in the discrimination of precious stones and pearls, and that those who are interested in or occupied in such matters will themselves proceed further along the path that I have pointed out and thus become more intimately acquainted with the beautiful objects here discussed.

The Lancashire Constabulary: Eighty Years ago and To-day

By W. TRUBSHAW, O.B.E.

Chief Constable, Lancashire Constabulary.

AS the Lancashire Constabulary is the largest county force in Great Britain, a short account may not be wanting in interest. The force is comparable in numbers with the city forces of Liverpool and Glasgow. It was formed in 1839, although it was not until 9th May, 1840, that the Home Office approved of the County Justices' recommendations as to its strength, ranks and pay, as shown hereunder:

1	Chief Constable at	-	-	-	£500 per annum
2	Assistant Chief Constables at	-	-	-	£200 "
15	Superintendents at	-	-	-	£100 "
1	Chief Clerk at	-	-	-	£90 "
1	Assistant Chief Clerk at	-	-	-	£60 "
20	Inspectors at	-	-	-	£1 8s. per week.
45	Sergeants at	-	-	-	£1 1s. "
180	First Class Constables at	-	-	-	18s. "
137	Second Class Constables	-	-	-	17s. "
100	Third Class Constables	-	-	-	16s. "

There was thus a total strength of 502, but in 1842 the force was reduced to a total strength of 355 with 15 divisional areas. The authorized strength at the present time (1928) is 2,014, consisting of 1 Chief Constable, 1 Assistant Chief Constable, 2 Chief Superintendents, 22 Superintendents, 16 Chief Inspectors, 78 Inspectors, 368 Sergeants and 1526 Constables. In addition there are 24 Policewomen and 39 Supernumeraries, the latter being employed at private cost as 'additional' constables under the provision of Section 19 of the County Police Act, 1840.

The county police area has been reduced from time to time by the formation, between 1849 and 1887, of separate forces in various boroughs, and by the subsequent extension

of the boundaries of Liverpool, Manchester and several boroughs. The present police district is divided into twenty police divisions with a population of 1,650,000 and an area of more than one million acres, and includes the whole of the geographical county of Lancaster with the exception of the cities of Liverpool, Manchester and Salford, and certain boroughs. On the other hand, no less than fifteen boroughs are policed by the Lancashire Constabulary.

The Force was formed by Lt.-Col. J. Woodford, who was the first Chief Constable and who held this position for seventeen years. Since then eight Chief Constables have succeeded him in the following order: Capt. T. W. Sheppard (1856-1859), Capt. W. P. Elgee (1859-1868), Colonel R. Bruce (1868-1877), Capt. The Hon. C. G. Legge (1877-1880), Lt.-Col. H. M. Moorsom (1880-1909), Capt. C. V. Ibbetson (1909-1912), Sir Philip Lane (1912-1927). On the death of Sir Philip Lane, in April 1927, the writer of this article (then Assistant Chief Constable) was appointed. Among former Chief Constables, Lt.-Col. J. Woodford, Capt. W. P. Elgee, and Capt. The Hon. C. G. Legge were appointed H.M. Inspectors of Constabulary on leaving this force; and Col. R. Bruce left the force to take charge of the Royal Irish Constabulary.

It is evident from the records that in the early days of the force Col. Woodford had to deal with many problems which are not encountered to-day. He had to control a large body of men who were strangers alike to their duties, their colleagues and to discipline; and it was only the stringent exercise of the latter which established the principles of loyalty and service that are the foundations upon which the present force has been built. The following interesting list of maxims drawn up by the first Chief Constable and issued to the force are, in spite of the improvement in the educational standard of the police to-day, still worthy of attention:

1. Constables are placed in authority to protect, not to oppress, the public.
2. To do which effectually, they must earnestly and systematically exert themselves to prevent crime.
3. When a crime has been committed, no time should be

lost, nor exertions spared, to discover and bring to justice the offenders.

4. Obtain a knowledge of all reputed thieves, and idle and disorderly persons.

5. Watch narrowly all persons having no visible means of subsistence.

6. Prevent vagrancy.

7. Be impartial in the discharge of duties.

8. Discard from the mind all political and sectarian prejudices.

9. Be cool and intrepid in the discharge of duties in emergencies and unavoidable conflicts.

10. Avoid altercations, and display perfect command of temper under insult and gross provocation, to which all constables must occasionally be liable.

11. Never strike but in self-defence, nor treat a prisoner with more rigour than may be absolutely necessary to prevent escape.

12. Practice the most complete sobriety, one instance of drunkenness will render a constable liable to dismissal.

13. Treat with the utmost civility all classes of Her Majesty's subjects, and cheerfully render assistance to all in need of it.

14. Exhibit deference and respect to the magistracy.

15. Promptly and cheerfully obey all superior officers.

16. Render an honest, faithful, and speedy account of all monies and property, whether intrusted with them for others, or taken possession of in the execution of duty.

17. With reference to the foregoing, bear especially in mind that 'Honesty is the best policy.'

18. Be perfectly neat and clean in person and attire.

19. Never sit down in a public house or beer shop.

20. Avoid tippling.

21. It is the interest of every man to devote some portion of his spare time to the practice of reading and writing, and the general improvement of his mind.

22. Ignorance is an insuperable bar to promotion.

The improvements in conditions of service during recent years are very evident to the older members of the Force, since

it is only as recently as thirty years ago that commencing pay was £1 5s. 1d. per week, with nine working hours a day and only one rest-day every four weeks. Previous to April 1872, there was no recognized rest-day. To-day, when communication is so easy by train, motor-car, and motor-coach, it is interesting to reflect on the extreme difficulty experienced in the early days by headquarters in keeping in touch with outlying sections of the Force. It is not perhaps generally realized that there is a detached part of Lancashire which stretches from Barrow to the northern edge of Lake Windermere, and which is entirely separated from the rest of the county by Westmorland. Years ago men going on duty in the north of the county travelled either by horse-drawn packet boat on the Preston canal or crossed Morecambe Bay in a ferry boat. One is apt to wonder how often chief officers in those days saw the outlying portions of their district, and to contrast their arduous journeys with those of to-day, when it is remembered that now the most distant station can be reached in $2\frac{1}{2}$ hours in a comfortable and reliable car. There is an entry in an old duty book showing how a constable, reporting for duty at Bardsea, in the North Lonsdale division, by boat, arrived minus a portion of his uniform clothing which he had lost during a rough passage across Morecambe Bay from Fleetwood. An interesting link with those days is provided by Pensioned Sergeant Robert Stewart, of Rochdale, who is 96 years of age and served under the first Chief Constable and four of his successors. He claims to be the oldest police pensioner in England.

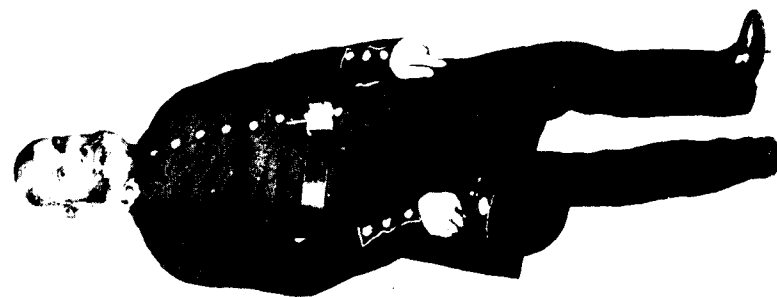
There is a general impression that Lancashire is wholly an industrial county, but this is not so. Very roughly, East Lancashire may be said to be that portion which lies east of a line running north from Warrington through Wigan to Preston, and then turning north-east to Clitheroe. This is a densely populated industrial area. North Lancashire, comprising the county north of the River Ribble, is essentially agricultural. On the west the sea coast provides Lancashire's play-ground. The police officer who is called upon to serve in such a varied area needs to be fairly versatile. In order that recruits may as far as possible be prepared to meet these various demands a training depot is maintained in picturesque surroundings in



GROUP OF CONSTABLES, 1893

THE LANCASHIRE CONSTABULARY

(face p. 490)



A POLICE CONSTABLE, 1840-1851



THE LANCASHIRE CONSTABULARY
 "PRESTON," WINNER OF SILVER CUP AND LORD DERBY'S CHALLENGE CUP, JUNE 1927

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Lancaster Castle—that historic landmark of Roman, Saxon and Norman greatness, situated on the hillside overlooking the River Lune. It is worthy of mention that Assizes have been regularly held here from their establishment in 1176 down to the present day. In the dock is a relic of the barbarous days in the shape of a branding iron for marking the letter M (for malefactor) on the thumb of a prisoner—a very effective way of recording conviction. When the building ceased to be used as a prison it was taken over by the police authority as a training depot, and it is admirably suitable for this purpose. Of particular interest is the Lungess Tower, or Norman Keep, built in the eleventh century. The walls of this mass of masonry are 10 feet thick. At the base is a stable where John O'Gaunt, the famous Duke of Lancaster, kept his war steeds. The prison contains some exceptionally large rooms. In one called 'the Quakers' Room' many 'Friends' were imprisoned, including George Fox, in 1660. In this lofty, airy room the police instruction classes are held. It is furnished with all the modern equipment connected with a police officer's training, while the wireless installation introduces within those ancient walls one of the latest inventions from the world of to-day. The upper storey of the Tower was repaired and strengthened at the time of the Spanish Armada in 1588.

It is in such surroundings, steeped in English history, that the recruit begins his course of instruction, which covers a period of three months. The young policeman is put through the various stages of Foot and Saluting Drill, Physical and Recreational Training, and is instructed in Police Duty. The meaning of Common Law, Statute Law, Case Law, and Bye-Law is explained to him. Mock Court proceedings are held to make him conversant with the form of oath and the manner in which evidence should be given. The importance of observation is impressed on the recruit, and police appointments, books and publications are produced and their uses explained. He is instructed how to compile correctly reports of occurrences, and is assisted to express himself in clear and simple language. He is shown the method of taking finger and foot prints, and how to handle firearms in case of necessity. Traffic duty is illustrated by means of miniature roads and direction posts

placed in position on the parade ground. Half-way through the course the recruit is sent out in uniform under the guidance of an older constable, and thus obtains practical experience in the working of a beat and in the regulation of traffic.

Special attention is paid to education : general knowledge and first aid are included in the course, practical and theoretical lessons being given in the latter subject. The art of self-defence is practised, whilst swimming and life-saving exercises are given at the local municipal baths. Lectures relating to *esprit de corps*, truthfulness, civility, command of temper, tact and discretion, avoidance of slang terms and expressions, liberty of the subject and unnecessary interference are given throughout the course. The Petty Sessions, Quarter Sessions and Assizes which are held in the Crown Court are also attended by the recruit, and the cases dealt with are subsequently explained to him. The Cumberland and Westmorland Constabulary recruits are also trained at Lancaster Castle, receiving exactly the same instruction.

Indictable crimes average yearly about 6000. They consist chiefly of simple larceny, embezzlement, and false pretences. About one-sixth of the crime is composed of house, shop and warehouse-breaking and burglary ; the remainder is made up of almost all kinds of indictable offences, from murder downwards, in varying numbers. The non-indictable crimes total about 20,000 per year. These exclude quasi-criminal cases but include all other misdemeanours and minor cases of almost every class of offence.

The major portion of the undetected crime is now dealt with by the detective staff. Up to about the year 1872, there were no permanent detectives : the work was done by uniform men who were put in plain clothes. It was not until 1890 that detectives began to be looked upon as a recognized branch of the service. In 1914 the detective staff totalled 29, the gradual increase to 102 of this important branch taking place between 1915 and the present time. In July 1917, a Detective Headquarters was formed at Preston and the Detective Superintendent and staff transferred there ; and the whole of the system of dealing with crime throughout the county, both by detectives and the uniform branch, was reorganized. At the

present time there are detectives in each of the twenty divisions, in charge of either a Detective Inspector or Sergeant, and the size of the staff allotted is in proportion to the size and importance of the division. Policewomen are attached to the larger divisions.

At different periods in the past fifty years the Lancashire Police have had serious strikes, labour and other sectional disturbances, and also serious crimes to cope with. Some of which may be briefly referred to. In the early eighties there was grave depression in the cotton trade throughout Lancashire. Serious riots occurred, chiefly in the north-eastern districts, where the rioters did much damage to property.

There have been many coal strikes during the past forty years, and some severe struggles between the miners and police in the coal-field areas. In recent years the strikes have been much quieter, chiefly owing to the fact that the workers are now better educated and organized, and wisely try to secure their object by more peaceful means. This was evidenced in the General Strike in 1926, when grave trouble might have been expected ; but happily good sense carried not only Lancashire but the whole country through a serious time. Further, it is probable that these improvements have been partly effected by the eradication of that antagonistic feeling which previously existed between police and strikers. This undoubtedly gave rise to provocation and trouble in the past. To-day a more tolerant spirit exists, and it is no uncommon sight to see members of the police force and strikers engaged in friendly combat on the football field or bowling green.

If it was largely due to this friendly spirit that the troublous times of 1926 were passed through with so comparatively little strife, there have, nevertheless, been serious riots in the past. Amongst these may be mentioned the Sinn Fein activity in 1921, when many serious offences were committed ; the contents of pillar-boxes were set on fire and looting of all descriptions took place. Many of the Sinn Feiners went about armed, and boats in the Manchester and Liverpool districts were constantly being raided and searched for arms smuggled from Ireland. An amusing incident, in which a cow was instrumental in causing the arrest of some Sinn

Feiners, occurred in March 1921. A number of them, having set fire to some farm buildings at Little Crosby, were making their escape when they heard something following them. The sudden appearance of a white object caused a panic and four of them ran towards a neighbouring railway station where the signalman, having seen the fires and suspecting these men because of their appearance and exhausted condition, detained them until the police arrived. The white object turned out to be nothing more formidable than a cow, which had escaped from one of the fired buildings. Another of the party, who had made for the shore, was followed by armed police and arrested; and on being searched he was found to have a fully loaded revolver in his pocket. All five men were sentenced to varying periods of penal servitude.

Another serious riot took place when the liner *Lusitania* was sunk by a German submarine in 1915. Feeling ran very high, and any shop bearing a foreign name was attacked. This occurred in Liverpool and district, where many of those drowned had formerly lived.

Some notable murders have been committed in the past fifty years, and the following is a brief reference to two of those which attracted considerable public attention.

On the 26th July, 1876, William and John Habron were prosecuted at Manchester County Police Court for drunkenness on the evidence of Constable Nicholas Cock, who was stationed at Chorlton-cum-Hardy, near Manchester. John Habron was subsequently discharged on the 2nd August following, and told P.C. Cock that he would shoot him before midnight. Both brothers had previously threatened the constable. Just before midnight P.C. Cock was found shot and dying at West Point, near Old Trafford, then a quiet country district. He died before he could say who had murdered him. Superintendent Bent, Sergeant Gillanders and others arrested the three brothers John, Frank and William Habron on a charge of murdering Cock. William and John Habron were committed for trial to the Assizes, where they were tried by Mr. Justice Lindley; William was sentenced to death and John acquitted. The case then assumed a sensational aspect. At this time the notorious Charles Peace was in

jail under sentence of death, and he now confessed to having shot Cock. Habron was released and received compensation by the Crown; Peace was hanged for that and other crimes.

Perhaps the most famous case which has been dealt with by this force is what is known as the Maybrick Poisoning Case. Sir William Nott-Bower has dealt with this case extensively in his Memoirs, and much has also been written elsewhere about it, but a few words here will not be out of place. Mr. James Maybrick, aged 51, a Liverpool cotton merchant of considerable social and financial standing, died on 11th May, 1889. Suspicion was first directed against his young American wife by the accidental interception of a letter from her to her paramour. Investigation showed a case of some strength against Mrs. Maybrick, and she was put on her trial charged with the wilful murder of her husband. The trial opened on July 3rd, 1889, and was notable for the eloquence of Counsel and the conflict of evidence. This sensational trial concluded on August 7th, 1889, with a verdict of guilty, and Mrs. Maybrick was sentenced to death. She was, however, subsequently reprieved after much agitation and demonstration, and eventually served fifteen years penal servitude. She was released in 1904, and returned to America where she died.

In the matter of decorations the Lancashire Constabulary is well to the fore. The King's Police Medal has been awarded to 28 members of this force, three being awarded in the New Year Honours of this year. It is interesting to note that 19 of these honours were awarded for gallantry. Some of the actions which earned the award of this coveted police decoration are interesting as bearing out the former remarks regarding versatility. P.C. (now Inspector) Gibbons was off duty when he saw in the distance a farmer being gored by a bull. He immediately ran to the rescue; and, picking up a pitchfork, he prodded the infuriated bull so as to attract its attention. He then kept the beast at bay while the injured farmer dragged himself away. When he saw that the farmer was safe, Gibbons retreated, and eventually assisted in securing the bull. Sergeant Tate who was awarded the Silver Medal of the Royal Society for the protection of life from fire and the Carnegie Honorary Certificate, in addition to the King's Police Medal,

rescued a woman and her child from a burning bedroom after both had been rendered unconscious by the smoke. P.C. Hardacre was granted a posthumous King's Police Medal for courageous action in endeavouring to extinguish a fire in a room containing 1000 lbs. of picric acid. An explosion occurred and Hardacre was killed. Among other decorations worn by members of the force are 1 O.B.E., 1 M.B.E., 5 D.C.M., 9 M.S.M., 19 M.M., 2 Croix de Guerre, 38 South Africa, 203 1914-15 Stars, 517 Victory and 523 General Service, from which it is apparent that this force did its duty in the Great War. In the headquarters office is a very fine memorial tablet, erected to the memory of 49 members of this force who laid down their lives for the Great Cause.

The Lancashire Constabulary prides itself on its endeavours to be up-to-date. In such a large area, and with so large a force, communication is a matter of first importance. There is a private telephone system connecting every police station and headquarters, and all the more important stations are also on the national telephone system. The telephone, however, is not always convenient when it is desired to communicate in a hurry with every part of the district. Early in 1926 experimental work in wireless was begun; and, by the time of the General Strike, there were already in existence twenty receiving and eight transmitting stations which proved to be of incalculable value during the disputes. Extensive experiments since then have shown that wireless is expensive in personnel and has perhaps not yet reached that state of perfection when it can conveniently and cheaply be used to replace telephone and telegram. To-day there are six receiving and transmitting stations in use for daily work. The remaining sets are stored and can be brought into use instantly in case of emergency.

The necessity for good and efficient transport is also recognized. Traffic is increasingly difficult to control in the summer, while throughout the year a vast amount of heavy traffic issues from Liverpool and Manchester to all parts of East Lancashire. To cope with this, every divisional headquarters is provided with two combination machines. These are used chiefly for traffic control but also for despatch riding.

Patrol vans are kept at Manchester (Old Trafford) and Seaforth, near Liverpool. The headquarters transport establishment consists of seven vehicles; and attached to headquarters are a wireless van and a motor cycle combination as tender. This van is of great use in case of royal visits, large gatherings and such-like, and is fitted with a flood-light and large tools for such an emergency as a serious accident at night. The side-cars are two-seaters, and the patrol vans and 5-ton lorry are convertible to passenger vans, so that large bodies of men can be moved quickly from place to place.

The Mounted establishment is now maintained at a strength of 40 horses. One Superintendent is in charge of the mounted police and Transport Department. The mounted police are invaluable on all occasions when large crowds gather such as at football matches and race meetings. Among the latter may be mentioned the Aintree meetings which take place three times a year and include the Grand National. The policing of this course takes some 350 men on ordinary race days, and about 700 to 800 for the National meeting. The mounted police are indispensable on these occasions. Moreover they have proved to be worth their cost as an insurance against trouble in serious emergencies. A further event of national interest which is policed by this force is the Waterloo Cup coursing meeting.

In the matter of sport and entertainment the force holds a high place. Every division has its own sports fund. This is essentially a charitable fund, and money is collected by means of athletic sports meetings and cricket in the summer, and dances and football matches in the winter. Large sums are distributed annually to various deserving charities. Most divisions also run divisional recreation clubs to provide amusement for the men. Where funds permit, a recreation room with billiard-table and other amenities are provided, while in many of the larger sub-divisional stations a billiard-table is also to be found. Billiard handicaps are arranged and there are trophies for athletics and for bowling. In ambulance work, too, this Constabulary is well up-to-date. Nearly 95 per cent. of the force hold St. John Ambulance Association awards and in addition many trophies are held. Dr. F. E. de B.

Pim, a Knight of Grace of the Order of St. John, recently presented the St. John Ambulance Association 'Pim' first aid challenge cup, open for competition to all police forces in England, Wales and the Isle of Man. The Lancashire Constabulary is the first holder of this cup.

The Lancashire Constabulary supports the Northern Police Convalescent Home and Orphanage at Harrogate, where it has endowed three beds at the Home and six cots at the Orphanage. During the financial year 1926-27 the contributions to the Home and Orphanage respectively from this force were £1,154 and £801. In 1918 a special effort was made and a flag day was organized by this force which resulted in the collection of a sum of £5,257 for the Convalescent Home and of £4,533 for the Orphanage.

Finally, mention must be made of two funds organized by the force. There is first the Lancashire Constabulary Benevolent Fund which was established in 1909 to relieve necessitous cases among members of the force and their families. The last statement of accounts shows a distribution of £465 in 1927 and a balance of £2,882. The second fund is the Provident Fund. Originally established in 1867 as a mutual society it was not an unqualified success, and in 1924 its assets and liabilities were taken over by the Lancashire Constabulary Provident Fund. A new method of working was instituted and the fund is now registered as a Friendly Society. It has been a great success, and the reserve fund now amounts to over £27,000. Its objects are to provide the payment of varying sums on the death of the subscriber and the funeral expenses of his wife or widow. There are now 2,731 members.

In common with other forces, the Lancashire Constabulary has greatly benefited by the improvements in the conditions of service which have been introduced in recent years; and these in conjunction with admirable leadership and loyal and efficient service, have combined to produce a force which proudly aims at being the premier county force.

The Compleat Highwayman

The Captain he sent for a constable
And presently to him he came;
Then taking another man with him,
A pistol charged 'i th' King's Name;
Required his name of him quickly,
'My name it is Johnson,' said he;
The Captain laid hold of his arm,
Saying, 'Nevison, thou'st go with me.'

Nevison's Garland.

IT is always something of a shock to find that a favourite anecdote or romance is without historical truth, and most of us prefer to go on believing the story in spite of the assertions of historians. Yet most legends are founded on fact, though the fact be remote from the story to which it gave birth, and often a chain of deduction must be constructed to link the tale to its parent truth. *Humanum est errare*, and if we construe *errare* 'to wander,' we can say that it is but human to stray from the fact and to embellish a story according to our fancy.

The story of Dick Turpin¹ is a good example of a romance formed by the accretions of Imagination round a kernel of truth. He was a very commonplace rascal, a horse-stealer first and foremost, a brutal type of robber who selected lonely farmhouses for attack while the male occupants were away, and tortured the inmates into yielding up their valuables. Yet, thanks to the genius of a novelist, his crimes—many of them atrocious ones—are forgotten and he has come down to us only as the 'hero' of a stirring deed—the famous ride on Black Bess from Westminster to York.

It is hateful to write it, but there is little doubt that Turpin never performed this ride at all. Contemporary records tell us

¹ With the Editor's permission I hope to deal with him in a subsequent number of *The Police Journal*.

that immediately after the event which caused him to leave London (the shooting of his companion, King, in Whitechapel) he made his way to Long Sutton in Lincolnshire and thence by stages to Yorkshire. On Harrison Ainsworth's shoulders rests the responsibility for Turpin's thrilling exploit. But the exploit itself is older far than the novelist, older than Dick Turpin, older probably than the story I am about to relate. For it is unthinkable that the Great North Road should never have witnessed such an episode as the ride of a masked and booted man on a great black horse, foam-flecked and muddy, the butts of his pistols showing at the open holsters, leaping the turnpikes, scattering villagers. . . . Why, every great road in the Kingdom must have witnessed such sights in the days when there were 'gentlemen of the road.'

Yet one ride in particular has come down to us above all the others, the ride which Ainsworth assigned to the hero of *Rookwood*, a ride which, in spite of the romance that has grown about it, undoubtedly took place. But the protagonist was not Richard Turpin, horse-stealer and murderer, but John Nevison, gentleman of the road.

John Nevison—he is often erroneously called 'William'—was a Yorkshireman, and was born at Pontefract about 1639. His parents are said to have been 'well-reputed, honest, and reasonably-estated,' and to have 'bred him up at school.' However that may be, he seems to have distinguished himself at school chiefly by stealing apples and poultry. He was 'very forward and hopeful,' says a contemporary biographer, 'till he arrived at the age of thirteen or fourteen years, when he began to be the ringleader of all his young companions in rudeness and debauchery.'

His first exploit was to steal a silver spoon from his father, and being severely chastised by the schoolmaster for this lapse from grace—the chastisement taking place in the presence of his schoolfellows—he brooded so much on the subject that he came to the conclusion that Pontefract in general, and his school in particular, were no places for him. To endure such a distressing soreness merely because he had confused 'mine' with 'thine' was unthinkable: he was a boy of spirit, and must have wider fields to roam in. Accordingly he rose quietly

from the bed wherein he lay beside his tutor, and, having ascertained that the pedagogue was fast asleep, rummaged in that worthy's clothes till he found the key of his private office. He then crept quietly downstairs and proceeded to explore the inside of his master's cash-box. Finding therein coins to the value of ten pounds, he transferred them to his pocket, and made his way to the stableyard. The schoolmaster's favourite horse was grazing in a small paddock at the back of the house; so Master John carefully selected the best saddle and bridle in the harness-room, and, not to take any chances by reason of the horse's hoofs making a clatter on the cobblestones, performed his saddling operations in the paddock. This done, he mounted, and ere the sun was up was on his way to London.

How he got on during the four days which his journey occupied history does not relate, but I regret to say that when he arrived within a mile or two of his destination he performed a most detestable act—he cut his horse's throat and left it there. The excuse which he afterwards gave was that if he had ridden it up to an inn it might have been the means of his discovery. But this is a sad blot on John's character. A better boy would have taken the risk of discovery and have relied upon his wits to save him, rather than have turned so inhumanly upon the very beast that had enabled him to escape from school. But then, a better boy would not have become a criminal.

Arrived in London he invested a portion of the schoolmaster's ten pounds in a new suit of clothes, donning also a new name; and being 'a lusty, well-looking lad,' hired himself to a brewer. Here he remained for two or three years, conducting himself honestly—according to his lights. That is to say, try as he would, he could find no opportunity of robbing his master wholesale, and was obliged to be content with petty pilfering. His main objective, of course, was the cash-box; but an unresponsive cashier stood between him and the counting-house. Patience, however, is usually rewarded, even though the purpose be a dishonest one, and at last his chance came.

One evening, coming to the outer office to parley with the cashier on some small point, he found that that gentleman had been slightly overcome through sampling the October brew.

Accordingly Nevison retired a short distance, and when he saw the cashier about to enter the counting-house—it being now dusk—he followed close and so gained admittance to that room, where he quickly secreted himself. Fortune favoured him: the counting-house contained an arm-chair, and October brew is heavy stuff: the cashier was soon asleep and Master John as soon at work.

The contents of the counting-house amounted to some £200, which of course was sufficient for John's immediate needs. So he retired to Holland and at once set up as a man of fashion. He had not been long in Amsterdam before his comely face and figure caught the fancy of a burgher's daughter, and he persuaded her to elope with him. The girl being cast in the same mould as Nevison, quickly acquainted her lover with the whereabouts of her father's valuables. With such an accomplice the task was easy, and Nevison committed his third crime, he being still in his 'teens. A hue and cry was quickly raised. In Holland no schoolmaster's horse but a Pegasus would have been needed to place the fugitives beyond pursuit. They were captured, the proceeds of the theft were taken from them, and Nevison was put in prison.

In those days there was only one penalty in Europe for theft such as Nevison had committed, so he lost no time in breaking jail. Of *how* he escaped no record appears to have remained. Possibly the burgher's daughter had a hand in it, or he may have obtained his freedom in some such way as he adopted on a later and more famous occasion. At all events, he escaped and crossed the frontier into Flanders.

The moment John crossed the frontier he walked straight into the war which Marshal Turenne was waging against the Prince de Condé. He knew nothing of war and was not particularly anxious to learn; but to go back into Holland again was out of the question. It was equally impossible to advance and at the same time avoid the military. Before nightfall he fell in with one of the English volunteer regiments serving, under the Duke of York, in the Spanish army. He was nineteen years of age and a strong, hearty lad, and a sergeant promised to take him under his especial protection. He enlisted. How, he was not quite clear; but the sergeant assured him that he had. . . .

His regiment was marching to raise the siege of Dunkirk, and Nevison behaved himself very well—for a time. Doubtless both the novelty and the free and easy life of a soldier on campaign attracted him. But soldiering soon becomes a tedious thing to those whose hearts are elsewhere, and John, having received his pay and 'having got some money whilst he was in the service,' decided to demobilize himself. Possibly he had got some hint as to what Turenne was about to do with the Spanish army. So 'he came over to England'—but whether with the permission of his commanding officer the story maketh no mention. Doubtless such niceties of military etiquette would weigh little with him.

Arrived in England he spent a year or two in acquiring various forms of roguery. But these proving unsatisfactory to one possessed of ambition, he cast about him how to earn a living. He could not work, to beg he was ashamed. There was, therefore, only one profession open to him. He bought a horse with accoutrements, a sword, two pistols, thigh boots complete with spurs, a heavy overcoat with plated buttons—and a black mask, 'resolving,' says his biographer, 'for the road, and perhaps a pleasant life, at the hazard of his neck, rather than toil out a remainder of unhappy days in want and poverty, which he was always averse to.' It is strange how many of us are averse to these two afflictions.

For the first time John had found a trade for which he was eminently suited. To conjugate Latin verbs, to roll beer barrels about, to march miles and miles on bad food and under a heavy musket—all these things were distasteful to him. Riding was better than walking and afforded a more certain means of escape if pursued after transferring someone else's watch and purse to one's own pocket. He entered upon his new work with a zest and soon became proficient. 'Every day, one booty or other enriched his stores.'

Here is a story of his intrepidity while following his pursuit. One day, travelling on the road and scouring about in search of a prize, he met two countrymen, who coming up to him informed him that it was dangerous to go forward, as the road was ambushed and they had been robbed by three highwaymen about half a mile off; so if he had any money about

him it would be safer for him to turn back. Nevison asked them what they had lost. They told him forty pounds.

'Then,' said John, 'turn back with me, and show me the way they took, and I'll wager my life to a farthing that I'll make them return you your money again.'

They rode along with him till they caught sight of the highwaymen, whereupon John told the countrymen to wait a little distance behind him. He then rode up to the highwaymen and spoke to the foremost of them, saying :

'Sir, by your dress and the colour of your horse you look like a man I am looking for ; and if you are he, my business is to tell you that you have borrowed from two friends of mine £40, which they desire me to recover from you, and you must give it up before we part.'

'How!' quoth the highwayman. 'D——n you, Sir! What, is the fellow mad!'

'So mad,' replied John, 'that your life shall answer me if you do not give me better satisfaction.'

With that he drew his pistol and suddenly clapped it to the other's breast, who, finding that Nevison was also holding his rein and that he could not get out his sword or pistols, yielded, telling him that he was at his mercy.

'No,' said John, 'tis not that I seek for, but the money you have robbed these two men of, who are coming up now. You must return it to them.'

The highwayman was forced to agree and handed over as much as he had, saying that his companions had got the rest. Accordingly, John made him dismount, and taking away his pistols, which he gave to the countrymen, ordered them to secure the fellow and hold his, Nevison's, horse. He then mounted the highwayman's horse and pursued the other two; whom he soon overtook, for they, thinking that he was their companion, stopped as soon as they saw him coming up, and he overtook them in the middle of a common.

'How now, Jack,' said one of them, 'what made you engage with that fellow?'

'No, gentlemen,' replied John; 'you are mistaken in your man. By the token of this horse, which your friend gave me to save his life, you must surrender what you have taken to-day.'

If you do, you may go about your business ; if not, I must have a little dispute with you with sword or pistol.'

At this one of them let fly at Nevison, but missing his aim, received John's bullet in his right shoulder, and being thereby disabled, and seeing Nevison about to shoot him with his second pistol, he called for quarter and asked for a parley. Whereupon it was agreed that their friend should be allowed to join them if they handed over all the ready money they had, which amounted to about £150. With this John rode back to the countrymen and released their prisoner, giving them their forty pounds and adding the caution that in future they should look after it better and not, like cowards, surrender their money on such easy terms again. Having thus achieved virtue and £110, he rode on his way.

Many similar escapades are related concerning him, stress being laid in all of them on his protection of the poor and afflicted. To women he was chivalrous and kind, and even those whom he robbed spoke of him as being a civil and obliging robber. He was charitable to the poor, and sometimes robbed to obtain alms for those he befriended—a strange trait in the character of one who was a thief by nature.

On one occasion he was at a village alehouse when the talk turned upon a farmer in a small way of business who had just been sold up by a rapacious creditor. The bailiff was actually present at the inn, with the proceeds of the sale in his pocket. Nevison pretended to retire to bed, and having gained his room, quietly climbed out of the window and proceeded a little distance along the road. Presently the bailiff came along, whereupon John effectively eased him of the cash, returned to his room the way he had come, went to bed, and slept soundly. Next morning he rode over to the afflicted farmer and restored the price of his farm to him, to the last penny. It became a saying in Yorkshire that Nevison only 'borrowed' from the poor, returning their property to them whenever he made a good haul from the well-to-do ; but the tribute which he levied from poor drovers and others using the public highway would seem to contradict this. One of his 'Lives' informs us that he was an ardent Royalist and never attempted to rob anyone of that denomination ; but seeing that he was only twenty-one

at the Restoration and did not take to the road until after that event, the statement is not very impressive.

All the same, John Nevison was not cast in the common mould. He had wits above the ordinary, he had a sense of humour, a sense of nicety, and a sense of the fitness of things. On one occasion he learnt that a money-lender was travelling in a certain coach. He stopped the coach and politely suggested that the harpy should restore, *via* John's pocket, some of the money which he had that day extracted from his clients. At the same time he clapped a pistol to the usurer's chest. Shylock, terrified, begged for his life and readily offered up the contents of his wallet as a ransom—sixty guineas. John pocketed the gold and then informed the money-lender that he would have to trouble him to accompany his captor to a certain place, at the same time begging leave of three young ladies, who were also in the coach, to borrow one of the coach-horses for an hour or two, promising to return it that evening in time for the next day's journey.

Nevison then ordered the coachman to unharness one of the horses, made the money-lender mount it, and trotted off with him, the usurer nearly dead with fright. As soon as they were gone the ladies continued their journey, and about two hours after they had reached their inn, Shylock came along on the borrowed coach-horse. With great lamentation he related that he had been forced to sign a note-of-hand for £500, payable at sight, and feared that it would be presented before he had time to stop it. His fears were justified. Nevison rode hard all night, and ere the clock at St. Paul's had struck ten, Shylock was five hundred pounds the poorer. 'This,' says one who records the story, 'was no small vexation.'

A year or two after this event, having brought off several successful *coups*, John felt that it was time he settled down quietly. The road was all very well, but the Restoration had restored not only the Crown but law and order, and things were getting more difficult. There was considerable risk in holding up a coach—one was bound to stop a bullet some day, and that last affair at Northallerton. . . .

John decided to return to Pontefract, even though the schoolmaster *was* still alive.

He rode up to the paternal roof—and received the welcome his heart desired. His exploits had reached his native town, and his father was proud to have such a son. The schoolmaster was forgotten, and Nevison settled down 'and lived very honestly.'

But alas for society: the restraining hand of his father was no sooner removed by death than John returned to his old game. It was in his blood, and the sole effect of a year or two's abstinence was to increase his thirst for adventure a hundred-fold. He went at it headlong, and before many months were out his name was the terror of the road. No carrier nor drover could pass without paying tribute to him. He did not rob them on the highway: he was superior to that. He appointed certain houses whereat the tribute must be paid, and regularly paid too, failing which. . . .

There were few who failed.

As was to be expected, he overstepped himself at last, and robbing a country house in Leicestershire was taken and committed to Leicester Jail. It was here that his most famous exploit was staged, an exploit that places Nevison in the front rank of escapers, and earns him a distinction second only to that achieved by Jack Sheppard. For the ingenuity of this escape has seldom been equalled; and, so far as I am aware, the stratagem which he employed had not been made use of before.

His fame having spread near and far, it is not to be wondered that his character had been adorned with a variety of imaginary qualities. He could ride faster than any living man—he could be in two places at once—he always rode a black horse, a clear indication that he was in league with the devil—he could leap eight-foot walls—he could jump out of top storey windows and escape unhurt—he could sink into the ground—he could dissolve in the air, and so on and so on. England was not free from superstition in the sixteen sixties. Hence it is not surprising that the moment Nevison was cast into Leicester Jail he was manacled so heavily that he could hardly move hand or foot, and, in addition, was watched closely, day and night.

Most of us would have given it up as a bad job. But your born escaper never gives up hope. Though the Governor

himself shared the cell, the true escaper would try to outwit him. Nevison saw at once that the first thing to do was to get rid of the watching eyes. How to do it was the problem. Days passed. The Assizes approached . . . there was only one verdict possible, and the law provided only one sequel to that verdict. Something must be done, and done quickly. Nevison did the obvious thing: he pretended to fall ill. A severe illness might bring about (1) a change of watchers, (2) a laxer kind of watching, (3) at least a partial removal of fetters, (4) a change of lodging. Undoubtedly it was the right move, and from it was born the plan that was to liberate John Nevison from prison a second time.

Nevison had never lacked friends, and now he told one of those who came to visit him that he wished to see his own doctor. More he could not say, for whispering is impossible when one is separated by a grille and the space of several feet from the person one is addressing. The doctor came, and was permitted to examine his patient. In those days there was neither General Medical Council nor Register of Doctors. Anyone who cared to study science could set up as a physician. The doctor of those times, therefore, was not always of Harley Street rank. Nevison's doctor was, if not of the same kidney as the highwayman, at least in sympathy with him. Two words only needed to pass from one to the other—two words and a wink—'Jail fever.' The doctor finished a lengthy examination, thinking hard the while. Then he retired to report to the Governor of the jail.

'Nevison,' said he, 'is undoubtedly ill of a pestilential fever, and unless he has the benefit of open air in some removed chamber, he will certainly infect the whole jail, and will die before the Assizes.'

The Governor, alarmed, ordered Nevison to be moved to another room, where he could be by himself. It was only a year or two ago that the Great Plague had swept London and many of the provinces, and plague in the crowded atmosphere of a jail was enough to strike terror in the breast of any Governor. Nevison's fetters were removed, a nurse was provided (at the recommendation of the doctor), and the doctor came thrice a day to visit him.

The first step had been accomplished.

A jailer, however, was posted outside the door of the room day and night, and escape by the window was impossible. The next step, therefore, was to get rid of the jailer. And now it was that Nevison unfolded his full plan to the doctor and the nurse.

He was going to die of plague.

Accordingly, the doctor visited the Governor again and informed him that Nevison's illness had taken a serious turn, that it was extremely infectious, and that he suspected the plague. This news soon spread through the prison, and the jailer's wife refused to allow her husband to go on guard again. None of the other jailers would approach the door, and, indeed, the condition of Nevison seemed to obviate any necessity for supervision.

The second step had been accomplished.

It now remained to get Nevison out of the prison. This was much the most formidable task, for it is always difficult to feign death successfully, and dead bodies are exposed to view before they are buried. '*Are buried*': that thought alone would have deterred a less adventurous spirit!

At this point the nurse came to the rescue. She secreted among her clothes a bottle of blue dye and a paint brush. Unhappily she and the doctor were all too familiar with the dread symptoms. But although in one way the popular fear of the disease would help their plan, yet in another way it increased the risk tenfold. Magistrates would have to be informed, an inquest would have to be held, a jury would have to view the body, it would have to be buried in a certain place—and on no account would the dead man be handed over to his friends or relatives. Yet it was the only way of escape—and the Assizes were drawing near. They decided to take the risk.

Livid patches were painted on Nevison's body in close resemblance of 'plague spots.' His face and arms were also 'touched up' to resemble one in the last stages of the disease. The Governor was called, glanced through the half-opened door and retired hastily, handkerchief to face. The doctor burnt some disinfectant, the nurse wept, and—that evening John Nevison 'died.'

The end had been expected by his relatives, so a coffin was immediately forthcoming to remove the mortal remains of the once noted highwayman. It was brought to the prison, it was taken up to the dead man's room: but how it was to be got out safely, with the 'corpse' snugly inside it, was another matter. The Magistrate ordered a jury to be empanelled, twelve good men and true were sworn in, the evidence of the doctor, Governor, and head jailer were taken, and the panel proceeded upstairs to view the body.

Now came the most difficult part of Nevison's rôle. Not only would he have to hold his breath all the while the twelve jurymen were examining him, but *the coffin would have to be closed*. The Governor might even insist upon it being screwed down. And suppose anything went wrong. . . . Suppose he really were buried and they didn't get him up again in time? The doctor could have given him sufficient laudanum to keep him safe in the land of dreams until such time as Leicester Jail should be a thing of the past; but an unconscious man breathes, and suppose anyone noticed a movement of his chest? It was safer to act the part.

John decided to act it.

The jury reached the room as the nurse was reverently composing the limbs of the dead man and none of them displayed the least anxiety to make quite certain that John Nevison really was dead. They saw the dreadful spots on his arms, they saw his muffled jaw, and as the doctor himself suggested that they should do no more than peep inside the room, who can blame them? They recorded a verdict that John Nevison had died of the plague, and there was an end of it. Their verdict was at once sent to the Governor, the coffin was slowly and reverently carried out of the prison to the house of an undertaker, and—the corpse sat up and ate a hearty supper.

I regret to say that this escape from the peril of the gallows in no wise caused Nevison to take stock of his condition. Hardly was he delivered from Leicester Jail than he took to the road again. It may be that pride and the encouragement of his friends urged him to return to a form of living which had brought him such renown and which he had found so lucrative. At all events he could not resist the good work of spreading

abroad the fable that his ghost walked—rode, in fact—and did all he could to foster the tales of his marvellous character. The drovers and carriers were more heavily taxed than ever, for he told them that his imprisonment had cost him a deal of money. His resurrection had in truth proved an expensive diversion; for on this occasion he had doctor, nurse and undertaker to pay—and it is probable that they made him pay heavily for such an unusual privilege. Yet he seems to have been successful in evading arrest, and it was ten years before he fell foul of the officers of the law again.

After Leicester, Nevison seems to have changed the venue of his activities. He crops up all over the home counties, and under the sobriquet of 'Swift Nick' appears as a highwayman working the road between Chatham and London. It was here that began the famous exploit which Fiction has arrogated in order to give it to a quite unworthy imitator. Having robbed a traveller at Gad's Hill in the small hours of the morning, and having some reason to fear that unless he cleared his character the net would be drawn more tightly about him, he determined to provide himself with an alibi. Accordingly he made for Gravesend, which he reached at 4 a.m., and, while waiting for a boat, baited his horse—a splendid bay mare with Arab blood in her. He was detained at Gravesend for about an hour, and on reaching the other side of the river he rode to Chelmsford and Huntingdon, and, after brief rests, to York, where he appeared on the Bowling Green at 7.45 p.m., having covered roughly 190 miles in about 15 hours.

It was impossible, however, for Nevison to evade the clutches of the law much longer. Success had brought arrogance, and he had openly threatened several justices of the peace with death. His name and exploits reached high circles, and additional efforts were made to secure him. He was thought to be the leader of a formidable gang. It was suspected that he was operating with Tancred and Bracy, two highwaymen of experience who had long plied a successful trade in Leicestershire and its adjacent counties. Women also were said to be concerned. A massed attack by masked highwaymen upon the drovers visiting Northallerton Fair in 1674 had called forth a pamphlet entitled *Bloody News from Yorkshire, or the*

Great Robbery committed by Twenty Highwaymen, upon Butchers, as they were riding to Northallerton Fair. Their fame increased with the terror which they inspired, and Sir John Reresby, a potent justice of the peace at York, determined to bring them to book.

In February 1676 Nevison was apprehended immediately after carrying out a particularly daring piece of horse-stealing in his native county. The evidence for the prosecution brought to light something of the organization of his gang. It was shown that he passed as 'John Bracy' in Lincolnshire, posing as the brother of Edmund Bracy, his lieutenant; the real Bracy in his turn becoming 'John Nevison' whenever an alibi was required. 'Tancred' was shown to be Thomas Pearson, a highwayman who had already attracted the notice of the authorities. The guardians of the law, therefore, were determined that Nevison should not escape again. His exploit at Leicester Jail had been followed by the arrest of the Governor, who, however, had been acquitted by reason of the verdict of the jury who had examined the 'corpse.' But Nevison's further exploits had stirred the authorities to action, and the Governor had been ordered to apprehend him 'at his peril.' When, therefore, he was once inside York Jail, what with his previous exploit and what with the evidence produced against him, there was no question of escape, at least until the Assizes had dealt with him, so he took the only remaining course and turned King's Evidence. On the undertaking that he would name all his accomplices and their whereabouts he was reprieved, but failing to disclose sufficient information as to their whereabouts he remained in prison, closely manacled, for several years. At length at his own request he was drafted into 'Captain Graham's company designed for Tangier,' and for the second time in his life became a soldier. This second enlistment, however, he found no more to his taste than the first, and once again he demobilized himself without loss of time, taking to the road again immediately.

But the end was drawing near. He was now too well known to evade arrest for any length of time, and the price on his head had made many desirous of enriching themselves at

the cost of a mere highwayman's life. Perhaps he realized that his time was approaching when he took to sending warnings to the justices of the peace, threatening them with death wherever he should meet them. For terrorism is usually the last card in the successful bandit's hand. Two brothers named Fletcher attempted to take him. He shot one dead, and the dead man was in possession of a warrant from a justice of the peace to apprehend him. Sir John Reresby, who had been active in prosecuting Nevison's accomplices, came to London and sought an audience of the King. Charles the Second, ever wise and witty, heard him out and tersely remarked, 'Hang the fellow!' But he went on to point out that a proclamation would cost him £100, and 'the fellah isn't worth it.' He agreed, however, to order £20 to be paid by the Sheriff of the county wherein Nevison was taken, wherever that might be, and that a notice to this effect should be published in the *Gazette*, 'which was the same thing.'

The king was as good as his word. Reresby's interview with him was on 23rd October, (1681), and on 27th October the following notice appeared in the *London Gazette*:

WHEREAS *John Nevison*, convicted at York Assizes in the year 1676 for Robbery and Horse stealing, was afterwards reprieved (*sic*), upon promise to discover his Accomplices, and continuing in Goale (*sic*) for some years after, without making any such Discovery, he was at length ordered to be transported, and being taken out of Goale, and listed in Captain Graham's Company designed for Tangier, He immediately ran away, and hath ever since absconded himself, and subsisted by Stealing and Robbing upon the High Ways, especially in the Counteys (*sic*) of York, Derby and Nottingham, and hath lately Murdered one Fletcher, who had a Warrant from a Justice of Peace to apprehend him. This is to give notice That his Majesty hath been pleased to Order the Right Honourable the Lords Commissioners of the Treasury to cause the sum of Twenty pounds, to be paid to such Person or Persons, as shall apprehend and secure the said Nevison, so as to bring him to Justice.

For three and a half years longer, however, Nevison was to remain at liberty. But meanwhile a lucky chance put the authorities in the possession of such additional information as enabled them presently to stamp out the entire gang. To-

wards the end of December 1683 a woman named Elizabeth Burton was arrested on a charge of stealing some clothes at Mansfield. It was not a very serious matter, and in the ordinary way she would have been committed to the local bridewell for a short term. But it happened that she was a member of the gang, and she was firmly convinced that the gang would effect her rescue. And as the days passed and no attempt at rescue was made, she became a prey to jealousy. For there was 'another woman' in the case. So she did what we should expect a woman of her class to do: she proceeded to do as much damage as possible to everyone concerned.

Her evidence was taken on 3rd January, 1684. She deposed that the gang consisted of Edmund Bracy, John Nevison, Thomas Wilbore, Thomas Tankard, John Bromett, William Everson, and Robert Everson. Their headquarters were at the Talbot Inn, Newark-on-Trent, where Nevison hired a room by the year. Here the conspirators met after each robbery and divided the spoils. She further deposed that the landlord of the inn was privy to their doings, 'for that she hath often seen them whisper together,' as also the ostler, 'she having often seen the said parties give him good sums of money and order him to keep their horses close and never water them but in the night time.' As for herself, the gang 'tabled' her at a house in Newark and 'maintained her with apparrell and all other necessaryes for two yeares.' The 'other woman' was kept at Lincoln, in Castlegate, 'at the house between the signs of the Swan and the Crown,' and was, according to the deponent, an abandoned hussey.

She then went on to give a list of the major crimes committed by the gang: one, between Grantham and Stamford, where they took £300 from a shopkeeper; another near Maltby in Yorkshire, where they took £200 from one Malim of Rotherham as he was going to Gainsborough market; a third in Lincolnshire, where they "tooke a greate booty"; a fourth in Yorkshire where they took above £300, of which Mistress Burton had 9s. to buy her a white petticoat. At another robbery between Gainsborough and Newark they took about £200 from a Londoner, as also a caudle cup of silver, a tankard and two silver bodkins, all of which the deponent found 'in

the portmanture in their roome at the Talbot.' Of this she had 25s. to buy a serge petticoat and 'a paire of bodys.' Follows the recital of robberies in Yorkshire, Huntingdonshire ('but £5, of which she had a newe halfe crowne'), and Cambridgeshire, where they took, at Royston, £250, whereof Mistress Burton had '2 peeces of goold and 6s. 8d. to buy her some shifts.' In all these crimes save three, Nevison was concerned. It was more than a twelvemonth, however, before he was captured.

On 1st March, 1685, Captain Hardcastle arrested Nevison while he was at a public-house at Milthorp, near Wakefield. A rare ballad, entitled *Nevison's Garland*, describes his capture. Hardcastle had stopped at the inn for a flagon of ale, and a stranger, happening to hear who he was, told him that Nevison was within. Thereupon the Captain sent for the village constable and, with another man, entered the inn and called upon Nevison in the King's name to tell him who he was, at the same time presenting a pistol at the highwayman. 'My name is Johnson,' said John. 'You lie,' said Hardcastle, laying a hand on his arm; 'it is Nevison, and thou wilt go with me.' Whereupon John, seeing that he was betrayed, answered bravely, 'Well then, it is a name that I am not ashamed of, even though I am your prisoner.'

On the way to York, Hardcastle and his prisoner stopped at Swillington Bridge at an alehouse, and Nevison, catching sight of a man with whom he was acquainted, gave him five shillings to go and tell John's wife that he was taken and bidding her to send him a shirt and other necessities. At Brainham Moor the news of Nevison's arrest had preceded them, and a crowd collected to see the famous highwayman pass.

The trial at York Assizes did not last long. Enough evidence had been collected to hang him twenty times over. Some of his accomplices had already been brought to book, and all the rest were known. Mistress Burton's sweeping disclosures had signed his death warrant; his military record hardly warranted another reprieve. The verdict was a foregone conclusion.

Yet Nevison seems to have stood out—far out—from

among his fellow criminals of the day. 'He was a person of quick understanding, exceeding valiant, having also the air and carriage of a gentleman,' says a contemporary chronicler. 'He was the Claude Duval of the North,' says another. A third speaks of him as 'a man well-beloved' who was particular about his appearance, and was generous, kindly and charitable. A popular ballad thus commemorates him:

He maintained himself like a gentleman,
 Besides, he was good to the poor;
 He rode about like a bold hero,
 And gain'd himself favour therefor.

Unhappily for the highwayman (or should we say happily for society?) the 'plague' trick can be played once only. Nevison had already employed it and he was very much a marked man. This time the watchers never left him. . . .

On the 4th of May, 1685, John took his last ride—to the gallows. The coffin in which he was to be buried was placed alongside the 'tree,' and this time it was no mock funeral that would take place. He died as courageously as he had lived, and in a somewhat lengthy speech to the vast crowd that had assembled he swore that he was innocent of killing any man but Fletcher and that the woman who had sworn away his life was a slanderer.

Still, he had had a good run for his money.

A. M. P.

Police Gold Medal Essay Competition

HIS Majesty The King has been graciously pleased to indicate his intention of presenting annually the Gold Medal for the newly instituted Essay Competition on professional Police subjects to which we referred in our January issue.

The subject of the Essay for 1929 will be announced at a later date.

COUNCIL OF THE GOLD MEDAL ESSAY COMPETITION

SIR LEONARD DUNNING, KT., H.M. Inspector of Constabulary, Home Office.

SIR MALCOLM SETON, K.C.B., Deputy Under-Secretary of State, India Office.

BRIG.-GEN. SIR WILLIAM H. MANNING, G.C.M.G., K.B.E., C.B., Late Governor of Ceylon.

COL. H. M. HARTIGAN, C.M.G., D.S.O., Late South African Police.

LT.-COL. J. F. C. CARTER, C.B.E., Deputy Assistant Commissioner, Metropolitan Police.

SIR JOHN G. CUMMING, K.C.I.E., C.S.I., M.A., Hon. Editor, *The Police Journal*.

RULES FOR THE COMPETITION

1. The Competition shall be held annually and shall be open to serving members of regular Police Forces within the Empire or mandated territories. Any question as to the eligibility of any competitor shall be determined by the Council.

2. His Majesty's Gold Medal and a cash prize (of 30 guineas) will be awarded for the essay which is adjudged to be the best, provided it is considered of sufficient merit, and second and third prizes (of 20 guineas and 10 guineas respectively) will be awarded under the same conditions for the essays adjudged to be next in order of merit.

3. (a) Essays must be the original work of the competitor.
 (b) Essays must not be less than 8,000 or more than 15,000 words in length, and must be typewritten and submitted in triplicate.
 (c) Where a reference is made to any published work the title must be quoted in a footnote.
4. Essays must be submitted anonymously. Each essay must be accompanied by a sealed envelope bearing on the outside a *nom de plume* or a motto, and containing the competitor's name and address.
5. The Council may at their discretion appoint such persons as they think fit to act as Referees or Judges of the Essays under such conditions as they may prescribe.
6. The award of the Council shall be made public in such manner as the Council shall think fit, and any essays submitted for the Competition and adjudged of sufficient merit may be published by the Council in *The Police Journal* or otherwise.

LEGAL NOTES

THE recent Anglo-Egyptian crisis which arose as a result of the introduction and threatened passage in the Egyptian Legislature of the Bill for regulating Public Meetings and Demonstrations has drawn attention to a subject in which police officers in all parts of the Empire are concerned. The incident, whatever may be its political significance, shows how much the powers of the police in maintaining law and order and in preventing public disturbance depend upon a sound and rational system of law.

The Egyptian Bill was based upon principles which are repugnant to British ideas of sound law and good administration, or, indeed, to any rational system the object of which is to prevent disorder. As was explained in a recent leading article in the *Times*, under the proposed Egyptian Law the organizers of disorderly meetings and members of the public who disobey the policeman's order to 'move on' were to incur a maximum penalty of a week's imprisonment or a fine of 100 piastres. On the other hand the police themselves would, under this Bill, be liable for severe penalties in the event of any error of judgment in undertaking preventive action which might turn out to have been unjustified according to the curious principles inherent in the provisions of the Bill. To quote the *Times* again, 'bona fide errors of judgment on their part may be punished by fines 30 times as great, or by terms of imprisonment 4 times as long, as those which this singular Bill inflicts even upon those who convene disorderly meetings in bad faith or with bad intention.' The effect of such provisions would surely fill any conscientious body of police with despair.

By way of contrast it is interesting to remind ourselves of the way in which British law deals with the same subject. As was stated in the famous Bristol Riots Case, every magistrate, constable and police officer in discharge of his duty in maintaining law and order has authority to command every other subject to assist him in suppressing a riot, and every man is bound, when called upon to obey the call. In other words, everyone is under a duty to assist in maintaining the King's Peace. The police, of course, are bound in the execution of their duty to assist the magistrates to suppress riots and to disperse riotous assemblies. The law provides no special penalties for any error of judgment or excess of zeal, but if any individual suffers injury as a result of unlawful action by the police, he has his remedy at common law, and police officers may be liable to various kinds of process, *e.g.*, action for false imprisonment or proceedings for assault, according to the circumstances.

The sound principles of British common law have, generally speaking, been found sufficient to deal with all ordinary cases of disorder at public meetings. If a person wilfully disturbs a public meeting and by persistent noise or interruption defeats the object of the meeting it seems to be lawful for the police, quite apart from the statutory powers which will be mentioned presently, to eject him (*see Wood v. Leadbitter*, 13 M. & W. 838; *R. v. Graham*, 9 W.R. 738); but no unnecessary violence should be used. A

request to depart should precede the use of force (*Tullay v. Reed*, 1 C. & P. 6).

The only statutory provisions specially directed towards preventing disturbance at public meetings in Great Britain are those contained in the Public Meetings Act, 1908. Under this Act it is an offence to act or to incite others to act in a disorderly manner at a lawful public meeting for the purpose of preventing the transaction of the business for which the meeting was called together. This offence is punishable by a fine of £5 or by a month's imprisonment, but if committed at a political meeting between the issue of the writ and the return of the member, it becomes a more serious offence, since it is then an illegal practice within the meaning of the Corrupt and Illegal Practices Act, 1833.

The Public Meetings Act has been held to apply to a meeting in a public highway; but it only applies to such a meeting, so long as the meeting is a lawful one (*see Burden v. Rigler* (1911), 1 K.B. 337). There is no need for such provisions as are contained in the Public Meetings Act where the meeting amounts to what is known as an unlawful assembly, *i.e.*, a meeting of three or more persons who assemble with intent to commit and who, when assembled, do commit, a breach of the peace or crime by open force, or who assemble to excite sedition or discontent or disaffection against the Constitution or Government of the Realm (*see Hawkins, Pleas of the Crown*, 8th ed., section 9). A meeting is also unlawful when persons assemble to carry out a common purpose in such a manner as to give firm and courageous persons reasonable ground to apprehend a breach of the peace (*Field v. Metropolitan Police* (1907), 2 K.B., 853, 859).

Anyone who takes part in an unlawful meeting is guilty of a misdemeanour at common law, if he does so with knowledge of the circumstances which render the meeting unlawful. Magistrates and constables are justified in dispersing an unlawful assembly and if necessary they may use force. The magistrates and the police incur a certain risk in connection with this duty, since, if it should turn out that the meeting which they took active steps to disperse was not in fact unlawful, they will have acted without authority, and will be liable to proceedings at the instance of any individual who may have been unjustifiably arrested or against whom force may have been used. The position of our police, however, in relation to this liability is very different from the position in which, apparently, the Egyptian Police would be placed under the proposed Public Meetings Bill mentioned above.

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AMONG the many duties which the police have to carry out, there is none which requires more individual decision and judgment than that of arresting a person without warrant. The common law rule, as stated in *Hawkins' Pleas of the Crown*, book ii., c. 12, section 19, is: 'Anyone may lawfully lay hold on another whom he shall see upon the point of committing an offence or felony or doing any act which would manifest and endanger the life of another;' and (section 20) 'That the arrest of any other offenders by private persons for offences in like manner scandalous and prejudicial to the public may be justified.' The power of a constable without warrant to arrest a person for felony is wider than the power of arrest possessed by an ordinary person. The latter if he makes an arrest on reasonable suspicion is legally justified only if a felony has in fact been committed. A constable, on the other hand, if he can show that he had reasonable grounds for suspecting the person whom he has arrested is legally justified in making the arrest irrespective of whether or not the felony had, in fact, been committed. A constable has no power to arrest persons guilty or suspected of misdemeanours except: (a) in cases

where there is an actual breach of the peace either by an affray or by violence to an individual; and (b) where he is authorized by statute to arrest without warrant. In practice, as all police officers are well aware, the right to arrest without warrant for a misdemeanour or any less offence is almost invariably dependent upon the question whether in the case of the particular misdemeanour or offence there is specific statutory authority to make the arrest.

The terms in which the legislature has given this power in various enactments have not been so clear or unambiguous in their language as to avoid questions of doubt, which have had to be settled by the courts themselves. Can a constable, for instance, under a statutory power to arrest a person found committing a particular offence, act upon his own honest and reasonable belief that the person is committing the particular offence? In other words, is he liable to proceedings for assault or false imprisonment if it should subsequently be clearly proved that the person arrested was not, in fact, committing the offence? This point was raised and decided in the well-known case of *Trebeck v. Croudace* (1918), 1 K.B. 158. The defendant, a sergeant of police, took the plaintiff, a taxi-cab driver, into custody on a charge of being drunk while in charge on a highway of a taxi-cab. The offence and the authority to arrest were created by section 12 of the Licensing Act, 1872. The plaintiff was acquitted of this charge and subsequently brought an action against the sergeant for damages for false imprisonment. The jury found the sergeant honestly believed at the time he arrested the plaintiff that the plaintiff was drunk. In the course of judgment, Lord Justice Swinfen Eady said that 'The statute confers a power of immediate arrest, and obviously intends that it should be acted upon at once, and without waiting to obtain a warrant. In the case of the offence of being drunk in a highway and in possession of a loaded firearm, usually a police officer would be unable to say whether the firearm was loaded or not without taking it into his possession and examining it. Is it to be said that if he sees a drunken man in a street in possession of a gun and brandishing it about he must abstain from intervening unless he is sure that the gun is loaded, or otherwise risk an action being brought against him? Is he to wait until the drunken man shows that the gun is loaded by discharging it? And then perhaps it may no longer be a loaded firearm.' Any police officer will readily appreciate the force of the point which the Lord Justice was making.

The general state of the law on this aspect of statutory powers of arrest without warrant was well summarized by Bankes L. J. in the more recent case of *Isaacs v. Keech* (1925), 2 K.B., 354, 360 as follows: 'I think that the whole trend of authority has been to put a uniform construction upon enactments giving power to arrest without a warrant a person found committing an offence, and to hold that what the Legislature has in mind is not a mere power to arrest the person ultimately found guilty of the offence, but is a power to be exercised by the proper authority of acting at once on an honest and reasonable belief that the person is committing the particular offence.' A police officer, therefore, acting under a statutory power of this kind is on pretty safe ground if he honestly believes, on reasonable grounds, that an offence is being committed. The subject is of peculiar difficulty and daily increasing importance in relation to what are called 'motoring offences.' There is no power to arrest without warrant in the case of any offence under the Motor-Car Act, 1903, nor is there any such power under Section 40 of the Criminal Justice Act, 1925, which provides the maximum penalty of four months' imprisonment and a fine of £50 in the case of a person who is 'drunk while in charge on any highway or other public place of any mechanically propelled vehicle.' If a police officer considers it desirable to arrest a drunken motorist 'there and

then ' he can do so and can do so only by recourse to the power given under the Licensing Act of 1872 mentioned above. Public opinion is naturally and properly sensitive on the subject of arrest by the police without warrant for anything less than a serious crime ; but it is now fully aware that a person who drives a motor-car when he is drunk is committing a crime against the community. It will be of great interest to see how the law relating to motoring offences develops in Great Britain and the Dominions so as to meet the changing circumstances. Possibly the day is not far distant when in all parts of the Empire there will be a law authorizing any police officer to arrest without warrant any motorist whom he sees committing what he honestly believes to be the offence of driving to the danger of the public. Some people may think that a power of this kind ought to be conferred, but we may perhaps be allowed to record a hope that the misbehaviour of motorists will never be such as to require and justify the exercise of executive power to this extent. Police officers, we feel sure, would prefer to be spared the invidious responsibility of deciding in any case whether the particular circumstances are really such as to justify them in making an immediate arrest.

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THE function of a court of law is often misconceived by that section of the community which is styled ' laymen.' It is the business of a court, in criminal as well as in civil matters, to decide the issue that is put before it by the parties interested. A prosecution is an issue raised by a charge alleging that a particular person did or failed to do something in circumstances amounting to a crime or offence. Whether the prosecution is one undertaken by the Crown or by a private prosecutor makes (for this purpose) no difference. The function of the court in dealing with the issue placed before it is not, as is often supposed, to find out the truth, but to decide whether a particular person did a particular thing. Where a crime has undoubtedly been committed by someone, *e.g.*, where the dead body of a man has been found in circumstances pointing clearly to murder or manslaughter, or where premises have been broken into and goods removed ' feloniously and burglariously,' it is obvious that a crime has been committed by someone. It is not the business of the court to find out who that ' someone ' is. All the court (*i.e.*, the jury) has to decide is whether the particular person brought before it is the person who committed the crime. If it is not satisfied that the evidence is sufficient and accordingly finds the accused person not guilty, the court does not thereupon proceed to embark upon a further inquiry as to who it was, in fact, committed the crime. So far as finding out the truth is concerned the court has discharged its function when it finds the accused not guilty.

The fact is that it is the duty of the police and not the court to ascertain the truth. It is for them to find out if they can who killed the man who is alleged to have been murdered, or who committed the burglary. If, when the police have fully investigated the matter, they are able to bring the right man before the court, so much the better for the truth. But, if the prisoner is found guilty, it is not the court and jury, but the police, who have found out the truth ; and in carrying out their difficult duty the police in whatever part of the British Empire they may be serving may be trusted loyally to uphold the principles so admirably expressed by the present Lord Chief Justice of England in *R. v. Dwyer* (1925), 2 K.B., 799 : ' It is the duty of the police to behave with exemplary fairness, remembering always that the Crown has no interest in securing a conviction but has an interest only in securing the conviction of the right person.'

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R. v. King.—Vol. 20, *Criminal Appeal Cases*, page 158.

In this case the appellant appealed against his conviction of warehouse-breaking, larceny, and receiving, upon the ground that from the answer to a question put by the Deputy Chairman, the Jury were led to believe that he was a man of bad character and might have been led to believe that he had previously been convicted, as indeed was the fact. The Court held that a conviction will not necessarily be quashed if, owing to the conduct of the defence, evidence is elicited tending to show that a defendant has been previously convicted, and the Lord Chief Justice pointed out that the evidence for the prosecution was strong, that the answer to the question would ' not necessarily ' have indicated to the Jury that the appellant had been convicted before and that if it was true that the questions and answers prejudiced the minds of the Jury the defendant was responsible and not the prosecution or the Court.

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In *R. v. McDonnell*, decided on the 13th January, 1928 in the Court of Criminal Appeal and reported on page 163 of Vol. 20 of *Criminal Appeal Cases*, the appellant was charged in two separate indictments : (1) for stealing a bicycle and (2) for stealing a parcel of clothing.

The case proceeded as if there had been two counts in one indictment and no one seems to have been aware of the existence of separate indictments. The Jury found the appellant guilty of stealing the bicycle but not guilty of stealing the clothing. The Court held that a simultaneous trial of two indictments is a nullity and quashed the conviction.

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In *R. v. Thomas* decided on the 6th February, 1928, reported on page 172, Vol. 20 of *Criminal Appeal Cases*, the appellant pleaded guilty at Cardiff to obtaining food by false pretences and was found guilty of larceny and of being a habitual criminal, and sentenced to three years' penal servitude and five years' preventive detention. He appealed against the sentence. The Court upheld the sentence and the Lord Chief Justice, whilst pointing out that the Court of Criminal Appeal had several times laid it down that penal servitude should not be imposed merely to qualify a prisoner for preventive detention, added that whilst the term of three years in itself might seem excessive, in all the circumstances the appellant, having recommenced his thieving within five days of his release from penal servitude and having thirteen previous convictions, had been suitably dealt with.

The head note to this case states that :

' In a clear case of recidivism, penal servitude may be inflicted as a primary sentence to found that of preventive detention.' It is difficult to reconcile this head note with the statement of the Lord Chief Justice relating to previous decisions.

Perhaps the greatest blemish on the Sections of the Prevention of Crimes Act, 1908, which deal with ' habitual criminals ' is the necessity for a sentence of penal servitude before a sentence of preventive detention can be passed. Almost all prisoners charged as habitual criminals are plainly recidivists, and it is to be hoped that the tendency in the future will be for the Court of Criminal Appeal to follow this last decision rather than examine too closely into the justification for a sentence of penal servitude for the particular crime committed as distinguished from the necessity for preventive detention for a criminal who has become ' habitual.'

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In *R. v. McCartney*, decided on the 27th February, 1928, and reported on page 179 of Vol. 20, *Criminal Appeal Cases*, the Court upheld the old rule that 'anyone who has seen a prisoner's writing (though only once) is a competent witness to identify the latter's handwriting.'

This rule has been of value to the police over and over again. It is not infrequent for the necessity for strict proof of a defendant's handwriting to arise. Often the fact is self evident but there is no witness available to prove it. In such circumstances it is usually easy to arrange for some police officer, who has seen the defendant write either in the police station or at the Court, to give the necessary evidence.

REVIEWS

THE TRIAL OF PATRICK MAHON. Edited by GEORGE DILNOT, with an Introduction by Edgar Wallace. 10s. 6d. net. (Famous Trials Series: Geoffrey Bles.)

IN the records of crime in England, in recent years at least, the murder of Emily Bealby Kaye stands out unique in the stark horror of its circumstances. This book contains a full account of the evidence given at the trial of Patrick Mahon at the Sussex Summer Assizes in 1924, and to police officers and others professionally concerned with the detection and trial of criminals it is of great educative value. The lay student of crime who finds fascination in gruesome narrative will appreciate the additional shudder furnished by Mr. Wallace in his introduction, in which he tells of 'an appalling crash of thunder and a violent flash of lightning,' followed by the opening of the dead eyes in the head of the murdered woman, which had been placed on the fire in Mahon's attempt to dispose of the remains. Mr. Wallace does not, however, quote his authority for this statement.

The brief account of Mahon's life given in the Introduction leaves the development of his criminality an inscrutable puzzle. 'His early mode of life,' Mr. Wallace tells us, 'is described as having been a model for all young men.' At twenty he married a girl who had been a friend of his school days. His known career of crime and infidelity started within a year of his marriage to this woman, whose heroic devotion throughout his iniquities is the one relieving feature in the repugnant story, though she it was who unwittingly brought to light the crime for which he suffered the death penalty.

The fact that he could still indulge his *penchant* for dallying with women with the guilt of murder and the fear of imminent detection upon him and the mutilated corpse of his victim in an adjoining room, indicates the amazingly abnormal mentality of Mahon; though his calculating intelligence in other directions would have sufficed to damn any efforts to save his neck on a plea of insanity.

THE TRIAL OF HARRY THAW. Edited by F. A. MACKENZIE. 10s. 6d. net.

THE PELTZER CASE. By GERARD HARRY. 10s. 6d. net. (Famous Trials Series: Geoffrey Bles.)

THESE two volumes are both interesting, and for different reasons. The murder of the famous American architect, Mr. Stanford White, by Harry Thaw, in June 1906, created an immense sensation at the time, and the prolonged legal proceedings which resulted kept the interest alive for many

subsequent years. From the purely Police point of view, the case had no features. The act was done openly in a place of public entertainment, and the only question that the Court had to decide was as to the state of Thaw's mind at the time, a question involving much sensational evidence as to the past life of Thaw, his wife and the murdered man.

To British readers, the real interest of the case lies in the profound difference between legal practice and procedure in the United States and this country. The divergence is very remarkable, having regard to the fact that the law of the two countries has a common origin of no very distant date. The first trial occupied eleven weeks and four days, and resulted in a disagreement of the jury. The first eight days of the trial were occupied entirely in selecting the jury, no less than 336 persons being examined before a panel could be formed. A number of alienists were called by both sides, and some idea of the latitude allowed by the Court may be judged by the fact that one 'question' put to an expert witness was twelve thousand words long and took an hour and a quarter to read out. After a second trial lasting only twenty-six days, a verdict of guilty but insane was returned, and Thaw was sent to a Criminal Asylum.

Having succeeded in establishing that Thaw was insane when the crime was committed, his lawyers immediately commenced proceedings in the Supreme Court for the purpose of establishing that he was now sane! These efforts continued for seven years without success, after which an escape from the asylum was planned and successfully carried out. The story of this episode is suitable for the cinema. Ultimately, in June 1915, his sanity was established in Court and he was released.

It is obvious that proceedings of such length and character could only be conducted by the lavish expenditure of money. Thaw's family were rich, and it was estimated that the case, from first to last, cost them about a million dollars, a large sum in those days. There is probably no country in which wealth cannot to some extent affect the chances of success in the Courts, but the degree to which it prolonged and complicated the proceedings in this instance provoked much comment in the United States as well as elsewhere. A book of 300 pages can only give a summary of these proceedings, and the greater part of it is occupied by an account of the first trial. Mr. Mackenzie's work is lucid and readable, but it is a pity that so common a term as *habeas corpus* should be constantly misspelt.

The second volume deals with the murder of Guillaume Bernays at Brussels in January 1882, and the trial and conviction of the two brothers Peltzer for committing it. The case was an extremely interesting and unusual one, not only from what may be called the detective standpoint, but also because of the psychological problem as to the division of responsibility between the two brothers, and the strange mentality of one, if not both, of them. It is not surprising that so strange and tragic a story should have given Paul Bourget the idea for one of his novels.

The author had special opportunities of elucidating these questions, owing to his personal knowledge of Leon Peltzer towards the end of his 30 years' imprisonment, and his efforts to procure his release. But, as in all dramas of this kind, much is left to conjecture. To those interested in such subjects this volume can safely be recommended.

THE TRIAL OF PROFESSOR WEBSTER. By GEORGE DILNOT. 1928. 10s. 6d. net. (Geoffrey Bles.)

It is easy to realize the sensation which must have been caused by the 'Boston Tragedy' in 1849, for, as the late H. B. Irving says in his masterly Essay

dealing with this case in his *Book of Remarkable Criminals*: 'It is not often that the gaunt spectre of murder invades the cloistered calm of academic life.'

This new publication gives an opportunity to follow the Trial in detail and it is interesting to notice how almost exactly the procedure followed that which would have been followed at that date in England; the only noticeable difference being that Professor Webster's statement from the dock followed immediately upon the Attorney-General's reply, instead of, as in Mrs. Maybrick's case, being made just before the speech of the late Sir Charles Russell (later Lord Chief Justice) for the Defence.

Mr. Dilnot in his introduction has obviously felt the difficulty of finding anything new to say, for nothing of any importance which can be said escaped the late Mr. H. B. Irving, including even the Dickens story which is printed in Appendix B. It is a pity that there is no acknowledgment of this Essay, which most certainly ought to be read by anyone who reads the Trial and which has obviously been read with great care by Mr. Dilnot.

A HANGMAN'S DIARY: BEING THE JOURNAL OF MASTER FRANZ SCHMIDT, PUBLIC EXECUTIONER OF NUREMBERG, 1573-1617. Edited by ALBRECHT KELLER and translated by C. CALVERT, B.A., and A. W. GRUNER, M.A. Demy 8vo. 1928. 10s. 6d. net. (Philip Allan & Co., Ltd.)

RATHER more than half of this volume is occupied by the diary of Master Schmidt, now for the first time available in an English translation. The diary consists of a record—brief, business-like, almost commonplace—of the executions carried out in Nuremberg during forty-four years, and of the victims' crimes. Often no details whatever are given, as in the opening entry: 'June 5th. Leonhardt Russ of Ceyern, a thief, hanged at Statt Steinach. Was my first execution.' Sometimes a fuller description of the crime is given, and some account of the evidence, the defence set up, or the demeanour of the culprit on the scaffold is added. But any personal note or reflection on the diarist's part is extremely rare. One pictures him a methodical and conscientious craftsman (a technical blunder or mishap at the execution is always recorded), who kept his record out of mere professional interest. In the result, the document is a grim one. The cases described are generally crimes of violence, often of a very revolting kind, and the effect is not much relieved by the constant conclusion of the entry with the words 'beheaded as a favour'—which of course means only that the more infamous death by hanging was remitted. There is, however, a complete absence of any truculence or barbarity in his attitude. Brutal though many of his tasks were, one does not detect any trace of the cynicism which such an employment might be expected to produce. On the contrary, he appears to have exerted himself, on at any rate one occasion, to mitigate the horrors he had to commit. The regular mode of death for women convicted of child-murder was drowning, which often involved prolonged cruelty, and Schmidt records that on one occasion when three were to be executed, he succeeded, with the aid of two priests, in arranging that they should be beheaded instead.

The first 100 pages of the book contain an interesting essay by one of the translators on the criminal procedure of the time, which still included the frequent use of torture. The explanation of its survival is the great importance attached by the Courts to confessions, in contrast to the caution with which they are nowadays regarded in this country, and the care taken to prevent their being extorted by 'third degree' methods. Apparently a confession extracted under torture was considered sufficient proof of guilt, even though it was inconsistent with the other evidence, and it is not surprising that under such a system the innocent were sometimes condemned.

There are points in the diary which we think might with advantage have been explained by annotations. What, for instance, is the meaning of the use by burglars of the hands of unborn children as candles? A detailed account of one or other of the trials recorded would also have been of much interest, for it is mentioned in the introduction that such materials are available. The book contains a number of reproductions of prints of contemporary Nuremberg.

PROBATION IN EUROPE. By T. W. TROUGHT, B.A., J.P., President of the National Association of Probation Officers. 1927. 7s. 6d. net. (Basil Blackwell, Oxford.)

THE essence of the probation scheme is given in the words of the National Probation Association of America and Canada, quoted by the author on p. 192 of this book:

'Probation, properly applied, is a tried and proven method of decreasing crime. By giving the courts the privilege of placing unconfirmed delinquents under the supervision of trained guardians, it substitutes effective guidance for unregulated freedom and prevents the confirming of anti-social trends resulting from unwise imprisonment.'

Mr. Trought apparently regards it as 'tried and proven' in England as well as America, for though he refuses to claim that probation, or education and probation are solely accountable for the reduction in the number of persons tried by the courts in England from 757,080 in 1908 to 614,713 in 1924, 'despite the growth in population during the period and the increase in the number of punishable offences which multiply alarmingly the avenues by which a delinquent may reach the court,' he points out as a significant fact that 'concurrently with the decrease in criminality the use of probation has advanced 100 per cent.'

He does not mention as a possible contributory cause of the reduction of prosecutions a growing reluctance of people 'to be bothered' about prosecuting for petty offences. I suggest this possibility, recalling the tag of a conversation I heard in a train some months ago between two men, farmers apparently, on the subject of fruit stealing by boys. 'What's the use of runnin' 'em in?' asked one. 'They just give 'em a jawin' and let 'em go.' 'Aye,' remarked the other, 'too much mealy-mouthed softness these days.' That was how these sufferers from petty larceny regarded the probation laws. Their view would doubtless have been different had they been concerned with saving one of their own children from the stigma of criminality or the confirmatory influence of prison associations. One could hardly expect them in their circumstances to regard probation from the philanthropic standpoint of those who, having studied the development of criminal character, recognize the fact that the automatic infliction of penalty on everyone proved guilty of infringing the law is of little, if any, value for reformatory purposes.

It is doubtful whether the English public, interested as it is in the sensationalism of crime, troubles its head much about measures which have for their ultimate object the decrease of crime and of the number of hardened criminals by reformatory as opposed to purely punitive treatment. I find it far from generally known even that the probation system in England is applicable to all offenders of any age, and not only to minors and first offenders. If Mr. Trought's book is not in a form likely to capture the fancy of the general reader, the wealth of information it contains can not fail to be of value to all concerned with or merely interested in this branch of humanitarian endeavour. The reader will learn what progress has been made in the benevolent treatment of unconfirmed delinquents in England

from the first step in 1878, through the progressive stages of the Probation Act of 1907, the Children's Act of 1908, etc., to the Criminal Justice Act of 1925, and can compare with the English system the details, if not the results, of the systems of most of the countries of Europe. A *questionnaire* addressed by Mr. Trought to thirty-one countries of Europe was answered by the majority; and the replies, together with supplementary information in many cases, form the bulk of the book. The author tells us it is neither possible nor desirable to estimate the relative efficiency of the probation system in the various countries; but such points as the varying ages at which the different countries demand criminal responsibility, the varying methods of probationary treatment, the varying arrangements for employing probation officers, etc., are themselves material for interesting comparison.

The title of the book would suggest the exclusion of any information regarding the probation system in America; but though the *questionnaire* was addressed only to European countries the author has much to say about America, having personally visited most of the probation departments of the U.S.A. during a visit to that country in 1925. He tells us in his preface that he was informed by President Coolidge that probation is not well understood by the people, and adds a suggestion that probation officers all over the world should take the President's timely hint and endeavour to transfer some of the 'faith and fire' within them to the rest of the public.

Police and Public: A New Test of Police Quality

By H. ALKER TRIPP

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WHEN, ninety-nine years ago, the first Police Force on modern lines was created, the pioneer body was faced with a test of quality. The test was quite uncommonly drastic, but the new force rendered a good account. To-day a test like in kind, though different in degree, faces the police forces of this country, a test from which they are not likely to emerge with credit save by enlistment of the virtues which stood them in good stead in 1829.

The test is already in being; and it has nothing in common with the 'Inquiries' which have at intervals occurred in the past. Time and again, a Royal Commission or Committee of Inquiry has resulted from some unusual happening, or from some debatable arrest which had set up a passing wave of popular distrust. The juncture reached at the moment has produced a problem of wider significance. The issue moreover has been complicated beforehand by a phase of social evolution at which it is necessary to glance.

I. A PRELIMINARY COMPLICATION

Since 1829, a change has occurred in popular mentality. Writing last year upon 'The Passing of the National Churches,' the Bishop of Durham touched upon the process; it is felt in every field:

'The triumph of democracy in the sphere of politics has synchronized with a profound change in human interests. . . . The citizens care less and less for liberty; more and more for equality.'

Liberty and equality, complete and entire, are not concurrently possible. The after-history of the French Revolution, and of the Russian Revolution in our own day, were not needed to establish that. The proposition is self evident.

The day of 'equality' is with us. Sad though the reflection may be, it is evident that we have passed the zenith of liberty in this country. From the days of Magna Charta, our fathers had fought for liberty; and liberty was achieved in this country with a fullness that became the envy of the world. We obtained, and we have forsaken, that meridian. 'The citizens care less and less for liberty, more and more for equality.'

Extreme manifestations of the changed mentality are of no practical concern in the present connection. Such are Socialism and Bolshevism, which involve a complete system of regimentation and control. William Morris's *News from Nowhere* even introduces sumptuary laws in the happy world to be. The individual again becomes an item, regulated for the welfare of the State, as in ancient Sparta or Germany before the War. If of course such systems ever materialize in England by process of law, the police will automatically become the executive instrument for their application. But they are not with us as yet.

For the present in England we have taken our regulative discipline in small doses. None the less the process has produced definite effects already, among which is a subtle change in the position of the police in the public eye. Even at the cost of being a little platitudinous, it is useful to examine and sketch these happenings.

For nearly a century the legislature has been busy building up a new body of regulative law, conditioning here, there, and everywhere the freedom of the individual. Voices were raised in protest. Buckle, for instance (*History of Civilisation*), denounced the whole idea, lock, stock and barrel. 'Law produces crime,' he said. Political legislation is imposed in 'a meddling spirit.' 'The best legislation abrogates former legislation.' 'To maintain order, to prevent the strong from oppressing the weak, and to adopt certain precautions respecting the public health are the only services which a

Government can render in the interests of civilization.' But Buckle and thinkers of like mind were swept aside; for better or worse, the nation decided to produce its multiplicity of regulations.

Having decided to bind itself so, the nation next entrusted to the police the enforcement of prohibitions. This nation of ours—as independent, high-spirited and freedom-loving a people as the world has ever seen—trussed itself up of its own free will, and handed over the whip to the police.

The situation preserves its own wide streak of humour. Ardently anxious that his neighbour, and the nation at large, be made to toe the line, the average Englishman is indignant to the point of fury when his own individual toe is affected. The hereditary freedom in the blood rebels. Corporately the public may demand restriction; individually it resents the smallest application of it. As 'all men think all men mortal but themselves,' so the individual thinks himself impeccable, but is for ever affirming that some other man 'ought to be prosecuted.' *Punch* summed up the situation with characteristic neatness, in the case of a young lady in a motor-car stopped by a constable. 'Were you speeding?' asks the constable. 'No,' is the reply, 'but I passed someone who was.'

Seen in these modern days, it is clear that the constable begins to present a great contrast with his popular counterpart of fifty years ago. At that period the constable was a heavy-footed guardian angel. To the average citizen he was a mere protector only. His was the large and generous figure which stood between the respectable citizen and every threat of disorder and crime. A person not disorderly nor criminal had neither dealings nor relations with him, save to demand his service if needed, or perhaps to bid him a civil good-night on his beat.

And now? the case is altered truly. Law after law of a regulative character has been handed out to the police. The police can have neither option nor sentiment in the matter; their portion in the scheme of things is decided for them.

The public, when not personally affected, applauds.

But the individuals whom the police have to coerce in matters of detail are by no means enthusiastic—and the latter category grows. On their mental horizon the constable figures as an agent of petty tyrannies. The sentiment, echoed by sympathetic friends, becomes in the aggregate quite a formidable body of opinion.

Not petty tyrants only, the police are also suspected of having lost their sense of perspective. *Punch* again summarizes a popular impression. A recent cartoon was entitled *The Mote and the Beam ; or the Preoccupations of Scotland Yard*. 'Wot about the cop, Bill?' asks the first burglar. 'We're all right,' says second ditto. 'E's too busy tickin' off that car to notice us.'

When the law is specific, and the police intervene only where facts are crystal-clear and a definite item of a code has been transgressed, the position of the police constable in the public eye ought not to be materially prejudiced. 'He can't help himself,' the reasonably-minded offender should admit; 'after all, he didn't make the law.' Unfortunately this is not the general attitude. The constable is saddled with a responsibility that belongs elsewhere. Unjustly he is accused of straining at a gnat and swallowing a camel. *De minimis curat lex*, says the public. After enforcing for a generation the detailed requirements of modern legislation, the constable has emerged with diminished credit in the public eye.

Mass psychology is rarely based upon processes of reason. Individual reactions to police coercion follow a regular scale, corresponding with the mentality of the individual. The person of balanced reason, at the top of the scale, acquits the constable entirely. The next in degree is the one who resents him as an agent of petty tyrannies. The next fails to see him as a subsidiary agent at all, but visualises him as an autocrat. The next considers him an antagonist as well, and so on. The majority, it is to be feared, falls into the lower categories. With the quick currency of idea in these days, the impression propagates itself that the constable is the antagonist, not the agent, of the public. Such alienation of sympathy would—in an extreme case—lead to complete estrangement between police and public.

The factor of public opinion is beyond all possibilities of forecast. History discloses its incorrigible fickleness. An observer, knowing what is known at a great police headquarters, is aware that the public's powers of reading between the lines can be singularly inadequate, and that public assessments of events sometimes do the public little credit.

Upon such a situation it is that the curtain has been rung up for the scene now staged—a scene in which the real quality of the police will be tested.

II. THE PROBLEM

It was no accident that both of the above-quoted passages from *Punch*, that mirror of public comment, relate to motor-cars. Motor-car law has brought a new stratum of the public into frequent relations with the police. The area of contact, and of potential friction in consequence, increases daily. Here then is the present problem:

- (a) With the general advent of the motor-car, the police have been put in the position of disciplining the general public to an extent almost unprecedented, and
- (b) the individual constable enters on the task already handicapped by having to some extent lost his reputation as a monument of stolid and tolerant commonsense and a barrier against interference with individual liberty. He is too often regarded as a busybody, a stickler for trifles—and none too discriminating a stickler at that.

The police must vindicate anew their quality in the public eye; but before proceeding to the problem of vindication, the terms and nature of the police mandate on this subject may be looked at.

Punch raises a good-humoured laugh about police preoccupations, and the newspapers publish indignant letters from motor-car owners, who demand that the constable should leave the motorist alone and concentrate on the burglar. The burglar has not yet been heard; but he too may enter

the lists ; and if he claims that, in the face of a toll of fourteen deaths a day on the roads of Great Britain, it is high time that the police give less attention to the protection of mere property and exert themselves more for the protection of life itself, what then is the answer ?

The answer is not in doubt. The public collectively will demand (*pace* the indignant letter writer) that the police—while not leaving the burglar alone—shall concentrate more and more on the motor-car.

The police are armed with legal instruments both new and old. The two exist side by side. It may be contended with a degree of justice that the 'trapping' of a motorist for travelling faster than twenty miles an hour on a straight, open, and empty road is an ideal example of arbitrary interference with conduct inherently harmless. That is as it may be. There is nothing new-fangled at all events about Section I of the Motor-Car Act, which deals with recklessness, negligence, and danger to the public. That section is merely an interpretation of what already subsisted in Common Law ; it deals with the endangering of the King's lieges, a matter of immemorial concern.

The ordinary British subject—if of thoughtful habit—must have profound respect for the qualities of our governmental system, with its correspondence of idea between those who respectively create, enforce, and obey the law. Our regulative laws are poles apart from the *verboten*s of pre-war Germany, where rules innumerable could be framed without regard to the sentiments of the governed, and enforced by direct coercion, with a like disregard, by a police impervious to public opinion. Our system of ventilating every new measure in a critical press, while Ministers are continuously gauging each tremor of the public pulse, presents (as a start) a contrast very complete. But that is not all. A relation of idea continues to exist between the public on the one hand and the authorities in executive control on the other, even after a measure has passed into law. The balance is remarkably sensitive ; and if legislation exceeds popular intention, a gradual correction of the balance commences. The Motor-Car Act of 1903 furnishes as good an example as could anywhere be found.

The advent of the motor-car had put a new face upon the problem of road transport. The Act of 1903, however, made no generous concessions in the matter of speed ; passed at a time when motorists were in the minority and unpopular, it still imposed draconian limits, which were enforced to the letter. A five pounds' fine for driving at twelve miles an hour in a ten mile limit was a commonplace twenty years ago, even for a first offence. To-day, Chief Constables are reported in the press as saying that they do not even resort to enforcement of speed limits at all. *Tempora mutantur !*

The change of the times, however,—to be strictly accurate—is not complete, but in process. The present condition is a phase only. Just as a compass-needle, after swinging in a wide arc, settles, so popular consciousness will gradually gravitate towards the measure of restriction to be ultimately predicated. Premature legislation would be futile ; but the period of waiting, none the less, has its own embarrassments. 'We cannot go on for years,' said Sir William Joynson-Hicks last year, 'with an increasing body of respectable citizens always breaking the law. It is not good for the law to be broken, and it is not good for the police, whose duty it is to see that the law is carried out.'

One of these days the needle of popular will, vacillating at present, will settle ; and the new enactment will follow. In the meantime, in the face of fourteen deaths a day, the police must enlist every resource of the law, and can spare no measure which really protects the public. Dangerous, reckless, and negligent driving are the elementary and anti-social offences. But the burden thrown upon the individual constable is extraordinarily heavy. He personally must assess the quality and extent of the danger or neglect ; standardisation is not possible.

In the London traffic area, moreover, he has yet further individual powers. Under Section IX of the London Traffic Act, 1924, for instance, his personal will in the matter of 'lines of traffic' is the criterion ; anyone infringing his direction commits an offence.

Here then comes the rub. Is the constable, the man himself, a person of such fibre and reliability that he can succeed

as a trustee of the public to the great extent required? 'Protection of society against dissidents' is his job. He must, by his own acumen, single out the persons who are dissidents at heart, and he must do it on the evidence of isolated happenings which are almost always arguable. Any littleness of outlook, any animus, any momentary shortness of temper, may render him unequal—in a particular case—to the trust imposed. The individual constable is on public trial to an extent hardly paralleled since the early days of police organization.

A few constables in every force are useless—or worse; there are black sheep in every fold. The police of England and Wales number more than 55,000; and, in a fold as large as that, some individuals are inevitably included who ought not to be there. No great body of human material, humanly recruited, could be without its percentage of undesirables, however stringent the rules of admission. The percentage in the police is undoubtedly low. Taking the police as a whole, the public are satisfied on the score of probity; the police honestly mean to do their honest best. But whether the wisdom of the police is always equal to their good will is another matter, and it is likely to be the question of the moment.

Only if convinced of the wisdom (or sound horse-sense) of the police, will the public continue to maintain their alliance and to give their full confidence. Upon that confidence the powers of control of the police are based. Estrangement from the public would mean impotence for the police. It is unnecessary to point out the social results of such a happening.

III. THE PARALLEL OF 1829

History repeats itself: in 1829 the first test arose from public suspicion that the interests of the police and public were not allied, and that the police were inclined to be petty tyrants, pin-pricking an unoffending public. In face of the possibilities of the present moment, the facts which gave rise to that antagonism, and the specifics which allayed it, can usefully be examined.

The position in 1829 is thus described by Melville Lee (*History of the Police in England*):

'The mildest form of police supervision was believed by many to necessitate the use of domiciliary visits, universal espionage, and official interference with the concerns of daily life. Men could not foresee the possibility of an armed constabulary keeping their hands off law-abiding citizens, and directing their energies solely against law-breakers. It has been said that, had the original police constables been first seen in their present head-dress, the result would have been dubious, but the glazed hat was just homely enough to save the situation.'

The Select Committee of 1822 had reported that it would be 'difficult to reconcile an effective system of police with that perfect freedom and exemption from interference which are the great privileges and blessings of society in this country.'

The new police of 1829 had to justify their creation and to vindicate their character. In 1830 the Commissioner thought 'it right to caution every man in the police force at a time when an attempt is made to create a strong prejudice against them, that they should do their duty with every possible moderation and forbearance.' Elsewhere, the Commissioner warned the police to show 'the most perfect civility at all times.'

But there was more. They must not only placate the public, but also enlist its sympathies. The police were only agents of the public, and should be acting in liaison with a vast body of allies against a minority of delinquents, offenders against a mutually-imposed standard. On this point specific orders were given. The following passage is from a later edition of General Orders, viz., of 1838: 'Every constable must remember that—if he do his duty in a quiet and determined manner—such conduct will probably induce well disposed bystanders to assist him, should he require it.' In the case of felony, it is a punishable offence if the bystander fails to do so.

The police were thus told to act civilly, moderately, and

in concert with the public. The same direction has consistently been given ever since. In 1908 the Royal Commission again stressed the fact 'in dealing with a people in which the sentiment of liberty is so ingrained and intolerance of authority so marked as is the case in this country, that executive power should be used in as wise and as gentle a manner as is consistent with the maintenance of public order.'

'Moderation in warfare is imbecility,' said Lord Fisher. Moderation in police work is the very substance of policy. Drastic severity is always in reserve: it is reserved for the self-declared enemy of society. All others—though technical offenders—are entitled to be handled (as it were) with kid gloves.

IV. ALLIANCE WITH THE PUBLIC

At the present hour the toll of mortality from motor traffic presents, to the Government and the nation, an even greater problem than did the mortality from railway accidents in the mid-nineteenth century. Mechanical safeguards solved the latter problem, police enterprise and control are the factors for solving the former—if the public still decline to solve it for themselves (as they might in great part) by their individual behaviour. Self-seeking, reckless, and unstable drivers must be put down with a heavy hand; they represent an anti-social minority and must be suppressed by the police in alliance with the vast majority. That alliance is all-important. And the cementing and retention of it depends upon the individual sagacity of 55,000 individual policemen in England and Wales.

Take an example. Take the case of some law-abiding man, who is conscious all the time that he owes it to himself and the public to drive with rigorous care, and who does in fact drive with decency and circumspection. This man may on some occasion fail to comply with the wishes of a constable, possibly through the constable on his side having failed to make those wishes adequately clear. The police apply for a summons; a conviction is obtained and a fine imposed. That conviction may figure in a list of convictions as showing police activity, but it is not a score to the credit of the police;

on the contrary, it is a black mark, a failure. A staunch ally has been needlessly estranged.

It is easy to exaggerate the picture, but the possibilities of the future can perhaps be visualised by noting the tendencies of the moment, and then following them up in thought to their logical conclusion. Given the power (and new traffic legislation tends to give more and more power to the constable's elbow) it would be comparatively easy for the police to become officious upholders of the law to the point of despotism. That, however, would bring its own reaction. Just as undue officiousness in 1829 would have led to the breakdown of Peel's experiment, perhaps even to disbandment of his new police, so undue coercion of the public in the twentieth century would bring about a drastic curtailment of police power, thus throwing the whole problem into the melting pot. The British public—it is likely—would suffer a toll of a hundred deaths a day rather than submit itself to police dictation of an oppressive order. Some other policy, and some other agency perhaps, would then have to be invoked, after the failure of the police.

Returning to fact, it is tolerably certain that no failure will occur. If, as in 1829, the existence and urgency of the problem is recognized; if, as in 1829, the alliance with the public is strictly kept; then, as in 1829, the police will do more than maintain their own position; they will consolidate it.

Scottish Criminal Procedure Comparatively Considered

By ANDREW DEWAR GIBB, LL.B.

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THERE are few branches of the law in which the legal system of Scotland does not differ profoundly from that of England, and to this rule the criminal law of the two countries affords no exception. So strange to one another are these two systems that for many purposes Scotland and England are by English and Scottish lawyers treated as falling within the sense of the term 'foreign country.' It will therefore be necessary, in giving some account of Scottish procedure in criminal matters, to explain briefly the structure and powers of those courts in which the criminal law is administered.

The highest criminal court in Scotland is known as the High Court of Justiciary, commonly referred to as the High Court, a phrase which does not in Scotland, as it does in England, refer to the supreme civil court. The judges of that court are the Lord Justice-General of Scotland (who in his civil capacity is Lord President of the Court of Session), the Lord Justice-Clerk, and eleven other judges. They try, on indictment, the most serious crimes known to the law and they have an exclusive jurisdiction in murder, rape, deforcement of messengers, breach of duty by magistrates, and corrupt disclosure of official secrets.

The usual constitution of a court is, as in an English Assize Court, a judge and jury. But it should be noticed that the jury consists of fifteen members and that there is no grand jury. The want of a grand jury has never been felt in Scotland (nor, indeed, in Continental countries); and it is very much to be doubted whether its re-introduction in England after the war was a step which in any way whatsoever improved

the administration of justice. The High Court, in the form of Circuit Courts (the term 'assizes' is not used) may sit at any of the circuit towns throughout Scotland.

In addition to its functions as a criminal court of first instance, the High Court of Justiciary also possesses an appellate jurisdiction. A limited jurisdiction to hear appeals on matters of law has, under a variety of names, long been vested in the court. This, however, only applied in the case of appeals from inferior courts, and in the High Court of Justiciary sentence was final. That state of matters was altered in 1926, when the Criminal Appeal Act was passed, setting up for Scotland a Court of Criminal Appeal, with very much the same powers as are possessed by the Court of Criminal Appeal in England. But neither under the Act nor at common law is there any appeal from the High Court to the House of Lords.

Descending in the scale of dignity the next court is the Sheriff Court. The Sheriff in Scotland is a totally different person from the Sheriff in England, although in the distant past these two exercised the same functions. The Scottish Sheriff-Substitute (an ungainly title, which conceals his importance) has an almost unlimited civil jurisdiction, and a very important criminal one. In civil matters appeal lies from him to the Sheriff-Principal, but in criminal matters he and the Sheriff-Principal exercise their functions interchangeably. For the most part, however, the work is done by the Sheriff-Substitute, who is resident locally. He can try all offences, except those enumerated above as exclusively within the province of the High Court, and he can punish by the infliction of imprisonment for two years. He has no right to sentence to penal servitude, but can remit prisoners to the High Court for sentence if in his opinion they merit penal servitude. The Sheriff has jurisdiction to try with and without a jury, but when sitting to try offences summarily he can sentence only to a maximum of six months' imprisonment. The English lawyer will best appreciate the position of the Sheriff as a judge of crime by thinking of him as occupying a position roughly—very roughly—equivalent to that of a Recorder or Chairman of Quarter Sessions. The Courts of Quarter Sessions in Scotland are a somewhat languishing

plant, save in licensing matters. Nominally, they hear appeals from Petty Sessions, but in practice appeals are not common. The High Court and the Sheriff Court are the only courts in Scotland which have power to try on indictment, the Sheriff as we have seen having also a summary jurisdiction.

The remaining courts of summary jurisdiction are the Burgh Police Courts and Justice of the Peace Courts, and the Court of the Bailie of the River and Firth of Clyde. Their jurisdiction is limited to imposing a fine of £10 or a sentence of sixty days' imprisonment. Naturally they are concerned principally with petty offences and can deal with serious charges only by way of remitting to the Sheriff the persons charged. English readers will do well to remember that by the term 'police court' in Scotland is invariably meant the Burgh Court, in which the judges are not justices of the peace but magistrates of the Burgh. The police courts in counties are 'manned,' so to speak, by justices, but curiously enough they are never referred to as 'police courts,' but always as Justice of the Peace Courts.* One word more with regard to the courts. The Coroner is unknown in Scotland. We shall see later to what extent and in what manner the duties which the Coroner in England performs are performed in Scotland.

Before attempting to describe the mode of criminal procedure according to the law of Scotland some account must be given of the system of prosecution, which differs so widely from the system which prevails in England. In a recent admirable article in this Journal (July 1928), Sir Archibald Bodkin has dealt with the office and functions of the Director of Public Prosecutions. There is no official of that name in Scotland. The Lord Advocate, the principal law-officer of the Crown, is charged with the duty of the prosecution of all crime committed in Scotland, and this duty he discharges principally through subordinates, who like himself are paid servants of the Crown. In fact there is in Scotland a well ordered, symmetrical, and efficient system for the public prosecution of crime. The private prosecutor who still so greatly flourishes in England is almost unknown in Scotland.

In theory, any person injured has, in Scotland as in England, the right to prosecute, but such a thing is now almost

unheard of.¹ As a condition of a private prosecution, the concurrence of the Lord Advocate must be obtained, and the High Court has the right either to order him to grant his concurrence or to permit the private prosecutor to proceed without it. Only one case, it seems, that of *J. & P. Coats Ltd. v. Brown* (1909 S.C. (J). 29), has been brought in the last century to compel the Lord Advocate to concur in a private prosecution. It will be observed that there is a great difference in the theory as well as in the practice of the Scots and English systems, in that the private prosecutor in Scotland can only prosecute, if at all, in cases where he has suffered injury. That is not the theory in England. There every citizen is entitled—apart from hampering statutes—to prosecute any offender whether he himself be specially affected or not. It may occur to the reader that in these latter days, at least in cases where the private citizen is not specially affected, the direction of public prosecutions should be confined to the public authorities. No doubt that is how the matter works out in English practice. But in England the individual is, as Sir A. Bodkin's recent article showed, left to his right of private prosecution, with all its risks, in a great range of cases. This is perhaps hardly consonant with the theory of crime as an offence against the State and certainly imposes a grievous burden on the individual. So far as Scotland is concerned the following tribute to the system of public prosecution by an eminent Scottish Judge (Lord McLaren) may be found of interest. In his judgment in the case of *Coats v. Brown* (*supra*) he used these words: 'The investigation of crime under the Lord Advocate's Department has been so efficiently performed and the confidence which the public has uniformly extended to the administrators of this department of State has been such that the right of private prosecution has ceased to be of any practical importance in our criminal law.'

In Scotland the investigation into the desirability of prosecuting an offender lies in the first instance with the Procurator-Fiscal. One of these officials is attached to every

¹ There are some exceptions, where, by statute, a right to prosecute is given to such public or semi-public bodies as railway companies, fishery boards, etc., but these are summary prosecutions.

Sheriff Court in the country. In all the inferior courts, too, there is a public prosecutor (often erroneously styled Procurator-Fiscal). In the event of a crime being committed in a burgh or county the police will lay a report before the Burgh Prosecutor or Fiscal of the Peace, who will, if he thinks fit, prosecute the offender. He himself will appear in court and conduct the prosecution. But if the offence is not one within the scope of the magistrates' jurisdiction, then the magistrates remit the case to the Sheriff, when the Procurator-Fiscal will take up the prosecution. Or it may be that the offence is one obviously of such gravity that the matter is brought before the notice of the Procurator-Fiscal in the first instance. It then becomes his duty to make an immediate and exhaustive investigation into the case. He must arrange for the arrest of suspected persons where necessary: for the holding of a post-mortem: for the taking of dying depositions, and so on. While he may, of course, to some extent employ subordinates, and also the police, he ought, personally or by his deputy, to take what is called the 'precognition' or statement of a witness. It will probably be conceded that the handling of this difficult task is best left in the hands of an official who is almost always a professional man: who is not identified with the civil authority which is charged with the duty of making arrests, and who is thus immune from temptation to strain his powers in an effort to justify arrest.

Upon the conclusion of his investigation, unless the crime be one which must obviously be tried in the Sheriff Court, the Procurator-Fiscal sends a report of the case to the Crown Agent in Edinburgh. He in turn submits it to any one of the four Advocates-Depute in whose district the case has arisen. The Advocates-Depute are advocates appointed by the Lord Advocate to act under him in the execution of his duties. Upon receiving the report the Advocate-Depute, possibly after consultation with the Lord Advocate or Solicitor-General, decides whether a prosecution shall take place, and if so he decides in what court it is to proceed. These elaborate and carefully conducted preliminaries are an ample guarantee that the non-existence of a grand jury implies no defect in Scottish criminal jurisprudence.

Here it should be observed that while there is no coroner in Scotland, the law of Scotland is not so defective that no provision is made for inquiring into cases of sudden or suspicious death. In the case of industrial accidents statutory provision is made for the holding by Sheriff and jury of an inquiry at the instance of the Procurator-Fiscal. In the case of death caused by non-industrial accidents and in any cases of suspicious death, the Procurator-Fiscal is charged with the duty of inquiry. The Lord Advocate may also, in the case of death by a non-industrial accident, order a public inquiry to be held. In conducting these inquiries the Procurator-Fiscal acts upon the instructions of Crown counsel. It will be obvious therefore that the public interests in Scotland are, despite the non-existence of the coroner, adequately safeguarded by the system in vogue.

Before leaving the Procurator-Fiscal and his duties it will be well to consider what powers he enjoys in the conduct of his investigation of a crime and in the taking of the precognitions. The Savidge case has recently drawn the attention of the English public to the system of investigating cases of alleged crime in England; and, in particular, attention has been drawn to the fact that there exists no method by which, previously to the launching of proceedings, a person can be compelled to submit to interrogation by officials as to his knowledge of a crime. The law is otherwise in Scotland. There the Procurator-Fiscal has the power, by applying to the magistrate, of compelling witnesses to attend for the purpose of precognition, and if they are obdurate, they may be committed to prison. In practice, however, it is unusual for the Procurator-Fiscal to exercise his undoubted right to coerce an unwilling witness. If the person examined is one who would be a competent witness at the trial, he may be examined on oath. It is not proper, and it is not the practice, to examine a person who may be charged in respect of the offence committed.

The following procedure ensues when it has been decided to launch a prosecution on a charge which necessitates a trial on indictment. First of all, the Procurator-Fiscal presents to a magistrate a petition for warrant to arrest, and the prisoner

once arrested, is brought before the Sheriff-Substitute for the purpose, in Scottish parlance, of 'emitting a declaration.' This is simply an opportunity (which he is quite free to decline) of giving his explanation of what has happened. The accused is entitled to have his lawyer present at the proceedings, which are *in camera*; but the functions of the lawyer are purely advisory and he has no right to be heard. After this judicial examination the accused is committed to prison either for further examination or until he is liberated in due course of law. He may now make his application for bail. In the meantime the indictment is prepared and, together with a list of the productions (exhibits) and of the witnesses to be called for the Crown, is served upon the prisoner. In passing, it may be noticed that the form of a Scottish indictment differs from that of an English indictment. It informs the prisoner that 'you are indicted at the instance of the Right Honourable William Watson, His Majesty's Advocate, and the charge against you is, etc.' An indictment in the High Court is signed by the Lord Advocate or an Advocate-Depute: in the Sheriff Court by the Procurator-Fiscal by authority of His Majesty's Advocate. A Scottish indictment is therefore always before the prosecuting advocate from the outset. It is an everyday occurrence in England for a case to proceed to a close without either side ever seeing the indictment, whose form is uncertain until the grand jury finds a true bill.

A characteristic of Scottish procedure is that before trial there are really two preliminary hearings for limited purposes, not, as in England, one full magisterial hearing in addition to the *ex parte* hearing by the grand jury or possibly an inquest.

The judicial examination has been noticed. Now, after service of the indictment, comes the First or Pleading Diet. The purposes of this diet, or hearing, is, as its name indicates, the ascertainment of how the accused is to plead. If he pleads guilty, the plea is taken in writing and signed by the accused. At this hearing, too, the accused is bound to state any objections to the competency of the proceedings, to plead any pleas in bar of trial, and to give notice of any special defences, such as an alibi or self-defence. Thus some notice is given to the prosecution of what the case for the prisoner will be, just as

in England the record of proceedings before the magistrates often (though by no means always) indicates the line of defence.

But the law of Scotland (unlike English law) compels a prisoner at least three days before the trial to give notice also of any witnesses or productions, not included in the lists attached to the indictment, whom he proposes to call or put in evidence on the trial of the charge. It should be observed that whether the trial proper is before the High Court or the Sheriff Court, the pleading diet always takes place in the Sheriff Court.

If now the prisoner at the pleading diet pleads guilty, he is required to sign his plea (which is also signed by the Sheriff) and he may then be sentenced by the Sheriff or sent for sentence to the High Court, according to the circumstances of the case. One very useful provision of the law of Scotland is that if a prisoner on committal notifies that he intends to plead guilty and desires an accelerated hearing of his case, then the indictment is prepared without lists of witnesses and productions and served on the prisoner, and the case is disposed of more speedily than would otherwise have been the case.

If the prisoner pleads not guilty, he is then tried at the Diet of Trial or Second Diet. A Scottish trial differs in many ways from an English, but the spirit in which the proceedings are conducted is very similar. Scotland has, in legal matters, based her procedure mainly upon Roman and Continental models. Some trace of the Continental practice is to be seen in the preliminary hearing *in camera* before the magistrate, though from what has been said above it will be obvious that the Scottish procedure has been shorn of all that the British lawyer conceives to be objectionable in the judicial inquisition abroad. In the fair play given to the accused; in applying the principle that the prosecutor is rather an official laying facts before the court than an advocate; and in applying the principle that the onus of proving the prisoner's guilt is on the prosecution, the Scottish courts are no whit behind the English. The English spectator, however, of a Scottish trial would observe some remarkable differences in procedure. These may be summarized as follows:

(1) In Scotland the jury numbers fifteen, made up of five special and ten common jurors.

(2) The oath is administered to the jury *en bloc*, all the members standing with uplifted hand. This saves time. In England it is the practice to swear jurymen differently according as the case is one of felony or misdemeanour—a distinction unknown in Scotland; and in swearing for a felony each juror takes the oath separately.

(3) Before the trial begins the issue is clarified for the jury by the Clerk of Court reading to them any special defence of which notice has been duly given. This is probably of considerable assistance to a jury.

(4) The order of counsel's speeches differs from the order observed in England. This eliminates a grand point in tactics, namely, manoeuvring for the last word. In England it is necessary often for counsel for the defence to make a difficult choice between not calling his client and having the last word, and calling his client and losing the last word. In Scotland he is spared this dilemma, since the advocate for the prisoner speaks last. It must not be overlooked that in England when the Attorney-General or Solicitor-General is prosecuting in person, he is entitled to the last word, irrespective of what may have happened in regard to calling witnesses for the defence.

(5) The one peculiarity about a Scottish criminal trial that is familiar to most English lawyers is that in addition to the two usual verdicts of 'guilty' or 'not guilty' it is open to the jury to find a verdict of 'not proven.' Opinions have fluctuated much as to the desirability of such a verdict; but inasmuch as the theory of the law of Scotland, no less than of English law, is that the burden of proof is on the prosecution, it seems fairer to a prisoner to say that on the Crown failing to discharge that burden the prisoner is entitled not only to be liberated, but also to a verdict literally and verbally consistent with such a liberation.

(6) The verdict may be by a simple majority of the jury. Such, it may be recalled, was the verdict in the much discussed case of Oscar Slater.

(7) It is essential before the judge pronounces sentence for the prosecuting counsel to 'move' for sentence.

(8) One of the features of an English trial which is quite

incomprehensible to the Scots lawyer is the practice of putting into the witness-box, after a prisoner has been found guilty, a police-officer who proceeds to give for the judge's benefit a more or less complete account of the prisoner's life, often beginning with his school-days. The idea of this is to assist the judge; but in most cases it is of course pure hearsay, and is open to all the objections to which hearsay evidence is open. Records of previous convictions are one thing (and the Scottish judge has these by him), but a long statement as to police opinions and suspicions is quite another matter. A prisoner who has no legal assistance is completely at a loss in face of this torrent of observations, and it may not all be founded on fact. The prisoner has a right to question the officer, but as he has no warning and no time to take notes, the questions are usually either not forthcoming at all or completely futile. This practice is wholly unknown in Scotland, where it strikes the legal profession as irregular and unfair.

(9) There is another aftermath of conviction which is fairly common in England but unknown in Scotland. That is the practice of asking a convicted prisoner whether he desires that the judge, in deciding upon his sentence, shall take into account any warrants that may be outstanding against him for other alleged offences. If the prisoner so desires, the judge will consider them in passing sentence, and this has the result that the prisoner will not be put on his trial for them. Some years ago (1914) this English practice was subjected to a somewhat fiery test in the Scottish Courts in a case which it may be of interest to recall. In that case a person called Easson was convicted of an offence of dishonesty at Wakefield (Yorkshire) Quarter Sessions. At the time of his conviction he was wanted for obtaining goods by false pretences at Jedburgh in Scotland, and the Chairman at Wakefield took the Jedburgh warrant into account in passing sentence on him. Later on, however, Easson was brought to Jedburgh and was there duly tried and convicted. At the trial he had unsuccessfully taken the plea that he had already 'tholed' an assize, *i.e.* that he had been *autrefois convict*. He therefore appealed against his conviction. The appeal failed, and in the course of his judgment the Lord Justice-General (Lord Strathclyde) said: 'There was no trial

at Wakefield and there could be no trial at Wakefield (*i.e.* for the Jedburgh offence); for there was no prosecutor at Wakefield, there was no accused at Wakefield, there was no complaint at Wakefield, and there was no court of competent jurisdiction at Wakefield. . . . The procedure might just as well have taken place before the Town Council or the Chamber of Commerce for that matter.' The practice has possibly something to commend it, but after this English Courts will not be likely to adopt it in the case of Scottish warrants.

So much for procedure on indictment. A word or two may be said here as to summary procedure in Scotland. The distinction is of course one which is equally familiar in England and in Scotland. The courts of summary jurisdiction have been mentioned above. Proceedings are begun by complaint. Unless it is desired to apprehend the person proposed to be charged, no application to a magistrate, as in England, is needed. The prosecutor prepares his complaint in statutory form and causes it to be served upon the offender. Apprehension may, of course, follow later if the accused fails to answer to the complaint. In some exceptional cases, where English example has been followed, it is necessary that there should be an 'oath of verity' sworn before a warrant is issued. It is for the prosecution to decide, in accordance with the powers of sentence possessed by the various courts and any statutory limitations on those powers, in what court a prosecution should proceed. But every court of inferior jurisdiction has the power at any time (even during a trial) of remitting a case to a higher court to be dealt with. The English reader will in this connection miss the alternative of trial by jury so carefully preserved to the prisoner during the police court stage in the case of indictable offences. But the Criminal Justice Act of 1925 has considerably increased the number of offences triable summarily. As Professor Kenny, in the last edition of his *Outlines of Criminal Law*, states (at p. 439) that six-sevenths of all the trials for indictable offences take place at petty sessions, it is pretty plain that trial by jury, with its unpleasant concomitants of imprisonment while awaiting trial and the risk of a higher sentence than the magistrates can

inflict, is a boon which the great majority of prisoners is content to forego.

It is not necessary to enter upon a particular account of a summary hearing. In the main it follows, *mutatis mutandis*, the same course as a trial on indictment. There is only one diet and that the diet of hearing, although there may be an adjournment after the accused is first brought before the court. It is of interest to note that so wary is the law of Scotland as to the defence of *alibi* that it is provided by statute that even in summary procedure the prisoner 'shall be bound to give notice thereof to the prosecutor with particulars as to time and place and of the witnesses by whom it is proposed to prove it prior to the examination of the first witness for the prosecution.'

Such in outline is the system of criminal procedure in vogue in Scotland. It differs so materially from that of England as to be truly a foreign system, and lawyers from either country should be chary of comment on the methods approved in the other. Viewed in this light it may be said that the opinion of Lord Strathclyde, referred to above, was too strongly expressed. In conclusion it may be interesting to notice a main tendency which distinguishes the English system from the Scottish, namely, an anxious straining after freedom which manifests itself in a number of directions. To take three examples, chosen from what has gone before. First, the right of the individual to prosecute. The English system may be said to favour freedom, while the Scottish is rather official and bureaucratic. Theoretically there may be a great deal in this, as, for example, if one can conceive of a corrupt officialdom. But even as a matter of theory, the Scots lawyer would point to the power to compel the Lord Advocate to grant facilities to the individual to prosecute, and as a matter of fact would maintain that the Scottish plan meets with the entire approval of the people of Scotland, who trust implicitly to the thorough training and high sense of public duty which are characteristic of the public prosecutors. In England, on the other hand, the unrestricted right of the individual to prosecute has lent itself to abuse and has had to be very substantially curbed by the Vexatious Indictments Act. Secondly,

the grand jury system is a popular plan designed in the interests of freedom to leave to a jury of the people the say as to whether or not a prosecution shall take place. In Scotland, on the other hand, despite popular disapproval a prosecution may be persisted in. But notice (a) that considerable potentialities of prosecution without the intervention of a grand jury lie in proceedings by way of *ex officio* information and information by the Master of the Crown Office ; and (b) that the existence of a grand jury did not prevent the recent and much canvassed prosecution of the woman Pace for murder. And lastly, the option given to the prisoner in England of trial by a jury rather than by magistrates may be referred to as an instance of the same tendency. As we have seen, this is a privilege of the Englishman which he seems ever more and more reluctant to turn to account !

It is apparent, therefore, that, despite enormous initial differences, the tendency of each system is to work to produce results which are not, after all, very different. English criminal law and procedure have recently been subjected to the crude but sometimes shrewd enough test of public discussion ; and it has been found that in certain quarters considerable dissatisfaction exists. It may be that as a result of recent cases changes will take place in the scheme of English procedure. On balance, the law of Scotland has been far more extensively influenced by the law of England than *vice versa*. But of late there has been a tendency to reverse this process, and Scottish lawyers are of opinion that there is no reason why this beneficent process should be one-sided. If, therefore, Parliament is minded to make changes in the English law, it is to be hoped that due consideration will be given to some at least of the methods which have commended themselves in Scotland and whose introduction seems at first sight calculated to solve difficulties which have arisen in England.

The British South Africa Police in Southern Rhodesia

HISTORY, PRESENT ORGANIZATION AND WORK

BY LIEUTENANT J. H. STANLEY ADAM

B.S.A. Police

WHEN the dispatch of the first band of pioneers for the colonization of Mashonaland was finally decided upon in 1890, it was the original intention of Cecil Rhodes to take advantage of the existing organization of the Bechuanaland Border Police, and to provide the cost of extra squadrons to serve as escort to a number of picked men who should serve as first settlers in the new territory. Subsequently, it was thought better for the British South Africa Company (to whom a Royal Charter had been granted in 1889) to provide their own military forces, and the Government authorized the enrolment of a special police force to escort the working party to Mashonaland, and afterwards to assist in preserving law and order. Lobengula, the ruler of the Matabele tribe, who had made a treaty with the High Commissioner for South Africa in 1888, promised in 1890 to give free passage to Mashonaland.

The 'Pioneers'—two hundred in number—were men mainly recruited from S. Africa, rough and hardy, and their task was to cut the road to Mashonaland. On the completion of this object, they were to be granted certain land and mineral rights : until then, they were to form a Corps under military discipline. The 'British South Africa Company's Police' of five hundred were enrolled with practically the same object, but as they were to be employed in the first instance on strictly military duties, they attested for a fixed period of service. In 1890, recruiting for both Police and Pioneers proceeded apace, and so great was the eagerness to join, that

recruits were only admitted after careful selection. It is safe to say that no finer picked corps than the B.S.A. Company's Police and the Mashonaland Pioneers has ever been raised.

The base camp of the expedition was at the Macloutsie River, near Tuli, and Lieut.-Colonel E. G. Pennefather (of the 6th Dragoons) was in supreme command. The forward movement was made on 27th June, 1890, when the Pioneers forded the Macloutsie, followed by the main body of the Police, three hundred strong, the remainder being left at Macloutsie to follow later as a rear guard. Frederick Courtenay Selous, the famous hunter and explorer, accompanied the column as guide and scout.

There is no space here to detail the difficulties and dangers encountered and overcome by this tiny force, pushing into a country filled with hostile tribes, and confronted with the dangers of malaria and the dreaded tsetse fly. Although there were few striking incidents, the labour of getting transport through low-lying and bush-covered veld was tremendous, and throughout the trip there hung the menace of an attack in force by the impis of the Matabele. Small parties of these were seen from time to time, but an attack never eventuated, and the little force, unmolested, was able to gain the high veld, and in September reach the spot which is now known as Salisbury. Formal possession of Mashonaland was taken in the name of the Queen on the 12th September, 1890.

One is apt to lose sight of the fact that Rhodes' activities were not entirely confined to the occupation of Mashonaland. His far-seeing intellect swept further ahead. A great deal of discussion had been raging, with claim and counterclaim, as to the overlordship of Manicaland, a country of fertile highlands lying to the east of the Sabi River, the acquisition of which, Rhodes undoubtedly hoped, would carry the boundaries of this colony to the sea. The Portuguese claimed that Umtasa, the Chief, was their vassal, a contention which was denied by that chief himself in an interview with the Chartered Company's agent, who seized the occasion for obtaining a valuable concession from the vacillating chief, a concession which he was determined should not be withdrawn. It was resolved that a force of police should be sent to Umtasa's kraal; but the

number sent was ridiculously small and really quite inadequate for the purpose, a fact which does not seem to have worried its intrepid commander, Major Forbes. This officer sent one of his subalterns to the Portuguese at Macequece requesting them to withdraw, a proposal which they affected to treat with scorn. They advanced with a considerable armed native force to Umtasa's kraal, where they compelled that time-serving chieftain to grant them a further concession and to fly their country's flag. It was at this moment that Forbes with his handful of men arrived, but slightly reinforced by a small body of police from Salisbury. Unperturbed by the protests of the Portuguese he placed them under arrest, and with his small force disarmed their followers and expelled them from the country.

Forbes followed up this imperious stroke by a demonstration to the east, with the hope of acquiring further territory from the petty chiefs near the coast. Full of these ambitious ideas he pushed steadily eastward, making treaties as he went. His total force at this time has been variously estimated; it was undoubtedly small and quite out of keeping with the hopes of its commander, hopes which eventually aspired to the capture of the port of Beira; and there is no reason to doubt that this now important seaport would have fallen to this body of B.S.A. Company's police, had they not been overtaken by peremptory orders to fall back. It must be remembered, a fact which the intrepid Major probably overlooked, or perhaps conveniently forgot, that the exigencies of European politics had to be considered. In November 1890, an agreement had been come to between Britain and Portugal, whereby the *status quo ante* was re-established for six months. Although much of Forbes' work with his police was thereby undone, Manicaland proper remains in this colony to this day, and the police may fairly claim that they were of material assistance in effecting this territorial acquisition.

In 1892, the force was changed into civil police, and for the first time outstations were formed at Charter, Hartley, Mazoe, Marandellas, Lomagundi and Melsetter, in addition to those already established at Victoria, Umtali and Salisbury. The name of the force was altered to 'The Mashonaland

Mounted Police.' A small force of town police was formed under an inspector from Kimberley.

We now come to the Matabele War. The history of South Africa shows that it is impossible for European civilization and native barbarism to exist, side by side, without a clash. It was inevitable that a conflict should ensue sooner or later, and it was just as well that it came about early and in circumstances which are entirely free from discredit to our countrymen. Every effort had been made to avoid conflict with the Matabele, and all serious difficulties were avoided until 1893, when a Matabele impi raided the township of Victoria, assegaing the servants of the settlers, unfortunate Mashonas whose kraals in the vicinity had already been destroyed and their inhabitants butchered. In spite of this outrage, negotiations were entered into with the Matabele, who, ill-controlled by their chiefs, treated them with scorn, and afterwards fired on a body of the police.

Instructions were then given to take all necessary steps for the protection of the settlers. A strong force, in which the Mashonaland Mounted Police were included and which contained practically every able-bodied man in the country, was concentrated at various points, and eventually marched on Bulawayo, the capital of the Matabele. There is no space to trace here the work done by the corps during this war, nor to follow the operations which finally sent Lobengula, the chieftain of the Matabele, flying as a fugitive, while the Europeans occupied his erstwhile capital. But mention cannot be omitted of that gallant stand made by Major Wilson and his men at Shangani, when his little force, part of a larger body which had been following up the flying 'king,' was entrapped and surrounded by the Matabele, and killed to the last man. It is recorded that the few remaining men stood up and sang before the final overwhelming charge of the impis, and certain it is that the greatest wonder and admiration was expressed afterwards by the natives at the indomitable courage and fighting prowess of these white men. Englishmen may well feel proud of these their countrymen, who achieved a record of heroism worthy to be placed amongst the highest in the annals of the race.

In 1893, after the occupation of Matabeleland, a separate division was formed in that part of the colony, and the name of the force was again changed to 'The Rhodesia Mounted Police.'

The atmosphere in Rhodesia at the close of 1895 was one of confident security, when suddenly, from a quite unexpected quarter, came an explosion which shook not only Rhodesia but the whole sub-continent, and even the Empire. On the 29th December, the Administrator, Dr. Starr Jameson, left Rhodesia at the head of five hundred men, composed mainly of Rhodesian and Bechuanaland Police, and broke into the Transvaal. A few days later it was known that he had been defeated by the Boers in his attempt to force his way to Johannesburg in aid of the 'Uitlanders,' who failed to support him in any manner. This famous and most unfortunate Raid was but slightly redeemed by the daring and reckless courage which prompted it. Its immediate result, in so far as the police was concerned, was that they were placed under the control of the High Commissioner.

Hereafter the force was called the 'British South Africa Police,' a name which, after the country of Southern Rhodesia assumed responsible government in 1923, they retained in express recognition of their services in the past. The Force was now divided into three Divisions: No. 1, The Bechuanaland Division; No. 2, The Matabeleland Division; and No. 3, The Mashonaland Division.

In 1896, after the Jameson Raid, there was a native rising, and the reconstituted corps was engaged for some time in suppressing the rebellion. It was during the course of this, in an incident which is now commonly known as 'The Mazoe Patrol,' that Captain (now Major) Nesbitt of the police gained the Victoria Cross. In company with a brother officer and twenty-two men, they rode out twenty-seven miles to the aid of a party of white people—three of them women—cut off in the Mazoe district, where they were holding out against hundreds of natives armed with rifles. During the retirement to Salisbury with their rescuers the whole party was exposed for ten miles to a most murderous fire, three being shot dead and a number wounded. The women were brought through unharmed, but exhausted.

Immediately before the Boer War, in 1899, Colonel (now Field-Marshal Lord) Plumer was sent up to raise the Rhodesia Regiment for the Imperial Government; and when fighting commenced, the force was stationed along the south border, with a strong detachment of B.S.A. Police. This force was afterwards moved down the Bulawayo-Mafeking line, and co-operated with Colonel Mahon's column at the relief of Mafeking. In addition to this contingent, another body of British South Africa Police joined Lord Methuen's column operating from Vryburg. Two squadrons through the campaign were maintained by the force and served under a number of commanders, earning for themselves a fine reputation as fighters and scouts. On one occasion a famous Colonial battery refused to move unless supported by the B.S.A. Police. 'Our guns have no range,' they said, 'and the B.S.A.P. are the only people who can get us close enough to use them with effect.' Such a compliment could not be gainsaid. The two squadrons of police saddled up, and amid the cheers of the remainder, galloped to their usual place at the van of the outgoing column.

After the Boer War, the force turned its attention more thoroughly to police work, and considerable advance was made in this direction, the corps, however, always maintaining its military character. The 1st Division in Bechuanaland was done away with, and the men absorbed in the remaining two divisions, an arrangement which held good until 1908, when the Matabeleland and Mashonaland Divisions were united under one command, and the headquarters of the corps fixed in Salisbury. In 1913, with the advent of Colonel Edwards (afterwards General Sir Alfred Edwards, K.B.E., C.B., M.V.O.) the police work of the corps was reorganized, and a number of improvements inaugurated, on the model of the London Metropolitan Police. The system then instituted has been very little changed to this day.

The outbreak of the Great War found the corps well able to maintain that position in the Colony which it is called upon to hold, that is, the first line of defence, and small bodies were immediately dispatched to the Victoria Falls Bridge, to act as a guard, and to the German fort of Schuckmansburg in the



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Caprivi Strip, which they captured. Many men were subsequently transferred to the newly-formed native regiments as officers and n.c.o.'s. It is interesting to reflect that the Matabele, the fighting race which formed the rank and file of these regiments, were now soldiering alongside their erstwhile foes and combining with the B.S.A. Police against the enemies of the Empire. The two Rhodesia Native Regiments, together with the B.S.A. Police Service Column (a small body of Europeans from the corps) won distinction with General Northey in German East Africa and the northern borders of Northern Rhodesia. Among those men transferred from the B.S.A.P. to the native regiments was Trooper, afterwards Captain, Booth, the second member of the force to gain the coveted cross for valour. The actual strength of the corps engaged on police work during the War was less than half of its usual figure, but this depleted force, with the aid of a number of supernumeraries (most of these old policemen unfit to fight in the active units), proved adequate to control the native population and maintain the usual standard of law and order during these troublous days.

In Rhodesia, where the police force is the only regular body in the country, it is essential that in addition to its usual duties of maintaining law and order it should be in a position to deal effectively with any local disturbances in their initial stages. For this reason, the training of the B.S.A. police is still devoted to both military and police duties. A force of this description has proved its efficacy in most young countries. The Cape Mounted Rifles, the Royal North-West Mounted Police, the Natal Police, and many others, might be instanced. These have served their time and their day.

At the present time, the strength of the corps is as follows :

European District Police (All ranks)	-	-	-	-	357
" Town Police	"	-	-	-	108
Native District Police (Unarmed)	-	-	-	-	721
" Town Police	-	-	-	-	150
Criminal Investigation Dept. (Europeans)	-	-	-	-	39
" " " (Native)	-	-	-	-	43

In proportion to the area of the country, which is 148,575 square miles, there is one unit of the district police to every

416 square miles. On the last census the proportion of the police to the population is as follows :

European to Native	-	-	-	-	-	1 to 2087
European to European	-	-	-	-	-	1 to 84
European and Native to European and Native	-	-	-	-	-	1 to 769

Recruiting is mainly from England, and the call of an open-air life attracts a stamp of man which would be a credit to any colony. Casualties are large in proportion to the strength, many men leaving each year to take up farming, mining, tobacco growing and the like in the Colony itself; and for those who remain this phase is naturally conducive to rapid promotion. Commissions are given from the ranks by selection, subject to passing a qualifying examination, and examinations are also held for promotions to the various non-commissioned ranks; but candidates cannot sit for these unless recommended by their officers. Native police are promoted by selection. Further mention will be made of these later.

On attesting, both Town and District police are posted to the depot, where the latter are instructed in horsemanship, animal management, bayonet fighting, mounted rifleman training, revolver shooting, drill, first aid, and law and police duties. Special care is taken with musketry instruction, and, annually, large money prizes are given to the best shots in the warrant, non-commissioned, and other ranks. The latest tables are fired by the corps, and it has at present a reputation for fine shooting. A proportion of the corps are expert machine gunners. The town police recruit receives such training as fits him for his duties, including the important branch of musketry. On an average, a recruit undergoes a training of five months.

In addition to the training in the depot, there is another form of more practical work which serves the dual purpose of giving the recruit a sound grounding in the ways of the veld, and at the same time showing the native in his Reserves the spectacle of an armed and mobile force. These patrols, usually consisting of from fifty to sixty men, are sent out annually, moving through various parts of the country accompanied by their own transport. Their itinerary is changed

year by year. No better method could be devised to train the recruit in his military duties, and give him that confidence in himself which is the invariable result of practical work.

In so far as the corps is concerned, the country is divided into districts, each under the command of a District Superintendent, either captain or major, and to these districts recruits are drafted after leaving the depot. Size and local conditions dictate the sub-division of the districts, and these again are split into sections, in charge of n.c.o.'s each on his own station. Sections are marked out in areas, a trooper to each, whose duty it is to patrol his particular charge each month.

A very small proportion of the total area is occupied by Europeans, and a policeman in the course of his work finds himself in many remote and wild spots, often devoid of water, where the hardihood of man and beast are at times severely taxed. Such a part of the country is the Zambesi valley, low and hot, where the tsetse fly forbids the use of horses, and patrols are perforce performed on foot, kit and food being transported by native carriers. Game, from elephant to pig, abounds; and at night, by the camp of the patrolling trooper, the roar of the prowling lion and the harsh snarl of the leopard are by no means infrequent noises.

The climate of Rhodesia is hailed with delight by visitors from less clement regions; and, except in a few of the very low-lying parts, it is a healthy and pleasant land. The nature of the country itself varies considerably. Where the altitude is high (5000-6000 feet) the terrain is open and flat, often very cold in winter, but as the altitude drops the country becomes rougher, with thick bush and tumbled granite kopjes. In the lowest parts, which in some cases are no more than from 1200 to 1500 feet above sea level, the heat throughout the year is often great, and the locality not always healthy. It may be said, however, that with the precautions against the contraction of malaria which are insisted upon (*i.e.*, the taking of quinine, and the use of mosquito nets), the health of the force is very good. This was not the case some years ago, when, in the more unhealthy parts of the country, men died in deplorable numbers from the effects of malaria and blackwater. In those early days, it must be remembered, stores and provisions were

not so easily obtained as now, and to this and to the other hardships and privations which the members of the corps undoubtedly had to undergo, the heavy death roll of the time may be ascribed.

South Africa is the home of 'pole and dagga,' that form of building that is constructed of rough poles hewn from the surrounding bush, thatched with grass, and plastered with thick mud which, drying, forms a rough coating to the walls. When the colony was first occupied, such dwellings were used throughout for barrack-rooms, stores, offices, and native police lines. As time went on, living quarters at the bigger centres were built of wood and iron, or with stout sun-dried bricks, roofed with the same ubiquitous corrugated sheets. In many of the more remote outstations 'pole and dagga' is still used; but considerable sums have been spent by the Government in recent years on the erection of sound camps, and conditions for men and beasts alike are now healthy and comfortable. At the headquarters the old barrack-rooms have disappeared, and pleasant, airy buildings, commodious and cool, have taken their place. The old long rooms, where eight or ten men slept on each side, have been replaced by smaller rooms, in each of which no more than two men are accommodated. An Institute, with lecture rooms and facilities for recreation, is in course of erection. Tree planting is encouraged, and where the soil is suitable, the gum, jacaranda, poinsettia, and other trees and shrubs soften the sometimes hard military aspect of the stations. Citrus, too, is grown wherever the conditions are suitable.

A small two-man station will consist of two kaytor huts (*i.e.*, built of corrugated iron, brick lined, with thatch roofs) for European quarters, two similar huts for mess room and office, a kitchen, stable, store, and lock-up, with a line of native police huts built with sun-dried bricks. On the bigger stations more elaborate buildings are used, with living accommodation, offices, and mess room, all under the same roof. N.C.O.'s take great pride in their stations. A spotless police camp, its buildings cleanly whitewashed, paths and boundaries marked out with white stones, the central square immaculate from frequent brushing, the 'Jack' on the flag-pole, and the whole

standing out against a background of swaying gums, is distinctly pleasing to the eye.

Crime among Europeans is not a very serious problem to the police in Southern Rhodesia. The white community is, on the whole, extremely law-abiding, a state of affairs due mainly to the strict immigration laws, which prevent undesirable persons entering the territory, and ensure their speedy deportation if they succeed in temporarily evading the surveillance of the C.I.D. Fortunately the colony is not cursed, to any great extent, that is, with the habitual criminal. In spite of the fact that specie and bullion are continually being moved from place to place, the number of hold-ups since the country was first colonized amount to one, and that, curiously enough, was committed by a policeman!

But in the prevention and detection of crime among natives, the police are confronted with a problem of some magnitude. The extent of wild and unoccupied country is so vast, the frontiers are so far reaching, and the proportion of police to natives so small, that great difficulty is experienced at times in bringing the investigation of cases to a successful conclusion. Many laws applying to natives only have been introduced from time to time to assist in controlling their movements, and tracing their whereabouts. Of these may be mentioned the native pass laws, which, amongst other provisions, compel every native to carry a registered certificate, and the finger-print regulations.

The natives of Rhodesia are proverbially loath to lodge information against each other, unless they themselves have suffered. In a recent case, where over a hundred pounds' worth of jewellery was stolen, the thief—a native—remained for over a week in a farmer's compound, wearing diamond and sapphire rings on his fingers, and gold bracelets on his wrists. Although a reward had been offered and the wanted 'boy' was known, not one native informed either his master, or the police. The vast number of huts in the large compounds and kraals, and the wide expanse of bush covered veld, lend ready and usually undiscoverable concealment to stolen property. Alien natives returning to their countries in the north are with difficulty intercepted by the outlying police posts, and find it

comparatively easy to cross the extensive frontiers. When alien native offenders remain in the country and endeavour to evade arrest, the finger-print regulations are of tremendous assistance. These regulations compel an alien native on entering the country to have his finger-prints taken before the issue of a registered certificate is made. The prints so taken are filed in a central bureau, and the records searched before an issue is made. Similarly, if a native loses his registered certificate and has applied for a duplicate, this is not given to him until the finger-prints have been taken, and returned as correct. If the search in the bureau shows that the applicant is wanted, he can readily be traced from the office where the application for the original, or the duplicate, was made. In this manner, many hundreds of wanted natives are apprehended each year. The problem of systematically and efficiently registering every native in the colony is yearly growing more difficult, as the increased facilities for learning to read and write allow them to defeat the ends of the pass laws with comparative ease.

Although in the less remote areas the assistance of the C.I.D. is available when handling important cases, it is no uncommon thing for a trooper of the mounted branch to carry through the investigation of a murder, or other serious crime, from the time when it is reported to the time when the accused faces the judge in the High Court. In all cases, except at the High Court, and at Salisbury and Bulawayo, police n.c.o.'s act as prosecutors, in addition to performing their other duties. The necessary knowledge and ability are acquired by experience and this system has been found successful.

Apart from pure police work, that is the prevention and detection of crime, patrolling, etc., it is interesting to note the variety and number of extraneous duties which the corps is called upon to perform. Postal agencies, pass offices, and pounds, are frequently kept by the police. The inspection of licenses, supervision of cattle dips and magazines, issue of cattle permits, compilation of jury list and voters' roll, escorts of specie, assistance in the collecting of agricultural and other statistics, are duties which they continually carry out. The vaccination of natives, and the maintenance of smallpox and



AFRICAN CONSTABLE, FOOT BRANCH
B.S.A.P.

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ASKARI

East coast fever cattle cordons are also taken in hand as a matter of course. When the country was recently invaded by locusts, it can be fairly said that the police bore the brunt of the work in dealing with these pests. Gangs of natives under police supervision hurried from swarm to swarm, spraying them with arsenic.

Until recent years the Town Police were under separate command, and in small towns where both district and town police were stationed the district officer did not control the town detachment. This system was found to be unsatisfactory; and now where both branches are stationed together, one officer is in charge of the whole. A feature of Town Police work, which if not peculiar to Southern Rhodesia is certainly so to most towns of any size in South Africa, is the control of the large numbers of natives who swarm in from the outside districts to seek work, loaf, and, all too often, to rob and steal. Municipal by-laws give the police considerable powers, but the problem is one which exercises not only the police but the officials of the Department for Native Affairs.

Detectives were first employed (from 1900) under district officers, but this practice ceased in 1911, when the C.I.D. was made a separate branch. It was completely reorganized in 1913. Men are trained for this particular branch under centralized control. Their chief duties are the investigation of crime, the organization and control of the Finger-Print bureau and the Central Alien Tax bureau, and the enforcement of the immigration laws. In addition to the European staff a number of educated natives are employed.

In a country where the greatly preponderating majority of the population speak in many different tongues and dialects, it is of course essential that the policeman in the course of his everyday duties, or in the investigation of crime, should have a knowledge of the language. Bonuses lend encouragement to men to acquire this knowledge, and no sergeant is promoted unless he can qualify in the native language examination. Interpreters are stationed only at the larger outstations.

A glance at the strength of the corps will show that a large number of native policemen are employed. The majority of these are indigenous; and although to a certain extent they

are inclined to fraternize too much with their civilian fellow tribesmen, they are, if kept under strict discipline, extremely useful in all work. All native recruits are given three months' training before being passed outside. They are encouraged to educate themselves, and in the Town Police a knowledge of English, both reading and writing, is required before the applicant is accepted.

The various branches of the corps have now been touched upon, with the exception of the stores department. This is under the control of a police officer, and serves both police and territorial forces.

If mention of the horse has been left so long, it is not because he is absent from our thoughts, and it is indeed sad to reflect that even in this young country of Rhodesia his day would seem to be passing. When no force could be mobilizable without him he was employed extensively, in spite of the ravages of horse sickness; but the improvement in the surface of the roads and their increase in number has seen the motor-car taking firm hold. Motor transport is now extensively used by the force, and a recent innovation was a supply of motor-cycles. These have, so far, proved eminently successful, although it must be admitted that in so far as actual patrol work is concerned, as apart from the investigation of crime, the horse is still the better mount. It need hardly be pointed out that a man will observe far more from the saddle of a horse than from that of a motor-cycle bumping and jolting over the irregularities of the road.

What is the position of the police in regard to a native rising? It may be safely assumed that another rebellion, such as happened in 1896, will not occur again, although in saying this it must be understood that such a contingency is still taken into account, and measures have been framed to meet it should it arise. These, stated briefly, are as follows. All residents have rallying points, and to these they would fly in the case of a rising. From each rallying point the people would march in a body to the nearest laager. The positions of these have been carefully chosen, and all due thought given to their strategical value in the case of an attack. It may be noted that machine guns, with adequate supplies of ammunition, are kept on

practically all police posts. But year by year the authority of the chiefs and headmen is weakening. The tribes are losing their former cohesion, and such co-operation as a general rising would demand could never be obtained. A recent strike on a big mine, where three thousand five hundred natives came out together, and other disputes which have arisen in the past few years, seem to indicate that trouble with natives in future will be owing to labour movements, rather than to tribal uprisings. To control these, the police are faced with the necessity of being mobilizable to an extent which will enable them to reach any given point in sufficient force, and with sufficient speed, to protect the lives and property of the inhabitants, should the strikers prove violent or disorderly. For this purpose, motor lorries suitable for the transport of men, machine guns, and stores, over rough roads at a high rate of speed, form the undoubted solution to a problem which cannot be coped with efficiently by columns of mounted men, hampered as they were in the past by slow and heavy wagons.¹

¹ The author is greatly indebted to Hugh Marshall Hole, C.M.G., formerly Civil Commissioner of Bulawayo, for information gathered from his valuable work, *The Making of Rhodesia* (Macmillan & Co., 1926).

Evidence

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THIS subject is one of the most important in the wide region of the law. In Courts of Justice the liberty, and even the life, of the subject in every country, to say nothing of his property or character, depend upon the correct appreciation of evidence, its admissibility, and its treatment by the presiding judge. Most of the questions which arise in criminal cases are questions of fact, and can only be solved by evidence.

All the evidence, when considered as a whole, constitutes the proof : whether it is satisfactory proof or not is a mixed question of law and fact. It must first satisfy the judge that there is sufficient material to warrant a conviction, even if no answer is made, and secondly, when left to the jury, it must be such as would satisfy the mind of an ordinary man, so as to make him act upon it just as he would in matters of important personal interest. The admissibility of evidence is for the Court, and where there is a jury, the sufficiency, or effect of the evidence on the mind, is for the jury.

Lay magistrates interpret and administer the law on the advice of their clerk, a trained professional lawyer, but they decide on the sufficiency of the evidence with the minds and performing the functions of jurymen. This causes a wide variation in results, and the uncertainty is increased by the admission of women to the Bench. A verdict, also, is more uncertain if the jury is mixed.

The whole law of evidence covers far too wide a field to be dealt with in a brief article, and my present purpose is to take a rapid glance at some aspects of it only, in criminal cases in this country, and particularly from the point of view of those who are, or may be, engaged in preparing a prosecution

or considering the advisability of a prosecution, or likely to be witnesses for the prosecution.

In all litigation, as in any other contest, there is an element of uncertainty. In our system, there are many imperfections which are removable, though progress in this direction is very slow ; but some are due to human nature, and must endure as long as trial by jury itself.

The most important and far-reaching reform achieved in our lifetime was the alteration in the law made by the Criminal Evidence Act, 1898. It enacted that every person charged with an offence shall be a competent witness for the defence upon his own application at every stage of the proceedings, but neither the prosecution, nor a co-defendant, can call him. If called and sworn, he can be cross-examined, but not as to other offences or as to character, unless he claims to be of good character or attacks the character of the prosecutor or his witnesses. Failure to give evidence may not be commented upon by the prosecution, but the judge may, and often does, point out to the jury that the failure to swear to a defence may be very significant. In murder cases, it is generally considered hopeless to obtain an acquittal if the prisoner fails to state on oath that he did not commit the crime.

As regards uncertainty, the position may be thus described. In a perfect system a man or woman, charged before a criminal Court in England, who, on the evidence given, would be acquitted, bound over, punished, or committed for trial before one particular magistrate or bench, should receive the same treatment whether undefended or poorly and cheaply defended or ably and expensively defended, and the treatment should further be the same as that which would be received from any other magistrate or bench. This is not, however, the case, and in the matter of discretionary punishment could not be hoped for.

It is also clear that in a perfect system the particular jury trying a case would come to a conclusion of fact on the evidence which would also be reached by any other jury before any other judge, counsel not being able to vary the verdict by personal accomplishment ; but in real life we have to deal with a very different situation. Two well-known advocates have published

their experiences of what they call the psychology of juries in order to illustrate it by their own successes, and no one will dispute their conclusion, namely, that even in clear cases, or fairly clear cases, the verdict can rarely be predicted with confidence, or easily understood by anyone not present at the trial and impressed with the electrified atmosphere of the crowded Court, which cannot be reproduced in a written report. Even the best report cannot create in the mind of the reader the fleeting impression made upon the minds of the actual audience; and moreover, it is a matter of common knowledge that twelve ordinary men, or men and women, when interned in a jury-box, act very often, especially in criminal cases, upon no recognised principle of reason. It is still the law that, with perhaps one or two exceptions, a jury cannot be compelled to answer specific questions: having listened silently to the questions they may simply reply *Not Guilty*; and if they do so, the accused is free. These considerations, that is of personality, are by no means irrelevant when a particular tribunal is in view, but it is not desirable, or, indeed, possible to deal with them here. They have often been the subject of anecdotes and reminiscences, but have never been sufficiently weighed by the few who have the power to alter the law of England.

Evidence is either oral, or written, or objective. The latter class needs only a passing mention. Foot-prints, finger-prints, broken windows, doors, fences, or furniture: firearms, poisons and other drugs: animals: stolen property: food, drink, clothing, bloodstains: all kinds of weapons, vehicles and other movable articles, and of course actual wounds and internal parts, have been shown to juries from time immemorial as likely to throw light upon the matter under investigation. They are often called 'exhibits,' and have to be produced and proved by some living witness who can be cross-examined. A plaster cast of a foot-print, or a bottle containing hyoscine may, in popular language, convict a murderer, but some witness must produce the 'exhibit,' and by his oral evidence connect it with the case for the prosecution or defence. It proves nothing by itself.

Written evidence does not often give rise to difficulty in

the preparation of a prosecution. The documents most frequently seen in Court are letters, deeds, agreements, wills, cheques, account books, and confessions. A written confession or admission, however obtained, is always put before the Court. A letter written by the accused person, or any document or written or printed matter found upon him or in his possession, or even in the house in which he resides or which he has recently left, may, if relevant, be admitted as evidence against him. No evidence of any kind which is not relevant, that is connected, however distantly, with the offence charged, can, strictly speaking, be admitted at a judicial investigation; but not only is irrelevant evidence often admitted, especially for the defence, but it is not always easy, even for the most experienced lawyer, to decide at once, before it is fully read or heard, and the subject of argument, whether a particular piece of evidence is admissible; and to exclude evidence of any kind offered by the defence is always supposed to prejudice the jury in favour of the latter.

Difficulties, therefore, not infrequently arise, and it is sometimes necessary to send away the jury out of hearing while a doubtful point is fully argued, for fear that their minds should be unfairly biased by the discussion.

The prejudice or bias in favour of a person charged with a crime, theoretically valuable, is a constant danger to the prosecution, and this, and also the frequent escape of guilty persons on appeal, owing to some error in the conduct of the trial, gives occasion for serious thought.

One result of successful appeals is to create a tendency in the minds of tribunals to decide every warmly contested point at the trial in favour of the defence. A wrong decision against the prosecution entails no penalty. After an acquittal no further question can be raised, except in certain cases before magistrates, which need not be considered.

One instance may be given. In a murder trial it was proved that the prisoner, suspecting his wife of infidelity, bought a revolver, waylaid the man whom he suspected, and shot him dead. There was no provocation recognized by law, and the verdict of guilty seemed inevitable; but two letters had been written by the prisoner to his wife, which the defence

argued were relevant ; and the counsel, very anxious to preserve his right to make the final speech to the jury, suggested that these letters ought in fairness to be put in by the prosecution, claiming that they were evidence of provocation. He carried his point, read them to the Court and had the last word, and in spite of the faultless summing-up of an able judge, the jury mercifully, but not according to conscience and reason, brought in a verdict of manslaughter. The correct construction of a document is matter of law for the judge, but there is no way of compelling a jury to accept his view in a criminal case. If any evidence is tendered by the defence, the counsel for the prosecution has the last word in argument.

Another point may be mentioned here. The last word is really that of the jury, and the verdict of *Not Guilty* may be due to something which does not appear on the surface at all.

In one case, a man had stabbed his horse with a knife in many places, and, in face of all the evidence, was unexpectedly acquitted. The judge stated privately afterwards, in bitter satire, that he thought the jury must have asked themselves, 'If a man cannot stab his own horse, whose horse can he stab?' And cases have occurred where the jury have *acquitted* merely because they thought the defendant had been sufficiently punished by being kept in prison before the trial or would probably be too severely punished if convicted.

It is not easy to see why the police sometimes allow or insist upon the prosecution being private, and sometimes take over the conduct of the proceedings themselves from the beginning. It may have something to do with finance ; but it is only necessary to consider the latter cases. The evidence has first to be examined to see if a charge ought to be made, and made by the police : if not, the matter is at an end, so far as they are concerned. If a charge is to be made by the police, it must be sufficiently supported to make it probable that a conviction will be obtained. Unless the authority responsible can say, 'This prosecution *should* succeed,' the proceedings go no further.

We have now to consider police evidence, and the ground for the widespread prejudice against it. The suggestion always is that the witnesses, and those who engaged them and

are responsible for them, have a personal interest and professional pride in securing a conviction, even to the extent of *suppressio veri*. Broadly speaking, this is a popular fallacy, and its expression is often actuated by that feeling which the law calls malice ; but it requires some examination. Society is protected against law-breakers by the judicial and executive machinery of the law. The police force compose the executive, and thus incur the enmity not only of all those who are convicted of crime, but also of all who have been accused and acquitted, or are afraid of being accused of crime, or who are related to, or live among the persons indicated. The police are also unpopular with the classes whom it is their duty to watch—frequenters of public-houses, racecourses, gambling dens, and so forth ; and in many law-abiding people there is what is called a 'sporting' spirit. This means a feeling, apparently widespread, that the chase of a criminal, or supposed criminal, is a sporting event in which sympathy should be felt for the quarry. The feeling reaches the jury-box, and if owing to a disagreement a second trial is necessary, the task of the prosecution is increased ; and in all cases the cross-examination of police witnesses is allowed to be more hostile and rigorous than is usual with ordinary men.

One reason for this is that, owing to circumstances, police evidence has an air of being prepared according to routine, and in unison. Ordinary witnesses often disagree, sometimes upon matters of great importance. In a recent and very notorious case, the defence of a clergyman against a serious charge was that there was a conspiracy to defame him ; but concerted action by the accusers was negated by their contradictions : no conspiracy could have been so clumsily contrived. Police officers never contradict each other, because their notes are all collated in advance even if not made in concert, and these notes are so important that they very often come in question, and are attacked of necessity.

This is due to the force of system, prudence, discipline, and drill ; but what arises directly from meritorious causes may be open to objection, and not only in the minds of those prejudiced against any effective police control. Some suggestions might be made on this point. Every police officer

witness might, when sworn, be asked to state his length and locality of service, as matter of importance, and to say that his notes are made in obedience to orders, and might be officially warned not to resent irrelevant and vexatious and even insulting questions by the defence upon the notes and otherwise ; and in giving evidence, especially in cross-examination, to speak pointedly and directly to the jury or to the Bench, and *not* to the antagonist. This simple and correct attitude is a most useful protection, and avoids those pseudo-dramatic contests which are so attractive to idle spectators and so painful to witnesses. Cross-examination, foolishly and ignorantly attacked by the novelist Anthony Trollope in one or two of his books, is, in theory and practice, essentially necessary, but the law forbids vexatious and irrelevant questions, which the judge should promptly stop. The practice in this respect has greatly improved in recent years, and the worst abuses have become almost obsolete.

The evidence of a witness is sometimes rejected as a whole on account of his or her apparent untruthfulness in some particulars, or general want of candour, or stupidity, but this is rarely just. It happens when the jury are induced to take a side in a warm contest about a difficult question of fact. When heat is generated and emotion is allowed to blindfold the eyes of justice, a great responsibility rests upon the judge, and many a case has entirely changed its aspect during a cold and scientific summing-up.

In popular estimation it matters little whether the criminal judge is learned or experienced or clever, but it is essential that he should appear to be fair, and the more impartial he appears the more the verdict is likely to be reasonable. It is a difficult matter to discuss, because, while all judges are in mind absolutely impartial, some have a particular ability to appear so, which may be due to temperament.

A judge sitting alone, or directing a jury, will in general sift the evidence of each witness, and not attach too much importance to a mistake, or even a wilfully false statement. A man may be able to prove an *alibi*, the sale of a drug, or the position of an omnibus, although, in the opinion of his audience he is, in some particulars, wholly unreliable. That incredible

mistakes, lies, perjury, and even forgery are not necessarily fatal to a doubtful claim is exemplified by the great 'Douglas Cause,' the most famous and interesting case in the law reports.¹ And in an obscure, unreported case in the Probate Division, Mr. Justice Barchard pronounced for a will supported by only one important witness, the draughtsman, who had made some statements that were palpably absurd and false. A common way of attacking the evidence at the trial of a witness who has previously given a statement before the committing magistrate is to elicit and expose a discrepancy between the two statements. One of the most oft-repeated questions in cross-examination is, 'Did not you say so-and-so before the magistrates?' These comparisons are often proper, but sometimes they are too minute and become ridiculous. It is hardly avoidable, and therefore not uncommon, to find errors in the depositions which are taken down in longhand by the magistrates' clerk. One reason for this is that witnesses do not always understand that they may make corrections, and very often pass over mistakes which appear to them, and quite naturally, to be unimportant. At the trial slight discrepancies are used, by a weak defence especially, to throw a general discredit upon the witness and the prosecution.

'The prosecution' is not a very happy phrase, but a change in its use is not likely. 'The Crown' is better, but not very much better. An expression seems to be required to indicate the performance of a duty to the country at large, just as a prisoner who by his plea appeals to a jury to free him from an accusation is said to 'put himself upon the country.' In the United States, the District Attorney, or other official prosecuting advocate, always says that *the State* does this, or that, or contends the other. This tends, however slightly, to avoid the unspoken reproach that the whole company of the prosecution, from the Director down to the constable who took the charge and the least important witness who grew warm under cross-examination, are the hounds of revenge or hirelings of a narrow officialism, whose failure can never be a cause of much regret to onlookers.

¹ *The Douglas Cause* (Notable Scottish Trials), 1761-1769. Edited by A. Francis Steuart. (Hodge & Co., 1909.)

All those engaged in a trial use such phrases as 'the case for the prosecution,' 'the evidence for the prosecution,' and so on: how different it would sound to say, 'That, my Lord and members of the jury, is the case put forward *by the Country* for your consideration.' It might modify that kind of misunderstanding, if not perversity, which sometimes makes a verdict of 'guilty' mean not only that the accused person committed the crime charged, but that he was afterwards fairly treated by the police, and fairly tried: and a verdict of 'Not Guilty' mean, 'Although we are not agreed on the reasons, although these are not capable of logical and conscientious justification, we are agreed that this man should be released unconditionally, and not left for an unknown punishment, which might, as he has not been fairly treated throughout in the opinion of some of us, be too severe for what he is proved to have done.'

These considerations bring us back to the paramount importance of the evidence itself. Amongst many other points, one which is often imperfectly appreciated stands out. Every person put upon his trial must, at some previous time, have been formally charged, and what he said or did on that occasion may give a clue to the right determination of his innocence or guilt. The innocent person wrongly charged may act foolishly or with unusual stupidity or with unnecessary cunning, but he must always *ex hypothesi* act, however disguised, as an innocent person. In very rare and romantic cases he may even confess falsely, or try to mislead the police. He may do any number of eccentric and unreasonable things, but in general he cannot do exactly what a person with a guilty conscience would do.

This is especially the case in the *quasi*-criminal proceedings taken to obtain an affiliation order, and there is often a conflict of evidence about it on account of the value of an admission as corroboration of the girl's story in some material particular, which is required by law. An uncorroborated story, however convincing, is not sufficient in law. A policeman is sometimes sent to inquire if the man admits paternity, or to serve a summons upon him: and what then passes is of great importance. This is also the case when the girl first informs

the man of her condition, but then they are generally alone, and there is no corroboration.

Amongst other items there is the defence of *alibi*. It is very difficult for the police to deal in anticipation with this. Before the police court proceedings they know nothing of it, and very likely hear nothing there, and being satisfied with the identification, find themselves confronted at the trial with witnesses, often surprising in number, who swear positively that at the moment of the crime the prisoner was in their company in quite a different place.

There are many other difficulties with which great experience alone can deal. The gist of the whole matter is that the prosecution must prepare the evidence with industry, with the aid of wide experience, and with a generalship which sees behind the enemy's lines, and also takes into consideration the widest and the most stringent rules of public justice. Obedience to these principles is more important than the conviction of particular offenders. The proceedings must not only be fair, but must be made to appear so, even to those naturally hostile.

The Salvation Army and the Indian Criminal

BY F. ST. G. BOOTH TUCKER

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for India and Ceylon, 1907-1919

CRIME in most countries is usually committed by individuals, but in India not infrequently by tribes, communities and gangs, who are highly organized and trained in it as a profession from childhood. The entire family and the relatives of an Indian hereditary criminal, including the women and children, are usually associated with him in the commission of crime. It is looked upon by these tribes very much as we regard the military profession, and is considered to be both honourable and lucrative.

The Salvation Army in India and Ceylon has now in operation the undermentioned Settlements and Institutions for members of the hereditary criminal tribes. Their names and the numbers of inmates or settlers are as follows :

United Provinces : Bareilly Settlement, 264 ; Gorakhpur Settlement, 688 ; Moradabad Settlement, 1192 ; Najibabad Settlement, 446 ; Sahibganj Settlement, 179 ; Kanth Settlement, 135 ; Andaman Islands Settlement (for criminals from the United Provinces), 542 ; Girls' Industrial School, 45 ; Boys' Industrial School, 56 ; Total : 3547.

Punjab : Kassowal Settlement, 691 ; Kot Adhian, 571 ; Changa Manga, 351 ; Total : 1613.

Madras : Sainyapuram Settlement, 996 ; Stuartpuram Settlement, 2012 ; Pallavaram Settlement, 253 ; Perambur Settlement, 249 ; Girls' Industrial School, 53 ; Boys' Industrial School, 100 ; Total : 3661.

Bengal : Saidpur Settlement, 326 ; Industrial School, 54 ; Total : 380.

Bihar and Orissa : Chauterwa Settlement, 258 ; Pans of Orissa, 100 ; Total : 358.

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Bombay : Beggar Settlement, 250 ; Boys' Industrial School, 72 ; Boys' After Care, 28 ; Released Prisoners, 9 ; Total : 359.

Ceylon : Beggar Settlement, 127 ; Released Prisoners, 15 ; Total, 142.

Grand Total : 10,060.

Six of the settlements are mainly agricultural, but the settlers supplement their income by weaving, mat-making, and other cottage industries. In two other settlements the employments are mainly industrial, but there is a considerable amount of agriculture. The rest of the settlements are almost entirely industrial. The settlements are usually under the direct supervision of an experienced European officer and his wife, with a staff of Indian assistants, including expert foremen for the various industries.

As a rule the settlements do their own police work by means of picked settlers, and the district police seldom interfere with the internal affairs of the settlements. There is, however, usually a police post within convenient reach of every settlement, though requests for help rarely require to be made. The European manager and his wife are the key to the situation and are usually regarded by the entire tribe as the father and mother and chieftains of the clan. To regularize the relations between the settlement managers and the district police and the authorities, where there are several settlements in a Province, a special officer is usually appointed by the Local Government. In the United Provinces an experienced police officer is responsible for this work. In Madras an officer of the Civil Service supervises the working of the Act. In the Punjab a special department has been created.

An annual budget and statement of accounts is prepared by the heads of the Salvation Army, and submitted to the Financial Department for scrutiny and approval. While the Government meets the cost of supervision, education and buildings, all profits from agriculture or industries, apart from the settlers' wages or crops, go towards making the settlements self-supporting. Where there are several settlements the losses on some may be partially covered by the profits on others.

The principal industries consist of weaving in cotton, wool and silk, mat-making, and needlework. In one settlement

leather work is a speciality. The Salvation Army undertakes the sale of all goods produced by the settlers, and usually tries to get orders in advance by means of travelling agents. There are also depots for the sale of goods in Simla, Bareilly, Calcutta, Madras, and other centres; and from time to time special displays and sales of goods are organized in various centres.

The organization of our industries on a paying basis has been one of our difficult tasks, as we have to raise up and train our own expert foremen and forewomen for silk, handloom weaving and needlework. It was several years before we could supply our needs. The existing Government weaving schools were engaged in training foremen for the great factories. They usually kept one or two handlooms as 'curios' of an ancient and doomed industry, but regarded with amused incredulity the idea of giving an impetus to handloom weaving. To the Salvation Army belongs the credit of having produced the fastest and simplest handloom in the world, and of having created a revival of the industry itself. We have always found the Local Governments and the district and police authorities most ready to co-operate with us in minimizing any of the difficulties which have arisen from time to time.

The complete moral deliverance and change of life in hundreds, nay thousands, of these degraded and hopeless beings, saturated with crime, drunkenness, gambling and impurity, can only be realized when it is actually seen. The power of the Gospel to reform and revolutionize their lives must be seen to be believed. We have often been asked to undertake their moral and mental reformation without the aid of religion, but have invariably declined. And we can point to communities free from vice, free from crime, free from debauchery, whose whole lives were saturated with these evils and who were the despair of their best friends. Their love for the Bible is extraordinary.

The following is a recent account (1927) of the progress of the work in our largest and most important settlement from the pen of its Manager:

'STUARTPURAM—MADRAS PRESIDENCY. In the thirty-fifth chapter of Isaiah, it is said that "The desert shall rejoice

and blossom as the rose. It shall blossom abundantly, and rejoice even with joy and singing." Both literally and figuratively this has been fulfilled in regard to Stuartpuram settlement. When, on June 6th, 1914, the Army began work here, it was a wilderness indeed, materially as well as spiritually. There were a few Erikula families, now known as the Ratnapuram Gang. They used to come down to this tract during the harvest season and put up their temporary huts on the sandy ridges where now a flourishing settlement village is situated.

'Later the settlement was started, and the hitherto barren sand shoals were turned into gardens, the land value increasing from one-eighth of a rupee per acre to about one hundred rupees. Visitors came from all over India to see if it was a fact that even the cocoanut palm, mulberry and eucalyptus trees were grown in these sandy regions. Yes, the desert was in full blossom among the tribes' people. No more wandering about, no more fear of the police; in case of trouble someone was always at hand to put in a good word for them and help them. Time after time there have been more of these wandering tribes added to the settlement, and the members have increased so that there are now more than two thousand souls in the settlement.

'These people count among them several remarkable characters, and many of them are earnest Christians to-day. The son of the headman for the gang, Karreddula Siddadu, the late sergeant-major of the Army Corps here, was perhaps the most remarkable man amongst them. He was a real Christian character, loved and honoured by all. Everyone believed in him as a righteous man. He was chosen to be the settlement magistrate, and many a difficult case was satisfactorily settled by him. He had a striking intelligence and a wonderful memory. He could tell, for example, the numbers of most of the settlers without referring to the Criminal Tribes Register. He died when quite young, but his influence remains with his people.

'Some time after the opening of the settlement a number of people were transferred from another settlement to Stuartpuram. These people now live in a village called Mithrapuram. They have a very interesting past. The stories

behind some of the now peaceful settlers make the most thrilling of adventure tales seem tame.

' For instance, there was a headman of one of the gangs, whose misdeeds, with those of his sons, led to the internment of the whole gang. The younger son was shot by the police in one of their encounters in the forest, and the elder vowed vengeance. Sad to relate on this occasion he was innocent of the charge against him, but if there is any place where the proverb "Give a dog a bad name" applies, it is with the criminal tribes of India. They are the convenient ready-to-hand scapegoats for every crime. The younger son had given evidence of desire for reformation, but certain villagers brought a false accusation against him; he, knowing that his past record would make his case hopeless, fled to the jungle, from which he never returned.

' When Kondadu, his elder brother, heard of his tragic death, he determined to take revenge on the police. So he, with his gang, attacked a police station, catching the man who he believed had killed his brother, stabbed him twice with a sharp house-breaking instrument, saying: "I am Kondadu. You killed my brother; now your turn has come." Fortunately for Kondadu the official did not die. For once he miscalculated, and the comparatively light injury of broken ribs was what the official had to remember the encounter by.

' Kondadu had gathered together great riches which he had hidden in the hills. Not even his father knew of the hiding place, a fact which greatly upset the old man. For a long time, in spite of the orders that he was wanted—alive or dead—for his crime, Kondadu was at large. Influential men in many villages gave him shelter, and it looked as though he would indefinitely snap his fingers at pursuing justice. It was therefore strange that villagers who had been his friends should have caused his death. A drunken quarrel, with a stolen gun but without ammunition, and his pursuit and murder by his former friends, finished the sad story of Kondadu.

' It was from desperadoes such as these that the Stuartpuram settlers were gathered, though at the present time, thirteen years later, the settlement holds many hundreds against whom there is no police record. They were children



ERIKULAS OF BEZWADA



DOMS OF GORAKHPUR SETTLEMENT

(See p. 582)



ERIKULA WOMEN, BEZWADA

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during these stirring days. What they would have been can be imagined. But, praise God, they have had their chance of being honest citizens, and have taken it.

'It was encouraging to see how eager they all were to avail themselves of a gift of Bibles. We distributed over one hundred and fifty copies, and in several cases when I gave a Bible to someone who was unable, I knew, to read it, I asked what they were going to do with it. The answer was that they were going to have it read to them by someone who could read.

'We have a Young People's Corps with more than three hundred and fifty children, divided into twenty-eight companies, and also other regular corps work established. The people support their own officer. The educational work is also promising well for the future. Among sixteen teachers in the Boys' and Girls' School only three are outsiders. The rest are young men and women who were brought up in the settlement, and who consequently have undergone Government training. This shows that there is nothing wanting intellectually with these people, and we have every reason for maintaining high hopes for the future. Recently we started an industrial class for girls. The future of these girls had been a problem. It is, however, now possible for them to continue the work they have learned in the school, and they earn good money by it.

'Two Salvation Army officers have gone out from this settlement. One of them is the Corps officer in another settlement, and the other is working in the villages. We believe that many will follow their example and consecrate their lives to the Master's service.'

I. THE PROBLEM

Crime in India may be roughly classified as being either accidental or systematic. The chief danger to society is the latter class of crime. The man who, under special temptation, or in a fit of passion, commits a crime, is not to be placed in the same category as the man who engages in a deliberate warfare against the moral and legal codes which govern social life. He may, however, by unwise treatment, or a faulty penal system,

easily drift from one class into the other. Accidental crime is, comparatively speaking, a negligible quantity compared with systematic crime, and it is with the latter that the police in India are chiefly concerned.

Here again classification becomes necessary. Indian criminals may be classified as follows: (1) the Incurable, (2) the Habitual, (3) the Hereditary, (4) the Ordinary, (5) the Youth and (6) the Child. It is obvious that each of these needs different treatment. The non-recognition of this fact, or its only very partial recognition, is the cause of much of the failure in dealing with crime and criminals.

1. *The Incurable.* The incurable is an habitual, but every habitual is not necessarily an incurable. This distinction is important and necessary. The majority of habituels are the creatures of circumstances, and are curable. Such is not the case with the incurable. He has deliberately chosen crime as a profession. He finds it a profitable and easy way of obtaining a livelihood.

Incurables may themselves be classified as follows:

- (a) The successful leaders of gangs—The Robin Hoods and Dick Turpins, who lead on their followers to a career of crime.
- (b) Another class of incurables is the apparently respectable and often wealthy employer of criminals, who may own lands and houses, and be beyond the reach of the law. To such the criminal proves often very useful for the purpose of collecting his rents by terrorism, or as a source of revenue, paying for immunity and protection by surrendering a generous share of the spoils of robberies.
- (c) The receiver and disposer of stolen goods. A Superintendent of Police recently told me of one such, who paid an advance of Rs. 600 to a criminal gang whom he employed to commit dacoities. They spent the money and failed to go out on their errand of pillage, excusing themselves by saying that the police were too active and wide awake. Their 'employer' thereupon hired another gang to attack the first gang and force them to carry out their contract.

In dealing with criminals and crime, the incurable is really the key to the situation. No solution of the problem will be satisfactory unless he is controlled and suppressed. The utmost terrors of the law should surely be reserved for the man

who deliberately embraces crime as a career and incites others to its commission, and waxes fat on his unlawful gains. Until he is controlled and held in check, the severest punishments meted out to his miserable myrmidons will usually be of little avail. To banish him to the Andamans with his family, and in some cases with his gang, where raiding will be impossible and there let him work out his own reformation seems the best solution of this part of the problem.

2. *The Habitual Criminal.* Compared with the reclamation of the incurable, from whom he must be clearly distinguished, the control and ultimate reformation of the habitual is as child's play. He is to a large extent the creature of circumstances from which he cannot escape. However sincere he may be in his desire and efforts to reform, he has ordinarily no chance of doing so. When one or more convictions are against his name, under existing conditions his case is practically hopeless, and he soon abandons himself to despair, and revenges upon society the injustices of which he feels himself to be the subject.

3. *The Hereditary Criminal.* The criminal tribes of India represent a phase of crime which is almost unknown in Europe. Perhaps their condition might be more fairly called a state of war than a state of crime. On the one side are ranged the police forces of the Indian Empire, backed up by a powerful army. On the other side we find a compact phalanx of trained warriors, including men, women and children, often marshalled and led on by men or even women chieftains. They meet power with cunning, and force with fraud. They utilize the railway for rapid raids, the post office for remitting their loot. Locating themselves on the boundaries of different States and Provinces, they pass rapidly from one to another, baffling the vigilance of the police. Inured to hardship, adepts in every artifice, trained from infancy by their expert leaders, they carry on a guerilla warfare which defies the combined efforts of an army of 150,000 police and 700,000 village watchmen to repress.

They are soldiers rather than robbers, though like other armies of a more civilized character they make the territory which they occupy contribute to their support. Unencumbered

by weapons, ammunition or commissariat, they can move rapidly from point to point. Amidst the 600 Indian States and 250 British Districts into which India is divided, they can always find some easy-going officials who will turn a blind eye towards them. If a soft-hearted man occupies the chair of District Magistrate or Superintendent of Police, it is quickly known and marked, and full advantage taken of the fact. The official in question may be able to boast that his own district is comparatively immune from crime, while the surrounding country may be raided all the time.

4. *The Ordinary, or Accidental, Criminal.* Compared with the foregoing the ordinary criminal is a very humdrum kind of individual, and yet it is sad to think what a large proportion of them are being manufactured into dangerous criminals by a faulty system, when it ought to be made easy for them to return to the ordinary ranks of society and for their crimes, once punished, to be buried in oblivion. The keen mental anguish through which the accidental criminal passes is often an even greater punishment than that which the Court inflicts upon him, and one cannot but admire the Japanese law which makes it a penal offence to injure him in any way after he has completed his term of punishment.

5. *The Juvenile Adult Criminal.* The hardened offender must necessarily be more difficult to reform than the young man who is standing on the threshold of life. The Punjab Borstal Jail for juvenile adults is able already to point to results which justify its existence and the separation of these youths from the crime-soaked adult, whose companionship must naturally exercise a pernicious influence. Some 2247 youths were received during one year, the number remaining at the end of the year being 1102.

The further step which has been taken with regard to this class of sending them to spend the latter portion of their terms at one of our settlements has also proved very successful. Not only have the young men worked well in the settlement, but their conduct has been good, and though working freely in the neighbourhood, they have not attempted to abscond. The Inspector-General of Prisons for the Punjab wrote in his report as follows: 'I have recently visited the Danepur Settlement

and all I can say is that so far the results have exceeded even the anticipations of a rather optimistic enthusiast.' In a resolution reviewing the report, the Punjab Government said: 'A large share of the credit for rousing public interest in the work of prison reform belongs to the Salvation Army. . . . The results of the scheme so far have been wholly good, and the conduct of the prisoners released on licence has been excellent.'

6. *The Child Criminal.* These belong to two classes: (a) the hereditary child criminal, who is trained from his or her infancy, as a matter of course, to a career of crime, and becomes a professional; (b) the waifs and strays of our big cities, who drift on to the streets and are becoming an increasing menace to the welfare of society.

The hereditary child criminals form a valuable asset to the adult criminal tribesman. The value of boy and girl scouts was well known to the criminal tribes of India long before the scheme was launched by its present founder. Not only so, but universal conscription became the rule, and every boy and girl became compulsorily enrolled in their force of scouts. A large proportion of them are either orphans or children whose parents are serving long sentences in jail. But they are never abandoned. The loss of a relative makes no difference. They are immediately annexed and utilized by some wily and often decrepit old criminal, who poses as grandfather, or grandmother, and who completes their education in crime.

The city waifs and strays present a much more difficult problem. In one of our Children's Industrial Homes is a boy who is known as 'the train wrecker.' He was hungry, he explained, and he thought that if he could wreck a train he could at least get as much money or food as would satisfy his hunger. So he made the attempt. Fortunately it was a failure. The culprit was arrested and sent to our Home, where he is doing well.

In the streets of a large Indian city was a gang of boys. They were well known to the police and were street arabs of the worst type, in training for a career of crime. The sympathy of a Salvation Army officer was enlisted on their behalf. Time

and again he visited their haunts and engaged in conversation with one and another. From a friendly policeman he learned that there were twenty-eight boys in the gang and that they were under the leadership of one whom he found it extremely difficult to reach. 'If you can get him,' said the policeman, 'you will get them all.' And so he set himself to watch for that boy, and his opportunity came. The boy was hungry. He fed him and won his confidence. 'What do you want with us?' he asked. 'Come and see our Home,' was the reply. He went. The conquest was complete and the gang was won. The leader entered the Home with his associates and is doing well.

There are similar gangs in almost every large city, and, alas, not only boys but girls. The latter are more difficult to approach, as it can only be done by women. To neglect these young criminals in the making is to reap a harvest of retribution in the not far distant future. It is they who will become the ringleaders in crime, and render life and property insecure. All that is necessary is to leave them to themselves. Time and environment will do the rest.

The Commissioner of Police informed me that in Calcutta there were hundreds of boys engaged in the illicit sale of cocaine. The light sentences usually passed on them by magistrates in consideration of their youth had no deterrent effect. Crime was to them a profitable pursuit, and they were in training to become the worst and most dangerous of criminals. Nearly every large city in India has a similar tale to tell. They must be severed from their employer in crime, even when these may happen to claim relationship. To respect family ties under such circumstances is like binding a child to a putrefying corpse, or to a small-pox patient.

II. THE CURE

There can be no doubt that in dealing with the criminal of all classes, punishment is necessary. Indeed law without a penalty becomes, as the lawyers remind us, merely good advice, and ceases to be law at all. God punishes sin, and every human government that is worthy of the name finds it necessary to do the same.

Our experience with the criminal all over the world goes to show that a strong policy is a wise one and that a weak one is unkind to the criminal himself. The provisions of the Criminal Tribes Act provide the ruler in India with all the special powers that he requires in dealing with the growing evil of their lawlessness, but while the sword rests in its scabbard it cannot be a 'terror to evildoers.' To ask them voluntarily to forsake their raiding centres and place themselves within reach of police supervision, without subjecting them to a strong measure of compulsion, is surely to expect too much of them.

Where the alternative of prison or settlement is presented, criminals will usually and cheerfully accept the latter, and being under a certain measure of compulsion, will remain in the settlement, so that we have a chance of getting at them, and employing and reforming them.

So far as reformation is concerned it is a mistake to treat the criminal as a person to be pitied and sympathized with and filled up with good advice. But it is equally a mistake to withhold from him every possible opportunity and inducement to reform. It is not enough to ask him to reform himself. His condition and circumstances should be made such that he will be compelled to reform by every instinct of self-interest and self-preservation. If the waters of ravaging torrents can be forced into channels where they can be converted into canals irrigating vast areas of previously barren land, surely the resources of a wisely paternal Government need not shrink from the task of applying similar methods and principles to the raging torrents of crime which threaten to destroy the bulwarks of law and order.

The relaxation of prison discipline and the improvement of the prisoner's condition have probably been carried of late years to the very limit of safety. The jail is in danger of being made so comfortable that it may cease to become a terror to evil-doers. This is to be regretted, and anything that will increase this tendency is to be avoided as far as possible. But there are two features of prison administration which can probably be improved without incurring any such risk. I refer to (1) the prisoner's family, and (2) the released prisoner.

When the prisoner is sent to jail no consideration is paid to his family and their support. It is true that in the case of criminal tribes, and even individuals, the family may have participated in his wrongdoings. But consider the unfortunate position of a woman with young infants, whose husband is sent to prison. In Europe the prisoner is as often as not an unmarried man. In India such is not the case. Practically every criminal of adult age is married. The exceptions are so few that they are not worth considering. Hence the question is a burning one. I venture to say that the cost of providing for convicted prisoners' families in settlements would be infinitesimal in comparison with the greatness of the gain. Our settlements would form a safe and cheap harbour for such families, where the woman and her children would at least partially meet the cost of their support by their labour.

As for the released prisoner, many Prisoners' Aid Associations have been organized all over the world, and while some good is undoubtedly effected, there is great room for improvement. We ourselves, perhaps, have had a wider experience in this class of work all over the world than any other single organization. Yet although I would not in any way belittle the good which has been accomplished, the voluntary principle is not sufficient when dealing with a released criminal, and a better bridge is urgently needed over which he can safely pass back from prison to ordinary life. He must not be left to his voluntary impulses or desires for turning over a new leaf. His circumstances are against him and will overpower him unless he is safeguarded and protected by some stronger power than his own good resolutions. This is our experience all over the world and in places where the Prisoners' Aid Associations are the strongest and best organized.

The difficulty can easily be met by committing the released prisoner to a settlement before the expiry of his term, to spend the rest of his sentence there. Here he will be found employment and surrounded with good moral influences. His prison garb and chains will be discarded, and he will gradually be strengthened and accustomed to use his broken will-power. When the day of complete liberty arrives, he will pass not straight from prison but from surroundings which will

ensure him a new and happy entrance to a sphere of usefulness. If difficulties occur, he will be able to return to the same sheltering influences instead of returning to his evil ways.

What then is needed for the improvement of our present system of penology?

(1) *A definite policy.* To deal successfully with the criminal of all classes requires the laying down of a definite policy or line of action. Success is of course a relative term. It does not mean the extinction of crime and the creation of a crime-free Utopia. Only perfect beings under perfect conditions could ensure such a result. But it does mean the reduction of crime to an absolute minimum. It does mean that we have a great deal more crime in existence than would be the case if crime and criminals were dealt with in the best and wisest manner. To ensure this result a well-defined and carefully thought out policy should be laid down and carried out.

(2) *Classification.* It is not desirable to place all in one category, label them 'criminal,' and subject them to the same treatment, any more than it would be wise to place all sick persons in one hospital, label them 'diseased,' and subject them to the same diet, medicine and surgical treatment.

(3) *Guiding Principles.* The treatment of crime should be based on the following principles. It should be : (a) Punitive, (b) Deterrent, (c) Preventative, (d) Curative.

The ordinary system is well adapted to attain the first two objects, which are of great—perhaps the greatest—importance, and must on no account be lost sight of. Crime is not to be pitied but condemned. It is, however, in the last two respects that the present system of penology needs to be strengthened, improved, and modified. For instance, to let loose a criminal to prey afresh upon society after he has served his term, or to allow him to choose his own raiding centre from which he can the most easily carry on his raids, is obviously an unwise disregard of the principle of prevention being even better than cure. It is to disregard one of the most vital principles of moral sanitation. Segregation is one of the most effective means of combating epidemics of crime. The habitual, and especially the incorrigible, or apparently incurable, ought

certainly to be segregated until there is satisfactory evidence that they are completely cured. Till then, they ought to be quarantined and made to spend their time under the yellow flag. They need not necessarily be imprisoned, but they should (with their families, who are in India usually more or less their partners in crime) be strictly segregated, and this step in itself would probably serve to reduce crime by at least 50 to 75 per cent.

A very satisfactory advance has been made in this direction by the United Provinces, in establishing an over-sea colony in the Andaman Islands for the Bhatus, one of their most dangerous criminal tribes. Here it is obvious that the incorrigibles will be unable to create a raiding centre. Already the settlement has become so popular with this tribe that other members are voluntarily applying to Government to be sent there. One of our most successful officers has been sent, with his equally popular wife, to take charge, and this has contributed largely to the success of their Indian Botany Bay, where the wrongdoings of the past are buried in forgetfulness, and a new start in a new land means a new opportunity.

(4) *Control.* The firm but kindly control of the criminal should be an essential feature of a wise policy. A voluntary 'please-be-good' policy will not do. It has been well said that liberty is not licence. It is not wise to trust to his voluntary efforts to be good and pick himself up. His will power for good has become like a broken or disjointed limb, and will need splints and plaster of Paris for some time to come. This the strong hand of authority must supply. Let the police officer quietly yet firmly explain to him the security provisions of the Criminal Procedure Code, or the new regulations of the Criminal Tribes Act, and the grim alternative that awaits him, and he will gratefully accept the offer of location in a settlement.

(5) *Concentration.* The scattering of the criminal when released is like spreading disease. It is like scattering cholera, plague, or smallpox, and inoculating the whole country with the disease.

(6) *Employment.* In the curative treatment of crime, one of the most difficult problems is that of finding suitable and

sufficiently remunerative employment, of a not too arduous or disagreeable character. But by concentrating them as above suggested, the solution of the problem is very much facilitated. In all the great cities of India there is a constant and increasing demand for labour, and the criminal can, under wise and sympathetic guidance and control, be gradually absorbed in the ordinary channels of employment. The forms of employment which are provided by us are as follows :

- A. Outside employment in the ordinary channels during the day time, the settlers returning to their settlements before dark.
- B. Settlement Industries.
 - i. Silk. (a) Growing silkworms, (b) Reeling and spinning silk, (c) Bleaching, dyeing and twisting, (d) Weaving silk.
 - ii. Weaving cotton or woollen fabrics. iii. Carpet making. iv. Mat and basket making. v. Treasury bags and box making. vi. Carpentry and handicrafts. vii. Shoemaking.
- C. Settlement Agriculture.
 - i. Field crops. ii. Garden crops. iii. Poultry. iv. Donkeys, cattle, goats, sheep.
- D. Miscellaneous.
 - i. Quarrying stone. ii. Cutting forest. iii. City scavenging.

Contracts are now being entered into by us on their behalf with various Government Departments with a view to enabling us to find them employment, and this with excellent results.

The hereditary criminals of India provide a perplexing yet fascinating study for the criminologist. One thought vividly presents itself to the mind. While crime cannot be altogether eradicated, it can certainly be *maximized* by a faulty system of penology, and on the other hand it can also be *minimized* by discovering and adhering to certain foundation principles.

The Definition of Drunkenness

BY GORDON WILSON, M.B. (LOND.)

Police Surgeon, West Riding Constabulary

THERE is no statutory definition of drunkenness in British law; nor do I think that one will ever be drafted. My own opinion is that such a definition is unnecessary and undesirable. The combinations and permutations of the interactions of human activities and their effects upon the individual and the community are infinite, and attempts to define them all by statute, however well meaning and however carefully drafted, must in the nature of things fall short of their object. After all, law is but an attempt to secure justice, that is, to satisfy that sense of fairness, inherent in the human mind, which shapes the judgment and decisions of the British people whose temperament its courts should crystallize.

It has been said that it is astonishing how often juries are right: it is equally, if not even more, astonishing how often magistrates are right. The reason is that the British legal system has the inestimable advantage of allowing its tribunals, within limits, to ignore or override the letter of the law, in order to avoid or prevent injustice.

I think it is true in most questions in which appeals against decisions are carried from lower to higher courts that it is noticeable that while the lower courts attempt to reach a decision by the lights of justice and equity the higher courts 'care for none of these things' but decide the point in accordance with 'statute law judicially interpreted.' These decisions may or may not coincide with a sense of justice or of equity; they have, however, in effect no causal relations with the same. In considering the question of drunkenness the fact seems to have been overlooked that a man was not drunk on a specified occasion until the Court has decided that he was drunk. A

statutory definition of drunkenness would tend to place the onus of this decision in the hands of the expert witness and remove it from those of the Court.

It is convenient at this stage to enumerate some of the attempts which have been made to define drunkenness both from a scientific and from a statutory aspect. The most important of these is embodied in the recommendation of a committee of the British Medical Association specially formed to consider the question of the definition and diagnosis of drunkenness. This committee arrived at the following conclusion:

'That the word "drunk" should always be taken to mean that the person concerned was so much under the influence of alcohol as to have lost control of his faculties to such an extent as to render him unable to execute safely the occupation in which he was engaged at the material time.'

In the proceedings on the Criminal Justice Bill, 1925, an attempt was made to insert the definition 'That drunkenness is a state of intoxication whereby the capacity to act was impaired.'

Judge Sturges, K.C., has suggested in connection with motoring offences that a man in charge of a motor-car is drunk when his skill and judgment normally required in the manipulation of a motor-car are obviously diminished or impaired as a direct result of the consumption of alcohol. In the same connection in other countries the following occur: A Dutch law of 1924 states:

'A man is drunk in charge of a motor-car when so far under the influence of alcoholic liquor as not to be able to drive in a proper manner.'

In a South Australian Act the phrasing was:

'So much under the influence of intoxicating liquor as to be incapable of an effective control of such motor vehicle, *i.e.*, of the particular motor vehicle in question.'¹

Before criticizing these definitions in any way it is necessary to enumerate those enactments of British law relating to

¹ For this and the two preceding paragraphs, cf. Mr. Llewellyn Jones, *Transactions of the Medico-Legal Society*, Jan. 26, 1928.

drunkenness. I propose to limit myself to a consideration of those affecting the civilian population only; that is, such persons as are not in government employ. There are fifteen of these Acts in which the expressions 'drunk,' 'drunken,' in a 'state of drunkenness,' 'intoxicated,' 'in a state of intoxication,' are employed to describe the condition of the accused. There is one, the Children's Act, 1908, 8 Edwd. VII., c. 67, s. 13, in which the expression used is 'under the influence of drink.' I omit this from consideration because any person who has had any alcohol at all is under the influence of drink. I am assuming that 'drunk,' 'drunkenness,' 'intoxicated,' and 'intoxication' refer to the same condition, viz., 'being drunk.' The statutes relating to 'habitual drunkenness' are also omitted from consideration. These fifteen statutes are:

1. The Licensing Act, 1872 (35 and 36 Victoria, c. 94, s. 12).—
Found drunk in any highway or other public place whether a building or not, or on any licensed premises.
Being guilty while drunk in any highway or other public place of riotous or disorderly behaviour.
Being drunk while in charge on any public highway or other public place of any carriage, horse, cattle or steam engine.
Being drunk while in possession of any loaded firearms.
2. Metropolitan Police Act, 1839 (2 and 3 Victoria, c. 47, s. 58).—
Person found drunk in any street or public thoroughfare within the Metropolitan Police District who while drunk is guilty of any riotous or indecent behaviour.
3. Town Police Clauses Act, 1847 (10 and 11 Vict., c. 89, s. 29).—
Person drunk in any street and guilty of any riotous or indecent behaviour therein.
4. Licensing Act, 1902 (2 Edwd. VII., c. 28, s. 2).—
Found drunk in any highway or other public place whether a building or not, or any licensed premises, while having the charge of a child under the age of 7 years.
5. Criminal Justice Act, 1925 (15 and 16 Geo. V., c. 86, s. 40).—
From June 1st, 1926: Person drunk while in charge on any highway or other public place of any mechanically propelled vehicle.

¹ Cf. Report of the British Medical Association Committee on Drunkenness.

6. Licensing (Consolidation) Act, 1910 (10 Edwd. VII. and 1 Geo. V., c. 24, s. 80).—
Drunken person refusing or failing to quit licensed premises upon being requested to do so by the holder of the licence or agent or servant.
7. Refreshment Houses Act, 1860 (23 and 24 Vict., c. 27, s. 41).—
Being drunk in any shop, house, premises, or place licensed for refreshments and entertainment under the provisions of the Act and refusing to quit such shop, premises, or place upon being requested to do so by the manager or the occupier or his agent or servant or by any constable.
8. Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60, s. 287).—
Drunk and disorderly person who has been refused admittance to a passenger steamer and persists in attempting to enter that steamer.
Person drunk and disorderly in a steamer refusing to leave that steamer at any place in the United Kingdom where he can conveniently do so when requested by the owner or any person in his employment.
9. Tramways Act, 1870 (33 and 34 Victoria, c. 78).—
Power to make By-law against drunken person entering.
10. London Hackney Carriage Act, 1843 (6 and 7 Vict., c. 86, s. 28).
Being drunk during employment as a driver of hackney carriages or as driver or conductor of a stage carriage in the Metropolitan Police District.
11. London Hackney Carriage Act, 1831 (1 and 2 Wm. IV., c. 22, s. 56).—
Proprietor or driver or any other person having care of hackney carriage who shall by intoxication . . . injure or endanger any person. . . .
12. Town Police Clauses Act, 1847 (10 and 11 Vict., c. 89, s. 61).—
The driver or person having the care of any carriage being intoxicated while driving.
13. Merchant Shipping Act, 1894 (57 and 58 Victoria, c. 60, s. 220).—
Master seaman or apprentice belonging to a British ship by reason of drunkenness, etc., etc.
Same Act, s. 607.—
Pilot when in charge of a ship by reason of drunkenness, etc.
Same Act, s. 407.—
Court of Inquiry as to conduct of a master, mate, or engineer if they find he has been guilty of any gross act of drunkenness may cancel or suspend certificate.

This is the only enactment in which any qualifying adjective is used with the expression meaning to be drunk, and it is noteworthy that this is not an ordinary Court of Justice but a Court of Inquiry as to the accused's fitness to hold that certificate necessary for his employment in his capacity of master, mate or engineer.

14. Poor Relief Act, 1814-1815 (55 Geo. III., c. 137, s. 51).—
Any person maintained in any workhouse guilty of drunkenness.
15. Railway Regulation Act, 1840 (3 and 4 Victoria, c. 97, s. 13).—
Any engine-driver, guard, porter, or other servant in the employ of any Railway Company found drunk in the employ of the Railway Company.

There are five Acts relating to offences committed with respect to a drunken person :

- (1) Licensing Act, 1902 (2 Edwd VII., c. 18, s. 7).—
Any person who being on any premises licensed for the sale of any intoxicating liquor . . . procures or attempts to procure any intoxicating liquor for consumption by any drunken person.
Aiding and abetting any drunken person in obtaining or consuming any intoxicating liquor on any premises so licensed as aforesaid.
- (2) Licensing (Consolidation) Act, 1910 (10 Edward VII. and 1 Geo. V., c. 24, s. 75).—
The holder of a Justice's licence shall not permit drunkenness to take place upon his premises or sell any intoxicating liquor to a drunken person.
- (3) Refreshment Houses Act, 1860 (23 and 24 Vict., c. 27, s. 32).—
Person licensed to keep refreshment house who shall knowingly suffer drunken persons to assemble or continue in or on his premises.
- (4) Firearms Act, 1920 (10 and 11 Geo. V., c. 43, s. 4).—
A person shall not sell a firearm or ammunition to or repair, prove, or test a firearm or ammunition for any person whom he knows, or has reasonable grounds for believing, to be drunk.
- (5) Pawnbrokers Act, 1872 (35 and 36 Victoria, c. 93, s. 32).—
Pawnbroker taking article in pawn from any person appearing to be intoxicated.

A study of these statutes reveals the fact that with the exception of the Merchant Shipping Act, 1894, 57 and 58 Victoria, c. 60, s. 407, which, as I have already pointed out, refers not to an ordinary Court of Law but to a Court of Inquiry, no adjective qualifying the state of drunkenness or intoxication or the state of being drunk or intoxicated is ever used. Nor is it ever suggested that a man is so drunk as to be unfit to be in a certain place ; nor is it suggested that he must be so drunk as to be incapable of carrying out or unable safely to carry out any specified duty or occupation.

The exact state of the British law has been (Oct. 1927) laid down by the Lord Chief Justice in commenting upon a case in which a magistrate's court had found guilty a man charged with being drunk in charge of a motor vehicle upon the evidence of a medical witness who refused to certify the man was drunk but swore he was so far under the influence of alcohol as to be unfit to drive a motor-car. His Lordship said the Court had no right to convict and remarked clearly and concisely, " ' Drunk ' means drunk." That is, that to be drunk does not mean to be so drunk as to be unfit or unable to do this, that and the other. Drunkenness in British law is a condition *per se*. Therefore the definitions I have enumerated previously are invalid. They are quite obviously attempts to make the definition fit the crime. They equally obviously overlook the fact that drunkenness in itself is not a crime ; and that, although it is in certain circumstances a statutory offence, it is first necessary to establish the fact that the condition exists irrespective altogether of the circumstances in which the condition as established occurred.

The fact of the matter is that English law considers and implies that being ' drunk ' is within the experience and comprehension of every man ; that it is an ordinary objective incident of existence just like a wet day or a badly cooked meal ; and that as such it deems drunkenness not as being incapable of definition but as not requiring definition. Furthermore it is obvious that the law considers that this condition of being ' drunk ' is one so likely to cause antisocial consequences in certain circumstances that it has enumerated these certain circumstances and enacted that to be drunk in these circum-

stances is a crime. These antisocial consequences are not enumerated but left to the imagination and obviously include anything which may harmfully affect the comfort, convenience and security of the community or any portion thereof. Seeing that it is deemed that drunkenness is within the knowledge and comprehension of the man in the street it must be admitted that it is also within the knowledge and comprehension of the Court. Therefore the Court rightly considers that had it been present on the material occasion it is capable of deciding whether the man was drunk or in some condition indistinguishable from drunkenness by the layman.

Is it possible to put into words the conception of drunkenness which exists in the mind of the ordinary individual and, therefore, in the mind of the Court? It appears to me that *the Court's conception of drunkenness* can be defined as follows: Drunkenness is a condition, due to the voluntary consumption of alcohol, which is evidenced by a demeanour interfering, or likely to interfere, with the comfort, convenience and safety of the public.

What the Court requires from the witnesses, therefore, is as exact a picture as possible of the accused person's condition. These witnesses usually consist of two classes, the ordinary witness and the medical witness. The evidence of these witnesses may relate to the material occasion or to time antecedent or subsequent to it.

Practically speaking, medical evidence of the accused person's condition at the material time is never available; therefore some evidence by lay witnesses must exist first of all.

Probably lay evidence of drunkenness is just as valuable as medical evidence, particularly if the witness is previously acquainted with the accused, except in one respect: the lay witness is quite unable to state that the signs which he attributes to drunkenness are not due to some other condition which may produce identical signs. What the Court will require from the ordinary witness is not a definition of drunkenness but a description of the signs which caused him to state that in his opinion the man was drunk.

The chief value of medical evidence is a negative one: the denial that any pathological condition exists which may

cause signs resembling, or identical with, those of drunkenness. Rightly or wrongly, however, the Court attaches considerable importance to positive medical evidence of drunkenness and expects much more from the medical than from the lay witness. Naturally therefore his cross-examination will be more searching and severe, and he will be practically compelled to submit his definition of drunkenness for the consideration of the Court.

How is he going to arrive at and formulate this definition? The medical witness should be prepared to answer 'yes' or 'no' to the question: Was the accused drunk? He should not preface his reply by first stating his definition of drunkenness; he should not try to obtain his interlocutor's definition of drunkenness: he should not try to bargain for a mutually acceptable definition of drunkenness nor for one which the Court may signify its willingness to adopt. After he has stated that a person is drunk, then he should be prepared to give his reasons for his opinion of that person's condition and why he considers that condition to be drunkenness and not any other similar condition. If the statement of his reasons accords with the commonsense and experience of the Court it will be accepted; if it is repugnant to the commonsense or at variance with the experience of the Court it will be rejected. The accuracy and validity of his observations and the logic of his conclusions also will either be accepted or impugned.

What conditions must a definition of drunkenness fulfil to satisfy both science and the law?

1. It must be absolute not relative. It must be valid whatever the environment or occasion in which the condition is deemed to exist, and for the purpose of the law all these environments and occasions are set forth in the Acts which I have enumerated.

2. It must be in accordance with the ordinary experience of human existence; that is, with the ordinary experiences of the Court. As I have pointed out the Court is presumed to have an objective knowledge of drunkenness.

3. It must be capable of being understood by any sane person; that is, it must be capable of being understood by the Court, because sanity, and not any higher degree of intelligence, is presumed to be possessed by the Court.

4. Lastly, it must enable the medical witness to say definitely whether or no the condition be present in a particular individual.

The first condition to be fulfilled in establishing the fact of the existence of drunkenness is that it must be a result of the consumption of alcohol and not the result of anything else. Now, after the consumption of alcohol a human being will either be affected or not affected. If affected, this will become visible by an alteration in his normal reaction to environment. This environment, in the eyes of the law, must be one which may be expected to be encountered in ordinary existence and included in the Acts already enumerated. By this I mean that it is not the environment of the chemical, the physical or the psychological laboratory. It is indisputable that any alteration in an individual's reaction to environment must be for the better or for the worse.

I am aware that doctrinaires have advanced that any such alteration caused by the ingestion of alcohol must be for the worse. This is not so; the statement has no relation to reality.

The first effect of alcohol is to remove inhibitions; many inhibitions are beneficial to society and their removal therefore harmful. But in certain individuals—in my opinion a numerous class—inhibitions are the cause of their failure to react in a normal manner to life; and alcohol improves their reactions to life. They become more agreeable and assured; they are better able to decide upon a course of action; and in carrying out that course of action they are not hampered by the co-existence of irrelevant and disturbing and therefore inhibitory ideas.

If we analyze the reaction of the individual to his environment we find it can be divided into three evident components. First, his behaviour; that is, the way he conducts himself to his fellows and the manner in which he either ignores or recognizes their existence. Secondly, his judgment; that is his capacity to select the course of action which in any circumstance will ensure the most favourable result in that circumstance. Thirdly, his skill: that is, the manner in which he carries out that course of action upon which his judgment, good or bad, has decided.

We are now able to submit *a definition of drunkenness from a medical point of view*. If a man's behaviour, judgment or skill, one or more of them, are altered for the worse as a result of the consumption of alcohol, that man is drunk. That is to say, a drunken person is one who is the *worse* for drink. In what way a man is worse for drink and to what extent he is worse for drink can be determined and estimated. But it must be remembered that it is the presence of such impairment and not its extent which constitutes drunkenness.

It may be advanced that this definition may result in inequitable consequences. But if a scientific fact and the operation of the law fail to ensure justice, the law will alter. Practically, however, injustice will rarely occur.

First of all, the degree of drunkenness, sufficient to attract attention to an individual in charge of a motor-car or firearm, will not cause him to be noticed while proceeding along the highway or entering, say, a tram-car. Secondly, although the definition of drunkenness by a medical man must be absolute, that which forms the basis of the decision of the Court will be found practically always to be relative.

The adoption of this definition by medical witnesses—viz., That drunkenness is an alteration for the worse in an individual's behaviour, judgment or skill, one or more of them, due to the consumption of alcohol—would get rid of a lot of muddled thinking and loose phrasing on the part of medical witnesses. Expressions such as 'neither drunk nor sober,' 'in a stage of transition,' 'he was too drunk to be in charge of a motor-car but not too drunk to walk along the street,' betray a lack of comprehension both of the principles of science and the state of the law. It is true that a medical witness should estimate and should give his opinion as to the degree of drunkenness and its probable effect upon the individual's occupation at the material time. But he must first make up his mind whether the individual is drunk or not, irrespective of whether he was driving a car, carrying a firearm or walking along the road.

In practice it will be found that what the Court requires before convicting a man of drunkenness is as follows.

It must be satisfied, first, that the man's demeanour as

described by witnesses was directly due to the voluntary consumption of alcohol; secondly, that this demeanour was of such a nature as to be calculated to interfere with the comfort, convenience, or safety of the community.

For the purpose of comparison and criticism I will repeat the two definitions which, in my opinion, embody the practice of British courts in the establishment of drunkenness.

First, the medical definition of drunkenness :

Drunkenness is any alteration for the worse in an individual's normal behaviour, judgment or skill, one or more of them, caused by the consumption of alcohol.

This definition is absolute in all circumstances.

Secondly, the Court's conception of drunkenness :

Drunkenness is a demeanour directly caused by the voluntary consumption of alcohol and/or fermented liquor which is calculated to interfere with the comfort, convenience and safety of His Majesty's lieges.

This definition is absolute in those circumstances in which the law deems drunkenness to be an offence.

The French Police: Its Evolution from its Source to the Present Day

By PIERRE GUITET-VAUQUELIN

General Director of the Information Service of *Le Matin*, Paris
[Translated]

IT would be foolish to try to condense into a few pages a complete history of the police in France. Only a panoramic view can be given here, and at the outset I must plead for indulgence, because, as chief of the news service of a big daily paper, I have longstanding friendships in all ranks of the police, both in France and abroad, that I should be sorry to endanger.

First of all it is necessary to bear in mind that in dealing with the evolution of the police in France, Paris must be distinguished from the country as a whole. This distinction has been preserved from century to century. It is more than ever in evidence at the present time, when the capital—having reached the limit of its expansion and of its controlling ability, through the progressive centralization of power—enjoys a remarkable police organization which is peculiar to itself, and an unusual magistracy. Even in the dim past 'the first town of France' had its own police, the rest of the country being the prey of a feudal system which often opposed the royal power and ruled its subjects as it willed, feudal rights prevailing over the rights of the people. At that time Paris harboured within its walls, as have all great towns in all times, the best and the worst of men. Riches were possessed by few, simple comfort being the lot of the majority. Misery was widespread, and covetousness and boldness formidable. On the fringe of the aristocracy, commoners, and artisans, swarmed the 'dangerous classes,' convicts and specialists in crime, organized in regular trade unions, of which the chief was that

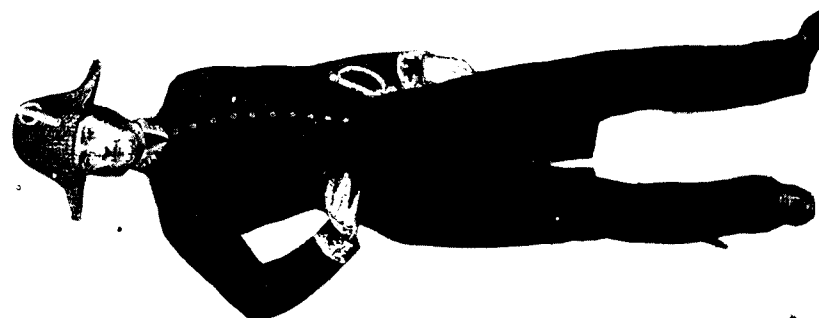
famous Court of Miracles, concerning which I shall speak again presently. Against that army of criminals—to circumvent whose activities chains were stretched in the evenings across the streets, until the sixteenth century—royalty and citizens organized themselves in a similar way and, to a certain extent, successfully.

The first police regulation in France dates from the sixteenth century; but in the tenth century, Hugues Capet conferred on Paris a Chief of Police, who was called the *Prévot de Paris* (Provost of Paris), and in whom were united the supreme duties of President of the Court of Justice of the Chatelet, Military Governor, and Governor of the Police Force. If the first holder of the office left a not unblemished memory, he was, nevertheless, an important figure, like his successors.

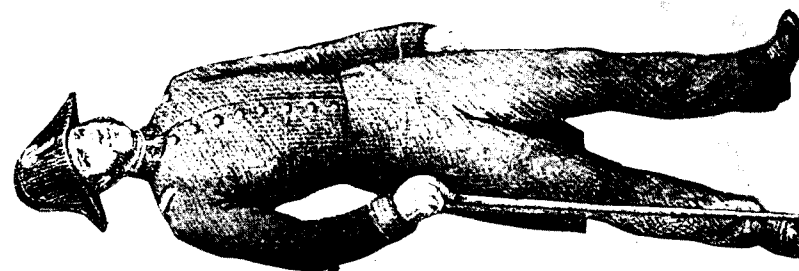
On special occasions the Provost of Paris, clad in a robe lined with ermine, rode on a richly caparisoned mount preceded by two pages bearing his helmet and his gauntlets. He had under his command a *Compagnie d'Ordonnance* (artillery company), and two other companies: the *Sergents du Guet* (constables of the watch), on horseback, and the *Sergents à Verge* (constables of the rod) on foot. As local commissioners, he had at his command, in each quarter or division of the city, certain chosen citizens, each assisted by ten constables, who were responsible for seeing that the laws were obeyed.

The authority of these commissioners, who constituted what was called the *Guet Assis* (seated watch) or *Guet Dormant* (sleeping watch) has been much discussed by historians. These good men were not very fond of fighting. They volunteered to remain all night under arms, kept awake by the *Veilleur du Guet* (night watchman) who *cornait la guette*, that is to say sounded the horn, at the threshold of the Chatelet every hour. These citizens, moreover, as was shown by their active co-operation in the achieving of municipal freedom brought about by Etienne Marcel, had but a lukewarm regard for the royal power.

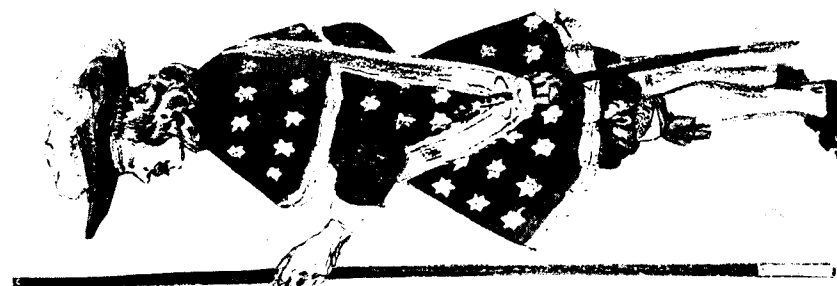
It was the *Guet Royal* (royal watch) who were the real city police, and who saw that edicts and regulations were carried out. It must be admitted, however, that if the *Guet Royal* protected the town with military strictness, its members were



'OFFICIER DE PAIX'
(CHIEF CONSTABLE)
1841-1848



'SERGENT DE VILLE'
(CONSTABLE)
1829-1830



'SERGENT DU GUET'
(CONSTABLE OF THE WATCH)
17th Century



'GARDIENS DE PARIS'
(CONSTABLES)
1848-1849

THE FRENCH POLICE

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not free from corruption. For certain contemporary chroniclers relate that the guilty often escaped punishment, if they paid a ransom to the constables. This bad example, moreover, was set by those in authority. What the Provost of Paris received with one hand disarmed his other. The venality of this office reached its height when it was put up for auction at a time when the French kings were adopting every possible expedient to raise money. At one time two provosts could be seen exercising their power at the same time, and selling themselves to criminals with an assiduity which much grieved the chronicler Joinville. Fortunately Louis IX. interfered and restored to Paris a justice which had been confounded for many centuries with the exigencies of the police. He appointed an honest man, Etienne Boileau, as Provost, and treated with severity any citizens who were backward in co-operating for the public safety. None were exempt from service in the *Guet Assis* except lawyers, doctors, attorneys, clerks, husbands of women in child-bed, men who had been bled during the day, and those over sixty years of age.

Much has been written about the social insecurity of France from the fourteenth to the sixteenth century. If Paris had its organized—or, as we should say nowadays, syndicated—scoundrels, the provinces were the prey of bands of mercenaries without loyalty or law, without hearth or home, remnants of those terrible 'Great Companies' which it had been necessary to recruit during the Hundred Years' War. As there were no police in the provinces, the High Constable Du Guesclin and the noble Bertrand d'Armagnac were entrusted in turn with the employment of these bands in Spain and Italy. Charles VII. gave them the *coup de grâce*.

The *Guet Assis*, not so still as its name would imply, opposed the royal authority and was suppressed by Henri II. It was not revived till the formation of the National Guard. The *Guet Royal*, on the other hand, was raised to an effective force of 240 men, called *Archers du Guet* (bowmen of the watch), jovial fellows, steadfast and determined, armed with morions, gauntlets, corselets, halberds, javelins, and pikes. Not till the seventeenth century were there any sensational innovations. For if Louis XI. is said to have ruled by means of his police,

it was his political police in whom he was chiefly interested. It has been asserted that he initiated the public postal service merely in order to facilitate the correspondence of his spies and to increase the facilities for tampering with the correspondence of other people ; but such statements are unworthy of serious consideration.

It was in the seventeenth century—rightly called *le Grand Siècle*—that Louis XIV., that great organizing genius and founder of the national unity, established the police on a fundamental basis, which would henceforth need only to be enlarged and improved.

His first step was to create a Lieutenant-General of Police in Paris and Lieutenant-Generals of Police in the provinces, whose powers and duties were clearly defined. In Paris, this official presided over the Council of Police, created by Colbert and entrusted with the magistracy and with the public safety of the capital. He was assisted by a Civil Lieutenant and a Criminal Lieutenant, who had at their command commissioners charged with the rounding up of criminals and vagabonds, with visiting bakehouses and, in those times of alchemy and sorcery, with investigating alleged cases of witchcraft. Each commissioner had under him ten well-armed constables, who enjoyed the privilege of *franc-sale* (free salt), that is to say a rebate on the price of salt, and other similar privileges.

The first Lieutenant-General of Police in Paris, and the most deservedly famous, was M. de la Reynie. The Duke of Saint-Simon has said of him : ' He was a man of great courage, who, in a post which he himself had, as it were, created, was bound to bring upon himself the hatred of the people, but yet won universal esteem.' He was the living embodiment of the man whom Colbert had pictured to himself as supreme magistrate of the city of Paris : ' Our Lieutenant-General of Police must be a man wearing the robe of justice and bearing a sword ; and if the learned ermine of the doctor should hang from his shoulders, his feet must also clank with the spurs of a knight. He must be impassive as a judge and bold as a soldier, so that he may be agitated neither by the inundations of the Seine, the plague that fills the hospitals, the uproars of the people, nor the threats of courtiers.'

Backed up by strong ministers like Colbert and Louvois, la Reynie first of all proceeded to purge the capital. At that time Paris was actually held to ransom by a population of 40-50,000 criminals of every conceivable kind, who held their assizes in the picturesque but terrible Court of Miracles, so graphically described by Victor Hugo in *Notre Dame de Paris*. La Reynie laid formal siege to this army of rogues, captured its stronghold, killed all who resisted, and announced to the rest : ' I will give you one minute to leave this town. Of the last twelve of you who are caught, six will hang and six go to the galleys for twenty years.' There was no need to repeat the threat, and the enemy decamped so vigorously that not one of them was taken prisoner. The Court of Miracles was at once set fire to and demolished. Thus at one blow was the capital purged of its ill-gotten brood. In order to prevent their return—and nightly infiltration was most difficult to prevent—La Reynie inaugurated public lighting and had more than 3,000 lanterns set up in the streets of Paris.

La Reynie may be said to have sketched out the plans of public safety and town government in which, later, the Prefects of Police of Paris and the Prefects of the Seine collaborated so closely and intelligently.

The Lieutenant-Generals of Police held office until the Revolution. During the eighteenth century, assisted by the mounted patrols,¹ they had to contend with a regular army of criminals whose misdeeds have been embellished by legend, and whose chiefs, Cartouche,² Mandrin and others, might well have posed to-day for the popular novel and the film. Yet, although these officials rendered signal service under the *ancien régime*, they brought disrepute upon themselves by their many excesses. Under the absolute monarchy these excesses were partly due to the too exclusively political task which devolved on these officials, a task easily corrupted and corrupting. Colbert laid it down that the police should stand aside from intrigue and be strong and unbiased. These excesses, however, were also due to the gradual change in the

¹ The *maréchaussée*. Later they became the Gendarmerie Royale. [Trans.]

² For an account of Cartouche, see *The Prison Breakers*, by Alban M. Phillip, 1927, pp. 115-163.

manners of the court and of the nobles who wore the sword, and even of the nobles who were gowned (*i.e.*, clerics). Men of rank, like the Marquis de Brinvilliers, who distributed liberally poisons—ironically called ‘powders of succession’—guaranteed to remove all obstacles; mistresses and near relations of the king who became involved in serious scandals of which the famous Diamond Necklace affair is the prototype—were the rule rather than the exception at Court. Yet in spite of this the police at that time were a splendid type and certainly do not deserve to be discredited. Their weakness was the result of an arbitrary system of justice which made mock of the liberty of the people and, in matters which did not come within the scope of the law, issued those odious *lettres de cachet* (sealed letters) which sufficed to send the most innocent of men to the prisons of La Force or the Bastille, which thus became emblems of tyranny.

To illustrate the heights and the depths of that magistracy, a few of the more illustrious of the Lieutenant-Generals of Police may be mentioned.

D’Argenson (1652-1721) excelled even the secret agents of Richelieu and Catharine de’ Medici in the art of political espionage. It was said that he had eyes and ears everywhere—nobles in his pay at ten louis and rascals at ten sous. So sure was he of his system that on one occasion he proved to Louis XIV. that he could repeat to him every word that the king had spoken in a private conversation. He had a genius for police work, but was indulgent towards irregularity of morals, and he promoted the debauches of the Regency. Teschereau openly encouraged corruption; Berryer de Barnoville, the favourite of Madame de Pompadour, who lent a hand in all Court intrigues and retailed to his employers the accounts of all society scandals of the day, was forced to resign because—the matter has never been satisfactorily cleared up—he was accused of having caused the throats to be cut of certain children who had been arrested in so-called raids of the police, in order to supply baths of blood for the sick Dauphin! There was the brilliant and subtle De Sartines, master of the police gallants who composed, for the edification of Louis XV., those confidential reports which are such masterpieces of licentious

irony and who developed public espionage to such an extent that he could say: ‘Of three people talking in the street, one of them certainly is in my pay.’ However, he redeemed his evil practices by first-rate administrative qualities, which put him on a level with the greatest of the Prefects of Police of later centuries. It was he who caused the Corn Exchange to be built, he who invented the service of safety pumps which became the origin of the fire brigade, he who instituted the cleaning of Paris by having the avenues, squares, and streets swept three times a day. So bold and practical a reformer was he that England and Austria were inspired by him. The last of the Lieutenant-Generals of Police of Paris was Thiroux de Crosne, who resigned at the time of the taking of the Bastille, and was guillotined in 1794.

At the end of the *ancien régime* the police force of Paris was composed of a body of 1,060 men, of which 170 were mounted. They were as well turned out as operatic tenors: close-fitting tunics of plain blue, white buttons stamped with a star, waistcoat and breeches of white cloth, black or white leggings, hats edged with white thread lace, and white epaulets on the coats.

It would be manifestly unjust to belittle the useful work accomplished by this force of light police; for if it did not purge the court and society, at least it purged the streets. History and fiction have enshrined the memory of these ‘clean-ups’ (called *presses*), in the course of which the police gathered up as in a net beggars, vagabonds, and women (among them Manon Lescaut!)—everybody without a home or ‘on their uppers,’ all of whom were deported to Louisiana by the king’s authority after having received summary notice from the police. This force had the privilege of sitting with their heads covered at the inquiries held at the Chatelet, and their symbol of office was an ebony wand with a knob and gold button bearing the royal arms.

A revolution, whatever it be, does not create an order. It abolishes one and, if it has vitality, prepares the way for another. As long as it is in progress there is uncertainty and necessarily arbitrariness. It recruits its agents where it can, and it must employ the least honourable means of co-operation—the help of

those who, by hatred or self-interest, are ready to denounce suspected people.

In Paris, however, the Revolution attempted to organize the police. Commissioners of Police were created and sections of the town allotted to them. They wore an ordinary French coat with a bunch of tricoloured ribbons on the left shoulder. With them were associated the Officers of the Peace, inspectors responsible for collecting the information gleaned here and there by informers and other spies adorned with the splendid name of *observateurs de l'esprit public* (observers of the public mind), and the Officers of the Peace had under them the *agents de police* (constables). But civil conflict is a favourable time for the enterprises of the professional criminal. Paris was swarming with thieves, and the provinces were the prey of bands of criminals who established a reign of terror known as the 'Great Fear.' In order to dam this flood of crime the National Guard was formed, with a strength of 6,000 in Paris, divided into cavalry, infantry, and artillery. The provinces followed this example. Old men were enrolled in battalions of veterans, young ones in battalions of hope; even the women were enrolled. The evil, however, did not diminish, so the old mounted police was reorganized and christened the National Gendarmerie. Finally, seeing that crime still increased, recourse was had to a Legion of the General Police, with a strength of 7,000 men. All this was but a framework, a machine with uncontrolled motive power, which was given now one direction now another, according to the power of the government of the moment.

The national authority now had to centralize itself anew in order that the police might be stabilized and its cadres reorganized. The Directory took to pieces the ephemeral machinery improvised by the Revolution, and the Consulate created a new force out of all the bits, a force so rational that it has lasted until the present day, in spite of the shocks which it suffered under the Restoration, the Republic of 1848, and the Commune. It is the present Prefecture of Police, and it dates from the year 1800.

The Prefect of Police, who wore originally a tricoloured uniform: blue coat, red breeches, and a tricoloured sash—the

national colours which the tricoloured scarf incorporated later on—was entrusted, in Paris, with the municipal authority, which in the provinces was confined to the mayors of the communes.

Having to maintain the *sûreté* (public safety) police, the political police, and also the enormous and varied economic police force, he had under him a regular army of officials, entrusted with these obligations: commissioners of police, officers of the peace, commissioners of the money market and of the small highways, commissioners and inspectors of market places and markets, inspectors of ports and harbours, etc. To the Prefect of Police belonged the duty of supervising the delivery of passports, of permits for residence, of identification cards, the morals, games, roads, worship, prisons, theatres, the fair collection of taxes and the free circulation of supplies. In fact this supreme official, magistrate and edile, was the brain and strength of Paris. In the provinces a like authority, although more limited in the edile's task, devolved, in towns of more than 100,000 inhabitants, upon the General Commissioners, all assisted by an adequate number of police commissioners.

A yet higher authority—which began as far back as 1796—had, in an intermittent fashion, control over the French police—the Ministry of Police. It contained some illustrious names under the Directory, the Consulate, the Empire and the Restoration, such as Fouché, Savary, Decazes, and de Maupas. Of these Fouché is the most interesting figure, a man whom one cannot love, but who in spite of everything excites our admiration; for he completed a truly heroic task, which may best be realized by reading the three big volumes of *La Police Secrète du Premier Empire*, by M. Ernest d'Hauterive, a collection of the daily bulletins which Fouché sent to Napoleon I. Certainly the political police was paramount in Paris at that time, that implacable force which made use indiscriminately of all classes of society, men of the street and men of fashion, valets and masters, counts, barons, marquises, even academicians, officials in the army, unreliable hired informers and informers of quality, who received payment according to their social rank and figured under the rather contemptuous title of *gens aux*

dépenses secrètes (secret service men). Nothing was sacred to Fouché. He knew all secrets, and it was he who practically organized that *cabinet noir* (black chamber) where all correspondence was scanned by the eyes of the police, that black chamber of which Decazes made a still worse use; for, not content with reading, he added seditious phrases to letters whenever he was working to ruin someone who was reluctant to let himself be caught. But even if one has little affection for a police force which was manifestly oppressive, it cannot be denied that it was an organization of great scope, such an organization that almost from hour to hour the Emperor was *au courant* with all that happened in the Empire in both civil and military life, and through which he could behold, as on a screen, all the activities, even the most secret, of the nation over which he ruled. Such a control implies a directing and repressive machinery of unrivalled precision; and if once the authority of political life is weakened it becomes the supreme guarantee of public order.

Some Prefects of Police of the Empire succumbed to the temptation to abuse their secret assistants, those informers whom the police were obliged to make use of, although always taking care to avoid letting them get the whip hand. In 1810, for example, Pasquier was not content merely to multiply his agents by civilian recruits from all classes. He attached to himself a number of criminals, more or less reformed, and did not hesitate to entrust, *sub rosa*, the criminal investigations at Paris to Vidocq, an old convict who was surrounded by agents recruited from those released from the hulks and the prisons, even escaped galley-slaves.

There is no stranger figure in the annals of crime than Vidocq. At the age of sixteen he perpetrated his first theft. In the course of time he became an acrobat, committed further deeds of a doubtful legality, and, in order to turn over a new leaf, joined the army. But he loved change: so he deserted. Further sojourn in France becoming unhealthy for him, he slipped away to Austria, joined up again, and again deserted. He then adopted the hospitality of Belgium, vowed himself once more to the noble pursuit of arms, and was within an ace of building up a brilliant career there. Alas, hardly was he made

a lieutenant than he was sentenced for stealing. Having nothing more to hope for from Belgium he returned to France, but was once more unlucky. Arrested for a forgery of which he was innocent, he was condemned to eight years' hard labour, and was transferred to the hulks at Brest. By nature an athlete, he escaped, was caught, escaped again, and managed to get himself arrested at Lyons. In that town, tired of adventure, he resolved to change his course of life, and offered himself as informer to the Chief of Police. The official, in order to prove Vidocq's qualities, and having made up his mind to avoid having recourse to them, challenged the convict to escape. Vidocq escaped the same day. Of course he was caught. Transferred to Paris and imprisoned at La Force, it was from that prison that he made his offer to Pasquier, who agreed to it.

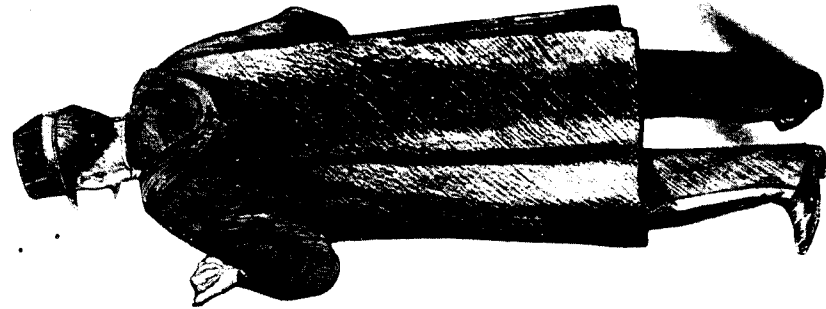
Under the protection of the Prefecture of Police, Vidocq and his helpers rendered several services. In 1829, his lieutenant Latour, called Coco-Latour, a bird of passage like himself, succeeded him. Finally, after the Revolution of 1830, Grisquet, the Prefect of Police, recalled him and entrusted to him the brigade of twelve inspectors which had been created by the government of July. Unfortunately, in order to prove his worth Vidocq overdid it. He staged burglaries in order to obtain the credit for some brilliant successes, had to resign, and in the course of time died in poverty.

Nevertheless, if some Prefects of Police committed grave errors, it does not follow that they were unequal to their work in every way. Debelleyne, notably, who worked under Charles X., was a great administrator. He it was who initiated the system of attaching an inspector and assistant inspector to each commissioner of police, and assigned to each district in Paris Officers of the Peace, also assisted by inspectors and assistant inspectors. These men, entrusted with the carrying out of patrols, had at their command at one time curious carriages with wheels covered with felt, the horses of which were also shod with felt, so that they might get to the critical points quickly and without noise. These *silencieuses* were a popular joke at that time; but they are the forerunners of our squadron of swift motor lorries, which await events at the head-

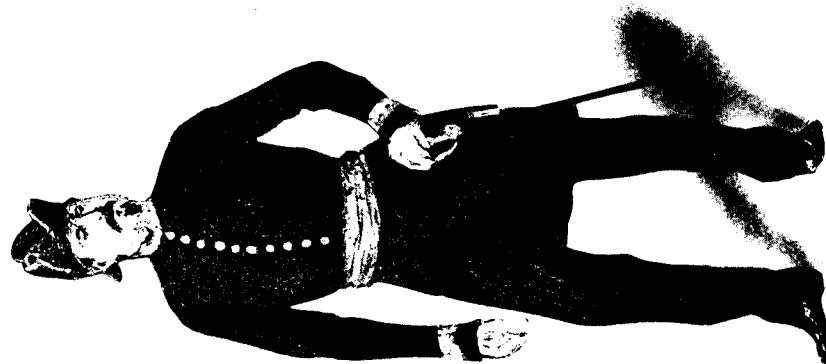
quarters in the Place Maubert. It was at that time also that the office of Chief of the Municipal Police was created, nowadays called the Director. Finally, in 1829, while the services of Coco-Latour, that strange assistant of Vidocq, were still being employed, France created the nucleus of a body of uniformed guardians of the law. They were called *Sergents de Ville*, a name which is now used only for the police of the suburbs and the provincial towns, the uniformed police of Paris being called *Gardiens de la Paix*. The effective force numbered at first only one hundred men, with a score of constables detailed for traffic duties.

Thenceforward, when Paris was past the troublous interval of 1848, during which the guardians of the peace wore ridiculous Tyrolean hats, extraordinary purple coloured costumes and shapeless cloaks which made them look like the Corsican brigands of melodrama, progress was quick and decisive.

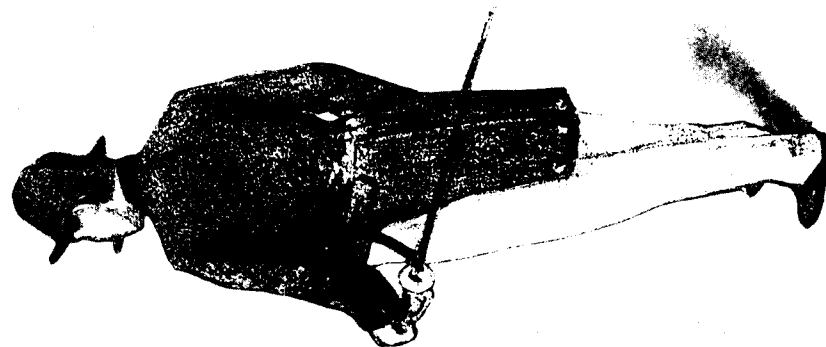
The cadres of the municipal police were formed in 1852. At the head of each of the twelve districts then existing a chief constable was placed in command of a brigade consisting of a brigadier, four assistant brigadiers, and thirty or thirty-five uniformed *sergents de ville* (constables). I should have mentioned previously that the uniform designed by Debelleye was severely criticized. If you 'disguise' your men, he was told, criminals will find it easy to slip away at their approach. Debelleye replied: 'There may perhaps be some flights at first, but uniform creates prestige for the upholders of the law, and the French love a uniform.' However, at the time of the reorganization by districts in 1852, constables without uniforms were discovered to have their use also, and each *officier de paix* (chief constable) had at his command inspectors in plain clothes. Day and night this police force went its round in each district, and every three hours made its reports to the chief of the municipal police, who, in cases of great urgency, had at his command four central brigades of a strength of 120 men. Centralization was accomplished. But the police force of Paris was still inadequate, for it numbered only 750 constables, of which only 450 were attached to definite districts. Moreover, it was the same in the provinces where, in the towns,



'GARDIEN DE LA PAIX'
(CONSTABLE)
1871-1873



'OFFICIER DE PAIX'
(CHIEF CONSTABLE)
Full dress—1852-70



'SERGENT DE VILLE'
(CONSTABLE)
1852-1870

According to the recent regulations, the commissioners were under the direction of the Ministry of the Interior.

It was then that attention was turned to England. That country had made great strides and her police system was exemplary. Under the vigorous impulse given by Sir Robert Peel her effective force was increased and consisted in London of 5,453 men of all ranks, of which 4,764 were constables. And what a splendid system of recruiting! Her constables were sufficiently educated to perform, almost without instruction, highly important public duties.

The French studied this example. The exhibition of 1855 and the influx of visitors to the capital seemed a propitious time for strengthening the force. The opportunity was seized, and in 1854, at the suggestion of Billaut, Minister of the Interior, Napoleon III. signed the decree for the reorganization of the Prefecture of Police and of all the municipal police and *sûreté* (public safety) police. This decree is the intangible framework of our present organization. 3,546 men were enrolled, of which 2,415 were constables (*sergents de ville*), allotted to districts (*arrondissements*). The central organization was formed, also the headquarters staff. The uniform was approved, and Napoleon III. ordered that (again in imitation of England) a number should be inscribed on each in order to remind the members of the force of their personal responsibility. Finally, and more important than all, Paris was divided like London into small districts of a thousand inhabitants, which could be easily supervised day and night; and each was provided with a resident police personnel which could soon get to know both districts and inhabitants, and thus supervise them the better. Paris, divided into quarters and districts, was soon provided with an effective police force of nearly 6,000 men, endowed with a highly specialized organization. That is the legacy of the Second Empire from a practical point of view. Alas, from a moral point of view, there was loss. The multiplication of the political police damaged the prestige of the whole organization; and although both officers and constables did their duty with the utmost heroism during the war of 1870-71, their devotion did not compensate for the discredit that certain Prefects had brought upon them. Also, when the storm of



"GARDIENS DE LA PAIX"
(CONSTABLES)
1873-1894

the Commune was blowing, these brave men were treated as enemies and savagely drowned and shot, while a usurping police, adorned with red caps, provided . . . confusion.

When M. Thiers subdued the tempest his first care was to regroup these brave public servants, and to reorganize the police force. In the month of November, 1871, he had reconstituted the effective force of the Prefecture of Police, which had now reached 8,000 men.

Since then the evolution of the Paris police has proceeded slowly, methodically, and happily. Rare have been the Prefects of Police who repeated the errors of their predecessors of the First and Second Empire. One striking personality dominates them all; that of M. Lepine, who will go down to history as the model Prefect of Police, at once both energetic and popular. In difficult times, such as the Dreyfus affair or the disorders which followed the separation of church and state, when passions were loosed, he was able to maintain order without useless brutality. Like the famous Sultan Haroun al Raschid he was seen everywhere, at no matter what hour of the day or night, alone or at the head of his men, in times of tumult or at fires—when he frequently donned the tunic and helmet of a fireman. He was the symbol of vigilance, intelligence, and subtle power.

To make this paper complete it would be necessary to record the appalling anarchist outrages, the barbarous exploits of Ravachol and of Henri, the crimes of the dreadful Bonnot gang, whose siege cost the life of M. Jouin, the Assistant Chief of the *Sûreté* and gave serious wounds to Inspector Colmar. But such a recital of police heroism would be valuable only in an article which set forth to show the activities of the present police force in detail, and is outside the scope of this article. But some account must be given of the municipal police, who at the present time number 11,000—reinforced by a thousand since the troubles consequent upon the Sacco-Vanzetti affair—and the activities of the *Sûreté Générale*.

To-day, at the end of fourteen centuries of slow development, two administrations share the control of the police in France: the *Sûreté Générale*, which controls the provincial police and numerous special services which are important as

guaranteeing public and economic order in the country, and the *Préfecture de Police*, which exercises its authority over Paris and the Department of the Seine.

The *Sûreté Générale* is divided into a Central Administration and an External Service, and has three large services: the General Control of External Services, the General Control of the Services of the Administrative Police, and the General Control of the Services of Judicial Investigation. The external services are divided into: Commissioners of the Municipal Police, Commissioners and Special Inspectors of the Police, and Commissioners and Inspectors of the Mobile Police. The Mobile Police, movable as its name indicates, has clever and courageous plain clothes men, who go everywhere in order to carry out criminal investigations and other investigations which demand a proved ability.

The Prefecture of Police has for its sovereign chief the Prefect of Police, who is under the orders of the Minister of the Interior. This Minister has not only charge of public order in Paris and in the Department of the Seine, but his duties include the supervision of public health, traffic, and the cost of living (food and accommodation), the exacting of respect for good morals in the streets and the public buildings there, including theatres, the supervision of foreigners, and many other duties analogous to those of the Home Secretary in England. As has already been mentioned, the Prefect of Police is another mayor of Paris. He has under his orders the Direction of the Municipal Police, the Direction of the Judicial Police, the General Information Services, the General Inspection of the Services, and the Commissariats of the Police of the quarters of Paris and of the districts of the suburbs of the City, without counting the special and autonomous service for the repression of frauds.

I should like to take this vast organization to pieces before your eyes, to show each of these officials in action, the modern equipment they possess and where it is proposed to make improvements in order to render them still more efficient. And I should like to make an excursion with you to the barracks of the Republican Guard, an auxiliary body of picked men of the Paris police, and to the barracks of the Gendarmerie, an

auxiliary body of picked men of the provincial police. But I must stop. Not, however, without stressing the moral evolution of the whole personnel of the French police. Throughout my career I have been in close contact with their work. I have learnt to admire them and to love them at close quarters, and it is truly with full knowledge of the case that I may allow myself to say that the police force of France is worthy of the esteem and friendship of all the police of the world.

The Deciphering of Cryptograms

By C. W. R. HOOKER, O.B.E., M.A., B.Sc.

THERE is something particularly intriguing about a message in a secret cipher. It leads the mind easily to a hundred and one mysteries, solved and unsolved—Egyptian hieroglyphics and the Rosetta Stone; the cuneiform writings of the old Hittites; the remarkable picture writing of the Aztecs; Julius Caesar's cipher, Charles I.'s correspondence, and much else from history. And thoughts pass naturally, too, into the pages of fiction—Jules Verne, Edgar Allen Poe, Conan Doyle and many others. Anyone occupied in police work may at any time find himself called upon to face the difficulty of a cryptogram. Nor is there any need to be obsessed with this sense of mystery nor to feel the solution to be beyond the reach of any but the specialist. Anyone who is fitted by temperament and training for criminal investigation can certainly acquire a useful facility in tackling cryptograms, and the normal way in which a case is built up, *i.e.*, by the accumulation of small and apparently trivial bits of evidence, is also the normal way of overcoming the difficulties of a cryptogram. Here is an example.

During the War a lady brought to an Intelligence Officer a letter from her son, a prisoner of war. This letter carried a secret message by a prearranged code. The lady was quite clear as to how the code worked and had successfully deciphered about three-quarters of it and then had lost her way. Could any help be given her with the remainder? She was introduced to the expert who dealt in these things. He took the letter, read it through, and without asking how the code worked he put his finger on a sentence and said, 'The coding stops here.' It was exactly the point where the lady had been unable to go on. She asked how he knew.

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'Well, you see,' was the rather unexpected reply, 'this was not written with a fountain pen.'

The expert went on: 'If a man has to write a letter of this sort, he draws it up first and then makes a fair copy. When making a fair copy he goes straight on, pausing for ink when his pen runs dry. If he is writing and thinking too, as in writing an ordinary letter, most of his pauses will occur at the full stops. His ink then dries and he starts a fresh sentence with a fresh dip. You will notice that in the latter part of this letter the tendency is for the writing to be strong and black immediately after the full stops.' The lady was obviously impressed, and the other continued: 'To confirm this, you will notice that in the first part of the letter "and" is written in full. Here the writer is copying and is anxious to make it quite clear that "and" is a whole word. No doubt this affects the code scheme. But when he has finished coding he writes "&" for "and," which is, in all probability, his usual habit.'

During the War thousands of letters and documents were examined for secret meanings. There was often no chance of finding out what those meanings were. But considerations like those mentioned above were quite enough to mark a letter as having something suspicious about it, which in itself was sometimes of great importance and capable of yielding results by turning an inquisitive eye on to the sender or the addressee.

It is frequently stated with the utmost confidence that all codes can be 'cracked,' that every cipher or cryptogram invented by man can be solved by man. That is not so. Yet there is some excuse for the statement. Codes require careful handling and may be given away by carelessness in their use. It would appear that young officers and the like are told that all codes can be solved in order to make them careful. But that they can all be solved may be categorically denied. The typical Government code, constructed primarily with a view to secrecy, consists of some thousands of numbered words and phrases. Common words have several different numbers assigned to them, any one to be used at the coder's option. The book is printed twice, once with the numbers in numerical order, and once with the sentences in alphabetical order, the former for decoding and the latter for coding. Can the reader

picture what it would mean to try to decipher a message in this kind of code without the book, with no sort of order among the numbers at all? For all the observer could see, the numbers might have been put into one hat and the words and phrases into another, and the code constructed by taking one from each hat and putting them together. If the reader thinks he could decode it, let him consider the matter further, supposing that these numbers are further disguised, altered and shifted about by sliding keys, which alter from month to month, from day to day, from message to message, and even change in the middle of a message.

These codes have, however, one great disadvantage. The compiling of the book is a long, tedious and expensive matter, and if once a single copy goes astray the whole edition immediately becomes compromised. If, too, a single message and its translation can be put side by side, the phrases can be correlated with their numbers and a part—small it may be, but important—of the code reconstructed. Once a part of the code is unveiled in this way the discovery of the remainder, though difficult, is brought within reach of possibility.

The German official messages which were tapped and translated during the War were for the most part found in code books which had come into our possession, either from sunken German submarines or by some similar route. The changes of the keys were carelessly done and the whole system provides an interesting commentary on the German 'thoroughness' of which we were wont to hear so much. In an official document, later in the War, the Germans issued a caution about the careless use of codes and ciphers and paid a high compliment to the efficiency of the British decoding staffs. It was the Germans themselves, however, who allowed the British their opportunity.

Although admitting, then, that a well-constructed code should be insoluble, this is rarely the case. During the War many a man had to be entrusted with a code which was possessed by the two correspondents and no one else. He might be undertaking work in which the risk of falling into enemy hands was great. It would never do for him to carry a book which, if captured, would compromise others. Nor could

he carry a book which he would not dare to have found upon him. To be discovered with a British official code about him would be proof positive that he was a spy. The task of providing a man with an efficient code which would involve the minimum risk of compromising material being found upon him and would at the same time be absolutely secret is quite a different one from providing a secret code book to be used under the protection of an embassy or a battleship. And it is the former contingency which more nearly resembles the kind of thing a criminal investigating officer has to deal with. In addition, the criminal usually has but a slight knowledge of cryptograms, and the solution is not infrequently quite simple.

The simplest kind of code is one in which symbols are used for the letters—either arbitrary signs, figures or other letters. This type of cryptogram is well known and is often spoken of as easy to solve. This is true if there is a fair amount of it. If there is only a little available it may be difficult or impossible. The solution is rendered much simpler, however, if the message is broken into words.

Cryptograms of this kind are solved by considering the frequency with which the different letters of the alphabet occur in a piece of ordinary writing. E, for instance, is by far the commonest letter in English and in most other European languages. To aid officers in dealing with cryptograms the official *Field Service Pocket Book* contained a table of the frequencies of the letters in the more important European languages. According to this table the order for English is :

E T O A I R N S H L D C M U Y P F G W B V

the remaining letters all being rare (less than one per cent each). The order varies slightly as given by different writers, but the differences are trivial.

In dealing with a case of the substitution of one symbol for each letter, solution by consideration of frequencies is certain unless the message is very short. This certainty has caused the word 'frequency' to become almost tiresomely intrusive in discussions of cryptography; yet in the solution of such cryptograms as are likely to come the way of a police official there is an excellent chance that this method will prove successful.

The following is a brief sketch of the method. When solving a cryptogram the first thing to do is to see how many different symbols—letters, numbers or other characters—there are. If the cryptogram is in a substituted alphabet there will usually be *less* than twenty-six. A fairly short piece of English will not as a rule contain every letter. There will probably be about twenty-three different, of which one (representing E) will be quite noticeably commoner than the rest, about one-eighth of the whole. One or two will be quite rare. These simple points are good evidence that the system is a simple substitution.

The symbols must next be arranged in the order of the frequency of their occurrence. It is unlikely this order will follow exactly the list given above, but it will be sufficiently close to give real help. Thus the second commonest letter will probably be T, but it may be O or even a letter a little further along in the list. TH, HE, ER are common combinations; U is practically never found doubled; Q is always followed by U; LL and FF are commoner than would be supposed from the frequency of the single letters; 'and' and the more obvious conjunctions, prepositions and pronouns are common words. Many similar points will suggest themselves. With a little practice it will soon be found that the difficulties are not great and that if—as often—the message is broken into words, to solve it is very easy.

One evening during the War an officer found himself faced with two sheets of police records, stating that on a certain night after a raid by hostile aircraft, a mysterious message—attached—was picked up in the Holloway Road. The message was written very badly on what appeared to be the inside of a biscuit bag. It looked something like this :

Φ → X ✱ - ♣ || * → → || → - ♣ | . ∩ = -
X † - → ✱ * + = ♣ ♣ / - → Φ

Ten minutes sufficed to supply the solution, which read :

DEAR TOM SEE ME TONIGHT AFTER SCHOOL TED

It is in an arbitrary alphabet, broken into words, and a very easy one of its kind. The three commonest letters, E (6 times),

T (5) and O (4) were present in their customary order of frequency. This settled that the third word ended in EE and made it almost certain that the word was 'see.' This is followed immediately by a two-letter word ending in E, obviously 'me.' The first word is of four letters, of which the second is E. 'Dear' is an easy first guess. Knowing E, M and D, 'Ted' and 'Tom' follow naturally, and the thing is as good as done. It took the expert ten minutes. The police had had the matter in hand a week. It is certain that several people through whose hands the document had passed could have solved it. They probably did not realize how often these things can be solved by just a little knowledge of cryptograms, and so allowed themselves to be baffled.

The same officer had a similar experience with a diary in German, written in a queer-looking arbitrary alphabet. Here the entries were not broken into words. German cryptograms of this sort are made easier to solve by the recurrence of the group 'sch,' of which the middle letter 'c' does not occur often in any other connection. This group may easily be picked out, and as it is mostly followed or preceded by a vowel this gives further help. The diary in question was a record of love-affairs combined with grumbles about the food. Officers had to be prepared for wild goose chases of this sort! One document which took nearly two days to decipher turned out to be merely a begging letter. It would have been solved sooner, but it happened to be written in Yiddish. This particular document was read by an officer who never allowed himself to be put off by an unfamiliar language. He would surround himself with dictionaries and grammars, and just peg away. He constructed one code which was worked in Arabic, and when Peace came it released him from a job he was tackling in Bulgarian.

Sometimes letters are merely changed by moving them on so many places in the alphabet. This was Julius Caesar's method. He replaced each letter by the next but three, so that A became E, B became F, and so on. Such codes are easily solved, so easily that a correspondent could send a telegram of this sort into the Intelligence Department without any pre-arrangement. Such telegrams were usually decoded in a few minutes.

Here is an example of a code which was used in a very important correspondence and which should have been perfectly sound. The two correspondents had identical books—say an ordinary novel. The message was made up of groups such as 117-4-3, 161-17-2, and so on, which the investigating officer guessed correctly to mean page 117, line 4, 3rd letter, and so forth. As each letter took three numbers to express it the scheme was very clumsy, but very safe. One correspondent sat down to write a long letter in the code. But he found it tedious. He wrote several non-committal passages in plain English. He also saved himself the trouble of counting lines by using letters near the top. His book, too, acquired an accidental facility, as books often do, for opening at certain pages, so that letters in the first line on particular pages were used two or three times. Now there was a certain gentleman referred to in this correspondence whose name contained the letter Q. Q is not a very common letter, and when the coder wanted a Q he had to go several lines down the page for it. The name was a long one and every time the coder came to the Q he jumped from the first line or two, to ten or a dozen lines lower. In fact, a jump down the page usually meant a rarer letter. This may not sound a big clue, but it gave a great many letters, and every letter detected gave some information about the book. At last the officer was able to say with some certainty: 'The first word on page so-and-so of this book appears to be "Manchester".' A man in Gibraltar was suspected of being in the plot. His books were searched. The key book was among them with 'Manchester' as indicated.

A curious sidelight on the sender's mentality is shown in the way he signed the letter. He made up his mind that the signature at any rate should not be read. So he chose the letters from different pages and from lines far down. It never seems to have occurred to him that he might be giving away his name indirectly by carelessness in coding the rest of the letter.

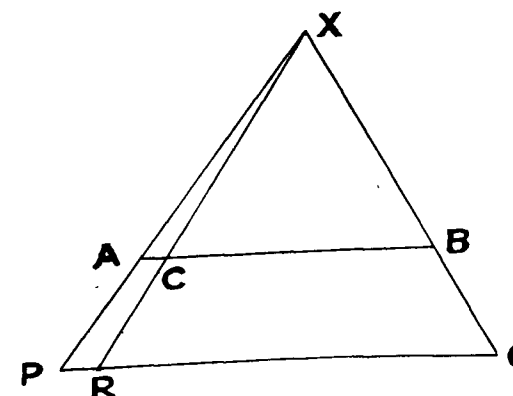
The scheme used in this code was too clumsy to be practical and this indirectly led to its undoing. A common kind of code somewhat similar to this but much more useful is worked by means of a dictionary. The message is coded word

by word, instead of letter by letter, a word being indicated by stating first the page of the dictionary where the word occurs and then the line. The message usually appears as a series of groups of five figures—12603 00240 04216 and so on, meaning page 126, line 3; page 2, line 40; etc. This type of code is a very common one. A whole book might be written on the different kinds of cryptograms, founded on this system, which have been used during the past fifty years. Yet in its simplest form, as described above, it is not at all a safe one.

'How,' the reader may ask, 'can such a code be recognized, and how can it be solved?' Let us suppose for a moment that the code is in English. In the first place, by looking for the highest page-number which occurs, an idea can be formed as to the number of pages in the book. Sometimes the lowest page number which occurs is say, 250. This means that the dictionary is in two parts, as for example, a French-English and an English-French, and that the second part only is in use. Again, by examining the last two figures of the groups and seeing how many different two-figure numbers occur, an estimate can be made of the number of lines to the page, even if the lines are not numbered consecutively. In this way so much information may be found out about the dictionary that it is possible to look through a pile and pick out the right one. A varied collection of dictionaries is part of the stock-in-trade of every cryptogram expert. Translation dictionaries are very convenient. If a man is travelling, say, in Greece, what could be more natural than that he should carry a Greek-English dictionary? Such a book can hardly excite legitimate suspicion. If a crook carries such a book, well, so do dozens of honest men; so what of it?

But suppose the message is captured and the dictionary is not available. In that case, if only a small amount of material is to hand, the solution may be difficult or impossible. With a fairly large number of groups to work on, however, the messages can often be decoded without the dictionary in use ever having been detected. For example, it has been supposed above that the messages are in English. Now in English the commonest word is 'and,' and it comes early in the alphabetical order. There are also two common words, 'by' and 'but,'

occurring close together, a little further on. Towards the other end of the alphabet there is a number of common words starting with 'th.' Now draw two parallel lines, AB and PQ. Suppose the pages of the unknown dictionary run, as far as we can judge, from 250 to 500. Let AB represent 250 pages, i.e., if AB be divided into 250 parts each part represents one page. Now let PQ be spaced out in the same way to represent the pages of a known dictionary. For example, the English part of the *E.F.G.* English-French dictionary runs from pages 308 to 600, a total of 293 pages. Suppose then PQ be divided into 293 equal



parts. PA and QB meet in X. 'But' and 'by' both occur on page 344 in the *E.F.G.* dictionary, and this page is represented by the point R on PQ. If we join R to X and consider the page number in the unknown dictionary corresponding to the point C where XR cuts AB, we have a rough approximation to the number of the page on which 'but' and 'by' occur in the unknown dictionary. Similarly the words beginning with 'th' are represented by pages 561 to 564 along PQ and give a corresponding range along AB. In practice the investigator usually prefers to work these page numbers out by arithmetic. The diagram, however, makes the process clear. The results given in this way are of necessity only approximate. Coupled with the idea of the relative frequency of the words, however, a few successful guesses can usually be made, and every word correctly detected helps considerably in the further work. The commonest difficulty experienced is that the messages are usually on some special subject and a quite unexpected word

may happen to be the commonest. The decoder must be prepared to allow for this.

A common plan to disguise a dictionary code of this sort is to add a fixed number to the page-number as each word is decoded. But this leaves all the pages in order as before. It does not affect the method of solving by the triangle XPO shown in the diagram. It does, however, make it a little more difficult to find out what dictionary is in use. But this device is a poor one. A rather better scheme depends upon rearranging the five figures in a fresh order. Various schemes have been devised for completely transforming the numbers by means of a small table—small enough to be chewed up and swallowed in an emergency. The great success achieved by the British Intelligence Officers in solving codes of this sort during the War resulted in a considerable tightening up of the system, which was eventually so much improved that these codes became little inferior to carefully constructed book codes.

There is another class of cryptogram of quite a different type, and perhaps even more interesting. This is the kind of cryptogram written to look like a perfectly harmless message. The letter from the prisoner of war referred to above in another connection was an example of this type. All the little devices used by card-sharpers to convey information to their accomplices are really of the same kind. Small movements and actions, performed apparently quite naturally—coughing, hesitating, apparently simple questions and seemingly innocent remarks—are all schemes for coding information into the ordinary affairs of life. In a well-known popular novel, Mrs. Turnbull, a parvenue with quite unjustifiable pride in her own social *savoir faire*, used to call her plebeian husband to order when he 'put his foot in it,' by exclaiming 'Oh, Mr. Turnbull, I've got such an 'eadache.' We have probably all in our time, particularly in our school days, made use of some such schemes on a perfectly harmless scale.

Organized deception plays a big part in crime and in war, and during the Great War this kind of deception was developed into a fine art, so much so that almost any printed or written matter became suspect. Telegrams 'in clear' were frequently paraphrased before being passed on. A good story

(for which the writer will not vouch) is told which illustrates this. A suspected telegram arrived in England: 'Father dead. Proceed as instructed.' This was altered in transit—deliberately, by the authorities—to 'Father deceased. Proceed as instructed.' Whereupon the recipient replied: 'Telegram not understood. Is father dead or deceased? Telegraph which.' A foolish reply, no doubt. But not more foolish than some. There is at least one well authenticated war-time case of a letter being sent in secret ink and the instructions for developing it being enclosed in the same cover!

The simplest codes of this kind consist of a piece of ordinary prose with certain letters marked in an inconspicuous way, the marked letters read together forming the secret message. This may be further elaborated by reshuffling the order of the letters according to a prearranged plan. For example, the letters can be written horizontally on the squares of a diagram like a chess-board and then read vertically for coding. A much better scheme is to express the message first in figures, by, say, one of the methods already described (*e.g.* the dictionary method in its simplest form: there is no need to complicate it) and to choose one common letter to stand for each of the ten digits 0 to 9. The marked letters can then be picked out by the receiver, the figures substituted for them and the message decoded. Such a code is certain not to be read by anyone without the key. It is possible, however, to notice the fact that there are marked letters in the message, and that alone may be quite enough to cause trouble. So better schemes have been devised.

Generally speaking, the safer the method the more difficult it is to work. Dozens of perfectly safe methods have been invented in this connection. All but the best are either too difficult to use or else they result in far too lengthy messages. For instance, an ingenious scheme suggested was this. Write the message in Morse Code. Divide the alphabet into three parts, say A to I, J to R and S to Z. Let any word starting with a letter in part I stand for a dot in Morse, with a letter in part II for a dash, and with a letter in part III for a space between two letters. For example, in Morse the word 'in' is · · — ·, which in our scheme could be expressed by 'Am

I to let him . . . , or by any other phrase in which the words start with letters from the appropriate groups. The reader will at once see what a tedious operation the coding of a simple message will be, with sometimes four words to express a single letter, not counting the spaces, and what a lengthy message will eventually have to be sent. Many otherwise excellent suggestions reached the authorities from outside during the War which were quite useless for this reason. And some of them were intended for cables!

The best schemes for concealing messages in ordinary letters and telegrams are for the most part founded on figures. Get the message into figures first and the rest becomes much simpler. This is especially the case when the matters under discussion cover a limited range. A figure-code can be pre-arranged to convey much information in a small space. For example, in the City, merchants commonly express a whole transaction—a sale, the kind of goods, the price, the quantity and the date and port of delivery, with perhaps a market report as well—in a string of ten figures. Let the reader, then, try this for himself. Choose ten letters to represent the ten digits, such as the following.

R	I	D	E	F	H	W	L	G	U
0	1	2	3	4	5	6	7	8	9

Now take a string of figures, for example

1 4 6 2 9, 3 6 0 2 8, etc.

Write a letter with the following rules:

- (1) Every word starting with a letter in the key stands for a figure.
- (2) But the word 'is' and pronouns of one syllable are never to be counted as code words.
- (3) Words starting with letters not in the key can be used freely and do not affect the code message.
- (4) The opening phrase 'Dear So-and-So' does not count in the code message.

Thus we can begin:

'Dear John,

If you find out why Dick is unlikely to come early next week as arranged, please . . . , and so on. It will be seen

that this carries the figures 14629 36. The reader can continue it for himself. At first, the coding is difficult. There is a tendency to insert words starting with the key-letters when they are not wanted. But with a little practice it becomes easy. The receiver can easily get the figures back and then read their meaning from the figure code. A system of this sort, properly worked, is as perfectly safe as such things can well be. There are other very efficient methods of achieving the same end. These had better remain locked away in the archives ready for the next war!

But such things require careful handling. There was one man who got dreadfully involved in his explanations, when, after protesting that a certain letter of his was quite a harmless one, he was faced with the question, 'Well then, how is it that no line starts with a letter which occurs in the alphabet after J?'

Just one word more. The question of cryptograms as a whole can and does at times present problems of extreme difficulty, taxing the resources of the specialist to the uttermost. Yet it is safe to say that it is not this type of problem which often comes the way of the police investigator. Cryptograms with which he will have to deal in the course of his work are almost certain to belong to the simpler types.¹

¹The reader who is interested may consult *Cryptography or the History, Principles and Practice of Cipher Writing*, by F. Edward Hulme (Ward, Lock & Co.), and *Cryptography*, by André Langie (translated from the French by J. C. H. Macbeth. Constable & Co.).

Cattle Stealing in Burma

By PERCY F. SHERMAN¹

Late Deputy Inspector-General of Police, Burma.

CATTLE lifting is at its highest just before the ploughing season. A Burman without his cattle in the ploughing season is as helpless as a coster without his donkey. It means he has to buy new animals strange to the district, which, if not well looked after, are apt to get away in an endeavour to find their old homes. To a poor cultivator this is practically ruin. It leaves him three alternatives. He may hire cattle and repay at so many baskets of paddy when his harvest is reaped. He may take a chance and purchase cattle which he has a good idea are stolen. Or he may turn cattle thief himself.

It is no easy thing to get the better of a gang of cattle thieves. They are full of nerve and cunning and know their business to its smallest detail. The stolen beasts are collected at some out-of-the-way place and driven off. They travel miles and then are handed over to a 'fence' who exchanges them for cattle stolen from some other district. This means that all the beasts are now many miles from their own grazing grounds.

They may have been stolen from a shed or from under the very house of their lawful owner. But the easiest way is to steal them off the grazing grounds. Except in the ploughing season, herd owners do not bother to count their cattle every day. A thief may thus be well away before the police get after him.

Occasionally the reported theft would turn out to be merely a normal case of straying. But it was the rule in the Burma Police to assume 'loss' to mean 'theft'. This rule

worked very well and prevented any slackness on the part of the police to take up a case which might subsequently turn out to be a theft.

The thieves have a trick of hiding cattle and then sending word to the owners that the beasts could be had on payment of a certain sum. By Section 215, Indian Penal Code, this is not a cognizable offence, and the Police really had no authority to take it up without the order of a Magistrate. We tried many times to have this offence made cognizable but, during my time, without success.

However, Government did realize the importance of stopping cattle stealing, and I was once asked to work out the likely times, routes and crossing-places of thieves. I submitted a map and a report based on extensive inquiries; but the problem was a hard one. It is not so much the difficulty of running down the thieves as in getting them convicted.

When I was Assistant Superintendent of Police in the Insein Sub-division I was brought into contact with two well-known receivers of stolen cattle. They were both most interesting fellows to talk to and said quite openly that they received and passed on stolen cattle. Yet they were never brought to book.

The more notorious of these two was Maung Aung Min, who prided himself on being called 'The Prince of Cattle Thieves.' Aung Min's village was Pawgan, in my time a pretty little place surrounded with thick jungle in which cattle could easily be hidden. I had tried many times to get this rogue convicted. Time after time he would be arrested and sent for trial, but every time he got off.

Aung Min always got Benjie Lentaigne, an able Irish advocate, to defend him. He called him 'Lone Tone;' the nearest he could get to 'Lentaigne.' Lentaigne and I have had some battles royal in the Insein Courts over Aung Min and his rogueries, but, as far as cattle lifting goes, I never got a conviction.

I remember a day when Aung Min came to see me. He had just got off a charge which we all regarded as a 'sitter' and was very happy with himself. He arrived at my house and put down on the verandah a very scraggy chicken.

¹ Edited from his Notes by Geoffrey Bradley.

'Hullo, Aung Min,' I cried. 'What have you got there?'

'This is my card,' he answered. 'When you English call on one another you bring cards. That is mine.'

I had a most interesting talk with him. He was a notorious and influential man in the business and talked quite openly and frankly.

I said, 'So you have got off again.'

'Yes,' he said. 'I have got off and I do not bear you any ill will. But it was annoying to be shut up even for a short time. It meant that I lost money. Also I had Lone Tone's costs to pay and he charges me pretty heavily. I shall now have to recoup myself.' Then he went on to say, 'Your men have done their best but they will never get me. I have too many friends among the headmen of the surrounding districts. My men, too, who steal for me, are all quite ready to go to jail without giving me away. I have worked up my business so that I am now a very big man in the district. You will never get me.'

This was all perfectly true. Aung Min was too cunning to fall out with his men or with other and smaller 'fences.' He continued receiving and passing stolen cattle, all the while letting other people get the consequences. Eventually the only way we could deal with him was to deport him under the Village Act; an Act containing many useful sections for dealing with those who cannot be brought to book under the Penal Code.

After a while Aung Min was allowed to come back. He reproached me bitterly for the dirty trick I had played him, and said, as he was now getting old, he should build a Pagoda or a Monastery and settle down as a pious old gentleman!

Lentaigne became a Judge of the High Court, and Pawgan, Aung Min's old village, is part of the celebrated Mingaladone Golf Links. Pawgan makes a good thing out of the golf club; all its young men and maidens being taken on as caddies.

One day I came upon Lentaigne playing on these links and asked him if he knew he was playing on the very ground where his friend Aung Min used to keep and pass his stolen cattle. 'Now you are a Judge of the High Court,' I said, 'if Aung Min should ever have a lapse and be convicted, I

suppose you would be bound to let him off on appeal for old times' sake!'

When Aung Min was deported most of his business passed to Ko Pha Gale, a rival fence who lived some miles away across the Hliang River. This old rascal had a reputation for being very devout. He certainly had none of the pluck and cunning of Aung Min. His cattle work was combined with money-lending; or rather, usury.

Some years later my faithful sergeant Maung Po Taw came to see me in great glee and said he had managed to get Ko Pha Gale a long term. Po Taw is now a retired Deputy Superintendent of Police with the title of T.D.M. (the Holder of the Silver Cord)—the second highest Burmese decoration.

Many stolen bullocks find their way into the slaughter-houses, and in the Insein days I have often had stolen cattle traced to the Rangoon slaughter-houses. Normally beasts for slaughter have to be kept several days and then passed by the municipal veterinary officer. But a prime, fat, stolen beast must be killed and got rid of at once. It is a difficult thing for a man to identify his animal from a pile of horns and a reeking stack of hides. Burmans refuse to have their cattle branded.

One Mahomedan butcher who dealt a lot in stolen cattle went so far as to lease the Government slaughter-house of Hmawbi. This plausible rogue had a very fine house and drove a rickety old dog-cart. He was always most polite and, when we traced stolen cattle to his slaughter-house, was ostentatiously anxious to do his best and help us trace the thieves. We nearly got him several times, but his underlings never gave him away. I managed to get him at last by running him in under the Bad Livelihood section of the Criminal Procedure Code for being a habitual receiver. The evidence of course had to be very good, but I managed to get several influential headmen and others to vouch for his evil reputation.

I remember his lawyer trying to show that his client *must* be innocent because he had such a big house and drove a dog-cart. But the Sub-divisional Magistrate was a Scot. He looked at the lawyer and said, 'That is all the more reason why I should demand a big security from him.'

The butcher was placed on security. This frightened him, for he had a wholesome fear of being sent to jail. He gave us no more trouble.

Most cattle stealing cases, as you see, are sordid affairs. But one I remember for its human touch and for the delightful way in which two little Karen girls assisted justice to be done.

Several buffaloes had been stolen from the grazing ground of a Christian Karen, a keen disciple of the American Baptist Mission. The herd was looked after by two little girls; one a child of thirteen, the other a tiny tot of seven.

The case was reported to the police and the American Baptist pastors took up the case on behalf of their fellow Christian.

After a long search some of the buffaloes were found in the possession of a Roman Catholic Karen; a wealthy old man and devout according to his lights. He was arrested. And then of course *his* Priest became interested.

I took charge of the case myself, as I knew the best barristers would be engaged by both sides. Also I had just passed in Karen and so was able to question the witnesses in their own language. I found this of great advantage with the two little girls. Both were very shy and frightened, but by kindness and encouragement I managed to get their evidence and, after a while, we became quite friendly.

The elder girl told me that she and her little sister grazed the herd and that she could identify the stolen buffaloes. This was a most important point. But it is one thing for a child to say she knows her own buffaloes and quite another for her to be able to convince the court she does. I asked her how she proposed to identify them. Was there any special mark? No; they were not marked in any way. Was their size peculiar or their colour strange? No; they were just like other buffaloes. How then, I asked, could she convince other gentlemen, perhaps less trusting than myself, that they were hers? That would be quite easy, she said confidently, and proceeded to explain.

It appeared that the smaller of the two often got very tired. It is tiring work herding beasts which roamed about all day. So the elder sister had taught a cow buffalo to go down

on its knees at the word of command and enable her little sister to get up. She described the way she slapped the cow upon the shoulder and called out '*Touk He! Touk He!*' and immediately the animal would kneel. I kept the evidence to myself and told the children not to speak of it.

An inspection tour kept me away from home until a week or so before the trial. One day I was sitting on the verandah of a Public Works bungalow in which I was staying when a Roman Catholic Priest came up to me.

'Good morning, Father,' I said. 'Let me give you some breakfast.'

He said that he had come to see me about the buffalo case in which one of his children had been arrested. 'The man is perfectly innocent,' he assured me. 'Down below I have a witness who will prove it to you beyond question.'

I said I was very glad to hear it and would see the witness.

The moment I set eyes upon the man I spotted him as an old criminal just out of jail.

'Hullo!' I said. 'What do you know about this case?'

'Nothing,' he answered sulkily. 'How should I know anything about it? But the Father asked me to give evidence and so I came.'

It was a bit of a surprise for the Padre. He was so upset that he would not stay for breakfast!

When the day of the trial came on the Court House was crowded with American Baptist Mission pastors, the Roman Catholic priests, and a crowd of followers of both sides. The Judge was an old Burman friend of mine; a good fellow and an excellent Magistrate. Very soon the barristers of both sides were at each other's throats and I could see that the defence were pleased with the way the case was going.

Before the evidence of the two little girls was taken I asked leave of the court to explain how the children would be able to identify their buffaloes. The defending barristers laughed and were rudely contemptuous at the idea. I kept my temper and waited.

After the two little girls had given their evidence we adjourned to a large open space behind the Court House

buildings. Here innumerable buffaloes, including the stolen ones, were grazing.

'Now,' said the defending barrister triumphantly, 'let us see how your witnesses can identify their beasts.'

I asked the children if they were afraid to go in among the buffaloes. They were big, formidable brutes with huge horns; and one never knows when a buffalo will charge. Strange to say they can be handled best by children. My little girls at once cried out that they were not afraid.

In they went and we watched them pick their way among the animals. Suddenly they stopped and the elder girl gave a cow a sharp tap on the shoulder. '*Touk He!*' she piped, '*Touk He!*' And the cow went down upon its knees. They both got up and rode about among the others, calling out names. The stolen buffaloes came to them at once and followed meekly.

'That,' I said to the Magistrate, 'is my case.'

I can assure you the barristers for the defence had little more to say.

The Royal Canadian Mounted Police

By COLONEL C. F. HAMILTON

Department of the R.C.M.P., Ottawa

IT has been the fortune of the Royal Canadian Mounted Police, formerly the Royal Northwest Mounted Police, always to have some one phase of their duties irradiated by the light of romance. Their beginning was the taming of the prairies, picturesquely performed, and none the less a solid piece of nation-building—the preceding of colonization by pacification and by the establishment of a framework of government. Later, when the gold discoveries brought the snows of the Yukon under the eyes of the Western World, the Mounted Police again were conspicuous, repeating their earlier performance so that the intruding prospectors encountered the Force at the very moment of their entrance into the strangely remote and inaccessible region which had become the Pactolus of the day, and were shepherded and controlled, with the result that the mining camp close to the Arctic Circle was as orderly a town as any in civilization. And to-day, while they have their share of the laborious routine which police service imposes, in the Arctic regions they have a sphere of activity which challenges the strong and adventurous with its fascinating variety of arduous travel, the befriending of a primitive race, the protection of the humbler creation, and, in a word, the laying of foundations for the developments of a future at which we have only begun to guess.

Soon after the older provinces had united to form the Dominion of Canada, the condition of the prairie regions between British Columbia and Manitoba became a matter of great anxiety. It was necessary to prepare to lay a line of railway across them, and if possible, to settle them, in order to connect Eastern Canada with the newly joined Pacific province,

and at that very juncture the native population was in so disturbed and precarious a condition as to threaten the very sovereignty of the region. The Hudson's Bay Company's hold was weakened, while in the south-western corner of the land the powerful Blackfeet Indians—who as enemies of the Crees had no dealings with the Red River Settlement, to use the earlier designation of Manitoba—had been reached by whisky traders working up from the south, and were being ruined. Over all the Indians hung the shadow of the extinction of the buffalo, which would leave them paupers and starving. The advent of the railway, the rancher and the ploughman would have been disturbing enough in any case, but civilization was approaching a land distraught with lawlessness, and the untoward possibilities of the situation may be judged from the fact that at that time the United States were spending in fighting the Indians south of the boundary an annual sum substantially greater than the entire national income of the newly-knit Dominion. Of the several measures taken to allay conditions the most important was the raising of the Northwest Mounted Police.

The first proposal was to station 'Mounted Rifles' in the Territories, but American opinion seemed irritable, and it was decided to style the armed force which was to be sent 'Mounted Police,' and to organize the force on the model of the Royal Irish Constabulary; then, by a happy thought, the police were clothed in scarlet. About a quarter of a century before, at the time of the Oregon dispute, a wing of the 6th Foot had been sent by the Hudson Bay route to the Red River Settlement, and the Indians had liked the soldiers, and had learned to associate the red coat with the Queen's service. When the Mounted Police appeared in red, the Indians were friendly at once.

Raised in 1873, the Force was ready for service in the summer of 1874, and the Commissioner,¹ instead of occupying the more settled districts before undertaking the pacification of the danger spot—as had been expected—boldly rode straight

¹ Lieut.-Colonel G. A. French, R.A., who was at that time seconded to Canada. He returned to the Army in 1876, subsequently commanded the Colonial Forces in New Zealand, and died in 1921 as Major-General Sir George French, K.C.M.G.

for the Blackfeet country with his full force of some 300 men. Owing to the absence of intercourse between the Blackfeet and the Red River Settlement there were no roads, and the country was unknown, so that the march was difficult as well as adventurous; but the stroke succeeded fully. As if by magic the disorder ceased, tribal warfare came to an end, the whisky traffic languished, and peace fell upon the prairies. With the Blackfeet, the tribe most dreaded of all, an enduring friendship was established, based, it may be interjected, upon justice tempered with courtesy. This friendship stood the test of an episode about which much has been written, the incursion into the Canadian Northwest of Sitting Bull and his Sioux, fresh from their destruction of General Custer and his detachment. The Sioux wavered between friendship and hostility, and made overtures to the Blackfeet to join with them in exterminating the white men; but the Blackfeet stood fast by their treaty, and the Sioux remained quiet until, after some four years of anxiety, they were persuaded to return to the United States. During this period, from 1877 to 1881, they were dealt with principally by the Mounted Police, and a delicate task it was, firmness being necessary as well as tact. On one occasion, a party of police rode into a number of Sioux, who sprang to arms at the sight of their dark great-coats, thinking that they were blue, the 'American colour'—to subside into friendliness when the officer in command of the party threw back his cloak and showed the British red.

The decade before 1885 saw amazingly rapid changes. Under the spell of the occupation of the country by the police, treaties were made with the Indians which regularized the advent of the white ranchers and farmers. There followed the strangely sudden vanishing of the buffalo, and the consequent ruin of the plains Indians. The situation was met by the relief measures authorized by the Government, the Mounted Police lending the necessary support to the measures taken. A ranching industry sprang up, and it was necessary to suppress horse-thieves, and to persuade the Indians not to kill cattle. The railway was pushed across the prairies, the police having to persuade the Indians to permit construction and to respect the right of way, and also to enforce order among the navvies, and

to keep them from molesting the Indians. Then came the settler with plough and reaper, and towns began to arise. Throughout these changes, administration kept in advance of settlement, so that no period of lawlessness marked the earlier conquest of the wilderness; and in administration the Mounted Police bore a part, very great in the pioneer stage, diminishing as civil government was organized and municipal institutions began to take form.

In 1885, rather more than ten years after the appearance of the police in the country, the second Riel insurrection occurred.¹ This took place in the northern and north-eastern part of the prairies, remote from the scene of the earlier exploits of the Force. A settlement of half-breeds, angered by carelessness in the management of their lands by Ottawa, revolted, and drew into the insurrection some tribes of the Northern Indians, the Blackfeet—much the most formidable confederacy of tribes—once more faithfully observing the treaty which they had signed. Ample warning as to the discontent which prevailed and the seditious agitation which was on foot was given by the police, but the authorities at the capital ignored all representations until an armed rising had begun. About 5,000 troops were employed in crushing the rebellion, which was a weak affair, and in much of the fighting which took place the Mounted Police bore an honourable part.

Agricultural development of the prairies was very rapid after 1885, and the duties of the Force changed somewhat. At first it had been in effect a cavalry regiment, operating in small detachments, and doing a certain amount of police work, mostly concerned with the rather elementary offences to be expected of aborigines coming into contact with civilization. The stealing of horses and cattle became a problem as ranching developed, and detective work began to be necessary, and then the tide of settlement brought the complications of civilization. The towns which arose had to be policed, until they could provide their own municipal forces; order had to be kept and crime repressed in the rural districts, many of the

¹ The first Riel insurrection took place in 1870 in the Red River Settlement. It was suppressed without effusion of blood by the Red River Expedition, organized and led by Colonel (afterwards Lord) Wolseley.



SUMMER DRESS, MOUNTED
R.C.M.P.



SUMMER DRESS, DISMOUNTED
RCMP.

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settlers coming from countries unaccustomed to British methods; and an immense amount of work had to be done which may be described as shepherding. Patrols were made to see that no ill befell isolated homesteaders; the fighting of prairie fires was a special task, performed under special powers granted by local legislation; in severe winter weather, visits were paid to farmers; incoming settlers were guided and advised; the supervision of the Indians became increasingly paternal as they lapsed into mere wards of the Governments. In short, in these years the Force took on a peculiar extra-police character, that of general-purpose assistants to all departments of the Government, which it has retained to this day. This development took the Force to 1895, when another phase of its history began. At this time it numbered about 700.

The Yukon gold rush confirmed its fame. As upon the prairies, it preceded economic development, so that the incomers found the police on the ground, and, instead of devising a scheme of government in their leisure moments, merely had to obey laws and regulations which had already been prepared. In 1895 reports that prospectors and miners were working up the Yukon from Alaska into Canadian territory caused the Government to send a party of police to the scene; soon after these had convinced the miners that the Queen's writ ran, the great discoveries of 1896 brought adventurers flocking into the region from all over the world. The new mining field was held in control from the first, crime was kept to a low level, Dawson, the centre of the district, from the first was an orderly town, and prospectors and miners were assisted as well as required to obey the law. In the administration of the Territory, as the Yukon region became, the Mounted Police did much of the work pertaining to other Departments of the Government, such as collecting customs, overseeing immigrants, inspecting the mines, etc., and to this day the police do much of the executive work of administration there.

In the South African War, the Force took its share, contributing to the Canadian Mounted Rifles, Strathcona's Horse, and the South African Constabulary. Sergeant A. H. C. Richardson, N.W.M.P., is believed to have been the first colonial soldier to gain the V.C.

In the early years of the present century, the Force was distributed over the Northwest Territories, that is, the region between Manitoba and British Columbia, and the Yukon, and in addition, was pushing into the Far North, partly by working down the Mackenzie river towards the Arctic Ocean, and partly by establishing itself on the shores of Hudson Bay. In 1904 His Majesty honoured the Force with the prefix 'Royal,' and in 1905, there occurred an event which greatly altered its condition and prospects—the erection of the southern part of Northwest Territories into the provinces of Alberta and Saskatchewan. The area between Manitoba and British Columbia from the international boundary north to latitude 60° was divided between the two new provinces; and the term 'Northwest Territories' henceforward meant the regions north of latitude 60° and between the Yukon Territory and Hudson Bay, together with the islands in the Arctic Ocean north of the Canadian mainland.

Under the constitution of Canada, the responsibility for the maintenance of law and order rests upon the provincial governments, and, as they are a Federal force, there seemed a possibility of the Royal Northwest Mounted Police being excluded from the prairies over whose settlement they had presided. But the people of Alberta and Saskatchewan were accustomed to a high standard of rural policing and were attached to the Force, and a compromise was reached. By this, the Dominion Government was to continue the Force, and to keep a specified number in the two new provinces; the Police in these provinces were to act in the enforcement of the criminal law as before, under the direction of the Provincial Attorneys-General; and the provinces repaid the service rendered by an annual subvention. Under this arrangement the Police continued their work upon the prairies much as before. Upon this footing matters remained until the outbreak of the Great War. Population in the two provinces increased very rapidly—from about 450,000 in 1906 to nearly 1,150,000 in 1916—so that law-breaking naturally assumed volume, and was marked by increased cunning. In this period occurred a number of crimes whose perpetrators were brought to trial by a combination of good detective work by individuals and good

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direction from headquarters, based upon a sound system, organized on a scale sufficiently large to permit of extensive co-operation.

In these years, the Force carried to its highest pitch the policy of dissemination and close local patrolling to which it had committed itself from the appearance of the rancher and the settler. In 1916 there were in all 257 detachments, 216 of these within the boundaries of Alberta and Saskatchewan, and from these steady patrolling was carried on, the object being to leave no settlement unvisited. The effect was that a very large area was kept under constant observation.

When the Great War broke out, vigorous and repeated efforts were made by the Force to go overseas, but, to the disappointment of all, the presence on the prairies of great numbers of recently arrived immigrants of enemy nationality caused this to be refused; and, while many individual members took their discharge to go overseas, the Force as such had to confine itself to the preservation of order, this involving a certain redistribution in the duties performed. Later, in 1918, a squadron was provided by the Mounted Police for France, and another for Siberia. The disturbance caused by these various changes caused the termination of the agreements with the provincial governments of Alberta and Saskatchewan; and both these administrations proceeded to raise provincial police forces.

At this juncture, it looked as though the Royal Northwest Mounted Police would pass out of existence, the criminal work in the prairie provinces which they had hitherto discharged having been assigned to other hands. Sundry developments, however, prevented this, and caused the Force to assume its present form.

One of these was the wave of agitation which swept over the world after the Russian Revolution; there was disquiet in Canada as elsewhere, and the anxiety was deepened by the general strike which was proclaimed in Winnipeg in May, 1919. The strike failed, and the bitterness exploded in a serious riot, which was suppressed with a minimum of bloodshed by the Mounted Police. The strike and riot were followed by trials at which evidence produced by the Mounted Police, as a

result of good detective work, proved that revolutionary groups had been plotting behind the backs of genuine labour unions. This reminder of the value of a force available for the protection of society was strengthened by the increasing consciousness by the Dominion Government of the usefulness of an agency at its disposal ready to discharge the varied services required by the executive of a modern state. At this point, it is necessary to glance at another federal police force, the Dominion Police.

The Government from time to time had felt the need in Eastern Canada of a highly trained and disciplined constabulary under the orders of the central authorities. During the quarter of a century before Confederation, spasmodic attempts had been made to organize something of the sort; and in 1868 a small force was formed to protect the Government buildings in Ottawa, dependence upon the local municipal police being felt to be improper. This force gradually increased until by 1920 it numbered about 140, and had taken on certain duties, such as the guarding of the dockyards at Halifax and Esquimalt, and the maintenance of valuable finger-print and anti-counterfeiting services. On the whole, however, the Dominion Police were concentrated in Ottawa, instead of being distributed as were the Royal Northwest Mounted Police, and they never became known to the majority of the people of the country. During the Great War, the duties of the Dominion Police expanded. They had charge of the security service work of the Dominion outside of the provinces where the Royal Northwest Mounted Police operated, and when compulsory service was instituted the enforcement of the Military Service Act was entrusted to them for the whole of Canada, a special branch of the Force being formed for this purpose.

In 1918 the need for a general security service caused a step to be taken which proved the forerunner of the present system. The Royal Northwest Mounted Police were required to discharge federal (as distinguished from provincial) police duties over the whole of Western Canada, that is, in Manitoba and British Columbia as well as in Alberta and Saskatchewan, while the Dominion Police were given similar duties in the Eastern Provinces. No advantage could be seen in having

two forces, and accordingly the Royal Northwest Mounted Police absorbed the Dominion Police, the name being changed to 'Royal Canadian Mounted Police.' The force which had protected Government property in Ottawa continued to do so as 'A' Division of the Royal Canadian Mounted Police, retaining their blue uniforms, and performing duty in Eastern Ontario. The reorganization took effect on 1st February, 1920. The headquarters were moved to Ottawa, Regina continuing to serve as the training depôt. New divisions were established in Eastern Canada, with headquarters in Toronto, Montreal and Halifax.

The Royal Canadian Mounted Police since 1920 have occupied a peculiar position, and discharge duties of a type not usual among police forces. Canada is a Confederation, and in the allocation of powers between the central and the provincial Governments the enforcement of the criminal law is the subject of a peculiar division, under which, in brief, the criminal law (which is condensed into a Code) is enacted by the Dominion Parliament and so is uniform over the whole country, but is enforced by the Attorneys-General of the several provinces. As a federal force, the Mounted Police are in a somewhat anomalous relation to the Criminal Code; in the organized provinces they have nothing to do with it, unless the Dominion Government is an aggrieved party, as in thefts of Government property, or unless a province asks for assistance in some specific matter; but outside of the provinces, that is, in the Yukon Territory and in the Northwest Territories (which include all the Arctic islands lying north of the Canadian mainland) they enforce it; further, if this were not sufficiently complex, in certain national parks, in Indian reserves and in some remote parts of some provinces, the Force is responsible for the observance of the Code.

Secondly, a multitude of Federal Acts of Parliament, outside of the Criminal Code, have penal clauses, and these it is the duty of the Mounted Police to enforce. They include the Customs Act, the Excise Act, the Opium and Narcotic Drug Act, and many others. The Force is constantly engaged in pursuing smugglers, raiding illicit stills, tracking down the sellers of narcotic drugs, helping immigration officers to catch

Mackenzie, and the Arctic coastline as far east as Cambridge Bay, on Victoria Island and considerably to the eastward of Coronation Gulf. In all, there are some eighteen detachments on the Mackenzie, on Great Slave Lake and Lake Athabaska, along the Arctic coastline, and on Hudson Bay; and in addition, a schooner with auxiliary power has been built to be used on the coast—in effect a movable detachment.

The Eskimos are an interesting people, remarkably able and adaptable, and usually amiable; but experience has proved that their mode of life causes them to regard human life lightly, and during the last fifteen years a surprisingly large number of homicides have been committed by them in the Western Arctic, several of the victims having been white men. In one case, in 1913, two Roman Catholic missionaries were murdered on the Coppermine River: the murderers, on being arrested after some adventurous travel, were taken to civilization, tried there, and, because of their lack of acquaintance with the white man's law, awarded penalties so light as not to prove a deterrent. In later cases specially constituted courts were sent to Herschel Island, and a number of prisoners were tried, two culprits being executed. Of late, this readiness to resort to violence has been less apparent. The Eskimos found the apparatus of the court hard to understand; the accused had said they had killed the deceased, so why all the talking? was their attitude.

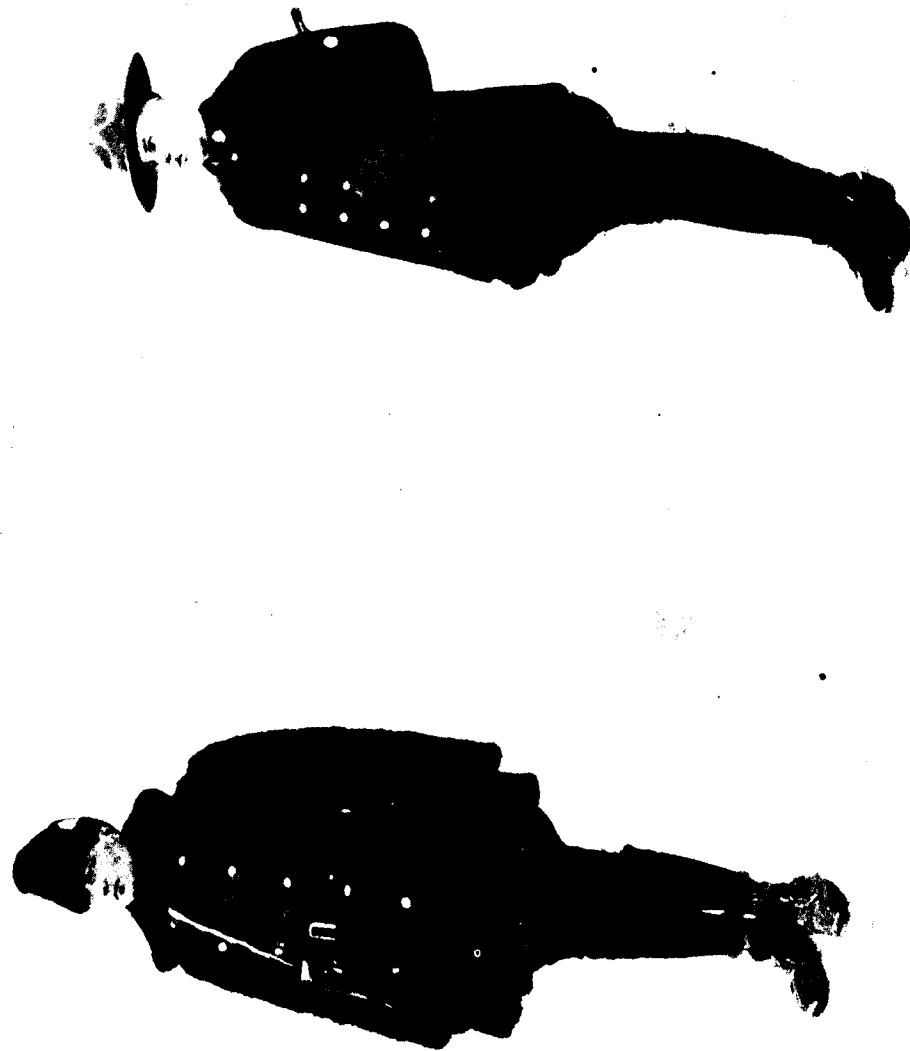
The patrolling of the north-eastern Arctic is a newer enterprise. It began with the establishment in 1920 of a detachment at Port Burwell, near Cape Chidley at the north-eastern tip of the North American continent, to assist the Customs Department to control trade entering Hudson Bay. Since then posts have been established on all of the three great islands which form the western boundary of the lane of water, west of Greenland—Davis Strait, Baffin Bay, Smith Sound, Kane Basin, Kennedy Channel—which hitherto has been the avenue of approach to the North Pole. In Baffin Island, the southernmost of these, there are three detachments—Ponds Inlet at the northern end, Pangnirtung on Cumberland Gulf, and Lake Harbour in the south, on Hudson Strait. In the central island, North Devon, is Dundas Harbour, and in Ellesmere Island, the northernmost, there is a detachment at



R.C.M.P.

JACKET: SCARLET WITH BLUE GORGET PATCH
BREECHES: BLUE, WITH YELLOW STRIPE

(face p. 652)



CONSTABLES IN WINTER DRESS
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Bache Peninsula, on Kane Basin, in latitude 79°04' degrees north. In addition, constables have been lent to posts of the Royal Canadian Air Force which have been established at several points on Hudson Strait to keep the ice conditions under observation.

From these several police detachments the north-eastern archipelago is patrolled and administered. Very long journeys are made; for example, in the early months of 1927, the non-commissioned officer in charge of the Bache Peninsula detachment crossed Ellesmere Island and visited the cluster of islands to the west—Axel Heiberg and others—some of which were undiscovered territory until a quarter of a century ago, the patrol lasting fifty-four days and covering more than 1,300 miles. About the same time, the non-commissioned officer in charge of the Pangnirtung detachment made a patrol of about the same distance, skirting the south-eastern coast of Baffin Island, and returning across the almost unknown interior. A constable, finding the body of an unfortunate fur-trader in his cabin on the coast of Baffin Island, hauled it on his sledge for 450 miles of difficult travel to Ponds Inlet, for an inquest and Christian burial. The officers and other ranks in charge of detachments have commissions as customs collectors, postmasters, coroners, magistrates, etc.; Bache Peninsula is believed to be the most northerly post office in the world. The Eskimos here have shown less disposition to violence than further west, but on one occasion, in 1920, a white man was killed by them near Cape Crawford, the north-western tip of Baffin Island. The non-commissioned officer in charge at Ponds Inlet investigated, found the body, in his capacity as coroner held an inquest, arrested the accused, collected the witnesses, and as Justice of the Peace committed the accused for trial; and in 1923, a special court was sent from Eastern Canada which tried, convicted and sentenced those responsible for the homicide. There also have been cases of religious mania and homicidal insanity among these people. The relations between the police and the Eskimos are good.

The work of the Force is thus exceedingly varied, and an officer or other rank may pass abruptly from exploration work in the Arctic to the detection of crime in urban surroundings.

Transport methods offer a choice of horses, motor-cars, motor-launches, dog-sleds, ships, and occasionally sea-planes. There is some tendency for outsiders to lay stress upon the romantic northern work, but those so occupied number only about one tenth of the Force; and in dealing with counterfeits, dealers in narcotic drugs, smugglers and similar wrong-doing, there is scope for detective work, some of which has been of a high order.

Enlistment in the Mounted Police is for three years; after the first term has expired, re-enlistment may be for one or three years; after ten years' service, a man begins to be eligible for pension if invalided; after 20 years he can claim his pension; and after 35, he reaches the limit of his pensionable service. The physical requirements are strict, but, outside of 'A' Division (formerly the Dominion Police), for which the minimum height is five feet ten inches, unusual height is not sought for, the minimum being five feet eight inches. Training is usually given in the depôt at Regina, and is expected to take at least six months, the recruit being trained as a cavalry soldier in addition to receiving instruction in the numerous subjects which a policeman must know. As for some time the number of recruits accepted each year has been about a hundred, while the applicants number about 2,000, a good type can be procured. The Force has always been attractive to young Englishmen, though many, at present probably most, of its members are native-born Canadians. In former years, most of the officers were direct appointments, but of late the tendency has been for vacancies in the commissioned ranks to be filled by the promotion of non-commissioned officers. The present state of the Force is somewhat over 900. The Saskatchewan arrangement recently made will cause an increase.

The Royal Canadian Mounted Police remain a military constabulary, with military discipline, organization, and methods of interior economy. Discipline always has been strict, and the effect of training, discipline and regimental tradition has been to impart an adequate sense of duty. Thanks to the prolonged training in the depôt, the recruit comes slowly into contact with the general public. Even after he

has received his training he normally remains for a time either at the depôt or at district headquarters, employed on minor duties, kept in close association with more experienced men; and it usually is only after having had some experience that he is sent on detachment work, where he is thrown more upon his own resources, and entrusted with more responsible work. The younger constables, kept under the hand of their officers, constitute a reserve, upon the value of which great stress is laid, to be used either when a show of numbers is necessary, or when extra duties arise; some of these extra duties, it may be added, are of a recurring nature, as when protection has to be given at stated times to the offices where income tax is paid, and when the trains carrying harvesters to Western Canada are policed.

Once a constable is employed on detachment work, his work becomes varied and responsible, and he often is entrusted with work which calls for knowledge of police duties, acquaintance with particular Acts of Parliament, tact and discretion, and firmness and decision. A periodical duty, for example, is the enforcing of quarantine in an Indian reserve on which contagious disease has broken out; a solitary constable must keep patients isolated, prevent the holding of assemblies, cause the residences to be cleaned, arrange for the supply of provisions, and in general become the executive authority of the community, his duties sometimes including the actual nursing of the sick. From time to time first aid must be given to the victims of misadventure. Settlers in out-of-the-way places may have to be convinced that government timber must not be purloined, nor fishery regulations broken. The dipping of infected live-stock sometimes must be enforced. In short, the ways in which the constable comes in contact with the general public, whether representing authority or supervising or bringing assistance, are strangely varied.

A matter upon which care is bestowed is the training of men to make proper reports. Attention has been paid to this for a good many years, and the later developments whereby the Force conducts innumerable inquiries for other Departments have increased the importance of this aspect of a constable's duty; for if it is necessary to obtain correct

information, it is almost equally important to send it to the authority requiring it in a clear and precise form. Forms of report are prescribed, and, partly because the general standard of education is good, partly because of careful oversight, a surprising number of members of the Force write admirable reports. To cite one example, a few years ago a non-commissioned officer had to investigate a case of leprosy and take the patient to a hospital, and the health authorities declared that a medical man could not have improved upon the series of reports which he sent in.

Associated with this care for the records is the close regimental control exercised. The detachments are supervised by the district offices, and the districts by headquarters at Ottawa, so that the Commissioner is kept fully aware of what is going on in the field, and the districts co-operate with each other. An example of this co-operation is afforded by a narcotic drug case in which a man who was about to be arrested at Moose Jaw in Saskatchewan fled to Montreal, some 2,000 miles away: members of the Force arrested him practically on arrival, and, as he was wanted on a similar charge there, expense and trouble was saved by trying and convicting him in what he had hoped would be his city of refuge. All this involves much clerical work; at headquarters upwards of a thousand letters a day are received, and by far the greater number of these require particular action.

Underneath the adventurous aspect of the Mounted Police, it will be clear, is firm discipline and methodical administration. There have been brilliant feats of detective work, as well as exciting patrols, but the texture of the work as a whole is the interaction of the many parts of a nation-wide force, schooled in careful attention to detail.

The Nature of Chemical Evidence and its Place in the Detection of Crime

BY H. T. F. RHODES

General Secretary of the British Association of Chemists

I.

IT is a truism to assert that the distinction between expert and scientific evidence must be preserved, but it is one which it is excusable to emphasize. If any illustration were needed, it is only necessary to cite so famous a case as that of Whistler and Ruskin. Here the expert witnesses were artistes; the criterions to which they appealed were aesthetic, and therefore open to a type of revision quite other than that to which science submits. But however trite the example, the warning is necessary. From time to time there is manifest a tendency to rely overmuch upon the expert's opinion, irrespective of the process by which that opinion is arrived at, and what is this but to confuse scientific evidence and expert opinion?

Take, for example, the case of the handwriting expert. It would be absurd to deny that some scientific principles apply to the study of handwriting, and ungenerous to minimize the value of the expert's evidence; but its technique differs in many fundamental particulars from true scientific technique. Not infrequently it has happened that two experts, whose sincerity could not be impugned, have found themselves on opposite sides; this admittedly occurs in the case of scientific witnesses; but their differences will not arise in regard to matters of fact, or if they do, one of them has made a demonstrable mistake. In the eyes of the non-scientific expert, facts have not the same hard significance, or rather, perhaps it is fairer to say that fewer demonstrable facts are available for them.

To the question of medical evidence the scientific criterion may more nearly be applied, but even in this case difficulties inherent in the technique of medicine itself frequently present themselves. Medicine and drugs are not always exactly similar in their effect, and there is a fundamental difference between evidence supplied by the chemist as to the amount, for example, of arsenic present in a body, and that of the doctor who is asked to state what in a given instance is a fatal dose of the poison. Moreover, medical facts are not readily demonstrable to the layman. Symptoms of vital importance to the trained medical man may mean very little to a judge and jury, and where medical experts disagree, confusion in the lay mind results. Tests for drunkenness might be cited as an example. True scientific evidence is confined within the boundaries of narrow definition. It has its limitations as well as its certainties.

How then shall scientific as distinct from expert evidence be defined? It is quite true to say of medicine, engineering, architecture and indeed all 'expert' professions that they are in a sense scientific; but when the acid test of evidence comes to be applied, it is easy to recognize the distinction between those which have their foundation in the 'pure' and those that rest upon the 'applied.' We will assume that litigation has arisen as the result of the collapse of a bridge which has involved an inquiry into the cause of the bridge's collapse, and another relating to the injuries sustained by those on the occasion of the catastrophe. Eminent medical men and engineers, equally proficient in the application of scientific principles to their professions, may in all sincerity be ranged on opposite sides, and the judicial mind, trained though it is in the appreciation of the value of evidence, may find it a matter of great difficulty to decide upon the merits of the case. Chemical testimony is in a different category. Evidence as to the quantity of poison found in a body does not admit of dispute, or if it does it is not evidence. There are of course cases which can arise where contradictory opinions are expressed by chemists. In these circumstances, their evidence may be expert, but it does not fall within the terms of our definition.

What the chemist should and does require of scientific evidence, then, is that it be concerned with facts concerning which one inference and one only can be drawn. It is clear in many cases that medicine is concerned with the same kind of facts, but, as I have said, they are not always ones which are easily demonstrated to the layman. Chemistry on the other hand is essentially a spectacular science. The lay mind is quick to realize this, and the boy's notion that chemistry is one long smell and explosion demonstrates, however crudely, a very important truth.

At the trial of Seddon, the Marsh test for arsenic was described in court. In this connection it may be observed of analytical processes in general that however complicated the procedure, the essential operations are of a kind that can readily be appreciated by the lay mind, and the infallibility of the results obtained can as easily be placed beyond all question. Even when dealing with the same kind of fact the medical man is not in this happy position. Shorn of their technicalities, his statements are liable to be misleading; expressed in the conventional form they are incomprehensible.

An excellent example of the demonstrable nature of chemical evidence is at hand in the case of Florence Maybrick, tried in 1889 for the murder of her husband by poisoning with arsenic. It has been said of this remarkable trial that it has been one of the very few concerning which there was any doubt about the facts. It was proved that arsenic was present in a specimen of beef extract which had been given to the victim, but doubt arose as to circumstances under which it came to be there. Mrs. Maybrick deposed that her husband, who in the past had often taken doses of arsenic, had instructed her to add a white powder to the extract, of the poisonous nature of which she was unaware. Davies, the official analyst, was able to show, first, that the specific gravity of the extract was lower than normal, and, secondly, that no solid arsenic was present: Mrs. Maybrick admitted adding water to the extract to make up the bulk, but denied that anything had been dissolved in it. Since arsenic is soluble only to a slight extent in water, and the specific gravity of the extract was too low, there was the strongest possible confirmation of the

prosecution's contention that a solution of arsenic had been used to poison Maybrick.

It is obvious that the value of this evidence lay in the ease with which it could be demonstrated. The layman could not take the specific gravity of the extract, but to almost everyone the principle is a matter of everyday experience. Again, the methods used by the analyst to detect the presence of solid arsenic could not be carried out by the layman, but the vital significance of the result was quite easy to understand. It suffices to say that Mrs. Maybrick was condemned to a large extent upon the chemical evidence. Indeed, that evidence was damning enough, and there seems no reason to question the justice of the verdict. With the remarkable circumstances of her reprieve we are not here concerned.

If scientific evidence, therefore, is to possess its full value from the legal point of view, it must be concerned not only with facts from which only one inference can be drawn, but with facts which the layman no less than the scientific man can appreciate.

Leaving for a moment the question of the detection of poisons, it is interesting to consider the way in which this definition can be applied to other types of chemical evidence. Without calling into question the handwriting expert's evidence in cases of forgery, it must be admitted that the methods employed are not convincing to those who have had no training in the art. Neglecting differences of opinion among the experts themselves, the rules guiding them are so numerous and so complicated that they do not readily lend themselves to demonstration of any kind. These experts are frequently accused of dogmatism, yet they may well be excused when this fact is borne in mind. Chemical methods, where they can be applied, are not open to this objection. The forger may have obliterated the original characters from a document by means of a bleaching agent and begun afresh. The characters still remain, of course, although they are not visible. The chemist, by means of intensification, with perhaps potassium ferricyanide or gallic acid, causes the prior writing to reappear alongside that of the forger. Again there is no question as to the fact or the inference to be drawn from it. The demon-

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stration is even simpler than that quoted in the case of Mrs. Maybrick. The behaviour of different inks to acids and oxidizing agents is also characteristic; so that it is possible to show by differences in the degree of fading undergone by the wording upon a given document whether different inks have been employed to write it. In this case also no difficulties in the matter of demonstration arise.

Dr. Locard's interesting article¹ on the analysis of dust indicates that even in the more complicated methods which chemistry has to employ the same principle can be applied. He quotes the case of the postman upon whose coat a quantity of dust not visible to the naked eye was revealed as calcium sulphate under the microscope. It is impossible for anyone not accustomed to the use of this instrument to employ it to any fruitful purpose; but in this case had the judge and jury required a demonstration it would have been a matter of no difficulty to prepare a photo-micrograph of the dust under examination, and another from a known sample of calcium sulphate. To an intelligent layman with a normally trained observation the point would carry conviction.

It is not suggested, of course, that judge and jury often require ocular demonstration; they are prepared to leave the matter in the expert's hands. This would not occur if chemistry were regarded as a sort of conjuring trick in the grand manner. Chemical evidence is accepted as unassailable for the reason that it is known to be capable of demonstration.

There is another aspect of the question. No more than any other human being is the chemist infallible, but it is a matter of certainty that any individual error will immediately become apparent. There is a case on record where a chemical practitioner retained to give evidence discovered before doing so that, because of a faulty instrument, his report was incorrect. He was urged to let the matter rest, but this his professional conscience would not allow him to do, and the error was duly rectified. It would, however, except in very unusual circumstances, have sufficed him nothing had he endeavoured to conceal the mistake. Unlike evidence merely expert, the report

¹ In *The Police Journal* of April, 1928 (vol. i., pp. 177-192).

of an analysis is right or wrong, and can without difficulty be verified.

The scientific evidence in the case of Smethhurst is a further illustration that even in 1859 an error could not easily pass undetected. The analyst discovered arsenic in a bottle of potassium chlorate which had been in the possession of the accused. The defence was able to show, however, that the source of it was the copper which had been used in the test. We are not here concerned with the charges of incompetence which had been made against Taylor the analyst, only two years before, at the trial of Palmer. If there were any substance in them, they were advanced by those who had an interest in throwing doubt upon his results. The real point is the irresistible conclusion that almost certainly any error, however unimportant, will not go undetected.

It must, of course, be borne in mind that all chemical evidence does not fall within our definition. A chemist may, for example, be called upon to give his opinion in the case of poisoning by phosphorus as to how long after burial the phosphorus would remain in an uncombined condition; or may be asked to supply evidence as to whether certain alkaloids can—if only in exceptional circumstances—be produced during the putrefaction of animal remains. In such cases, he can only be guided by his own experience, if he has any, or by theoretical considerations which experiment has not, or has not fully, confirmed. In such cases, his evidence, equally as important as that of any other expert witness, cannot be placed in the same category as the examples already cited. Opposing views of apparently equal weight may quite sincerely be advanced, and the judge and jury may be in the same position as was Sir Henry Hatsell in the famous case of Cowper. The judge confessed himself much puzzled by the incompatibility of the expert medical evidence, and, by the way, concluded his summing up with the following remarkable statement: 'I am sensible that I have omitted many things, but I am a little faint, and cannot remember any more of the evidence.'

II.

The employment of the so-called sympathetic inks has so often been turned to the uses of crime that some notice of it is appropriate. There are probably few of us who as boys have not written on paper with a weak solution of sulphuric acid, allowed the ink to dry, warmed the paper, and observed the black characters appear, the phenomenon being due to the acid's strong affinity for water which results in the charring of the cellulose of the paper. In practice, this ink is not generally employed, but its characteristics, those of invisibility when first applied to the paper and its subsequent appearance after appropriate treatment, are characteristic of them all. I have said all, but there is another type—a mixture of starch and iodine, blue in colour, is an example—which disappears after contact with the paper for a short time. These inks were employed to a considerable extent during the war, and French gangs of criminals have greatly favoured their use. Chemical means, however, are not the only ones which can be employed for the detection of secret writing. What the eye cannot see, the microscope or the camera with the colour-sensitive plate can frequently reveal, and this method has been very highly developed at the laboratories at Lyons. Photography has obvious advantages since treatment of the document itself is not necessary. It remains true, however, that chemical treatment is still sometimes more convenient. A large number of these inks are known, and they are capable of almost indefinite multiplication, since all that is necessary is the employment of two chemicals which, when combined, produce a coloured compound. It is only necessary to write with one, dry it, and apply the other and the characters will become visible. It will therefore be obvious that the business calls for expert treatment, and the successive tests which may have to be applied must be performed in such a way as to produce a minimum of injury to the document. In any case, careful microscopic examination and photography ought to precede the more drastic chemical methods.

Saliva has been among the most common of secret inks. This can be developed by means of treatment with dilute ink.

The process depends upon the presence of an oxidizing enzyme in the saliva which darkens the ink quickly where it comes in contact with the saliva. This method of writing is said to have been very widely used by German agents during the war, and obviously commends itself on the score of convenience.

Several cases in France are on record where lemon juice has been used by criminals as an ink. Lemon juice, like sulphuric acid, can be developed by means of heat, the passage of a fairly hot iron over the paper being generally sufficient to make the characters visible. Convenience is again the motive here. In the café, in the street, even, in some cases, in prison, it is possible to obtain a lemon. On the other hand, saliva is always at hand, but a knowledge of its properties in this respect seems not to have been widely known outside Germany until recently.

There remains the example of the fugitive ink and that which becomes legible after a short space of time. An ink of the former type can be prepared from a solution of starch in water, coloured blue with iodine. The latter can be produced from an ammoniacal solution of silver nitrate. There is a case on record of an innocent looking person who, giving as his motive a desire to amuse his children, went to a well known consulting chemist and asked to be supplied with two inks of this type. His children proved to be those really guileless people who frequent race meetings under the impression that money is to be made in this way. The bookmaker of the two inks wrote down the name of the client's favourite with the disappearing ink; his own, which would be nobody else's, with the other ink. Unfortunately for him an astounded client was able to show a no doubt equally astounded police officer the second ink in the act of going through its tricks. Mr. Ainsworth Mitchell, who relates this anecdote, does not state the sentence. It is to be hoped, however, that it was heavy.

Very elegant demonstrations can frequently be made when resort is had to chemical methods to decide the approximate date of the writing upon a document which has for some reason or other come under suspicion. The method can only be employed with any certainty when used to compare what are known to be the original characters with those suspected

of being recent interpolations. Mitchell has found that inks of varying age, if the difference be not more than three or four years, react in a characteristic manner with a dilute solution of oxalic acid. Considerable diffusion of the aniline dye will take place in the recent specimen, while little or no diffusion will occur in the case of an ink upwards of three or four years old. This fact is due to the formation after a period of years of the final oxidation product of the iron tannate, which forms a protective coating for the dye and prevents or retards its diffusion. In examining the document, the characters are treated with a weak solution of oxalic acid delivered from a capillary pipette. The result is examined under a lens. In the case of the new ink a wide smudging effect from the spreading of the blue dye will be noticed, while the black of the iron compound will be almost or entirely bleached out. The old ink with its highly resistant compound of iron tannate will remain more or less unaffected, and the aniline pigment will not spread at all.

As has already been indicated, these tests will not give evidence as to the absolute age of the ink, and nothing more than that the ink had been in contact with the paper for three or four years could confidently be asserted. A certain gradation of effect has been noted when specimens of writing have been treated in this way from year to year, but it is not sufficiently marked to allow a definite conclusion to be drawn. The sharp break in the curve does not appear until the middle of the fourth year. The effects would of course be still more marked in differentiating between ink which had been applied to paper before 1836 and modern specimens, since it was then that dye was first employed as an ingredient of ink. It is obvious that in no circumstances could dye smudging take place in the earlier specimens. Space forbids the discussion in detail of the actual changes in chemical composition undergone by ink as it lies on the paper from year to year. Those who wish for further information on this interesting subject cannot do better than consult Mr. Ainsworth Mitchell's papers on the subject which have appeared in the *Analyst* from time to time.

Having regard to the fact that chemists have for many

years recognized the value of a chemical examination where forgery was suspected, it is remarkable that the assistance which the chemist is able to render in this direction has not been more clearly recognized. As long ago as 1836 a symptomatic method for the examination of suspected documents was evolved by Chevalier. His technique included treatment of the paper with distilled water and alcohol; the treatment of the document with red and blue litmus paper to ascertain its reaction; whether that reaction was uniform over the whole surface or not; intensification with various reagents to decide if the document were a 'palimpsest'; and treatment with iodine vapour.

By treatment with water it may be possible to draw inferences from the variable speed of absorption as between one part of the paper and another. Alcohol will detect the removal of 'size' by erasure, since at those points the pigment will spread more widely than on the sized surface. At a point where the sizing has been removed iodine vapour will, in its turn, show a blue spot while the surrounding surface will be brown. This latter test, however, cannot for various reasons be regarded as absolutely infallible.

While it is doubtful whether the general principles of modern technique have greatly improved upon those of ninety years ago, yet the remarkable fact remains that it is only comparatively recently, and to a limited extent, that chemical evidence in connection with forgery has been admitted. Thanks to the work of a few enthusiastic investigators in England, France and Germany, even if the general principles of ninety years ago remain untouched, great advances in detail—and in such matters detail is all important—have been made.

Identification by means of finger-prints has been for so many years the most important method of identification and detection that some allusion must be made to the methods which chemistry can contribute to render its employment more effectual, at least as far as finger-prints upon documents are concerned. Mechanical methods of development even in the case of glazed paper suffer from the disadvantage that after the period of a few weeks a satisfactory result cannot be obtained; in the case of absorbent papers the method is

practically useless. It must be said at once that no absolutely reliable chemical method has so far been discovered, but very promising results have been obtained by development with osmic acid ink, a mixture of osmic acid with gallic or gallotanic acid. Prints of maximum intensity can in this way be obtained from highly glazed paper after a lapse of three years. The speed of the reaction and the strong violet black coloration of the prints strongly commends its use. For absorbent paper the method is not applicable.

On highly glazed paper iodine vapour gives satisfactory results up to a point, but the faint colour produced makes photographic reproduction a matter of difficulty. As with other methods, a perfectly satisfactory chemical technique for the development of finger-prints upon documents has yet to be found, but those suggested have, in some circumstances, much to commend them. In the case of absorbent paper, of course, development often fails for the reason that no print remains to be developed, and this is an obstacle which neither chemistry nor any other science can overcome.

I have endeavoured in the first part of this article to show that scientific evidence, in the sense of the narrow definition imposed upon it, in some respects stands alone. In the second part, namely that concerned with the practical development of this thesis, I have attempted, however incompletely, to make clear that legal chemistry is verily and indeed an ordeal by battle, and that the verdict of victory or defeat is for all men to see. The chemist cannot yet be said to win every time, but he can justly claim that his defeat is sometimes as strong an indication of his constitutional soundness as his success. The exact science necessarily has its limitations and can never in legal questions, nor for that matter in any other question, be the only path to justice and equity; but so far as it goes, it has placed in the hands of the law a most effective weapon.

In conclusion, it is interesting to consider the fact that in this country, at least until recently, chemistry has not been so closely in touch with crime as on the continent. The methods of the French Préfecture have often been compared with those of this country, somewhat to this country's disadvantage. It

is obviously inappropriate here to discuss so far-reaching a question. Many factors have to be considered before a comparison of any value could be made, and sweeping assertions can be dismissed as merely absurd. At the same time, chemistry as a means of, or help to, detection has been more extensively employed in France than in England. It is hardly necessary to advance evidence in support of this assertion; except to mention that in England we have nothing quite corresponding to the Police Laboratories at Lyons; and fewer chemists, specialists in criminology, are to be found in this country than in France.

An explanation of this state of things lies, perhaps, not in supposed conservatism of English practice, but a little deeper. There has always been in this country a certain prejudice against circumstantial evidence, a prejudice which is particularly strongly marked in Scotland. Scientific evidence is of course always circumstantial, and it may be for this reason—despite the confidence that exists in scientific method itself—that we have been slow to admit it too closely to our confidence where men's lives or their good names are concerned. In France, this prejudice does not exist, and it is very clear that in fact no distinction of value can be made as between circumstantial and any other kind of evidence. Indeed the testimony of the eye-witness may be exceedingly misleading as both experiment and experience testify. On the other hand scientific evidence, while it may vary in value, cannot mislead.

This prejudice is now, however, dying out, and every day chemistry becomes more closely associated with criminal investigation. Science advances as need arises. It has already done much to further the ends of justice and to protect the law-abiding from the law-breaker. In the near future, it is to be hoped that it will become even more closely associated with our already highly efficient system of criminal investigation.

The Making of an East African Policeman

BY C. I. SEMPILL

Late Assistant Superintendent in Charge C.I.D., Kenya Police

I. THE RAW MATERIAL

HE was tall, very lean, and very black. In the hot glare outside, his spear could be seen glittering against the hard-beaten earth of the compound. For covering he wore a piece of calico tied in a knot at one shoulder, its greasy lower folds reaching to just above his knees. His front teeth were filed down to points as sharp as needles. His head was shaven, only a round tuft of wool left to adorn the top. He was very expressive with his hands and, to me in those days, quite unintelligible with his tongue.

He wanted to join the Police.

He was a *Mkamba*. He might, for that matter, have belonged to any one of half a dozen other East African tribes; their speech differs, they vary somewhat in appearance, and they have different tribal customs; he was, however, a fair specimen of the average recruit—a very primitive person. I looked at him; and I marvelled at the idea of such crude-looking material ever being turned into a policeman. Yet, it can be done; and, in many ways, he can be turned into a very good policeman, too.

But the African is not only crude-looking material. He has a different code from ours; his sanctions are different and altogether simpler; his whole outlook has its roots in a state far removed from ours. To appraise properly his conversion into a policeman, one must understand something of this.

In civilized countries, we recruit for the police an individual with an already developed appreciation of the rightness

of the law which he is going to enforce : his regard for human life, for property, and for various other things, is a part of something in which he has been brought up, something which is a general convention of his kind and not derived from police training only ; those acts which are offences by statute and with which he will have to deal are, in the main, also offences within his private conception of things.

But the African's private conception of things is not related to so many considerations, it is fundamentally more direct and personal, and, on many points, it is materially different. He certainly has a regard for property ; it is his strongest regard ; but it is a practical regard for *his* property, not an ethical regard for other people's property. His regard for human life is negligible—at least by our standards. And his attitude towards the thousand and one other things which outrage our code is either frankly approving or apathetic.

To make a policeman of him involves not only training him in police work ; he has to be trained in a new form of living, many of the standards of which are strange to him and not at all obvious ; he has to acquire new convictions, or, alternatively, something to balance the lack of these and make him dependable in upholding principles which he can accept but does not appreciate. The strange thing about it is that the width of the gulf dividing our concepts and African concepts is so little considered in the African's training and so little retards his progress within certain limits ; for it is the abstract ideas which men hold that govern their conduct and form the real basis of their character. For this reason alone it has always seemed to me that if it is a remarkable achievement to make a policeman of him, it is a still more remarkable achievement on the part of the African to become a policeman at all—at any rate, a good policeman. I hope to show, however, how good a policeman he can become in many respects.

II. FROM RECRUIT TO CONSTABLE

The task of converting the crude material is not a light one, either for those who undertake it or for the subject himself. There is so much to teach this recruit, so much to

eradicate in him. In many cases he has to learn a new language : in Kenya Colony the official native language is Ki-Swahili ; the average recruit has already some knowledge of it, for it is the *lingua franca* of the country and has been for generations ; but often enough a man presents himself for enlistment knowing nothing but his own dialect. And every recruit has to master the English of the parade ground, together with innumerable English expressions for which there is no equivalent in Ki-Swahili. Much of what he has to be taught is a little ludicrous : such simple things as the use of garments which are issued to him and which way round to put them on ; and not to spit on the Orderly Room floor, and not to make rude noises. His ignorance about a thousand minor details of the ordinary business of civilized living can be almost pathetic. His entire ideas as to sanitation have to be revised, and he has to develop new personal habits ; not because he is naturally unclean, but because his old habits are not adaptable to his new environment. There is no syllabus for any of this ; it is knowledge he has to pick up. He picks it up amazingly quickly, and rarely makes the same mistake twice. The manner in which he absorbs, and manages to conform to, new ideas is one of the African's most remarkable attributes.

The recruit's course extends over a period of six months only, and is carried out at the Police Depot in Nairobi. It is severely practical, in method approximates closely to the methods in vogue in the Army of some years back, aiming at moulding the desired article as quickly as possible by a process of reiteration flavoured with plenty of discipline, and giving no undue regard to psychological considerations. And it is, I think, the method most suited to the material at that stage.

The basic feature of the course is drill. I call drill the basic feature because it is undoubtedly the groundwork which makes so much of the rest possible. The police force, however, is trained on semi-military lines because its duties are frequently of a military nature, and it is in effect the second line of defence for the Colony. But it is through drill that the recruit is first taught alertness, has both his muscles and his mind keyed up to concert pitch, and best learns to concentrate. He would present a much greater problem to train

without drill, little as it may have to do with police work proper. It is also the best medium of inculcating discipline. When he leaves the dépôt, apart from other things he has been taught, the recruit is a soldier; he is competent to take his place in a company on any parade, he is a qualified shot, and he is proficient in bayonet fighting. All things considered, his achievement on the military side during the six months is worthy of note.

The side of his training devoted to police work is varied and comprehensive. I have never ceased to marvel, indeed, at the fact that he absorbs it all. I cannot quite get out of my mind my original picture of him in his dirty piece of calico, pigments on his body, his tongue struggling with a language he knows but imperfectly, if he knows it at all—utterly crude, a child of nature. However, he does it.

He is grounded in the powers of police, and what things are offences with which he is competent to deal and what things are not. He learns something of court procedure, of evidence and how to give it, and all there is to know of the service of summonses (still a police duty in Kenya) and the execution of warrants. Other subjects he takes include crime and investigation, duties of police on point and patrol duty, traffic control, duties at fires, vehicular and motor by-laws, and first aid to the injured. A large enough curriculum.

Much of all this is made the subject of practical demonstration; recruits in classes attend the Magistrates' Courts, are taken to see traffic control methods being actually applied in the streets of Nairobi, and in as many other ways as possible are shown theory being put into practice. In this respect, the training of the recruit in Kenya has been greatly improved during the past three years.

He goes through the course progressively, by stages, moving up from one squad to another, learning something fresh in each, and eventually graduating in the top and ultimate one. Here, at the end of the period, he is examined with a view to determining whether he is fit to be passed out. He must first qualify on the parade ground; he is then expected to be able to answer intelligently and correctly questions regarding his powers as a policeman, how he would perform