

THE POLICE JOURNAL

*A Quarterly Review for the Police Forces
of the Empire*

ISSUED UNDER OFFICIAL PATRONAGE

NOTICE TO CONTRIBUTORS

THE POLICE JOURNAL is published on the first day of January, April, July and October.

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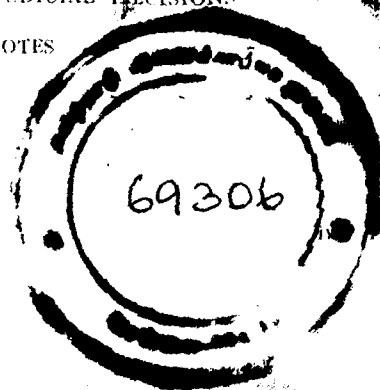
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Notes on Recent Crime

A YOUNG poultry farmer of Ruckinge, Kent, named Salvage, was convicted and sentenced to death at the Old Bailey for the brutal and senseless murder of a little girl aged 11, named Ivy Godden. Having buried her body in a wood, he calmly went off and played cricket on the village green and later joined in the search for his victim. After bloodhounds had gone three times to his cottage door, he confessed. At the Old Bailey no defence of insanity was raised and Salvage gave evidence, denying the crime and saying that his confession was a false one induced by hope. The Home Secretary after conviction, ordered a report by medical experts, under Section 2, Criminal Lunatics Act, 1884, as in the case of Ronald True, and on their report ordered him to be removed to a criminal lunatic asylum. It is to be noted that this form of procedure leaves insanity to be decided from a medical rather than a legal point of view. A commercial traveller in vacuum cleaners, named Seymour, murdered a widow, Mrs. Kempson, a lodging-house keeper in Oxford, and upon an intricate set of circumstantial details was found guilty of the crime and sentenced to death by Mr. Justice Swift at Oxford Assizes. The lady was eccentric and known to have money, and the motive was apparently robbery. A boy aged 16, named Harold Smith, shot his uncle and aunt dead and was convicted of the murder of his aunt at Lincolnshire Assizes. The sentence has been commuted. A nurse, named Robson, killed her patient by pouring boiling water upon her, and was found guilty, but insane, at Leicestershire Assizes.

The appeal of Lord Kysant against his conviction and sentence of twelve months' imprisonment in the second division, for publishing a prospectus 'false in a material particular' with intent to defraud, has been dismissed by the

Court of Criminal Appeal. The effect of the decision, pronounced by Mr. Justice Avory on behalf of the Court, is that, if a document is misleading and intended to mislead, though one cannot put one's finger on a specific falsehood, yet it is fraudulent within the section of the Larceny Act. A salutary and commonsense decision! Such is human snobbery that Press and public have taken a sudden interest in prison conditions. Sir Arthur Wheeler, biggest and at one time richest and most successful of outside brokers, was found guilty before Mr. Justice MacKinnon at Leicestershire Assizes of fraudulent conversion of large sums of his clients' money, and was sentenced to twelve months' imprisonment in the second division, while his partner, found guilty on some of the counts, was bound over. 'It would be a poor captain who would haul down the flag immediately a storm broke,' said Sir Arthur. 'You have to consider,' commented the Judge, 'whether it is honest for a captain who knows his ship is sinking to invite passengers on board.' Lord Kylsant had been the chairman of thirty-four companies and the controller of £200,000,000 of the public's money, while Sir Arthur Wheeler had employed 270 clerks and had had 60,000 regular clients, and his turnover in one year had been £10,000,000. A butcher, named Follett, was sentenced at the Old Bailey by Mr. Justice Macnaghten to twelve months' imprisonment in the second division for income-tax frauds extending over fifteen years, and involving over £15,000; fifteen different banking accounts were used by the prisoner to cover up what he was doing. The appeal in the Broad Street Press sharepushing case has ended in the quashing of sentences of three years' penal servitude and twelve months' imprisonment on Frederick John Newberry, mining engineer, and Burnett Elman, solicitor, on the ground of inadequate summing up.

An amazing case of fraud upon publishers has been that of Netley Lucas, alias Evelyn Graham, ex-Borstal boy and writer of royal and other biographies. He invented a Lady Angela Stanley—with a son Victor Stanley—who had been a lady-in-waiting to Queen Alexandra; he forged a letter from Lady Stamfordham; and he obtained money for a life of

Queen Alexandra supposed to have been written by this fictitious lady-in-waiting. He tried to support his story in Court, but was found guilty and sentenced to eighteen months' hard labour by the Recorder of London.

A case concerning the estate of an eccentric miser and recluse on the Riviera, of the name of Drinan, who had left his money to the poorboxes of London, has come before Mr. Justice McCardie in the Civil Courts. The Judge found that there had been a conspiracy to forge transfers for roughly £100,000 in favour of one, Joe Haiat, and ordered all the documents to be impounded for investigation by the police of England and France. Apparently, without any blame attaching to the Consul, the British Consulate at Nice had been used by Joe Haiat, his son, Fred, and a man named Beale, for the purpose of the forgeries. Fortunately the shares, in the Canadian Pacific Railway, remained intact.

Gangsters seem to be in a bad way. The French Government has sent out a military expedition to scour the maquis or scrub of Corsica, and to exterminate the traditional bandits, of whom one loved to read. The Irish Free State has taken to itself extraordinary powers to deal with gunmen, who have remained over from 'the troubles.' Even Al Capone, self-styled Robin Hood of Chicago, made famous to Englishmen by Edgar Wallace as Tony Perelli in *On the Spot*, has been laid by the heels and is in gaol for eleven years for income-tax evasion. He has even been refused bail pending appeal. A roundabout way, one would think, of dealing with a notorious robber and murderer, but any way is no doubt better than none. The issue, the Judge told the jury, was whether any man could set himself above the law, and so he suffers for not letting the State share in the proceeds of his crimes. Dandrea, one of Capone's lieutenants, has been sentenced to six months for terrorising witnesses in Court with a revolver during Capone's trial. Jack Gurzik, Capone's business manager, has also received a sentence of five years for income-tax evasion.

A Remarkable Fraud at Birmingham

THE LONG ARM OF THE LAW

BY JAMES T. BURNETT

Chief Superintendent, C.I.D., Birmingham City Police

EARLY in the year 1911 there came to Birmingham a man who was known as Mr. Jones. He frequented good-class bars and hotels and seemed very anxious to make himself popular.

On several occasions a Detective Inspector of the Birmingham Police happened to see him in these places, and, from his methods of getting into company with other people, became suspicious. Many people with whom he had been seen associating, on being interviewed, were unable to say who or what Mr. Jones's business in this city was. The Inspector traced him to his abode, which proved to be a fairly decent public house, but confidential inquiries at this public house failed to reveal the stranger's business. The Inspector, however, watched him from the public house and saw him enter a block of buildings used as offices in the central part of the city. An interview with the caretaker revealed that a firm known as Morton, Harris & Co. were the only new tenants during the preceding three months; and a notice board bearing that name was affixed to the front entrance. There was nothing, however, to indicate the nature of the business carried on by this firm, but it was noticed that large numbers of letters were conveyed from this office to the G.P.O. by a youthful lady clerk, and no indication of the business carried on could be obtained.

The tenant, who had put his own locks on the door, secured the office regularly every night, and evidently did his own cleaning. Eventually, after an interview with the police,

A REMARKABLE FRAUD AT BIRMINGHAM 5

the agent who had the letting of the property became interested in the tenant, and the Inspector got the agent to take him to the office and introduce him as a painter and decorator who had come to inspect the room for the purpose of having it cleaned out.

They were received very graciously and it was observed that the office was sparsely furnished, the only occupants being Mr. Jones and the young girl who had been seen taking letters to the post office. The girl was doing her best to appear busy at the typewriter and, during the inspection of the room, the officer was able to overlook the typewriter and saw that the heading on a letter was 'Morton, Harris & Co., Stockbrokers.'

An inquiry at the Birmingham Stock Exchange showed that this firm was quite unknown. A Birmingham stockbroker was then induced to arrange with one of his clients in another part of the country to write to Morton, Harris & Co. for particulars of their stockbroking business, on the ground of having been recommended by a friend who was one of their clients.

In due course this gentleman received a reply pointing out the great advantage of joining the 'Pool,' which in fact meant that Morton, Harris & Co. made the investments with the clients' money. This gentleman was asked to forward £5 or more. This amount was guaranteed by the Stockbroker should it turn out a failure, and was sent. However, on the first of each month a substantial dividend was paid to this client and in a few months' time he had received back, in dividends, the whole of his £5. Each time the dividend was sent along there was an accompanying letter advising further investments. As time went on each letter got more pressing, and it was only with difficulty that this 'client' was prevented from investing a further amount, the profits being so good.

The Birmingham stockbroker was very much puzzled as to how the profits could be paid, and all the detective could get from him was 'They will be gone one of these days and what a burst there will be!'

During these months not a single complaint reached the police, and apparently all the clients of this firm were doing well.

In August, 1911, a man (aged 72 years and a retired wool-buyer from Yorkshire) called at the Birmingham C.I.D. and inquired if Morton, Harris & Co. were known. The Detective Inspector dealing with the matter saw the old gentleman, and learned that he was a client who had started with a modest £5 quite early and that at that time he had increased his amount to £50. His profits were still coming in at a very satisfactory rate, but having nothing else to do and the profit being so good, he had decided to pay a visit to see this gold mine for himself. He was informed that the police knew nothing against the firm that he was interested in, but, as he appeared so innocent, he was quietly advised to put no more money in the business. He left the C.I.D., but was followed to the address the firm were then operating from, as they had removed from the one room office to a large suite of offices, still in the centre of the city. The old gentleman from Yorkshire walked up and down in front of the premises, thoroughly examining them, and eventually entered. He remained inside for only a few minutes and came out with Mr. Jones and entered a nearby public house. There they remained for a considerable time and on coming out both seemed extremely happy. They shook hands for about two minutes and, with a friendly pat on the back by Mr. Jones, the old wool-buyer left, all smiles.

It should here be mentioned that on the books of Morton, Harris & Co. being examined, it was found that this client after his return to Yorkshire had invested another £100.

Another two months elapsed, and still no complaints were received, but our 'Client' or Agent began to receive letters from New York signed 'Stanley,' representing Morton, Harris & Co. in the U.S.A. These letters stated that the Company had purchased large areas of land rich with oil. Mr. Stanley strongly advised our agent greatly to increase his holding and thus secure a certain 20 per cent. per month return for his investment.

During that period another well-dressed elderly man, accompanied by a very smart young woman, evidently a foreigner, visited the offices in Birmingham on several occasions, staying at one of the best hotels in the city. While in Birmingham they were kept under observation, and on one

occasion they visited a high-class fur dealer. On leaving it was ascertained that they had purchased furs to the value of £1,000, to be delivered to an address in South Kensington, London.

The Inspector visited London and found that the house was occupied by the man and woman who visited Birmingham, and that they lived in very good style. On inquiry it was found that the man had an office in Shaftesbury Avenue, London, and that he was known as Russell. All the facts were communicated to Scotland Yard, who promised to give the two addresses special attention.

Early in October of the same year the police received a letter from a dockyard worker of Devonport, complaining that he had sent £5 to Morton, Harris & Co. three weeks previously, and that no communication notifying him of his profits had arrived on the 1st October, as promised. This client had written and telegraphed to the firm, but got no reply; hence his letter to the police.

On receiving this complaint Scotland Yard was notified that action was likely to be taken within a few days, and that Jones was being kept under constant observation night and day from that time.

A detective took the first available train to Devonport, saw the complainant, and after hearing his story, brought him to Birmingham. On arrival at Birmingham they were met at the station and informed that Mr. Jones had left for London the same day and so far had not returned. However, two C.I.D. officers followed him, and it was a great relief to all concerned when at 2.45 a.m. the following morning Mr. Jones and the officers returned to Birmingham.

Before applying for process, the Inspector decided to interview Mr. Jones, so as to give him an opportunity of explaining the matter under complaint. He was received very cordially by Mr. Jones, who tried to impress him by producing a large sum in Bank of England notes, but it was quite apparent that he was in fear of arrest there and then. The complaint and the result of the interview were placed before the magistrates, who issued a warrant for Jones's arrest. The same day it was executed, and a sum of about £2,000 was found on the

premises. At the same time a warrant was issued for the arrest of Russell in London ; Scotland Yard was communicated with and asked to arrest him ; but Russell had gone. The whole of the contents of the office were removed to Police Headquarters, and two detectives, and two of Mr. Jones's lady clerks, left immediately for London and Southampton, respectively, in the hope of arresting Russell.

They were unsuccessful. The officers continued to work in conjunction with the Metropolitan Police for months, with no good result, so far as effecting the arrest was concerned ; but they were able to recover a great amount of money and valuable securities during the course of their inquiries.

Jones's finger-prints were sent to the Yard in the usual manner, when it was found that he had a long list of convictions for very clever frauds. It was then ascertained that Mr. Russell was a former confederate of Jones's, and was said to be a Russian.

Subsequently, on examining the correspondence seized when Mr. Jones was arrested, it was found that Mr. Stanley was a son of Mr. Jones. A warrant was issued for his arrest, and through the usual channels the New York Police were asked to effect his arrest. However, on calling at his office it was found that Stanley had suddenly vanished. Inquiries showed that he was then on his way to England, the vessel was met at Fishguard, and Stanley was arrested.

The inquiry went on in London, the main object being to effect the arrest of Russell. Early in November, the Inspector was in the Strand, London, when he saw the woman who had visited Birmingham with Russell ; she could not be mistaken, as she was only 22 years of age and weighed 16 stone. She hailed a taxi, as did also the Inspector, and proceeded to London Bridge Station, where she booked to Newhaven Town. At Newhaven Town station she took a taxi to an hotel, still being followed. The assistance of the local police and the Metropolitan Police stationed at the port were secured, and eventually at about ten o'clock she sent for a taxi and went to the harbour, where she boarded the boat for Dieppe *en route* for Paris. She was still followed and at St. Lazare Station, Paris, she hailed a vehicle and drove to the Gare de l'Est, where she

deposited her luggage. After staying all day in Paris she drove to the Gare de Lyon, booked to Dijon, where she visited an hotel, and later drove to the railway station and booked to Augsburg, Bavaria.

The police at Augsburg had been previously asked to keep a look-out for this woman, in view of getting Russell. The Inspector got the number of the carriage and wired to the Augsburg police that the lady, whom we will call Miss Schmitz, was on that particular train.

The detective returned to Birmingham and there learned that the police at Augsburg had arrested Miss Schmitz for interrogation, a copy of her answers being received in due course.

In the meantime, the names of the Banks and Safe Deposits in which Russell was interested had been ascertained, and it was found that a great number of £100 notes had been paid to Russell a few days before he disappeared, and that the numbers of these £100 notes (to a total of about £6,000) were registered with the Bank of England. About the middle of November these notes began to come back to the Bank of England, through foreign banks which had received them from various places on the Continent. All these places were telegraphed to, but at each place it was found that the party had flown.

To assist the police on the Continent, provisional warrants were issued in most of the European countries, including a warrant for the arrest of Miss Schmitz, although she was not really wanted. An elaborate descriptive bill was printed in three languages—English, French and German—with a photograph of Russell on one side and of Miss Schmitz on the other. This bill was sent to every foreign country in the world.

These £100 notes still kept coming in at short intervals from practically every European country, the last one being from Brindisi.

Mr. Jones and Mr. Stanley were in due course committed for trial and in March 1912 were sentenced—Jones to five years' penal servitude, and Stanley to nine months' hard labour.

After the interrogation Miss Schmitz disappeared from Augsburg, and nothing further was heard either of her or Russell

until March, 1913, when a notification of the arrest of both was received from the authorities at Monte Carlo, Monaco. Extradition proceedings were started and the police at Monte Carlo were asked to search for property, especially a very valuable collection of unset diamonds which Miss Schmitz was in the habit of carrying in a small bag attached to a neckchain which extended under her clothing. Although the police had traced a number of valuable rings and a considerable amount of cash, no trace of the diamonds could be found.

The actual arrest of these persons reads more like fiction than an actual occurrence in police proceedings.

In Monaco, when a person has resided in the country for about three weeks, the police must be informed, and they then visit the address and interview the person. In this case Miss Schmitz arrived at an address near the Casino and in due course the police were informed. They paid the customary visit, took the necessary particulars, and, on leaving, discussed the lady very freely, being much impressed by her size and good looks, with the result that one of the officers thought that he had seen her in person or her photograph before. They immediately returned to the Castle, and, on examining their informations, found the bill received from Birmingham, with her photograph and that of Russell thereon. They were perfectly satisfied of her identity and got possession of the Provisional Warrant which had been issued some fifteen months previously. They immediately returned to the apartment, and, on entering, they could hardly believe their eyes when they saw with Miss Schmitz a man who was no other than Russell. They arrested them both and removed them to Headquarters.

It was subsequently found that Russell, after changing his last £100 note, shipped from Brindisi, via Alexandria to Marseilles; he then crossed France to Bordeaux, and from there went to Rio de Janeiro. He remained there until his funds were getting low, and then returned to Miss Schmitz. He had only been in the house five minutes when the detectives called and he was arrested.

During the course of the inquiry information was obtained that Russell had from time to time given Miss Schmitz sums of money as presents, in addition to what he allowed her, and

that with this money she had invested in unset diamonds. It was further ascertained that she carried these diamonds in a small wallet attached to a neckchain. When the arrest took place, these diamonds were not found and, accordingly, a further search became necessary.

The Inspector went to Monte Carlo to inquire about the missing diamonds and he was very ably assisted by the British Consul at Nice. Through his good offices he was allowed to search the luggage which still remained at the apartment where the arrest had taken place. The search was really a very dramatic one.

The Consul and the Inspector, accompanied by eight of the Monaco Police were present. The Consul was asked to satisfy himself that the seals on each trunk were intact, and having been assured by the Consul that nothing had happened to the luggage since the seals had been placed, the officer in charge gave orders to search.

There were quite a number of boxes and bags. The seals were duly broken and the search began. A lady's hat box fell to the lot of the Inspector for his personal search. There were five hats in the box, one being an Austrian velour with a cloth ornament, covered with small coloured beads. On removing this hat the inspector felt something very hard in the ornament. On examining it he found that the ornament was stitched to the side of the hat by exceptionally strong thread. He cut it off and on the inside found a strong piece of buckram, stitched to the inner side of the ornament. This he removed and inside he found the diamonds. There were sixty-eight in all, wrapped up in fours and fives in cotton wool. There was great excitement when the diamonds were discovered.

The Monaco officer took charge of the diamonds, placed them in a strong cardboard box, tied the box with a piece of white tape and sealed it with a Government seal, and everyone in the room had to sign their name on the tape.

They then returned to the Castle, and three days later the British Consul was informed that the jewels and cash would be handed over to him. This was duly carried out, and the Consul passed them on to the Inspector, who returned with jewels and cash to the value of about £5,500.

The only article found in the luggage, other than the unset diamonds, had been a large brooch in the shape of a bow-tie, about three inches long and one inch wide. This was set with upwards of 500 diamonds, and the whole neatly covered over with black velvet, which really looked like a black velvet bow-tie. This was not found until the baggage arrived at Birmingham. The value of this article was £700.

About a fortnight later the Birmingham Police were notified that extradition had been granted and that the prisoners had been put on a French train at Nice, *en route* for Boulogne, where they would be handed over.

Nothing was heard of the prisoners for eleven days and it was thought that they had been lost. Eventually, however, a wire was received that the prisoners were both in Boulogne Prison at the disposal of the British police. It appears that in France they attach a prison van to an ordinary goods train and deliver the prisoners at prisons throughout the country, hence it took nine days to cover the journey from Nice to Boulogne.

In due course Russell and Schmitz appeared before the Magistrates in Birmingham. No evidence was offered against Miss Schmitz, and she was discharged.

Russell was committed to Assizes and was duly sentenced to five years' penal servitude, the same sentence which Jones had received fifteen months previously.

In all £31,000 was recovered. The public were defrauded to the extent of £66,000. To recover most of the property it was necessary to make Jones and Russell bankrupt.

It was a long and interesting case.

The Bathurst Inlet Patrol

By CHARLES D. LA NAUZE

Inspector R.C.M.P.

SINCE the formation of the North West Mounted Police in 1874 glamour and romance have been its constant companions. They came with the first bugle call and rode with champing bit and jingling spur as the scarlet coated force made its first march across the plains. They were its anxious companions in its infant years and in the stirring days of the North West Rebellion. They accompanied the Force in the rapid development of the West and the formation of the new Provinces of Saskatchewan and Alberta. When the Force was sent further north and the Yukon and North West Territories given its protection, cold and privation only increased its romantic glamour. To-day, in spite of the fact that by evolution the whole life and duties of the Force have been changed, glamour and romance still cling to the successors of the men of '74.

The reason for this is that Canada, though a practical country, has a great romantic background and with such a setting as the Canadian north west, artists, fiction and scenario writers have seized upon the Mounted Police as the decorative heroes of their imaginations. This has been exploited to such an extent that the popular conception of the Force is that they are a hard riding, cold-resisting crowd of supermen who 'always get their man.'

There are two terms that are anathema to the Mounted Police; the first is the term 'Mountie' and the second the supposed motto of the Force, 'Get your man.'

The term 'Mountie' is not taken seriously and is generally considered as used by the public for an abbreviation or a

friendly nickname. The term 'Get your man' is cordially detested, for the motto of the Force is '*Maintiens le droit*' as inscribed on its collar badge. No Police Force is super, and the Mounted Police are no exception to the rule. It is true that the Force have been successful in solving some serious crimes, but only the remote and spectacular setting of such crimes have been responsible for the exaggeration 'they always get their man.' There are Patrols and cases where the Mounted Police did not succeed. Patrols whose efforts have not been successful in spite of hard work and hardship, cases which only add to the official records of unsolved crimes.

Among the many long and difficult northern patrols undertaken by the Mounted Police which did not obtain the spotlight of publicity perhaps the Bathurst Inlet Patrol is the most striking.

This patrol was at the outset spectacular, it took some years to accomplish and was successful in its object, but because it did not contain the 'get your man' finish it was passed over by the feature writers as lacking in sensation.

The Bathurst Inlet Patrol commenced in 1914 and was concluded in 1918. It travelled thousands of miles by land and sea. It cost the Dominion Government thousands of dollars, the loss of a schooner and the complete time of an officer, non-commissioned officer and several employed natives. The patrol was brought about by the following circumstances:

In 1909 a young and inexperienced American sportsman named Harry V. Radford came to Fort Smith in the North West Territories with official sanction to kill a wood buffalo for scientific purposes. The Mounted Police had recently been established there, and part of their duties was the protection of this world's last herd of wild buffalo who ranged the vast timbered country north and west of Fort Smith. The police gave Radford every assistance, they let him accompany them on their buffalo patrols, and their work of protection was not made any easier among the Indians who could not understand why the strange white man should be allowed to kill a buffalo, while they were strictly forbidden.

Radford eventually got his buffalo and became so enamoured with the country and the romance of its early



CHRISTMAS AT BAKER LAKE



GETTING READY FOR A PATROL



IGLOOS ON BATHURST INLET



POLICE CAMP AT MOUTH OF COPPERMINE

exploration that he determined to head a scientific expedition to the Arctic Coast that would rival previous exploration.

At this period he was joined by Mr. T. G. Street, a virile young Canadian whose experience on survey work had proved his worth. Street too was burning to make a great trip, and readily became Radford's assistant.

The Radford-Street projected expedition was from the east end of Great Slave Lake across country to Chesterfield Inlet on Hudson Bay, from Hudson Bay overland to Coronation Gulf and then westward along the Arctic Coast to the MacKenzie Delta.

The expedition started from Fort Smith in 1911 and travelled by canoe to Reliance on Great Slave Lake. There they engaged Indians to help them over the divide to where the waters of the Thelon River flow towards the Hudson Bay.

The same winter Indians came into Resolution trading post on Great Slave Lake and reported that 'they had left the white men on a portage near where the waters flowed to the eastward, that they had found the head white man too hard on them, too anxious to travel and gave them no time to rest or smoke, that the other white man was genial and a strong worker, that they had left them while the white men slept.' In other words they had deserted Radford and Street somewhere on the barren lands.

No further news of Radford and Street was heard until late in 1912 when reports were received through the Hudson Bay Company that they had arrived safely on Hudson Bay in the fall of 1911, had picked up supplies and guides and had reached Bathurst Inlet in the spring of 1912. There their guides had left them and returned to Hudson Bay carrying reports that all was well.

In those years news did not flash through the air. The only news carrier was 'Moccasin Telegram,' the spoken word, conveyed and relayed by travelling natives. 'Moccasin Telegram' does not lie, and a year later its message came padding down from the Arctic Coast that two white men had been killed by Eskimo 'out on the ice' in Bathurst Inlet.

This rumour, combined with the failure of Radford and Street to arrive in the MacKenzie Delta, caused considerable

Blizzards followed by dull and foggy days were next in order, but the patrol crawled on northward, fighting snow-blindness. They reached a rocky impassable area devoid of snow which forced them off their direct route to Bathurst Inlet. On April 24th they found a small encampment of Eskimo at the head waters of Backs River. Here they were directed to the best route to the coast, and on May 7th they stood on the ice of the Polar Sea some distance east of the Kent Peninsula.

The backbone of their journey was now broken, they had reached the coast at the time when the Eskimo were all living on the ice and they must now try and find them.

* * * * *

The patrol travelled on west across the Kent Peninsula and on May 14th saw a large Eskimo encampment on an island at the mouth of Bathurst Inlet. Only the women were present and they fled to their igloos as the patrol approached. Strangers are always quickly recognized by Eskimo, and the men who had been sealing in the distance came running across the ice carrying a spear or a snow knife in hand.

The patrol gave the peace sign by holding the arms well above the head and when their employed Eskimo advanced and spoke, all was well and the party heartily welcomed.

The time had come to prove if 'moccasin telegram' had spoken the truth.

It is not necessary for the police to adopt any so-called 'detective methods' in dealing with Eskimo. The Eskimo do not understand anything but the truth and if they are willing to talk they will speak quite freely. Tact, patience and an understanding of the Eskimo mind are the police requirements and at this the patrol's first meeting with the Bathurst Inlet Eskimo, they found three men and one woman who were actually eye-witnesses of the murder of Radford and Street.

'Moccasin telegram' had not lied, and the information obtained then and hereafter by Inspector French proved conclusively that Radford and Street had been murdered through lack of tact and the misunderstanding of a primitive Eskimo by Mr. Radford.

For over a month the patrol travelled up and down Bathurst Inlet, travelling and living with Eskimo, all of whom were con-

versant of the murder and nothing but corroborative evidence of provocation was obtained. The simple truth in the statement of an eye-witness named Aningnerk is tragic in its brevity and simplicity.

'About five winters ago two white men came from the south and they had three Eskimo with them; they came to an island on the salt called Kwog-juk. One was named Ishumatak, and the other Kiuk. The one white man named Ishumatak was bad, but the other white man named Kiuk was good. The three Eskimo who came with the white men returned to the south; the white men could not speak to us and we did not understand them, but they made us understand a little by making signs. They wanted two men to go away with them to the west. Two men Harla and Kaneak were going with them but Kaneak's wife was sick; she had fallen on the ice and was hurt and Kaneak did not want to leave her then. The white man called Ishumatak got very mad and ran at Kaneak and hit him with a whip; the other white man Kiuk tried to stop Ishumatak. The white man was shouting all the time, he dragged Kaneak to the water's edge, the other white man went with him, they were going to throw Kaneak in the water. Everybody was frightened that the two white men were going to kill Kaneak. Two men, Okitok and Hulalark ran out and stabbed Ishumatak and he fell on the ice; the other white man ran off shouting towards the sleigh and Okitok ran after him and caught him and Amegealnik stabbed him with a snow knife; he was running towards the sleigh; he tried to get a rifle. The two white men were covered over and left on the ice. I do not know what became of their property, some the Eskimo took, some we left on the island; their rifles were broken up and made into tools after the cartridges were used up.

'I do not think this would have happened if the white man had not beat Kaneak with the dog whip or if we had understood the white men. Kaneak and Hulalark are away on the salt ice land. Amegealnik is far to the west.'

The term 'bad' as applied by the Eskimo to Radford must not be translated too literally. What really was meant was that he had not got on well with the people, and the interpreter translated poor Radford's description in the only terms he knew.

The calling of Radford by the name of Ishumatak is not unusual. The literal translation of the name is 'the man who does the thinking' or the leader of the party. The word Kiuk as applied to Street means 'wood,' and was a tribute to his strength and hardihood.

The mystery that had shrouded the disappearance of the Radford and Street expedition had now been cleared and the duty of the patrol concluded.

The principals in the murder were all reported to be far to the northward and their abode uncertain. This was not surprising, for a year previously a Mounted Police patrol had come overland from Great Bear Lake to Coronation Gulf and had arrested and taken away two primitive Eskimo who had murdered two priests in 1913. 'Moccasin telegram' of this happening soon reached Bathurst Inlet, and there is little doubt that the Eskimo who had killed Radford and Street had fled northward in terror. Inspector French had received sufficient information of the circumstances of the Radford and Street murder, his instructions were clear, and no good purpose would have been served by jeopardizing his patrol in an indefinite search for these men. The scene of the murder was visited, but as nothing was found there it was concluded that the bodies had been carried out to sea.

* * * * *

Plans for the patrol's return journey to Baker Lake had now to be considered. The party was completely out of supplies and subsisting entirely off the country. Their fuel oil was finished and they were obliged to subsist on half raw-meat tediously prepared over an Eskimo stone blubber lamp. They fell in with some Eskimo who told them of a trading post to the westward and it was decided to attempt to reach this post while travelling was still possible on the sea ice.

The patrol travelled up Bathurst Inlet and followed the coast westward. After a hazardous journey through June snowstorms and over invisible ice cracks they reached the newly established Hudson Bay Company's post at Bernard Harbour in the Dolphin and Union Straits on June 15th. The patrol had then been eighty-three days on the trail and had covered over 2000 miles on foot.

A limited amount of supplies and some fresh clothing were secured at Bernard Harbour and with properly cooked food the patrol soon recuperated from their long journey. It was hoped that they would secure a passage to Herschel Island by the Hudson Bay Company's expected supply ship.

The brief Arctic summer passed and the ship failed to arrive. On September 1st the patrol made its only boat voyage of 150 miles eastward to the mouth of the Coppermine River, where they went into camp to fish and await the freeze-up.

On October 28th the patrol with four sleds and thirty dogs began their return journey to Bathurst Inlet and Hudson Bay. Progress was slow and dangerous over the newly-formed sea ice; once they were forced to travel overland when a storm drove the ice out to sea, and they reached Bathurst Inlet on November 12th.

The caribou were moving south from Victoria Island and the patrol hoped again for their company on their long march south, but they were to find them uncertain companions. Caribou meant everything to the patrol; they had themselves and thirty dogs to feed, and like the outward journey could only carry a very limited amount of supplies. What was worse was the rapid shortening days which gave only a few hours of daylight for travel and the ever necessary hunting.

The snow was soft and deep as they plodded down Bathurst Inlet, and it was not until November 22nd that they reached the land at Gordon Bay almost out of food and only one-third of their journey accomplished.

At Gordon Bay they learned from Eskimo that by following the course of a small river flowing south it would take them near the Backs River which they crossed on the outward journey. It was apparently the shortest route south, and as time meant everything, the journey across the barren lands was commenced at this point.

For a week they painfully followed the course of this river, sometimes overland, sometimes on its frozen surface. They killed six caribou just when they were needed and passed on through a desolate and mountainous country. Their only companions were the great barren land wolves, sinister grey

shapes that skirmished on the flanks of the patrol and stole one of the sled dogs at night.

December remained calm and clear throughout. Hunters were ever ahead of the sleds trying to stalk the caribou, but a deathlike stillness enveloped the barrens; it was impossible to approach noiselessly and the caribou were always just out of range. December 12th found the patrol on Backs River and entirely out of dog feed.

Caulkin managed to kill one caribou on the 16th and the dogs were fed, but they were weakening rapidly. A sled was abandoned and the dogs split up with the remaining three sleds.

On the 17th the patrol for the first time had to resort to killing off five of the weakest dogs in order to feed the rest.

On the 19th Caulkin shot another caribou, but the state of the patrol was getting desperate. The tantalizing uncertainty of killing caribou was ever with them, for the elusive animals were disappearing, their clothing was in bad shape and no fuel oil could be spared to dry out frozen foot-gear. It was dried as best it could be next to the men's bodies as they slept.

On December 22nd the patrol struck a small river flowing south and the presence of a few stunted spruce trees made their whereabouts somewhere near the Thelon River.

They were completely out of food and their dogs falling down in harness when they struck the fresh tracks of a band of musk oxen moving westward. The natives were at once sent to follow them. The patrol built an igloo and shot and skinned out for dog feed five more exhausted dogs.

In 1821 while making their terrible overland journey from the head of Bathurst Inlet to the headwaters of the Coppermine, Sir John Franklin's party were partially saved from disaster by the killing of a few musk oxen. Ninety-six years later the Bathurst Inlet patrol was saved by the killing of the same animals. Musk ox when approachable are easy to kill, and the patrol's Eskimo, threatened with starvation, had found a herd of twenty animals and had killed them all.

Christmas Day found the whole party in camp and men and dogs revelling in quantities of fresh juicy meat.

The patrol remained at Musk Ox camp resting and feed-



A HAPPY PAIR



A GROUP OF CORONATION GULF ESKIMOS



IGLOO SETTLEMENT AT CHESTERFIELD, HUDSON BAY



BUILDING AN IGLOO

ing up the dogs until December 31st. On this day Caulkin explored south, found the Thelon River and a small cache of supplies that he and Inspector Beyts had placed there in 1915. The cache had been destroyed by animals, but 70 lbs. of flour, four tins of Oxo and a few pounds of welcome tobacco were salvaged.

On January 3rd, their three sleds loaded down with Musk Ox meat, they pushed eastwards towards Baker Lake.

On January 11th they struck Aberdeen Lake and a series of blizzards; they went eighty miles off their course, due to being forced to travel through the storms. Their food was again running low and their dogs weakening.

On January 16th a sled was used for fuel, three more dogs were killed for dog feed, a bitch gave birth to seven pups which were at once devoured by the ravenous dogs.

On January the 18th to the 20th the patrol had nothing but the Oxo and the dogs starving. The weather was very cold and they all felt the strain of the continual tramping.

On January 21st they at last found caribou near Baker Lake and surrounded and killed ten. This put a change of heart into all, for the Eskimo were losing courage and were insisting that the patrol was headed in the wrong direction.

On January 26th they at last saw familiar country in the south-west of Baker Lake and reached the Hudson Bay Company's post the same afternoon. They rested there for two days and arrived at the police post on January 29th after an absence of ten months.

The patrol had travelled over 4000 miles on foot over a practically unknown Arctic territory.

They had successfully accomplished their mission, they had suffered from cold, starvation and hardship; but they did not technically 'get their man': and that is why the story of the Bathurst Inlet Patrol is unheard of and unsung.

beyond the borders of France threatened the stability of the Government that the alien problem began to exercise the minds of English Ministers.

Aliens Act, 1793

In 1793, it was not to the King but to Parliament that Ministers turned for new powers for the control of aliens. In that year an Act (33 Geo. III. c. 4) was passed for 'establishing regulations respecting aliens arriving in this Kingdom or resident therein in certain cases.' The object was primarily political, for the preamble recited that 'great and unusual numbers of persons not being natural born subjects of His Majesty have lately resorted to this Kingdom and under the present circumstances much danger may arise to the public tranquillity from the resort and residence of aliens unless due provision is made in respect thereof.'

Edmund Burke in an impassioned speech supporting the Bill drew out a dagger and threw it on the floor of the House of Commons. 'It is my object,' said he, 'to keep the French infection from this country, their principles from our minds, and their daggers from our hearts.'

The Act required masters of vessels to make a declaration of the foreigners they had on board; all aliens had to declare their name, rank, etc., to an officer of customs and to observe certain regulations in regard to their places of residence; while hotel keepers were required to keep registers of alien visitors.

The scheme was administered by the Customs Officers and the Justices of the Peace. A power of exclusion or expulsion was vested in the King and the penalty for contravention was drastic: 'If any alien sent out of this Realm by command of His Majesty shall return and be found he shall on conviction be adjudged to be transported for life'; and the penalty for return after transportation was 'death as a felon, without benefit of clergy.'

Aliens Act, 1836

With short breaks at the Peace of Amiens and in 1814, the Act was continued until 1826, when the power to exclude or expel was dropped; and, by the Act of 1836, all that was

The Control of Aliens¹

By HAROLD R. SCOTT

Home Office

*'These are the Heroes that despise the Dutch,
And rail at new-come Foreigners so much;
Forgetting that themselves are all deriv'd
From the most Scoundrel Race that ever liv'd,
A horrid Crowd of Rambling Thieves and Drones
Who ransack'd Kingdoms, and dispeopl'd Towns.
The Pict and Painted Britain, Treach'rous Scot,
By Hunger, Theft, and Rapine, hither brought,
Norwegian Pirates, Buccaneering Danes,
Whose Red-hair'd Off-spring ev'rywhere remains.
Who join'd with Norman-French compound the Breed,
From whence your True Born Englishmen proceed.'*

DANIEL DEFOE, 'The True Born Englishman.'

THE repetitions of history always afford material for interesting inquiry. There have been few more striking than the revival in our own time of many of the problems which troubled the world during, and immediately after, the wars of the French Revolution. The problem of the control of aliens in this country is an excellent example.

In a sense we are all aliens, for the original stock of these Islands has long been submerged in the successive waves of immigration, Celtic, Saxon, Danish and Norman, from which the English nation was compounded. There followed other immigrations—of Protestants from the low countries in the fifteenth and sixteenth centuries, of Huguenots in the seventeenth, and, on a smaller scale, of French émigrés in the eighteenth. For religious or political reasons these immigrants were welcomed and, by their knowledge and skill, they contributed materially to the development of our trade and industry. The powers of the Crown to exclude or expel aliens fell into disuse, and it was only when the expressed intention of the Jacobins to encourage the spread of revolutionary doctrines

¹ Paper read at the United Service Institution during the course of lectures for Senior Police Officers, May 13th, 1931.

required was a declaration by masters of vessels and the delivery by the Customs Officer of a certificate to aliens on arrival.

Except for the temporary revival of the power of expulsion at the time of the Chartist riots in 1848 and of the Irish troubles in 1882, there was no further legislation in regard to aliens during the nineteenth century. Although a power to expel was taken on these two occasions, it appears never to have been used and, but for the returns required to be made by masters of ships, there was no legal provision in force for the supervision of aliens in the closing years of the century. During this period, when unprecedented prosperity seemed to be firmly based on political stability, there was no cause to fear any evil results from a comparatively small influx of aliens, and the general policy of *laissez-faire* appeared to be admirably suited to the non-existent alien problem.

Aliens Act, 1905

Gradually, however, as a result of the reactionary policy of the Government of Russia in regard to the Jews, a new tide of immigration began to flow strongly towards this country and America. The result was an agitation which began in the 'nineties and led to a Royal Commission on Alien Immigration in 1902, and to the Aliens Act of 1905. The Royal Commission was chiefly impressed by the overcrowding caused by the presence of alien immigrants in certain districts of London, but although it made recommendations for dealing with this aspect of the question, and a Bill of 1904 contained provisions on this subject, the Act of 1905 dealt only with immigration and expulsion.

As regards immigration, it provided a power of control only in regard to immigrants, *i.e.*, alien steerage passengers on an 'immigrant ship,' which was defined as a vessel carrying over twenty such passengers. The Act required the Immigration Officer to withhold leave to land to an 'undesirable immigrant,' *i.e.*, (a) a person not in possession of, or in a position to obtain, means of support, (b) a lunatic, idiot, or one likely to become a public charge owing to disease or infirmity, (c) a person sentenced abroad for an extradition crime, or (d) the subject of an expulsion order. An appeal was provided to

an Immigration Board and in many cases such appeals were successful.

Section 1 (3) of the Act contained words which are often represented as conferring a right of asylum on political and religious refugees, but in fact they go no further than exempting such persons from refusal on the ground merely of want of means or the probability of their becoming a charge on the rates.

As regards expulsion, the Act gave power to the Secretary of State to make an expulsion order (a) on the recommendation of any Court following a conviction, (b) on a certificate by a Court of Summary Jurisdiction after proceedings taken within twelve months of the alien's last arrival that he (i) had been in receipt of relief or found wandering without ostensible means of subsistence or had been living under insanitary conditions due to overcrowding, or (ii) had been sentenced abroad for an extradition crime.

The Act had obvious loopholes, but it was worked—so far as it was workable—and at any rate provided the nucleus of an immigration staff which, when the Great War came, could be expanded to perform the greatly increased duties then required.

Aliens Restriction Act, 1914

On the outbreak of war, new measures became necessary and the Aliens Restriction Act, 1914, and an Order in Council thereunder, which had been prepared by the Committee of Imperial Defence, became law; and, by the 6th August, all Police Forces and Immigration Officers were in possession of their instructions.

Section 1 (4) of the Act followed the precedents of the Acts of a hundred years before in placing upon any person who became the subject of proceedings under the Order the onus of proving that he was not an alien and this provision, both during the war and since, has been of the greatest value.

The question what is an alien, is, however, by no means so simple a matter as the layman imagines. Section 27 (1) of the British Nationality and Status of Aliens Act, 1914, defines an alien as a person who is not a British subject, and section 10

provides that the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien. The complications begin when one starts to consider what is a British subject, for it is necessary to bear in mind not only the existing legislation but the earlier legislation which determines the status of quite a large number of living people. It would take too long to give an exhaustive statement on this subject, but a few instances may be of interest, *e.g.*, children born in the United Kingdom even of alien parents are British subjects, though if they possess a second nationality they can on attaining majority make a declaration of alienage—this rule is, however, subject to the exception that the children of a foreign diplomat are not British subjects even if born in this country; the British born wife of an American citizen, even though under the Cable Act of 1922 she may not be an American citizen, is an alien; the foreign born children of a naturalized British subject if born after his naturalization and after the 1st January, 1915, are British subjects, but if born before these dates their status depends either upon inclusion in the father's certificate if he was naturalized under the Act of 1914, or on residence in the United Kingdom with the father during minority and before 1915 if he was naturalized under the Act of 1870; the child of a natural born British subject if of the second or third generation born abroad is an alien, unless born in an area where His Majesty exercised extra-territorial jurisdiction, or unless he is able to benefit by the provisions of the Act of 1922 as to registration of birth at a British Consulate; a person locally naturalized in a British Dominion or colony, and a British protected person are aliens in this country. There is only one general remark on the subject which is certainly accurate, and that is that no one without long experience of the law should attempt to say in all cases whether or not a person is a British subject.

The Great War, 1914-1919

The Aliens Restriction Order of 1914 dealt with the subject under the headings of Admission, Departure, Control, and Deportation of Aliens, and distinguished between the alien enemy and the alien friend.

The ports were classified as approved or prohibited. Alien enemies could only land or embark at approved ports, and then only with the approval of the Secretary of State. Alien friends could land at approved ports with the leave of an Aliens Officer and at prohibited ports with the leave of the Secretary of State. Although in fact most persons travelling during the early months of the war carried passports, it was not until the 25th April, 1915, that an Order in Council amending the Aliens Restriction Order required them to be carried by all aliens. In November, 1915, this requirement was extended by a Defence of the Realm Regulation to British subjects also, and in this way the Immigration Officers obtained power to control the movements of all passengers—British and foreign. They were assisted in these duties by officers from New Scotland Yard and the Military Control Offices.

As regards control within the country, the Order distinguished between alien enemies and alien friends. It required all alien enemies to be registered and forbade their residence in a prohibited area unless in possession of a police permit. At first only those alien friends resident in prohibited areas were required to register, but the requirement was gradually extended so as to bring in Belgian refugees in December 1914; alien friends outside the Metropolitan Police District in February 1916; males over eighteen of French, Russian, Serbian or Italian nationality in the Metropolitan Police District in July 1916; all male aliens over eighteen in the Metropolitan Police District in December 1916; and finally, in June 1918, all aliens over the age of eighteen, male or female, wherever resident, were required to register.

As regards deportation, the Order conferred an absolute power upon the Secretary of State together with the necessary corollary of the power of detention.

There were numerous other restrictions which applied chiefly to alien enemies; for example, an alien enemy was forbidden without permission to possess fire-arms, signalling apparatus, camera or telephone; to travel over five miles from his registered address; or to change his name (the prohibition on change of name was later extended to all persons other than natural born British subjects). The circulation among alien

enemies of any newspaper wholly or mainly in an enemy language was prohibited without a written permit from the Secretary of State, who might also prohibit any alien from addressing meetings or engaging in propaganda, or authorize a chief officer of police to close any place of public resort or entertainment or any club frequented by alien enemies or by undesirable aliens. As the war proceeded, an increasing number of the alien enemies of military age were interned as prisoners of war by an exercise of the Royal Prerogative, and special powers were also taken in the Defence of the Realm Regulation 14B to enable the Home Secretary, on the recommendation of a competent naval or military authority, to intern any person in view of his hostile origin or associations. Special Advisory Committees were set up to hear appeals against internment orders under Regulation 14B and, when repatriation began toward the end of the war, against repatriation.

Aliens Restriction (Amendment) Act, 1919 : Temporary Provisions

With the conclusion of the war the control of aliens entered upon a new phase, and military considerations fell into the background ; but for a time the feeling in this country against former enemy aliens remained very strong and led to the inclusion in the Aliens Restriction (Amendment) Act, 1919, of a number of special provisions directed against them. Section 9 required the deportation of every former enemy alien, not already exempted from repatriation, against whom a complaint in writing was made and whose application to remain was not recommended by a Special Advisory Committee. Section 10 provided that no former enemy alien should, for a period of three years, be permitted to land without the permission of the Secretary of State, to be granted only on special grounds and only for a period of three months which might, upon special grounds, be renewed from time to time for a like period. Section 11 prohibited a former enemy alien during a period of three years from acquiring property of any of the following descriptions : (1) land or any interest in land, (2) any interest in a key industry, (3) any interest in a company

owning a British ship registered in the United Kingdom. Section 12 prohibited the employment of a former enemy alien as master, officer, or member of the crew of a British ship registered in the United Kingdom. Practically no complaints were received under Section 9, and this and Sections 10 and 11 were allowed to expire without comment when the three years were up. Section 12 was repealed by the Former Enemy Aliens Disabilities Removal Act, 1925, following the Anglo-German Treaty of Commerce and Navigation of 1924.

Permanent Provisions

The Aliens Restriction (Amendment) Act, 1919, continued for a year the powers exercisable under the Act of 1914, and these powers have been continued from year to year ever since by the Expiring Laws Continuance Acts. In the absence of permanent legislation the renewal from year to year of the power to impose restrictions by Order in Council under Section 1 of the Act of 1919 is necessary, as otherwise there would be no power to control immigration or to maintain any form whatever of internal control. The Act of 1919 also contained permanent provisions making it an offence for an alien to attempt or do any act calculated or likely to cause sedition or disaffection amongst His Majesty's Forces or the civilian population, or to promote industrial unrest in any industry in which he had not been *bona fide* engaged for at least two years immediately preceding in the United Kingdom. It also forbade the holding of a pilotage certificate by an alien or the employment of an alien as master, chief officer, or chief engineer of a British merchant ship registered in the United Kingdom, or as skipper or second hand of a fishing boat registered in the United Kingdom, subject to exceptions allowing the issue of pilotage certificates to French masters or mates sailing into Newhaven or Grimsby and the employment of aliens who had acted as officers of a British ship during the war. Section 5 (2) provided for the payment of standard rates of wages to aliens employed on British ships. Section 7 contained restrictions on change of name by aliens and, as the Defence of the Realm Regulation in this matter was shortly afterwards withdrawn, is now the only legal provision on this subject.

Aliens Order, 1920

Under the general powers given by the Act of 1919, a new Aliens Order was issued on the 25th March, 1920, and this Order as subsequently amended on the 3rd December, 1920, the 12th March, 1923, and the 24th July, 1925, is still in force. The Order, though based on those issued during the war, is designed to meet the needs of a time of peace and many of the more stringent war-time restrictions have been modified or omitted altogether, with this end in view.

Under the new order the Aliens Officer became an Immigration Officer, and the Immigration staff has since been placed on a permanent basis. At all approved ports and at the principal non-approved ports there are Home Office Immigration Officers. Elsewhere the work is done by arrangement with the Board of Customs and Excise by Waterguard Officers of Customs, acting as Immigration Officers under a general warrant of the Secretary of State.

Our most efficient Immigration Officer, however, is undoubtedly the twenty or more miles of salt water which every alien must cross to reach this country. A land frontier is difficult to control, and many countries do not attempt it. Our insular position makes it difficult for aliens to come to this country by any but the regular routes and so renders possible a highly effective immigration control.

One may regret the days when restrictions did not exist and the traveller was not troubled with passports or controls; but since the times demand a control it is our business to make it effective and we may be glad that natural features are on our side.

Apart from its value in keeping out the destitute, diseased and criminal alien, the Aliens Order was chiefly of value immediately after the war in giving effect to the desire of Parliament to exclude the former enemy alien, but it contained also a new provision for the regulation of the influx of alien labour, and with the steady rise of unemployment in this country this aspect of the control of immigration has assumed an increasing importance. This provision is a necessary part of the machinery for dealing with unemployment, and

other countries have found it desirable to take somewhat similar measures for the protection of the home labour market in view of the wide-spread unemployment which now exists.

Admission of Aliens

Part I. of the Order relates to the admission of aliens and provides that an alien coming from outside the United Kingdom shall not land in the United Kingdom except with the leave of an Immigration Officer. The expression 'outside the United Kingdom' is defined as meaning 'outside Great Britain, Northern Ireland, the Irish Free State, the Isle of Man and the Channel Islands'; the object being to treat the whole of the British Isles and the Channel Islands as one unit for the purpose of immigration control and do away with the necessity of any control on migration within this area. This was made possible when the Irish Free State was set up by an arrangement by which the Free State Government established a control on the same lines as that already in force in this country and in the closest co-operation with it. Generally speaking, leave to land is entirely within the discretion of the Immigration Officer, but he has no discretion in the case of persons who are destitute, coming for employment and not in possession of a Ministry of Labour permit, lunatic, idiot, or mentally deficient, medically undesirable, guilty of extradition crimes abroad, deportees, or of those who are prohibited from landing by the Secretary of State. Article 15 (1) requires every person over sixteen landing in the United Kingdom to be in possession of a passport or other document establishing his nationality and identity to the satisfaction of an Immigration Officer. A further requirement prescribed by the Secretary of State was the possession of a British visa, but as a result of successive Agreements, this requirement has now been waived for the nationals of practically all European countries except Russia and the other Slav States. It has not been abolished as between the United States and this country for financial reasons, since the Chancellor of the Exchequer did not feel able to sacrifice the very considerable revenue derived from the American visa.

The possession of a visa is, of course, not a guarantee of leave to land, since leave can only be granted by the Immigration Officer. Its use is mainly in preventing a certain number of persons from setting out for this country who would be likely to be refused leave to land.

The provisions of the Aliens Act, 1905, in favour of political and religious refugees are not reproduced in the Aliens Order, but this does not mean that the traditional policy of this country to grant asylum to refugees in proper cases has been abandoned. In fact refugees of many kinds have been admitted in recent years, including anti-Fascists, ex-Ministers of South American Republics, refugees from the Soviet timbering camps on the White Sea, and many others.

An alien has, of course, no 'right' to demand asylum in this or any country; the only right is that of the Sovereign State to extend, if it so pleases, its hospitality to the foreigner who may seek refuge from political or religious persecution.

An Immigration Officer may grant or refuse leave to land and may make the grant of leave subject to conditions. The most usual conditions are:

- a time condition requiring the alien to leave within a fixed period;
- a requirement to register at once with the police;
- a condition that the alien shall not accept any employment, paid or unpaid, in the United Kingdom.

The last condition was introduced in December, 1930, in view of the large number of cases which came to notice in which aliens obtained permission to land by representing themselves to be students or visitors, when in fact their real object was to take work.

Every alien entering or leaving this country is required to fill up a landing or embarkation card, and a note is made on the back of the landing card by the Immigration Officer of the statements by the alien, on which leave to land is given. If leave to land is given subject to a time condition a full report is sent to the Home Office; but in any case, whether leave is conditional or unconditional, the card is sent up for inclusion

in the Central Passenger Index at the Home Office, where it remains as a record of the grounds on which the alien was allowed to land.

Statistics : Passengers

Since the war the number of alien passengers entering and leaving the country has greatly increased, though it has not yet reached the pre-war figure of over 500,000 annually. In 1921, 294,569 aliens entered and 305,866 left the United Kingdom, while in 1930, 454,752 entered and 449,628 left. These figures are exclusive of those for transmigrants which are given below. The figures do not, of course, necessarily relate to individuals, since many persons enter and leave the United Kingdom more than once in the course of a year. Moreover, though the figures for 1930 show a balance inwards they are subject to various corrections, and a few weeks' or months' traffic may easily affect the balance in a contrary sense.

This great traffic is chiefly concentrated into certain summer months and at certain ports, notably Dover, Harwich, Southampton and Folkestone. At these ports the Immigration Officers have to work under great pressure, and it is a tribute to their vigilance that so few unworthy cases survive their interrogation.

Their work is performed in various places. Some travel thousands of miles on cross channel steamers or on Atlantic liners between Northern Ireland and Glasgow, some go out on tenders to meet the great liners at Southampton and Plymouth, while others are busy in little-known parts of the ports of London or Liverpool. Their duty is apt to fall at most unofficial hours and to bring them in contact with all kinds of people. Their questions are sometimes resented but, generally speaking, their fairness and courtesy are recognized.

The increase of air traffic is reflected in the entries and departures of aliens by air. The number arriving and departing by air has risen from just over 3,000 each way in 1922 to just over 10,000 each way in 1930. An Immigration Officer is permanently stationed at Croydon Aerodrome, and the work at other aerodromes with passenger traffic is done either by the Customs Officer or the Air Transport Officer. Evasion of

control by air passengers has been negligible, due mainly, no doubt, to the cost of making arrangements for air travel by any but the recognized routes.

A considerable number of passengers arrive with permits for employment issued to their prospective employers by the Minister of Labour. In 1930, 13,396 aliens holding such permits were given leave to land. The majority were female domestic servants or governesses; a smaller number, young waiters, clerks, etc., coming to learn the English language and methods under exchange agreements with various foreign countries; and a still smaller number employees who were shown to the satisfaction of the Ministry of Labour to be indispensable to their employers and of a kind unobtainable in this country.

Seamen

Apart from ordinary passengers the Immigration Officers have to deal with large numbers of aliens arriving as seamen. The number dealt with in 1929 was 41,082. The Immigration Officers have to distinguish between resident seamen who may be allowed to land for discharge and non-resident seamen who may be allowed to land for discharge on condition of immediate repatriation, visiting seamen who may be given temporary shore leave, and contract seamen who are coming to join a ship at a British port.

Transmigrants

Another large group of alien travellers controlled by the Immigration Officers are the transmigrants who pass through this country chiefly on their way to the American Continent. They are outside the ordinary provisions of the Aliens Order, but are checked in and out by means of transmigrant cards, half of the card being given up at the port of arrival, whence it is sent to the port of departure to be linked up with the half surrendered there. In all cases the Shipping Company which brings a transmigrant to this country is required under a bond given to the Secretary of State to secure his due removal, and for several years the Chief Inspector has reported that the obligations of the Companies in this respect have been scrupulously observed.

An International Agreement signed at Geneva on the 14th June, 1929, adopted in its main outlines the system which had been worked out in this country for dealing with the transmigrant traffic. It is a valuable traffic to the British Steamship Lines, though recent immigration restrictions in America and elsewhere have led to a large reduction in the number of transmigrant passengers. The number entering this country has fallen from 154,031 in 1913 to 84,146 in 1921 and to 42,946 in 1929.

Excursions

The Immigration Officers have also to supervise a large day and week-end excursion traffic in connection with which special arrangements have been made to allow of passports being dispensed with. The traffic consists, so far as the outward excursions are concerned, mainly of British subjects but includes also a certain number of resident aliens. The inward excursions are, of course, mainly used by alien passengers. A check is kept by comparison of the outward and inward halves of the excursion tickets, and though a certain number of irregularities occur and a few aliens secure admission improperly on the return halves of excursion tickets the evasion is not large and the value of the traffic to British Railways and Steamship Companies is considered to be a sufficient offset to the weakening of control which the system involves. Evasion is sometimes said to be easy, but there is no evidence over a period of years to show that it is widespread and from time to time surprising captures are made by the vigilance and ingenuity of the Immigration Officers.

During 1930 advantage was taken of the no-passport excursion facilities by over 77,000 persons, of whom some 8,600 were aliens.

Refusal of leave to land

In carrying out his duties the Immigration Officer is guided by the provisions of the Aliens Order and by general instructions issued by H.M. Chief Inspector from the Home Office, and he has available also a list of persons who because

they have been deported or for some other reason are prohibited from landing in this country. Whenever a deportation order is made a circular is issued to all Immigration Officers and the name is automatically added to their list. A useful practice is also observed by which ports circulate to one another particulars of all refusals of leave to land so that their colleagues may be forewarned if any alien having been refused leave to land at one port attempts shortly afterwards to secure entry at another.

The refusals include the unclean or diseased (certified as undesirable by the Medical Inspectors appointed by the Ministry of Health), the alien coming for work who has no permit (the recent unemployment in the U.S.A. has brought many ex-British subjects who fall into this class), the deportee, the criminal, and the potential criminal (such as the American share-pusher or the foreign prostitute), the destitute, the foreign agitator and others too numerous to specify. The number of refusals in 1913 was 1,320, and in 1929, 2,100.

If leave to land is refused, the normal procedure is for the alien to remain on board the ship until it leaves this country, but this is not always convenient or possible, and Article 3 (5) of the Order places on the master of the ship or—if directions for the purpose are given by the Secretary of State or an Immigration Officer—on the owner or agents of the ship the duty of removing the alien to the country of which he is a national or from which he embarked for the United Kingdom. Somewhat similar provisions apply to an alien found on shore without leave, or to an alien seaman who, having been granted temporary shore leave, is reasonably suspected of having acted, or being about to act, in contravention of the Order. In all three cases there is a power (see Article 3 (3) and 3 (4)) to detain the alien until dealt with under the Order.

Detention may be in a hostel or hotel, or in police cells, or, if for more than a few days, in prisons indicated for the purpose by the Secretary of State.

Article 3 (7) gives an Immigration Officer power to inquire as to letters, etc., which may be carried by the alien, and to search for, examine and detain any such documents.

Internal control : Conditional landings

An alien having been landed must comply with any conditions imposed by an Immigration Officer, and if he fails to do so is guilty of an offence. Steps are taken at the Home Office to check from the Passenger Index—which is composed of the cards filled up by all aliens landing and embarking—that an alien complies with any time condition imposed, and in case of failure inquiry is made through the police, who are responsible for securing compliance with this as well as with the other forms of condition.

As regards the alien landed unconditionally, it is the practice of the Home Office to require the alien to conform to his statements on arrival unless satisfactory reason to the contrary is shown. For example, objection would usually be taken to a person who had stated that he was coming as a temporary visitor and who shortly afterwards took up employment. Unless a continuous check was kept upon such cases it is obvious that a widespread evasion, particularly of the provision about Ministry of Labour permits, would be possible.

Registration

Unless required to register at once by a condition imposed by an Immigration Officer an alien is not required to register with the police until he has been for two ¹ months in this country. On registration he is required to furnish certain particulars prescribed in the First Schedule to the Order, including name, nationality, date and place of birth, occupation, address, date of arrival in the United Kingdom, particulars of passport, photograph, signature, etc. He is required to notify any change in these particulars within seven days, to notify any change of residence within forty-eight hours, and to report his address if absent from his residence for more than two ¹ months. Every alien is furnished, on payment of one shilling, with a registration certificate setting out the particulars furnished under the Order and bearing a copy of his photograph.

¹ An Order in Council issued on the 29th June, 1931, extended this period to three months.

There is a special provision in Article 6 (2) by which an alien with no residence in the United Kingdom may give as a reference a British subject, *e.g.* a banker, solicitor, hotel keeper, etc., who will be kept informed of the alien's private address and will furnish such information to the police on demand.

The provisions of the Order regarding registration do not apply to any person under the age of sixteen.

It has been represented on the one hand that the registration provisions of the Order constitute a hardship to the respectable alien who has been long resident in this country, and, on the other, that they tend to deter a large number of tourists, chiefly American, from coming to or prolonging their stay in this country. The grievance of the old established alien is mainly sentimental, for in most cases he has already a fixed residence, and so long as he does not change it he is unlikely to be required to take any action under the Order.

As regards visitors, it may be that in some cases the tourist is frightened by the requirement of police registration, though an increase in the number of alien passengers landed as visitors or tourists from 205,348 in 1927 to 245,865 in 1930 suggests that the deterrent effect is not serious. However this may be, it must be remembered that it is precisely among the recent arrivals that certain types of criminal and other undesirables are to be found and that any undue relaxation will be certain to meet with great opposition. The question is not without difficulty, and the various suggestions which have been made for relaxation of the registration provisions of the Order are at present receiving the close attention of the Home Office. It is too early to say whether any change will be possible.¹

The figures of aliens registered afford an indication of the settled alien population in this country. They do not, of course, include all the aliens present at any one time, since they do not include those present for less than two months, or diplomats, Consuls, persons under sixteen and others who are exempt from registration.

¹ An Order in Council issued on the 29th June, 1931, extended from two to three months the periods after arrival in the United Kingdom and of absence from registered address during which an alien need not register or report to the police.

Central Register

A duplicate of the registration card of every alien is sent to the Home Office by the police for inclusion in a Central Register of Aliens and every change of address or other particulars is notified to the Registrar by means of a card. By this means an up-to-date record of every registered alien is always available at the Home Office, and the Register has been found of great value both for administrative and statistical purposes.

Statistics

In June 1930, according to the Central Register, there were 230,587 registered aliens in the United Kingdom, of whom 106,857 were males and 123,730 were females. Of these more than half were in the Metropolitan Police District, the figures for which were :

Males	-	-	62,204
Females	-	-	70,686
Total	-	-	132,890

The largest classes (United Kingdom figures) were :

Russian	-	-	73,092
Italian	-	-	28,064
American	-	-	19,640
German	-	-	17,960
French	-	-	16,679
Swiss	-	-	10,503

There has been a considerable reduction in the registered alien population since the war, *e.g.* in the Metropolitan Police District the reduction for December, 1922, to June, 1930, was from 166,167 to 132,890, or 20 per cent.

Hotelkeepers, etc.

Article 7 of the Order requires the keeper of any premises, whether furnished or unfurnished, where lodging or sleeping

accommodation is provided for reward, to keep a register of all aliens of sixteen or over staying at the premises, and to obtain signed statements from all visitors, showing nationality if British and certain other prescribed particulars if alien. This provision, though it has been criticized, has been found to be of value in tracing the movements of share-pushers and other international criminals.

Article 9 contains provisions as to protected areas which are unlikely to be used at ordinary times.

Clubs, etc.

Article 10 contains a valuable power under which a Chief Officer of Police if so authorized by general or special orders of the Secretary of State may direct that any refreshment house, place of public resort, or entertainment, or club, which is or has recently been frequented by aliens, shall be closed wholly or partly, if the aliens frequenting the premises are criminal, disloyal, or otherwise undesirable, or the premises are conducted in a disorderly or improper manner, or in a manner prejudicial to the public good.

This power has been used against clubs and other places frequented by aliens which are found to be conducted as brothels or gaming houses, generally after conviction of the owner or occupier.

Special Restrictions

Article 11 empowers the Secretary of State to impose on any alien or class of aliens, special restrictions. This power has been used chiefly in the case of persons recommended to be deported, whom it is for one reason or another impracticable to deport. In proper cases an Order is made requiring such persons to report to the police at frequent intervals (daily, weekly, monthly or quarterly, according to the circumstances).

Coloured Alien Seamen

The most noteworthy special restriction is, however, that relating to Coloured Alien Seamen.

In 1925 owing to difficulties arising from an accumulation

of coloured alien seamen in British ports and the smuggling of such men into the country by the boarding-house keepers for the purpose of employment at sea, the Special Restriction (Coloured Alien Seamen) Order was issued, which required all coloured alien seamen to register with the police notwithstanding that they had been for less than two months in the United Kingdom and were not resident therein. The requirement of registration under this Order has never been extended to Chinese and Japanese seamen. Registration, which began as a restriction, rapidly became a coveted distinction among the coloured seamen, since only those duly registered could obtain work. Registration is, generally speaking, refused to all who cannot show that they obtained leave to land in this country in a regular way from an Immigration Officer. In August, 1930, a Rota system was set up by the Seamen's Union and the Shipping Federation at the principal ports where coloured men were found. Employment is offered in turn to the men on the Rota, and only to those men, and registration with the police is a condition of admission to the Rota. The effect of the Rota system and of the strict control exercised by Immigration Officers and police, reinforced by the deportation of one of the more notorious boarding-house keepers and of a considerable number of coloured men who have been convicted of landing irregularly or have been certified to have been in receipt of public assistance, has been practically to stop the irregular influx of coloured seamen, and despite the severe unemployment in the shipping industry to secure a fair prospect of employment in turn to all coloured men who are entitled to be in this country.

Deportation

Perhaps the most important Article in the Aliens Order is No. 12, the Article dealing with deportation. This Article reproduces the provisions of Section 3 of the Act of 1905, together with the absolute power of deportation—Article 12 (6) (c), which was conferred on the Secretary of State during the war. This absolute power of deportation is a necessary corollary to the control exercised by the Immigration Officers at the ports. Apart from its use in this connexion, *e.g.* against

persons who have landed without permission, or have overstayed their leave, it has been very sparingly used. Its most recent application has been against various aliens found to have been implicated in the bribery and corruption of police officers which came to light during and after the recent Goddard case.

While it has been readily admitted that the power of deportation at pleasure has been exercised with discretion and restraint by successive Secretaries of State, it has been represented that the power is one which it is undesirable should be vested absolutely in any one person, and suggestions have been made that aliens threatened with deportation should be afforded an opportunity of appeal.

There are already means by which a recommendation for deportation may be brought before a higher Court by way of appeal. If the recommendation is made by a Court of Summary Jurisdiction, and the case is brought before a higher Court by way of appeal against conviction or sentence, that Court may certify to the Secretary of State that it does not concur in the recommendation. If the recommendation is made by a Court of Quarter Sessions or Assize, it is by Section 7 of the Criminal Appeal Act, 1907, deemed to be a sentence and is therefore open to review by the Court of Criminal Appeal. Somewhat similar provisions are to be found in the Criminal Appeal Acts in Scotland and Northern Ireland.

As regards Orders for deportation made under Article 12 (6) (c), there is, however, at present, no appeal except to the Home Secretary himself. The Home Secretary has been impressed by the arguments put before him and has recently decided to set up a Deportation Appeal Tribunal, to which any person threatened with deportation otherwise than on the recommendation or certificate of a Court, or as a result of having landed irregularly, or having failed to observe the conditions attached to leave to land, may appeal. The Tribunal will be advisory only, and it is not possible at this stage to say more than that arrangements for its institution are almost complete and will shortly be announced.

When an alien is recommended for deportation he may, unless admitted to bail by the Court pending completion of arrangements for his deportation, be detained, even though

there may be no sentence of imprisonment, or the sentence has expired.¹

A certificate of the recommendation is required to be sent at once to the Home Secretary by the Court making the recommendation, and a full report is at once obtained from the police force responsible for the prosecution. Unless the sentence is a long one (in which case the decision is deferred until the end of the sentence), the whole of the circumstances are at once considered and the decision whether a deportation order shall be made is taken. If it is decided to deport, the next step is to consider to what country the alien is to be sent. It is the general practice in this country to place a deportee on board a ship leaving the country *en route* for his ultimate destination, for although the King's Bench decided in the case of the Duc de Château-Thierry in 1917 that there was no power to deport an alien to a particular country if he did not wish to go there, the Court of Criminal Appeal found that there was power to put an alien on board a particular ship, which came to very much the same thing! The establishment of the deportee's nationality is therefore an important matter, and unless he is already in possession of a valid passport this question is at once taken up by the police with the Consulate of the country to which the deportee is believed to belong. If necessary, the alien is taken out of prison to be interviewed by the Consul.

There are, of course, bound to be cases where it is not possible to establish any nationality—this applies particularly to persons who have been left stateless as a result of the provisions of the new nationality laws which have followed the political changes in Eastern Europe. When deportation proves to be impossible it is the practice to release the prisoner under a special Restriction Order as described above. In the other cases, after the deportee's nationality is established and his sentence has expired, the police officer charged with the duty of enforcing the deportation order serves a copy on the alien and accompanies him from prison to the ship by which he is to leave this country. A person against whom a deportation order has been made may be detained under the Secretary of

¹ Directions of the Secretary of State of 29th March, 1920 (S. R. & O. 1920, No. 488).

State's directions until arrangements for his deportation are complete, but a special watch is kept on such cases to avoid the possibility of any prolonged detention after sentence for this purpose. When the delay seems likely to be unduly long the alien is usually released temporarily under a Restriction Order. Any money the alien may have is used towards the cost of deportation and the provision of a reasonable sum for subsistence on the way. Any expenses not so provided for are recovered by the police from the Home Office Vote. Wherever possible a working passage is arranged. This method is of special use in the case of Arabs, Somalis, Chinese and other seafaring races.

If the wife and family of a deportee wish to accompany him arrangements are always made to allow them to do so, but no compulsion is put on a British born wife, and there is, of course, no power to compel British born children to accompany an alien deportee.

The numbers of aliens deported, except during the years immediately following the war, have shown a tendency to decrease. In 1913 the number was 311, in 1920, 479, and in 1930, 202.

That the measures taken to exclude or deport undesirable aliens have led to a diminution of alien crime there can be no doubt. In 1906 the number of convicted alien prisoners received into prisons in England and Wales was 3,399, in 1913 it was 1,971, and in 1928 it was 501.

For various reasons there has, of course, been a very great fall in the total number of convicted prisoners during recent years, but the percentage of alien convicted prisoners has fallen in even greater proportion. It was 1.85 in 1906, 1.41 in 1913, and 1.24 in 1928.

A deportation order requires the deportee to remain out of the United Kingdom, and if he is found here he may be arrested without warrant. The number of contraventions is few and the offender is invariably re-deported after serving his sentence.

It is not unknown, however, for a deportee with a good knowledge of English to get on the right side of a British Consul and persuade him that he is a British subject in distress

and so to obtain 'repatriation' at Government expense to the very country from which he has been deported.

The fact that there is no power to deport or exclude from the United Kingdom a British subject is well appreciated by certain classes of undesirable, and the result is the 'mock-marriage' of the foreign prostitute to an English husband who is paid for attending at a Registry Office and usually disappears immediately afterwards.

The provisions of Article 21 (2), by which, where a deportation order is in force against any person, that person shall, unless the Secretary of State otherwise directs, be deemed to retain his nationality at the date of the order notwithstanding any intervening naturalization, marriage, or any other event, are designed to meet cases of this kind.

Exemptions

Certain classes of aliens are exempt from the provisions of the Aliens Order, viz., all persons entitled to diplomatic privilege, i.e., Ambassadors, Ministers, their families and their official and domestic staffs. Others may be exempted from all or any of the provisions of the Order by the Secretary of State, and under this power a general exemption from registration as aliens has been granted to persons naturalized as British subjects in any British possession, foreign consular officers *de carrière*, and certain British protected persons, viz., the subjects of native States of India, and natives of the Malay States and West African Protectorates.

The wives of persons exempt benefit by their husbands' privileges. Further, it is the practice to grant similar exemption individually to such persons as members of foreign Naval or Military Missions, and British born wives permanently separated from their alien husbands.

Offences and Penalties

Any person who acts in contravention of the Order, or is reasonably suspected of having so acted, or being about so to act, may be taken into custody without warrant by any Immigration Officer or constable. Offenders under the Order

are punishable on summary conviction by a fine not exceeding £100, or by imprisonment with or without hard labour not exceeding six months. Proceedings must be taken within the six months' limit prescribed by the Summary Jurisdiction Acts ; but failure to furnish particulars, or to make reports or returns, are continuing offences, and proceedings for such offences as making of false statements or returns may be instituted at any time within two months after the statement etc., has been discovered to be false.

In practice, however, the rigour of the law is tempered with mercy in its administration, and technical offences are very commonly dealt with in the first instance by way of a warning. There is no desire to use the law as an instrument for harrying the alien, and in this, as in other matters, provided the public interest is protected, there is everything to be gained by a sympathetic and reasonable attitude on the part of those responsible for the enforcement of a restrictive code.

Chan Lun

By L. H. HART

Assistant Commissioner of Police, Federated Malay States

CHAN LUN'S name is still remembered in Perak, though he would already have completed his twelve years' sentence had he not died in gaol. Only a couple of months ago some vapid blackmailer attempted to add force to his threats by resuscitating him.

Had he stayed in his own country he might have been a War Lord or a second White Wolf ; but unfortunately he preferred Perak.

One of his hiding places was on the forest-clad slopes of Bujang, Malacca, where a man can walk a mile underground, through endless corridors of waterworn boulders above, below, and on either side, hearing nothing but the river rushing through caverns still below his feet.

A night's march from there would take him to the swamps of Ayer Hitam, where the silt of a couple of centuries of unrestricted mining left no trace of unwelcome visitors. And between the two lay the town of Kampar, the centre of the richest tin-mining area in the world.

From these camps he moved swiftly and silently, holding up roads by day and raiding villages by night. And any unfortunate who stumbled upon his hiding place closed his eyes and ears and passed on, like the honest English villagers of smuggling days.

Within six months of his first appearance as head of the gang he had a private printing press, and sent out letters of demand with the name of the debtor and the amount filled in by hand.

' From the Hall of Righteousness.

' By divine command.

' Following Leung San and Ngah Kong we are governed

by right principles. There are many rich people who lack generosity. We take from such rich people to help the poor, distinguishing the good from the evil. Annihilation is the lot of the wicked, while our protection covers the good and generous.

' Merchants, pawnbrokers, and detectives have in the past cheated and trodden down the poor to enrich themselves. The Government, unable to suppress this wrong, lets it continue.

' We are therefore come to succour the poor and give peace to the country.

' We are now short of funds and it is the duty of the rich to assist us. It is hoped that our request be not rejected.

' On receipt of this note speedy compliance is advised.

' If it is ignored we shall lead our brave soldiers to battle. And if we do so, we shall leave no stone upon another nor blade of grass growing.

' Our word is gold.

' The amount of our request is stated below.

' To Mr. dollars

' Signed : CHAN TSAI LUN.

' Dated :

* * * * *

When the money was paid Chan Lun issued a counterfoil receipt.

His reputation as a fighting man and a stern disciplinarian was well deserved. One of his robbers who pocketed a ring which ought to have gone into the pool was shot by his orders. And we found the grave two days later beside a deserted encampment. (There were many informers ready to lead us to his places of concealment the day after he had left them.)

On another occasion he was surprised during a raid on a mining village by a party of police returning from an unsuccessful search for his hiding place among the hills.

The meeting was absolutely unexpected on both sides. The police were almost, but not quite, astride the robbers' line of retreat, and on the average were slightly better armed. But Chan Lun knew the country by heart and was fighting against uniformed men, whereas the police could not tell robbers from

villagers. The robbers escaped, taking their wounded with them, and leaving two policemen killed.

It is not altogether surprising that information as to his movements was difficult to obtain. At one time the gang lived in the densely wooded hills behind Sungei Siput, within sound of passing trains, but out of reach of the police, who must at times have passed within twenty yards of the gully which concealed the camp.

Beside the railway at the foot of the hill were three wood-cutting kongsis, employing half a dozen coolies each.

One day the police came and shut down two of the kongsis, carrying off the owners on a charge of harbouring gang-robbers. Next day the remaining contractor was found by the driver of an early morning train, tied up to the railway fence and riddled with bullets.

Such deeds of violence were not often necessary. And Chan Lun never killed for the pleasure of killing. But his discipline was too strict for his second in command, Long Wing, with the result that after a time we had two gangs to deal with instead of one.

From armed robbery Chan Lun passed to peaceful persuasion. Robbers were sent out in pairs, armed with printed bills and automatics. And still no information ever came to the police.

As far as I remember the rewards offered at this time were \$5,000 for Chan Lun or Long Wing, and \$1,000 for any member of the gang. And a force of two Europeans, fifty picked Indians, and half a dozen Dyak trackers were told off for their especial benefit.

One day a police patrol met a pair of Chan Lun's bill collectors. There was nothing to distinguish them from mining coolies out for the day, but one of them lost his nerve, dropped an automatic, and bolted. The other one of the pair decided to turn informer, and from that time when any member of the gang came down for the day to visit the opium shops or other resorts of the town, he was liable to be gathered in.

The gang dwindled, and soon the members, unable to take occasional holidays in the town, took to desertion.

Then one day a local towkay received a letter by the hand of a vegetable gardener asking for a 'loan.' In China your tailor asks for a loan when he presents his bill, so there was nothing ambiguous about the request. The towkay, greatly daring, told the messenger to wait while he collected the money, and went and fetched a policeman. Within a few minutes the messenger was on the mat before the C.O.

The story came very unwillingly, and was not over coherent, but there seemed every chance of a good capture. And I was dispatched with the vegetable gardener and an interpreter to see about it. We stopped at a police station near the scene and filled up the car with three constables, a Malay, a Punjabi Mahomedan, and a Sikh.

My information was that the robber had come down to the vegetable gardener's house and given him a letter for delivery, telling him to bring the money back, and if the robber was not there to await his return.

A mile beyond the police station the car stopped, and we took to a footpath with high lallang on either side. Presently we came out on to a clearing, and the vegetable gardener pointed out his house, a one-roomed shanty standing by itself a hundred yards away across open ground. Beyond the house and within twenty yards of it was a small stream and ample cover.

The prospects did not look too good, until I noticed a clump of sugar cane about the middle of the clearing. Trying to look like a patrol searching for nothing in particular, we straggled along the path in full view of the hut, until the patch of sugar cane came between us and the open door. Then we sprinted across country, hoping that no one would notice our disappearance on one side of the canes and non-reappearance on the other.

Within twenty yards of the door and under cover things looked better. The Malay and I took the front door, and the two Indians went round to the back. As I arrived an elderly Chinese about five feet high trickled out. He smiled at my foot and a half of mauser, but was finally persuaded that however urgent his call elsewhere might be, it would have to be attended to in the hut.

There were three other mild old gentlemen inside, all of whom had come, so they said, to call on the one we had arrested. They all knew each other, and all lived close by. They were none of them armed or dressed for the jungle, they looked about fifty years old each, and I had good reason to believe that they could not all be robbers.

Supposing I took this lot into custody, and while I was away the real robber came back and found out what had happened! I was a young policeman at the time, and had not yet learned the great maxim that thinking is bad for the young. I decided to take each one home and get him identified, and if all were so disposed of I should be in a position to lay an ambush for the real robber.

The house of one was within sight of the hut and hardly a hundred yards away. So I took him first, leaving the gardener and the three other visitors in charge of the Sikh and the Malay constables.

I had not been away five minutes, and was about to return, satisfied with the bona fides of my client, when I heard the bellow of a Sikh in action. A bush concealed the door of the hut from my view, but two jumps took me to a spot from which I could see what was happening. One of the Chinese, with the Malay hanging on behind, was going away across country, while the Sikh beat him on the head with the muzzle of his carbine.

I do not know what my time was for that hundred yards, but it felt like half an hour before I collapsed in a gasping heap on top of the Chinese, with Che Lah, the little Malay, still hanging on behind.

* * * * *

When I left the hut, the two constables and their four prisoners settled down to make themselves comfortable. There was only one door, and from their seats on either side of it the constables could see everything that happened in the hut.

Presently the old gentleman whom I had met outside sat down on the bed and put on an extra pair of trousers over the ones he had been wearing. There was nothing unusual in that; evening was coming on, and he was expecting to go home shortly.

While so employed he spoke to one of the others in their own dialect which neither of the constables understood. The man addressed got up without hurry and began splitting firewood. Evidently his friend had suggested heating up the water for a final cup of tea. What had actually been said was, 'When I shoot the Sikh, you knock the Malay on the head with the chopper.' There was a revolver hidden in the spare trousers left innocently on the bed.

The rest happened quickly. The man on the bed jumped up, clapped his revolver to the Sikh's forehead and pulled the trigger, while the other split Che Lah's head open with the axe.

Some people on receiving a blow sufficient to cut half way through a very substantial skull would have lost interest in further proceedings, or at least have turned to defend himself. Not so Che Lah. The revolver had missed fire, and the Sikh with nothing worse than a scratch in the middle of the forehead where the revolver had actually struck, was fumbling with his unloaded rifle. Before the Chinese could fire again, Che Lah had him by the elbows from behind, and was being bumped and dragged out of the door in Chan Lun's last bid for freedom.

* * * *

Sitting on the robber's back, his handcuffed hands in front of me and his revolver in my pocket, I became aware of someone speaking bad Malay, and a pair of hands thrust under my nose. I looked round. The owner of the hut whom we had brought with us was squatting near by, still handcuffed, looking as if nothing had ever happened and nothing was ever going to.

My Punjabi Mahomedan and the interpreter were bringing back the man I had released. Another Chinese was standing beside me, assuring me he had not tried to escape, and asking to be handcuffed and locked up.

We were one short.

The man beside me seemed to be the most demoralized member of the party.

'Where is the other man?' I asked sternly, heaving my automatic from its holster to complete his disorganization.

'My cousin has gone home to see his wife, who is sick,' he replied.

'Very well,' I said. 'You will go to his house and call him. I shall walk behind you, and if he does not come I shall shoot you both.'

And I think he believed me.

In any case he led the way to his cousin's house. The cousin came when called, and we all returned to the squatter's hut.

Che Lah was patched up as far as possible and sent off with the interpreter to take the car to hospital. He left grousing feebly that he was not allowed one good place kick at the cause of all the trouble.

Chan Lun was also patched up, and seemed none the worse, except in appearance, for the Sikh's exuberance.

I was about to search the hut when he came up to me. 'I am the only robber here,' he said. 'You can let the others go.' Then accompanying me into the hut, 'I will show you what you want.' And in a recess he pointed out an innocent tea cosey, which proved to contain a supply of demand notes, some of them already filled in with name, date, and amount payable, some letters of a more friendly but no less definite nature, and his book of counterfoil receipts.

Before we left, he offered to go and fetch the other members of his gang. But I decided that he had already been out of my sight once too often.

It was only when we reached Kampar, and some of his erstwhile acquaintances in the lock-up greeted Chan Lun by name that I realized the full measure of my luck.

Chan Lun got twelve years. And though I occasionally sent him my respects when I met the Superintendent of the gaol, I never saw him again.

The other whose unhandy use of the chopper cost Chan Lun his liberty, but saved Che Lah's life and my reputation, did seven years and was banished. I was always rather sorry for him; people had a way of doing what Chan Lun told them to.

The vegetable gardener was released. But during the one night he spent in Kampar his house was burned down and his pigs roasted alive. Even with Chan Lun behind the bars the villagers thought it safer to disapprove of anyone who had contributed to his downfall.

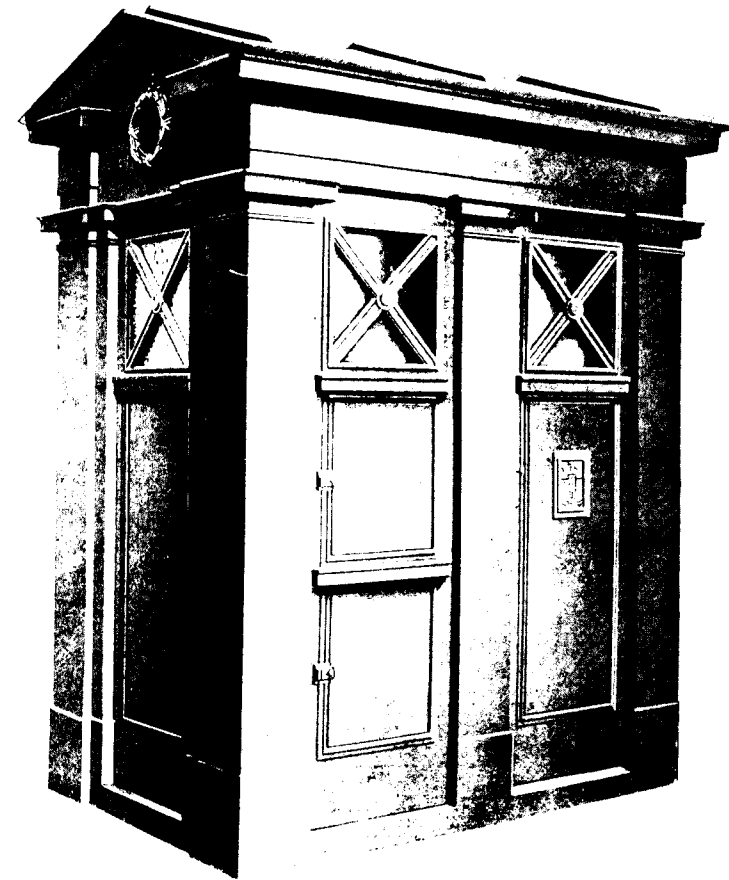
Che Lah was out of hospital in a fortnight with nothing worse than a dent in the skull to show. He received the King's medal, three months' pay, and promotion to lance-corporal. The only thing that ever frightened him was the weight of his new responsibilities. But in time he got over even that. He is now a very promising young sergeant.

* * * * *

Since writing the above I have heard that Long Wing is back in his old haunts again. He began proceedings by abolishing the informer whose information led to the breaking up of Chan Lun's gang.

The Chief Police Officer put a reward of a thousand dollars on his head. And he replied by putting a reward of a hundred on the Chief Police Officer's.

It is rather hard sometimes not to wish such a man a run for his money.



POLICE BOX IN EDINBURGH
(SEE PAGE 151)



THE MINISTER FOR JUSTICE, IRISH FREE STATE, PRESENTING
A MEDAL FOR HEROIC SERVICES



PRESIDENT COSGRAVE, ACCOMPANIED BY GENERAL O'DUFFY,
REVIEWING A PARADE OF THE GARDA SÍOCHÁNA

Public Liberty in Saorstát Éireann

AN INQUIRY INTO THE STATE OF THE LAW

WE have inherited, and are endeavouring to maintain a system of legal procedure in criminal matters which is not only antiquated, hidebound and helpless, but is more and more becoming a menace to the peaceful enjoyment of the privileges of citizenship by the ordinary hardworking man. He still foolishly thinks that the law is at all angles set against the criminal who goes forth in the night to deprive him of his property, or interfere with his God-given right to live his own life in his own way. If the honest Irish citizen cherishes his liberty, if he sets any value on the sanctity of private rights, if he desires to preserve the immunity of his wife and daughters from molestation, if he wishes to safeguard his own material interests and those of his children, then the sooner he disabuses his mind of this fallacy the more likely is his conception of justice to be realized.

English jurists, once they assumed an air of independence and impartiality, were frequently confronted with the necessity for maintaining the rights of the subject against aggressive, intolerant and hasty monarchs and overlords, and as a further contribution towards this end the Grand Jury system was inaugurated. Twelve men of intelligence and independent means were assembled to stand between the subject and his monarch, and if necessary protect the former from frivolous, vindictive and malicious charges. This system, cumbrous, useless, ineffective, and purposeless for generations still obtains in England and Northern Ireland and is an example of the extent to which the law ties itself to tradition and custom, entirely irrespective of the merits or demerits of their observance.

In the Saorstát we at least had the courage and foresight to dispense with this antique formalism. We have, in addition,

made some alterations, mostly of a theoretical nature in the machinery for the disposal of criminal cases. We have dispensed with an ancient rule of exclusion and allowed a prisoner to give evidence on his own behalf, a position which existed in England since 1898, and in the matter of appeals there is under trial a system which obviates the necessity for the appearance of witnesses before the Appeal Court.

But are these adjustments sufficient to meet the needs of modern civilization? I say that it has been demonstrated beyond question during the past five or six years that they are not. We are tied to the shackles of an antiquated, absurd, inequitable, obstructive and socially dangerous system of legal procedure, a system as unsuited to the needs of the people of this country as it would be considered unsuitable by the French and many other highly civilized and cultured nations. It may be all right in England, though some doubts which I have long entertained as to its unquestionable perfection there, tend in recent years to be confirmed by the number of murders and other serious crimes which continue to evade detection by one of the most perfect and resourceful police organizations the world has ever seen.

I invite those in whose hands lies the power to amend or alter the laws of this State to accompany me for one moment and peer beneath the surface of the procedure which the law at present imposes. You will see that from the moment a criminal indulges his destructive spirit, no matter how revolting or dastardly his depredations may be, he is harboured, assisted, sheltered and fondled by the law; you will wonder by what process of chance or good luck the majority of our serious crimes are visited with the punishment they invite, and, as you look longer and deeper, that wonder will grow to admiration for the services rendered by your police force under altogether unnecessary and unnatural difficulties.

Let a policeman approach in the street a person whom he suspects of having committed a felony with a view to ascertaining from him some particulars of his movements at the time the crime was perpetrated. He protests against the obstruction and the policeman is helpless. He has no right to interfere with that man unless he proposes to place him legally

under arrest, and, if otherwise he persists in detaining him against his will, he is liable to an action for damages. The dictum that a policeman who is endeavouring to discover the author of a crime is entitled to question any person from whom he might expect to obtain useful information is all right in its own way, but it must be borne in mind that the authority exists only so far and so long as the person to be questioned pleases.

I assert without reservation that no considerations of modern society can justify the perpetuation of this absurdity. The policeman is the servant of the people, the criminal is their enemy. If the man is guilty he deserves to be punished, and all legitimate and reasonable police efforts towards this end should not only be legalized but should be encouraged and assisted. Surely there is not to be found, even amongst the most fastidious, anyone who will suggest that there is anything unreasonable in stopping a felon and detaining him so long as may be necessary for the purpose of putting to him a number of questions, the answers to which are of first-rate importance to the community. It is necessary to emphasize this point of view. There is a quite erroneous impression that the discovery of the perpetrator of a crime is the first concern of the police. It is no such thing. It is the first concern of the public in the same way as the performance of a day's work by a clerk or ploughman is the first concern of his employer. And it is the concern of the public, as the employers, to a much greater extent, because, let the clerk or ploughman do ever so little, he will still have served his master to some little extent; while, on the other hand, the escape of a criminal represents a direct loss which may be represented in the non-recovery of stolen goods or in the fillip which is given to crime, with consequent increased liability to further loss, by each such escape.

Assuming that the man is innocent, as he sometimes will be, there will be no difficulty in assigning reasons, narrow and superficial reasons for the most part, which suggest that he should not be subjected to any interference. But let us get away from this bickering over the pros and cons of abstract right and examine this question in a sane and reasonable way. Let us look at it first from the point of view of the State, secondly from the standpoint of the individual,

It is indeed an inflexible maxim, stamped with the hallmark of antiquity and revered through the ages, that in all circumstances, and whether in peace or in war, the interests of the individual must be subordinated to the interests and welfare of the community. Now, if suspicion of a crime rests on an innocent man, it is obviously in the interests of the public that he should assist in removing that suspicion even though he be caused some annoyance in the process, so that their servants may be free to explore other avenues in search of the real offender. The State exists for the common good, and it is the duty of each of its citizens, not only to do his part to maintain it, but to give whole-heartedly of his support in the repression of any actions which tend to militate against the safety, health, comfort or prosperity of that State or its citizens.

In relation to this question the individual is in the position of a shareholder in a commercial concern. The police are employed and paid by the public of whom he is a member and with whom he contributes his share. His attitude to his employees should therefore be inspired by the same motives as would influence an ordinary prudent business man in determining his attitude to the employees of a firm in which he had certain material interests. Reducing the ambit of our considerations further, it is infinitely more preferable for an innocent man to give such a frank and complete account of his doings and whereabouts, and render such assistance towards the verification of his story as will establish his innocence beyond all doubt, and remove once and for all the suspicion which some set of circumstances cast upon him, than to adopt an attitude which can only result in prolonged inquiries and investigations concerning him amongst his friends and neighbours.

Indeed, let it be freely said, the innocent man is almost invariably prepared to meet the police half way, but the root of the trouble lies in the fact that the present day conception of his abstract legal rights and privileges is used as a basis for the maintenance of a system which, with the greater publicity and more diffused education among the criminal classes of the present generation, tends more and more to submerge the liberty of the community that the individual, almost invariably the criminal, may go free. For what is liberty if it is not the

embodiment of the right of the citizens to fashion their lives after their own design, to enjoy and have the benefits of their proprietary rights, to go about their ordinary affairs unmolested and undisturbed and to be governed by, and according to, laws, to the making of which they themselves have contributed? But these are the very amenities of society which the criminal sets out to destroy, and why therefore do the people's laws prevent the people from taking adequate measures for the preservation of these fundamental attributes of liberty?

Let us assume that the criminal graciously condescends to answer some of the questions addressed to him. He says something which creates in the officer's mind the suspicion that this is the guilty man. But, so great is the concern of the law for the safety of the criminal, that the police officer is required at once to interrupt the conversation and tell him, in effect, that perhaps it would be better for him not to say anything further on that subject. Why in the name of sanity is it necessary to warn a criminal, who is not even under arrest, against admitting his guilt? If this regulation is not the product of a diabolical sense of humour, by what considerations of justice has it been inspired?

Now, assuming that the criminal admits the commission of the crime, his confession, when given in evidence is viewed with mistrust and suspicion; and if he wishes to retract, it will almost invariably suffice, at least to negative its effect if not to discredit it altogether, to allege that the policeman to whom it was made threatened him in some way, or told him that by an admission of the offence he would escape imprisonment.

This juristic hesitation to accept confessions at their face value is based on two primary considerations, an inquiry into which will be illuminating. They are, first, an assumption that there is such a universal anxiety to visit crime with the punishment it merits that a witness is prone to exaggerate, even unconsciously, what was said to him by the accused; and secondly, that the desire to secure the favour of those from whom he might expect clemency may lead the accused to make admissions involving him in a criminal transaction to which he was not a party.

Now these hoary judicial dictums may have some ancient

logical foundation, but as a present-day basis for a serious legal doctrine in this country, they are utterly absurd and unacceptable. As to the first consideration, could any assumption be more erroneous than that it is a characteristic of the Irish race to be imbued with a desire to punish offenders against the law? Conditions in this country have for centuries contributed to the bringing of the administration of law more or less into contempt, and there has, slowly but surely, developed a deep-seated sympathy with anyone who finds himself in conflict with the forces of law. At first this was confined to those who violated particular laws, but in the course of time it extended, and it is no exaggeration to say that to-day local public opinion, in so far as it finds expression at all, is in favour of 95 per cent. of the offenders who appear before a judge and jury. To such an extent has this become a feature of our criminal trials that, if the prisoner is so worthless that it is impossible to say anything in his personal favour, we are ever ready to discover that 'his father and grandfather were decent men,' 'that he is the son of a poor widow,' 'that he is the support of a long family'; or we say: 'the harm is now done, and what good will it do to send him to jail?' These are the tendencies which are daily finding expression in our midst, and the law is in error in presuming that any contrary tendency exists, or, it may be said, ever did exist in this country.

But it is in looking at the second consideration that we notice the ludicrous spectacle of the lawyers of a progressive age still meekly subservient to the awe of Elizabethan dictums. We must go back to that age for an explanation of the legal notion that innocent persons are liable to incriminate themselves in their desire to court the favour of those from whom they might expect clemency. There is now no doubt as to the falsity of confessions made by a number of persons who suffered death for witchcraft, their motive being a genuine desire to be put to death rather than continue to endure the odium under which they lived. But these are not the ways of the modern world, and, let there be no mistake about it, we Irish are far too sensible and discerning to be guilty of any imbecility of this order. If there are any of our race so inclined they have long since been secured within the portals of

suitable institutions, or are confined to those few of whom we occasionally read of as 'remanded for medical examination.'

These, then, are the strange notions which govern the decisions of men, whose masterly logic in other respects inspires unstinted admiration and confidence, in assessing the value as evidence of a criminal's confession. May it be asked, did a principle so absurd, ridiculous and inappropriate ever escape extinction for so long? Has individualism been so lost, even amongst lawyers, that there is no one to shake off the bonds of the slavery of judicial precedent, and infuse some perception and sanity into the administration of the law in this regard?

Let us examine one more aspect of a criminal trial. The evidence proposed to be tendered by the prosecution has been taken in deposition form in the District Court and is in the hands of the prisoner in its entirety. To such an extent has the principle that the prisoner must know everything it is intended to say against him, and by whom it is intended to be said, been pursued, that, should the prosecution come upon new evidence, subsequent to the order for committal for trial, it is a prior condition of its admissibility that a copy of it be served on the prisoner. He, therefore, not only knows in detail the evidence upon which the prosecution relies, but has an opportunity of examining into the reputations, characters and reliability of the witnesses who propose to tender this evidence, a privilege which, of course, is invaluable for the purposes of cross-examination. Now all this is exactly as it should be. The purpose of the trial is to elicit 'the whole truth and nothing but the truth,' and there could be no means better calculated to achieve this end, so far as the prosecution is concerned, than the procedure it is required to observe.

But by no process of reasoning of which I am capable can I deduce that the interests of justice are best served by a system which not only permits the prisoner to reserve his defence completely until he appears before a jury, but allows him to keep that defence a complete secret from the prosecution. Thus, at the trial the prisoner may put forward the most fantastic alibi, and the prosecution, having had no prior knowledge of this line of defence, and therefore having no oppor-

tunity of examining it, is obviously labouring under an unfair and impossible handicap. Again, the prisoner may put forward as witnesses on his behalf persons of the most disreputable character, they may even be professional, convicted or hired perjurers, and the prosecution has no adequate opportunity of gaining that knowledge of them which is essential to a proper test of their credibility, and the procedure we follow renders practically impossible the provision of rebutting evidence.

Now, if the prisoner is innocent, the more light there is thrown upon his defence the more apparent does his innocence become, and on the other hand if he is guilty and deserving of conviction the more his fraudulent defence is kept a secret prior to the trial the more difficult it becomes to expose its untruthfulness and vindicate justice. At almost every Circuit Court in the country we may see the administration of justice obstructed and brought into disrepute by the law. The prisoner, of whose guilt not only the police who have investigated the case, but the judge who has heard the evidence, and indeed the entire civilian population in the neighbourhood is morally certain, is facilitated in evading justice by the inequitable procedure which must be followed from the time the crime is committed up to, and including, the trial. From the moment the police officer sets out to investigate one of these cases he is 'cabin'd, cribb'd, confined, bound in to saucy doubts and fears, but the prisoner's safe,' and for this the law is in many instances responsible as an accessory after the fact. By all means let justice be done though the heavens fall, but, in the name of common sense, truth, decency, and public morality, do not continue to load the dice heavily in favour of one side to the grave prejudice of the other.

Allied with these disabilities we have had the comparatively recent amazing 'educate the criminal campaign' (for no matter what the intention, this is what it has proved to be) conducted by a powerful section of the press of these countries. Articles or news paragraphs, or whatever else they might be called, appeared daily for a while and subsequently at frequent intervals, holding up to public odium what these journals deemed the unpardonable encroachments of the police on the

liberty of the subject, and, if not in express terms, certainly by implication, instructing every ruffian in these islands as to his technical legal rights. Thus it is that quite recently we read of a foreigner resident in England, who had not a particularly good grasp of the English language but who, on arrest on a serious charge, demonstrated clearly the educative effect, even on him, of the publicity of which I complain.

I do not suggest that this action of the press was not inspired by the loftiest of motives, nor do I aver that there was absolutely nothing to provoke comment. I do say, however, that such individual indiscretions as there may have been, the inexplicable minor lapses which occur in every police force, were magnified out of all proportion to their importance; public confidence was shaken, the criminal was educated, and I hesitate to reflect on the extent of the mischief which has been caused. It is unfortunate that in a matter of such serious concern the enthusiasm of the press was not tempered with the prudence which reasonable foresight and discretion might inspire. The question is—was the adoption of such a policy necessary? The answer is definitely in the negative. Police forces are disciplined bodies, and, if abuses exist without the knowledge of the authorities, there is a far more simple and equally effective way of having them remedied than by glaring headlines in the Press. These things are in the long run gravely prejudicial to the public interests, and let us trust that we shall not again see exhibited a policy so ill-advised and unfortunate as that from the effects of which the police and the public now suffer, while the criminal prospers.

Some further Notes on the Southampton Garage Murder (PODMORE CASE)

[As announced on page 499 in the October number, it was impossible to deal with all the points which arose, and the criticisms raised in connexion with this case, in the two articles appearing in Nos. 3 and 4 of the last volume. This further Note has therefore been contributed.]

(1) With regard to the delay in charging Podmore with the murder, it may be pointed out that it would have been entirely wrong to do so until all material information which could be reasonably hoped for had come to hand. It would have been wrong on two grounds. No one should be put through such a terrible ordeal as a trial for murder unless there are very strong grounds for expecting a verdict of guilty. On the other hand, the police and the authorities would be greatly to blame if a murderer got off because the case went to trial prematurely before the investigation was completed. Once a man has been tried and acquitted, it is an end of the matter—*autrefois acquit*; he cannot be charged and tried again, even if further information establishing his guilt subsequently reaches the police. In the present case it was a long time before all alternatives to Podmore's guilt had been disposed of, and all the pieces of evidence against him collected and pieced together. For example, the things which he had stolen from Messiter—in particular his gold watch—were being searched for right up to the day of his arrest, and might well have provided conclusive evidence.

With regard to the apparent slightness of the motive for the murder, Podmore was so hot-tempered that he may well have struck down Messiter in a sudden access of rage. His anger may have been roused merely because Messiter had found him out and told him what he thought of him; or it may

be that Messiter was going to give him into custody. The fraud which Podmore had committed was in itself a comparatively minor offence, but it would have been a serious matter for him to have fallen into the hands of the police, in view of his criminal record and the fact that he was already wanted for another crime. Arrest might have led to a sentence of penal servitude. He may, therefore, have murdered Messiter, not in a fit of passion, but with a cold-blooded deliberation to save himself from arrest. Even if his first attack on Messiter was a sudden impulse, the further blows made it a murder of callous savagery, and his subsequent actions show an almost incredible degree of cool and careful calculation.

Messiter must have been taken unawares in the narrow and confined space between the cases of oil at the back of the garage where his dead body was found. He had very likely gone to get his coat which was hanging there, and Podmore either followed, still talking to him, or stole up quietly behind and struck him down when his back was turned, as he reached for his coat, or possibly when he was stooping for some purpose. The first blow fractured the base of the skull, but it would, according to the medical evidence, have left Messiter still alive, although unconscious and probably groaning. Podmore must then, or after further blows, have pushed him off the wooden cases upon which he had fallen, and turned him on to his back to rifle his pockets which were found pulled inside out. Before Podmore struck the other blows which actually killed Messiter there may have been an interval, during which he reflected that, having gone so far, the safest course would be to finish off his victim. No one could then know what had happened except himself, and he could count on being absolutely undisturbed whilst he removed all traces of his ever having been at the garage.

What followed after Podmore had struck the final blows? Podmore's story was that on the morning of October 30 Messiter left the garage after locking up the building, in company with Maxton or Baxton, while he, Podmore, continued working on Messiter's car in the yard. About mid-day he went home and, when he came back after lunch, he found the garage still locked and the car in the yard. He then

proceeded in the car to his lodgings, picked up his 'wife' and drove out looking for 'the County Garage' and then on to Downton, as already mentioned, returning via Salisbury. When he got back to the garage the building was, he said, still locked up, so he put the car into the yard, pulled the outer gates to and went home. This was Podmore's account of what he did on the day of the murder. His 'wife' was not called at the trial to corroborate the story of the drive to Downton, and the Lord Chief Justice in his summing up expressed the view that this story was untrue, and that, after murdering Messiter, Podmore simply left the car where it was in the garage, locked the doors, went away and was glad not to return. He said, 'It would indeed require a remarkable amount of courage or insensibility if a man could murder Mr. Messiter in the garage and leave him there, locking the doors upon him, and then take the car to Downton and bring it back to the yard of the garage where the murdered man lay.' But there was the evidence of Mr. Mitchell that Podmore had in fact called upon him in the early afternoon of Tuesday, October 30th, and, so far as he could remember, Podmore told him that he had come in a friend's car. Further, a tenant of Mr. Mitchell's had happened to call to see him when he was engaged in interviewing Podmore, and his description of the car, in which Podmore drove off after the interview, coincided with the appearance of Messiter's car: he was also able to state that a woman was sitting in the front of the car.

It may be surmised that what happened was this: Podmore, after murdering Messiter, decided to steal the car and the cases of oil in it, and, after selling the oil, to dispose also of the car—he was a practised motor-car thief. Then the dangers of such a course must have occurred to him, and he must have decided not to steal the car but to use it to drive to Downton, partly with the idea of establishing an alibi, and partly because, on thinking things over, he realized, first, that it was essential that he should take up the situation at Downton for which he had been engaged by Mr. Mitchell, and, secondly, that it was very desirable that he should go there as soon as possible. Hence his efforts to persuade Mr. Mitchell to let him come at once. He must have expected that when

Messiter failed to return home on the evening of October 30th search would be made for him and his body would be discovered in a day or two at the most. The hue and cry would then be raised, and if, he must have reasoned, he had decamped, Mr. Mitchell would be likely to tell the police how he had engaged a man, called Thomas, at Southampton, who had not turned up, and the police would be at once on his track. This explains why after the murder Podmore did not either give up using the name Thomas by which he had been known in Southampton, or clear out of the district altogether. He felt that to save himself he must go to Mr. Mitchell, as arranged, and must keep the name he had given Mr. Mitchell on being engaged by him.

He was naturally anxious to get away from Southampton as soon as possible, because he might be seen and recognized as the man who had been at the garage with Messiter. He did all he could to conceal from those who knew him at Southampton where he had gone. He gave the Hornes, with whom he had lodged, a false address in London to which to forward the letter he was expecting from Mr. Mitchell, and he made them believe that he had gone to London.

(2) It was either in the garage immediately after the murder, or in the course of his journey to Downton and back, that Podmore must have examined the books in the car, decided to tear out the pages connecting himself with Messiter, and leave the books on the seat so that they would be found and serve, he thought, as evidence against someone else.

In this connexion it should be mentioned that one of the many complications in the case was that some books relating to transactions in oil were found in Messiter's lodgings as well as at the garage, and that among them was a duplicate invoice book, similar to the one found in the car, and pages of which had also been torn out. Now, as Podmore had never been to Messiter's lodgings, he could not have torn out these pages. Messiter must have done it himself and, if he had torn out pages in the book at his lodgings, might he not have torn them out of the books at the garage? This point was stressed by the defence at the Appeal as an important one which had not been mentioned in the summing up at the trial, but as a matter of

fact there was nothing in the point. Even supposing that Messiter, and not Podmore, had torn out the pages from the books at the garage, Messiter could only have done it because he had found that the transactions they recorded were mythical.

The invoice book found in the car had nine sheets torn out, five top sheets and four of the duplicate sheets on which the carbon copies would appear. These missing pages were accounted for as follows: The first was the original invoice handed over to Galton; the duplicate of this had been torn out by Messiter in the circumstances explained below. The second, third and fourth original and duplicates related to Podmore's fictitious orders from Cromer & Bartlett, Ben Jervis and Baskerfield, while the fifth top sheet must have been torn out by accident.

When Messiter's lodgings were searched, behind the gas fire were found rolled up in a ball the missing pages from the invoice book which he kept at his lodgings, together with the duplicate relating to the Galton transaction which had been torn out of the book found at the garage. What had happened was this. As Podmore appeared likely to become an active agent for the sale of oil, Messiter decided to have all his transactions in one book—the book found at the garage. He therefore decided to tear out the duplicate relating to the Galton transaction, and to enter the transaction in the invoice book which he kept at his lodgings and which related to his own sales of oil. He therefore proceeded to make out in his own invoice book a fresh record of the Galton transaction, but in his first attempt at this he mis-spelt the address of Mr. Gover to whom the oil had been sold, writing 'Nurnsling Farm' by mistake for 'Nursling Farm.' On noticing the mistake he tore out both the original and duplicate of his incomplete invoice and then made a fresh entry, but, as he had already handed the invoice to Galton, when he originally made it out in the other book, he tore out the new original, leaving only the carbon copy. What, therefore, was found behind the gas stove was the original and duplicate of the mis-spelt invoice and the original of the correctly spelt one, together with the duplicate of the invoice relating to the same transaction, which he had torn out of the other invoice book in the garage. The

duplicate entry left in the book at the lodgings and the crumpled up original bore in the bottom left-hand corner, 'Delivered to Mr. Galton,' which, as Messiter did not return to his lodgings after leaving them early on the 30th, went to confirm that it was on the 29th that he saw Galton.

(3) With regard to the woman with whom Podmore was cohabiting, who figures in the Press accounts of the case as 'Golden Haired Lil,' it may be thought remarkable that there was no evidence from her either at the Police Court hearing, or at the trial at Winchester Assizes (although she attended the Assizes at the instance of the prosecution).

A considerable amount of important information was contained in the statement which she had made to Chief Inspector Prothero, and a copy of this statement was given to the defence, as some of the points in it could be regarded as telling in favour of Podmore; but in the end she was not called either by the prosecution or the defence.

The points in her statement which told *against* Podmore were:

(a) Podmore said that the only sum he received from Messiter was the 10s. for the repairs carried out to Messiter's car which he received on Saturday, and he denied ever having received any payment by way of commission. But, according to the woman, Podmore told her that he had received about 35s. from Messiter, and she remembered that he received it on Tuesday, the last day that he had worked at the garage, *i.e.*, the day of the murder.

(b) Podmore always maintained that he had obtained no orders for Messiter. The woman, however, stated that Podmore had told her that he had obtained orders which had to be delivered on the Monday, October 29th, and we know from the letter that Messiter sent to his friend in America on the evening of the 29th, that he was expecting someone to call at the garage for orders that day and that he waited there from 1 p.m. to 5 p.m.

(c) She knew on the Monday that Tuesday would be the last day that Podmore was going to work for Messiter, as Podmore had told her he had informed Messiter that he was finishing that day. Podmore, however, in his statements

represented that he was still canvassing for orders on the Wednesday, and that he went to the garage twice on Wednesday and once on Thursday and could not get in, and on Thursday morning he put a note for Messiter into the letter-box of the garage. No note or letter was found in the letter box by the police. Podmore undoubtedly had seen in the newspapers that children had tampered with the letter-box. Inquiries were made of parents in the area in which the garage was situated, and the assistance of the school mistresses in the schools for the district was invoked. As a result, it was ascertained that several children had taken out letters from the letter-box and handed them to the licensee of the public house which adjoins the garage. These letters contained circulars from different manufacturers and agents. No letter or note in Podmore's handwriting was found in the letter-box.

(d) Podmore did not go out on Wednesday or any other day during the remainder of their stay in Southampton, as he was waiting for a letter from Mr. Mitchell. This not only contradicted Podmore's statements as to visiting the garage on Wednesday and Thursday, but was a very significant statement because, if he had murdered Messiter, he would naturally hide indoors until he could get away from Southampton.

(e) Podmore told her that Messiter had instructed him that he was not to deliver oil but simply to get orders, and that he, Messiter, would deliver the oil. This was in conflict with Podmore's story that on the day of the murder he had been sent out to deliver oil at the County Garage.

Her statement could have been used by *the defence* on the following points :

(a) She corroborated Podmore's story of the drive to Salisbury and Downton on the afternoon of the murder, but, on the other hand, she stated that they drove straight to Salisbury and on the way back called at two garages. After she had made this statement Podmore was allowed to see her, and, on the following day, he made an amended statement. He said that it was on his way back from Mitchell's that he called at a garage on the Southampton road. Had his intention in the first place been to proceed to Salisbury, there would be a reason possibly for forgetting at what stage in his journey

he called at the alleged garage ; but as Salisbury was an after-thought, following his failure to deliver the oil, it becomes difficult to appreciate his amended statement that it was on the return journey he tried to deliver the oil.

(b) The fact that Podmore had informed her on the day before the murder that he was leaving Messiter might have been used to show that he did not leave because he had murdered Messiter. On the other hand Podmore represented that he was still canvassing for orders on the Wednesday and Thursday following the murder.

(c) It will be remembered that the woman stated at the inquest that she and Podmore left the Stonebridge Hotel, Hampton-in-Arden, Warwickshire, in January 1929 because the hours were too long. This would have corroborated Podmore's statement at his trial. In June, however, of the same year, when in conversation with an officer (Sergeant Hood) of the Wiltshire Constabulary when Podmore was in custody upon the charge of stealing £130 from Mr. Mitchell, he said, referring to the finding of Messiter's body : ' I saw it in the papers and it properly put the wind up me.'

The Courts of that country can be divided into two distinct groups :

- (a) The administrative Courts, at the summit of which is the State Council, called ' Conseil d'État ' ;
- (b) The judicial Courts proper, at the summit of which is the Supreme Court, called ' Cour de Cassation.'

II

The administrative Courts try all cases in which either the State or the Departments, Townships and other public bodies are concerned, such as contracts for public works and similar matters concerning the State or any public body, electioneering litigation, illegal acts charged on public officials, differences concerning direct taxes, etc.

The administrative Courts of the first degree are local district Courts which are called ' Conseils de Préfecture.' There exists one of these Courts, composed of three judges, in each of the ninety French Departments.

The ' Conseils de Préfecture,' owing chiefly to the fact that the legislature has failed to secure sufficient stability and independence to their members, are probably the most imperfect organism of the French judiciary system.

An appeal lies to the judiciary division of the ' Conseil d'État,' which sits in Paris, from any judgment of a ' Conseil de Préfecture.'

The ' Conseil d'État,' a remarkably fine and noble French institution, is a corner stone of the State. Thanks to the efficient organization of the body itself and to the high legal experience and political independence of its members, it renders the country the greatest services.

Its judiciary division, the only one with which we are here concerned, consists of thirteen Counsellors of State, ' Conseillers d'État,' assisted by twenty-two ' Maîtres des Requêtes ' and twenty ' Auditeurs ' whose duty it is to assist the Counsellors in their judicial work.

As regards the accounts of all Government Departments and public bodies, they are submitted to the ' Cour des Comptes ' which is rather an auditing body, appointed by the Government, than a Law Court proper.

The French Judiciary System

BY HENRI DECUGIS AND ANDRÉ PAULIAN

I

WE make no claim to novelty in stating that, on most points, the French judiciary system differs very widely from the one which obtains in all Anglo-Saxon countries.

One institution, however, France has, as early as the close of the eighteenth century, borrowed from England—the criminal jury—which works in that country on lines very nearly similar to those with which all Anglo-Saxon legists are familiar.

But barring that noteworthy exception, the judiciary institutions of France are nowise indebted to those of Great Britain. They are, on the whole, of indigenous growth, notwithstanding their Latin origin : at first deeply rooted in the Roman Law, they little by little amalgamated many of the traditions and customs of the Middle Ages, until, after having received the characteristic stamp of the Revolution of 1789 (which in numerous instances achieved noteworthy improvements) they were finally completed and fused into a new whole by the mighty hand of Napoleon I.

Considered in its bulk, the French judiciary system works satisfactorily, despite a certain number of minor imperfections. It presents two great advantages : comparative simplicity and economy. Furthermore, the fact that in France, most of the law has been codified, greatly facilitates in that country the administration of justice by the Courts.

Let us now give a short statement of the main lines of the French judiciary system.

Such is, briefly summed up, the organization of the French administrative Courts.

III

As for the Judiciary Courts that take cognizance of all cases arising between private individuals, the Supreme Court is the 'Cour de Cassation.'

The 'Cour de Cassation' sits in three divisions called Chambers, namely: (1) the Division that examines the petitions in the first place, called 'Chambre des Requêtes,' composed of sixteen judges; (2) the Civil Division, 'Chambre Civile,' composed of seventeen judges; and (3) the Criminal Division, 'Chambre Criminelle,' composed of sixteen judges.

The 'Cour de Cassation' is the great judicial body whose duty it is to give a coherent and uniform interpretation of the law. Consequently it does not inquire into the findings of facts of the Court below. It tries and determines nothing beyond points of law.

When any judgment submitted to the 'Cour de Cassation' contains an erroneous interpretation of the law, the 'Cour de Cassation' quashes such judgment and refers the case to a Court of the same degree—but sitting in another town—the duty of that Court being to judge that judgment anew. The members of the 'Cour de Cassation' cannot, therefore, alter the findings of facts contained in the judgments which are submitted to them; their sole duty is to say whether the law has been rightly applied or not by the Court below.

There is, however, one exception to this rule—the one that was established in 1895, upon the occasion of the famous Dreyfus case, when an Act of Parliament was passed, in virtue of which the judges of the 'Cour de Cassation' are, henceforth, entitled to quash, without being bound to send the case before a new Court, or, in other words, themselves to acquit a convict, whenever they are convinced on strictly legal grounds that such convict is not guilty of any crime or misdemeanour.

As regards civil or commercial matters the judgments submitted to the 'Cour de Cassation' are, at first, examined by the 'Chambre des Requêtes.' When that Division is of

opinion that the appeal is, *prima facie*, admissible, the case is referred to the Civil Division.

The 'Chambre des Requêtes' thus plays the part of a kind of sieve which stops, prior to any further legal proceedings, all frivolous appeals to the Supreme Court.

The judges that form the body of the 'Cour de Cassation' are prominent jurists and the high authority that attaches to their science and character is respected throughout the nation. They can neither be removed from their office nor suspended, and hold their functions until they reach the age of seventy-five.

Below the 'Cour de Cassation' there exist twenty-five local Courts of Appeal which sit in the most important towns of Continental France and a few others sitting in Algiers and other French Colonies.

To these Courts lies an appeal from any judgment in civil and commercial matters of the Courts of inferior degree, which are called 'Tribunaux de Première Instance.' These are likewise cognizant without appeal, of all matters relative to such minor misdemeanours as do not come under the jurisdiction of the Assizes, 'Cours d'Assises,' which sit with a jury. In the Courts of Appeal a quorum of not less than five and not more than seven judges is necessary.

The question has, however, been considered of reducing that quorum to three judges, as is the case in the Courts of the first degree. That most useful reform will, most likely, in the near future be voted by the French Parliament.

The Courts of the first degree 'Tribunaux de Première Instance' may be subdivided into two groups:

- (a) the Civil Courts,
- (b) the Commercial Courts.

The Civil Tribunals consist of a number of judges varying from three to five in each Tribunal. There is one such Tribunal in practically every French town. They decide, finally, on all non-criminal matters whatever, whenever the interest involved does not exceed 1,500 francs. Beyond that amount, there lies an appeal from their judgment to the Court of Appeal, 'Cour d'Appel,' of the district.

The Civil Tribunals have, furthermore, jurisdiction in all matters relative to minor misdemeanours for which the summoning of a jury is not requisite. A Civil Tribunal is called 'Tribunal Correctionnel' when it thus tries such offences and, on the other hand, they also have jurisdiction over commercial matters in small towns in which there does not exist a special Commercial Court.

IV

The Commercial Courts are a most typical institution, quite characteristic of the French system, and no equivalent of which is to be found in any Anglo-Saxon country.

They consist of members who are not judges proper (*i.e.* who are not professional judges appointed by the Government) but capable and prominent business men, elected to that office by the other business men of their district. These Commercial Judges receive no salary or fees whatever and a great honour attaches to their office. It may, moreover, be noted that many business men in France have had legal training and have thus acquired special knowledge which makes it a relatively easy task to recruit those Commercial Judges. Most of them have graduated in the University, and owing both to their judicial science and to their business experience they fulfil their work quite satisfactorily.

There exist in France 227 Commercial Courts. The most important of them is the Paris Commercial Court, subdivided into eleven divisions or 'Chambres,' each consisting of eight members. Those eight members divide the cases between themselves in such manner that there may be always three or four of them sitting at the same time.

The Commercial Court of Paris is the most active seat of the judiciary life of the country. It deals every year with an ever-increasing number of cases which are tried speedily and at little cost.

The French commercial community have long been used to the working of the Commercial Courts and are satisfied with them.

V

As regards crimes, they are submitted to the Courts of

Assizes, 'Cours d'Assises,' consisting of a jury composed of twelve citizens presided over by a judge, who is generally a judge of the Court of Appeal, assisted by two other judges.

The questions of facts are decided by the jury alone, and it is on those findings of fact that the President and the two assistant judges either inflict the penalty enacted by law, or release the accused, as the case may be.

VI

To conclude this short review of the French judiciary system, a few words should be said of the inferior Courts called 'Tribunaux de Paix,' Justices of Peace, and 'Conseils de Prud'hommes,' the latter being Courts dealing with labour disputes.

The 'Tribunaux de Paix' consist of one Judge called 'Juge de Paix' (*i.e.* Justice of the Peace). That Judge has jurisdiction over all civil matters of minor importance, not being of a commercial nature, as also of all minor penal infringements (*e.g.* against police regulations, such as excess of speed of motor cars, drunkenness, slander, etc.). Their procedure is a most simple one and involves neither cumbrous formalities nor serious expense.

The 'Conseils des Prud'hommes' decide upon all disputes arising between workmen and their principals. Their members, one half of whom are employees and the other half employers, are respectively elected by those employees and employers, in each district, and they are presided over in turn by a representative of the former and of the latter category.

There lies an appeal from the judgments of the 'Conseils des Prud'hommes' to the Civil Court, 'Tribunal Civil,' of the district.

On the whole, the French judiciary system works well, although some imperfections should perhaps be noted. The chief one is that too many Courts are in existence and that it is increasingly difficult to find a sufficient number of able judges to fill the minor judicial offices in small towns. It may also be observed that French legal procedure has not been sufficiently modernized and that lawsuits are often too lengthy.

The Policeman: An Appreciation and Criticism

By ALEXANDER COPPERSMITH

THE year 1931 finds Police an accomplished and efficient race of men, 'capable' I had almost written 'de tout.' Indeed, when one recalls some of the activities practised at Scotland Yard, some of the scientific and legal knowledge displayed at district headquarters, it is difficult to think of a subject on which the police are not specialists.

Let me enumerate one or two, to illustrate my point—finger-prints, photography, chemistry, the art of the gunsmith, food and drugs, languages, motor engineering, wireless operations, draughtsmanship, first aid, horsemanship—and what not, are among the accomplishments of the modern bobby—together with a practical and intelligent knowledge of law.

One learns from interesting articles in *The Police Journal* that the police of foreign countries and the police of the Empire are as alive as we are in England to the importance, aye, the necessity, of keeping abreast of the times and up to date in every development of art and science.

Humanus sum: nihil humanum alienum a me puto. If ever there was a human profession it is the policeman's and it must be literally true that to him nothing human, nothing scientific, nothing of knowledge or learning is *alienum*.

I am not concerned in this paper, nor am I by attainment competent, to discuss the highly specialized sides of the modern policeman.

I want to write of him, for a few lines, in his more humble and everyday manifestations, what I have learned of him outside headquarters, on the beat, on the street, on the traffic point, and in criminal courts of first instance and of Assize, as a P.C., a Sergeant, an Inspector or a 'Super.'

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I have known, studied and admired him now for thirty years in the circumstances mentioned, and before venturing to set down a couple of homely suggestions for the rank and file, I want to disarm suspicion and guarantee—if I can—the purity of my intention, by giving a testimonial to police as I have found them.

There are bad policemen; they do exist; I have met them. And there will, I suppose, be exceptions always to every rule. But, subject to exceptions, or as an accountant would write it—'E. and O.E.,' the police deservedly enjoy an admirable reputation.

I know them to be brave, competent, courteous, truthful, patient to a fault, fair, always ready to say a word in a man's favour and even to put in an extenuation for one who has been a brute to them.

They suffer a little, as soldiers suffer, from the defects of mass instruction. I have never attended police classes and I recognize that in those classes it must be essential to inculcate method, but the policeman himself must see to it that he does not lose himself in his method. What he is told to do he should regard as principle and, in applying his principle, I would like him to give full scope to his own individuality.

Thus—were I his instructor—I would see that he told his story in order, beginning with his own name and number and following a chronological and coherent scheme in his own way and language. I would discourage him from the use of conventional, unnatural and stilted phrases.

Policemen, one might imagine, never walk; they 'Proceed.' They are more prone to 'Apprehend' people than to arrest them. I would by every means in my power try to remove from the mind of police recruits any feeling that it is wrong or improper for one policeman to differ from another.

Of course, if the account given by two P.C.'s of the same set of circumstances is irreconcilable, either the charge will not be taken or it will fail.

But on the other hand there is no occasion for alarm if the evidence of two officers is not uniform. It is far better for each to tell his story in his own way—and too great similarity of

language invites the comment, probably quite unjustified, that the evidence has been put together in conference.

It is bad not to be able to tell the story except in a fixed form like a child's recitation.

In an undefended police court case of, say, no lights on a motor-car or obstruction with a motor-car, if the defendant has admitted the offence, the policeman is often asked one question, 'What did the defendant say about it at the time?' This ought not to upset him, even though it refers to the end of the story and he has not recited the beginning. I have, however, known him to find it impossible to answer without:

- (1) unbuttoning himself for his book;
- (2) finding, after half a dozen shots, the appropriate place in the book; and
- (3) prefixing his reply with the uninvited statement: 'I told him that he would be reported with a view to a summons; then he said—'

When the answer is eventually reached, it will be found that the defendant said nothing at all or perhaps said, 'I did not think I should be so long.'

Could not this momentous result be produced with somewhat less labour?

It is possible to rely too much on the use of the notebook in giving evidence.

Its function is clear enough and well understood, but the witness ought not so to rely upon it as to mistrust himself to speak without it.

The notes are to refresh the memory and when, for example, the precise words of a statement—which was taken down at the time—are to be recalled the note-book is a valuable aid to memory.

No barrister succeeds, or has a right to succeed who cannot speak unless he is reading from a script. Similarly no policeman ought to be incapable of speech unless he has writing before him from which to read.

Sometimes what happens is this. The officer enters the box, comes to an appropriate attitude and takes the oath. He gives his name and number fluently or violently; perhaps he

remembers out of his own head when and where he was on the date in question, but then he sticks fast. He has not the book ready and minutes may pass while he unbuttons his pockets and finds the place—minutes valuable enough if it is a court which is disposing of small cases at sixty to the hour.

I have a word to say on the policeman's most difficult task in a court of first instance—cross-examining.

Cross-examining is at all times a difficult art and many barristers pass through years of practice to the House of Lords or the Workhouse without mastering it.

I cannot here set down a treatise on the subject, but I submit with deference a few hints addressed to the aspiring P.C.

- (1) Do not cross-examine for the sake of cross-examining.
- (2) Do not cross-examine unless you have something to cross-examine about.
- (3) Do not cross-examine to turn what has been said in your favour into something against you.

These three principles are vital.

If a prisoner goes into the box and tells what you know to be untrue, see if you have not some fact which will expose him.

Perhaps his evidence is a complete denial, but you know that he has made an admission. Put it to him. Not in an open form as if you were examiner in chief; remember that in cross-examination you may suggest the answer. And put the question in an intelligible form.

Here is what I mean—The prisoner has said that he knows nothing about it—Ask him if he remembers being somewhere or other in the presence of so and so. This brings his mind where you want to get it and seems comparatively harmless. He will say 'Yes.'

Then ask him, and ask him in this way, only making quite sure you get it exactly and verbally right.

'Did you not say to so-and-so, "It's a fair cop; I shall get six months for this"? Perhaps I may be permitted to re-tell an oft-told, but none the less true, story to illustrate how not to cross-examine. It is the best example I ever heard.'

The charge was one of being on enclosed premises, and the prisoner when before the Magistrate was most anxious to interrupt the police evidence. The Magistrate soothed him with assurances that all in good time he could put questions to the witness.

At last the time came and the Magistrate said, 'Now it's your turn. If there is anything you want to ask the police officer, now is the time.'

The following was the question :

'Excuse me, officer, but would you kindly tell his Worship, 'ow many illegitimate children ' (only he used another word) 'your mother might 'av 'ad before she 'ad you?'

If comment is necessary, I might observe that the question was at once irrelevant, inadmissible and bad tactics, as it insured hostility on the part of the witness for the rest of the case.

Obeah and Murder

BY INSPECTOR W. P. C. ADAM

Jamaica Constabulary

JAMAICA is not singular in having in its midst superstitious belief, and the most common form and that amongst the peasantry is Obeah, which is specifically dealt with under the Obeah and Vagrancy Laws of the Island.

The definition of a 'person practising Obeah' is :

'any person who, to effect any fraudulent, or unlawful purpose, or for gain, or for the purpose of frightening anybody, uses or pretends to use, any occult means or pretends to possess any supernatural power or knowledge,'

whilst under the Vagrancy Law the offence is :

'unlawfully pretending to deal in Obeah (mialism, duppy-catching or witchcraft and pretending or professing to tell fortunes or using or pretending to use any subtle craft or devise by palmistry or any such like superstitious means), to deceive or impose on anyone.'

First, it may be desirable to state that the Island of Jamaica is in the British West Indies Group, isolated from the others by a long expanse of the Caribbean Sea but only a short distance south of Cuba. The Island has a population not far short of a million, most of whom are of African descent, with a sprinkling of Whites, East Indians, Syrians, Chinese and a fairly large number of mixed descent. The original inhabitants, the Caribs, were almost extinct after the Spanish occupation, when they were ruthlessly exterminated, and the population was built up by bringing slaves from Africa in the old Sugar Days. It is a tropical island, with a wonderful variety of climate at different altitudes, also a great variety of soil and of products, with bananas at present easily heading the list. The Africans naturally brought with them much of their former

ideas of life, and despite educational, religious and civilizing influences, traditions remain and the Witch-Doctor of old is replaced by the Obeahman of to-day, his nefarious trade being carried on, however, surreptitiously and against the Law. Enforcement is made difficult by deep-rooted belief, amongst the more ignorant, in its efficacy and fear of the objects of the trade. The slow but gradual uplift of the masses is, however, having effect and exposure of the hoax by successful prosecutions is having influence for good.

The Jamaica Constabulary, modelled on the late Royal Irish Constabulary and semi-military, with Regulars, Detectives and Water Police, is approximately 1,100 strong, with about the same number of Rural or District Constables. The force, with exception of the officers, is recruited and trained locally and the record of the force since its formation in 1867 is of such a nature as to reflect most creditably on all ranks for efficiency, loyalty and devotion to duty under any and all conditions. The readiness of all ranks to take action against the Obeahman is only one characteristic of the general morale of the force.

The Criminal Courts consist of the Petty Sessions Court, usually presided over by lay Justices; the Resident Magistrate's Court, and, for major offences, the Circuit Court, presided over by a Judge of the Supreme Court, who sits with a Jury, these latter being held three times in each year in each Parish.

This short account of two obeah cases and a murder case is simply a summary of police effort in enforcing the laws, the evidence obtained and result through the Courts. It shows, however, to some degree, the evil-mindedness of such Obeahmen and what the practice of this art is capable of producing, also its repercussions for good and evil. Some persons regard the matter as a 'joke,' and it has, at times, its jocular aspects. Not having come into contact with its more sinister nature, many are inclined to think it can best be laughed away. Whilst amusing enough when brought to light and exposed in the calm reason of a Court House, there can be no doubt of the harmful effects. In this connexion I invite attention to the chapter on Obeah in *The Story of a West Indian Policeman*, by

the late Inspector H. T. Thomas, Jamaica Constabulary. The facts in these cases, and they are not isolated cases by any means, can best speak for themselves.

On the 7th January, 1931, in the R.M. Court at Morant Bay in St. Thomas Parish, in the historic Court House, famous for its association with the Rebellion of 1865, William Nicholas, a tall coloured man, stood charged with practising Obeah,—in the words of the Information :

'William Nicholas of the Parish of Portland at Stanton Road, in the Parish of St. Thomas, unlawfully is a person practising Obeah against the form of the Statute in such case made and provided and against the Peace of our Sovereign Lord the King, his crown and dignity.'

Accused pleaded, 'Not Guilty,' and the witnesses for the prosecution deposed that a trap had been set—money marked for identification and given to the 'victim'—a strategic but lowly position, under wooden beds in the 'victim's' room, taken up by Detective and District Constable—that Nicholas had arrived after dark—called for rum—cut cards—spoke in unknown tongue—removed lamp from table to floor—produced candles—lit one and made 'victim' light another—put cards in four packs, selected one and stated 'This is death,'—selected another, 'This is Jesus Christ'—selected a third, 'This is the Ghost'—selected a fourth card saying, 'This is yours for which you must pay'—victim informed that he had nearly lost his job—given a pack of powder and told to rub it in his bed and his job will be secure—marked ten shilling note handed by 'victim' to Nicholas and put in pocket—arrest by detective being effected at this stage and marked money recovered from Nicholas' person.

Nicholas then deposed that he had been asked by victim to kill a policeman, who had prosecuted him—that he had naively stated that he had no gun—that 'victim' had stated that he believed he (Nicholas) could do 'tricks' for him—had made an appointment—met—drank rum—played cards and received money to pay for drinks.

Verdict : Guilty. Sentence : Six months' H.L.

Nicholas then took his seat on the prisoners' bench and, with markedly amused interest, listened to the trial of *Rex v.*

Walter Harris for a similar offence, committed in the Trinityville District.

The victim in this case was a blacksmith, Victor Charleston, subsequently to appear also in the Murder Case as a witness, though he was then unaware of any murder having been committed and that he was the possessor of valuable information in respect thereof. The evidence disclosed that Harris had left his former District of Winchester and gone to Mount Lebanon, the mountain of refuge of far-famed 'Three-Finger Jack,' the Jamaica highwayman of olden times—and was there pursuing his vocation of 'healer' and worker in the Black Arts and Magic—that he had found the victim with three ghosts on him, which he (Harris) could remove for a consideration, that a trap had been set by the Detachment at Trinityville—a £1 note marked and given to the victim and a rendezvous arranged at one Marriott's house—that the police had secreted themselves outside in the yard at night and thus seen and heard the proceedings—that rum, rice and fowl were produced—glass filled with water—is. dropped in—mirror produced (this for giving eyesight)—unknown tongue spoken—victim told, 'Your life is in danger. Three ghosts is on you. Take off your boots.'—feet and legs anointed with offensive smelling liquid from vial—that Harris then drank some rum and threw some around stating, 'I am feeding my ghosts,'—then looked in mirror and in glass of water and said, 'The same man that bought the two pigs' feet from you is after your life. I charge you £2 10s. to take off the ghosts,'—that £1 note paid and received in part payment—arrest then effected and accused searched and found with :

Parcel with human bones. Parcel with grave dirt. Two vials liquid (evil smelling). Chalk, wax, etc.

Harris, on his own behalf, stated he was only offering to cure victim's pains and money was for things from dispenser's shop.

Verdict: Guilty. Sentence: Six months' H.L. and twelve lashes with cat-o'-nine-tails.

There was little depth displayed by these two accused; but the whole workings of the art are characterized by the simplicity of the proceedings, playing on the well-known duplicity

of the victims, most of whom are in terror of the supernatural and with but shallow mentality. As in medicine, a knowledge of psychology is of considerable value.

Whilst conducting the prosecution in these cases, which had provoked considerable amusement at times, I was struck with Harris' evil demeanour and recalled his association with an unsolved suspicious death case in February 1929, and so decided to probe into his activities at Mt. Lebanon and Trinityville, which were over twenty miles away from his former residence at Winchester. Of this more anon.

The suspicious death occurred on an isolated mountain top or table-land, called Rolandfield, three miles from the nearest driving road and only accessible by bridle tracks, where a dozen or more cultivators had fields and huts, in which they lived from Monday to Friday of each week, returning to their homes on the plains for the week-ends. One old man, Joseph Brown, however, made his permanent abode there. He was a hard-working and thrifty individual, his only company being a donkey and a barrow pig, kept tethered near his hut. Amongst the other cultivators were James Wellington and Walter Harris, close friends. Harris had no hut, a very poor cultivation, and usually hung around Wellington's domain, sleeping there frequently. He was a light brown man of about fifty years, and one conviction for wounding and the reputation of being an Obeahman. Wellington, black, about fifty-five years, was on the other hand a decent cultivator, hard-working and living in the usual common-law style with Albertha Weir (who was later to be an important witness), at Suffolk Park, through which district one of the tracks led from the mountain to the road.

Cultivators returning to their fields on a Monday morning were attracted by John Crows (carrion) flying near Old Brown's hut and, being suspicious, they went to look and discovered the hut burnt down and Old Brown's body lying flat on its back where his lath and banana trash bed had been.

At first death was thought to have been accidental, but on the arrival of the D.M.O. and myself, we immediately suspected foul play—firstly from P.M. indications—though the body had been badly charred and torn at by crows—and

secondly, from the position of the body, which could hardly have been that of a man accidentally burnt.

The pig was also missing, and investigation resulted in the discovery that a pig had been recently killed at Wellington's hut about a quarter-mile distant—the ground being soft, spoor marks were traceable leading towards Wellington's hut, near which were found pig's teeth and hair, blood, rooting marks of pig tied for a short time, and inside the hut, which was securely locked, a rope with blood marks. Further inquiry by Det.-Cpl. Allen and Detachment at Golden Grove brought forth evidence that Wellington and Harris early on Saturday morning had been seen coming from the direction of the mountain, each carrying a bag with pig's meat, but sensing trouble the meat was disposed of, evidently thrown away or buried.

Inquest was duly held and an open verdict returned, with a request that the police should continue investigations. The case could not, however, be taken further, despite the strong suspicion against both men. A charge of larceny of the pig against both men was marked 'No Order' and filed.

Interest having been revived, I visited Trinityville and there secured evidence that Harris, evidently feeling secure after two years had elapsed and perhaps thinking that the Inquest had disposed of the death, had been boasting of his powers to the effect that he had worked for Old Brown (evidently Obeah operations)—had charged him £12 but received only £6—had gone to his hut with a friend—taken and killed the pig—returned and killed Old Brown, covered him with trash, sprinkled kerosene oil over him, and set him and the hut on fire—that he had been able to 'throw away' the case and was able to work similarly at Mt. Lebanon. Three witnesses, who had no knowledge of the murder, gave corroborative evidence of this, and the case took on a better aspect from a police viewpoint.

Obeah, again, came to our assistance in seeing that the old adage 'Murder will out' is true. In an article in the *Police Journal* for January 1931 reference is made to 'the malice of the Press' and unquestionably, in anxiety to obtain copy, assistance is rendered the other side, but sometimes the police get a 'break' too. The Press in this instance materi-

ally helped and, following the appearance of an article in the *Daily Gleaner*, headed 'Murder Mystery is likely to be solved,' and outlining developments and recalling the circumstances of the death, interest was renewed in the districts surrounding the scene of the crime. The result was that another reputed Obeahman, who no doubt had been previously employed and was in the 'know,' visited Wellington and told him the contents of the article, on which Wellington, in fear and terror, gave him a donkey, goat and foodstuffs to keep the secret of his participation in the crime. Unhappily for Wellington, Albertha Weir was aggrieved at losing, what she claimed as her property, viz. the donkey, etc., and the visits of Wellington to the reputed obeahman's yard became known to me. Detective Scott was immediately put on the trail and the Obeahman must have scented trouble, for he presented himself at the Bath Police Station and there handed over the donkey, etc., telling the detective how Wellington had implicated himself in the crime. Wellington made another visit to the yard, when Det. Scott and Cpl. Beckford (whose evidence given in a convincingly straightforward and unhesitating manner was most favourably commented on by the Judge) were in hiding and within earshot and were rewarded for their efforts by hearing Wellington state that he had gone with Harris and assisted in killing the pig—that Harris had also killed Old Brown and burned him up with his hut, but as he expressively said, 'If ah am to die, Sah, ah did not kill Ole Brown. Ah ask Harris no fe do it but him would.'

The following day Albertha Weir presented herself to me in my office and told me how, on the Friday night of the crime, Harris had come to the house and how he and Wellington had left, returning early in the morning with fresh pork. She also corroborated the reputed Obeahman's story *re* his visit, and her evidence was most valuable. Subsequently William Nicholas volunteered a statement of an alleged conversation in prison with Harris *re* the crime, but this lacked corroboration.

Both accused were charged with murder and a preliminary examination held by the Resident Magistrate, who committed both accused for trial at Circuit Court in March. The trial lasted four days, accused were represented by counsel, whilst

the Assistant Attorney General prosecuted. For three successive nights the Jury were locked up, and near 9 p.m. on the fourth day, a verdict of 'Not Guilty' was returned for Wellington and 'Guilty' against Harris, who when asked if he had anything to say, said 'Yes' and then remained speechless and dumb, whilst the Judge donned the black cap and solemnly pronounced his doom.

Both accused adopted a line of denial departing from their original written statements and from their depositions at inquest, in an apparent endeavour to fit in their movements with the evidence for the prosecution given at the Preliminary Examination. The bags with pork, for instance, were turned into bags of hairy coco heads. Even their former statements of having hunted and killed wild hog were denied *in toto*—the terrible import of possession of fresh pork being too much apparently for them to contemplate. One counsel discoursed lengthily and learnedly on the effects of carbon-monoxide gas but the learned Judge, it appeared, had been from his youth up somewhat of a chemist himself, and was not impressed, whilst the jurors looked as if the tea interval would to them be more applicable to circumstances existing.

Had Wellington stuck to his story, related to Davis—overheard by the police, and which fitted in with the circumstantial evidence, there might have been justifiable sympathy. It does seem doubtful whether the crime would ever have been committed, had someone not accompanied Harris on the fatal expedition by night to the mountain. Even men of Harris' type must feel the need of companionship to act as a spur to their criminal courage and actions.

The scene after the verdict and adjournment of the court had its amusing as well as its tragic side, indeed like so many scenes in life, like life itself, a tragi-comedy. Harris, morose and silent, went to his cell. Wellington, when told by the Judge of the verdict and that he was discharged, remained sitting in the dock stupefied. His first action at the station, however, was to 'Beg you a sumtin, Sah,' and to worry the Corporal of the Guard over a pipe which he missed from his belongings. Albertha Weir and he were brought together to make peace and to take over possession of the donkey and goat,

when a witness for the prosecution made his presence known by exclaiming, 'What a liard man, eh,' and with such emphasis of expression that he had to be quietly but forcibly removed. My last view of Wellington and Albertha was of the former padding up the donkey and the latter straining at an unwilling goat, which had evidently found the station yard to its liking, preparatory to starting on their seventeen-mile journey by night to Suffolk Park. What a reunion!!

Harris' case was considered by the Governor in P.C. as usual, the decision being that the Law must take its course and that Harris should pay the full penalty within the walls of the St. Catherine District Prison on the morning of Tuesday, 5th May, 1931. According to newspaper report he went to his death still denying his guilt, or to put it more kindly, protesting his innocence.

The peculiar interweaving of these Obeah and murder cases is noteworthy. In this instance the practising of Obeah was fortuitously turned into a groove which, with the following up of clues available and recording of important details and a statement at times of crime, together with Dame Chance playing her part, has enabled the authorities to record the solution of a brutal and serious crime which most probably would otherwise have gone unpunished.

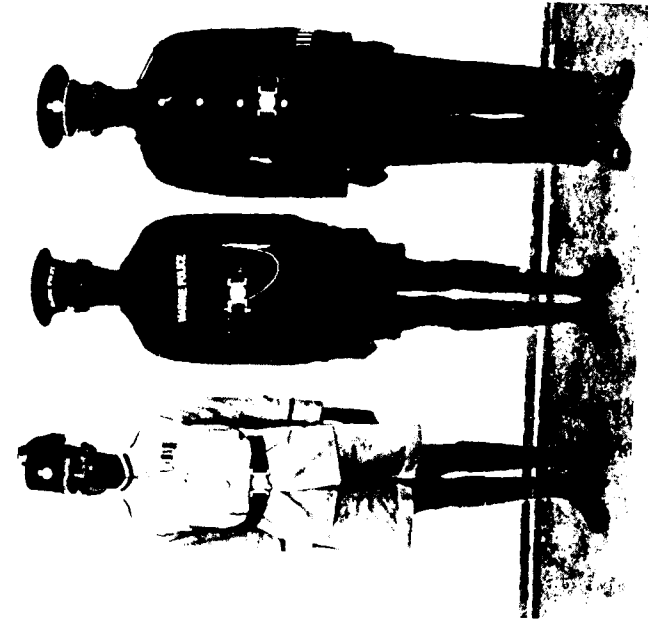
The Gold Coast Police

By 'QUATAMBA'

THE Gold Coast Police under its present title was established in 1894. But though this title is of comparatively recent origin the predecessors of our force to-day can be traced back to much earlier times. Furthermore, it is important to bear in mind the varying conditions which have existed on the Gold Coast during the past century, for the fortunes of the force and its parent units are very intimately connected with the development of the Colony's activities.

Forts and castles built in the sixteenth and seventeenth centuries which still exist along the coast undoubtedly included police with other armed men to form the garrison for the purposes of guarding the settlement areas in the immediate vicinity of these strongholds; but climatic conditions have left few local records.

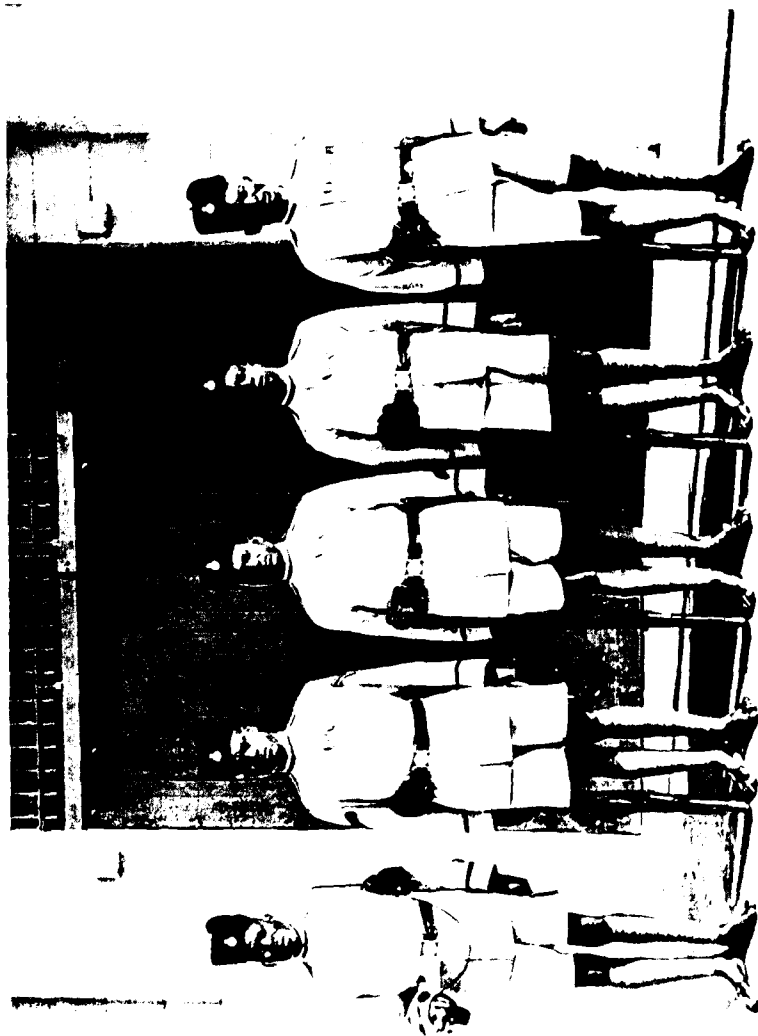
The opening years of the nineteenth century were marked in many British possessions by the formation of armed forces which eventually became organized as police. The personnel in the ranks of some of these Gold Coast units originally included Europeans, but the number of casualties from disease recorded in the burial returns from 1823 onwards appear to indicate that as time went on more Africans were recruited to replace the reinforcements sent from England, who in those days had a very short life on the Coast. To attempt to record police affairs in the Gold Coast prior to 1865 would mean a succession of references to books which are unlikely to be available for readers of this article, but in that year a small force of constables and gaolers came into being. About the same time a Hausa force of some 370 men was raised in Lagos, then a dependency of the Gold Coast, from the Hausa-speaking states in Nigeria; and when in 1873 this force was brought to the Gold Coast under Captain Glover, R.N., for service in the



GOLD COAST POLICE CONSTABLES AND
MARINE POLICE



TRAFFIC CONTROL—GOLD COAST POLICE



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THE GOLD COAST POLICE

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sixth Ashanti War, the then Administrator-in-chief, Colonel R. W. Harley, C.B., introduced a Bill 'to provide for the better regulation and discipline of the Armed Police Forces.' The provisions of the Mutiny Act and Articles of War were also made applicable to members of the force when on active service. A re-organization brought 'Glover's Hausas' up to a strength of 700, raised from the 'Donkors' who were collectively and individually regarded as Hausas, although the majority were from the northern tribes of the Gold Coast who had been captured by Ashantis and brought down to the Coast after their wars to be sold as slaves. Muzzle-loading weapons were replaced by Snider rifles, and the force played a big part in Sir Garnet Wolseley's campaign against the Ashantis in 1873-1874. At the conclusion of these hostilities the force returned to Cape Coast Castle and was divided into two, one half proceeding to Lagos, which ceased to be a dependency of the Gold Coast in 1886. Of those remaining in the Gold Coast the Hausa portion became the nucleus of the Gold Coast Constabulary and was strengthened by local recruits, whilst the non-Hausa-speaking men (mostly Fantis) formed a civil police section of the force, though supervised by Constabulary officers.

The strength of the Gold Coast Constabulary in 1879 was laid down as 18 officers and 1200 sub-officers and privates under an Inspector-General. The officers were mostly seconded from British regiments; and the Constabulary was liable for active service and actually took part in six expeditions and operations from Tengi in 1885 to Ashanti in 1900. The civil police section of the Constabulary were employed in the Coast towns.

The year 1894 saw the constitution for the Colony of a civil police force as a body separate from the Constabulary, which continued to function as a military force.

In 1901 it was decided to amalgamate the Colonial military forces in West Africa into the West African Frontier Force, and the Constabulary was reorganized to form the Gold Coast Regiment of two battalions. The 1st battalion, composed of a battery and nine companies of infantry, had its headquarters at Kumasi, with a company at Accra and detachments in various outstations in Ashanti. The 2nd battalion, comprised

of a battery and six infantry companies, was stationed in the Northern Territories with headquarters at Gambaga. In 1907 a change was made with regard to the policy of military control in the Northern Territories, the 2nd battalion was disbanded, and a new unit which was entirely a civil force was formed under the title of the Northern Territories Constabulary. Some of the officers and most of the men of the 2nd battalion Gold Coast Regiment joined this new force, whilst most of the remaining officers became civil Commissioners in the dependency. After being in existence for twenty-two years as a separate unit, the Northern Territories Constabulary became absorbed in the Gold Coast Police in 1929.

There has been a gradual increase in the personnel since 1894, and on 1st April, 1930, the force consisted of nearly 2100 of all ranks under the Inspector-General. There are 37 British and 47 African officers; and there are three divisions of the force: for general police duty; for escort duty; and for marine police respectively.

At the headquarters in Accra, the capital of the Colony, are (a) the staff officers; (b) the Training Depot under a Commissioner of Police; (c) the Criminal Investigation Department with Licensing, Immigration and Aliens branches; (d) the Accra Detachment and Marine Police; and (e) some Railway Police.

The Gold Coast Police is responsible for policing not only the Gold Coast Colony, but also Ashanti, the Northern Territories and the British mandated portion of Togoland, which together form an area of 91,690 square miles with a population of three millions.

For police administration purposes there are five provinces with 78 police stations. One Senior Commissioner of Police is responsible for Ashanti and the Northern Territories and the other administers the three provinces in the Colony and Togoland. Each province has a Commissioner of Police, and is divided into districts where Assistant Commissioners of Police are posted. The Commissioner of Police, Criminal Investigation Department, is responsible for the investigation of crime throughout the Colony, Ashanti and Northern Territories, and for criminal records.

All police officers from an Assistant Commissioner upwards are justices of the peace for such time as they hold their appointments.

The personnel of the force other than European officers is mainly recruited from the Gold Coast and adjacent territories. The different branches of the force are as follows:

(a) *General Police*

These are clothed in blue uniform with peaked cap and wear boots. They are literates, or mainly so, the aim being to enlist only those men who have passed a seventh standard schooling. These General Police are mainly natives of the Gold Coast Colony with a few from Ashanti. They perform all normal police duties, but some are specially detailed for station office work, attachment to the Criminal Investigation Department, issuing licences and carrying out the numerous other duties that cannot be undertaken by illiterates.

(b) *Escort Police*

These are clothed in khaki uniform with red fez cap, but they do not wear boots. They are illiterates, and are mainly natives of the Northern Territories and Hausa-speaking tribes of the same types which formed the Gold Coast Constabulary of fifty years ago and the Gold Coast Regiment of to-day. Many old soldiers join the Escort Police and over 400 are to-day serving as police non-commissioned officers and constables. These Escort Police are generally of a more military class than their literate comrades in blue uniform. They are employed on all duties not requiring reading or writing, are especially useful on escort duties, guards, patrols and the like, and are capable of coping with any unusual disturbance. On ceremonial occasions they can turn out a very creditable guard of honour or parade. Many of them have seen active service in Togoland, the Cameroons and East Africa.

(c) *Railway Police*

Men are detached from the general and escort police to provide the numbers required for railway duties.

(d) Marine Police

Special recruiting is necessary to maintain this branch of the force, which works under the Customs Department. Swimming and a knowledge of boat work is essential, and sturdily built little men are found along the coast areas who make useful constables for these particular duties. A blue jersey and sailor's cap provides a distinctive uniform.

(e) Criminal Investigation Department

This branch of the police was formed in 1921, but prior to that year some forty non-commissioned officers and men had performed the duties of plain clothes officers. The strength of the Criminal Investigation Department in 1930 was two European Commissioners, two African Superintendents, and seventy-one non-commissioned officers and men stationed at headquarters and in twenty-five district stations in the Gold Coast, Ashanti and the Northern Territories. The subordinate ranks are filled by men specially selected from the uniform branch and on appointment are posted to headquarters (Criminal Investigation Department) Accra, where they receive at least six months' training.

The headquarters office, Criminal Investigation Department, is divided into sections dealing with Finger-prints, the Registry of Habitual Criminals, the Crime Returns, the Police Gazette, Photography and General Correspondence. There is also a mobile squad for temporary aid to districts requiring additional men. The identification by finger-prints (Henry System) commenced in 1922 when 252 persons were finger-printed. Now all stations of the Gold Coast Police are supplied with the necessary apparatus and during the year 1929-1930 7,600 persons were finger-printed, with the result that 1,689 persons were identified as having been previously convicted. The total collection contains over 24,000 sets.

The Habitual Criminal Registry maintains the records of all persons convicted, convicts on licence, habitual criminals, etc. All convicted persons are card-indexed under their names and aliases, in addition to the usual descriptive forms. The Crime Returns office records monthly all offences com-

mitted in the Gold Coast, Ashanti and Northern Territories, particulars of which are supplied by district stations. Photographs are taken of all persons sentenced to three months or over, and all persons convicted three or more times irrespective of sentence. Police photographers are stationed at the headquarters station of each province, while at Accra the department is equipped with up-to-date apparatus such as Photostat copying camera, enlarging camera, etc. The 'Rogues' Gallery' contains some 7,000 portraits.

A *Police Gazette* is published fortnightly containing the names of persons wanted, property stolen, etc.; photographs of 'persons wanted' when available are published within the *Gazette*.

One of the most interesting criminal cases in recent years was that of a dangerous gang of outlaws. The leader had been sentenced to death by the French authorities in French Togoland for murder. He escaped into the Gold Coast Colony, and was sent to prison for another offence before his identity was established. While extradition was pending, he again escaped, and became the leader of a gang of criminals in the Keta District, where he terrorized the people and was responsible for several deaths before he paid the penalty during the efforts of the police to arrest him. Twenty of his followers were arrested subsequently and convicted. The identity of the murderer was conclusively proved by finger-prints taken after his death.

In addition to the usual duties of the investigation of crime, the department supervises enquiries in connexion with the issue of passports and of immigration. Licences controlled by the police include those for Motor Vehicles, Motor Drivers, Domestic Servants, Goldsmiths, Letter Writers and Auctioneers.

Prior to 1920 there were very few motor vehicles on the roads of the Gold Coast, and much travelling had to be done on foot, by hammock, and in parts of the Northern Territories ponies were and are still used. It is now possible to travel by motor vehicle over good roads throughout the Gold Coast, Ashanti and the Northern Territories and Togoland, only a few roads being closed for brief periods during the rains.

Hammock travelling has now practically disappeared. The number of motor vehicles licensed in 1929 was over 7,000 and of drivers over 9,000. Applicants for a driver's licence are tested, and thumb-prints and photographs are taken before they are issued with a driving licence. These figures indicate the amount of those important, but still somewhat extraneous duties. A compulsory registration of domestic servants employed by Europeans was commenced in 1924, and to-day there are over 7,000 on record. Finger-prints, descriptions and photographs are recorded before a servant is issued with a licence, on which is inscribed all subsequent employments and changes of masters. Both motor driving and domestic servants' work are well paid and popular vocations.

A good Training Depot was recently completed in 1930 a few miles outside of Accra. The lack of such an institution had been felt, if the standard of present-day requirements in the training of police were to be attained. The new buildings, constructed at a cost of some £60,000, include accommodation for 200 men and the staff. School rooms, guard room, armoury, magazine, workshops, band practice room, canteen, rifle range, with offices and excellent bathing and sanitary arrangements provide an up-to-date training establishment for African police recruits and older hands needing refresher courses of instruction. Football, cricket and tennis is being encouraged.

An idea may be obtained of the far-flung character of the recruitment of the European members of the force when it is stated that the records of the thirty-seven European officers include former service in one or more of the following seventeen forces within the Empire: Bechuanaland Police; British Guiana Police; British South Africa Police; Cape Mounted Riflemen; Isle of Man Constabulary; Johannesburg Mounted Police; Kenya Police; Malta Police; Metropolitan Police; Natal Police; Nigerian Police; North Borneo Police; Transvaal Town Police; Trinidad Police; Royal Irish Constabulary; Royal North West Mounted Police; and the Royal Ulster Constabulary; also in a number of regiments of the Imperial Army.

The Literature of the Detective Story

By CLAUDE WILLIAMSON.

THOSE of us who have attained to a certain modicum of comfort and ease in our present state of quasi-civilization demand vicarious thrills which, in a well-oiled mechanical existence, we are far too effete to secure for ourselves through experience. The atavistic impulse easily returns. Nothing is more atavistic than the man-hunt. 'The detective story,' says Philip Guedella, 'is the normal recreation of noble minds.'

The modern mystery writer gives far too much thought, or so it seems, to the question as to who committed the murder he has been at pains to describe. A common formula is to start with a dead body, and then invent various clues which have for object that of putting the reader on the wrong scent as to the real identity of the murderer. The success of many of these stories proves the existence of a vast public to whom the mystery element in a story means everything. Such readers do not care why a man was murdered; what they long to know is, who murdered him. What has always seemed to me, both as reader and writer, of paramount interest in either a true, or an invented, story of murder, is contained not in the word 'Who?' but in the word 'Why?'

This probably is why *The American Tragedy* is one of the great books written in our time. Theodore Dreiser digs deep among the roots of our poor human nature and so enables the reader to see why his unhappy hero committed, if not an actual murder, then (what, in a spiritual sense, is all that matters) many times murder in his heart. You are also shown in this remarkable study of humanity what few even of the greatest writers have thought worth the doing—the effect created by a murder, or a supposed murder, on a large number of other human beings.

The typical detective story gives us a corpse, a detective, clues that point to the wrong person, and an ultimately successful search for and arrangement of clues that point to the right one. Perfect examples are very hard to find, though happily we can derive a good deal of pleasure out of imperfect ones. In the perfect story the solution should not be assisted by accident and coincidence too noticeably lucky; the reader should be presented, in proper sequence, with all the clues on which the solution is based, though not necessarily admitted to the detective's thoughts at each step; and the false scents should not be unfairly emphasized merely in order that the reader should be cheated. The interest is mainly intellectual; an emotional appeal distracts one from the main theme; 'love interest' should be incidental, if present at all; the business of the tale is the working of brains, not of hearts. Writers who succeed in this field must have a strongly analytical bent. The limitations of the 'genre' are so great that the author is better off, perhaps, if he has marked limitations. It is noticeable that (except for the isolated stories of Poe) the most successful detective stories have not been written by people of great literary stature, and that (by the same token) the most eminent writers who have attempted the form, have not been the most successful. All detective stories are, or should be, mystery stories, but all mysteries are not necessarily detective stories. Under the mystery classification are included stories of mysterious happenings, usually unexplained and often touching on the supernatural.

A fondness for mystery fiction is beginning to be considered a legitimate pleasure, and no longer is it thought disgraceful to delight in matching one's wits against Scotland Yard or the 'transcendent detective,' in order to discover the astute criminal. This is perhaps due to two things: the higher tone of this type of fiction as a whole, and the acknowledgment of pleasure found therein by many in the high places, for instance, Theodore Roosevelt, Woodrow Wilson and Stanley Baldwin, besides many tired business men, professors, and lawyers. Mystery novels begin to hobnob quite amicably with the literary *crème* on the library tables of our intellectuals; and there is no reason why they should not do so.

It has been said that the construction and writing of a good mystery story is one of the most difficult and intricate forms of literary endeavour. This is easily granted, for, while any novice at novel-writing can stir up the ingredients, the murder, the clues, the baffled police and the detective, it takes a genius in this line to mix them in such a way as to make the whole stand invulnerable until he pulls the string. Dr. Harry Thurston Peck, in *Studies in Several Literatures*, says:

'A detective story composed by a man of talent, not to say of genius, is quite as worthy of our admiration as any other form of novel. In truth, its interest does not really lie in the crime which gives the writer a sort of starting point. In many of these stories the crime has occurred before the tale begins; and frequently it happens, as it were, off the stage, in accordance with the traditional precept of Horace. The real interest of a fine detective story is very largely an intellectual interest. Here we see the conflict of one acutely analytical mind with some other mind which is scarcely less acute and analytical. It is a battle of wits, a mental duel, involving close logic, a certain amount of applied psychology, and also a high degree of daring on the part of both the criminal and the man who hunts him down. Here is nothing in itself 'sensational' in the popular acceptance of that word.

Both the detective story proper and the pure tale of horror are very ancient in origin. All native folk-lore has its ghost tales, while detective stories are to be found in Jewish Apocrypha, Herodotus, and the *Æneid*. But, whereas the tale of horror has flourished in practically every age and country, the detective story has had a spasmodic history, appearing here and there in faint, tentative sketches and episodes, until it suddenly burst into magnificent flower in the middle of the last century. Possibly the earliest modern detective story is *Caleb Williams*.

The detective story of to-day, indeed, can be, and often is, a work of art. True, that 'explanation,' which must follow the longed-for crash of surprise in the penultimate chapter, is sometimes a little too elaborate, but that is hardly to be wondered at, now that almost every conceivable change must have been rung a score of times. By detective fiction I do not mean the form of literature lumped together under the common description of 'thrillers' or 'shockers,' but specifically the novel which deals with crime and with the elucidation of

crime ; such definition rules out the great gallery of famous names who have spun romances of the criminal underworld—Smollet, Fielding, Dumas père, Mrs. Henry Wood and Miss Braddon.

Pleasant it is to find how free the average detective novel is from the disintegrating forces that threaten society and constitute modern unrest. Sociologists are pretty nearly in agreement that one of the most serious threats against the survival of the Family is the modern apartment, and particularly the small apartment with kitchenette. But in the mystery novels the apartment plays a comparatively insignificant rôle. Detectives, it is true, live in small apartments or in chambers, comfortably furnished as in the case of Sherlock Holmes in Baker Street, or luxuriously equipped as in the case of Philo Vance and his bibelots. But the people who are murdered and who are suspected of the crime nearly always live in fine old homes. Usually it is a fine old mansion standing in its own grounds. (How a mansion could be standing in somebody else's grounds is a question that has often arisen in the present writer's mind, but has regularly been postponed because at that moment the sound of what might be a suppressed sob comes up from the Jacobean hall). In such a fine old mansion there are the halls, staircases, libraries with French windows opening on the lawn, rooms that have been kept locked up ever since the master of the house was found dead at his desk, and other essential features that obviously are not available in an apartment house.

Murder in an apartment with a kitchenette is conceivably possible ; yet the best tradition requires not only a full-sized kitchen but a pantry. If the library carpet is the spot most densely populated with *corpora delicti* in the world of detective fiction, the pantry shows the heaviest ratio of clues and *dénouements*. Usually the pantry is occupied by an old butler who has been thirty years in the family and whose fidelity is vouched for by the relatives of the deceased. To think that the average tenure of domestic service in a detective novel is twenty years, and that more often than not the butler and the cook have been in the family for at least two generations, is obviously a comfort in the present day of social flux and crowded employment agencies. This, then, would be one of

the chief reasons for the vast and still growing popularity of the mystery tale. In an age of revolt and ruthless experimentation the world as known to M. Dupin and Sherlock Holmes stands firm. As against the practitioners of the *élan vital* and the searchers after new roads to freedom, the world of mysterious murders continues to live in accordance with the traditions and the conventions. In this world it is decreed that the murderer shall be discovered exclusively by the methods of ratiocination and never, as happens most often in the work of the New York Homicide Bureau and Scotland Yard, because someone writes a post card to the police authorities revealing the identity and whereabouts of the criminal. In this fictive world the assassin is nearly always an amateur. There is no room here for the plodding rule-of-thumb employed by Scotland Yard, where they pore over records and finger-prints and decide that the circumstances of the crime point to the peculiar trade methods of Liverpool Jack or the Lambeth Twister. In this world the medical authorities can always fix the hour of the murder to within fifteen minutes by the precise degree of the *rigor mortis*.

It is, we are assured by the observant, to the complexity of modern life that we owe the increasing vogue of the detective story. The exponents of the particular form of science which deals with the subject, claim that the minds of most people never really grow up, but remain at the happy age of twelve or fourteen. The adult mind wearied with the cares of business, and the immature mind still eager for tales of adventure, between them provide a vast public for the writer of detective stories ; and, as a rule, he seasons his wares to the taste of one or the other. The mature brain will reject the slap-dash productions of the writer who relies too much for effect upon the *outré*, upon wholesale violence, or too obvious conclusion-jumping on the part of his hero. It has a palate for a fine bouquet of reasoning and deduction, its taste for mental relaxation is not so jaded as to require constant murder to excite and hold its curiosity. It can be content with vegetarian fare ; and will relish a well-written salad of forgery, impersonation, insurance fraud, blackmail, or theft. The mental Peter Pan, on the other hand, is inclined to be more carnivorous in his tastes.

For him the corpse of loathly and splenetic millionaire, venerated nobleman, or beauteous damsel should decorate the carpet in the first chapter with horrifying adjuncts of hot lead, cold steel, or colder poison, regardless of the fine sport which its owner might have made while still in health, if in the charge of a writer of the Vegetarian as opposed to the Carnivorous school.

Mediaeval crime stories include the *Gesta Romanorum*, the adventures of Till Owlglass, Boccaccio, and Grimm; and contributions from Defoe, Voltaire, Schiller, De Quincey, Mrs. Gaskell, Dickens; and so it will be gathered from the names enumerated that the modern taste for crime stories is not a mark of decadence or of intellectual debility. As we have seen, the first man who was aware of rules, broke them. The forms of misdoing are a common stock which has served both the rogue and his *vates sacer* without much renewal or variation since the latter learned how to confer immortality. The interest does not then lie so much in the strangeness of the rogueries as in the attitude of the period towards them, as disclosed by contemporary writers. From the *History of Susanna*, it is clear that knaves had been in existence sufficiently long for the art of confounding them to have been formulated. No modern detective is so masterfully sure of himself as we see Daniel to be in his exposure of the Elders. He does not condescend to the witch doctor's mechanical tricks which he used with so much effect on the priests of Bel and on the Dragon: he relies on general principles. He was satisfied that Susanna was speaking the truth; then the Elders must be lying; if they were lying there would be a discrepancy in their evidence, and how shrewdly did he choose the simplest and most obvious point to cross-examine them on—the point that it would not have occurred to them to discuss. It is in the spirit of the Bible that Daniel was incensed at the hearing of false witness. In *Zadig* Voltaire probably incorporated some of these stories. There is a marked absence of this moral fervour in the Egyptian story. Though the ending may well be no more than a formal and conventional variant of 'And he lived happily ever after' it indicates how a successful thief would be regarded; 'Rhampsinitus greatly admiring him, and looking on him as the most knowing of men, gave him his daughter in

marriage.' The stories from the *Gesta Romanorum* suggest that the people who took pleasure in them were children in comparison with the Jews and the Egyptians.

The shocker, the mere story of wickedness and adventure and physical vicissitude, is safe, but the detective story, as it has been evolved, threatens to become monotonous. Means of variations are very restricted. We began with Sherlock Holmes and a crowd of private professionals who put Scotland Yard to shame; next, quixotic authors took their heroes from Scotland Yard itself; now we have a mixture. Heads of the Paris Police are in favour (they shrug, faintly smile, say '*Que voulez-vous, m'sieu?*' and are esteemed by their British confreres) and miscellaneous amateurs. Mr. Freeman has a doctor detective with ingenious scientific methods; Mr. Bramah a blind detective; Mr. Chesterton an innocent clerical detective. The latter aptly says, 'The detective is always outside the event, while the criminal is inside the event. Some would express it by saying that the policeman is always outside the house when the burglar is inside the house.'

Further variations of type are conceivable; a village grocer detective, a maiden aunt detective, a Cabinet Minister detective, a small boy detective still await us; I am not sure that as yet we have even had the journalist detective who combines reporting with the defeat of the official police. Yet the problems and the methods of solution all have a great deal in common; and even the subsidiary figures, accused young men, mysterious millionaires from South America, Spanish butlers, anxious but faithful young ladies, elusive governesses, and so forth, tend to run in clearly-marked types. We tend, ultimately, to tire even of the perfect bogus alibi and the perfect argument from faint clues, if we are given nothing new in the way of setting of motive and of methods of murder. When the detective in a police romance stands alone and somewhat fatuously fearless amid the knives and fists of a thieves' kitchen, it does certainly serve to make us remember that it is the agent of social justice who is the original and poetic figure, while the burglars and footpads are merely placid old cosmic conservatives, happy in the immemorial respectability of apes and wolves.

Among the greater writers, Defoe in his account of Jonathan Wild writes of criminality rather than of a particular crime; Schiller traces the influences that constrain to crime; De Quincey impersonates in turn murderer, victim, onlooker, 'citizen'; Dickens will have it that when the detective who has been disguised as a butcher appeared in the witness-box in police uniform, 'a groan of horror and dismay proceeded from 'em in the dock,'—which is wery capital. Vidocq's famous *Memoirs* (1828) fattened a lusty progeny of crime fiction in France, through the agency of certain elementary deductive processes.

Sleuths and crooks of encyclopaedic information, lightning intuition, herculean physical vigour (and don't forget the bog mellow emotions) are entirely familiar now. Pretty, innocent girls (or *pretty* innocent) who get mixed up in all sorts of strenuous crimes and emerge from physical and mental tortures as dainty and as charming and as nobly loyal and as—oh, absolutely—unbruised as in the *status quo ante*, I simply take for normal.

The English detective story has grown of late years into a very fine flower, from the stock planted by Poe, and grafted and watered so cunningly by Sir Arthur Conan Doyle and many others of repute.

Mr. Willard Huntington Wright, in his collection of great detective stories, swiftly traces for us the development of the detective story. He even refers airily to that builder of the stone treasury of the third Rameses, whose pleasurable robbery of it is retailed by Herodotus. He goes on to Poe's cryptography and scientific experimentation. He hales forth Dickens' Inspector Bucket, Wilkie Collins' Sergeant Cuff, Poe's Dupin, Gaboriau's Lecoq, and so on. I myself have always held the theory that Gaston Leroux, Maurice Leblanc, and William Le Queux were all the same person, but Wright well knows their differences, and to whom to attribute the exploits of a Roulet-abbille and to whom those of an Arsène Lupin. He juggles with Anna Katherine Green's Ebenezer Gryce, Freeman's Thorn-dyke, Arthur Morrison's Martin Hewitt. He is entirely familiar with Louis Tracy's Furneaux, Ernest Bramah's Max Carrados, and Jacques Futrelle's 'The Thinking Machine.' I

have spent hours myself with John Buchan's Richard Hannay, with A. E. W. Mason's Hanaud, with Agatha Christie's Hercule Poirot; but this man amazes me with babble of Bennett Copplestone's (and that isn't even his real name) Chief Inspector William Dawson; of Ernest M. Poates's psychopathologist, Dr. Bentiron; of Lynn Brock's Colonel Gore; of George R. Sims, James Hay, Jr., and Louis Dodge. Enough, enough! I am defeated before I start. He deals in such precise phrases concerning J. S. Fletcher as 'fortuitous incidents' and 'antiquarian researches.' He has to say of Chesterton: 'The fact that Father Brown is concerned with the moral, or religious aspect, rather than the legal status, of the criminals he runs to earth, gives Chesterton's stories an interesting distinction.'

Which may be obvious, but could not be more compactly put. And the man also arouses exorbitant curiosity in me (who have till now never heard of that author) with his reference to Arthur E. MacFarland's *Behind the Bolted Door* with its 'entirely novel (so far as I know) device.' At this point I am about to remark that Agatha Christie's *The Murder of Roger Ackroyd* seemed to me to exploit a device also novel, when Wright halts me by dubbing it a 'trick played on the reader' and 'hardly legitimate.'

The average detective story addict sets out to indulge in his particular mental vice with no such sadistic urge. He is often a simple soul; he is most probably a masochist. He secures pleasure from hoping to be frightened—to have his hair stand on end. He knows that he will be completely reassured either by the acumen of a master-mind, or by the organized efforts of a Scotland Yard. However, perhaps, to return to Mr. Wright's pronouncement, numerous folk do approach the matter more mathematically. They merely desire to be set interesting enigmas and to sharpen their wits upon them. There are, I know well, many of these highly intellectual addicts. So well versed are some of them in the dissection of problems, so intuitive in analysis, that, nine times out of ten, they can pick their villain long before the author of the tale in hand desires them to discover him.

The vogue of the detective story is a thing of compara-

tively recent growth, possibly because it is a matter of only a few generations since readers could be persuaded to allow their sentiment to support law and order and those who laboured to uphold them, instead of as a matter of course taking the side of the picturesque and outlawed underdog fighting against odds. In old times a detector was on a par with a delator and shared the obloquy reserved by schoolboys for sneaks, by the lower classes for 'narks' and 'noses,' and by others for spies, informers and blackmailers. Detective as an adjective in the quasi-respectable society of the not yet popular New Police, dates back only four score years, and as a substantive has not yet reigned as long as Queen Victoria. The thief-taker of old, or his more efficient successor the Bow-Street runner, is seldom the hero of a story; and the public, unless directly aggrieved, does not appear to have done much to help them against rogues. Consequently, the detective story as we know it is a modern development, and its technique is still in the making. That is fortunate, as for best part of a generation there was a tendency to stereotype it on fixed and rather narrow lines. Of late, however, there has been a move to introduce novel features, particularly in the direction of a break away from conventions which tended to hamper an author's freedom of action. Mr. Freeman, for example, will often give his readers an exciting prologue, a full story of itself, of how and why the crime is committed before unleashing Thorndyke to build it up again from its remains, like an archaeologist engaged in reconstructing a forgotten civilization from the contents of a tomb or the foundations of a ruin.

Dr. Thorndyke is one of the most famous of contemporary detectives, and, by general consent, one of the best. Holmes dabbled in science, writes E. M. Wrong in the introduction to his excellent anthology, *Stories of Crime and Detection*, 'but his knowledge therein bears the same relation to Thorndyke's as his pocket magnifying glass to the latter's research case. In Thorndyke we have complete use of all the resources of the laboratory, coupled with a logic that is safer than that of Holmes because it is less cocksure.' But the master scientific detective has one fault that Wrong is quick to notice: 'The chief blemish in Thorndyke is the deplorable habit his

associates possess of falling in love in the course of an investigation. The record of detection should in general be as cold as a scientific experiment, and to mix romance with it is in some measure to spoil it.' In *A Certain Dr. Thorndyke* it is not one of the detective's associates who falls in love, but the hero, accused of crime; but the results are no less fatal, for the simple reason that R. Austin Freeman cannot write of the tender passion in a way that makes it real. His heroine is a doll, and his romance is a stereotype. However, there is excitement in the hero's adventures. Mr. Fortune is another famous sleuth; indeed, he and Chesterton's Father Brown and Gabriel Gale are the most successful intuitionists in current criminal literature. But I do not like his personality, and I do not like his conversation. After he has remarked, 'Oh, my aunt!' for the tenth time, I feel like opening the window and summoning an honest, blunt policeman. He is too languid, too affected. In the short stories that make up Mr. Bailey's volumes he is his characteristic self; very lazy, very contemptuous of the Yard, and always quick to detect the possibility of crime when there is really no cause for him to be suspicious. The acuteness of his intuition is just a little bit too incredible.

Austin J. Small and Edgar Wallace are both possessed of hectic, small-boyish invention. Small is the more ingenious, Wallace the more atmospheric. They are super-dime novelists, and extremely good of their kind. I like desperate figures flitting the desolate downs through resonant thunderstorms. I like pea-soup fogs on London, and as Chesterton puts it, the 'finding of a foe.' I like the extraordinary amount of whisky and soda that English writers make their male characters consume in the course of a breathless chase. In fact, it sometimes seems to me a mortal wonder that anyone keeps on searching at all with that fascinating 'tantalus' forever at their elbow. I like Scotland Yard. Let me burst into song and declaim that the C.I.D. means more to me than the whole Homicide Bureau. But then, that's prejudice. The prejudice of the addict who can never possibly bear any detective story without an English *locale*. 'As a class, detectives do not, as might be hastily assumed, become hardened and callous by their profession,' Mr. Dilnot writes. No? Then neither do judges, bill col-

lectors, reporters, dentists, loan-shopkeepers, nor hangmen. One pities those who don't.

'Only two things are certain about the real detective. He is as unlike Sherlock Holmes¹ as he is different from the square-toed clod-hoppers displayed on the stage, on the screen, and in books.' Mr. Dilnot's insistence in his history that the story books are wrong, that life's detectives are more impossibly wooden than fiction's, ties together twenty-two chapters packed with anecdotes of detection, stories of crime and its solution. Not even the stuffed figures with which the author populates them can prevent their being interesting, their fulfilling the jacket's promise of 'fascinating information and exciting stories.'

Wilkie Collins and Miss Braddon both revelled in murder. Indeed we may regard them as the parents of that vast, unruly brood which may be described under the generic family name of crime stories. But there was an interval of many years between the period which saw their best work, and the great blossoming which, beginning in the late 'nineties, is now in full flower. In my opinion, the most subtle, best contrived, and best described murder in modern fiction is that to be found in a novel written by Oliver Onions entitled *According to the Evidence*. In this remarkable story Mr. Onions has described a quite ordinary young man who, impelled by a sense of righteous anger, and to save the woman he loves from a terrible and sordid fate, commits murder in such a fashion that there is not the slightest fear that he will even be suspected, far less actually proved, to have committed the crime.

The Moonstone is the first, the longest, and the best of modern English detective novels. (Are there any old English detective novels?) I am inclined to agree. The tale is told with the author's customary, clumsy machinery; but it holds you continuously. It is far better than *The Woman in White*. It is well written, it has humour and plenty of invention, and some satisfactory if exaggerated character-drawing. I cannot endorse the certificate of excellence which Mr. Eliot gives to the portrait of the arch-detective, Sergeant Cuff. There are a number of things in this portrait which call for explanation, but

¹ For the conventional pictorial representation of the Baker Street detective, posterity is indebted to the illustrator of the *Strand*, the late Sidney Paget.

which I fear cannot be explained. I enjoyed *The Moonstone*. It is extremely earth-to-earth (by which I mean *terre-à-terre*) even more so than Mr. Watson's narrations about Sherlock Holmes; but for what it is it finely succeeds. It succeeded in interrupting for several days my perusal of a really superlative work, the Napoleonic *Mémoires* of Madame de Remusat, an author of first-rate merit who is not in *Chambers' Encyclopaedia*. A publisher who issued these memoirs in English in portable form would probably have his reward.

Why is it that a human being, apparently with nothing in his appearance, manner, or nature differentiating him from his fellows, brings himself to commit the one dread act which has always been regarded from the beginning of the world and in every community, civilized and uncivilized, with peculiar horror? A modern sociological writer once wrote: 'Murder is the one chink in the armour of a civilized community.' And it remains true that murder is the one crime for which actually not one man or woman in a million is prepared and which finds always its victim defenceless. Few, indeed, are the great imaginative writers of the world who have not at some moment in their career been drawn to murder as a theme worthy of their finest art. Two of the greatest of Shakespeare's plays, *Macbeth* and *Hamlet*, both have murder as central themes. Indeed it may be said with truth that the most outstanding murderess in fact or fiction remains Lady Macbeth.

Walter Scott, Dumas père, Victor Hugo, love plans and escapes, and for that reason detective fiction is a difficult kind of literature to review. If the critic gives even the barest outline of the plot, some readers may complain that he has killed their interest in the book, which is the last thing I personally should wish to do. If, on the contrary, the reviewer gives no précis of the plot, but vaguely hints at mysteries and thrills, editor, author, publisher, may all think that he skipped the story. Since many devotees of detective novels seem to read only in order to find what happens, it might be better for such novels not to be reviewed at all, but merely to be listed and classified as 'good,' 'bad' or 'fair.' But so long as detective fiction is reviewed, it is inevitable that the critic should give some idea of the plot.

Coinstantaneously the whim seizes me to digress briefly into a discussion of tales which are not detective stories pure and simple. For the mystery story is equally my enthusiasm. Not the mystery stories of E. Phillips Oppenheim, for which I have the blindest of blind spots—but such mystery stories as—well, I shall merely mention them. Let me ask you, do you know May Sinclair's 'The Victim' from her *Uncanny Tales*, reprinted in *Twenty-six Mystery Stories Old and New* by *Twenty and Six Authors*, edited by Ernest Rhys and C. A. Dawson Scott? There's a most remarkable murder and ghost story combined. Do you know *The Baromete* by Violet Hunt in the same volume, or *The Ghost Ship* by the late Richard Middleton? How about 'Told for the Truth,' the story of Hunter and his marital lemur, in Cyril Hume's volume of short stories, *Street of the Malcontents*? How about—if you really like mysteries—Edward Lucas White's *Lukundoo*, with the grisly tale of the emergent minikins, and the one of the burglary of the strong-walled estate of the enormously wealthy monstrosity in *The Snout*? Or, for the matter of that, how about the insidious atmosphere of *The Place called Dagon*, by Herbert Gorman, or *Witch Wood*?

The greatest story-tellers of a great literary epoch all made use of murder to obtain some of their most moving as well as their most awesome effects. Nearer our own time, Dickens again and again was fascinated by the possibilities which murder offers to the creative artist. With one exception, to my mind the most remarkable murder in fiction is that of Montague Tigg by Jonas Chuzzlewit, in which we also have that strange, powerful, almost Freudian analysis of the murderer's mind after he has committed his crime. Yet another remarkable study in murder is the murder of Tulkinghorn in *Bleak House*. There Dickens may be accused of trying his hand at a 'mystery story,' for the reader is led to believe that Lady Deadlock committed the crime, whereas the real criminal was her French maid. Who murdered Edwin Drood still excites controversy among all intelligent crime fans as well as among Dickensians. It is the one detective story in all the world with a perfectly satisfactory ending, the only one that never lets you down. The good detective story is in its nature

a good domestic story. It is steeped in the sentiment that an Englishman's house is his castle; even if, like other castles, it is the scene of a few quiet tortures or assassinations. Who can be detective enough to trace this quotation and others not acknowledged?

Mr. Landon's 'Grey Phantom' who, like Arsène Lupin years ago, turns against the world of rogues in which he used to have his lawless being and has to work hard to clear himself of a carefully concocted accusation of murder, a crime which he very properly abhors. Mr. Strong, in recently presenting Professor Criddle to his readers, reverts to the eccentric type which was popular some years ago, when an exaggeration of the well-known mannerisms of Holmes was considered appropriate to a private investigator of crime. Somewhat of the same type was Mr. Herbert Jenkins' Malcolm Sage, a man who found it impossible to work with incompetent superiors but figured very efficiently in a number of remarkable adventures. Dr. Hailey, fortunately, still has his feet on the ladder of fame up which Mr. Antony Wynne is conducting him, in spite of a well-concealed tendency to obesity, which in no way militates against the nimbleness of his wits or his activity in the prosecution of his cases. The fact that Dr. Hailey is a physician shows that Mr. Wynne shares the opinion, now increasingly prevalent, that the modern detective should be provided with a medical training; for the murderers in stories of the Carnivorous School are usually exceedingly subtle in their methods and able to throw dust in the eyes of the layman, no matter how observant he may be in general. It is indeed largely due to this modern requirement that the two men who are at the head of the profession are both physicians—Mr. Fortune and Dr. Thorndyke.

The tremendous competition to which a Seventh Commandment is now being subjected by the Sixth Commandment in the theatre, would be alarming if the box office returns were not so good. But if, proportionately, the murder and mystery plays are far more numerous than the novels, there are enough of the latter for the normally bloodthirsty reader. In respect to quality there is very little comparison between the plays and the books; the printed fiction is infinitely superior. Crime

and mystery in the theatre extort their thrills by ponderous apparatus of hullabaloo and green fire. The hysterical lady in the eleventh row reacts to a stimulus as elemental as shouting 'Boo!' at an infant. What a difference between the yelling and the stamping and the shooting and the crunching along Broadway and the heavenly spinal chill inside one's bathrobe at midnight by the reading lamp when, page 178, the embers in the Jacobean fireplace fall in with a crash, and down below in the Jacobean hall, you catch the sound of what might be a stifled sob!

I, and other addicts, recognize, of course, that detective and mystery stories are in a class by themselves—in somewhat the same way as the cheap novel. The thing to achieve is mechanical perfection, and if there is a fair amount of success the final click of someone 'getting his' results in complete satisfaction. Reality has little if anything to do with the reader's complete removal from the realm of ordinary day or night, and his intense preoccupation with the book in hand and the problem in mind.

As to style and fashion, I have wondered why some genius did not decide to put a bit of reality into the accepted pattern—adorn a character or two with so many human attributes that it would come to life. But the whole point is that if the story is real and taken from court records, it becomes Tragedy. The fun has gone, and instead of a hilarious state of tension, complete demoralizing depression results. It takes an artist's nice discrimination to avoid the pitfalls of reality, and to rise to heights where the reader never realizes that he is perusing parody, but is transported to a familiar realm all his own—happy, terrific, exciting, bloody, a world of misunderstanding, turmoil, intrigue, selfishness, a stage on which the actors strut in and out of mock tragedy, in parts that correspond to human records on police blotters and in newspaper headlines the world over. But—everybody always 'gets his.' Otherwise we would be a perfectly undesirable group of citizens.

Experience proves that murder is the best crime to deal with. If a mere theft is in question there is a serious risk that the sympathies of the reader will go over to the criminal. The spectacle of an individual being hunted by society is not in

itself pleasing, and the author who exhibits a mere thief being tracked down has to be at pains to make the stolen goods of crucial importance to the loser to complicate with something baser than the mere motive of greed or need, and to blacken the thief's character as much as possible all round. Murder in almost any circumstances profoundly shocks us; we are extremely anxious that it should not go undetected, even though we do not care to dwell overmuch on the details of its punishment—the detective story commonly ends with the arrest, or suicide, of the murderer.

The creator of Inspector French undoubtedly made a mistake in first introducing him in his 'greatest case,' as any subsequent appearance can hardly fail to have a suggestion of anticlimax about it—a fate which the author of *Trent's Last Case* has escaped by making of his man, as it were, a *hapax legomenon*. Mr. Wallace, on the other hand, repeatedly introduces a brilliant and attractive young detective who stands high in the confidence of his superiors at Scotland Yard, but it is always under a different name. In this way the author is able to flavour his record of crime and detection with a love interest and to marry off his hero and heroine in nearly every volume. But it is rather like making an otherwise acceptable character commit bigamy, two or three times a year, under an alias—a proceeding reprehensible in the eyes of the public and possibly dangerous even for an important official.

But there are compensations; more than enough to render the average mystery story a powerful force for righteousness and law and order. Statistically there is no comparison at all between the wages of sin in a detective story and in the world as we know it. It is in the books that justice scores its best results against the transgressor. In the United States, it has been established by rigorous inquiry, only 3 to 4 per cent. of those arrested for murder pay the legal penalty; that is to say, twenty-nine murderers out of thirty escape the consequences of their crime. But I have yet to meet a detective novel in which the guilty man fails to meet his reward, though to be sure he seldom confronts a judge and jury. As a rule he swallows a capsule or sucks something from a signet ring, or lights a cigarette impregnated with cyanide. But this is cheat-

ing the law only in a narrow sense. On the other hand, how magnificently our judicial system operates in the novels. If the criminal had failed to make provision for his own demise and is left on the last page, in the clutches of the law, the assumption always is that the jury will convict, and that sets up an ideal which may some day be translated into fact. All the psychologists agree that a thing can be made to come to pass if we think long enough about it. By reading a sufficient number of mystery stories the American people may yet bring it about that, everything else being equal, a man who has committed murder will be found guilty by a jury. And since this article is not exhaustive, we may take note of the assassin who, in the last chapter, is found to be the victim of homicidal mania and is duly incarcerated in an asylum for the criminal insane. In the novels the criminal lunatic stays where he is put, instead of swearing out a writ and recovering his mental health with astonishing celerity.

But the mystery story proper, according to an eminent contemporary, is that kind of tale 'wherein much of the dramatic suspense is produced by hidden forces not revealed until the *dénouement*.' Into this class fall stories of 'diplomatic intrigue, international plottings, secret societies crime, pseudo-science, and spectres.' The detective story is quite different. True, the mystery story and the detective story 'often overlap.' They 'borrow devices and appeals' from each other. They 'usurp each other's distinctive material.' But the chief characteristic of the detective story is that it is in the 'category of riddles—the puzzle in fictional form.' It is at its best when there is an entirely 'realistic environment.' It 'must succeed by ingenuity alone.'

One of the reasons why actual murders are often so inartistic is because they are perpetrated on the spur of the moment. Those committed with malice aforethought are more apt to fulfil the conditions of a 'good' murder.

It is the murder theme, necessarily presupposing the commission of a crime, which is the general favourite among detective stories, and, although it sounds incongruous, this can be treated in a most inoffensive manner. And what a wide variety of methods for getting rid of the victim is found in

present-day mystery fiction! Shooting, stabbing, poison and strangulation all figure prominently; and use is made of silent bullets, icicles and paper knives, 'curious Indian or Persian drugs which act instantaneously and leave no trace,' and gentlemen's silk evening scarves. Scientific methods involving the use of bacteria, and strange mechanical devices are also popular, provided they are not too technical in treatment. Horrors are quite allowable in mystery books, in fact they are rather expected by a large number of readers; but Poe's injunction on this point is worth remembering, namely that, when painting decayed cheeses, one should make them look as little like decayed cheeses as possible.

The mystery element is frequently introduced into books that in themselves belong to an entirely different class. This is true of Hawthorne's *Marble Faun*, Scott's *Talisman*, Emily Brontë's *Wuthering Heights*, and Charlotte Brontë's *Jane Eyre*. A modern example is the recent adventure success, *Beau Geste*, in which Percival Wren made such excellent use of the mysterious.

It must be said again, the opinion is erroneous which holds that this element is scorned by all great writers. Shakespeare found it to his advantage to make use of it as he did, for example, in the Three Weird Sisters of *Macbeth*.

Just at present, therefore, the fashion in detective fiction is to have characters credible and lively; not conventional, but, on the other hand, not too profoundly studied—people who live more or less on the *Punch* level of emotion. A little more psychological complexity is allowed than formerly; the villain may not be a villain from every point of view; the heroine, if there is one, is not necessarily pure; the falsely accused innocent need not be a sympathetic character. The automata—embodied vices and virtues—the weeping fair-haired girl—the stupid but manly young man with the biceps—even the colossally evil scientist with the hypnotic eyes—are all disappearing from the intellectual branch of the art to be replaced by figures having more in common with humanity.

We are now in a position to ask ourselves the favourite question of modern times: What next? Where is the detective story going? Has it a future? Or will the present boom see the end of it?

It is not the theme of a novel that is the most important element. It is the attitude which the novelist takes towards the theme, and consequent on that, the manner in which he exposes the theme.

No sane judge of morality in the novel has ever laid down the general principle that sin must be prohibited from works of fiction. Detective stories revolve around violations of the Ten Commandments. Quite legitimately, and without offence, the writer of mystery yarns is allowed to make murder, suicide, theft, the subject matter of his story. There is no dispute on the legitimacy of the use of violations of eight commandments as fiction-material.

Most freely may it be admitted that the two other commandments are in a category by themselves. Not all people are prone to murder and thief, but no normal human being is proof against the weakness of primal instincts. Temptations to the latter are far more frequent and more alluring than are inducements to commit sins of atheism or disobedience or robbery or assassination.

The primary object of a piece of literature, a painting, or a musical composition is to afford pleasure, and the form, the philosophic content, are merely the terms by which that pleasure is defined. Thus, mystery stories can be treated almost as a game, to be enjoyed no less heartily or intelligently than a good meal, a mountain climb, or the analysis of a passage from Kant. The game, of course, will vary according to the nature of the novel. The modern mystery reader demands a little more than mere plot and action, and from the surge of mysteries that are now overwhelming us, we shall undoubtedly eventually see rising really well-written narratives that may take a place in the literature of our day.

In the scholarly world Mr. Hatson deserves thanks for his literary discovery of the details of the death of Christopher Marlowe and the new letters of Shelley to Harriet. He is the premier detective of scholarly research. Perhaps next he will find the lost books of Livy.

In former days there were no detective stories because there were no detectives. Not until the days of organized police forces, with their movements reported in newspapers,

did the elucidation of difficult criminal problems arouse the interest that had always been devoted to the commission and motives of crimes. Real detectives, at last, were to be observed pitting their brains against those of real criminals; and then it naturally occurred to a man of genius that fiction might better the spectacle, providing astuter criminals, more complicated puzzles, and far, far more intelligent sleuths. The strange thing is how far Poe got at a bound. The thing was fully-born from his head, with all the appurtenances of private investigator, simple-minded friend, and the special reasoning talents of Sherlock Holmes. After all these years the very manner of *The Murders in the Rue Morgue* hardly dates at all.

Nor do I think will A. E. W. Mason's *No Other Tiger*. Mason is sufficiently an old stager. But go back to *At the Villa Rose* if you wish a thriller of the first water. His most recent *Parisian Opal* is not so good as that, nor so good, in fact, as his *The House of the Arrow*. But it is certainly sufficiently above the ordinary. He is a narrator born—and an exciting one—and the atmosphere of his climax in *No Other Tiger* seems to me no less than masterly.

Of the great Russian writers, the master analyst of human nature, Dostoievsky, chose deliberately the most sordid and commonplace type of murder in his *Crime and Punishment*. Raskolnikoff murders a poor old woman, Alena Ivanovna, simply for her money. What makes the novel one of the stories of the world is the picture of remorse and fear which follows the commission of the crime; the analysis of the sentiments which lead Raskolnikoff to make his dramatic confession, and the unforgettable moving picture of his spiritual resurrection in Siberia.

Because the world of crime and mystery as known to the writers of detective fiction has long been standardized both in its setting and in its main technique, the authors have striven for the individual touch in the matter of the detective himself. To create another Sherlock Holmes is the ambition, secret or avowed, of every writer in this field; and as yet with only a slight approach to success. All the professions have been mobilized. There are lawyer detectives, doctor detectives, clergymen—Father Brown, who is the best of Sherlock's

successors as a personality—scientists, social butterflies—our extremely winning friend Philo Vance—and now and then a regular consultant to the New York Detective Bureau or Scotland Yard.

Mr. Chesterton's Father Brown stories, for instance, are full of poetry, brilliant single notions, and even moral force; but they are weak as detective stories. Reading them we do not put our minds against Mr. Chesterton's or Father Brown's; we merely wait to see what kind of rainbow-coloured rabbit is going to be produced out of Mr. Chesterton's hat or Father Brown's profound knowledge of sin.

Any list of mystery stories must begin with Mrs. Belloc Lowndes *What Really Happened*, the most important novel of this type since Father Ronald Knox's *Viaduct Murder*, but it is so much more than a detective story it must be set apart from the others as a searching study of real people involved in a poignant situation. Someone has said that if all murder stories realized their characters so completely as sinning, suffering human beings, no determined reader of them could stand the strain. The suspense, which does not crack until the last sentence of the last page, is the more extraordinary considering that the material facts come out early in the book.

As a straight detective yarn with an unexpected solution, the banner book is *The Murder of Roger Ackroyd*, by Agatha Christie. I had gone through everything I could find by Freeman Wills Crofts, whose exercises in this line I prefer even to those of Fletcher, and was somewhat disdainful of lesser artists in crime, when the girl in the bookshop said with a conviction deeper than any sales argument: 'I don't care what you think about anything else by Agatha Christie, you'll like this.' She was completely right; it is a book that everyone reads twice in immediate succession. Mr. Crofts' *The Cheyne Mystery* in which his famous Inspector French goes on another long, steady and unwavering pursuit. Another well-known literary detective appears again in H. C. Bailey's *Mr. Fortune's Trials*. This man is unusually attractive. *Death at Swaythling Court*, by J. T. Connington, seems about to break the rules of right mystery tales by introducing a 'death ray' as yet unknown to science, but this is only a mask for a much deeper

plot. In Eden Philpott's *Jig Saw*, a story with a cruel sort of solution, the first victim is found in a room as impenetrable as a safe. *Sinister House*, by Charles Booth, has some professional criminals in it as well as the amateurs that usually form the cast of these dramas; as a result it is more violent than the run of drawing-room crimes. *The Detective's Holiday*, by Charles Barry, gives a chance for comparative study of French and British methods when a Scotland Yard man on a vacation in a French fishing village is called in to catch an elusive criminal. *By Candle Light*, by Gertrude Knevels, takes place in an old house up the Hudson, and is creepy and jumpy enough to keep anyone awake after finishing it; it follows the American method of involving a love story. Slightly different is A. A. Milne's *The Red House Mystery*.

As for Dr. Thorndyke, he can track just as efficiently under the sky as under a ceiling. He is just as able as the most scientific American characters to make use of modern resources, but, unlike so many of them he is neither overburdened by his equipment nor helpless without it. Sherlock Holmes, now in a well-earned retirement, used almost to boast that he had no use for knowledge other than that which would assist him in his profession. Mr. H. C. Bailey's Mr. Fortune, on the other hand, shares with Dr. Thorndyke the conviction that a successful modern detective, while he knows he can never be omniscient, should be as omniscient as it is possible to be. That in itself is a proof of the progress made in the profession since Holmes first put up his plate in Baker Street—even if he only did so metaphorically—and admitted Dr. Watson to a certain, rather limited, degree of confidence.

There are other conventions. One highly intelligent writer on the subject has pointed out that in the field of amateur assassination the victim's watch invariably stops the moment the shot is fired. The same thing happens to the old grandfather's clock, which is overthrown in the furious struggle that precedes the foul deed. From this the writer in question went on to argue that before proceeding to commit his next murder he would manage somehow to get possession of the contemplated victim's watch. He would set the watch back half an hour, replace it in the other man's pocket, and shoot

him down. Not only do watches and clocks stop at the climatic moment in this delightful imaginary world we are discussing, but every watch and clock keeps perfect time. It is odd, but nevertheless a fact, that when you have an appointment to kill a man your two time-pieces do not differ by as much as thirty seconds, whereas the discrepancy may be as much as half an hour if you intend to meet a man for the purpose of renting him a place in Hades. I mean a house for summer occupancy only. If your purpose in renting him the house is that your tenant may be found dead one morning on the floor of his Scarsdale library, your watches will synchronize perfectly.

Mr. Haworth brings home how much the development of human ingenuity owes to crime and the call for its detection and repression. Deceit, we may take it, had a long run for its money before sagacity learned to cope with it, and some of the best of early tales are illustrative of the struggle.

The art and science of detection were implicit in the first crime ; clues are, at any rate, as old as clothes. Mr. Haworth goes back to Genesis for the successful devices of an ' arch-rogue in the person of Jacob,' and if he had turned to an earlier page he would have found yet more to his purpose—the first offender conscience stricken into providing the first clue, and incriminating not only himself but his accomplices when required to account for the apron.

' From the beginnings of literature, the romance of crime has cast its spell upon the world's most illustrious tellers of tales, whether they are concerned with fact or fiction. All the principal narrative forms known to men, beginning with Bible stories, and including ancient epic, mediaeval ballads, romances and anecdotes, Renaissance drama, and modern novel, afford countless examples of sensational crime and ingenious detection.'

Where then are the standards which an ardent reader looks for, and alas ! so frequently fails to find ? First the plot must be interesting, and it must hang together. Too many writers forget that a crime and a solution together are not enough to make a book. Also, of course, the reader must have enough data, during the course of the story, to get an inkling of the

answer before the end, though he should not be able to guess it on page eleven. It does not matter, provided the book is interesting, if he does guess it well before the end, but it does matter if the criminal turns out to be a tramp from outside, of whom nobody had even heard. And of course, the story must be plausible and not physically impossible, or ridiculous in the sense that the characters are made to act as only lunatics could or do. It is best to leave alone world-wide conspiracies, unheard-of persons, death rays, mysterious Russians and Chinamen and the supernatural. Of course, character-drawing is essential, and is, as a rule, a difficult point. Sherlock Holmes is so heavily weighted with accomplishments, peculiarities and abilities that he becomes rather a static figure. He is described to us rather than revealed in his actions. Crimes are committed in real life, but are not generally discovered by his methods. The best detective stories ought to be good enough to read twice in succession, once for the story, and once to see how it was done. Good writing and character-drawing are essential, and for those who do not mind detective novels being semi-philosophic propaganda for the Catholic Church, Father Ronald Knox's *Viaduct Murder* and *Footsteps at the Lock* are excellent reading. If fiction is to measure itself against real life, then real life, so often sheer incredible, being the much more interesting of the two, wins every time. Your murder story may permissibly be based on a coincidence, such as an extraordinary resemblance or some hazard that draws a certain group of people within the orbit of a crime ; it must never sacrifice plausibility to chance. If the ' straight ' thriller is popular, estimate the popularity of the mystery ' thriller.' It is the stage diet of many thousands of readers, and one can only regard with envious astonishment the amount of ingenuity, in plot and construction, which is lavished upon it. Try working out a mystery plot which is really going to baffle the reader until the last moment, and see how difficult it is. I yield to nobody in my enjoyment of a really mysterious mystery, but I cannot claim to be a ' tec fan.' The real ' fans ' whom I know seem to me to regard a detective story not as a book, but as a game of skill. They approach it as certain morbid-minded people approach chess problems or high-brow cross-words. They do

not seem to care how lifeless a book is as a piece of writing, provided it presents them with a tortuous problem. That attitude of mind is hard to understand. Most of us, at least, ask to be entertained.

What is the secret of the world-wide attraction of this class of fiction? An interesting answer is given by Professor Prescott Lecky, Columbia's instructor in the Department of Psychology.

'The good detective story,' says the professor, 'may be analysed as appealing to the average intelligent human adult by what is known as "the puzzle mechanism."

'Mankind has always been intrigued by a puzzle. He likes to solve problems, from endeavouring to sunder two wretched little steel rings which seem to be intertwined inextricably to finding a three-letter word for a clumsy fellow.

'The good detective story presents at the outset a problem or puzzle.'

Another professor explained the lure of the detective novel as a modern sublimation of ancient man's hunting instinct, and held the same ineradicable instinct responsible for the fascination of a 'good murder mystery' in the daily newspapers, which Charles Dickens found so irresistible.

The essential invention of the detective story belongs to Poe, out of a hint by Voltaire. In embryo it consists of a deep and poetic conceit very characteristic of his genius: the material survival of the past in the minute alterations and degradations every action causes on its surroundings. The theory of the clue is in fact sacramental: life signs itself in its passage in the species of cigarette ends, chipped plaster, the wear and tear on carpets. *Sunt lachrymæ rerum.*

The detective himself, who also has been taken over without essential modification, with all the twists Poe characteristically gave him, the solitariness—few detective stories have ever allowed him to fall in love—his Byronic idiosyncrasies in out-of-the-way learning, his possession of a bizarre accomplishment or vice, his matter-of-fact foil companion—is merely the embodiment of a melancholy and ironic idea. Who alone is interested in retracing the past along its almost imperceptible

tracks? The police. What passage of life alone is it urgent to resuscitate? A crime. The formula for every detective story is complete. No one has ever dared to depart from its queer and specific mould. *Inter alia* it is possible for a reader to be enthralled by a story in which there is no murder or poison and yet be of tremendous interest, e.g. *The Sanfield Scandal* by Richard Keveene.

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In early mystery fiction, the problem tends to be, *who* did the crime? At first, while readers were still unsophisticated, the formula of the most unlikely person had a good run, but the reader soon learned to see through this. If there was a single person in the story who appeared to have no motive for the crime, and who was allowed to amble through to the penultimate chapter free from any shadow of suspicion, that character became a marked man or woman. 'I knew he must be guilty, because nothing was said about him,' said the cunning reader. Thus we came to a new axiom laid down by Mr. G. K. Chesterton in a brilliant essay in the *New Statesman*; the real criminal must be suspected at least once in the course of the story. Once he is suspected and then (apparently) cleared, he is made safe from future suspicion. This is the principle behind Mr. Wills Crofts' impregnable alibis, which are eventually broken down by painstaking inquiry. Probably the most baffling form of detective story is still that in which suspicion is distributed equally among a number of candidates, one of whom turns out to be guilty. Other developments of the Most Unlikely Person formula make the guilty person a juror at the inquest or trial; the detective himself; the counsel for the prosecution, and, as a supreme effort of unlikeliness, the actual narrator of the story. Finally, resort has been made to the double-cross, and the person originally suspected turns out to be the right person after all.

There are signs, however, that the possibilities of the formula are becoming exhausted, and of late years much has been done in exploring the solution by the unexpected means. With recent discoveries in medical and chemical science, this field has become exceedingly fruitful, particularly in the provision of new methods of murder. It is unfortunate for the

mystery-monger, that, whereas up to the present there is only one known way of getting born, there are endless ways of getting killed.

The time, to be sure, was probably ripe for the rise to favour of the novel of crime and detection, for the force of circumstances was creating the necessity for a new literature of escape. The progress of discovery was rapidly turning the unknown world into the known, the advance of science was bringing within the realm of reality what had once been the bold imaginings of romance, and the motion picture was before long to convert the exotic and the strange into the familiar and the usual. The hard-pressed reader, panting to escape from the commonplace, was suddenly finding those fields to which in the past he could turn for relief, and where his imagination could roam at will, being closed in by the accumulations of knowledge. There remained for him, it would seem, but two domains in which fancy could still play unrestricted by the tyranny of facts—one, the pastures of the soul, where possibility was as elastic as human nature, and the other world of crime of which the abnormal and the melodramatic were the very basis and pivot of existence. Here in the naturalistic novel and the detective story the jaded mind could still find its escape from the humdrum of the familiar.

Why are bogus detectives able to deceive the public so easily? The fact that they can do so is a sore point with the genuine detective, because he is so often disbelieved when the acceptance of his genuineness is a matter of urgency.

The detective of fiction is fixed in the minds of most people as a person of distinctive characteristics. It is because he does not conform to those standards that the real detective is often doubted, particularly by women.

There is a glamour about the word in the minds of the women readers of crime stories which makes the path of the stout and middle-aged detective at times embarrassing. Detectives should be in the twenties, tall, slim, and more or less good-looking, to satisfy women that they are what they claim to be.

The bogus detective is a specialist in crime who has youth on his side, adopts a commanding tone, and dresses well.

These tall, wayward youths work in gangs where middle age and a robust physique are unknown.

The bogus detective generally plunders shopkeepers, and he loses little time in telling his story to a potential victim. 'I am a detective,' he will say, and in most cases he will demand the production of an article or bank-notes. When money is in question his search is for bogus notes, and many women shopkeepers have permanently parted with genuine notes to a suave individual who maintained that he had to take them away to be checked. The bogus detective always demands immediate attention. He knows delays are dangerous, and the sooner he finishes his job the safer he feels. A real detective is trained to act tactfully, and it is his apparent modest behaviour that at times creates suspicion.

And the detective story was particularly the type of tale to which to turn for relaxation. For it demanded no largesse of spirit from the reader. By its very nature it threw emphasis on the factual rather than the emotional; it was more concerned with the commission of crime and with its legal punishment than with its repercussions in the mind or soul. Its subject matter lay sufficiently within the realm of actuality to satisfy reason, and safely enough beyond the probability of personal experience to insure that interest rather than sensibility would be aroused by it. Whereas the complications of the naturalistic novel inevitably involved the feelings of the reader, since they escaped common experience by too little not to make them poignant, the complications of the detective story offered a challenge to ingenuity rather than to sympathy, to ratiocination rather than to reflection.

The Foreign Settlement at Shanghai and its Future Security: from the Report of the Hon. Mr. Justice Feetham, C.M.G.

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

Sometime Commissioner, Shanghai Municipal Police

IN the winter of 1929 the Municipal Council of the Foreign Settlement at Shanghai decided that all was not well with its administration. The Members of the Council felt themselves urgently in need of an adviser, as they said, free from previous commitments or bias, who combined judicial with municipal and political experience, who could help them in 'the acute problem of reform in the Settlement.'

The Council, therefore, requested the Government of South Africa 'as the most detached from Far Eastern controversies' to place at its disposal for one year the services of the Hon. Mr. Justice Feetham, C.M.G., to formulate a report upon the future of the Foreign Settlement at Shanghai. No one interested in this—to the Far East—vital problem can neglect to study what Mr. Justice Feetham has to say upon this very controversial question. Though as yet it may not be generally recognized, this extremely impartial and unbiased report is of just as much, possibly of more, importance to Chinese than to foreigners. Sooner or later for their own sakes as well as for the sake of their pockets both parties concerned must find a *modus vivendi*. No better foundation from which to start an entirely new discussion for mutual toleration and co-operation could be found than this report.

Before proceeding to discuss the present and future situation of the Foreign Settlement at Shanghai it will be advisable

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to glance briefly at its past. Rarely in the history of any city or town, ancient or modern, have such stupendous and successful results been obtained in so short a period.

In 1843, only eighty-eight years ago, the site of the present Foreign Settlement at Shanghai was a mud flat bordering the Whangpoo River, the latter a tributary at the mouth of the great Yangtze River itself. The site was a rural area mainly occupied, where it was occupied at all, by peasant farmers. To these industrious peasants the hardest day's toil—often prolonged to twelve and fifteen hours—brought in to each family a few meagre pence. To-day the Foreign Settlement of Shanghai is the principal banking centre of China. There are twenty branches of Foreign Exchange Banks; thirty-nine Chinese Banks of the modern type (head offices and branches); and seventy-seven Chinese Banks of the old type—known as 'Native' Banks. Almost all these banks are situated within the limits of the Foreign Settlement. The modern Chinese Banks situated in the Settlement include the Head Office of the Central Bank of China, which is an exclusively Government Bank. Also the Head Offices of the Bank of China and the Bank of Communications, which are described as 'semi-government' institutions. These banks hold large sums of silver stored in their vaults in the Settlement, which are used as reserves against their note issues, and as reserves for current accounts and general banking purposes.

The amount of the Shanghai note issue of the different banks on June 30th, 1930, was estimated at Mexican dollars 242,078,455—over £13,000,000 sterling. The total amount of silver held in the different banks in Shanghai on the same date was Taels 107,351,000, and Mexican dollars 156,160,000, equivalent in value to over £16,000,000 sterling. Trade to the annual value of Taels 1,035,689,733—about £70,000,000 sterling, was the colossal total given for 1929 by the Maritime Customs as passing through Shanghai. It is hardly possible to realize that this whilom mud-bank is now one of the first eight ports of the world, with a total population of close on 1,000,000 persons, made up of 36,471 Foreigners and 971,397 Chinese.

There are over fifty Shipping Companies represented in

Shanghai. These Companies are interested in about 600 vessels which may visit Shanghai, and aggregate some 5,000,000 tons actual cargo capacity. Of this number of ships, about 300 draw between 24 and 28 feet at full load, and over 100 ships more than 28 feet. The maximum recorded draft is about 31½ feet.

Here in a nutshell are some of the main results of eighty-eight years of entirely foreign, not, be it noted, Chinese control. There are others to which reference will be made in due course. This great concentration of wealth and business activity in the Foreign Settlement of Shanghai and in its immediate vicinity is almost solely due to the fact that the Settlement is an island of *Security*, protected from external violence, within the limits of which law and order are maintained, and personal rights, including rights of property, are respected and safeguarded. Of what other city in the whole of China can such a statement be truthfully made to-day?

That this is no mere idle boast it is only necessary to recall the words made use of by a very well-known Chinese official. In 1926 the then military and civil controller of Kiangsu Province, Marshall Sun Chuan-fang, made the following statement. The Marshall at the time was propounding a scheme for the united administration of a 'greater Shanghai' which might include the Chinese-administered areas surrounding the Foreign Settlement and the latter itself. The Marshall was speaking directly to his Chinese subordinates as well as for the benefit of the general public:

'You will remember,' he said, 'that when we saw each other last, I expressed the idea of creating an organization in Shanghai to unite all the administrative powers into one centre, so that it might have the necessary authority to improve the municipal government, plan a new port, and settle long-standing disputes, gradually converting the area outside the Foreign Settlements into a model city, the result of which should form the basis for our demand for the abolishing of foreign concessions. This has been one of my dearest dreams, for whenever I come to a treaty port I feel thoroughly humiliated, not only because a treaty port is a standing reminder of our loss of sovereignty, but also because whenever we pass from the concessions into Chinese territory we feel that we are coming into a different world—the former is the upper and the latter is the under-world, for nothing in the Chinese

territory—roads, buildings, or public health—can be compared with the concessions. This is the greatest of our national humiliations, much greater in my opinion than the loss of sovereignty.'

As an acknowledgment of the success of foreign organization and foreign honesty few finer tributes are ever likely to come from the lips of a high Chinese official. At the same time, no more enlightening comment upon the Marshall's own breadth of view and patriotic national feeling could have been made by any foreigner than the words the Marshall himself dared to utter. There are thousands of Chinese who think as he does among the Mercantile and Banking communities. In their hearts they entirely endorse the Marshall's words. Unfortunately, at present, they dare not openly express such opinions.

It has already been remarked that the main reason for the concentration of so much wealth and such an enormous trade within the limits of the Foreign Settlement at Shanghai is because the Settlement is an island of *Security* in an ocean of chronic unrest, insecurity and lawlessness. The factors which have created this security in the Settlement are, as Mr. Justice Feetham clearly shows, 'Protection and Law.'

The Settlement is protected against external violence (1) by the volunteer and police forces maintained by the Settlement itself, and (2) by the presence of the armed forces of Treaty Powers either in warships on the river or in quarters on shore.

But 'protection alone cannot give security, in the full sense in which that term is used in the statements referred to, that is, a security which includes safeguards for individual liberty and personal rights. There may be effective protection against external violence, and prevention of internal disorder, but the position of the individual in regard to his personal rights depends, in the last resort, on the character of the government to whose authority he is subject.'

That law and order in the Foreign Settlement at Shanghai have not come of themselves it is hardly necessary to say. How frequently the security of the Settlement has been threatened, or openly attacked during its comparatively brief history, it may be worth while to recall. For in each case, had

the threat or the attack from outside matured, we should have looked in vain for the astounding results which Foreign control has ensured.

After the Treaty of Nanking, signed in August, 1842, we know that Shanghai and four other cities and towns were opened to foreign residence and trade. Ten years later the great Taiping rebellion had broken out, and very shortly the new Foreign Settlement in the close vicinity of the rebellion began to be threatened. In 1853 this first attempt on its security from outside attack was made, and in self-defence the small Foreign Community set about the organization of a volunteer corps backed by the authority of the Consuls of three treaty powers—England, France, and the U.S.A. In the following year the, locally, historic 'battle of muddy flat' took place, in which the Settlement Volunteers collaborated with British and American naval forces. These forces attacked Chinese Imperial troops who were threatening the safety of the Foreign Community and compelled them to withdraw to a safe distance. In the next ten years the peaceful existence of the ever-growing small Foreign Settlement was constantly threatened. In many districts the Taiping rebels were overpowering the Imperial troops and they had taken Soochow in 1860. From Soochow an advance was made upon Shanghai, then as always a tasty morsel in the mouth of military adventurers. The Chinese city was attacked by the Taipings on one side of the Settlement, while they launched another assault on the Settlement itself from Woosung. A third effort to overrun the Settlement upon the part of the rebels carried their 'Braves' as far as the Bubbling Well Road, to-day the social centre of the Foreign Settlement. With the appearance in the field of Burlingame, the American, and 'Chinese' Gordon on behalf of the Imperial troops, the pressure of attack upon the Foreign Settlement at Shanghai decreased. Soochow fell to Gordon, and shortly after Nanking, the then rebel capital, was occupied by Imperial armies. The Taiping rebellion was crushed in 1864.

For the next decade or two the Foreign Settlement was endeavouring to find its feet. It was necessary to evolve a legal status for the local government as far as the extraordinary

conditions under which the Foreign Community lived would allow. The 'Land Regulations,' Shanghai's Magna Charta, were revised and approved, and the Volunteer Force was handed over, in 1870, to the control of the Municipal Council. Coming to a more modern period, the war between China and Japan in 1894 once again made the Foreign Settlement at Shanghai a possible bone of contention. So far as China was concerned Japan could have occupied the whole surrounding native area as and when she pleased. Japan wisely agreed to regard 'greater Shanghai' as outside the sphere of warlike operations and the danger passed. With the exception of a minor local riot in 1897 nothing in the way of outside interference happened to Shanghai until the Boxer outbreak in 1900. Then once more arose the question of Shanghai's neutrality. That serious danger threatened the Settlement from this murderous outbreak is a matter of history. The tale of missionaries murdered in China is a long one and there is no wish to recall it. But the fate of foreign residents at the time in Shanghai hung to a large extent on the power of the Yangtze Viceroy to prevent the Boxer outbreak engulfing the Foreign Settlement. An agreement to that effect was arranged between the Foreign Consuls and the Viceroy of the Central Provinces, subject to the fact that foreign military operations should be confined to North China. For the time being, until the arrival of the earlier 'Shanghai Defence Force' to emphasize the Consular and Viceregal agreement, the defence and security of the Settlement remained in the hands of the Shanghai Volunteer Force and the Municipal Police.

What would have been the fate of the Foreign Settlement during the Boxer outbreak in 1900 had not foreign troops been at hand to defend it can best be left to the imagination. It was not until 1902 that the foreign garrison could be withdrawn.

Another decade passed with many signs of unrest and insecurity for those charged with the security of the Foreign Settlement, but without serious trouble. Then in 1911 began the revolution against the existing Manchu dynasty. In the autumn of 1911 the Chinese city of Shanghai fell into the hands of the revolutionaries, the Settlement Volunteers had to be mobilized and measures for defence of the Settlement

prepared. Once again the Foreign Settlement was drawn into the seething vortex of Chinese politics.

Early in 1912 the newly fledged Republic came into being, and during that very troublesome period the security and safety of the Foreign Settlement was made good solely through the activities of its own Volunteer Force, the Municipal Police, and by the action of the Foreign Powers. So threatening to public security was the local fighting between the Government forces from Peking and the Kiangsu rebels that the Consular body issued a declaration of the neutrality of the Settlement and surrounding areas, and armed parties from foreign warships in the river landed to take part in resisting any attack.

It would be unnecessary to emphasize the serious danger to the safety of the vast interests, both Chinese and British, centred in the Foreign Settlement at Shanghai in 1912, but for the fact that they point a moral which it would be unwise to neglect. Speaking as the responsible head of the Shanghai Municipal Police at the time, and fully acquainted with what was going on in the Yangtze valley and in the surrounding Chinese areas, the writer may be permitted to make some deductions. In 1912-13 the forces threatening the security of the Foreign Settlement could have created, had they dared, very serious trouble and caused much loss of life. But they could neither have overrun nor have occupied the Settlement. To-day, armed as Chinese troops now are, and accustomed as they have become to incessant fighting and pillage, granted certain conditions, they could and would do both, were the 'Shanghai Defence Force' not there to prevent them.

This is in no sense a reflection upon the forces of the Nationalist Government, nor of its intentions. The troops under the orders of the Nationalist Commander-in-Chief to-day may be well under control. But there are hundreds of thousands of lawless and desperate soldiers in China who are not. There are also still aspirants to Military Leadership in China whose first thought, if successful, would be to gain control of Shanghai with all its enormous wealth, actual and potential. What then would be the fate of the Foreign Settlement, built up by years of careful and honest administration?

In mid-summer, 1924, inter-provincial fighting once again broke out, this time between Kiangsu and Chekiang provinces. The usual routine to secure the safety of the Foreign Settlement and the wealth of Shanghai was gone through. The Municipal Council declared a 'state of emergency' and mobilized the Volunteer Corps. Naval forces were landed from British, American, Japanese and Italian warships, who formed a defence cordon round the Settlement. In 1925, 10,000 Chinese soldiers had to be disarmed and interned. In May of the same year serious labour troubles were started from outside areas which aimed at infecting the Foreign Settlement and French concession. A Chinese mob in procession proceeding to attack one of the main police stations in the heart of the Foreign Settlement, was fired upon by Municipal Police, and a dozen of the rioters were killed and more wounded. This unfortunate occurrence gave rise to intense ill-will, and the result was to embitter more than ever the already dangerously wrought-up anti-foreign feeling. This feeling helped in transforming honest Nationalism into perverted anti-foreignism.

In 1927 disturbances at Hankow and in the Yangtze valley produced the usual threatening re-action upon Shanghai. Labour troubles, combined with the near approach of the Kuomintang southern forces towards the boundaries of the Foreign Settlement, threatened once more pillage and incendiarism. In March martial law had to be proclaimed in the Foreign Settlement and French Concession. The arrival, in the nick of time, of the 'Shanghai Defence Force' with the addition of foreign naval reinforcements soon checked any prospect of more serious disorders. Gradually the situation was straightened out. By May and June, 1927, though very far from normal, the Foreign Settlement was once more secure. That a portion of the 'Shanghai Defence Force' still remains there—November 1931—is the only comment necessary upon the present state of China.

Having endeavoured to indicate some of the past attempts from outside upon the security of the Foreign Settlement at Shanghai, it is necessary for the benefit of readers unacquainted with the anomalous conditions existing, to describe some of the

peculiarities of the present administration both inside as well as outside the Settlement boundaries.

As is now widely known, the Foreign Settlement and French Concession are immediately surrounded by overcrowded, not too healthy, Chinese-inhabited suburbs. The name 'Greater Shanghai' is now used to indicate and include both these and the Foreign Settlement and French Concession. At present 'Greater Shanghai' is administered by three entirely separate and mutually independent authorities, each of which functions under its own special laws and regulations. To endeavour to weld these into one homogeneous whole is the future problem of the richest city in the Far East.

These three totally independent authorities are :

- (1) The Foreign Settlement administered by an elected Municipal Council which includes foreign and Chinese representatives who are subject in certain respects to the control of foreign ratepayers.
- (2) The French Concession adjoining the Foreign Settlement administered by the French Consul-General with the assistance of an advisory body, consisting partly of appointed foreign members, and partly by Chinese members.
- (3) The Chinese areas (suburbs) administered by a purely Chinese Municipal Government. It should be noted that the members of this Administration function under the direct control of the administrative Yuan of the National Central Government of China at Nanking. This, without the intervention of any provincial authority, as is usual in China. It is obvious, therefore, that the Shanghai local Chinese Administration functions entirely according to the will of the Nationalist Central Government. It has not and under present conditions cannot have any authority of its own.

As has already been remarked, each of the above administrations functions under its own special laws and regulations. Which is to say in other words that, in spite of a considerable rise of late years in the standard of Chinese Municipal Ad-

ministration, the outside areas adjacent to the Foreign Settlement are governed by an entirely different standard to that in use in the Foreign Settlement or in the French Concession. That this should be the case is only natural when it is remembered that vast areas in the interior of China are still administered under a sixteenth-century standard. New codes of commercial, legal, educational, religious, marriage, divorce and many other laws have of late years poured from the various administrative Yuans at Nanking. But to promulgate minute rules of conduct on the latest modern democratic lines for 450,000,000 souls, most of whom are still living in the sixteenth century, is one thing: to enforce these laws quite another. The human factor—the 'man behind the gun'—in this case the men set to administer all these innumerable and novel laws, have changed little, inwardly, whatever they may have done outwardly. Peculation and nepotism have always been the curse of Chinese administration. They are so still, and the age-long difficulty in securing an upright, honest, clean-handed governing and administrative class is well known to the world.

In former days, prior to the assumption of the National Government by the Kuomintang and to the fixing of the new republican capital at Nanking, generally speaking, the Central Government at Peking did not concern itself directly with the actions of the Municipal Council of the Foreign Settlement at Shanghai. Neither did the Yangtze viceroys, those high and mighty mandarins under whose supervision Shanghai lay. To-day the situation has entirely altered, not only because of the relative proximity of Shanghai, the richest commercial port in China, to Nanking the capital, but also because of the ever-increasing security to be found in the International Settlement and its vicinity during the last twenty years, compared with the insecurity and chaos over much of the rest of China. Other notable changes in the status of Shanghai have been brought about by the fact that some of the leading members of the Nationalist Government are to-day personally, and very deeply, interested in its future. Also, because Shanghai has come to be regarded as the 'spear-head' of so-called Foreign Imperialism. The surrender of extra-territoriality—in other words

the rendition of Shanghai—is now looked upon by politically-minded Chinese as the outward sign of 'freedom from foreign domination,' whatever that may mean. It is this highly centralized and burning interest in Shanghai, taught to the man-in-the-street by political propaganda, which makes any discussion of its future status and administration so extremely important and so difficult of amicable solution.

In addition to the future of the Foreign Settlement any discussion or new agreement must include the future of adjacent areas Chinese-administered. For together these make up what some day may be known as 'Greater Shanghai.'

The long-continued and uninterrupted tradition of security within Settlement limits has contributed, to a large extent, to the hardly less certain security enjoyed by adjacent areas outside actual Settlement boundaries. There is, as Mr. Justice Feetham has well understood and carefully pointed out, an outside region the limits of which cannot be precisely defined, which enjoys, partially though not fully, the benefits resulting from the security existing inside the Settlement. Warships lying in the Whangpoo River are in a position to protect the important industrial concerns in Pootung, on the opposite side of the river to the Foreign Settlement. The presence of foreign forces in the Settlement has also had some effect, during times of trouble, in keeping contending armies at a distance. This is one of the factors which help to explain the development of industrial activity in certain areas just outside the Settlement boundaries, where numerous factories have been established. Public-utility undertakings, more especially those providing water, light, and power, owe their success and efficiency very largely to the security which they enjoy in the Settlement. Here then we find that much of 'Greater Shanghai' already derives large benefits from the presence of the Foreign Settlement. Were it not for the approved security thus engendered the Chinese-administered areas outside would find themselves just as insecure and liable to pillage as are many other portions of the country.

To use the actual words of the Report, 'taking the position as a whole, it can be said with truth that in the Settlement the rule of law prevails. To say this does not mean or imply

that arrangements as to the recognition of laws to be applied and the exercise of legislative power, or as to the constitution and jurisdiction of the Courts entrusted with the enforcement of laws are in all respects satisfactory; or that the Courts always give right decisions; or that there is an absence of law-breaking; or that many criminals do not escape punishment; but it does mean that in the Settlement, speaking generally, the authority of law is upheld, and private rights are respected, and that the Settlement is governed by an executive authority (the Council of the Settlement) vested with powers which are limited and defined by its constitution, and subject, in respect of these powers, to the control of courts of law which are independent of itself.'

It would be difficult to emphasize more clearly the difference between foreign and Chinese administration and government.

'If,' continues Mr. Justice Feetham 'the question is asked whether the rule of law, in the sense above indicated prevails in China generally, it is clear that the answer must be: Not as yet' . . .

'By reason of the special character of the Foreign Settlement régime, as established under existing treaties, it has proved possible in the Settlement, in spite of many difficulties and complications, to provide by international co-operation a more successful solution of these problems than can be obtained in China under existing conditions. . . . Thanks to the peculiar advantages of its situation in this respect, the Settlement, at the present stage of national development, is able not only to confer considerable benefits on its own large population, and to safeguard the foreign and Chinese interests immediately concerned in its commerce and industry, but also by functioning as the country's principal business and financial centre, to play a unique and essential part in the economic life of China as a whole.'

It is upon this double foundation that there must be built the future of 'Greater Shanghai.'

Now let us look at the Shanghai question through Chinese spectacles, and from a definitely Chinese point of view. If what has already been written is recalled, it will be clearly understood that local administration at Shanghai has never from the earliest beginnings been free from racial antagonism, though to some this may seem to be an overstatement of local conditions. That Chinese and British have many characteristics in common no one can doubt who numbers Chinese gentlemen among his friends. Individually no other Oriental

race has the same capacity for sympathetic and mutual understanding with people of British nationality. Unfortunately, of late years, the two races have been drifting apart, chiefly because of the rise and growth of an extravagant National feeling everywhere in the East. The ill-timed occurrence of May 1925, already referred to, brought this feeling to a head in Shanghai.

It is a commonplace to say that novel means of transport and of Western industrial expansion have brought together in too close connexion masses of people at entirely different levels of civilization or of economic development, long before they were prepared for such intimate association. In Shanghai and its surroundings this is particularly noticeable. Only by collaboration, at first of groups of people and individuals, later on of larger masses, can this racial self-consciousness become dissipated and friction be removed. If this cannot be achieved there remains always the very real danger of proximity without unity.

Were it possible, which of course it is not, to leave the question of the administration of a 'Greater Shanghai' to the three local administrations already concerned, there would be more hope of a speedy and mutually satisfactory agreement. Already local mutual co-operation is growing fast. Extraneous and outside influences and obstacles would then be eliminated, and the overwhelming advantages both to Chinese and foreigners of mutual co-operation could not and would not be ignored. But what has to be faced—and overcome—is the subconscious racial antagonism, developed to a large extent, as has been remarked, by persistent propaganda, but which has been latent on the Chinese side ever since the earliest days of Western commercial dealings with China.

That this is substantially true is a fact, also a factor which cannot be brushed aside; but it should not and need not be a predominating influence against joint co-operation. That it can be allowed to interfere with a satisfactory diplomatic settlement is hardly credible to Chinese common sense, one of the most strongly marked national characteristics. Persistent and illegal efforts on the part of any so-called civilized nation to tear up treaties which have been formally agreed to

under International guarantees and good faith, can only react most unfavourably in this case and in a manner fatal to all hopes of a political and economic resuscitation for many decades in China.

It is frequently forgotten, sometimes purposely overlooked, that it is not only the British Commonwealth which is concerned. Many nations, which include all the Great Powers of the world, are deeply interested in the future of Shanghai.

As the Chairman of the Municipal Council reminded a meeting of Ratepayers in 1927:

'Shanghai as a municipality was not created by and does not derive its powers of government from the legislative assembly of any single state or country, nor from the mandate of any single sovereign power. It was created by and derives its powers from an agreement made between the so-called 'Foreign Powers' on the one part and the Chinese Government on the other part. This agreement, which for want of a better name is known as the 'Land Regulations,' has all the sanctity of a treaty, being as it is a solemn and inviolable contract between sovereign nations.

'In substance and effect although not in form it is a treaty of the highest class, being as it is not merely a bi-lateral agreement between two sovereign powers, but an agreement to which many sovereign powers are parties.'

In the present political condition of China the Government is in the hands of a very small minority, a powerful autocracy represented by a few men who are entirely capable—if they wish—of seeing both sides of the 'Greater Shanghai' question, and of weighing the pros and cons for and against a speedy and peaceful settlement of that question. The personal element can never be wholly eliminated even in politics, and the personal advantages to leaders of the Nationalist Government at Nanking, as well as to the Chinese people individually, of agreeing to a gradual and step-by-step combination of the three local administrations at Shanghai are overwhelming. In the long run, no foreigner acquainted with the trend of events to-day in China is likely to deny the right of the Chinese people to a re-examination of their case as regards the Foreign Settlement at Shanghai. No fair-minded or politically experienced foreigner can expect to retain for ever the

undue preponderating influence in the administration of the Foreign Settlement. And the administration of the Foreign Settlement cannot much longer remain apart and aloof from those of the closely interlocking Chinese areas and the French Concession.

It is equally true, as Mr. Justice Feetham points out, that most of the responsible Chinese business men fully realize the danger, not to say disaster, to themselves as well as to the Chinese business community at Shanghai of any sudden or drastic changes in its present condition. During the last few years local co-operation between the three distinct administrations has considerably increased and will certainly continue to do so in ever-growing measure, but until a more stable condition of things exists in China increased co-operation not rendition is the only safe and practical plan. Under present conditions, as Mr. Justice Feetham emphasizes, rendition of the Foreign Settlement is wholly impracticable, and this he finds to be entirely in accordance with Chinese and foreign opinion in the Settlement.

Whether a new Charter to suit the unified administration of a 'Greater Shanghai' is the best method, remains to be seen. The particular form of any such Charter or Treaty is a matter for diplomatic discussion between all parties concerned. Any new agreement made by the Nationalist Government with the International Powers can only remain in force so long as the present Nationalist Government remains in power. It is far from assured that the present government of China is the last word in political evolution. Be this as it may, no political difficulty need stand in the way of a fresh Charter or Treaty or code of 'Land Regulations' provided that the International Powers act together.

'Security' and 'Co-operation' are the twin pillars which alone can support the growth and future expansion of Shanghai. Granted both, there is hardly any conceivable limit to its possible greatness and prosperity.

QUARTERLY NOTES

RECENT JUDICIAL DECISIONS

TOTALISATORS AND DOG TRACKS

THE Appeal in the case referred to in our notes of recent judicial decisions in April 1931 came before a Divisional Court recently. The Lord Chief Justice in giving judgment said that the Stipendiary Magistrate had dismissed the informations which had been preferred under Section 111 of the Vagrant Act Amendment Act 1873, because he was of the Opinion that having regard to the decision in *Attorney-General v. Luncheon and Sports Club, Limited* (45 *The Times L.R.* 294 (1929), A.C., 400) no betting had taken place on the premises. He (the Lord Chief Justice) thought that that view was wrong, and that it was clear that betting had taken place on the premises. The question, however, for the Court was whether the Magistrate was right in coming to the conclusion that the informations ought to be dismissed.

He went on to say that the essence of Section III of the Vagrant Act Amendment Act 1873 was that there should be 'wagering or gaming at any game or pretended game of chance.' Before a Court could find that there had been wagering or gaming within the meaning of that section, it was necessary to find that there had been a game or pretended game of chance, and, although the wagering or gaming, considered by itself, might amount to a game of chance, that was not enough. There must have been a game or pretended game of chance at which the wagering or gaming had taken place. He was of opinion, therefore, that, although the reason given by the Magistrate could not be supported, the conclusion to which he came was, nevertheless, correct, and that the appeal ought to be dismissed.

Mr. Justice Avory agreed and said that in his opinion as there was no evidence that there had been any wagering or betting *at any game or pretended game of chance*, the Appeal of the Chief Constable against the decision of the Stipendiary Magistrate must fail.

MANSLAUGHTER AND DANGEROUS DRIVING

AN interesting case was recently tried at Derby before Mr. Justice Branson in which the defendant was charged with (1) Manslaughter and (2) Dangerous driving contrary to the Road Traffic Act 1930, Section II, Sub-section 1. The Learned Judge, after a discussion of the case of *R. v. Bateman* 89 J.P. 162 (the case in which it was decided that gross negligence is greater negligence than absence of ordinary care and that it is such a degree of negligence as excludes the loosest degree of care) held that once the line of civil negligence had been over-stepped there was no distinction between the degrees of negligence necessary to support the two charges before him.

The jury nevertheless returned a verdict of 'not guilty' of manslaughter and 'guilty' of dangerous driving. The Learned Judge then pointed out that if the defendant was not guilty of manslaughter he must also be not guilty

on the second charge. Equally, if he were guilty on the second charge he must also be guilty of manslaughter. The jury then returned the verdict of 'not guilty' on both charges.

This decision is of interest as there have been from time to time a number of cases in which a defendant who had killed somebody by dangerous driving has been acquitted of manslaughter and yet convicted of dangerous driving.

23 YEARS OF AGE OR UNDER

If any further evidence was necessary to show that Section 2 of the Criminal Law Amendment Act 1922 was mutilated in the House of Commons to the point of futility, it has been supplied by the decision in *R. v. Chapman*, reported on page 63 of 23 *Criminal Appeal Cases*. The proviso to Section 2 of the Act of 1922 provided 'that in the case of a man of 23 years of age or under the presence of reasonable cause to believe that the girl was over the age of 16 years shall be a valid defence on the first occasion on which he is charged with an offence under this Section.' The question for consideration was whether a person who has passed his 23rd birthday but has not attained the age of 24 at the time when he commits the offence is entitled to rely on this defence. The hearing of the Appeal was begun before three Judges and adjourned for argument before a full bench of five Judges. It was admitted on all hands that the wording was loose, but it was argued for the Crown that the words were 'words of art' and must be construed in their technical sense. For the appellant it was argued that the words were used in their popular sense. The Court applied the rule that 'where an equivocal word or an ambiguous sentence leaves a reasonable doubt of its meaning which the canons of interpretation fail to solve, the benefit of the doubt shall be given to the subject and against the legislature which has failed to explain itself,' and accordingly allowed the appeal. The result is that this defence can now be relied upon by a man up to midnight of the night before his 24th birthday.

The question of what will happen when somebody attempts to show that a man putting up this defence has been previously charged with an offence under the Section remains to be solved. Quite apart from the difficulty of proving that he has so been charged the disclosure of itself would almost certainly be enough to give good ground of appeal against a verdict of guilty.

DISCLOSURE OF ALL AVAILABLE EVIDENCE AND BAD CHARACTER AS A DEFENCE

In the case of *R. v. Guerin*, reported on page 29 of 23 *Criminal Appeal Reports*, the appeal of the notorious escaper from Devil's Island who had been convicted for fraudulently converting false cheques was allowed. Nineteen cheques had been stolen and the appellant was charged with uttering two of them. All the cheques were negotiated before the appellant was arrested and of this no evidence was given. In two cases the appellant was identified as having written the forged endorsements when uttering the cheques. When the appeal first came before the Court it was adjourned and expert handwriting evidence was called to the effect that there was a marked difference between the appellant's writing and the writing on the cheques which formed the subject matter of the indictment.

In giving judgment the Lord Chief Justice said, 'We are dealing with a crime which was most carefully thought out and was probably the work of various minds and various hands, though no such case was presented to the jury. We do not suppose that we have ascertained the truth or anything like the truth, but in the state of the information before us we have the duty, and

the responsible duty, of deciding whether this trial was satisfactory. It is clear that something less than the whole of the story as it was known to the police was placed before the jury. In our opinion, the jury ought to have known that nineteen cheques had been stolen, that fifteen of those cheques had been cashed, and it was only with regard to two of them that any evidence implicating the accused was being offered. More than that, it is difficult to resist the reflection that if the whole story had been before the jury, they might have doubted the identification of the appellant by the two witnesses who professed to identify him.'

Later in his judgment he dealt with the question of the disclosure at the trial of the prisoner's bad character. The prisoner's character was disclosed by the defence. The day before the trial a well-known London newspaper had been fined £1,000 for contempt of Court arising from the publication of matters concerning the appellant. On this point the Lord Chief Justice said, 'We think, further, that this trial was unsatisfactory, because of the facts which were elicited with regard to the bad character of the accused. That disclosure was made in the first instance by the accused's own counsel, and it may well be that he ought not to be allowed to take advantage of that disclosure, but there can be no doubt that the disclosure of those facts must have gravely prejudiced him in the eyes of the jury. His counsel has explained the reasons which actuated him in the course which he took, but nevertheless the result remains. We all think, without expressing anything with regard to the guilt or innocence of this appellant, that we cannot say that if the whole story had been placed before the jury and if the appellant's character had not been divulged, the jury would certainly have convicted. In those circumstances, while we are impressed by the obvious possibilities of this case and while we feel that we do not even now know the truth of the matter, we have come to the conclusion that in the fair administration of the criminal law this conviction cannot stand.'

LEGAL NOTES

POWERS OF THE LEAGUE OF NATIONS.

THE position and influence of the League of Nations in the preservation of peace where circumstances appear to be shaping for war were vividly present to the public mind during the early autumn. The occasion of this interest—the dispute between China and Japan about Manchuria—may, by the time these notes appear, have reached a point when it is clear how the issue is to be solved. In the meantime, many people have been greatly perplexed and have failed to understand how the League of Nations can have jurisdiction to interfere in such a dispute and, most of all, by what means it can enforce on the parties to the dispute its recommendations as to how they should settle their differences. There is much not very well-informed talk about the powerlessness of the League to do anything at all—the League Council can discuss and pass resolutions, but it cannot enforce them. It is commonly supposed accordingly that its power for useful action in a real crisis in the relations between two states is practically non-existent. Such a view of the position of the League in relation to the possible outbreak of war between two states who are members of the League is, we think, misconceived. From a legal point of view, it is of course obvious that the Council of the League of Nations cannot enforce its will upon any particular member or members of the League if they choose to disregard it; that is to say, they cannot actually prevent them from going to war with each other if they want to. There is, of course, the moral force of the so-called Kellogg Pact under which states have agreed

that there shall be no recourse to war in pursuit of national objects. But quite apart from this Pact, to which frequent reference was made at the recent Geneva discussions, the Council, under the terms of the League Covenant, can, by taking certain action, create a situation which makes it much more difficult than it would otherwise be for two states who are at loggerheads actually to go to war. In the first place, when, as provided in Article 12 of the Covenant, a dispute arises which is likely to lead to rupture, the parties to the dispute are under an obligation to submit the matter to arbitration or judicial settlement or to inquiry by the Council of the League, and they agree in no case to go to war until three months after an attempt has been made to find a solution in one of these ways. If the dispute is not settled, the Council, under Article 15, have to make a report containing their recommendations on the action which ought to be taken by the two states concerned; and if this report is unanimously agreed to by the members of the Council (other than the parties to the dispute), the members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report. In the present case, however, China has appealed to the League not under Article 15 but under Article 11, which merely requires the Council to take any action that may be deemed wise and effectual to safeguard the peace of nations. The situation, which may be settled one way or the other by the time these notes are published, must necessarily be influenced by two considerations. First, if Japan goes to war, she will do so with the full knowledge that the whole body of the states members of the League of Nations are anxious that she should not go to war; and Japan will have to face a new kind of international unpopularity which the existence of the League of Nations has made not only possible but inevitable in the case of a member state which acts in defiance of the recommendations of the League. But there is something more practical than mere unpopularity which may ultimately affect the position. Under Article 16 of the Covenant, if any member of the League resorts to war in disregard of Article 15 (to which reference has been made above), it shall 'ipso facto be deemed to have committed an act of war against all other members of the League,' and those other members 'undertake immediately to subject it to the severance of all trade and financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking state, and the prevention of all financial, commercial, or personal intercourse between them.' It is idle to say, in the face of this provision, that the League is powerless to enforce its recommendations, provided of course that the members of the League act up to it. On the other hand states may well shrink from resort to such grave action, and from the use of effective military, naval, or air force action to protect the Covenant.

COUNSELLING AND PROCURING AN OFFENCE.

SOME time ago reference was made in these notes to the difference between an attempt to commit a crime and the intent to commit a crime. As is stated in Archbold, 27th edition, p. 1405, 'every attempt (not every intention) to commit a felony or a misdemeanour is a misdemeanour at common law, whether the crime attempted is one by statute or at common law.' The dividing line between intention and attempt is not always easy to ascertain, but where an act is done which is immediately connected with the commission of an offence there is evidence of an attempt as distinct from an intention to commit the offence. Moreover a person who 'counsels or procures' another to commit an offence may himself be guilty of an attempt to commit the

offence if the other person is 'caught in the act.' A case of this kind came before the courts in New Zealand some years ago, *R. v. Baker* (1909), 28 *N.Z.L.R.* 536. In that case, the prisoner, evidently in answer to an inquiry, wrote a letter to S. instructing him as to the method of opening safes with explosive. No particular safe was mentioned. Two days later (we quote from the summary of the case in the *English and Empire Digest*, vol. 14) S. and W. broke into certain premises containing a locked safe, with explosives in their possession ready for use. They were disturbed before they actually opened the safe, and were subsequently arrested and convicted of breaking into the premises with intent to commit a crime. The letter in question was found on S., and the prisoner, who had written this letter, was subsequently convicted on a charge of breaking into and entering the premises with intent to steal. To the basis of the charge was that 'having counselled S. to commit that offence and knowing that it would be likely to be committed in consequence, he was a party to the offence.' This is an interesting decision which perhaps may go further than our criminal courts would be prepared to go. No doubt a good deal depended on the actual terms of the letter which the prisoner had written, but the New Zealand Court must have been satisfied that the prisoner intended that S. should use for criminal purposes the information he had given him.

It is naturally a matter of very great interest to police officers how far and in what circumstances persons who can encourage others to commit offences or in some way facilitate the commission of an offence by other people, expose themselves to liability to proceedings. In the case of felonies the problem is simply whether one person who assists another to commit a crime has done so in circumstances which make him an accessory. If he is an accessory, he can be prosecuted as the principal offender. In the case of offences triable summarily, the question is whether the person who has assisted in the commission of the offence by another has aided, abetted, counselled, or procured that other person to commit the offence. If Jones wants a drink at a time when it is not lawful for a licensee to sell intoxicating liquor or lawful for Jones to consume it on licensed premises, he may seek advice on the point from his friends. His friend Robinson tells him of a public house down the road, where, if he knocks four times at a certain door, at the back of the premises, he will be likely to get what he wants. If Jones follows Robinson's advice, he clearly commits an offence against the licensing law. Does Robinson commit an offence? One may contrast this position with that which arose in the case of *Benford v. Sims* (1898), 2 *Q.B.* 641. In that case, a veterinary surgeon, who had examined a mare belonging to a coal merchant, gave the latter a certificate that the mare was free from pain and quite fit for her work. In fact the mare was very lame and suffered from a long-standing disease of the feet. Following upon the giving of this certificate the mare was worked, and on proceedings being taken against the veterinary surgeon for unlawfully cruel ill-treatment of the mare, the magistrate found that the working of the mare was in fact an act of cruelty, but he dismissed the information against the veterinary surgeon on the ground that, although his advice in some degree influenced the owner to cause the animal to be worked, such advice was the remote cause of the cruelty in any degree. On some degree, and not the proximate cause of the cruelty in any degree. On appeal to the Divisional Court, this view did not receive support, and the Court held that the veterinary surgeon might have been found guilty of the same offence as if he had been the principal offender on the ground that he knowingly counselled the owner to cause the act of cruelty. The point was argued mainly on section 5 of the Summary Jurisdiction Act, 1848, and Mr.

Justice Channell held that the true construction of section 5 is to make anybody who aids, abets, counsels, or procures liable to be proceeded against in any respect as if he were a principal offender. The Court were clearly of opinion that on the facts of this particular case the veterinary surgeon in giving the certificate had counselled the commission of the offence; but they were careful to say that their decision afforded no ground whatever that a veterinary surgeon who gives a wrong opinion and commits an error in judgment is liable to be convicted of cruelty if the effect of his opinion being followed is that an act of cruelty does in fact result. The authorities appear to show that something in the nature of a conspiracy has to be established in order to convict one person of aiding another by advising him how he can do without serious risk of detection something which it is an offence to do. Short of this there may be moral guilt, but no more. It is the duty of every citizen to prevent a crime or offence from being committed if he in fact has the opportunity of doing so. If he not only fails in this duty but actually co-operates in the commission of the crime or offence, it is his own fault if he finds himself exposed to liability for proceedings for aiding, abetting, or counselling the offence. For the police the problem is often one of serious practical importance. No doubt, the wise police officer refrains from reporting such a case with a view to proceedings unless he is reasonably certain that the abettor is as much in fault as the principal offender; and in this we think he would be right.

THE FUGITIVES FROM DEVIL'S ISLAND.

THE considered judgment of the Privy Council in the case of *Kossekechatko v. Attorney-General for Trinidad*, to which reference was made in the Legal Notes of the last issue of *The Police Journal*, was delivered on the 22nd October. From the summary of the judgment, which appeared in *The Times* of 23rd October, 1931, it appears that the main ground on which the Privy Council decided that the fugitives from Devil's Island could not lawfully be extradited from Trinidad was that no proof had been forthcoming in any of the cases under consideration that the crime of which the escaped convicts had been convicted was in fact a crime committed within the territory of the French Republic. It was pointed out that in the case of each appellant his conviction in France did not necessarily involve that the crime of which he had been convicted had been committed in the territory of the French Republic. Accordingly, their Lordships, while observing that the appellants as convicted criminals had no claim to benevolent consideration, held that there was no jurisdiction to order their return to French territory. The judgment was based also on the ground that, quite apart from the failure of the French authorities to furnish proof that the crimes were committed in French territory, the legal authorities in Trinidad had failed to bring into existence a 'valid order justifying detention of the appellants in custody.' The invalidity of the order made in Trinidad was due to the fact that it was given by a magistrate who had not heard the evidence and who, for the purpose of making the order, was 'no better than a stranger.'

The main cause therefore of the failure of the extradition proceedings in this important case—the absence of proof that the crime had been committed in French territory—draws attention once more to the great difference between the jurisdiction claimed by many continental and other foreign countries as contrasted with the jurisdiction claimed under the British system. When the Privy Council stated that the fact that a person was convicted in France affords no proof that the crime of which he was con-

victed was committed in France, they presumably had in mind the fact that under the French system of law every French citizen is liable to be proceeded against in French territory for crimes committed outside French territory as well as those committed within the territory. Our own law and that of the Dominions are based on a different principle; *prima facie*, our criminal jurisdiction is exclusively territorial, apart from the commission of crime on British ships, and the only cases (e.g. murder, manslaughter, and treason) in which exception is made from this principle are those in which statutory provision is made for the trial and conviction within the jurisdiction of persons who commit offences outside the jurisdiction, *i.e.* in non-British territory.

It is conceivable that the result of the Privy Council's decision in the Devil's Island case may lead in due course to a demand for re-consideration of the principles on which our law of extradition is based. In particular, it may be necessary to consider whether the law and the treaties, which are necessary to put the law in operation in relation to any particular state, should not be revised so as to remove the necessity for formal and exact proof of the commission of the extradition crime *within the territory* of the state asking for extradition, and to require only proof of the commission of a crime *under the law* of that state.

THE illustration opposite page 56 shows the type of police box which will be used by the Edinburgh City Police on the inauguration of the Police Box System, when one hundred and forty of these boxes will be erected in that city. Great credit is due to both the designer, E. J. MacRae, Esq., A.R.I.B.A., City Architect, Edinburgh, and the manufacturers, The Carron Company, Falkirk, for their excellent workmanship. The boxes are constructed of cast-iron, and their dimensions are as follows: 6 ft. 4½ ins. long, 4 ft. 5 ins. wide and 8 ft. 1 in. high from ground to eaves. The fittings include ambulance and telephone cupboards, a table and folding seat, shelves, pigeon-holes and coat-hooks. A wash-hand basin is also installed and the boxes will be electrically heated and lighted. In addition to the telephone installation for use by the police, a telephone will be provided at each box for use by the public in cases of emergency.

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ARCHIVIO DI ANTROPOLOGIA CRIMINALE, PSICHIATRIA E MEDICINA LEGALE (Journal of Criminal Anthropology, Psychiatry and Medico-Legal Subjects). Supplement to No. VI. of 1930 (Vol. L., Series IV.), and supplement to No. I (January-February) of 1931 (Vol. LI., Series IV.). Edited by Professor Mario Carrara and others. (Turin: Fratelli Bocca, Publishers.)

THE first of these supplements is a Jubilee issue to celebrate the completion of the fiftieth year of this Italian periodical of medico-legal science, which, founded by Cesare Lombroso, has a deservedly high reputation as the official organ of the Medico-Legal Society of Italy and of the Department of Criminal Anthropology and Penal Legislation at the University of Turin. The supplement consists of eulogistic references to the achievement of the *Archivio* in providing an approach to the study of crime through the medical, natural and social sciences. The contributors consist of statesmen, lawyers, professors of forensic medicine and others in Italy, Germany, France, Belgium, Spain and elsewhere, including one from Canada and three from the U.S.A. Amongst the latter are Dr. Thorsten Sellin, of the Bureau of Social Hygiene in New York, and Mr. Auguste Vollmer, the well-known Chief of Police of Berkeley, California.

It is an interesting speculation as to the historical cause which has made the Latin races, and Italy in particular, contribute to the development of a criminological science: Becarria, Lombroso and Ferri are great names. The Editor of the *Archivio* Professor M. Carrara, of the Turin University, bears an honoured name in this connexion.

Though in England, as readers of the *Police Journal* will have perceived, the doctor, the lawyer and the policeman are not at one regarding the psychology of the criminal, yet on the whole the Anglo-Saxon mind has been unwilling to accept the original thesis of Lombroso, the doctrine of a 'criminal type,' predicating the existence of human beings who by virtue of certain biological imperfections are destined by nature to be criminals. Dr. Goring's analysis of English convicts showed that people inside jails have at least as many biological differences *inter se* as people outside. Full recognition, however, has been accorded to the fact that Lombroso gave a great impetus to the study of the criminal on a scientific basis; and a tribute is due to the Italian specialists in forensic medicine of the present day who have been guided by his scientific spirit.

It is common ground between the British and the Continental Schools that an amelioration of certain social conditions such as poverty, intemperance, bad housing, imperfect education, have a beneficial effect in reducing criminality.

The British recognize the value of Continental research into social environment, economic conditions, criminal pathology, penal legislation, and many similar factors dealing with the creation of, as well as the prevention and detection of, crime.

The other supplement consists of the proceedings, in 1677 pages, of the

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Congress of the Medico-Legal Society of Italy, held at Bologna in June 1930. It is a model of what such a record should be; well arranged, fully documented, with good illustrations, practically all the contributors being Italian scientists. A few articles may be mentioned as typical. One is by Professor Canuto of the Medico-Legal Institute of the Turin University, entitled 'Jaw Wounds from Firearms.' Another example is 'the net-like texture of the human heart in its normal condition and its behaviour under pathological conditions after death.' The author of this paper was Dr. F. Ballota, of the Medico-Legal Institute of the University of Bologna. The only police contribution appears to be one from the pen of Dr. P. Blanconi of the Higher Police Science School at Rome, entitled 'The personal history sheet of the accused person, and the knowledge of his personality derived therefrom.' To police surgeons, practitioners in forensic medicine, and all interested in the adoption of the scientific method in dealing with crime—granted, of course, a knowledge of Italian—this collection of papers is of real value.

C.I.D.: BEHIND THE SCENES AT SCOTLAND YARD. By H. L. ADAM. 12s. 6d. net. (Sampson Low.)

THIS is a most disappointing book and the title is hopelessly misleading. The author evidently realizes that the title may give a false impression and he does something to tone this down by stating in a short prefatory note that he has 'not given away any secrets.' This is beyond any question true.

The book is full of small annoying inaccuracies. For instance, Sir William Horwood is referred to as being appointed Chief Constable: the present Director of Public Prosecutions is referred to as a K.C.: a 'soup' brief is mixed up with a 'docker' brief, and so on.

The author's account of how he slipped on the mat when interviewing Lord Darling might do very well as the worst type of Society gossip snippet in a newspaper, but it is not worthy of inclusion in a book which from its make-up would appear to be a serious attempt to deal with a department of world-wide fame.

For his historical facts Mr. Adam has drawn fully upon Mr. Moylan's book on Scotland Yard, and where he has done so he is accurate.

An attempt has been made to write in a popular style, but the result is not satisfactory. Almost all the cases referred to have been dealt with more fully elsewhere before, and the accounts of meetings with famous ex-C.I.D. officers (most of whom have left the Service many years ago) though interesting are not exciting.

Vague allegations to the effect that under the system existing at the present time, it is impossible for C.I.D. officers to mix with the criminal classes without being recognised; that the time of the C.I.D. is occupied in making out 'reports'; and that under 'a truly enlightened and wisely ordered system' there would be no such thing as 'information received' are frankly rubbish and never ought to have been made.

On the whole, whilst the author has views which must have been and must still be considered by those interested in detective work, one cannot resist the conclusion that this book is not worthy of its subject.

EXTRAORDINARY CRIMES. By JOHN LAURENCE. 12s. 6d. (Sampson Low, Marston & Co.)

MR. JOHN LAURENCE's book is chiefly noteworthy for the inclusion of several crimes not widely known to the public, and not usually to be found in collections of criminological studies. One gets rather weary, in these days of mass

production of crime literature, of constantly reading accounts of the achievements of such well-known malefactors as Crippen, Palmer, Seddon and the ever-present Thompson and Bywaters. Consequently, it is refreshing to find lucid and interesting studies of such lesser-known crimes as the mystery of the death of Maria Louisa Kirwan, the Blenheim Swamp affair, and last but by no means least the very interesting psychological study of a murderer which Mr. Laurence entitles 'the Murdering Orator.'

It must not be inferred from the above remarks that cases of great public interest have been ignored in this book. Far from it. For such classics as the Sidney Street siege, the Gutteridge murder, and the amazing affair of Landru, are all included, and in spite of the thousands of words which must have been written on the subject of these historic crimes, Mr. Laurence has managed to present each of his accounts from a new or unusual angle.

En passant one cannot help wishing at times that someone with the undoubted ability of Mr. Laurence would produce a book of criminological studies which did not contain a single murder, for really after reading this and many other kindred works, one almost comes to the conclusion that in the opinion of the literary criminologist the word 'crime' has come to be synonymous with the word 'murder'; and this is a pity, for although murder is undoubtedly the most heinous of all crimes, it is not necessarily the most interesting manifestation of anti-social psychology.

However, *Extraordinary Crimes* is a very useful addition to the shelves of any student's library, be he professional or amateur.

VINCENT'S PENAL CODE AND GENERAL MANUAL OF CRIMINAL LAW. 3s. 6d. (Butterworth.)

THIS invaluable work, which in 1931 appeared in its seventeenth edition, is about as complete a reference work regarding things pertaining to the Police and Criminal Law as one could wish for.

The latest edition, which has been revised by the Commissioner of Police, Lord Byng, who incidentally contributes a preface, contains new paragraphs relating to the Road Traffic Act of 1930, which it would be as well if all motorists and users of the road were to endeavour to commit to memory. On the value of the work to police officers there is no need to comment; but it may not be out of place to express a pious wish that all writers of crime stories should, before setting out to write their best sellers, purchase a copy of the *Police Code*, and thus avoid the many technical pitfalls into which they are prone to stumble.

THE POLICE COURT MISSIONARY'S STORY. By H. COURTENAY ORCHARD (Town Mission, Walsall). 6s.

IN this book we meet a good man doing a great social work and telling about it in his own colloquial way. There is no pretence to literary style, but sincerity and directness of purpose give real value to a poignantly human story. The dedication, 'To Brave Souls I have met in Police Courts and Slumdom, and those Funny Beggars who have laughed amid adversity, and made me laugh with them...' quaintly expresses the aim of the book. No one engaged upon the production of the volume has ever spent a day in a printing or book-binding establishment, and the result does credit to confessed amateurs. Verbal and pictorial illustrations abound and are usually most apt. A brief notice precludes quotations, but the author tells his story vividly, and as it proceeds one is moved to laughter, and almost to tears, by the pathetic humour of his experiences. It is good to be reminded that, behind the seamy drabness

suggested by cases so painfully common in our criminal courts, there are men like Mr. Orchard who have an incurable belief in the spark of goodness latent in the most hopeless specimens of human nature. Disappointments have their place, but the patience, tact, and faith evinced by the author are rewarded by fruits that should encourage those who would offer redemptive help to their hapless fellows. Possibly the title of Mr. Orchard's final chapter would best describe the form of the tale he has to tell—'Random but Relevant.'

CRIME AND ITS DETECTION. Edited by W. TEIGNMOUTH SHORE. (12 contributors.) In Two Volumes. 30s. (The Gresham Publishing Co.)

FOR two thousand years it has been held that 'the way of transgressors is hard,' and perusal of these two sumptuous volumes suggests that it will become ever harder, unless indeed our civilization goes down altogether.

This 'work is confined to British detective practice and methods in use to-day.' Its scope ranges from the psychology of witnesses to the training and use of dogs in police work, and includes chapters by sundry specialists on 'City,' Dock, Metropolitan and Provincial 'Forces,' on all the scientific and 'expert' resources available to Society in self-defence, and on the educational training of the student detective, with a sketch of the possibilities of his chosen career. It is concerned, of course, with the detection of crime as such, *i.e.* the differentiation between crime and the results of accident.

But it is mainly concerned with the detection of criminals. Therein criminals are roughly classified as occasional and professional, and the difficulty of detecting occasional criminals for *lack of records* is duly emphasized.

'Criminals are detected, not by the piercing insight of genius, but by systematic investigation . . . and by the efforts of many men combined into a regular system . . . founded entirely on the fact that every criminal . . . has his own idiosyncrasy which stamps itself upon everything he does.'¹

Similarly Inspector Crutchett, under 'The Detective at Work,' writes, 'The Police are not miracle workers' without 'facts to work on . . . they are powerless'; and adds 'there are some all-round men' but 'a criminal usually has his own particular method.'

The record of these methods, along with finger-prints and the like, constitutes the Crime Index (at Scotland Yard) which Mr. Lloyd Woodland, under 'Provincial Detective Forces' describes as 'of enormous help in linking an individual with a crime.' Startling illustrations are given of the difficulties attending identification, and three sections are devoted to this important subject.

A detailed description of finger-prints, their preservation, and classification by the Battley method; and of the chief blood tests in use to-day, is given by Dr. Ainsworth Mitchell, with cases illustrating their value as evidence for, or against, suspected persons.

Dr. Mitchell also describes the evidences obtainable from inks, papers and sealing waxes; and from hairs, but without reference to Prof. Glaister's very recent and comprehensive work on *Hairs and Wools*.

Recent tests for alcohol in the living subject, their fallacies, but negative value in pretended drunkenness should interest both motorists and police.

Several cases of poisoning are described in instructive detail with cautions as to the discreet observation, tact and common sense required of the detective in handling all such matters.

¹ *Crime and Criminals*, pp. 261 and 262, C. A. Mercier.

Under 'Medical and Surgical Evidence' Dr. Leonard Parry relates remarkable cases proving that a bullet wound in the brain and another in the heart may both be self-inflicted.

In the second volume ten cases of murder are related, revealing in brief the evidence as actually presented in Court; excellent summaries for a study of legal and detective methods. Multitudinous questions arise in the tracking of criminals, and the many illustrative cases given throughout add greatly to the interest and value of the whole work.

The illustrations, paper and print are all excellent and the book may be confidently recommended to all concerned with criminals and their ways.

BYGONE PUNISHMENTS. By WILLIAM ANDREWS. 10s. 6d. (Philip Allan.)

Was the merriment of England so very apparent before, as argued in a recent work, it declined under the Puritans?

Mr. Andrews shows that in the thirty-seven years of Henry VIII.'s reign 72,000 persons were hanged: the countryside was decorated with their corpses, and towns with bits of traitors; poisoners were boiled; beggars were whipped at the cart's tail; non-attendance at church might involve the loss of the ears; children could not without leave speak or sit down in the presence of their parents.

Has modern industrialism degraded the poor? Before the Conquest not infrequently churls were mutilated and dismembered, and servants died under the lash. The early Norman kings enforced their game laws by mutilation. Under Edward VI. vagabonds could be branded and reduced to slavery for two years. Later, unemployment was met, not by the dole, but by the whipping-post, where even insanity and small-pox were punished. With good reason beggars preferred Hell to Hull or Halifax. Branding in the hand was common for minor offences, but not without discrimination, since in 1782 a clergyman was branded with a cold iron. The pillory and the stocks could often be avoided by payment.

At any rate the lot of servants and children has improved. In 1760 and later men and maidservants were frequently whipped, and, at a time when theft from the person of one shilling carried the death penalty, children were flogged whenever executions took place. Their edification must have been somewhat marred in 1738, when a drunken hangman, conceiving he had three instead of two victims, attempted to hang the chaplain.

There are many points of particular interest. The *peine forte et dure*, inflicted on accused persons refusing to plead, generally caused death by pressing, but saved property. It was in the interests of decency that women were not hanged but burnt for civil offences, but previous strangulation was always intended. A man's fate in the pillory was uncertain: three instances are given of pelting to death; Titus Oates was nearly killed his first day, and nearly rescued his second; Defoe was decorated with flowers: the publisher of the *North Briton* received an ovation and some 200 guineas. The stocks were used mostly for drunkards, or the wicked who imbibed during Church Hours: even some sixty years ago this punishment was once inflicted, but was nullified by money and beer.

The employment of the cuck-stool, ducking-stool, joughs and branks is explained by the fact that the free use of the tongue in the Middle Ages gave rise to riots and feuds in a manner now inconceivable. One's wistful longing for a return of the ducking-stool will be tempered by the story of the unsympathetic magistrate, who ducked the complaining husband along with the scolding wife.

This able book is illuminating from many points of view. Whatever explanation the historian may provide for excessive, barbarous and fantastic punishments, he will scarcely disprove their futility.

HOUDINI'S ESCAPES. By W. B. GIBSON. 10s. 6d. (Philip Allan.)

HOUDINI died in 1926. This book, which has been compiled from notes intended for publication left by him, contains explanations of spectacular tricks successfully performed and suggestions for new miracles. It includes escapes from boxes, barrels, a mail bag, a milk can, a coffin, a glass cylinder, a block of ice, a rack, and a 'Spanish Maiden.' Most depend on ingenious mechanical devices. A policeman will probably be more interested in the escapes from handcuffs, ropes, and strait-jackets. For genuine handcuffs the problem was to conceal keys; for ropes and strait-jackets the secret was to obtain the necessary slack.

The famous Chinese Water Torture Cell escape is not included, nor are Houdini's prison escapes. The latter, it is stated, no one but Houdini could have effected. He had no apparent means of obtaining tools or keys: he emphasized the fact that he had none on his person; he did not depend on complicity with warders.

Spiritualists have affirmed that Houdini was a medium and supernatural. He himself denies this, and states that he accomplished his purposes by physical, not by psychical means. It is explained that he was not a contortionist, and, though he had his undivulged secrets, these were not mysterious or inexplicable. He did, however, possess great physical strength and agility besides inventive genius, mechanical ability and a supreme gift for showmanship. 'Many of his effects were so hazardous and nerve-racking that no one, even if familiar with the *modus operandi*, would have the courage, physical ability or temerity to attempt to duplicate them.'

It is fortunate that Houdini was not a criminal, since his record would have been terrifying. This book is however a fresh indication of how little reliance can be placed on jails and fetters alone to secure prisoners. A criminal, with but a fraction of Houdini's cleverness or physical powers, could probably, by following some of his methods, frequently effect an escape, if it were worth his while. Generally it is not.

THE PINKERTONS. By RICHARD WILMER ROWAN. 18s. net. (Hurst & Blackett.) 1930.

THE story of this remarkable family is full of thrilling incident, and this volume makes good reading. The various adventures are well told, but it is impossible to summarize them so as to give an adequate impression of the interest of the book. The setting of the story, or rather the series of stories, is necessarily confined to the United States, but the British reader need not be deterred on that account. The history of this detective dynasty is continued up to 1930, when Allan Pinkerton, grandson of the original founder of the 'Agency,' died as the result of war injuries.

LOOKING INWARDS. By VERONICA and PAUL KING. 7s. 6d. net. (Heath & Cranton.) 1930.

THE only point of contact between this book and the jurisdiction of the *Police Journal* is the chapter on Crime. For the rest the subjects range from the influence of the press, education, health, spiritualism, freemasonry, and other topics too numerous to classify. As a result, this belongs to the type of

'general' book, with far too little definite purpose, while the problems it touches, many of them of a highly controversial character, are superficially and dictatorially considered. The chapter to which we have referred is partly platitudinous and partly inaccurate. Humanitarian 'prison reformers,' for example, are often quite as impracticable as the authors allege; but the authors entirely fail to realize that those who aim at applying such psychological knowledge as they possess to the treatment of criminals, are animated, whether successfully or not, with the desire to find a cure for criminological causes, and not merely for the sentimental purpose of 'pampering the criminal.'

THE ART OF CRIME. By ARTHUR R. L. GARDNER. 10s. 6d. net. (Philip Allan.)

'If a thing is worth doing at all it is worth doing properly' is a maxim of very general application, and in this volume the author shows its importance in what he calls Crookdom. Time and again he shows how the confidence man or blackmailer has been caught as the result of what is nothing more than an act of gross carelessness on his part, engendered perhaps by conceit. Examples of this are found where the confidence man repeatedly returns to the same hotel, or attempts to practise his wiles on the same person two days running. Disaster, too, frequently overtakes the blackmailer who does not know where to stop. His victim will eventually turn, and the real artist should be able to tell just how far he may safely go. The author's theme is 'Crime is an Art and only the real artist will succeed.' The chances of the crook are painted in much rosier colours by Mr. Gardner than by many other contemporary writers. His success, however, inevitably depends on the care and forethought which he gives to his profession. This is an age of specialists, and the coiner and the thief, no less than the University professor, must study his subject from A to Z. In the large majority of cases the forces of law and order will sooner or later, probably sooner, prevail, but in the author's view the intelligent crook still has a sporting chance. Scientific discoveries may be used by him as well as against him. There still are, and presumably always will be, an enormous number of persons who will fall victims to the really plausible confidence man. Both sides of the profession may learn much from this book. The public are warned of what is in store for them if they are unwary or too sympathetic, while the wise crook should find in it some good advice about thoroughness and care. It is written in a racy style which will be all the more appreciated if the volume is not all read at one sitting.

KING CRIME. By COLLINSON OWEN. 12s. 6d. (Benn.)

So much has been written by American journalists on the subject of American gang warfare and crime in general, that the ordinary member of the British public is apt to consider that everything he reads about Chicago and its underworld is at least highly coloured, if not definitely untrue. Therefore it is most satisfactory to read a book which goes deeply into the question of gang organisation and crime, and which is the product of an English journalist of distinction.

Mr. Collinson Owen sets about his task in most workmanlike style, and in addition to vivid descriptions of the more modern and notorious denizens of the American underworld, he devotes some little space at the beginning of the book to the earlier history of American criminal gangs, and he shows quite plainly that there is such a thing as a 'criminal tradition,' and that this can

have effect on posterity in exactly the same way that military or legal traditions can affect posterity in more reputable circles.

The whole book is most vividly written, and has more than a spice of satirical humour which definitely lifts it from the common rut.

CRIME AND CRIMINAL LAW IN THE UNITED STATES. By PROFESSOR H. BEST, LL.B., Ph.D. 25s. (The Macmillan Company.)

In this book, which, as the author explains, is meant 'but in small degree for the learned lawyer or the expert in the several fields of criminological thought and practice,' Professor Best has set himself the difficult task of expounding the situation as to crime and criminal law in the United States. He has dealt with this subject mainly in the light of its social bearings; but he has covered a wide field, his treatment of the subject extending to the general nature and classification of crime, criminal procedure and the extent of crime in the United States, the condition and characteristics of crime population as reflected in prison population, forms of punishment (including some cogent observations on the subject of capital punishment), and penal institutions. In addition, a considerable amount of useful statistical information is given. The general object of the author is to suggest possible improvements in criminal procedure. The appearance of this book is timely, and we think its plan well conceived. An English reader naturally tends to compare his own system with that of the United States to the disadvantage of the latter; and thanks to the frankness of Professor Best in exposing the defects of the American system such a comparison receives a good deal of support in certain chapters of this work. Some of these defects are, of course, directly due to the conditions peculiar to that vast and composite community, e.g. the practice of lynching which, as Professor Best points out, is a serious blemish upon the criminal process of the United States and upon its civilisation as well. He has much to say about the shortcomings of the system of detection of crime and the trial and treatment of criminals when caught; but we do not think that all his suggestions are likely to receive general assent. In particular, under the heading of 'Possible Improvements in Criminal Procedure' the author develops his view on police and police administration. With many of his suggestions we are in agreement, but his proposals for police training schools—admirable as they may be in theory—tend to go beyond what is really practicable. We doubt whether any body of police in any country is ready at the present day for a course of study which includes in its curriculum such subjects as 'Psychopathic laboratory methods' or 'Involved mental processes following certain stimulations of emotions and instincts.' There are very few sections of the community which are capable of grasping fully and benefiting by such an elaborate system of education as the author of this work suggests for the police.

Within the limits of a short review it is impossible to do justice to the thought and care with which this book has been written, or to indicate more than one or two of the points which make it well worth a careful study. Many of Professor Best's suggestions will prove to be of help not only to the competent authorities in the United States, but also to those in other countries, including our own. He has undoubtedly made a valuable contribution to the criminology of the United States.

THE POLICE JOURNAL

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Police Gold Medal Essay Competition

*Full particulars as to the 1932 Competition
will be announced later.*

As stated in previous numbers, the essays for the 1931 Competition had to be submitted on or before November 30, 1931.

The subject of the 1931 Essay was *The Scope and Functions of Local and Central Control in Police Administration.*

The essays submitted are now under consideration.

The award of the Council of the Police Gold Medal Essay Competition will be made public later, in such manner as the Council shall see fit.

Notes on Recent Crime

CRIMINAL events have been overshadowed by the sensational outbreak of mutiny at Dartmoor, which seems to have been engineered by a few desperadoes with a view to escape. Du Parcq, K.C., now a Judge, has conducted a Home Office inquiry, and criminal proceedings are apparently contemplated. The moral seems to be that a new class of desperate criminal, modelling himself on the American gunman, has arisen. One can only be thankful that so far the English police, unarmed, have been able to deal with them, and that English juries have not, like American juries, been afraid to convict. Gangster leaders like Jack Diamond and Vincent Coll terrorise New York with impunity, till they fall by the revolvers or machine guns of rivals; the same class of man here has to try and break out of a convict prison.

A bad case of an English gunman was that of Yaroslav Charles, aged 27, convicted before Mr. Justice Humphreys at the Old Bailey of shooting at a policeman with intent to murder, in order to evade arrest for burglary at Thames Ditton, and sentenced to fifteen years' penal servitude. 'Disobeying a gunman is committing suicide. The gunman is not a murderer. If I fire, it is self-defence,' so the man wrote. An accomplice, named Short, who ran away before the shots, was sentenced to five years' penal servitude for the shooting, on the principle of 'common design'; this sentence the Court of Criminal Appeal has quashed, on the ground that the evidence did not show sufficient 'common design.' While the law must be administered fearlessly for public safety and to protect the police, as the Judge said, the doctrine of constructive murder or attempt to murder needs watching. The Recorder of London has expressed the view that the gravest crimes of violence are being perpetrated by young men between 18 and 26, and a number of motor bandit and

other robbery with violence cases tried before him seem to confirm his opinion. But, here again, caution is needed that one does not punish merely from fear. One Van Dyr, a man with a very bad record, was sentenced to seven years' penal servitude for wounding; and, though the Court of Criminal Appeal has upheld the conviction, the Home Secretary released the man after five months.

Mr. Justice McCardie, who does not believe with Mr. Justice Hawke that a judge's 'sole function is to administer the law and not to suggest any changes,' has expressed himself very strongly at Leeds Assizes on the subject of abortion. 'The law of abortion should itself be amended. It is a moral duty in many cases to procure miscarriage. The risks of abortion, if performed with proper skill and care and by those competent and in proper circumstances, are but slight.' He bound over several amateur abortionists and sentenced a professional abortionist, who had caused a woman's death, to seven months' imprisonment. Other judges, other views. Mr. Justice Humphreys at the Old Bailey sent a professional abortionist, previously convicted, to eight years' penal servitude and sentenced a woman, not previously convicted, for aiding and abetting to fifteen months' imprisonment. Mr. Justice Swift at Liverpool Assizes sent a professional abortionist to five years' penal servitude. 'The law does say that, once conception has taken place, no one shall interfere with the due course of nature and the proper birth of a child into this world.' Mr. Justice Mackinnon at Birmingham Assizes, saying that he was there to administer the law, sent a woman, who had caused death, to three years' penal servitude.

The question of coroners' powers is once again being discussed. In two murder cases, those of Norah Upchurch, a young girl in Soho, and of Vera Page, a child in Notting Hill, grave suspicion, but no more, rested on an individual. The inquest was used as an opportunity for cross-examining the suspect, as if the Coroner were a French examining magistrate. Many think that the law ought to be logical and either

adopt the examining system altogether: or, as heretofore, not compel a man to incriminate himself.

A murder case in Scotland has aroused considerable interest. A Glasgow jury, by a majority, found a young man named Queen guilty of strangling his mistress, in spite of strong medical evidence by Sir Bernard Spilsbury that death was due to suicide. They added a recommendation to mercy, which would seem hardly to be justified, if murder was committed. A young soldier, named Pople, was sentenced to death for murdering a woman, who was riding a bicycle on a lonely Oxfordshire road; the woman was horribly injured and the motive was apparently to snatch a purse. Two murderers at Manchester Assizes insisted on pleading guilty, in spite of strong efforts from the Bench; one was executed and one reprieved. A widow of good position, named Mrs. Dampier, who killed her manservant and then endeavoured to make the crime appear to be suicide, was at Hereford Assizes found guilty but insane. A suicide pact case at the Old Bailey against a young naval man ordered to China, whose defence was that he turned on the gas so that the girl might be frightened and given a lesson, ended in an acquittal; juries clearly do not like the law of suicide pacts.

The Court of Criminal Appeal, in an appeal from Mr. Justice McCardie on sentence, have once again affirmed the important rule that a man, whatever his previous convictions, must be given a sentence commensurate with his actual offence. In the particular case a sentence of four years' penal servitude was reduced to eighteen months' hard labour, the offence being office-breaking. The same Court has quashed a conviction before the Recorder of London, in the case of a man named Rabbitt, which was substantially based on the uncorroborated evidence of an accomplice. The Recorder, instead of warning the jury, told them, 'If Rabbitt was the guilty man it was only to a criminal that he would unbosom himself'; and he brushed aside a strong alibi.

Arthur Jack Klein, after a trial lasting twelve days before Mr. Justice Finlay at the Old Bailey and after three hours' deliberation by the jury, was found guilty of receiving over £250,000, knowing it to have been obtained by fraud, and was sentenced to twenty-one months in the second division. The money was part of the million or so obtained by Jacob Factor, now resisting extradition from America, by share-pushing of the most unscrupulous kind through the Broad Street Press. A young Oxford undergraduate named Davies, who ran over and killed a policeman in Oxford with a sports car and, losing his head, drove on down into Wales, was acquitted of manslaughter before Mr. Justice Charles at the Old Bailey. It was a case—the policeman, it was proved, was in a 'pool of darkness'—which, but for the fact that the driver did not stop, would probably not have been brought. An interesting blackmail case, involving a distinguished retired naval officer named Kerr, who was accused of blackmailing a parliamentary candidate with a bad financial record, ended in an acquittal. An important point of law that it is not blackmail to threaten a man in order to make him pay a just debt was not decided. A poet named de Montalk has been sentenced to six months in the second division for publishing an obscene libel. The obscene libel was his own poems and the publication was to a publisher, who was approached to publish them for private circulation. Some of the poems were translations from Rabelais, and they were all meant to be serious literature. The Recorder of London described them as 'offal' and said that the man was trying 'to deprave our literature' and 'deflower our English language.'

An unqualified medical practitioner named Ensor was acquitted at the Old Bailey on charges of fraud arising out of his practice, and it was laid down that the medical profession have no monopoly of the healing art or of the term 'Doctor,' and that an unqualified man might practice, provided no Act of Parliament forbade it and he did not pose as qualified.

Long Firm Frauds

MANCHESTER CITY POLICE

BY SUPERINTENDENT W. TOWNSEND AND DETECTIVE-INSPECTOR I. VALENTINE

IN a comparatively short survey it is not easy to put in sequence the facts of one of the most outstanding long firm frauds perpetrated in the City of Manchester, a case which occupied Judge and Jury at the Assizes in July, 1930, a full fortnight, called for the services of 17 Counsel and the evidence of 150 witnesses, and involved a loss to the commercial community totalling £167,000.

The sequel to this fraudulent trading was the arrest of nine Manchester merchants, eight of whom were sent to prison. They were :

Joseph SCHWELLER	-	4 years' Penal Servitude.
Harry STANNING	-	3 years' Penal Servitude.
Ellis STANNING	-	20 months' Hard Labour.
Louis RUBINSTEIN	-	18 months' Hard Labour.
David BERKOVITCH	-	12 months' Hard Labour.
Samuel MASON	-	9 months' Hard Labour.
Arthur Henry BROWN	-	9 months' II Division.
Arthur SHORROCK	-	9 months' II Division.
Morris BERKOVITCH	-	Discharged.

A remarkable feature of the case is that this large sum was fraudulently obtained within the space of eight months.

The conduct of this fraud involved :

- (a) The formation of three limited companies, all of which went into liquidation at periods cunningly chosen by the conspirators.
- (b) Forged invoices, receipts and delivery notes.
- (c) Three perfect sets of books of account, which individually would stand the scrutiny of any accountant.

- (d) One complete set of books.
- (e) One fraudulent set of books, written up by an accountant.

The titles of the three limited companies were :

THE TODD BROOK MILL LIMITED,
COKE DAVEY & COMPANY LIMITED,
S. MASON LIMITED,

and they were all described as textile merchants.

It is interesting to note that the Todd Brook Mill Limited got its name from a small brook running by the garden of one of the prisoners.

This company was formed on the 18th February, 1929, the nominal directors being two brothers named Brown. One of these brothers was formerly a director of a well-known Manchester firm of cotton merchants. At the time of the formation of the Todd Brook Mill Limited he was a mill manager for a firm of good reputation, a position he retained until his employers discovered that he was not giving them full time service.

The other brother had not any commercial standing, having been in turn a labourer and warehouseman. For some time prior to the formation of the Todd Brook Mill Limited he was unemployed.

The object of the Todd Brook Mill Limited was to purchase on credit good quality goods at home and abroad, and in doing so the usual method of inspiring confidence was adopted.

The conspirators paid promptly for the early deliveries of goods, and every payment was followed by a considerably larger order.

It may now be stated that behind the operations was the experienced guidance of three fraudulent traders, Joseph Schweller—who had previously been convicted of fraudulent trading in connexion with textiles—and his two sons, who, after their father's conviction, had changed their name to Stanning. One of these sons had received a University education, and both possessed an unusual knowledge of Company Law. The younger son, Ellis Stanning, became the secretary of the company.

The good reputation which the nominal managing director, Brown, had previously made for himself, served the conspirators in good stead. It ensured good reports by trade inquiry agents who had no knowledge of Schweller's association with the Todd Brook Mill Limited.

The second Company, Coke Davey & Company Limited, was formed within a fortnight of the incorporation of the first company. The nominal directors of this company were also the brothers Brown, and the secretary was Ellis Stanning. Most people will appreciate the impudent character of this title. The title was suggested by the secretary of the company, who had been a law student.

Separate premises were rented by Coke Davey & Company Limited with the object of concealing the connexion with the Todd Brook Mill Limited. It was established that these premises were only visited on three occasions during the tenancy, and the keys of the premises were kept at the offices of the Todd Brook Mill Limited.

The formation of Coke Davey & Company Limited was an important factor in the general scheme. It was to form a cloak and a conduit through which the goods obtained by fraud could be passed, without revealing in the books of the purchasing company the true destination of the goods which were passed to the conspirators through this channel.

Coke Davey & Company Limited had its own books of account, and these books were kept at the offices of the Todd Brook Mill Limited.

As previously mentioned, the object of the Todd Brook Mill Limited was to obtain goods on credit from merchants at home and abroad. There existed an agreement between the Todd Brook Mill Limited and Coke Davey & Company Limited, supported by the minutes of both companies, whereby Coke Davey & Company Limited became the selling agent of the Todd Brook Mill Limited. The Todd Brook Mill Limited invoiced the goods to Coke Davey & Company Limited at cost price, and Coke Davey & Company Limited disposed of the goods—according to the books—at a small margin of profit.

Coke Davey & Company Limited had to pay wages,

commissions and expenses, which were totally out of proportion to the profits. Needless to state, the 'wages' and 'commissions' were shared between the conspirators.

Fraudulent entries of payments to outside parties were made in the books, and receipts were produced to support the entries. A man named Levene gave three bogus receipts in return for a gratuity of £10, showing him to have received over £300 from Coke Davey & Company Limited for his services as agent to the company. He was not at any time an agent for the company.

It has been mentioned that the offices of Coke Davey & Company Limited were visited on three occasions. No goods were at any time delivered to the premises rented by Coke Davey & Company Limited. Practically all the goods 'sold' through the medium of Coke Davey & Company Limited went to the co-conspirators, S. Mason and the firm of U. B. Berkovitch.

These co-conspirators had, by a system more fully explained later, paid certain cash; but they eventually cleared their accounts by 'selling' to Coke Davey and Company Limited certain goods at highly inflated prices. Throughout the prosecution these goods were rightly described as rubbish. The pre-conceived end of Coke Davey & Company Limited was at hand owing to the drain of its expenses, particularly the wages and commissions, and with all the usual formalities of the Companies Act, the company went into liquidation.

It was then found that this company had only one creditor, namely, the Todd Brook Mill Limited—in fact Coke Davey and Company Limited had not purchased from any other concern, and the only asset of Coke Davey and Company Limited was the highly inflated stock. No attempt was made to sell this stock, but it was transferred to the Todd Brook Mill Limited, as the only creditor entitled to anything from the company.

Steps were then taken to close the liquidation, thus closing the first conduit, and—it was hoped—concealing the fact that most of the genuine goods had been delivered to the co-conspirators, S. Mason and the firm U. B. Berkovitch, and that these co-conspirators had supplied the rubbish which

had been transferred to the stock of the Todd Brook Mill Limited.

The books of the Todd Brook Mill Limited showed that a balance was still owing by Coke Davey & Company Limited, and this was written off as an ordinary bad debt incurred in trade.

The firm of U. B. Berkovitch had been established in Manchester for over twenty years, and was regarded in commercial circles as of good standing and reputation. This firm had the confidence of the Calico Printers Association and other large and sound concerns.

The Berkovitch firm was the last of the conspirators to handle the goods which had been fraudulently obtained, and the conspirators believed that the high reputation of the Berkovitch firm would be one of their havens from detection.

S. Mason had for several years carried on business in a small way on his own account. Mason had previously been a party to fraudulent trading, and the conspirators were aware that Mason had on that occasion been the subject of Police inquiries.

During the existence of Coke Davey & Company Limited, the Todd Brook Mill Limited had to a small extent 'sold' goods direct to Mason, and the firm U. B. Berkovitch, and this method continued up to the date of the liquidation of the Todd Brook Mill Limited.

Owing to the anticipated liquidation of Coke Davey & Company Limited, arrangements were made for the formation of the third Limited Company, to be known as S. Mason Limited. The object of this company was again to cloak the ultimate destination of the goods fraudulently obtained by the Todd Brook Mill Limited, and also to form a new channel for the transfer of the rubbish from Berkovitch to the Todd Brook Mill Limited.

It is noteworthy that the incorporation of S. Mason Limited took place on the day following the resolution to wind up the affairs of Coke Davey & Company Limited.

The fact that the Todd Brook Mill Limited sold to Coke Davey & Company Limited at cost price, was covered by the creation of an agency, but in the case of the goods which were

'sold' direct to the firm U. B. Berkovitch, S. Mason, and later S. Mason Limited, it was essential that the invoices to these three concerns should show a slight margin of profit, in order to convey the impression that a genuine and prosperous business was being carried on.

No cash payment was made by the co-conspirators to the Todd Brook Mill Limited. The co-conspirators settled their accounts with the Todd Brook Mill Limited and Coke Davey Limited by delivering to these companies goods of equal invoice value. These goods were rubbish. This rubbish was purchased by the co-conspirators in large quantities and invoiced to the Todd Brook Mill Limited and Coke Davey and Company Limited at ridiculously inflated prices. The following is an example: a conspirator purchased a quantity of buttons and braid for one pound, and invoiced these goods to the Todd Brook Mill Limited for £67 10s. od. The buttons and braid were in the stock of the Todd Brook Mill Limited at the date of liquidation at the invoice price of £67 10s. od. This conspirator did not keep books, but the source of his supply was discovered by the Police.

The prosecution proved the true value of these goods which, according to the invoice and the delivery note, were sold and delivered to the Todd Brook Mill Limited by the co-conspirators two months before the purchase had been made. This was convincing evidence, and greatly assisted members of the Jury to understand the complicated character of the fraud with which they were dealing.

The Todd Brook Mill Limited always had in stock goods of an equal or greater invoice value than that of the good quality goods which had already been transferred to the other conspirators.

As in the case of Coke Davey & Company Limited, there had been a drain by way of wages, commissions and expenses. The rubbish formed the assets of the company, and liquidation was inevitable.

The same solicitor and accountant convened the necessary meetings, but, in the case of the Todd Brook Mill Limited, there were a number of creditors to attend the creditors' meeting. Questions arose in connexion with the substantial

bad debt owing by Coke Davey & Company Limited which had been written off, and it was disclosed that the directors and shareholders of both companies were the same. The creditors resolved that a different liquidator be appointed.

Shortly afterwards S. Mason Limited issued notices convening meetings for the liquidation of the company, and for the third time the same solicitor and accountant dealt with the proceedings.

The meeting of the creditors of S. Mason Limited also appointed the new liquidator of the Todd Brook Mill Limited as the liquidator of S. Mason Limited, and the books of account of the three fraudulent companies were now in the custody of the liquidator and at the disposal of the Police. It was suspected that the books of S. Mason Limited were not the original books of the company, written up day by day. The books appeared as if they had been prepared specially for the liquidation.

Certain evidence having been obtained, the conspirators were arrested and the books of account of the firm U. B. Berkovitch were seized by the Police. The accountant of S. Mason Limited was the original liquidator of the three fraudulent companies, and Mason was arrested in presence of this accountant.

About ten minutes after the arrest of Mason, the detective officer visited the offices of this accountant, and, without giving any explanation, demanded the production of the original books of account of S. Mason Limited. Although this accountant had previously denied the existence of another set of books, he produced them to the detective officer.

These original books showed the reason for the compilation of the new books of account. The original set of books showed that, in the daily writing up of the books, spaces had been left in which the fraudulent entries were eventually to be made, and which were in fact made in a different handwriting. These entries attracted attention to the fraudulent method.

It was the practice, in the conduct of this fraud, to pass the good quality goods immediately and direct to the firm of U. B. Berkovitch. The books of account were written up later,

showing in many instances an entirely different disposal. It was recorded that the goods had been transferred to other members of the conspiracy, and, where necessary, fictitious invoices and delivery notes were prepared and preserved.

As an example, in one instance the books of S. Mason Limited showed that goods to the value of £4,923 had been sold to a man named J. Rubinstein (not the conspirator of this surname), who was later found to be a market man. This man could not write, and only with difficulty could he sign his name. In March, 1929, one of the conspirators sold to this market man a few towels to the value of approximately £3. No one pressed him for payment until September, but then he was called to the offices of S. Mason Limited and asked to sign thirteen blank delivery notes. This he did, after having been told that the firm required his signature to show that he received the towels.

These delivery notes were later filled in and produced to support the entries in the books of S. Mason Limited. The goods to which these entries referred were traced as having been sold by the firm of U. B. Berkovitch at much below the invoice price.

It should be explained how this transaction was accounted for in the books of account, and it will become apparent how the conspirators derived the cash benefits. The goods purporting to go to J. Rubinstein were, in fact, traced to have been in the possession of U. B. Berkovitch, and to have been sold by this firm at a price much below cost. There was no evidence in the books of U. B. Berkovitch that this firm had bought these goods.

In order to clear the ledger account of J. Rubinstein in the books of S. Mason Limited, it became necessary to record the receipt of cash. For the purpose of balancing the cash book in which was recorded the pretended receipt of this money, fraudulent invoices were prepared by the conspirator Louis Rubinstein. Cash was purported to be paid out to Louis Rubinstein against these bogus invoices, and thus the cash was balanced.

No goods, however, came into the stock of S. Mason Limited from Louis Rubinstein, but the conspirators were

under the obligation to put some goods into the stock of S. Mason Limited, and with this in view they purchased a quantity of inferior quality goods for a small sum, which they put into the stock of S. Mason Limited (for eventual transmission to the stock of Todd Brook Mill Limited) as the goods supplied by Louis Rubinstein for £4,923. Thus it will be seen that the stock, so far as figures are concerned, was also balanced.

The genuine goods were now free to be disposed of by the Berkovitch firm at any price obtainable.

The effect of this transaction was that genuine goods to the value of £4,923 were substituted by inferior quality goods to the value of £350. The conspirators sold these genuine goods for £4,000. After deduction of the £350 paid for the inferior quality goods the sum of £3,650 was safely placed in the coffers of the conspirators.

The greater portion of the rubbish stock of the Todd Brook Mill Limited originated with the Berkovitch firm, but on investigation it was found that S. Mason Limited had also introduced some of the rubbish, and it is of interest to show the attempt at concealment made in the books of S. Mason Limited.

S. Mason Limited purchased from a reputable firm some thousands of yards of cloth which this firm was clearing as a job line at 2½d. per yard. These goods were regarded as almost unsaleable. The books of S. Mason Limited disclosed that these goods had been sold to J. Rubinstein (who has previously been referred to as the market man) and the invoice price to J. Rubinstein was recorded as 2½d. per yard.

S. Mason Limited then obtained from a man named A. A. Hamburger fraudulent invoices purporting to show that he had sold goods to S. Mason Limited at 1s. 8½d. a yard. The description and yardage of the goods described in this false invoice were similar to the invoice obtained by S. Mason Limited from the reputable merchant in connexion with the purchase at 2½d. a yard. The books of S. Mason Limited showed that these goods from Hamburger were sold to the Todd Brook Mill Limited on *contra* account (against genuine goods) at 1s. 8½d. per yard.

The truth is that no goods were received from Hamburger. No goods went to J. Rubinstein. The goods bought from the

reputable firm at 2½d. per yard by S. Mason Limited went to the Todd Brook Mill Limited at 1s. 8½d. per yard. There were numerous transactions dealt with in this manner.

The firm of U. B. Berkovitch has previously been referred to as of good standing, and the business which they carried on was that of job buyers. In this capacity the firm was always in touch with goods which were unmarketable in the regular markets owing to changes of fashion in colours and design.

The books of U. B. Berkovitch showed that this firm had carried on in part a genuine business. A large quantity of the goods in the stock of the Todd Brook Mill Limited at the date of liquidation were found to have been purchased by U. B. Berkovitch many months before that date, and they had been in the stock of U. B. Berkovitch for some time as unmarketable. This fact made it extremely difficult to trace the firms which had supplied these goods to U. B. Berkovitch. However, after diligent inquiries, the Police succeeded in tracing the suppliers, and ascertaining the true value of the goods which the firm of U. B. Berkovitch had put into the channels leading to the stock of the Todd Brook Mill Limited.

The books of S. Mason Limited and U. B. Berkovitch disclosed that the fraud was daily becoming more and more complicated, so far as the recording of the fraudulent transactions were concerned. The result was that various omissions were made from the books in the later stages of the fraud.

It will now be appropriate to refer to the disposal of the genuine goods by U. B. Berkovitch. The books disclosed that the firm U. B. Berkovitch had not at any time until the inception of the Todd Brook Mill Limited had any dealings in the regular market. The large quantity of regular goods sold by U. B. Berkovitch had all been obtained from the Todd Brook Mill Limited through Coke Davey & Company Limited, S. Mason Limited, or direct. In many instances the records relating to the acquisition of these genuine goods were perfectly regular, but it was discovered that U. B. Berkovitch was selling genuine goods of which the firm had no record of purchase.

Notwithstanding the attempts at concealment, and the various flaws which occurred in the ingenious system of record adopted by the conspirators, every consignment of genuine

goods fraudulently obtained by the Todd Brook Mill Limited, and disposed of by the conspirators, was traced. Every delivery of these genuine goods was sold at a price below the original invoice price to the Todd Brook Mill Limited, and, in fact, below the cost of production.

In one instance, Brewers of Belfast delivered to the Todd Brook Mill Limited on the 4th September, 1929, kitchen cloths to the value of £235. The invoice from Brewers fully described these goods as to quantity and markings, that is,

105 dozen marked No. 60,
150 dozen marked 45X,

and so on.

The records of the Todd Brook Mill Limited showed these goods to have been sold on the 8th September, 1929, to S. Mason Limited, at a slight margin of profit. The books of S. Mason Limited, duly recorded the purchase, and, so far as the books of S. Mason Limited were concerned, the goods remained in the stock. No record was made of any sale.

It was known that a merchant named Aaronson had done a very considerable business with the firm of U. B. Berkovitch, and, in consequence, the Police visited him and obtained all invoices relating to his transactions with U. B. Berkovitch from the date of the inception of the Todd Brook Mill Limited. One of these invoices dated the 4th September, 1929, recorded a sale by U. B. Berkovitch as follows :

To goods : £135,

and written thereon in pencil were details of the goods so supplied, including markings which coincided exactly with the goods described on the invoice from Brewers to the Todd Brook Mill Limited. This was the only lot of kitchen cloths sold by U. B. Berkovitch to Aaronson.

The sales day book of U. B. Berkovitch showed the transaction recorded in exactly the same wording as the invoice to Aaronson, that is—To Goods, £135—but there was no record in the purchase day book relating to kitchen cloths. Samples of these kitchen cloths were obtained from Aaronson and these were subsequently identified by Brewers as part of

the goods supplied by them to the Todd Brook Mill Limited on the 4th September, 1929.

The fact that the invoice to Aaronson was dated 4th September, 1929—the same date as the delivery to Todd Brook Mill Limited by Brewers—proved satisfactorily that the practice was to transfer the goods to U. B. Berkovitch from the Todd Brook Mill Limited immediately they were received, and that the records of the conspirators were made up afterwards to cover the fraudulent transactions.

The activities of Louis Rubinstein have already been referred to in connexion with the transaction in which J. Rubinstein's name was used to cloak the conspiracy, but Louis Rubinstein served a further end. When the liquidation of the Todd Brook Mill Limited was imminent, the conspirators thought it necessary to bring everything they could into stock, and they found on the premises a number of stencils, the private property of the prisoner Brown, and which were of no real value. Louis Rubinstein gave fictitious invoices showing that these stencils had been purchased from him by the Todd Brook Mill Limited and were, therefore, the property of the company. This transaction did not operate as a *contra* against genuine goods purporting to have been supplied to Louis Rubinstein, but appeared as a claim in the liquidation of the company.

It was intended, in the event of the claim under the debentures being withdrawn, to get something out of the company by way of dividend, and it was also found that, in the case of S. Mason Limited, he had served his purpose in completing documents purporting to show that he had entered into contracts with S. Mason Limited amounting to over £1,000, which it was obvious S. Mason Limited could never have carried out.

Towards the end the conspirators endeavoured to conceal the conspiracy by launching legal proceedings one against the other, and Louis Rubinstein obtained judgment for damages on the non-fulfilment of the contract, which claim was put in against the liquidation of S. Mason Limited. This was a further attempt to defraud the creditors of what little there was left.

In the opening remarks the creation of a fraudulent debenture is mentioned. This was dealt with in a proper legal

manner by the solicitor acting for the company, and evidence was produced showing that Mrs. Emmie Brown, the wife of the prisoner Brown, had advanced the sum of £1,700 to the Todd Brook Mill Limited. When questioned she gave a reasonable account of the possession of this money, which story she afterwards retracted and admitted the truth.

The origin of these monies was the proceeds of the fraud committed in the disposal of the genuine goods. These monies were brought back to the company for the purpose of getting a first charge on such property as remained—the rubbish stock—and the receiver appointed under the debenture, who was the nominee of the conspirators, had the disposal of this stock in his own hands, and the proceeds were to be handed over to the conspirators, thus leaving the creditors without funds in the liquidation to further any investigation which they might desire to make.

Mrs. Brown was in Blackpool on holiday in August, 1929, when she and her husband were visited by the sons of Schweller, and at their request she opened a banking account with monies handed to her by these sons for the purpose, and between the dates 31st August, 1929, and 23rd September, 1929, she paid into this account a total sum of £1,700.

She was required at the same time as she received the money to sign a cheque of equal value bearing the same date, or that of the following day, and these cheques were recorded in the books of the Todd Brook Mill Limited as the advance justifying the issue to her from time to time of these debentures.

Mrs. Brown, on the instructions of Schweller's sons, appointed as receiver the accountant who had been removed from the office of liquidator of the Todd Brook Mill Limited.

The proceedings compelled the receiver ultimately to disgorge the proceeds of the sale of the stock of the Todd Brook Mill Limited, and thus the final effort of the conspirators in this company was defeated.

Naturally, the conspirators had kept the Todd Brook Mill Limited going as long as they could possibly get any goods, and as a result the suppliers of the earlier genuine goods were pressing very hard for payment of their accounts, and threatening legal proceedings.

In order to stave them off for a further short period, when more goods were on their way from the suppliers, the conspirators said that as they were unable to pay in cash, they would give the pressing creditors goods in settlement of their claims, and in many cases these suppliers accepted.

The method adopted was as follows: Creditors were taken into the warehouse of the Todd Brook Mill Limited and shown a huge stock of art silk. Of course, these creditors had no knowledge of art silk, their trade being a very different one. The conspirators on the premises of the Todd Brook Mill Limited usually said to the pressing creditor: 'We are temporarily short of cash, but every yard of the goods in this warehouse has been paid for. Here are the invoices relating to several lots in this warehouse. All we want is ½d. a yard profit,' then, producing the invoices from Berkovitch, Mason and Rubinstein, and after bending over the heading, the conspirators showed the invoice price, and a few of the creditors accepted quantities of goods in proportion to the outstanding account in satisfaction of their claims.

One creditor who had not been paid for goods which he had supplied to the value of £3,305 16s. 9d. accepted rubbish in satisfaction of this account. Mason had delivered most of this rubbish and disposed of this creditor's genuine goods to U. B. Berkovitch. This creditor had the rubbish valued and had instructed his solicitors to institute proceedings against the Todd Brook Mill Limited.

Mason was then instructed by the conspirators to visit this creditor's place of business and make him a ridiculous offer of £2,700 for these goods. Mason knew the true value of the goods to be about £300. Needless to say, he did not complete the purchase of these goods.

The irony of the position regarding these goods, which had been accepted in satisfaction of claims, was that the creditors had to hand over these inferior quality goods to the liquidator. The liquidator contended that the transfer constituted a fraudulent preference under the Companies Act.

This procedure had a further end in view. Only the English creditors were able to visit the premises and take up a threatening attitude, and these would be the creditors at-

tending the pending meeting in the liquidation. Having disposed of these creditors' claims in the books of the Todd Brook Mill Limited, there was no obligation to give them notice of any meeting in connexion with the liquidation.

It was known that the foreign creditors would not attend, and in consequence there would be a peaceful meeting, and it was presumed that the existence of the company, and the losses sustained, would in a short time be forgotten.

Just before this meeting Schweller and his two sons disappeared from the premises of the Todd Brook Mill Limited. The younger son resigned from the secretaryship, and the father and his two sons retired to feast for a while in a style made possible by their illicit gains.

These three conspirators who had displayed such ingenuity in directing this huge conspiracy had made two or three grave errors. Schweller maintained that he had only visited his son and Mr. Brown at these premises on a few occasions during the existence of the company, but a truthful charwoman declared that Schweller was the first arrival on the premises and that he ordered a director of the company to make tea, unpack goods, and prepare goods for delivery.

The labourer director also testified to Schweller opening the letters in the morning, and a clerk in the employ of a firm who had purchased a quantity of goods from the Todd Brook Mill Limited was certain that all monies in respect of these sales were paid to Schweller personally, though the proprietor of that firm had forgotten whether it was Schweller or not.

One of the sons forgot that he had given a cheque drawn on his personal account in respect of the tenancy of the premises of the Todd Brook Mill Limited, and had also given a cheque on the same account in connexion with the formation of the company.

All the good quality goods were delivered to Berkovitch and Mason by a special carter, but this carter helped considerably by giving an account of how Schweller and another son accompanied him to Berkovitch and Mason, and how he was instructed by Schweller and his son to make a return delivery of rubbish from Berkovitch, Mason and Rubinstein.

This carter was indeed helpful. He remembered delivering to the Todd Brook Mill Limited a quantity of inferior quality goods invoiced by Rubinstein to the Todd Brook Mill Limited at a ridiculously inflated price. Proof was given of the sale of this cloth to Mason at 3½d. and 4d. a yard, but which was invoiced to the Todd Brook Mill Limited at 3s. 7d. Rubinstein never saw the cloth, and Mason made no entry of the purchase.

Shorrocks was the buyer for the Todd Brook Mill Limited, and, as such, was always in contact with the suppliers. He screened the association of Schweller and his two sons with the company. He was at the time a member of the Manchester Royal Exchange, but he was known to have been associated with the Schweller family for a number of years.

The 'summing up' occupied several hours, and dealing with the defence the learned judge said that the defence common to most of the accused was, 'Wrong was being done, but I am not guilty. I was pushed into it by the others.' They all said that they had not had a farthing, and that this huge sum had disappeared as through a hole.

Imposing the sentences, the learned judge said that he had no doubt that Schweller and his sons, the two Stannings, were the head and forefront of the conspiracy.

TABLE NO. 1.
GOODS SUPPLIED TO TODD BROOK MILL LIMITED.

Exhibit No.	Exhibit No.	Exhibit No.	Exhibit No.	Exhibit No.
15	On 9th Sept., 1929, Geo. Whittle & Co. sold to Todd Brook Mill Ltd., 80 pieces Cambrics, 65 in. 10,558 yards @ 104s. £422. 6s. 5d.	On 10th Sept., 1929, Todd Brook Mill Ltd. sold to S. Mason Ltd., 80 pcs. Cambrics, 10,558 yards @ 10½d. £461 18s. 3d.	On 21st Sept., 1929, S. Mason Ltd. sold to U. B. Berkovitch, Cambrics, 10,558 yards @ 10½d. £472 18s. 3d.	On 10th Sept., 1929, U. B. Berkovitch sold to Hy. Aaronson, 80 pcs. of Greys, 10,558 yards @ 8d. £351 18s. 6d.
379	Purchase Day Book. Folio 36.	Sales Day Book. Folio 19.	Sales Day Book. Folio 4.	Sales Day Book. Folio 191.
		380	391	365
			361	

This part of Table No. 1 shows that the invoice of George Whittle & Company to the Todd Brook Mill Limited is dated the 9th September, 1929.

The goods described in this invoice were not delivered until the 10th September, 1929, and were immediately transferred to U. B. Berkovitch and disposed of the same day to Henry Aaronson at a loss of £70 7s. 11d. on the price to the Todd Brook Mill Limited.

The fictitious invoices and delivery notes to support columns two and three in this part of the table were later prepared by the conspirators, and, as will be observed, the fictitious invoice from S. Mason Limited to U. B. Berkovitch is dated the 21st September, 1929, several days after the sale of the goods by U. B. Berkovitch.

TABLE NO. 2.
GOODS TRANSFERRED BY TODD BROOK MILL LIMITED TO CREDITORS.

Exhibit No.	Exhibit No.	Exhibit No.	Exhibit No.	Exhibit No.	
42	On 2nd October, 1929, Todd Brook Mill Ltd. transferred on <i>contra</i> account to Geo. Whittle & Co. 13 pieces Dowlies, 1241 yards @ 20½d. £108 os. 1d.	42	On 20th September, 1929, Todd Mill Ltd. received from S. Mason Ltd. 13 pcs. 44" Irish Man Dowlies, 1241 yards @ 19¼d. £101 5s. 5d.	On 17th September, 1929, S. Mason Ltd. purchased from S. Oppenheim Ltd. 13 pieces Cotton Dowlies, 1234½ yds. @ 6d. £30 17s. 3d.	On 25th September, 1929, S. Mason purports to sell to J. Rubenstein 1244½ yards Dowlies @ 6½d. £32 8s 2d.
380	Sales Day Book. Folio 22.	379	Purchase Day Book. Folio 39.	390	Purchase Day Book of S. Mason Ltd. Folio 3.
		391	Sales Day Book of S. Mason Ltd. Folio 4.	391	Sales Day Book. Folio 5.

In connexion with Table No. 2, the sale to J. Rubenstein in the last column is fictitious. The cloth received by George Whittle & Company by way of transfer to the invoice value of £108 os. 1d. was identified by Oppenheim as the cloth sold by him to S. Mason Limited for £30 17s. 3d. Contrary to the practice illustrated in the case in which Hamburger is concerned (and previously described in detail), in this instance S. Mason Limited omitted to enter a fictitious purchase to cover up the sale described in column 2, to Todd Brook Mill Limited at an inflated price.

TABLE NO. 3.

GOODS IN THE STOCK OF TODD BROOK MILL LIMITED AT THE DATE OF LIQUIDATION.

Exhibit No.	Exhibit No.	Exhibit No.	Exhibit No.	Exhibit No.			
284	Lot 7. 182 pieces Black Shawls, 15,936 yds. @ 9½d. yard, £655 14s. od. Sample of cloth. Exhibit 284.	379	On 26th September, 1929, Todd Brook Mill Ltd. received from W. H. Arden, Liquidator of Coke Davey & Co., Ltd., 185 pieces Black Shawls. £655 14s. od. Purchase Day Book. Folio 39.	372	On 9th August, 1929, Coke Davey & Co., Ltd., received from Samuel Mason, 91 parcels, 185 pieces, 45" Blacks, 15,936 yards @ 9½d. yard. £655 14s. od. Purchase Day Book. Folio 14.	289	On 19th August, 1929, Samuel Mason bought from F. Hourani 185 pieces Black Shawls @ 25s. piece. £231 5s. od. Exhibit 289.

Table No. 3 describes the goods in the stock of the Todd Brook Mill Limited, and traces the goods through the books of the fraudulent companies to the genuine sale to one of the conspirators. The stock of the Todd Brook Mill Limited was divided into lots for the purpose of sale by the receiver appointed under the debenture.

The goods described in Lot 7 in this part of Table No. 3 were part of the highly inflated stock of Coke Davey & Company, Limited, which was transferred to the Todd Brook Mill Limited.

It will be observed that the invoice from S. Mason to Coke Davey & Company, Limited, is dated the 9th August, 1929, and that these goods were not purchased by S. Mason until the 19th August, 1929, three days before the date of the liquidation of Coke Davey & Company, Limited.

After the Police Court hearing, the prosecution was entrusted to Sir Walter Greaves-Lord, K.C., M.P. This learned counsel suggested that three separate tables, as above, be prepared :

- (1) A table tracing the genuine goods supplied to the Todd Brook Mill Limited.
- (2) A table showing the origin of the goods transferred to creditors in satisfaction of their claims.
- (3) A table of the origin of the goods in the stock of the Todd Brook Mill Limited at the date of liquidation.

These tables are set out for the convenience of our readers.

The M. M. M. War in Sicily

HOW MUSSOLINI, MORI AND THE ITALIAN POLICE SMASHED THE MAFIA

BY COMMENDATORE DR. GIUSEPPE DOSI, M.V.O.
Chief Commissioner of Public Safety, Rome

PART ONE

1. *The Island of Fire*

CRIME knows no country: its activities are directed against the whole of human society. But the Mafia, that strange and hybrid mixture of sentiment, double-faced thought and deed, half noble, half depraved, upright and criminal at the same time, is a characteristic product of the beautiful Trinacria, as the Romans called Sicily.

This largest island of the Mediterranean emerges from the sea between the Calabrian Apennine and the Atlas mountains of Tunisia in a bold, triangular and mountainous outline. It became separated from the Atlas mountains in a prehistoric upheaval of earth and sea that has not altogether subsided to this day. Small wonder that the ancients considered it as the feudal seat of Vulcan, the incarnation of the Greek mythological hero Hephaestus, son of Zeus and of Hera, the god of fire and the forge, skilled in the working of metal, builder of towering palaces of solid bronze for himself and all the gods of Olympus. His workmen were the giant, one-eyed Cyclops. Betrayed by his wife, Aphrodite, with Mars, god of war, he constructed an iron cage in which to imprison the two adulterers. His workshop was within the colossal white-hot and fire-spitting cone of Mount Etna, by the ancients named the Pillar of the Sky, at the bottom of which lay the giant Typhoon,



A VIEW OF PALERMO

of the hundred dragon-heads, father of the whirlwind, of Cerberus and Hydra, who fought bitterly with Zeus himself and was subdued and buried alive under the mountain which takes its name from Vulcan. . . . When Typhoon moves, the whole of Sicily trembles ; when he is impatient or angry, Mount Etna spits fire and thunders in rage. In the bowels of the island boiling water and sulphur are ever ready to burst forth in eruptions and earthquakes. Over the mountainous surface, above the fertile valleys and the clear-cut coastline, in the shimmering reflexes of the three seas surrounding Sicily, Helios, who according to mythology was the owner in Sicily of seven herds of cattle and seven flocks of sheep, drives his four-horse chariot, drawn by spirited horses breathing fire from their nostrils, in splendour across the sky. . . .

The herds of Helios were lead to pasture by his handsome daughters Fetusa and Lampezia ; mythology does not furnish us with further romantic details regarding their pastoral mission. But in proclaiming the fiery god Vulcan as the founder and original head of the Mafia, which is to be considered as a natural Sicilian product, it is pleasant to carry the thought a little further and to imagine that the two young shepherdesses after suffering in turn the depredations of thieves and the amorous advances of the strongest of the Mafia chiefs, pierced by the arrows of Helios and Eros, found peace at last in unconditional surrender and produced a race of courageous shepherds. . . .

But in speaking of the Mafia, the Island of Fire appears to us not only as the battle-ground of armed gangs, of savage conflicts, of power and revenge which seemed to develop naturally in the white-hot atmosphere of its geological structure and historical traditions. It appears to us also in the beauty of a landscape which could not but inspire a colourful and passionate folklore in its seductive and multi-coloured natural and artistic aspects. To the traveller in search of thrills, accompanying the famous mounted Mori police squads in pursuit of the hundreds and thousands of criminals who had been hunted for years in vain, the character of this corner of Italy revealed itself in all its divine beauty.

From the capital of the island, Palermo, whose colourful



TYPES OF 'WANTED MEN' IN THE MAFIA

history is reflected in a wealth of famous monuments of the most diverse stages of human culture, dominated by the towering bulwark of Mount Pellegrino, and which in queenly grace spreads out in a semi-circle of gardens with an abundance of flowers and rarest fruit trees and upon whom has been bestowed the noble title of 'The Golden Shell':

from Trapani, overhanging the sea, home of the crimson coral;

from Agrigento, where the classical grace of the temples of the Olympian Zeus, of Hera, Hercules and Concordia give eloquent testimony of the ancient splendour of the city, later in the power of Carthaginian tyrants, worshippers of Moloch in the form of a bronze bull, in the hollow and white-hot inside of which their enemies found a sacrificial death;

from Syracuse, the flower of occidental Hellenism, rivalling Athens, Carthage and Rome, guarded by the lapis-lazuli of its two Ionic gates, with its celebrated theatres, its sepulchres, its strange gardens, not on a level with the earth or hanging like those of Babylon, but cut deeply in the rock and which became the dungeons and tombs of an entire people;

from fertile Catania where Mount Etna displays its green mantle of pine forest and its snow-white summit;

from paradisical Taormina and from Messina with the straits, calling to mind Scilla and Charibdis and gazing down upon which one's very soul trembles between fear and passionate enchantment;

from Caltanissetta, from Enna, from the towns and villages of the interior, from all these places radiate railroad lines, highways and roads, on which the squads of Mori and the Italian police operated against the depraved followers of the Mafia, to the greater glory of beautiful Sicily.

The Mafia flourished in the midst of the most diversified and exotic vegetation, due to a mild and very equable climate. Of all Sicilian trees only the ash is native. Groves of almond trees, of pistachio-nut and pomegranate trees, of luxuriant olive trees and vines with grapes as of the promised land are importations of the Orient. The hazel-nut comes from Campania, from the neighbourhood of Naples. The evergreen carob

tree, with its black dagger-shaped pods and metallic, dark grey-green leaves, was introduced by the Arabs, as was the date palm and the fragrant and lustrous lemon tree. In the sixteenth century the Portuguese brought the orange tree from China; with its snow-white blossoms it fills the Sicilian spring with an intoxicating fragrance suggestive of betrothals, white veils and bridal-gowns. Its succulent fruit glows golden through autumnal groves and quenches the thirst with its sweet juice. From Japan comes the delicate tangerine and the medlar tree with its black and insidious fruit; from Central America the Indian fig, the juicy fruit of the West Indies of Christopher Columbus, with its stiff and oval-shaped leaves. And everywhere the agave opens its enormous spear-shaped blossoms towards the deep blue sky.

This, then, is the background against which the struggle against the Mafia took place, and the fascination of which was felt by both parties, criminals and police alike, who seemed for all the world like actors in a fateful Greek tragedy.

The famous squads of Mori which under orders of Mussolini captured eight thousand followers of the Mafia, were all pure blooded Sicilians who loved their crime-infested country with a passionate and understanding love; of them all, Mori alone was not a native.

Strategically located as it is in the middle of the Mediterranean, rich and fertile Sicily for centuries was the playball of tyrants and conquerors, Phœnicians, Greeks, Romans, Arabs, Germans and Normans, Frenchmen and Spaniards, a prize to capture and to exploit. In spite of the enchantment left by the many marks and monuments of foreign domination, the Sicilian people have never renounced their innate love of liberty. In the time of republican Rome, when Sicily was considered the granary of Italy, the cupidity of speculators created enormous estates, cultivated by slaves, and which later, during the middle-ages and up to modern times, became the feudal seats of barons and country squires. As a result, a third of the entire surface of the island is in the hands of approximately 800 lords, of whom 70 own estates of 5,000,000 acres each. The landlord lives in the city, sometimes far from Sicily, and leaves the care of his estate to a tenant called

'gabelloto,' who in turn sub-leases land to others who actually look after the cultivation of the ground. Whole forests were laid waste in order to gain more acreage for grain, leaving the hills bleak and arid.

With the Mohammedan domination, Sicily had almost lost its greco-latin character, its language, arts and customs. After the splendid reign of Frederick II (1197-1250) a ruler of unusual gifts and a forerunner of modern thought and ideas, patron-saint of the first Italian language, the island rebelled against the French in the memorable 'Sicilian Vespers' of 1282, in an outburst of popular indignation which was truly heroic. In the fourteenth century the lords of the feudal hierarchy contested the ever weakening power of the reigning house of Aragon together with the serfs and bondsmen, in a series of disorders and upheavals. Subsequently, and up to the end of the seventeenth century, a number of conspiracies, revolts and revolutions were suppressed in blood and terror by corrupt, inefficient and greedy viceroys. The rich and powerful clergy and aristocracy made even shorter work with the would-be revolutionists that followed in the wake of the French revolution of 1789, by means of the sword and the hangman's noose. In 1812, the Sicilian parliament abolished the feudal system, but there remained the infamous Bourbon government which was characterized by Gladstone as 'the very negation of God.' In 1848 and again in 1860, the population of Palermo once more rose up, though unsuccessfully. Finally, on 2nd May, 1860, Giuseppe Garibaldi, setting sail from Quarto, adjoining Genoa, with his one thousand red-shirts, landed at Marsala, hailed as liberator and conquered all of Sicily for the kingdom of Savoy and Italy.

It was only natural that a large part of the ignorant masses who had been dominated and suppressed by one ruler and overlord after another, should see in the government only their natural enemy and therefore meet it with suspicion and ill-disguised hostility. The Sicilian, a thorough individualist by nature, is rather inclined to take justice into his own hands and has but slight confidence in the official organs of society, especially the police. In Sicily the conspiracy of silence is a sacred heritage, transmitted from father to son through the

centuries and was, and still is, referred to in local and Mafia slang as 'Omerta,' which means not to speak, not to betray anything to the authorities, to deny, to pretend having seen or heard nothing, to plot bloody revenge as a means of getting satisfaction for oneself and for one's friends.

Such was the fire which smouldered under the ashes in the island of Vulcan, to flare up suddenly in a terrific blaze, leaving blood and destruction in its wake. Such is the historical background of the Mafia, from mythological poetry and heroic legend to the time of the oppressors, in a country of dream-like beauty.

Following the red-shirts of Garibaldi, the black-shirts of Mussolini had to come to free Sicily from a more cruel and wicked tyranny, the tyranny of Crime.

2. Criminal Feudalism

The years after 1860 saw the rise of numerous politicians who for political reasons allied themselves with the Sicilian barons, who in turn put at their disposal all of their followers called 'Bravi,' stewards, farmhands, and guardians of their estates, who together formed a compact and highly disciplined electoral body. Many of the leaders were honest enough, but their lieutenants and their crowd who had to contend with competing groups necessarily became a lawless and criminal mass, operating strictly for their own benefit.

With the formation of political parties and ever-changing governments which had to prop their power through favours and compromise, the organization of the regular hierarchy divided into a 'higher' and 'lower' Mafia went hand in hand. Affluent criminals against whom the police were powerless, became Mafia leaders and political lieutenants. Very soon they felt themselves indispensable, ruthlessly oppressing and terrorizing the people, who resigned themselves to what seemed inevitable, and bore the evil with the cowardice of the oppressed, in deadly fear of worse to come. These leaders and their lieutenants penetrated almost insensibly into the local and provincial administrations. The advance to power of local factions became more and more identified with the fortunes of various groups of 'Mafiosi' which were frequently

engaged in bitter, if hidden warfare. In this way there developed also an 'old' and a 'new' Mafia, the latter a product of the years immediately following the world war with their depressing atmosphere, when socialism with its promises of lands, factories and revolution, turned the heads of many and when life in Sicily became more difficult every day, what with thievery, hold-ups, blackmail, extortion, kidnapping, cattle-rustling and murder.

The war had inflamed their spirits with a love of adventure and had made experts in the ready use of arms. Organized warfare between bands of 'Mafiosi' became the order of the day.

Let us mention one example among many. At Carini, a hill-town not far from Palermo, with a handsome baronial castle, the 'old' Mafia was in power until 1914, and had gained control of the municipal lighting plant. In opposition to them a 'new' Mafia soon came into being, which controlled the more important estates, among which the rich estate of a princess. The question of superiority soon led to jealousies and quarrelling, but during the war, through lack of fighting strength on both sides, the opposing factions did not come to blows. In 1919, however, a certain Vincenzo Finazzo was released from the penitentiary where he had served twenty years for murder and robbery; his brothers lived at Carini in very poor circumstances and were followers of the 'old' Mafia. Shortly before this, the manager of the electric lighting works had been murdered, allegedly by instigation of a certain family Galati, partisans of the 'new' Mafia. Finazzo thereupon set himself at the head of his brothers and other gangsters and openly challenged the rival faction. One night they set out, broke into the Galati farm, stole a calf which they killed and roasted on the spot, and then went on to the estate of the princess where they feasted all night, swearing bloody revenge. True to the system of 'Omerta,' the affair was not reported. But the 'new' Mafia decided to put Finazzo 'on the spot.' A few days afterwards he was ambushed, and in the encounter two of his followers were killed. At this point one of the brothers prudently withdrew and emigrated to the United States.

Since the killers belonged to the Galati clan, its destruc-

tion was only a matter of time. During the elections of 1921, Finazzo and his nephew disguised themselves with false beards and went to Carini posing as police officers, and in three hours killed five persons, among them Galati and his mother. Five other murders here and there followed in short order, after which the two gangs agreed to forget their differences for a time. The truce was concluded through the initiative of a member of the 'new' Mafia, a certain Failla who had recently returned from America and was reputed wealthy; it did not last long. One of Failla's friends was robbed by gangsters of the 'old' faction. The thieves were ordered to make restitution, and upon refusing were killed as rebels against the iron law of the Mafia.

The rival gang immediately organized a punitive expedition. On the night of 25th September, 1922, several automobiles filled with hired killers of the Finazzo clan drove through the streets of Carini, shooting right and left, and managed to kill one of Failla's friends. Vendetta after vendetta, kidnappings and gun-play followed one another. One month later Failla himself was waylaid, and barely saved his own life by escaping over the roof of his own house. He took his revenge by shooting down one of the Finazzo gang. The last one of them was set upon in June, 1924, and although wounded, managed to drag himself through the fields to a hiding place in the woods. The following October, however, he was surprised in his house and ruthlessly massacred.

This was Failla's triumph. He had in his service a band of thirty armed youths, over whom he ruled with dictatorial power. Disobedience was punished with immediate death. With this band he terrorized the country-side. Houses and hay-lofts were set on fire, trees were stripped of their bark, entire vineyards destroyed. Nobody had the courage to report these crimes to the police.

Mori finally restored confidence in justice and stimulated punitive action. After careful investigation of all the circumstances of the case, Commissioner Viviani surrounded the town of Carini, arrested every member of the Galati and Failla clans, over sixty altogether. All of them were subsequently sentenced to long prison terms.

But in other towns and villages the selfsame conditions prevailed, and the respective Mafias existed either in a state of open warfare or temporary truce. The case of Piana dei Greci is typical. This is a picturesque town a few miles from Palermo. The majority of the inhabitants speaks the Albanese language of 1488, in which year a hellenic colony settled there. In April of 1924, five gangsters, among them a man named Traina, from the neighbouring town of Belmonte, committed a burglary in this place. They were surprised by a thirteen year old boy, the nephew of the victim, and when he made an outcry they knifed and killed him and fled with their plunder. The Mafia of Piana dei Greci thereupon demanded satisfaction and restitution from the Mafia of Belmonte, which recognized the claim as justified. Under some pretext or other Traina was taken back to the place where the boy had been murdered, and there was cut down by dagger blows. The killers attempted to burn the body, but in their hurry could not quite complete the job and threw the corpse into a cave, wrapped in a burlap-bag. Only in 1926 did his family discover the body and had it buried.

The leader of the Mafia in Belmonte, one Giuseppe Migliore, was at the head of twenty ruffians with whom he terrorized the landed proprietors of the neighbourhood, levying tribute in the form of a tax, in Mafia slang called 'pizzo.' This Migliore specialized in the emigration swindle. There is on record the case of one Giancimino who paid 12,000 lire to obtain an American quota-visa. Once he had paid over the money to Migliore he heard nothing further, and after some months, suspecting he had been cheated, he demanded restitution, stating that he had no further intention of emigrating. When he became too insistent, he was shot in the middle of the town of Belmonte and robbed of his wallet containing some 2,300 lire. He was left lying in the street for dead the whole night, but in the morning managed to drag himself to his home a few miles distant. To his family he stated that he had no knowledge who shot him and refused to report the robbery. But his parents proceeded to Belmonte, demanding an account from Migliore, who as leader of the Mafia could not well ignore the case. The Mafias of the sur-

rounding counties threatened reprisals, and Migliore found it advisable to do away with two of the perpetrators of the crime and some of the more troublesome witnesses, while the third of the assailants managed to save his skin, because he had the backing of another Mafia of which Migliore was afraid. In June 1926, Migliore and his gang were arrested by Major Testani of the Carabinieri.

From these examples the basic idea of the Mafia can easily be deduced. 'To dominate, to prevail at any cost, and to amass as much money as possible in the shortest possible time.' (Some members of the Mafia who in 1919 were simple cobblers, were shown in 1926 to have acquired mills and vineyards valued at half a million lire!) 'Intimidation of the decent elements of the population and of rivals by means of criminal sanctions. To harm persons and property by spreading fear and panic and to maintain absolute silence towards the organs of the law and order. To surround themselves with friends and protectors, especially among politicians, and to mislead the police deliberately.' These are the words of Giuseppe Alongi, a citizen of Palermo, and for over forty years a high functionary of the Italian police which conferred upon him the rank of Inspector General. Alongi is the most important writer on the subject of the Mafia and criminality in Sicily, and has studied the problem from all angles. His most notable work is his analysis of 'The Mafia' (2nd edition, Palermo, 1904), which is now out of print and very rare.

The literature on the subject is scarce, even in Italy. A German writer some years ago published a novel entitled 'Mafia,' in which he pretends to give a picture of modern Sicilian life which even for Italians is very difficult to understand. The realistic novels of Verga, from which the theme of Mascagni's opera 'Cavalleria Rusticana' was taken, the plays of the popular dramatists and actors Grasso and Musco and the plays written for them by Martoglio and Pirandello have given the Italian public some idea of Sicilian life and customs as well as of the folklore, so rich in emotional and sensual content. But all that is not the Mafia, whose extent and meaning is not exhausted by the term 'criminality' and presents itself more like some sort of knightly order for

protection and vindication, not without a trace of loftiness in its purposes, among which the vindication of honour is foremost. On the Island of Fire, honour is everything. The oath is as sacred as true friendship is based on loyalty. Vulcan built an iron cage in which to imprison his adulterous wife, Aphrodite, together with Mars. His successors, in whose veins courses the passionate fire of Mount Etna, prescribe in similar cases not a farce but a tragedy. The other man's woman is sacred in her impregnable virtue. He who would make a girl his own against the wishes of her parents, has to carry her off at night and marry her before priest and justice of the peace, according to that selfsame law which in so many other cases is considered a dead letter. At Misilmeri, in March 1920, one Carmelo Greco was killed because he had dared to enjoy the favours of a woman who was the mistress of a Mafia chief. In September 1924, at Santa Flavia, one Salvatore Giovenco had his head chopped off with a pruning hook because he had infected a girl with a venereal disease. . . .

But what then is the Mafia? Alongi very correctly describes it as 'not a closed and permanent association, not an organized faction, but the adherence to a special mode of thought and action, directed against society and its laws, an alliance of groups of criminals under the leadership of a chief who in turn looks to the support of a local political party, from which in exchange of so many votes, he obtains protection and favours for himself and his gang. These various groups of criminals form bold and fearless minorities with the express purpose of intimidating and damaging the law-abiding majority.'

But not even this very clear definition quite covers all the manifold characteristics of the Mafia, which can only be fully understood through the analysis of an abundant case-material, as we shall see later.

When we asked Alongi to define the evolution of the Mafia in greater detail, he differentiated between two distinct and separate aspects of the problem: a more primitive one as expressed in outright banditry and organized robbery by armed bands throughout the interior of Sicily, specializing in robbery, kidnapping, cattle-rustling and vendetta against whomsoever

opposed them, and a second phase, as represented by the so-called 'malandrinaggio,' a type of extortion by the associate or associates of a criminal who is wanted by the police, and has gone in hiding, and as the price of protection against whom his associates extort money from the fearful populace. The activities of the Mafia therefore undoubtedly fall under the so-called 'associations for the purpose of committing a crime' of the Italian Penal Law, and which are subject to heavy penalties. According to the Penal Code in force from 1889 to 1st July, 1930, five or more persons associated for the purpose of committing crimes, are subject to penalties of from one to five years in the penitentiary, or from three to ten years in case of armed highway robbery, quite apart from any penalties for felonies committed individually. The new Fascist Penal Code, in force since 1930, in article 416 reduces the minimum number of persons constituting a 'criminal association' under the law to three and increases the penalties to from three to seven years, and from five to fifteen years in case of association for the purpose of armed highway robbery.

Thanks to the efforts of Mori, such 'associations' composed of tens and hundreds of members were arrested and suppressed, and sentences meted out by the courts virtually amounting to centuries of imprisonment.

3. *The Anarchy of Force*

One might easily imagine that the giant Typhoon, the mythological prisoner of Mount Etna, had been subject to some violent nervous disorder, or that the god Moloch, after having fled from Agrigento, had raged over the Sicilian shore. . . . History, climate, social and economic conditions did the rest. However that may be, so much is certain that for scores of years the Mafia and the Police were two wholly anarchical forces. Even before 1860, the Bourbon rulers established what was known as the 'armed companies' to fight the bands of rural criminals which plundered beautiful Trinacria. The historian, Tommasi-Crudeli, writes that these companies were composed of lawless and ribald elements headed by the worst of the lot, who took it upon himself to guarantee the safety of a certain district. In order to accomplish this end he would

deal roughly with the common thief, but deal more easily with the 'higher ups' in crime. The more distinguished scoundrels became 'affiliates' of the company whose job it was to keep the minor rogues out of their district. If the victim of a robbery was sufficiently prominent socially to dare lodge a complaint, the captain of the company would make good the loss and sometimes even pay damages, only to recoup himself by invading some neighbouring territory. In most cases, however, the matter was settled by agreement with the damaged party. Some member of the company would approach the victim and offer him fifty per cent of the value of the stolen goods, with the understanding that no complaint would be made. Where there was no direct evidence, the company would make arrests indiscriminately, beating and torturing the prisoners, and with good luck would sometimes discover the actual thief. If the identity of the thief could easily be established, the fool-hardy poor devil who had dared to commit robbery without authorization of the company was usually found with broken body at the foot of some remote cliff, and if the district attorney should be too curious about the affair, he was politely given to understand that the matter was strictly the company's business.

Another historian, Ciotti, writes that the captain of the 'company in arms,' which institution was of feudal origin, would address the 'affiliate' who always was a 'brigand' of some note, somewhat as follows: 'Provided that you keep order in this district, I shall leave you undisturbed, and shall keep one eye or both eyes closed regarding any robberies or murders which you have committed. If you do well, I shall make a place for you in the company. But as you have to live and cannot or do not want to work, it shall be your privilege to exploit the weak and poor. Understand me well! You are not to steal or rob. All you have to do is to ask for what you want, and with your authority and our protection nobody will dare refuse you anything.'

From 1861 to 1870, the companies were called 'mounted militia men,' and from 1877 to 1892, 'police horse-guards.' These guards were supposed to see to the restitution of losses caused by rural thieves, a task which, according to Alongi, they performed in a very slipshod manner, often making

common cause with both private and official crooks. Alongi, who in 1915 was charged by the Ministry of the Interior to make a special study of cattle theft insurance and of fraudulent claims in connexion therewith, proposed very opportunely that this insurance should be made compulsory. The theft risk in Italy is two per thousand, and as far as cattle stealing is concerned two and a half per thousand. If this were covered by insurance, these cases would decrease, above all, because the thieves would be deprived of their favourite sport of offering the stolen cattle to their owner against payment of a sum of money in 'settlement.' As a rule this 'settlement' was not made directly with the thief, but was arranged through a wealthy and influential intermediary.

Cattle rustling is the principal activity of the criminal elements in Sicily. As a counter measure, the Government ordered the registration and branding of all cattle, put into effect by ordinance of Minister Codronchi and Inspector General Alongi, with amendments by Inspector General Battioni (1917) reorganized and adapted to practical use by Mori, as we shall see later. The Mafia, however, soon managed to falsify the cattle brands and identification marks.

There are in Sicily approximately 90,000 horses, 200,000 donkeys, 180,000 mules, 220,000 cattle, 1,300,000 sheep, 350,000 goats, and 90,000 hogs. Their value is calculated at two billion lire. A clear distinction must, however, be made between the market value and the economic value of these cattle, which are a vital necessity for farm work, inasmuch as in Sicily the land does not lend itself readily to the use of agricultural machinery. By the same token, transportation, especially before the advent of the automobile, was almost entirely dependent upon cattle. Instead of automobile or carriage, the well-to-do farmer has one or two riding horses. The small merchant has his mule and cart, the famous Sicilian cart, decorated with pictures of the romantic legends of the Paladins of France, or Orlando and King Arthur. Without an animal worth 'half a plow', as they say in Sicily, a man is nothing but a poor beggar without hope of ever improving his condition.

The loss of his cattle therefore, is for the wealthy a severe

loss, and for the small farmer and merchant it is nothing short of disaster.

According to Alongi, the losses sustained through cattle stealing amount to about 0.5% (per cent) of the total value of all the cattle in Sicily annually, not an alarming figure in itself. But the facts are frightful enough. As a rule the cart and its contents were stolen together with the mules or horses harnessed to it. In Palermo the police discovered, in 1926, an association of fashionable crooks, who made a practice out of hiring carriages and instructing the coachman to drive them to the outskirts of the city, where at a predetermined point their companions would hold up the vehicle and take possession of it. In the neighbourhood of Gangi the police seized 17 horses, 20 head of cattle and about 1000 sheep that had been stolen by a gang of *Mafiosi*. Between March and September, 1922, a Mafia chief who was finally captured four years later, with his armed and masked gang of ten held up two carts with a load of 2000 pounds of sugar, two mules which were afterwards returned to their owner against payment of 3000 lire and two carts with 10,000 pounds of oil. The son of the proprietor of these last two vehicles, who carried a gun, succeeded in obtaining the return of one of the horses. This gang was armed with regulation army shot-guns, and went about their business posing as 'carabinieri,' oftentimes engaging in veritable battles with the victims of their hold-ups.

In connexion with the discovery of a 'criminal association' in Rocella by Commissioner Di Fede in 1926, he was able to shed light upon any number of thefts of carriages and horses, carts and mules, and even automobiles and trucks. One of these had been loaded with citrate of soda valued at 12,000 lire. The clerk of the owner, who was doing some detective work of his own to find out into whose hands the merchandise had gone and was about to discover the truth, was suddenly shot and killed. This gang was headed by one Lo Giudice, who subsequently was 'put on the spot' because he had sold one of the stolen cows to another 'Mafioso' without advising him of the circumstances. The buyer did not take any precautions and was arrested, whereupon his Mafia ordered the execution of Lo Giudice.

At Paceco in 1926, a band of robbers was arrested charged with the theft of 146 sheep for the return of which they claimed 10,000 lire from the owner! And so on.

The official Police Bulletin issued by the Director General of Public Safety of Italy, in the years preceding Mori's intervention, was filled with descriptions of cattle theft and of Sicilian 'Mafiosi' wanted by the police as common criminals. The results were very disappointing. Who would have dared to attack this widespread and powerful criminal organization? Like a gigantic octopus, the Mafia had twisted its innumerable and unyielding tentacles around the three arms of Trinacria. It was useless to cut off one of the tentacles here and there, as they re-grew at once, and the remaining ones meanwhile held fast their beautiful prey.

The activities of the 'squads' commanded by a commissioner and composed of plain-clothes policemen and carabinieri, who in dress and manner adapted themselves to the ways and customs of the Mafia, were reduced to a state of harassing and never-ending guerilla warfare, with proportionate results, and frequent open conflicts. In 1921, a carabinieri marshal escaped certain death at the hands of a criminal who hated him because of his diligent and faithful service, only as by a miracle. In 1924 the head of the municipal guard of Camporeale by name of Rizzuto was killed with others by a gang of criminals with 24 members, arrested in June 1925. On an evening in April 1917 the lieutenant of the Municipal Guard of Misilmeri was killed by a volley of shots upon entering his house with his son, who was severely wounded. He was a victim of duty.

A few days before the Prefect and the Commissioner of the town had received an anonymous letter in which was demanded that the lieutenant be removed. They had paid no attention to it, but after the crime the authorities thought it wise to transfer the magistrate and the Police Commissioner.

Bands of escaped convicts roamed over the country-side. The notorious brigand, Ferrarello, who was arrested in January 1926, was placed under strict watch in his cell. One night when the guard made the rounds, he started up from his sleep, overpowered the guard, escaped from his cell, dropped from

a height of ten yards to a corridor below, climbed over a high wall, but was so severely wounded that he could go no farther.

With such difficulties and handicaps confronting the authorities, the communal guardians and field-guards found it advisable to keep both their eyes shut. These guardians were either on the pay-roll of the ruling faction, or of private land owners, and as Alongi very aptly states the matter—'lived according to the maxim : whoever pays me is my master.' Among these guards were three classes : those who did not interfere with the activities of the criminals and maintained some sort of armed neutrality ; those who did their duty as long as it was not too dangerous to do so ; and finally those of the truly Mafia type who stole more than the professional thieves. To use the saying of the Bible, it was a case of ' Quis Custodit Custodes ' (Who shall guard the guardians ?)

4. *The Lictorian Axe*

For three years Cesare Mori, in retirement, patiently awaited his great opportunity. As Questore (Chief Commissioner) of Rome in 1919, 1920 and 1921 and later as Prefect of Bologna he had distinguished himself by his indomitable energy and his rapid and firm decisions. He was lynx-eyed, of massive build, of quick movements, and admirable presence. Political vicissitudes had temporarily eliminated him from public life. But his day was coming.

It was Benito Mussolini who recognized his qualities and put him in the place where he belonged. A decisive fight against the Mafia and criminality in Sicily had become inevitable and stood in need of a man to assume general command. Who was better fitted than Mori ? As a gallant officer in the Army, in his rapid and brilliant police-career, and as a political authority, he had at all times shown a sense of order and discipline which harmonized with the aims of the National Fascist Government. He knew every nook and corner of Sicily as if it had been his own native country, having spent many years in the exhausting service of the ' squadrons,' and having been in constant touch with the population and the criminal elements. He kept for it an intense and insatiable

longing. He loved it like a devoted son and recorded his personal memoirs in a book of ecstatic praise for the orange-blossom fragrance of its atmosphere and its dream-inspiring air. Mori was a poet of action. Mussolini appointed him Prefect of Trapani and endowed him with extraordinary police powers to combat cattle stealing, the Mafia, and criminality in general. Mori thereupon organized an Interprovincial Police Bureau, made up of mobile small groups of police and of black-shirt Fascist militia, and took energetic measures to enlist the co-operation of all the other Prefects.

The general elections of 1924 were accompanied by heated contests between the various parties, especially among the so-called democratic ones. The ballots of the voters were imprinted with pictures and symbols to make sure that the illiterate masses would vote ' The Right Way.' It was their last chance. In August, 1925, administrative elections took place in Palermo with a ticket that has remained famous. Orlando, the head of the Italian war-government and who had gone over to the opposition against Mussolini, was opposed by another ex-minister, the Duke of Cesaro, a pure blooded Sicilian. Behind Orlando were all the leaders of the Mafia. Palermo was plastered with declarations and proclamations of the warring factions to arouse the passions of the great masses of ignorant and docile voters. But Mussolini, who had headed the ticket of the Fascist party, emerged victorious. On his subsequent visit Sicily gave him a triumphal welcome. He immediately put into effect a comprehensive programme of public improvements. By degrees he abolished the office of Sub-Prefect in all of Italy and replaced the elective City Magistrates by officials appointed by the Crown, also doing away with the local and provincial councils. In this way the Mafia lost the last vestige of its political and administrative influence. As a result of this reorganization, the nominees of the National Fascist ticket were elected in the following elections with an overwhelming majority.

The Fascist regime subsequently consolidated the power thus gained in a government of united and inflexible action. The time of compromises between political factions was past. Under these new conditions the historical atmosphere in

which criminality had flourished was completely changed and the Mafia consumed itself in impotent rage.

The laws of 1898 designed by Crispi to subdue the monster of Sicilian criminality had proven abortive. It needed the sharp edge of the Lictorian axe to sever the tentacles of the octopus of the Mafia. Mussolini, who had tested Mori in Trapani, became convinced of this, and at the end of 1925, appointed him Prefect of Palermo. From the capital he ruled the island with an iron hand, declaring unrestricted war upon the Mafia. The results of his campaign became evident from the first. In his famous speech held at the Massimo theatre in Palermo on 21st February, 1926, Cesare Mori could therefore declare in a voice vibrant with suppressed emotion :

' I come to you fraternally, but with the spirit of a soldier gripping in his hand the Lictorian Axe, and who will raise it against anybody who should dare to resist Sicily in its forward march towards its proud destiny, or who would plot against its noblest and finest ideals. Even now we can perceive the dawn of the luminous and joyous mid-day which is to shine over the new Sicily, proud in its strength, exuberant with life and Italian passion, and made of love, of co-operation, of fruitful work, of solidarity of the strong, of protection for the up-right, all blending together in the supreme ideal of Country and Justice. . . . '

This speech was like a war-cry which resounded from the Conca d'Oro to Mount Etna, and from Mount Pellegrino to the shores of the Mediterranean.

(To be continued)

Police Welfare Work Among Boys¹

By J. H. DAIN, O.B.E.

Chief Constable of Norwich and Chairman of the Norwich Lads' Club.

AT the present moment when things are so unsettled, with the trade and industry of the world disorganized and unemployment paralysing the energy of this and other countries, it is no wonder that the problem of ' What to do with our boys ' has assumed an acute form.

Parents are experiencing more and more difficulty in finding a solution, and thousands upon thousands of boys are leaving school to find themselves without an assured entry into secure occupation, and are viewing the future with deep resentment and concern. They are wondering what is to become of themselves, what they are to make of their lives, and what sort of a chance they are to have of entering upon a settled and respectable career.

It must be admitted that the prospect is not a bright one. For all they can see to the contrary, they may be crowded out amongst the millions who are struggling for bare existence—and a precarious existence at that—or become hungry recruits in the army of unskilled labour, adding to the congestion of the cities and intensifying the general precariousness of life.

Now, while we as police officers have nothing to do with these economic stresses into which life has fallen for so many people, nevertheless in our own special province of work, all this does create a very great and serious problem for us. Because, as we all know, the liability of these lads first getting into mischief and afterwards falling into a life of crime is greatly increased when this stream of young life, flowing out from our schools into the working responsibilities of existence, finds itself at the loose end at which so large a number of these

¹ This article was delivered as a Lecture to Senior Officers of Home, Dominion and Colonial Police Forces.

lads are nowadays. The insecurity and uncertainty of life for armies of these young people, the fact that they find themselves unsettled in a world which seems to have no place or need for them, is apt to react disastrously on conduct ; and so to bring the whole question of dealing with the lads very directly and urgently into the police sphere as a problem affecting law and order and the good conduct of our city populations in particular, although on perhaps a smaller scale it has become a problem in village life also.

In any case, the years immediately following upon school life are years subject to certain dangers, even if the lads do secure settled occupations. The ending of school life for most lads brings with it a sense of release from discipline and restraint ; and even when the discipline and restraint is still continued in regular employment, there is a new sense of freedom about the leisure hours after the day's work ; and when, as so often happens, the surroundings of his home life do not give a lad much chance for the healthy recreative use of his energies in his leisure hours after the day's work, the fall into evil ways is all too easy. Unless reasonable means, easily accessible, for healthy recreation, physical and mental, are within his reach, he begins to roam the streets aimlessly with companions similarly situated ; and all of us know by painful experience what the consequences often are. And if this happens, as we all know it does happen, even when the working hours of the day are under discipline and restraints, the liability to it is enormously increased when, as is at present the case for such large numbers of lads, the chance of getting a settled footing in regular employment is denied to them.

All this tendency to mischief and falling into evil ways, as I pointed out in an article some time since in the ' Police Journal,'¹ and as every police officer of experience with lads knows, is very rarely due to evil disposition. I repeat with emphasis what I then said, that I am convinced that boys who are naturally bad are hard to find. There are such boys undoubtedly ; but they are the very rare exception. By far the greater number of those who drift into crime from beginnings of getting into mischief as young lads, do so not because of any inherent

depravity, but by the force of their latent energies of youthfulness being denied a healthy exercise and a wholesome opportunity for their expression. And those very same latent energies of youthfulness, if given such opportunities of healthy exercise, may in most cases be made the foundation of fine character. It is all a matter of the channels into which chance and environment may turn them at the impressionable age, when many a lad's whole career may be made or marred according to whether the right environment and influence is brought to bear upon them.

A generation ago, this view of the matter would have been regarded as foolish. Stern punishment, birchings, imprisonments, and all the punitive rigour of the law, was the only recognized way of dealing with youthful delinquencies. But that, happily, is now a bye-gone age and an obsolete outlook. The facts of experience have exploded it altogether. It effected no improvement and made no impression upon the problem, except to harden and degrade. The effect of it in the vast majority of cases was to smash the self-respect out of the young offenders who were subjected to it ; and once self-respect is gone, all is gone and all hope of real growth into good citizenship disappears. It was only when our new outlook upon youthful delinquency began to be operative that we began to make any real impression and to bring about the remarkable change for the better that has taken place in our time. To the truth of this, practically every Probation Officer and Police-Court Missioner nowadays bears testimony ; and their witness may be summed up in the statement made in a recent article by that well-known Probation Officer, Mr. James Carr, in which he declares that in fifteen years' work, with thousands of supposed ' bad boys ' passing through his hands and under his supervision, none of them gave him any serious trouble except a few who were obviously feeble-minded or had some mental kink. Such cases are medical rather than police problems ; and when they are eliminated, the problem that remains is not a problem of natural depravity in our lads, but of the right direction and the provision of helpful opportunity for youthful energies capable of all good if that provision is forthcoming.

¹This article appeared in Vol. II. No. 3 (July 1929), page 387.

If, then, this view of the problem is established to begin with—and the evidence for it is incontrovertible—is it not clear, that within our police range of responsibilities, there are big opportunities for us other than the enforcement of pains and penalties against youthful offenders; opportunities of work and service with regard to the young life of our areas by which we can prevent rather than punish, and foster the natural growth of healthy life and sound character in the lads of our towns and cities?

The work done by the police in carrying on the Lads' Club at Norwich has been widely quoted as a leading example of what can be done in this direction. Many efforts have been made by all sorts of philanthropic and religious agencies to carry on this kind of service to the lad life of our cities, and it has been fruitful in good results; but the special feature which has attracted public attention to the Norwich Lads' Club is that it is the first work of this kind in the world to be initiated and organized by the police; not, of course, as part of their official duty, but as a voluntary effort and an off-duty service to which they have been prompted by a human understanding of the needs of the case arising out of their official police experience with the problem of lad life at a loose end in the streets of a great city.

Into the details of the Club's activities I need not enter, beyond saying that they comprise all forms of recreational and educational opportunity that can be provided at such a centre; a fine gymnasium equipped with every form of apparatus, from which teams of the lads go out to help local charities by giving displays at sports and fêtes throughout the district; bathing and swimming facilities of the best; sports sections of all sorts, boxing, billiards, cricket and football; (incidentally I may mention in that connexion that during the present football season our football section has headed three of the Leagues in Norfolk and Suffolk, securing the Cups and Trophies for the year). Ambulance brigades trained in first-aid and life-saving; a fine band which is now constantly offered more engagements than it can possibly undertake, and which gives its services freely on many charitable occasions; in a word, all the activities by which such a Club can give

wholesome interests and healthful zest in life and companionship to its members, in premises spacious enough to provide for all these developments for a membership of up to six thousand. My purpose, however, is not to enlarge upon these details; although I should be glad to answer any questions about them you may care to put to me. It is with the outcome of it all—both for the lads themselves and for the general life of the city—that I am concerned to speak to you; and especially with those aspects of it which arise from the police initiative in carrying it on.

That particular aspect of it, must, I think, be of quite special interest to us as police officers; for while the general beneficial results of such work will be admitted without doubt or question by practically everybody, the point as to whether police initiative in carrying it on, and police association with its administration, is a factor which contributes any special quality or advantage to the work, is one which I am sure must have arisen in many of your minds. I want to put to you, in that connexion, a very emphatic claim that this police association with the work is a factor of great usefulness and importance, and that it adds to the general results of such work amongst lads, by whoever carried on, certain advantages which could probably not be secured in any other way.

I need not tell you—you all know it as well as I do—that the average lad, taking his leisure and seeking excitement in the streets with his companions, has a predisposition which may not be definitely formulated in his mind, but is certainly there in a very real, even if sub-conscious way, to think of the police as of something hostile to the spiritedness of youth. There is a sense of antagonism, a feeling that the police exist to suppress him and keep a suspicious eye on him; and that it is part of the game of a spirited youth to 'plague the bobby' by any means that can be practised without getting into actual trouble. He looks upon the police as belonging to a different sphere in the life of the community from the sphere of his own pastimes and recreations.

I claim without hesitation that the association of the police with the work of the Lads' Club at Norwich, with its thousands of members, represented in every factory and workshop in the

City, has created quite a new atmosphere and a new outlook in this respect. For you must remember that the Club does not preach to the lads. Nothing, if I may again quote from my article in the 'Police Journal,' sets up a mood of antagonism more promptly in such lads than the suspicion that they are being got at for the purposes of moral improvement, and that whatever is being done for their recreation is only a medicated device for such moral improvement purposes ; a sugar coating with a pill inside it. Boys are very quick to detect and to shy off from such devices, however ingeniously you may try to conceal them. The work done in the running of the Club is based absolutely on our belief that the moral sense of the lads themselves is naturally and intrinsically good if it gets a fair chance ; that it is not something which needs to be preached or ingeniously and subtly injected into them, but is there in themselves, only needing opportunity for its own healthy growth and development. The innate instincts of fair play, good sportsmanship, and observance of the square deal in association with one's fellows, are the natural qualities of the vast majority of boys ; and what the Club does is to give to its members the opportunity of clean and healthy physical exercise and recreation in a jolly atmosphere of good comradeship and emulation ; and to leave the good results to follow naturally of themselves.

When the lads of a town find themselves associated with the police in their recreational activities and excitements in this wholly natural and unmedicated way, it is inevitable that it should create a new atmosphere. It gives the lads a mental attitude of mutual helpfulness with the police and what the police stand for in the life of the community, and links up their recreation with perceptions of good citizenship, not only in the minds of the lads who join such a Club, but of the general lad population as well. I consider that this kind of understanding in place of the old sense of suspicion and hostility is a factor of the greatest importance in making for good citizenship ; and I can speak with the certainty of experience as to its being forthcoming as a result of the police association with this work. Always provided that it is done in the spirit which I have tried to indicate to you.

And on the other hand, it is all to the good for the police themselves. For it is, of course, a purely voluntary work. No sort of pressure is brought to bear upon any officer to engage in it ; and numbers, with other hobbies to provide them with off-duty interests, do not. But for those who do, it is an education which enables them to bring a wider understanding to their official work and its human relationships to the community in whose service they are. From every point of view, therefore, the evidence is conclusive that the direct association of the police with this form of social service gives an added effectiveness to it, whether that effectiveness be measured by its advantages to the lads, to the police themselves, or to the general tone of the life of the district in which it operates.

Let me now pass from these generalizations about it to the actual testimony of the facts themselves. For after all, however much one might be inclined to theorize about it, the final test of all such work as this must be in the observed and ascertained results.

The statistics relating to juvenile crime in the City of Norwich show how real the influence of the Club has been as a preventive service. In my last annual report I had the pleasure of informing my Watch Committee that during the past year it had been necessary to send only two juvenile offenders to Industrial Schools, that no proceedings had been necessary during the year against any child or young person for non-indictable offences, and that the occasion had only arisen for holding nine Juvenile Courts.

We keep a close record and touch with our old boys. Not only have they been successful in this country, but most satisfactory reports are received from all parts of the world about them. Incidentally I may say that quite a large number of them have entered the police service, and I have yet to hear of any of them who have done so and are doing other than well.

Take another test on the physical health and clean-living side of the results accruing from this work. In a letter written to me by Dr. Long, the physician in main charge of the Eastern Counties work of combating venereal disease, he says :

' It is one of my jobs in life to try and rid this City of those baneful diseases which are commonly known as venereal diseases ; and in this

work I apply remedies which you would probably not care to handle. But I would point out to you that your Lads' Club is one of the greatest assets the City possesses in helping the work of the V.D. Clinic at the Norfolk and Norwich Hospital. By encouraging a healthy, robust physical fitness in the youths of Norwich you are doing a fine work in the prevention of these diseases, and thus you are lending invaluable aid to those like myself, who are doing their best to eradicate them. It will interest you to know that the incidence of syphilis among our population has dropped 50 per cent. since 1920. Go on and succeed still further.'

That is only one aspect of the health results of our work. The physical deterioration of so many young people has its beginning in aimless loafing and the temptations of the streets at night. Give these lads good gymnasia, emulative and strenuous games, and physical health and strength and clean living become a matter of pride to them. And this pride in keeping fit lays the foundations for life habits of self-respect and self-government. The lads of to-day are the good men and healthy citizens of to-morrow in the making.

On such facts, it may therefore be claimed that the carrying on of this work in the midst of an industrial population is a very real and effective contribution to the health and vitality of the general life, and an effective influence in the creation of good citizenship and all those standards of conduct which it is the essential purpose of police work to see maintained at a high level.

Upon two other general aspects of City life the influence of such work should also be noted; the industrial and the educational.

The dominant factor in the industrial life of Norwich is the boot and shoe industry with its many great factories in which a very large proportion of the total working-class life of the City is employed; and in which the conduct of the thousands of young people engaged has always been a matter of concern. The Secretary of the Norwich Boot and Shoe Manufacturers' Association, writing to me some time ago, says:

'I should like to take this opportunity of expressing to you the great satisfaction of the Norwich boot and shoe manufacturers for the work you and your officers are doing in the City with regard to the boys. As you are aware, there is a large number of lads engaged in

the boot and shoe industry, and the work of your Club is making itself felt in their general conduct while engaged at their work. Their social outlook is also widened, and there is a fine *esprit de corps* permeating through their lives. If there is anything further I can do to assist you in this fine work please let me know.'

This appreciation does not express itself in words only. Business firms and private employers have come to regard membership of the Lads' Club as a good credential, and to use it as something in the nature of an employment bureau. All sorts of openings have been made for members of the Club, and the reports I get of them are splendid. The appreciation of our work by employers also takes the substantial form of regular assistance to the finances of the Club. You will probably have been wondering about that, because naturally work on such a scale, involving spacious buildings and a great deal of equipment, beside the constant cost of carrying on, cannot be kept going without considerable funds. And for that we have been able to depend upon the appreciation of our work by employers and other citizens interested in social welfare. From the boot and shoe employers alone we have received over £1400 during the life-time of the Club. Our expenses although heavy looked at in the total, are kept light in relation to the extensiveness of the work and the thousands of lads catered for by the fact that so much of the work is done voluntarily as a labour of love and loyalty to the Club. The original work of preparing the Club and adapting its first premises was done in this way by the enthusiasm of the police officers who turned in on the job.

With regard to the educational life of the City, very strong witness to the influence of the Club is given by the Secretary for Education, who says:

'By virtue of my position, I am in close touch with the young life of our City, and it is a pleasure to state as my considered opinion, based on observations made collectively and individually that the general effect of the work done in the Norwich Lads' Club on the youth of this City is to materially assist in the development of character. It has done much to lift the tone of the youth of the City, and there exists such a friendly relationship between boys and police through the medium of the Club that Juvenile Crime has markedly decreased.

Lads have been helped to a sense of personal responsibility as citizens—in some cases it is well known the work has been actually redemptive.'

This, as you will note, is strikingly confirmed by the figures and facts I have already quoted as to juvenile offences; and testimony to the same effect is constantly given by the magistrates.

The Recorder for the City of Norwich, Sir Ellis Hume-Williams, Bart., P.C., K.B.E., K.C., in a recent charge to the Grand Jury congratulated the Police upon what he considered to be a most admirable condition of things in a great industrial City like Norwich. It was very much to the credit of those who had the administration of justice in their hands to find that there were only two offences on the calendar. The manifest and increasing proof in the conditions of the City might be in some measure, probably in a large measure, attributed to the admirable influence of the boys' club, which the Chief Constable had started in the City, and which was doing such wonderful educational work here. He could not speak too highly of the efforts which were being made to teach the young of this City honesty and loyalty of purpose.

In further confirmation of all this Mr. Ernest Carter states:

'As Police Court Missionary for the City of Norwich, I see the work carried on amongst the lads and can speak with confidence of the good and interest there is shown on their behalf. I am struck by the efforts made on their behalf, especially those who have nowhere to go and those whose home surroundings are poor and unattractive—there is offered to them the full benefits of the Lads' Club, which is run by the Police.

The Police are friends to me in my work here, and as a worker amongst the boys I find their interest is always for them, whether a Police Court Mission case or a Probation case. They will help me and see employers with a view to employment, and also help with assistance financially.

I can at any time ask for an interest in a case by the Police, and it will receive attention, and all possible help is given.'

Mr. J. F. Betts, B.A., Clerk to the Justices for the City of Norwich, states that, after thirty-five years' experience of the work in the Norwich Police Court; he considers that the in-

stitution and carrying on of the Norwich Lads' Club, by the Chief Constable, and members of the Police Force, has materially assisted in the Welfare Work done in the City of Norwich, and that this Club, and its work, has been a material factor in helping to reduce juvenile crime in the City of Norwich.

I can best sum up all this local evidence as to the effect of the Club's work upon the general life of the City by a final quotation from a statement recently made by the Chief Magistrate, the Lord Mayor of the City, who honours us by taking the Presidency of the Club. The Lord Mayor speaking from the point of view of the all-round welfare of the community as it is affected by our work, says:

'Every working-class lad must have some recreation, and who would for a moment blame him? In our overcrowded homes there is no place for him. He must get his recreation elsewhere—either roaming the streets, standing about at street corners, or outside public houses, getting into mischief of all sorts, or he must have some club like the Norwich Lads' Club to go to, where he can let off steam, enjoy healthy, physical and mental recreation, get in contact with other lads and come under friendly influences. The Police of Norwich take a wide view of their duties, and put the preventive side well in the foreground. There is no doubt as to the response made by the lads themselves to the standard of behaviour and conduct expected of them as members of the Club. Indirectly, too, the homes are influenced, parents are glad to co-operate with the Club, and younger brothers have something to which they can eagerly look forward on leaving school.'

In concluding this mass of local evidence from those who are in the best positions to estimate the value of the work by their daily association with its effects, I may quote a tribute which in some ways gives me more pride than any of the others, because it comes, not from an observer from the outside, but from an old boy of the Club, now occupying the position of Secretary to a well-known Society in Norwich. At a recent public gathering at which many influential people were present he said—'I attribute all my success in life to the help given me at the Norwich Lads' Club, also my physical fitness to be your Secretary and take an active part in the work of our Society.' You will agree with me that such a tribute as that is repayment in the best and most welcome form possible for

whatever labour and time and often anxious thought one may have been privileged to put into work of this kind.

These then, so far as I have given them to you, are what I may call the inside judgments on the matter, the direct observation of results by those through whose hands and under whose review the actual facts pass as a matter of daily experience. While such views are valuable, they are to a certain extent self-contained. That is to say, they see the local facts in an isolated way. They may therefore be usefully supplemented by the judgments of those who, reviewing our work from the outside, can see it, not only in its own facts, but in relation to general widespread activities of a similar character. Foremost among such witnesses to its effectiveness I may quote H.R.H. the Duke of Gloucester, who as President—and a very active and fully informed President—of the National Association of Boys' Clubs, has taken a special personal interest in our Norwich police adventure into this sphere of work. He was good enough to come down personally and open the present Club premises in 1925, when after seven years during which we had so outgrown our original home to such an extent as to make it quite inadequate, we appealed to the local public for the funds which made our present spacious accommodation possible. By that time, the work was so widely known and appreciated that the necessary funds for what we hope may be an adequate permanent home were promptly forthcoming without any real difficulty.

The Duke says of it :

'The Norwich Lads' Club, founded by the City Police and run for the benefit of the City's working-class lads, is unique, and I congratulate them on their happy idea of solving the very difficult problem of what to do with the boys of the age of fourteen and over in their leisure hours.

From the start the Club has been a great success and has taught the boys to look upon the Police as their friends. It has given them a new interest in life. I hope and trust that Mr. Dain and his co-workers in this movement will long remain so that they can go on doing the good they are doing in running this Club—which appears to have practically eliminated juvenile crime in Norwich.'

The Home Secretary of the late Government, Mr. Clynes, as the official head of the police services of the United King-

dom, has also shown his interest in the Club, and especially in the Police service associated with it. He paid a special visit to the Club in March, 1931, and after inspecting the premises and seeing displays by the lads, he said :

'I do heartily congratulate you upon the maintenance of this Club for the finest and for the highest purpose of our life. It is being well conducted. The Club is helping to make citizens ; is helping to make men ; is helping to keep boys out of mischief and youth out of prison. It costs £60 a year to put a boy in a Borstal Institution and keep him there. It is far better and cheaper to spend a lot less than that in keeping a boy out of Borstal by providing for him rooms and space and opportunities for recreation, for sport, for study, for the development of his mind and of his character.'

The Judges visiting Norwich on Assize business have repeatedly given their testimony to similar effect. Mr. Justice McCardie, when attending the Winter Assizes said, 'You are doing a great work ; you are laying the foundations of a richer and nobler social life for our people' ; and Mr. Justice Roche during the last Assizes, spent some time in personal visitation at the Club and close inquiry into its work ; and after expressing his appreciation of its usefulness, said that he would advocate the formation of similar institutions in other large towns he visited in his circuit.

Sir Ernest E. Wild, Kt., K.C., Recorder of London, writing from the Central Criminal Court, says :

'In this great Court I have now had nine years' experience, and I find (without having exact statistics) that some ninety per cent. of the crimes of violence, which crowd our calendars, are committed by young men between the ages of thirteen and twenty-six. Such an appalling state of things would, in my judgment, be largely prevented were such kindly discipline as yours available for the young.'

And as a final judicial opinion I may quote what Sir Henry Dickens, the Common Sergeant at the Central Criminal Court, who has taken a deep interest in the matter, writes :

'All Judges who have to deal with Crime appreciate how difficult it is to deal with cases of young people who "drift" into crime, and such cases unfortunately are very many.

I do not believe in what is called "hereditary crime," as though it were some defect from birth ; but no one who has had any experience can doubt that criminal instincts are inspired by criminal surroundings.

There are many cases in which, as you point out, boys drift into crime because there is nothing else for them to do. Give them somewhere to go, healthy surroundings, honest competition with boys of their own age, good exercise and a cheerful entourage, and *no preaching!* That is what you want, and that is the way to avoid risk of "good boys" becoming "bad criminals."

If your example could only be followed in all big centres the Police and the Judges would have very little to do. Try and get others to carry on the same admirable work. Above all you are right when you advocate, "Do not preach to such boys. That is fatal."

In putting all this before you, I am only endeavouring to follow Sir Henry's advice to try and get others to carry on the same sort of work. It was his illustrious ancestor, Charles Dickens, who said, in one of his inimitable satires on the conduct of the legal profession in his day, that although the law might seem to the layman to be a most intricate maze of procedure, it was really quite simple when once you got the clue to its real purpose, which was to make business and fees for itself. Much has been done to root that sort of abuse out of the legal profession since Charles Dickens held these practices up to satire; and it is a pleasing contrast between those times and now that we should have the descendant of the illustrious novelist pleading for the doing of such preventive work as will reduce business for both police and judges. So far as the police are concerned, their job clearly is not to make business for themselves, but to assist and foster every tendency in right conduct which will help to deprive their own duty of being a terror to evil doers of as much occasion for exercising itself as possible.

In the letter I have quoted from the Secretary of the Boot and Shoe Manufacturers' Association, you will have noticed his reference to the conduct and influence of the lads of the Club in their factories and workshops. Naturally when a youngster develops in character in this way he carries the influence of it with him wherever he goes. It is not merely a matter of his activities in the Club, but of what he becomes in himself as a result of those activities, and carries with him into all his associations with others. And this is not manifest only in workshop and factory. It is a big influence in the homes of the lads; and I could tell you of hundreds of instances in

which such homes have been transformed by it. In the natural course of things it should be the parent who, by example and by precept, guides the boy into good citizenship and worthy manhood. But in the slum areas—and in some cases outside the slum areas—of our big cities, that kind of wholesome home atmosphere is too often absent; and the boy to whom cleanliness, both physical and moral, has become an instinct as a result of leisure healthily spent in such surroundings and activities as a good welfare club can provide for him, is a reforming influence in his own home. I know of more than one slum area in which the difficulties of the police in their ordinary official contact with the life of such areas have been diminished almost to the vanishing point by the presence, and influence in numbers of the homes so situated, of lads who, by simple force of their example, have given a new tone to the life of the place. And by that I do not mean any sort of prig-gish sense of superiority, but simply the example of helpfulness and good temper and the instinct for clean and unslovenly habits which becomes a second nature to the lads.

The subject of this article is not simply 'Welfare Work for Boys,' but 'Police Welfare Work for Boys'; with the emphasis upon the 'police.' For in all that I have put before you it will be evident to you that in whatever direction you may trace the results of this work, they are results which bear vitally and directly upon all those aspects of the life of a city with which the police are intimately concerned as the preservers of public order. We have long ago grown out of the old false notion that the success of police administration is to be measured by the number of people we arrest and the convictions we secure. Arrest and conviction are, of course, very necessary: that crime and lawlessness should prevail in a district without detection would be a grave reflection upon our police efficiency. But that, after all, is only dealing with the results of an even worse failure than the failure to detect; the failure to prevent. The prevalence of crime and lawlessness in a police district, whether detected or undetected, is an even graver reflection upon our police efficiency; and we have all come to realize nowadays that the real and true test of the ability with which police functions are exercised is the absence

of crime and lawlessness. Our work must always remain repressive so far as crime and lawlessness remain ; but the ultimate test is the positive and constructive test of the absence of such manifestations of unsocial conduct.

In our primary duty, therefore, of keeping watch and ward over our districts, is it not evident that those services which we can render by which crime and unsocial conduct are prevented from arising are services within the direct sphere of our duty, and that so far as we can help to initiate and foster them we are well and truly serving the basic purposes for which the community requires us ?

In this particular matter of welfare work amongst boys, the case for police participation in it seems to me to be stronger than in relation to any other form of constructive social service I can think of. In the first place it deals with the young life of the community precisely at the age when by far the greater part of the criminal behaviour with which we have to deal more sternly has its origins. If all the youth of our nation could attain to maturity without these evil seeds being sown, there would be precious little criminal problem arising afterwards. And in the second place, the participation of the police in this work is invaluable in creating understanding and a sense of common interest in the things that count for social welfare between the force which society has to organize for its own protection against evil doing and the minds of the very class of youth who are prone, under neglected conditions, to regard that social organization with hostility. I set the greatest possible store on this most important psychological factor in the matter, and I commend the point to your most earnest consideration. The community can have no more effective guarantee for its police efficiency than the establishment of this concord of understanding with the class of youth for whom this work is expressly intended ; for it is from that class, if it is left at a loose end and without such opportunities of growth in a healthy atmosphere, that our hardened and hopeless cases come in later life.

I am glad to say that the interest in all these things, and the growing tendency to take this view of them, is now very widespread amongst the police everywhere. It is not confined

to this country only. The testimony I have given you shows how keenly the most responsible people in this country are studying it. But if I may say so without offence, our methods of dealing with youthful offenders and the range of our constructive welfare work for turning their high spirits to good account instead of letting them run to seed in lawlessness, have always been in advance of the methods adopted in many other countries ; and nothing has gratified me more than the interest which has recently been shown in our work by the American Police Authorities, who have a problem of youthful lawlessness to handle far more formidable than our welfare methods have allowed to develop here.

Police Commissioner Mulrooney, of New York City, has recently emphasised this in a notable statement in which he points out that year by year the average age of the criminal is declining in the States, and is now barely the age of maturity. In all the army of New York offenders, the average age is now only about 21 years ; and the worst offences, including robbery with violence and even murder, are in an increasing degree committed by youngsters under 20. And with his wide experience of this type of young criminal, the Commissioner's strongly expressed opinion is that ' if these boys had been given a normal outlet for play, they would turn out all right.' The gangs and gangsters of which we hear so much are, in very large measure, nothing but the evil alternative to which the irrepressible spirit of youth turns for excitement and diversion when normal and healthy opportunities for its exercise are lacking for them.

It has been a great gratification to me to find that those who are grappling with this tremendous problem in the great cities of America have been studying our work at Norwich so closely. Chief Probation Officer Edwin Cooley writes to me : ' I hope I may be able to advise you later that the Welfare Police of New York City have benefited greatly by your practical experience ; and I assure you of my sincere appreciation ' ; and Dr. E. G. Stillman, the Editor of the Hospital Social Service Magazine of New York City, writes :

' Your unique welfare work for boys in Norwich will be a revelation to our American readers. The average American lad grows up

with a dread of the police. If only officers could all be social workers, what crime prevention could be established !'

And that effectively sums up what I have to put to you ; that in our work of crime prevention we can have no more effective adjunct to our ordinary duties than that we should be social workers on the lines I have tried to indicate to you. I have, as you will have noted, dealt with the main principles and general results in their bearing upon police problems rather than with a multiplicity of the details of organization and the programmes we endeavour to carry out in our work ; but on any such details I shall be delighted to answer questions ; and I thank you in conclusion for your attention and interest in a matter which lies very close to my heart.

Law of Confessions in India

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THE law of the country is that ' a confession made by an accused person is irrelevant in a criminal proceeding if the making of the confession appears to the Court to have been caused by an inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him ' (*vide* Section 24 of Evidence Act, 1894).

It is clear from this that no inquisitor should offer any inducement, threat or promise to the accused for getting a statement incriminating himself, and that confessions will be ruled out as irrelevant if they are not free and voluntary.

This point is further amplified by the provisions of Section 164, Criminal Procedure Code, which lays down that ' A magistrate shall, before recording any confession, explain to the person making it that he is not bound to make a confession, and that if he does so it may be used as evidence against him, and no magistrate shall record any such confession unless upon questioning the person making it he has reason to believe that it was made voluntarily ; and when he records any confession, he shall make a memorandum at the foot of such record to the following effect :

' I have explained to the accused that he is not bound to make a confession, and that, if he does so, any confession he may make may be used as evidence against him, and I believe that this confession was

voluntarily made. It was taken in my presence and hearing ; and was read over to the person making it and admitted by him to be correct ; and it contains a full and true account of the statement made by him.'

Apparently this law was not based on any principle of jurisprudence, but it was an administrative measure to eradicate certain evils which had crept into the method of obtaining confessions in the past. It is correct to say that it is not part of the main law, but is only the procedure regarding confessions the breach of which is not punishable under any law.

The framers of law were, of course, aware of different kinds of tortures practised in the world in the past and in their own time to obtain confession. Commissioner Dougherty says : ' The third degree method of enforcing confession from prisoners suspected in crimes is as old as the world. It was practised for many hundreds of years before the birth of Christ and had continued down through the centuries ever since.' One of the greatest third degree artists known to the world's history was Nero. In his time suspects ' were nailed on crosses, some sewn up in the skin of wild beasts and exposed to the fury of dogs, and others were smeared over with combustible materials and used as torches to illuminate the dark in the night ' (Gibbon's *History of the Roman Empire*).

The Spanish Inquisition methods, consisting of the most barbaric tortures—application of red-hot iron to the body and forcing suspects to drink melted metal—are matters of history. The Tower of London has still on exhibition an instrument or machine which was used to extract confession ; the victim's feet were fastened to one end of the machine and his hands to the other, and by a system of cranking his body was gradually pulled apart. If he was asked a question and replied unsatisfactorily to it, the machine would be put in operation, and gradually stretched his upper and lower limbs. This victim usually confessed, whether innocent or guilty. In the Doge's palace in Venice every known method of torture was used to extract confession from an accused. Between his palace and the public prison and inquisition there was a bridge known as the ' Bridge of Sighs,' and few suspects ever returned once they crossed that bridge.

In all parts of the world, methods of torture suitable to

the circumstances were used to extract confessions from accused persons. The cruel treatment of suspects by our ancestors has influenced the succeeding generations. Even now fathers from their offsprings, employers from their employees, teachers from their pupils, suspected of untruthfulness, the commission of a crime or some mischief, want confessions, and torture them if confessions are not forthcoming.

In view of these historical events and psychology of men, the authors of the Indian Penal Code drew a safeguard around a prisoner against threat and torture, which was something like a strong cordon to protect him against the law.

In early days the prisoner was certainly at a disadvantage, but now the pendulum has gone to the other extreme, and the law is at a disadvantage now.

The present law demands that torture, threat or promise should not be employed to obtain a confession. But why should a suspect not be induced or persuaded or prevailed upon to confess, as long as the element of torture in it or as long as the method of obtaining confession is not improper ? There can be persuasion without torture.

A simple question arises : Why should a man confess unless he understands that he would gain an advantage or avoid an evil of temporal nature ? It may be argued that in certain cases the criminal overwhelmed by penitence or remorse wants to clean his breast of his guilt. A confirmed criminal, be he an assassin or a dacoit, does not generally suffer from such nice feelings as remorse and penitence, or he would not have committed the offence. C. Barnaldoe Queros, in his book named *Modern Theories of Criminality*, says that : ' The habitual criminals suffer from a moral anomaly characterized by the absence of remorse.' On the other hand, penitence is a practical state of mind involving with the sorrow of past acts the resolution to avoid them for the future, and deep regret and renunciation being combined ; and remorse is a severe warning of the conscience against the act, and a gnawing anguish occasioned by reflections upon a past deed or course. A criminal has his conscience dulled, ignores its promptings, and is also deprived of the remorse. If he possesses any, it is blended with the fear of punishment, and

arises to despair, the supreme wretchedness of mind. He is not remorseful, but regrets that he is in the clutches of the law and anticipates a death sentence or some other punishment, to avoid which he negotiates and discloses facts useful to the investigator as a result of interrogations and some inducements.

It is true that there have been instances, though very rare, of murderers rushing to the police with blood-stained hands and instruments to confess and surrender themselves. I have heard of such cases, but I had no personal experience during my twenty-two years of service : and this may be said of other police officers with longer service. In cases where they were true, the murderer was not compelled by remorse or repentance, but by excitement, in which the element of vanity was also predominant. Soon after the offence the accused is temporarily insane, and does not suffer from remorse or penitence, which begin to act gradually, but may become truly repentant or remorseful only with lapse of time. On the contrary, experience has shown that in a very large percentage the prisoners will be found to have made an elaborate confession shortly after coming into the hands of the police, and not infrequently these confessions are adhered to in the committing Magistrate's Court, which are invariably retracted when the proceedings come to the final stage and the prisoner is at the bar of the Sessions Court. A repentant criminal, in accordance with the psychology of man, ought to have refused to confess to the police and the committing magistrate, and should have only confessed to the Sessions Court. This reversion of order and recurrent phenomena are suggestive in themselves, and lead us to believe that these confessions are not born of repentance or remorse. They arise merely from the fear of punishment and vanish with the disappearance of that fear.

These facts indicate that a criminal only confesses when he clearly sees the advantage of making it. It is therefore necessary that the word 'promise' should be eliminated from Section 24 of the Evidence Act in the interest of justice.

I grant at once that this proposal is contrary to public feeling on the subject. In England, indeed, the tendency is to put increasing restrictions on the interrogations of suspects,

but with due respect to the popular prejudice, I consider that the existing law, if strictly enforced, would place a criminal in a position of undue advantage ; it is only because confessions are frequently—the law notwithstanding—obtained by promises that so many crimes are detected. I recognize that the proposal is open to serious criticism, unacceptable in the present state of public prejudice. Whatsoever may be the views on this proposal, I now come to a suggestion which I consider is much less open to objection.

Sections 25 and 26 of this Act run as below :

- '25. No confession made to a Police Officer (21) shall be proved as against the person accused of any offence (22).
- 26. No confession made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be proved against such person.'

Much water has flown in the Ganges since the Act was passed. There have been considerable changes in the Police Department since then. The status of officers has been elevated, modern methods of investigation have been introduced to the improvement of the moral and morale of the force. It is a slur on the whole force that the confession made to a police officer should be disregarded, while it is considered valuable if it is made before a rustic devoid of any moral sense. In both the sections there should be no harm if the phrase 'other than a Gazetted Officer' be added after the phrase 'a Police Officer,' with the hope that these sections will be ultimately deleted. In Europe confessions made to a constable can be proved. In India a gazetted officer should have the same privilege. It is, however, not the question of privilege or status, but justice demands it.

A confession obtained by scientific methods without torture or threat is a valuable piece of evidence, particularly in cases where other evidence is *nil*.

The accused should be convinced of the facts that nothing but honourable methods should be applied to get true information from him, and that torture was out of question and a thing of yesterday. Exhaustive questioning in an intelligent manner may produce results.

In a murder committed by an individual alone, who has taken the precaution of committing it on a dark night and secretly disposing of the weapon and blood-stained clothes, it is extremely difficult to bring the criminal to justice without persuading him to confess. Sleuthing instincts or Sherlock Holmes's deductions might be useful to some extent, but in the practical world they have limitations, and where all methods fail a confession unravels the ramifications and mysteries of a crime.

The proper method of discovering the truth involves a calm and cool battle of wits between the investigating officer and the accused. No specific rules can be laid down for the successful conduct of this warfare. It depends mostly on the intelligence and experience of the inquisitor and the temperament of the accused.

Dougherty says that 'Psychology plays a very important part in the detection of crime, the examination of suspects and the procuring of confessions. Severe methods may get result from one individual while they fail with another. The pugnacious and rough-neck type is more susceptible to sympathetic treatment than to severity, the timid and weaker type to severity. The suspect should be examined alone, and should not be allowed to refresh himself, as he might have second wind. Sometimes it is a good idea to feed the accused, as some are inclined to confess with full stomach. The slightest touch of human nature, commonly known as "Soft methods," frequently result in procuring of confession from prisoners and suspects while everything else fails. Abuse and violence simply shocks the criminal up from disclosing the truth. A very little fairness and understanding of human nature will get straight to a criminal heart, leading him to volunteer important information and become useful as an informant.'

When interrogation and examination do not yield satisfactory results, staging may be resorted to. I quote an instance of staging and one of successful cross-examination.

Twenty years ago there occurred a serious dacoity in police circle Fatehabad, District Agra, which was notorious for violent crime. A maidservant of an influential Thakur of the neighbourhood was suspected of having given information

to the accused as to the whereabouts of the ornaments of the victim. The Thakur was reluctant to produce the maid-servant on account of his *Badnami* (bad name). She was so well concealed that the police officers failed to locate her. When the matter became desperate I saw a nice instance of staging. It was well known that this Thakur had got possession over his property through Khan Bahadur Ali Jan, Circle Inspector, an officer of great fame in the Police Department, and naturally the Thakur was under obligation to him. Sub-Inspector Mirza Ahmed Beg, who had just come on transfer from another district, managed to have a post card sent to him by Khan Bahadur Ali Jan, which was delivered to him in the presence of Thakur Baldeo Singh. The contents of the letter were that he (Ahmed Beg) should see the Thakur and seek his assistance in need, as he was his greatest friend. The post card was read out in such a tone that the contents appeared to be true even to me. The Thakur asked him what relation he was to the Khan Bahadur, and on his reply that he was his *Mamoon* (maternal uncle) the Thakur sprang up from his seat and embraced Ahmed Beg. There was then not much time lost before the woman was produced and was told by her employer to disclose the whole truth, as a result of which the dacoity was worked out and challenged.

On my remarking on the fortunate incident, the Thanadar considerably amused me by saying that it was a ruse only for the purpose of obtaining the presence of the maidservant, and that he had nothing to do with the Khan Bahadur.

There was recently a case in which the criminal obtained valuable property at Poona, Lucknow and Delhi on false pretences. His *modus operandi* was to send letters in the name of high officials to various jewellers for sending valuable articles in the form of rings and watches, etc., for selection. He cheated Messrs. Marcks & Co. at Poona, Messrs. Ruffener at Lucknow, and Messrs. Hamilton & Co. at Delhi. At Delhi he obtained costly rings valued at about Rs. 10,000 from the last-mentioned firm in the name of Lady Hailey. During the investigation it happened that the cheat had visited the firm a day before and ordered a costly watch to be sent to his address, which was not accepted. The police followed the

clue, and in the absence of the principal accused his brother, who had also accompanied the accused to Hamilton's, was tackled. From the police inquiry it transpired that the accused was not financially in a position to order a costly watch. The accused's brother had followed the policy of browbeating the police officers. He pretended to be a son of a well-to-do judge with landed and other property, but it had been ascertained that his father was only a judge in name, and that there was practically no property at all.

With this knowledge in hand there was a battle of wits between the police officer and the accused's brother. The accused's brother pretended to be a rich man who could purchase a costly watch, but the police officer had the information that he was not so.

At last the police officer, being exasperated, put a question to him whether he had been convicted for any offence before. To this direct question the accused's brother blurted out that he had not, but his brother had. He was further asked as to the nature of the offence for which he was convicted and jailed. He replied that it was in a civil case. It was suggested to him that as a rule people were not jailed for civil offences. He further blurted out that it was not exactly a civil offence, but that his brother had obtained property from different firms in the name of Sir Salar Jung, for which he got one year's rigorous imprisonment, and came out from the jail of Poona, three days after which he committed a similar offence—which was the subject-matter of the police inquiry. On this the accused was traced, subsequently arrested, convicted and sentenced to eight years' rigorous imprisonment.

Some people may argue that this examination savours of third degree methods. The question, in our opinion, is not to be judged absolutely, but in relation to the society for which the law is intended. While there can be no doubt that confessions obtained by compulsion or threat should be tabooed, there is no objection in the interests of society, especially in a country where the detection of crime is more difficult than in more developed communities, that the investigating officer should be allowed to obtain the truth by intelligent and persistent cross-questioning of the suspect even against his will.

Taking of Casts of Footprints

By CECIL C. H. MORIARTY, O.B.E., LL.B.

Assistant Chief Constable of Birmingham

IN a review of the book, *Police Procedure and Administration* (Butterworth & Co., 1931) which appeared in the April, 1931, issue of the *Police Journal*, the reviewer dealt with the taking of casts, and in advocating the use of plaster of paris stated that the use of a mixture of resin and paraffin wax is not suitable for ordinary work done by ordinary men and that the mixture can only be used on special occasions by experts when a very pretty exhibit seems to be called for. Having regard to the importance of the subject it would seem advisable to summarize the authorities on the matter.

Dr. Hans Gross, Professor of Criminology, Prague, in his *Criminal Investigation*, a practical text-book for all engaged in investigating crime, adapted in English by J. Collyer Adam, B.L. and published in 1924, devotes several pages to the various methods of reproducing footprints. He deals at length with plaster of paris and gives precise directions as to how it should be used. It should be of good quality (such as sculptors use) and be as dry as possible, preferably kept in dry corked and sealed bottles. Great care must be exercised in mixing the plaster with water so as to produce a homogeneous 'soup' without lumps or clots and the mixture should be poured rapidly on the footprint, but not too rapidly lest air bubbles form. The cast should be strengthened by small pieces of wood and string, well soaked in water previously. It will be well to use, in preparing the 'soup', water which has just been boiled but allowed to become cold, as it contains hardly any air and the risk of air bubbles will be lessened. He states that plaster casts are indeed very fragile, but they can be hardened by steeping

them in a solution of silicic acid or in a mixture of alum and hot water.

However, Dr. Gross goes on to say ' we consider that the value of wax is equal to or even superior to that of the best plaster. It is nearly always easily procured, every country grocer stocking it. The wax is melted and allowed to cool until it begins to darken; it is then poured on the footprint. It matters little whether the latter is in wet clay or in dry earth; wax may always be employed except in snow, sand, dust or the like. Much skill is unnecessary and the mould is easily raised as soon as the cooling is finished and is clean and distinct. But it must not be forgotten that it is sensibly smaller than the original.'

In conclusion Dr. Gross says that we must employ :

- (1) for footprints in the snow : joiner's glue, which is melted (but should be thicker than usual), allowed to cool until it begins to congeal and poured into the footprint. The cold of the snow hardens the glue so that the glue hardens into jelly before the snow melts and becomes quite hard in several hours ;
- (2) for footprints in sand, dust, flour, etc. : stearine. Stearin or stearic acid is a solid fatty acid, occurring in white hard masses, odourless and tasteless. The melting point is from 56° to 65° Fahr., so the substance should be kept cool owing to the risk of its becoming soft. Powdered stearin may be spread on the footprint and a hot iron held over it until the powder melts and makes an impression of the footprint.
- (3) For other footprints : plaster of paris or wax, or in case of need cement, fat or suet, clay, paste or breadcrumb. The book gives particulars as to the use of all these substances.

* * * * *

In October, 1892, a Home Office circular to the police recommended the use of a composition of resin mixed with wax or paraffin, an inexpensive mixture which on heating over a slow fire becomes liquid, which becomes hard and tough on

cooling, and which may without injury to the cast be washed clean from adhering foreign matter with water.

The circular pointed out that casts are practically useless as evidence unless they faithfully correspond with the object modelled and that the impressions given by plaster of paris are often too rough and coarse to be of much service. Two parts of resin and one part of wax or paraffin is suggested as a suitable mixture, but experiments would show the precise proportions to give the best results. A mixture in the reverse order, viz. one part resin and two parts white paraffin wax, has been tried with good results. Both the resin and the white paraffin wax can readily be obtained from oil and colour merchants who will make the composition in the proportions desired and supply it in cakes ready for use. Pieces of the composition should be heated slowly in a kettle, but it should not be allowed to boil and it should not be used too hot. The footprint should be surrounded with a ridge of clay or by an oval band of hoop iron so as to prevent overflow of the liquid composition and the composition should be slowly poured into the track, the spout of the kettle being kept as close as possible to the track so that the pouring may not spoil the impression of the track. A composition cast of a footprint may be strengthened by laying a couple of slips of wood lengthwise across the instep, and the person taking the cast should put his initials, the date, and the words ' right ' or ' left ' foot (as the case may be) on these slips of wood. The cast should be taken from the ground with care, any clay, etc., adhering to it should be washed off, and it should be wrapped in cloth or paper and be kept in a box until required.

If there is water in the track, the water should be removed, by making a channel for it to run off or by means of a siphon or syringe or by any other method which will not spoil the impression.

* * * * *

It will be noticed that the material recommended for use by the British police is a wax composition and that Dr. Gross, in setting forth the methods used on the Continent, while going into detail in explaining how plaster of paris should be used, says that wax is equal to or even superior to plaster of

paris for the purpose and that much skill in its use is not requisite.

He considered it necessary to point out the precautions which should be taken with plaster of paris and makes it apparent that it is the work of an expert to produce a satisfactory cast with that substance. When the detection of crime has become so specialized that an expert is at the call of a police force, ready at any time to travel to the scene of a crime, armed with all the scientific apparatus and material considered necessary for dealing with any situation, the expert will be able to have with him the most suitable substances for use in taking casts of any particular impression. Until that time arrives a police force must do the best it can with the materials at its disposal, and what it now requires is a substance which can be used by the average man, a substance comparatively easy to manipulate and one fairly certain to make a good cast of an impression. This substance we have in the wax composition recommended by the Home Office. It is now in use, and to the writer's knowledge, no adequate reasons why it should not be used have been advanced.

It is easy to have at every divisional police station a tin kettle, some hoop iron and a supply of the wax composition. All constables are now instructed to look out for and to preserve carefully any tracks or marks at the scene of a crime; the materials for taking casts can be conveyed quickly to the place and there is little difficulty in having the composition heated. The writer has taken excellent casts with this composition, in open country and on snow-covered ground, of footprints clearly marked in soft soil. A fire was lit close by and the composition was heated without difficulty; under the then weather conditions plaster of paris would have been more difficult to manage satisfactorily.

Every constable now is (or should be) instructed in the method of taking casts by means of this composition.

It does not call for any special skill or training and when, in an actual case, casts have to be taken, they will be taken under the direction of a superior officer, who in many cases will have had some previous practical experience.

The Formation and Organization of a Division of the St. John Ambulance Brigade Overseas within a Police Force

By R. G. B. SPICER, M.C.

Commandant, The Palestine Police

IN 1925 it was decided to go into the question of establishing a First Aid division in the Kenya Police. At the time, three members of the Force possessed St. John certificates, but no form of First Aid organisation of any sort existed.

Kenya was and is a country eminently suited for such a movement. To the distances over which wounded or injured have to be transported, which are enormous, more often than not by country roads, if one can call them that, the condition of which baffles description, add the paucity of medical officers together with the numbers of cases accruing from wild beasts and even wilder motorists, and it can readily be seen that the need of First Aid at all Police Stations in the Colony was great.

It seemed indeed wrong that wounded natives and hunters should bleed to death from a wound whilst being transported to the nearest doctor, when the application of a simple tourniquet at the first Police Station met en route would definitely have been the means of saving life.

To begin with, after having informed the Headquarters of the Order that it was our intention to attempt the inauguration of such an organization, classes were commenced. The services of Kenya Medical Officers were luckily obtained without payment, and both lecturers and examiners enthusiastically came to our assistance.

In the first instance, the initial class started at Nairobi, and in 1928 we were in the position of having 16 members of the Force qualified certificate holders, which enabled us to apply for official recognition to the Ambulance Brigade Over-

seas of the Order of St. John of Jerusalem. This was readily granted, and I would add here how generously and sympathetically we have always been treated by the authorities of the Order in all stages of our progress, and how much more difficult matters would have been had we not invariably received their whole-hearted support, encouragement and advice.

Having received official recognition and registration as a Division of the St. John Ambulance Brigade Overseas, we were then in a position to approach the Government for funds, and subsequently a new item appeared in the Police estimates for 1929, of £30, under the heading 'Fees to Medical Officers and Expenses in connexion with the Ambulance Brigade.' Although not a large sum, the money thus voted enabled us to spread the movement further, and to equip ourselves to a limited extent.

Lecturing examination centres were established in 1929, at three towns of the Colony, viz. in addition to Nairobi, at Mombasa and Kisumu.

Stretchers, First Aid boxes and haversacks as supplied by the St. John Brigade Overseas were indented for and fitted to 39 stations.

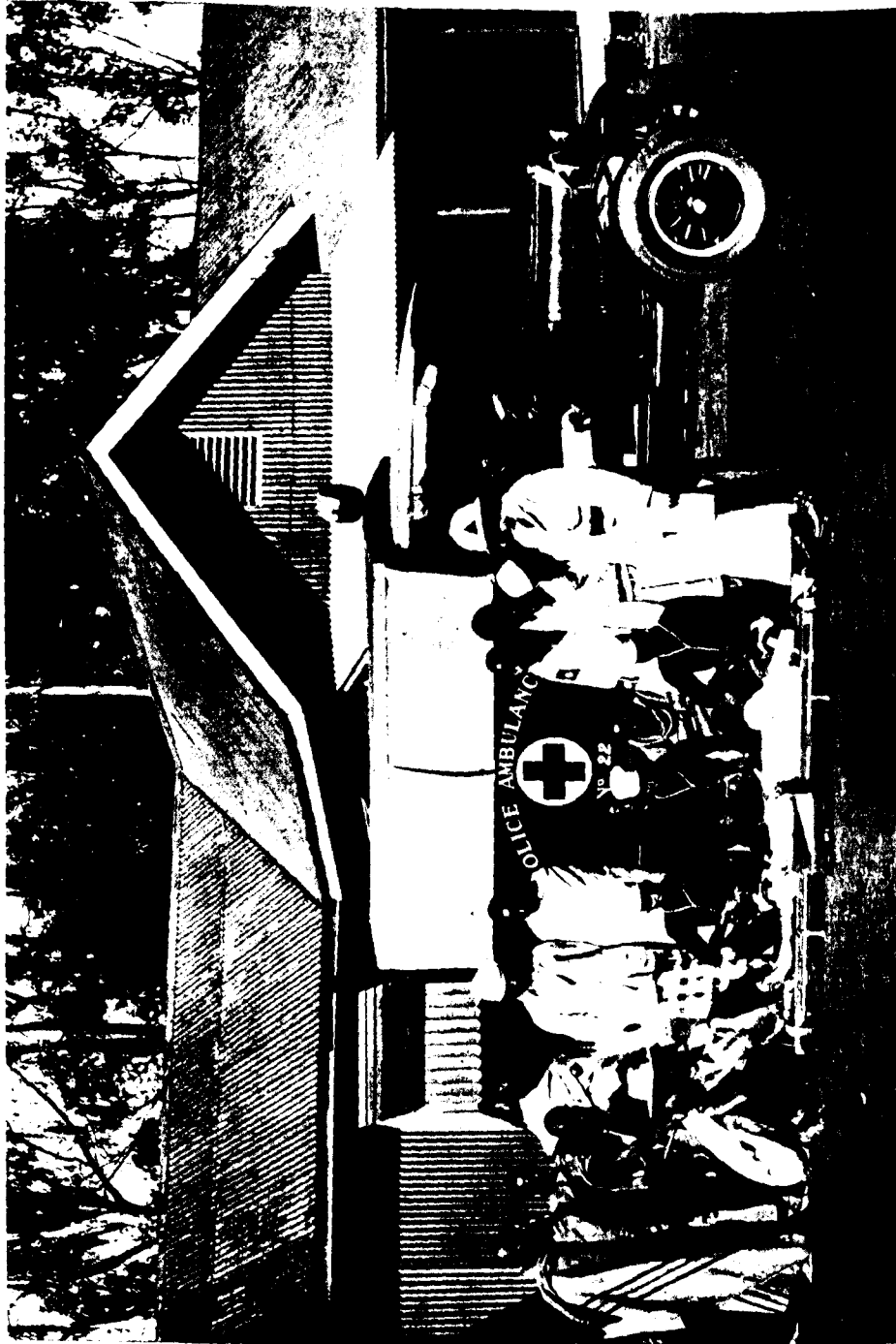
In 1930 our certificate holders had risen to 81, 33 were re-examined during the year and 25 passed their first examination during the year—instruction and examinations being conducted at six centres outside Nairobi.

It must be remembered that the Kenya African Policeman is entirely illiterate, and although he can be readily instructed in Stretcher Drill, the lifts, Schaffer's Method of Artificial Respiration, and the more intelligent, the pressure points, simple bandaging and the application of splints, he cannot yet grasp the finer points of First Aid. The men, however, responded keenly to the method of demonstration from European certificate holders of the simpler points, and as a later schedule will show, have put their knowledge into definite practice.

This has, moreover, more significance than even the schedule may show, for it has definitely been a very great factor in instilling into the African Police mind his real duty towards



FIRST AID BY ST. JOHN'S AMBULANCE BRIGADE, KENYA



A POLICE AMBULANCE IN KENYA

the public of which he is the servant, in that the methods of the pole-axe and stand and deliver are not to-day the primary elements of his profession.

I was delighted on one of my night rounds in Nairobi to find the Station Reserve askari diligently bathing and binding the wounds of a drunken native who had violently resisted arrest, and who had himself inflicted severe injuries on the night patrolmen. This was definitely a new mental attitude for African Police and entirely arrived at, not by persistent lectures on Police conduct, but by the direct method of Police First Aid demonstrations.

I do not imagine, but know, that without our First Aid movement, the treatment this man would have received on arrival at the station would not have been what I was so pleased to see, but something very different and much less humane.

We have now been equipped with our own Police Motor Ambulance for use in Nairobi town and its environments. All Police fleet duty cars attached to Provincial stations are fitted with a St. John First Aid box of equipment, and type stretchers have been supplied to every Provincial and District Headquarter station throughout the Colony, so that it can be truthfully said to-day that Police First Aid plays a very important part indeed in the working of this Force.

The Division has been inspected on three occasions by His Excellency The Governor, and at these ceremonies various incidents and accidents connected with First Aid have been portrayed, in addition to the formal inspection, which have been interestedly watched and enthusiastically received by appreciative audiences.

The following figures of the Force's First Aid Division's position to-day may be of interest when compared to the three certificate holders and entire absence of any equipment in 1925 :

Qualified Certificate Holders	-	-	-	-	93
Holders of St. John 'Vouchers' for passing two examinations	-	-	-	-	31
Holders of St. John 'Medallions' for passing three examinations	-	-	-	-	11

Holders of St. John 'Labels' for passing four or more examinations - - - - - 5 St. John 'First Aid' Boxes - - - - - 46 do. Haversacks - - - - - 46 Specially fitted Surgical Haversacks for Frontier Work - - - - - 10 St. John Dust- and Water-proof 'First Aid' Boxes carried on Police Cars - - - - - 20 St. John Type Stretchers - - - - - 60 St. John Type Stretchers with telescopic handles - 7 Motor Ambulance fitted with 'First Aid' Equipment - - - - - 1 Hand-wheeled Litters - - - - - 10

All 'First Aid' equipment contains special 'snake-bite lancets.'

The following instances of the rendering of First Aid since the inauguration of the Division may also be of interest, especially in view of the fact that illiterate African Police have entirely on their own initiative applied the principles of First Aid which had been demonstrated to them :

(1) The Vellum Certificate of the Royal Humane Society was awarded to No. 522, Corporal Ondiff Onyango (Kavirondo), for gallantry in saving the life of a native child who had fallen into, and been swept away by, a flooded river. Before he could effect the rescue, the Corporal had to enter the river twice.

The child when eventually brought to land showed no signs of life or respiration. The Corporal, despite his exhausted condition, promptly, of his own initiative, applied Schaffer's method of resuscitation taught in the Force and succeeded in restoring and maintaining animation. This is the first definite result we have had from our teaching of the method to the askaris, and this one life alone has more than made all the effort worth while.

(2) An Arab at Kibigori, as the result of a quarrel, was stabbed. No. 171, 1st Constable Ojal Otieno (Kavirondo), summoned from the neighbouring Police Post, found on his arrival that the Arab had sustained three wounds, one of which had severed an artery in the forearm, and severe hæmorrhage was in progress. The constable rendered First Aid, stopped the bleeding and enabled the injured man to be moved in

safety to hospital at Kisumu. Medical evidence in the subsequent trial stated :

'The first aid was very good indeed, and it saved the man's life and also caused the wound to heal quickly.'

(3) A number of natives had chosen as a sleeping-place the ground beneath a goods wagon standing in the yard near Kilindini Railway Station.

Their presence there was not known, and the truck was moved during the night with disastrous results, two of the natives being killed and one seriously injured. A native constable (8376, 3rd class P.C. Wawero) on night duty at the railway station was soon on the scene, and of his own initiative rendered most valuable assistance to the injured man by applying a tourniquet to his arm, which had been crushed and was bleeding profusely. It was stated by the Medical Officer who subsequently treated the injured native, that but for the prompt and intelligent aid given by the constable, the native would have bled to death.

(4) A Medical Officer stationed at a remote out-district of this Colony submitted the following report of a case where First Aid had been skilfully applied by an African constable of this Force to a member of the public :

'A case of severe compound fracture of the leg was admitted to-day. First Aid had been performed on the fracture by askari No. 76, Nzunzi by name, and I would like him to be complimented on the efficient way he carried it out, binding the limb with improvised splints and his puttee. Undoubtedly much more damage would have been caused to the bone but for his attention.'

The motto of the Kenya Police is 'Salus Populi,' that of the Order of St. John of Jerusalem is 'Pro Utilitate Hominum'; there is a very close analogy between these two mottoes, and in my firm opinion First Aid must play a very large part in the organization and training of any progressive and efficient Police Force.

The Value of our Jury System

BY W. SUMMERFIELD, B.C.L., LL.B.

Barrister-at-Law

WE live in an age when few, if any, established institutions are immune from criticism designed to produce, or actually resulting in, radical change. It is not surprising, accordingly, that our jury system has not escaped controversial discussion.

The jury is one of the most venerable of all our judicial institutions. Its antiquity is generally traced back to the days of Alfred the Great, whose burning of the cakes may have been due to profound absorption in its manifold intricacies. Certainly juries were employed by the Norman Conqueror in and about the preparation of the Domesday Book—the ancestor of all our taxation inquisitors.

The reaction of the human mind to an antique institution is either one of reverence or revulsion. We either instinctively love the venerable and fear to lay desecrating hands upon it, or we are prejudiced against it merely because of its age. Aware of these innate tendencies, it is our duty to make every effort to preserve a judicial balance in assessing the validity or otherwise of the objections nowadays raised to the jury system.

In point of fact before we proceed to examine the charges we must clearly ascertain what it is that is arraigned thus at the bar of public opinion. The 'jury system' is a comprehensive term. There is the civil jury and the criminal jury. We shall do well to bear in mind that they are not one and indivisible, nor even twins; they are cousins. Justice demands that sentence shall not be passed upon one for the sins of his cousin.

Each of these cousins, again, is a parent. The former has sired the county court jury, the common jury and the special jury—with one or two youngsters who are rarely seen or heard, *e.g.* the City of London Special jury. The latter has been responsible for the introduction of coroners' juries, grand juries and petty juries (and juries of matrons).

If an indictment is to be preferred against the jury system, it does not follow that all the counts in it will be equally applicable to each of the two cousins. And if we are to place in the dock their offspring as well, again we must beware to keep our charges against each separate and distinct.

Nevertheless, in opening the case for the prosecution in the cause *Rex (Upon the information of the Twentieth Century) v. The Jury*, it is possible and permissible to offer some general observations of an introductory nature which shall be applicable to all the accused.

They are, then, as we have already noted, of ancient and royal lineage.

Their past record, nevertheless, reveals that in the main they have espoused not the rights of their kingly begetters, but of their subjects.

The jury anciently stood between the king, or the central power in the state, and the subjects who acknowledged his sovereignty. The barons who wrested from King John at Runnymede the right to trial by 'peers' were conferring, through Magna Carta, rights upon all their fellow-subjects of all ranks. This development is common, indeed, to all recorded histories of constitutions, both in the ancient and in the modern world—the aristocracy in fighting for its own privileges against the monopoly of king or tyrant has won, at the same time, the battle for democracy. So it was that if the barons had their own baronial 'peers' to try their alleged breaches of the law—a survival which persists down to this day in the right of a peer of the realm to be tried for treason or felony in the House of Lords—the 'common' people, too, had their 'peers' (*i.e.* equals), who could be assembled to see that the scales of justice were not unduly or improperly weighted on the side of the prosecuting authority against one of their fellows.

This, therefore, was primarily the function of the jury, to insist that Justice should always turn a blindfolded, impartial face upon the scene of a trial, holding the balance evenly wherever it fell to be determined whether any person should be deprived of life, liberty or property, or any other right appertaining to the subject.

This demand for deprivation of the right of a subject might emanate either from the state or from a fellow-subject. For it will be recalled that it is little more than a century since even criminal offences were punishable at the behest of a private citizen, who might himself, by a duelling combat, seek to avenge the death or injury of a kinsman. (This was abolished as the result of the case *Ashford v. Thornton* (1 B. & Ald. 405), in 1819.)

The function of the jury was to find the facts in issue, upon their oaths—the word ‘juror’ simply meaning ‘one who swears,’ from *jurare* (Latin), to swear.

Those facts they found not merely or even necessarily or primarily from testimony adduced in their presence before the judge. They were entitled, and indeed bound, to use their own knowledge with regard to the accused or sued party. For they were selected from the very district in which the affair or transaction to be inquired into had taken place.

The jury, therefore, in origin partook of the nature of witnesses as well as triers of, or judges upon, the issues of fact.

This function survives to this day, as is clear from the oath which coroners’ juries take. The coroner’s office is interesting and illuminating from many points of view, for it was primarily as the officer of the Crown (whence his name—compare Shakespeare’s *Hamlet*, Act V, Scene I, where the two clowns are discussing the burial of Ophelia: ‘the crowner hath sat on her, and finds it Christian burial’) that he was appointed. The coroner’s duty with regard to treasure-trove, too, is exercised by inquisition; his jury has to decide, as between the Crown and a possible private owner, in whom is vested the property in buried treasure which has been unearthed.

The oath taken in the coroner’s court merits detailed notice. It runs: ‘I swear by Almighty God that I will

diligently inquire and a true presentment make of all such matters and things as are here given me in charge on behalf of our Sovereign Lord the King, touching the death of *A. B.*, now lying dead, and will without fear or favour, affection, or ill-will, a true verdict give according to the evidence and to the best of my skill and knowledge.’

The concluding phrase of the oath demonstrates that coroners’ juries are still witnesses, for they are to give a true verdict not merely according to the evidence but also to the best of my ‘skill and knowledge.’

Similarly, the Grand juror swears to ‘diligently inquire and true presentment make of all such matters as shall be given me in charge . . . or as shall otherwise come to my knowledge . . . touching this present service.’

It is no mere coincidence that considerable attack has been made in modern times upon the maintenance of the coroner’s jury and of the Grand jury, even by those who would view with horror any suggestion that the civil jury or the Petty jury in criminal courts should be dispensed with.

In neither case does the jury attacked perform the functions which seem to the modern mind the essence of jury service, namely, to find a conclusive verdict upon the evidence as adduced in court. Both the coroner’s jury and the Grand jury discharge duties which are merely subsidiary to those of another jury which is to sit later on. From that aspect, it is suggested, their labours are superfluous or redundant. Another reason making for inconclusiveness in their verdicts is the fact that a unanimous verdict is not necessary in their cases. The coroner’s jury, consisting of not ‘less than seven nor more than eleven’ ‘good and lawful men,’ may find a majority verdict—providing that there are not more than two dissentients. The Grand jury, again, may ‘find a true bill’ or ‘ignore’ the bill of indictment by twelve of their number—twenty-three are impanelled—being agreed. An answer to this objection to these two children of the jury system is that unanimity is not necessarily absolutely essential to the dispensing of justice in human affairs. Certainty is, in any event, not guaranteed to the human mind. The majority is not unlikely to be as correct in its finding as a unanimous jury. At

any rate, it is as much as we can demand ; and in Scotland, at least, the verdict of the majority—even on a Petty jury—is believed to be an adequate working guide to the ascertaining of the right decision.

Another objection urged against these two ancient juries is that the ordinary rules of evidence do not apply before them. In the coroner's court evidence is freely admitted which would be rejected in other tribunals. The Grand jury hears only evidence from the prosecution, and not even the whole of that.

This objection is based upon ignorance of the true functions of these two juries. Neither of them purports to try 'issues joined between the parties.' Its duty is solely to ascertain whether there is a *prima facie* case for trial by an appropriate tribunal. This duty it can adequately discharge by hearing part of the evidence only.

The Legislature has, in fact, seen fit to reduce the scope of the coroner's jury, by the provisions of the Coroners (Amendment) Act, 1926. Thus—by Section 13—the coroner is empowered to dispense with the summoning of a jury, except in cases where there is reasonable suspicion of murder, manslaughter or infanticide, or where death has occurred in prison, or through some cause which is notifiable to a government department, or by a street accident, or through some cause which may be detrimental to public health or safety if suffered to continue unchecked. Even in the case of a sudden death the coroner may—by Section 21—order a post-mortem examination in lieu of holding an inquest, if such examination seems likely to reveal satisfactorily the cause of death. The charge of redundancy, indeed, cannot now be reasonably levelled against the coroner's jury ; for the duties which remain, even after the passing of the 1926 Act, are important enough, as is apparent from the above indication of their scope ; moreover, it is provided—by Section 20—that the coroner is to adjourn his inquest (which he need never resume, in the absence of special circumstances) once he is notified that a charge has already been preferred against some person of murder, manslaughter or infanticide of the deceased person into whose death the coroner has begun to inquire.

The coroner's jury and the Grand jury, furthermore, discharge valuable public duties even when no person is charged. The former by their riders frequently draw public attention to abuses which can be remedied, and of which they have gained knowledge in the course of their inquiry. The latter are privileged and sworn to make observations upon matters of public concern, for they are to 'make presentments' not only of such matters as are given them in charge, but also of such as 'shall otherwise come to my knowledge.' Thus, questions of the advisability of retaining corporal punishment, and other such matters of public interest, have been raised from time to time by the Grand jury.

In both cases, again, the jury's retention may save an innocent person the ignominy and anxiety of a protracted, formal trial. They are a safeguard for the subject. If to some persons, whose enthusiasm for reform exceeds their reverence for historical continuity, they now appear a superfluous safeguard the defect charged is, perhaps, a virtue rather than a vice. The average citizen likes to feel that if it is at all possible to save an innocent man, no possible means of so doing should be dispensed with. In neither case is it a condemnation to allege that their efforts are repetitive. Does repetition really matter when sifting the wheat from the chaff where the discovery of truth and justice is concerned ?

Unmindful of these considerations, criticism of juries of presentment arise again and again whenever in the event the jury of trial or final tribunal has acquitted. Thus, in a recent murder case from Liverpool, the Court of Criminal Appeal ultimately declared the case against the accused not proved, and liberated him from under the very shadow of the gallows. The incident might well have been used in adulation of the Court of Criminal Appeal which, by its introduction in the twentieth century, filled a long-sensed void in our judicial system. Instead, it afforded an opportunity, apparently eagerly seized, by the opponents of the jury system (or part thereof) to attack the Grand jury. Thus the *Justice of the Peace* of 13th June, 1931 (Vol. XCV, p. 372), in commenting upon this happy conclusion to an unfortunate case, said : 'The Grand jury is more than ripe for abolition. If there

ever were a case for its intervention it was this [the *Wallace*] case. In fact the Grand jury is a fifth wheel to the coach, and in matters of any importance it runs with the others.'

And what of these others, which are said to constitute the coach?

It is possible, we have been told, to drive a coach through any Act of Parliament. It may well be that the jury system operates as such a coach, the disintegrating labours of which redound to the public advantage.

For an Act of Parliament must needs legislate for the general, whereas the jury is in a position to adjudicate for the particular. Hard cases make bad law. An Act of Parliament with its frigid code must run the risk of creating hard cases. The jury is empowered to reduce or even to eliminate that risk by its flexible application of a rule of law to special facts.

Law regards the object rather than the subject. It is concerned with the maintenance of order in the community by proceeding along well-defined grooves. Its passage allows little regard for the convenience of individual subjects of the realm. The jury, on the other hand, is brought face to face, not with abstract principles laid down in the legislative chamber, but with concrete details assembled in a court of law from out of the hurly-burly of daily life. The jury, accordingly, can and does bring the touch of human kindness to bear upon the frigid administration of legal principles. If, being human, it strives to be humane, can civilization be heard in a plea to stay its beneficent activities?

Law is based upon public opinion. It serves no other need and enjoys no other sanction. But, as Professor Dicey so lucidly exposed, law tends to lag a generation or so behind public opinion. The interregnum is admirably filled in by the jury, representative as it is of the general body of opinion in the state, and closely in touch with it.

Thus, when our criminal law lagged so far behind the humane sentiments actuating the community at large that it could condemn to death one who should be proved guilty of having stolen a lamb (as well as the stealer of a sheep), or the miscreant who had unlawfully possessed himself of forty shillings, the jury supplied the missing link of humane pity,

and by the simple expedient of pious perjury found the lamb was not even a lamb, nor forty shillings more than thirty-nine. By enforcing a mitigation of the consequences of the asperity of our law the jury secured in due course its radical reform.

Without the intermediation of the non-technical jury our legislators would be unacquainted with the profound sentiments of the public whom they purport to represent, and in whose name they seek to legislate.

A man who goes before a jury for trial 'puts himself upon his country,' as the old phrase had it. It was a prudent safeguard of our ancestors to provide this mode of appeal from an omnipotent and remote Caesar dwelling at the seat of central government. If it was expedient to ensure that the King's writ should run throughout the land, it was thought by them equally desirable that the people's will, even in its remotest corner, should be entrusted with its effective service.

The development of the jury system proved, too, a prudent policy on the part of the governing classes long before an awakening democracy demanded as of right participation in the burdens and privileges of government. For in this way the meanest citizen was admitted into the full confidence of the judiciary charged with the execution of the mandates of the legislature. Suspicion of tyranny and whimsical dispensation of power cannot thrive in the open atmosphere of law openly administered in public courts of law. By taking a panel of good and lawful men to try the issues joined between the king and the accused from the locality primarily concerned, our rulers have divided their power with the people, and thus fulfilled, in a new sense, the wisdom of the ancient dictum: *Divide et impera*, Divide and Rule.

Nor, from this angle, did the civil jury differ materially from the criminal jury. If a ruthless landlord sought to 'have the law on' a bold footpath-walker or a user of common land, the local jury was far better able to adjudicate upon the rights and wrongs of the dispute than the most learned judge overweighted with tomes of lore relating to footpaths and commons. Practice was opposed to theory, or rather the everyday knowledge of the commonalty was blended, by the jury, with the high learning of the judge. The result was that the law was

vindicated without riding roughshod over the sentiments of the day. Ancient precept was applied to modern needs.

Nor was the contact between judge and jury a one-sided benefit. If the jurist was taught 'a fact or two' of 'real' life by the practical-minded jury's verdict, the jury, for its part, acquired a knowledge of a rule or two of law by the judge's directions to them. A little knowledge of law is not a dangerous thing, for the interchange between judge and jury is highly advantageous to both sides.

The bench could not possibly, by the very conditions of their labours, be directly familiar with the news and views of the market-place. Yet such familiarity was essential if they were to devise, develop and administer the commercial law. Their proximity from the bench to the jury-box provided opportunities for such vicarious, but none the less valuable, contacts.

To this day, then, we have the Special jury and the City of London Special jury co-operating with the judge to fashion together a working guide to justice in commercial affairs. The valuable results of such co-operation are traceable back, in unbroken continuity, to the seventeenth and eighteenth centuries, when Lord Mansfield, the 'father of modern commercial law', was busily engaged in the upbringing of his lusty offspring.

Earlier still we may discern the wisdom of the judges who themselves penetrated into the very purlieus of the market-place rubbing shoulders with merchant litigants as they applied, on the spot, legal principles to the settlement of the commercial disputes as and when they arose, hour by hour. The ancient Courts of Pied-Poudre owe their name, probably, to this very factor that litigants came into the courts with dusty feet from the heat and strife of the market; on the alternative theory of the derivation of the name of these tribunals of the Middle Ages they were so called because the judges administered in them justice with the speed and ease with which one flicks dust from one's garments.

Civil justice has always been most satisfactorily administered when judges have been closest in contact with juries. The abuses of the old-time Chancery courts might have been

lessened had the non-technical wisdom of the untrained jury been at the disposal of the judges immersed in their technical tomes of a bygone age.

Juries, of whatever category, have always supplied the feminine element in justice. The judge's robust, masculine intellect has been diverted and directed by the jury's feminine sentiment. If the latter's sentiment has on occasion descended to sentimentality, and frequently yielded to the whimsical impulses of the gentler sex, is that risk not in accordance with the experience of life in general, and not wholly devoid of value?

Law is made for mankind, not mankind for law. And mankind is compounded of male and female. Law fails of its purpose if its application does not reflect the sentiments and requirements of both.

The modern jury, moreover, is itself compounded of males and females. This is an invaluable aid to the administration of justice wherever sex differences are in question. It needs no complex creature of Freudian psychology to appreciate how substantial a proportion of suits in our courts of law, whether of a civil or criminal nature, must revolve around questions arising from sexual relations.

In matrimonial suits, in breach of promise actions, in crimes against the person, the sole unaided decision of a single judge, himself perhaps neither a husband nor a father, might easily be an uninformed verdict.

Even a long-wedded judge who is the happy father of a large progeny, both male and female, may well fall short of the knowledge essential to full justice in such cases.

Examples could be multiplied without number of instances where a judge has been dependent upon the views of the 'men and women of the world' in the jury-box as to the proper inference reasonably to be drawn from a stated set of facts sworn to from the witness-box. For example, in the famous *Russell v. Russell* litigation in the Probate, Divorce and Admiralty Division, the court was called upon to make up its mind whether adulterous connexion was to be inferred from the conduct of a young married woman who, *inter alia*, admitted that she had spent the night in a bachelor's flat clad

in pyjamas borrowed from him. It would have been an unfair burden to have placed upon the middle-aged shoulders of a judge, trained in the more sedate and seemly fashions of the pre-War era, the sole responsibility of arriving at a conclusion upon the question whether in a hectic post-War metropolis the mode of the day permitted of unrestrained friendly intercourse between the sexes without necessarily implying and including sexual intercourse.

Whilst it is part of the equipment and duty of a judicial officer to aim to become acquainted with every phase of life as conducted in the community, human and physical limitations prevent his effective acquisition of such an inclusive range of knowledge. Successive juries sitting with him to try a variety of cases are able, in large measure, to supply him with information which he has not had the opportunity of obtaining at first hand.

If in civil cases juries can render this valuable assistance to the court, how much more essential is it that their assistance should be freely and regularly at the service of the judge in criminal charges?

Even our pre-1919 ancestors, who knew not the advantages of the Act of that year which removed sex disqualifications from the law appertaining to the selection and impanelling of juries, had conceded the value of a jury of matrons in at least one class of issue, viz. the determination of the truth of the statement of a woman condemned to death that she was *enceinte*.

If a jury of matrons has been thought valuable to the elucidation of a physical question such as that, admitting as it does of exact and scientific resolution, how much more valuable can a jury be which is qualified by its sex to determine the more complex and elusive problems affecting the reaction of the female mind to given circumstances?

Indeed, in criminal charges of rape and assault an accused man might well stand in peril of wrongful conviction in the absence of female jurors able to sift the truth from the allegations of the female complainant. Experience shows that women jurors, well versed in feminine secrets and wiles wholly hidden from men, tend to give every advantage in

cases of doubt to the man accused. Contrariwise, male jurors are prompted by chivalrous sentiments to deal out stern justice to members of their own sex who appear to have wronged women.

If, in such circumstances, the disadvantage of bias has to be reckoned with, it is at any rate counterbalanced by the advantage of expert and intimate knowledge.

The problem of potential bias in sex suits leads us now to an extremely important problem of possible bias in another and ever-increasingly great department of life, namely, the human tendency of juries to be always 'agin the government,' with its bureaucratic departments of state in relation to civil matters, and its police force in relation to crime.

Whether we like it or loathe it, there has been an undeniable tendency in modern legislation to control activities which formerly were either left to the discretion of the subject without interference from the governmental departments of state at all or solely supervised by the courts of law. In very many activities and spheres the civil service is the arbiter where previously the courts of law reigned supreme. Such matters as insurance of employees or of motorists may be instanced. Government departments decide whether or not a person is entitled to unemployment benefit or to a widow's pension; whether a firm shall be licensed to run motor coaches along a particular route; and so on.

Politics concern themselves with all manner of businesses, so that the citizen becomes more restricted in the exercise of his discretion as to how he is to conduct his own affairs. Parliament, which is the expression of political sentiment, delegates statutory authority to civil servants and to local public bodies, with powers to make decisions and bylaws of a binding nature.

Those who see in this tendency a danger, because they believe that the best interests of freedom-loving Englishmen lie in submission to public courts of law, are possibly unduly apprehensive.

Lord Hewart, for example, the present Lord Chief Justice of England, has expressed strong views upon this aspect of modern life, the trend of which is indicated by the

title of his arresting work, *The New Despotism* (1929). It is consonant with the glorious traditions of his historic office that he should view with disfavour any weapon of government which may wrest liberties from the heritage of Englishmen, or which may seem to have that effect or intention.

Bureaucratic or administrative justice may be an evil. It is difficult to see, however, in what way that evil—if such it be—can be avoided. Civilization grows daily more complex. The public conscience becomes more self-searching and less selfish. All this implies detailed control of the persons and properties of all citizens. If government assumes responsibility for the welfare of the poor, or of pedestrians, or of school children or what not, it must raise the funds to meet the expenditure called for by the social services thus created. Increased taxation means increased control. Increased control means that numerous decisions upon individual liabilities and exemptions must be promulgated. Those decisions are left in the hands of the officers of the department of the civil service primarily concerned and affected.

The great principles, in their broad sweeping generalizations, are still promulgated by Parliament. The Courts still retain the power to vindicate their abuse, and to enforce their recognition. Juries have always withstood undue encroachment by the bureaucracy upon the rights and liberties of the subject. Their retention becomes the more essential as the powers reposed in the bureaucracy increase. To contend so is not necessarily to argue that the increasing authority of the bureaucracy is an unmitigated evil.

Trial by jury is, admittedly, more expensive and protracted than trial by judge alone, and *a fortiori* than decision by the Minister of a Department alone. The expenditure of time and money involved in jury trial is one of the main grounds urged by objectors to the jury system. Here, then, would appear to be indicated a *modus vivendi*, producing and embodying a settlement of the differences between the staunch advocates of the common law of the land, with its ancient and inevitable concomitant of trial by jury, and those who support or tolerate the growth of the bureaucracy. The expensive and formal trial by jury should be reserved for adjudication

upon main principles; the speedy decision upon particular cases which involved no new principle, nor extension or modification of existing principles, can safely be left in administrative hands.

If a new 'village Hampden' should arise to formulate a principle comparable to the dogma, 'No taxation without representation,' or if the rules of *habeas corpus* should be assailed, or if liberty of speech should be attacked, the contestants would still find their remedies at the hands of the courts. For government departments are not concerned with generalities. In those courts the jury represents the public mind. If the public mind tends to exhibit a bias against the exercise of power by government officials it operates to the good. It serves as a check against too hasty or too great an assumption of control. The jury is a safety-valve of public opinion. If judges acted alone they might conceivably, in theory, tend to become despotic. That theoretical possibility is no smaller in the case of the judiciary than it is in the case of the administrative section of government. Against its conversion into actuality we can have, and can desire to have, no other protection than the conscience of the officials concerned, stimulated and safeguarded by the healthy expression of public opinion.

High officials of state, whether in the legislative chamber, on the judicial bench, or within the offices of government departments are, *ex hypothesi*, selected for their virtues. The meagre rewards of the public service do not attract men of vicious propensities bent upon depriving their fellows of liberty or that which makes life endurable and sweet. To proceed upon any other assumption is to court despair. Jurors, too, discharge a public service which is devoid of any reward other than the consciousness of doing right by one's fellows. To abolish the jury would be to eliminate the right of the citizen to render the most important public service in an honorary capacity. For the service is a privilege as well as a duty. It would be indeed a dark dawn which heralded in the day when the administration of justice, the greatest of all public services in civilized communities, should become the sole prerogative of those professionally engaged in it.

Upon constitutional questions, then, the jury is seen to discharge a function of the very highest order. What about the ordinary run of litigation in the civil courts?

Upon purely commercial questions the business community is solving its problems for itself. It tends increasingly to resort either to trial by judge alone or to trial by lay arbitrators.

Where, however, considerations other than or above purely commercial practice or expediency are involved, men (and women) still prefer to entrust their reputation or honour to the judgment of their peers. The law allows and the litigant demands trial by jury in such causes as those which centre round libel, slander, malicious prosecution, false imprisonment, seduction and breach of promise to marry. Even in the county courts trial by jury is applicable to such issues.

It is significant that those issues border upon and frequently merge with such as arise in criminal prosecutions.

It is in the criminal courts that the jury shows itself of the greatest value. The closer we approach to a criminal issue the more nearly indispensable to true justice do we find the jury to be.

Whatever objections may be raised to the presence of a jury lacking technical knowledge of the issues involved in a purely civil suit (*e.g.* whether a quantity of cloth has been satisfactorily dyed, or some similar question directed to ascertaining whether a contract has or has not been broken), cease to apply when the jury is sworn to try 'issues joined between our Sovereign lord the King and the prisoner at the bar.' With the possible exception of commercial crime, *e.g.* fraudulent malpractices in company administration, courts to which jurors are summoned are concerned with issues which are within the ken of the average man and woman. Reference has already been made to allegations of sexual crime. A woman needs no technical training to fit her to sit in a jury-box and to observe the demeanour of the complainant in the witness-box so as to be able to find a true verdict upon the question of fact—aye or no, is her evidence to be believed? Juries are not invited to deliver themselves of opinions upon issues of law. Those are purely for the judge. Their province is to

say what are the true facts which emerge from the stories of the men and women who testify before them.

It is the duty of the judge to lead them through the forest of evidence adduced before the court to the few trees which are the real objective. This he does by means of his summing-up. Arrived there, he pauses and bids them rest to consider their verdict.

If no jury could reasonably arrive at the verdict of guilty upon the facts in any particular charge, there sits the Court of Criminal Appeal to nullify their verdict. The fact that few verdicts are overruled on this head testifies to the general standard of excellence which juries have shown themselves accustomed to attain.

The Court of Criminal Appeal, which enjoys the inestimable advantage and prestige of a plurality of judges of the King's Bench Division, has repeatedly testified to the value of the jury in the court below, which found a verdict of guilty where conceivably upon the facts as coldly presented another verdict might have been found. We are reluctant, they say, to disturb the finding of the jury who saw and heard the witnesses; only if their finding shows that they acted perversely—in effect, contrary to all reason—will we interfere to set it aside. The living voice and personal presence of the witnesses may lead to a conclusion different from that induced by a mere perusal of written testimony or a logical analysis of the facts testified. In criminal issues the essential point for decision is generally: Is the witness speaking to the truth? The answer to that question is best left to a jury.

When all is said, law may be logical, but life is not. Logical judges arrive at correct decisions on questions of law by walking the strait, logical path. Upon questions of fact in our imperfect daily lives, juries arrive at correct decisions by diverting from the strait path. The gateway to truth in criminal cases is wide, for the behaviour of human beings offers wide scope for variability. Something more or something less than pure, naked, unadorned logic is required to ascertain such truth. If lawyers are best equipped to discover the tree of legal truth, without losing themselves in the forest of issues raised, juries are best fitted to make for the tree of

living facts. Under its shelter, to which the jury directs us, we may repose secure in the knowledge that none of us may suffer deprivation of our rights as citizens save by due process of law and justice.

Finally, the attitude of juries in relation to the police must be weighed and assessed.

It has been laid down over and over again that it is no part of the function of the prosecution to aim at securing a verdict of guilty. The duty of the prosecuting counsel is to assist the court by disclosing all the information which he has relevant to the issues. If that information includes facts favourable to the accused, he must disclose them. How jealously this rule is maintained and its infraction remedied was admirably illustrated in the recent case of *Eddie Guerin*, who was released by the Court of Criminal Appeal because it was persuaded that the whole story had not been brought out in the court below. The rarity of such instances of successful impeachment of the prosecution shows how strictly this rule is followed. Nor were the motives of the prosecution there impugned. All that emerged was that the prosecution, in the exercise of its discretion, conducted a particular case along particular lines which did not commend themselves to those who were not most intimately concerned with it.

This humane practice, which redounds so much to the credit of the administration of British justice, is an obligation which rests not merely upon counsel responsible for the conduct of the case for the prosecution, but also upon those police officers who are engaged in its preparation. Here, again, occasion arises with extreme rarity when judges find themselves impelled to criticize the conduct of the police.

If the police in giving their testimony indicate any bias or even strong feeling against the accused, juries are quick to note it, and to give effect to their not unnatural—because human—weakness to side sympathetically with the man in the dock.

The police, in fact, more often omit to disclose facts within their knowledge which tell against the accused than to adduce facts which tell in his favour. The police do not rejoice in the condemnation of the man whom they have

charged. The value of their services to the community is estimated not by the number of convictions they can secure, but by the fewness of the occasions on which they find it necessary to preserve law and order by the extreme measure of launching prosecutions. The police are often in a position to know facts which the law forbids them to adduce in testimony against the accused—*e.g.* a record of past convictions—until the jury have found their verdict.

No one rejoices more than the police themselves if the jury, conscientiously discharging their duty and fulfilling the onus accepted by their oaths, can find a ground for acquittal.

Law which is out of touch with human sympathy is not supreme justice. Police, prosecuting counsel, jury and judge co-operate to save the innocent from the danger of wrongful condemnation. The labour constitutes a burden which is best shared by the police with the jury.

Nevertheless, even police officers are entitled to suffer from the impediment of human imperfection. If at any time zealous immersion in their duties should cause them to tip the balance of justice ever so slightly against the accused, the jury sits there alert to redress their error. To dispense with the jury would be to dispense with a safeguard which should be always available, even though it but rarely must be brought into active operation.

What the ballot-box is to the citizen in relation to politics the jury-box is in relation to law. Both should be jealously preserved. Few will be found, accordingly, to quarrel with judicial dicta testifying to the inestimable value of the British jury system. They would probably be glad to echo such sentiments, for example, as those of Lord Justice Bankes, expressed in the case of *Ford v. Blurton* (1922), 38 T.L.R. 801, thus :

‘The standard of much that is valuable in the life of the community has been set by juries. . . . They have proved themselves in the past to be a great safeguard against many forms of wrongs and oppression. . . . In particular, they are essentially a good tribunal to decide cases in which there is hard swearing on either side, or a direct conflict of evidence on matters of fact.’ The right, he concluded, to trial by jury

ought to be maintained, even in civil cases, 'subject always to exceptions which should be precisely indicated.'

Or, again, the testimony of Lord Justice Atkin, in the same case, commends itself to the overwhelming majority of the informed public. He there said :

' Trial by jury, except in the very limited classes of cases assigned to the Chancery Court, is an essential principle of our law. It has been the bulwark of liberty, the shield of the poor from the oppression of the rich and powerful. . . . Many of the liberties of the subject have been originally established and maintained by the verdicts of juries '—as well in civil as in criminal cases.



CARBINIERI IN PLAIN CLOTHES, IN THE SERVICE OF MORIS 'SQUADS'
(SEE ARTICLE ON 'THE M. M. WAR IN SICILY,' PAGE 184)



POLICE STATION AT MORANT BAY, JAMAICA



COURT HOUSE AT MORANT BAY

The Jamaica Constabulary

BY INSPECTOR W. P. C. ADAM

'Indus uterque serviet uni.'

THE island of Jamaica is situated in the Tropics and almost centrally in the Caribbean Sea, about 90 miles south of Cuba. It is not only the 'gem,' the largest and most fertile of the islands forming the British West Indies group, but, being on the track leading from Europe and North America to the Panama Canal, it has many advantages in the matter of trade and commerce and for tourists. It has been rightly styled 'the key to the Caribbean.' The original name Xaymaca, as the Arawak Indians seem to have called their island, is said to imply an abundance of rivers, which the island certainly has, with their sources in the high mountain ranges (highest point, 7360 feet) forming its backbone and providing a diversity of climate. Rich in scenic beauty, in historical lore and legend, from the days of the Spanish occupation, I mention only the name of Nelson, with the inscription on the wall of King's Battery at Port Royal as follows :

'In this place dwelt Horatio Nelson.
You who tread his footsteps, remember his glory.'

Island enterprise includes the cultivation of bananas, sugarcane, with factories and rum distilleries, coffee, pimento, cocoa, ground provisions of all descriptions, vegetables, citrus and other fruits at all seasons, raising of cattle, horsekind and small stock, etc. Length is 144 miles, greatest width 49 and least 22 miles, with area 4,200 square miles. Population approximately 950,000—whites 20,000, native African descent 750,000, mixed blood 180,000, with a sprinkling of East Indians, imported as field labourers, Chinese and Syrians, mostly of the shopkeeping class. Language, English, with local dialect or patois.

An article in the *National Geographic Magazine of the U.S.A.* states :

'One retains pleasant memories of the natives, content to be what they are, and, as a class, law-abiding in major matters, however much they may indulge in petty misdemeanours.'

The only references to the police in this article are here quoted :

'Kingston is the centre of the island's activity, from the standpoint of both Government and business. The streets are clean, well-ordered and dotted with Traffic Officers, for even in this Garden of Eden, the fiery gasoline steed races its way about.'

and

'The mob of expectant beneficiaries is held in *statu quo* without seeming effort, by a lordly figure, smartly garbed in a uniform, ornamented with bright red stripes, as to trousers, and topped with a solar helmet. He sports a swagger stick of authority, representing His Majesty's law and order, in the body and person of a Jamaican Policeman of ebon hue.'

To those interested I would invite attention to *The Story of a West Indian Policeman*, by the late Inspector H. T. Thomas of this force, being the life-story of his forty-seven years of service, from which I quote as follows, his own composition :

'Island of forest dark and silver stream !
Thy stately mountains at the dawning's gleam
Tower o'er the restless wave that beats thy shore
With creamy crest, and sullen, ceaseless roar.'

Jamaica has been a British possession since 1655, but following the Rebellion of 1865, slavery having been abolished in 1834, the island in 1866 had a new Constitution, and in the same year a semi-military police force was organized, modelled on the (then) Royal Irish Constabulary. The Judicial Establishment was also reconstituted. The Police Law of 1867, though amended from time to time, still stands, and under this law the Governor of the colony is empowered to appoint an Inspector General, Deputy Inspector General and a staff of Inspectors (5 First Class, 5 Second Class and 7 Third Class) and 4 Sub-Inspectors. The Inspector General is also authorized to recruit men to serve as constables, with subsequent

opportunity of promotion to Staff Sergeant Major, Sergeant Major, Sergeant, Corporal and Actg. Corporal (usually a First Class constable as distinct from a Second Class constable). The height minimum is 5 ft. 8 in., with suitable physique and educational qualifications. Enlistment is for five years, but there is an initiatory probation period of three months. Re-enrolment follows, with the approval of the Inspector General, every five years. The strength of S.O.'s and men is 1079, made up as follows :

Rank	Regulars	Detectives	Water Police
Staff Sergeant Major	- 3	—	—
Sergeant Major	- 18	1	1
Sergeants	- 45	3	2
Corporals	- 88	9	6
Constables	- 782	65	56
Total	- 936	78	65 = 1079

The H.Q. Office is staffed for administrative, correspondence, statistical and accounting purposes with Civil Service Clerks, including a Chief Clerk, Finance Clerk, Registrar, etc. The Annual Report of the Department is published and contains details as under :

Part I. Internal Working of the Department.

Part II. Repression, Detection and Prosecution of Crime, with Criminal Statistics—approx. 45,000 cases prosecuted annually ; also separate Reports of :

- Detective Department, with particulars of H.C.'s.
- Depot, with details of enlistments, routine, etc.
- Water Police Branch, Kingston, *re* activity on water-front and in harbour.

Administrative and disciplinary control is by parishes, of which there are 15, but Port Royal, the vanished city of 'battle, murder and sudden death,' being now only a small township, is attached to and forms part of the Kingston Division. Throughout the island there are 123 police stations, each parish being a Division and each station having a District.

Although the population is to a certain extent heterogeneous, sub-officers and men are recruited entirely from

natives, in the sense that there are no whites, Chinese or East Indians, although there are many of mixed descent.

Each Division has an Inspector. Kingston, the metropolis, however, having in addition a Detective Inspector, Sub-Inspectors (who relieve in country parishes when necessity arises) and S.S. Majors.

The Officers, S.O.'s and men are trained in military exercises for the purpose of enabling them to protect themselves, their prisoners, their barracks and property, and to act in unison and with alertness and effect in cases of danger and alarm, such as riots and fires. Each station has a supply of rifles and ammunition, and revolvers are issued from Head Station when occasion arises for use on special patrols. But, although trained as a semi-military force, the constabulary are bound to perform all the duties appertaining to the office of constables. They are required to preserve the peace, to detect crimes, to apprehend or summons persons found committing any offence against the criminal or conservancy laws, to execute all summonses, warrants, subpoena and other criminal processes issuing from any Court of Justice or by any Justice of the Peace in a criminal matter, to aid the Health and Sanitary officers in the execution of their duties, to apprehend smugglers and others found contravening the Revenue Laws, to seize all contraband goods and all taxable property for the non-payment of taxes, and to keep order at all markets, theatres, courts, railway stations, race-meetings and other public places and assemblies.

As a preventive force they are required to patrol the towns and highways, both by day and by night, and to visit the estates, factories, pens, plantations, wharves and villages. To ensure regularity in their patrols, the S.O.'s and men at each station are so distributed as to furnish the necessary quota for this indispensable and important duty, whilst providing for the due performance of the miscellaneous work of the district. In Kingston and other towns the guard is divided into night-and day-duty men. Regulated beats are established for the purposes of providing for the permanent presence of a constable in each of the populous and important centres.

The constabulary, by means of this effective system of

patrol in town and country, not only materially prevent the committal of crime, and especially depredations on property, but are at all times prepared to furnish the authorities with accurate information respecting places, persons and occurrences. They are required to report to the Inspector General and to the custodes in each parish, the approach of any political festival meeting, assembly or demonstration, illegal drilling or other circumstances connected with or in any way affecting the peace or tranquillity of the country or the safety of life or property.

In each parish the lock-ups at important or central police stations are gazetted as 10-day Short Term Prisons. This avoids unnecessary escort and expense in conveying prisoners long distances to the General Penitentiary or St. Catherine District Prison.

Decreases by dismissals and discharges amount to about 50 or 60 annually, mostly due to physical disability or misconduct.

Uniform for officers is khaki for ordinary duty, white tunics and navy blue serge overalls, with red stripe, for full dress, and blue tunics and overalls at night. S.O.'s and men wear white tunics during the day and blue tunics at night. The photos will give a better idea of the uniform worn. The full-dress uniform looks well, and smartness on parades is often favourably commented on in company with the Imperial troops stationed in the island and local forces.

The Police Depot is stationed in Kingston, and is staffed with an Inspector, S.S.M., Armourer, Tailor, Cooks, and six other ranks for training of recruits. The instruction period usually covers six months. Lectures, drills, musketry, first-aid, physical training, jiu-jitsu, swimming and practical police duties, with armed guard duty, form the curriculum.

In each Division regular parades and lectures are held, and all ranks fire an annual musketry course, with short Lee Enfield rifle, of 40 rounds at ranges from 100 to 500 yards, standing, kneeling and lying. A short course in revolver firing is also carried out. Money prizes are awarded for good shooting, and the Division obtaining the best percentage holds the Clark Cup for that particular year.

Officers are provided with partly furnished quarters or an allowance in lieu thereof, whilst married S.O.'s and constables are given a house allowance.

Officers are given a motor-car allowance, and throughout the island there are 300 S.O.'s and men owning horses and drawing forage allowance; also 150 bicycles, for which allowance is also paid. A few S.O.'s and detectives keep motor-cycles in lieu of horses. The use of horses in many districts is imperative, as the interior is hilly, even mountainous, necessitating patrols over bridle roads and paths.

S.O.'s and men also draw good conduct pay, according to service and record, and a uniform washing allowance is also payable. The annual free issue of uniform, boots, etc., is on liberal lines. Special service pay is received by detectives, water police, office clerks, traffic-duty staff, chauffeurs, drill instructors and the armourer. A mess and canteen are provided at the Depot and in Kingston.

Health conditions are looked after, and each District Medical Officer attends the members of the force in barracks or in hospital. In malarial districts quinine is regularly administered and mosquito nets provided. Short, sick, or vacation leave is granted to all ranks as the exigencies of the service permit and according to report of D.M.O.

Recreation rooms are provided at all principal stations, and games are encouraged by grants from the Constabulary Reward Fund. An annual Christmas Dinner to S.O.'s and men is provided throughout the island.

The C.I.D., or Detective Department, with Registry of Habitual Criminals is at the Central Station, Kingston, where the *Police Gazette* is also prepared for publication. Constables of good record, ability and aptitude for the work are selected and put on probation. If satisfactory they are confirmed, otherwise they revert to ordinary duty. The detectives are specially charged with the duty and responsibility of tracing felonies and other serious offences and apprehending offenders. They are aided by the ordinary constabulary and by the D.C.'s, but their actions are greatly facilitated by the system of criminal registration, which forms an important element in the present police arrangements of the colony.

The antecedents of every H.C. are carefully collected, recorded and circulated with his photo, and, if under license or supervision, he is required to report himself every month.

There is a small museum at the Detective Office, capable of considerable extension, however. Finger-print work and photography are carried on, and are gradually being perfected for more general use.

Each Division is allocated a certain number of detectives, and these assist generally in investigating crimes, keeping records and articles for Court, and in running the local registry of H.C.'s under the Inspector, who is local registrar.

The members of the Water Police Branch wear a distinctive uniform: white jumpers, white trousers, with white-covered straw hat for full dress, and blue serge for ordinary duty. Men are selected from the regulars for their knowledge of seafaring matters and good physique. Detachments are stationed at important ports, and the whole body acts as an auxiliary, being charged with the preservation of good order and the prevention and detection of larcenies, smuggling, stowing-away, breaches of immigration laws, etc., on the wharves, in harbours and shipping therein.

Each Division has a clerical staff to assist the Divisional Officer and Sergeant Major with accounts, stores, returns, correspondence, reports, process, etc. Altogether there are 44 office clerks in the force.

Kingston has a Traffic Duty Staff with a S.S. Major in charge, and this duty, under conditions existing in the matter of motor traffic, etc., is most necessary.

'Speed cops' on motor-cycles and side-cars and service cars, with police chauffeurs, are used in enforcing the Motor Vehicle Laws and Regulations and for general police duty. Kingston has also a patrol wagon and a prisoners' van, which are very frequently in use and most helpful.

Officers come under the Civil Service Pension Scheme, with retiring age of 60 and maximum of 40/60ths of salary and other personal emoluments as pension; whilst S.O.'s and men are provided for under a separate law. Voluntary retiring age is 50 or after thirty years' service, and then maximum

equals 360/540ths ($\frac{2}{3}$) of pay, including S.S. and G.C. pay—each month of service counting as $\frac{1}{40}$ th. All ranks of over ten years' service qualify for pension, and a deduction of 2d. from each 10s. is made each semi-monthly pay-day for pensions, etc. Gratuities and disability allowances are also granted under the rules, whilst widows and children of S.O.'s or men killed, or whose death results from injuries, etc., are provided for. Funeral expenses are provided for by a grant.

The Reward Fund provides rewards to S.O.'s and men for meritorious services, and also grants to Divisions for recreation rooms, games, cricket and rifle clubs, etc.

The following are the books or publications issued for the instruction, direction and information of the force :

Book of Rules and Finance Code.

Manual for Instruction Purposes, mostly in question and answer form.

Sub-Officer's Guide. This is a most useful Justices' Manual.

District Constable's Guide Book.

Drill Book.

Police Gazette, published weekly.

General Orders and circulars are issued from H.Q. in cyclostyle form and sent to all stations for action and record, whilst District Orders are also issued from each Divisional Head Office.

Under Law 5 of 1899 District constables are appointed, and these number approximately 1050, scattered throughout the island in remote villages and districts, the idea being to form a connecting link with all parts of the island. These D.C.'s are usually resident householders, and are not whole-time employees, but are paid for duty done. They wear an arm badge and carry a baton when on duty, and have proved most useful and helpful directly and as liaison officers with the interior parts. Their principal duty is the detection and suppression of the crime of praedial larceny, larceny of small stock, etc., and maintaining good order ; but they have all the powers of constables in the Departments of Justice and Revenue.

Special District constables, with similar powers, are also appointed for wharves, farms, factories and estates.

Special constables (who wear armlets, and who only act when called out for duty) may be enrolled for some express purpose on occasion arising.

Authorized persons are appointed and given a distinctive badge and baton. These persons only have power to arrest for unlawful possession of agricultural produce, under special statute, which, after sworn inquiry by J.P., throws the onus of proof on the accused to account for his possession.

The methods of law enforcement are very similar to those in the British Isles—the laws of the island being very similar to the laws of England. The people are most loyal to the Throne and proud of their association with the Empire, so that everyone looks on conditions existing through British eyes and from an Imperial viewpoint, which assists in making police duty simpler and better understood and appreciated. There is nothing oppressive, and the freedom of thought and action enjoyed throughout the island may well compare with any other contented and settled country ; in this general freedom the police have a share, which is not forgotten and not infrequently eulogized. As elsewhere, the police are not always after criminals, but ready to give a helping hand to those who are trying to lead honest lives and in affording protection when needed. Public sympathy and understanding helps materially towards efficiency.

Knowledge of the psychology of the people, of their traditions and habits and of their vernacular is most important and, indeed, essential to successful association with and work amongst them. Humorous to a degree, a laugh may often be more readily provoked than a row.

There is somewhat of a penchant for use of weapons—cutlasses, knives, etc.—in any fracas amongst themselves, and severe wounding results ; but this is usually on some sudden heat or affray, and anger quickly dies down. Butting with the head seems to have become a lost art !

The Chinese have introduced opium, and now there is some trade in ganga, grown locally, and smoking of the noxious weed, with evil results. Gambling in the form of Peaka Pow and Drop Pin is carried on, thanks to John Chinaman and his little shops scattered all over the island, where

these games are propagated, taxing the patience and skill of the police to suppress and control.

Despite world economic conditions, Jamaica has survived well, and there can hardly be said to be any serious depression, except where sugar is concerned. Anyway, West Indians are light-hearted, and hope for the future is bright. The railway, road and telegraph systems are good, but so far there is no island telephone, though we have air-mail and passenger services with abroad and splendid shipping facilities.

As in other countries, the police force here has developed into a general information and inquiry bureau, and a considerable volume of work is done for the Central Government and other institutions, as also the public, where such action is proper and permissible, in conducting inquiries and investigations, making reports, returns, etc. This branch of police activity adds considerably to Divisional work, both outside and in office.

Throughout all its history the Jamaica constabulary has, as a body, displayed courage, loyalty and devotion to duty, and fulfilled its purpose. It may fairly be claimed that the force has maintained its position amongst the police forces of the Empire, and has endeavoured, though in a very limited sphere, to live up worthily to those high traditions of service which are the admiration of the world.

Midwinter's Murder

By R. S. SMITH

Being an account of this famous case, as compiled from the records of the Alberta Provincial Police

'SEND a taxi to the Shamrock Hotel.'

The proprietor of Bennett's Taxi turned from the telephone to a waiting chauffeur. 'Call from the Shamrock Hotel,' he remarked, glancing at his watch. It was just past eleven p.m.

Morning found the citizens of Calgary, Alberta's 'Cow Town,' awakening to the shock of, perhaps, the most wanton and brutal crime in the city's history. Newspapers flaunted headlines which suggested the advent of the American gangster and his methods. Murder became the topic of every street-corner conversation. The police force of the Province found itself faced with a mystery which was to take many months to solve and which was to tax to the utmost the abilities of its best detective talent—all this arising out of the sending of a commonplace telephone message.

Just at midnight on the sixteenth day of August, 1930, Mr. Tiffin Hetherington, driving south from Calgary along the Macleod Trail, reached a spot some ten miles from the city. Here his headlights picked out the form of a man lying at the edge of the road. Hetherington's first thought was, 'It's a trap'; that the man feigned injury in order to induce him to leave his car, so that he might be attacked and robbed. With a wary eye for suspicious movement, he approached the recumbent form. The man, seemingly unable to move, called weakly for help. Hetherington found him to be trussed with wire and shot through the body. He hailed the next passing motorist, who assisted to make the injured man as comfortable as possible and hastened to summon help.

average height and build, roughly dressed in dark clothing. All four talked like Americans. One of the party had worn running shoes.

Surely there seemed but little chance of their apprehension, with nothing to go on but descriptions which would fit many a man equally well ; a few, almost worthless, footprints ; a blood-stained handkerchief, and a leather-covered billy.

In the rural districts the patrols still scoured the roads, but their chances of success were largely nullified by conditions then existing. Southern Alberta's harvest had just begun and scores of men sought employment on the farms. These aimless wanderers, singly and in groups, tramped the country roads or rode the freight trains from town to town. Amid such a swarm the fugitives easily passed unnoticed.

With widening publicity through the newspaper and the radio, the police were deluged day and night by telephone messages from persons eager to be of assistance and to supply information which they believed to be important. Usually, these messages had reference to groups of drifting harvesters or to motorists thought to be acting suspiciously. Many such were checked up, but to no avail. With the passage of time it became apparent that the murderers had sought refuge in some adjacent city, or had escaped to a distance, possibly across the Border, into the United States.

In Calgary, Detective Harvey, with other members of the force, including Detective F. K. Russill of the Criminal Investigation Branch at Edmonton, sent to assist him, had begun to gather together the threads of evidence. Every bit of information, every rumour, every slender clue, was painstakingly investigated. Here and there some lead showed promise. Gradually the search widened to take in other portions of the Province. Eventually it extended into the adjacent Province of Saskatchewan and across the International Boundary.

Beginning his investigation on the Monday morning following the murder, Detective Harvey visited the Shamrock Hotel, an obscure hostelry in Calgary's packing-house district. On the evening of the crime, William Cochrane, a resident of the hotel, had stood outside, watching a number of hobo-

hopping an outbound freight train. Four men had approached him. He had watched them closely for some time as they stood talking near by, so was able to describe them fully. One, he claimed, spoke with a Glasgow accent. In Cochrane's hearing they discussed leaving the city to look for work. Across the street, a Mr. Welch sat in his car, and one of the men had gone over twice to speak to him.

About eleven p.m. Cochrane had been accosted at the door of the hotel by a man, who asked to be directed to the telephone. He thought it might have been the taxi-driver, but did not see the taxi nor any of the men.

Another resident of the hotel, James Stephens, had been asked by a stranger, just after eleven p.m., to point out the telephone. He had heard him give the message, 'Send a taxi to the Shamrock Hotel.' This man wore a brown suit, was perhaps twenty-three, five feet seven inches in height, with a tanned face.

Peter Welch, to whom, Cochrane said, one of the men had spoken, could not be found. He had left by car for Toronto, Ontario. The police sent out a widespread call to intercept him, and he was located at Medicine Hat, Alberta. He refuted the statement made by Cochrane, claiming that he had spoken to no one.

It speaks well for the vigilance of the police that Welch, on his route between Medicine Hat, Alberta, and Regina, Saskatchewan, was stopped and interrogated on numerous occasions. At Regina he was again closely questioned by the Royal Canadian Mounted Police. He reiterated his denial of any knowledge of the suspects, although admitting that he had been at the Shamrock Hotel.

Welch told a story of having given a lift, to Regina, to a man who asked peculiar questions. This man appeared anxious to know if blood-stains showed on his clothing ; also if a person arrested in Saskatchewan for a crime committed in another province would have to be extradited. The police soon found this man. Although suspicion pointed to his having committed some lesser crime, it was soon established that he had nothing to do with the murder. The blood-stains on his clothing were the result of an automobile accident.

To Calgary, a few days later, news came from Lethbridge to direct suspicion in still another direction. Early in August, two inmates of the Lethbridge Provincial Gaol, William Webb and Jack Hiron, had been overheard to discuss the committing of just such a crime as had resulted in the death of Midwinter. Webb, with a pal, Robert Moss, on their release from gaol, were to wait a few days for Hiron, when all would go to Calgary together. The three planned 'knocking off' a taxi-driver and stealing his car. They had talked of going after the 'big stuff,' the robbing of a bank. Their plans had miscarried. Webb and Moss, following a few hours of freedom, were again behind bars on charges of robbery. Hiron, when he heard it, exclaimed: 'That's hell; I'll have to get new partners.'

Information picked up in Calgary appeared to confirm this story. Hiron had been there, packing two guns. He was broke, but talked of going after the 'big stuff' and of stealing a car to make a get-away to Winnipeg, Manitoba.

Hardly had this news reached Calgary, when, on August twentieth, occurred the hold-up of the Elbow Park Branch of the Bank of Montreal. Was this Hiron's work? He had mentioned the Bank of Montreal as a possible objective. On the other hand, although seen on the day of the murder, he had since vanished from the city. Diligent search failed to disclose any trace of him.

The systematic combing by the police revealed other leads of lesser importance, but little of a tangible nature. Much vague information, thus secured, led only to further searching and questioning. Rooming houses and the lower-class hotels were visited and their registers scrutinized. Known criminals, shady taxi-drivers, and other underworld characters, came up for interrogation. This work, performed painstakingly, seemed to no purpose. The police became plodders, knowing that only by persistent effort could they hope for success.

The offering of a substantial reward brought a fresh inrush of information. Curiously, much of it was anonymous. How the writers of such messages hoped to benefit could not be determined. The police, overlooking no clue however seemingly absurd, followed up these leads, but in no case did they throw any light on the problem.

To the veteran Police Officer, Colonel W. C. Bryan, Commissioner of the Force, belongs the credit of recognizing the latent possibilities of the only tangible clue in the possession of the police: the billy picked up at the scene of the crime. About the end of August, Colonel Bryan arrived in Calgary. With Sergeant Purdy, then in command of the Calgary Division, and Detective Harvey, he made a survey of the situation and the progress of the investigation up to that time. Detective Harvey had kept the finding of the billy a secret, fearing that, if made public, it would alarm the criminals, who otherwise might feel secure. He had hoped, by some devious route, to establish their connexion with it, thus perhaps learning their identity.

Now the Commissioner expressed the opinion that this clue, if made public, might bring the desired information. Its former possessor might have exhibited the billy to other underworld denizens, perhaps in a boastful manner. One such, for reward, might become an informer. The billy itself was of peculiar workmanship, thus readily identifiable. It might prove to be the long-sought key to the mystery.

Advertisements appeared in the newspapers at Calgary and Edmonton. Posters were broadcast everywhere. They bore a photographic likeness of the billy and offered a suitable reward. The results were all that had been hoped for. Indeed, they exceeded the most sanguine expectations.

Enter the scene, Glen McMaster, taxi chauffeur of Edmonton. He had read the advertisement published in the *Edmonton Journal*, and called at the Headquarters of the Alberta Provincial Police to claim the reward.

The billy he had made during the previous winter, for protection in the event of a possible hold-up. Just a month before, he had a call from one Albert E. Allen, also a taxi-driver, and two other men. Allen, an old friend of McMaster's, was broke. He mentioned wanting a room, and McMaster, who was moving, told Allen he could take the room he was leaving, which was paid in advance for a few days. While packing his belongings, McMaster had discarded the billy. One of Allen's companions, a tall man whom he had heard called 'Slim,' had taken possession of it.

McMaster had seen more of the three during the next two days. They had tried to induce him to steal a car and to take part in other crimes. Allen being his friend, McMaster had tried to persuade him to go straight, but Allen had visions of easy money.

McMaster's story suggested that Allen and 'Slim' might be members of the murder party. The latter's acquisition of the billy, only four days prior to the crime, made it appear almost certain that he was one of the four involved. Here was no mere suspicion, as with previous leads. Through other friends of Allen it might be possible to establish 'Slim's' identity.

Allen, Detective Harvey learned, had been driving for a taxi operator known as 'Sid.' The trail led back to Calgary. There, Detective Harvey, learning 'Sid's' identity, sent for him at midnight on September seventeenth. During the summer just past he had followed the Fairs, picking up business for his taxi. While in Edmonton he had hired Allen to drive for him. They had journeyed to Saskatoon, thence to Regina, Saskatchewan. In the latter city Allen had become acquainted with an ex-convict called 'Mickey,' who admitted a three-year 'stretch' in the Saskatchewan Penitentiary for a 'stick-up' job in Saskatoon. Released a week before, he had returned to Saskatoon, only to be ordered out of that city by the police.

'Sid' had parted from Allen in Regina. He did not return to Calgary until August fifteenth, some two weeks later. He found Allen and 'Mickey' already there. They had come together and had remained pals since. Satisfied that they intended pulling off some job, but not wanting to be drawn into it, 'Sid' had kept out of their way. He had seen nothing of them since the date of the murder.

Satisfied that 'Mickey' and 'Slim' were one and the same, Detective Harvey hurried to Saskatoon in search of information covering 'Mickey's' conviction three years before. From Detective Sissons of the Saskatoon force he learned that, on a date corresponding to 'Mickey's' story, the detective had ordered one Mike Radko, an ex-convict, to leave the city. Checking all the known facts, they found them to fit together.

Another link in the chain had been forged. The man 'Slim,' also known as 'Mickey,' was Mike Radko.

Returning to Calgary, Detective Harvey found fresh sources of information. To an almost complete stranger, Radko had talked freely of having, with Allen, broken into the clothing store of Hugh Stevenson at Shaunavon, Saskatchewan, on the night of August fourth. He had offered for sale silk goods, the proceeds of this robbery.

While Detective Harvey had been occupied in establishing the identity of 'Slim,' in Edmonton, Detectives Russill and Trickey were laying the foundations for the search for Allen. According to city police records, during the previous summer Allen, in a despondent mood, had attempted to commit suicide. For this he had been ordered to report periodically to the Salvation Army and to appear again in Court at the end of August. He had disappeared, however, and the Army heard nothing of him until a letter came from Brigadier Habkirk of Chicago. Allen had turned up in that city, stating that he came from Edmonton. 'Go back to Canada,' Brigadier Habkirk had urged him, 'or to your father in Tacoma, Washington.' He had not seen the man again.

A club bag in Allen's possession just before the murder appeared to be a promising clue. According to confidential information, it had been left with a taxi- or truck-driver, named 'Bob,' in Calgary. There were many such who bore this appellation, so it took two weeks of patient elimination before Detective Harvey found the man he wanted.

The bag proved a veritable 'gold mine.' It contained Allen's birth certificate, his chauffeur's badge and card, some snapshot photographs of him; also a number of letters and post cards addressed to both Allen and Radko. The photographs of Allen were to prove of great value in securing his identification. The whole contents were another link to connect Radko and Allen as having been together at the time of the murder. Undoubtedly, they had deposited in the bag such contents of their pockets as might identify them if arrested.

A long search was to follow before Allen and Radko were apprehended. It is difficult to convey to the reader the extent

of this investigation. Detective Harvey in Calgary, Detectives Russill and Trickey in Edmonton, Detective Hester in Lethbridge, with other members of the force, worked day and night to gather information. Volumes of reports were written, for every step, no matter how seemingly trivial, had to be recorded. Messages to Police Departments in Canadian and American cities, to Provincial and State forces, to the Royal Canadian Mounted Police, to agents of the United States Department of Justice, carried word that Allen and Radko were badly wanted. The patient liaison work carried on in previous years by Commissioner Bryan and Inspector E. W. Bavin now bore fruit, for American police officers everywhere showed themselves willing and eager to help.

Much valuable information was gathered by these officers to further the investigation carried on in Alberta. In Chicago, where Allen had visited the Salvation Army, police waited for his re-appearance. In Tacoma, Washington, Chief Guy of the city force kept close surveillance on Allen's father. In other cities across the continent police maintained patient watch.

Two members of the gang still had to be identified. Stories reached the police connecting various individuals with the crime. Carefully sifted, each and every one proved unfounded. Hiron, the former inmate of Lethbridge Gaol, long suspected, was arrested in Saskatoon on October first. Detective Harvey's questioning revealed his boastful plans for a career of crime as but idle conversation, such as gaol inmates carry on to pass the time. A cheap crook and thief, a consorter with underworld characters, he had not the courage or the ability to attempt the more dangerous forms of crime. He was eliminated from any connexion with the murder.

The Shaunavon store robbery had been carried out by Allen, Radko, and two others. Was this quartette also responsible for the murder of Midwinter? The two unknowns must be found. From a suspect found in possession of some of the stolen goods, Detective Harvey learned their identity. They were 'Slim' Hawkins and Morris Lavoie. Setting a watch for their return to their usual haunts, he learned, late in October, that Hawkins was back in Calgary. Arrested and

faced with the fact that he had been travelling with two of the murderers, Hawkins showed great anxiety to clear himself. He told in detail how he, with Radko, Allen and Lavoie, had pulled off the Shaunavon job. Parting from the others a few days later, he had returned to Shaunavon, remaining there for over a month. Thus he established an alibi for the date of the murder.

Lavoie, about this time, was picked up in Winnipeg, on suspicion of having been concerned in a robbery there. He was also eliminated as a murder suspect.

Mike Radko was the first to be found. In a search for such a criminal the police have to aid them the photograph and finger-print record system, which provides every person convicted of a crime with an identity from which he cannot escape. The wanted man may change his name and travel far to avoid the clutches of the law. Should he ever again be arrested, his finger-prints disclose his past record and reveal his whereabouts to the officers seeking him.

To the Identification Bureaus at Ottawa and Washington the telegraph carried Mike Radko's finger-print classification—to the uninitiated a meaningless string of figures—secured when he was convicted at Saskatoon three years before. Within a week a reply from the Washington Bureau disclosed the surprising information that Radko, just two weeks after the murder of Midwinter, had been arrested at Mishawaka, Indiana, under the name of Jack Petrie. This arrest had occurred nearly two months before. What had happened during the interval? Was Radko still in custody, or had he been released, to depart leaving no trace? A message to the Chief of Police at Mishawaka brought the reassuring reply that Jack Petrie, convicted of theft of an automobile stolen in Chicago, had been sentenced to three years in the Federal prison at Leavenworth, Kansas.

With Allen, circumstances were different. Here was no hardened offender who might be expected to again fall into the toils. Radko, the 'tough guy,' the 'hard-boiled egg,' newly freed from prison, had sought others of his ilk and carried out fresh crimes. Allen, on the other hand, had no criminal record. His tendency towards suicide—he had

made two attempts—characterized him as a 'weak sister.' Freed from criminal associations with Radko, it was unlikely that he would again commit any serious offence. He was of the type who might be expected, when found, to tell the whole story of the murder.

During the two weeks following the discovery of Radko, vague news of Allen's whereabouts sifted in. He had been in Butte, Montana, during September. There he received a letter, then disappeared again. Another report had him hiding on a ranch near New Westminster, B.C.

Then the police struck a hot trail. Detective Harvey left post-haste for Seattle. Allen was in the State of Washington, hiding near the little village of Carnation. He had been seen, with two other men, peddling wicker baskets. In Seattle the various law enforcement bodies—the City Police, the Department of Justice Agents, and the County Sheriff's Office—placed their services at Detective Harvey's disposal. With two Deputy Sheriffs of King County, he set out for Carnation, not far from the city.

In a secluded cabin, back in the bush, they found the three men. Arrested, Allen, to prove the innocence of his two companions, made a full confession of his part in the murder.

On the evening of the ill-fated Saturday in August he and Mike Radko had met two other men. One of them Mike knew as Jones; the other was called 'Kid.' Over their supper the four talked of picking up a car. Not finding one to suit them, Radko, with other plans in mind, bought a coil of wire. Along towards midnight they went to the Shamrock Hotel. It was Allen who, picking a number at random, telephoned the message, 'Send a taxi to the Shamrock Hotel.' Jones had ridden with the driver. Ten or twelve miles out the shooting occurred. Allen, who had been some distance from the car, ran to get in the driver's seat, to keep the engine running, while the others bound the driver and dragged him into the grain field. Straying on to a side road, they had abandoned the car and walked until daylight, then hid in a straw stack until darkness fell. At High River, the following night, from under the very nose of its owner, they stole an Oldsmobile coach. Watching their chance, they changed the

license plates for another set. Morning found them breakfasting at Macleod, then on to Lethbridge. There Mike Radko bought a newspaper to read the account of the shooting. Much worried over the loss of the billy, Radko's mind had been set at rest when he saw no mention of its finding in the news.

Heading south towards the International Boundary, they crossed into Montana, at length reaching Billings, where wisdom suggested the abandonment of the car. The four rode a freight out of Billings to Denver, Colorado, pausing outside that city to rob a store till. Following a short stay in Denver, their eastward route brought them at length to Palmyra Junction, not far from the city of Chicago. Here Allen and Radko had separated from Jones and the 'Kid,' going on by themselves to Chicago. Allen left Radko in Chicago and saw no more of any of the other three. He had worked his way westward once more, joining up, in a Montana jungle, with the two youths arrested with him at Carnation, Washington.

According to Allen's story, the third member of the murder party was, like Radko, an ex-convict. Bertram Allen Jones had been released from the Penitentiary at Prince Albert, Saskatchewan, no earlier than a week before the murder. Allen identified his photograph as the wanted man.

Detective Harvey and his associates anticipated another long search, but fortune favoured them. Jones, separated from his pals near Chicago, had wandered southward, but nemesis drove him back to Alberta. On the very day of Allen's arrest at Carnation, Jones had been picked up as a vagrant in Medicine Hat. Sentenced to thirty days' imprisonment, he was safe behind the bars of Lethbridge Gaol when the news of Allen's capture became public. There the police found him.

Jones refused to make any statement. Guilty of a major part in the crime, the shadow of the noose already loomed before him. Beyond a feeble attempt to provide an alibi, he maintained a stubborn silence.

Following his visit to the Lethbridge Gaol on November twenty-third, to endeavour to get an admission from Jones, Detective Harvey went south to secure corroboration of Allen's

story. In Denver, Colorado, he found the hotel where the four men had stayed. Jones had registered as R. C. Harrington, the 'Kid' as James McDonald; Radko, as Charles Brown; and Allen as Jack Vallen. The proprietor identified the photographs of the three under arrest, picking them out from among a number of others. He remembered the four—they having paid for their rooms with nickels and dimes, explaining that they had got the money shooting craps.

From Denver the detective went to Billings, Montana, where the party had abandoned the Oldsmobile coach stolen at High River, Alberta. They had offered the car to one or two wrecking companies but, not having papers to prove ownership, could not find a buyer. The car, left by the roadside, later had been picked up and sold by an adjustment agency, who believed it to be a car stolen in North Dakota. For this latter reason, no word of its finding reached the Canadian authorities. Thus what might have been a valuable clue had been lost.

On his return to Calgary, Detective Harvey planned another long journey, this time to Kansas City and Leavenworth, where Radko was incarcerated. In Kansas City the agent of the United States Department of Justice gave him every assistance. This agent already had sounded Radko out on the Shaunavon robbery, meeting with a complete denial. With a story ready to cover his movements following his release from the Penitentiary, he even denied knowing Allen and refused to recognize his photograph.

Detective Harvey's interview took a different tack. He came out with a point-blank accusation of murder; then outlined all he already knew of the movements of Radko and the three others, ending up by producing a photograph of the billy. Surprised into utterance, Radko asked, 'Where did you get that?' 'Just where you left it,' Harvey replied, 'in the grain field.'

Radko had tried to console himself with the belief that, if a victim lived twenty-four hours after being shot, as Midwinter had done, the persons responsible could not be charged with murder. This hope was destroyed when he learned that such was not the case. His only words when asked for a statement

were: 'If I say anything, it will be putting a rope around my neck.' He told a sad tale of youthful mistakes and misfortunes, which had first sent him to gaol at the age of sixteen. Much of his time since had been spent in such places. He had hoped to serve out his three years in Leavenworth and then go back to the farm, but evidently it was not to be. Denied a decent chance, there was nothing now to live for. He hoped his people would not hear of it.

Immediately following this interview, proceedings were begun to get Radko back on Canadian soil. At first, Radko being a Canadian, the United States authorities were asked to release him and deport him, thus avoiding the long delay which extradition proceedings would involve. It was found, though, that only by extradition could the required end be accomplished. In Kansas City, the eminent firm of attorneys, Messrs. R. R. Brewster, were engaged to look after the interests of the Alberta Government. Extradition proceedings are, of necessity, slow, so it was not until some two months later that a stage was reached which called for Detective Harvey again to proceed to Kansas City, there to await the final action of the United States authorities, the commutation of Radko's sentence and his release from Leavenworth Prison.

At length on February nineteenth, nineteen-thirty-one, the final steps having been consummated, Radko saw the gates of Leavenworth Prison open to release him. Closely guarded by Detective Harvey and Sergeant R. H. Purdy, he was, three days later, lodged in the Alberta Provincial Police guard room at Calgary.

The final act of the tragic drama saw Jones and Radko arraigned before the Supreme Court of Alberta, charged with the murder of Ernest Midwinter. Allen's story, supported by Midwinter's own statement and other evidence, clearly showed that he had taken no actual part in the murder itself. He had stood at some distance from the taxi when the shooting occurred and, immediately afterwards, got into the driver's seat, ready to start the car. He was accordingly charged with being an accessory after the act. To this charge he pleaded guilty and was sentenced to life imprisonment.

The trial of Jones and Radko opened on March sixteenth.

It lasted three days. Allen, although an accessory, was the chief witness for the Crown. He again told his story in detail, from the time he and Radko had met Jones and the 'Kid,' until he finally separated from Radko in Chicago.

From Billings, Montana, came George R. Pierce, dealer in 'experienced automobiles,' to whom the quartette had offered for sale the stolen Oldsmobile coach. He had to refuse them, as they had no title. The car, although it bore Montana license plates, had carried three brand new Dominion Royal tyres, to him a most peculiar circumstance. He had been impressed vividly by Radko and Jones, and was able easily to identify them.

Charles Tylinski of the Lanktree Hotel, Denver, Colorado, recalled the party staying at his hotel and easily identified the two men on trial. One of them had attempted to steal a towel. They had been very untidy and otherwise objectionable.

Glen McMaster came from Edmonton again to identify the billy, for the benefit of the jury, and to tell how Radko, whom he had known as 'Slim,' had secured possession of it.

Other witnesses told of the finding of Midwinter, wounded and bound with wire; of the cause and manner of his death; of the discovery of the billy; of obtaining the club bag with its valuable contents; of numerous other links in the chain of evidence.

A companion of Jones, arrested with him on the vagrancy charge, testified that, while they were in gaol together, Jones had talked, first vaguely, then definitely, of having committed the murder; that he tried to justify it as being in self-defence; that he claimed to have travelled thirty-three thousand miles in an attempt to shake off the police.

Step by step the Crown built up its case, making it so strong, so impregnable, that the defence could make but little impression. Radko, placed on the stand, attempted to show that Allen was the one who had done the shooting and had, at the point of a gun, compelled him and Jones to drag the wounded Midwinter into the grain field and bind him with wire. His story, however, lacked sincerity and carried no weight.

So convincing was the Crown's evidence that it took the jury but an hour and forty minutes to reach a decision and, having filed back into the Court Room, to announce their verdict: 'Mike Radko, guilty of murder; Bertram Jones, guilty of murder.'

A tense silence fell on the Court Room as the judge arose to pronounce their doom: 'You will be taken from here and on the tenth day of June next you will each be hanged by the neck until you are dead, and may the Lord have mercy on your souls.'

Counsel for the convicted men made a final effort to save their clients. They appealed, asking for a new trial. The Appeal Court, however, could find no adequate grounds upon which to grant the request. They dismissed the application. The doomed men must pay the supreme penalty for their crime.

So ended the greatest criminal case in the annals of the Province of Alberta. Both Bench and Bar commented upon the splendidly conducted police investigation which preceded the trial. A. L. Smith, Esq., K.C., Agent of the Attorney-General, and Crown Prosecutor, in his twenty and more years of experience, had seen nothing better. Mr. Smith, a most able and convincing speaker, in his address to the Court, spoke in glowing terms of the work performed by 'our own' provincial police force; characterizing it as the cleanest investigation of any case on record. A great compliment indeed from a man of his knowledge and ability.

Success had crowned the efforts of Detective Harvey and his associates, extended over many weary months, to bring these three, Jones, Radko and Allen, to justice. Detective Harvey, in his journeyings in Alberta and Saskatchewan, as well as to many of the Western States, had travelled over sixteen thousand miles.

There still remained the 'Kid,' 'James McDonald,' according to the name inscribed on the hotel register in Denver. Was this his real name? Jones, when he registered, wrote a name other than his own, that of 'R. C. Harrington.' It seemed probable that the 'Kid' would have followed his example.

From the time of Allen's arrest until the trial of Jones and Radko, the police had not ceased their diligent search for this youthful companion of the criminals. Where and when had Jones picked him up, during his brief span of freedom from prison, prior to their meeting with Allen and Radko? The youth, seemingly not more than seventeen, his smooth cheeks yet unacquainted with a razor, undoubtedly had been fascinated by the glib-tongued and unscrupulous Jones' glamorous rendition of a criminal career. Jones' movements from city to city, following his release from the Penitentiary at Prince Albert until he reached Calgary, were carefully checked. Nowhere could the police say, 'here the "Kid" joined him.'

In the little town of Westville, Nova Scotia, James Edmund Cassidy, a youth of nineteen, returning during November, nineteen-thirty, after an absence of some months in Western Canada, went back to his regular occupation as a coal miner. Recounting his experiences, he spoke of having travelled about a good deal, but told little of his actual doings. He had worked at odd jobs in Western Ontario, Saskatchewan, and Alberta, and had also been in Denver, Colorado, and other parts of the United States.

On June tenth, nineteen-thirty-one, Jones and Radko, in accordance with the sentence imposed, expiated their crime on the gallows. A few days later, Detective Corporal Walsh of the Nova Scotia Police took Cassidy into custody on the charge of complicity in the murder of Midwinter. What clue had led the police across thousands of miles to this little Nova Scotia town?

The four men implicated in the murder, Jones, Radko, Allen and the 'Kid,' during their flight towards the International boundary in the automobile stolen at High River, had stopped overnight at a horse ranch, the owner of which Jones looked upon as a friend. There the 'Kid'—no doubt the talk had turned to the raising and selling of horses—spoke of a horse dealer whom he knew well in his home town of Truro, Nova Scotia. The rancher, also an ex-convict, had known Jones and Radko when they were inmates together in the Saskatchewan Penitentiary. Although he doubtless knew that they

were the men wanted for the murder, he kept their secret until after Jones, Radko and Allen were convicted. Subsequently, on meeting Detective Hester of the Alberta Provincial Police at Medicine Hat, he told of the four stopping at his ranch and of what the 'Kid' had related to him. It was the lead for which the police had so long been searching, and the hunt transferred itself from Alberta to Nova Scotia. The horse dealer, found and interrogated, knew no one named James McDonald, but his brother recalled a young lad named Cassidy, who had been in Alberta the previous summer and whose description tallied with that of the youth sought.

Supplied with the fragmentary leads which the Alberta Provincial Police had been able to secure, Detective Corporal Walsh set about making a painstaking and thorough investigation. In addition to the 'Kid's' reported conversation with the Southern Alberta horse rancher, he had information that the 'Kid' had mentioned to Allen that a close relative had been killed in a mine accident; also that he had been in the habit of working in coal mines during the winter and hoboeing it during the summer months. Allen had thought that these references to mines had to do with Drumheller, in Alberta, where is located one of the principal coal-mining districts of the Province. Investigations there had proved fruitless, however, and it was not until the 'Nova Scotia' lead was secured that the combined possibilities of all these leads became apparent.

Detective Corporal Walsh, checking up link by link, found these leads to be, every one of them, positive. He commented on the description furnished, of the 'Kid' as being, in his experience, one of the best he had ever had to work on. Cassidy answered this description in every particular; his father had been killed in a mine accident, and Cassidy himself had been in the habit for the past few years, after a winter spent in the mines, of roaming the Western Provinces. At length, well satisfied with the results obtained, Corporal Walsh decided it was time to make the arrest.

Cassidy, brought back to Alberta by a police escort, sits in his cell in the Calgary guard room, awaiting he knows not what fate. Does he feel that his position is hopeless, or is he

buoyed up by the optimism of youth? At any rate, he is assured of all the rights and privileges which British law and British justice avail to any person charged with a criminal offence. The final outcome may be unknown, but there is no doubt that he will be the recipient of a fair trial and of justice which may be tempered with mercy.

The Chief Constables' Association of Canada

By W. J. BANKS

Editor of the Canadian Police Bulletin, (official organ of the Chief Constables' Association of Canada)

IN order to appreciate the importance of an organization such as the Chief Constables' Association of Canada, it is necessary to recall the decentralized nature of the Dominion's police system. The entire cost and the entire responsibility in local police matters are borne by the various municipalities. Federal and Provincial Governments have no supervision or control over the local police departments.

In addition to the municipal police, all but one of the provinces have provincial forces under the jurisdiction of the Provincial Governments. The one exception is Saskatchewan, where by arrangement with the Federal authorities the Royal Canadian Mounted Police have taken over the work of the former provincial force. The provincial forces are not only responsible for the law enforcement in sparsely settled parts of the provinces, but have jurisdiction everywhere. In most provinces highway traffic duty and enforcement of the liquor control acts are numbered among their special cares. They are available to render aid in criminal investigations and prosecutions, especially in places where local police facilities are limited.

The Federal police force, the Royal Canadian Mounted, is solely responsible for policing the Yukon and the North-West Territories, but also operates in all parts of the country. The special duties of this force includes the enforcement of such Federal statutes as the laws concerning narcotic drugs, customs and inland revenue acts, and investigations concerning Communist and similar activities. The Criminal Identi-

fication Bureau at Ottawa, under the jurisdiction of the Commissioner of the R.C.M.P., is the clearing house of the country for identification purposes, and is contributed to, and used by, local forces throughout the country.

These three categories—municipal, provincial and Federal—do not exhaust the list of Canadian police forces. In a new, large country the railways play a large part in the life of the nation, and both the Canadian National and Canadian Pacific systems maintain Departments of Investigation, whose detectives and uniformed police ensure protection to the railways and their customers, and co-operate freely with the civic and Government police. Harbour police are found in the main ports. In some places, notably in Ontario, the various counties have maintained separate forces, but by legislation recently passed, the Ontario provincial force is absorbing these.

Another instance of consolidation is found in British Columbia, where several municipalities have arranged for the provincial police to take over their local police work. But these instances cannot be accepted as showing a definite tendency to anything approaching nationalization or even 'provincialization' of police. Especially in the case of the larger cities and towns, there is every likelihood that the removal of independent control of the police departments—never yet seriously proposed—would be very unwelcome for years to come.

Perhaps the most remarkable feature of the Canadian police system, considering its rather haphazard and apparently overlapping structure, is the satisfactory manner in which it operates. Co-operation between all forces is on a very high plane, and generally speaking the citizens are well satisfied with their law enforcement bodies. Indeed, the Canadian police have some very outstanding advantages over their colleagues in the American Republic. The nation-wide application of the Canadian criminal code and validity of Canadian warrants, for instance, contrast sharply with conditions in the United States, where each state is sovereign in criminal law.

But, since there is a scarcity of official machinery in Canada to facilitate some phases of police co-operation, the

various forces have felt the need of voluntary organization. The Chief Constables' Association of Canada was founded in 1905 on the initiative of a few leading police officials, who recognized the desirability of a closer relationship with their fellows. In early years the membership was recruited largely from the provinces of Ontario and Quebec, but the Association—hereinafter referred to as the C.C.A.—has now grown to be a body truly representative of all the provinces. The Chief Constables of practically all the cities and important towns of the country are active members, as well as the chief officers of Federal, provincial and railway police. Deputy Chiefs, Superintendents and Inspectors of the various forces are also eligible for membership with the consent of the heads of their departments.

The aims of the C.C.A. are best summarized by Section 2 of the Constitution and By-Laws of the organization, which reads as follows :

'The objects of the Association shall be :

(a) A closer official and personal relationship among police officers in Canada, concerted action in the pursuit of criminals and the suppression of crime.

(b) The encouragement, in so far as may be practicable, of uniformity in system and method of police administration ; to improve the status and protect the interests of the police of Canada.

(c) The promotion of such legislation as will best tend to the suppression of crime and the preservation of law and order.'

Though the modest financial needs of the C.C.A. are partially met by small yearly grants from the Federal and some of the provincial Governments—a significant recognition of the high regard in official circles for the value of the organization—the latter is entirely independent of Governmental or other control or influences, and fearlessly advocates whatever reforms or legislation it believes to be desirable for the better enforcement of law and order, and the welfare of the community. Its recommendations are given sympathetic attention by the Dominion and provincial Governments through the Minister of Justice and the Attorneys-General, who, though they may not always be able to give effect to the suggestions because of political or other considerations, know that

they have only been made after prolonged consideration by a body of men who above all others are in a position to know what they are talking about in matters pertaining to law enforcement.

The annual meeting of the C.C.A. takes the form of a three-day Convention, which is held sometime during the summer months, and provides the chief opportunity for fraternization, exchange of ideas and discussion of mutual problems on the part of the members. Papers presented by members and guest speakers are often exhaustive in their treatment of new aspects or difficulties connected with problems of criminal law enforcement. As in all countries, the preventive aspect of the crime problem is receiving constantly increasing attention. The prevalence of juvenile delinquency constitutes perhaps the greatest menace to North American society to-day. And the C.C.A. is anxious to emphasize the fact that the policeman is the true friend of the boy and girl; ready to advise them in their perplexities, guide them in their difficulties, and forgive their first yieldings to temptation.

To even suggest the variety of questions discussed by the C.C.A. would require much space. Training, organization of forces, inter-force co-operation in all its ramifications, radio and other forms of up-to-date communication, police relations with the public, Communism: these are only a few. Suggestions for changes in the Criminal Code and other statutes, which would remove handicaps to efficient enforcement of the law and protection of the public, handicaps which are often due to changing conditions since the laws were originally designed, are carefully considered, and, if approved, urged upon the proper authorities at an opportune time. Some of the policies sponsored by the C.C.A. at the present time involve stricter control of the sources of supply of firearms; deportation of alien undesirables irrespective of their length of residence; legalization of the finger-printing of vagrants and the strengthening of the Vagrancy Act; definite legalization of all arrests on telegraphic instruction from other centres, a question upon which courts have differed.

The eventual establishment of police pension systems throughout the country is the hope of the C.C.A. At present

only a few municipalities have police pension schemes. In matters such as this, which concern, primarily, the individual municipalities, it is, of course, through the local influence of its members that the C.C.A. is able to most effectively promote its policies. An important question which has for some time engaged the attention of the C.C.A. is that of police commissions. It is the policy of the organization to advocate at every opportunity the establishment of a police commission free from the control of local politicians in every municipality with an organized police force. This is a matter for provincial legislation, as the provinces supervise municipal affairs. In the province of Ontario a police commission consisting of the mayor, the police magistrate and a county judge is compulsory for cities and optional for towns. Since two of these three members are permanent and non-elective, the police in Ontario cities and some towns enjoy an administration which is free from the interferences and machinations of municipal politics. Elsewhere, however, the Chief Constable is usually responsible to the municipal council or a committee or commission controlled by that body. The C.C.A. desires to see each province adopt legislation making obligatory an independent commission like or similar to that above described.

The President's chair of the C.C.A. has been occupied by a long succession of men who are outstanding in police work in Canada, and many of whom have made a special name for themselves in the study of certain special aspects of law enforcement problems and methods. The present incumbent, Chief Constable A. G. Shute of Edmonton, Alberta, has been the author of many thoughtful papers on the various aspects of co-operation, also on police training. Chief Constable James P. Smith of Walkerville, Ontario, immediate Past-President, has been prominent in a campaign against the free importation and sale of periodicals and other literature which glorify the gun-toting gangster and bandit to the detriment of the youth of the land. The Federal Government has recently placed a large number of books and magazines of this class on the banned list, in so far as importations are concerned. Ex-President Samuel Newhall, Chief Constable of Peterborough, Ontario, has been active in calling attention to what the police

believe to be unwise actions of the Ontario Parole Board, in releasing prisoners with previous records, and sometimes without notifying the Chief Constable concerned. The C.C.A. is not opposed to, but rather advocates, the extensive use of a probation system, such as that used in Great Britain, for young and first offenders. The members feel, however, that the trial judge should be the one to decide the question of the release of convicted prisoners, rather than an organization such as a Parole Board. Ontario is the only province having a Board of Parole.

Chief Constable Chris. H. Newton of Winnipeg, Manitoba, has been the Secretary-Treasurer of the C.C.A. for some years, and upon his shoulders falls the bulk of the routine and administrative labour of the organization. The *Canadian Police Bulletin*, official organ of the C.C.A., is a quarterly publication, which is distributed not only to the members, but to judges, police magistrates, members of the provincial and Federal Governments, and the mayors, Crown attorneys and newspaper editors of the principal cities and towns of the country. Though advertisements from firms supplying police equipment, etc., are accepted, the *Bulletin* is not a commercial enterprise in any shape or form, but is devoted to the task of advancing the aims and policies of the C.C.A., and of serving as a contact between the members between the annual meetings. The C.C.A. also publishes a verbatim report of the annual meetings, which over a period of years constitutes a valuable record of the development of thought on problems of law enforcement on the part of the outstanding police officers of the country.

One of the most valuable aspects of the annual meetings of the C.C.A., which are held in various centres, is the opportunity which they give the police of each section to become familiar at first hand with conditions and viewpoints in the other parts of the country. Good-will is the keynote of the conventions, and the fraternization of French-Canadian police officers with those whose mother-tongue is English is particularly gratifying from the point of view of those who have at heart the development of a truly national spirit in Canada, as well as the best interests of the law-abiding public.

The Value of Circumstantial Evidence

BY COLONEL A. S. MAVROGORDATO, O.B.E.

Inspector-General of the Trinidad Constabulary and formerly
Commandant of the Palestine Police

IT is perhaps a prosy platitude to repeat that it is better that a hundred guilty persons should be acquitted rather than one innocent man should be convicted. However, this is a working principle which has been adhered to for many years in countries within the British Empire. In the following article it is intended to demonstrate with what care a police officer should test and sift and re-test all evidence which he proposes to use against anyone charged with a criminal offence. Particularly does this apply to cases in which the prosecution mainly relies on circumstantial evidence.

It has been stated that circumstantial evidence is often better and more convincing than evidence of another kind. While this may be true of a large percentage of cases, it is equally true that it is just in the case where circumstantial evidence is pre-eminent that the police officer should be most careful. A set of circumstances can so easily be made to fit an accepted theory, and the danger is that an officer unconsciously forms a preconceived idea, and makes every effort to apply to that idea any details of available circumstantial evidence. In the investigation of a case of this nature one should always look for the unexpected, and the value of preserving an open mind cannot be too greatly emphasized.

It is not intended here to assail the value of circumstantial evidence, since that value has been amply demonstrated in hundreds of cases. More especially is this so when such evidence is supported by scientific examinations of either persons or exhibits. No better example of this could be found than the case which is described in the following

report prepared by Mr. G. W. Baker, Government Analyst in Palestine, assisted by Mr. G. F. Miller, Armourer to the Palestine Police.

On 26th August 1929 it was discovered that two families living in adjacent rooms in Jaffa had been murdered during the rioting on the evening of the previous day. The doors had been forced open, and one of these had dents upon it such as might have been made with the butt of a rifle.

It was obvious that firearms had been used by the assailants. Some twenty empty cartridge cases and numerous fragments of bullets from pistol ammunition were scattered on the floors. One empty .303 mark VII cartridge case was found in a pool of clotted blood in one of the rooms, and three pieces of rifle bullets were found in another room. The nose of a rifle bullet was extracted from one of the bodies during the post-mortem examination.

The investigating officer noted that this .303 case was polished bright, and that remnants of metal polish were present in the groove round the cap, and from this he reasoned that it had recently been in possession of a policeman. Acting on this suspicion, he visited the neighbouring police post and questioned the two policemen on duty. One of these policemen stated that he had fired his rifle on the previous day and handed in six empty cases. The investigating officer then took possession of the two rifles, and later, after further evidence had been collected, the policeman who had handed in the empty cases was arrested on the charge of murder.

A piece of wood cut from the door, two rifles, fragments of bullets, the empty .303 cartridge case found on the scene and others handed in by the accused, were submitted for examination some weeks after the committal of the crime, and investigations then commenced, and were continued until the case came up for trial in February 1930.

The points at issue were :

- (a) Could the dents on the door have been made with the butt of a rifle ?
- (b) Were the pieces of rifle bullets portions of British ammunition such as is used by the police ?
- (c) Had those bullets been fired from the accused's rifle ?

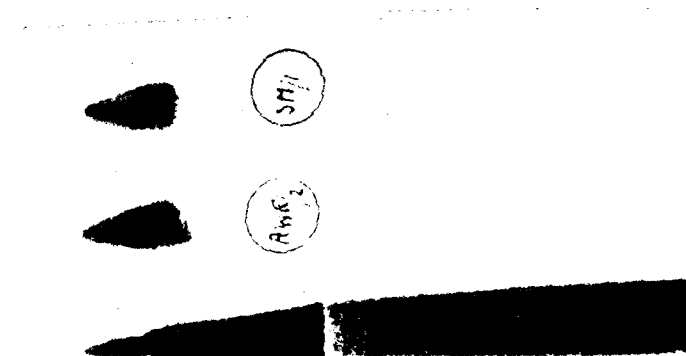


FIGURE II
X-RAY PHOTOGRAPHS OF TWO BULLETS
PRODUCED, AND ONE ROUND OF R.17.W
AMMUNITION

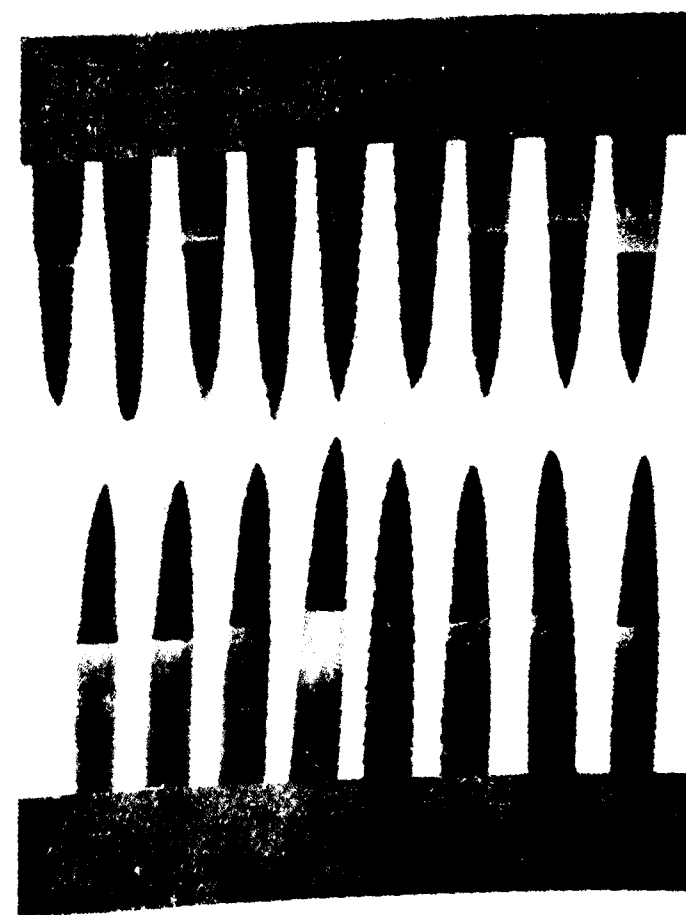


FIGURE I
X-RAY PHOTOGRAPHS OF VARIOUS MAKES OF AMMUNITION

(d) Had the .303 cartridge case been fired in the accused's rifle?

To elucidate these points, firing tests were carried out with the assistance of the police armourer, during which some fifty rounds of S.A.A. were fired from the accused's rifle and from others, and a careful systematic examination and comparison of bullets and cases was then begun.

In this investigation use was made of microscopical examination under different conditions of magnification and illumination, special attention being given to extractor marks and pin impressions on the cases, to bands and grooves on the bullets, and to the firing pins and extractors of the rifles. The internal structure of the bullets was examined by X-ray and compared with thirty-two different makes of police ammunition, while the composition of the bullet casings was tested by specific gravity determinations and chemical analysis and compared with English, German and Turkish bullet casings. Wherever possible, microphotographs of significant features were taken as permanent records for production in Court.

Briefly stated, the findings, which were supported by fourteen photographs, were as follows:

(a) Careful measurements of the dents on the piece of wood from the door showed that at least one of these could have been made with the butt of a service rifle.

(b) The pieces of bullets were all portions of British ammunition such as is used by the police; and, furthermore, the peculiar internal structure of the piece found in one of the bodies limited it to one of three makes, one of which was the make of the cartridge case found on the scene.

(c) There was not sufficient evidence to identify the bullets as having been fired from the accused's rifle, but they were fired either from that rifle or others of the same calibre and rifling.

(d) The cartridge case found on the scene was certainly fired in the accused's rifle. This was conclusively proved by the presence of at least fourteen marks in the pin impression, all of which were found on the firing pin of the rifle. The extractor mark was also a very characteristic feature.

(e) It was also demonstrated, from the shape and position



FIGURE III
FIRING PIN OF RIFLE OF THE ACCUSED

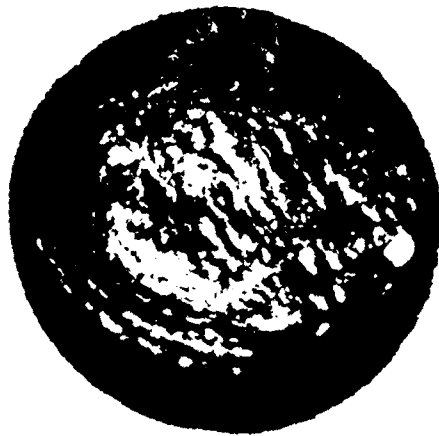


FIGURE III
PIN IMPRESSION ON CARTRIDGE FOUND
ON SCENE OF CRIME

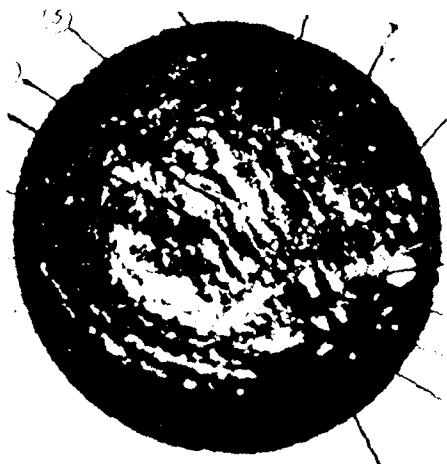


FIGURE III
PIN IMPRESSION, SHOWING
14 MARKS

of the blood stain on the cartridge case, that it must have been on the floor when the pool of blood flowed up to it, and that it could not, therefore, have been dropped in the room some time after the crime had been committed.

It is now known that the expert engaged by the defence, who also examined the exhibits and who was shown all the findings, but was not called to give evidence, was in agreement on all points. Counsel for the defence tried to argue that, if many more rifles were examined, one other might be found having a pin and extractor producing exactly the same marks as those of the accused's rifle. Actually the chances are so remote as to constitute a virtual impossibility in this case.

The defence tried also to break the chain of evidence by questioning the proper custody of the exhibits, and by suggesting that one of the bullets found during the post-mortem might never have been in the body, because it was actually found in a clot of blood which had detached itself from a wound. In this connexion the production in Court of official *pro forma* describing the exhibits and giving the date and hour of their receipt in the Government laboratory was of considerable value.

The Court found the accused (with other persons unknown) to be guilty of murder.

THE SCIENTIFIC EVIDENCE.—Having now stated the main facts of the case, the following further comments, with special reference to the photographs, may be of interest :

X-RAY PHOTOGRAPHY.—So far as is known X-ray photography has not previously been used in the examination of bullets for forensic purposes. In this instance the peculiar nose-filling of lead and fibre was readily detected by this means without mutilation of the exhibit (Fig. II, SM/I). Comparison with thirty-two different makes of .303 ammunition (see Fig. I) helped to establish the fact that the piece of bullet found in one of the bodies was from British ammunition. It is understood that this nose-filling was introduced during the war as a substitute for aluminium, and that, later on, plain fibre was found to answer the purpose.

CARTRIDGE CASES.—The .303 cartridge case found on the scene of the crime was compared with six others handed in by

the accused as having been fired by him, and with others fired in the accused's rifle and in other rifles.

Three characteristic features common to the exhibit and to all other cases fired in the accused's rifle were demonstrated :

(a) *The Bulge.*—A bulge on the side of the case diametrically opposite the extractor mark, and extending from the top to the solid portion some 5 mm. from the rim—due obviously to expansion of the case to fill the breach. For demonstrating this bulge a photograph was shown in which white strips represented the shadows of the cases when placed in front of the condenser of an enlarging lantern. This feature is of minor importance, and it was found that, measured with a micrometer gauge, the degree of bulge might vary when using the same rifle, and that with all the rifles tested it was, if present, diametrically opposite the extractor mark.

(b) *Extractor Marks.*—The second feature is an extractor mark characterized by a series of deep cuts with rounded ends parallel to the rim, which are produced when the bolt is pushed home, and at right angles to these a series of long scratches produced on extraction. A section of these marks was shown photographically, and, if necessary, a series of such photographs showing the whole mark would have been prepared. There were, of course, considerable variations in the extractor mark on every case fired from the suspected rifle, but there was sufficient evidence in this instance to identify the rifle by the extractor mark. One of the photographs showed irregularities on the extractor of the rifle such as might produce the extractor mark.

(c) *Firing Pin Impression.*—The third feature is a characteristic pattern of at least fourteen marks at the bottom of the pin impression in the cap of the cartridge case. This was easier to demonstrate than the extractor mark, and also more convincing, as in the nature of things the firing pin of a rifle is the part most likely to leave a good impression, which is protected, to some extent, from damage by subsequent handling of the exhibit. The photographs in Fig. III show pin impressions on the exhibited case, and another fired in the accused's rifle, together with the firing pin of that rifle—proving conclusively that the cartridge case found on the

scene of the crime was fired in the accused's rifle. In control-firing tests with twelve service rifles, it was noted that the depth of the pin impression was not always the same each time with any one rifle, and that there was a general tendency for the impression to be out of centre towards the extractor mark. The general shape of the impressions and their surface markings were, however, sufficiently characteristic to enable identification of the firing pins of all the rifles. One photograph shows what appear to be file marks upon the pin of one of the rifles, and the impression produced on a cartridge case.

Questions were asked in Court as to whether the extractor marks could not have been produced by practice loading and unloading. Of all the marks, the pin impression is likely to be of most forensic value, because it can have been produced only by the act of firing.

The photomicrographs of the pin impressions were the most difficult to obtain. They were taken through a one-inch objective. The stage of the microscope was removed so that the cartridge case could be held vertically in a clamp and slowly rotated in a slanting beam of light. It seems probable that the use of a microscope having a telescopic attachment would greatly facilitate this kind of work by giving greater depth of focus and plenty of working space for illumination. Some method of rotating the object with precision in any desired plane is very desirable.

The comparator eyepiece facilitated comparisons considerably, especially in the case of the extractor marks. Use was also found for the camera lucida and micrometer eyepiece.

In the firing tests difficulty was experienced in recovering the bullets in a fit state for comparison. Finally, a special box was used for the purpose. This box is 6 feet long, 18 inches wide and 18 inches deep, and is divided into six equal compartments by removable cardboard partitions. The first two compartments were filled with cotton waste, and the others with fine bran. The position of the bullet could be traced by the perforations in the partitions, and at about four yards' range the rifle bullets came to rest in the fourth and fifth compartments with little distortion.

Further cases are illustrated in articles by Professor

Sydney Smith, M.D., D.Ph., which have appeared in the *Police Journal* (Vol. I, 1928, p. 411, and Vol. III, 1930, p. 321).

It will be noted that in the case which occurred in Palestine the accused (a police constable) was brought to justice mainly through painstaking and accurate scientific investigations which are of such value in support of other circumstantial evidence.

It is also of interest that as a result of the scientific examinations made in this case a microscope with a telescopic attachment has been designed and is now in use. This was done at the instance of Mr. G. F. Miller, Police Armourer, and the instrument was designed and built by Messrs. Watson & Sons, Ltd., of London. By this means objects can be simultaneously microscopically examined under the same conditions of light and shadow and can also be photographed by the photomicrographic camera which is attached to the instrument. Most satisfactory results have been obtained, and it can be said that this instrument is a definite advance on the methods used hitherto for purposes of examination of this nature.

I will now return to the main object of this article, which is to demonstrate the care required to be exercised by a police officer investigating a criminal charge in which he has to depend on circumstantial evidence. There has recently been a considerable outcry in England against a police system in which it is alleged everything is in favour of an accused person whereas handicaps are placed on the police, and as a consequence it has been stated that many guilty persons go unpunished and serious crimes remain mysteries. Opinions on this question are probably divided, but at all events there will be many who wish at any cost to maintain the principle of the platitude with which this article opened.

In a country such as Palestine, where racial and other differences divide the population, the police are often faced with the unusual difficulty of having so much evidence that *primâ facie* it must be regarded with suspicion. On the other hand, in place of this *embarras de richesse*, it frequently happens that for various reasons there is no evidence forthcoming but

circumstantial evidence. Any police officer employed in the investigation of serious crime can probably cite a number of cases in which he thinks the accused or suspected person has not been brought to justice on account of the very definite and rigid rules which govern the examination of accused persons. But to-day the problem cannot be solved merely by denouncing a system which, though admittedly unwieldy on occasions, has much to commend it, provided that the object maintained in view is not the punishment of someone for a particular crime but the conviction of the guilty person.

It is for this reason that scientific processes are more and more coming into use in the investigation of crime, and the success that has so far been achieved by those working on these lines should inspire police officers to make full use of the facilities which science is placing at their disposal.

The following are notes of two cases which occurred in Palestine, and which tend to show how circumstantial evidence can be misleading in the early stages of an investigation.

In March 1929 a highway robbery was committed on the main road which skirts the lake at Tiberias. A number of motor-cars were held up by four armed and disguised bandits and the passengers relieved of money, jewellery, etc. During these proceedings the windscreen of one of the cars was broken and one highwayman cut his hand on the glass. A passenger, by way of heaping coals of fire, bandaged the wounded hand, and the robbers made off. Their tracks were followed for some miles by the police, but were finally lost in the broken, hilly country which lies to the north-west of Tiberias. In the meantime a number of well-known suspicious characters of that neighbourhood were rounded up, and four, being unable to account for their movements, were detained. Of these one was identified by some of the complainants, and another was found to have a wound on his hand such as has been described. It certainly looked as if the right persons had been apprehended, and the police settled down to the task of procuring more evidence and drawing in the net which for the moment hung but loosely around these suspects.

In the meantime nemesis was pursuing the real culprits, and during the course of investigation into a totally different

matter the police at Acre noted that certain persons in a village of that district appeared to have an unusual amount of ready money at their disposal. Seeing that persons had already been taken into custody over the Tiberias highway robbery, it never occurred to the Acre police that their temporarily affluent friends were connected with that affair, but it was supposed that they were concerned with other robberies that had taken place in the vicinity. At all events inquiries were set on foot and several persons were detained. An interesting piece of information was elicited, which was that one of the suspects had recently given a gold ring to a lady love in the village. The presence of the police apparently aroused grave suspicions in the mind of this lady, and she passed the ring on to her mother, who being equally doubtful as to the safety of keeping such an article threw it down a well. A painstaking police officer then had the well pumped out, and after straining the unpleasant residue at the bottom eventually recovered the ring, which was faintly inscribed with the name 'H.A.I.M.' This was undoubtedly part of the proceeds of the Tiberias highway robbery, and on the arrest of three more suspects a search of their premises revealed a number of other articles from the same source. These four men were eventually convicted of the crime.

It now remains to account for the four persons who had been arrested by the Tiberias police. Further inquiry disclosed that they had been in the vicinity on the day of the highway robbery, and the cut on the hand of one of them was quite satisfactorily explained.

Their own explanation was that though they had intended to commit a highway robbery, and had posted themselves on the road for that purpose, they were forestalled by the other party, of whom they knew nothing and with whom they had not been in touch.

The details of another case are these: In 1930 an elderly woman who lived alone in a house in Jerusalem was found brutally murdered with her throat cut, and a large number of wounds in various parts of her body. She had been dead some days, and the house had been ransacked and several hundreds of pounds in gold and notes were missing.

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Suspicion immediately fell on the woman's nephew, a young man who lived at Bethlehem, six miles away; and at first sight the case against him looked very black. It was established that he was anxious to marry a girl whose father had called upon him to produce a certain amount of capital before the marriage could be sanctioned. The young man, knowing that his aunt had the money, asked her for it and was refused.

It was proved that on the day the murder had been committed the young man had come to Jerusalem from Bethlehem and there had seen the girl he hoped to marry on the arm of a hated rival. His movements in Jerusalem that day were satisfactorily traced, and he could be accounted for the whole time except between the hours of 3 p.m. and 6 p.m.; and it was established by medical evidence that it was between these hours that the murder had been committed. At 6.30 p.m. he hired a seat in a car and went back to Bethlehem, and on the way back it was noticed that he had blood on his boots, and subsequently the car in which he went back was traced, and what appeared to be blood stains were found about the seat he had occupied.

Here, then, was a case which looked like cast iron. Motive and opportunity were both present, and a good deal of circumstantial evidence to boot.

It certainly looked as if the nephew of the deceased was in a parlous plight. But at this stage Providence took a hand in the proceedings.

In the town of Haifa—some 150 miles away from Jerusalem—a young police constable who had but lately left the Training School was seated in a café there listening to the evening's entertainment. Remembering that he had been taught to use the eyes and ears with which nature had endowed him, he noticed a youth who was distributing largesse to the dancing girls in the form of £5 notes. Having decided that this youth was not in a station of life which would permit of his spending money at that rate, the constable quietly took him into custody and conducted him before superior police officers, who demanded an explanation of the comparatively large sums of money that were found in his possession. He offered various explanations, which were found to be both

incorrect and contradictory. The youth was brought to Jerusalem, where finally he confessed that he and another lad had between them murdered the elderly woman and stolen all the money they could find in the house.

When this sensational statement had been verified it, of course, resulted in the immediate release of the woman's nephew; and subsequent inquiry established that he had no hand in the murder, which at a given moment had looked so black against him.

The manner in which the elderly woman had been done to death is worth recounting, in that it is an outstanding example of the very low value which is sometimes placed on human life.

The two youthful culprits started out that afternoon with no idea of murder in their heads. They were going to a football match, and finding that they were early, stopped on their way to look at a house which had a 'To Let' sign up. Neither had the least intention or the means to rent a house, but in order to fill in a spare half-hour they applied at the house next door for the key, and were shown over the empty house by the woman who was so shortly to become their victim. Having seen over the empty house, they were proceeding on their way to the football match when, following the customs of hospitality in the East, the woman asked them to have a cup of coffee in her house, which invitation they accepted.

It is difficult to understand the mentality of these two young criminals, but nevertheless it is a fact that when they realized that their hostess was alone in the house, and while she was in her kitchen making the coffee she was about to offer them, they decided to kill her and loot the house. When the woman returned with the coffee they set upon her and did her to death, one using a pocket knife and the other a kitchen knife he found on the premises. Neither of them had ever seen this woman before nor been in her house, and the most they could have hoped to find was a few pounds. Little did they expect to come across the large sum with which they made off. It is difficult to imagine a more brutal or callous murder.

It is hoped that the cases cited have made the point

which was aimed at. In the age-long war which is waged between the criminal classes and the officers whose duty it is to provide peace and security for the law-abiding community, antiquated methods are more and more being replaced by modern aids which no police officer can afford to neglect. It follows that circumstantial evidence is annually becoming more important, and is a weapon which all Forces are very rightly making full use of. It is in the interests of justice that a warning note is sounded, so that the young officer when faced with a mass of circumstantial evidence should make assurance doubly sure.

QUARTERLY NOTES

DETECTION OF CRIME

THE legal right of self-defence is discussed in the subsequent note. But first it may be worth while to reflect upon another aspect of crimes of violence. A study of the correspondence columns of the newspapers may be an unreliable source from which to learn the state of public opinion; at the same time, such indications of opinion have their value, and from this source and other sources one gains the impression that the public mind is very seriously disturbed with regard to what is alleged to be the failure of the police to detect crime and to bring to justice those persons who specialize in criminal acts of an adventurous character. The public are, of course, apt to gather quite a false impression of the extent to which crime of this kind or of any other kind goes undetected. Opinion is formed by generalization from particular incidents and much exaggeration results. Nevertheless, there may be foundation for public uneasiness, and it is worth while to consider for a moment, from a legal angle, what are the factors which contribute to this position.

In the first place, it is an undoubted fact, as may be seen from a study of the current *Criminal Statistics* issued by the Home Office, that during the last few years there has been an appreciable increase in the number of crimes or indictable offences known to the police. As pointed out by Mr. Arthur Locke, who for some years past has prepared the admirable introductions to this annual volume of statistics, the number of crimes known to the police is now regarded as the best index to the volume of crime, although such numbers are subject to certain purely statistical variations. In 1930 the number of such crimes rose from 134,581 to 147,031—an increase of 12,450. As Mr. Locke points out, the greater part of the increase was due to rises in the numbers of recorded crimes against property; but he also points out that crimes of violence against the person (other than sexual crimes), which for some years had shown a tendency to fall steadily, rose by 136 from 1987 to 2123 and robberies from 167 to 217. It is reasonable to suppose that part of this increase in 1930 was due to the fairly small class of serious crime which consists in raids upon banks and what are called 'smash and grab' raids; in so far as the former are concerned, it is evident that some of them might be classified as crimes of violence against the person as well as crimes against property. The increase is, of course, due to the combined action of a number of contributory causes. At the moment we are dealing only with the question how far the police may be handicapped by the limits imposed by law upon their powers when engaged in investigating crime.

It is probably true that any legal limitations there may be on the powers of the police are inherent in the British system of justice. Of this system every British subject is proud. We cannot tolerate the idea of qualifying our preconceived notions about the liberty of the subject or of modifying the historic British principle that a man shall be deemed to be innocent until he is

actually proved guilty; nor can it be supposed that the man in the street would wish to quarrel with the general rule of our law that criminal statutes are to be construed strictly in favour of any person alleged to have been guilty of a breach of the statute. Our courts are no less opposed at the present time than they always were to any action taken by the police on the assumption that a suspected person is the same thing as a guilty person, or to admit as evidence replies to questions put by the police on that assumption. Nor are the police in any way encouraged by the law of evidence to suggest to persons in custody that they have proof of their guilt. A fresh reminder of the law on the latter point occurred quite recently in the case *R. v. Brown and Bruce* (1931) 23 C.A.R. 56. In that case, a police officer in the charge-room at the Police Station had cautioned the accused and said: 'I am satisfied you both know something about taking the glass from the window in Ashwell's shop on the night of 20th April and stealing the case.' The police officer then added: 'Do you care to say what you know?' As a result of this question, both of the accused made a voluntary statement. In delivering the judgment of the Court of Criminal Appeal, the Lord Chief Justice said that these statements obtained in this way seemed to the Court clearly to come within the mischief described in the case of *R. v. Winkel* (1912) 76 J.P. 191, where it was pointed out that to say to a person in custody, 'it is alleged . . . so and so,' is only a subtle form of cross-examination by the police, and that such evidence improperly obtained should not be admitted.

It is considered by many people that such a state of the law places the police under a severe handicap and induces them, for fear of getting into trouble, to refrain from putting questions to suspected persons which might indirectly facilitate proof of the crime and arrest and conviction of the guilty parties. From the legal point of view it is necessary to distinguish between (1) the inadmissibility of statements or confessions obtained as a result of what the court regards as improper questions, and (2) facts which become known to the police as a result of putting questions to suspected persons. There is very little reason to suppose that public opinion would really welcome a change in the law as regards (1); but as regards (2), it is unlikely that the public conscience would be shocked if it came to be recognized that the police are justified in obtaining information by any reasonable means as a step in the investigation and detection of crime.

We think that as a matter of fact the popular impression that the police are hampered by the existing law is due to misconception, and that this misconception has arisen very largely as a result of the report of the Tribunal appointed in 1928 to inquire in the case of Miss Savidge. Such increase as there may have been in the number of cases of undetected crime is due to circumstances which have nothing to do with the actual methods adopted by the police or any limitations which the existing law may put upon them. Anyone who cares to examine the position will find in the long Introduction to the *Statistics* for 1928 plenty of material to support this general conclusion. It is true that, as shown in the table on page xix (where a comparison is made between the number of indictable offences cleared up in 1928 as compared with 1911), the police in 1928 were rather less successful in clearing up crimes than in 1911. The approximate difference is stated to be about five per cent. Mr. Locke's analysis of the statistics shows that this reduction is mainly due to the increase in the number of undetected crimes against property with violence committed in the country districts. It is pointed out that while the total number of crimes against property with violence in the Metropolitan Police District has not increased appreciably, there has been a very striking increase of more than four hundred per cent. in that class of crimes in the

'Home Counties' during the same period; while that class of crimes has also increased in other country districts in England and Wales to a much greater degree than in the towns. These facts have a direct bearing on the complaints about the failure of the police to detect crime. If it be true that the proportion of crimes which go undetected is greater than it used to be, the cause is to be found not in any restriction which the law puts upon the police in the investigation of crime, but (as Mr. Locke states) to 'the change in conditions due to the incoming of the Motor Age'—a change which 'has not only increased this class of crime and transferred its heaviest incidence to country districts, but has also for that very reason made the detection of the offenders more difficult.'

Specialists in the more adventurous forms of crime have not been slow to exploit the motor car as part of their stock in trade. We doubt whether any country in the world is free from this unwelcome by-product of modern developments in road transport.

THE LEGAL RIGHT OF SELF-DEFENCE

DURING the past few years there has been a marked increase in that kind of adventurous crime, which takes the form of an armed 'raid' upon a bank. It is obvious that any person who is violently attacked is legally as well as morally justified in defending himself. If a bank servant suddenly finds himself confronted with what he conceives to be immediately threatened violence on the part of a stranger who has entered the bank, what action can he take without running the risk of being held legally responsible for any injury which he may do to the person who is threatening the attack? In *Justice of the Peace*, 19th December, 1931, attention was drawn to the case of Mr. Youngs, who, when alone in charge of a bank at Renuera, New Zealand, had shot a man who had entered the bank and attacked him. The man was killed and Mr. Youngs was charged with manslaughter; the jury found him not guilty. We have not before us a detailed report of the actual facts of this case, but we assume that Mr. Youngs did not fire at his attacker until he was satisfied that this was the only effective way of defending his own life and his employer's property. It may be of some interest to consider what under English law is the dividing line between self-defence which is not justified and self-defence which is justified notwithstanding that it may result in the death of the other person.

In Stephen's *Commentaries*, 19th Edition, Vol. IV, p. 40, the law is stated as follows:

'Against unlawful interference with property force may in certain circumstances be opposed. Whether dangerous weapons may be employed depends upon the nature of the interference . . . it is only if the interference amount to violent felony, such as robbery, arson, or burglary, that this extreme step may be taken; and then only if it be strictly necessary.'

It is also pointed out in Stephen's *Commentaries* that, while the killing of a mere trespasser cannot be excused, a person has in his own house certain special rights in dealing with trespassers if the latter is threatened with forcible dispossession from his house. In that event, he may kill the invader even though he may only be a trespasser. If he is not only defending his own home, but is acting in defence of his own person, his rights are even greater since he need not 'execute a preliminary retreat.'

Among the earlier judicial decisions which may be quoted in support of the above general principles, the case of *R. v. Scully* (1824) 1 C. & P. 319 may be mentioned. In that case the prisoner had been set to watch his master's premises, and while so engaged he saw a man on the garden wall, in the night, and he hailed him. The man said to another, whom the prisoner could not see, 'Tom, why don't you fire?' The prisoner then hailed the man again, and the man thereupon said, 'Shoot and be damned.' The prisoner then, according to the report, 'fired at the legs of the man on the wall whom he missed and shot the deceased whom he had not seen from his being behind the wall.' The only evidence against the prisoner was a confession which he had made on surrendering himself to a constable; but it was proved that when the deceased was found he had three dead fowls and a house-breaker's crowbar lying near him. At the trial, the judge (Baron Garrow), in his direction to the jury, said that if a servant, when looking after his master's premises, sees persons who are mere trespassers, he is not justified in shooting at them—he ought, first of all, to see if he could not take measures for their apprehension. This would apply even if the servant thought that the trespassers were about to commit a felony, e.g. if he saw them go into his master's hen-roost. 'But here,' said Baron Garrow, 'the life of the prisoner was threatened, and if he considered his life in actual danger he was justified in shooting the deceased, as he had done; but, if in considering his own life in danger, he rashly shot this man who was only a trespasser, he would be guilty of manslaughter.'

R. v. Scully is still perfectly good law, and indicates in what circumstances the servant of a bank might be legally justified in using firearms or any dangerous weapon in self-defence in the event of a 'raid' on the bank. The most recent case bearing on this branch of the law is *R. v. Hussey* (1924) 89 J.P. 28. This case relates to the rights of a householder or his family in the defence of property. In that case the appellant, who had been sentenced to twelve months' imprisonment on the charge of unlawfully wounding, appealed to the Court of Criminal Appeal, with the result that his conviction was quashed. The appellant rented a room from a certain Mrs. W., who, after giving him informal notice to quit, went to the room where the appellant had barricaded himself in and, with other persons, armed with a hammer, spanner, poker and chisel tried to force their way into the room. A panel of the door was broken, and the appellant thereupon fired through the opening, and two persons were wounded. Lord Hewart, L.C.J., in delivering the judgment of the court, said that the appellant was in the position of a man who was defending his house. He quoted with approval the following passage in Archbold's *Criminal Pleading*, 26th Edition, p. 887: 'In defence of a man's house the owner or his family may kill a trespasser who would forcibly dispossess him of it in the same manner as he might by law kill in self-defence a man who attacks him personally; with this distinction, however, that in defending his house he need not retreat, as in every case of self-defence, for that would be giving up his house to his adversary.'

[With reference to the 'Criminal Statistics,' the introductions to which are prepared by Mr. Arthur Locke, and which are mentioned in the above notes, an article by Mr. Locke on this subject appeared in 'The Police Journal,' Vol. IV., No. 2, p. 188].

RECENT JUDICIAL DECISIONS

LICENSING

Withdrawal of Supper-Hour Certificate.

In the case of *R. v. The County of London Justices ex parte the Commissioner of Police of the Metropolis*, reported page 16 of Vol. 96 of the *Justice of the Peace*, the Licensing Justices withdrew a certificate granted under Section 3, Sub-section 2, of the Licensing Act, 1921, authorizing the sale of liquor with meals after permitted hours. The licensee appealed to Quarter Sessions, where his appeal was allowed. The Divisional Court held that there was no right of appeal to Quarter Sessions from the withdrawal of such a certificate upon the ground that the certificate formed no part of a justices' licence.

In the course of his judgment the Master of the Rolls said: '... this special provision as to the extension of the permitted hours lies outside all the matter of the renewal of the license. It is ancillary to the larger matter of the licence. It is something which the licensee may exercise, but is not bound to continue to exercise. It appears to me that it is quite impossible to hold that the section which grants an appeal in respect of the question of the renewal of a justices' licence embraces a case which deals only with this subsequent and ancillary right of the holder of that licence upon his election to do something which he can do for an extra hour so long as, and only so long as, the justices are satisfied under sub-s. 2.'

In the result the decision of the Divisional Court was affirmed.

Conviction on Alternative Charges.

In the case of *R. v. The Surrey Justices ex parte Witherick* a conviction under Section 12, Sub-section 1, of the Road Traffic Act, 1930, was quashed on the ground that the act charged was in the alternative and not necessarily one and indivisible. The Section provides: 'If any person drives a motor vehicle on any road without due care and attention, or without reasonable consideration for other persons using the road, he shall be guilty of an offence.' The defendant was charged in the exact words of the Section with driving 'without due care and attention or without reasonable consideration for other users of the road.' The appeal was based on the ground that the conviction being in the alternative failed to specify the offence which the justices had considered to have been proved. For the prosecution it was argued that the offence was one and that a person driving without due care and attention must also be failing to show reasonable consideration for other persons using the road.

In the course of his judgment Mr. Justice Avory said: 'It is an elementary principle that a conviction must not charge offences in the alternative, since the defendant cannot know with precision of what he was convicted, and might be unable in the future to plead *autrefois convict* or *autrefois acquit*.'

SWEEPSTAKES

UP to date only two points of any legal interest have been pressed before the Courts in the very large number of cases in which prosecutions have been brought for the sale of tickets in lotteries authorized by the Government of the Irish Free State.

The first point was raised by the learned Magistrate at Marlborough Street. Prosecutions for the sale of tickets are brought under Section 41 of the Lotteries Act of 1823, which provides: 'if any person . . . shall sell any ticket . . . in a lottery, such person shall for every such offence . . . pay the sum of £50 and shall also be deemed to be a rogue and vagabond . . . and shall be punished as such.' The punishment is fixed under the Vagrancy Act of 1824. The learned Magistrate was of opinion that although he was satisfied that the respondent had committed the act imputed to him, *i.e.* the sale of tickets, he could not properly convict unless the status of the accused at the time of committing the offence was that of a rogue and vagabond. The Divisional Court held that this view was wrong. The Lord Chief Justice, in giving judgment, pointed out that all it was necessary for the prosecution to prove was the committing of the offence. 'Once that is proved the statute provides that the offender is to be deemed a rogue and vagabond and punished as such.' Mr. Justice Avory pointed out that the statute provided that the defendant is to be punished not because he is a rogue and vagabond, but that he is to be punished as if he were and in the same way in which a rogue and vagabond would be punished. The way in which a rogue and vagabond may be punished is now regulated ultimately by the provisions of the Summary Jurisdiction Act of 1879.

The second point was raised in the case of *R. v. The Registrar of Joint Stock Companies: ex parte More*. Section 41 of the Act of 1823 prohibits the sale of lottery tickets 'except such as are or shall be authorized by this or some other Act of Parliament to be so.' The case was an attempt to force the Registrar of Joint Stock Companies to register under the Companies Act of 1829 a company whose main object was to buy, sell and deal in tickets in the Irish Free State Sweepstake organized by virtue of an Act of the Parliament of the Irish Free State. The Registrar refused to register the company. The Divisional Court held that he was right, and the Court of Appeal in April 1931 agreed with the Divisional Court. It was argued for the Company that the authorization of the lottery by the Irish Act of Parliament was enough to prevent the possibility of prosecution under Section 41 of the Lotteries Act, 1823, and accordingly that the Company ought to be registered.

In the Court of Appeal Lord Justice Scrutton quoted what the Lord Chief Justice had said in the Divisional Court: 'The short and sufficient answer is that in Section 41 of the Lotteries Act, 1823, the words "*By this or some other Act of Parliament*" are not the same as "*By the act of this or some other Parliament*"' and went on to add that that appeared to him an epigrammatic and correct way of putting the reasons which he had himself expressed in slightly longer language.

CORRESPONDENCE

THE PISTOL IN PRACTICE.

To the Editor of THE POLICE JOURNAL.

SIR, Will you allow a little, extremely diffident criticism of the article entitled 'The Pistol in Practice,' appearing in *The Police Journal* of October 1931?

With all the deference undoubtedly due to your contributor, and allowing that only a brief survey was intended, one cannot but be surprised at some of the omissions, and just a trifle doubtful as to some of the conclusions.

Your contributor finds the Savage .38 Automatic worthy of mention, but, naming this weapon which is no longer manufactured, omits that other defunct weapon, the Remington .38 Automatic, which is a very much more modern one, and which most authorities consider to have the best designed grip of any automatic yet offered for sale.

Then, again, amongst the military automatics, one would have expected to find the very latest, and probably the best of the whole lot—the Colt .38 Super-automatic.

Again, there is no mention of the 200 grain .38 revolver cartridge, fairly recently developed as a possible substitute for the .455 in the British Service.

One looks in vain also for the revolver made by Webley's mainly for this new cartridge—the Mark IV. Despite manufacturing defects, the general design should certainly have met with the approval of your contributor, with his predilection for the trigger action.

Your contributor seems to have been unfortunate with automatics. Against his opinion of this type of weapon there is the fact, which he himself draws the attention to in the *Text-book of Small Arms*, that practically every foreign nation has adopted the automatic for military service.

Admitting that an arm that satisfies military conditions is not necessarily ideal for police conditions, this wholesale adoption would seem to argue fair reliability and some advantages.

Then, again, it is by no means a universal experience that the ordinary man can use the revolver more effectively than the automatic. In fact some authorities state the reverse, and some small experiments conducted personally with half-trained Asiatics would seem to indicate that the automatic under these conditions gives better results than the revolver.

But perhaps the greatest danger of this article is one for which your contributor is not directly responsible. It would seem to have been written with Home conditions in view. But as this has not been definitely stated, it might be taken as a guide for Overseas forces operating under very different conditions. It will usually be found that the Police are a defensive organization, and that their weapons are those forced on them by their opponents, or

at least are used under conditions laid down by criminals. Overseas, where concealment is not essential, we have to meet rifles and shot-guns—whether 'as issued' or sawn off, and we have often to meet this menace with the only readily portable weapon there is—the hand-gun. That being so, it follows that not only close-quarter work may be expected, but also long-range work perhaps from cover, and hints that this is really a misuse of the weapon leave one 'cold,' especially when given by a person who later mentions long-range work as a practical proposition.

It is agreed that the man capable of putting six shots in a man at 20 yards in three seconds is exceedingly useful, but he should, for our work, also be competent at longer ranges. From this it follows that his weapon should be capable of efficient use at those longer ranges, and one may be permitted to doubt if the proposed .40 low velocity bullet would be much good at 100 yards, especially from a three-inch barrel and with such a short sight base.

Then, again, one is rather inclined to believe that the ideal policeman does not put six rounds into any one man, and, though not necessarily subscribing to the opinion myself, still there is a school of thought that prefers the policeman to hit a man in a non-vital spot if at all possible—a feat not capable of accomplishment by many exponents of the instinctive method proper at twenty yards.

Then once more: it will often be found advisable to arm a whole force with one standard weapon, in which case whether it is to be used double or single action is decided by the capacity of the individual. There are many men capable of quick and accurate single action work with the Webley Mark VI who are physically incapable of firing this weapon double action as insisted on by your contributor.

One more point and my criticism is done—the importance of the super-quick draw is often over-estimated in police work. It is an extremely useful accomplishment, but is probably very seldom acquired.

Very humbly, perhaps one may be allowed to thank your contributor for raising the question in the *Journal* of police armament. It is a question that has too long awaited thorough discussion.

Yours faithfully,

'MALAYAN POLICEMAN.'

REVIEWS

DEVIL'S ISLAND. By W. ALLISON-BOOTH. 10s. 6d. net. (Putnam.)
THE author of this sensational book deliberately missed his ship in order to be able to stay at St. Laurent and discover French penal methods at first hand. He stayed there, indeed, longer than he had intended; and for a few days was himself a prisoner on a charge which was subsequently proved to be unfounded. The book is sensational, inasmuch as it consists of a number of allegations which, if correct, would constitute a terrible indictment against the French authorities. There are statements as to floggings, torture, and insanitary conditions. One of the stories concerns the treatment of a convict who attacked a soldier in a fit of frenzy and severely injured him. A few days later the soldier died, so that the assault was adjudged to be murder. But the criminal was not sent to the guillotine. He was taken into the jungle, manacled to a tree, and there left to meet an agonizing and gradual death. Mr. Allison-Booth says that he saw him before death had intervened. On the previous day, while the man was still conscious, a working party were carefully employed near him, so that he could be tempted to cry out for water. All his prayers and curses were ignored.

But far more serious an indictment, in our view, than any of the alleged brutalities is the story which is told of the appeal made by the Government for volunteers to fight in the War. A contingent of three hundred picked convicts was raised, and after intensive training they were sent up to Verdun, and served continuously in the hardest section of the line. Remission of sentence had been promised to all survivors whose record in the line was good. There were no mutinies, no desertions, and innumerable cases of heroism and loyalty were admitted. One convict, Pierre Gaston by name, was taken prisoner by the enemy, escaped and made his way at peril of his life, back to the French lines. He was decorated with the Croix de Guerre. Yet, according to the author, he and every one of his fellow-survivors were shipped back to Guiana, when the War was over, and returned to precisely the same conditions of convict-life as before.

If the author were correct in his descriptions, the administration which allows such abuses would stand hopelessly condemned. But we confess to some incredulity. In the first place, it is difficult to understand how, if such atrocities occur, especially such a flagrant breach of faith as is alleged regarding the re-shipment of the convict-soldiers, no political agitation was roused in France. Such an incident could hardly have remained unknown to the French public. Secondly, an article in *The Times* of 19th January last gave a very different description of the penal system in Devil's Island. It is only just to the author to add that he writes with apparent moderation and gives names. No doubt there are, or have been, cruelties. But we feel unable to accept the whole of this sensational criticism until we have heard what is to be said in reply from the official side.

SEVEN YEARS IN SOVIET RUSSIA. By PAUL SCHEFFER. Translated by ARTHUR LIVINGSTON. 15s. net. (Putnam.)

THE author of this book is able to speak with considerable authority. For seven years he acted as the correspondent in Moscow of the *Berliner Tageblatt*, and his articles were recognized outside Russia as some of the best-informed criticism then available. The result was that, at the end of this period, Scheffer's passport was refused by the Russian Government, press censoring being, of course, as strict now as ever it was under the Czarist regime. The book is interesting and informative, but it suffers from the fact that it is a collection of articles which were written *ad hoc*, and are in some cases out of date, since many of the conditions in Russia have altered rapidly in the last two years. We had hoped to learn from these pages the author's impressions of police methods, but of these practically nothing is said. The articles which form the substance of this book had a definite value as current European journalism, but in book-form they fail to provide either an intimate picture, or a historical retrospect. The most illuminating portion is the preface, which shows what an instructive work Paul Scheffer might have compiled from his considerable experience.

THE HISTORY OF THE CRIMINAL INVESTIGATION DEPARTMENT AT SCOTLAND YARD. By MARGARET PROTHIERO, Barrister-at-Law, Grays' Inn. 15s. net. (Published by Herbert Jenkins.)

THIS is a very readable history of the work and doings of the Criminal Investigation Department at Scotland Yard. The authoress takes us through a short account of the beginning of detective work and the Bow Street Runners, a subject upon which much has been previously written, and passes on to the actual formation of the Detective Department (which was in 1842) as the result of a particularly cold-blooded murder which created considerable alarm. The subsequent growth of the Detective Department was almost incredibly slow. We find that it was not until some eighteen years later that there was any real increase, and even as late as '64 there were only some fifteen or so people employed in plain clothes. The reason why in the early days the Detective Department was not expanded was owing to the then fear of anything that might in any way offend the public, who might regard plain-clothes men as police spies. In the late eighties we find the Criminal Investigation Department expanding and detectives appointed to each Division.

There is a brief account of some of the earliest detectives working practically on their own; a little bit of the duties and work of Special Branch—that department which is always rather a mystery to the public—is dealt with; the composition and duties of the Criminal Investigation Department at the present moment and some of their auxiliaries, like the Flying Squad; the white slave traffic, night clubs, opium dens, and drug traffic are visualized; and there are summaries of certain crimes which created considerable interest at the time.

In dealing with the later years, from 1889, when Mr. (afterwards Sir Melville) Macnaghten took command of the Criminal Investigation Department, and the Department reached its present wonderful development, the writer has, unavoidably no doubt, outlined its successful progress principally by recording a long series of sensational and highly successful detections by distinguished members of the detective branch.

From the whole nature of the duties which the Department has to discharge, the far more interesting inner history of its internal administration and progressive development, which has made this long chain of successes

possible, could hardly be laid bare; but the authoress's public will judge of the Department and its system by the admirable fruits it has produced and which she has so attractively displayed, and will pay their heartfelt thanks to the Administration.

FORENSIC CHEMISTRY AND SCIENTIFIC CRIMINAL INVESTIGATION. By A. LUCAS, O.B.E., F.I.C. 2nd Ed. Pp. 324. 1931. 18s. net. (London: Edward Arnold & Co.)

MR. LUCAS has done well to broaden the title of his book for its new edition, for chemistry now plays as great a part in the investigation of crime as it does in many cases which come before the courts. The arrangement of the sections in the alphabetical order of their subjects has been retained; it adds much to the value of the book as a work of reference. A large amount of new matter has been introduced, but some saving of space has been effected by condensing some of the sections and amalgamating others. Hashish, for instance, is now placed under Poisons.

Naturally, most of the methods described in the book could only be carried out by someone who has had a training in microscopy and chemistry, especially since they deal mainly with general principles rather than with details of manipulation, but the value of the work for those engaged in criminal investigation who are not chemists is that it shows what possibilities are available for investigating material facts which are frequently overlooked. This value is enhanced by the illustrative cases, largely drawn from the author's extensive practice, which are appended to each section.

One of the most helpful parts of the book is the Introduction, which deals with the way in which articles connected with a case should be treated when received, with their preliminary examination, and with the manner in which the report upon them should be made. Another useful section of general applicability is the one on Photography, in which the uses of ultra-violet light are also discussed.

The section on Blood Stains has been brought up to date, and includes the modern technique for applying the precipitin test, and an outline of the method of determining blood grouping, with an account of the significance of the groups as an index of paternity and as a means of identification in criminal cases.

Among the best of the sections is that on Documents, which gives a complete summary of the results obtainable from a chemical and microscopical examination of the paper, ink and other materials composing a document. It also includes a short discussion on the examination of handwriting, which, as the author rightly points out, has often been unjustly criticized, owing to its not having always been made by scientific men or by scientific methods. The interesting illustrative cases appended to this section will be found instructive, even when they differ in character from the common type of cases in this country.

Another full section is that on Poisons, which are discussed in detail from the point of view of the chemist who is called upon to detect and determine the poisons most commonly used for criminal purposes or by drug addicts.

Other valuable sections which should be mentioned are those on Clothing (which includes a discussion on the deductions which may be drawn from the state of preservation of the clothes in which a body has been buried), on Firearms and Projectiles, Finger Prints, String and Rope, and on Tobacco. At the end of each section there is a useful bibliography, giving the best works of reference on the respective subjects, and there is a good general index.

Everyone whose work is concerned, either directly or indirectly, with criminal investigation should not only own this book, but also keep it in constant use.

TRAITE DE CRIMINALISTIQUE. By EDMOND LOCARD. (Joannes Desvigne et ses Fils, Lyon.) Vols. 1 and 2.

THIS work is a treatise on scientific research as an aid to criminal investigation, by Dr. Edmond Locard, Director of the Police Technical Laboratory at Lyons, and Vice-President of the International Academy of Criminal Investigation.

Volume 1 is a comprehensive study of the history and development of the finger-print system, with its characteristics and designs, together with the methods of classification adopted by the various countries now using it. It also embraces the organic science of imprints and pores; finger-print jurisprudence; the research and identification of finger prints with means of transporting and preserving same, and telegraphic transmission of finger-print descriptions.

Volume 2 deals with various kinds of imprints, and the taking of casts in connexion therewith. Animal imprints and bites, and the imprints of vehicles. Traces of instruments used in housebreaking, etc., together with microscopic examination of dust, articles of clothing, etc.

We have also received from the same publishers two interesting paper-cover books: *La morphologie comparée des crêtes papillaires*, by Dr. Osvaldo Miranda Pinto (25 fr.); and *Le Crime et le Suicide*, by Capt. Michael Cirès (10 fr.).

A CENTURY OF GUNMEN: A STUDY IN LAWLESSNESS. By FREDERICK WATSON. 1931. Pp. vii. 290. 10s. 6d. (Ivor Nicholson & Watson, Ltd., London, W.C.)

Quis custodiet ipsos custodes? Who shall guard the guards themselves? Where the mob is King and the magistracy his Prophet.

In this history of perversion of justice, Mr. Watson takes us back to the invasion of the New World by the Puritans who revered the discipline of the Spirit but not of man, and by the adventurous Frontiersmen who revered neither.

The success of the Revolution left Americans with a very strong sense of personal liberty—on their own side of the frontier—and a deep-rooted aversion to Federal interference. So the Central Government had little or no control over the great push West.

Here follows a century of dishonour, while Puritan arms and still more Puritan rum prevailed against the Indian.

But in the open prairies the frontiersmen would have fared badly but for the invention of the Colt revolver. Hence the American's inalienable right to carry fire-arms. The author tells of how the advance of the frontier outran that of Law and Order. Here Lynch Law arose as better than none.

As the frontier closed a rush of immigrants came without American ideals, but with possible votes, often in numbers sufficient to turn the scale at elections.

So political patronage often passed into the hands of the more criminal groups of the population, and with it the power of shielding transgressors, as all the magistracy from judges to constabulary were popularly elected.

'Lynch Law rather than none!' said the Vigilantes in the cities, and accordingly 'with illegal order routed legalized disorder.' But corruption in high places had sown the seed from which modern gunmen have developed.

When murder and the like became profitable, a part of the profits bought security against arrest, conviction or punishment.

'Mobs cannot be put down... the Mayor will not go against them... the Police will not seize them... the Militia will not fire on them... Washington will not send soldiers... against them—all because they are voters! But 'no man was afraid to do his duty, when Roosevelt was Commissioner, because he knew the Commissioner was behind him,' said the then Captain of the Force.

Mr. Watson explains the coming of Prohibition, and how it helped to reinstate the gunman. He contrasts the city gunman of to-day with the old-time gunman of the West, who had some conscience and a certain, if low, code of honour; whereas the former regards murder, blackmail and the like, as mere matters of business!

A chapter on the Police largely exonerates the rank and file, and tells of bitterness between 'cops' and 'crooks'—so rare here—as common, because of the impossibility of getting convictions owing to corruption and terrorization of juries, witnesses, and even of the higher powers.

The author's style is easy; the interest never flags; he backs his criticisms with multitudinous references, and exposes the criminals for the scoundrels they are.

So his book may be heartily commended to all trustees of Law and Order.

THE CRIMINAL, THE JUDGE, AND THE PUBLIC: A PSYCHOLOGICAL ANALYSIS. By FRANZ ALEXANDER, M.D., and HUGO STAUB. Translated from the German: DER VERBRECHER UND SEINE RICHTER, by GREGORY ZILBOORG, M.D. 1931. Pp. xvii, 225. 10s. (George Allen & Unwin, Ltd., London; Macmillan, New York.)

THE object of this book is to 'make clear that the present-day manner of dealing with the criminal,' i.e. the imposing of punishment, is in need of critical revision.

This study of criminality is conducted along Freudian lines.

The authors assert that the 'fundamental fact that a given human personality does not represent a homogeneous unit'... 'was uncovered by Freud.' But when the 'mighty propagandist' of Tarsus wrote 'I see another law in my members warring against the law of my mind, etc.,' he must have been painfully aware of the force of 'instinctual drives,' whether conscious or otherwise.

According to Freud human personality consists of Id, Ego, and Super-Ego. The Id is described as a 'reservoir of instinctive drives, motives and presentations: thus 'the little son... lives under the pressure of a sexual wish for his mother.' 'not always appearing in consciousness,' 'but always and definitely present in the unconscious.'

The conscious Ego 'ensures contact with the outside world,' yet 'no human act is performed under the full control of the conscious Ego,' so we 'must evaluate the quantitative distribution of conscious and unconscious motivation of every act,' and every judge should be a psycho-analyst.

The Super-Ego is 'representative of social demands within the individual himself.'

Criminality is classified as acute and chronic. Acute criminality is that due to peculiar circumstances. Among chronic criminals are a—probably very small—number of real criminals who suffer no internal conflict over

¹ Epistle to the Romans, chap. vii.

their misdeeds, the great majority apparently are neurotic criminals who suffer acutely. These offenders deserve our pity, seeing that 'the human psychic apparatus is fully, and without a single gap, determined by psychological and biological factors.'

Thus neurotic criminals 'get themselves *unconsciously* . . . but *intentionally* into difficult situations,' which appear to justify their giving in to the demands of their anti-social tendencies. Though the 'threat of punishment may have a sobering effect on an individual's instinctual impulses,' yet actual punishment of such offenders will be worse than useless, for to them punishment appears as an expiation which appeases their Super-Ego, and thus actually serves as a licence for renewed gratification of repressed wishes; whereas 'kindness would increase still further the inhibitory power of the Super-Ego' (our italics).

So when the unconscious motivation of human action is recognized, medical treatment and education will take the place of punishment. 'These views are carried to their logical conclusion in the pronouncement that 'the sexual perversions of the adult must be tolerated,' because punishment for homosexuality 'is meaningless and unjust,' Society being to blame for improper management of the child.

In Part II three criminal cases are analyzed in the Freudian manner; suffice it to say that the Oedipus complex predominates throughout a string of elaborate special interpretations, which seem complicated rather than convincing.

This book is interesting, if rather unsavoury; the work of enthusiasts, but cannot be recommended *virginibus puerisque*.

POISON AT COURT. By MARIE CHER. 10s. 6d. (D. Appleton & Co.)

It is not quite clear from this book whether the author intended it to be read by the genuine historian or by those who were attracted by its macabre title. Both will find something to interest them, but neither will find very much. The toxicologist will find next to nothing. The theme, according to a notice which the publishers have kindly printed on the cover, is the 'intrigue of Court life in the glorious days of Louis XIV.' The author has certainly been very diligent in her researches, and has discovered numerous facts about the private lives of the courtiers of that period. In many ways she has unearthed too many characters, and the clearness of her narrative suffers accordingly. The wholesale use of epithets in which the author indulges becomes wearisome, especially as the conscientious reader will occasionally require the aid of a dictionary, and in at least two cases may not even there get his curiosity satisfied.

CRIMINAL JUSTICE IN ENGLAND. A STUDY IN LAW ADMINISTRATION. By Prof. PENDLETON HOWARD. 15s. (The Macmillan Company.)

If all the imports, about which so much is at present being said, were as desirable and useful as this book, the case for tariffs would be hard to defend. To the vast majority of Englishmen English criminal procedure is full of complications and pit-falls. But here we have an American author who at a safe distance has been able to set down in some 400 odd pages a most comprehensive account of the growth of the various criminal courts. Those of us who daily try to get a clear idea of our own criminal procedure, and daily fail, may be tempted on reading this book to borrow the words of Burns, and say:

'Oh, wad some Power the giftie gie us
To see oursels as ithers see us:
It wad frae mony a blunder free us
And foolish notion.'

Prof. Howard has evidently taken infinite pains to ensure the accuracy of all his statements; he seems to have corresponded with nearly all the town clerks in England to ascertain the procedure adopted in their various centres. The problem of private prosecutions naturally occupies a considerable number of pages, and the various attempts to modify the old system are fully explained. The chapter dealing with the 'Police and Management of Prosecutions' contains a wealth of information which cannot fail to be of historical and practical interest to those who have to direct prosecutions. The author seldom draws distinctions between England and America, but when he does the result is usually in favour of the former. For example, he points out that whereas in America it is quite common for a case to be adjourned time after time owing to the inability of the State to locate its witnesses, such a spectacle is practically unheard of in England. In dealing with the host of new duties which have during recent years been laid upon the police, the author points out that the increase of criminal offences connected with motoring, licenses, food and drugs and so on tends to bring for the first time within the toils of the criminal law a large number of hitherto law-abiding citizens, and the result may be that the police lose the sympathy of those who had previously been their friends.

This book should certainly be read by all who can lay their hands on it, as it gives a clear and full account of English criminal procedure in all its various stages.

The author frequently quotes from articles which have appeared in the *Police Journal*.

Police Gold Medal Essay Competition

SUBJECT OF THE ESSAY FOR 1932

Mechanization as an Aid to Police Duties.

Essays must be submitted on or before the 30th November 1932, to—

THE SECRETARY TO THE COUNCIL OF THE
POLICE GOLD MEDAL ESSAY COMPETITION,
HOME OFFICE,

WHITEHALL,
LONDON, S.W. 1.

We greatly regret to have to notify the retirement of SIR JOHN G. CUMMING, K.C.I.E., C.S.I., from the Council, and desire to acknowledge the debt which the *Journal* owes to his great experience and ungrudging assistance in connexion with the King's Gold Medal Essay Competition. We regret also to receive the news of the death of BRIG.-GENERAL SIR WM. MANNING, G.C.M.G., K.B.E., C.B., a very distinguished member of our Council, an obituary of whose career appeared in *The Times*. All concerned with the conduct and management of our *Journal*, as well as all others interested in it, will realize the loss which it has sustained.

The following gentlemen have joined the Council:

LIEUT.-COLONEL SIR HUGH TURNBULL, K.B.E., Commissioner, City of London Police.

SIR CHARLES TEGART, M.V.O., C.I.E., Member of the Council of India, India Office; late Commissioner of the Calcutta Police.

CAPTAIN C. MITCHELL-INNES, C.B.E., late Chief Constable of Lincolnshire.

THE POLICE JOURNAL

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Editorial Notice

THE POLICE JOURNAL is now half-way through its fifth year, and, viewed as a whole, it has not received the degree of support which those, at whose initiative the JOURNAL was brought into existence, believed that a Police Service publication would receive. In some Police Forces at home and abroad it has received enthusiastic support. In one Force, for example, out of a total strength of 100 the number of subscribers has never fallen below 80. There are other Forces in which the subscribers have represented a steady average of 10 per cent. of the establishment. That is, however, one side only of the picture. From many Forces no support whatever has been forthcoming for the JOURNAL, in spite of repeated circulars and appeals. We have had therefore to take serious stock of the future, to consider whether this comparative lack of support means that a magazine of this type is not required, or whether, if drastic changes are carried out, a more whole-hearted response will be forthcoming.

In the end we have decided to embark on a venture of faith and to introduce, with the January number, certain radical alterations. In effect, our aim will be to make THE POLICE JOURNAL an organ of more topical interest and a record of contemporary events concerning the Police Forces. We have decided in general to discontinue articles dealing exclusively with the organization of particular Police Forces, as such descriptions are already supplied by the local and foreign police publications; and we believe that our readers overseas, as well as those at home, will themselves prefer to have for THE POLICE JOURNAL articles which mainly concern the latest Police methods.

Other changes in contemplation are the inclusion of accounts of Police athletic events, of the results each year of the award of the King's Police Medal, of reports from various

provincial Forces, of articles discussing the varying interpretations of law in different localities, of articles which will be of use for purposes of promotion, and, generally, the provision of features which will prove of direct value to the policeman in his daily work.

We intend to continue the feature we have already introduced of descriptions of interesting crimes, and these will be collected from provincial centres as well as from London. And we shall aim at providing in all such cases a summary of the details which led to conviction and sentence.

Another important question which has been under consideration is that of the future price of THE POLICE JOURNAL. If the requisite additional support were given, it would be possible to lower the price. There is no intention, however, of sacrificing the present literary standard, or the level of production of type and illustration.

We have described these proposals as a venture of faith. Their ultimate justification must depend on a vastly increased support from all ranks in all districts. In the next number we shall be able finally to announce the various changes which will be introduced. If THE POLICE JOURNAL is made a contemporary Service organ, produced at a more popular price, a glance at police statistics shows that with a relatively small effort our circulation could be increased to four or five times its present dimensions.

We believe that the response to this venture will be forthcoming, but the decision will rest on the Police Forces, rather than on ourselves. We appeal, therefore, to all our friends to co-operate with us in establishing more firmly the service Journal of the Forces.

Notes on Recent Crime

THE centre of the criminal stage has been occupied by the trial of the Dartmoor mutineers before Finlay J. at Princetown. The trial was a good example of the speed, the care and the severity, where needful, of British justice. The mutiny was on 24th January, 1932; the trial was over by the second week in May. As to the care shown, judge and jury most carefully discriminated between the cases of all thirty-one prisoners. Nine men were acquitted and twenty-four convicted. Of the twenty-four convicted, five were convicted as ringleaders on the major charge of rioting, while seventeen were convicted on the baser charge of malicious damage, and five among those were recommended to mercy. Sentences ranged from ten years twice, eight years three times, six years once (in the case of John Jackson master criminal, who defended himself and ousted Mr. S. T. T. James in publicity) to six months' imprisonment. All the sentences dated from the expiry of sentences, some of them very long, then being served. One man named Davis, tried separately and convicted of wounding a warder, was sent to twelve years' penal servitude to date from 1940. A desperate attempt made by desperate men, of whom society is well rid for a number of years! Twenty-seven loyal convicts were shortly afterwards rewarded by the Home Secretary, eleven by immediate release and the rest by remission of sentences. One man in life imprisonment for murder had his sentence reduced to fifteen years for saving the life of Col. Turner, assistant Prison Commissioner.

As much if not more publicity has been excited by the trial before a Consistory Court of the Revd. H. F. Davidson, Rector of Stiffkey, on the quasi-criminal charge of immoral

association with young women, whom he said he was rescuing. Comment on this case would be improper, before the Chancellor, Mr. North, has given his decision. The question that has arisen is whether this type of case need be heard in public, and one can understand the dislike of the Church to having its dirty linen washed in public. But 'publicity is the soul of justice'; the Star Chamber fell not so much because its decisions were unjust, but because it acted in secret and the man in the street suspected it of 'hanky-panky.'

Murder trials at home have not been of particular interest, though one of sensational interest appears to be coming in the case of Mrs. Elvira Dolores Barney, a young society woman, accused of shooting a young man in her flat. A typical Marshall Hall case, it would seem! It will be interesting to see who is his successor. A youth of eighteen named Cowle has been executed for the murder of a little girl of six at Darwen in Lancashire. A murder of lust, and the doctors ordered by the Home Secretary to inquire into his state of mind declared him sane. The public undoubtedly feels some distrust of this system of a private inquiry of doctors to recommend Broadmore or the gallows. The distinction between Cowle and the Ruckinge murderer is not obvious to them. A bad case of murder of a housekeeper, named Miss Emberton, at Croydon by burglars, who as a class seem to be more constantly arming themselves, seems as if it would have to be written down as one more unsolved case. A father named Kitchen, accused before Swift J. at the Old Bailey of murdering his son, was acquitted; the Judge described the prosecution's case as 'pure assumption' and 'ghastly speculation.' The border-line between assumption and circumstantial evidence, which has to be carefully kept, was not crossed. Several sensational murder trials have, however, taken place abroad. Foremost among them has been the honour slaying trial in Honolulu, in which Clarence Darrow, greatest of American criminal defenders, fought with all his resources for the acquittal of a society woman, a lieutenant and two seamen in the U.S.A. navy, who had killed a native for having raped the woman's daughter and the lieutenant's

wife. The jury after fifty hours' deliberation found them guilty of manslaughter, and they were given a sentence of ten years, which the Governor at once commuted to one hour. Most people would agree a very proper result—lynch law repudiated, but in the very special circumstances no punishment. An interesting Danish case of a woman who killed her mother under the mistaken notion that she was suffering from an incurable disease has resulted in a nominal sentence of imprisonment. This illustrates the danger of in any way legalising euthanasia, as some people suggest. A three weeks' trial of a young man named Mallalier, who ran off with a doctor's daughter and was accused of shooting a taxidriver for money, ended at Maritzburg in South Africa in an acquittal, but the man and girl have been rearrested on charges of fraud. The case rested on what the jury must have thought too doubtful inferences of bullets and a piece of hair on the accused's pistol.

The most sensational criminal matters of all have been the kidnapping of Col. Lindbergh's baby and the discovery of the frauds of Ivar Kreuger of Swedish match fame. After months of search and, so it is reported, the actual payment of ransom money, the baby was found murdered in a wood at the edge of the Lindbergh estate, and no arrest has been made. Considerable comment has been aroused by Col. Lindbergh's use of gangster intermediaries, which might almost have amounted to compounding a felony. One John Curtis, a boat builder, apparently for the sake of publicity, invented a string of lies about being in touch with the kidnappers on a non-existent ship, and is being put on trial for obstructing justice. Ivar Kreuger shot himself in Paris, and it was then discovered that, whereas Hatry had forged and misappropriated in millions and defrauded local bodies, Kreuger had forged and misappropriated in tens of millions and defrauded nations. Three directors and an auditor have been arrested in Sweden. It is safe to say there was never such a colossal swindle.

A fraud case in Scotland, in which seven promoters of the Scottish Amalgamated Silk Co. Ltd. were accused before the

Lord Justice Clerk and two other Judges of defrauding the public of £400,000 odd by means of a false prospectus, lasted thirty-three days and is said to have cost £200,000. One man, Young, was sentenced to three years' penal servitude and another man, Todd, to six months' imprisonment, while the five other accused were acquitted. A bad case of income tax fraud was that of a London rate collector named Priest, employed at £400 a year, who owned 240 properties and over a period of eight or nine years with an income rising from £6000 to £15,000 a year defrauded the revenue of £15,000. Swift J. sent him to three years' penal servitude, an unusual but welcome sentence in this class of case, and the Court of Criminal Appeal have declined to interfere.

The Court of Criminal Appeal, in a case from Middlesex Sessions, have, in substituting Borstal for a sentence of three years' penal servitude in the case of a lad under twenty-one, emphasised the undesirability of sending youths to penal servitude and the importance of the most extensive possible use of Borstal treatment. The lad in question was guilty of robbery with violence. On the other hand, the Recorder of London, in sentencing two lads under twenty-one to imprisonment for blackmail, expressed the opinion that such offenders were not proper subjects for Borstal.

A professional abortionist named Lavelle, who had caused a woman's death, was sentenced by du Parc J. at the Old Bailey to five years' penal servitude. A caretaker named Mineards was convicted at Northampton Assizes before Acton J. of robbing a Trade Union official with violence of £135 and received twelve years' penal servitude. A bad blackmail case tried before Judge Gregory at the Old Bailey resulted in the conviction of three youths for luring men into a room and then extorting money by charges of immorality. The principal got five years' penal servitude, the other two sentences of imprisonment.

Lenses for Automatic Road Traffic Signals

BY W. M. HAMPTON, PH.D., B.Sc. (LOND.), F.INST.P.¹

LITTLE published information on the optical aspects of Automatic Road Traffic Signal Lenses is available in a readable form, and in view of the widespread application of these signals at the present time, and their influence upon the duties of the police, it will be of interest to consider some of the problems connected with the manufacture of such glassware, the principles of optical design as applied to road traffic signals, and to give a brief description of the optical systems of existing signals.

Whilst most people are familiar with the fact that an automatic road traffic signal installation consists of a number of supporting columns or brackets, carrying signal units or lamp boxes, with some sort of an electric controller or 'timer' to cause the light signals to change in the prescribed order, few have an accurate understanding of the optical problems which must be faced and solved before the signal can be described as thoroughly satisfactory.

From the point of view of the police, the optical aspect is one of primary importance, since the ability to observe a clear and definite signal under all conditions is an absolute necessity in determining cases before the courts involving non-observance of the signal lights and accidents pertaining thereto. If definite and incontrovertible information is available as to exactly what could or could not be observed on each and all of the various aspects of the signals at the point under discussion, by a person having normal vision, then a clear case can be made out for or against the defendant.

¹ Head of the Research Laboratories of Chance Brothers & Co., Limited, Smethwick, Birmingham.

(1) *Manufacture of Glass*

Owing largely to the secrecy which has surrounded the manufacture of glass in the past, some confusion still exists in the minds of those unconnected with its manufacture as to its general constituents. Briefly these are (in the case of coloured glass) as follows :

Silica, usually introduced in the form of sand, is an essential in all commercial glasses. Soda, which acts as a flux, is usually introduced in the form of sodium carbonate or sodium nitrate. This is also a practical essential, since it reduces the fusion point of the mixture to a degree which makes the manufacture possible in existing furnaces.

Lime, introduced in the form of chalk or calcium carbonate, is nearly always present in commercial glasses, as it confers stability.

Colouring materials used vary enormously. In the case of signal glasses, copper is used for the green, cadmium sulphide and selenium for the red, and usually carbon for the yellow.

It is extremely difficult to find a definition which covers all materials which can be classed under the title 'glass.' If one puts down the obvious properties, one can usually find glasses which do not show the required characteristics. Thus, transparency is at once suggested by the word, but there are many true glasses which are opaque, at any rate to visible radiation. Hardness and brittleness are usually characteristic of glasses, but very great variations of these properties are found in different types. Resistance to atmospheric attack is a notable feature of many glasses ; consider church windows that remain almost unchanged for centuries ; but true glasses can be made which easily dissolve in water. The only true criterion by which a substance can be judged is the absence or presence of a crystalline structure. Glasses and liquids do not present any indications of such a structure and the mechanical, chemical and optical properties of such are only consistent with the assumption that they are free from any regular grouping of the molecules. Further, crystalline substances show a definite and exact melting point when heated. Vitreous substances, on the other hand, pass gradually from the solid to the liquid state without exhibiting any such phenomena. Thus, glasses

may be considered as 'congealed liquids,' the term 'congealed' simply indicating a steady increase in viscosity as the liquid is cooled until at ordinary temperatures it appears as a solid. This question of viscosity is of fundamental importance in the manufacture of glass and particularly of coloured glasses.

The manufacture of coloured glasses follows very closely the methods adopted in the manufacture of any sort of glass, but, in general, coloured glasses are required in relatively small quantities of high quality material, and therefore they are usually manufactured in pot furnaces instead of tanks.

The term 'batch' is used to denote the ingredients of the glass mixed in the required proportions and ready for melting. The quality of the glass produced and the rate of melting depend to a large extent on the care taken in mixing. Uniformity of grade of all materials is an important factor. They must all be finely ground, sieved, and carefully and intimately mixed, usually in some form of mixing machine. The 'frit' as it is called is then transferred to the furnace. It is usual to have some form of recording device whereby the weights used can be checked and any error detected before it is too late. Wherever possible, broken or crushed glass (cullet), of the same composition as the required glass, is mixed with the raw materials, this mixing usually being carried out by filling alternate shovelfuls of frit and cullet into the pot. In the case of a new pot, cullet is first used alone to glaze the surface of the clay and so protect it from the corrosive attack of the more fusible constituents of the batch. The pot is filled with batch and then closed by means of fireclay stoppers. As there is a considerable shrinkage during fusion, due to loss of gases from carbonates, nitrates and water from boric acid, etc., several fillings are needed, the actual number depending on the composition of the batch and the amount of cullet used.

The melting process is relatively slow owing to the fact that the thermal diffusivity of the batch is fairly low, but the more resistant constituents ultimately dissolve and the bubbles of gas which were trapped in the batch while it was in the form of powder, and also the gases formed by the reactions between the various constituents, slowly rise to the surface. When the glass is plain, *i.e.* free from bubbles, the stoppers

are removed and the furnace temperature lowered until the glass is viscous enough to gather.

Pressed glasses are made in a manner similar to that of sheet glasses, except that the glass, after gathering on the end of a previously heated 'blowing iron,' is allowed to flow from the end of the pipe into the lower half of the mould. A plunger, which is made with a contour of the upper surface of the lens, is then brought down on to the molten glass, with the result that the glass is pressed into the finished shape of the article. When the temperature differences which exist between one part of the mould and another, and the variation in the size of the gathering, are considered, it is remarkable that lenses can be made of sufficient accuracy to be used for signalling purposes without any subsequent operations.

(2) *Principles of Optical Design*

Before going on to discuss the question of colours used for signals, it is necessary first to refer for a moment to the factors controlling what one sees as a coloured glass. It should be realized that a glass appears coloured because it absorbs a certain definite part of the spectrum. Various methods can be adopted for finding the percentage transmission at any wave-length for any medium. The result of such measurements provides a transmission curve, but such a curve gives very little idea of either the colour or the amount of light that the glass will transmit under any given conditions. The human eye is very variable in its sensitivity to different colours. It has a maximum sensitivity in the region of the green, falling away to zero in the red and extreme violet. The light source also has a marked effect on the appearance of the colour. A high temperature source, such as the sun, provides a spectrum which contains equal amounts of energy at all wave-lengths—at any rate to a first approximation. An oil lamp, however, radiates an enormously greater amount of red light than it does of violet, and it is obvious that the transmission at the red end of the spectrum of any filter is of very much more importance with an oil light than it is with daylight. Thus, in order to obtain an idea of the quantity and quality of the light transmitted by any filter, it is necessary to

take into consideration the energy distribution of the light source, the sensitivity of the average human eye, and the transmission curve of the material.

Turning now to the question of the optical principles involved in signal systems, these may be divided into two main groups—those which depend on reflection and those which depend on refraction. It is a matter of general knowledge that a polished surface reflects, or returns the light which falls on it along a definite direction. Consider first a plane mirror: it can be shown that a beam of parallel light falling on it at a definite angle to the normal to the surface, is reflected at the same angle to the normal but on the opposite side. The amount of light so reflected depends on the efficiency of the surface, *i.e.* on how highly polished it is and on its nature. If a light source be erected light is emitted more or less uniformly in all directions. If a plane mirror be now placed at one side of the source, and at an angle to the line joining the source to the centre of the mirror, the reflected light can be returned in such a manner as to reinforce the original beam. The maximum reinforcement obtainable by this means is clearly equal to the original source, so that looking in the direction of the source and mirror, the candle power in this direction can theoretically reach double that of the bare light source. In practice, of course, owing to the absorption in the mirror the candle power never does reach double the initial value, but something less. When a plane mirror is used, the light given by the source is still divergent after reflection, and an obvious move is to make the mirror of such a shape as to correct the natural divergence of the original light. This brings us to some sort of concave mirror which tends to concentrate the light given by the naked source. It is a matter of simple geometry to show that the shape of the surface which is required to give a parallel beam from a point source is paraboloidal, that is, that its section is a parabola. If a surface is required which will concentrate the light from one point to another point, the section of the surface is an ellipse; and if a surface is required that will make light from one point appear as though it were all emerging from another, the surface is hyperbolic in section. If the light source is placed at the

centre of a spherical mirror, all the light falls normally on the mirror and so is returned along the direction in which it travels initially, so that the result is to reinforce the light without altering its direction. All these various types of concave mirror have their uses, the particular form adopted in any particular problem being governed by the other conditions to be fulfilled. An important consideration which has to be borne in mind is the liability to phantom indications. Phantom indications are caused by light, incident on an optical system from outside, being returned in the direction usually occupied by the beam from the system. Thus, if a road traffic signal be set so as to give a beam along the roadway, it is clear that it should only be seen when the signal is lit by means of the control provided. If, when the sun occupies a certain position with reference to the roadway, light reflected from the signal, which was originally emergent from the sun, can be seen along the roadway in the direction which the normal beam would occupy, the signal would appear lit when it should not be, and thus a false or phantom indication is given.

The avoidance of such phantom indications is one of the most difficult problems which the signal engineer has to meet, and many devices have to be adopted in order to deal with them. The technical aspects of phantom signals are discussed more fully in a subsequent paragraph.

The second general method of optical design is by means of refraction. It is well known that light changes its direction when the medium through which it is passing is changed. The old experiment of the basin and the shilling will doubtless be remembered, and this simply indicates that the light changes its direction when it leaves the water and enters the air. It was shown many years ago that the ratio between the angles before and after the change of medium were related by the expression

$$n = \frac{\sin i}{\sin r}$$

where n is called the refractive index and i and r are the angles of the ray outside and inside the glass respectively. Light passing through a single plate can be shown to have its actual

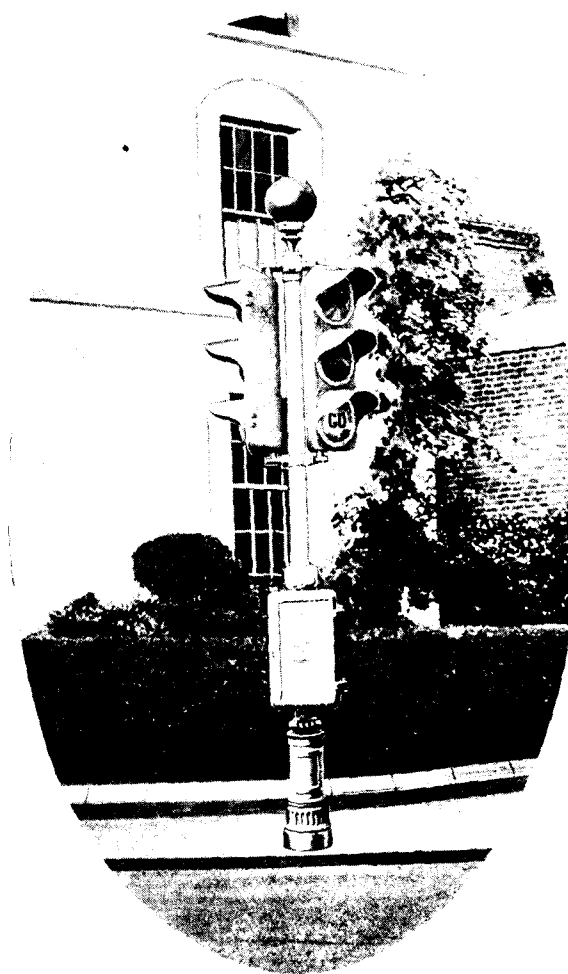


FIG. 1.—TWO-WAY TYPE OF AUTOMATIC TRAFFIC SIGNAL FITTED WITH 12 IN. LENSES AND AMBER WARNING GLOBE (*Chance*)

position slightly displaced but its direction unchanged; but light which passes through a prism has its actual direction changed, the amount of the change of direction depending on the refractive index of the glass and the angle of the prism as well as the actual angle at which the light is incident on the first face. Refractive indices can vary from about 1.48 up to 1.9 for various types of glass, but for the glasses in normal use for commercial manufacturing purposes, the refractive index can be taken as being 1.5.

(3) *Optical Systems of Signals*

It is clear that a single prism can be used exactly as a plane mirror is used for reinforcing the beam to a maximum of twice its original value and that by erecting a series of prisms, a multiplicity of images can be obtained, all of which, if the prisms are correctly designed, will reinforce the beam in any one direction. It is a logical development from a prism to develop a prism with a curved face, or in other words, a lens, so that instead of having a series of isolated images of the source, a series of overlapping images can be formed. The result of this is roughly that the whole of the lens appears as bright—subject to a correction for losses in the refracting apparatus—as the original source, so that the candle power in a given direction is proportional to the area of the lens as compared with the area of the source. An objection to the simple lens indicated in this way is the excessive thickness which would be needed at the centre, and the next stage of development was the arrangement of the lens in a series of steps. It was thus that the original stepped lens was evolved. See Fig. 2.

It is frequently a matter of bewilderment to people to understand how, for instance, a searchlight can be said to give a beam of several hundred million candle power when the source from which that intensity is obtained has a candle power itself of a few thousands; or, in the case of a motor car headlight, how the headlamp can give a beam of, say, 25,000 while the bulb from which it is obtained has only a candle power of 2 or 3. In order to understand this, it must be remembered that the natural light source sends out light in all

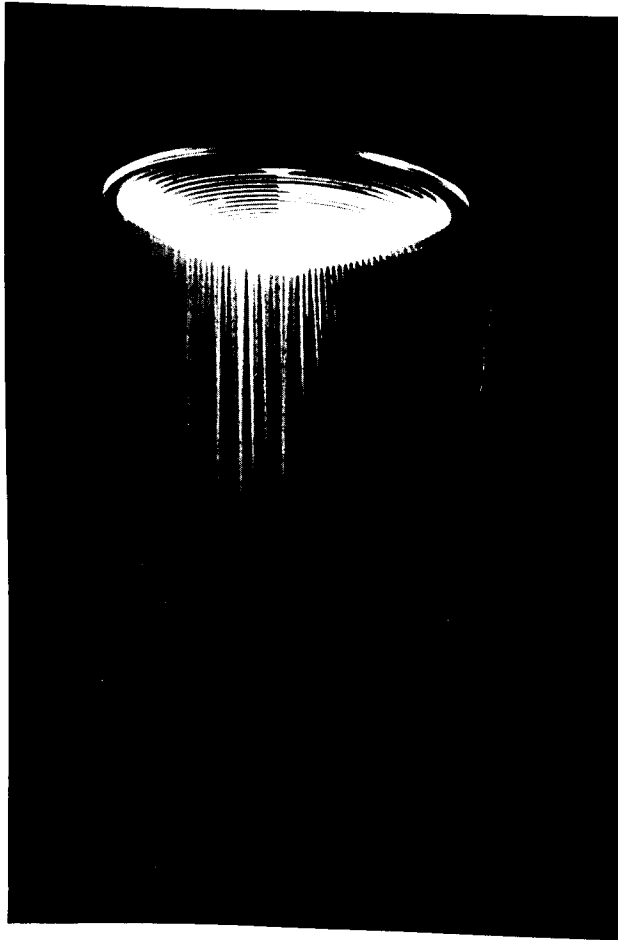


FIG. 2.—VIEW OF THE BEAMS OF LIGHT EMITTED FROM A "CHANCE"
12 IN. ASYMMETRIC TRAFFIC SIGNAL LENS

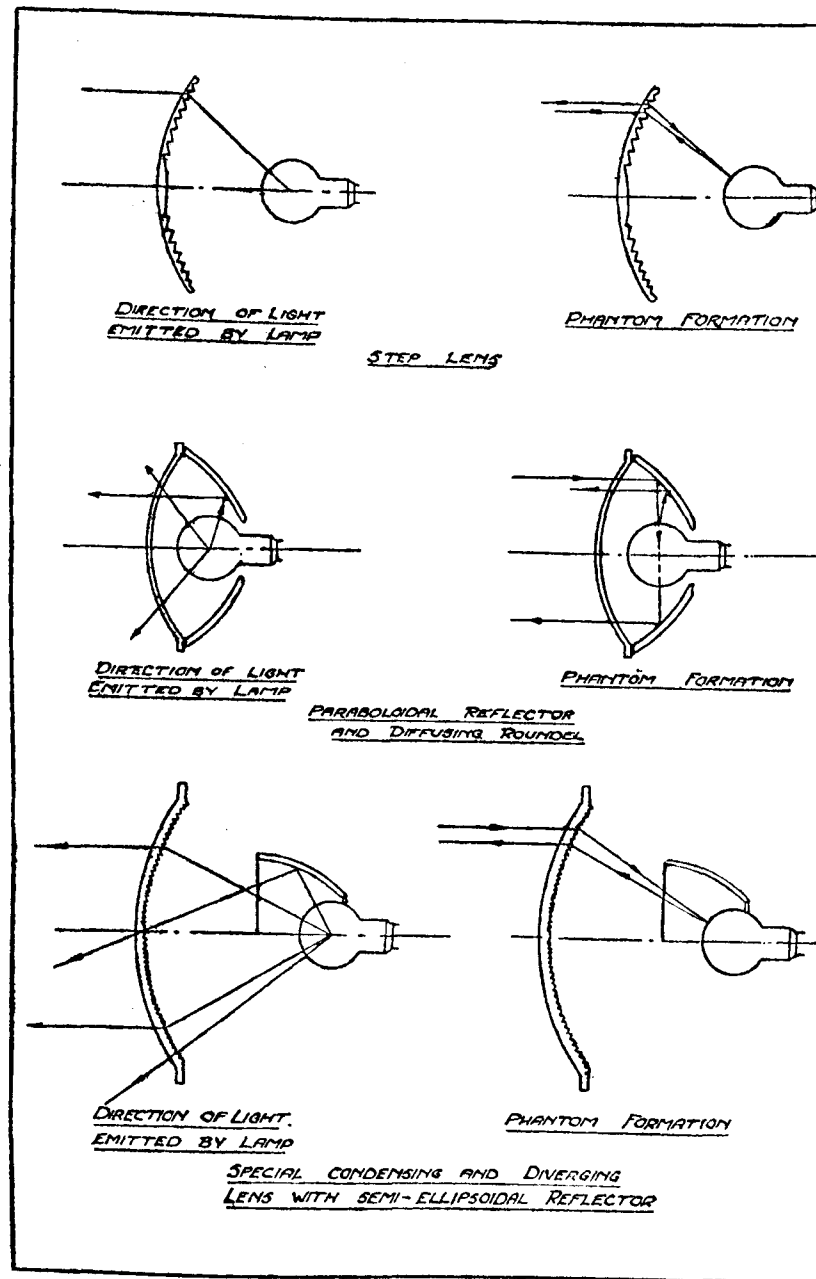


FIG. 3.—DIAGRAMS SHEWING VARIOUS TYPES OF OPTICAL SYSTEMS FOR AUTOMATIC TRAFFIC SIGNALS

directions, whereas the optical system concentrates this light into a given direction, taking it from some angles in order to concentrate it in others. The same amount of light, subject to the inevitable losses in the apparatus, is given by both arrangements, but in the one case it may be concentrated in a cone whose angle is only 1° or so, whereas in the other case, the angle may be of 180° or more. Thus the candle power as quoted really means that the apparatus gives the same illumination on a screen as would be given by a source of the quoted candle power. But this statement is only true of a particular direction, whereas a source of the same candle power would give this candle power in all directions.

It is clear from the above considerations that the equivalent candle power varies according to the beam spread, becoming greater as the angle of spread becomes smaller; and, to a first approximation, it may be taken that the angle of spread multiplied by the intensity is a constant. For this reason again, it is seen that for a given candle power, the smaller the source the better, because that involves a higher brightness in the source and a smaller angle in the beam. That is the reason why a small electric lamp whose candle power may be the same as that of an oil flame the size of a penny, will, when used in an optical system, give several thousand times the beam candle power of the latter.

Returning to the question of phantom indications mentioned in a preceding paragraph, it is interesting to note that these may be of two kinds. The first is the white light reflected from the outer surfaces of the system. This light cannot give a false indication, but it does act as a diluent on the coloured light from the particular signal in operation at the moment, so that it is difficult to distinguish its slightly tinted light from the other two signals which should be 'off.' This white light is equivalent to 4 per cent. of the incident light, and if an image of the sun is formed, the brightness of this image will therefore be approximately 66 candles per sq. mm., assuming the brightness of the sun to be 1650 candles per sq. mm. The brightness of the 'fully flashed' portions of the optical system will be of the order of 6 or 7 candles per sq. mm. using an electric filament lamp as source. It is clear,

therefore, that there will be a very intense white spot of light on the signal which can overwhelm the direct indication given by the lamp itself ; but this is not so important as the relative intensities of the total light reflected from the outer surface of the signal and the total light emitted by the signal. This can be clearly diminished by using a convex, concave or otherwise irregular surface for the outer cover glass of the signal system, since it will be impossible in that case to have the appearance of complete ' flashing ' by this reflected light.

The second type of phantom is that caused by reflection at some internal portion of the apparatus so that the returning light traverses the coloured filter. In this case all three signals will appear lit, the one which is actually lit by the lamp appearing a little more intense than it otherwise would. From the point of view of the motorist, all three signals appear to be equally bright, and, until he can get into such a position as to eliminate the phantom indication, it is impossible to decide which signal has to be obeyed. This internal reflection will be of the order of 8 per cent. of the incident light when it occurs at a clear glass surface such as that of the bulb itself, or may be of the order of 90 per cent. when at a silvered reflecting surface. In practice, therefore, the intensity of the phantom light may be anything between 8 and 90 per cent. of the incident light according to the portion of the apparatus causing the phantom. With a source of such intensity as the sun, it is clear that the natural indication of the signal may be completely overwhelmed. In practice, it is found that apparatus which employs reflectors of such a type as to allow light falling on the signal to be re-emitted in a direction where it can meet the on-coming motorist, is the worst offender.

Making necessary allowances for the fact that the light has to traverse the optical system twice, and that the sun will not normally be in a position to give a phantom indication when at its maximum brightness, a safe figure for the brightness of phantom indications will be found to be of the order of 30 candles per sq. mm. for reflection at a silvered surface.

This figure indicates the vital necessity of avoiding the occurrence of phantoms, and particularly the phantoms produced by silvered or other forms of mirror.

The diagrams shown in Fig. 3 give particulars as to the directions of the beams of light from various forms of signal lenses, together with the corresponding paths traversed by the rays of the sun when passing through the respective optical systems. It will be noted that the most desirable results are to be obtained by the employment of a lens in which the beam spread is large and the tendency to phantom is at a minimum.

Case of Anonymous Letter-Writing

BY DETECTIVE-LIEUT. ALEX. MOWAT

Govan Division, Glasgow City Police

THE following case refers to one of those despicable practices indulged in by persons of a depraved or degenerate mind, who write and send through the post anonymous letters of a defamatory or obscene nature to individuals who are in many instances entirely unknown to them, except by name, thus causing the recipients considerable anxiety and worry.

This is a variation from the more important cases of murder, shopbreaking and safebreaking, etc., and may be of some interest to young members of the Force who are anxious to study the various aspects of the profession, in so far that in bringing the anonymous writer to justice in this case, there was an entire absence of any private information, considerable difficulty in the detection of the person concerned, and the rather unusual method which was adopted in the detection of the individual.

The case is one which covers a period of ten years, between January, 1914, and June, 1924, during which time numerous anonymous letters of a filthy and obscene nature were sent to public officials and in some instances to their wives in Glasgow.

There were even instances where letters were sent to funeral undertakers purporting to be signed by persons residing at certain addresses, desiring the undertaker to call for the purpose of making arrangements for the burial of the wives or mothers of the persons whose names were subscribed to the letters.

In one case a funeral undertaker actually arrived at the address given to obtain measurements for a coffin.

There was another instance where the Corporation Health

Department of Glasgow received a letter purporting to be from a woman who alleged that her husband was suffering from venereal disease and was really a danger to the community. In this instance the man, who bore an irreproachable character, was actually summoned to appear before the Health Department to undergo the indignity of a medical examination. This man received numerous anonymous letters and was subjected to a malicious campaign. Several letters written in most scurrilous terms were sent to his relatives and employers, which made life a burden to him for a considerable time.

During the same period several anonymous letters were received by the then Chief Constable, Mr. J. V. Stevenson, and also by the late Chief Constable, Mr. A. D. Smith. These letters were not of an obscene nature, but were usually complaints against certain police officers and shopkeepers.

Inquiries were carried out by the police from time to time, but all with negative results so far as the tracing of the writer was concerned.

About the beginning of 1924, these obscene letters were increasing. The matter was becoming serious from a police point of view, as several of the recipients were of the opinion that the police ought to be in a position to trace the writer.

By this time it was decided to make exhaustive inquiries, and all letters available were collected and carefully scrutinized. It was found they were in the same handwriting.

On examining those received by the Chief Constable, it was observed that the police and shopkeepers to which they referred were in one particular district of Glasgow, which suggested that all the letters emanated from that particular area and were likely to have been written by a person resident there. The handwriting was that of a woman.

So far the district had now been localized, and the next problem confronting the police was to trace the anonymous writer.

A careful review was made of those resident in that district for the purpose of ascertaining who would most likely be the author of the letters.

There was one woman well known to the police there.

She had a criminal record, as also had several members of her family. She was capable of all manner of tactics to gain her objective, and suspicion accordingly rested upon her.

The next proposition to the police, was to carry out a test by which it could be ascertained if she were the guilty party.

The rather unusual method to which I have already referred was then adopted. A call was made upon a firm of stationers and printers, and an order given to them for one hundred writing-pads, each of which contained fifty sheets of writing paper. At the same time an arrangement was made with the firm to enclose each pad with a wrapper, on which was printed the name of the firm and stating that it was a free sample writing-pad similar to those sold at 4½d.

On receipt of these writing-pads, the officer conducting the inquiry decided to initial, with invisible ink, the two bottom corners of each sheet of paper in one pad.

I may say that great care had to be taken here, so that no pen scratches were left visible to cause suspicion.

Several kinds of invisible inks were tested, so as to get the most suitable kind for this particular paper, and it was found that an ink of a starch solution brought the best results.

On completing the initialing of fifty sheets in one pad, the services of a woman were then obtained, and after supplying her with a case to carry the pads, she was instructed to go to the district in which the suspect resided, and from house to house distribute a sample pad to each householder, and deliver the marked pad at the house of the suspect.

It may be asked why so many writing-pads were being distributed in that particular district; but the reason was to avoid suspicion, should the suspect get into conversation with any of her neighbours regarding her receipt of a writing-pad.

By issuing a marked pad to the suspect it was hoped, that if she were the party responsible for the letters, she would thus incriminate herself by using the marked pad.

Having completed the distribution of the writing-pads, it was now a case of waiting for the arrival of anonymous letters. During the following three months, several of these came into

the hands of the police, but none of them were written on the initialed paper, although that used in some instances was identical to that distributed.

When a period of about three months had elapsed, another distribution of a similar number of writing-pads, enclosed in wrappers as previously, was again made in the same district, as it was still felt that the woman suspected was responsible, although there was absolutely nothing to substantiate that, with the exception of her own character. A marked pad was therefore again delivered to her.

When a few weeks had elapsed, she removed to another district in Glasgow, but still these anonymous letters were being received by different persons in the city, and although these were now written on identical paper to that distributed, they did not bear the long-looked-for private marks.

A few weeks after the suspect's removal, the Chief Constable received some letters in which reference was again made to the conduct of the police in the same district, which strongly pointed to the conclusion that the letters were written by some other person there, and not by the woman at first suspected, who by this time was in a different locality some distance away. It was considered unnecessary to take further action in relation to her, as the police were now satisfied that she was not concerned in this affair.

However, it was still determined to carry on the investigations, and further inquiry was made into the character and habits of certain other women in this particular area.

It was learned that there were two unmarried sisters, who lived in a single apartment house there. One of them worked out while the other kept house. The latter was looked upon as being peculiar in her habits and of an eccentric disposition. She was thirty-six years of age. The house was three stairs up, and the window overlooked the main street, on the opposite side of which lived three persons who had received obscene anonymous letters. In fact the man who was alleged to be suffering from venereal disease lived directly opposite, as also did the party who was visited by an undertaker for the purpose of having measurements taken for a coffin.

This woman who kept house for her sister usually spent

long periods at her window, as if interested in what was taking place in the street below.

I may mention here that several of the alleged complaints against the police and shopkeepers, reported to the Chief Constable by letter, referred to the area which could be seen from the window of her house.

Although there was no direct evidence or even strong suspicion against this woman, it was decided that she should be put to the same test as the first suspect. She had actually received a writing-pad on each of the previous occasions when these were distributed, but of course those delivered to her had not been marked, as she was not then under suspicion.

Another supply of the usual writing-pads were again ordered, and on these being received, the fifty sheets of one pad were again initialed and dated. The services of a woman were again requisitioned to distribute the pads, but this time it was arranged that the marked pad was delivered at the house of the second suspect.

The last distribution was made on a forenoon in mid week, and the following day the Chief Constable received an anonymous letter with the usual complaint against certain police officers. The letter even contained a threat that if the Chief Constable did not take action in the matter, he himself would be reported to the Town Clerk.

The envelope contained two sheets of paper which were closely written on. The letter was immediately sent down to the Detective Department, and it was seen that the paper was identical to that in the writing-pads.

For the purpose of testing the sheets for the private marks, iodine was applied and immediately there stood out in bold characters, the officer's initials and the previous day's date.

This was sufficient to show that the writer was traced at last, or at least it was now definitely known from what house the letter emanated. Two women lived in that house, so it had yet to be established which of them was the author. However, the end was looming in sight.

As I have already said, inquiries in connexion with these anonymous letters had been going on from time to time during the previous ten years, in which period hundreds of letters

were sent through the post by the same individual. The officer had therefore good reason to congratulate himself on the success of the method adopted and which had involved so much perseverance.

Prompt action was now taken and detective officers immediately visited the house and there found the sister who kept house. She was informed that they were making inquiry regarding obscene anonymous letters which had been sent through the post, and that they had reason to believe that these letters emanated from some person in that house. She became most indignant and showed her disapproval by ordering them out. However, after a little tact on the part of the officers, she became more composed. She was then asked if she had any writing paper in the house, and to this she promptly replied that she had lots, as she had received several sample writing-pads from a city firm, and immediately produced three pads, two of which were almost finished, but the third one had only two sheets missing. A search of the house was then made and correspondence which she admitted was in her handwriting was found. It was at once seen that it was identical to the handwriting in the anonymous letters.

It was then explained to her that the Chief Constable had received an anonymous letter that day, and that the note-paper used was that taken from a writing-pad which on the instructions of the police had been delivered to her on the previous day. She was also informed that each sheet in the writing-pad had been privately marked, and that the letter received by the Chief Constable bore those private marks.

The initials and date developed on the letter in question were shown to her. She seemed surprised at this, but was much more astounded when in her presence an application of iodine to several of the sheets in the writing-pad minus two sheets, found in her house, revealed identical initials and date. She was really speechless for a few minutes, but then frankly admitted that it was she who sent the anonymous letter to the Chief Constable that day.

She was apprehended and was detained in custody.

During the course of further inquiries, her sister was shown the correspondence found in the house, and she identi-

fied the handwriting as that of her sister, who had been apprehended. She was also shown the anonymous letters which were productions in the case, and she identified the handwriting as that of her sister.

A handwriting expert was also prepared to state that the handwriting of the anonymous letters was identical to that found in the house.

On a later date this woman appeared at the Sheriff Court in Glasgow, charged with having between January, 1914, and June, 1924, sent through the post numerous letters of an indecent, obscene, and grossly offensive character, in contravention of the Post Office Act, 1908. She pleaded guilty, and was sentenced to six months' imprisonment with hard labour. The presiding Sheriff in sentencing her said, that from the text of the letters with which she was charged, it was apparent to him that she was a sexual pervert.

This is probably the only case in which a method such as this was adopted in attempting to trace the writer of anonymous letters, and I may say there were some officers who were of the opinion that it was a waste of time, money and material, but they thought differently after the result.

The 'Modus Operandi' Clue

BY A CRIMINAL LAWYER

ONE cannot be, over a period of years, in close daily contact with the machinery of criminal investigation without being impressed by the lack of imagination of the persistent offender. The exceptions, when they are encountered, serve only to point the rule.

More especially where law-breaking is resorted to as a means of livelihood, the momentum of habit early asserts itself, impelling the offender to repeat over and over again a particular type of offence with no material divergence in the method followed. Repeated detection and punishment is no deterrent; the mind is in the grip of the habit and has become its bond-slave; a definite 'modus operandi'—a means of working or plan of campaign—has been established and individualized, hall-marked as the prerogative of this offender.

So too with crimes of violence or gratification committed under the urge of passion. Time and again, the offender is seen to break out in precisely identical circumstances, reproducing his previous misdeeds in every detail—the same 'locus,' the same day of the week, the same hour, the same approach to the person to be victimized. It would almost seem as if, once a man has committed himself at a particular place, the scene of his offence must exercise a fascination, pulling him back when the mood is on him.

Every detective officer of experience can give instance after instance of the reluctance or inability of an offender who has once established a 'modus' or settled down to a particular criminal activity to vary his procedure or to seek fresh outlets for his talent. One who has taken to pocket-picking in his early years will normally confine his attentions to the pockets

of his fellows till the end of the chapter ; a housebreaker will continue to enter houses, and may, over a long period, enter each successive house by the corresponding window or by other stereotyped procedure ; a cardsharp, though detected and punished many times, will not cease to invite his clients to 'spot the lady,' a confidence trickster to seek fresh dupes with the same unvaried tale and so on. There may, of course, be occasional 'lapses'—a cardsharp may not scruple, should an opportunity of theft be thrust upon him, to take advantage of it, nor will a housebreaker normally pass by unguarded property outside a building—but at least they will not go out of their way to create such 'unprofessional' openings. The writer recently had brought to his notice a case where an adept at opening prepaid gas meters ignored, or failed to notice, a purse containing a large sum of money lying prominently on a table alongside a meter which received his attention. Such an incident must not be pressed too far, but it does seem to show that a criminal specialist may focus his attention on a narrow province to the neglect of other possibilities.

In many cases, indeed, we may carry the matter a stage further. There can be no doubt that many persistent criminals lose, in course of time, their sense of right and wrong *quoad* their own particular province. A confirmed housebreaker's attitude to his trade may be non-moral ; it is his calling, an occupation in which a mistake may cost him dear, but a means of livelihood which he has long ceased to regard as patently dishonest. So, many a law-abiding member of the public, who would resent any imputation on his honesty, does not scruple to travel by rail or tramcar and evade payment or to make some convenient minor omission from his income tax return. The writer knows of a notorious housebreaker in whose presence a reference was made to a well-known pick-pocket. The housebreaker's comment was peculiarly instructive—'That little . . . ; he's just a . . . sneak-thief ; the sort of fellow who would take your watch out of your pocket when you weren't looking'—in part the artist's contempt for the artisan, for all callings have their grades, but even more the scorn of an honest housebreaker for a mere thief.

An instance or two from the writer's experience (in none

of which has there been, to his knowledge, any suggestion of mental deficiency or abnormality) will make these points clear.

(1) A, now forty-five years of age, first came under police notice in his teens. Since 1901, when A was convicted of stealing money from a shop till, he has appeared in court on no fewer than twenty occasions to answer charges (usually a number of charges) of thefts from shops. His periods of imprisonment extend *in cumulo* to fully twelve actual years, yet still he is undeterred. A's 'modus,' throughout the last thirty years, has remained unchanged. It consists in entering a quiet shop in a suburban area under pretext of offering postcards for sale. Should he contrive to enter unnoticed—he selects his time of entry after careful reconnoitring—A will make free of the till's contents and hurriedly depart. Should his entry attract attention, he will produce his wares, posing as a legitimate trader, and endeavour, on some specious pretext, to induce the person in charge to leave him, for a period long enough to effect his purpose, in sole possession of the premises. Since 1901, A has not appeared in court charged with any overt act of dishonesty other than that above described, although he has several appearances under preventive enactments applicable to known thieves. The probability is—the writer has no definite information—that these arose in shops before the favourite manœuvre could be carried to completion.

(2) Or take B's case. From 1883 to 1909, B established a fairly impressive criminal record of fourteen charges, embracing dishonesty of various types and evincing a distinct versatility. In 1909, he was detected in course of abstracting money from a church offertory plate, arrested, convicted and sentenced to fifteen months' hard labour. From that time, B's objective has been fixed and his method of gaining the objective, though varying with the nature of the opportunity offered, scarcely less stereotyped. In all he has eight convictions for thefts of this nature and since 1909 has, with a few minor exceptions, confined his dishonest attentions to church money.

(3) Readers of *Oliver Twist* will recall that when Mr. Noah Claypole reached London and made Fagin's acquaintance, he asked that the work allotted to him should be 'something not too trying for the strength and not very dangerous

... something in the sneaking way, pretty sure work and not much more risk than being at home.' 'What do you think of the old ladies?' asked Fagin, 'there's a good deal of money made in snatching their bags and parcels and running round the corner.' 'Don't they holler out a good deal and scratch sometimes?' asked Noah, shaking his head, 'ain't there any other lines open?' 'Stop!' said Fagin, 'the kinchin lay.' 'What's that?' demanded Mr. Claypole. 'The kinchins, my dear,' said Fagin, 'is the young children that's sent on errands by their mothers with sixpences and shillings, and the lay is just to take their money away—they've always got it ready in their hands—then knock 'em into the kennel and walk off very slow as if there was nothing else the matter but a child fallen down and hurt itself.' 'Ha! ha!' roared Mr. Claypole, kicking up his legs in an ecstasy, 'Lord, that's the very thing.'

C, now a woman in the late twenties, has, since the age of sixteen, specialized in the 'kinchin lay' in emulation of Mr. Claypole, but without resort to violence. In the last twelve years, she has made nine appearances in various courts and has undergone long periods of imprisonment. With one single exception, all her appearances have involved a series of charges—in one case, 72 separate charges, in another 51, in a third 42, in a fourth 16—of thefts from children. Since 1920, she has been convicted of 186 such charges. In every single instance, the money had been entrusted to a young child sent on an errand and appropriated by C on one pretext or another, her method of engaging her victim varying slightly to fit the particular case. Her favourite 'modus' is the well-known one of persuading the child to hand over the money on a representation that wrong change has been given at the shop and that, if the child will just wait a moment, she will have the amount rectified.

(4) D's record is even more remarkable, extending as it does over forty-five years. For the past forty years, she has had at least one court appearance each year, and her sentences amount in all to nearly twenty years. Of her total of 75 charges, 65 involve a mild type of 'ringing the changes,' in the execution of which she has employed a plan of attack which has scarcely varied since 1886. D's procedure is to

enter a shop, make a small purchase without tendering payment and leave the shop hurriedly on some colourable pretext—e.g. to consult a friend outside as to whether further purchases are to be made. She then returns, picks up her parcel, and astounds the shopkeeper by asking for change, alleging that she had left a bank note on the counter before her exit. It is amazing to find how often this display of brazen effrontery has operated to concuss the shopkeeper into meeting her claim. D, needless to say, is an adept at assuming an air of righteous indignation and does not scruple to enforce her demand, if need be, by creating a disturbance. It may be added that D is slightly deaf and so immune from the full force of the exasperated comments of her victim.

Such a catalogue of criminal specialists could be extended almost indefinitely. Here is E, whose purely imaginary motor car contrives to break down with monotonous regularity at a distance from his depot, rendering it necessary for him to obtain petrol, advances of money or board on a promise of settlement by his employers when his plight is communicated to them. Here again is F, a thief with many convictions, who has never, to police knowledge, laid a dishonest hand on anything but metal or metal goods, but who is irresistibly attracted by scrap iron, metal bedsteads, bolts, iron bars and so on. There is the dog thief, the cycle thief, the school thief, the hotel thief, the housebreaker who uses false keys, the destitute man who is constantly in need of money to attend the funeral of a relative suddenly deceased in a distant town, each repeating offence and procedure with monotonous regularity.

How, then, do these repetitive tendencies arise, and why are they unaffected by repeated punishment? Partly, no doubt, the explanation lies in force of habit, sheer mental inertia—but not entirely. It must be kept in mind that many offenders, being still strangers to the police, who have neither description nor fingerprint in their possession, start with a fair record of *undetected* crime. They have a run of luck before some untoward occurrence or their first slip—possibly no more than the mistake of 'trying it once too often'—precipitates them into custody. Small wonder, then, that on release

from their first court appearance or sentence they should turn again to a procedure which, though failing them once, has already served them well. The odds are that a tale which has proved safe and profitable, say, a dozen times will work again. In one sense, your criminal is an incurable optimist. He gambles, every time, on escaping detection, or on somehow evading actual conviction and punishment. (That, by the way, is one good reason for discounting the deterrent effect of the death penalty; how many persons contemplating murder really have present to their minds for a moment the possibility of their arrest and conviction?)¹

Moreover, this natural conservatism is reinforced by the fear of the unknown, which

‘ puzzles the will
And makes us rather bear those ills we have
Than fly to others that we know not of.’

Remember, too, that the criminal, in adopting his *métier*, has followed his own particular bent, selecting a field of operations which appeals to his temperament and is within the range of his abilities. A successful pickpocket must have a capacity for quick, accurate action; housebreaking calls for daring and coolness and careful planning; fraud may demand a plausible personality and a glib tongue to ‘carry it off.’ In crime, as elsewhere, there is a natural ‘division of labour.’

Yet there are cases where a more subtle explanation seems to be called for. Take as instances the criminal careers of A.B. and X.Y.

A.B., when last employed, was a gardener in a city nursery. Three years ago, he was caught in the act of breaking into the office of a nursery in another district of the city and thereafter was remanded in custody for several days. Mean-time police inquiry established A.B.’s responsibility for a number of other depredations involving, in each case, nursery premises. On these charges, A.B., who pleaded guilty, was fined, time being allowed to pay. But the remarkable thing is in order to pay his fine, A.B. broke into still another nursery, that,

¹ Or it may be that the professional criminal has acquired a highly-developed technique, and that the desire to exercise it is irresistible. Something analogous to the ‘golf fever’ may master his will.

from which he succeeded in purloining a considerable sum of money and in which he left a fingerprint which proved his undoing. Since then, A.B. has been involved in several charges of breaking into, and stealing from, nursery premises, but on no occasion has he been suspected of any other type of dishonesty.

X.Y., who for many years was in regular employment as a house painter, has been the subject of police action on a number of occasions during the past ten years. His first appearance in court was on a charge of theft from a painter’s shop in circumstances evincing considerable ingenuity. In view of complaints of similar happenings throughout the city, he too was remanded for inquiry, with the result that a number of additional charges emerged. In all of these, and in each of the subsequent acts of dishonesty since brought home to him, X.Y. appropriated, by subterfuge or breaking in, articles of his trade—oil, varnish, brushes, etc.—from various painters’ premises. He has evinced no interest, so far as the police records show, in any other type of premises or articles.

What, then, is the explanation of these two cases—the gardener, with unimaginative insistency, making for a fresh nursery on release from prison; the painter taking the premises and articles of his trade as his unvarying objective? Again, partly, no doubt, force of habit—*ne sutor ultra crepidam*. It is easier to operate on familiar ground with some knowledge of the probabilities of the situation. A gardener would naturally know when nursery premises are likely to be unprotected, when a raid is likely to be worth while, where any money would be kept and so on. There is a great deal in ‘knowing the ropes.’ Again, a thief stealing only the articles of his trade would have the advantage of being able to find a use for the goods stolen, or might well be in a position to sell them profitably without incurring suspicion.

But there is more in it than that; a further element is involved. It is a difficult feat of the imagination to discard at will one’s normal personality, wipe the slate clean and assume a completely new rôle. Mental abnormality apart (there are, of course, well authenticated instances of mental aberration so entire that the mind has suddenly become a

tabula rasa and a new life has been embarked upon as if the older experience had never been) it is not possible to 'ring the changes' at will between the two sides of a dual personality. Mr. Hyde, in real life, is haunted by Dr. Jekyll, who is a persistent intruder.

This inability to leave normal experience and personality on one side accounts for the comparative rarity of a completely false name and address being tendered by an offender who is challenged by the police. Again and again, one finds that something of the real name or the true address is retained—John Smith, 52 Abbey Street, giving 'Robert Smith, 25 Abbey Terrace'; or there may be merely an assonance between true and false—the same vowels, names of similar length and so on being tendered; or it often happens that the mother's surname is adopted.

So with the criminal who lives on his wits by 'spinning the yarn.' Rarely indeed is his story false from beginning to end, even when he is alive to the danger and making every endeavour to act realistically the part assumed. Ever and again, truth peeps out—a real name mentioned, a true experience embodied (no doubt, slightly touched up), acquaintance with a person or a neighbourhood implicit in the story. If only the trickster can be 'led on' sufficiently, he will in some detail commit himself.

It will be recalled that in the trial of William Henry Podmore, the 'Man with the Scar,' for the murder of Vivian Messiter, a great deal turned on the significance to be given to certain indentations appearing on a receipt found in an exercise book in the garage at Southampton where Messiter was murdered and to the impressions of certain names and addresses on the carbon sheets left in a duplicate invoice book. These were clearly shown to represent fictitious receipts and entries concocted by Podmore as steps in his swindling of Messiter, from whom he was drawing commissions on imaginary sales. For the present purpose, the point to note is that into these fictitious entries there had crept a number of real names drawn from Podmore's early experiences. So far as Southampton was concerned, the names and addresses were wholly imaginary; but systematic police inquiry re-

vealed that in the Potteries, where Podmore was born and bred, certain of them did exist within Podmore's clear knowledge. These 'coincidences of truth' went far to convict Podmore of the murder (see *Police Journal*, July, Oct. 1931 and Jan. 1932).

Reference has already been made in parentheses to the phenomenon of 'dissociation of consciousness,' with which psychologists are familiar, one manifestation of which is found in cases of 'double personality.' (Other expressions of the same phenomenon are found in somnambulism and automatic writing.) William James, for example, cites the well-authenticated case of Revd. Ansel Bourne, an itinerant preacher who, on 17th January, 1887, drew a considerable sum of money from a bank in the town of Providence, U.S.A., and thereafter entered a tramcar. 'He did not return home that day, and nothing was heard of him for two months. On the morning of 14th March, however, at Norristown, Pennsylvania, a man calling himself A. J. Brown, who had rented a small shop six weeks previously, stocked it with stationery, etc., and carried on his quiet trade without seeming to anyone unnatural or eccentric, woke up in a fright and called in the people of the house to tell him where he was. He said that his name was Ansel Bourne, that he knew nothing of shopkeeping and that the last thing he remembered—it seemed only yesterday—was drawing the money from the bank in Providence.' It is interesting and instructive to note that, even in such a case of extensive dissociation, where for a time the normal consciousness has been displaced by an intruding stream of consciousness, something of the old experience lingers on—the name adopted in the new state has a distinct affinity to its predecessor.

What practical bearing, then, do such considerations have on the actual work of criminal detection? How far is the 'modus operandi' clue of assistance in bringing home guilt to a particular offender? It is suggested that, apart from finger-printing, no single type of clue is of greater service to the Police. It is true that, as compared with identification by finger-printing, the 'modus operandi' clue is at a distinct disadvantage in respect that (a) it cannot lay claim to the absolute certainty of finger-printing—no two finger-prints are alike,

but two persons may independently adopt a similar 'modus' (either by accident or by design) and no court could be expected to convict on the 'modus operandi' argument alone (even were it competent to lead evidence of the procedure followed by an accused in earlier cases); and (b) there does not so far exist any 'modus operandi' filing system on a *national* basis. Nevertheless, although the 'modus operandi' argument can rarely be invoked to secure a conviction on evidence led, it is invaluable to investigating officers in the earlier stages of an inquiry. Should the 'modus' in a crime reported correspond in detail with that already recorded as E.F.'s, a strong presumption is at once raised of his guilt and the field of investigation is narrowed at the outset, at all events until this possibility has been exhausted. Should the description of the offender tally with E.F.'s, the matter is advanced a stage further and the inquiry may be directed to ascertain whether E.F. *could* have committed the offence; (Was he at liberty at the time? Was he in the locality of the crime? Was he absent from his normal haunts?); whether he can be connected, in a case of theft, with the stolen property (Did he pawn the goods?); what were his movements on the days following the offence (Was he in hiding?); whether he was flush of money, if money has been stolen; and so on. After all, it is more than half the battle to know in what direction inquiries may be pressed with a prospect of a successful issue.

Yet one must proceed with caution. The following story is retailed in a volume of detective reminiscences published fifty years ago:

Dave Larkins (or, more familiarly 'Yorky'), besides being a professional runner of repute, was a thief well known to the Police of many cities, with an established 'modus operandi.' 'He would go up to some gentleman on the street and make an excuse for addressing him, snatch at his watch and run for it. More often the victim was a lady with a reticule or purse in her hand, and then no preliminary speaking was indulged in. He made the snatch and ran like the wind, and the whole was done so quickly that the astounded victim seldom retained the slightest recollection of his appearance,' which was strikingly conspicuous. His dress was unvarying

and notable. He wore on every occasion a knitted jersey and 'a grey felt hat covered with grease spots, for which he had such a peculiar affection that he never changed it for a new one.' Dave was an adept at arranging an *alibi* and often evaded conviction.

For private reasons, a second runner in the district—one known as 'The Gander'—nursed a grudge against Dave and was spoiling for revenge. On Dave's release from a sentence, 'he was met by The Gander, who, with many demonstrations of satisfaction and to celebrate the occasion, proposed that they should adjourn to Yorky's den and there consume a bottle of brandy at The Gander's expense. Yorky had a weakness for drink at all times, but when someone else paid for that drink it was to him perfect nectar. The drinking began and from the first Yorky managed to appropriate the lion's share. His ideas were getting a little cloudy by the time the brandy was finished and he readily assented to The Gander's proposal to go for more. Into this second supply The Gander poured a strong dose of laudanum and, as Yorky swallowed the whole, he was soon insensible'; whereupon his companion stripped him, tumbled him into bed, donned Yorky's conspicuous clothing, made himself up to resemble Yorky in every possible feature and left the premises. Within a few minutes, he had, in full daylight, stopped a passerby, asking the time. The unsuspecting victim took out his watch, and in a moment it had changed hands and The Gander was off like the wind to the sleeping Yorky. He resumed his own clothing, removed all traces of disguise, thrust the stolen watch under the mattress, laid Yorky's clothes at the bedside and left the house.

Meantime, the robbed man had lodged his complaint, supported by a meticulous description of the offender, with the outcome that detective officers, recognizing description and 'modus,' found their way in due course to Yorky's den, where a search revealed the stolen property. Yorky was arrested, identified and readily convicted despite repeated protestations that he was 'as innocent as a lamb.'

The M. M. M. War in Sicily

HOW MUSSOLINI, MORI AND THE ITALIAN POLICE SMASHED THE MAFIA

BY COMMENDATORE DR. GIUSEPPE DOSI, M.V.O.
Chief Commissioner of Public Safety, Rome

PART TWO THE STRATEGY OF VICTORY

5. 'Saint Mori'

ON 9th December, 1925, and on 5th January, 1926, his Excellency and Knight of the Grand Cross, Cesare Mori, Prefect of Palermo, made public two special ordinances which were to have full force of law. These ordinances constituted a veritable 'Magna Charta' for the 'army of order' mobilized for the war against the Mafia and brigandage. They complemented and fortified the other laws of the State, which in Sicily had found only scant respect, and they were a warning to everybody to learn a new lesson, that of obedience.

The personnel of the Police, of the Royal Carabinieri, of the Fascist Militia, the armed forces of the Government, all of which had been admonished by Mori to do their sworn duty and to work shoulder to shoulder with him, with Mussolini and the King of Italy, were ready to act in close co-operation with men who had had extensive experience in this type of work, among them the former Commissioner of the 'Sicilian Squadrons,' and especially also the Questor of Palermo, Crimi, and the Vicequestors Coglitore and Spano. The example of their distinguished leader Mori was a constant spur and inspiration to these devoted collaborators.

The above-mentioned ordinances made it compulsory



SICILIAN TYPES—A VENDOR OF SNAILS



AN OLD SICILIAN

upon all field-guards, overseers, in short upon all individuals in the service of landowners and estates, to obtain a special personal identification card, issued by the police authorities, and which was only granted to persons with unblemished record, honest and in good physical condition, actually living continuously on the estate entrusted to their care. All these card-holders were under obligation to be of mutual assistance in the defence of property, to report all known criminals, to report twice a week personally to the local police or to the Carabinieri, under penalty of forfeiting their licence and the right to carry arms, and to lose their post with the warning of more severe penalties.

In such manner this private police became an auxiliary of the official police force, and all its component parts were keyed up to the highest point of efficiency.

The next step was the reorganization of the goatherd's and shepherd's trade, which was put under police control. A special 'pasture card' was devised, in which were indicated the number, the species and marks of the animals, the name of the owner, the location of the pasture, the road which the cattle had to travel on their way to pasture and on their return. All cattle had to be provided with bells, and the herdsmen were forbidden to carry arms or to congregate more than three together in the fields. Unlawful pasturage on alien land was strictly prohibited.

The Bible relates that Joshua stopped the sun in its course. Mori would most certainly have stopped Helios to demand an explanation concerning those seven herds of cattle and those seven flocks of sheep which he had entrusted to his noble daughters Fetusa and Lampezia for free pasture, and their pastoral mission, losing its mysterious and idyllic mythological character, would have become more difficult and adventuresome! The goatherds and shepherds violating any of Mori's ordinances were subject to immediate deportation to their native province; to deport the daughters of the Sun-god would have presented an interesting and rather difficult problem. . . .

The official branding of all cattle and their registration was once more made effective and put under the supervision

of the police, together with purchase and sale, slaughtering and the commerce in hides. In every community a 'permanent committee against cattle stealing' was established, composed of a veterinarian and eight farmers, of which two were appointed by the police and the Carabinieri.

Every theft, damage to property, or disappearance of animals was reported within twenty-four hours. If it was found that a farm served as a centre for cattle-stealing activities, or as a shelter for wanted men or hiding-place for stolen goods, and was therefore considered damaging to the free development of agriculture and the public safety, the place was declared 'infested' and subject to investigation and other police methods.

The planting of cane less than one hundred yards from the roadside was prohibited, and cane-fields existing in violation of this rule were destroyed. This was done to discourage lying in ambush and highway robbery. All cart drivers were directed to provide their vehicles with a sign bearing their name and address. The owners and managers of estates were required to furnish the police with a list of all grottos, caves and caverns existing on their grounds, with a topographical sketch showing their precise location.

Sicily has many such strange retreats, which at that time were mostly unexplored. In some of these caverns were found the remains of elephants, hippopotami and hyenas, and other animals commonly found in tropical Africa, together with traces of prehistoric man. Mori gave orders to search many of these caves, sometimes with gruesome result.

In Sicily the disappearance of men, honourable or otherwise, was a frequent occurrence. Any inquiries were usually met with the explanation that they had 'gone to America.' Their families knew better and mourned them for dead. The official police bulletin is full of announcements of this kind.

There is, for instance, the case of a man of Termini, who had been wounded in a Mafia brawl, and after having recovered suddenly disappeared in 1923, and who has not been seen or heard of since.

In March 1926 there was found in a cave in Gangi the

skeleton of Vincenzo Latona, who had disappeared in 1922, killed by the notorious brigand Andaloro. Commissioner Spano entered the mouth of the cave, which was barely a yard wide; he was then lowered on a rope to a depth of one hundred feet, and found himself in a large subterranean cavern. These natural phenomena are ascribed to meteorological erosions, especially occurring in chalky strata. Many of these caves, which in Sicily are called 'zubbi,' serve as wells.

In 1921 seven members of a Mafia had decided 'to quit the racket,' and were promptly 'put on the spot.' In 1926 Captain Guastadisegni of the Carabinieri, on a march from Palermo passed with his soldiers through the town of Savuco, and discovered under a pile of stones the mouth of an antique well. He had himself lowered on a rope to a cavern approximately sixty feet wide, about one hundred and twenty-five feet underground, where he discovered the broken bones of two of the seven men who had disappeared in 1921. Close by lay the rusty barrels of their guns.

Some of these caves in Sicily, as well as in Sardinia, served as a retreat and refuge to bandits. In an important raid on the villages of Prizzi, Canicatti and Lercava, and which amounted to a veritable man-hunt netting about two hundred criminals, a number of grottos and caves yielded a rich booty of guns, pistols, ammunition and even binoculars, which the bandits had most probably used to spy from afar upon a likely victim or upon the arrival of the Carabinieri.

It is obvious that many fugitives from justice, knowing that they were wanted by the police, abandoned their homes, roaming over the countryside or moving to other towns, in any event continuing their criminal activities. Mori devised a plan, under which the family of such a fugitive was put under strict control, especially those who evidently lived from the proceeds of crime. They had to account for any money, animals or other property in their possession, and were put under the surveillance of the police, as were all suspects and ex-convicts.

According to the existing Italian 'law of public safety,' all able-bodied vagrants, tramps and idlers suspected of living

from the proceeds of crime, panders and drug pedlars, as well as persons considered dangerous to public order, and those of ill-repute and pointed out by public opinion as having been guilty of a felony, in cases where the evidence was insufficient for criminal proceedings, could be officially declared as being 'warned.' A provincial committee composed of the Prefect, the Procurator of the King, the Questor, as the head of the Provincial Police is called, the commanding officers of the Carabinieri and Fascist Militia, would summon any individual before issuing the official 'warning,' giving him an opportunity to exonerate himself and, if necessary, to admonish him to live an honest life, to work, not to remove, putting him under police surveillance for a year or two. As already mentioned, all ex-convicts were subject to this same police control. If an individual thus warned should fail to reform, he was sent to one of the penal colonies like Ponza, Lipari, or Ustica for a period of from one to five years.

Mori made extensive use of these legal means at his command. In one case alone he warned six hundred Mafiosi and criminals, and committed fifty-four of them to prison. These were mostly underworld characters, against whom it was useless to seek a regular indictment, as the system of 'Omertà,' the conspiracy of silence among victims and witnesses, would almost surely have prevented conviction.

Every one of them had been convicted in the past of various crimes, and some had been interned in the penal colonies three or four times without benefit to themselves or anybody else. Vicequestor Schillaci made a special study of the personal circumstances of these criminals. Now and then it was found that crime tended to increase as soon as one of the Mafia leaders or a notorious bandit had been arrested. Left to themselves the common crowd of gangsters seemed to lose all sense of discipline, starting to rob everybody for their own account, often killing off each other. In such cases the Mafia chief actually was the guardian of public order. For this reason it became necessary to make raids on a large scale, and to throw a cordon of police around entire towns and districts, or to catch the small fry first of all, setting a special net for the big ones, after the troubled waters had cleared.

L'Ora, the big daily of Palermo, which is read all over Sicily, in its comment on the Mori ordinances, among other statements, published the following :

'The population of Sicily is in sincere and whole-hearted favour of the work of redemption and purification so auspiciously begun and unyieldingly carried out by Prefect Mori. In town and country the atmosphere has suddenly been cleared, and one is able to breathe more freely. A man has finally come to eradicate with a firm hand the evil that for so long has paralyzed our prosperous and fertile country. The Prefect, with his profound knowledge of conditions and his indisputable efficiency, has rendered Sicily and its people a most distinguished service. . . .'

In October 1925 a man of Favara was robbed of a mule, and his brother who offered resistance was shot and killed by the aggressors. Their family was threatened and had to leave the country. In March 1926 they wrote confidentially to Mori, entreating him to see that justice be done. He acted at once, and within a short time the perpetrators of the crime were discovered and arrested.

After the district of Gangi had been freed from the curse of bandits and a powerful Mafia, a delegation of women proceeded to Palermo to express their gratitude to Mori. He received them most amiably, and assured them that their troubles, anxieties and sorrows were a thing of the past. Palermo made him an honorary citizen. The crime-ridden people were wont to say that the Mafia was unconquerable because it was in league with the Devil. After the events at Gangi the people, scarcely believing their own eyes and thinking a miracle had happened, gave vent to their feeling of gratitude with almost religious fervour in the cry : 'Saint Mori !'

And this expression became like an invocation of faith for the pious, weather-beaten, primitive and care-worn Sicilian peasant. 'Santu Mori !' repeated the chorus of women in the ecstasy of a never-dreamed-of civil resurrection.

Sicily, the country of heroes, of mythological giants and many gods, had found a new object of veneration, an almost legendary deity. . . .

6. *Ardent Battles*

'I HEREBY NOTIFY ALL PERSONS IN HIDING IN THIS NEIGHBOURHOOD TO SURRENDER WITHIN TWELVE HOURS, AND WARN THEM THAT AFTER THIS PERIOD OF TIME I SHALL TAKE DRASTIC ACTION, ESPECIALLY ALSO AGAINST THEIR AIDERS AND ABETTORS.

MORI.'

This was the peremptory telegram received by the mayor of Gangi one day in December 1925, and which was posted on every wall and in all offices and factories of the town. All day long the town-crier with his drum made the rounds of every nook and corner of this important market-centre with its ten thousand inhabitants, here and there proclaiming the order of the Prefect of Palermo to the quickly gathering crowd. It sounded to them like an announcement of the final day of reckoning, a sort of a local Last Judgment.

This town, in aspect more like a medieval stronghold, amidst rugged mountains and at an altitude of over four thousand feet, has given birth to two well-known painters of the sixteenth century, one of whom, known as 'the cripple of Gangi,' has painted a large canvas on the above biblical subject for the principal church of the town, rivalling Michael Angelo's famous 'Last Judgment' in the Sistine Chapel of the Vatican.

Located on an isolated hill at the foot of Mount Etna, Gangi is reached over roads which are cut deeply in the bastions of the surrounding cliffs. Higher up, on an almost perpendicular spur, out of the very rock, rises the castle of Sperlinga, with its battlements, traces of a draw-bridge and an arch, bearing the proud maxim: 'Quod Siculis placuit, sola Sperlinga negavit.' It is the only town which during the Sicilian Vespers refused to expel the French and rebelled against its own compatriots. Steps have been cut into the rocks, which seem to lose themselves in the deep blue sky. It is unquestionably a heroic landscape, a landscape for eagles.

This was the background for the warlike operations ordered by Mori. As soon as the ultimatum had expired, Gangi was surrounded by Carabinieri and Fascist Militia under the command of the questor and police commissioners and questor

of Palermo. In this surrounding movement sixty bandits, all wanted by the authorities for robbery, assault and murder, were arrested, together with all those who might have informed the Mafia leaders of the movements of the troops. The worst elements fled to the centre of the town, hotly pursued by Mori's squadrons, which blocked all available exits. As a result four bands of brigands had to surrender within their very stronghold without a drop of blood being shed. From Gangi, Mori's squads descended upon Resuttano, Valledolmo, S'Mauro, Petralia and Castelbuono, rounding up one hundred and thirty Mafiosi altogether, who submitted much in the manner of a tribe of Arabs or Bedouins during the colonial wars who had come to do homage to their conquerors. But their souls were blacker than those of African savages. Among them only their leader, Gaetano Ferrarello, had a touch of the romantic in his life and aspect. The rest of them were common criminals, without a trace of gallant generosity or other sympathetic traits.

While the famous Calabrian bandit, Musolino, whom I recently interviewed in the asylum for the criminal insane at Reggio Emilia, where he is interned, or some other popular bandit like Tiburzi or the much-defamed Gasperone, sometimes may have robbed the rich to come to the aid of the poor, brigands like Ferrarello or Andaloro were more likely to rob a poor devil's only remaining sheep saved out of a fire.

When Gaetano Ferrarello gave himself up, he was sixty-three years old, and had been an outlaw for a good thirty-three years, being wanted for fifty-two different crimes. There he stood now, sturdy and strong, proud-eyed, his swarthy countenance almost completely hidden behind a great moustache and an unkempt grey beard, in raw-hide boots and great-coat, knapsack slung over his shoulder, one hand in his coat pocket and the other behind his back, striking a Napoleonic pose. When he was thirty he had reasons to believe that his wife had betrayed him, and he promptly shot and severely wounded the man who had dishonoured his house. In order to avoid the police, he ran away, with the thought uppermost in his mind to kill his unfaithful wife at the first opportunity. When she learned of his death-threats against

her she left town and went to live in Palermo under an assumed name, where she was still living at the time of his capture. Ferrarello in the meantime had joined a band of outlaws headed by a certain Gandino. Jealous and headstrong as he was, he soon had differences with his chief and separated from him, retiring to Gangi, which became his incontestable stronghold. In 1917 he became associated with Andaloro and one of his nephews, then only ten years old, and together they began to terrorize the countryside. Andaloro afterwards separated from them out of envy and formed his own band, but in his place two other nephews, Giuseppe and Nicolo, his son and brother and others joined the Ferrarello outfit. In 1921 Andaloro was surprised in his hide-out, a cave in Gangi, and soon after his lieutenants, the brothers Albanese, were also captured after a dramatic and bloody battle.

But the gang lost no time in closing its ranks with two brothers of Andaloro, Giuseppe and Carmelo, and two other brothers of Albanese, Antonino and Pietro, every one of them not over twenty-five years old. Crime had become a family matter, almost a duty of the clan. The capture of Andaloro was attributed by his brothers to information given the authorities by a relative, Pietro Palazzolo, who had married Andaloro's sister Carmela. How could the police otherwise have discovered Andaloro's hiding-place? Palazzolo was the only one who could possibly have known the place.

Andaloro's brothers swore vendetta, and killed one of Palazzolo's brothers and another relative. In return Palazzolo decided to wipe out the entire Andaloro clan. He obtained a hundred pounds of dynamite and manufactured five powerful bombs, in the manner introduced by Sicilian outlaws returned from the United States. These he placed in the basement of Andaloro's house. Under pretext of a celebration in honour of a saint he lured everybody bearing the accursed name of Andaloro to the house, including his own wife, Carmela, who as an Andaloro would have to die also. But only two of the bombs exploded, and these not simultaneously, and although the house was wrecked and there was nearly a panic in Gangi, the people fearing an earthquake, no one was hurt.

In 1924 Palazzolo was arrested by Commissioner Natoli, after a savage encounter, in which one of Palazzolo's men was killed. The Andaloro gang surrendered after Mori's ultimatum, and all of them were taken to Palermo and imprisoned, with the exception of Carmelo Andaloro, who was suffering from tuberculosis and too ill to be removed. He therefore remained in Gangi in the custody of the Carabinieri.

A few days later he complained that he was getting worse. His two guards, belonging to the army of the 'Carabinieri' which is called the 'benemerita'—the well-deserving one—took pity on him, nursed him and tried to make him more comfortable, in their sympathy seeing in him not an outlaw, but a Sicilian, a brother. In the evening he implored them to leave him alone, and to extinguish the light so as he could sleep better. The poor devil! So he was doomed to die! Surely it was because God wanted to punish him for his misdeeds. The Carabinieri granted him his wish, and posted themselves outside the door, rifle in arm, remembering his many exploits and not wishing to take any chances. The next morning they entered his room expecting to find him breathing his last. . . . But lo and behold! The bed was empty, their prisoner gone! With devilish dissimulation he had premeditated and effected his escape. Apparently he had slid out of his bed as soon as the room was in darkness, and made his escape through a trapdoor hidden somewhere in the room. . . . After a few days of helplessly wandering about he returned and surrendered again; but this time he was removed to the hospital of the prison in Palermo, although against the advice of physicians, since he had demonstrated that he was able to move about.

In this drive also the remainder of the Dino band surrendered, as well as the Lisuzzo gang, both of which were captured near Marianopoli. This latter outfit was composed of many outlaws and had for years resisted dispersal, clothing their ranks again and again with new recruits. Their head, Onofrio Lisuzzo, began his activities with only two followers, and was in the beginning a Mafioso who made his living by imposing tribute on the landowners of the district, until one day the Dino gang attempted to 'horn in' on their affairs.

As a result Lisuzzo gathered around him his own band of armed followers. This was the beginning of many bloody conflicts between the two formidable bands, in which the dead and wounded abounded, and in one of which more than three hundred shots were exchanged during seven hours. The countryside was thrown into panic, and was completely under the heel of these brigands.

Other 'criminal associations' were discovered at Mussoneli, Caltanissetta, Enna, Riesi, Prizzi and Bagheria. At San Mauro, Commissioner Giannitrapani captured numerous assassins, who subsequently had to answer for between four and eight murders each. At Gangi the nephew of the brigand Ferrarello, Salvatore, surrendered, who so far had remained at large and seemed immune. He had sworn to kill himself rather than to surrender. But Mori himself took a hand and personally directed the siege of the house in which this criminal had barricaded himself, until finally the last of the Ferrarellos submitted to the handcuffs of the police, cursing and swearing. He had been an outlaw for nine years, and had been sentenced so many times that his total prison term amounted to fifty years.

At Capaci twenty-two arrests of murderers were made; more followed in Canicatti. At Termini Imerese, Commissioner Di Fede in one single drive arrested two hundred and eighty-five criminals. Other 'criminal associations' were discovered at Villa Rosa, at Petralia, at Roccella, in all of which operations quantities of arms and ammunition were sequestered. In a second and very comprehensive drive against Prizzi, in which over two hundred Carabinieri and two hundred Fascist Militia under the command of Commissioner Jacona took part, out of thirty-six wanted criminals twenty-six were arrested. Whereupon the commissioner gave orders to his forces to retreat in order to give the illusion that the raid was over. The ruse worked admirably, and the remaining ten criminals returned to their homes only to be surprised the next day by the police forces, who during the night had quietly surrounded their houses. Only one escaped into a neighbouring village, where he could not long elude his pursuers.

At Alia, thirty-five criminals were taken, among them a physician and a pharmacist. At Piana dei Greci and San Cristina the mayors were put under arrest as having favoured and abetted various crimes. At San Giuseppe as well, the mayor, together with fifty criminals, was arrested. In a man-hunt over the roofs of the town of Capaci one of the roofs caved in, endangering the lives of a number of police officers. At Monte Maggiore the perpetrators of a triple murder were arrested, all of which happened because the daughter of one had not been allowed to marry a member of the Mafia of Valledolmo.

In connexion with this case there was also discovered the murder of the victim of a robbery, who had made the mistake of reporting the affair to the police.

In the above-mentioned town of Monte Maggiore, one of the most important members of the Mafia, an attorney by name of Gaetano Salemi, was put under arrest. He was known as a cheat and a sharper, to whom among other dark deeds were attributed the strangling of a woman because she knew too much, and the killing of two poor devils, one of whom had had the misfortune of having a dispute with the attorney over the sale of some cheese, and the other because he had dared to court a girl of the town without obtaining his consent.

In a battle between two opposing Mafias at Alia, one of which was headed by a pharmacist, five Mafiosi were killed; the crime was afterwards uncovered.

At Terrasini ninety-three criminals were arrested, amongst whom were two priests and two women. Also in Palermo a priest was arrested because he had been implicated in a 'criminal association.' In June 1926 four hundred and twenty Carabinieri and three hundred Fascist Militia surrounded the district of Bagheria, and rounded up two hundred and twenty-four criminals wanted for various crimes.

In 1910 at Sferracavallo a certain Amato aspired to the leadership of the local Mafia in opposition to a certain Biondo. As a result of plot and counterplot Biondo, who had purchased some olive oil from Amato, paying him in counterfeit money, and refusing to make restitution, was killed. Amato was

publicly accused by a certain Antonino Gentile as a traitor, and Amato was promptly done away with in his turn. Thereupon one Domenico Sparacino, the sub-leader of a Mafia of a suburb of Sferracavallo, refused to recognize Gentile as the leader. Returning one evening from Palermo he was waylaid together with his wife and two sons, both of whom were killed, while he himself was severely wounded. The Gentile men were arrested, and a relative of Sparacino, by name of Salvatore, testified against the accused in court. In the meantime Domenico Sparacino recovered from his wounds, and feeling himself dishonoured by the accusation of his relative, who had violated the sacred law of silence of the Mafia, denied the truth of the accusation, and the Gentile men were acquitted. Salvatore was killed and his father, who in turn sought revenge, died in a mad-house. Another son who tried to avenge his father was assassinated. Bloody crime upon bloody crime followed, until in 1923 the murders between adherents of Gentile and Sparacino amounted to nineteen. Only the indiscriminate mass-arrest of all suspects finally put an end to the massacre.

Other 'criminal associations' were discovered at Agira, at Piazza Armerina, at Piana dei Colli, at Mistretta, Patti, Aragona, Raffadali, Burgio, Palma Montechiaro, Montallegro, Palazzo Adriano, in the neighbourhood of Agrigento, wherever the squads of Mori made their appearance. In the neighbourhood of Catania where the Mafia was not as well organized as in the Central and Eastern provinces of the island, the notorious bandit, Salvatore Palermo, was arrested. For years this outstanding brigand had been at the head of all the cattle-rustling activities of the district, amassing a fortune of over a million lire. In that same district the outlaw Liotta was finally captured, after having previously been wounded in an armed conflict with the Carabinieri and had managed to escape. He retained the services of two physicians under threat of killing them if they should report him. He was hiding in an abandoned house, and when arrested with his accomplices carried a bomb in his pocket, which he attempted to throw at the invaders.

The chronicles of the time are full to bursting with

episodes of this type. It is impossible to enumerate them all. In a speech made at Palermo, Mori had prophesied: 'There will be a regular cyclone, merciless but short, and which will spare no one.' . . . And he kept his promise.

7. *In the Thick of Battle*

Even in Palermo itself open and undisguised criminality became more frequent from day to day. In June 1926 an ex-provincial government official was shot down by hired killers in broad daylight in the middle of the Piazza della Borsa. The murder was later found to be the upshot of Mafia rivalries in the town of Villabate. As the result of an investigation following this crime, the sons and nephews of the slain official were arrested.

At the beginning of the same year a jeweller by name of Sereno had been killed, and his body was recovered at the bottom of a well in a neighbouring village. The crime was laid to one Bosco, the victim's book-keeper, who managed to clear himself, but disappeared afterwards.

Meanwhile arrests were ordered even outside of Sicily, among which the arrest of Vincenzo Sardo at Siena, Tuscany, for participation in a 'criminal association' caused a sensation. This Sardo had acquired a sumptuous villa in this city far from Sicily in 1923, which was reputed to have cost three million lire. Other Sicilians like Sardo acquired estates in Tuscany valued at tens of millions. The booty recovered as a result of the previously described raid on Gangi, which was estimated to be worth a million lire, was therefore not much to speak of. At that time, apart from cattle, a thousand sacks of grain, ten thousand pounds of cheese and twenty-eight thousand lire in money was sequestered by the authorities.

At Piana dei Colli, the local Mafia forced the proprietor of an estate to sell his lands valued at two million lire for eight hundred thousand lire. In some cases where the Mafia was not successful in imposing the terms of sale or lease of an estate, it got its way by controlling the prices of the agricultural products, which they forced the proprietor to sell at a certain price to a member of the Mafia, who in turn resold

the produce for as much as four times the amount paid. An estate owner in Pallavicino was forced to lease his land for six thousand lire annually. Two years later he insisted upon managing his own affairs, and grew produce on his land estimated at over eighty thousand lire. He considered himself fortunate. But his troubles began when he wanted to sell his produce and the Mafia quoted him a price of only thirteen thousand lire for the entire crop. He objected very energetically, and was finally able to sell it for one-half its market value.

In the bankruptcy of two shipping companies it was discovered that the books carried a regular debit for an enormous sum to be expended as a contribution to the Mafia.

Mori resumed his activities with renewed vigour. In the district of Madonie and in Caccamo and surrounding towns an association comprised of over four hundred members was discovered, of whom three hundred and six were apprehended in a single drive. As a result the mystery surrounding many murders was cleared up. There was the example of an entire family which had been completely exterminated because it had been suspected of sympathy with the Carabinieri. Members of the Mafia who had 'talked too much' and troublesome witnesses of various crimes were done away with, others who had been too curious had disappeared.

At Misilmeri, Bolognetta, and Marineo, Commissioner Roleri uncovered an association composed of one hundred and sixty-four members, of which one hundred and nineteen were seized, and as a result of which one hundred and forty-two different crimes were finally solved. At Marineo the usual train of crime following Mafia rivalries had started back in 1920. The village priest, sitting in front of his house, and who had unwittingly become aware of some of the crimes committed, was the first victim. He was followed by the sacristan of the church, partly because the mistress of the Mafia chief was said to have had intimate relations with him.

In April 1922 some criminals of Misilmeri had robbed the branch of the Bank of Sicily in Catania of nine million lire. The robbers were discovered and arrested and eight packages of thousand-lire bank notes were recovered, but one million lire had been handed over by the robbers to the Mafia

chief of Misilmeri for safe-keeping and for the benefit of the parents of the robbers. Instead of doing so, he kept the lion's share for himself. At a council of the Mafia in question he was ousted, and ordered to make full restitution and to leave the district forever with his entire family. With the assistance of the Mafia at Corleone he was thereupon robbed of twenty-two oxen, and challenged to get them back if he dared. In addition the Mafia issued orders to all mule drivers not to have anything to do with the transportation of the effects and goods of this family. The mule of one driver who dared to violate this order was shot down.

Another landed proprietor was forced to hire a dangerous outlaw as a farmhand, who later was killed by the husband of his mistress. Thereupon an ex-carabinieri, who had been dismissed from the service, was ordered to take the place of the slain farmhand, and when he refused to accede to this scheme eight men armed with shotguns entered the estate grounds, locked the wife of the owner in a room, broke into the cellar and drained the casks of nearly seven hundred gallons of wine. They then gave notice to the proprietor and his wife to leave town within two days.

Several times members of the Mafia were killed because they refused to share the proceeds of their crime with the head of the Mafia to which they belonged.

In January 1921, a number of students in Misilmeri formed a Fascist Society for the purpose of cleaning up these intolerable conditions, and at the head of which was one De Caro, who had distinguished himself at the front during the war. In a newspaper of Palermo, *L'Assalto*, the vice-president of this society, attorney Scozzari, published violent articles against the Mafia. He soon received many anonymous threats, but because he belonged to an influential family the Mafia decided to get rid of De Caro, who was the son of a humble blacksmith, and accordingly he was soon afterwards shot and killed on the Piazza of his town. The Fascist Society dissolved for fear of worse to come. Later Mori caused a simple stone monument to be erected at Misilmeri commemorating the heroic sacrifice of this student.

Again the examples abound, but we believe that those

given are sufficient to give an idea of what constitutes the specifically Sicilian type of criminality, which, as Mori in his book has well written, is like 'a planetary system which revolves by internal gravitation around its solar centre, the Mafia, from which it receives light, heat and impulse.' Criminality itself is only a part of the Mafia, to which it is subject, and whose most characteristic features are the association in bands, or societies, or groups, a rigid hierarchical discipline, the practice of silence, immunity among the various groups and severe internal sanctions. In this respect the Mafia is inexorable, and extends its punishing arm even over the relatives of the guilty one. There is, in addition, what might be called an irregular or sporadic type of criminality always at odds with the organized Mafia. There is also a 'parasitical' Mafia, extending its exploiting and intimidating activities over the class of landed proprietors and labouring classes, artificially creating suspicion and misunderstanding.

Mori realized from the beginning that the fight against criminality in Sicily was mainly 'a subtle psychological problem, of daring technique and of vigorous spiritual, intellectual, and physical action.' As usual he is to be found in the very heart of the conflict. His tactics and his strategy, apart from the principles of authority, courage, and the power of the Fascist idea, has found its most adequate expression in the following maxim, which really is a corollary of the above principles, and which he strongly commended to the attention of the Sicilian people: 'The protection of life and property should flow naturally from a virile affirmation of right expressed in law, from faith in the organs of social defence, from direct and forceful reaction against attempts to violate these rights, and never from compromise.' And while he was thus battling against the public enemy, the Duce in the following inspiring telegram gave heart to the struggle of Mori and the Italian Police, which was daily giving proof of great resistance and courage in the face of a life full of dangers and abnegation:

'DURING MY VOYAGE IN SICILY I STATED IN THE PRESENCE OF ACCLAIMING THRONGS OF PEOPLE THAT IT WAS NECESSARY TO FREE THE NOBLE SICILIAN POPULATION FROM RURAL DELINQUENCY AND FROM

THE CURSE OF THE MAFIA. I SEE THAT AFTER HAVING CLEARED UP THE PROVINCE OF TRAPANI THAT YOU ARE CONTINUING YOUR MAGNIFICENT WORK IN THE MADONIE. I EXPRESS TO YOU MY HIGHEST APPROVAL, AND URGE YOU TO CONTINUE TO THE END WITHOUT REGARD FOR ANYBODY IN HIGH PLACES OR LOW. FASCISM WHICH HAS LIBERATED ITALY FROM SO MANY EVILS IS DETERMINED TO CAUTERIZE IF NECESSARY WITH FIRE AND SWORD THE PLAGUE OF SICILIAN CRIMINALITY. IT MUST NOT BE TOLERATED THAT FIVE MILLION OF HARD-WORKING PATRIOTIC SICILIANS ARE FURTHER EXPLOITED, ROBBED AND DISHONORED BY A FEW HUNDRED CRIMINALS. ALSO THIS PROBLEM MUST BE SOLVED, AND WILL BE SOLVED.

MUSSOLINI.'

8. *Not Sleeping on their Laurels*

The Sicilian courts worked in close collaboration with the indefatigable police, and with very salutary examples. The dockets of all the courts were crowded with the cases against the Mafia. In January 1928, took place at Termini Imerese the trial against the one hundred and forty-five criminals arrested in the drive against Madonie. The defendants were seated in a single enormous prisoner's dock. Not even the famous Cuocolo trial, which broke the back of the Neapolitan Black Hand and which lasted nearly two years, had seen as many defendants. Of the one hundred and forty-five prisoners accused of murder, robbery, larceny and extortion, seven were sentenced to prison for life, fifty-five to prison terms from ten to thirty years, and the rest to minor terms. Giampietro, the General Procurator of the King, attached to the Appellate Court of Palermo, the highest local judicial authority, who was afterwards appointed Senator, and who upon informing Mussolini of the results and the victory achieved, called him 'the herald, the inspiring force, and the very soul of the fight,' repeatedly affirmed the juridical principle that 'what had been extorted by force and by threat was of no validity,' and refused to disregard the testimony of the police, even in cases when the officers were not able to divulge the names of their informers in order not to expose them to the vendetta of the Mafia. In other words, the General Procurator refused to make justice a farce through legal

technicalities. He considered that it would be highly unfair to set aside the testimony of police officers only because they were sometimes unable to divulge the source of their information, which had resulted in the arrest of unmistakable and dangerous criminals. This faith in the integrity of the public forces increased their prestige and inspired them to continue their work, spurring them on to even greater efficiency.

Meanwhile Mori passed from triumph to triumph.

At Piana dei Greci, after it had been liberated from its criminal elements, he was acclaimed by over twenty thousand people. Twenty thousand farmers of the Madonie wired Mussolini through the secretary of the Fascist Party of Palermo that the reign of the Mafia was broken and that his name would remain forever inscribed on the rocks of their mountains.

At Capo d'Anno, where hundreds of small sons and daughters of the prisoners were assembled, Mori distributed several thousand lire among them, stating that those of great responsibilities should not forget that they also have a heart, and that the sins of the fathers should not be visited upon their children. After his appointment as Senator the Sicilian people offered him a castle to be acquired through public subscription.

Mori had always admired the Sicilians, those people who adore courage, that are so easily moved by their beloved 'Punch and Judy' shows, or gathered around the wandering minstrel listening to his tales of heroes of the past. In his book on Sicily Mori describes them as proud, determined, reserved, generous, as hating deceit, asking nothing of anyone, relying rather upon themselves than on others, knowing what they want and how to get it; knowing how to talk and above all hold their tongues, of cold-blooded self-control, aware when to act and when to wait. Of dynamic temperament, they are easily swayed by passion, though their natural exuberance is instinctively kept in check and transformed into a reserve of energy and action. Some people will say: 'That is the stuff of which rebels are made.' Perhaps! But in any event it denotes sane, alive, vibrant energy.

Degenerative forces, then, led to the formation of the Mafia.

In its pure sense the word 'Omertà' means 'sacred silence'; 'revenge as a noble reaction against offence and silence concerning it, out of a feeling of high-minded solidarity.'

Mori quite justly writes that 'Omertà' in its pure sense is a reaction which may be against the law, just as the chevaleresque attitude of the Middle Ages has its modern counterpart in the duel, which exists against and in spite of the law which condemns it, as also does Christian morality.

Omertà in some form or other may be found among martyrs of every race, who facing jail or the gallows would rather die than speak and betray. And then, what?

As Mori puts it: 'Omertà, Mafia, and Lawlessness, is not an infamous tripod on which burns the livid flame of defamation and calumny, but a by-product, a sad heritage of centuries of tyranny, exploitation and misgovernment in Sicily.'

In the above objective study, which we have endeavoured to make as accurate and complete as possible, we have deliberately omitted any drawing of parallels or references to similar forms of lawlessness which may be found in other countries, especially in the great cities outside of Italy. There is no lack of literature on the subject. We can only repeat that crime knows no country, and that its manifestations and its *modus operandi* is very similar the world over, perhaps because it is always man who is the leading actor on the stage of life, man with the same nerves and muscles, with the same brain, with the same vices and desires. The cases and circumstances may be different, but unity of directive and executive action is needed, to-day as yesterday. The Chronicles, History, and even Mythology tell the same story. Calabrian banditry, now a thing of the past, could refer to traditions going back as far as two centuries before Christ. The Roman historian, Livy, tells the story of a Roman pretor who had seven thousand bandits executed who infested the roads and highways of meridional Italy. A legendary Sicilian prince, Bute (who mythology claims was one of the numerous husbands of Venus), found his death at the hands of the immortal giant Hercules in Trinacria, because he had slain his oxen. And on ancient coins Hercules is always depicted

with a knotty staff in his hand, which looks very much like a persuasive weapon. Who knows whether even the gods in those remote times engaged in some sort of war against some sort of Mafia?

Daedalus, the hero of the Labyrinth of Creta, escaped the ire of King Minos and of Aeneas, escaped the slaughter of Troy, only to be finally 'put on the spot' in Sicily.

Why mention Al Capone and the 'Unione Siciliana' of Chicago? The metropolis on Lake Michigan has its 'Gold Coast' and its 'Wabash Avenue,' while Palermo prides herself in its 'Golden Shell' and its 'Quattro Canti,' and in its Monreale where the ancient Norman cathedral displays the brilliant beauty of its golden mosaics and its graceful archway, in the middle of which under the colonnades an antique fountain murmurs a prayer of love. . . . It speaks of the treasures of the spirit, and is like a song of eternal beauty.

All the money that the emigrants send back every year, almost a hundred million lire, gained by sacrifice, by obscure and lowly work and patiently saved, cannot pay for these treasures. Too many of these emigrants have returned to their homeland broken in spirit and in body as a result of the bad habits and desires acquired across the sea, contributing to some extent to the prevalence of certain diseases, to alcoholism, and to certain crimes, such as intimidation by the use of bombs.

It is, nevertheless, also true that the emigrant returned from America has gained a sense of personal dignity and aspiration towards every social improvement, which will never allow him to go back to this previous primitive mode of life. Most probably he will build for himself a nice little cottage with a bit of land, finally realizing his most cherished dream: to become a land-owner. And thus he will become an asset to society.

Abroad the Sicilians are known as hard-working, possessing initiative and foresight in business. In Tunisia, for example, they form the majority of the farming population and are hardy pioneers. During the war they performed many feats of heroism and endurance at the front. The Sicilian regiments were repeatedly cited for valour.



TWO SICILIAN GOATHERDS

But how about the Mafia? . . .

Upon interviewing Alongi on behalf of this magazine he made the following statement: 'To heal diseases of the social body the intervention of the surgeon is necessary, but they also require a constant and ever alert preventive prophylaxis. The Mafia belongs into this category, and the DUCE has recognized that the two remedies are necessary. Perseverance will do the rest.'

And Senator Giampietro in a speech held at Palermo stated that 'the Mafia is conquered, but not destroyed. It is like a venerable old oak, the upper roots of which have been cut off, but which are ever ready to grow again if external conditions are favourable and if the axe is not constantly kept in readiness. . . .'

The M. M. M. war¹ has not gathered easy and ephemeral laurels, and Mussolini is on the alert.

¹An interesting illustrated book on the Mafia war has been published by Mori, under the title of *Con la Mafia, a ferri corti*: Casa Editrice Mondadori, Milano, Roma: April, 1932.



A TYPICAL SICILIAN CART, WITH INHABITANTS OF MONREALE

The Police and their Functions

BY SIR HERBERT BARKER

THE question of police efficiency inevitably arises whenever crime statistics tend to describe an upward curve. Not long ago, Mr. Justice McCardie, speaking from the Bench, drew public attention to what he described as the great and alarming increase in serious crime. Although the judge's statement was not accepted as completely accurate by such authorities as Sir Archibald Bodkin, the late Director of Public Prosecutions, and others, one fact does strike alarm in the minds of the general public. It is that at this moment there are in England twenty murderers who have so far successfully eluded the police, and appear likely to continue to do so.

If we take the figures for the last five years for which official statistics have been issued, we find that there is a slight upward tendency in the number of indictable offences known to the police, while there is no corresponding increase in the number of persons tried for indictable offences.

The inference that might be drawn from these figures is one involving the efficiency of police work. In a word: Are our police less successful to-day in their work than they were a few years ago; and, if so, what is the reason for this falling away from a standard admittedly as high as any in the world?

I am inclined to think the answer to this question is to be found in the changing conditions under which our police work, and in the ever-widening scope of their activities.

The police of England, as contrasted with their like in America, France, Germany, Denmark and many other modern countries, work under many handicaps little known to the man-in-the-street. There is reasonable ground for the

opinion that in these twin-cases are to be found the explanation of the increased evasion by the criminal of the meshes of the law.

Before touching upon these two thorny subjects, a word about the English policeman in contrast to his foreign opposite number. In Common Law, every citizen is a constable, and his duties as such are far from theoretical only. Thus, it is incumbent on every citizen to apprehend a person whom he knows to have committed a felony and to come to the aid of the paid constable when called upon.

A member of the police force is merely a citizen paid to perform certain duties, just as a postman or income-tax official is paid for that purpose. The natural result that should flow from this position is the identification of the citizen with the man who performs the task of protecting him and his property. The friendly relations between police and public in England is evidence that this is, indeed, the fact.

Few Englishmen would care to see any radical change in this respect, or care to exchange our system for that of any one of the Continental States or the United States of America.

From the policeman's point of view, however, the severe limitation of his powers constitutes, if not a direct handicap, at least a limiting condition that may, and, I believe sometimes does, hamper him in the discharge of his duty.

Behind our police procedure and colouring it is, of course, the doctrine that every man must be presumed innocent until proved otherwise. The French *agent* operates under no such handicap. *His* man must prove his innocence, and therefore no question of a carefully built and tested *prima facie* case arises when the French police agent lays hands upon the suspect.

In Germany, where police administration goes by States, we find, by contrast, police systems in the enjoyment of very wide powers, for the German police administrations enjoy powers unheard of in England, having, indeed, not only judicial, but also legislative powers.

The result, so far as Germany goes, is a caste segregated by public sentiment from the public, and although without doubt the post-war German police are exceedingly efficient,

the fact remains that they pay the inevitable penalty of men withdrawn by the nature of their status from the life of the community.

Thus, for example, in Germany not only does the equivalent of our C.I.D. officer arrest his man, but produces to the appropriate police department the evidence necessary for the formulation of an indictment.

The German policeman, whether of the Security Police, the Administrative Police or the Criminal Police, is armed with very considerable power.

Upon the matter of police categories I will come later, for it touches part at least of what I believe to be the solution of our own police problem.

It is not necessary here to labour the fundamental differences which divide our police from the forces of the United States. That force was originally coloured by the English Common Law, but has long since ceased to be so coloured. Tainted by corrupt politics and schooled very often in the doctrine that the end justifies the means, the American police commonly adopt methods that would not be tolerated either in England or in France or Germany.

If we examine the problem of police administration in England to-day, it becomes abundantly clear that the two causes which are handicapping the police and impairing their efficiency are, first, multiplication of non- or merely quasi-police duties; secondly, the rigidity in procedure in crime detection.

Take the first of these handicaps. I suppose most people will agree as to the proper functions of our police—that of a civil organization established by authority for the maintenance of the essential tranquillity of the State. In a word, the security of life and property, which is to say the prevention of crime.

Yet no less than one-fifth of our total police force is now engaged on traffic control, while the various forces collectively, that is Metropolitan and County, have to administer no less than eight Traffic Acts. In addition, we expect our police to perform a wide range of completely non-police duties, each one tending to take them from the work for which they are

trained and paid. They must see that the provisions of many Ministry of Agriculture regulations are carried out, see that the provisions of no less than eleven Acts of Parliament concerning animal disease are enforced, supervise sheep-dipping, secure lost animals, keep registers of dealers in fire-arms and issue licences for them, attend to the enforcement of the Dangerous Drugs Acts, Cinema Acts, County and Borough regulations, weights and measures. They must serve a wide variety of notices concerning entirely non-criminal offences, must supervise the conditions of sale of bread and meat, protect wild bird life, issue motor licences.

In short, our police are harnessed with a vast amount of work that must tend to divert them from their proper functions and tend to make them inefficient for them. For, obviously, a constable whose days are spent on such work as that detailed above has little time to improve his efficiency as a policeman.

The reader will note that in Germany, by creating separate classes of police, this difficulty has been overcome. In England already we have the interesting phenomenon of private enterprise stepping in to meet a situation left without remedy by the State. I refer to the road patrols and point men put upon the highways by the two leading automobile associations who, without official status, contrive to supply a public service and to supply it efficiently.

More than one suggestion has been forthcoming for the relief of the police from traffic duties, and perhaps the most practical is the suggestion made that a special force, composed of pensioners, police, army and navy, should be instituted to take over this heavy task that now absorbs such a considerable percentage of the police personnel.

Sooner or later, too, we may find that it will be necessary to separate those functions now performed by the police in the enforcement of a wide range of Acts of Parliament. We have the German plan upon which some sort of administrative police, unconcerned with crime prevention and crime detection, could be organized.

So much for the utilization of an efficient police force for duties unconnected with its proper function in the State.

We now come to the conditions under which officers are engaged on crime detection work.

The detective, armed with very circumscribed special powers, must walk warily lest he himself comes into collision with the law. Unlike his French, German, Danish or American colleagues he does not enjoy wide powers, but goes always with the knowledge that for some excess of zeal he may receive a judicial public rebuke thereafter.

Now this knowledge must necessarily induce a certain mental attitude towards his work in the detective, for with the best intentions in the world, and following to the best of his understanding the rules which circumscribe him, he may fall foul of judicial authority.

A specific case will best illustrate this, and since it is one that has brought about certain radical changes in police procedure, may be referred to. In 1906 the Chief Constable of Birmingham wrote to Lord Alverstone, then Lord Chief Justice, asking his advice.

His difficulty was as follows: a judge on circuit had castigated one of his policemen for cautioning a prisoner, while another learned judge castigated another member of the Birmingham force for not cautioning one.

Lord Alverstone replied setting forth his views upon the matter, and those views, elaborated later by His Majesty's Judges, now govern the conduct of police officers engaged on criminal investigation work.

The Judges' Rules do not introduce any new principle, according to the Home Office, but merely formulate the ordinary rules governing the admissibility of evidence as practised in the criminal courts.

To the layman, these rules appear somewhat like the rules of a grim game, *Detective v. Criminal*, in which only one party to the game is concerned to observe them. These rules are learned by every young constable as part of his duty, and every detective who goes in quest of a criminal must govern his methods according to them.

Obviously, they are rules designed to protect the public, and, as such, we may be grateful to them. But the grave question that now arises is this: Do these rules operate to

impede the men of the Criminal Investigation Departments in tracking major crime down, particularly murder—more particularly murder of a certain kind, with which recent cases have made us unpleasantly familiar?

In 1928 a Royal Commission was set up to inquire into the whole subject of police powers and police procedure. It dealt at length with the Judges' Rules and heard many witnesses. Its recommendations were such that the officer engaged on criminal investigation might be forgiven if he felt thereafter a certain apprehensiveness in handling either a witness or suspected person.

The pursuit of a sex-maniac is not in itself an easy task for the detective, as failure to solve several recent terrible murders of this character show. But is the detective engaged on that difficult work made any more efficient if he is bound by rules that tie his hands and limit the methods he may employ to obtain evidence?

This is not, I need scarcely observe, any sort of plea for the introduction of what are known as Third Degree methods. They are not likely to become popular in this country. But to tie the investigating officer down in this way is surely to damp his ardour and induce a frame of mind best described as *ca' canny*.

Take, for example, the Judges' Rule with regard to the questioning of persons in custody. Here the detective or officer must walk warily, for while the Judges' Rule (No. 3) reads: 'Persons in custody should not be questioned without the usual caution being first administered,' the law still remains obscure.

Lord Sumner, delivering judgment in the case of *R. v. Ibrahim*, said: 'The English law is still unsettled, strange as it may seem, since the point is one that constantly occurs in criminal trials. Many judges, in their discretion, exclude such evidence, for they fear that nothing less than the exclusion of all such statements can prevent improper questioning of prisoners by removing the inducement to resort to it. . . . Others, less tender to the prisoner or more mindful of the balance of decided authority, would admit such statements, nor would the Court of Criminal Appeal quash the conviction

thereafter obtained, if no substantial miscarriage of justice had occurred.'

Commenting upon this statement, the Royal Commission confess themselves incompetent to pronounce what is the true position in law of the police with regard to the questioning of prisoners. And I suggest this ambiguity, carrying with it always the fear of a judicial censure, must disarm officers in the pursuit of their duty and detract from legitimate zeal.

It would be impossible here to touch on the Judges' Rules in full, or to deal with the chief points in the evidence adduced before the Royal Commission. The crux of the case is simple enough: it is that in practice the Rules act as a deterrent upon whole-hearted work, tend to undermine the confidence of the officers, and may even actually dishearten them in work at once difficult and exhausting.

In the *Annual Criminal Statistics* we are told the total figures for the various categories of offences: we are also given the total number of offences *known to the police*. This means, in effect, that between the total number of people brought to trial and convicted on legal evidence and the total of crime known to the police is a balance of failure.

It was stated recently that the perpetrator of the Blackheath murder was known to the police. There have been other cases in recent years where the same assertion has been made, and made, I have no doubt, on good and adequate grounds.

Would these unconvicted murderers have slipped through the police mesh of, say, France, Germany or Denmark? We may be reasonably sure they would not.

But not because the police of those countries are superior to our own—France took more than one idea from us; Germany also drew upon the English system. Why, then? Because in no other country is the liberty of the subject so well assured as with us, and in no other country does the criminal cross swords with an adversary so tied to rules and bound by regulations.

The foregoing criticisms of English police organization which I have ventured to sketch above are by no means novel. Perhaps no one better knows the force of them than

those men who have the task of securing life and property in England.

What the public may well ask is: Is a system that handicaps good men and impedes them worth maintaining? And I do not think there can be much doubt as to the answer to that question.

Sooner or later we shall, of necessity, have to create a police with no other duties than the prevention and detection of crime, relegating all other duties—traffic regulation and the like to special police bodies. Only in this way can our best trained men concentrate upon their real work.

A word might perhaps be said here upon the merits of police training in operation in other countries. Our police, as it is so often said, are not a body apart, but merely citizens employed upon specific State duties. It follows, then, that they should be representative of the whole community, just as are Army and Navy. But they are not: they are recruited from a single class.

In Denmark, to reach the higher appointments in the Copenhagen Detective Department, officers must possess a degree in Law; while for the post of Chief of Police they must have graduated with first-class honours.

That means, of course, that in Denmark the method of promotion from the ranks, which is our sole method, is not in use. It means, also, that police appointments are open to men of good education.

A similar state of affairs exists in the higher ranks of the German police, while in Austria the university degree qualification is a *sine qua non* for the higher police posts.

In France, in Germany, in Austria and in New York systematic police education has been organized on lines similar to higher vocational training. It is recognized that in an age when the criminal uses the resources of modern science, the detective must do likewise. We, too, realize this necessity: but the men, mostly those who have no higher education and have spent a considerable period of probation, lack the fundamental education to profit by it.

When a murder in Germany calls for the services of an expert pathologist for its elucidation the Police Department

utilize the services of their own expert. Our police call in the Home Office expert. So, too, with the expert on ballistics, and so forth.

Much the same system is in vogue in France, where, to name but one Police Laboratory, that of Lyons, work has been done that has brought a world-fame to the scientist turned detective. I refer to Dr. Locard, the inventor of poroscopy and the pioneer criminal investigator to use micro-photography.

Perhaps, in the near future, we shall find a place for young men from the universities in the highly specialized branches of our police forces. It is a suggestion that carries no slur upon their present personnel, but one that receives support from that quarter.

In the past we have taught our neighbours not a little about criminal investigation, and the standard of probity of the English police officer, notwithstanding derelictions from it that receive a disproportionate publicity, has been the admiration of the world. But may it not be that the time has now come when we have got to learn from those we formerly taught?

Obviously, to-day our police are labouring under great difficulties, difficulties created by imposing upon them duties to perform for which they were not constituted; difficulties imposed upon them by rules and regulations that cripple them in their task of crime detection—particularly in the investigation of serious crime: most of all in the tracking down of the murderer.

Notes by a Constable on the Yukon

WHEN in 1894 the first rumours of a probable rush into the Yukon Territory came to the outside world, the Dominion Government felt that the presence of the North-West Mounted Police was imperative, in order to prevent lawlessness, as well as to protect the interests of Canada, the area concerned being within her boundary. It was, of course, vitally important that the representative officer should be a man fitted for such an unprecedented and extraordinary task. Such a man was found in the person of Inspector Charles Constantine.

Of medium height, broad shouldered, of immense strength, but surprisingly quick in movement for a man of his build, he was the type of man to inspire respect in the community that was to spring up on the Yukon. The Inspector had seen military service in Canada before joining the police, having served in the Red River expedition in 1876, also the second Riel Rebellion of 1884-5, during which he occupied the position of Adjutant to a corps raised in the neighbourhood of Prince Albert.

At the termination of the Rebellion he joined the N.W.M. Police with the rank of Inspector. He was first sent to the Yukon District on 26th July, 1895, to report on the conditions there, and the writer was fortunate to be one of his party, joining him there, he having made the journey from Moosin, a distance of 4800 miles.

Having made his survey, Inspector Constantine arranged for the police barracks to be built at the junction of the Forty Mile and Yukon River, a distance of forty miles north of Dawson, Inspector Strickland, who was an experienced woodman and builder, being placed in charge of the operations. Every man of the party sawed wood and helped to build, till

their arms ached, and in October the barracks were finished, and consisted of nine buildings, the largest being 75 feet long, and duly christened Fort Constantine after our respected chief.

Even at this time, it was plain to see that Dawson was growing, for on the winter days parties would 'mush' into the town with a train of sleds, while, when the ice had departed from the river, boat-loads of haggard people would come ashore at the landing-place, their faces telling of the privations they had undergone to reach their goal.

The first problem that Inspector Constantine had to undertake was the boundary dispute, for most of the miners were of the opinion that they were in Alaska territory, and therefore under American law. After this was explained to them, they were requested to pay mining fees, and also duty on all things received into the country by them that came under that heading. This led to many disputes, as many enterprising gentlemen had done very well for themselves by smuggling whisky into the country, and it was these who were at the back of a little trouble we had down at Glacier Creek with the rougher element. Here many wild words were spoken and many things threatened; it was plain to see the teachings of Louis Riel in many of the arguments, 'the land for the people,' and many phrases of the same order.

The outcome was the dispatch of a constable to look into the matter. This representative handled the crowd with the tact that has made English-speaking police famous all over the world, and the ringleaders thought better of it and became loyal subjects.

Our chief meanwhile was getting through an almost incredible amount of work; early and late he dealt with the many duties that fell to his lot, settling disputes, dealing with crimes, and organizing the work of the district to cope with the stampede that he seemed, even then, to know would come.

In his room he had three tables covered with reports dealing with various subjects, and to 'ease his brain,' as he termed it, he would work at each table in turn.

Regarding disputes, it was amusing to watch a big burly man swagger in to state his case before the chief, and see the

same man leaving the office with a dazed look on his face, now convinced that might was not always right, now that the police were there. Also the rougher element had indulged in 'claim-jumping.' These cases were difficult, from the police point of view, as the victim was afraid to give evidence, fearing the vengeance of the gang. A community of these undesirables were steadily growing at the old centre of Dawson, known as Fort Cudalry; but the genuine miner was too intent in his search for gold to give trouble. In every mining camp there are the usual hangers-on, and it was these who were the cause of crime: but Inspector Constantine's threat—to run them out of the country—scared them.

It was Inspector Constantine who instigated the well-known Dawson institution that was known locally as 'Corbett and Fitzsimmons.' This pugilistic-sounding ceremony consisted of introducing all transgressors against the law to several cross-cut saws and a huge pile of heavy logs. Every man who had been convicted was given a saw and led to the woodpile. Manacled with an iron ball attached to his leg, in true mediaeval style, he sawed at these logs for ten hours a day. During the summer months it required the presence of a sentry to keep them up to their work, but when the temperature was sixty below zero they had to work hard or freeze.

Certain American 'gun men,' who at times managed to get into the country despite the vigilance at the Chilkoot Pass and Lake Tagish posts, found that their fame had been sent ahead of them, so that on reaching Dawson they would be invited to visit the police barracks without delay. Once there they would be conducted past Corbett and Fitzsimmons, and would doubtless witness several haggard men hanging on to cross-cut saws. In case this exhibition had not had its due effect on the visitor, he was taken round that way again on leaving. It was quite unnecessary to ask the man to leave the country; he was generally found on the river-front inquiring about a boat going down-stream.

If there was one thing that was missed in the steadily growing district of Dawson it was news. As an instance of this want, a man had 'mushed' into Dawson with some stores, and while unloading, one of the onlookers noticed in the sled a

copy of *The Seattle Post Intelligencer*. Offering the owner a small sum for the paper, he passed the word round that a newspaper would be read in the Bonanza Saloon that evening, tickets three dollars each, and the building was crowded. Later the paper was sold to a man in Eldorado for a large amount, gaining a considerable sum for the speculative miner.

As the population grew in Dawson, so prices for extra food-stuffs increased, for although each newcomer was supposed to have one ton of provisions on entering the country, such things as eggs were being sold at five dollars a dozen, while tinned tomatoes were one dollar fifty cents a tin, whilst hunters were receiving high prices for fresh meat.

The climate in the Yukon District went to extremes; during the hot weather the thermometer would soar up to 120°, which brought clouds of mosquitoes from the surrounding swamps: while at other times it would drop to 75° below zero, when everyone (who could afford to) walked about in furs. It was said of the 'old timers' that they hung a bottle of mercury outside their shack, and only when it froze they decided it was too cold to work their claim. As it was, large fires had to be lit to thaw the ground sufficiently to enable them to work.

The mining at first was very primitive. A hole would be dug, and a crude form of windlass installed with a bucket to wind the 'pay dirt' up, and often the pit collapsed on the unfortunate miner.

Looking down at Dawson from the hill that overshadows the town, the Dome they call it, you could watch the ever-growing mass of shacks and tents; away on your right were the flats at the mouth of the Bonanza, where hundreds of stoves were eloquent of beans and bacon, preparations for the day's work. For as newcomers arrived they had to go farther afield to find a camping-ground, and many were living in the boats they had arrived in, drawn up on the shingle.

Inspector Constantine was not sparing himself to make Dawson a law-abiding place, for besides being a magistrate, he was adviser to the town on all manner of things, apart from police duty. How this work sapped even his giant strength

may be seen in his after-career; when given duty on the plains after leaving Dawson he never recovered his strength, for the Yukon had taken its toll.

Although it seemed that many people were arriving in Dawson, their numbers were insignificant to those that poured in once the news of George Carmac's great find of gold, on the 17th of August, 1896, reached the outside world. At times there was a long string of boats, as far as the eye could see, coming up the Yukon; while in Dawson large houses took the place of the cabins and tents, and street signs, directing one and all to the latest addition in dance halls, were floating in the breeze, while dwarfish log cabins impudently nestled up to pretentious three-storey hotels.

Needless to say, the gambler was early on the scene, and it was noticeable that these were the best-dressed members of the community: but why they prefer to dress in black I do not know.

With the appearance of the 'cheechakos,' as all newcomers are termed (to qualify for a sourdough you must have seen the Yukon freeze and thaw), came disputes, as most of them were apt to camp on someone else's land, which fact led to trouble: but I am pleased to say they in all cases took a constable's word as final.

A curious crime occurred in 1896. A miner reported to the police that his friend, an elderly man who had arrived with him in the district a few days before—it was then the 4th December—was missing from his tent, and that he, the friend, suspected foul play. A constable was sent down to inspect the place, and he corroborated the man's statement. The case was handed over to Constable Burns, who had very little evidence to work on, the victim living by himself. Two days later another case was reported, this time from higher up the river: the details were the same as the previous crime, except for the fact that the murdered man was younger; they were both newcomers, and were known to have had money, which was missing. Still a third case was reported, all three cases showing a marked similarity in the details of the crime—their heads had been battered in with a heavy blunt instrument. The only clue that the constable had to work on was a fur mit,

left in the tent of the second victim, who was a Swede by the name of Olson.

The day following the third crime, a young Swede named Aicheson gave information that he had seen a man showing a curious coin in a saloon, that he, the Swede, knew had belonged to Olson. The following day he pointed out the present owner of the coin to Constable Burns, who recognized him as a French-Canadian by the name of Le Buech, who was a woodman by trade. Later Burns discovered the fact that a man was known to have sold a pair of fur mits to Le Buech, of which the glove in possession of the police was known to have formed part: this the man was prepared to swear to, owing to the fact that there was tar on the palm, due to the former owner tarring a shed previous to selling them.

On these two points of evidence Le Buech was arrested, and on his shack being searched, the other glove was discovered, with blood, besides tar, on the palm. Also he was wearing a pair of fur gloves that had belonged to the third victim: these were sworn to by a Mrs. Schwan, who had mended them, on the trail to Dawson.

These facts, coupled with the evidence of a man who had met the prisoner near the tent of the second victim, led to his conviction, and he was duly hanged. When the ice thawed on the Yukon, the bodies were recovered, and each man had met his death in the same way.

Inspector Constantine described the newcomers as 'the sweepings' of American cities and jails, and requested headquarters to send him a maxim gun. In reply to this request he received nearly a ton of stationery, composed of forms to fill in regarding live stock. To this he replied that the thermometer registered 77° below zero, and that candles cost one dollar each, or £24 a box in Dawson: also there was only four hours' daylight!

Despite his iron discipline the Inspector was greatly respected by all in Dawson, so that when he was eventually relieved by Inspector Cortlandt Starnes, the outgoing Inspector together with his wife and son were presented with nuggets of gold, while the 'Yukon Order of Pioneers' read out a long address expressing their good wishes to all three.

I was not present at this leave-taking, as I had been transferred to White Horse. Those gold-seekers who arrived here had completed their journey over the passes, and thought in the innocence of their hearts that they had completed the worst of the journey; as the river was now open, those who had made the water journey certainly had experienced a journey they were not likely to forget—but of that more anon. All who heard that you had come from Dawson plied you with questions, for they all thought they were early in the field, and one had not the heart to enlighten them. Many, even at this stage of the journey, abandoned the hope of reaching Dawson, for their nerves had gone, after their experiences over the passes and through the cañon and rapids. For, as Robert W. Service truly states in the *Songs of a Sourdough*:

'This is the law of the Yukon, and ever she makes it plain;
Send not your foolish and feeble; send me your strong and your sane.
Strong for the red rage of battle; sane for I harry them sore;
Send me men girt for the combat, men who are grit to the core;
Swift as a panther in triumph, fierce as a bear in defeat,
Sired of a bulldog parent, steeled in the furnace heat,
Send me the best of your breeding, lend me your chosen ones;
Them will I take to my bosom, them will I call my sons;
Them will I gild with my treasure, them will I glut with my meat;
But the others—the misfits, the failures—I trample under my feet.'

At the White Horse station there was the same activity as existed all along the trail, for at this post the land and water trails meet, and many 'cheechakos' were camped here recovering from the first part of the journey, while other unfortunate gold-seekers were recovered from the river, having lost their lives in the journey through the rapids.

As an instance of the activity on the lakes, Superintendent Steele, towards the end of 1897, over an eight miles stretch of water, counted over eight hundred boats; and for forty-five miles, at no point were the boats more than two hundred yards apart.

The majority of these boats were of the type known as 'skows,' and were used with sails and long sweeps; many were

built by their owners, while others were bought or hired from Chilkat Indians, who are a water tribe that inhabit the lake region. This tribe made fortunes out of the gold rush, but remained savages at heart, for all their newly-acquired finery.

Those who attempted to construct their own boats could be seen whip-sawing wood all round the lakes, and when they had built the craft in many cases a jealous rival would knock a hole in it during the night.

The loss of life amongst the amateur boat-builders caused the police to issue a notice on the 17th May, 1898, which was posted all round the lakes—That all boats must be inspected by the police, given a number, and a register was kept of all boats and their occupants. Also no women and children were to be allowed in boats passing through Miles Cañon and the Rapids, these passengers having to walk the five miles round these dangerous places. Also pilots were to be provided, for which the crew were charged a small fee.

The experience of taking a skow through these death traps was a thrill never to be forgotten, for once Lake Bennet was safely navigated you came in sight of Windy Arm, rugged, desolate and fearful. Down it, with menace and terror on its wings, rushes a furious gale, driving boats on its ironbound shore, as seen by the wreckage on its narrow beach.

Once round this you enter the waters of Lake Tagish ; here you are sheltered from the wind, but are tortured by clouds of mosquitoes and sweltering sun, for this lake is protected by high hills, leading in steps up to the frowning Mount White.

At the north end of the lake you enter Fifty Mile River ; here you are in a giant valley, tier upon tier of scrub-covered land rises to sentinel mountains of austere grandeur. And there at the bottom the little river twists like a silver thread, and down it pours the eager army of voyagers, rowing, poling, all impatient to reach their goal.

They had heard of the dangers ahead of them, but ignored these as tales to prevent them reaching the land of gold. The dreaded Miles Cañon and the Rapids were to them only names, so they sang and called to each other as they floated along this placid river : but for the boisterous Lake Bennet,

the water had been their beast of burden, a tireless gentle beast, and now serenely and smoothly it bore them onward, and yet there was a note of menace in its song.

For those who were not making the valley ring with their wild cries, waking the bears from their winter sleep, could notice a quickening of the current, bearing the skow with irresistible force towards the frowning cliffs of the dark cañon. Now the banks are sliding past at speed, and swiftly whirling round the bend they are in its open jaws. Straight ahead was what seemed a solid wall of rock, but, as the craft was drawn nearer, one could see a narrow chasm in the stony face, at which the waters were rearing and charging with an angry roar. Now the current was gripping them hungrily, gone was the shouting and laughter, each man was intent on his job of controlling his boat, for the sheer cliffs offered no landing-place—they must go on, to where ?

The skow was whirling on towards the deafening roar, which echoed through the cañon, as though it were the entrance to the infernal regions, while on either side the black ancient walls towered up dizzily. The river now leaped and bucked, so that the middle resembled a veritable hog's back of water, bounding on in great billows, green, hillocky, and swift, like a liquid toboggan slide. Midway through this cañon you entered a huge basin, in times past the crater of an extinct volcano, which sloped upward to a pine-fringed skyline.

In the centre of this crater was a whirlpool, and woe betide any unfortunate craft that was allowed to get out of control, for there was no hope for it in that fierce embrace. Providing you skirted this death-trap, you found yourself in a peaceful valley. Gone were the primeval walls, on either side the valley sloped up to green plateaus leading up to the placid sky. But your joy was shortlived, for close now were the fierce Squaw Rapids, in which you were tossed about like a cork, while all shouts were silenced by their deafening roar, whirling ever on, the vicious wolf-pack of the river heaving you in the air, and worrying you as you fell. Drenched, stunned with nerve-shattering blows, every moment feeling you would go under. Then again a calm while you swept round the bend of the river in the shadow of a high bluff ; no

use to think of landing to refresh your shattered nerves with food and drink for the current was hurling you along once more, sweeping you towards the rocky face of the hillside and round towards the fearsome White Horse Rapids. Now you are in them, leaping, crashing over its boulder-strewn bed, gaining terrific impetus at every leap, all the time you are poling the craft from the fierce rocks that try to stave you in, for the river is gathering speed every minute for its last desperate burst for freedom.

Then with a great roar it charges the gap. Once again the angry thunder of the waters. Your craft takes this nose on, riding gallantly. Again you are tossed like a feather in a whirlwind, pitchforked from wrath to wrath, swinging, swerving, straining till you hear the timbers of your craft crack—so you pelt on. The waters dance a fiery saraband; each wave is a demon lashing you as they pass: will it never, never end? Now it seems the last has come, as up goes the nose of the boat. You hover uncertainly, tilted over a yawning chasm. Dizzily you dip; steeply you plunge down. You are in a hornet's nest of angry waters, and they are stinging you to death while you are being rushed through a cavern at express speed. Drenched to the skin, shivering with cold and terror, your craft swamped from stem to stern, wrecked and broken, so you sweep into the peaceful basin of the river below, and scramble ashore more dead than alive at White Horse: and later you may swap yarns with others who have made the nerve-shattering passage.

After a spell of duty at White Horse, I was again transferred to the Customs Post at the summit of the Chilkoot Pass. Here Inspector Belcher was my chief, and was one of the finest men in the force. Two days after my arrival was the historic day when about a hundred roughs were gathered together by a fierce-eyed man and urged to rush the Customs, but as this brave individual was not prepared to lead the charge, nothing came of it. Which act displayed a certain amount of discretion on the part of the would-be invaders, for anyone who would adopt an attitude of violence with Inspector Belcher greatly misjudged their man.

Very many good stories were told about the Inspector. I think one of the best yarns was in reference to a recruit, who before joining had been a member of the Salvation Army. On his second day at Regina one of his fellow-troopers informed him that if he wished to stand well with Inspector Belcher he should attend the Bible Class that the Inspector held in his room on certain days of the week, and that this was one of the days. So that afternoon saw the recruit with a large Bible tucked under his arm, wending his way across the square to the Inspector's room. What exactly transpired no one will ever know: but the recruit was seen leaving the Inspector's room, very red in the face, and a look of fear in his eyes, also a great reluctance to discuss the incident.

Life on the Chilkoot Pass was a distinct change from the conditions met with at White Horse and Dawson, although the work was hard, and conditions severe in our fight with the elements, together with trying to keep a crazy mob in a condition approaching sanity. We were nearer to our base, consequently food was more varied; for the same menu all through the year at Dawson—that of pork and beans—was not easily forgotten.

We were prepared for emergencies up on the Pass, having maxims commanding the trail; fortunately they were not required, but had they been they would have given a good account of themselves, for the place had great defence possibilities. But for that one incident, which was killed at birth, everyone was only too eager to pass the Customs and give as little trouble as possible—lest they be refused admittance.

On all sides was confusion and excitement. A mood of unsparing energy dominated. The only thought of the hordes passing through the Pass was to get away on the gold trail. A frantic eagerness impelled. The trail called, and the light of the gold lust smouldered and flamed in uneasy eyes.

At the foot of the Chilkoot were hundreds of scattered tents, for it was here, at Sheep Camp, that many of the undesirables gathered, who had been refused admittance into the promised land.

To reach the Chilkoot you landed at Dyea, while those who preferred the less precipitous, but more drawn-out

trail, landed at Skagway, and went on through the White Pass. Dyea was a small edition of Skagway, a few frame buildings, which were mostly saloons, dance halls and gambling joints. Mud was everywhere, with a struggling, eager, excited mob, squabbling and cursing over their outfits. Pack animals were in great demand, for it was considered that a pound of grub was the equal of a pound of gold. Oxen were selling at four hundred dollars a yoke—also having the advantage that you might eat your beast of burden on the trail; while dogs, unless closely watched, would be quickly stolen to join in the great stampede.

At all hours throughout the day a steady stream of people struck inland from Dyea. Slowly, with infinite effort, they moved as much of their bulky outfit as they could load on a sled to the first stage of the journey, and having 'cached' this load, returned for the remainder, till all was safe at the foot of the Chilkoot. To those who are not familiar with the word cache, the term is used in the North-West to imply a deposit of goods, etc., and the penalty for robbing one is severe: in the early days it was lynching.

Like a stream of black ants the army advanced; in front of them the mountain towered up swiftly to its storm-smitten palisades of ice. In the darkness of the night the army rested uneasily, yet at the first streak of dawn all was motion again: the air full of breakfast smells, and a buzz of conversation, likened to thousands of bees.

Then the harnessing up in the cold dawn, each man trying to be first on the trail. It was every man for himself; on the trail, if anyone was in difficulty, the others pushed past him, cursing him roundly. Men bent under their burden, strained at their sleds, or flogged their horses or oxen, their faces crimped and puckered with fatigue, the air acrid with their curses and heavy with their moans. Some staggered blindly on, exhausted to despair, then dropped wearily by the trail side, in the bitter cold and sinister gloom—beaten—weaklings every one. One portion of the trail upward was known as Dead Horse Pass, and at the foot of this treacherous ledge of ice were the bodies of hundreds of horses and oxen who had failed on the slippery slope.

We at the top of the Pass lived in a constant hurricane; even to walk a short distance you had to bend your body nearly double to meet the piercing blast, while in exposed places it was only possible by dodging from shelter to shelter while you tried to regain your breath. Conditions were so bad at times that we had to go down to the foot of the summit, and camp on the ice of Crater Lake, so worn out from want of sleep were we: even here we had to sleep on our sleds, which was far from comfortable, but you were out of the roaring, tearing wind, that threatened to tear off the roofs from the houses of our Post. Men were constantly going down with bronchitis, for this hurricane searched out every seam of your clothing, even when we walked about like well-fed polar bears.

Inspector Strickland contracted bronchitis and was sent to Tagish, Inspector Cartright taking over charge of the Post, shortly to be followed by Inspector Belcher, of whom I have spoken. During Inspector Belcher's term of office one of the most desperate characters in Skagway, who for a long time had been the leader of a gang that terrorized the town, also both the trails, having it was said quarrelled with his companions in crime, determined to follow many of his victims into Canadian territory. But the police had other views on the subject, so that when 'Soapy Sam,' murderer, cardsharp, and many other things besides, presented himself to pass the Customs, he was met by Inspector Belcher, who had a determined look in his eye that did not bode well for Soapy's chances, whose carefully prepared story was not delivered in the way the owner wished it to be. In all fairness to Soapy, he returned the way he came, but with a dazed look in his eyes, as he thought of the mistake he had made.

'Soapy Sam's' gang had long been the terror of Skagway, and was known as far up the coast as Wrangell, where they were known as the 'Soapy Smith' bunch. At this town their activities were even more audacious than at Skagway, owing no doubt to the fact that the deputy United States marshal came of a noted family of Arizona outlaws. One of their means of making money was to set up a large tent, with a placard announcing that 'Information about the Klondike

will be given free.' As the majority of visitors to Wrangell were interested in gold, many entered the tent, only to have a revolver thrust into their faces, while busy hands removed their money belts and any articles of jewellery they possessed. Their methods at Skagway differed in the respect that here they announced that they were recruiting for the Spanish-American War, which was on at the time. Hundreds of men, disgusted with packing outfits over the passes, only to lose them in snowslides, decided to join the army. They were shown into one room and told to strip, in readiness for a medical examination. Then one by one they were called into another room, where a member of the gang, who pretended to be a medical man, 'made a stall,' as it was known in the colloquial language of the gang. While this mock examination was taking place, confederates were going through the pockets of the clothes left behind.

There was, as far as is known, only one case in which the victim turned the tables against the gang. This was a mild, inoffensive-looking youth, to be known as the 'Single O Kid.'

This nickname was bestowed on the lad, due to his prowess with both rifle and revolver. On one occasion, before many members of 'Soapy Smith's' gang, he, in a shooting gallery in the town, hit a bull's-eye 125 times in succession. The gang bestowed the nickname on him—and left him severely alone.

But one fine day the gang formed a plan to possess themselves of the monies of the 'Single O Kid's' uncle. A game of poker was staged, and manipulated in such a way that every dollar of the uncle's money had been transferred to the pockets of the gang. During the game the 'Single O' gentleman had been watching the bye-play of the gang, with the result that when uncle rose from his seat at the gaming table the 'Kid' produced two nice shiny revolvers, and gave a wicked look at the gang over the steady barrels. With the memory of those 125 bull's-eyes still fresh in their minds, the gang did not need the invitation to 'put them up,' but each man out-vied the other in trying to reach the ceiling. In this undignified position, uncle, acting under the directions of the 'Kid,' not only recovered his own money, but relieved the

gang of several thousand dollars. While the youthful gunman menaced the gang with his revolvers, the uncle left the building. Then very softly, even persuasively, the 'Kid' requested them to turn their faces to the wall (uncle had relieved them of their guns, with their money, while they were engaged in studying the dirty planking that covered the wall), the 'Single O Kid' disappeared, and together with his uncle was not seen again in Wrangell.

As an instance of the conditions that existed in Sheep Camp at the foot of the summit, this being on the American side of the boundary: two men had been caught robbing a cache. As they were caught red-handed, the rough justice of the district was swift. A party of miners hustled the two thieves towards a large pine tree, while others prepared a lariat. As they had not been searched, one of the thieves produced a gun, and was immediately riddled with bullets. Once their passions were satiated by a victim, wiser counsels prevailed. But these did not prevent the other thief having his hands tied behind his back, while round his neck was hung a card, bearing the inscription, 'I am a thief, pass me along.' How he fared may be seen by the notice that a man, bearing the inscription, had been found just off the trail, frozen to death.

All day long the long-drawn-out army came through the Customs. There were tents built on many of the sleighs, with faces of women and children peeping out from under the tilt-flap behind. In this wonderful procession all classes, all nationalities, greybeards and striplings, rich and poor, Christian and Jew, filed past in their thousands, drawn irresistibly on by the golden magnet.

Standing at the summit of that nearly perpendicular ascent they called the 'scales,' you could watch the men climbing up the ice-covered ledge.

Steps had been cut out in the icy steep, each day wearing smoother under the many rough-shod feet, and up these many men were straining, each with a huge pack on his back and a long staff in his hand. They could only move in single file. For this was the famous 'Human Chain.' At regular distances platforms were cut in the face of the cliff, beside the trail, where exhausted ones might leave the chain of

climbers and rest. But if one, more tired than the rest, crawled into one of these shelters, the others closed up their ranks and did not turn a head. Each man wore ice-creepers to enable them to get a grip on the slippery surface, while many bore on their staffs to try and lighten their loads, heads bowed to try to thwart the buffeting of the storm-wind, while on beards spiked icicles glistened. After they had gained the summit and deposited their load in their particular cache, a short rest, and down they would go again, descending swiftly, dizzily, leaning well back on their staves, for the down trail was like a toboggan slide.

It was a practice of the North-West Mounted administrators to keep all ranks constantly on the move. Following this precedent Inspector Steele requested that I should be sent back to Dawson, as he was now in charge there, having taken over the district from Inspector Starnes. I arrived there in easy stages, for my lungs had not improved in the high altitude of the Chilkoot, also my work on the trail. When eventually I 'mushed' into Dawson on the 18th of December, 1897, a very changed Dawson presented itself. Many substantially-built hotels, dance halls and gambling saloons had made their appearance. Business houses informed the world that their goods were the best on earth, while you walked under a triumphal arch of street signs, many of them setting forth the delights and comforts of that particular saloon. Most of these gaudily-decorated places had been given high-sounding names by their proud owners, such as 'The Tivoli,' 'Monte Carlo,' 'Eldorado,' etc., while the smaller places were content to be known as 'The Green Bay Tree' or 'The Sourdough.'

The crowd on the sidewalks was strikingly cosmopolitan. Mostly big bearded fellows they were, with here the full-blooded face of the saloon patron, and there the nervous pallid mask of the gambler. Women, too, had arrived in force, bold, free, predatory creatures, reeking of cheap scent, and dressed in clashing colours. Till past midnight the noisy procession paraded the rough streets. Those who had 'struck lucky' strutted like peacocks, with many painted sycophants in tow.

In the saloons, with their long bars, were masses of small green-covered tables, alive with the click of 'chips' and the rustling of cards, for here were crap-tables, wheel of fortune and the Klondike game, Kino, stud poker, roulette, and faro games in progress; while men with green shades over their eyes urged people to try their luck. In many of these places you met constables from the Town Station, which was now situated in the centre of the ever-growing town. Miners carried their gold, which was mostly in the form of dust, in buckskin bags, 'pokes,' and many an 'old timer,' overcome by the forced gaiety of his unaccustomed surroundings, used to scatter a shower of gold dust far and wide, to the great delight of the youths who swept up the floor, one of whom made a small fortune from his 'pickings.'

There were not many serious crimes in the whole history of the gold rush. Red Indians figured in some, while French-Canadians featured in others.

In the early part of May, 1898, two prospectors were paddling along the Forty Mile River, when they were both shot from behind, one being killed. The other reached a miners' camp, though seriously wounded, and in his description of the crime mentioned that he had seen the head of an Indian through the bushes from whence the shot came. A meeting of miners was called, and feelings ran high, one old miner even suggesting their taking the scalps of the murderers! Eventually the police were informed, and Corporal Rudd was given charge of the case, with the result that on the second day his patrol rounded up one of the murderers, who had taken refuge in his reservation. With the remainder it was a question of tracking, so the corporal was given the services of an Indian tracker, who trailed the hostile Indians, and came upon them on the eleventh day of the crime. There was no resistance, for the band was in a pitiful state; so hard pressed had they been that they dared not light a fire, shoot game, or visit the reservations for food. Two of the captives died shortly afterwards from exposure, while the other two were hanged at Dawson on the 1st of November.

The other case occurred on the 16th of July, 1902, after I had left for the South African War. The body of a man was

discovered near Indian River. It was evident that he had been shot, and the jury of the district brought in a verdict 'that the deceased had come by his death by bullet wounds, at the hands of some person or persons unknown.' No mark of identification was found on the body. The only clue to work upon was a small key-ring, containing three keys, and a small brass tag. This docket was inscribed 'Bouthillette, E., Broughton, Beauce, P.Q.' A telegram was sent to the town of Beauce in the Province of Quebec, and a reply was received to the effect that Bouthillette had left that town early in June for the Yukon. It also stated that he was known to have written to a friend in Vancouver, on the 11th of June, announcing his departure for Dawson, and stating that he was travelling with two French-Canadians, by the name of Constantin and Beaudoin. Working on this information the police began to follow up the progress of Bouthillette and his companions. Information was soon forthcoming that the party had arrived at White Horse, on or about the 15th of June, and had left for Dawson in a small double-ender boat, and on the following day Bouthillette had picked up two more men, also French-Canadians, whose names were given as Ladoceur and Le Forest.

The number given to the double-ender by the police was 3744. Inquiries at Dawson failed to prove that a boat of that number had arrived, although Numbers 3743, 3745 and 3746 were all accounted for. A close search was made for the missing boat, with the result that it was discovered at Klondike City. News was now given to the police at Selkirk that a body, presumably that of a murdered man, had been found in the river near there. In this case an open verdict was returned.

From particulars in possession of the police the body was identified as that of Guy Beaudoin. Now the police proceeded to trace the dead man's three companions. Three officers were detailed to work on the case, one, Detective Welsh, being despatched to work in Skagway, White Horse and Seattle, in the hopes that these places would provide information. At the same time Constable Burns, of the B Division at Dawson, had also been detailed on the case.

Burns was a proficient linguist, speaking French like a native. Attired in plain clothes he frequented places where French-Canadians congregated. His patience was rewarded, for he learned that two men, named Fournier and Labelle, whose reputations were not of the best, had left Dawson by the river early in June; also that they had changed their names. From information received, Constable Burns now knew that these two men had been at White Horse when a party of Frenchmen arrived there. The constable now located the man Fournier at Dawson, where he was kept under observation. A short time later a Mr. Cleveland arrived from White Horse, and stated that he had sold the boat No. 3744 to the Frenchmen, and identified Fournier as one of the men. Fournier was arrested, and charged with the murder of Beaudoin and Bouthillette.

Detective Welsh had now found a clue in Seattle concerning Fournier's partner Labelle. This information led him through six different States in America, and he at last ran the missing man to earth at Wadsworth, Nevada.

On his arrest Labelle made a partial confession, in which he endeavoured to throw the whole blame on Fournier. According to his story, Fournier and he had gone to White Horse with the deliberate intention of meeting some gold-seekers with money, making friends of them, and murdering them on the trail to Dawson. He revealed the fact that a third man, Constantin, had been murdered with the other on Murder Island, where the party had camped for the night, but this man had not been thrown into the water. All that the cold-blooded murderers obtained for their crime was one hundred and forty dollars! Fournier's movements had meanwhile been followed up, on the evidence of witnesses, from the time he left Dawson; and both men were tried on the 8th of October and hanged in Dawson.

The whole case occupied the Yukon police just seven weeks, from the discovery of the first body to the trial.

By the end of 1899 the news that Britain was at war in South Africa arrived in Dawson, and most of us felt our blood tingle to try and take part in it. Many men of the North-West Mounted Police took part in this campaign, serving

with Strathcona's Horse, or with the Canadian Mounted Rifles, and most of our superintendents went with us. I did not have the opportunity of visiting Dawson after the war. Primitive the old days may have been, but the old North-West brought out the best or worst in a man. With the early type of miner, their crimes arose out of drink or temper, for they were children at heart. But with the arrival of the 'smart' men from the cities, crime attained a standard equal to towns in England. Thanks to the work of the Canadian Police, it never equalled a Western town in America as regards crime.

Wild days that we may never see again—who knows?
 And when you're stiff and battened down, let some one whisper,
 'Gold':
 You're lief to rise and follow it again.

The Trinidad Constabulary

By COLONEL A. S. MAVROGORDATO, O.B.E.,

Inspector-General

ONE of the effects of the Great War has been that a very much more extensive and intimate knowledge of the Empire has been acquired by the vast majority of the English-speaking peoples. Prior to 1914 the name of Trinidad only conveyed an idea of some remote British possession, vaguely situated somewhere in the West Indies, and it was only those closely connected with it by official or business associations who had any detailed knowledge of the island and its resources. It is satisfactory to note that Trinidad, in common with other distant parts of our Colonial Empire, is now much better known to the general public. This is due very largely to the expansion of trade, to the activities of such societies as the Royal Empire Society and to the much more vivid interest which the members of the British Empire take in each other. I take a risk and give certain dull and prosaic details which are necessary for the proper recital of this article, the object of which is to outline the history and work of the Trinidad Constabulary.

The island lies to the eastward of the coast of South America and is only separated from Venezuela by a few miles of sea. It is inhabited by about 400,000 people and covers an area of 1860 square miles.

Trinidad was first discovered by Christopher Columbus in 1498, was taken possession of by him for the Crown of Spain, and remained, at any rate nominally, a Spanish possession for some three hundred years. These three centuries were not lacking in incident, as the island was successively raided by Sir Walter Raleigh in 1595, by the Dutch in 1640 and in 1677 and 1690 by the French. No radical change in constitution however appears to have taken place till 1797 when Great

Britain being at war with Spain a British expedition was despatched, as a result of which the island was surrendered to the British Crown by the Spanish Governor; in 1802 Trinidad was finally ceded to Great Britain by the Treaty of Amiens.

Although Trinidad can be said to have been a British possession since 1797 existing records show that to a large extent the Spanish nomenclature was retained, and even as late as 1835 the legislative body presided over by the Governor and Commander-in-Chief was designated the 'Illustrious Board of Cabildo'; of the members some were 'Alcaldes' while others were 'Regidors.'

During the terrible events of the French Revolution many French Royalist families emigrated to Trinidad and settled there. The preponderance of the French element exists to-day, and although the Colony was never a French possession, the influence of the Royalist families who fled from the Revolution is still felt after over 130 years of British Administration. Let it be said at once that this influence is entirely a good one, and that there are no more loyal subjects of His Majesty than the present-day descendants of those families who left their country to seek a home in these islands.

The Trinidad Constabulary can justly claim pride of place as being one of the oldest Colonial Forces of our Empire. The ancestor of the present force was a small one which in 1823 was commanded by one Benjamin Hughes, and although the constables were called 'Alguacils' the British character of the force is emphasized by our finding among the constables such names as William Brown, Thomas Kelly and Thomas Taylor.

The present force consists of approximately 1000 officers, non-commissioned officers and men. It is an armed force and is trained in the use of the S.M.L.E. rifle and machine guns. There is a Mounted Branch and a Fire Brigade attached, as well as a Harbour Police section, which is equipped with launches and operates in the harbours of the Colony. The detailed establishment is as follows:

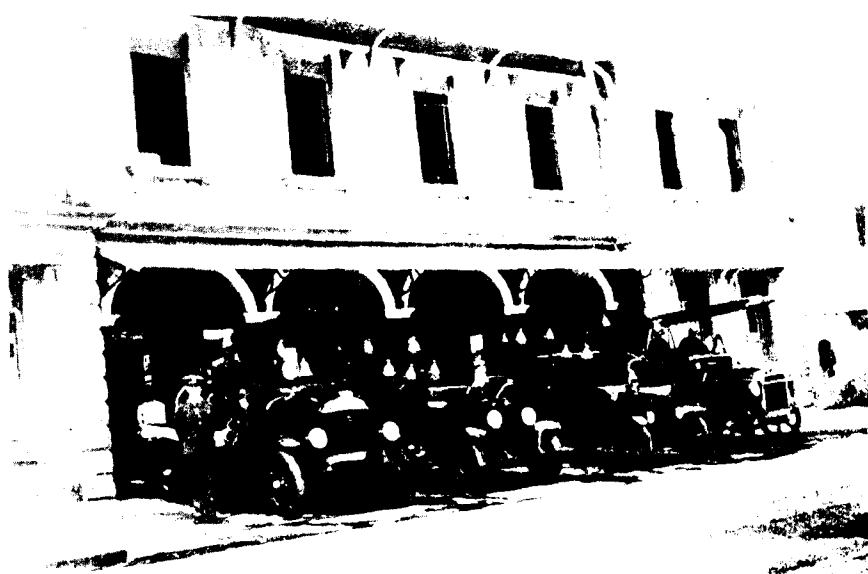
Officers	-	-	-	-	-	-	-	-	18
N.C. Officers and Constables	-	-	-	-	-	-	-	-	885



CONSTABULARY STATION AT COUVA



HARBOUR POLICE LAUNCHES, TRINIDAD CONSTABULARY



FIRE BRIGADE, TRINIDAD CONSTABULARY



GOVERNOR'S MOUNTED ESCORT, TRINIDAD CONSTABULARY

THE TRINIDAD CONSTABULARY 409

Fire Brigade	-	-	-	-	-	-	-	46
Harbour Police Section	-	-	-	-	-	-	-	32

The Headquarters of the Constabulary are situated in Port-of-Spain—the capital—and for police purposes the island is divided into four divisions, with Divisional Headquarters at Port-of-Spain, San Fernando, Arima and Couva. Apart from the Divisional Headquarters there are fifty Constabulary Stations distributed throughout the town and country districts of the island.

The neighbouring Island of Tobago forms part of this Colony, and is also a Constabulary Division and contains five stations.

For administrative purposes the Colony is divided up into counties and there are six administrative officers who are styled wardens.

The population of Trinidad is a very mixed and cosmopolitan one. There are still distinct traces of the ancient Carib Indians, there is the very large population of West Indians who are the descendants of freed slaves originally transported from Africa, there are also about 130,000 East Indians who came from India under a system of indentured labour which is now no longer in force, there is quite a large and prosperous Chinese Colony, there are the descendants of French, Spanish and Portuguese families, there are Syrian traders from the Lebanon and an assortment of people from Venezuela and other South American States; and finally there are those of British descent whose forebears came to these parts as settlers, soldiers, and planters.

It is interesting to note how the various peoples have left their mark on the island. The names of places, towns or localities are an indication of this. The whole country is redolent of the French influence which is exemplified in such names as Pointe-a-Pierre, Blanchisseuse and Matelot. The localities which were inhabited by the Caribs still bear such names as Chacachacare and Guayaguayare. The Spanish influence has left towns named San Fernando and Sangre Grande, while the East Indians have made settlements which are called Fyzabad, Barrackpore and Hindustan. Familiar English

names such as Brighton—and in Tobago, Scarborough and Roxborough—are also to be found.

With a mixed population such as has been described it is easy to understand that the duties of the constabulary are extraordinarily varied. A knowledge of the customs and mentality of the different sections of the population is essential, and it is a credit to the force that its duties are satisfactorily carried out and that it has obtained and retained the confidence of the public.

The Trinidad Constabulary has marched with the times and it would be difficult now for a member of the force of the last generation to recognize this body of men as the descendants of those among whom he served forty to fifty years ago. Various causes have contributed to this result and the principle of these has been the opening-up of the country by trade and industries. The Trinidad Pitch Lake is famous throughout the world and there can be but few countries on whose roads some of the asphalt from this lake is not found. The discovery of oil in the island and the expansion of that industry attracted large numbers of people hopeful of making fortunes. The success of the cocoa, sugar and coconut growing industries contributed largely to the prosperity of the island, and while all these undertakings are at present sharing in the world-wide depression there are hopes that with a trade revival the balance will right itself. The natural beauty of the island and the mild climate attract tourists from America and Europe during the winter months, and the development of the motor car industry and the extensive use of these vehicles has had the effect—here as in other countries—of multiplying police problems and necessitating a re-organization of police methods. But the constabulary has been able to keep pace with the trend of modern events. Up-to-date methods of investigation and administration have been gradually instituted, photography and finger-printing are in constant use, motor transport both by land and sea is available, wireless telegraphy has been installed and is operated by members of the force, and in general every effort is made to take advantage of such facilities as science progressively places at our disposal.

The rank and file of the force is composed of good material

with a comparatively high standard of education. There are no illiterates. The service is a popular one and there is no lack of recruits, who on enlistment undergo a course of six months' training at the depot. The Paymaster runs an extremely useful and successful canteen, there is a sports club and the constabulary turn out teams for football, hockey and cricket.

The officers' mess is situated in Port-of-Spain and is conducted on the lines usually followed by such organizations. Not only does it afford meals and recreation but also provides accommodation for unmarried officers.

No account of the Public Security Forces of Trinidad would be complete without mention being made of the Local Forces. Under legislation there is a Military Department which controls the Local Forces in the island. This is a volunteer movement and consists of:

The Trinidad Constabulary,
The Trinidad Light Infantry Volunteers,
The Trinidad Light Horse, and
The Cadet Corps.

The Inspector-General of Constabulary is *ex-officio* Commandant of the Local Forces and holds a commission as Colonel, and all Constabulary Officers are officers of the Local Forces. A seconded Regular Army Officer carries out the duties of Staff Officer which he combines with his duties as Adjutant to the Constabulary, and these forces are periodically inspected under instructions from the War Office by the Brigadier commanding His Majesty's troops in Jamaica. The movement is a healthy one. It has existed for many years and therefore has both traditions and background. A very admirable spirit of competition is maintained between various West Indian Colonies by inter-Colonial rifle competitions. A number of generous well wishers have presented some really valuable trophies which are competed for annually, and the exchange of visits by teams fosters a spirit of friendly co-operation and rivalry. The standard of marksmanship is high, and the Trinidad team which was sent to Bisley in 1930 did not return without honours.

To the young officer who is seeking to make his career as a Colonial policeman and is prepared to work hard, the Trinidad Constabulary offers the opportunities of a sound training and the invaluable experience which comes from service with an old established force. A number of young officers have proceeded on transfer and promotion to African and other Colonies, and in their work have been reflected the traditions and principles which they learnt in this historical and loyal colony.

Some Commonplace Observations on Evidence

By ALEXANDER COPPERSMITH

AN English policeman has many duties to perform. Among them, he has to see that the King's Peace is kept, to regulate traffic, to arrest malefactors, to convey infants across roads, to pursue investigations, to answer questions, and to attend to a hundred-and-one other matters. He has to do with full-sized and obvious breaches of law and with offences more obscure, which perhaps some of the general public do not know to be offences.

When he comes into court, the policeman has to give account of matters on which he is informed for the information of the court ; he has perhaps to take charge of a case which depends upon the evidence, besides his own, of a number of witnesses.

This might appear simple, but unless the mind is applied intelligently and certain rules are known and observed, it is possible to make a mess even of telling a simple story.

This cannot be a treatise on the law of evidence, but it is proposed to indicate here a few principles, and to suggest, especially for the younger officer, a few places where he will need to step carefully. The old and wise may, if they wish, take these pages as read and pass on to the next article, which they will find more entertaining.

It is not possible to deal with every offence known to the law, or with every rule of evidence made by authority for the better administration of justice, but if some principles are understood, these at least can be applied.

The first suggestion for consideration is that a policeman should always start off by analysing the offence with which he

is to deal, asking himself what are its component parts. Before anyone can get up a case properly or frame or give evidence in support of it, it is essential that he should understand what the case is. A very common instance will show that the simplest case has its complexity. In an ordinary charge of drunk and disorderly there are two things, not one thing, to be proved—drunkenness plus disorderly conduct.

In cases of insulting behaviour, there must be proved to have been a possibility of a breach of the peace. If a member of the public stands on his head in the middle of the Strand, when by strange chance there is no one else present, this is not—it is conceived—insulting behaviour calculated to cause a breach of the peace.

Another very common charge, of course, is larceny. This comprises three elements. To use formal phraseology, there must be proved an asportation, *invito domino*, with *mens rea*. That is only to say that the article must have been taken away, against the will of the owner, with the intention of depriving him of his property in it, but the evidence must be directed to prove three things, and unless three things are proved the case cannot succeed. The reason is obvious. Borrowing is not stealing; meddling without taking is not stealing; taking by mistake or by way of a joke is not stealing.

And so every court in every case of larceny looks at the evidence to see that the offence is proved to be complete.

With experience recognition becomes automatic. The beginner listening to any judge summing up to any jury will hear explanation given of what is and what is not the offence in question. And what the judge says aloud to the jury, the magistrate is keeping in mind when adjudicating.

A common offence is committed by such as go into restaurants, and who order and consume meals for which they know beforehand that they cannot pay. This is generally called obtaining credit by fraud. The proof required is that credit was obtained, that it was obtained by misrepresentation by words or conduct, and that there was an intention to defraud.

Reference can always be made to text-books. Russell on *Crime*, Roscoe's *Criminal Evidence*, Archbold's *Criminal*

Pleading and Stone's *Justices' Manual* are full of information, but without first going to the book, an officer will gain insight and expand his knowledge by considering and trying to discover for himself the nature of the offence and the essentials to be proved. Then—if he will—let him check his conclusions by the book.

Examples may be multiplied *ad libitum*.

In false pretences the prosecution have to prove the making of a representation of fact, its falsity, that the defendant knew it was false when he made it, that he obtained something from the prosecutor, and—to link the parts into a whole—that the obtaining was by reason of the wilful false representation.

A mere promise *in futuro* is not a representation of an existing fact, and a false representation if detected and disbelieved will not support a charge of obtaining thereby.

If the case is bigamy, two ceremonies of marriage must be proved, the real marriage and the illegal one. Even in a straightforward affair like murder there must be shown to have been malice aforethought. Subtract that element and the offence is homicide of a totally different character to murder, and with different consequences. Breaking into premises means breaking. Many cases have settled what may and what does not amount to breaking. Entry and stealing is an offence, but it is not the offence of breaking and entering.

Burglary is only burglary when committed between arbitrarily fixed hours of the night.

The first rule of conduct, therefore, should be to analyse the case to ascertain not only what the offence is called, but what it is. Then it is comparatively easy to decide what evidence is necessary.

There are rules of evidence as to who can be witnesses, how many witnesses may be necessary in a given case, what they can and what they cannot prove and, of course, what is admissible evidence. Some things are not evidence at all, or are not admissible in one way though quite proper in another; some things not originally admissible may become so in certain events. Things may be admissible in cross-examination which could not be evidence in chief. There is a body of

rules about written documents. All this can be learned by study, but a hint or two might be useful to indicate some latent difficulties. If the existence of danger is appreciated, it is possible to look out for it and take steps to meet it.

Children can give evidence, but they need not and cannot always be sworn, if—by reason of their age—it is obvious that the obligation of the oath is beyond their comprehension.

With certain exceptions wives cannot be compelled to give evidence against their husbands, but may be allowed to do so.

The evidence of accomplices needs to be corroborated by untainted evidence, and without corroboration the case must fail. It is important to try and find corroboration for the evidence of young children or of women who are complaining of sexual offences against themselves.

Corroboration, of course, must implicate the accused person or it is of no value.

In perjury two witnesses are necessary.

Evidence must always be the best evidence, though what is best and what is second best may fall to be decided by the circumstances. Things said by persons not called as witnesses cannot be repeated as evidence by witnesses except in a few special instances, which need not be gone into here. It is better perhaps as a working rule to take it generally that hearsay, as it is called, is not evidence.

Admissions or statements made by other people cannot, even if made in the defendant's presence or hearing, be given in evidence against him unless by word or conduct he acknowledged their truth. Even the defendant's own admission cannot be used against him if it were obtained by fear or promise of favour or trickery.

Policemen hardly require to be reminded what cautions are, but they should remember that the consequence of omitting to give a caution may be to rule out a statement of the first importance.

Witnesses are not bound to incriminate themselves, and should not be asked questions the answers to which may do this. They may be cross-examined to credit of course, but the defendant himself as a witness is protected from questions

of this kind, except in so far as they are expressly permitted by the Act of Parliament.

In special circumstances questions tending to show the commission of offences, other than that which is the subject of the charge, become permissible, to show a systematic course of conduct, to negative a defence of *bona fides*.

This occurs when by his defence a defendant admits facts, but seeks to put upon them an innocent construction. To take an example, in a false pretences charge it might be admitted that the defendant had been guilty of misrepresentation, but if this was said to be an innocent mistake it would throw light on the real nature of the transaction to know that he had made the same so-called mistake on a number of previous occasions to his own pecuniary benefit in each case.

An essential thing to remember about written documents is that normally if they can be produced they must be produced.

Verbal evidence of the contents of a writing cannot ordinarily be given. If it has been destroyed, or if the defendant has it and fails to produce it after notice to produce, evidence may be given of its contents. That notice to produce, however, which is sometimes forgotten, is all-important.

Ordinary people, that is to say such as are neither lawyers nor policemen, find it hard to understand that a letter from somebody or other is not the same thing as that somebody in the witness-box. A letter from a landlord or a doctor or an employer or anyone else cannot, of course, be read in court; the proper and only course is to call the writer to give evidence.

Since the Road Traffic Act made insurance against third party risks compulsory, it has become material to know the contents of insurance policies held by defendants, who are summoned for failure to insure. The police may have seen the policy, but under the ordinary rule they are not allowed to say what was in it unless the defendant after a proper notice to do so, fails to produce the document itself.

A curious point of difficulty occurs in another Road Traffic Act offence, namely, failure to report an accident to the police.

This means proving a negative and a difficult negative, too, for it is not possible to call all police to say that no accident was reported to each or any of them. Apparently the only thing is for police to call upon and caution a defendant and ask him if he has reported the occurrence. If, after a caution, he admits failure to do so, this may be stated in evidence. If, however, he is inconsiderate enough to place his finger to his nose and say 'Find out,' it is difficult to see how the case can be proved or what the policeman can do about it.

Very important testimony from police is called for after conviction. For the first time the defendant's antecedent history is required.

The recognized practice is for an officer who has made inquiries about the defendant's birth, education, work, family and previous convictions, to go into the box and report the result of his investigations. The defendant is always asked if he challenges the whole or part of the story, but under this practice a great deal of information gained entirely by hearsay is given by the witness who gleaned it. It is an exceptional, but recognized, convenient and proper practice, which is, nevertheless, illogical and contrary to the first rule of evidence.

What the policeman has to remember in compiling and giving this history is that it must show both sides of the picture. It is not to be a mere list of what a man has done wrong, but place and indeed pride of place must be given in it to what he has done right.

To employment, search for employment, intervals of honesty between acts of dishonesty and any smallest fact that tells in favour of the convicted prisoner, must be given at least the same prominence as is given to his black marks. It is only just to add, in conclusion, that almost invariably this is exactly what is done by English police officers in the circumstances.

The Butcher of Paris

OR

THE CLUE OF THE SLOPING FLOOR

By JOHN VIBART

SOME years ago Paris was cast into a ferment of excitement and horror by a series of crimes of a particularly atrocious nature, to the perpetrator of which no kind of clue could be found. The mangled body of a child was discovered in a field in the city suburbs with the throat cut in a curious manner. Soon after, the corpse of a servant girl with her throat slashed in a similar manner was taken out of a ditch in a mean street where workmen had been engaged only the previous day. About a week later two lovers, walking in a wood near Versailles, had come upon the dismembered body of an old man scattered about an open glade. The head and trunk were intact, but on the throat were discerned the same strange disfigurement—and this latter circumstance pointed to the theory that all these crimes had been committed by the same hand.

The climax, however, was reached when Paris read with horror that for some days past several pieces of human flesh had been taken out of the Seine and the St. Martin's Canal, while a human leg, wrapped in some silken material, had been drawn up from a disused well. This limb had apparently been severed from its body in the same curious fashion as that which had characterized the previous crimes.

A notice was issued by the police warning women, children and old men, to remain indoors after nightfall, unless adequately escorted, and Paris quaked with terror.

The leg had been discovered in the Rue Princesse, so it

fell to the duty of M. Gustave Macé, Commissary of the district, to undertake a full investigation of the matter.

M. Macé was young and inexperienced in criminal matters ; but he was full of ambition and zeal for his work, and though some doubt was cast on the expediency of entrusting to so inexpert a criminologist the task of hunting down one of the cleverest murderers of the moment, M. Macé set about his task with complete confidence.

Confronted with so baffling a mystery M. Macé found himself with no definite clue to work upon, but, undaunted by this consideration, he took the obvious course of making a second thorough search of the well.

This resulted in the discovery of a second leg, which was wrapped loosely in a black glazed calico. The ends of the wrap were tied in peculiar knots, while the edges of the material hung down like the ears of a rabbit. The leg itself was enclosed in a cotton stocking, over which was sewn a man's sock with the markings ' + B + ' worked in red thread.

M. Macé satisfied himself that this was not a laundry mark ; but though the well was completely drained nothing further came to light. As a result of the medical examination the doctors had expressed the opinion that the legs were those of a woman, and that the severing of the limbs had been done with a butcher's knife or some similar instrument. Another significant fact was that the method of tying and knotting employed by the assassin was that invariably used by sempstresses and journeyman-tailors—but, while the former generally used silk for wrapping, the latter preferred the cheaper glazed calico.

On the strength of these facts M. Macé decided that the remains were those of a sempstress, and he immediately drew up a complete list of all women who had disappeared from Paris within the last six months. These amounted to one hundred and twenty-two—but all of them were satisfactorily accounted for by the police except three. The three in question were eventually found to be safe in their homes. No other woman was known to be missing in the city. It was obvious to M. Macé, therefore, that the dismembered body

could not be that of a sempstress, or indeed of any other woman.

The medical evidence having thus been finally confuted, M. Macé found himself at a complete deadlock ; meanwhile the weeks slipped by and the public voice was raised in louder protest against the inefficient methods employed in tracking down the ' Butcher of Paris,' as the mysterious criminal was now called.

It was at this juncture that Dr. Tardieu, the famous surgeon, whose aid M. Macé had invoked, made a careful re-examination of the remains, and pronounced the startling decision that the legs were not those of a female at all, but of an elderly man. Dr. Tardieu declared with conviction that both legs belonged to the same body, and that they had been severed from the trunk by a chopper.

As the second leg had been enclosed in calico such as journeyman-tailors use, M. Macé promptly undertook, with the aid of the police, a house-to-house search for any tailor who had lived in the Rue Princesse.

In the course of this exploration M. Macé encountered a garrulous old concierge, who told him of a girl—a waistcoat-maker, who had lodged in her house and had done work for a tailor.

' Ah—a tailor, you say ? ' said M. Macé quickly.

' Yes, Monsieur. He used to bring her water-supply from the well every morning.'

' What was this girl's name ? ' asked M. Macé.

' Her real name was Gaupe, but she was known as Mathilde Dard—and,' added the woman, with an evil leer, ' she was up to no good, that baggage ! '

' Where is Mathilde now ? ' demanded the Commissary.

' I do not know, Monsieur. She left my house some months ago. I cannot tell you where she has gone.'

' Had she any friends ? '

' Mais oui, Monsieur ! She had many lovers, too—among them one who worked in the shop over the way there—Jules Verlet. A young man of gay habits and—'

' Is he there, at this shop, still ? '

' I cannot say. That is the shop at the corner,' answered

the concierge, pointing to a drug-store a few yards away, and with a curt word of dismissal M. Macé turned on his heel.

In less than a quarter of an hour he was confronting a young shop-assistant of an alert and satisfied demeanour.

'Monsieur!' protested the youth with a gesture of dignity, 'I have no further dealings with Mdlle Mathilde—she—to be frank with you—she did not treat me well. We parted.'

'You can tell me nothing of her—where she is—what she is doing?' said M. Macé sharply.

'Yes, Monsieur,' replied Jules Verlet amiably. 'I cannot tell you where she is, for I do not know her address. But what she is doing—vraiment!' with a shrug of his shoulders. 'She is a cabaret singer.'

'A cabaret singer! Where?'

'Alas, monsieur, I know not, but—it would not be difficult to find out. The police-agents—'

'Quite so,' said M. Macé shortly. 'What is this girl like?'

'Ah, Monsieur,' exclaimed Jules enthusiastically clasping his hands. 'Très charmant. She is petite, with fairest hair and deep-set eyes of blue. She is—'

'That will do,' interrupted the Commissary hastily. 'I have no more questions to put to you. You may go.'

As Jules had said, there proved little difficulty in tracing the girl Mathilde. The ponderous wheels of the Sûreté Generale were set in motion, and within twenty-four hours of his interview with the young shop-assistant M. Macé found himself face to face with a pretty, piquant young woman, who had all the self-assurance of her kind.

'You have been a sempstress, have you not?' asked M. Macé pleasantly.

'Mais oui, Monsieur!' smiled the girl.

'What was your particular work?'

'I was a waistcoat-maker for several tailors.'

'Ah. Who was the man who drew your water from the well, Mathilde?' asked the Commissary suddenly. The girl, however, was in no way disconcerted.

'Ah, Monsieur!' she laughed with a flash of white teeth, 'but many did that!'

'But, were they all tailors?' inquired M. Macé insinuatingly.

'Oh, mais non, Monsieur! Only one was a tailor and he—ah, he was a strange one!'

'Strange? What do you mean by that, Mademoiselle?'

'I mean, Monsieur, he was lazy—he would not work—but he had always plenty of money.'

'Where does he live?'

'He used to live in the Rue Mazarin, but he has left now, and I do not know where he lives.'

'What is this strange man's name, Mathilde?'

'His name, Monsieur, is Monsieur Voirbo.'

M. Macé suppressed a start of astonishment; for M. Voirbo was known to him as a police-spy. He looked at the girl closely.

'This Monsieur Voirbo—you know nothing of him?'

'Nothing at all, Monsieur.'

'You have met other friends of Voirbo's?'

'No, Monsieur. Except one—an old woman named Mother Bandage, so called because she was a maker of these articles.'

'And where does Mère Bandage live?' demanded M. Macé.

'In the Rue de Nesles.' M. Macé made a hasty note and then continued:

'You met no other acquaintances of M. Voirbo?'

'No, Monsieur, but I have often seen him in the company of a little old man, whom he called Père Désiré, who was related, I believe, to Mother Bandage.'

M. Macé dismissed the sempstress, against whom he could find no grounds of suspicion whatever; but, on the other hand, there seemed no more valid reason for suspecting M. Voirbo, whose duty as a police-watcher it was to lounge about odd localities and get into talk with all and sundry. Nevertheless M. Macé determined to make full and secret inquiries as to the character and movements of this Voirbo, who posed as a journeyman-tailor and had lived in the neighbourhood of the fatal well.

If necessary he would have Voirbo watched; but as the

man was in close touch with the police, considerable caution would be required to prevent him from finding out that he was under observation.

Under discreet inquiries M. Macé learnt that Voirbo was regarded as one of the best police-agents in the service; his record was good; he had done much useful work for the police; was efficient and zealous, and had, in fact, been entrusted with more than one delicate mission.

M. Macé's next step was to pay a visit to Mother Bandage in the Rue de Nesles.

Here he found a well-preserved, not uncomely widow of sixty, who appeared contented with life, and greeted the Commissary with deferential courtesy.

'Pray enter, Monsieur!' she smiled.

'Your name, Madame, is Bandage, I believe?' began M. Macé, as he took the chair she offered him.

'Yes, Monsieur—at least that is what they call me, but my real name is Bondasse.'

'And you have a relative called Désiré—M. Désiré, have you not?'

'Vraiment, Monsieur—he is my nephew—Désiré Bondasse; but I would inform you, Monsieur, that he is only a connexion by marriage and far—oh, far older than me! He is a strange one, this nephew of mine, and wants a lot of looking after. He is often absent from his room in the Rue Dauphin for weeks at a time—where he goes I do not know. I do my best for him, Monsieur, but Désiré is miserly and secretive. I know that he has saved enough to bring him in an income of eighteen hundred francs——'

'Stop!' broke in M. Macé, checking the old woman's garrulity with upraised hand. 'Do you know M. Voirbo?'

'Ma foi, yes, Monsieur! A good one, that Voirbo. He looks after Désiré so well, and always has a kind word and look for me—an old woman like me, though not as old, perhaps as——'

'Stop!' again remonstrated M. Macé gently. 'You have not seen your nephew lately?'

'Not for many weeks, Monsieur.'

'And you do not know where he is?'

'Indeed I know nothing of him, the vaurien!' she exclaimed a little indignantly. 'But, as I tell you, Monsieur, he often goes off like this——'

'Madame Bondasse, I want you—I beg of you to come with me to the Morgue!'

'The Morgue, Monsieur!' cried the widow in terrified surprise. 'Ah, you do not tell me that Désiré, my poor old nephew, is lying in the Morgue—that he is—dead?'

'Madame, I tell you nothing, because I know nothing,' replied the Commissary drily. 'But you may be able to tell me something, so you will come—at once?'

The object which M. Macé wished to examine with the co-operation of Mme Bondasse was a human thigh, wrapped in a bit of blue jersey, which, the Commissary was informed, the police had just taken out of the Seine and brought to the Morgue.

On being confronted with this grim relic Mme Bondasse, with a shrill, little cry, declared that she recognized the blue jersey and also the sock which bore the markings '+ B +,' which she herself had worked in red cotton—and the sock, in fact, belonged to no other than her nephew, Désiré Bondasse. As for the jersey, she knew that, too, by the black edging she herself had sewn on to it.

Nothing more was to be gained by a further inspection of the limb, and Mme Bondasse was allowed to return to her lodging, while M. Macé repaired at once to the room on the third floor of a house in the Rue Dauphin which Désiré had occupied. He found the door locked, and got no reply to his summons. The concierge, however, informed the Commissary that his lodger, Désiré, would often shut himself up in his apartment and refuse all callers; sometimes he would vanish for weeks at a stretch. To this the concierge's wife had added that not only had a light been seen each night in the old man's rooms and a shadow had been plainly visible on the blind, but, further, that she herself had noticed him passing down the street a day or so before.

This circumstance seemed to throw some doubt on the theory that the limb in the Morgue belonged to Désiré, and M. Macé sent for Mme Bondasse to join him in the Rue

Dauphin. Mme Bondasse was considerably shaken also in her conviction when she heard what the concierge had to say, and began to doubt whether she had not been mistaken after all.

M. Macé decided to force an entrance into the locked room. This was done without much difficulty, and the Commissary entered Désiré's apartment. It was of a fair size, and appeared in good order, but a thin layer of dust was apparent everywhere. Désiré's hat and stick were in one corner. A big silver watch hanging over the bed was still ticking. Two boxes to hold eight candles were on the mantelshelf, but only one unburnt candle remained in the box, the other was empty, showing that fifteen candles had been burnt. A number of burnt matches with several candle-stumps were found in the fireplace. All these facts proved that the room had been recently tenanted.

Mme Bondasse, who had been waiting downstairs, was now sent for. The room, she declared, was familiar to her, and she pointed to a small desk against the wall.

'There is a secret drawer in that *escritoire*, Monsieur, where my nephew used to keep his money and valuables.'

This drawer was found to have been broken open, and was empty.

M. Macé now began a more minute search of the room. He took the watch from the bedhead and opened it at the back. A thin piece of pink paper fell out. On the slip was written in pencil a list of numbers of an issue of English stock. M. Macé carefully placed the bit of paper in his pocketbook, and, with a final glance round the room, dismissed Mme Bondasse once more and left the house.

He was now seriously considering the position of Voirbo, the police-spy. A trusted agent of the *Sûreté*, high in favour with those in authority, popular with all his associates, Voirbo had, none the less, masqueraded as a journeyman-tailor, lodged in the Rue Princesse district near the ill-fated well, and had been seen constantly in the company of Désiré Bondasse. Désiré had disappeared; he had also been robbed; the clothing covering the dismembered limb had been identified by a relative as belonging to him. Yet the motive

of the crimes which had startled Paris did not seem to be robbery, but an insensate lust for blood. M. Macé was puzzled and uneasy as he took his way to the lodging in the Rue Mazarin which the little cabaret singer, Mathilde, had told him had been occupied by Voirbo.

Here he was informed by the landlady that her former tenant, M. Voirbo, was a man of drunken habits, but a good lodger. He had recently married a second time, and had left her apartment some while ago. He had, however, kept on his room there for a time, paying rent in advance.

'How did he pay you?' inquired M. Macé carelessly.

'Five hundred francs in English stock, payable to bearer,' replied the woman promptly.

'Have you got it now?'

'No, Monsieur. I cashed it all at once at a "*Bureau de change*".'

The Commissary immediately hastened to the '*bureau*' and obtained the numbers of the certificates. As he expected, the numbers corresponded with those on the scrap of pink paper he had extracted from the back of Désiré's watch.

Later that day M. Macé again visited the landlady in the Rue Mazarin. He questioned her closely as to her former lodger's habits and movements; and without reluctance Mme Latour informed him, after some voluble digressions, of a curious incident that occurred just before Voirbo had left her.

One morning, when she went up as usual to tidy Voirbo's room, she was astonished to find the floor drenched in water, the room dusted and the bed made. Desiring some explanation from her lodger, M. Voirbo had thereupon told her that because he had refused to do some work for an old woman of his acquaintance the previous night she had in revenge upset a can of oil on the floor. M. Voirbo, fearful of fire, had poured water over the place and given it a good scrubbing. Then he had lighted a big fire, and had spent the night with his friend Désiré Bondasse.

Mme Latour added that while one portion of the floor dried up quickly, she noticed that the portion under the bed

remained damp for days—and even now there was a smell of petroleum about the place.

M. Macé was greatly impressed by these statements.

'Fetch me a pail of water, if you please, Madame,' said the Commissary and when the woman had brought it he poured the contents over the centre of the floor. The water ran slowly in one direction towards the bed, and there it settled in a pool underneath it.

M. Macé's next step was to remove the flooring at the spot where the pool had formed. There it was found that the woodwork beneath, and the sides and edges of the flooring, were stained with a dark substance, which subsequent examination proved to be human blood.

Suspicion now amounted to certainty in M. Macé's mind; but he kept silent, fearing to strike too soon lest his prey should escape him. He decided to lay a trap for Voirbo and invite him to a friendly interview.

At the same time the police-agent, M. Voirbo, to whom some inkling of what was going on had filtered through, also decided to pay the Commissary a visit. So it chanced that M. Macé was considerably surprised the following morning when he entered his office to find a visitor already awaiting his arrival. The visitor was M. Voirbo.

'M. le Commissaire,' said Voirbo, getting to his feet and speaking in a tone of some truculence, 'I have come to see you on a matter that interests me very much.'

'Indeed?' said M. Macé in some surprise. 'What is it?'

'I desire to know, Monsieur, why you are interfering in my affairs? I hear of it everywhere——'

'You are mistaken, M. Voirbo,' replied the Commissary quietly.

'I beg to contradict you, Monsieur,' retorted Voirbo in well-feigned anger. 'You have searched my room in the Rue Mazarin. You have been making inquiries about me in many places. I know everything! It is my business! Do you deny it, Monsieur?'

'It is not my place to deny or affirm your statements,' said M. Macé sternly. 'Have you anything more to say to me?'

'Yes, Monsieur, I have. I say that all this must stop! It is I, Voirbo, who say so!'

'Must stop!' echoed M. Macé, flinging out his arms in hopeless protest. 'You astonish me, M. Voirbo! Pray, what must stop?'

'Listen to me, M. le Commissaire!' cut in the police-spy menacingly. 'If you attempt further to implicate me in any affair that you are trying to unravel, I, also, will play a hand in the game—and beat you at it, too. I will remind you, that I have powerful friends at headquarters. I will bring your name before them, Monsieur Macé—and I will have you hounded out of office. I can do it, Monsieur, and I swear I will!'

Voirbo folded his arms and stood looking down with contempt on the small figure of the Commissary seated in his chair. The police-spy was a short, dark, burly man, yet not without a certain dignity of bearing. His big nose and thick neck denoted great mental and physical power—points which the Commissary observed with interest. Suddenly drawing himself to his full height and tapping his broad chest dramatically, Voirbo went on:

'Do you know who I am, Monsieur? I am Voirbo—the great police-agent—Voirbo, who has accomplished wonderful work for his country—the trusted one of men in power—the friend of all! I go my way quietly and decently, interfering with none. Voyez! I am a good fellow, and I will not have a shadow cast upon my name by such as you! Now you understand!'

He took up his hat and stepped softly and silently towards the door.

'One moment, Monsieur Voirbo!' interposed M. Macé, springing to his feet, as though in eager entreaty, but in reality fearful lest the bird should escape the net altogether. 'Stop! I beg you. You have been gravely misinformed. I have much to ask you—I need your help. Your advice will be of great service to me—do not I—does not everyone know of your fine record, M. Voirbo? If, as you conjecture, I have been making a few inquiries about you, it is for a very different reason than the one you imagine—as you will learn.'

Pray, therefore, be good enough to remain for a few moments and to hear what I have to say !'

Voirbo looked across the room at M. Macé, his eyes clouded with suspicion. Finally he returned slowly to his seat, and waited for M. Macé to speak.

The Commissary also sat down with his elbows on his desk, and rubbed his hands slowly together.

'Monsieur Voirbo,' he began, 'you have said some serious things to me to-day—but let us forget them and become good friends, eh? What I say to you now is in the strictest confidence, Monsieur—you understand?'

Voirbo merely nodded his head, and never took his eyes off the man in front of him.

'I confess to you that I am troubled, M. Voirbo,' went on M. Macé in an uneasy voice. 'I am entrusted with the unravelling of this Rue Princesse murder—and incidentally of the other crimes which have so profoundly roused the country. But the further I pursue my investigations the more puzzled I become. Paris is clamouring for the murderer. I am distracted!'

'So, Monsieur,' grinned Voirbo offensively, 'you already confess yourself beaten, eh? All Paris is laughing at you in its sleeve. Give it up, Monsieur, and leave the matter to better men!'

M. Macé heaved a deep sigh as he leant back in his chair, and thrust his hands into his trousers' pockets.

'No man cares to admit failure, Monsieur—but I can do no more—I say this to you—and the assassin still goes free. Yet I have one hope—one last hope left, Monsieur!'

'And what is that?' demanded Voirbo with a sneer.

'You!'

The two men gazed at each other in silence. Then M. Macé resumed—'Only the other day I thought—"There is the great police-agent, Voirbo—he is the man for me! If I could but persuade him to come here, explain to him my difficulties, possibly he would assist me." Hence, M. Voirbo, my inquiries—and here—in effect you are before me!'

'Ah!' jeered the police-spy with a contemptuous expression on his face. 'You want my help, Monsieur, that is it?'

M. Macé banged his fists upon the desk.

'Find me this murderer!' he cried. 'Bring him to me here, and I promise you your reward will be great!'

There was a long pause before Voirbo replied.

'Well,' he said off-handedly at length, 'I will see what can be done. But you have beaten about the bush so much that the bird has probably been scared from his perch long ago! Now these are my conditions, M. le Commissaire! If I agree to assist you, you will do nothing, say nothing and believe nothing you hear. You must remain here, M. le Commissaire, and act only upon my instructions.' Voirbo paused and looked fixedly at his superior. 'And, Monsieur' he added slowly, 'I must have five hundred francs at once.'

M. Macé, after a momentary hesitation, unlocked a drawer in his desk and counted out the notes.

'I am prepared to agree to those conditions, M. Voirbo,' he said quietly. 'Here is the money, and I am grateful for your help.'

As Voirbo placed the notes carelessly in a small wallet, the sharp eyes of the Commissary noticed, projecting from the inner flap of the case, a slip of paper on which he read the printed name and address of a famous shipping line.

'So,' mused the Commissary, 'the bird already spreads his wings for flight. I must strike at once!'

'Now, M. le Commissaire,' said Voirbo, replacing the case and leaning forward in a patronizing way, 'I will tell you something. I, too, have been watching—and waiting—and thinking. And I may bring you startling news in a day or so.'

Both men rose to their feet and stared each other in the face—but it was the eyes of the police-spy that dropped first.

Sure enough, within twenty-four hours, on information laid by Voirbo, the police arrested one Rifer, a drunken imbecile, who, so the police-spy alleged, had confessed to all the crimes in a drunken orgy. It was at once apparent to M. Macé that Rifer was incapable of any criminal action, let alone a murder of this kind. He was certified insane and lodged in an asylum. At the same time, M. Macé dexterously

spread the rumour that the 'Butcher of Paris' had been caught, found to be mad, and put away pending further inquiries, and thus, while Voirbo was strutting about Paris boasting of his prowess in police affairs and believing himself now safe, M. Macé decided to have him arrested the next day.

Voirbo, on his part, suddenly made up his mind to pay the Commissary another visit, and discover once and for all whether he had finally dropped the case.

Thus for a second time M. Macé was surprised on arriving at his office early the following morning to find the police-spy again awaiting him.

For the moment M. Macé felt nonplussed. He could not arrest this man single-handed. In a physical encounter the slender, frail Commissary would stand no chance with his burly antagonist; and besides himself there were only the women-cleaners and his secretary in the building at this hour.

M. Macé, however, greeted his visitor with a smile of welcome, handed him the morning paper, pleaded that urgent correspondence must be dealt with at once, and sat down at his desk and penned a note to his secretary, which he laid on the table in front of Voirbo. Then he rang the bell. The secretary entered and took the note with other letters which M. Macé handed to him.

The secretary read the note, which ran as follows:

'Send instantly for two armed detectives, and have all exits locked and guarded. Return here as if on your usual business. When the detectives have arrived, enter and say—"The reports have come, Monsieur." I will answer—"Bring them up." You will then return with the detectives, who will stand by the door with drawn revolvers. Be swift. The Butcher of Paris is here!'

Everything went according to plan, and all the while M. Macé kept the police-spy occupied in desultory converse while he pretended to be busy with his correspondence. When, however, the secretary entered for the last time accompanied by the detectives, Voirbo turned round at the interruption and found himself looking down the barrels of two revolvers. He paled and rose from his chair.

'Hands up, Voirbo!' cried M. Macé, also springing to his feet. 'We've got you at last! Hands up, I say, or they'll fire!'

Voirbo cast a swift glance round the room like a rat in a trap, then with a glare of hatred he turned on the Commissary.

'You dirty, smug beast!' he hissed, as his hands went up above his head. 'I'll have you broken for this!' But he could not keep the fear out of his eyes.

In silence they searched him, and found in his pocket a ticket from Cherbourg to New York by a ship leaving the following night, and in his hat a razor blade.

In silence they took him to his old room in the Rue Mazarin. There with the blood slowly draining from his face and trembling with ill-concealed anxiety, Voirbo watched M. Macé take a pail of water and pour it over the centre of the floor—watched with fascinated eyes the water trickle slowly towards the bed under which it formed a little pool—watched M. Macé mop the puddle up and remove some of the flooring, and watched him, with blanched face, swiftly approach him.

'Blood!' suddenly shouted M. Macé, brandishing the bit of stained wood in the cringing man's face. 'Blood, Voirbo, human blood! How do you explain it?'

'Enough, enough!' screamed the overwrought man. 'Yes, I killed him! I will tell all—but not here. Ah, take me out of this accursed place!'

In his subsequent confession Voirbo said that he had enticed Désiré to his room, stunned him with a flat-iron, and then calmly began to dismember his wretched victim while he was still alive. He took the money, he added, though he had no need of it, as he was receiving good pay from the police.

This, he said, was his undoing. But he was wrong. It was the clue of the sloping floor which he had overlooked that brought this monster to justice.

Pending his trial a thorough search was made of his rooms where he was living with his wife at the time of his arrest. The wife was proved to be entirely innocent of any complicity in her husband's crimes, and quite ignorant of his real character. In a tin box, hidden in a case of wine, M. Macé found the remainder of the English securities. In the kitchen he came

upon a chopper horribly stained, and a piece of string, identical with that which tied the parcels, while, stuffed up the chimney was a bundle of papers dealing with details of the crimes that had startled Paris.

But, even now, Voirbo, the police-spy, escaped the guillotine, for by some means unknown he succeeded in concealing a small bit of thin steel about his person, and with this he cut his throat.

When questioned about the killing of the child in the field, the servant girl in the ditch and the old man in the wood, Voirbo remained silent, while a fiendish grin slowly overspread his countenance, and a low, soft chuckle escaped from his throat. But, from that day on, the 'Butcher of Paris' was heard of no more.

The Young Offender and the New Outlook

BY MURIEL KENT

ONE chapter of the social history of our own times is written yearly in the *Report of the Prison Commissioners*, but is studied mainly by penologists, to whom its classified evidence is of first-rate importance. Yet this is an age when the twin sciences of psychology and sociology are being rapidly popularized, and growing interest in these subjects leads naturally to a reconsideration of penal methods, and the attitude of the State to the criminal. The East End policeman who declared, 'Folks is all bundles of mysteries; they don't even sin straightforwardlike,' really summed up the discoveries of more learned minds in many lands, and, at the same time, reminded us that moral disorders can no more be cured wholesale than physical ills.

Public opinion is growing more sensitive to matters of child welfare, and better informed about the various movements for improving the lot of adolescents, which have multiplied in the last thirty years. All of these, from clinics and nursery schools to the great organizations of Scouts and Guides, and the aims of the National Playing Fields Association, may be regarded as preventive agencies for the benefit of youth. When there is a more general conviction of the community's responsibility for those boys and girls who have stumbled early in their course, a great step forward in the treatment of young offenders will become possible. As things stand at present in England, legislators, Prison Commissioners, and all who are working for that higher justice which a great statesman has called 'the arithmetic of love,' are held back by lack of a strong body of supporters.

Within recent years there has been a remarkable output

of books dealing with different aspects of the subject in this country. America, always receptive to new ideas, and unhampered—till lately—by economic difficulties, has gone further both in the way of investigation and practical experiment. Professor Cyril Burt's *The Young Delinquent* still holds high authority as a work of reference on the psychological side, and particularly on the incidence of juvenile crime in the London area. Mr. Clarke Hall's *Children's Courts* is the fruit of long and sympathetic knowledge as a magistrate among London children. A few years ago, Dr. Miriam van Waters published her study of modern views and methods in the U.S.A., under the title of *Youth in Conflict*—a reminder that the idea of special courts for young delinquents, as well as the reformatory scheme now known as 'Borstal' in England, came originally from America. Recently the cause of adolescents between the ages of sixteen and twenty-one has been ably pleaded by the leader of women's work in the Boys' Prison in London.¹

It was not till 1922 that 'all lads under twenty-one on remand or awaiting trial from the London area were segregated in a separate block at Wandsworth Prison, in order that they might be kept apart from offenders of adult age and a more careful study be made of each individual lad.' In the same year Mrs. Le Mesurier was asked to be the first woman visitor in the newly formed Prison—now transferred to Wormwood Scrubbs. She was joined later by other voluntary workers who, under her guidance, interview each boy, visit his home and parents, and prepare a detailed report of the facts gathered and impressions gained by these means, for the medical officer attached to the Boys' Prison. These reports are also available for the Court which has to pass sentence on the offenders, and needs all the information that can be supplied as to their antecedents and environments.

The women visitors extend this valuable service of observation, investigation, and friendship to all the lads who, after being committed by provincial Courts to Borstal training, pass through the Boys' Prison in order that they may be examined, 'assessed in terms of criminality,' and then assigned

to the most suitable institution. Mr. Alexander Paterson, the author of that classic of life in poor homes, *Across the Bridges*, and a Commissioner of Prisons, states in his Foreword to Mrs. Le Mesurier's book, that the Commissioners rely on the reports provided by the women visitors when deciding where each of these boys—'the State's most difficult children,' as he calls them—shall be sent for his training.

Mrs. Le Mesurier's arguments for a remedial form of punishment are the more convincing because she does not exaggerate the pathological causes of crime. When considering physical defects, she says :

'For one case where it is a case of physical defect, or a dozen where the cause has been mental defect in the certifiable sense, there will be a hundred cases where the difficulty has been temperamental instability. The practically important thing is to find out how far these temperamental failings can or cannot be corrected by judicious re-education.'

Passing to those social factors which are largely responsible for producing criminals of all ages, Mrs. Le Mesurier describes some representative homes visited by her in the course of her work—homes of good, bad, and indifferent character. She found, however, 'in an enormous proportion of cases,' conditions which make it astonishing that only a small minority of the numerous boys and girls who leave school every term should be in trouble through their own wrongdoing. And here she pays a tribute to an influence seldom estimated at its true worth ; that of the teachers in elementary schools in poor districts. Their duties are carried on under endless difficulties ; and, in many instances, these men and women stand for the only real authority and the only friendship in the scholars' experience. Even in slum schools, not a few devoted teachers are 'trying to create something of the public school atmosphere' for lads who lack every physical and mental advantage. By organizing and sharing opportunities for healthy recreation with boys or girls, these teachers recognize 'the value and interest of out-of-school work among their pupils'—the very things which Hugh Chisholm, with his interest in games and social service, and his lifelong loyalty to his own school, urged, as long ago as the

¹ *Boys in Trouble*. L. Le Mesurier. John Murray. 1931.

'nineties, in a *Fortnightly* article on 'How to counteract the Penny Dreadful.'¹ To-day it is still more necessary to provide an antidote to the cinema's presentation of life.

The Boys' Prison now serves the double purpose of Clinic and Clearing House for all received within its walls. The establishment of a separate building in the London area is a proof that new principles and aims are astir; it is also the medium through which fresh knowledge is being acquired for aiding young lives already marred, or in grave moral danger. But elsewhere, with few exceptions, 'no other place of detention is available' than the common prison for boys and girls who have made their first appearance in the dock and have been remanded for seven days. In very many cases bail cannot be granted, and, for lack of a fit temporary shelter, they must spend the interval within a prison—'with all its evil associations and contaminations.' Hence the need, emphasized by Mrs. Le Mesurier and other advocates of penal reform, for the provision of Remand Homes, for all remands under twenty-one, at chosen centres, where careful physical examinations would be undertaken, and an effort made to discover the 'springs of behaviour' in each individual. Such Observation Centres, under wise direction, might also perform preventive work of great value in the guidance and help of difficult children, with morbid or immoral tendencies, whose parents are unable to seek a specialist's advice, or give them the required care.

Remand Homes, when they are provided and equipped, will fulfil one of the chief aims of those who, for many years past, have striven to put the reformatory aspect of punishment foremost in English justice. That, however, is but a preliminary step, for the young offender, if convicted, is in urgent need of the right treatment. As the law stands at present in this country, boys and girls who have passed their sixteenth birthday may be, and still often are, sentenced to terms of imprisonment—undeniably the easiest form of penalty to inflict at the moment, but likely to prove disastrous in the long run by recruiting youth for the ranks of recidivists and 'old hands' in crime.

¹ *An Oxford Portrait Gallery*. Janet E. Courtney. 1931.

On these matters the views of the Prison Commissioners, who survey the whole field, and the evidence of Prison Governors and Chaplains, who judge from closest observation, cannot be dismissed as doctrinaire. They are unanimous in condemning short sentences for young or first offenders as futile and actually harmful. They also deplore the practice of some magistrates in remanding young people to prison (although they intend to deal with them ultimately under the Probation Act or by some other method) in order to 'give them a lesson.' A recent *Report of the Prison Commissioners*, covering the year 1928, states expressly: 'A remand to prison has no deterrent effect . . . in fact by familiarizing a young person with prison conditions, it is likely to lessen his apprehension of a sentence of imprisonment; it involves a social stigma and . . . thereby makes it more difficult for the offender to re-establish himself when placed on probation.'

Nor does this apply only to boys. The Governor of Holloway Prison has pointed out that one effect of this procedure on young girls is that when they return to Court, after a week's remand, they have lost their instinctive, wholesome dread of prison. On being offered the choice between imprisonment for a month or two and entering a Home for a longer period of training, they choose prison as a short cut to regaining their freedom; rejecting the alternative with its possibility of transformed character and a fresh start. The former chaplain of the same prison added a strong protest against the evil of short sentences, declaring that they 'cut at the root of penal reform.' His long experience forced him to the conclusion that 'imprisonment for girls is wholly wrong,' because they require entirely different treatment, physical, mental and moral, from that which can be given under the prison system. In spite of the great efforts made at Holloway to help them while under sentence and on discharge, he says, 'At present we seem to be knocking them down with one hand, and striving to pull them up with the other.'

The authorities, endeavouring 'to carry out the duty of protecting society by training offenders as far as possible for citizenship,' are more conscious of the defects in the 'obsolete fortress-prisons,' and in the system they administer, than their

critics. The Commissioners deplore the fact that 'Courts still appear to send to prison many young persons who might either be dealt with under the Probation Act or else committed for a Borstal sentence.' During 1928, 1,721 boys and 128 girls received sentences of imprisonment; and 2,549 boys and 348 girls were sent to prison on remand, of whom the great majority were afterwards placed on probation. These figures, the latest available,¹ show how slowly new principles are adopted, and how partially the new powers have been used by the magistrates.

Yet penal reformers, and many others who are actively concerned in work among prisoners, have long agreed in recommending the extension and development of the Probation system, which has already proved a most effectual way of counteracting the anti-social spirit in children, adolescents, and older offenders. It is urged, too, that the magistrates' order should be coupled with conditions of restitution or compensation wherever these can be applied. But if probation is to take its place increasingly among 'the redemptive social processes,' special qualities will be required of the officers, both men and women, appointed to this judicial guardianship: sound judgment and integrity, humour and widest sympathy—the combination of qualities which gave such a rare power to the personality of Thomas Holmes, that 'national figure' of the Police Court, whose own records of his extraordinary work deserve to be broadcasted through cheap reprints. For, as an expert has said, 'Mere surveillance is not probation. Probation is an intimate and active relation which deals with all factors of the child's life'—and equally of the adult's.

The question of expense must be touched on here. Better remedies often appear too costly to the taxpayers, especially in the early stages of their use; and schemes which, in the end, would be economical are sometimes retarded by this consideration. It is seldom realized that our prisons are far from being a cheap way of safeguarding society. The cost of keeping a boy in prison for a year amounts to about £50; the expenses of placing him on probation for the same time are covered, at a rough estimate, by £5. That seems a con-

¹ Written in 1931.

clusive argument for probation, but the experienced worker is aware that to apply it in every case is to court disaster. When there is no prospect of the terms being observed, when the condition of the home and the character of relations must undo any influence that the officer can bring to bear on the boy or girl—then public funds are wasted, and the time for moral recovery lost, by employing those milder measures which are generally successful. The Governor of Preston Prison, in his annual report,¹ put the issue forcibly:

'I think there is still far too great a tendency to make the punishment fit the crime instead of the criminal;'
and

'If a lad with previous convictions and a bad history is charged with a small theft, there is too much reluctance, despite his record, to send him away for a Borstal term of three years. Hence, short sentences which do untold harm, and eventually the offender exceeds the Borstal age and carries on as a candidate for the Special Class and Dartmoor.'

That brings us to the much discussed, and often misrepresented, Borstal System. Mrs. Le Mesurier claims that 'it has introduced the most hopeful fashion yet devised of treating young law-breakers at the adolescent stage, who for one reason or another are unsuitable for probation, or irresponsible to it.' Mr. Frank Gray, in his study of Vagrancy, *The Tramp*, declares: 'It is not the Borstal system that matters, but the great spirit which inspired its creation, which has made those responsible for its conduct live in that spirit, and through them has imparted it to the boys.' The popular Press has treated the Institutions as good material for 'copy' of a sociological kind, whether written from the sentimental point of view, or used as a reproach against the powers that be for spending too much on the undeserving; while occasional runaways have provided the 'dramatic' element. But since the scheme was started at Borstal, a Kentish village near Rochester, in 1909, it has shown all the signs of a vital organization; growing, changing and adapting itself to meet new demands, learning as it educates, and spreading the network of its Association for after-care throughout the country.

¹ Report of the Commissioners of Prisons. 1928.

Though there are now additional Borstal Institutions for boys at Feltham and Portland, and one for girls at Aylesbury, the increasing number of cases committed by the Courts has led to overcrowding, resulting in a loss of individual treatment—one of the most important features in Borstal training. An Institution consists of four or five separate Houses, each under a Housemaster and other officers, on Public School lines; but at present Houses intended for sixty to eighty boys are obliged to receive over a hundred. This pressure on their accommodation is a great disadvantage in other ways; classification cannot be properly carried out when such large numbers have to be distributed in few buildings, and many boys who have been sentenced to Borstal are perforce detained in the Boys' Prison because there are no vacancies in the Institution. Last year Lowdham Grange, near Nottingham, was taken over for the purpose of making another Borstal on improved lines; and a group of forty-four boys, who were drawn from the older centres, and had reached the later stages of their training, marched thither under the leadership of an experienced Governor and Staff; to live in tents and huts, or in existing buildings on the fine site, while they built for themselves an Institution. Here the authorities hope to work out new training schemes, which will bring the boys' daily life and employments into closer relation with the outer world and its labour conditions.

But these new buildings will be filled directly they are completed, and again others will be needed. Further expenditure must be justified in these hard times and, as the cost per head is higher in a Borstal Institution than in a prison, the public has a right to know whether the newer method is really worth the extra outlay. The answer depends, even in the financial sense, on how far ahead the questioner will look. The most accurate diagnosis of the causes of youthful delinquency, the most careful classification of offenders, is useless unless boys and girls at cross-purposes with law and order can be given both time and opportunity for rehabilitation. So far as success and failure can be reckoned in the moral sphere, Borstal holds a very encouraging record, and those responsible for a system based on 'the gospel of the second chance' are

trying always to increase its efficiency. We are told that Borstal now attracts 'the best type of men to its service. They have come forward to undertake the work with as strong a sense of vocation and consecration as others may have in taking Orders.' Against the hardness and disappointments inherent in such a task, they set its interest and hopefulness—and only ask that it may not be hindered by a short-sighted policy.

If it were not imperative to keep down expenses, no doubt schools and training-places for young offenders would be more numerous, and on a much smaller scale than is practicable at present. Every advantage of understanding and influence lies with the men and women in charge of small groups—and these are generally not under State control. One admirable scheme, the Boys' Garden Colony, owed its foundation almost entirely to the late Mr. H. L. Cancellor, formerly magistrate at Marlborough Street, and was managed by a Committee of magistrates, clerks, probation officers, and representatives of the London Police Court Mission. During the last eleven or twelve years some hundreds of lads, ranging from fifteen to eighteen, and mostly first offenders, have passed through the Colony. They lived, under the care of a small staff, in a hostel outside Basingstoke, the majority being employed regularly in local nursery gardens; their wages while in residence covering the greater part of the sum required for the Colony's annual maintenance, and the remainder being raised by subscriptions and gifts.¹ Unfortunately, this little community has lately come to an end, so far as the Basingstoke centre is concerned.

Other countries, too, are moving in the direction of a more merciful code, and a way of dealing with criminals which shall include healing in its discipline instead of one which can only destroy. The State of Pennsylvania has an institution for delinquent girls at Sleighton Farms, near Westtown, where some five hundred girls, aged from eleven to twenty-one, live in cottages standing in 270 acres of land, and are given an excellent vocational training. Clifton Farms in New Jersey is another model prison, having a daily average of above two hundred women serving sentences of varying lengths

¹ *The Howard Journal*, 1930.

up to life ones. Here, also, cottage buildings are provided, simply but comfortably furnished, and a large measure of self-government is granted in each. Many women work on the farm; others do the domestic work of the cottages, including cooking and baking bread in the several kitchens. Mothers are allowed to keep and tend their babies in a special building up to the age of two years, when the children are placed in foster-homes until the mother's 'parole' is due.

It is more surprising to find that Russia has its Gorki Colony, near Moscow, founded in 1924 for delinquent children and adolescents. This contains a self-supporting and 'voluntary' population of three hundred; sixty per cent. being boys between the ages of eighteen and twenty-two, and the rest made up of older men, young children, and thirty girls. A General Council of the boys governs the Colony, and most of the administrative work is carried out by three men, chosen for special qualifications, who also act as advisers, and visit the prisons to tell young people about the Colony. If a boy chooses to enter it on leaving prison, he may leave at any time, but the majority wish to remain. A writer in *The Howard Journal* (1930), who has visited the Colony, describes it as 'like a pleasant little town whose citizens have a specially high sense of civic duty.' Its educational aims and ideals are, of course, in accordance with those of the U.S.S.R. The Council prohibits drugs and alcohol, 'and any member who cannot abide by this decision is expelled.' Other communities on the same lines are being established by youths from the Gorki Colony.

All these ventures seem to point forward to 'the break-up of the (existing) prison system' which, it is suggested, may follow logically the changes involved in the Local Government Act of 1929; for that Act acknowledged the State's concern 'with the causes and not merely the symptoms of poverty.' But that will be brought to pass, not so much by the efforts of specialists in criminology, as by gradual and general enlightenment on the subject. In the last resort it is for the public to decide that a saner method of dealing with young offenders must be substituted for the ineffectual, and positively deteriorating, one of imprisonment.

Accident Records

BY INSPECTOR MARSHALL H. BOLT
Chief Clerk, Huddersfield County Borough Police

PRESENT-DAY police administrative systems have been built up gradually from foundations not always designed to carry the burden now imposed on them, and the main features of police records to-day are identical in form to those which were considered complete and effective nearly a century ago. With the passing of each decade, or the introduction of new legislation, the general system has been amended or extended in various directions, with the result that the scope of such records now covers a very wide range.

The individual methods adopted to achieve the required results are well known, and a careful examination of existing systems will show that, in the main, present-day police record books are COPIES of information already obtained for some other purpose on separate documents. It must be admitted that a process of copying permits errors to creep in, but what is more important, unnecessary copying is a waste of time which cannot be justified. Efficiency and economical working were never more necessary than to-day, and to ensure this, unnecessary or unproductive labour must be eliminated.

A large portion of the routine work in any police division or headquarters consists of recording data throughout the year in preparation for the completion of Annual Returns, of which not the least in importance are the Accident Returns. The form of these Returns has been considerably extended, and the requirement that monthly totals should be kept has rendered their compilation no less complicated.

Road accidents usually involve detailed inquiries, primarily to ascertain whether or not an offence has been committed,

sary to record statistically, so that when a steel rod or needle is inserted through the holes of a section of cards, all those cards which are punched at that particular place fall out. The number of combinations is increased by the use of two or more needles.

The indications on the card are sufficient to permit of rapid compilation of Home Office Returns, and the system ensures that it is up to date at all times. In addition, a mass of valuable data can be collated by the combinations available by means of the application of the 'Causation Classification.' This classification, which is elastic and designed so that it can be made to suit any locality, provides a means of recording any accident with which the police may be brought into contact.

The following may be taken as example classifications :

'A', 'B' and 'C'—Street Traffic Accidents

'A'—Avoidable by Drivers.

1. Driver under influence of drink.
2. Inexperience.
3. Inattention or confusion.
4. Physical unfitness.
5. Failure to give or act on hand, sound or light signal.
6. Carelessly emerging from side road.
7. Cutting corners.
8. Improperly overtaking.
9. Excessive speed, etc.
10. Reversing negligently.
11. Defective brakes, or vehicle not mechanically roadworthy.
12. Brakes applied too suddenly.
13. Insufficient lighting on vehicle.
14. Driving on wrong side of road.
15. Overtaking vehicle on near side (including breaking through tram queues).
16. Overtaking large vehicle suddenly on off-side.
17. Cutting in ahead.
18. Leaving vehicle unattended and insecure.
19. Overloading or insecure loads.
20. Cyclist riding carelessly.
21. Cyclist no rear light.
22. Cyclist holding on to vehicle.
23. Miscellaneous.

'B'—Avoidable by others concerned.

1. Under influence of drink.
2. Stepping from kerb without due care.
3. Running across road.
4. Hesitating when crossing road.
5. Carelessly crossing road.
6. Coming out from behind other vehicles.
7. Coming out from in front of other vehicles.
8. Mounting or dismounting vehicles in motion.
9. Stealing rides.
10. Playing games in street.
11. Physically infirm.
12. Miscellaneous.

'C'—Mainly unavoidable.

1. Insufficient lighting of street or obstruction.
2. Weather conditions.
3. Slippery road surface.
4. Restive or runaway horse.
5. Restricted view at corner.
6. Avoiding pedestrian.
7. Dogs, etc., not under control.
8. Stray horses or cattle.
9. Level crossings.
10. Fire.
11. Road repairs.
12. Tram lines.
13. Defective road surface.
14. Mechanical defects.
15. Miscellaneous.

'D'—Miscellaneous Accidents

1. Under influence of drink.
2. Persons slipping on footpaths.
3. Accidents in houses, etc.
4. Accidents in places of entertainment, etc.
5. Accidents at games.
6. Illnesses in streets.
7. Aircraft.
8. Fire.
9. Miscellaneous.

'E'—Works

1. Machinery in motion.
2. Falling from scaffolding, etc.

3. Explosions (including petroleum).
4. Chemical acids.
5. Quarries.
6. Boilers.
7. Lifts, hoists, etc.
8. Fire.
9. Miscellaneous.

'F'—Railways

1. Unauthorized trespass.
2. Shunting operations.
3. Falling off platforms.
4. Collisions.
5. Alighting or mounting carriages in motion.
6. Miscellaneous.

It will be seen that street traffic accidents are coded under headings 'A,' 'B' or 'C,' whilst any other accident may be coded under 'D,' 'E' or 'F' classifications. The sub-classifications indicate the main cause of the accident, *e.g.* A 1.—Driver under influence of drink. The four-figure code (7, 4, 2, 1) is so arranged for the purpose of saving space, and is operated by punching one, or a combination of not more than two numbers, *e.g.* 9 is recorded by punching 7 and 2.

The cards are numbered consecutively, and an index is kept, but no further entry is made in any book. They are kept in a special cabinet, and as soon as they have served their purpose from a statistical point of view, they are re-arranged in numerical order and bound in book form, thus providing an efficient accident book, the pages of which are originals, as submitted by constables.

From a costing point of view it is more economical to use cards than to provide full accident report forms, accident books, etc., but the amount of time saved in the Uniform and Administrative Departments is a factor which cannot be too strongly emphasized.

In the light of our experience at Huddersfield, the success of the system has far exceeded our hopes, and the main advantages may be summarized as follows:

1. The Constable's time is saved where a full report is not required, as a card can be made out in a few minutes.

2. The work of the recording staff is practically eliminated, as the original card as submitted by the Constable is the permanent record, and forms a page of the Accident Book on the unit system.
3. Supervision of work of Uniform and Administrative Departments is simplified; and sufficient means of 'checking' are available.
4. The cost of cards is less than Accident Reports and Record Books.
5. The system is easy to handle, and data can be extracted without laborious clerical work.

I am satisfied that the use of original records in the shape of 'Paramount' cards can be extended to other police purposes with equal success, so that ultimately book records will be reduced to a minimum, if not entirely superseded.

QUARTERLY NOTES

JUSTIFIABLE HOMICIDE BY POLICE WHEN IN PURSUIT OF SUSPECTED FELONS

REFERENCE has been made in these notes to crimes of adventure, of which we hear so much nowadays, particularly those in which the motor car plays a prominent part in the scheme of the adventure. The motor car has become not only a potential instrument of crime, but also a vehicle of escape from justice. From interesting correspondence which has appeared recently in *The Times*, it would appear that the thoughts of some people are turning towards the possibility that, as modern invention in the shape of a motor car has facilitated the commission of certain kinds of crime and the escape of a miscreant from incurring the consequences of his crime, it would be just as well if we were to turn to the common law of England to help us out of the difficulty. The common law, it is suggested, may afford justification for bringing an escaping motor car to a sudden stop by shooting the driver, at any rate if there is no other way of stopping the car. Now, the common law has always been held up to us by judges and legal writers as something which, though very ancient, is nevertheless plastic and adaptable to new circumstances. Let us see whether there really is any recognized principle of the common law which could justify action of the kind suggested, and, if so, in what circumstances it could be applied.

One of the most distinguished and intelligent writers on the basic principles of our common law was Sir Michael Foster, a Judge of the Court of King's Bench in the eighteenth century, who wrote *Discourses upon a Few Branches of the Crown Law*, published in 1760. A passage from this work is quoted by Sir St. John Branch in his letter published in *The Times* of the 11th May last. The passage, which is well worth repeating, is as follows:

'Where a felony is committed and the felon flyeth from justice, or a dangerous wound is given, it is the duty of every man to use his best endeavours for preventing an escape. And if in the pursuit the party flying is killed, *where he cannot otherwise be overtaken*, this will be deemed justifiable homicide. For the pursuit was not barely warrantable; it is what the law requireth, and will punish the wilful neglect of it.'

There is also text-book authority for saying that the use of extreme force resulting in death does not involve an officer (or any person acting in his aid) in criminal liability, if a felony has been committed and the felon cannot be arrested by any other means (Stephen's *Commentaries*, 19th edition, Vol. IV, p. 38). Statements of general principles in these rather vague terms are a slender basis upon which to suggest the wilful killing of a motor bandit even in circumstances where there appears to be no chance of stopping him otherwise than by shooting. What exactly are these legal principles? The first point to notice is that there are definite limits within which the right to shoot (in so far as it exists at all) can lawfully be exercised;

that is to say, exercised in such circumstances as to afford a good defence to a charge of murder or manslaughter. No such right exists, except where a felony is committed—a misdemeanour is not sufficient. Thus, while it is the duty of every man, as Foster says, to use his best endeavours to prevent the escape of the felon, it is not justifiable homicide to kill unless the fugitive is a felon. Moreover, it would be quite unsafe to apply Foster's general principles except in cases where the felon has been arrested and charged with felony and has escaped from arrest. The passage in Stephen's *Commentaries* is wider, and must be read even more cautiously. It is not confined to a warrant of arrest, but extends to 'any case where those engaged in the pursuit of a felon may shoot at him, if he offers no violence, and is careful to point out the nature of the offence.'

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CLOTH BINDING CASES FOR VOLUME IV, complete with TITLE PAGE and INDEX, are now available. Price 2s. each, post free. Binding cases for volumes I, II & III are still available. Orders for these binding cases should be sent, with remittance, to the Publishers.

or private person charged were a treason or felony . . . — hended, the homicide is justifiable.' (For this the authority of the old writers on common law is cited: Hale and Hawkins, Pleas of the Crown, and Foster.) But (says Archbold) the killing, if intentional, would be murder if the deceased were charged merely with a breach of the peace or other misdemeanour. On the other hand, 'if homicide were occasioned by means not likely or intended to kill, such as tripping up his heels, giving him a blow of an ordinary cudgel, or other weapon not likely to kill, or the like, it would at most be only manslaughter.'

There is a passage in the famous *Commentaries*, first published in 1869, on the Laws of England, by Sir William Blackstone, in which he states that where the ancient 'hue and cry' is raised against a suspected felon, the constable and his attendants have 'the same powers, protection and indemnification as if acting under a warrant of a justice of the peace' (Vol. IV, p. 294). The hue and cry was the old common law process of 'pursuing with horn and with voice all felons and such as have dangerously wounded another.' Under a statute of George II (8 Geo. II, c. 16) a constable or like officer refusing or neglecting to make hue or cry forfeited five pounds and, according to Blackstone, the whole vill or district was (in the eighteenth century) still in strictness liable to be punished according to the law of King Alfred the Great if any felony be committed therein and the felon escapes. 'Hue and cry' lies at the root of all lawful action taken with a view to the arrest of persons suspected of felony, and, if what Blackstone says still holds good (and there seems no reason why it should not), it would follow that the police when engaged in the pursuit of a 'motor bandit' are protected, as regards any action they might take, to the same extent as a constable who is

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armed with a warrant of arrest; provided of course, that there is sufficient evidence against the fleeing 'motor bandit' to justify the suspicion that he has committed a felony.

IMPRISONMENT FOR DEBT

MR. CLAUD MULLINS, Metropolitan Police Magistrate, in a series of articles which appeared in the *Justice of the Peace and Local Government Review*, April 16th, 23rd, and 30th, and May 7th, 1932, discusses and criticizes rather severely the existing system in England under which debtors who can, but do not, pay may be committed to prison until they do pay. Mr. Mullins takes four categories of persons, *i.e.* those who may be sent to prison for debt: (1) for default of payment of a fine; (2) for failure to pay local rates; (3) for failure to pay arrears under maintenance orders, or orders for the support of bastard children; (4) for non-payment of civil debts.

The number of persons sent to prison under the first category is greatly in excess of those in any other category. In 1929 the number was 11,579 (8,937 men; 2,642 women); for failure to pay rates in the same year 2,002 persons were sent to prison; in the same year 6,795 persons went to prison for failure to pay arrears in cases falling under category (3).

Mr. Mullins explains the very great difficulty there is in dealing, as a magistrate, both adequately and fairly with these cases. On the one hand, he says, undue leniency means thwarting the creditors, who are in a large proportion of the cases the wives and children of the debtors; on the other hand, undue severity means 'futile and evil terms of imprisonment.' 'There can,' he says, 'be no ideal solution of these problems short of trial before an archangel.' One of the embarrassments with which the magistrate is faced is to decide, in those cases where ability to pay is the test, whether the debtor is telling the truth or not. 'Those who do not know our courts of law,' he says, 'and especially our police courts, can have no conception of the extent to which many men and women will go when issues as to ability to pay are being heard.' It is, of course, inevitable and even natural that this should be so. A man, honest though he may be in a general sense, is not proof against the temptation to lie when asked whether he has the means to pay a particular sum of money. His normal ideas of honesty vanish when he believes that no one is in a position to disprove what he says. Under the influence of this belief, and of a desire to get over his immediate money difficulties, he minimises his means and exaggerates his expenses and other difficulties.

Police officers are only too well aware of the difficulties involved in the problem of imprisonment for debt, non-payment of fines, and maintenance orders. It is upon them that the duty falls of executing the warrant when it is issued. In London, as Mr. Mullins points out, and doubtless elsewhere as well, the police do a great deal to avoid having to take the debtor to prison; they give further time and use every kind of persuasion. We think that, for this reason, it is true to say that the police are largely responsible for preventing undue hardships in the administration of the law. From the magistrates' point of view, however, the position is very far from satisfactory. One of Mr. Mullins' points is that after time to pay has been given, there is no way under the existing law of securing further consideration of the case before the man is sent to prison. We have no space here in which to discuss the facts which Mr. Mullins suggests for consideration in connexion with this subject; but among those suggestions is the proposal that an option should be given to the debtor to appear before the court before the warrant

of committal is executed, so that the question of means and time to pay may be reconsidered. He also suggests that where debtors are living far away, they might be examined before the court in the area where they are arrested.

These articles deserve very careful study, and no one will be disposed to quarrel with the suggestion that a very substantial reduction of the present sentence of 'imprisonment for debt' is a highly desirable thing. If such a result can be secured by the adoption of Mr. Mullins' proposals, it is to be hoped that they will be seriously considered.

SPIRITUALISM AND THE LAW

IT was natural that very great public interest should have been aroused by the recent widely-reported case in the High Court in which damages for libel were claimed by a spiritualist medium. The issue before the court and the jury was whether the plaintiff was entitled to damages in respect of certain statements published in a newspaper with regard to the genuineness of her manifestations as a spiritualist medium. The issue was in no way concerned with any provision in our criminal law, but it may be of some interest to recall certain decisions relating to that aspect of the subject. It is always a matter of some considerable difficulty to ascertain what is genuine and what is fraudulent where so much depends on opinion and belief. A medium may have an honest and genuine belief in his or her power to communicate with a spirit world, irrespective of the controversial question whether such communication is possible. In what circumstances is a medium exposed to liability for proceedings under the criminal law? An interesting case arose as long ago as 1877—*R. v. Lawrence*, 41 J.P. 549. In that case Lawrence was convicted on an indictment of great length alleging that he falsely pretended he had power to communicate with spirits of deceased persons and to summon such spirits to be present in a materialized form, and that 'divers musical instruments (to wit) tambourines and banjos, and divers bells by the sole means of such spirits were caused to produce musical and other sounds.' He was charged with obtaining one shilling by means of these false pretences. The jury found that this was a false pretence, *i.e.* that it involved the assertion of matters of fact which were false to the defendant's own knowledge. When the matter came before the High Court on the question of law, Cockburn C. J. pointed out that it is possible for us all to believe in the existence of spirits without believing in a particular spiritualist, and that the court had only to consider whether falsely pretending that a person has power to call up spirits and present them before those persons from whom he had obtained money was in law the obtaining of money by false pretences. The court upheld the conviction on the ground that an offence was disclosed. They apparently took the view that what the defendant did would amount to a false pretence, even though he was under a delusion as to his own powers. As Mellor J. pointed out, the only way in which he could show that it was not a false pretence would be by actually doing before the jury what he pretended to have the power of doing, and producing spirits who would play on the banjo and tambourine.

Charges of false pretences in such circumstances have been rare, and it is perhaps fortunate that it should be so, where the subject-matter is of so controversial a nature and likely to lead to discussions which offend religious susceptibilities. Proceedings are more usually taken under the Vagrancy Act, 1824: *Monck v. Hilton* (1877), 2 Ex. D. 268. In that case the appellant was convicted under Section 4 of the Act which provides that every person using any subtle craft, means or device, by palmistry or otherwise, to deceive

and impose on any of His Majesty's subjects shall be punishable as a rogue and vagabond. The justices found as a fact that the appellant had attempted to deceive and impose on certain persons by falsely pretending to have the supernatural faculty of obtaining, from invisible agents and the spirits of the dead, answers, messages, and manifestations of power, viz. noises, raps and the winding up of a musical box. The court upheld the conviction, and their decision is the leading authority for holding that the words 'or otherwise' in the Act of 1824 are wide enough to include manifestations of spiritualism, if they are false and intended to lead to deception.

RECENT JUDICIAL DECISIONS

Prisoner's Own Evidence and Conduct as Corroboration of Statements made against Him by Accomplices.

In the case of *R. v. Medcraft*, reported 23, *Criminal Appeal Reports*, page 116, the prisoner was convicted of receiving largely upon the evidence of two thieves who were his accomplices, and it was contended on his behalf that the conviction ought not to stand, because the judge had not directed the attention of the jury to any particular items of evidence that could be held to be corroboration of the accomplices' statements.

In dismissing the appeal Mr. Justice Avory said that the prisoner's course of conduct was entirely inconsistent with innocence, and entirely consistent with the story told by the accomplices and thus materially corroborated them. He held that whilst the summing up was not perfect, there had not been any substantial miscarriage of justice within the meaning of Section 4 of the Criminal Appeal Act of 1907, and in the result the appeal was dismissed.

Habitual Criminals—Admissibility of Evidence of Matters not included in the Statutory Notice.

In *R. v. Herbert*, reported on page 123 of the same volume, *Criminal Appeal Reports*, the prisoner was convicted and sentenced as a habitual criminal. He appealed on the ground that evidence was given at the trial about matters which were not mentioned in the statutory notice given to him under Section 10 of Sub-section 4 of the Prevention of Crimes Act, 1908. It was contended that the rule that the conviction must be quashed if matters outside the notice were introduced was absolute, but the Court held that despite irregular admissions in evidence of offences not in the list it was unnecessary to interfere if satisfied that the jury would have found the same verdict in the absence of such evidence.

Having regard to the difficulties which arise in dealing with cases under this troublesome and, as some critics think, at times too technically construed act, the judgment of Mr. Justice Avory is worth quoting *in extenso* :

'This appellant, having pleaded guilty to receiving, and not guilty to housebreaking, was tried and convicted on that charge, and he also pleaded guilty to receiving on another indictment. He was then put on trial as a habitual criminal, and his counsel has invited the Court to say that there were irregularities in the trial. It is true that objection was taken during the course of the proceedings that the statutory notice did not include the fact that the appellant had absconded from work which had been obtained for him, and had within a few days after other employment had been obtained for him stolen from his fellow-workers ; and there was nothing in the notice about his absconding from a training ship. It is in some cases difficult—as the Act allows evidence 'of repute' which is not bound by the strict laws of evidence—to decide whether the evidence has gone beyond the notice. We will assume that there was some evidence given in the list

which went beyond that notice. Assuming that, on the evidence which strictly followed the line of the notice, the jury must have inevitably come to the conclusion that the accused was living a criminal life. It is unnecessary to refer to authorities on this question. It has been decided that if this Court decides that the jury would have come to the same conclusion if irregularities had not occurred, no injustice has been done. There was nothing introduced into this case outside the terms of the notice which could have affected the minds of the jury when they had a record of this man's convictions, and bore in mind the few weeks that had elapsed since he came out of prison before he committed a fresh crime. The summing-up is not a full direction, but it correctly states what the jury had to decide. Departures have, in fact, been made from the notice, but they cannot have altered the result. The Court will not, therefore, interfere.

Habitual Criminals—Admission in Evidence in England of Previous Convictions in Scotland.

There has been another recent decision of importance in habitual criminal cases in the case of *R. v. Murray*, reported on page 166 of the same volume. This man was sentenced as a habitual criminal at the Central Criminal Court in January of this year. The point taken in the case was that as the statutory convictions which were proved on the 'habitual' charge were convictions in Scotland, they were not admissible in evidence, and a further point was taken to the effect that they had not been proved precisely.

The Recorder desired that the Court of Criminal Appeal should consider the question of whether Scottish previous convictions were admissible in evidence in such a case.

In the course of his judgment dismissing the appeal, Mr. Justice Humphreys said that when the Prevention of Crimes Act, 1908, was read with the Prevention of Crimes Act of 1871, it became clear that a crime which in Scotland is punishable on indictment, if that crime is also a crime within the meaning of the definitions of 'crime' in the Act of 1908, is a crime which may be taken into account, and a conviction of that crime in Scotland may form one of the three convictions of 'crime' referred to in Section 10, Sub-section 2, of the Act of 1908. He went on to say: 'The Court does not doubt that, in order that that result may follow, the crime must be an indictable offence in England as well as in Scotland and also one of the crimes referred to in the Schedule to the Act of 1908. In this case it is quite clear that no difficulty arises, as the charges here were charges of shop-breaking with intent to steal, housebreaking and larceny, and, again, house-breaking and larceny—all of which are crimes, felonies, in England within the definition, as well as indictable offences in Scotland.' In the result the appeal was dismissed.

REVIEWS

FROM PUNISHMENT TO PREVENTION By PROSANTO KUMAR SEN, M.A., LL.M. (Cantab.), Barrister-at-Law. Sometime Judge, Patna High Court. Sometime Member of the Legislative Council of Bihar and Orissa (India), etc. 10s. net. (Oxford University Press, London: Humphrey Milford.)

To quote from the Foreword by Sir Evelyn Ruggles-Brise, 'This book reveals a very careful study of the elaborate theories of the function of punishment which are at this time prevailing in Europe.'

The trend of these theories is the substitution of the protective and reformatory for the punitive idea in the treatment of offenders. To draw a fine distinction between moral and legal culpability, to adapt all legal punishment to each individual, 'the true measure of punishment being the offender not the offence.' The theorists hold that persons who trespass against the laws of the community should be no longer dealt with on the principle of expiation by a definite sentence of punitive suffering, but by measures which, while protecting the community against a repetition of their offences, will afford every opportunity of re-habilitation by means of State tutelage under scientific supervision.

The author, himself a distinguished Indian, in the opening chapter quotes passages from the ancient Hindu classics to show that such theories were held in his own homeland very many centuries before they were propounded in Europe or America. Incidentally, this part of the book would have been more interesting to the average reader had translations been given of the passages quoted. But the work of writing this book, he tells us, is due to inspiration received from the late Italian Professor Enrico Ferri, who did in fact offer to sponsor it, but unfortunately 'had passed into the unseen' before the manuscript could be sent to him. The book is largely an appreciation of the ideas of Enrico Ferri and other famous penologists, and contains a comprehensive review of the beginnings already made in the direction of penal reform by the Borstal system, the New York State Reformatory at Elmira, the Probation of Offenders Act, etc.

Theoretically the humanitarian idea of converting all prisons into institutions where malefactors will be detained for an indeterminate period under an advanced form of scientific reformatory treatment until they can be discharged without fear of relapse, may commend itself to all but the most obstinate believers in fear of the Law's revenge as the only potent check to crime, but it may be doubted justly whether Mr. Sen's book goes far towards solving the practical difficulties which stand in the way of realization. He himself admits one such difficulty 'is the financial burden to the State which the requisite institutions and the specialized staff for them would necessarily involve.' The book is, however, a very interesting addition to the literature of penal reform.

STRANGE CRIMES. By H. ASHTON-WOLFE. 10s. 6d. (Hurst & Blackett.)

FOR years the author studied at firsthand the methods of Alphonse Bertillon, and in this volume tells the story of some of the strange cases upon which they worked together. The omission of dates and the absence of an index lessens the value of the book for reference purposes, and it appears throughout to have been written for the general reader rather than for the specialist. The student of criminology should not omit it from his library on that account, of course, any more than he would for the same reason avoid reading newspapers.

It may not at first be evident that these sidelights on the methods of an expert who died eighteen years ago are of other than historical value, for since that time criminal investigation has made tremendous strides. Human nature, however, does not change in two decades, and the difference between the mentality of French and English criminals is substantially the same to-day as it was in the time of Bertillon. In that fact lies much of the value of *Strange Crimes*, for one learns to appreciate that the problems of the Sûreté are basically different from those of Scotland Yard. Such monsters as Madame de Verneuil, who planned the murder of her husband to take place months after her own death, or Dr. Hellyer, the mad vivisectionist who endeavoured to preserve living human brains after removing them from their bodies, seem almost incredible to the Anglo-Saxon mind. One is tempted to speculate upon the degree of success which the strictly controlled procedure of British detective work would achieve in such cases.

After working for years to perfect the system of identification which bears his name, Bertillon not unnaturally regarded the finger-print system with disfavour. He was certainly justified in the case described by Mr. Ashton-Wolfe under the title of 'The Shadow on the Blind.' A man was arrested on suspicion of having murdered a woman who had blackmailed him, and the official impression of his middle finger appeared to correspond with a print found on a wine bottle in the victim's room. Careful examination of photographic enlargements of the latter revealed, however, that it was an impression from the outer edge of the murderer's hand and not a finger-print at all. Further inquiry led to the capture of the real criminal and the release of the man first arrested. Bertillon himself admitted that this was an exceptional case, but it indicates the scrupulous care necessary when an isolated print found at the scene of a crime is used as evidence.

THE STORY OF MY LIFE. By CLARENCE DARROW, illustrated from photographs. 1932. 15s. (Charles Scribner's Sons: New York and London.)

'AUTOBIOGRAPHY is never entirely true. No one can get the right perspective on himself.' With this—Clarence Darrow's own—qualification we may say that his story rings true.

To him as a lawyer and public speaker success came fairly early in life. On reading this story one is reminded of Herbert Spencer's *The Man versus the State*, so uncompromising was Mr. Darrow's opposition to all but the indispensable minimum of State restraint.

Much impressed at first by Henry George and his *Progress and Poverty*, Darrow soon discarded his theories on 'Natural Rights,' saying, 'Nature knows none,' and 'I never could believe that man is so constructed as to make Socialism possible.'

Always interested in the springs of human conduct, he says 'practically

all the inmates of the prisons come from the homes of the poor, and have had no chance to become adjusted to conditions.'

Accordingly he lays great stress on the training of the young; and urges 'sacred' Big Business to study better distribution, rather than increased production, of wealth, because 'the cry of efficiency drowns Liberty and Equality.'

After two years' service as Chief Law Adviser to the City of Chicago, Darrow became General Attorney to the Chicago and North-Western Railway, but during the strike in 1894 he resigned on finding his sympathies were *mainly* with the strikers. In 1902 he was elected to the Illinois Legislature, and secured a peaceable and lasting settlement of the coal strike by arbitration. He promoted useful reforms, though he disliked 'reform organizations' as 'too prone to confound sin with pleasure'; and poured scorn on their habit of always making fresh laws to counter every social mal-adjustment. He also scathingly denounced 'Prohibition' and the Espionage Acts of Congress and many States.

In hopeless criminal cases, like the extraordinary Loeb Leopold murder, Darrow advised a plea of 'guilty' to mitigate the inevitable sentence; and incidentally he reveals many interesting differences between American procedure and our own, especially in the selection of juries.

The author bitterly attacks Christianity, but chiefly the version thereof prevalent in Tennessee when he defended the evolutionary biologist, Mr. Scopes.

His very sympathy for the under-dog seems to have rather obscured Darrow's perception of 'love of adventure' as a cause of crime among wealthy gangsters and others.

The contrast between Darrow's agnostic views and Christian conduct makes his story one of exceptional psychological interest.

WHEN I WAS AT SCOTLAND YARD. By ex-Chief Inspector JAMES BERRETT. 12s. 6d. net. (Sampson Low.)

As might be expected, this autobiography is full of interesting anecdote and exciting incident. It is, in fact, a succession of personal adventures, many of which relate to cases which will be familiar to most readers of the *Police Journal*. The author has a story to tell which a large public will be anxious to hear. He tells that story in a straightforward and direct manner, so that the book is quite light reading. There are few comments on actual problems, for the book is a story rather than a study. It is not the type of book, in fact, which requires any detailed explanation, or which calls for criticism. It is what it purports to be. And that should be sufficient to arouse the interest of a large circle of readers.

CARRYING A GUN FOR AL CAPONE. By JACK BILBO. 5s. net. (Putnam.)

THE value of a book of this type depends obviously on its credentials. This, it is claimed, is the work of one of Al Capone's bodyguard, a murderer, a young German disciple, who is quite unrepentant, and is still continuing his career as a gangster. We are not questioning the authenticity of the authorship, as to which the publishers are evidently satisfied. The only criticism we have to offer is as to how far the story such an author tells is genuine, and how far it is mere bluff and boasting.

It reads, on the whole, convincingly. It is, as would be expected, crudely written and defiant in tone. The author has an unqualified admiration for, and belief in, the powers and capacities of his leader, which subsequent events have hardly justified. But so far as it is an accurate picture

of the life and outlook of an American criminal, it is an unusually interesting study, and one which deserves to be read. The incidents are naturally sensational enough to make the book interesting to read. And it possesses a certain originality, in so far as the author remains unrepentant.

CRIMES OF THE YEAR. By JOSEPH GOLLOMB. 8s. 6d. net. (George Allen & Unwin, Ltd.)

ANY collection of famous crimes depends for its success on two factors, the crimes selected and the skill of the author in putting them before his readers. Of these the latter is the more important. The most thrilling and mysterious crime can become commonplace and uninteresting in the hands of a dull historian, whereas the clever author can make a very ordinary occurrence extremely exciting. This volume is especially noteworthy for the way in which it is written; the author has a happy knack of holding the reader's attention, and he is able to do this even when retelling crimes the details of which by now must be very well known. The criminal arena from which this collection is made extends from a small island in the Pacific to America, Hungary, France, Austria and England. Certain liberties have been taken with the title, as several of the stories deal with waves of crime extending over many years, but as these are the pick of the collection this lapse may readily be forgiven. 'The Drudge who turned Bandit' makes excellent reading, and deals with the adventures of a man and girl in America whose immunity from arrest is almost incredible, while 'A County of Crime' gives an extraordinary account of what happened in an American district which suffered from a desire to look after its own troubles without resort to law. The result was, of course, appalling, and is reminiscent of the fabled lawlessness of Chicago to which another chapter is devoted. 'The Garage Murder' and the story of Sydney Fox are included, and the book concludes with an extraordinary occurrence on a lonely island in the Pacific. The law-abiding citizen may perhaps be excused if he hopes that the author will find sufficient material for an annual work of this kind.

A MANUAL OF CRIMINAL LAW AND CRIMINAL PROCEDURE FOR THE POLICE. By ERNST W. PUTTKAMMER. 7s. net. (University of Chicago Press.)

THIS small volume is primarily intended for the police of Illinois, U.S.A., and is accordingly based on the law of that State. It should not, however, for all that be lightly passed over by the police of other countries. In essentials the criminal law of all civilized countries has much in common, and a book of this kind will teach more than it will confuse. The author frequently interposes test questions on the subject-matter of the previous section for the benefit of those who are using his book as a text-book.

THE NEWGATE CALENDAR. 8s. 6d. net. (Werner Laurie, Ltd.)

THIS is a volume which needs no introduction. It has a historical reputation, and has now been reissued in a new edition, although the record of no modern crimes have been added, and the book retains its eighteenth-century appearance, with its various quaint, and sometimes horrible illustrations. Perhaps the most curious of these relates to the Reverend Mr. Wheatley, a Methodist preacher, who in 1759 was sentenced to do penance in church, and is shown standing in a white sheet, for the offence of adultery. And, as a contrast to the more sordid accounts of crimes of violence, the most pathetic story is certainly that of Dr. Archibald Cameron, who was executed eight years after the 1745 rising, and whose cultured and distinguished status deserved a less brutal penalty than that to which the Government sentenced him.

HOMICIDE IN THE UNITED STATES. By H. C. BREARLEY, Ph.D. 14s. 6d. net. (University of North Carolina Press: and, in England, Oxford University Press.)

THE author of this significant book is out to relate facts rather than to attempt comparisons between the social civilization of the United States and other countries. Some of his facts are startling. The rate of homicide, for instance, is shown to be higher in Florida than in any other country in the world, civilized or barbaric. In Harlan County, Kentucky, the rate between 1920 and 1925 was 77.6 per cent. of the 100,000 population, double even the record of Florida. Chicago, curiously enough, ranks lower than many other American cities. The author discusses many alleged influences upon this crime, and shows that neither meteorological temperature nor illiteracy have as direct an effect as is popularly supposed. He supports the theory that promptness and certainty in the treatment of murderers is of more importance in the suppression of crime than severity of sentence. This is a book which well deserves to be studied.

JUSTICE OF THE PEACE DIGEST OF CASES, 1909-1930. 52s. 6d. net. (Butterworth & Co.)

THIS is a digest of all the cases of any general importance reported in the *Justice of the Peace and Local Government Review* from 1909 to 1930, and is a continuation of two previous volumes for 1862 to 1882 and 1883 to 1908. It should make a useful reference book for persons professionally concerned with Police Court and Local Government work, provided it is used, as digests should be, as an index and not as a substitute for reading the cases themselves.

STONE'S JUSTICES' MANUAL, 1932. 64th Edition. 37s. 6d. net, thin edition 5s. extra. (Shaw & Sons, Ltd., Butterworth & Co.)

HERE is the 1932 Stone edited by Mr. F. B. Dingle of Sheffield. Twenty-two new Statutes and 91 new cases are incorporated; more and more is the extra 5s. for the thin paper edition money well spent. Anyone connected with Police Court work cannot do without Stone, and should not do without its yearly new edition. The work is well done but not well indexed.

We have also received from the Police Publishing Co., Ltd., *Jiu-Jitsu* by L. Crewe, P.C., 6d., an interesting pamphlet on advanced Japanese wrestling: and the 1931 Report of *Boys' Clubs in Ceylon*.

Police Gold Medal Essay Competition

THE Council of the Police Gold Medal Essay Competition have the honour to present their report on the Competition which closed on the 30th November, 1931. The subject was :

"The Scope and Functions of Local and Central Control in Police Administration."

The entry was much larger than last year, and the Council have pleasure in announcing the result as follows :

Gold Medal and First Prize of thirty guineas :

Inspector W. R. JONES, Birkenhead Borough Police.

Second Prize of twenty guineas :

F. T. TARRY, Chief Constable of Exeter City Police.

Third Prize of ten guineas :

Detective Inspector R. KITCHENER, Metropolitan Police.

The following essays have been 'highly commended' :

P. McA. STEWART, Bombay Presidency.

C. R. PETERS, Nainital Kumaon, India.

T. P. Bhalla, Superintendent of Police, United Provinces, India.

The following essay is 'commended' :

Supt. S. G. WOODSON, Norfolk Constabulary, Dersingham.

RULES FOR THE 1932 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 7,000 or more than 11,000 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.

SUBJECT OF THE ESSAY FOR 1932.

Mechanization as an Aid to Police Duties.

Essays must be submitted on or before the 30th November, 1932, to—

THE SECRETARY TO THE COUNCIL OF THE
POLICE GOLD MEDAL ESSAY COMPETITION,
HOME OFFICE,
WHITEHALL,
LONDON, S.W. 1.

THE POLICE JOURNAL

VOL. V. No. 4

OCTOBER 1932

Editorial Notice

WE announced in our last issue that with the January 1933 number we proposed to introduce various alterations in *THE POLICE JOURNAL*. In effect, as we have already explained, our aim will be to make *THE POLICE JOURNAL* an organ of greater topical interest, to include records of contemporary events concerning the Police Forces, and to publish articles dealing with the various aspects of police work, descriptions of recent cases of crime, and contributions which will be useful for purposes of promotion.

This is largely a venture of faith. It is a venture of faith in two respects. First, we can only carry out these changes and continue to make improvements if we receive adequate support. We have already commented on the fact that there are many Forces in which *not a single copy* of *THE POLICE JOURNAL* is taken. We would once more emphasize that our future programme is conditional on an all-round improvement in this respect. We hope that the changes which we shall introduce, and the circularization which we shall undertake, will vastly increase the number of subscribers. But much of this work must be done, if at all, by our friends at home and overseas. We take this opportunity, therefore, of asking all our readers to help to make *THE POLICE JOURNAL* better known. And we appeal to those who are not at present our supporters to aid our efforts by becoming subscribers.

The venture is also one of faith as regards the contents which will make up our future numbers. Unlike most publications, the supply of articles for *THE POLICE JOURNAL* which is sent up for consideration is far below the amount required. Accordingly we appeal to all ranks, both at home and overseas, to send in such contributions. The type of article which we are specially glad to receive is that which describes some recent case of crime and which shows the

methods by which the difficulties in the way of detection were overcome. We are anxious to receive such descriptions both from the Provinces and from Police Forces overseas. We shall also welcome articles dealing with any other kind of police activity, as well as interesting reports of athletic events, articles discussing the various local interpretations of law, etc. Articles should not be less than three thousand words, nor more than six thousand. Where the nature of the article allows, one or two photographs are often useful.

The programme which we have in view will be progressively carried out. We are glad to announce that with the January number the price will be reduced to two shillings (9s. annual subscription, post free). If the response by new subscribers is sufficiently good we shall be able in the future still further to reduce the price.

Notes on Recent Crime

PUBLIC attention has been fixed, a little morbidly from some points of view, but also with a genuine logical interest in the question of guilt or innocence, on the trial of Mrs. Barney, an unhappily married society woman, accused before Humphreys J. at the Old Bailey of murdering her lover, 'Michael' Stephen, in the early hours of the morning at her flat in a Kensington Mews. She was acquitted both of murder and manslaughter after a powerful speech by her counsel, Sir Patrick Hastings, which the experienced Judge described as one of the finest he had ever heard in a Court of Law. The speech, like the silences of a great actor, was powerful for what it did not say. While the undercurrent was emotional appeal, in appearance it was a severely logical analysis of the evidence and nothing but the evidence. It was the exact anti-thesis of the florid style of Marshall Hall. The contrast was marked, too, in the cross-examination, not a question being asked which was not strictly necessary, no long wordy duels being indulged in with Crown experts. Foolish things have been said after this case of one law for the rich and one for the poor. Not everyone can brief Sir Patrick Hastings, but no one who followed the case closely can doubt that there was nothing definite in the known facts to contradict Mrs. Barney's story, told at once and retold on oath at the trial without variation, of an accident. The prosecution had not therefore discharged the onus of proof. A number of small details, such as the lack of finger-prints on the revolver, the gross exaggeration and inaccuracy of the witnesses from the Mews, bruises found on Mrs. Barney, tended to show that her story was true, or might be true. Mrs. Barney was subsequently fined £50 at the Police Court for keeping a revolver without a licence, and she may consider herself lucky perhaps that she

was not, like Alphonso Smith of Stella Maris fame, accused of having a revolver with intent to endanger life.

The emotionalism of French juries cuts both ways. Paul Gougouloff, murderer of President Doumer in May of this year, though almost obviously a madman, has been sentenced by a majority of ten to two to be guillotined in public as a sane man responsible for his actions. He gibbered throughout his trial of incomprehensible and totally meaningless ideals, and could give no reason at all for his savage murder of an inoffensive man. The Public Prosecutor described him as a 'bogus doctor, a voluptuary, a sadist, an unwholesome bigamist and an emigrant Rasputin.' His defending counsel said, 'I want to save Gougouloff from the guillotine, because I feel in my conscience that he does not deserve it.' They do not do these things better in France.

The question of third degree methods in America seems to be coming to a head. After the suicide of Violet Sharpe, which it was alleged was in consequence of police questioning, comes the affair of Hyman Stark from Long Island. Hyman Stark with others had assaulted and robbed the mother of a police constable. After eight hours in the police station, the man was taken to hospital with a fractured larynx and died within twenty minutes of cerebral hemorrhage. Mr. Justice Steinbrink of the New York Supreme Court has ordered the trial of five police officials for second degree murder—the five include Tappen, deputy Police Chief—and eight others on charges of assault and obstructing justice. A curious and disquieting feature is that a large section of the public appear to be supporting the police by raising money for their defence and justifying third degree as the only way to deal with gangsters.

An extraordinary case has been heard in Vienna of a man named Matuscha, who led a sort of Jekyll and Hyde life: in one phase a schoolmaster in a respectable Viennese suburb, religious, fond of his wife and two children, and all the time

engaged in train wrecking. He blew up the Vienna-Budapest express with a loss of twenty-two lives and was always planning 'big terrible train disasters.' The doctors said he was not mad, but a dangerous criminal, and he was sentenced to six years' imprisonment.

The police at last seem to be getting the upper hand of the motor bandits. Penal servitude is their usual fate, when they are caught, with the cat or birch added, if any sort of violence is used on the victims or in resisting arrest. There have been at least three very sensational cases. The first was a real old-time highway robbery of Lady Portman's jewels, worth £9000. The chauffeur, one Carter, was in collusion with a robber band, who came up in another car at Kings Langley. No violence was used, but Lady Portman's jewel case was cleverly abstracted and the men made off. The chauffeur was sentenced to five years' and three others to five, four and three years' penal servitude by Goddard J. at Hertfordshire Assizes, and the Court of Criminal Appeal have refused to interfere. Ivory J. at Winchester Assizes had three men before him accused of stealing over £23,000 by an attack on a Lloyd's Bank messenger in the street. He was accompanied by the treasurer, whom they also knocked down, and they made their escape in a high-powered car. Their defence was an alibi, but they were convicted and sentenced to five, four and three years' penal servitude with fifteen strokes of the cat. At Swansea Assizes a police constable, John Martyn Regan, was sent by Talbot J. to ten years' penal servitude on various charges arising out of a plot to hold up a Great Western Railway clerk and rob him of £1000. He had apparently since 1925, when he entered the police force, been engaged in systematic shop and warehouse breaking. When arrested he was disguised and had a revolver.

A difficult question arises when, as is not uncommon, this type of offence is committed by boys under twenty-one—should they be sent to Borstal or not? The Recorder of London seems to think not, on the ground, one supposes, that such boys would contaminate the others. Two boys named

Gold, aged twenty and sixteen, convicted of breaking in and stealing £600 with violence—they had masks and a revolver—he sentenced to imprisonment with the birch added. The imprisonment would be, of course, modified Borstal treatment. On the other hand, Finlay J. at Durham Assizes sent two boys convicted of an assault with intent to rob—they too had a revolver—to Borstal. The Court of Criminal Appeal have said that Borstal rather than prison should always be preferred, if possible, for boys under twenty-one.

The sensational case of the Rector of Stiffkey has ended in his conviction by the Chancellor, Mr. North, on all the charges not dropped by the prosecution, and the Privy Council has refused leave to appeal on fact. There is no doubt his reckless answers in cross-examination were his undoing, but one cannot help wondering, even so, if a jury might not have taken the lenient view that his conduct was just eccentricity pushed almost to the point of madness.

Convictions for motor manslaughter show a welcome increase. Juries undoubtedly have been in the past far too easily influenced by the good manners and pleasant bearing of the accused in these cases, and have been led away into acquittals, not justified by the evidence. Sentences, too, have become severer and periods of suspension longer.

A commission set up by the late Home Secretary to report on the question of the habitual offender has reported in favour of abolishing penal servitude and substituting a system of detention with training, and with the widest powers of releasing on licence, after a third of the sentence has been served. This is very drastic, but most people would agree that the present limitations to sentences of preventive detention are most unsatisfactory, particularly that it should be necessary for an offence to have been committed justifying a sentence of penal servitude, and for such a sentence then to be inflicted.

The A.T.M. Electro-matic Traffic Control System

THE ideal system of street traffic control at intersections or road junctions is one in which every vehicle approaching an intersection automatically secures right-of-way at the earliest possible moment, with due regard to the claims of other vehicles approaching the intersection from other directions.

At first sight, and having regard to the complexity and volume of modern traffic at busy city crossings, such an ideal would appear impossible of attainment.

Nevertheless, the A.T.M. Electro-matic Street Traffic Control System actually accomplishes this ideal, regulating the traffic by the conventional colour-light signals in direct accord with the requirements at any instant.

Unlike the conventional street traffic control system, however, with its fixed time-cycle and regular periods of 'stop' and 'go', the periods determined by the A.T.M. Electro-matic System are regulated by the vehicles themselves.

The A.T.M. Electro-matic Street Traffic Control System has three components :

- (1) The Detectors.
- (2) The Controller.
- (3) The Signal Lanterns.

(1) *The Detector* is a device for indicating the approach of a vehicle to an intersection, and its inclusion constitutes the basic difference between the A.T.M. Electro-matic and other street traffic control systems operating on a fixed-time-cycle.

Its function is to indicate to the controller the arrival of vehicles approaching the intersection.

It is a pressure-operated unit set flush with the surface of the roadway, and extending over approximately half the

width of the latter at a distance back from the intersection dependent upon the nature of the thoroughfare and the speed of the traffic.

The detector has no moving parts, is of robust and wear-resisting construction, and is surmounted by a rubber composition tread.

The special construction—by which the vital portion of the unit is hermetically sealed—renders it immune from the effects of road grit and moisture, and, being pressure operated only, its functioning is unaffected by snow, hail, rain, dirt or even ice.

For narrow streets and other places where there is a possibility of vehicles passing over the *Detector* when proceeding away from an intersection, the device is made unidirectional so that vehicles which pass over it when leaving the intersection are ignored.

(2) *The Controller*. This is a simple and robust piece of mechanism which performs the necessary switching operations to the signals in accordance with the messages it receives from the detectors.

It is obviously impossible for each vehicle to be given right-of-way immediately on arrival at the intersection, but the Electro-matic controller is so arranged that every vehicle is passed through at the first *safe* opportunity.

This is accomplished by an ingenious but simple device which, in effect, notes the time of arrival and the speed of each approaching vehicle and regulates the signals in such a way as to pass the vehicles through in the most efficient order.

Various adjustments are provided (whose function will be more fully described later) which enable the controller to be easily and quickly adapted to the requirements of the traffic at the particular intersection at which it is installed.

(3) *The Signal Lanterns* are of the conventional colour-light pattern, fitted with red, amber and green lenses, and may be mounted in any convenient manner in accordance with the requirements of the local traffic authority. The controller can be arranged to give any signal sequence desired.



ELECTRO-MATIC STREET TRAFFIC CONTROL
THE CORNHILL BY BISHOPSGATE INTERSECTION

How the System Operates.

A clear understanding of the principles of operation of the A.T.M. Electro-matic Street Traffic Control System is best obtained by consideration of a single intersection.

The four detectors—one in each approach road—the controller and the signal lanterns, are all electrically interconnected, and actuation of the signals is brought about by the electrical impulses initiated by the vehicles themselves passing over the respective detectors.

Take first the case of a vehicle approaching an intersection with existing right-of-way, *i.e.* green showing, and no other traffic in the vicinity. The driver proceeds upon his way, his vehicle traverses the detector, and although no visible change occurs, the controller ensures that he has a sufficient time-interval to effect the crossing in safety should other cross-road traffic approach meanwhile.

Moreover, the time-interval secured by the passage of the vehicle over the detector is proportionate to the speed, a slow horse-drawn lorry, for example, setting up a longer right-of-way period than a fast car.

This is an important characteristic of the A.T.M. Electro-matic System, in that it proportions the right-of-way periods according to the actual traffic requirements, and reduces waiting time to a minimum.

Next consider the case of a vehicle approaching an intersection with the signals set against it, at red, but with no other traffic in the vicinity.

With the passage of the vehicle over the detector the signals change immediately to amber and, given a safe speed of approach, green will be showing by the time the intersection is reached, so that the driver can proceed without decelerating or stopping.

In the case of two cars approaching the intersection together, one on either road, the first vehicle to pass over a detector secures the right-of-way as already described, but the passage of the second vehicle over its detector is recorded by the controller and the right-of-way is given immediately the first vehicle has cleared the crossing.



THE LORD MAYOR OF LONDON (SIR MAURICE JENKS) INAUGURATING THE FIRST ELECTRO-MATIC STREET TRAFFIC CONTROL INSTALLATION IN EUROPE (THE CORNHILL BY BISHOPS-GATE INTERSECTION, CITY OF LONDON)

Consider now streams of traffic flowing on the highways. Each succeeding vehicle to approach an intersection with existing right-of-way will, in passing over the detector, extend the right-of-way to permit its crossing in safety.

This may continue indefinitely if there is no cross-road traffic, but as soon as a cross-road detector records the presence of a vehicle, the controller will transfer the right-of-way to the cross road during the first gap that occurs in the moving traffic stream.

In recording the presence of the vehicle on the cross road the detector also initiates a limiting interval, which marks a maximum period of continuous flow when there is waiting traffic on the cross road. If the traffic stream is so continuous that no suitable gap occurs, the controller will, at the expiration of the limiting interval, arbitrarily transfer the right-of-way to the cross road, after a suitable cautionary signal.

Vehicles on the cross road may extend the right-of-way in their direction also, but with the same provisions as above, that they must surrender it at the end of the predetermined maximum interval if there is traffic requiring it.

In no case does one line of traffic secure a monopoly over the other; waiting traffic is always passed through the first gap that occurs in a traffic stream or at the end of the predetermined maximum interval of continuous flow, hence each road secures the right-of-way in varying ratio corresponding to the constantly fluctuating traffic densities.

In brief, there is a maximum period of flow along either road as in fixed-time-cycle systems, but with this fundamental difference, that if traffic conditions do not require the full duration of the right-of-way period in either direction, it is automatically terminated when a gap occurs in the traffic stream, thereby enabling waiting cross traffic to take advantage of such a gap.

It will be seen that under the A.T.M. Electro-matic Street Traffic Control System all conditions are catered for in the most efficient manner and that no vehicle, irrespective of direction, is detained unnecessarily.

Similar conditions apply to all types of intersection, including T, X, offset and Y crossings, multipoint inter-

sections, circuses, or drives from hotels, factories, etc., debouching on the main road.

Reverting once again to the controller. There are nine adjustable switches on the front panel, eight of which are associated with the two intersecting roads, whilst the ninth, known as the periodic call timing switch, affords facilities for interrupting a continuous traffic stream on either road at the expiration of a suitable period for the benefit of pedestrians waiting to cross.

This is an optional feature of the A.T.M. Electro-matic Controller.

Four 'On and Off' switches also enter into the composition of the controller, one pair of which controls the reversion of right-of-way to either road according to circumstances, whilst the other pair affects the duration of the period during which the amber warning signal is displayed in either direction.

The several adjustable switches have the following functions:

(1) *The Maximum Timing Switches*, for adjusting the maximum period during which continuous traffic on one road can keep a vehicle waiting on the other.

(2) *The Amber Timing Switches*, for adjusting the duration of the amber warning period in accordance with the requirements of traffic at the intersection.

It will be realised that if a road loses its right-of-way virtue by a gap in the traffic, only a very short amber period is necessary, as it only affects stationary waiting vehicles on the cross road.

On the other hand, if a continuous traffic flow has to be interrupted, a longer amber interval is necessary to enable moving vehicles to clear the intersection.

The amber extension switches are arranged to secure this condition by suitably prolonging the minimum amber period only when a continuous flow is arbitrarily interrupted.

(3) *The Vehicle Interval Timing Switches*, which determine the safe-passage period, allows a vehicle to move from the detector to the far side of the intersection, each vehicle as it crosses the detector securing its own safety interval as already described.

Vehicles which have to stop, however, because traffic on the cross road does not permit them to be passed immediately, are found to require a period over and above the safe-passage interval in which to get started, and as there may be three or four such vehicles between the stop line and the detector, this extra time may amount to five or six seconds.

Obviously it would not be economical to give this extra period at all times, and so it is arranged that it shall be inserted before the first vehicle interval only after the right-of-way returns to a highway and is adjusted by

(4) *The Initial Interval Timing Switches.*

The Arterial Switches, when closed, secure the reversion of the right-of-way to the roads they control, irrespective of depression of the detectors, and may be used when traffic on either road reaches the condition of almost continuous flow and maximum speed is desirable, or to obtain certain effects in the solution of difficult traffic problems.

Universal Application of the System.

Traffic conditions necessitating automatic control at intersections can be broadly classified under four heads, viz. :

- (1) Quiet intersections.
- (2) Busy intersections.
- (3) Intersections involving more than two traffic streams.
- (4) Inter-related intersections where the characteristics of progressive control are desirable.

(1) At quiet intersections where traffic is light and intermittent, but control is nevertheless desirable on the score of safety, the A.T.M. Electro-matic System has obvious advantages over the fixed-time-cycle principle as the right-of-way is never held against an approaching vehicle unless there is traffic actually nearer the intersection on the other road.

(2) At busy intersections the traffic density on the two roads varies considerably from hour to hour, and a fixed-time-cycle, however carefully the ratio is set, causes much avoidable delay at some time. The A.T.M. Electro-matic System automatically adjusts itself to the varying ratio of traffic, and

when the traffic on both roads is practically continuous, the saving of a few seconds is valuable in avoiding congestion.

(3) At multipoint intersections the time-intervals are allotted to each stream in turn and in proportion to the traffic density. When gaps occur in one or more streams, their right-of-way is omitted from the cycle with consequent speeding up and avoidance of congestion.

(4) On inter-related intersections, although it has been found that the increased efficiency of the A.T.M. Electro-matic System renders correlation of signals almost unnecessary, the characteristics of flexible progressive control may nevertheless be secured, in that the system can be arranged to give right-of-way to the main road for a fixed period plus any additional time during which there is no traffic on the side roads.

In such a system detectors are not required on the main road, but are only fitted in the side road approaches.

Advantages of the A.T.M. Electro-matic Street Traffic Control System.

Saving in time.

Delays at intersections are minimised and the fullest possible use made of the roadways.

Since traffic congestion is a function of average speed, any time that can be saved raises the average speed and reduces congestion.

Flexibility.

The extreme flexibility of the Electro-matic System enables it to control efficiently every type of intersection and every class of traffic, and in all circumstances to adapt itself to the traffic conditions of the instant.

Psychological Effect.

When known, the Electro-matic System is more readily obeyed than any other, in that it can never stop traffic needlessly. Accidents are thereby reduced since there is less likelihood of drivers disregarding a stop signal.

Economic.

(1) Some £15,000 to £20,000 per mile is expended in the construction of a modern road. Maximum return can only be achieved by ensuring that the maximum volume of traffic may flow upon it in safety. Electro-matic ensures this and prevents the enforced construction of other roads rendered necessary by the diversion of traffic due to congestion.

(2) Enormous capital is invested by industry, shopkeepers, commercial houses and the public generally, in vehicles of all types. The reduction of congestion and the consequent speeding-up of traffic ensures to each the maximum return on capital invested, in that each vehicle may make a greater number of journeys per day. It is seldom realised that average speed in cities falls as low as five miles per hour and that every mile per hour by which it can be raised is therefore a very high percentage of the existing speed. Even an increase of one quarter of a mile per hour will increase the traffic flow by five.

Increased Safety.

Though congestion has lowered the average speed in cities and towns, the many miles of new and excellent roads, through the open country, have made possible such high average speeds between cities and towns that public safety demands control at places where, but a few years ago, only the foolish road-user would have found danger.

General Conclusions.

From the foregoing it will be appreciated that it is now possible to apportion the road efficiently and fairly to all road-users.

Up till now many city and municipal authorities have been sceptical of the suitability of existing types of traffic signals for their areas. But the promoters are anxious to prove in this country, as has already been abundantly proved in others, that the A.T.M. Electro-matic System can take care of all traffic needs.

THE CORNHILL BY BISHOPSGATE ELECTRO-MATIC STREET TRAFFIC SIGNALS

The first Electro-matic Street Traffic Control Signals in Europe were brought into service at 3 p.m. on Monday, March 14th, by Sir Maurice Jenks, the Lord Mayor of London. The signals were installed at the instance of Lt.-Col. Sir Hugh Turnbull, K.B.E., Commissioner of Police for the City of London, and responsible highway authorities in all parts of the country have been awaiting with exceptional interest reports as to how the Electro-matic system is able to contend with the enormous traffic which flows from all points of the compass through this rather narrow intersection.

The Lord Mayor, accompanied by Sir Hugh Turnbull, Commissioner of the City of London Police; Sir Alexander Roger, Chairman; Mr. G. W. Moore and Mr. T. A. Eades, Directors of Automatic Electric Company, and several officials of the Ministry of Transport, Chief Constables and Surveyors from the Metropolitan and provincial areas, witnessed the uncanny distribution of the traffic, which had meanwhile become congested owing to the inauguration.

Speaking into the microphone Sir Hugh Turnbull said 'that the installation was the first of its kind in Europe. It allowed a more constant flow of traffic than any other automatic signalling system, and that he hoped it would shortly be installed at other points in the city.'

The Lord Mayor congratulated Sir Hugh on his courage and enterprise in sponsoring a revolutionary principle of dealing with the huge volume of traffic experienced in the city, and complimented the Directors of Automatic Electric Company for bringing to this country the very latest principles dealing with the traffic problem.

In switching the lights into service the Lord Mayor used a silver key suitably inscribed to commemorate the event, which together with a duplicate for Sir Hugh Turnbull was presented by the Chairman and Directors of Automatic Electric Company, Limited.

Throughout the remainder of the afternoon, traffic flowed smoothly and promptly in all directions through the

intersection, and it was obvious that an appreciable saving in time was being effected. The Electro-matic system differs from other systems operating on what is known as the fixed-time-cycle principle, in that the vehicles themselves control the signals by their passage over pressure pads, set flush with the roadway, at some distance back from the intersection.

The principle of 'first come, first served' is thereby observed, the first vehicle to approach an otherwise vacant intersection setting the signals in its own favour.

Similarly, vehicles approaching a crossing already filled with cross traffic initiate an interval enabling them to cross after a minimum waiting time.

In no circumstances is there any unnecessary hold-up, as with the fixed-time-cycle system, at unoccupied intersections, and maximum use is made of the available roadway.

Electro-matic signals pass more vehicles per hour than any other system, make for greater safety by reducing accident risks, and will control any type of intersection, however complex.

Following the success of this trial installation the City Police authorities have decided to proceed with a scheme for supplying the whole of the City crossings, wherever possible, with Electro-matic. In addition to this, the leading traffic authorities throughout Great Britain are trying out the system, in many cases with the object of replacing the old Fixed Time Cycle Systems, and it is interesting to note that in the Metropolitan area, Piccadilly, Trafalgar Square, and many other main thoroughfares are definitely to be controlled with Electro-matic.



ELECTRO-MATIC CONTROLLER AT THE CORNHILL BY BISHOPSGATE,
CITY OF LONDON, INTERSECTION
(THE DOOR IS OPEN, SHOWING CONTROL SWITCHES)

(face p. 480)



SIR JAMES STIRLING, R.N.

(See page 500)

Drug Addiction

By H. W. DUDGEON

Department of Public Health, Cairo

WHEN I was asked to write an article on drug addiction, I wondered why, as my work is concerned with the administration of lunacy rather than with that of a drug specialist, but I recognised that as my experience of the latter extends over thirty years, and I have dealt with more than 3000 cases, I may therefore consider myself entitled at least to give my views on the subject.

There are two main classes of addicts : (1) the accidental and (2) the ordinary addict. The first I like to call the accidental addict, since I mean one who has started taking the drug either accidentally or for some definite disability, such as severe pain, *e.g.* renal colic. I have known an accidental case of cocaine addiction arise from the advice of a nurse to take the drug for toothache, an almost criminal mistake in a nurse. When a drug is found to relieve objectionable symptoms it is not unnatural for it to be persisted in, in spite of the doses having to be increased ; the type of drug is immaterial, even laxatives and purgatives have to be increased in dose to get the usual action. Fashions have changed in drugs as in other things ; years ago chloral, bromide and opium were the favourites, then came morphia, followed by cocaine and heroin. Opium and hasheesh in the East are probably immemorial, but I have seen little insanity due to them, if used alone and in their natural state. Opium in certain countries is commonly swallowed to give the necessary strength for a long sustained physical effort, while coca leaves are used in other countries, and certainly the effects from the juice of the plants themselves are very harmless from a mental aspect, though their persistent use may undermine the physical

health if the doses taken are large ones. The question of having to increase the amount of a drug to obtain a constant result is interesting, because the body, human or animal, has the power of conforming to varying conditions, whether these be due to drugs, clothes, food, climate or work; it is in fact similar to getting some one muscularly 'fit'. So also with the regular intake of drugs, the body gradually adapts itself to the condition which is normal to that particular person; if it is still desired to obtain the ordinary therapeutic action of the drug, a larger dose becomes necessary, and as the increase continues, the increasing and abnormal doses affect the physical health and attempts are made to alleviate or abstain. If the addict is of normal mentality, he will usually seek medical advice and treatment. Often, after some efforts on his own part, the withdrawal symptoms from which he suffers will be the exact opposite to the action of the drug taken; for instance, the withdrawal symptoms of opium and most of its alkaloids are insomnia, diarrhoea, pains, etc., all of which the drug could alleviate. These withdrawal symptoms can be minimised by careful medical treatment, and in the normal person and accidental addict they are both the best method and the most humane, the actual illness and realisation of the trouble usually being sufficient warning; but with the next class, who form the great majority, and amongst all addicts whom I have seen, I doubt whether there are a couple of dozen entirely normal mentally. I realise, however, that my work is mostly concerned with mental defects and that this proportion may not be accurate; still, a mental institution can guarantee a very secure place for thorough treatment, so that many of our addicts come voluntarily beseeching admittance, and they have frequently affirmed they can obtain a security from their access to drugs which they have not been able to find elsewhere.

Class 2. The usual addict (a quite different person from the 'accidental') is a type amongst whom are found the failures of life, the ne'er-do-wells, the grumblers against life, the drunkards, the petty criminals. From these the bulk of the habitual criminals are formed, these mentally unfit persons striving to obtain what they have been taught to expect, and

what they have been allowed to get. It is difficult for them to realise, owing to their abnormal mentality, their limitations. They are often found amongst the educated, provided 'educated' includes those who have merely the power of assimilating the knowledge of others without the power of utilising it. I have known brilliant and lightning-like calculators of simple mathematics amongst mental deficient who were totally unable to use their powers to advantage, and brilliant linguists whose gifts were largely useless to them. I remember being told in my student days: 'we will teach you all that it is useful for you to know, it is up to you to use it intelligently or otherwise.' This statement may account for some of those who pass examinations brilliantly, yet remain practical nobodies throughout life.

These people are weak-willed, if nothing worse; they have that fatal faculty of picking up the bad traits of others and leaving the virtues severely alone, they cannot say 'no', they are swayed by every wind that blows. A common failing also is that they have not the aptitude for steady continuous work, they resent the success of others frequently less 'educated' or of lesser ability than themselves, and they lack, above all, that great essential of life which is expressed by the words 'common sense'.

Many meander between the realms of sanity and semi-sanity, and in fact form that large class who can never be any good to the State, and whom any State would gladly be rid of, for they swell the ranks of the unemployed, prisons and various institutions. In savage and barbarous times these people could never exist for long, their failings would destroy them under the ruthless law of the 'survival of the fittest'; but they now form a host who drain the country of money, and have to be cared for, coerced or controlled.

Many start taking the drugs for some specific purpose of their own, sometimes to give them courage for some risky effort, often for aphrodisiac reasons,—the latter is a main cause anyhow in the East, and more so in other countries than is generally supposed. Others take them in an attempt to attain a higher sense of well-being, a feeling of superiority or equality such as has been denied them in their normal state, which is that

of inferiority, and the sense of which is constantly increased by seeing the greater success of others in relation to themselves; what they cannot realise is that their own failure is due to their inferiority, and it becomes a fight against overwhelming odds. Those who can recognise their inferiority are frequently able to lead happy and contented lives in the humbler ranks of life, for it is not given to all to arrive at greatness, and it is cruel to preach that everyone given equal opportunity is able to reach the highest positions of life. In life, as in sport, there are the handicap men and the 'scratch' men, and by no amount of teaching or training can the ordinary handicap man become 'scratch', though many hearts have been broken by holding out false alluring hopes. Everyone has his level; happy is the man who finds and accepts it.

Another excuse for drug taking is frequently that of bad companions; it is a poor one, for the old adage says, 'Judge a man by his friends.' It is open to anyone to look back through his own life at school, and see how his friends prove the truth of this old saying. The real cause of the reversion to drugs is some vice or weakness in character, and such persons can only be classed as effete, useless, degenerate and weak-minded, almost reaching to the stage of imbeciles. Drug taking is also very frequent amongst the mildly though not actually insane, those for whom certification has not been imperative or necessary. These people cannot tolerate doses which would be normal to the ordinary person, their very unstable mental equilibrium being easily disturbed; and even after taking moderate doses of alcohol or drugs they become so unbalanced that they have to be sent to an institution. Actually their insanity was the cause of their taking intoxicants, the drug was merely the incident which unbalanced them, and though they are frequently certified for alcoholic or drug insanity, they remain their poor mental selves on recovery, ready to fail again and again. All these classes of mental misfits, be they degenerates, weak-minded or borderland insanities, etc., are a serious problem which has to be taken very seriously by those States who have any foresight as to the future. Research and inquiry must decide where they all come from, and much that has been written has been contradictory. But there seem to be

one or two fairly certain facts; one is that they tend to die out in two or three generations. Two degenerates are not prolific, though one degenerate and one sound are liable to be so. It is also stated that it is not from this class that the bulk of the defectives are born, though I seriously doubt this contention; the difficulty in deciding who produce all the insane offspring lies in the fact that unless a child is an obvious imbecile, nothing is apparent until later years. Epilepsy is, of course, usually a disease of youth, but the next class, the *Dementia praecox*, seldom shows such definite symptoms in childhood that the ordinary person will recognise it as such; and this means that about eighteen or more years have passed before it is realised and inquiries instituted, and by then histories are vague and indefinite. The other insanities, such as those of Pregnancy, Mania, Melancholia, Paranoia, etc., come on later and become still more difficult to elucidate, but there are many instances of both women and men who have formerly been in these asylums and been discharged, whose children have later been admitted, and they recur too frequently to be merely coincidences. For instance, a youth against whom there was a charge of theft was sent to me a few days ago; he has been admitted several times, and sometimes he has been accused of some offence; he is really a very mild *Dementia praecox* whose behaviour is often ridiculous but who does not show much insanity in other ways. A brother and sister are both in the asylum, his mother was insane here when he was about six years old, and his father was addicted to drugs. I could quote many other such cases.

What can be done to arrest the birth of potential lunatics and degenerates? There are two solutions: segregation and sterilisation. The former, if it were done in a thorough manner, would be practically prohibitive financially, and the other, sterilisation of mental defectives, would be unnecessary, if it were a fact, which I doubt, that degenerates do not breed true to their degeneracy. It is fairly conclusive that they tend to die off, so the main supply evidently comes from other sources. The supply, I think, will be found to come from the adolescent insanities, the *Dementia praecox* who recover sufficiently to live and thrive outside institutions. Such persons cannot

be shut up all their sexual lives ; but if it is true, as I hold, that they breed true to their unstable selves, they should not be allowed to propagate children who will certainly be a curse to themselves and to everyone else. A child has the right to be born with a fair chance in the world, and therefore I believe a wide-minded view with regard to sterilisation of the unfit, before discharge, would certainly increase the chance of less defective children being born.

History records that addiction to various drugs has been the custom in practically every country ; in some the drug has been opium, others hasheesh, in others coca, others alcohol, others again leaves of various herbs, roots, etc. Nations have survived and thrived on this addiction, and ' Commissions ' have been unable to confirm any general destructiveness. Certainly examples can be quoted, in greater or lesser numbers, of harm done by the abuse of such drugs, but, taken in proportion to the mass of the inhabitants, there does not seem to have been sufficient proof that the people as a whole were deteriorating or serious harm done. These drugs were either indigenous to the country or were manufactured locally. Custom had taught their dangers and their limits.

Public opinion, spurred on to action probably more by the exceptions than by its general effects, banned their use by laws ; but substitutes which science had discovered were introduced, and they were much more potent in their action and infinitely less in bulk ; thus, the curse of white drugs began. These have done infinite harm, and it is only when the ordinary person, as opposed to the ' weak-willed ', has realised this, and has relegated such drugs to their proper sphere, that we may hope for the curse to abate. The question arises : are countries to be legislated for by acts which really are only necessary for the exceptions, and not for the masses ? And are the masses to be hampered by restrictions which should apply only to their weaker brethren ?

The man in the street is liable to act up to the opinion held of him. If he is considered and treated as if he were a thief or a criminal, there is little credit in his being honest ; when he is treated as a law-abiding citizen, he will generally behave as such.

The trafficker, undoubtedly, should be governed with an iron hand ; he belongs to those who thrive on breaking laws, and for whom laws are merely enactments through the circumvention of which they can enrich themselves ; they are those who make money by the easiest method, criminal or otherwise, careless alike of whom they may ruin or destroy. As a class they have not the adaptability for sustained labour, and in fact they are very much the same mentally as the usual addict. Corporal punishment has been recommended, and it has much in its favour ; it has eliminated or very greatly reduced certain forms of crime, and it might certainly be given an extended trial. The trafficker, whether he energizes in drugs, white slavery or anything else, is not that robust healthy type to whom prison is a shame. There is now a trafficker passing through my hands : he is also an addict. He was sent here first in April 1931, accused of trafficking in heroin, and he was also to all intents and purposes insane from its abuse. He was kept in the hospital for nearly a year (eleven months) and discharged as absolutely recovered in March 1932. He had gained 30 kilos in weight (nearly 3 stones). He was readmitted a month later, again accused of trafficking ! He is also obviously suffering from the abuse of heroin ; he started taking it three days after leaving here and has already lost 14 kilos in weight. He will undoubtedly be sent up for trial as soon as he has recovered from the withdrawal symptoms. What is to be done with this type of case ? He was detained for a year in hospital and was discharged, absolutely recovered, yet he started drugging again three days later ; he cannot possibly have had any craving for the drug, because there was too long an interval after his recovery, yet loss of liberty was evidently useless, and it is more than doubtful whether imprisonment will be of any avail. His status in life debars prison from being a hardship and it can be no disgrace. Traffickers in general can support detention easily if their purses are well filled awaiting their discharge. Corporal punishment would have an excellent chance of impressing them with the fact that trafficking has serious disadvantages. Also, I am not altogether convinced that the same method might not deter a large number of addicts,—though there are bound to be

exceptions, in the same way as the law has failed entirely to eliminate crime and murder, though it does deter a large number.

It is the general belief, in Europe anyhow, that hasheesh is the common cause of crime, vice, insanity and destruction of health, a belief founded really on reports of exceptional cases; yet the harm done when the control of hasheesh and drugs generally was not so vigorously controlled was infinitesimal as compared with the present conditions. We averaged 60 or 100 cases a year, and last year we admitted over 500, and could have taken in hundreds more who had to be turned away from the doors.

The Indian Hemp Drug Commission, Calcutta, 1893-4, reported as follows about hasheesh:

'The moderate use of hemp drugs is not injurious. . . . Witnesses in the majority of 9 to 1 declare alcohol to be more injurious than hemp drugs. Moderate consumers are not offensive as a rule and indeed are not distinguishable from "total abstainers"'. . . . The Report adds: 'Its moderate use has no physical, mental, or moral ill effects whatever.'

Egypt in its laudable efforts to improve the health of her inhabitants banned the growing of opium and made the sale of hasheesh almost impossible, but now white drugs are rife and alcohol common.

India also is making strenuous efforts to stop opium. We can only conjecture from the history of other lands what will be substituted, but it is probable that it will not be for its well-being. Opinions, medical and otherwise, have repeatedly affirmed that opium in itself and in moderation does little or no harm.

The fact is that we are always liable to legislate for the exceptional rather than for the usual, and it is the exceptions which can be painted in lurid lights and lend themselves to propaganda.

Particular cases stand out in the records of these institutions since 1902 as landmarks. From 1902 to 1907 there was a steady average admission of about 60 to 100 of drug takers in the proportion of two-thirds hasheesh to one-third alcohol.

In 1908 the first morphia addict was admitted, a chemist.

In 1910 the first cocaine case came under observation. She was a variety-hall artiste who said that she and all her fellow-workers took the drug to give brilliance to their performances. The next 'Cocamania' came in 1913, and for the next ten years cocaine and morphia were fairly common, alcohol keeping to its steady 30 to 40 in spite of a very largely increasing number of admissions from other causes. About 1922-23 heroin began to supersede cocaine, presumably because it was cheaper, and since then it has increased by leaps and bounds.

The causes for having started taking drugs are variously given: to feel happy and contented, bad companions, aphrodisiac purposes, and to give recklessness (which patients call courage) to perform some hazardous act, frequently crime. Wherever immature sexuality is the custom, divorce easy and common, and plurality of wives allowed, the desire for aphrodisiacs will be predominant. Heroin, I am assured, acts definitely in this manner. Unfortunately, however, its continuance conforms to the action of all drugs and larger doses must be taken, and if persisted in, impotency normally comes in about a year.

Many voluntarily applied for admission for drug addiction in whom there was obviously no real desire for cure. They merely wanted their health improved and a forced abstinence from the drug, to enable them once more to obtain the drug's full action at a more moderate cost; the large doses to which they had had to resort had outrun their means. Others again came dressed in filthy verminous rags which naturally had to be destroyed, and they would have to be dressed at Government expense on their discharge, and the new clothes could be sold for more drugs. Others again merely required a hotel for a short time, funds having run low. A certain number of habitual criminals evidently thought that a certificate of having been an inmate of an asylum might possibly come in useful, and several cases were discovered to have a charge against them. The actual methods of taking the drug were often very primitive; an eye dropper or fountain-pen bulb affixed to a hypodermic needle are instances. Frequently, the whole course of the superficial veins showed marks of puncture and the remains of old septic scars. Snuff-

ing was very common, but it caused ulceration of the nasal septum even to the extent of perforation.

That these drug addicts are closely connected with mental defectives may be deduced from the fact that out of a series of 20 drug addicts, four had one or more insane relatives of whom we had personal knowledge.

A case has been mentioned above of a drug addict after a year's abstention in hospital reverting to the drug after three days' discharge. There are many more who have been 'cured' even up to six times, and come back for another cure, all of which points to the fact that these persons revert to the drug not from any particular craving, but owing to a warped mentality. I think I may conclude with a note written by me in 1930 in answer to an inquiry whether it was considered advisable to cater for the addicts in special hospitals.

'Great interest is now centred around the drug question and its grave effect on the nation. The general idea seems to be that these addicts are poor sick creatures deserving of much pity and that hospital treatment would alleviate if not cure the evil. Personally I do not agree with this idea, and in fact I think it would probably have just the opposite effect. If these people who are made up of the useless members of civilization (even before they took to drugs) believed that after drugging to excess they could be cured in a comfortable hospital the treatment would become :

- (1) No deterrent but rather the reverse.
- (2) It would be used as a palliation of crime.
- (3) Malingering would be such an easy means of obtaining the comforts of a hospital that hospitals would probably be frequently used as hotels.
- (4) The worker and taxpayer would be unfairly victimised financially for the inefficient and useless.

The present proposal to have clinics attached to the hospitals for the treatment of drug cases is, in my opinion, not only pandering but stimulating to the vice.

I would like to suggest that these cases should be legally convicted, first being sent to a prison hospital for treatment and then being given six months' detention with hard labour after their cure.

All cases applying for treatment to doctors, hospitals or unqualified persons might be made notifiable, as is done with infectious diseases, and failure to report should entail punishment in some form.

A great work has been done in exposing the sources of supply and it would be well if energies were employed to deter the addicts. I am sure that with proper severe repressive measures this inefficient portion of humanity could be made to realise that such anti-social habits were considered criminal and not as sickness, and that the State was prepared to treat them as such.

I admit that hospital treatment followed by six months' hard labour would be expensive, and it might be considerably cheaper to replace imprisonment by corporal punishment, as records show that this method has stamped out certain crimes where mere imprisonment has failed.

The point I wish to emphasize is that pity towards this vice, and towards those who pose as 'victims of vice,' is entirely wrong. They are not victims of other people's misdeeds, they are the instigators of crime and they should be controlled.

It is their behaviour which creates other people's misdeeds and the punishment should also fall on them. The law should punish the creator of the crime.

Every effort should be made to insist that drug addiction in general is not an illness but an offence against law and order, and until this is fairly established, no headway can possibly be made against this very grave danger.'

Chief Constables' Association of England and Wales Annual Conference

BY SIR HERBERT L. DOWBIGGIN, C.M.G.

Inspector-General of Police, Ceylon

AS a Police Officer serving abroad who enjoyed the great privilege of attending the Conference of the Chief Constables' Association, which was held at the Guildhall in the City of London on the 15th, 16th, and 17th June, it has struck me that a note on some of the subjects dealt with at the Conference may be of interest to officers serving abroad. To the Chief Constables of England and Wales who were present at the Conference, and to members of Police Forces in England and Wales who have had the opportunity of reading the reports published in the newspapers it will be of no value, but there are many points in the subjects dealt with at the Conference which might, through the medium of the JOURNAL, be brought to the notice of members of Police Forces serving abroad.

While on leave in England in the month of June, I heard that a Conference of Chief Constables was being held at the Guildhall. I ventured to write to the Commissioner of the City of London Police (Sir Hugh Turnbull) asking if it would be possible for me to be present at the Conference. In reply I received from the President-elect, Mr. A. Killick Mayall, O.B.E. (Chief Constable of Oldham), and from the Honorary Secretary, Captain A. C. Dawson (Chief Constable of Birkenhead), a most cordial invitation to attend the Conference, and also the Annual Banquet of the Association. The Mayor, the Chairman and Members of the Watch Committee of the County Borough of Oldham, also very kindly invited me to the luncheon at which they entertained the members of the Association and representatives of Police Authorities.

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The Conference was attended by over 100 Chief Constables, and also by representatives of Police Authorities, and it was a very real privilege to have the opportunity of meeting them. I cannot speak too warmly of the very kindly welcome, of the hospitality and of the kindness which I, as a complete stranger, received from the members of the Association as a body, and individually.

The first function at which I was present was a special Drill Display by the London Fire Brigade, at their Headquarters in Southwark Bridge Road. The strength of the London Fire Brigade is 2130, and there are in the L.C.C. area 61 Fire Stations, and 3 River Stations. The equipment consists of 87 pumps, 74 escape vans, 4 river floats, 1691 street fire alarms, 30,592 fire hydrants, and 64 miles of hose. In the year 1931, the London Fire Brigade turned out to 8080 calls, of which 5775 proved to be fires. The London Fire Brigade has always been the most efficient in the world, and on this occasion the Brigade gave a display of:—

- (1) Picking up insensible persons, showing 'fireman's lift.'
- (2) Drill with Scaling Ladders.
- (3) Demonstration of the extinction of a petrol fire.
- (4) Display by Emergency Tender, equipped with smoke helmets, searchlights and clusters, oxy-acetylene cutting plant. Restoring persons overcome by smoke, etc.
- (5) Use of Jumping Sheet.
- (6) Drill and rescue with Turntable Ladders.
- (7) Rescue of persons by a Hook Ladder crew, working from a roof.
- (8) Fire Occurrence :
 - (a) Rescue by Escape from second floor.
 - (b) Rescue from Tower by lines.
 - (c) Pump at work from hydrant to extinguish fire.
- (9) Drill with obsolete manual pump built in 1890.
- (10) District Call :

This, for ordinary fires in London, involves the sending out of from 10 to 20 pumps. On the occasion of this display only five were used.
- (11) The Drill concluded with a general turn-out of appliances from Headquarters (as in the case of a call to a fire), and a drive past.

It was a most impressive display.

I met Mr. A. R. Dyer, the Chief Officer, and asked if it would be possible for members of Police Forces abroad who may be on leave at home at any time to see such a display of Modern Fire Brigade methods. Mr. Dyer stated that at Southwark Bridge Road all newly joined Firemen went through a course of training, and every Wednesday afternoon throughout the year they held a practice similar to the display which we had seen. Members of the public, their families and friends, are admitted on passes, and Mr. Drew said that if members of Police Forces abroad who are in England on leave would write to the Chief Officer, London Fire Brigade, Southwark Bridge Road, S.E. 1, stating how many tickets they needed and for what date, they would be welcomed on any Wednesday at 3 p.m. The display takes about one hour. Apart from its instructional value, members of Police Forces serving abroad will find this to be about the best hour's entertainment they can possibly get, and I advise all Police Officers who can manage to do so, to see it.

On the following morning at the Guildhall, the President (Mr. A. K. Mayall) addressed the Conference. Mr. Mayall, in his very able and well delivered address, made many sound points, the most important, I think, being that 'liberty', which is nowadays so prominently the subject of mention in many countries, would not exist but for the maintenance of law and order. But for the maintenance of law and order, no subject would enjoy any rights and liberties at all. A good report of Mr. Mayall's address has already been published elsewhere, but the following summary refers to the points made by Mr. Mayall which are likely to apply to all countries.

There were three points of view regarding crime, the President said, which were often advanced at the present time. The first—that crime is accidental: the second—that crime should be treated medically: the third—that offenders are made, not born. The first of these suggested that if the prevailing circumstances had not existed at the time of the crime, no crime would have been committed. The second meant that all criminals needed treatment for mental instability, while the third implied that all men are born free of any criminal tendencies.

The President expressed the view that all these theories were partially true, but that he agreed wholly with none of them. He went on to express his belief that though environment largely affected crime, and though environment for the child was accidental, to the adult it was often the result of deliberate choice. He would classify the principal causes of crime as environment, deliberate choice of crime as a mode of living, riotous living, lack of opportunity, opportunity to commit crime, and bravado—especially in the case of young people.

The President discussed the problem of the length of sentences, and pointed out that shorter sentences give the habitual offender more liberty and therefore more chance of committing crime. He also dealt with the proposal to provide preventative detention as an alternative to imprisonment, which he conceded was a well-considered suggestion. The detection of crime, in spite of its glamour and interest, should not be allowed to detract from the importance of the preventative side: the uniformed constable was as important as the detective.

In conclusion the President emphasised the need for the help of the public in police affairs. Nothing was more essential than that they should give immediate relevant information to the police, and should offer active assistance whenever necessary.

On the same day an address was given by Sir E. H. Tindal Atkinson, K.C.B. (Director of Public Prosecutions), on 'The law of Manslaughter in relation to drivers of Motor Vehicles.' From what Sir Tindal Atkinson said, it is clear that the police in England and Wales experience as much difficulty in getting a conviction against a motorist for causing death by rash and negligent driving as is experienced in other countries. Sir Tindal gave a historical statement of the law, and pointed out that originally in England in cases of homicide the onus of proof that a person was not guilty of the charge lay on the person accused of the crime. In giving advice to the Conference Sir Tindal stated that the shorter and simpler the charge, the less ground there is for the defence.

Mr. A. H. Norris, C.B., M.C., M.R.C.S. (Chief Inspector, Children's Branch, Home Office), gave a very interesting address on 'The Institutional treatment of the young offender.' Mr. Norris made the point, that though it was a subject of general complaint that there was an increase in crime committed by youthful offenders, the number of young offenders under institutional treatment had dropped from 6000 to 2000 a year. He thought there were possibly two reasons for this. Firstly, that Local Bodies which had to contribute half the total cost (28s. per week) of maintaining a youthful offender in an Institution were possibly trying to evade meeting such a liability.

Secondly, he wondered if some Probation Officers were failing to produce before the Magistrates for punishment a youth who had been released on probation but was not playing the game. He thought it possible that some Probation Officers in order to show a good return of no-failures in cases committed to their care were possibly not ready to admit that a youth had failed to be of good conduct while on probation. This is a point that may need watching in other countries. Mr. Norris pointed out that of the youthful offenders who went under training in institutions 80 per cent. turned out well and they only lost touch with 7 per cent. in after-care. The secret of success lay in training the youth to be fit for freedom on discharge. As the conduct of the youth under training improved, supervision was gradually relaxed, so that before discharge a good youth was working and living under conditions as near as possible to the conditions he would be faced with on discharge.

Mr. L. Simon, C.B. (Director of Telegraphs and Telephones, General Post Office), gave an address on 'The possibility of the Telegraph, Telephone and Teleprinter services as affecting the Police and Fire Brigades.'

For administration purposes the latest pattern instrument of Teleprinter and of Police Ambulance and Fire Brigade alarm and telephone call systems, and of a Police Telephone Exchange Switchboard were on view. The latest pattern Teleprinter prints in 'column' instead of in 'tape.' This is

of great advantage, in that the matter printed in column is much easier to read and to paste into a book than in the case of the tape. Messrs. Creed of Croydon, who are supplying the new system, are the firm who supplied 'tape' Teleprinters for use in the Ceylon Police in the year 1929. When I saw the engineers of the Telegraph Section of the G.P.O. in London in 1929 I asked them if 'column' printers could be recommended as being more suitable for police work. The G.P.O. then stated that the Column Printing Machine had not yet been perfected, and they could not guarantee it. They advised the use of the 'tape' printer. I have asked Messrs. Creed to let us know if it would be possible to convert 'tape' machines into 'column' printers, and, if so, what the cost would be.

There are useful variations of the Police Telephone box system. Instead of going to the expense of providing a kiosk, a small square iron container in which there is a telephone instrument can be fixed on to a wall, lamp post, etc., with a bell or light fitted to attract the notice of the nearest Police Officer. The light may be fixed to the top of a telegraph, telephone or tramway post, so that it can be seen at a distance. The light flashes intermittently when a message for police has to be taken and acted upon. Any Police Officer in the vicinity seeing the light flashing runs to the box and acts on the message. When a member of the public uses the box to call Police, Fire Brigade or Ambulance, the light burns continuously, so that any Police Officer in the vicinity can see that a member of the public is using the box and probably needs police assistance.

Major C. C. B. Morris, M.C. (Senior Divisional Officer of the London Fire Brigade), gave an address on 'Petrol and Garage Fire Risks'. Major Morris stated that of the many schemes proposed in an endeavour to find a solution of the motor-parking problem in central areas of large towns, one of the most interesting had been to adapt the gardens and squares or other spaces for the purposes of building garages below the ground, preserving the existing immunities above the ground with little or no alteration. From a fire risk point

of view, this idea would appear to be a good solution of the parking problem. The necessary safeguards were the provision of adequate ventilation, explosion vents, and an automatic sprinkler installation. The conditions that petrol tanks should be filled only in the open air outside the garages, might have been evaded when the 2-gallon can was the usual method of carrying petrol, and so probably considered onerous. The introduction of the petrol pump had rendered it less difficult to comply with. The London General Omnibus Company, however, had introduced a special device which, when a petrol tank was being filled, removed most of the vapour to the outside of the building, so that in their case filling inside the garage was allowed. But special precautions had to be taken. This arrangement would only be practicable where large numbers of standardised vehicles were in use.

Major Morris told me that the provision of automatic sprinklers in all new buildings used for commercial or business purposes, *i.e.* shops, offices, and stores, was now compulsory within the limits of the L.C.C. area. If a fire occurs in any room in any such building the action of heat immediately starts the operation of water sprinklers from the ceilings. The effect is that of tropical rain. Some system such as this might prove of value in extinguishing fires in tea factories which are so common in Ceylon, and might possibly be of use in other countries. The system has been found to be completely successful in London.

For the extinguishing of small petrol fires 2-gallon 'Foam' extinguishers are recommended.

As regards conveyance of petrol, 2500 gallons of petrol may be carried in tank waggons.

When endeavouring to express my thanks for the permission so graciously granted to me to be present at the Conference, and for all the hospitality and kindness extended to me, I mentioned that the police in Great Britain had always, and quite rightly, had the reputation of being the finest police in the world, and it was of the greatest assistance to Police Officers serving abroad, while home on leave, to hear of the latest methods being adopted in police work, and

to see something of the work of the police in Great Britain. I mentioned that Police Officers serving abroad could have no better example of really good police work and the effect of training and good leadership by an efficient Chief Constable than that afforded by Mr. A. K. Wilson (now Chief Constable of Liverpool), who at the time of the outbreak at Dartmoor Prison was Chief Constable of Plymouth. It will be remembered that when he got information of the trouble, Mr. Wilson packed thirty young constables into a bus, and set out for Dartmoor. Mr. Wilson and thirty men with batons dealt most effectively with 500 dangerous criminals, who were burning and looting the prison buildings. I said how delighted we in Ceylon (and I was sure that I could say the same for the police throughout the Empire) were to hear of this remarkable example of a small but good 'team' well led, dealing with a mob of criminals. I stated that it was the very best example of really good 'police' work, and Mr. Wilson and his men had set an example to the police all the world over, as to what could be done by a small body of men under a good leader.

Hardships of the Early Settlers in Western Australia

By C. TREADGOLD

Secretary, Police Department, Western Australia

‘AND WHEREAS FOR THE ENDS OF JUSTICE AND THE PRESERVATION OF THE PEACE I MAY HEREAFTER SEE OCCASION TO NOMINATE AND TO APPOINT A PROPERLY QUALIFIED PERSON TO EXECUTE THE OFFICE OF SHERIFF OF THE TERRITORY HAVING UNDER HIS DIRECTION RESPONSIBLE INDIVIDUALS FILLING THE OFFICES OF HIGH CONSTABLE, CONSTABLES, BAILIFFS AND SURVEYORS OF HIGHWAYS. AND WHEREAS I MAY HEREAFTER SEE OCCASION TO ISSUE A COMMISSION TO CERTAIN DESERVING PERSONS TO PROCEED TO THE COGNIZANCE OF OFFENCES AGAINST THE LAWS, TO HEAR AND DETERMINE COMPLAINTS OF INJURY : TO COMMIT OFFENDERS FOR FURTHER TRIAL TO THE CUSTODY OF THE SHERIFF AND TO CONDUCT THEMSELVES IN THE EXECUTION OF THEIR OFFICE ACCORDING TO SUCH MODE OF PROCEDURE AS JUSTICES OF THE PEACE MAY LAWFULLY ADOPT. I HERE COMMAND THAT DUE OBEDIENCE AND RESPECT BE SHOWN TO SUCH PERSONS IN THEIR SEVERAL PLACES OF JURISDICTION.’

The above is an extract from the Proclamation read by Captain James Stirling, R.N., Lieutenant-Governor, on the 19th June, 1829, at Fremantle, on the establishment of the Colony, and it is with incidents following the same that an endeavour has now been made to obtain items of interest in regard to some of its early history.

One of the first acts of Captain Stirling was to appoint certain gentlemen to act as Justices of the Peace, and whilst the functions of Justices have altered to a great extent since those days, they were at that time entrusted with powers in regard to the keeping of the peace, and the oversight of the constables employed therefor. Not only were constables engaged, but at Fremantle in 1829 a Mr. R. Lewis was appointed Chief Constable ; whilst at Perth the position of High Constable was held by Mr. Alfred Hawes Stone, who was also Sheriff.

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On the 12th February, 1830, Mr. W. H. Mackie advised the Lieutenant-Governor that at a meeting of the Magistrates of the Colony, which had been held ten days previously, a scale of constables' fees had been agreed on as follows :

For Service of Summons	- - - -	1/-
For apprehension of an offender under a warrant	- - - - -	2/6
For maintenance of self per day while engaged in conveying a prisoner to gaol	- - - -	Expenses actually incurred stated on oath before a Justice.
For conveyance of prisoner to place of confinement	- - - - -	
For loss of time and trouble in conveyance of prisoner per day	- - - - -	7/-
For executing a Warrant of Distress	- - - -	2/6
To constable's man for keeping possession, per day	- - - - -	3/6
For attendance at Quarter or Special Sessions as Peace Officer, per day	- - - - -	7/-

The parties who held constabulary powers were persons engaged in civil occupations, and it was to recompense them for their loss of time that the above fees were arranged. The first complaint in regard to an act of a constable appears to be contained in a letter from a man named John Hobbs of Fremantle, who wrote stating that a constable named Maxworthy had taken his boat from its moorings without his consent, to convey a prisoner to the ship *Marquis of Anglesea*, which was used as a lockup.

A further reference to R. Lewis appears on the 11th August, 1830, in a communication from the Magistrates of Fremantle (Messrs. G. Leake, Jas. Henty and Thos. Bannister) to the Governor, in which it was stated that in his capacity as Chief Constable he had been instructed to convey a prisoner named Fred Boston, charged with burglary, to the High Constable at Perth (Mr. A. H. Stone). This Mr. Lewis was a master builder and in 1830 submitted a tender of some £1900 for the erection of a prison on Arthur's Head or of £2000 on the plain.

For their services as constables at Perth in 1830 Mr. A. H.

Stone, Sheriff and High Constable of the Colony, recommended on the 13th March, 1831, that Messrs. Henry Cluelow and Thos. B. Wall should be paid the sum of £10 each.

The first departmental report in regard to the duties performed by the constabulary is embodied in a letter dated 20th May, 1830, over the signatures of W. H. Mackie, James Henty, G. Leake, J. Gregory, Thomas Bannister and Peter Negus, Justices of the Peace, and is worthy of being fully quoted as under :

'The conduct of the different constables appointed throughout the Colony is, we are happy to state, upon the whole, satisfactory. Due attention shall be paid to your Excellency's recommendation to induct into the office of Constable as many qualified and respectable persons as circumstances may from time to time render desirable.

'The fees payable to Constables as settled by ourselves in Session and subsequently sanctioned by a Government Order have, we believe, in all possible cases been received by the constables who, we have no doubt, will be much stimulated to a zealous discharge of their duties by the prospect of extraordinary reward held out by Your Excellency.'

The James Henty mentioned was a member of the banking family of that name in England, who shortly afterwards proceeded to Tasmania and later founded the settlement at Portland, Victoria.

So far as the site of a township on the seaboard was concerned a decision was soon reached to establish one on the south side of the Swan River where it joins the sea. For the main settlement, however, Captain Stirling proceeded up the Swan River and selected a spot at the foot of Mt. Eliza where the ground rises in natural terraces from the river. The site was covered with grasses and on it grew banksia, casuarina, jarrah and other trees. There was a large expanse of wooded area at the back and a wide expanse of river to the front and right—opening out into a stretch of the river some three miles wide. It was here in a rather thickly wooded area that it was decided to establish the administrative centre.

In the early stages of the establishment of the colony the aboriginal natives gave considerable trouble to the first settlers. This, no doubt, was brought about by the fact that the natives resented the intrusion of the whites on their domains and the consequent increased consumption of their food supplies.

These early settlers suffered many hardships, and it must have been particularly trying for the womenfolk who accompanied them. All goods from the vessels which brought them out were landed on the shore in boats and their transhipment to Perth was a most laborious work, as, owing to the sandy nature of the country between Fremantle and Perth, travelling over such a route was extremely difficult.

For some time the first settlers were compelled to live in a few huts and tents that were erected at Fremantle, although the main body of them proceeded to Perth carrying loads of goods with them, and erected tents and brushwood huts in which the families lodged until it was decided where their future homes were to be. As it was the beginning of winter, and July and August are practically the wettest months of the year in this part of the colony, the experiences of those quartered in brushwood huts can be left to the imagination. When the settlement was first established at Perth the natives came round and viewed the proceedings with curiosity, but did not interfere.

Even as early as the following year, after the establishment of the colony, many of those who had come out from England left the settlement and gave rather exaggerated accounts of the barrenness of the country and the hardships that the settlers were enduring. Many of those first-comers, however, were utterly unsuited to pioneer work—remarks which apply equally to-day where the state is still to a great extent in the pioneer stage and new settlements are being opened up. Food was scarce and had to be conserved. Occasion arose when relief in the nature of provisions was obtained from India and on another occasion a vessel with provisions was sent over from Tasmania.

It was towards the latter end of 1830 that the natives, who had previously visited the camps of these early settlers and had been supplied with food, commenced thieving. They had acquired a taste for beef and mutton instead of kangaroo and started spearing cattle and sheep belonging to the residents. Early in November, 1830, the first real trouble arose with the aboriginals when a number of them were detected raiding a house at Perth, and the Colonial Secretary, Mr. Peter Brown,

accompanied by the Advocate-General, Mr. G. F. Moore, with several soldiers gave chase to them. An affray took place during which one native was shot and three wounded, whilst seven were brought as prisoners to Perth. These latter were released a few days later. It is not known, and there is no record as to whether any natives had been murdered by the settlers up to this time, but it was about this particular period that the natives commenced to show their hostility to these intruders of their domains. A man named McKenzie was the first white man who was killed by them. This offence took place at the Murray River, some fifty miles south of Perth, but whether it was the result of native law and custom, or was unprovoked, it is not possible now to say.

The second murder was committed by natives in 1830 when a man named Entwistle, who was employed at Mr. A. Butler's garden on the banks of Melville Water, Swan River, was speared by natives of the Perth district, possibly as an act of revenge for a native being fired at and killed by another white employee of Mr. Butler's when he was detected stealing.

In 1831 the native question continued to absorb much of the attention of Lieut.-Governor Stirling. He recognized that if the depredations of 1830 were repeated, a very serious difficulty lay before settlers and the administration. So awkward was the situation that he debated long without deciding on any definite course of action. His humanity would not allow him to shoot down thieving natives in cold blood, nor was he anxious to place the struggling colony at the expense of imprisoning and feeding them for long periods. The settlers were so isolated by reason of large grants that the expense and difficulty of providing military protection were largely increased. In fact, this matter of distance was an immense source of trouble to the Administrator, who could not possibly protect and satisfy all alike.

The military was scattered. A barracks was opened on the Murray, fifty miles from Perth, another at Augusta, 200 miles distant, and one at King George's Sound, 300 miles away, while the country contiguous to the extensive grants on the Swan, Canning and Helena Rivers demanded more protection just then than all the others put together. Soldiers

were stationed at the head of navigation on the Swan, on the Canning at Kelmscott and at several other points. It was their special duty to be ready for any emergency and to visit the different grants and to perform the ordinary duties of police.

A murder, if not two, was committed in 1831 and stock was killed. In September and October a party of natives made sad havoc among the flocks on the Upper Swan. They destroyed eleven sheep in Mr. Peter Brown's flock and speared his cow. The delinquents were detected and fired at, but seem to have escaped injury. In return for the indignity they stealthily approached Mr. Brown's estate and killed his shepherd. Becoming bolder they drove away sixty-seven of Mr. Bull's sheep. Numbers of settlers were soon in hot pursuit, but before a rescue could be made forty-seven sheep were slaughtered.

Governor Stirling, after these serious attacks, appointed magistrates to act with the military upon sudden emergencies. It was proposed to raise a body of yeoman cavalry and several prominent people offered themselves as officers or privates. An additional party of soldiers was stationed on the hills near Guildford, eight miles from Perth. So the position remained until the end of 1831.

The position was evidently becoming more acute and on the 26th June, 1832, the settlers at Guildford held a meeting to discuss the native question. Strong and serious resolutions were carried expressing the opinion that the colony must be abandoned if ample steps were not taken to protect property. But the natives were ignorant of such things as resolutions. As an instance of their hardihood in July they speared several of the Governor's own pigs. A soldier while proceeding on the 9th July from Perth to Guildford afterwards announced that he was attacked by natives; he shot two dead.

Captain Stirling, in order to protect property, established a Police Force about the middle of the year, which was composed of military, private people and several natives. In a despatch to Lord Glenelg, Secretary of State, Captain Stirling referred to these police and said 'that unless a police force be established and maintained for the purpose of protecting, con-

trolling, managing and gradually civilizing the aboriginal race of this country, there will be a fearful struggle between the invaders and the invaded, which will not cease until the extermination of the latter be accomplished to the discredit of the British name.'

During this year there were several acts of violence on the part of the natives; two settlers were murdered, whilst the first outrage on a white woman by natives took place on the Canning in November, when they speared a soldier's wife. In 1833 the settlers on the outskirts of the Swan River suffered owing to their depredations, and Mr. J. H. Monger had many unfortunate experiences with them at Monger's Lake, Perth, whilst a private of the 63rd Regiment was speared at Clarence, a few miles south of Fremantle. In addition there were numbers of suspicious fires which were reported to have been caused by the aborigines. The ringleader of them was a man named Yagan, who was eventually shot by a youth named William Keats, employed by Mr. Bull on the Swan. This youth was caught by the natives immediately after the occurrence and was speared.

Yagan, who has been termed the 'Wallace' of his country, was a unique specimen of native manhood, intelligence and bravery; stood over six feet high and possessed a dignified bearing. He was very skilful in the use of native weapons, and an exhibition of such skill was given when he competed against an Albany native, who had been brought overland by Lieut. Dale, at Monger's Lake, about two miles from the present General Post Office. The walking stick of a white man was stuck in the ground and at a distance of twenty-five paces it was struck by a spear thrown by Yagan in a first attempt. The Albany native was not so skilful.

On the 14th March, 1833, after a corroboree, or native festival, had been held in the yard of a settler at Perth a dispute arose between certain natives, caused apparently by jealousy, as to the proprietorship of a native woman, with the result that one native and two women were seriously wounded. Three days later a horse belonging to a Mr. Tanner was speared and difficulty was experienced by the Governor and other officials in keeping the temper of the settlers in check. The natives



BEAGLE BAY CONSTABLES STARTING ON PATROL



DERBY POLICE STATION AND QUARTERS

(face p. 500)

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not only used the spear but commenced using the firestick to the grass and hay ricks of the settlers.

There is no doubt, however, that many of the acts of the natives were retaliation for depredations by the whites, and as an example thereof the incident may be mentioned of a white employee of a settler, who shot down a native whilst he was proceeding from Fremantle to the Canning River. A little while afterwards several natives were discovered breaking into a store at Fremantle and one was shot. It is possible that this and similar acts brought about the feeling of revenge in the mind of Yagan and his fellow natives, as a little while after the death of the native at Fremantle he was seen to be greatly excited and informed the servant of a settler that he intended to proceed to the Canning and spear a white man. He carried out this act of revenge almost immediately, when he and a party of natives speared two men named Velvick whilst they were engaged in conveying provisions to Mr. Phillip's farm on the Canning.

As a result of these murders a Proclamation offering a reward for Yagan, dead or alive, was issued, and it was this reward that prompted the youth Keats to shoot him, whilst similar rewards were offered in connexion with two other natives. A couple of months later one of these latter natives was captured and eventually sentenced to death and shot.

Owing to allegations that the settlers were shooting natives without provocation, a Proclamation was issued by the Governor in which the following passage was included :

'And whereas the protection of law doth of right belong to all people whatsoever who may come or be found in the territory aforesaid, I do hereby give notice that if any person or persons shall be convicted of behaving in a fraudulent, cruel or felonious manner towards the aboriginal race of inhabitants of this country, such person or persons will be liable to be prosecuted and tried for the offence, as if the same had been committed against any other of His Majesty's subjects.'

In 1833 Captain Stirling, who was then in England, in writing to the Acting Lieut.-Governor, Captain Irwin, stated that the Imperial authorities were not indisposed to afford a reasonable and proper degree of protection. With this in



A WYNDHAM PATROL



WYNDHAM POLICE STATION

view it was proposed to found a Colonial Fund which should meet all expenditure unprovided for by vote of Parliament. The first charge on this fund would be the equipment of a mounted police force for protecting and, at the same time, controlling the aborigines.

After the death of Yagan there was a respite from native attacks, but in February, 1834, the natives again commenced their depredations on the Swan River when they speared and killed the pigs of one settler and the sheep of another. A few days later a shepherd attempted to keep them away from his flock and they threw spears at him, whilst, accidentally or otherwise, areas of settled country were set on fire. Wood-carters in the surrounding districts went in constant dread of native spears, and it was always arranged for one man to be on rising ground acting as a watchman.

One man who was driving a cart to York was speared near Greenmount, and in another instance the driver of another cart was killed and a second man wounded near the same spot. A mill at South Perth owned by Mr. Shenton was raided. One of the leaders was eventually shot and three were taken prisoners. A little later on, a soldier named Larkins was speared at the Barracks on the Swan, as a result of which another native named Weep was outlawed. This was possibly an act of revenge on the part of the natives.

In July of this year patrols of the bush in the Swan River country were commenced.

During the remainder of the year it is stated that no further murders were committed by natives in the Swan River area. The patrols that had been inaugurated were evidently having good effect.

In the Murray district, however, there was a different aspect of the case, and owing to the attitude of the blacks it was seriously proposed to abandon the settlement. The first attack on whites in this year in that district resulted in one man being killed and another severely wounded, whilst an ex-Sergeant of the 63rd Company when searching for a horse was speared in the side and arm. He recovered from the wounds but later another man was killed. An expedition from Perth, which was accompanied by the Lieut.-Governor (Cap-

tain Stirling), Captain Ellis (Superintendent of Police), Mr. Thomas Peel, Lt. Roe and Captain Meares, set out on the 28th October, 1834, and what was known as the 'Battle of Pinjarrah' took place. Captain Ellis was wounded and died shortly afterwards.

The first trouble the settlers in the York district had with the natives took place in 1835 when they suffered loss of stock. Two men who were driving stock from Perth to York were attacked after they had travelled about half-way, with the result that both were severely wounded and one died of his wounds. In 1836 two natives were caught rifling a house near York and a severe struggle took place between them and a soldier and settler. One native was shot dead on the spot and a second one whilst running away. As a result thereof the York tribe vowed vengeance and began by killing sheep and lambs. Eventually they murdered a white man named Knott, with the result that the Governor decided to strengthen the military at that centre.

In 1837 various attacks were made on the stock of settlers and the York tribe speared and killed a soldier named Isaac Green. Another white man was wounded at a place called Beverley, some twenty miles from York, and another at Northam, a similar distance to the north-west. On the 8th July that year two Northern settlers named Jones and Chidlow were murdered and the natives drove off some cattle. An affray took place in a hut when the murderers called at the farm of Mr. Waylen at Toodyay and rushed on him and two soldiers. Two of the blacks were shot and another killed with an axe, whilst one was shot whilst running away and the fifth wounded. As a result of these outrages a party of soldiers, led by Lt. Bunbury of the Militia, is said to have dispersed the natives.

The Advocate-General, Mr. G. F. Moore, who was acquainted with the native language, was sent to York to interview the tribes in that district. As a result of his efforts there was a general exodus of aborigines from this area, but most of them congregated in the Swan River district. The Governor, Captain Stirling, fearing reprisals, conferred special authority on private persons and increased the military and police in the neighbourhood, whilst an armed force was kept in readi-

ness at Guildford, eight miles east of Perth, to intercept any marauding tribes.

Several cattle and sheep, however, were killed near Guildford, and members of the York tribe were in a constant state of quarrel with those of the Swan. One black boy was killed in his employer's kitchen and a native woman and child speared outside the door. Very little injury was incurred by whites, with the exception of two shepherds on the Canning being wounded.

In the following year further measures inaugurated by the Governor appeared to be fairly effective and only one white man was murdered, although stealing by natives was apparent. Several natives were sentenced to imprisonment for stealing, and in May, 1838, a native was shot whilst attempting to steal a sack of flour and another when attempting to wrest a musket from a soldier at the Murray River. In addition, a native woman was murdered in a Perth street.

The natives in the Albany area up to this time had given little trouble, but now commenced to emulate Perth ones by spearing cattle.

The strain on the public purse caused by the maintenance of the police force established as a protection against the natives was still a contentious subject between the Government and the Legislative Council, and the vote was cut down in 1835 and again in 1837. That the settlers were considerably exercised in their minds over the matter is proved by the forwarding of a memorial of protest to the Imperial Authorities, and in the *Gazette* of the 2nd March, 1837, a copy of a despatch from the Secretary of State (Lord Glenelg), dated 8th March, 1837, appeared. It would appear that Mr. W. Tanner called at the Colonial Office and represented himself as agent for the Colony deputed to outline the conditions of the settlers. The despatch mentioned that, *inter alia*, the memorialists considered the maintenance of the police force unnecessary in view of the presence of the military, and pointed out it was the desire of His Majesty's Government to encourage the establishment of local corps and to induce colonists to provide for their own defence, adding that where it may be absolutely necessary to adopt active measures to restrain the aggression of natives, military aid may be indispensable.

It was in 1837 that two expeditions were despatched from England in connexion with the survey of the North-west coast—the coastal party under the command of Captain Wickham, R.N., and the land party in charge of Lieut. George Grey, who later became one of England's great pro-consuls (Sir George Grey). The latter, to whom further reference will be made later, was accompanied by Lieut. Lushington, Dr. Walker, who was a companion in another trip, and ten other men. This party proceeded to Hanover Bay and after proceeding up the Prince Regent River returned to the Bay on the 17th December, 1837, and took formal possession of the North-west. During one of the visits inland Grey and his party were attacked by natives whom they repulsed. Again on another trip to the interior they were attacked and Grey was speared in the hip. The country traversed was found to be of basaltic nature, well wooded, and in the vicinity of the Glenelg River, which Grey estimated to be four miles wide, there were fertile flats. The party suffered privations and were reduced to almost skeletons by the time they returned to Hanover Bay.

In February, 1839, Lieut. Grey, who had returned to Perth at the latter end of 1838, sailed with three boats and five months' provisions in an American whaler again for the North. Dr. Walker was also with him and the party landed on Bernier Island off Carnarvon. From the outset of this trip Grey and his party were beset with hardships. The country in the vicinity of the Gascoyne River (Carnarvon) was found to be fertile. Grey then commenced a journey southward and at Gantheaume Bay his boats were destroyed in the surf. He was left with only a few days' provisions for the walk back to Perth (300 miles direct). He had considerable trouble with the men on this hazardous journey, and it was with the utmost difficulty he could keep them on the move.

After some days the party was divided into two, and Grey with four men and a native started forced marches for succour from Perth. Dr. Walker was left in charge of the remainder of the party. It was about the 21st March that they were at Gantheaume Bay and on the 21st April they reached a settler's hut, after passing through severe hardships from lack

of water and food, on the outskirts of Perth. Grey was in such a condition that he was not recognized at first by the Governor or other officials. A succour party was formed to go to the relief of Dr. Walker, and Grey accompanied it, although not in a fit state to do so. Walker, however, a few days later reached Perth and on arrival was found to be mere skin and bone. The relief party came across the remainder of the men alive, with the exception of one, whose body was found some distance away.

From the outset the condition of the settlers in this new colony was precarious. There was practically no outlet for products and the position became worse as time went on. The settlers considered that the only manner in which the settlement could be saved from abandonment would be by making it a penal settlement, and twenty-one years after its foundation the first ship with a number of convicts arrived. These men were mainly used in the construction of streets and roads to outlying centres. Consequent on this addition to the population the colony was not in a position of being able to supply sufficient flour for its needs, and in 1852 wheat had to be imported from England. In other words the outlook had considerably changed, from a period of stagnation to one of comparative prosperity.

The opening up of the North and North-west portion of the Colony was productive of similar hardships and experiences with the natives as had occurred in the Southern portion. In 1848 a party in charge of the Governor, Captain Fitzgerald, R.N., when in the Geraldton district, was surrounded by natives, who threw spears. The Governor shot one of the attackers and the rest of the party also fired. In this attack the Governor was speared above the knee and thigh. The whites eventually returned to Geraldton without further mishap.

The pioneering of the country inland from Geraldton commenced in 1849 when sheep and cattle were driven overland. The natives were hostile from the outset and in the following year attacked and wounded one of the first settlers. For some years after, they continued to harass the settlers and a constable and another man were speared.

So far as the development of the country in the Kimberleys is concerned the experiences of the newcomers in that portion of the Colony was of a similar nature to those who had pioneered the South. The reports of Lieut. Grey and others of the rich and luxuriant natural grasses led to a further expedition in 1863 to the Glenelg River, but the party was attacked by natives, and this portion of the state is practically virgin country to this day. The natives are hostile and any party attempting to follow pastoral pursuits in this neighbourhood would need to be well equipped. Even now the natives in this area are treacherous.

In March, 1864, an expedition in charge of F. Panter, an Inspector of Police, proceeded to Camden Harbour to investigate a reported discovery of gold made by a convict. As a result of Panter's reports of the amount of good pasture land seen, a further expedition left for the North in October of the same year. J. R. Harding was the leader and Inspector Panter and a Constable Goldwyer were among the party. Harding, Panter and Goldwyer were murdered in their sleep by natives when on a trip inland. Subsequent parties have been almost equally disastrous, as not only have members been murdered by the natives, but their flocks, which had been brought to the district at the cost of great labour and monetary expense, have been destroyed. In one instance out of 4500 merinos all died in a few months and three whites of the party in charge perished.

With the advent of the white settler to the North, pearl shell fishing sprang into existence and whites who took up this calling were no more immune from the hostile attitude of the blacks than their fellow-beings endeavouring to establish themselves in pastoral pursuits.

In July, 1865, a particularly pathetic incident occurred about 130 miles east of Perth when Edward Clarkson, a settler, was speared in the side and shoulder. A lad thirteen years of age, named Hackett, drove off the prospective murderers with a gun and assisted Clarkson to his hut. The following morning the latter sent the boy to look for some sheep and during the lad's absence the natives entered the hut and tortured Clarkson by thrusting spears into his arms, hands and

legs. Hackett nursed his master until his death, five days later, when he proceeded some eighty miles away and reported the occurrence. Three natives were hung near the scene of the tragedy as a result of their participation in the crime.

In later years two brothers and another man were murdered on their yacht by blacks in the North-west (1912), and in 1920 a German and Russian were killed at Vansittart Bay in the far north, for which certain natives, who were within the sphere of Mission influence, were apprehended. The same year a lugger containing five men was wrecked near Cape Voltaire and the dinghy on which they came ashore from the wreck was used by two of the men to sail to Cape Leveque (250 miles away) for assistance. They borrowed a whale-boat, and on their return a month later learnt that of the three men left at Cape Voltaire two had decided to proceed to the Port George IV. Mission in a canvas canoe and one cut out of a baobab tree. These men were forced to abandon their makeshift boats after going a few miles and continued on foot. On meeting a party of natives they asked the natives to guide them to the Mission, but one of the aboriginals, who could speak a little English, called to his companions that it would be better to kill them, which they did.

It must not be considered, however, that the fault was all on the natives' side. There were many instances, quite apart from their resentment at their tribal country being encroached upon, of interference with them by the whites, and the only law they recognized was their tribal one which taught them to kill. Members of one tribe would not allow others of another tribe to enter on their particular tribal district, so how much more would they object to white men doing so, particularly when they saw their food supply of native game being reduced in numbers? Again there was continual trouble in regard to interference with their women, for whilst by no stretch of the imagination could the females be considered to have any particular code of morals, if any at all, still, the native men objected strongly to the whites making free with their women, and inflicted, when possible, similar punishment on a white man for the offence as they would on a member of a neighbouring tribe.

The Police Department of Western Australia has some fifty natives employed as assistants, and their services in tracking persons lost in the bush are most valuable. These natives are generally sentenced prisoners or natives who have been removed from their district for the good of the district, and remain attached to the department until the expiry of their sentence. There are innumerable instances of their ability in tracking, and for the purposes of this article I would mention certain cases. As far back as December, 1834, a child of one of the settlers on the Murray was lost but was eventually found as a result of being tracked over a distance of twenty-two miles in most difficult country. In March, 1925, a child named Nobbs, two years and four months old, wandered away from his home at Canning Vale about five miles from Perth. The incident was reported at 4 p.m. and a native at Perth Central Station went out in company with a constable and several civilians. The infant's tracks were found about half a mile from his home and were followed until it was too dark to proceed. A powerful lantern was procured—and the tracks were followed, until at 2 a.m. the following morning the child was found asleep in a thicket about two miles from his home, although in the course of his wanderings he had travelled several miles. When found he was so tangled up with creepers that he was unable to get up, and would probably have perished during the day as the weather was very hot and he had had nothing to eat or drink since before 8 a.m. when he had left home.

A somewhat similar incident occurred at the end of October, 1931, when an infant, 5½ years old, who had accompanied his father in a motor truck from Leonora to the bush for firewood, strayed from the truck. This happened at 6 p.m. and the father and another man searched for an hour and then returned to Leonora and reported the matter. The constable in charge of the station in company with two natives and a number of civilians proceeded to the place from where the boy had been lost, and about 1 a.m. the following morning the infant's tracks were found. They were followed through the bush with the aid of lighted sticks for about three miles until 3 a.m., and after another mile had been traversed the tracks were lost. Some two miles through the bush from where the

tracks were last seen the natives again picked them up, and at 7 a.m. the lad was discovered still walking. He had been walking all night, and being without boots was very footsore.

The first official in charge of the Police Department of Western Australia was Captain T. T. Ellis, who also held the position of Superintendent of Native Tribes. He was wounded in the affray with natives at Pinjarra in November, 1834, and died a few days later. Among other prominent gentlemen who commanded the force in the early days may be mentioned Mr. F. P. Barlee, who was afterwards Governor of British Honduras, and Sir A. T. Cockburn-Campbell, the holder of a Scottish Baronetcy. Captain M. S. Smith, who was in charge from 1871 to 1887, was recognized as an outstanding figure of the colony of those days and a splendid organizer.

The first constable to be appointed at a fixed wage was John Chipper in 1840, and the wage was £20 per annum.

With respect to present day conditions the strength of the force is 580 and this number is spread over a State of 975,000 square miles. This area can be divided into four parts, consisting of the metropolitan, agricultural, pastoral and mining districts.

The metropolitan area is a large and scattered one and in it about 50 per cent. of the population of the State (420,000) reside; next come the agricultural districts extending in a northerly and southerly direction for over 600 miles. The mining areas are east of the agricultural ones, and commence about 200 miles from Perth and extend for another 550 miles. The pastoral areas in the central and eastern portions of the state overlap the mining areas, but in the far North the country is practically all under pastoral areas. These latter two areas are very sparsely populated and police stations are far apart, with the result that in the far North, which lies in the Tropics, the patrols are lengthy ones.

The patrols are almost invariably carried out on horseback and owing to the prevalence of a horse disease mules are utilized to a great extent for pack work. On an average 40,000 miles are travelled per annum by patrol in these northern districts, and with the exception of one station, where it is done by motor truck, the remaining ten stations use horses. At this

one station a minimum of 500 miles per month has to be traversed. It was from one of these northern stations, Hall's Creek, that a police escort was provided for the Terry exploring expedition. The patrol guided them to Godfrey's Tank, 350 miles south of Hall's Creek, and when the patrol decided to return to their station, Terry did likewise.

The Scope and Functions of Local and Central Control in Police Administration

BY INSPECTOR W. R. JONES

Birkenhead Borough Police

[This is the Winning Essay of the King's Gold Medal Essay Competition of 1931].

Introductory.

IN the eyes of many of the leading nations of the world, it may seem somewhat paradoxical that the British people, while retaining a genuine and deep-rooted affection and admiration for the Crown, are so inordinately jealous of their rights and liberties, both personal and local.

The constitution and development of an effective police system in a country seised with such a passionate love of freedom and self-direction and control, has presented to those responsible a task involving the constant exercise of a high degree of tact and diplomacy.

A fear which was widely expressed on the advent of the modern police force a century ago was that the newly appointed 'peace officers' were to be constituted on lines comparable to a Continental State Gendarmerie, oppressively autocratic in the exercise of their powers and entirely independent of democratic control.

The institution—or perhaps one might term it, the accident—of local autonomy as a fundamental principle in the appointment and control of police, was the factor which helped from the first utterly to dispel this apprehension, and gradually to establish a sense of close personal relationship between local inhabitants and the protectors of their lives and property. From this has grown the popularity and inherent strength of our police system.

The eventual introduction of a limited measure of State control was inevitable in an institution so national in character as the police, but the introduction was sufficiently long delayed and was so gradual, that the antipathy of the Briton to anything savouring of bureaucracy was not unduly aroused.

The Metropolitan force, for reasons hereafter described, was the only exception to autonomous rule. This did not mean that Whitehall was given *carte blanche* for the imposition of a new police system upon the capital city without regard to public opinion. The supreme executive control was entrusted to a Minister of the Crown, who was directly answerable to the House of Commons for every detail of administration, a direct link being thus established between the citizens of the Metropolis on the one hand and their police on the other, by means of a popularly elected chamber meeting in the heart of London, of which approximately one-sixth of the members represented London constituencies.

The modern British police system has been built up very gradually on an excellent foundation. It is prudent, therefore, before drawing attention to problems which unquestionably exist at the present time, to examine in some detail the evolution of that system since its inauguration just over one hundred years ago.

History—Pre-War.

In the year 1829, the famous Act of Parliament creating the Metropolitan police force heralded the advent in Great Britain of a national system of police that was to succeed the heterogeneous and notoriously ineffective elements, which hitherto had been virtually useless in maintaining the King's peace, and in protecting the lives and property of the lieges. The responsibility for organising the new stipendiary police for the capital was entrusted to two commissioners,¹ who acted under the direct instructions of the Secretary of State for Home Affairs, in whom complete authority was vested, subject to Parliamentary sanction. This arrangement was entirely uninfluenced by political considerations, and was at the time the nearest approach to democratic control which

¹ Subsequently reduced to one.

could be devised, in the absence of any one local governing body exercising jurisdiction over the whole of the numerous parishes and districts which constituted London.

Since the establishment of the London County Council some sixty years later, the denial of local self-government in police matters has often been the subject of keen controversy in London local government circles, but the view has rightly prevailed that the Metropolitan constabulary performs many duties of an imperial and national, as well as a provincial character, in the protection of the persons of the Royal Family, Royal and other distinguished visitors, and Ministers of the Crown, the guarding of the Houses of Parliament, Offices of State, and many other institutions essentially of national importance. The possible danger that the exercise of these important functions might tend to be subordinated to the carrying out of purely local police duties has prevented, and doubtless will continue to prevent, control passing into the hands of the London County Council. Furthermore, the boundary of the Metropolitan Police District extends far beyond that of the London County Council, and even assuming that the control of police for the latter area were transferred to the County Hall, jurisdiction over the remainder of the area now served by the Metropolitan Police would need to be divided between a number of local authorities, with a resultant and most serious dispersal of control and loss of efficiency.

The unequalled standard of excellence of the Metropolitan force—which constitutes, it may be remarked incidentally, approximately one-third of the whole police strength of England and Wales—and the effectual measure of police protection enjoyed by the residents of the Metropolis, leave scant room, however, for real grievance against the present system.

The position in the capital is otherwise curious, and indeed anomalous, in view of the fact that the City of London proper, constituting topographically an island area of approximately one square mile in the very midst of the Metropolitan Police District, possesses an independent police force, the Court of Common Council being the Police Authority. This dates

from 1839. Almost from the beginning, the advisability of amalgamating the two London forces has frequently been debated, but the City Authorities have so consistently and vigorously insisted upon the preservation of their ancient rights, while at the same time maintaining a high standard of efficiency in their police, that no adequate reasons have up to the present time been adduced, which would definitely warrant a compulsory fusion.

As regards the provinces, the origin of modern police in cities and boroughs in England and Wales is to be found in the Municipal Corporations Act 1835, which created municipal corporations for the larger towns, and required the constitution by the Town Councils, of Watch Committees entrusted with the appointment of constables and the power of making regulations for the management of the local police. Although all local authorities were required by this Act to furnish the Home Office with returns showing the strength, equipment, salaries and wages, and other particulars of their forces, there was no appreciable central control or guidance, and it was not until 1856, when by an Act passed 'to render more effectual the police in counties and boroughs in England and Wales', a certain amount of supervision became vested in the Home Office. Each local authority was in return to receive an annual subvention from the Treasury not exceeding one-fourth part of the cost of police pay and clothing, upon the grant of a certificate by the Secretary of State that their force was efficiently organised and maintained. For the purpose of furnishing the Secretary of State with information upon which to base reliable conclusions, the Act authorised the appointment of Inspectors of Constabulary empowered to visit and inspect county and borough police forces, and to report to the Secretary of State upon their general efficiency.

In this manner there was laid the basis of a limited system of central control, the fundamental principles of which have been observed up to the present time.

From 1856 to 1918, the proportion of the Treasury contribution towards the cost of the provincial police rose concurrently with a gradually increasing recognition by the Legislature of the national nature and importance of police

functions, and since the latter year the Treasury, subject to the requisite certificate, has contributed one-half of the whole cost of police and police pensions.

In the case of county constabulary forces, which include the police of many of the smaller boroughs and the urban districts, the principle of control has differed only in minor degree from that in cities and boroughs, and the extent of central control exercised by the Home Office as already indicated, has operated in similar measure. From the year 1839, when rural constabularies were first instituted on a non-compulsory basis, the local police authority was the County Justices of the Peace in Quarter Sessions. 'The obligatory Act' of 1856 did not disturb this arrangement, but under the Local Government Act 1888, jurisdiction was granted to an annually appointed body called the Standing Joint Committee, which was composed of a certain number of county councillors and an equal number of justices chosen by Quarter Sessions. Whilst the functions of Standing Joint Committees are identical in most respects with those of the urban Watch Committees, there have always existed certain differences due to statutory distinctions. The principal of these is that in counties, complete disciplinary authority and power of appointment of constables is vested in the chief constable, whereas in cities and boroughs the chief constable has no disciplinary powers of his own, and can only make recommendations to the Watch Committee. No logical reason can be suggested for this difference in system, which was the subject of adverse comment in 1919 by the Desborough Committee, who reported in the following terms:

'We consider that the divided authority which results from a constable being under the orders of the chief constable but subject to the Watch Committee for purposes of discipline is very undesirable; and we are strongly of opinion that the public discussion of the delinquencies of individual constables before the Watch Committee or the Town Council is prejudicial to discipline.'¹

No amending legislation has yet resulted from this strong recommendation, but the existence of the salutary power of the central authority to withhold the Treasury grant upon

¹ Report of the Desborough Committee on the Police Service. Para. 124.

any manifestation of the exercise by a lay police authority of their statutory rights to the prejudice of disciplinary efficiency, is doubtless a powerful safeguard. So long as no difficulties arise with which the Home Office is unable successfully to contend by means of this power, it may be impolitic, perhaps, to excite opposition from local authorities by any legislative proposals to detract further from rights already considerably curtailed by post-War legislation.

Post-War Changes.

We have thus far traced briefly the history and development of police in the capital, in cities and boroughs, and in counties, up to the Great War. It is now necessary to observe what has happened more recently.

Of the series of statutes under which the police are controlled and governed, none effected greater administrative changes than the Police Act of 1919. By virtue of this Act, the Secretary of State was for the first time empowered 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 of England and Wales.' In order to secure uniformity throughout Great Britain, the Secretary for Scotland was granted similar powers as regards Scottish police forces. The Act contains the important reservation that such regulations shall only be made after consultation with representatives of local authorities and the various ranks of the service meeting together with the designation of 'the Police Council.' It may be said at once that this body has been a great success. Whilst it does not function in any executive capacity, nor exercise any authority of its own, there is evidence that in practice it has played no inconsiderable part in influencing the decisions of the Secretary of State in connexion with the framing of Regulations. Furthermore, the Council enjoys the distinction of being the first legally constituted body which fairly represents all the constituent sections of police authorities and the different ranks of the several divisions of the police service.

Police history in a new and important direction was also made under the same Act by the organisation of a national

representative body for the lower ranks of the service, to be called the Police Federation. Branch Boards of this Federation were authorised for every force, and a Central Committee for each of the three ranks of Inspector, Sergeant, and Constable, for the purpose of discussing and making representations upon questions affecting their welfare and efficiency. Each of the three Central Committees was also empowered to elect two representatives for membership of the Police Council. This innovation may be perhaps not improperly regarded as a definite gesture by the Legislature, of faith and confidence in the rank and file, while incidentally it was a remarkably progressive, practical, and far-sighted step making for mutual understanding and trust between subordinate members of the service, and 'those in authority over them' both locally and centrally.

Comprehensive as were the changes made by the 1919 Act, and the subsequent Police Regulations, they did not, and indeed could not, invalidate the accepted principle of our police system. Local autonomy in all parts of Great Britain, except the Metropolitan Police area, is still its dominating feature. The Home Office does not, and has no authority to assume responsibility for the actions of the provincial police, and the direction of executive arrangements for the efficient discharge of their manifold duties continues to devolve entirely upon local police authorities. The Act did, however, confer upon the Home Office an increased administrative authority, and in order fully to appreciate the present position, it is desirable to consider somewhat more closely the highly important influence of this department of State.

The Influence of the Home Office.

The influence and control exercised by the State does not lie solely in the authority of the Secretary of State to make Statutory Regulations, or in the inspectorial powers of Home Office representatives with the grant or refusal of the Treasury subvention consequent upon the exercise of such powers. If such were the case, it would mean that apart from compliance with the Regulations, which in any case have statutory force, and the annual visit of inspection by His Majesty's

Inspector, local police authorities and chief officers of police would be left without guidance in constantly recurring questions of policy of national import.

But in practice, nothing of the kind obtains, and the Home Office, while exercising no arbitrary authority in the management or direction of the provincial police forces, secures co-ordination of their work to a considerable degree, and is directly responsible for a growing homogeneity, without which the locally autonomous police system must have proved hopelessly deficient. These highly beneficial effects have been brought about by wise and timely counsel, suggestion and direction. Every year records the issue to local authorities or chief officers of police of scores of thoughtful, carefully-prepared, often brilliantly able circulars concerning many and diverse phases of police activity. To these documents the police authorities attach great importance, and effect is invariably given to the views therein expressed. Thus, and quite apart from purely statutory supervision and control, the influence of the appropriate Department of State radiates throughout the whole of the police administration of the country.

The invaluable nature of the supervisory influence so wisely exerted by the Home Department in this manner was especially noticeable during the Great War, and more recently during the General Strike in 1926. It is felt, indeed, that were it not for this central guidance in times of grave national crises, the efforts and actions of the many individual police forces would be so diverse that it is extremely doubtful whether national peace and order could be successfully preserved.

Furthermore, application may at any time be made by any police authority for the services of specially skilled and experienced detective officers of the Metropolitan Police for the purpose of investigating crimes of a very serious character. Provided that application is not delayed, no charge is made for their services, the cost being covered by the Exchequer grant to the Metropolitan Police for their Imperial services. Similarly, the services of Home Office toxicologists are available to all provincial forces for the purpose of making analyses in cases of suspected poisoning.

Finally, the Home Office has to an increasing extent in recent years filled the rôle of mentor to all units of the police service. It is, perhaps, not generally appreciated that the Secretary of State or the principal administrative officers of the Home Office almost daily respond to appeals for counsel by chief officers of police or their local authorities. This happy circumstance evidences the cordiality of the relations between the Central Government and the scattered and diversified units of the police service.

Present Problems.

From the foregoing historical resumé and partial review of present conditions, we may observe that while changes in points of administrative detail have been in constant process, little alteration in the main features of the national police system has taken place during the last hundred years. It should not be inferred from this, however, that the system has invariably received unqualified commendation. There have been times when serious consideration has been given to the question of direct and absolute central control of the police. So long ago as the middle of the last century, when the policing of many counties was either indifferent or altogether non-existent, nationalisation of police was contemplated and might have become an accomplished fact, but for the timely passing of the Act of 1856, which led to the compulsory establishment of sadly needed constabularies in rural areas. Again, in the year 1919 the Desborough Committee considered this question early in their proceedings, but after very close investigation reported that nationalisation 'would be foreign to the constitutional principle' of the police system of this country.¹ The findings of this distinguished and now famous Committee, which, sitting on no less than thirty occasions, heard the evidence of 148 witnesses from all parts of England, Scotland, and Wales, merit unqualified deference and respect. For that reason it is all the more important to observe that the Committee added the following observations :

'It is, however, obvious from the evidence that the administration of all local Police Authorities is not equally good, and that under the

¹ Report of the Desborough Committee on the Police Service. Paras. 17 and 18.

present system lack of uniformity has developed to an undesirable degree. Whilst we consider that the present system of control is sound in general principle, and best suited to the circumstances of this country, we are of opinion that the Police administration would be more economical and efficient if a greater measure of centralisation and standardisation of conditions of service could be introduced.'

After considering the possibility of enlarging the units of local administration by grouping a number of county or borough police authorities into a single joint authority for purposes of control and for merging the smaller boroughs into county forces, the Committee strongly recommended that prompt steps should be taken in these directions.¹

It will be observed, then, that whilst declaring against nationalisation, the Committee were satisfied that our system of police control left a good deal to be desired.

The varying conditions of service obtaining at that time were in due course standardised by the Police Regulations of 1919, but as regards the other points of criticism, we are brought face to face with a number of problems which remain unsolved. It is now proposed to bring these under review so far as they affect the question of local and central control.

At the time of the deliberations of the Committee, there were 88 police forces in Great Britain with a strength of under 50. In the course of the twelve years which have elapsed since the Report, during which time considerable attention has been devoted to new and urgent police problems, this number has not been greatly reduced. There are still examples, all too numerous, of headquarters of large county forces being situated unavoidably outside their own area of jurisdiction, and almost next door to the headquarters of small borough forces of comparatively insignificant strength. One very important area will serve to illustrate vividly the point of criticism. The County of Kent, situated between London and the Continent, and bordering on the Metropolitan Police District for several miles, is obviously an area where the closest co-operation to ensure unified action is a first essential. But here we find no fewer than nine independent borough forces varying in strength between 35 and 65 distributed throughout the country,—island

¹ *Ibid.* Paras. 100-108.

areas, each with its own chief constable and police authority. The county town of Maidstone, although the venue of the county constabulary headquarters directing the activities of 695 men, has an independently controlled borough police force with an authorised strength of 56. Doubtless admirable efforts are made by both County and Borough Police Authorities to effect the co-ordination which is so utterly vital in these days of rapid travel by road, rail, and air, but notwithstanding this, numerous police boundaries within the compass of a single county, can only result in wasteful administration, and cause undue, and perhaps sometimes fatal delay in police action.

Sir Leonard Dunning, in 1928, made reference to this subject in connexion with the failure of the Borough of Tiverton to effect a merger with the County of Devon. 'This was unfortunate,' he stated, 'little island police districts like Tiverton are anachronisms in these days of modern facilities of travel, fenced in as they are by boundaries of which nobody but the police takes notice.'¹

Those experienced in municipal administration will agree that quasi-parochial considerations are frequently allowed to prevail in matters affecting national efficiency, which obviously should be the paramount factor. In no public service can this attitude reflect more serious consequences than in that of the police, where a limited outlook is sheer fatuity. The natural desire for local representation in the management of police could probably be met with no great difficulty by arranging for any area proposed to be absorbed in another, to be represented in proportion to population on the police committee of the absorbing area. It is not easy to conceive other sufficient grounds for opposition to absorption in cases such as Sir Leonard Dunning instances, but where in special circumstances they do exist, it is thought that friendly conference, with efficiency admitted as the general aim, would soon dispose of most of them.

The lack of uniformity emphasised by the Desborough Committee is scarcely less than it was when that Committee

¹ Reports of His Majesty's Inspectors of Constabulary for the year ended 29th September 1930.

reported, and the need for a greater measure of centralisation of control has increased. In its absence, it is obvious that a wide diversity of opinion and practice must inevitably persist between the 180 police forces in England and Wales alone.

Some chief constables are acutely conscious of changing times and modern needs, and display admirable enterprise in the investigation and trial of new ideas, more especially in the direction of mechanical aids to police work. The evolution and development of the police box system, for instance, has been the outcome of individual experiment, yet in spite of its adoption by many forces, there is in others considerable divergence of opinion as to its usefulness. The rejection or adoption of this, or any other new idea, remains in the absolute discretion of the different police authorities. Some chief constables regard with disfavour any substitute for the beat system, which, they assert, is the only practical means of maintaining close personal touch with the inhabitants of a district. Conversely, others are emphatic in declaring that the orthodox beat system is antiquated and expensive. Discussion of the merits or demerits of these contradictory opinions does not lie within the scope of this essay, but their very existence is sufficient to indicate the need for an overriding central control. If the police box system can be efficiently and economically operated in certain industrial towns, neither local prejudice nor procrastination should be permitted to deter its prompt adoption in others of similar character. If its usefulness has been conclusively demonstrated in certain rural areas, similar districts elsewhere should not be denied its advantages. On the other hand, if the system has no advantages, its retention should not be permitted. A deciding voice, speaking from the centre, is urgently needed to settle such questions.

Extreme variation in the method of recording crime is also glaringly manifest. During the year 1929, 11,753 indictable offences were recorded by the Liverpool police. During the same year, indictable offences recorded in Birmingham, also an industrial city with a population exceeding that of Liverpool by more than 100,000, were said to number but 2,899. There are inexplicable differences in the case of other

towns. Birkenhead, with a population of 147,819, records 1,281, whilst Salford, with a population of 234,045, only admits to 585. For the Metropolitan area, with a population more than nine times greater than that of Liverpool, the indictable offences are shown to be 17,664, or only 50 per cent. greater than the Liverpool figure. Comment is almost superfluous. How many who know both the Metropolitan and Merseyside areas can entertain for a moment the idea that in proportion to population the prevalence of crime in Liverpool is six times greater than in London? Such marked discrepancies can be only partly attributable to the greater or less prevalence of crime: there is little doubt that the real reason for them is to be found in the varying recording systems. In this connexion it is disturbing to reflect that it seems possible, and indeed probable, that the Home Office Criminal Statistics concerning the state of crime in the country do not reflect the true position, and therefore do not usefully serve the purpose for which they are intended.

In the training of police—without reference to which no commentary on the relationship between local and central control would be complete—there is also considerable difference of opinion and method. The practice in many small forces of sending recruits to the police training schools of large forces may, perhaps, be interpreted not unfairly as a very proper admission of local limitations. It is, therefore, regrettable that so many other small forces still persist in continuing inadequate local work of this nature. The standard of competency now expected of all police by the public, is such that nothing short of skilled and comprehensive instruction can equip them to render that service which the community expects, and to which it is entitled.

Considerations of finance, and the dispersal of their limited personnel render it quite impossible for small forces to organise police training which can bear comparison with that provided in such cities as, for instance, Birmingham, Manchester, and Sheffield. The training establishments at the headquarters of those city forces are organised and supervised on admirable lines, with highly competent instructors, each an expert in the particular subject with which he deals.

The syllabus is comprehensive, there is ample accommodation and means for both physical and mental training, and the facilities for the gaining of experience in actual police patrol are ideal.

The question of police training is undoubtedly a national rather than a local concern. A high degree of police efficiency in one district quickly reacts in another where the police are relatively not so efficient. An overwhelming proportion of police duty is the same in all parts of the country, urban or rural, and the training should therefore be of a uniformly high standard. It would seem, indeed, that the time has now arrived when the training not only of recruits, but also of men for specialist branches, should be compulsorily confined to approved training centres.

Although the Desborough Committee in 1919, after hearing considerable evidence on the subject, did not see fit to recommend this course, there are indications that post-War additions to the duties of the police have so influenced many chief officers of police, that their views as to the adequacy of local training have been modified. Not only have the smaller counties and towns in increasing number been sending recruits for training to centres such as have already been named, but the police authorities in the Western counties have actually held meetings with the object of establishing a central training depot for the whole of their area. It is not inconceivable, therefore, that were evidence again heard on this question, the weight of responsible opinion might well favour schemes of this kind, and the withdrawal of local option.

In spite, therefore, of the direct and indirect control, and supervisory influence exercised by the Home Office with such beneficial effects, the uniformity which should exist in matters such as have been described, does not exist. Nor apparently can it be obtained under any existing legal sanction. Our police organisation provides us with no central executive headquarters such as are found on the Continent, where police matters of national or State importance can be settled without undue prominence being given to local considerations or personal predilections. Chief officers of police in Britain for the most part pursue their own methods. The Secretary of State

can only deal with the government, not the directing of the police, and the Inspectorate, restricted as it is to advising the Secretary of State as to the efficiency of individual forces, is vested with no executive authority.

Possible Solutions.

(1) *Committee of experts to formulate model systems or code.*

It is suggested that a Committee of eminent police experts should be appointed by the Secretary of State for a twofold purpose—

- (a) To conduct a searching inquiry into the different methods at present in vogue, covering every aspect of police work, with particular reference to patrol, criminal investigation, traffic duties, police training, and office administration, and to recommend to the Secretary of State a model system or systems in outline, for general adoption by all police forces.
- (b) To investigate thoroughly the merits and possibilities of any modern devices likely to assist the work of the police, and to make such recommendations to the Secretary of State thereon as they might think fit.

The nature of police work in one district may in some respects be slightly different from that called for in others, and it would probably be inadvisable to insist upon a rigid observance in all districts of every detail of any model systems which might be approved by the Secretary of State for general adoption; but in order to qualify for the Treasury grant, local police authorities should be required to conform to the cardinal principles of such systems.

It may be argued that the compulsory application of standard methods in a service such as the police could not succeed, that local conditions vary too greatly to be fettered by inelastic obligations, and that individual initiative would be hampered. There is really no force in such a contention, however. No committee of police experts would be in the least likely to make recommendations which would be open to such criticism. There is infinite scope for the standardisa-

tion of many elements in both the executive and administrative spheres, and it may be once more urged that such action, so far from jeopardising local effectiveness, could only tend towards much greater local and national efficiency. At the present time, some of the finest intellects and most progressive minds in the police are wasted, functioning merely as they do in limited districts. These mental assets should be used for the benefit of the whole country, through the medium of the proposed committee. This is a policy from which so much practical advantage would accrue that the suggestion may commend itself to those entrusted with the heavy responsibility of police organisation and control.

(2) *Suggested adoption of increased central control.*

The merging of many small borough forces into county constabularies, the grouping of relatively small adjoining county forces, and the amalgamation in some instances of borough forces where boundaries meet, would result in the number of areas exercising independent police control being reduced by considerably more than one-half. For reasons already detailed, the attainment of this desirable object would remove many of the difficulties which at present obstruct effective co-operation, thus facilitating the promotion of a higher degree of efficiency.

The paramount need, however, is for the establishment of a real coalescence throughout the whole of the police system of the country. The method by which this could be achieved, without unduly detracting from the functions of local authorities, or the responsibility and executive powers of individual chief constables, is a matter calling for the most careful consideration.

In his last published report, Sir L. W. Atcherley declared, 'The outstanding impression I have formed is as to the pressing need for the closest possible collaboration between police districts in an organised form.'¹ It will be manifest to all discerning students of police affairs that the satisfaction of such a need is excessively difficult if the initiative is to continue

¹ Reports of His Majesty's Inspectors of Constabulary for the year ended 29th September 1930.

to be left to chief constables completely independent of one another. It must be conceded that praiseworthy voluntary efforts have been made here and there by chief officers of police to evolve by conference schemes of action regarding matters which present common difficulties; but, without some external energising and controlling influence, it is improbable, and indeed almost impossible, that the result of such efforts can be anything but imperfect and non-continuous.

In order to ensure effectual co-operation, as well as the consistent operation of any systems approved by the Secretary of State upon the recommendation of the suggested Committee of Police Experts, the exercise of a much closer supervision than that afforded by the present annual visits of His Majesty's Inspectors of Constabulary is believed to be essential. Unqualified tribute is due to the admirable work of His Majesty's Inspectors, to whom in no small measure is due a standard of efficiency, of which, having regard to existing limitations, we may justly feel proud. In their sphere, they have accomplished all within the reach of human endeavour. In the light of modern developments, may it not now be suggested that their great experience and abilities could be utilised to even greater advantage? Let the position be regarded in perspective.

The police are the nation's protective barrier against disorder and crime. They are, in a sense, a citizen army on permanent active service. Their battle is ceaseless. Analogies between the military forces of the Crown and the police are generally inappropriate, but they may sometimes be true to a considerable extent, and somewhat illuminating. It is inconceivable that an army could face a military campaign with the commanding officers of battalions independent of one another, and without a high command. Each battalion in an army sent to engage an enemy is commanded by a colonel. Four battalion commanders are under the orders of a brigadier-general, who, with two other brigade commanders, is controlled by the general of a division. Three divisions are grouped under the directions of a lieutenant-general commanding an army corps, and finally, three army corps comprise an 'army' under the supreme command of a general. There is thus the framework for perfect unification. With a common foe there

must of necessity be co-ordination and central direction. The common foes of the battalions of the police service are criminals and pests of society, an enemy not organised to any extent, it is true, but in a great numerical superiority, and possessed of a very powerful and dangerous ally in the shape of modern means of transport.

That our existing system has functioned more or less satisfactorily in the past, is no logical argument in favour of its continuance. Times have been, and are still rapidly changing, and with them the habits, customs and needs of the population. Post-War years have brought a mass of important legislation, an enormous increase in road traffic, civil aviation, wireless, and other innovations of science, all of which, in varying degree, have burdened the police with additional duties and new problems common to all forces. Serious crime tends to increase. The police are left to meet the new situation with an organisation belonging and adapted to the last century. In present conditions of life the network of our police boundaries is an increasing hindrance to effective organisation and blocks the way to improvement. A substantial reduction in the number of independent forces will mitigate, but will not alone remove this difficulty. A criminal, assisted by the facility and speed of transport by road, may still cross half a dozen police boundaries in order to reach the scene of his operations, and may return through the same or other police districts. In such a case, could all the facts be known, it would almost doubtless be found that the police of the unaffected areas, while conscious of a mild professional interest in the case, would be mainly sensible of a feeling of thankfulness that their own statistics had not been affected.

The reinforcement or development of the central influence is, it is urged, the only remedy for these serious defects in system. The practical application of such a measure, so as to be reconcilable with the retention of the basic idea of local control, should not present insuperable difficulties.

To attain effective and helpful results, involving a strong and intimate cohesion, would first of all involve the delineation of certain areas. These would not be too large, nor yet so small—and therefore numerous—as to defeat the object of

co-ordination. In England and Wales, for example, it is suggested that the number of areas should not be less than five, nor more than eight, exclusive of the City of London and the Metropolitan Police District. Each area should be supervised by a police official who may, for the purpose of this essay, be designated District Director of Organisation. This officer should be responsible for :

- (a) Organised co-operation within his own area, and for satisfactory liaison between his own and all other areas,
- and
- (b) Securing the general observance and carrying into effect of such special systems in connexion with particular branches of police work, as had been duly authorised and brought into operation by the Secretary of State.

Complete local executive control in all other matters would be retained. The Director would, in these circumstances, possess no direct executive powers, but if he were vested with authority to report *specially*, as well as periodically, to the Secretary of State upon the efficiency or otherwise of all police forces in his area (the term 'efficiency' being deemed to include the observance of approved systems) his position would be strong and authoritative. No local authority could afford to run the risk of facing and having to answer to the ratepayers for the heavy financial penalty which would be entailed in the loss of the Treasury grant, through failure to comply with the Director's requirements.

It is at once apparent that the duties of Directors of Organisation would supersede the present functions of His Majesty's Inspectors of Constabulary, but it is equally apparent that in three of the more important areas, the utilisation of the unparalleled experience and extensive knowledge of these officials in the new capacity of District Directors would be an invaluable asset to the police service. With regard to the remaining areas, and the Scottish districts, there is no dearth of distinguished police officers from whom appointments could be made.

If the country were thus sub-divided into police districts, a final link in the chain of co-ordination would be necessary between District Directors and the Home Secretary. This might well be created by the appointment of an Inspector-General of Provincial Police, to act in the capacity of expert adviser to the Home Secretary upon all matters appertaining to police outside the London area, and to assume control of all District Directors. The Home Secretary would thus be brought into infinitely closer contact with the provincial police than has hitherto been possible, and, what is also vitally important, co-operation between the Metropolitan and provincial forces would be greatly facilitated by conference between the Home Office, the Inspector-General, and the Commissioner of Police of the Metropolis.

The unique position of the City of London police would, under this scheme, present a complication of some difficulty. Whilst the City area obviously could not be included in a provincial district, neither could it be excluded from a national scheme of co-ordination. The new situation would, in fact, render it extremely difficult for the City's authorities any longer reasonably to maintain their right to a police establishment separate from the rest of London, and amalgamation with the Metropolitan Police would in all probability become inevitable.

The carrying out of an evolutionary movement of this nature would not, it is felt, affect vitally, or even unduly, the existing national basis of local control. But this is clearly a point of extreme importance from both psychological and practical standpoints, and merits special consideration.

Retention of Local Control Essential.

Bearing in mind the character of the British people, and their genius for local government, any basic change of system involving complete, or almost complete central control, would be both impolitic, and as far as can be seen at present, unnecessary. The British combination of local and central responsibility for the suppression of disorder and crime has on the whole been so successful, that any contemplated change should be in the nature of an adaptation to modern

conditions, rather than an uprooting of the established system.

The British policeman is regarded by the public as a member of a citizen force, and enjoys a friendly regard by his fellow citizens which cannot by any means be dissociated from the local interest in the particular force to which he belongs. Civil disturbances in England have only too frequently proved that the personal influence and prestige of local police is infinitely greater than that of police drawn to assist from other areas. Thirty years ago Melville Lee wrote, 'An English mob quickly resents high-handed interference, and will not tolerate at the hands of strangers the same degree of repression it will quietly submit to from local police officers.'¹ Many incidents had occurred prior to that time to provide ample justification for his statement, which has since been further exemplified on several unfortunate occasions.

Pride in local forces is more than a name, it is a real and living feature of our police system. No greater mistake could be made than to regard this otherwise than as a very weighty consideration. The police enjoy the sympathy and active co-operation of the great majority of the people of all classes. They are popular; undoubtedly more so than in any other country in the world. That means that the public have no great fault to find with the present system. It is within the service itself that its faults and imperfections are recognised, and the greatest care will be necessary to ensure that any remedies which are applied do not disturb the foundations upon which this invaluable alliance between police and public has been built up.

It is sometimes asserted that the police systems of certain European countries are superior to ours in technical and scientific organisation, by reason of direct State control. About that, opinions may vary. Even assuming for the sake of argument that such a claim is well-founded, the superiority is more than counterbalanced by the disadvantages with which such a system is loaded. In Prussia, France, Italy, Austria, and Hungary, semi-military forces operate under the command of government officials who, except to a practically

¹ *A History of Police in England.* W. L. Melville Lee (1901).

negligible extent, are unaware of and unmoved by local considerations. The police are the agents of the government, act in accordance with government regulations, and display an indifference to public opinion which would not be tolerated for a day by Britons. The result is that anything like public co-operation is almost entirely absent.

We in Britain may count ourselves fortunate that the circumstances which have led to the adoption of national police systems elsewhere do not obtain here. In the case of the five countries which have been cited, there is frontier contact for hundreds of miles with several other countries. The possibility of sudden foreign aggression is ever-present, and the employment of armed national police, which could in an emergency assist the regular military forces, is a diplomatic expedient. The people, being conscious of the same feeling of apprehension, accept without question whatever systems their governments deem it advisable to impose upon them. In other countries, moreover, quite different reasons for central police administration exist. The illiteracy of the population and the absence of any kind of real local government often renders any other system impracticable. Again, in British Dominions such as Canada and South Africa, where the population is thinly scattered over vast areas, and where the policeman is not only the instrument of the law but more often than not the only symbol of government, central control and direction is imperative. In India, Iraq, Ceylon, and the Malay States, police are, and must be for obvious reasons, an integral part of the central government.

By way of contrast, Britain enjoys a geographical position which gives her comparative freedom from fear of invasion. Widespread industrialisation, and sixty years of universal education has given her a politically enlightened and democratic people. Her system of local government is second to none, and those entrusted with its administration have consistently displayed a true sense of responsibility.

National conditions and the national character are, in fact, singularly conducive to the encouragement of local responsibility, and Parliament has repeatedly recognised this factor. As a consequence, civic pride in local institutions has

developed to a degree which has become a distinct national asset. Local police forces, with a history dating back anything up to a hundred years, occupy a prominent place in such institutions, and any attempt to sweep away the main principles of local police control would not only be certain to meet with strong resentment, it would be inimical to national interests.

A modification of system to meet modern needs is a very different matter. The more progressive local authorities of to-day are fully aware that 'the slaves of custom are the sport of time',¹ and only where there was an abysmal ignorance of modern police problems and difficulties would an unflinching conservatism be evinced. If local authorities as a whole are properly enlightened as to the defects of the present system, it need not be anticipated that there would be any serious opposition to the practical application of the proposals which have been outlined.

Division of Control Desirable.

Taking the broad view of national policy, a division of control of the police, whereby responsibility is shared between the Central Government and the local authorities, is a safeguard against possible undesirable tendencies on either side. The relevant considerations may be perhaps recapitulated. Without the supervisory authority of the Central Government, there would be almost as many varying standards of efficiency as the number of forces in the country. Strength might be inadequate, local parsimony might stifle development, discipline might be imperilled by lay interference, the police might be made the tool of the most powerful factions, or in a dozen other ways it is quite possible that unrestricted local power might very seriously affect police efficiency. Wisely directed central control is an insurance against any such contingencies.

On the other hand, were complete government control to obtain, with a Minister of the Crown as the supreme head of the police, the danger of police policy being moulded and directed in the interests of transient political majorities is a possibility which, however remote it may seem to us at the moment, cannot be disregarded. Immediate control of their

¹ *Novum Organum*. Bacon.

police by the local authorities provides an effective barrier against any such misuse of political power.

Conclusion.

At a time of serious economic and financial stress such as the present, it is only to be expected that new proposals involving further expenditure of public money will meet with opposition not always born of wisdom. In a financial situation which is fraught with real national danger, the cry for a rigid policy of retrenchment without prudent regard to ultimate consequences, becomes so clamorous that it is almost impossible to resist. Progress and vision are eclipsed by a blind desire to wield the axe of economy. Carried to excess, this state of mind might well make 'confusion worse confounded'. The preservation of a sense of perspective is as urgent as the need for economy. With such conditions prevailing, we may glance back into history and still derive food for thought from the words of Disraeli, who, when addressing the House of Commons on the 3rd December 1852, observed, 'If you make your establishments efficient you will find almost as a natural consequence that you will save money; and therefore I take it to be efficiency, and not retrenchment, which is the parent of economy.' The general application of such a theory may not be universally endorsed, but it is certain that the sentiments expressed can very aptly be applied to the police service at this juncture. Widespread disorders and increased crime remain very real possibilities while world conditions are so dangerously uncertain.

It is at least interesting to note that the financial impoverishment of Germany since the War stimulated rather than retarded progress in police organisation. In addition to the establishment of a police college and centres for research, Berlin has been equipped with a central radio station for international police radio, and television is to be adopted forthwith into the police radio system of inner Germany.¹ This may be taken as merely indicative of a general development. With national bankruptcy and internal strife Germany realised that a police organisation, already efficient, must

¹ *Police Journal*. Vol. IV., p. 469.

become as nearly flawless as possible. While the case of Britain is very different, insistence on police efficiency at a time of national and world strain is a matter of vital importance to the safety of the constitution and the community. In the contingency of serious internal disruption, it is upon the personnel and organisation of the police service that all that we hold dear would largely depend. It is, therefore, earnestly hoped that the proposals which have been suggested in this essay, or some other proposals calculated to perfect the organisation of the police, will not, without grave consideration, be rejected on account of financial stringency.

Not all the proposals which have been herein discussed would involve an additional financial burden. Indeed, the enlargement of the units of police administration would result, as has been pointed out, in substantial economies. On the other hand, up-to-date equipment and methods, and the institution of regional directorates, adequately staffed, would entail increased expenditure both capital and annual which, though relatively not large, would be not inconsiderable.

It may be argued that such financial commitments could not wholly be justified by the needs of a temporary emergency; but the existence of a high or low standard of police efficiency has such far-reaching consequences that further justification is not hard to find. The cost of crime in this country is still enormous. There are no published figures of the private loss and damage occasioned by the depredations of criminals, but the value is certainly colossal, whilst public money drains away in the heavy costs of the administration of justice, and in the maintenance of penal, punitive, and remedial establishments. Whether in troublous or normal times, the wisdom of reasonable expenditure on crime prevention should need no emphasis. There never was a more striking example of prevention being better than cure. It is this very prevention which is the primary object of the whole police organisation, and it is therefore essentially logical to maintain that money wisely applied in the perfection of the police machine is not only amply justified from the viewpoint of moral and national welfare, but would almost certainly eventually result in an actual net saving to the Exchequer.

If the police force is to be effective in its primary function, it is inevitable that there must be an adjustment of the balance of local and central control, commensurate with the pressing needs of modern times. Only by means of an extension of central control can a co-ordinated police organisation, adapted alike to the requirements of localities and the country, as a whole be secured. It is important to remember, nevertheless, that in effecting any such change however desirable, it is vitally requisite that the proposed schemes should receive the genuine and even enthusiastic commendation not only of the Central Government, but also of the local authorities and the responsible representatives of the police service. Success is contingent on real co-operation on the part of all three, and the highest possible degree of accord should be striven for. It is suggested, therefore, that as a preliminary to the formulation of concrete proposals, every opportunity should be given for the exposition and investigation of existing defects and difficulties. Local authorities should accordingly be invited to examine the shortcomings and limitations of the present system, whilst the police themselves should be enjoined to observe the urgent necessity for an outlook extending far beyond parochial boundaries. The greater the freedom for discussion, the more manifest will become the need for reform. Prejudice will then assuredly be dispelled beneath the light of reason, and the new era will dawn with that spirit of concord which is necessary in a question touching so intimately the life of the nation.

' So let the change which comes be free
To engroove itself with that which flies,
And work, a joint of state, that plies
Its office, moved with sympathy.' ¹

¹ *Love thou thy Land.* Tennyson.

A Great French Gangster

By A. M. P.

FEW criminals have made so prominent a mark on the page of history as Louis Dominique Cartouche. Those whom I have dealt with in previous numbers of *The Police Journal*¹ are known to most of us by name and to some of us by story; but their deeds have been more in the nature of tales of adventure than records of historical events. Cartouche, who died in his twenty-eighth year, has left a record in the annals of crime that has, so far as I am aware, never been surpassed. He was a Parisian, and his activities were confined to the country of his birth, but his fame spread far beyond the confines of France. Even during his lifetime his activities were recorded in the newspapers of Europe from Belgrade to Edinburgh, from Stockholm and Moscow to Lisbon.

He started his career in much the same way as other well-known criminals have started theirs; but throughout his brief career of roguery he showed a presence of mind, a courage, a resource and a boldness, that, directed into channels of a law-abiding nature, might have rendered him even more famous than he was.

There is one outstanding feature which distinguishes Cartouche from other criminals: he gained the upper hand of the police. That the police system of Paris in the early eighteenth century was in any way comparable to its police force to-day is not suggested. Yet Cartouche not only outgeneralled the best brains among the thief-catchers of Paris for nearly two years, but was a match for the police even when that body was reinforced by the military. I do not mean to say that he got the upper hand of the police force single-handed. During the palmy days of his gang—'Order' he

called it—he could put more than two hundred knuckledusters in the field, and most of the underworld of Paris owned him King. To organise and control a gang of that size demands qualities of which the ordinary criminal is very rarely indeed possessed. But to the tale.

Cartouche was born in Paris in 1693. His father was a working man, a cooper by trade, and as the boy soon showed himself to be a lad of more than natural ability, with a gift for learning quickly and an unusual memory, his father entered him at the College of the Jesuits in Paris. In the ordinary course of events this should have been the making of the young man, but unhappily it proved precisely the opposite; it was, in fact, the first step that sent him on what we, as moralists, call 'the downward path.' For at this college he came in contact with boys of a higher social position than himself, and it was his very natural desire to be on a par with them in every way that suggested to him the means of accomplishing that wish. Many of these boys were the sons of families of considerable social position in Paris; most of them had a fair amount of pocket-money; all of them were well provided in the way of clothes and boyish luxuries; and some of them had valets to look after them. To Cartouche it seemed an eminently desirable thing to have a lot of pocket-money, plenty of good clothes, and a valet to look after one.

His first attempt to procure the money with which his father was unable to supply him was by defrauding some women who came to sell fruit at the college gate. Finding, however, that the income which he acquired by this means was not very large, he took to stealing the books of his school-fellows, which, at convenient opportunities, he disposed of to the booksellers of Paris. But he needed more money, much more than he could acquire by petty thefts, if he were to hobnob with the nobility.

He was at this time eleven years old, and with a wise precocity had attached himself to the richest of his school-fellows, a young marquis who was in the same form with him. This marquis was attended by a valet. One day Cartouche chanced to overhear the valet telling his master that he had

¹ Jack Sheppard, John Nevinnson, David Haggart and Dick Turpin.

received one hundred crowns on his account and that he had put the money in a trunk.

Cartouche at once determined to rob his chum. The door of the marquis's room was kept locked, but Cartouche had noticed that the marquis was in the habit of keeping the key of it in a certain pocket. As our hero sat next to him in class Cartouche soon discovered a means to pick his pocket. This done, our thief raised his hand aloft and asked the form-master's permission to leave the room, which being granted him he immediately made for his objective, unlocked the door, and pulled out the trunk wherein the money was deposited. Unhappily, this was locked, but even at this tender age Cartouche gave proof of that determination which, later, was to stand him in such good stead. He had foreseen that the trunk might be locked, so he had not come unprepared. He at once got to work with a jemmy of his own construction and in a few minutes had prised open the trunk and transferred the money to his own person.

One thing, however, he had not foreseen. While he was engaged in his burglary the class had come to an end, and no sooner did this happen than the valet approached his young master and asked him for the key of his room. The marquis finding that the key was not in his pocket, told the valet that he must have left it in the door. Whereupon the valet immediately proceeded to the room in question. Cartouche had only just time to climb on top of a wardrobe when the valet entered the apartment.

The sequel is not without humour. The valet slept in a small room leading out of the marquis's bedchamber, and the reason why he had asked for the key was that, being ill, he wanted to go to bed. He undressed, got into bed, and lay there with his face turned towards the very piece of furniture upon which our hero was perched. Hours passed, night came on, yet Cartouche did not dare to leave his eyrie. The valet passed a bad night, Cartouche a worse one. He was cramped, he was hungry, he was cold, he was frightened. Next day the valet grew worse. A doctor came and gave the sick man a dose of physic. It was not until the evening that Cartouche had an opportunity to climb down from his perch and fly the room.

It says much for his efficiency as a thief that he took the hundred crowns with him.

But unhappily he was not out of the wood even now, for he had hardly got to the bottom of the stairs when he ran into the headmaster, who at once demanded an explanation of his absence. Cartouche immediately replied that his mother had been taken suddenly ill, and that he had run home without waiting to ask permission. The governor accepted his explanation and passed on; but unhappily for Cartouche the respite was only a temporary one; for on discovery of the theft the governor, the marquis and the valet put two and two together, and an inquiry at Cartouche's home disclosed the fact that Madame Cartouche was in the best of health. It was also discovered that Louis Dominique was attending the fair at St. Germain's in a new suit. There was a great to-do, and once again Cartouche showed that he was possessed of resolution. He decided to leave Paris immediately.

He left the same evening without saying good-bye to anyone, and walked until he was too tired to walk any further. By this time it was midnight, and as the district he was now in was thickly wooded he was frightened lest the remainder of hundred crowns, which he still carried upon his person, should be removed by lawless hands. Moreover, he could not see any sign of an inn or house which could harbour him for the night. Accordingly he crept into a bush and, hugging his crowns to him, tried to get some sleep.

He had scarcely lain down, however, before he heard voices near him, and presently saw several people approaching. They were talking a language which he had never heard before. They were in fact gypsies, and whether Cartouche moved or whether it was the chattering of his teeth that betrayed him, certain it is that presently the gypsies pulled him out of the bush by the scruff of his neck and proceeded to search him. The result of this last action was so satisfactory to them that they at once carried him off with them to their encampment.

Among these gypsies Cartouche lived for three years, and during that period he devoted his energies to mastering the secrets of roguery for which these wanderers are well known. He proved so apt a pupil that he would undoubtedly have

become their leader, possibly even King of the Gypsies, had not the authorities of law and order in the district of Rouen, where they were then residing, taken to hunting them out and scattering them. After most of his companions had been imprisoned, and not a few of them put to death, Cartouche thought that the best thing he could do would be to run away to sea.

In Rouen he had an uncle who had shown a fancy for the boy during a visit to our hero's home in Cartouche's early childhood. This good uncle, walking one day along the quay at Rouen, noticed some Dutch sailors giving food to a tanned and brawny young lad who showed a remarkable resemblance to his nephew. On questioning him the relationship was immediately proved, and the good uncle took Cartouche home with him, dressed him, trimmed him and perfumed him, and in fact turned him into a respectable member of society again—at all events outwardly.

The next thing to do was to inform Cartouche's father that the prodigal was willing to return. The father, however, at once replied that he would never own for a son one who had disgraced his family; that he would have nothing to do with him; and that he would be very pleased to see him sentenced to the imprisonment he so richly deserved; adding that should the prodigal come within sight of the paternal roof, he, Cartouche *père*, would at once give him in charge.

On receipt of this letter the good uncle decided against retaining Louis Dominique in his own household and at once took him to Paris. It was, however, necessary to resort to a stratagem in order to assure a friendly reception for the young gypsy. Lodgings were therefore taken for Cartouche as near as possible to his father's shop, and there installed, he fell ill. The doctor declared his case to be dangerous, and told his father. The father, little imagining his son to be so near him, was moved to pity. He gave in; Cartouche received the paternal blessing, at once took a turn for the better, got convalescent, moved his belongings to the paternal abode, and endeavoured to atone for his past delinquencies.

He had not been long at his father's house before he fell in love with a young sempstress who lived in the same street;

and in order to impress her he expended a year's savings in tricking himself out. The girl was young and pretty, and her favours were therefore sought by other gallants than Cartouche, and being by nature something of a coquette, she became the more condescending in proportion to the value of the presents bestowed upon her. Determined not to be outdone by anyone, he abstracted from his father's cashbox sufficient money to recommend him to the young lady's good graces for several days.

But the other rivals were by no means put to flight. They returned to the charge and the sempstress was in richer clover than ever. For a moment Cartouche was nonplussed. He did not dare to visit the cashbox again: as a matter of fact his father, having missed the money and having noticed the finery of his son, was already beginning to cast a suspicious eye upon him. He was obliged therefore to resort to picking pockets, a trick which he had learnt during his residence among the gypsies. At this he became so adept that in a very few days he was able to provide his mistress with some very respectable jewellery. He also made enough to enable him to buy a new suit.

To a leading question of his father he replied that he had had good luck with the cards. But the father was not satisfied and watched his son closely. It was not long before the older man discovered the jackdaw's nest. What he saw there amazed him. He might have been looking at a goldsmith's shop-window. To his son he said nothing, but next day he drove to a prison on the outskirts of the town and arranged, 'for a reasonable consideration,' to have his son severely flogged—a procedure possible, apparently, in France at that period.

Next day the father invited his son to accompany him on a visit to a customer who dwelt just outside the town, and the lad, suspecting nothing, consented. Just as they came in sight of the prison, however, Cartouche recognised a plain-clothes man whose acquaintance he had already made, and, putting two and two together, he at once smelt a rat. Retreat was useless—his quick brain told him what had happened and what would happen if his father were balked. He resolved

to trust to his wits. Father and son entered the prison together, and the lad was told to take a turn to and fro in the courtyard while his father interviewed the 'customer.' But the moment his father's back had disappeared through a doorway, Cartouche doffed coat, hat and wig, and, tying his handkerchief round his head, entered another door with his coat over his arm as though he had just been brushing it. Some gaolers took him for the servant of one of the richer prisoners. Cartouche softly whistled a tune, and, guided by a sense of direction, soon found an outer door which he went through, winking at the officer on guard as he passed into the street.

He reached home some time in advance of his father, and when that worthy citizen arrived he found that not only had Cartouche removed himself in person from the paternal roof, but had also removed the whole of his possessions, lawful and unlawful, together with sundry cash and valuables belonging to Cartouche *père et mère*. A hue and cry proved fruitless: Cartouche was already practised in the art of make-up; and by altering his face, stature, walk and gestures, he easily escaped capture.

A day or two after this escapade he made the acquaintance of another thief, one more experienced than himself, who kindly provided him with a lodging and a wife. The lodging was in the thieves' quarter of Paris, the wife his landlady's daughter. But after a few months of wedded bliss, young Madame Cartouche had the misfortune to fall foul of the police, and she and her mother were sent to gaol. This particular Madame Cartouche, however, does not appear on the scene again, so presumably the marriage was not a very permanent affair.

To comfort himself in this double bereavement Cartouche took to gaming and became a member of several fashionable clubs. Here he did well. He was skilful at play, bold, and his courage stood him in good stead on more than one occasion when he had to defend his newly-acquired property. He lived well, kept two footmen, and was looked upon as something of a gallant. But this phase of his career did not last long: indeed no phase ever lasted very long with Cartouche.

One of his footmen was in love, and finding that his

earnings were insufficient to support the damsel, adopted larceny to attain that end. Unfortunately for him, his master was a thief and therefore could not bear to be robbed. On discovering the theft Cartouche immediately gave the fellow in charge and requested that he be prosecuted with the utmost rigour of the law. But the footman knew more than our hero thought he did, and hearing that he had made a disclosure to the magistrate, Cartouche was troubled in his mind. Whilst wondering what he should do, a messenger arrived from the energetic Chief of the Paris Police, M. Argenson, requesting Cartouche to accompany the messenger to the police station. Again Cartouche showed his resolution. He went to the police station. It must have been a great relief to him, however, to discover that the matter upon which the Chief of Police wished to see him had nothing to do with the footman but related to a duel which Cartouche had witnessed the day before. He told all he knew, signed a statement, and left the police station.

The affair of the footman, however, and certain disclosures, soon got abroad. They reached the clubs, and ugly things began to be said. A few of the more venturesome denounced Cartouche as a sharper. Doors were closed against him and his income fell rapidly. He discharged his footmen, sold their liveries, sold his furniture, sold his finery, sold everything he possessed. Soon he was reduced to poverty.

For a time he earned his living by acting as an informer. He was too well known to the police as a pickpocket for him to revert to his former mode of living: at the very first complaint he would have been locked up. For pickpockets have their *modus operandi*: they are expert in their particular procedure and in none other. Consequently, if the *data* are sufficient, the police are usually able to determine the thief. Cartouche, as we have seen, had been a criminal from his youth up, and he knew the underworld of Paris 'like a book.' He could give valuable information about other thieves. He did. He hated rivals. And his accomplices feared to play fast and loose with one who could have them 'lagged' at a moment's notice. It was a good move. It put down opposition

and it cemented the bonds of roguery. Also, it brought Cartouche a crown a day in wages.

He soon found another way in which to dispose of his rivals and at the same time increase his income. The recruiting sergeants were busy in Paris at this time and were glad to pay a commission to anyone who brought them recruits. Cartouche brought them quite a number. No questions were asked, and what if the recruits did not regain their fuddled senses until the Army had gathered them to itself? It was a work of national importance. Cartouche was a patriot.

It happened, however, that one day a certain sergeant found himself urgently in need of five recruits to make up the quota of his battalion. He applied to Cartouche, who, having obtained payment for this service in advance, agreed to supply the deficiency on the following morning. The sergeant replied that he had to start for camp at daybreak, so arranged with our hero that Cartouche should collect the men at a given spot and assist the sergeant to take them well on the road. Cartouche spent the night in searching every likely spot in Paris, but could collect only four. So he met the sergeant next morning one short of the required number. They had a good breakfast and set out, all six of them in a coach together, for the camp. At La Villette they had some more breakfast, and the sergeant persuaded Cartouche to go with them as far as Meaux. Arrived here, they had a good deal more wine, and Cartouche went to bed considerably the worse for liquor.

When he awoke next morning he found his hands tied behind him, and had scarcely come to his senses when the sergeant entered and told him to fall in with the other four recruits. Talk did him no good. He was a soldier of the King now and was going to march to Flanders. He was unarmed and his wrists were tied. The sergeant had woken up very fresh and had a bayonet. . . . Cartouche marched.

He did well in the trenches. He did what he was told, and did it well. He showed courage and initiative in attack. The captain of his company soon noticed him, and if peace had not broken out Cartouche would have been given a commission. But the Peace of Utrecht put an end to all hope of promotion.

He was demobilized and returned to Paris as penniless as when he set out.

It was at this point of his career that Cartouche conceived the project which was to bring him such lasting fame. Paris was overrun with demobilized officers and men, all of them looking for jobs, all of them complaining about a government that did nothing for them, most of them faced with beggary, many with starvation, and none of them finding France a country fit for heroes to live in. Cartouche knew their temper, and their mettle. He went among them day and night. He learnt their family histories, and sometimes he learnt about the skeletons in their cupboards. . . . His propaganda was insidious and tempting, therefore good. First in this ear, then in that, he suggested that organised robbery was really not robbery at all. It was merely a taking from one and giving to the other; a redressing of the balance; a trimming of the ship of state. Obviously it was ridiculous that the men who had fought for their country should be allowed to die in the ditches while the profiteers should inherit the land. 'If the government will not regulate things properly, then we must take the law into our own hands . . .' and so on and so forth. He chose his men carefully, and hardly an ear that he encountered was deaf.

The first thing to do was to elect himself Grand Master and to bind all these men to himself and to each other by the most solemn oaths. He then assembled them one evening and held the first 'chapter' of his 'Order.' About two hundred men attended and took the oath of fidelity to their new leader.

The first few weeks must have been a crucial time for Cartouche and his Order. Most of the Knights were untrained in thieftcraft, and any bungling might lead to a wholesale discovery. Practically every thief who was arrested was put to the torture in the hope of discovering his accomplices, and usually torture was not applied in vain. One of Cartouche's first acts, therefore, was to establish a university for thieves. He himself became the first Professor. His classes were well attended, and in a very short time Paris was overrun with accomplished criminals. 'Nothing was talked of in Paris at

this time,' says a chronicler, 'but the robberies and murders in the streets, the assassinations on the Pont Neuf.'

The Order was divided into certain classes. One of these classes was expert in breaking into houses by night, no matter how heavily barred and shuttered; another class, which co-operated, specialised in the use of the rope ladder and the climbing of roofs; another party preyed only upon gamblers; a fourth levied taxes upon innkeepers and the proprietors of brothels. Another class was regular in attendance at divine service at popular churches, holding up gloved hands of wax in prayer whilst the hands with which Nature had endowed them were rifling the pockets and purses of their neighbours. Yet another, which haunted the shadowed embrasures of the bridges, was expert in dealing silently, save for an occasional gurgle, with brokers and other men of business on winter afternoons.

The profits of this well-organised business concern were pooled; but not all the takings was divided among the Order: there were many employees to pay, police spies to be 'squared,'—it was whispered that some of the spoil found its way even into the pockets of the magistrates themselves. Moreover, the Order had its own factories wherein were made the tools and appurtenances of its crimes; warehouses had to be rented; plate had to be melted down in the Order's own furnaces; there was a sick fund and an out-of-work fund for temporary casualties. All these overhead charges ate up a good deal of the capital, and Cartouche was for ever encouraging the Order to further activities. A period of trade stagnation that lasted only a week would bring them face to face with bankruptcy.

It is not surprising, therefore, that the variety of their activities increased. Women were admitted to the Order. Their part was to walk the streets and lure countrymen to houses wherein male members of the Order could murder their victims in safety. These women were paid in proportion to the risks they ran, and, like everyone else, required their salary weekly. Cartouche was often at his wits' ends to pay even incidental expenses.

Just when that point was reached where the expenditure

of the Order exceeded the receipts, a turn of Fortune's wheel set Cartouche and his accomplices on their legs financially. The national currency was changed from gold to paper. A purse would seldom contain more than five or six gold coins: a pocket-book usually held the equivalent of ten or twenty. Cartouche had always been proficient at picking pockets, and he proceeded to make hay while the sun shone. The less efficient members of the Order carried life-preservers, pepper-pots, or masks lined with pitch, to enable them to effect what they could not do by legerdemain.

The net result of this wallet campaign was so satisfactory that at a Chapter of the Order held in April 1721 it was decided to extend operations to stage-coaches. Accordingly, on the 28th of that month a chosen party held up the Paris mail near Chalons. Having killed the postillion and disarmed the guard, they removed the passengers one by one, searched them, tied their hands behind them, and deposited them on their faces on the ground. The total bag was 280,000 francs, or *livres* as they were then called.

It is sad to record it, but so far from urging Cartouche to disband the Order and adopt the life of a country gentleman now that he was rich, financial success drove him still further along the path of crime. That is why I think the true criminal is born, not made. Crime is his natural state: to adopt a law-abiding career would betoken a mental perversion. Cartouche had that peculiar mental 'kink' which inverts right and wrong. He could never have become a useful citizen—except on the field of battle and provided he were persuaded to fight on the right side. No modern criminal procedure could have 'reclaimed' him; for reclamation postulates a fall from grace. Cartouche was a moral pervert from his birth.

Success, then, encouraged him to further crime. One day, for instance, he took one of his accomplices and a servant with him to rob a coach. On their way he ordered his companion to shoot the servant, lest the fellow should betray them. The coach duly robbed, as soon as they came to a lonely spot Cartouche shot his companion. Thus he was able to return to Paris alone, with the whole booty, and secure from the possibility of betrayal.

Paris was now reduced to such a state by Cartouche and his 'Order' that the watch was reinforced by the military and a decree was issued ordering all vagabonds and unemployed to leave the city. Gunsmiths and sword-cutlers were prohibited from selling weapons to any person not in possession of a government permit. A house to house search for arms was also carried out, but with small avail. The Order was now so strong that it would sometimes parade in force and drive whole companies of the reinforced watch before it. Moreover, many of the watch were in Cartouche's pay, and many more feared his vengeance. He was, in fact, master of the police, if not actually of Paris.

It is almost incredible, but it is a fact, that up to this point neither the Parisians nor their police knew Cartouche's name nor who was the presiding genius of the 'Order.' Several members had been caught in the act, and had suffered various penalties for their crimes, including torture; but the oath of fidelity had prevented the long-sought name from being divulged. One of Cartouche's lieutenants, Joseph l'Ami, had been broken on the wheel; but even this dreadful punishment was unable to cause him to reveal his leader. Yet there are weaklings if not black sheep in every flock, and at last the police obtained the name they wanted. In a few hours it was on every lip, in a week it had spread through Europe.

Parliament now took notice of Cartouche, and in a week he was the most noted man in France. His portrait had been procured somehow, and the authorities ordered that this should be reproduced and posted up in every market town throughout the land. Appended was a description of him, and a reward of 2000 francs was offered for information which should lead to his arrest.

This manoeuvre caused Cartouche a good deal of worry. Two thousand francs was a lot of money to a French working man or woman, and Cartouche knew that he would have to be perpetually on his guard against surprise. As a matter of fact, within a few hours of the proclamation he was very nearly caught. Going into a house in the Rue de Seine, someone saw him enter and at once rushed off to tell the police. A strong force was quickly collected and the house quietly surrounded.

Cartouche usually had his own spies about him, but on this occasion no one gave him warning, and it was not until he heard a noise at the door that he suspected trouble. Putting his head cautiously out of an upper storey window he saw that the house was surrounded by armed police and soldiers; and as there was no means of access to the roof he was in a somewhat difficult position. The only thing to do was to entrench himself behind as serviceable a barricade as possible and let the enemy begin the attack. Presently, however, as it appeared that the enemy's tactics were to starve him into surrender, he went to the window and fired a pistol at the officer in command of the soldiers. Unhappily for him he missed his aim and killed one of the soldiers instead. This so enraged the men that they determined to rush him, and reinforcements were brought up for this purpose. Seeing that even if he killed a man with each round of ammunition he possessed he would still be taken in the end, Cartouche once more considered the possibility of flight. At length he found that by taking off most of his clothes he might just be able to squeeze up the chimney, and this in fact he did, gaining the roof unnoticed by the enemy. After climbing over several houses he found the window of a garret open, and by dolefully representing himself as a poor debtor chased by bailiffs he gained the compassion of the two women occupying it, and to such an extent that they lent him a suit of clothes and saw him out at the front door.

On another occasion the police surrounded a house of entertainment he was in one night and forced him to take refuge in a small cupboard at the top of the building. They searched each floor thoroughly, and as they stepped past his hiding-place at the head of the staircase he heard one of them say: 'Now we've got him!' The moment they entered the neighbouring room Cartouche stepped nimbly downstairs, took a hat from the rack, and strode up to the two soldiers who were guarding the front door. 'Have they got him?' asked one of the men. 'Not yet, I think,' was the reply. 'Why,' said the other, 'you're rather like——' In a flash Cartouche had a pistol at the breast of each man. 'Stand back!' he cried, and darted down the steps. In a moment

he was among the crowd that had assembled, and by the time the sentries' shouts had brought reinforcements Cartouche was at the other end of the street.

The forces of law and order were now regaining the upper hand, and Cartouche's Order was put to all manner of shifts to escape their attentions. Some of the members donned the habits of monks, others became clergy for the nonce, most of them affected a new disguise. Yet in spite of every artifice that ingenuity could devise, the net was slowly drawing tighter. Almost every day one member or other of the gang was apprehended, and no languishing in prison was allowed where Cartouche's accomplices were concerned.

The knowledge that he, too, must in the end be taken now began to weigh upon the prime instigator of all this social outlawry. He realised what his fate must inevitably be if he should fall into the hands of his enemies. Several of his friends had been broken on the wheel, and the prospect of this appalling punishment began to weigh heavily upon him. His companions noticed their leader's depression, and adjured him to quit Paris until things had blown over. But seeing that his portrait was now posted up in every market town of France, it was difficult to know where to go. He pretended at first to be unwilling to take this step, and represented that his compliance was only in consideration of their wishes and to make them feel easier; as for himself he cared not a whit. He was not sorry, however, to go. He gave orders that it should be reported among those of the company who were not present at the time, that he had gone into the neighbouring towns to stir up the flagging spirits of the provincial members, and that he would soon come back. Then, having given his orders, and appointed officers to act in his absence, he retired to Orleans, accompanied by two of his followers.

But he was no safer in the country than in Paris. The whole kingdom was talking about him. Everybody's head was full of him, so much so that whenever a stranger came into company he was asked, even before anyone greeted him, 'What's the latest news about Cartouche? What! Haven't you heard anything about him? Hasn't anyone seen him? Isn't he caught yet?' And so on.

It soon became known that he had left Paris, and this of course furnished fresh matter for talk. Some thought that he had gone for good, others would have it that it was only a stratagem of his followers, who spread the story to conceal some new roguery they had planned. However, the doubt was soon cleared up, for an order came from above, directed to all the magistrates in the country, to make a search for Cartouche in all places under their jurisdiction, and to take him alive or dead. The regiments that were quartered in the country had like orders. Meanwhile, the object of all this attention was travelling throughout the country unsuspected, amusing himself by spreading false reports about the undoubted retreat of the celebrated Cartouche. . . . He was in Paris—he was seen at Aix—he had become *chef* to the Duc de Lorraine—he had eloped with a Duchess—he had eloped with a kitchen-maid—he was driving a coach—he was riding a horse—he was dressed as a woman. And at last he had crossed to England—to Holland—to America. . . .

The truth of the matter is that Cartouche went to Bar-sur-Seigne, where he took the name of Charles Bourignon and where he wrought the confidence trick successfully upon an aged gentlewoman of that town. This dame, Madame Bourignon by name, had had a son who had gone to the West Indies some years before; and not having heard of him since, she had given him up for dead. Cartouche having discovered this and several other particulars relating to the family, presented himself to the poor woman so skilfully that she really believed he was her son, and took him into her house, and made him heartily welcome. By this trick Cartouche not only got himself installed in a comfortable house without having anything to pay, but also removed all possible suspicion that might have fallen upon him by too long a sojourn in Bar-sur-Seigne.

His own followers knew no more where he was than the Parisians themselves. This precaution was a prudent one; for several of his companions were put to the rack in the attempt to discover where their leader was. Had they known and betrayed him nothing could have saved him. There was no one to give him warning of an impending attack, and even if flight

had been necessary, it would have been difficult in a country of which he had no knowledge. Nobody knew where he was, except the 'officers' he had appointed in his absence; and they being in the same case as himself, the secret of his whereabouts was well kept.

A raid by the police, however, deprived him of three of his 'officers' at one blow. One of them was a demobilized officer, a man of good family, and in consideration of this all the charges against him were not proceeded with. He was tried and convicted for coining false money, and was hanged on the 30th of April, 1721. About fifteen days later, the other two—both of them young men—were broken upon the wheel; the charge against them was highway robbery. After this Paris enjoyed comparative quiet for some months; the Order confined its activities to simple robbery, and there was hardly a murder worth talking of. The mainspring had run down.

This state of affairs soon reached the ears of Cartouche. It was clear that the Order would go to pieces if deprived any longer of its head. Each messenger from the capital brought the same tale, and, moreover, the demands from the sisters of the Order became more and more pressing. Without Cartouche's genius for organisation the Order could not pay its way. Cartouche resolved to return.

He reached Paris after a six months' absence, and received a hearty welcome from the brethren assembled in Chapter to greet him. On all hands he learnt that things were very quiet indeed: it was nearly a month since any member had been broken on the wheel; the tale of murders had dropped to single figures per week; the turnover had sunk to a fraction of what it had been; salaries were a fortnight in arrear. This state of affairs could not continue. Bankruptcy stared them in the face. In a moving speech Cartouche exhorted them all to greater activities and announced a massed attack on purses the following day.

But if Cartouche thought for a moment that he was forgotten, or that police and public had decided to let bygones be bygones, he was speedily disillusioned. His name was on everybody's tongue and, in fact, the Parisians were thoroughly scared of him and his gang. At first, the mention of the master

rogue had evoked a mild excitement; people had listened eagerly to the recital of his latest daring. But now, a year later, his rascalities had become outrages, his assassinations murders most barbarous; for of course every crime committed in Paris was laid to his charge. Now the name of Cartouche was spoken with 'bated breath, and the unanimous desire of the townsfolk was to see him safely 'strung up.' Even his friends of the underworld had turned against him for deserting them and leaving them to the mercies—and no very tender mercies—of the underlings whom he called his 'officers.'

His position was indeed a precarious one, and Cartouche realised it. He took quite elaborate precautions to ensure his safety. He placed trusted members of the Order in the most important families in Paris, as footmen or valets-de-chambre, where they would be most likely to hear any project on foot for his capture. He arranged a special rapid mobilization, whereby the entire Order could be at a given spot, fully armed, at any moment of the day or night. The news of this scheme somehow leaked out and gave rise to a report that Cartouche was meditating a general rising, in which all the rich citizens would be murdered and their houses plundered. Doors and windows were barred more heavily than ever.

In addition to these precautions he made a practice of never sleeping for more than one night in the same bed. And at last he tried to do without sleep at all. The inevitable result of this does not seem to have occurred to him; or if it did, he had not strength of mind to avert it. His nerve began to go. He started at the least noise. He was startled if a strange face entered the room he was in. He thought his friends were plotting against him. He thought he stood alone in the world and that every man's hand was against him. Which indeed was not very far from the truth.

It was one of the measures which he took to ensure his safety that proved his undoing. Of late he had received into the Order a much lower class of man, that class which peoples impartially the prisons and the asylums; and partly to keep order, partly to ensure fidelity, Cartouche was in the habit of signing the death warrant of any member who was not only wavering but even vacillating in the performance of a crime.

More, he frequently acted the part of executioner himself. It happened that one of his creatures informed him that a most trusted member of the Order, a guardsman, was in love and that the girl, suspecting her lover to be a thief by reason of the rich presents which he gave her, had persuaded the soldier to retire from the Order. This the man had agreed to do, and moreover had communicated his intention to certain other members who were of a like mind.

Cartouche determined on an exemplary vengeance. He hastily summoned the Order to meet on the night of 11th-12th October, 1721, and in a full Chapter commanded the guardsman to be brought before him. After reproaching him with treachery he delivered the fearful order that the accused man should be mutilated and should then have his face gashed in such a manner that he should be unrecognisable. This frightful sentence was at once carried out.

One of the executioners was named Du Chatelet. He was a fellow-guardsman of the victim. When he returned to his lodging the next morning the landlady asked him why he had stayed out all night; and as he became confused and contradicted himself, she began to suspect something. She looked at him more closely, and on his cravat she noticed two spots of blood. Now, only a short time before he had come in, a neighbour had brought her news that a man's body had just been found with the face disfigured, and the blood on her lodger's neckcloth recalled the matter to her mind. She said nothing, but she remembered that only a few days before, Du Chatelet had been out all night, and that in the morning she had heard that a body had been found. She also recollected certain incidents in connexion with her lodger, trivial in themselves but curiously significant when put together, which made her certain that she was harbouring a member of Cartouche's gang. She dared not go to the police, for fear of being arrested as an accomplice, but she went to Major Pacome, the adjutant of the Guards, and told him her suspicion.

The adjutant at once sent for Du Chatelet. 'I am informed,' he said, 'that you are one of Cartouche's accomplices and that you were concerned in the murder last night,

and in a number of others. You had better confess at once, it will save you—you know what.'

Du Chatelet was thunderstruck, and his features clearly proclaimed his guilt. Yet he recovered himself and denied that he had had any association with Cartouche. However, the major cross-examined him so adroitly that at last the man broke down, whereupon the adjutant said: 'Tell me where to find Cartouche. Tell me at once; if you don't, I'll send you straight to the prison of your name¹ and have you broken on the wheel before to-morrow morning. Quickly, or I'll make up your mind for you.'

Du Chatelet confessed all. He told the major that he was to meet Cartouche at nine the next morning and agreed to deliver up the master criminal to the adjutant's hands.

Soon after eight o'clock the following morning—it was the 14th October—a squad of thirty guardsmen, headed by the adjutant, a sergeant-major and a corporal set out for a lonely public-house between Belleville and Menilmontant. A short distance from their objective the squad halted, and the adjutant and sergeant-major went on ahead with ten men. Arrived at the inn, Pacome asked the landlord if he had any lodgers, and upon receiving a negative reply inquired for 'les quatres dames,' which was the password for the day. At this the landlord nodded towards the stairs, and Pacome and his men went up.

Cartouche, who had had a late night, was still in bed. Three companions were beside him. The sergeant-major, seeing Cartouche's hand gliding towards a pair of pistols on a stool by the bedside, cried out, with great *savoir faire*, 'Oh, what bad luck! Cartouche has escaped again!' Whereupon the Grand Master cautiously slipped down to the foot of the bed and covered himself up with the bedclothes. His three companions were disarmed and bound, which done, the sergeant-major drew his bayonet and sat down suddenly on the heaped-up bedclothes, announcing in a loud voice that in the event of the said bedclothes offering the slightest resistance, he, the sergeant-major, would immediately sheath his bayonet in them. Cartouche was disentangled, bound, and conveyed,

¹ The Chatelet was the Newgate of Paris.

in his nightgown, to Paris, where he was speedily arraigned before a magistrate.

The news of his apprehension spread very fast. There was a crowd outside the police-court even before Cartouche's brief arraignment was over. The magistrate committed him to the Chatelet and ordered that he should be carried through the streets just as he was, in his nightgown, so that everyone could have a look at him. Cartouche bore himself with a certain dignity, and managed to bestow a lusty kick on the breech of one of the police-court officials who laughed at him.

The King was at once informed. He expressed approval and hoped that Justice would make an example of Cartouche. Which, I suppose, is what we should expect Louis XIV. to have said. The Privy Council, which was sitting, at once broke up to go and have a look at Cartouche; the Italian Opera hastily concocted a piece called 'Harlequin-Cartouche'; the leading theatre staged a 'Comedie de Cartouche'—which play, by the way, they had had by them for some time in readiness for the present occasion; and all Paris went *en fête*. In fact the only person of importance in Paris who failed to rejoice was Cartouche himself.

The arrest of their Grand Master naturally spread dismay among the Order. Most of them left Paris immediately, and even the more desperate members now thought of nothing but saving their own skins. Cartouche had been strange of late—what if he 'blew the gaff' on the whole Order? It was a chilling thought. Thirty guardsmen deserted the same night. Others applied for exchange to various regiments. Many applied for leave until the affair had blown over. A few committed suicide.

At the Chatelet Cartouche was closely guarded—at first. But, as the days passed, the vigilance of his gaolers became less strict, and presently he formulated a plan of escape. By tapping the stone walls of his cell with his manacles he discovered that they 'rang hollow' at a certain spot, and he judged that a passage ran behind the wall at that place. The obvious thing to do was to get into that passage. He set to work to do so. As usual, one of his friends had managed to procure him a file, and with this he gradually picked out the

mortar between certain stones. But before he had made any considerable progress with this task he discovered that the inmate of the adjoining cell was a bricklayer, that this bricklayer was extremely anxious to leave the prison as soon as possible, and that he was acquainted with the topography of the gaol. Cartouche therefore first loosened the stones between the two cells so that he could converse with the bricklayer, and the latter now told him how to proceed with his task.

It was not long before Cartouche's supposition proved to be correct. On removing a certain stone a gust of air came in, and soon he had made a hole big enough to climb through. The bricklayer joined him, and presently they found themselves in what they judged to be one of the town sewers. I should add that they had a candle with them. Cartouche was for following the current of the water—and indeed had they done so they would have got clear away; but the bricklayer told him he had been there before and that he knew of a passage which would take them to a private house, whence they could easily escape.

Cartouche agreed and followed him. The passage was found and together they forced the trap door at the end of it and found themselves in the back office of a boxmaker's shop. All they had to do was to open the shop door and walk out. At this point of the story, however, a dog appears upon the scene—a small dog, a nasty little dog with a piercing, insistent bark. It heard Cartouche and the bricklayer open the trap door, and it barked. They stood still, and it continued barking. A maid-servant screeched out that she was sure someone was in the house; the boxmaker, a candle in one hand, an old rusty sword in the other, reached the foot of the stairs just as Cartouche and his companion entered the shop; he yelled, dropped the candle, fell over the dog (which continued barking) and shouted for the Watch; the maid-servant emitted a series of piercing screams; the dog, brave in the darkness, got between Cartouche's legs, bit him, upset him and kept on barking. The bricklayer cursed; Cartouche swore. In the midst of this confusion the Watch—half-a-dozen of them—came running up. The door was burst open and

the bricklayer overpowered. Cartouche might even then have escaped had not the boxmaker sworn that he had seen two men. A search discovered him under the counter. He was bashed and bound, and carried off to the watch-house, whence he was conveyed back to prison under a military convoy. On the 1st November he was transferred to the Conciergerie.¹ Here he was secured by a stout iron waistband, chained by an enormous chain to a beam in the ceiling.

The police now proceeded to clean up. On 31st October five members of the Order were captured near Orleans. On 4th November seven more were taken in the forest of Senlis. Three days later three more were apprehended in the same place. Many were taken in Paris. The round-up was done thoroughly. Not only were conveyances of all kinds stopped at the barriers and their inmates closely questioned, but strangers in the streets were compelled to give an account of themselves. By 18th November forty-nine actual members of the Order had been secured. Paris slept in peace.

Cartouche gave no assistance to the police. Whenever he was confronted with any of his late associates he denied that he had ever seen them before; and as they likewise denied all knowledge of Cartouche, the task of procuring evidence against them was a slow one. Cartouche even denied his own name, and stoutly asserted that he was Charles Bourignon, son of Thomas Bourignon, of Bar-sur-Seine. He would drink nothing but Burgundy—'The wine of my native land.' He was witty, unabashed, cheerful, and composed several songs which he taught to his gaolers, which songs, I am sorry to say, were mostly obscene. Like Jack Sheppard at Newgate, he had many visitors: it became quite the thing to go and see Cartouche; and most of these visitors left him money or petty luxuries. Sheppard was an uneducated youth: Cartouche was a man of the world who had been educated with peers (at least with a marquis!) and had always lived well. No wonder the ladies of the court visited him and came away charmed with his gallant sayings. Le Grand, who had written the play entitled 'Le Comedie de Cartouche,' went to see him, and, regarding him as a col-

¹ The Old Bailey of Paris.

laborator, gave him a hundred crowns as his part of the royalties from the play. Artists and engravers visited him, and their productions found a ready sale. Authors and poets outdid each other in their eulogies.

All this time the authorities were accumulating evidence against him. It was more and more difficult to explain or evade the accusations that were daily brought. A passport granted to Jean Petit, a merchant's son, signed by the Duc de Lorraine, was found in the pocket of his coat at the lonely inn—Cartouche had forgotten to destroy it. It was shown him and he was asked how he, Charles Bourignon, came by it. He hesitated and then said that the passport belonged to him and that he had passed by the name of Jean Petit. Jean's father and mother were then produced. Their son had been missing since a certain date. They knew the accused as Louis Dominique Cartouche. . . . What had Charles Bourignon to say to this? Cartouche broke into a rage and swore that they were all conspiring to hang him. Which indeed they were. Little by little sufficient evidence was procured to convict him of seven murders and several highway and other robberies.

His courage now began to fail him. It was impossible to escape, for one cannot break prison if one has two gaolers sitting beside one day and night. He knew that the police had now sufficient evidence to hang him ten times over. Why not put an end to it all? . . .

He tried to brain himself with his fetters. The gaolers stopped him in time and, to prevent any repetition, fastened a large wooden block round his neck. He asked one of his friendly visitors to bring him some poison. He took the poison. The police surgeon carefully nursed him well. The gallows claimed him, and they would have him in spite of everything. . . . But something might happen yet. . . . He grew more resigned.

As soon as he had recovered from the effect of the poison he was put on his trial. He denied everything, but the judges were satisfied with his identity and his guilt, and sentence of death was duly pronounced upon him. On 26th November an order for his execution was received from the Council, and the following morning he was 'put to the Question.'

The manner of this fearful punishment was as follows. The prisoner was stripped to the waist and strapped into a chair. His nostrils were then plugged with wax. A leather cylinder some eight or nine inches long and of a diameter sufficient to admit the head, was then passed over his head and gathered about the neck with a string. The lower edge of the cylinder was made of thin soft leather and padded so that it fitted the neck closely yet allowed the victim to swallow. A pint of water was then poured into the cylinder. In order to prevent himself being suffocated, the victim was obliged to swallow the water as quickly as possible. After each pint he was questioned concerning his crimes or accomplices. A priest stood by his side, urging him, from religious motives, to confess.

Cartouche withstood this torture, averring that his only crimes were two or three robberies and the killing of a policeman in self-defence, to all of which he had already confessed. But one of his lieutenants, who went by the name of La Magdalene and was put to the Question at the same time, gave in at the eighth pint and confessed everything. Another member, Durand, likewise was unable to withstand the agony that threatened to burst his body, and confessed too.

That afternoon—it was 27th November, 1721—Cartouche mounted the tumbril for the Place de Grève.¹ Stands had been erected all round the Square, and every window was crowded. In fact every seat, every window, every foothold on roof and parapet, had been sold three weeks before. A roar announced the arrival of Cartouche and his accomplices. He gazed round him with set face, but when he saw the scaffold, the wheel on which he was to be broken and the executioner arranging his instruments, he shuddered and, for a moment, lost his self-possession. The priest advanced and urged him to clear his conscience by confessing freely. Cartouche recovered himself instantly: 'I know nothing against any man,' he said, and mounted the scaffold with resolute face and step.

As soon as he was above the crowd which thronged the Square he looked round eagerly for his friends, who had sworn by their fidelity to the Order to attempt his rescue. But not one of them could he see, not one friendly face in all that vast

¹The Tyburn of Paris.

throng. He was surrounded by a pack of human wolves, thirsting for his blood. He had sworn never to betray his friends, but now they had betrayed him. Very well, then. . . . He turned and beckoned to the priest.

The priest immediately stopped the execution and, with considerable difficulty, had him carried before the magistrates. The crowd had to be contented with the execution of a few minor criminals, and had not the executioners broken the limbs of their victims, spread-eagled on cartwheels, so appallingly, and had not the shrieks of the victims been so terrible and so long sustained, there would have been talk of a revolution.

Cartouche made a full recital of his crimes, owing to those which he had previously denied and recounting several which had not been laid to his charge, among them the murder of one of the King's pages at Montparnasse a few days before he was arrested. He then turned to the crimes of his accomplices and gave as complete a list of them as he was able. As for those members of the Order who had broken their vow to rescue him, he described them in detail, gave full particulars of their haunts, and accounts of their individual crimes. The magistrates at once sent out to have them arrested, and within an hour a considerable number had been taken. Confronted with them, he addressed them as follows :

'Gentlemen, I owe you a word of explanation. I was put to the Question and did not reveal a single thing that could have incriminated one of you. I was prepared to go to my death without betraying you. But seeing that you have betrayed me by breaking your most solemn oath to rescue me, I feel that I am acquitted from protecting you any further. And as I am desirous of making my peace with God, and my confessor tells me I can do that only by delivering you up to justice, I have no hesitation now in suggesting that you, who participated in my crimes, should also participate in my punishment.'

Having named each one of them, he asked for writing materials and compiled a list of more than eighty well-to-do persons of both sexes who had participated in one or other of his rogueries. To this list he added the names of forty persons in the suite of Madame de Montpensier and two in the service of the Duchesse de Ventadour. He then made a list of the

servants' registry offices which had been instrumental in placing members of the Order in good families.

Questioned as to his mistresses, he gave the names of three of them. They were at once sent for and presently made their appearance. The first to arrive was a tall, well-dressed woman of modest appearance. Cartouche addressed her as Grizel, and deposed that he had had several children by her, one of which she had murdered. The next to arrive was a gorgeously-attired woman who came in with plenty of assurance and great volubility. Cartouche addressed her as 'The Sultana,' and as he laid nothing to her charge the magistrates contented themselves with ordering her head to be shaved prior to ten years' detention in the Magdalene Hospital. When the noise had subsided Cartouche's third and last inamorata was brought in. She was a well-known character, a fish-wife, and she was Cartouche's favourite; but he did not spare her. She it was, he averred, who had been chief receiver of his stolen goods, and on the magistrates ordering an immediate search of her house, a watch and a gold cup which her lover had described were found. She, with number one, was committed to gaol.

Cartouche then went on to indicate where much hidden booty might be found—a cottage at Bièvre, a portmanteau at Chartres, a certain tree in a wood near Boulogne. His confession, and the collection of certain persons he named, lasted till breakfast time the next morning. At its conclusion he was allowed to remain closeted with his confessor till two o'clock in the afternoon. He was then led out once more to the Place de Grève, and this time the crowd was not disappointed. Tied to the wheel, his limbs were broken in eleven places with the iron bar, and he was then left to die while the vast throng surged about him. At the instigation of the confessor, however, one of the executioner's assistants got beneath the wheel and strangled Cartouche with a piece of whipcord.

His body was delivered that night to the executioner, who had received orders to have it buried immediately. But no Frenchman would lose such an obvious means of making money, and for several days Cartouche's body was on view in the executioner's house at two sous a head. To the authorities,

who got to know of it, the executioner explained that he was merely raising money to provide a handsome coffin for a famous man who had died in the odour of sanctity. The coffin, however, does not seem to have materialised, for the executioner sold the corpse to the surgeons of St. Come, who purchased it for dissection. But they, too, could not resist the chance of turning an honest penny, and for some days longer the famous criminal was beheld by the curious.

So died, in the twenty-eighth year of his age, Louis Dominique Cartouche, as strange a mixture of a man as has ever lived. Of humble birth, raised by both natural and acquired ability to consort with gentry, yet preferring companions less educated than himself; tasting the fruits of good living yet spurning them for humbler meats; witty and vivacious; courteous to women; possessed of a marvellous memory and endowed with great presence of mind, courage, and that rare faculty of 'appreciating a situation' rapidly and accurately. And on the other side of the balance sheet? A warped interpretation of the word 'honour'; an excessive love of show and meretricious finery; an ingrained suspicion of all men; a conviction that all the world was dishonest and that only the fools were found out; a senseless ambition to be just a little more clever than anybody else. It is hardly fair to bring into the account those acts of savagery and ferocious blood-lust which marked the last two years of his life: he was 'on the run' and his nerves were beginning to fail him. Yet even if the end had not come when it did, Cartouche's career of crime could never have been a long one; for he lacked just that foresight which distinguishes the really great man from the flash-in-the-pan opportunist. In crime, as in every other trade by which a man climbs to fame, it is foresight that counts.

Confession is Good for the Soul?

By C. R. P.

NATHAN SINGH was by caste a Jat. Now the Jats are a very fine race of yeomen, and make most excellent farmers and cultivators; a strong, stolid, sturdy race, who for generations have tilled the ground or bred livestock; very fine fighters and good soldiers, but like the yeomen of England of old, their brains are less subtle and quick than those of some of their physically weaker brethren.

Nathan Singh was typical of his caste. His ancestors had been in the army, and with a long string of recommendations dating back from the Sikh wars, he had no difficulty in getting the coveted nomination to the Police Training School for sub-inspectors. There he spent eighteen months, during which time he was supreme in games and horsemanship; but in the matter of book learning, he occupied a very mediocre place. He was slow to learn and altogether wanting in imagination—moreover he had no faculty of profiting from his own mistakes. However, in due course he passed out of the school, and being a great asset on the hockey field, was retained in the force of the district in which the training school was situated. There he spent a year or two learning the practical side of police work, and qualifying himself to take charge of a police station, the ambition of all young cadets.

At the school, besides the sub-inspectors, there were a number of young British officers also under training for the superior posts of the police, who in time would be posted to districts, and under some of whom Nathan Singh would some day or other be bound to work.

So, when one day he received an urgent summons to investigate a case of theft in the Officers' Mess, he saw in it a chance to distinguish himself in the eyes of his future officers.

These were the days before Banks had penetrated small stations and the seven British officers of the school received their monthly pay in hard cash. It was brought to them by an aged peon who looked as if he might fall down dead at any moment. He tottered along the road from the office to the mess on the first of each month with a large bag containing two thousand rupees in cash, and the only reason he had never been attacked by local bad characters must have been that no one would suspect police officers of being so foolish as to entrust such a large sum of money to such a decrepit old derelict.

On the day in question, the old man brought the pay as usual and it was duly taken over. One of the seven officers was in a great hurry to get off to tennis, so thrusting his three hundred rupees hastily in a drawer, departed to his game.

On his return he went to the drawer—the money was missing! Then began a great hue and cry and the house was searched from top to bottom, but no sign of the missing money could be found.

The British officers, who had just arrived in India and knew little of the country or its language, decided to send for Nathan Singh, whom they all knew quite well on the hockey field and whom they felt was the only person who could get to the bottom of this mystery.

Nathan Singh duly arrived, and then began a long inquisition of all the servants.

'Sir,' said he in English to the officer who had lost the money, 'I have examined each and every person, but there is no trace of the money. No one knows anything about it. There is, however, one chance yet, as the punkha coolie who was outside the room when the money was put away is absent at the moment. His absence is very peculiar and suspicious. I will go and search him out and we shall then see what has not occurred.'

An hour later he returned with the punkha coolie, a poor, miserable, half-witted sort of person, who pulled the large fan in the officers' room for about eight hours of the twenty-four, for just enough money to keep body and soul together.

'Sir,' cried Nathan Singh excitedly, 'here is the culprit.'

Here is the man who is faithless to his salt and steals the money of his master.'

'Have you got the money back?' asked the master.

Nathan Singh's enthusiasm appeared a bit damped. 'No! not yet, your honour,' he said, 'but I hope to very shortly. Now hear what this man has to say. I will translate it word for word as he goes along, and then I will take him and get it recorded by a Magistrate, because as you know it is not relevant in evidence when made to me. Now, coolie,' he said, addressing the miserable wretch, 'tell the sahib what you have just told me.'

The poor creature threw himself at the feet of the officer and in a whining voice said:

'You are my father and my mother and this dust-like one has committed a great fault. I saw Ram Charan the peon counting out so many rupees—more than I have ever seen before—and your honour took them up without even counting them and swept them into the drawer of your table. I heard them rattle as they fell into the drawer, for the table is right up against the wall outside which I stand and pull the punkha all day and night. It is a wearying task and the sound of so much money made me very greedy. Shortly after, I heard you go out to play the game with the stick and ball which the sahibs all play at the club. Then I thought what I could do with so many rupees—I who only have enough to buy a handful of gram on which I feed each day, and sometimes a rupee or two over to buy a new loin cloth for myself or a skirt for my wife. So, sahib, when you had gone out and there was no one else about, I crept in the room and opened the drawer of the table which was not locked. There were all the rupees I had heard—more than I have ever seen in my life before. I could not resist!—I took them out quietly, lest their noise should be heard in some other room, and wrapped them up carefully in my loin cloth; and as I knew you would not be back until it was time to change your clothes before dinner, I went off to the house of a friend in the city whom I knew I could trust, and buried the rupees in a hole in the ground inside an inner chamber. Oh, protector of the poor, I know I have committed a great fault—but my wife and family

are starving; my wife has been ill for many months and I have not been able to get her what she should have to eat. Have pity on me, sahib, and do not send me away to jail. I have told you all now—there remains nothing else—it is a great sin to steal from one's employer but my need was great. Please intercede with me with the police officer and do not let him lock me up in the police station for the night.'

'There, sir! that's all he has got to say—its no use taking any notice of what he says (he is probably lying) about his wife and family: he merely wants the money to gamble with. He has told me exactly where the money is and I will bring it back to you in the twinkling of an eye.'

So the poor coolie, wailing as he went, was hurried off by the sub-inspector for further investigation and the recovery of the missing rupees.

'Smart chap that!' said the loser of the money to one of his brother officers, 'I wonder how he got that fellow to own up. It takes an Indian to understand an Indian—we should not have got anything out of that fellow in a month of Sundays. But here comes my bearer. He looks after me like a child and will be very fed up when he hears how careless I was leaving my money about.'

The bearer had appeared in the middle of an excited group from a quarter near by. As soon as the sub-inspector had disappeared all the servants had vanished as if by magic, to discuss the affair.

'Here's a bad business,' said the head butler to his assistant. 'Here have I been in this place twenty years and never a thing has been stolen. And then to-day, that dolt of a coolie—may he burn in hell—has blackened all our faces by stealing this money; and not only has he stolen it, but, fool that he is, he has admitted so doing to the police and has even now gone off to recover it from the place where he has hidden it. I heard him telling it all just now to the sub-inspector, who made it clear to the young master, who does not understand a word of our language, in spite of the clear way we speak for their understanding. But here comes the sahib's bearer. His face will be blacker than any of ours, for was it not through him that this betrayer of the salt was engaged?

Did he not vouch that he was an honest man who had no thought but for his pay, and filling his stomach with the gram such animals eat? Truly this bearer's name will be mud with the sahib from this time forth, and rightly so too, for are not we house servants the trusted ones of the young officer?' He puffed himself out proudly as he said this.

The officer's bearer joined the group in the butler's house.

'Why, what is all the commotion?' he asked curiously. 'Is someone dead? Or has an accident taken place—or is it that to-day being pay day, you have all been cut large sums for the badness of the messing this month?'

'A plague be on thee and thy oily tongue,' cried the head butler. 'It is thee and the likes of thee who bring honest men like us into bad repute.'

'Why! oh respected one,' exclaimed the bearer in surprise, 'whatever is the matter? It is not thus that you usually address me. Have we not been friends for many years past?—sahibs have come and gone, but you and I remain to serve in the Mess-Cote.'

'That is so,' said the other, relenting slightly, 'but all the years we have been here, never has such an evil day befallen as this. I knew some calamity would overtake me, for did I not see a black buck cross my path when I went out—a most unlucky omen.'

'What can have happened which makes you all so serious?' asked the bearer; 'has one of the young masters died suddenly so that some one loses his employment?'

'Worse than that!' cried the head butler; 'that would be but a visitation of God—but this is the work of the devil!'

'Then in the name of Allah tell me what all the mystery is about, since from the black looks which all are giving me, it seems to concern this dust-like one.'

'Yes, oh fool that thou art!' went on the head butler, 'it is thou who hast blackened all our faces. Did you not introduce that dolt of a punkha coolie to your master—did you not produce for him the letters of recommendation from the bazaar which got him the job—one rupee he paid you for the loan of them, and two rupees for being taken on by your

master? True, this is the way of all servants, but they make sure to see that such men are true to their salt; and if they must steal to live, they do not do it from their own masters.'

'You speak in mysteries and I cannot follow the path of your superior intellect—please tell me in plain words what has happened,' protested the bearer.

'That lout of a punkha coolie of thine has stolen thy master's month's wages—for this didst thou engage him—and the face of the whole house is blackened. He has even now been removed to the lock-up by the police.'

The bearer waited to hear no more, but dashed out of the quarters followed ponderously by the dignified head butler. Seeing his master standing on the verandah, he swept majestically towards him, still followed by the head butler drawn up to his full height of six feet three, and with his large turban looking all of seven feet of dignified and sorrowful protestation.

The bearer without a word took off his turban and threw it at the feet of his master.

'Protector of the poor,' he said, 'thou art my father and my mother! My face has been blackened in the eyes of all my fellows; accept my resignation, for I can no longer serve with one who would think that this dust-like one would be guilty of such gross carelessness as to engage a servant about whom he did not know each and every thing.'

'Why, Abdul, what's all the fuss about?' said the officer, who only understood the gist of what had been said to him.

'Your honour, that is the question I have been asking, but except that my face has been blackened in the eyes of the servants I cannot find out what is the matter. Do I not look after you as a mother does a child? Do I not collect the things you leave about—your money—your watch—your gold studs—which many a man might be tempted to report as lost?'

'Yes, Abdul, that's quite all right and I am not blaming you for what has happened. It's my own carelessness and I deserve to lose the money.'

'From where has it been stolen, your honour?' asked Abdul.

'I left it in the drawer when I went to play tennis and

when I came back it had gone. The punkha coolie has confessed to stealing it and has gone off with the sub-inspector to dig it up in some house where he has hidden it.'

'Ho! from the drawer it has been stolen,' sniffed the bearer in a manner as near approaching contempt as a well-trained servant could assume, and whose manner suddenly changed from humble meekness to aggrieved innocence—the drawer the presence said. Well, let us see.'

He stalked with a sorrowful countenance across the room to the officer's cabin trunk, took the keys from his drawer and opened it for the inspection of his astonished master.

'Behold! oh my master who is more careless than a child with money and deserve to have it stolen from thee. I came into the room and found it lying in the drawer and locked it up for safety!'

'Good lord!' cried the officer, seeing his money lying in the top of the trunk—'good lord!—and the punkha coolie!—'

* * * * *

After a few years, Nathan Singh achieved the desire of his life and was transferred to another district and put in charge of a police station. It was only a small rural charge, but it was his first, and he was full of the importance of the position to which he had been posted. Had he not heard with his own ears an old village woman when wishing to pay a very high Government official the biggest compliment of which she was capable, say, 'May your honour live to be an officer in charge of a police station'? The man he had succeeded was one of the very old type of sub-inspectors, now fortunately becoming very rare; an expert in making money in what he considered legitimate ways. He never spoilt a good case, but if a weak one came along, he was an adept at making it weaker for a consideration from the guilty party. If a riot occurred, he took from both parties and returned to the one which was unfortunate enough to get convicted. When a serious burglary or robbery took place, he collected all the bad characters for miles around and levied on them a toll—the price of exemption from arrest. He was greatly favoured by the landowners, who kept notorious bad characters

to collect their rents, and occasionally got a bit out of hand; then he assisted the landowners by hauling the rent collectors off to jail for bad livelihood, where they remained for a year or so, and emerged chastened and ready to collect rents with renewed zeal and severity. He winked at a certain amount of illicit liquor distillation for a monthly douceur, and took his share of the recognised income of the whole police station staff in mere matters of routine. Occasionally a real plum came his way—as when, for example, the friend of a young zemindar dined with him, and on the way home was suddenly taken ill and died—undoubtedly of arsenical poisoning—the reason being that the two were rivals in the affections of a beautiful lady of uneasy virtue. But it was in the very hot weather, and some trouble took place about getting the body into headquarters—a distance of fifty miles by road—so when it did arrive the doctor was unable to trace the cause of death, though undoubtedly the chemical examiner would have found arsenic in the viscera, but for a little mistake on the part of the doctor's assistant in sealing up the rubber bag in which this was despatched. Yes, there were very few things which Nathan Singh's predecessor did not know about police work—and he had been appreciated at his full value by the countryside.

But with Nathan Singh all was different. He had come from school full of the highest resolves to keep straight and not fall into the bad ways which men of the rapidly dying out old type still retained. He had had a hard time when doing his practical training, as his eyes had been opened to many things which still went on even in the best of police stations; but he steadfastly refused to share in the station earnings, and arrived in his new charge still uncorrupted and full of the desire to do fairly by the many thousands of people in his charge.

In the first two or three months, several things happened in which it was made clear to him by the influential people of the district that he was expected to throw in his weight on the one side or the other—of course for a slight gratification—in some local dispute or criminal case.

But things went on smoothly, until one day a report was

made at the police station that the dead body of a woman had been found in a river about a mile away.

Nathan Singh hurried to the spot. It was in the middle of the hot weather, so the body was decomposed beyond recognition and it was quite impossible to ascertain how the woman had died. However, he held the usual formal inquest and sent the body in for post-mortem, retaining the clothes and ornaments in case they might subsequently be identified. He also had a photo of the poor corpse taken, as this might possibly be of use.

Days went by and no clue to the identity of the dead woman was obtained.

Karem Bakhsh, constable, who had been Nathan Singh's predecessor's right-hand man and go-between in all his transactions of profit, came into the police station one day in a state of great excitement.

'Sir,' he cried, 'I have found out who the woman was whose body we found about a month ago.'

'Have you? that's good work,' said Nathan Singh. 'Was there anything suspicious about the death? How did she disappear? These cases are usually murder, but it was useless to add an undetected murder case to our records, when the doctor could not even say how the woman died. Whose body was it?'

'The wife of one Ram Singh belonging to a village quite close to the police station. Anyway I think so, as she has been missing ever since the body was found—and from the description of the things she was wearing when she was last seen alive, I think it must be the same.'

Nathan Singh departed at once to the village, taking with him the ornaments and clothes found on the body of the woman. These were readily identified by half the village as belonging to Sita, the wife of one Ram Singh. The latter was found with some difficulty and produced before the sub-inspector.

'Now, Ram Singh,' said he, 'just look at these clothes carefully—also those bracelets and anklets. Do they not belong to your wife?'

'I have never seen them before,' protested Ram Singh.

'Let me see who says they are mine and I will let him know all about it.' A dozen people were called, including the goldsmith who had made the ornaments, the tailor who had sewed the simple garments found on the deceased, and the washerman whose mark was still visible on them.

'There, Ram Singh, all these men swear that the things belonged to your wife—now what have you to say?'

'You are my father and my mother, and if you say so then of course it must be true, but I have never seen these things before,' protested Ram Singh.

'There can be no doubt about it,' said the sub-inspector. 'Why, at least a dozen persons can swear to these things—including your own mother and your sister, who must have known the ornaments even better than you! Now what have you to say about it? And where is your wife, if it is not she whose dead body was found in the river a month ago?'

'I don't know where she is,' said Ram Singh sulkily. 'She cooked the food very badly and we were always having quarrels; and one day we had a bigger quarrel than usual, and she dashed out in a temper and said she was going back to her father's house and would not live with me in future. I have not seen her since. Ask my mother and my sister; and they will testify that what I say is true.'

But the mother and the sister when put on oath on the sacred Ganges refused to corroborate Ram Singh.

'Where is her father's house?' asked the sub-inspector—'we can easily verify if she is there or ever went there.'

'It is only three miles away,' put in constable Karem Bakhsh, 'and I have already been there and inquired. The woman never came there nor is anything known of her there.'

The village headman and also the local petty landowners were sent for by Nathan Singh.

'Can any of you tell me anything about this affair?' he asked. 'Here are at least a dozen people who swear that these clothes and ornaments belong to Ram Singh's wife. I have also shown them the photo of the corpse, and they identify that too. And yet he swears that neither the clothes nor ornaments belonged to his wife—and also that this photo is not hers.'

'Why of course it is!' said one of the small landowners examining it carefully, 'she often used to come to work for my wife and I recognise the photo. It is without doubt that of Ram Singh's wife. But he is my tenant, and I have a good deal of influence over him. Leave him with me for a few hours and then I shall be able to tell you the truth.'

'All right, take him with you and bring him back in the morning here, when I will question him again, and perhaps he will tell me the truth. Meanwhile I will ask the villagers a few more questions.'

After hours of questioning, Nathan Singh at last got one or two of the villagers reluctantly to admit that they had last seen Ram Singh's wife alive a few days before her body was found, when she was seen going with him towards the river. She had not been seen since. He came back early next morning looking somewhat agitated, but beyond that no one knew anything.

Next morning the small landowner returned with Ram Singh.

'Well, your honour,' he said to Nathan Singh, 'he has confessed the whole story to me and has promised on the head of his oldest son to tell it to you.'

'Now, Ram Singh,' he went on, 'be a man! You have committed a fault and now should own up to it as becomes a man of courage and truth. Tell the sub-inspector exactly what happened and be prepared to face the consequences.'

Ram Singh threw himself on the ground at the feet of the sub-inspector. 'Sir!' he said, 'it is a thing of great shame which I have to confess to you—this shame I thought was hidden from all but known only to me. But my master has told me that it is common property in the village, so where therefore is the need for me to any more conceal it? My wife Sita was of bad character. She had formed an intrigue with one Hira Lal of this village and once or twice I have caught him leaving the house when I returned from my fields. I had many quarrels with my wife about this matter and threatened to kill both her and Hira Lal. But this did not stop her, and one day when I came back unexpectedly, I caught them together inside the house. Hira Lal fled, or I would have

killed him on the spot, and has not been seen in the village until last night when he was sent for by my master to his house. But my wife remained. I was sorely tempted to kill her then and there, as had not my honour been removed and was not death a fitting punishment for a woman found in the house with another man? But I had no weapon with me and she clung to my knees and pleaded with me. So I did nothing then, but waited my time. Next day we went down in the early morning to the river to bathe together. When I saw her bathing and realised that she no longer belonged to me, but to another, the blood rushed to my head, and I seized her by the throat and held her under the water until she was dead. There was a strong current in the river and I knew her body would not be found for some days, if it was found at all, as often the turtles and the crocodiles do their work so quickly that no traces remain. But by bad luck the body came to the bank a few miles lower down, a day or two later. When I held her by the throat the blood poured out of her mouth over my loin cloth. Fortunately I had taken a clean one down with me as is the custom when we go to bathe, so I buried the blood-stained one in the sand on the banks of the river. There, that is all I have to say—and this is the truth—I swear it by the Holy Ganges and on the head of my son.

'Good!' remarked Nathan Singh—'you have done well to admit your fault, though I admit there was grievous provocation. But come! Point me out the place where you have buried the loin cloth and then it will be clear that you are speaking the truth.'

'But where is Hira Lal?' he asked the small landowner. 'Have you brought him with you?'

'Yes, here he is,' said the man, producing him.

'Hira Lal, what is this I hear about you having a liaison with the wife of Ram Singh?' asked Nathan Singh.

'It is false, your honour,' said Hira Lal. 'He has murdered his wife and is trying to throw the blame upon me.'

'What is this?' demanded Nathan Singh, turning to the landowner. 'I thought you said he admitted that he had an intrigue with the deceased woman?'

'Yes, your honour, that is so. But he will not make such an admission in public, as it would mean he would have to feed the whole of the brotherhood in order to prevent being outcasted; which would cost him a matter of two or three hundred rupees. But if you inquire quietly from the villagers you will find that it is common property that he has been carrying on with the woman for some time past.'

With some difficulty Nathan Singh got a number of the villagers to admit that they had seen Hira Lal in the proximity of Ram Singh's house when he had been away working in the fields, but beyond that none was prepared to go.

'Well, come along,' said Nathan Singh to Ram Singh, 'let's go and find that loin cloth.'

The river bank was about half a mile away and the party proceeded there. After a little searching near the usual village bathing place, Ram Singh pointed out a spot in which the sand appeared to have been freshly dug up. 'Here is the place where I buried it—if the jackals have not dug it up and taken it away, it must still be there.'

A spade had been brought with the party and in a few seconds, after removing the surface sand, the loin cloth was brought to light. It still had stains upon it which to the most ignorant appeared to be of blood.

Nathan Singh carefully wrapped the loin cloth up in a piece of cloth and sewed it up and sealed it, and got the landowner also to put his seal on the parcel.

'Now it is sure, Ram Singh, that you have told the truth. I am sorry, but I have to arrest you and charge you with murder. There are of course extenuating circumstances, and I have no doubt that if you tell the truth, the judge will do the best he can for you. Come along, Karem Bakhsh. Bring him to the police station.'

A pair of handcuffs were put on the confessing murderer, and he was tied round the waist with a spare turban and led away to the police station.

The next day his statement on oath was recorded by a magistrate, after the usual cautions had been made that he should make nothing but a voluntary statement, and that anything he said was relevant as evidence against him.

In due course the case was sent up to court.

The trying magistrate in the face of the statement of the accused, the corroboration of the bloodstained loin cloth, whose stains had been found to be of human blood by the chemical examiner, the statements of various witnesses who deposed to having seen the deceased last alive with her husband, and the indirect evidence of the liaison which the deceased had with Hira Lal, had no option but to commit Ram Singh to the court of sessions to stand his trial.

Nathan Singh was very well pleased with this the result of his first murder inquiry. To work out successfully a case in which even the identity of the corpse had not been known at the outset, was indeed a feather in the cap of a young and inexperienced officer.

In due course the case came on in sessions. There, the evidence was just as strong as in the lower court. The motive was clear and the case seemed plain sailing. The judge, however, was a man of much criminal experience. When summing up the evidence he was struck with its damning nature. Not the slightest atom of contradiction was there anywhere. 'It is strange,' he mused. 'On the evidence on the record the case seems an absolutely cast-iron one. And yet there is something funny about it. I cannot understand Ram Singh admitting the bad character of his wife even to the landowner whose tenant he was—nor can I understand Hira Lal doing so either. Nor can I understand the villagers coming and deposing to this fact in court, as this is usually the last thing one can get evidence on. But in the face of the accused's own confession—the bloodstained loin cloth pointed out by him—there is no other course open but to convict him; but I wish I felt more satisfied in my own mind about the case. However, here goes'—and he commenced to dictate his judgment to his stenographer seated beside him in court.

At that moment a peon came in with a yellow envelope. It was a telegram. The judge took it casually, and signed mechanically for it on the receipt form, which was handed back to the messenger. He went on dictating. The prisoner, who could not understand a word of English, sat on the floor of the dock, quite indifferent to what was going on around him.

The judge had concluded his summary of the evidence, and paused to pass the sentence.

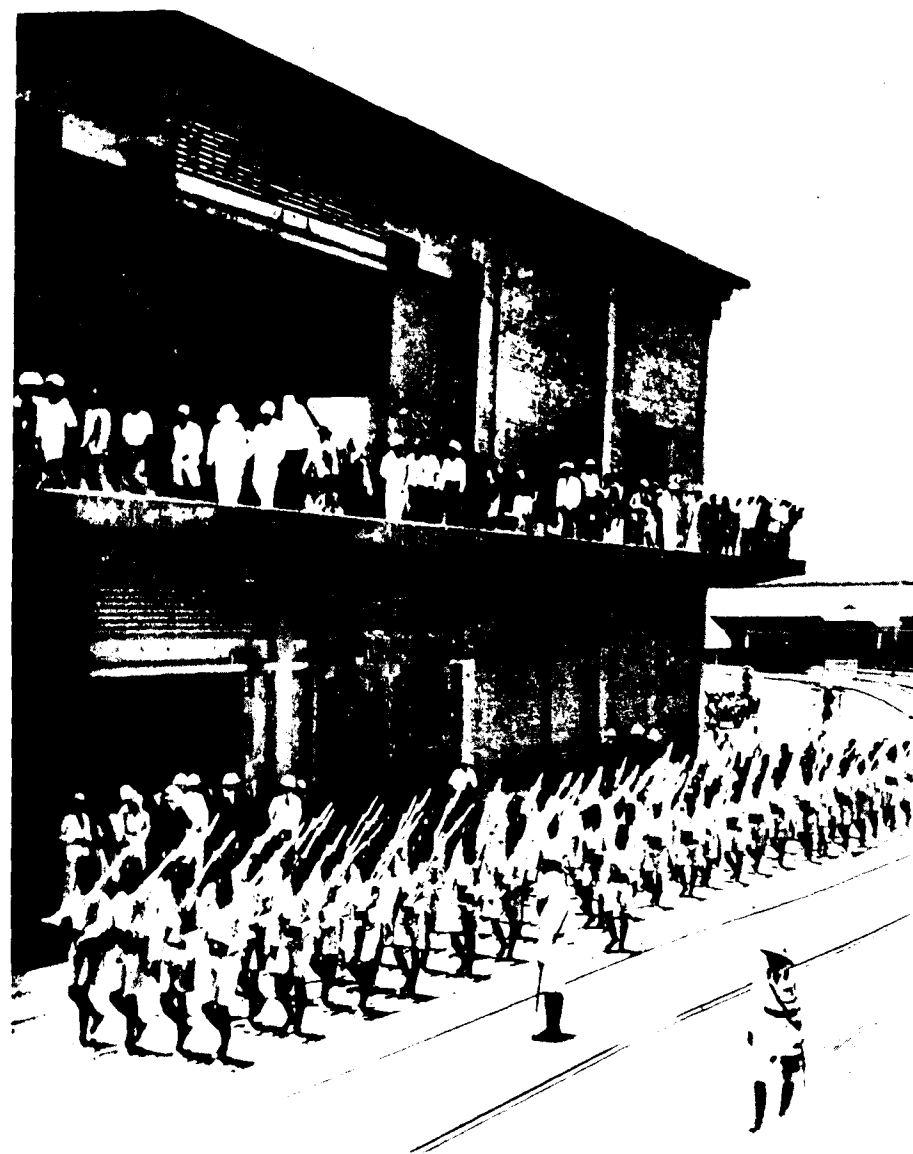
As he did so his eye rested on the telegram which he had mechanically put on his desk. He noticed for the first time it was marked 'Express'. He opened it slowly and read:

'Sita, wife of Ram Singh, presented herself in my court to-day. Stop murder proceedings against her husband.'

It bore the name of the district magistrate of the next district.

* * * * *

The unfortunate Nathan Singh was dismissed the service by a hard-hearted officer who held that he should have known the case was a concocted one, got up to get even with him on account of the misdeeds of his predecessor and his failure to put himself at the disposal of the locality to settle in their own way their everyday little affairs.



KENYA POLICE

MARCHING TO THEIR POSITIONS AS GUARD OF HONOUR TO HIS EXCELLENCY, SIR EDWARD GRIGG, ON THE OCCASION OF HIS RETIREMENT FROM GOVERNORSHIP OF KENYA COLONY

(See p. 586)



THE PORTABLE BENZIDINE (BLOOD TEST) OUTFIT

The Benzidine Blood Test as an Aid to Criminal Investigation

By A. E. HARWICH

C.I.D., Palestine Police

IN Palestine where the knife is carried by a large percentage of the population it is not to be wondered at that the majority of the murders are committed with this weapon. The knife is usually of the dagger type possessing a curved blade varying from fifteen to twenty-five centimetres in length with a breadth at the hilt of from three to five centimetres. The hilt is of wood or bone covered with metal, more often than not pieces of an old petrol tin, and shaped to fit the hand. The whole provides a rather clumsy weapon which does not lend itself to throwing. The assailant, therefore, can rarely be more than two or three feet away from his victim at the time of the assault.

Considerable force is required to drive one of these blades home, and almost invariably sufficient blood spurts from the wound to mark the clothes of the attacker; in any case blood is forced up between the blade and hilt or underneath the covering of the hilt. Whilst it is a comparatively simple matter to send the knife, clothes, etc., of one suspect to the Government Analyst for ascertainment of blood-stains, it is an entirely different proposition when the offence is committed in a village or encampment half a day's journey from the nearest town. If the murder was the outcome of a family feud (the vendetta habit still persists in Palestine) suspicion may fall on the male members of a whole tribe or section of a village, all of whom may have blood-like stains on their clothing. The obvious thing to do in such a case is to detain them all on suspicion and send their clothing to the Analyst. Not only does this entail great expense, but the time taken to

make a detailed analysis, which may quite probably be negative, affords the actual culprit sufficient opportunity to make an escape.

The want of some means of elimination has long been felt and the Benzidine test was introduced by the author with satisfactory results.

The test is simplicity itself and can be made by any officer after a few minutes' instructions. In a test tube 0.2 grammes of sodium perborate are dissolved in 1 c.c. distilled water, afterwards adding 10 c.c. glacial acetic acid. In a second test tube 0.2 grammes of benzidine are dissolved in 2 c.c. glacial acetic acid and 1 c.c. of the resultant mixture added to the first test tube. The solution is then ready for use. (The solution must be made up afresh for each series of tests, as it is effective for about twelve hours only.) The procedure then adopted is to remove from the stained area a minute quantity of material which is placed on a piece of filter paper and moistened with a drop of the benzidine solution. If no reaction takes place it is absolutely definite that blood is not present. If, on the other hand, a blue or blueish-green stain appears, the test is positive, but only in so far that it is extremely likely that it is blood, as certain other agents will also give a positive result. The positive area is then encircled by a red pencil line and despatched to the Analyst for him definitely to ascertain whether the stain is caused by blood, and if so, whether human, and to which blood group it belongs; this will show whether the stain could have been caused by the blood of the deceased.

In the case of stains on a fibrous material such as cloth, wood or paper, it is sufficient if a single fibre be removed and tested; stains on a hard surface, *i.e.* wood, glass, metal, etc., should be lightly scraped, care being taken to see that the dust falls on to clean filter paper. On no account should the benzidine be applied direct to the stain, as this will render it worthless for any further tests; should the stained area be too small to allow of its partial removal, results can be obtained by pressing a dry piece of filter paper to the stain and applying the benzidine to that. The author has obtained positive results by this method on stains known to be over a year old.

A supply of known blood should always be on hand in order to test the efficacy of the benzidine before proceeding to the test.

Two instances may be quoted as examples of the results obtained through the use of the benzidine test.

At the beginning of August, 1931, a municipal constable on beat duty in the early hours of the morning found the body of an Arab woman outside the city walls near one of the gates. She had been killed by a revolver shot in the neck and an attempt had been made to burn the body. Her clothes were soaked in paraffin and a partially emptied bottle of paraffin was found nearby. A discharged revolver cartridge and two unexpended rounds were found some seventy metres away, and it was apparent that the woman had been dragged to the spot where she was found after having been shot.

There was no clue to the identity of the deceased; the gate served the inhabitants of some outlying villages, enabling them to bring their wares to the markets without having to climb further up the steep hill, on which the city stands, to the Zion Gate. The area inside the city to which the Dung Gate gave access was not inhabited, whilst outside the walls were cultivated fields only. Whilst the examination of the scene of the murder was in progress, the behaviour of an Arab excited suspicion and he was challenged. The suspicion was heightened when the lower portion of the right leg of his white cotton trousers was found to bear several large reddish-brown stains identical in appearance with dried and clotted blood. The suspect stated that they were paint. He was brought to C.I.D. Headquarters, where portions of the stains were removed and tested. The benzidine reaction was negative and he was released. Subsequent investigations revealed that the brother of the deceased had killed her in order to avenge the honour of his family, which his sister had violated by her immoral conduct.

In this case had the benzidine not been available, valuable time would have been lost whilst the trousers were submitted to the Government Analyst and he prepared his report, during which time the investigating officer would probably, and quite justifiably, have been following up this false line and an innocent person thrown into arrest.

In the second case, one of murder also, the benzidine test was not used till the second day of the investigation, and was the indication which led the police to arrest the person who was eventually convicted.

The facts, briefly, were as follows: According to B, an English official, on the morning of the 22nd June, 1931, Jacoub, his servant, told him that on the previous afternoon a thief had tried to break into the house and that in defending himself he, that is Jacoub, had killed him with a trowel and had later buried the body in the garden. B, who did not attach much credence to his story, informed the police that his servant had told him some cock-and-bull yarn about a theft at his house and proceeded to his office in Jerusalem. He was then carrying a suitcase.

When the police arrived at the bungalow Jacoub told them that when he came to work that morning he found a headless body on the verandah and was ordered to bury it by B, who threatened to shoot him if he did not comply. Being afraid, he did so. A headless body was actually found buried in the spot indicated by Jacoub. The body was dressed in a woollen vest, a shirt to which the collar and tie were still attached, and a blue jacket, all of which were covered in blood and bore unmistakable signs of burning. The nether garments, socks and shoes of the deceased were missing and have, in fact, not been found to this day. Upon examination it was found that the deceased had been killed by a .45 revolver bullet which had entered two centimetres below the top of the breast bone. There was also a non-fatal wound on the right side of the chest and burn marks. It was apparent that the body had been decapitated and the knife and burn wounds inflicted after death. The question of the identity of the deceased now arose. The body had every appearance of European origin; it was not circumcised—therefore it could not be either Moslem or Hebrew; the skin was white, the feet were deformed through the use of shoes, the hands were well kept and manicured; on the inside of the collar-band of the shirt the name of N. E. SPORT was discernible. In the meantime B, who had been recalled, returned from Jerusalem—but without the suitcase. Suspicion against him was strengthened by the

fact that his revolver had been moved from its usual place by Mrs. B, who said in explanation that she had hidden it because she was afraid of Jacoub finding it. On examination it was found to have been recently discharged, although B denied having fired it for some years. The presence of finger-prints on the door handles of Miss B's room and the fact that two shots had been heard the previous evening by two neighbours led to the presumption that the father had discovered a European to be in liaison with his daughter and had shot him in a fit of anger, afterwards removing the head in order to avoid identification.

This presumption was, however, weakened by the inability, firstly, to trace any European as missing, and, secondly, to find the head anywhere in the vicinity. The clothes of the servant Jacoub were blood-stained, but this was plausibly explained by his admission that he had buried the body on B's instructions.

Events now moved with astounding rapidity. The seat floor and door of the servants' latrine were found to be literally covered with blood-like stains; a stream of a fluid simulating blood and which had been covered with sand was found leading from the latrine door. This immediately raised the presumption that deceased had been killed and decapitated whilst seated inside the latrine—the path of the bullet in the body tended to confirm this. The stains on the seat of the latrine were much lighter than those on the floor; it was naturally concluded that an attempt had been made to erase them—a search revealed a broom bearing traces of sand and blood in the kitchen. In the kitchen also was found a dish containing remnants of food similar to the contents of the deceased's stomach, and similar also to food which had been consumed by Jacoub the previous day. Outside the kitchen was found a bicycle, proved to be the property of Jacoub. An examination yielded results in the form of red stains on the carrier, mudguard and rear wheel. The stains on the rear wheel were such that they could only have been caused by a fluid dropping on to it whilst it was actually in motion. Whilst removing the carrier for preservation a hair and a thorn were found adhering to one of the stains on the mudguard—

the thorn was immediately recognised as being similar to other thorns in the vicinity of the latrine; the hair was preserved for identification. Jacoub, upon being confronted with these facts, stated that the blood emanated from meat that he had brought from the market that morning; this was, however, proved to be untrue. The latrine seat, the broom and the bicycle were given the benzidine test and reacted positively. A later examination by the Government Analyst revealed that the stains were caused by human blood belonging to the same group as that of the deceased.

The theory was now put forward that Jacoub had murdered the deceased the previous day, had decapitated him in the latrine, buried the body after vainly endeavouring to burn it, and had wrapped the head in a sack (the hair) which he placed on the carrier of his bicycle and disposed of between the bungalow and his home.

It was elicited on the following day from inquiries made amongst his friends that Jacoub had been associating with a certain Michael who had actually asked for him at his place of employment on the day the murder was committed. This Michael had been an officer's servant at Amman, and it was probable that he had obtained the shirt from his employer. He was also known to have had unnatural relations with Jacoub, who was very fond of him. It was stated by persons who knew the two that Michael had lately been associating with another man—in all probability giving Jacoub a cause for jealousy and thus providing a motive for the crime.

On the 24th the clothes were identified as the property of one Michael El Samawi of Es Salt. On the same day Jacoub confessed to having killed this man accidentally and offered to indicate the spot where he had hidden the head. He started to lead the police to the spot, but evidently thought better of it and stated that he was unable to find the place; it was eventually found the same day nearby where the search had ended and almost opposite the house of his rival for Michael's affection. The head, the ears of which were missing, was recognised as that of Michael by his father. When asked what he had done with the ears, Jacoub replied, 'I have eaten them.' Jacoub was arrested, but retracted his confession when

charged before the Magistrate and fell back on his first statement inculcating his employer. During the period of his remand, however, the C.I.D. did not relax its activities. Hairs found on the lavatory seat were found to be identical with the hair on the deceased's head; the blood on the seat and on the bicycle was proved to belong to the same group as the blood of the body. Some particles of sand on the revolver, on a paraffin tin in the kitchen, and on the broom were found to be similar to sand in the vicinity of the grave; the hair found on the mudguard was identified as belonging to the sack in which the head was wrapped—the sack being recognised by B as his property, it having been kept in a tool shed in his garden.

Detailed plans of the scene of the crime were prepared in order to assist the Court.

At the hearing before the examining Magistrate the accused pleaded guilty to manslaughter and was actually committed for trial on that charge. The Attorney-General, however, altered the indictment to one of murder with premeditation, on which charge the accused was tried by the Court of Criminal Assize. The four judges constituting the Court were equally divided between a verdict of 'murder with premeditation' and a verdict of 'murder with intention', that is to say, without premeditation; the accused was consequently given the benefit of the doubt and sentenced to penal servitude for fifteen years.

After the clearing up of the actual details of the murder, the question of motive raised an enormous problem. Jacoub and Michael were known to be on the best of terms up to the actual date of the murder. It must be presumed that Jacoub learned that Michael was associating intimately with other men and killed him in a fit of jealous passion. This is substantiated by his statement that he ate the ears of his victim—a common practice in sexual murders in certain aboriginal tribes; indeed, under the circumstances it remains the only possible motive for this disgusting crime.

The portable outfit used by the author comprises:

- 4 large test tubes (1 containing alcohol for cleansing, the others for mixing the solution).

- 3 small test tubes (for preserving hairs, fibres, dust, etc.).
- 3 pipettes (for applying the benzidine).
- 1 measuring glass (15 c.c.).
- 50 c.c. of glacial acetic acid } in bottles.
- 50 c.c. distilled water }
- 10 grammes benzidine in 0.2 gr. packets.
- 10 grammes sodium perborate in 0.2 gr. packets.
- 1 small scalpel.
- 1 pair small tweezers.
- filter paper cut to convenient size (1" x 1").
- 1 sheet of glass (to act as an underlay).
- 1 small supply of cotton wool.

A mask and bicarbonate of soda are also carried in order to neutralise the effect of the glacial acetic acid fumes when working over a lengthy period. The whole is neatly packed in a specially designed box which may be transported with the greatest facility.

In conclusion it must be pointed out that whilst a positive reaction is not conclusive evidence of the presence of blood, a negative reaction definitely eliminates blood as the cause of the stain. On the other hand it is considered that a police officer would be justified in applying for a warrant of arrest on the strength of a positive reaction, should the necessity of such an action be dependent on the assumption that blood is actually present.

QUARTERLY NOTES

THE POLICE AS AN INSTRUMENT OF GOVERNMENT

To a lawyer the functions of the police in relation to the central government are an interesting study. Every country naturally frames its police system to suit its own conditions and requirements, and the result is that among the police forces throughout the world there is a great difference in the principles upon which the organisation and status of the police forces are based. But there is one characteristic common to all organised police forces: they are the instrument through which the preservation of order in the state is maintained by the central government. It follows that whether or not the actual responsibility for raising, equipping and maintaining a body of police devolves upon a local authority, as in the United Kingdom and most of the United States of America, or whether it is a service undertaken by the central government, as in most European states, the function of the police in the aggregate is a function of the state and not of any particular locality or local authority.

As shown by interesting articles which have appeared from time to time in the *Police Journal*, the tendency in certain European continental states is to merge municipal and provincial police forces into one state service or, at any rate, to place them under the more or less direct control of ministers of state. In Hungary, for example, such merger took place in 1919 and the Royal Hungarian State Police became an armed as well as a uniformed corps under direct state control (see article by Dr. Heinrich Dörning, *Police Journal*, Vol. II, p. 62). In Germany, as in America, the policing of town and country has always been a matter for the individual states of the confederation; and in the Prussian state there are four chief branches of police—central police, country police, district police, and local police; each branch having a distinct authority as its head, the central police authority for the Prussian police being the Minister of the Interior (see article by Major Paul Riege, *Police Journal*, Vol. II, p. 225). To take another example, the post-war Latvian state organised and maintained its police force throughout the country under the direct control of the Ministry of the Interior, the whole territory of Latvia, apart from the cities, being divided into 520 rural communities, the police in each community being under the immediate authority of a state police sergeant (see article on 'The Youngest European Police Force,' *Police Journal*, Vol. IV, p. 232).

The above instances have been chosen more or less at random in order to illustrate the diversity of principle and practice adopted by countries in young and old for securing that order is maintained in its territory. In considering the legal position of police both from a national and international point of view, there are two points of special interest: (1) What is the true constitutional relationship of the police to the central government, and (2) what are the international consequences of action taken by the police? As regards the first point, it is obvious to a lawyer that whatever may be the

method by which the state organises its police, *i.e.* whether it be by direct state employment or by employment through the agency of designated local authorities, the main functions of the police remain in relation to the state as a whole exactly the same. They are required for the purpose of keeping order, and, as we have said above, it is through them that the central government carries out its responsibilities in that respect. Thus, in every country, whether the organisation be central or local, the constitutional position of the police is the same. As regards the international aspect of the question, the state, whether it raises its police force centrally or locally, cannot escape from responsibility for the acts of the police in any case where an unjustifiable injury has been done to the subject of a foreign state and that state finds it necessary to intervene on his behalf through diplomatic channels. The result is that where there is any such intervention and a claim is made by the one state against the other, the state in which the damage was done cannot ride off on the plea that the policeman who did the damage was under the control of a local authority and that the central government has nothing to do with it. In international law, such a plea is inadmissible.

It is perhaps just as well to adjust one's ideas about the functions of police forces from this very general and, it is to be hoped, not unduly legal point of view. The principle of local responsibility for the provision and maintenance of police has governed the origin and development of police in the United Kingdom perhaps more completely than in any other country. Nevertheless, we have the authority of the House of Lords (*Coomber v. Berks Justices* (1893), 9 A.C. 61) and of the judgment of one of the greatest judges who ever sat in the highest judicial tribunal in the land for saying that the police in the United Kingdom carry on a function of the central government. The passage in Lord Blackburn's judgment which we have in mind is to be found at p. 67 of the above report.

THE POLICE AND THEIR 'PUBLIC DUTIES'

IF we turn from the constitutional position of the police in the aggregate to the position of the individual member of a police force, we find there is ample authority for the view that he is a public officer and servant of the Crown and that in exercising his functions he is carrying out a public duty. His personal responsibility and position in relation to liability for wrongful acts by him were exhaustively considered in the well-known judgment of Mr. Justice McCardie in *Fisher v. Oldham Corporation* (1930), 2 K.B. 364, where it was held that a police authority is not responsible in law for wrongful arrest effected by a constable belonging to the force administered by a borough police authority. The police in carrying out such an arrest are, according to McCardie J., 'fulfilling their duties as public servants and officers of the Crown sworn to preserve the peace by day and by night, to prevent robberies and other felonies and misdemeanours, and to apprehend offenders against the peace.' The public nature of the duties of the police in quite different circumstances has recently been emphasised in *Betts v. Receiver for the Metropolitan Police District* (1932), 48 T.L.R. 517. In that case the police had seized in the plaintiff's house certain stolen jewellery and had also at the same time taken possession of fifteen rolls of cloth which they found there. Later the plaintiff was convicted of receiving the jewellery, but on a further indictment for stealing and receiving the cloth no evidence was offered. Two months later, on a claim being received from the second defendants, Messrs. Carter Paterson & Company, that they were the owners of the cloth, the Receiver for the Metropolitan Police District handed the cloth over to them. Later, the plaintiff brought an action against them and the Receiver for

return of the cloth. Judgment was given against Messrs. Carter Paterson, but, as regards the Receiver, it was held that the cloth had been handed over in intended execution of a public duty and that he was protected by the Public Authority Protection Act, 1893, *i.e.* the action had been brought too late to recover judgment against him. For our present purposes, interest lies in a passage in the judgment of du Parcq J., who referred to the principle laid down by Lord Shaw of Dunfermline in *Bradford Corporation v. Myers* (1916), 1 A.C. 242 at p. 262, to the effect that the limitation under the Act of 1893 applies to something founded truly on the public position of the defendants. Mr. Justice du Parcq then proceeded: 'In my view, the duty in intended execution of which the police acted was "founded on their public position." The burden of performing it fell on the police only because they were public servants, and it formed part of their larger duty to serve the public by exercising their functions according to law.'

It is interesting to note that after a long period of doubt and uncertainty as to the true position in England and Wales of the police both constitutionally as a body and individually as members of particular police forces, it is gradually becoming more clearly defined by judicial decisions.

THE CONSEQUENCES OF A CONVICTION

THE title of this note is wide, but we propose to consider only one aspect of the subject, *viz.* the effect of a conviction upon the possibility of further proceedings, either criminal or civil, arising out of the same subject-matter being taken against the person convicted. There are few people—and we think it would be safe to add no police officers at all—who are not aware that there is a general principle according to which under the common law of England a person cannot be convicted twice for the same offence or cannot be convicted of an offence for which he has been previously tried and acquitted. The statement of this common law principle can be amplified and elaborated by adopting the words of the famous Mr. Justice Hawkins in *R. v. Miles*, 24 Q.B.D. 423 at p. 431: 'The law,' he says, 'as deducible from the numerous cases to be found on the subject, seems to be this—that where a criminal charge has been adjudicated upon by a court having jurisdiction to hear and determine it, that adjudication, whether it takes the form of an acquittal or conviction, is final as to the matter so adjudicated upon, and may be pleaded in bar to any subsequent prosecution for the same offence, whether with or without circumstances of aggravation.' Mr. Justice Hawkins in the course of his judgment referred to *R. v. Stanton* (1851), 5 Cox C.C. 324, where the prisoner was indicted for wounding with intent to murder after having been convicted previously and punished summarily for a common assault, founded upon the same facts. It was held that the charge having already been adjudicated upon, there could be no conviction on the further charge. As Mr. Justice Hawkins observed, 'the true ground upon which these decisions were based was that the original summary conviction operated as an absolute bar to any future proceedings for or in respect of the same assault; and as the aggravating circumstances, unless coupled with the assault, amounted to no crime, there was nothing to support the indictment.' He pointed out that it might seem a little startling that a conviction for a common assault, accompanied by a shilling fine or a dismissal of the complaint as too trifling for any punishment, should afford an answer to a subsequent indictment for the same assault, upon conclusive evidence that it was accompanied by an intent to murder; but, as he says, 'reason and good sense point out that, even at the risk of occasional miscarriages of justice, when once a criminal charge has been adjudicated upon by a court having jurisdiction, that ad-

judication ought to be final, and, after all, such miscarriages are very rare. No system of judicature can be suggested in which occasionally failure to insure complete justice may not arise.' Exactly the same principle applies where a person has been acquitted and immediately afterwards conclusive proof of his guilt comes to light; his first acquittal stands for all times as a bar to further proceedings in respect of that offence. The rule of common law discussed above applies only in the case of criminal proceedings; that is to say, there is no common law rule which says that where criminal proceedings have been taken a conviction or acquittal is a bar to civil proceedings arising on the same facts. It follows that a statutory provision is required for that purpose, in any case where it is desired to bar a civil action. There is in fact an express statutory provision relating to assault, viz. s. 45 of the Offences against the Person Act, 1861. This section provides in effect that where any person has been charged with an assault and either the summons has been dismissed (and a certificate of dismissal given) or he has been convicted and has paid the whole amount of the fine awarded or has suffered the imprisonment imposed, he shall be 'released from all further or other proceedings for the same cause,' i.e. for the same assault (see *Masper v. Brown*, 1 C.P.D. 97). Such a provision is quite exceptional, and, generally speaking, there is nothing whatever to relieve a person who has been acquitted or convicted of a crime from the liability to an action for damages brought in a civil court where the cause of action arises on the same facts. As a result of this provision, if A. has been assaulted and so injured by B. that he cannot attend to his business, A. cannot recover any business losses in a civil action against B. if criminal proceedings have been taken against B. with the results we have just indicated.

RECENT JUDICIAL DECISIONS

Provocation—reducing murder to manslaughter.

IN *R. v. Millward*, reported on page 119 of volume 23, Criminal Appeal Reports, the prisoner was convicted of murder at the Stafford Assizes. The case for the Crown was that the murdered man had been struck on the head with an axe whilst asleep. The principal line of defence was that the prisoner found his wife in compromising circumstances with the dead man and killed him as a result.

The judgment supports the view that mere suspicion of adultery by a wife is not enough to reduce killing by the husband from murder to manslaughter, but it also shows that the ancient rigid rule that in such cases the parties must be discovered actually committing adultery has been modified and that it is now and has for some time been accepted that if the circumstances are such that the husband had reasonably inferred that adultery had just taken place or was about to take place, the provocation would be sufficient to reduce killing to manslaughter.

In the course of his judgment Mr. Justice Avory said nobody could doubt that if the jury had any grounds for believing that the murdered man was attempting to assault the wife they would have returned a verdict of 'manslaughter.'

He went on to refer to the summing up, in the course of which the learned Judge directed the jury that if they thought that the conduct which the wife said took place was really proved, there was sufficient provocation to reduce the crime to manslaughter if the blows were struck in consequence of that conduct, and added that that direction obviously meant that even if the jury did not accept the suggestion of the wife that adultery was actually being committed, yet if they believed that the dead man had assaulted her in the way she described and the prisoner had found them in that position they would be justified in reducing the crime to manslaughter.

He went on to deal with a curious rider added by the foreman of the jury after a verdict of 'guilty of murder' had been returned, and said that the rider merely showed that the jury was sorry for the prisoner.

The appeal was dismissed. The prisoner, who was strongly recommended to mercy, has since been reprieved.

Cross-examination of prisoners and the Criminal Evidence Act, 1898.

THERE have been two recent decisions in the Court of Criminal Appeal relating to the Criminal Evidence Act, 1898.

Section 1F of that Act runs as follows:

'A person charged and called as a witness in pursuance of this Act shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than that wherewith he is then

charged, or is of bad character, unless—(i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or (ii) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution; or (iii) he has given evidence against any other person charged with the same offence.

The case of *R. v. Eidinow*, reported in *Criminal Appeal Cases*, vol. 23, page 145, shows the care taken by courts nowadays to prevent a prisoner being prejudiced by inadvertently placing his character in issue by attacking the character of a witness for the prosecution. The prisoner was convicted of fraudulently converting the sum of £10, proceeds of a cheque received by him on account of another person. His answer to the charge was that he handed the cheque to a third party (Mr. Earle) for the purpose of getting it cashed, and his case was that this third party in fact had not handed the proceeds of the cheque to him. In cross-examination he was asked, 'Are you suggesting that Mr. Earle has used this £10 for himself?' Upon his answering 'Yes,' he was warned by Counsel: 'You had better be careful what you are doing in making any such suggestions as that against a witness, otherwise it will be the worse for you, I tell you straightly. Are you now prepared to say that Mr. Earle has used that money for his own purposes?' (Ans.) 'I do.' The Chairman then said: 'I suppose you do not realise the serious consequences that may happen to you. If an application is made to me, I shall have to grant it.'

The Court held that up to that point the jury must certainly have had the idea that if this man persisted in saying that the witness had kept the money or had not paid it over, they were going to hear something about his previous character. In the course of his judgment Mr. Justice Avory said: 'It is obvious that the accused was placed in this dilemma: Having been asked in effect, "What is your answer to this charge?" he said, "My answer is that I never received the money, and as I never received it Earle must have kept it." Then he is told, "If that is your defence, then you are making an imputation on Mr. Earle, a witness for the prosecution, and unless you withdraw it, I shall let the jury know about your previous character." That is what it comes to. Thereupon the man, after being threatened by the Chairman in the way I have just read, says, "I withdraw it," and having withdrawn it, he is then told, or the jury are told in his presence, "You cannot believe a word he says." Then on the following page he is again asked about Mrs. Davidson, who had entrusted the cheque to him and who, he said, owed him money: "Do you know that Mrs. Davidson has said that she owes you no money?" (A) I do. (Q) You say that Mrs. Davidson in saying that is speaking untruly in the witness-box. Be careful. You are a man of business, are you not? (A) I am." Then the Chairman said: "That is another question which you must be very careful how you answer." In other words, this man is being told, "If you say that either of these witnesses is not speaking the truth, then consequences may follow; the jury will be told about your previous character." In these circumstances we are of opinion that the defence which this man wished to put forward was, in effect, withdrawn from the jury by their being told beforehand that the witness for the prosecution is a perfectly respectable witness whose evidence they should accept, while the accused is a man of bad character whose evidence they cannot accept.' Later in his judgment he quoted the remarks

of the Lord Chief Justice in the case of *R. v. Baldwin* (*Criminal Appeal Reports*, vol. 18, page 178), where he said: 'It cannot be right for learned counsel for the Crown to ask questions for the purpose of eliciting answers which may be of such a kind as to involve the accused person inadvertently in the mischief provided for.' In the result the Court held that it was impossible to say that there was not a miscarriage of justice.

Another instance of the care taken to safeguard prisoners is to be found in the case of *R. v. Morrissey*, reported on page 188 of volume 23 of the *Criminal Appeal Reports*.

Morrissey was convicted of housebreaking and sentenced to three years' detention in a Borstal institution. The boy had been caught in a confessional box in a Roman Catholic church after he had been seen running away from the house broken into. He was asked the following questions in cross-examination: '(Q) You know this church very well? (A) Yes, sir. (Q) Did you ever break into it? (A) No, sir. (Q) Father Freeley has been very kind to you, has not he? (A) Yes, sir. (Q) You took something from him one day, did you not? (A) No, sir. (Q) You have never pawned anything of his? (A) No, sir.' The Recorder in his summing up said: 'Do not let your minds be prejudiced against this man by any questions which may have been put to him in cross-examination as to whether he had not broken into this church before and stolen this, that, or the other. Put that matter entirely out of your minds. You have not got to deal with anything of that sort. You have only to deal with the charge brought against him here.'

The Court held that the questions put in cross-examination were in direct contradiction to the provisos of Section 1 of the *Criminal Evidence Act, 1898*, and that whilst the Recorder had done all he could to persuade the jury to put out of their minds the questions which had been asked, the mischief had been done and was incurable. In the result the conviction was quashed.

REVIEWS

TWENTY THOUSAND YEARS IN SING SING. By WARDEN LEWIS E. LAWES. 8s. 6d. net. (Constable.)

THIS volume by the Warden of Sing Sing prison is far more than a mere account of his experiences during twenty-seven years' prison service. In form an autobiography, it is in reality a plea, and a very strong plea too, for a more enlightened attitude towards the treatment of convicted prisoners. The author is fortunate in having his long experience to draw upon, as he can show that the system which he advocates has to a large extent been tried and in many ways proved successful. His experiment in conducting a 'prison without walls' is especially interesting, as it shows that under certain circumstances and particularly under the right officials the most hardened criminal may be implicitly trusted with a considerable amount of freedom. It is, however, of Sing Sing, its routine and its inmates that Warden Lawes chiefly writes. During his twelve years as Warden of that prison he has personally taken the greatest interest in the development of those committed to his charge. 'My job,' he says, 'is to hold my men and, as far as possible, to win them over to sane, social thinking.' He certainly has succeeded in holding his men as his record of successful escapes shows. One is bound, however, to wonder whether with so much discomfort outside a prison and with so much consideration inside the inducement to escape is as great as it used to be. There is, of course, no doubt that the average prisoner longs and yearns for the day of his release, but under modern conditions he is not driven to that degree of despair which forces him to make a bid for freedom.

Many reasons are given for the commission of crime, but the two chief ones in the Warden's opinion are the love of that publicity which the shoddy press of to-day showers upon the worst type of criminal, and in the second place a desire to enjoy those expensive luxuries which to many appear to be necessities. Much space is devoted to the advantages and disadvantages of the death sentence, and the author allies himself very strongly with those who are opposed to capital punishment. Whether or not the reader agrees with the Warden's attitude to the criminal, he will inevitably be fascinated by this book, which is full of interesting experiences and ambitious experiments. The length of the sentences which seem to be imposed in America will probably surprise many.

THE INDIAN POLICE. By J. C. CURRY. 12s. 6d. net. (London: Faber & Faber.) An account of the past and present activities of the Indian Police by a former member of the Service, with a preface by the Rt. Hon. Lord Lloyd of Dolobran, P.C., G.C.I.E., D.S.O.

TO-DAY the Indian Police may be regarded rightly as one of the most important services of the British Empire. Yet how little is known about it in England, even by those who profess to be keen students of Indian affairs! Mr. Curry deserves the gratitude of his own service and of all even lightly interested in the work of administration in India for writing this book, from

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which the reader can gain a thorough understanding of the Indian Police and its arduous duties, and of the why and wherefore of many of the events which from time to time bring India into prominence in the columns of the English press.

The author gives a history of the development of the Indian Police Service, a description of its present organisation and duties in all its branches (very comprehensive, though he himself classes it as 'a sketch in the merest outline'), and narratives of many interesting and sometimes thrilling cases of conflict, detection and capture, told with a commendable freedom from embellishment.

Though it is in its associations with revolutionary disorder that the Indian Police has encountered the most severe tests of its quality, instances of which are narrated in this book, the author shows that this is far from being the only line in which the courage and tenacity of the Service are from time to time demanded and proved, but he is careful to point out that excitement and adventure are in most districts only incidental to an often monotonous routine. Political controversy is carefully avoided.

Here and there those intimate with the Service may find minor points for disagreement with Mr. Curry, but these are few and far between, and the book is instructive and interesting throughout. The author's attention may be drawn to an unimportant inaccuracy on page 329, where he has included in the list of Knighthoods earned by the Imperial Police Service the name of one officer who does not hold that distinction.

Some critics may consider that Mr. Curry passes too lightly over the alleged faults of the Indian Police. He admits there has been a good deal of truth in the evidence that has been given on various occasions of the existence of corruption among the subordinate police. To this he might have added that 'the itching palm' is epidemic in the subordinate ranks of most services in India.

LADS' CLUBS. Their History, Organisation and Management. By CHARLES E. B. RUSSELL, M.A., and LILIAN M. RUSSELL. 5s. net. (A. & C. Black.)

WHEN the late C. E. B. Russell first produced his book on Working Lads' Clubs in 1908 it immediately became the standard work, and nothing has since appeared to challenge its position. The present volume is a new and enlarged edition of that work, and is certain of a ready welcome. It is an essentially practical book and offers to all who are interested in the organisation of Lads' Clubs the most useful advice on their foundation and management. Many pitfalls lie in the way of the uninitiated, and it is only by studying the successes and failures of their predecessors that they can hope to make a successful beginning. Perhaps the best piece of advice given by the authors is that the boys should all have to pay a subscription of some sort towards their club; the fact that they have contributed something, however little, tends to arouse in them a feeling of responsibility and will also deter them from risking the loss of the privileges and use of the club. The authors quote from a number of letters received from Chief Constables and others testifying to the value of such organisations, and clearly indicating that the police appreciate the great work they are doing. In many centres the clubs have been started by police officials, and are still helped in numerous ways by members of the Force. 'Prevention is better than cure,' and it is widely realised that the opportunities which these clubs give to those who live in crowded areas to join in healthy exercise and to learn useful and profitable hobbies are responsible for keeping thousands of boys out of serious trouble. It would be unwise to try and manage a Lads' Club without the help of this book, behind which lie years and years of experience.

GENIUS AND CRIMINAL. A Study in Rebellion. By HENRY T. F. RHODES. [Author of *Some Persons Unknown*.] Pp. x. 318, illustrated. 7s. 6d. (John Murray, London, W., 1932.)

THOSE who know Mr. Rhodes' earlier volume *Some Persons Unknown* will warmly welcome this one on *Genius and Criminal*. The author asks, 'Is the criminal an ordinary human being somehow gone wrong, or is there any sort of criminal type?'

Though by no means an uncritical disciple, Mr. Rhodes claims for Lombroso that he was the first to insist that the punishment should fit the criminal, not the crime.

But there was a 'First Offenders' clause, No. 169, in the Code of Hammurabi ages before Moses was born!

With Freud the author finds internal conflict between the Ego and its environment and remarks, 'There is a sense in which every man in the struggle to realise himself . . . will hate the society of which he is compelled to form a part.' Later on the normal man adjusts himself to his environment.

The genius tries to escape from his anti-social conflict in literature, art, science or politics, thereby seeking to modify his environment, but society often destroys reformers first and adopts their principles afterwards.

The less successful the genius the greater the likelihood of criminal developments, for the spirit of revolt—common to genius and criminal—often leads to thirst for power.

Many criminals can neither adjust themselves nor modify their environment, so commit crimes from sheer hatred of restraint; others from total lack of moral sensibility.

Mr. Rhodes details various cases of men of genius with criminal tendencies. Villon's 'instinctive criminality' largely inspired his wonderful poetry. Oscar Wilde was too much a man of action to succeed in completely sublimating his hatred of society by literary work alone.

Poe, a veritable 'Jekyll and Hyde', proved a pioneer of theoretical detectivism.

Strindberg was probably only saved from crime by his phenomenal literary success.

Vidocq, many times a criminal, turned policeman, and revealed his genius by organising detective work in Paris, thus satisfying his love of power.

Richelieu's thirst for power involved him in crime; and Mr. Rhodes suggests that as the creator of modern nationality 'there is a sense in which Richelieu was responsible for the horrible catastrophe of 1914.'

Lenin's revolution has involved much crime, but as the work of an extraordinary fanatic-yet-opportunist it bears the stamp of genius.

In view of these and other histories, Mr. Rhodes suggests that there is a criminal type and asks, 'Have genius and crime a certain social value?'

Truly a most stimulating book.

THE CAPTAIN OF KÖPENICK. A Modern Fairy Tale in three acts. By CARL ZUCKMAYER. Translated from the German: DER HAUPTMANN VON KÖPENICK, by DAVID PORTMAN. 1932. 7s. 6d. (Geoffrey Bles, 22 Suffolk St., Pall Mall, S.W. 1.)

BASED on an historic episode, this is a clever and amusing sketch of German mentality written round the magic of uniform.

But the undercurrent is a tragic revelation of clumsy 'justice': of fitting the punishment to the crime, instead of to the criminal. Wilhelm Voigt, the hero, is the victim of his own youthful folly: enmeshed by a cast-iron system in a vicious circle—no permit (to remain in any given place),

no work; no work, no permit: he has reason indeed to regret having yielded to his home-sickness for the Fatherland, which he cannot even leave again for lack of a passport, as no one will 'go bail' for an out-of-work convict.

Every attempt to get work fails; those to obtain a passport, first by fraud then by force, are thwarted and punished by further imprisonment.

The omnipotence of uniform and the unquestioning obedience it commands run through the several scenes of the first two acts.

Magistrates and other officials who have served in the army all suffer from vanity where uniform is concerned and accordingly become the laughing-stock of their friends.

The glories of uniform and army drill are dinned into the ears of the very convicts by their governor, a benevolent old general on the retired list.

Thus Voigt learns in prison all the drill and army catchwords he needs for the perpetration of his hoax on the Mayor of Köpenick.

He realises that here in Germany 'one can do whatever one likes in uniform'; procures one from an old clo' man, and, masquerading as a captain, arrests both Mayor and Treasurer and secures their funds.

But like many clever tricksters he has made one bad mistake; for a passport is what he really wants and none are issued in the Town Hall. So he surrenders at the Passport Office, and is found at last being freely entertained by the police, who heartily enjoy the joke against the Mayor.

In this 'modern fairy tale' the characterisation is excellent, and the story moves on all the time with surprising plausibility, to an amusing denouement, but the text would require bowdlerizing to fit it for the English stage.

FINAL FORENSIC FABLES. Second Series. By O. With Thirty Illustrations. 5s. net. (Butterworth & Co. Ltd.)

MEMORIES of previous efforts raised our anticipations when we received this book, and we are glad that the author so far violated his own resolution as to perpetrate a Second Series of Final Fables. They are even better than their forerunners, and that is saying much. There is something in the dignity of the Law which lends itself peculiarly to humour, and this delicious little volume will be appreciated by a lay public as well as by members of the legal profession. Not the least pleasing part of the book are its illustrations. But the best of all are its italicised morals.

NOTES ON POLICE PUBLICATIONS

The Canadian Police Gazette for July has an outspoken article, 'The Art of Murder,' about crime in the United States. Two passages are as follows: 'The example set by the gangsters under King Al, in our opinion, is calculated to initiate a reign of terror in the United States, which will prove to be a disgrace not only to them, but to the whole civilized world. In other words, the killing of that baby was meant to show just exactly what they proposed to do with the people of the United States if they sent any member of that organized vice gang to jail. . . . It should be borne in mind that since Mussolini adopted his firm attitude towards the Camorra there has been a wholesale emigration to the United States and Canada of these undesirables, in some way they managing to get by the immigration officers here.'

Canadian police opinion, it may also be mentioned, is strongly in favour of corporal punishment to deter violent criminals ('More Lashes—Less Jail').

The *Kenya Police Annual Report*, 1931, gives a case of conviction through finger-prints left at the scene of offence by a Kikuyu, who murdered a Goan woman and her two children with a piece of piping for the sake of theft.

The attractive geniality of the Malayan Police Service is displayed as usual in the *June Magazine*. The Officers at the King's Birthday Parade at Kuala Lumpur have an appearance of great smartness and efficiency.

The *Chicago Journal of Criminology* (May-June, p. 90) gives us a case of assassination of a schoolmaster in Soviet Russia by a boy, after deliberation among the pupils, because he was a 'selfish man.' This could only be a capital offence under the Soviet (that is the murder, not the selfishness) on the ground that it was an act directed against the authorities of the State. The school staff demanded execution, but the State Attorney freed the boy, concluding that the fault was of 'deplorable school conditions.' The official departmental magazine wrote, 'the State's Attorney has shown in this case a better pedagogical understanding than the teachers of the school.'

A book to read seems to be *From Cain to Capone*, by John McConaghy (Brooklyn, New York, 1931). On the whole the criminologists of the U.S.A. seem to bury themselves in rather verbose academic exercises rather than mobilize their wits in a practical campaign against Cain and Capone.

The German *Polizei-Archiv*, of Dresden, has a fine series of police pictures in many lands, anti-gas exercises, police with rifles, police with shock helmets, widows of police officers who have met violent deaths, and 'Bobby' in England peacefully helping the public or risking his life for them. *Revue Internationale de Criminalistique* (Lyon) has much of interest, including remarks on evidence of occupation of owners of watches from analysis of the dust found in them. Italian attention to crime is very thorough, as shown in the papers written in that country. Argentina (*Revista de Criminologia*, etc., Buenos Aires), also gives us many interesting articles and reviews.

Publisher's Notice

Cloth binding cases for Volume V, with title page and index, can now be ordered. These will be ready by November 1, the price being 2s. each, post free.

Binding cases for the previous volumes are also obtainable at the same price.

Remittance must accompany the order.

The publishers are still anxious to obtain copies of No. 7 (July 1929, Vol. II, No. 3). They are willing to pay full price for any clean copies of this issue which may be forwarded them.

As announced on a previous page, the price of the next number (January 1933) and of subsequent numbers, will be reduced to 2s.

The Annual Subscription for the 1933 numbers, post free, will be 9s. only.

Police Gold Medal Essay Competition

THE list of Awards and Commendations for the 1931 Competition was given in our July number. By an unfortunate error the following name was omitted from the list of those whose essays were 'commended.'

Detective Officer A. MORRIS, Leeds City Police.

RULES FOR THE 1932 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 7,000 or more than 11,000 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.

SUBJECT OF THE ESSAY FOR 1932.

Mechanization as an Aid to Police Duties.

Essays must be submitted on or before the 30th November, 1932, to—

THE SECRETARY TO THE COUNCIL OF THE
POLICE GOLD MEDAL ESSAY COMPETITION,
HOME OFFICE,
WHITEHALL,
LONDON, S.W. 1.



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